UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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JAN 0 4 2016

David G. Murillo
Regional Director
Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way
Sacramento, CA 95825-1898

Subject: Coordinated Long-Term Operation of the Central Valley Project and State Water Project Final Environmental Impact Statement, Multiple Counties, California [CEQ# 20150337]

Dear Mr. Murillo:

The U.S. Environmental Protection Agency has reviewed the Final Environmental Impact Statement for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project. Our review and comments are pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The EIS evaluates the impacts of operating the Central Valley Project and State Water Project with implementation of Biological Opinions issued by the US Fish and Wildlife Service and National Marine Fisheries Service in 2008 and 2009, respectively. EPA reviewed the Draft EIS and provided comments to the Bureau of Reclamation in a letter dated September 29, 2015. We rated the No Action Alternative and Alternative 5 as *Environmental Concerns*; and Alternatives 1, 2, 3, and 4 as *Environmental Objections*. We rated the document as *Insufficient Information*.

EPA continues to support full implementation of the Reasonable and Prudent Alternatives (RPAs) in the Biological Opinions, and supports the selection of the No Action Alternative as the preferred alternative in the Final EIS. The primary basis for our rating of the No Action Alternative as *Environmental Concerns* was that, even with partial implementation of the RPAs to date, the Delta estuary ecosystem, habitat conditions in the upper watershed rivers, and populations of resident and migratory fish continue to decline. The sharp decline in fish populations has been occurring since 2002, spanning both high water and low water years. The FEIS acknowledges that fish populations are expected to continue declining as implementation of RPAs proceeds, and the benefits from habitat restoration projects may take years to observe. As noted in our DEIS comment letter, operating the CVP/SWP even with full implementation of the RPAs may not fully protect aquatic life beneficial uses, and could contribute to deteriorating fish populations for the duration of the project study period.

EPA appreciates that Reclamation responded to our comment regarding declining conditions with a reiteration of its commitment to "develop and implement real-time actions based upon real-time monitoring data" to address challenges for threatened and endangered species. The response to our comments also states that the current drought and resultant management actions have contributed to the current decline, and the Final EIS has additional information about the drought. EPA encourages

Reclamation to use the current drought as an example of the need to better manage operations for likely extended drought conditions in the future, as three consecutive extremely dry years could be common. Planning for a variable climate should be a regular aspect of implementing the RPAs.

While Alternatives 1-4 were not identified as the preferred alternative in the Final EIS, EPA had commented that mitigation measures for these alternatives were not well described in the Draft EIS, and recommended that they be further defined. In the response to our comment, Reclamation indicated that the Final EIS "includes additional details in the description of mitigation measures." After reviewing the applicable chapters in the Final EIS, EPA found that there were additional details for the fish passage measures, but the other mitigation measures were deleted and replaced with, "mitigation measures for other substantial impacts have not been identified at this time." If Reclamation changes the preferred alternative in the Record of Decision, EPA recommends providing detailed mitigation measures for the significant impacts to water quality, aquatic resources, and terrestrial resources.

We appreciate the opportunity to review and comment on this Final EIS. When the Record of Decision becomes available, please send a copy to the address above (Mail Code: ENF 4-2). Should you have any questions, please contact me at (415) 972-3521, or contact Jean Prijatel, the lead reviewer for the project. Jean can be reached at (415) 947-4167 or prijatel.jean@epa.gov.

Sincerely,

for

Kathleen Martyn Goforth, Manager
Environmental Review Section