UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MAY 6 2010

Sharon McHale
Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way
MP-730, Room W-2830
Sacramento, CA 95825-1898

Subject: Final Environmental Impact Statement (FEIS) for the Los Vaqueros Reservoir Expansion Project, Contra Costa County, California (CEQ# 20100110)

Dear Ms. McHale:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Contra Costa Water District (CCWD) and Bureau of Reclamation (Reclamation) propose to expand the existing Los Vaqueros Reservoir to store water for environmental water management and to improve water supply reliability and water quality for urban users in the San Francisco Bay Area. The reservoir expansion would involve enlarging the existing reservoir; building a new water intake, pump station, and conveyance facilities; modifying and building new power supply facilities; and replacing and enhancing recreation facilities.

Reclamation has selected Alternative 4 as the preferred alternative. This alternative emphasizes water supply reliability for the CCWD. It would expand the reservoir by 160 thousand acre-feet (TAF) with no South Bay Connection for diversion to other water agencies. Reclamation and other potential partners would continue to study the feasibility of the other expansion alternatives and a South Bay Connection within the context of actions implemented through the Bay Delta Conservation Plan (BDCP) and other Delta initiatives.

We rated the draft environmental impact statement (DEIS) as Environmental Concerns – Insufficient Information (EC-2) because of our concerns regarding the lack of environmental assurances for projected benefits, compensatory mitigation for vernal pools, and climate change effects. We recommended the project design incorporate mechanisms to ensure that environmental and fishery benefits occur, compensatory mitigation for impacts to vernal pools along the Transfer-Bethany Pipeline, and inclusion of a more in-depth evaluation of climate change effects and adaptation measures. We are pleased that the FEIS now correctly identifies impacts to vernal pools as a permanent

impact and commits to a mitigation strategy that will comply with the new Compensatory Mitigation Rule of April 20, 2008.

We continue to have concerns regarding sufficient environmental assurances for the projected benefits. The proposed expansion project would allow CCWD to increase diversions of "excess" Delta flows during the winter and spring months and to divert this water from Los Vaqueros Reservoir, instead of the Delta, during the most critical fish period in the spring. These operational changes would increase water supply management flexibility while not adversely affecting the operations of the State Water Project and Central Valley Project.

We support the effort to increase water supply management flexibility to serve environmental purposes and improve water supply reliability. The FEIS states that Alternatives 1 and 2 would codify any agreed upon reduction in exports and that all alternatives would be subject to applicable regulatory constraints (Master Response 3.5.3 Assurances, p. 3-45). We note that the Delta and associated pelagic organisms continue to decline even with compliance with all applicable regulatory requirements. Therefore, we remain concerned that the environmental "benefits" of this project are hypothetical and that the needed institutional support and funding are uncertain. We recommend the Record of Decision (ROD) provide more concrete assurances that environmental benefits will be incorporated in, and achieved by, the project.

There is increasing evidence that sea level rise may be significantly higher than one-foot.[1] We remain concerned that the effects of climate change may be much greater than portrayed in the DEIS and could significantly impair the ability to provide a reliable water supply and maintain water quality through the release of upstream reservoir water. Given that estimates of future rates of sea-level rise remain uncertain, we continue to recommend consideration of planning and design studies that incorporate a range of possible future rates of sea-level rise.

We appreciate the opportunity to review this FEIS. When the ROD is released for public review, please send one hard copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Laura Fujii, the lead reviewer for this project. Laura can be reached at (415) 972-3852 or fujii.laura@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

[1] Climate Change and Water Resources Management: A Federal Perspective, Circular 1331, U.S. Department of the Interior and U.S. Geological Survey, 2009, (http://pubs.usgs.gov/circ/1331/). See also Letter from Phillip L. Isenberg to Gov. Schwarzenegger, March 24, 2008 (Delta Vision Blue Ribbon Task Force adopting, for planning purpose, a sea level rise projection for 2100 of 55 inches).

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