

DEPARTMENT OF WATER RESOURCES

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**VIA-EMAIL**

September 5, 2024

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Subject: State Clearinghouse #2024070838, 2024 Henry Miller Reclamation District High Groundwater Mitigation Project CEQA Initial Study/Negative Declaration

Dear Mr. Wiersma,

The Department of Water Resources (DWR) has reviewed the Initial Study/Negative Declaration (IS/ND) for Henry Miller Reclamation District (HMRD) High Groundwater Mitigation Project. DWR has the following comments.

Project Description

A large portion of San Luis Canal Company (SLCC)'s approximately 47,000 acres of irrigable land which lies between the cities of Los Banos and Dos Palos in Merced County, is plagued by shallow groundwater which impacts crop growth and can restrict the planting of permanent crops. The purpose of this project is to remedy this impact to crop selection and productivity by implementing a two-tiered program which includes: (1) the elimination of seepage losses through infrastructure improvement projects including lining and piping of canals and (2) shallow groundwater pumping which would extract groundwater from the upper water table through a series of existing shallow wells and conveyed the water through HMRD's existing water delivery system for use within the SLCC's service area. This pumped groundwater would replace up to 10,000 acre-feet of water per year currently diverted as part of the SLCC's Central Valley Project (CVP) water allotment. The conversion of the shallow groundwater to usable water within the SLCC's service area allows an amount of up to 10,000 acre-feet per year of SLCC's CVP water supply to be available for transfer. All transfers would be consistent with CVP Place of Use requirements. The proposed project would involve water exchanges through U.S. Bureau of Reclamation (Reclamation) facilities. Therefore, the project requires Reclamation's approval.

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Comments

General Comments

I. The IS/ND does not include sufficient information for an accurate project description nor for adequate environmental analyses to support its conclusions of no impacts.

If there is a possibility a project may have a significant effect on the environment, an agency must undertake an initial study. If that study indicates that there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, the agency may issue a negative declaration. However, a negative declaration is inappropriate where the agency has failed either to provide an accurate project description or to gather information and undertake an adequate environmental analysis. The project description is not accurate due to its lack of information needed to describe the project fully and accurately.

The proposed project describes that a large portion of SLCC's 47,000 acres of irrigable land is plagued by shallow groundwater which affects crop growth and may limit the planting of permanent crops. The proposed project would minimize and remove the shallow groundwater through the elimination of seepage and a shallow groundwater pumping program. The pumped water would replace up to 10,000 acre-feet of water per year currently diverted as part of the SLCC's CVP water allotment.

The IS/ND needs to add descriptive and technical material, such as maps, charts and studies to identify: (1) the SLCC's geographic boundaries on a map, (2) SLCC's geographic area plagued with high groundwater levels on a map, (3) SLCC's total acreage and the amount SLCC acreage which has the shallow groundwater issues, (4) the amount of SLCC acreage not in production and maps indicating the location of streams, habitat areas and wildlife both on and near the project location, (5) the proposed extraction locations and timing, well information, aquifer features, and groundwater elevation, (6) types and locations of the infrastructure improvements, (7) nearby water bodies and their connectivity with the SLCC groundwater basin, (8) the conveyance infrastructure which will transport the pumped water, and (9) a complete description of the schedule and duration of the proposed project.

II. The IS/ND does not provide adequate facts to justify the application of CEQA exemption 15301(b) for existing facilities

The IS/ND states that CEQA does not apply to the conveyance canal lining and piping improvement project to eliminate seepage loss, because the improvements are exempt from CEQA as an existing public utility services facility. The key consideration to determine whether an activity qualifies for this exemption is whether the project involves negligible or no expansion of use. The project description explains that the shallow

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groundwater would be pumped and conveyed through HMRD's existing water delivery system for use within the SLCC's service area, which, on its face, appears to be more than a negligible expansion of use.

The lead agency needs to provide additional information to explain how the canal improvements to eliminate seepage loss and the conveyance of project water is not an expanded use of the facility which would prohibit the application of the Existing Facilities exemption. It is likely that the canal improvements are part of the whole of the proposed project, and the impacts of this component of the project must be analyzed.

Specific Comments

1.4 Biological Resources

In 1.4 (b), (c) and (d), the IS/ND concludes no impact on any riparian habitat or other sensitive natural community, state or federally protected wetlands, the movement of any native resident or migratory wildlife species, or the native wildlife nursery sites.

The basis for this conclusion is that the SLCC is composed entirely of irrigated land and agriculture support facilities (farmyards, shops, etc.) and managed refuges lie to the north and west of SLCC and provide habitat for a variety of animals and plants, including those listed by State and Federal agencies. As noted previously, the IS/ND explains that a large portion of SLCC's approximately 47,000 acres of productive farmland is plagued by shallow groundwater which impacts crop growth and can restrict the planting of permanent crops. Without maps and data to demonstrate that the removal of high groundwater in the project area and other modification has no impacts on these biological resources, the conclusion does not have an adequate factual basis. The lowering of the groundwater table could impact native or migratory species, habitats and vegetative communities including groundwater dependent ecosystem and nearby wetlands. This IS/ND needs to provide data and. to support the conclusion of no impacts.

1.8 Greenhouse Gas (GHG) Emissions

In 1.8 (a), the IS/ND concludes no impact on generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

Without specific information on well pumping equipment, the assessment of the direct or indirect impact on GHG emissions is inadequate. This IS/ND should include specific information on the well pumping equipment, its fuel use and GHG emission data.

1.10 Hydrology and Water Quality

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In 1.10 (b), the IS/ND concludes no impact in terms of substantial decrease in groundwater supplies or substantial interference with groundwater recharge such that the project may impede sustainable groundwater management of the basin. In 1.10 (e), the IS/ND reported no conflict with or obstruction of implementation of a water quality control plan or GSP for the Groundwater Sustainability Agency.

The absence of a proper discussion on the GSP limits the DWR's ability to assess the validity of the statement. This IS/ND should include a discussion on the GSP relevant to the project location.

Impacts of the Water Transfers

While the IS/ND explains that up to 10,000 acre-feet would be transferred in a year, there is no information as to the expected term of the project. Hydrology impact analyses are influenced by the anticipated length of a transfer. An analysis for a one-year project would be different from an analysis for a ten-year project. Since there is no information as to the term of the transfer component, whether the hydrology impact analysis is adequate cannot be determined. Consequently, the project impact conclusions are not reliable. Also, additional information that would support the impact conclusion would be very helpful. For example, there is no discussion of baseline conditions for operations where there is no water transferred, nor a proposed action operation with parameters that would govern the implementation of the water transfer component of the project. A new hydrology impact analysis which includes additional relevant information for the term of the transfer must be undertaken.

A comprehensive timeline for the planned actions should be developed, considering crucial factors such as the start date, duration, seasonal timing of pumping and transfer deliveries, and how transfer volumes depend on water year types or CVP and/or SWP allocations. This information will affect the impact analysis.

DWR cannot locate any specifics to verify the estimated volume of 10,000 acre-feet to be transferred from the proposed project or to confirm whether this volume will be entirely sourced from groundwater pumping. IS/ND reviewers need to be able to verify that 10,000 acre-feet is a reasonable amount and new water for transfer pursuant to Water Code Section 1810(d) to ensure that this use of a water conveyance facility is to be made without injuring any legal user of water and without unreasonably affecting fish, wildlife, or other instream beneficial uses and without unreasonably affecting the overall economy or the environment of the county from which the water is being transferred.

The water made available for transfer from shallow groundwater pumping is a groundwater substitution transfer. This transfer should be carried out in accordance with the Draft Technical Information for Preparing Water Transfer Proposals prepared by DWR and Reclamation in December 2019 and includes all essential components for

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a groundwater substitution transfer proposal. The proposed project should demonstrate that the transfer is consistent with the local requirements and applicable Groundwater Sustainability Plan (GSP) of the groundwater basins where the additional groundwater pumping would occur under the transfer proposal. Adequate details should be provided to assess whether the existing shallow wells are connected to a deeper aquifer system or to better understand surface water-groundwater interaction and its effect on streamflow.

To improve coordination and have the latest information, DWR recommends that HRMD submit a complete transfer proposal using the DWR's Water Transfers Information Management System online database at <https://info.water.ca.gov/wtims/>.

DWR appreciates the opportunity to comment on this proposed project. If you have any questions or need additional information, please contact SWP staff at SWPWaterTransfers@water.ca.gov.

Sincerely,

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