Final Supplemental EIR

for the

Extension of the Yuba Accord Long-Term Water Transfer Program

State Clearinghouse No. 200506211

YUBA WATER AGENCY

September 2024

Final Supplemental EIR

for the

Extension of the Yuba Accord Water Transfer Program

State Clearinghouse No. 200506211

Yuba County Water Agency
1220 F St, Marysville, CA 95901

Contact:
JoAnna Lessard
Project Manager

20200080.02

September 2024

TABLE OF CONTENTS

Appendices

Figures

Tables

LIST OF ABBREVIATIONS

AEM	Airborne Electromagnetic
af	acre-feet
CCWD	Contra Costa Water District
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDB	California Natural Diversity Database
COA	Coordinated Operations Agreement
CVP	Central Valley Project
Draft SEIR	draft supplemental environmental impact report
DSR	draft staff report
DWR	Department of Water Resources
EBMUD	East Bay Municipal Utilities District
EC	electric conductivity
ESA	Endangered Species Act
EWA	Environmental Water Account
FERC	Federal Energy Regulatory Commission
FPA	Federal Power Act
GDE	groundwater dependent ecosystem
GHG	greenhouse gas
GSP	groundwater sustainability plan
HR&L Program	Healthy Rivers and Landscapes Program
MMRP	mitigation monitoring and reporting program
NEPA	National Environmental Policy Act
NOA	notice of availability
NOD	notice of determination
NOP	notice of preparation
PORD	point of rediversion
PRC	Public Resources Code
SDF	streamflow depletion factor
SGMA	Sustainable Groundwater Management Act
SVSDFMG	Sacramento Valley Streamflow Depletion Factor Management Group
SWP	State Water Project
SWRCB	State Water Resources Control Board
TAF	thousand acre-feet
VA	Voluntary Agreement
WWD Project	Wheatland Water District In-Lieu Recharge Project
YGM	Yuba Groundwater Model
YRDP	Yuba River Development Project
Yuba Water	Yuba County Water Agency

1 INTRODUCTION

This final supplemental environmental impact report (Final SEIR) has been prepared by the Yuba County Water Agency (Yuba Water), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (CCR Section 15132). This Final SEIR contains responses to comments received on the draft supplemental environmental impact report (Draft SEIR) for the Proposed Extension of the Yuba Accord Long-Term Water Transfer Program (Proposed Extension). The Final SEIR consists of the Draft SEIR and this document (response to comments document), which includes comments on the Draft SEIR, responses to those comments, and revisions to the Draft SEIR.

1.1 PURPOSE AND INTENDED USES OF THIS FINAL SEIR

CEQA requires a lead agency that has prepared a Draft EIR (or SEIR) to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the project, and to provide the public with an opportunity to comment on the Draft EIR (or SEIR). The Final EIR (or SEIR) is the mechanism for responding to these comments. This Final SEIR has been prepared to respond to comments received on the Draft SEIR, which are reproduced in this document; and to present corrections, revisions, and other clarifications and amplifications to the Draft SEIR made in response to these comments. The Final SEIR will be used to support Yuba Water's decision regarding whether to approve the Proposed Extension.

This Final SEIR will also be used by CEQA responsible and trustee agencies to ensure that they have met their requirements under CEQA before deciding whether to approve or permit elements of the Proposed Extension over which they have jurisdiction. It may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the Proposed Extension or that have jurisdiction over portions of the Proposed Extension.

Responsible agencies may include the Department of Water Resources (DWR), State Water Resources Control Board (SWRCB), Contra Costa Water District (CCWD), East Bay Municipal Utilities District (EBMUD), and six of the eight member units (Brophy Water District, Browns Valley Irrigation District, Cordua Irrigation District, Ramirez Water District, South Yuba Water District, and Wheatland Water District[1]).

1.2 BACKGROUND

The Yuba Accord is a comprehensive settlement that implements a set of collaboratively developed, science-based instream flow requirements which protect and enhance fisheries and aquatic resources and enhance local and state-wide water supply reliability. Yuba Water certified a detailed EIR (State Clearinghouse No. 200506211; Yuba Water et al. 2007) analyzing the environmental effects of the Yuba Accord in 2007 and implemented the Yuba Accord in 2008.

The Yuba Accord originally consisted of three separate but related agreements: (1) the Agreement for Long-Term Purchase of Water from Yuba Water by DWR, dated December 4, 2007, as amended by Amendment Nos. 1-7 (the Yuba Water/DWR Water Purchase Agreement [Water Purchase Agreement]); (2) the Lower Yuba River Agreement for the Conjunctive Use of Surface and Groundwater Supplies between Yuba Water and each of the Yuba Water Member Units (water and irrigation districts and companies), as amended by Amendment Nos. 1-7 (the Yuba Water/Member Units Conjunctive Use Agreements [Conjunctive Use Agreements]); and (3) the Lower Yuba River Fisheries Agreement dated November 5, 2007 (effective March 18, 2008) among Yuba Water, California Department of Fish and Game (now California Department of Fish and Wildlife [CDFW]), South Yuba River Citizens League, Friends of the River, Trout Unlimited, and The Bay Institute (the Fisheries Agreement).

[1] Dry Creek Mutual Water Company and Hallwood Irrigation Company are private companies that are not subject to CEQA.

The existing Water Transfer Program consists of (1) storage water transfers of up to 200,000 acre-feet per year; (2) groundwater substitution water transfers of up to 90,000 acre-feet per year and up to 180,000 acre-feet in a three-year period; (3) rediversion of transfer water at authorized points of rediversion (PORDs) (State Water Project [SWP] and Central Valley Project [CVP] Delta export facilities, San Luis Dam at San Luis Reservoir, Freeport Regional Water Facility, and (as approved in the last three years for one-year transfers) CCWD intakes); (4) use of transfer water within the SWP and CVP service areas; and (5) use of transfer water for authorized purposes of use (irrigation and municipal uses). The existing Water Transfer Program is operated through: (1) the Water Purchase Agreement; (2) the Conjunctive Use Agreements; and (3) the Yuba Water/CCWD/EBMUD Water Transfer Option Agreement (Water Transfer Option Agreement), and will expire on December 31, 2025, consistent with Corrected Order WR 2008-0014.

1.3 PROPOSED EXTENSION

Yuba Water proposes to extend the Water Transfer Program beyond December 31, 2025, with comparable terms as the existing agreements, which include: (1) the Water Purchase Agreement; (2) the Yuba Water/CCWD/EBMUD Water Transfer Option Agreement; (3) the Conjunctive Use Agreements; and (4) the terms and conditions imposed in SWRCB Corrected Order WR 2008-0014 and subsequent Yuba Accord water transfer change petitions approved by the SWRCB.

The Proposed Extension will include the following components:

- an agreement between Yuba Water and DWR to extend the term of the Water Purchase Agreement through 2050;
- an agreement among Yuba Water, CCWD, and EBMUD to extend the term of the Water Transfer Option Agreement through 2050;
- agreements among Yuba Water and its Member Units to extend the term of the Conjunctive Use Agreements through 2050; and
- petitioning the SWRCB to extend approval of the existing places of use, purposes of use, and points of rediversion, including the three CCWD Delta intakes as long-term places of use and PORDs, respectively, for the Water Transfer Program through 2050.

As reflected by this list, the Proposed Extension is a continuation of the Water Transfer Program, beyond December 31, 2025, under its existing provisions. Although no substantial changes to the Water Transfer Program are proposed, Yuba Water, as lead agency, chose to prepare an SEIR to evaluate the potential environmental effects of the Proposed Extension.

The Proposed Extension would not result in any changes to the areas encompassed by the Yuba Accord, as modified to date. The Water Transfer Program would continue to encompass the same area as the Yuba Accord's original Water Purchase Agreement, as modified by subsequent addenda adopted by Yuba Water and change petitions approved by the SWRCB.

1.4 MAJOR CONCLUSIONS OF THE ENVIRONMENTAL ANALYSIS

The Draft SEIR evaluated the potential impacts of the Proposed Extension in the following environmental impact areas: Surface Water Supply and Management, Groundwater Resources, Fisheries and Aquatic Resources, and Surface Water Quality. There would be no significant or potentially significant impacts associated with the Proposed Extension.

Public Resources Code (PRC) Section 21081.6(a)(1) requires lead agencies to "adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." A mitigation monitoring and reporting program (MMRP) has not been prepared for the Proposed Extension because no mitigation measures are required.

1.5 CEQA PUBLIC REVIEW PROCESS

1.5.1 Notice of Preparation

In accordance with PRC Section 21092 and CCR Section 15082, Yuba Water issued a notice of preparation (NOP) on January 12, 2023 to inform agencies and the general public that an SEIR was being prepared and to invite comments on the scope and content of the document. The NOP was submitted to the State Clearinghouse, which then distributed the NOP to potential responsible and trustee agencies; posted on Yuba Water's website (https://www.yubawater.org/157/Lower-Yuba-River-Accord); and posted with the applicable County Clerks. In addition, the NOP was distributed directly to public agencies (including potential responsible and trustee agencies), interested Native American Tribes, and individuals requesting to be notified. The NOP was circulated for a 45-day review period, with comments accepted through February 27, 2023.

In accordance with CCR Section 15082(c), two noticed scoping meetings for the SEIR occurred: an in-person meeting in Marysville on February 7, 2023 and a virtual meeting on February 9, 2023.

1.5.2 Draft SEIR

In accordance with the State CEQA Guidelines Section 15087 and 15105, the Draft SEIR was circulated for public review and comment for a period of 45 days, from April 5, 2024 to May 20, 2024. The Draft SEIR was submitted to the State Clearinghouse, which then distributed the Draft SEIR to potential responsible and trustee agencies; posted on Yuba Water's website (https://www.yubawater.org/157/Lower-Yuba-River-Accord); and made available for review during normal business hours at Yuba Water Headquarters (1220 F Street, Marysville, CA 95901-4740). In addition, a notice of availability (NOA) of the Draft SEIR was posted with the applicable County Clerks; distributed directly to public agencies (including potential responsible and trustee agencies), interested Native American Tribes, and individuals requesting to be notified; and made available on Yuba Water's website. Additionally, the NOA was published in the *Sacramento Bee* and the *Appeal Democrat*.

1.5.3 Final SEIR

As a result of these notification efforts, written comments were received from 10 agencies, 2 organizations, and 1 Tribe on the content of the Draft SEIR. Chapter 3, "Responses to Comments," identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute "significant new information" by CEQA standards (State CEQA Guidelines CCR Section 15088.5).

As required by State CEQA Guidelines Section 15088(b), Yuba Water has provided a printed or electronic copy to each public agency that submitted written comments on the Draft SEIR with written responses to that public agency's comments at least 10 days prior to certifying the Final SEIR.

1.6 ORGANIZATION OF THE FINAL SEIR

This Final SEIR is organized as follows:

- **Chapter 1, "Introduction,"** describes the purpose of the Final SEIR, summarizes the Proposed Extension and the major conclusions of the Draft SEIR, provides an overview of the CEQA public review process, and describes the content of the Final SEIR.
- **Chapter 2, "Responses to Comments,"** contains a list of all parties who submitted comments on the Draft SEIR during the public review period, copies of the comment letters received, and responses to the comments.
- **Chapter 3, "Revisions to the Draft SEIR,"** presents revisions to the Draft SEIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by <u>underline</u> where text is added.
- **Chapter 4, "References,"** identifies the documents used as sources for the analysis.
- **Chapter 5, "List of Preparers,"** identifies the lead agency contacts as well as the preparers of this Final SEIR.

2 RESPONSES TO COMMENTS

This chapter contains comment letters received during the public review period for the Draft SEIR, which concluded on May 20, 2024. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the Draft SEIR.

2.1 LIST OF COMMENTERS ON THE DRAFT SEIR

Table 2-1 presents the list of commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the date of the comment letter.

Table 2-1 List of Commenters

Letter No.	Commenter	Date
	TRIBES	
T1	Shingle Springs Band of Miwok Indians Kara Perry, Director of Site Protection	May 20, 2024
	AGENCIES	
A1	US Department of the Interior, Bureau of Reclamation Robert Ward, Acting Regional Resources Manager	May 20, 2024
A2	California Department of Fish and Wildlife, North Central Region Morgan Kilgour, Regional Manager	May 17, 2024
A3	Delta Stewardship Council Jeff Henderson, Deputy Executive Officer	May 20, 2024
A4	State Water Resources Control Board Erik Ekdahl, Deputy Director, Division of Water Rights	May 20, 2024
A5	State Water Contractors Jennifer Pierre, General Manager	May 20, 2024
A6	Contra Costa Water District Kyle Ochenduszko, Assistant General Manager	May 17, 2024
A7	East Bay Municipal Utility District Michael T. Tognolini, Director of Water and Natural Resources	May 17, 2024
A8	Metropolitan Water District of Southern California Jennifer Harriger, Manager, Environmental Planning Section	May 20, 2024
A9	Nevada Irrigation District Jennifer Hanson, General Manager	May 16, 2024
A10	San Luis & Delta-Mendota Water Authority Pablo Arroyave, Chief Operating Officer	May 20, 2024
	ORGANIZATIONS	
O1	American Rivers, California Sportfishing Protection Alliance, Friends of the River, Northern California Council, Fly Fishers International, and the South Yuba River Citizens League Meghan Quinn, Director, California Hydropower and Dam Removal, American Rivers Chris Shutes, Executive Director, California Sportfishing Protection Alliance Keiko Mertz, Policy Director, Friends of the River Jann Dorman, Executive Director, Friends of the River Mark Rockwell, President & VP Conservation, Northern California Council, Fly Fishers International Aaron Zettler-Mann, Executive Director, South Yuba River Citizens League	May 20, 2024
O2	AquAlliance Barbara Vlamis, Executive Director	May 20, 2024

2.2 COMMENTS AND RESPONSES

The individual comments received on the Draft SEIR and the responses to those comments are provided below. The comment letters are reproduced in their entirety and are followed by the response(s). Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.

2.2.1 Tribes

Letter T1 Shingle Springs Band of Miwok Indians
Kara Perry, Director of Site Protection
May 20, 2024

Shingle Springs Band of Miwok Ind
Shingle Springs Rancheria (Verona Tract), Califor

Letter T1

5281 Honpie Road • Placerville, CA 95667
(530) 698-1400 • shinglespringsrancheria.com

CULTURAL RESOURCES

May 20, 2024

Ascent Environmental

RE: Extension of the Yuba Accord Long-Term Water Transfer Program

Dear Joanna Lessard,

Thank you for your letter dated April 5, 2024 in regard to the above mentioned project. Based on the information provided, the Shingle Springs Band Of Miwok Indians is not aware of any known cultural resources on this site. However, SSR would like to have continued consultation through updates, as the project progresses. This will foster a greater communication between the Tribe and your agency.

SSR would also like to request any and all completed record searches and or surveys that were done in or around the project area up to and including environmental, archaeological and cultural reports. If during the progress of the project new information or human remains are found, we would like to be able to go over our process with you to protect such important and sacred artifacts (especially near rivers and streams). T1-1

If such finds are made, please contact Kara Perry, Director of Site Protection, at (530) 488-4049 or kperry@ssband.org.

Thank you for providing us with this notice and opportunity to comment.

Sincerely,

Kara Perry
Director of Site Protection

Response T1-1

The comment states that the Shingle Springs Band of Miwok Indians is not aware of any known cultural resources on the project site and requests copies of any completed record searches or surveys that were conducted in the project area. Yuba Water replied to this letter via email on May 23, 2024, and noted that no cultural searches or surveys were conducted for the SEIR.

For reference, Yuba Water sent a letter to the Shingle Springs Band of Miwok Indians on January 10, 2023 notifying the Tribe of the Proposed Extension and inviting the Tribe to consult under Assembly Bill (AB) 52. No response was received from the Tribe; therefore, Yuba Water's obligations under AB 52 are complete.

2.2.2 Agencies

Letter A1 US Department of the Interior, Bureau of Reclamation
Robert Ward, Acting Regional Resources Manager
May 20, 2024

United States Department of the Interior

BUREAU OF RECLAMATION
2800 Cottage Way
Sacramento, CA 95825-1898

Letter A1

IN REPLY REFER TO:

CGB-400
2.2.4.21

JoAnna Lessard
Watershed Manager
Yuba Water Agency
1220 F Street
Marysville, CA, 95901-4740

Subject: Comments on the Draft Supplemental Environmental Impact Report (EIR) for the

Extension of the Yuba Accord Long-Term Water Transfer Program (State Clearinghouse No. 200506211)

Dear Ms. Lessard:

Reclamation received and reviewed the Draft Supplemental EIR for the Extension of the Yuba Accord Long-Term Water Transfer Program. Thank you for the opportunity to provide comments. Attached are our comments and suggested revisions. Please contact me at rward@usbr.gov or 916-978-5359 if you have any questions. A1-1

Respectfully,

ROBERT WARD

Digitally signed by ROBERT WARD
Date: 2024.05.20 15:35:22 -07'00'

Robert Ward
Acting Regional Resources Manager

Attachments – 1

cc: CVO, BDO, CCAO, SCCAO

INTERIOR REGION 10 • CALIFORNIA–GREAT BASIN
CALIFORNIA*, NEVADA*, OREGON*
* PARTIAL

1

Attachment -1

Brief History of Reclamation's Involvement

The original Yuba Accord in 2008, resolved disputes for minimum instream flows downstream of New Bullards Bar Reservoir which were accounted for against the prior water rights. The additional instream flow above prior instream flows were viewed as transferable to help support and pay for needed local flood control projects that have now been built. It is Reclamation's understanding that these minimum flows have now been permitted by the State Water Resources Control Board (SWRCB) and are part of the operational baseline in the Yuba River.

Currently, Reclamation is not a signatory to the formal Yuba Accord but is formally implicated through the 1986 Coordinated Operations Agreement as amended (COA) between DWR and Reclamation which provides the basis for water transfers. The COA recognizes the supplies produced under the Yuba Accord as third-party water. The transferable third-party water supplies contemplated in the Yuba Accord extension rely on COA coordination with Reclamation and DWR. This should be described and analyzed in the Supplemental EIR for the Yuba Accord extension.

A1-2

Overall Needs for the EIR

The Yuba Accord extension should acknowledge the following baseline operations and new operational considerations now facing the CVP-SWP system:

1. The conditions in which the CVP-SWP system operates today is vastly different under ESA regulations than analyzed under the original Yuba Accord.
    a. Winter and Springtime exports from the CVP-SWP system are limited due to ESA take management i.e., Old and Middle River (OMR) limitations.
    b. Coldwater availability and management via temperature control devices during summer months in the CVP presents challenging operations.
    c. The current water transfer window starts in July and goes through November. Transfer of water pre-July 1 could negatively impact cold water pool operations for the CVP.
2. The EIR should acknowledge that CVP contractors (including Contra Costa Water District and East Bay Municipal Utility District) and SWP contractors south of the Delta are considered exporters from the Delta.

In order to evaluate the proposed extension, the above statements should be evaluated for their impacts on operations by Reclamation and DWR. Reclamation cannot be considered a cooperator through the EIR without consultation or doing further analysis to ensure no harm to CVP water rights, ESA regulations, or other party authorizations.

A1-3

2

Additionally, Reclamation suggests the following revisions to the Draft Supplemental EIR:

1. Page 3.2-21, Los Vaqueros Reservoir, 2nd paragraph, 3rd and 4th sentences. Incidental Take Permit No. 2081-2023-036-03 issued 03/01/2024 by California Department of Fish and Wildlife, removes the restrictions.

2. Page 3.2-21, Los Vaqueros Reservoir, 2nd paragraph, last sentence. Reclamation and CCWD partnered in implementing the Rock Slough Fish Screen Project. Construction on the Rock Slough Fish Screen Project was completed in 2011.

3. Page 3.2-29, Impact 3.2-2, paragraph beginning bottom of page 3.2-28, 3rd sentence. Reclamation is unclear on the offset to SDF statement. Please consider language to clarify: "With the inclusion of an Streamflow Depletion Factor (SDF) in the accounting, some transfer water will be made available to the CVP and SWP for their water supplies to offset streamflow depletion impact."

4. Page 3.2-29, Impact 3.2-2, paragraph beginning bottom of page 3.2-28, 4th sentence. Revise the sentence to read "The SDF will offset the streamflow depletion effects caused by groundwater substitution transfer pumping."

5. Page 3.2-29, Impact 3.2-2. Flow Changes Due to Instituting a SDF in Groundwater Substitution Transfer Accounting, 3rd paragraph. Please revise for clarity.

> "If DWR were to export the full amount of the SDF portion of the groundwater substitution transfer (after carriage water is applied), instead of reducing releases from Oroville and using the SDF portion for Delta water quality, there would be no changes to flows compared to what would occur without an SDF applied to the transfer in any of these rivers or the Delta because no additional water is released from the Yuba River for this purpose, and the Projects will still operate to balanced conditions."

6. Page 3.4-32, Impact 3.4-1, Delta Region, 3rd paragraph, 1st and 2nd sentences. Incidental Take Permit No. 2081-2023-036-03 issued 03/01/2024 by California Department of Fish and Wildlife, removes the restrictions.

7. Page 3.3-22, Impact 3.3-4, 1st sentence. Revise sentence to read: "Specifically, SDF accounts for reductions in streamflow over time due to 1) captured groundwater discharge (groundwater that otherwise would have discharged to a connected stream absent the pumping), and 2) induce infiltration (water drawn into the aquifer because of pumping)."

8. Page 3.3-22, Impact 3.3-4, last sentence. Revise sentence to read: "The difference is water left in the system to offset streamflow depletion and ensure other surface water users are not adversely affected."

A1-4

Response A1-1

The comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft SEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Response A1-2

The comment summarizes Reclamation's involvement in the Yuba Accord and states that the transferable third-party water supplies contemplated in the Yuba Accord extension rely on coordination with US Department of the Interior, Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) under the 1986 Coordinated Operations Agreement as amended (COA) and suggests that this be described and analyzed in the Supplemental EIR for the Yuba Accord. The 2007 EIR and the Draft SEIR describe the Water Purchase Agreement and associated Exhibit 1 Accounting Principles. In 2007, Reclamation provided signed concurrence with the accounting principles, which stated in part, "We ask that your organization recognize the released transfer flows on the Yuba River as outlined in the accounting exhibit in the context of the Coordinated Operations Agreement. We request that your agency participate in the review and approval process as set forth in the Yuba Accord accounting document and agree to accounting adjustments to the Coordinated Operations Agreement accounting as appropriate." Chapter 2, "Description of the Proposed Project," of the Draft SEIR explains that the Proposed Extension is a continuation of the Yuba Accord water transfer program and the Water Purchase Agreement. The accounting principles are the mechanism that protects the Central Valley Project (CVP) and State Water Project (SWP) water rights, ensuring that the transfer will not injure legal users of the water. DWR and Reclamation have cooperated with Yuba Water in preparing and agreeing on the final accounting of transfer water and refill conditions each year of the Accord since 2008 and the Draft SEIR describes these provisions (Draft SEIR p. 2-3).

Response A1-3

The comment states that the SEIR should acknowledge the baseline operations and new operational considerations facing the CVP/SWP system. Section 3.2, "Surace Water Supply and Management," of the Draft SEIR describes the progression of the Endangered Species Act (ESA) regulations affecting CVP and SWP operations in the Delta Region (pp. 3.2-4 and 3.2-5) and describes CVP Facilities and Operations (pp. 3.2-19 and 3.2-20). Section 3.2 includes discussion of the relevant changes in regulatory conditions affecting Delta operations including facilitating transfers and acknowledges the effects the changed regulatory conditions have on transfers. The impact analysis portion of Section 3.2 includes detailed discussion of effects on south-of-Delta CVP and SWP contractors as these are impact indicators included in the Draft SEIR. Impact 3.2-3 addresses impacts to south of Delta CVP contractors and concludes:

> The changes in CVP/SWP operations that have occurred as a result of the 2019 USFWS and NMFS BOs implementation are part of the current baseline and do not involve any changed circumstances that would alter the manner in which the Yuba Accord would be implemented or result in new or exacerbated impacts as a result of the Proposed Extension beyond those assessed in the 2007 EIR for the duration of the original Yuba Accord. Extension of the Water Transfer Program will continue to be subject to all applicable federal and state ESA requirements, including applicable BOs, Incidental Take Permits, water quality control planning, and any other conditions imposed by other regulatory agencies applicable to CVP operations.

In addition to the discussion in Section 3.2, Chapter 4, "Cumulative Impacts," of the Draft SEIR summarizes information from Reclamation's "Long-Term Water Transfers Revised Draft EIR/Supplemental Draft EIS" (Reclamation and SLDMWA 2018) and DWR's Draft Environmental Impact Report for Long-Term Operation of the California State Water Project (DWR 2019) which provides extensive discussion and review of CVP and SWP operations and transfers. Chapter 4 examines the Proposed Extension in combination with the changes that have occurred since the 2007 EIR, which the Draft SEIR describes as included in the baseline conditions used for analysis of the Proposed Extension.

Response A1-4

The comment provides suggested revisions to the Draft SEIR. See Chapter 3, "Revisions to the Draft SEIR," for the specific text changes made to the Draft SEIR since its publication and public review.

Regarding items #3 and #5 in the comment, Yuba Water has reviewed the Draft SEIR text and determined that no clarifications are necessary. Also, see response to comment A2-6 regarding streamflow depletion factor (SDF) effects, as well as responses to comments A2-7, A2-8, and O2-4.

Letter A2 California Department of Fish and Wildlife, North Central Region
Morgan Kilgour, Regional Manager
May 17, 2024

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Letter A2

May 17, 2024

JoAnna Lessard
Watershed Manager
Yuba Water Agency
1220 F Street
Marysville, CA 95901-4740
jlessard@yubawater.org

Subject: Extension of the Yuba Accord Long-Term Water Transfer Program
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (DSEIR)
SCH No. 2005062111

Dear JoAnna Lessard:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DSEIR from Yuba Water Agency (YWA) for the proposed Extension of the Yuba Accord Long-Term Water Transfer Program (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines[1].

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

A2-1

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW may also act as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. To the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code. A2-1 cont.

PROJECT DESCRIPTION SUMMARY

YWA proposes to extend the Yuba Accord Long-Term Water Transfer Program for an additional 25 years past its current expiration date of December 31, 2025 through 2050. The existing Water Transfer Program consists of (1) storage water transfers of up to 200,000 acre-feet per year; (2) groundwater substitution water transfers of up to 90,000 acre-feet per year and up to 180,000 acre-feet in a three-year period; (3) rediversion of transfer water at authorized points of rediversion; (4) use of transfer water within the State Water Project and Central Valley Water Project service areas; and (5) use of transfer water for authorized purposes of use, including irrigation and municipal uses. A2-2

YWA proposes that the extension Project contain comparable terms as the existing agreements, which include: (1) the Water Purchase Agreement; (2) the YWA/Contra Costa Water District/East Bay Municipal Utilities District Water Transfer Option Agreement; (3) the Conjunctive Use agreements; and (4) the terms and conditions imposed in State Water Resources Control Board (SWRCB) Corrected Order WR 2008-0014 and subsequent Yuba Accord water transfer change petitions approved by the SWRCB.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist YWA in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. A2-3

COMMENT 1: Impacts of Transfer Timing and Flow Fluctuations
Section 3.4.2 Fisheries and Aquatic Resources

Issue: The DSEIR does not adequately consider the potential impacts of water transfer timing, resulting instream flows, and flow fluctuations on aquatic species, including Central Valley spring-run Chinook salmon (*Oncorhyncus tshawytscha;* SRCS), a threatened species under the California Endangered Species Act (CESA). Neither the DSEIR nor the 2007 Yuba Accord EIR includes sufficient analysis of Project flow patterns and their potential impact on SRCS, particularly during the spawning and incubation life stages. Further, since the 2007 EIR was finalized, water transfer conditions have changed, as the water transfer window for the State Water Project was A2-4

extended from September 30 to November 30 in the Incidental Take Permit issued by CDFW to the Department of Water Resources in March 2020.

SRCS occur in the Project area and typically spawn in September and October, and egg incubation may last through January. Should water transfers for the Project take place during September through November, it is possible that spawning SRCS will construct redds within transfer-water inundated areas that are then exposed and desiccated when transfer releases end and the river stage decreases. Conversely, should SRCS spawn prior to a water transfer, the pulse of released water may scour existing redds. Substantial or rapid flow fluctuations may also lead to stranding of emerging SRCS fry and rearing SRCS yearlings in shallow areas that may become disconnected from the active river channel. The DSEIR does not contain sufficient discussion, nor does it demonstrate through modeling of Project operations and instream flows, that the ramp-up and ramp-down periods of the water transfers would avoid impacts to salmonid redds under the existing regulatory flow regime. A2-4 cont.

Recommendation: CDFW recommends that the SEIR include additional, focused discussion of the potential impacts to salmonids, including SRCS, and other aquatic species that may result from flow fluctuations caused by the proposed Project. The SEIR should clearly identify the likely timing of transfer releases in relation to aquatic species' life stages, and as needed, refer to specific operational model runs to illustrate the range of potential flow fluctuations and associated impacts.

If transfers are likely to occur during September through November, the SEIR should identify specific actions that will be taken to avoid redd dewatering or scouring below Englebright Dam, including early notification of planned transfer operations, pre-transfer monitoring, post-transfer monitoring, and protective ramping rates.

COMMENT 2: Impacts to Groundwater Dependent Ecosystems
Section 3.3.2 Groundwater Resources, page 3.3-15

Issue: The DSEIR does not adequately consider impacts to groundwater dependent ecosystems (GDEs). The DSEIR discussion of GDEs (page 3.3-15) states that the Yuba Groundwater Sustainability Plan (GSP) concluded that groundwater pumping would be unlikely to affect GDEs. However, CDFW review and comment of the Yuba GSP, as submitted to the GSA and DWR in 2020 (Attachment A), found contradictory evidence as to the impact of pumping on shallow groundwater, as indicated by the following statement: A2-5

> "[T]he GSP: 1) identifies shallow groundwater elevations in the principal aquifer (pages 2-94, 2-95); 2) shows shallow groundwater elevation trends that, although muted, parallel seasonal pumping trends of groundwater elevations in deeper wells, particularly along the Feather River (page 2-104); and 3) acknowledges that shallow groundwater monitoring data is limited (page 4-8). The GSP limits oversight over shallow subsurface water by distinguishing it from the 'principal

> aquifer' (page 2-70) but develops SMC [sustainable management criteria] for depletions of interconnected surface water by way of groundwater elevation proxy (see Comment #4). Absent a better understanding of shallow groundwater systems and their relationship to deeper, 'principal' groundwater reservoirs, it is contradictory to abdicate oversight of shallow groundwater as a non-principal aquifer while identifying shallow groundwater as the primary subsurface influence on surface water interconnectivity, for which the GSP proposes SMC by way of groundwater elevation proxy."

Additionally, comment was provided as to the methods used to identify GDEs:

> "Methods applied to the Natural Communities Commonly Associated with Groundwater (NCCAG) dataset to eliminate potential GDEs may exclude ecosystems that rely on groundwater during specific seasons, water years, or life stages. The litmus test question proffered by the GSP to determine the validity of a potential GDE in the NCCAG – 'would the ecosystem not exist if groundwater levels were deeper?' (page 2-140) – assumes a false dichotomy between both ecosystem existence and non-existence, as well surface water-dependence and groundwater dependence. Groundwater dependent vegetation or interconnected surface waters may be able to sustain existence/flow during temporary, or even extended, groundwater elevation reductions (Naumburg et al., 2005), and these GDEs may oscillate between surface water reliance and groundwater reliance. In short, GDEs may be opportunistic, and the GSP assessment of GDEs is based on overly simplistic determination criteria that do not account for GDE adaptability."

A2-5 cont.

As a result of the potential connectivity of pumped groundwater and shallow aquifer conditions, groundwater pumping could potentially result in lowering of shallow groundwater levels and the capillary fringe to deeper than groundwater dependent vegetation rooting depths. As of the date of the GSP comment letter, assessment of GDEs is incomplete and ongoing.

Recommendation: CDFW recommends that the SEIR incorporate information from the most recent survey(s) of GDEs in the groundwater extraction area to determine the locations of concern and their species assemblages. If additional surveys have not yet occurred following submittal of the Yuba GSP, the SEIR should include any available supplemental information that identifies other known or suspected GDE in the project area. The requirements of these species with respect to groundwater levels, such as rooting zones or seasonal pooling, should be described in the SEIR. Additionally, the SEIR should characterize groundwater monitoring, either by YWA or a subbasin Groundwater Sustainability Agency, that will actively monitor groundwater depths in the areas of concern and adapt groundwater pumping to avoid negatively impacting these ecosystems during groundwater transfer periods. Monitoring results should inform the Project's operations to avoid both chronic long-term lowering and acute seasonal

impacts resulting from the lowering of groundwater levels to below key ecological thresholds. A2-5 cont.

COMMENT 3: Analysis of Streamflow Depletion Effects
Appendix B: Streamflow Depletion Effects on Downstream Water Supplies

Issue 3.1: The DSEIR does not adequately consider the seasonal variation of streamflow depletion impacts. A given amount of depletion may have a greater impact on the function of stream ecosystems at different times of year. For example, a fixed volume or rate of depletion in early spring, when flows are comparatively high and temperatures are relatively cold, may be a small percentage of flow with less significant impacts on aquatic habitat and water quality. That same volume/rate of depletion in late summer could be a significant percentage of the streamflow, reducing the stream's ability to oxygenate, buffer against temperature fluctuations and dilute contaminants, and reduce physical aquatic habitat availability; or, the depletion could dewater the stream completely. With the exception of stream segment Yuba River 2 (YR2), the Project does not appear to have the ability to mitigate for depleted streamflow in tributary stream reaches in the Project area. A2-6

Recommendation 3.1: CDFW recommends monitoring of instream habitat conditions, with increased frequency during identified periods of ecosystem vulnerability. Ecologically relevant streamflow thresholds should be identified, and pumping operations of near-stream wells should undergo adaptive management before flows approach these thresholds. The SEIR should further evaluate the relationship between groundwater levels and tributary streamflow. Depending on hydrogeological characteristics, key relationship(s) for maintaining adequate summer streamflow may include the groundwater levels of upgradient monitoring wells in preceding months. Well operations should adapt to maintain these key seasonal groundwater levels that support critical instream flows.

Issue 3.2: While the inclusion of the Wheatland Water District In-Lieu Recharge Project (WWD Project) is helpful contextually, the analysis of stream depletion reduction resulting from the WWD Project is confusing, the quantifiable benefits to flow overall are not clear, and the differential offsetting of stream depletion in individual tributaries are not addressed.

Recommendation 3.2: No reduction in the streamflow depletion factor (SDF) should occur as a result of WWD Project operations unless a more robust analysis of the spatial and temporal benefits of recharge is conducted. The analysis should include an evaluation of projected recharge operations under a range of future climate change conditions influencing recharge water availability, and an evaluation of the zone of beneficial influence of recharge relative to the depletion of groundwater levels and streamflow in the greater zone of pumping. The analysis should also consider whether it is necessary for recharge to occur in close temporal proximity to the groundwater substitution pumping in order to mitigate the acute streamflow depletion. It is possible A2-7

that this analysis is present in the grant proposal, but it is not available as part of the DSEIR. A2-7 cont.

Issue 3.3: The Department of Water Resource (DWR) has convened multi-stakeholder advisory groups to develop a framework for developing SDF for groundwater substitution water transfers. It is unknown whether the suggested approach in the SEIR will be consistent with this upcoming guidance.

Recommendation 3.3: While it is appreciated that the permittee is pro-active in considering a possible SDF approach, any SDF adopted for this project should be subject to change given the evolving standards. Regardless of the eventual guidance of the multi-stakeholder advisory groups, due to the long-term nature of the proposed Project and uncertainty surrounding future climatic and hydrologic conditions, it is recommended that the SDF be subject to review and revision at regular intervals. A2-8

COMMENT 4: Cumulative Impacts Analysis
Section 4.3 Analysis of Cumulative Impacts, page 4-18

Issue: The cumulative effects analysis in the DSEIR does not provide sufficient information for meaningful review of potential significant cumulative effects of the proposed Project and other reasonably foreseeable probable projects. While the DSEIR is thorough in its identification of other reasonably foreseeable projects, the subsequent discussion of cumulative impacts and the Project's incremental contribution lacks specificity and metrics to support its conclusions.

In its evaluation of cumulative impacts to both surface waters and fisheries and aquatic resources, the DSEIR does not adequately discuss and incorporate changes to environmental baseline conditions that occurred during previous implementation of the Water Transfer Program, including population trends for salmonids and other fisheries that occur in the Project area and Bay-Delta. A2-9

Recommendation: CDFW recommends the SEIR incorporate an evaluation of cumulative impacts to address the changed environmental baseline conditions related to trends in fisheries populations, instream flows, and Delta outflows and water quality. Inclusion of specific metrics, and modeling to the extent available, will support a more nuanced evaluation of how surface waters or aquatic resources may have been impacted by the previous Water Transfer Program in combination with other related projects, and it will better contextualize a consideration of how conditions may continue to evolve with the proposed Project and other reasonably foreseeable probable projects.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § A2-10

21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be submitted online or mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. **A2-10 cont.**

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.) **A2-11**

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the DSEIR for the Extension of the Yuba Accord Long-Term Water Transfer Program to assist Yuba Water Agency in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Bridget Gibbons, Environmental Scientist, at bridget.gibbons@wildlife.ca.gov. **A2-12**

Sincerely,

DocuSigned by:
Morgan Kilgour
C3A86764C0AD4F6...

Morgan Kilgour
Regional Manager

Attachment A: CDFW Yuba Subbasins Final GSP Comment Letter to DWR

ec: Jennifer Garcia, Environmental Program Manager
Colin Purdy, Environmental Program Manager
Bridget Gibbons, Senior Environmental Scientist (Supervisory)
Beth Lawson, Senior Hydraulic Engineer
Anna Allison, Senior Environmental Scientist (Supervisory)
Tracy McReynolds, Senior Environmental Scientist (Specialist)
Adam Weinberg, Senior Environmental Scientist (Specialist)
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

Attachment A

Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road,
Rancho Cordova, CA 95670
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

June 1, 2020

Via Electronic Mail and Online Submission

Craig Altare
Supervising Engineering Geologist
California Department of Water Resources
901 P Street, Room 213
Sacramento, CA 94236

Email: Craig.Altare@water.ca.gov
Portal Submission: https://sgma.water.ca.gov/portal/#gsp

Dear Mr. Altare:

Subject: COMMENTS ON THE FINAL YUBA SUBBASINS GROUNDWATER SUSTAINABILITY PLAN

The California Department of Fish and Wildlife (Department) North Central Region is providing comments on the Final Yuba Subbasins Groundwater Sustainability Plan (GSP) prepared by Yuba Water Agency, City of Marysville, and Cordua Irrigation District Groundwater Sustainability Agencies (GSAs) pursuant to the Sustainable Groundwater Management Act (SGMA). As trustee agency for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species (Fish & Game Code §§ 711.7 and 1802).

Development and implementation of GSPs under SGMA represents a new era of California groundwater management. The Department has an interest in the sustainable management of groundwater, as many sensitive ecosystems and species depend on groundwater and interconnected surface waters, including ecosystems on Department-owned and -managed lands within SGMA-regulated basins. SGMA and its implementing regulations afford ecosystems and species specific statutory and regulatory consideration, including the following as pertinent to Groundwater Sustainability Plans:

- Groundwater Sustainability Plans must **identify and consider impacts to groundwater dependent ecosystems (GDEs)** [23 CCR § 354.16(g) and Water Code § 10727.4(l)];
- Groundwater Sustainability Agencies must **consider all beneficial uses and users of groundwater**, including environmental users of groundwater [Water Code §10723.2 (e)]; and Groundwater Sustainability Plans must **identify and**

consider potential effects on all beneficial uses and users of groundwater [23 CCR §§ 354.10(a), 354.26(b)(3), 354.28(b)(4), 354.34(b)(2), and 354.34(f)(3)];

- Groundwater Sustainability Plans must **establish sustainable management criteria that avoid undesirable results** within 20 years of the applicable statutory deadline, including **depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water** [23 CCR § 354.22 *et seq.* and Water Code §§ 10721(x)(6) and 10727.2(b)] and **describe monitoring networks** that can identify adverse impacts to beneficial uses of interconnected surface waters [23 CCR § 354.34(c)(6)(D)]; and
- Groundwater Sustainability Plans must **account for groundwater extraction for all water use sectors** including managed wetlands, managed recharge, and native vegetation [23 CCR §§ 351(al) and 354.18(b)(3)].

Furthermore, the Public Trust Doctrine imposes a related but distinct obligation to consider how groundwater management affects public trust resources, including navigable surface waters and fisheries. Groundwater hydrologically connected to navigable surface waters or surface waters supporting fisheries, and surface waters tributary to navigable surface waters or surface waters supporting fisheries, are also subject to the Public Trust Doctrine to the extent that groundwater extractions or diversions affect or may affect public trust uses (*Environmental Law Foundation v. State Water Resources Control Board* (2018), 26 Cal. App. 5th 844; *National Audubon Society v. Superior Court* (1983), 33 Cal. 3d 419). Accordingly, groundwater plans should consider potential impacts to and appropriate protections for interconnected surface waters and their tributaries, and interconnected surface waters that support fisheries, including the level of groundwater contribution to those waters.

In the context of SGMA statutes and regulations, and Public Trust Doctrine considerations, the Department values groundwater planning that carefully considers and protects environmental beneficial uses and users of groundwater including fish and wildlife and their habitats: groundwater dependent ecosystems and interconnected surface waters.

COMMENT OVERVIEW

The Department supports ecosystem preservation and enhancement in compliance with SGMA and its implementing regulations based on Department expertise and best available information and science. Consistent with comments previously submitted to the GSA on December 9, 2019, the Department recommends the GSP provide additional information and analysis that considers all environmental beneficial uses and users of groundwater and that better characterizes surface water-groundwater connectivity. The Department appreciates The GSAs' consideration and integration of many of the Department's original comments. Where the Department's initial comments have not been addressed, they are restated in this letter with updated page citations.

Where the GSAs have since responded to the Department's comments, the Department has updated the comments and provided additional context in *italicized text*.

COMMENTS AND RECOMMENDATIONS

The Department comments are as follows:

1. **Comment #1 Interconnected Surface Waters** (Basin Setting, 2.2.2.6 Interconnected Surface Water Systems, starting page 2-136): The GSP identifies a high degree of interconnectivity between shallow groundwater and surface water in the basin but limits management oversight of shallow groundwater – and therefore over interconnected surface waters – on account of limited hydraulic connectivity between the shallow groundwater and the 'principal aquifer.'
    a. *Issue*: The GSP notes in several places that there are significant clays and restrictive units in the shallow subsurface that support shallow groundwater contributions to interconnected surface waters and that limit hydraulic connectivity between shallow groundwater and the 'principal aquifer' (Section 2.2.2.1.3, Section 2.2.2.6). In its analysis of pumping-induced groundwater level impacts, the GSP suggests that groundwater within the upper 20 to 30 feet of the subsurface would show heavily muted responses to groundwater pumping in deeper strata (page 2-143). Simultaneously, the GSP: 1) identifies shallow groundwater elevations in the principal aquifer (pages 2-94, 2-95); 2) shows shallow groundwater elevation trends that, although muted, parallel seasonal pumping trends of groundwater elevations in deeper wells, particularly along the Feather River (page 2-104); and 3) acknowledges that shallow groundwater monitoring data is limited (page 4-8). The GSP limits oversight over shallow subsurface water by distinguishing it from the 'principal aquifer' (page 2-70) but develops SMC for depletions of interconnected surface water by way of groundwater elevation proxy (see Comment #4). Absent a better understanding of shallow groundwater systems and their relationship to deeper, 'principal' groundwater reservoirs, it is contradictory to abdicate oversight of shallow groundwater as a non-principal aquifer while identifying shallow groundwater as the primary subsurface influence on surface water interconnectivity, for which the GSP proposes SMC by way of groundwater elevation proxy.
    b. *Recommendation*: The Department supports the proposed expansion of shallow groundwater monitoring in the Yuba Subbasins to better understand the hydraulic relationship between shallow groundwater, interconnected surface waters, and pumping within the 'principal aquifer'

(Section 5). The Department also recommends the GSAs consider treating the shallow groundwater system as a 'principal aquifer' to ensure shallow groundwater levels and depletions of interconnected surface water will be managed to the extent possible with accountability to relevant SMC (e.g., near-stream hydraulic gradients). There is no specific reason why a shallow aquifer cannot comprise a 'principal aquifer,' particularly where shallow aquifers are overlain by GDEs or support interconnected surface waters with special status species. Where a shallow groundwater system stores and yields quantities of water that are 'significant' to surface water beneficial users, including environmental beneficial users and GDE beneficial users, this shallow aquifer may be considered a 'principal aquifer' [23 CCR § 351(aa)]. Shallow groundwater systems are arguably the *most* significant aquifers for environmental beneficial uses and users of groundwater, because they are the aquifers directly accessible to and supportive of the terrestrial and aquatic habitat. Therefore, the Department recommends identifying the shallow groundwater network in the Yuba Subbasins as a 'principal aquifer.'

GSA Response to Comments: *Comment noted. The shallow groundwater system was not identified a principal aquifer as defined under SGMA. Quoted directly, 23 CCR § 351(aa) reads "'Principal aquifers' refer to aquifers or aquifer systems that store, transmit, and yield significant or economic quantities of groundwater to wells, springs, or surface water systems." Based on the analysis performed in the GSP, the shallow groundwater system was not considered to meet the definition of a principal aquifer: "that store, transmit, and yield significant or economic quantities of groundwater to wells, springs, or surface water systems." This discussion is included in Section 2.2.1.9.*

Section 2.2.2.1.3 provides a description of groundwater conditions in the shallow aquifer and in the principal aquifer. The presence of clays in the subsurface is the driver for the use of land for rice cultivation and also limits the percolation of water into the deeper subsurface. These clays allow some level of percolation, as shown through groundwater modeling and the water budget analysis. However, the recharge from applied water and natural sources occur in volumes that result in stable groundwater levels or muted summer declines in groundwater levels in shallower monitoring wells.

The management presented does not "de facto dismiss "oversight of shallow groundwater. The shallow groundwater is not used for water supply purposes. Management of the shallow groundwater system is best performed through improved understanding of the shallow system (included in the GSP as additional monitoring) and monitoring and management of what can be

managed under SGMA - the deeper aquifer (Appendix D: Responses to Public Comments, PDF page 396)

Department Response: *The above comment remains relevant for several reasons: 1) shallow groundwater supply may be developed for consumptive use in the future; 2) shallow groundwater elevations demonstrate trends that correlate with deeper groundwater pumping patterns and accordingly may be hydrologically connected; 3) shallow groundwater may store, transmit, or yield volumes of water significant to surface water systems critical to environmental beneficial users of groundwater, and therefore may be considered a principal aquifer; and 4) interconnected surface waters and other GDEs rely on shallow groundwater. The Department supports expanded monitoring of shallow groundwater to understand how pumping in the principal aquifer impacts shallow groundwater and interconnected surface water.*

2. **Comment #2 Groundwater Dependent Ecosystems** (Basin Setting, 2.2.2.7 Groundwater Dependent Ecosystems, starting page 2-140): GDE identification, required by 23 CCR § 354.16(g), is based on methods that risk exclusion of ecosystems that may depend on groundwater.
    a. *Issue*: Methods applied to the Natural Communities Commonly Associated with Groundwater (NCCAG) dataset to eliminate potential GDEs may exclude ecosystems that rely on groundwater during specific seasons, water years, or life stages. The litmus test question proffered by the GSP to determine the validity of a potential GDE in the NCCAG – 'would the ecosystem not exist if groundwater levels were deeper?' (page 2-140) – assumes a false dichotomy between both ecosystem existence and non-existence, as well surface water-dependence and groundwater dependence. Groundwater dependent vegetation or interconnected surface waters may be able to sustain existence/flow during temporary, or even extended, groundwater elevation reductions (Naumburg et al., 2005), and these GDEs may oscillate between surface water reliance and groundwater reliance. In short, GDEs may be opportunistic, and the GSP assessment of GDEs is based on overly simplistic determination criteria that do not account for GDE adaptability.
    b. *Recommendations*: The Department recommends the GSP include potential GDEs until there is evidence that the overlying ecosystem has no significant dependence on groundwater across seasons and water year types. The Department advises that riparian GDE beneficial users of groundwater and surface water are also carefully considered in the analysis of undesirable results and minimum thresholds for depletions of interconnected surface waters (see Comment #4).

GSA Response to Comments: *Added text noting that the depth to water values that were compared to the 30' criteria were based on the minimum depth to water (shallowest conditions) over the August 2014 - September 2018 time period: "The comparison with the 30-foot criterion was made using the minimum depth to water measurement (shallowest measured conditions) over the period August 2014 to September 2018 for wells with a total depth of than 100 feet."*

This is considered to be a representative period, as it includes the very wet winter of 2016-2017. By including wet conditions, the shallowest-measured conditions criteria will be able to address the adaptability of GDEs mentioned in the comment.

Comment noted. Flows are maintained in the Yuba River year-round, in part to meet flow requirements at the Marysville gage. Additionally, irrigation occurs throughout the growing season as a necessity of farming. These sources provide water for nearby ecosystems. Further, no potential GDEs were removed during the analysis. DWR provides guidance on use of the NCCAG dataset in GSP development, stating that "[t]he Natural Communities dataset is provided by DWR as a reference dataset and potential starting point for the identification of GDEs in groundwater basins. The Natural Communities dataset and its source data can be reviewed by GSAs, stakeholders, and their consultants using local information and experience related to the validity of mapped features and understanding of local surface water hydrology, groundwater conditions, and geology..."

This DWR guidance resulted in the methodology used for this GSP which was to identify likely GDEs in the subbasin by combining the NCCAG database with additional local data and knowledge. The database was a starting point to identify areas dependent on groundwater. Areas identified in the NCCAG dataset were further analyzed to assess the features as discussed in the GSP. Continued work to refine this process is discussed in the projects and management actions section (Appendix D: Responses to Public Comments, PDF page 397-398).

Department Response: *The Department revised the above comment and supports on-going GDE evaluation efforts (pages 5-7, 5-8).*

3. **Comment #3 Monitoring Networks** (Monitoring Networks, 3.2 Monitoring Networks, starting page 3-1): Number and distribution of shallow groundwater monitoring wells are insufficient for analysis of impacts to interconnected surface water and GDEs.
    a. *Issue*: Existing shallow groundwater monitoring wells may not be sufficient to characterize surface water-groundwater interactions along the course of

the main waterways in the Yuba Subbasins or to monitor impacts to environmental beneficial uses and users of groundwater and interconnected surface waters [23 CCR § 354.34(2)]. Few shallow monitoring wells are located along interconnected surface waters or concentrations of potential GDEs; and therefore, there are few data points on shallow groundwater level trends as they related to environmental users of groundwater. These data are critical to understanding groundwater management impacts on fish and wildlife beneficial uses and users of groundwater, including GDEs and interconnected surface water habitats, which are impacted disproportionately by shallow groundwater trends.

b. *Recommendation*: Consistent with the GSPs acknowledgement of the need for additional shallow groundwater monitoring (page 4-8), the Department supports installing additional shallow groundwater monitoring wells near streamflow gages along interconnected surface waters and GDEs, potentially pairing multiple-completion wells with streamflow gauges for improved understanding of surface water-groundwater interconnectivity.

GSA Response to Comments: *Comment noted. CDFW is encouraged to continue to participate in implementation if there are priority areas for well installation activities described in Section 5 of the GSP, or if the GSP can benefit from monitoring activities that CDFW may perform on their lands (Appendix D: Responses to Public Comments, PDF page 398).*

Department Response: *The above comment remains relevant, and the Department appreciates the invitation to participate in GSP/monitoring implementation.*

4. **Comment #4 Sustainable Management Criteria** (Sustainable Management Criteria; 4.3.1, 4.4.1 Groundwater Levels and 4.3.6, 4.4.6 Depletions of Interconnected Surface Water; starting page 4-4): Groundwater level and interconnected surface water SMC may not protect against undesirable results for fish and wildlife beneficial uses and users of groundwater and interconnected surface waters.
   a. *Issues*:
      i. Proxy Metric: The GSP does not provide evidence that a "significant correlation exists between groundwater elevations" and Depletions of Interconnected Surface Water [23 CCR § 354.36(b)(1)]. Conversely, the GSP identifies shallow groundwater as a primary influence on interconnected surface waters and

suggests there is limited hydraulic connectivity between the shallow groundwater and the deeper 'principal aquifer' (page 4-8), but then uses deep groundwater elevations from the 'principal aquifer' as a proxy metric for surface water depletions (page 4-8). The GSP justifies the proxy metric by modeling minimum threshold pumping impacts on the Yuba, Feather, and Bear Rivers and concluding that simulated depletions associated with the increased pumping would not be significant and unreasonable (page 4-10). These modeling efforts are presumably not based on robust shallow groundwater data (see Comment #3), therefore the estimated surface water depletion results are subject to uncertainty. If shallow groundwater monitoring data is limited and a significant correlation is lacking between principal groundwater elevations and depletions of interconnected surface water, then groundwater elevations used as a proxy for surface water depletions may misinform groundwater management activities and poorly predict instream habitat conditions for fish and wildlife species. Accordingly, the application of groundwater level sustainable management criteria to depletions of interconnected surface water is inappropriate, as it is not grounded in a quantifiable and site-specific understanding of surface water-groundwater connectivity as required by 23 CCR § 354.28 (c)(6)(A).

ii. Undesirable Results**:** Besides mentioning potential adverse impacts on GDEs under 'potential effects of undesirable results' (page 4-7), groundwater level minimum thresholds, exceedances of which indicate undesirable results, are applied to the identification of undesirable results for the depletions of interconnected surface water without a reasonable justification (see 'Proxy Metric' comment above). Specifically, for the Yuba, Feather and Bear Rivers, undesirable results are defined by modeling analysis outputs that "indicated that the groundwater level sustainability indicator would prevent additional depletions" (page 4-10). The modeled additional depletions are then compared to total annual flow in these river systems. This coarse annual evaluation does not consider how groundwater contributions may benefit river base flows and groundwater-dependent riparian communities during dry years, or during seasonal summer low-flow months. Furthermore, given that "minimum thresholds for chronic declines of groundwater levels are considered sufficiently protective" (page 4-10) for the

larger rivers in the GSP, it is not an appropriate assumption that the smaller streams in the subbasins would "experience similar responses to hypothetically lower groundwater conditions" (page 4-9). These smaller streams generally have no upstream reservoir that stores seasonal water, and therefore no Federal Energy Regulatory Commission-required instream base flows. In these streams, depleted shallow groundwater conditions could reduce base flows or extend the duration of dry periods, causing an undesirable result for fish and wildlife beneficial users.

iii. Minimum Thresholds: Minimum thresholds for groundwater levels, and by proxy, for depletions of interconnected surface water, are not likely to prevent undesirable results for environmental beneficial uses and users of groundwater and interconnected surface water. For representative monitoring sites, minimum thresholds allow for a decrease of groundwater elevation from historic lows to groundwater elevations of 75 feet below-ground-surface, or deeper (page 4-21). According to Table 4-1, representative monitoring sites that have historically demonstrated shallow groundwater accessible to GDEs and interconnected surface waters, could demonstrate a 70+ foot drop in groundwater elevations before undesirable results are experienced (page 4-21). Under these minimum thresholds, the Department expects that fish and wildlife beneficial uses and users of groundwater and interconnected surface water that rely on shallow groundwater could lose access to shallow water supplies and experience significant and unreasonable impacts far before the proposed minimum thresholds are reached.

b. *Recommendation*:

i. Proxy Metrics: To justify use of groundwater elevations as a proxy metric for depletions of interconnected surface water, the GSP should specify how groundwater elevations from the 'principal aquifer' are significantly correlated to surface water depletions. If there is no significant correlation, the GSP recommends that the GSA determine an expeditious path to gathering additional shallow groundwater data and establishing SMC for interconnected surface waters based on the rate or volume of surface water depletions caused by groundwater use, per 23 CCR § 354.28(c)(6).

ii. Undesirable Results**:** The Department recommends the GSP specify groundwater level 'undesirable results' and 'effects of undesirable results' for environmental beneficial users of

groundwater and interconnected surface water identified in Appendix C. The Department also recommends analyzing interconnected surface water 'undesirable results' by either looking at seasonal accretion/depletions along the full stream courses or using comparisons of near-surface groundwater gradients throughout the length of the river. A more robust shallow groundwater monitoring well network (See Comment #3) will help the GSAs determine more clearly how changes in shallow groundwater may affect interconnected surface waters. Additionally, the seasonal and interannual impacts of surface water depletions should be separately analyzed for small, unmanaged streams.

iii. Minimum Thresholds: The Department recommends the GSP reconsider minimum thresholds at representative monitoring sites with historically shallow groundwater, accounting for the effects of undesirable results on fish and wildlife beneficial uses and users of groundwater and interconnected surface water.

GSA Response to Comments: *Modified text in Section 4.3.6.4 to further explain the correlation between depletions of interconnected surface water and groundwater levels in the principal aquifer.*

Comment noted. The analysis of undesirable results for depletions of interconnected surface water was performed using the best available science. Data are not available for the requested analyses, which would require comprehensive data on every stream in the Yuba Subbasins and is not practical. Data of this nature is not available for the vast majority of rivers and streams in the state. Additional shallow groundwater monitoring facilities are a noted data gap and practical additions are included in the projects and management actions section of the GSP.

Section 2.2.2.1.3 provides a description of groundwater conditions in the shallow aquifer and in the principal aquifer. The presence of clays in the subsurface is the driver for the use of land for rice cultivation and also limits the percolation of water into the deeper subsurface. These clays allow some level of percolation, as shown through groundwater modeling and the water budget analysis. However, the recharge from applied water and natural sources occurs in volumes that result in stable groundwater levels or muted summer declines in groundwater levels in shallower monitoring wells.

Groundwater levels associated with minimum thresholds are based on the best available science and are considered protective of fish and wildlife beneficial users and users of groundwater and interconnected surface water

based on the analysis contained in the GSP. Specifically, this is based on the presence of abundant natural and applied surface water recharge combined with the presence of shallow clays that limit deep percolation of groundwater.

It is noted that the Yuba Basins have not operated at these levels historically and the functioning of the basin cannot be fully understood at this time. The adaptive management strategy and the plan for annual reporting and 5-year evaluations allow for further refinement of the GSP to incorporate new knowledge and understanding of the Yuba Subbasins. Additional monitoring wells are proposed under Section 5 to improve the understanding of shallow groundwater (Appendix D: Responses to Public Comments, PDF page 399-401).

Department Response: *The above comment remains relevant.*

CONCLUSION

In conclusion, the Department appreciates that the Final Yuba Subbasins GSP addressed many of the Department's original comments, but the Department remains concerned for the GSP's consideration of environmental beneficial uses and users of groundwater, including fish and wildlife and their habitats: GDEs and ISW.

The Department appreciates the opportunity to provide comments on the Final Yuba Subbasins GSP. If you have any further questions, please contact Briana Seapy, Senior Environmental Scientist, Supervisor, by email at Briana.Seapy@wildlife.ca.gov or at (916) 508-3345.

Sincerely,

DocuSigned by:
Kevin Thomas
A2A0A9C574C3445...

Kevin Thomas
Regional Manager, North Central Region

ec: Joshua Grover, Joshua.Grover@wildlife.ca.gov
Robert Holmes, Robert.Holmes@wildlife.ca.gov
Jeff Drongesen, Jeff.Drongesen@wildlife.ca.gov
Briana Seapy, Briana.Seapy@wildlife.ca.gov
California Department of Fish and Wildlife

Bryce Russell, Bryce.Russell@water.ca.gov
California Department of Water Resources

Conserving California's Wildlife Since 1870

JoAnna Lessard, Joanna.Lessard@fishsciences.net
Scott Matyac, smatyac@yubawater.org
Groundwater Sustainability Agencies

Rick Rogers, Rick.Rogers@noaa.gov
Erin Strange, Erin.Strange@noaa.gov
National Marine Fisheries Service

Natalie Stork, Natalie.Stork@waterboards.ca.gov
State Water Resources Control Board

Ashley Overhouse, ashley@yubariver.org
South Yuba River Citizens League

Literature Cited

Naumburg E, Mata-Gonzalez R, Hunter R.G., McLendon T, Martin D.W. 2005. "*Phreatophytic vegetation and groundwater fluctuations: a review of current research and application of ecosystem response modeling with an emphasis on great basin vegetation*". Environmental Management. 35(6):726-40.

Response A2-1
The comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft SEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Response A2-2
The comment summarizes the project description from the Draft SEIR and does not otherwise address the content, analysis, or conclusions in the Draft SEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Response A2-3
The comment provides a summary of detailed comments provided below. See responses to the detailed comments below.

Response A2-4
The comment states that the SEIR should include additional discussion of the potential impacts to salmonids, including Central Valley spring-run Chinook salmon (*Oncorhyncus tshawytscha*), and other aquatic species that may result from flow fluctuations caused by the Proposed Extension. The comment further states that the SEIR should identify the likely timing of transfer releases in relation to aquatic species' life stages, and as needed, refer to specific operational model runs to illustrate the range of potential flow fluctuations and associated impacts. Lastly, the comment states that if transfers are likely to occur during September through November, the SEIR should identify specific actions that will be taken to avoid redd dewatering or scouring below Englebright Dam, including early notification of planned transfer operations, pre-transfer monitoring, post-transfer monitoring, and protective ramping rates.

The comment regarding potential impacts of water transfer timing on aquatic species reflects a misunderstanding of how Yuba Accord transfer water is generated and released from Yuba Water's facilities. The comment assumes that Yuba Accord transfer water is released as a single block of water specifically for transfer purposes and could be released in this manner during periods in which potential impacts on aquatic species, including Central Valley spring-run Chinook salmon, could occur. As described here and discussed in more detail below, however, Yuba Accord transfer water is generated and released in the following three different ways, none of which have the potential to adversely affect spring-run Chinook salmon during spawning and incubation:

1. Releases from New Bullards Bar Reservoir to meet year-round minimum streamflows under the Yuba Accord Fisheries Agreement, to which the California Department of Fish and Wildlife (CDFW) is a signatory and which the State Water Resources Control Board (SWRCB) incorporated into Yuba Water's consumptive water-right permits in Corrected Order WR 2008-0014. Those minimum streamflow requirements include terms for flows at both the Marysville gage, which represents the Yuba River's mouth, and the upstream Smartsville gage. The potentially transferable water is the increment of flow by which the current minimum streamflows exceed pre-Accord minimum streamflows (which were "Interim" streamflows established by the SWRCB in its Revised Water-Right Decision 1644 (RD-1644) in 2003). This component of Yuba Accord transfer water is by far the largest component.
2. Releases from New Bullards Bar Reservoir primarily in July and August of each year to enable Yuba Water to reduce the reservoir's end-of-September storage to its annual target of 650,000 acre-feet (af) to make space for potential flood flows in the following wet season, consistent with Yuba Water's statutory flood-control mission.[1]
3. In some years, farmers within Yuba Water's member units pump groundwater in lieu of receiving available surface-water supplies from Yuba Water and apply that groundwater for agricultural irrigation. Yuba Water then coordinates transfer of the resulting increment of surface water in New Bullards Bar Reservoir to water users downstream of the Yuba River. Yuba Water releases this water only in July and August and only under strict scheduling rules that are reviewed and approved by the Yuba Accord River Management Team, of which CDFW is a member.

While the comment assumes that Yuba Water releases Yuba Accord transfer water via releases of specific blocks of "transfer water," only category #3 groundwater-substitution transfers potentially involve transfer-specific releases. By

[1] In 1959, the Legislature enacted a special act to create Yuba Water to address the "water problems in the County of Yuba [including] countywide water conservation, flood control and development of water resources…." (Cal. Stats. 1959, ch. 788, p. 2798, § 26.)

contrast, the Yuba Accord transfers in categories #1 and #2 involve water released for Yuba Water operations that would occur with or without transfers to water users downstream of the Yuba River, with the transfers occurring or not occurring depending on independent conditions and operations in those downstream areas. Transfers in categories #1 and #2, therefore, result largely from downstream accounting of water supplies and not from transfer-specific operations as the comment assumes.

As described in the 2007 EIR, Yuba Water accounts for water released in categories #1 and #2 as potentially transferable year-round and the 2007 EIR analyzed it that way. The 2007 EIR, therefore, analyzed the export of Yuba Accord transfer water from the Delta for environmental impacts as a year-round operation. Based on analysis for the 2007 EIR, to avoid fishery impacts, the export of Accord transfer water is restricted in the month of June.

The Delta "transfer window" that the comment references took effect only as a restriction on CVP/SWP in-Delta operations in 2009, with the issuance of biological opinions for the CVP/SWP by the US Fish and Wildlife Service in 2008 and the National Marine Fisheries Service in 2009. Based on those biological opinions, DWR—the buyer of Yuba Accord transfer water under the Water Purchase Agreement—decided to limit export of that transfer water to the July-September window, even though Accord transfer water was analyzed as a year-round operation. DWR's decision, however, does not change Yuba Water's operations that generate Yuba Accord transfer water in categories #1 and #2 because, notwithstanding DWR's decision, Yuba Water still complies with its minimum streamflow requirements and its statutory flood-control mission year-round.

Consistent with these key facts, the following discussion describes why Yuba Water makes essentially no discretionary releases for transfer during the September to November period identified by the comment, other than small amounts of water released to maintain stable flows in this period to benefit fish. Through the above-referenced transfer accounting based on downstream conditions and operations, a minor portion of this water may be accounted as transfer water.

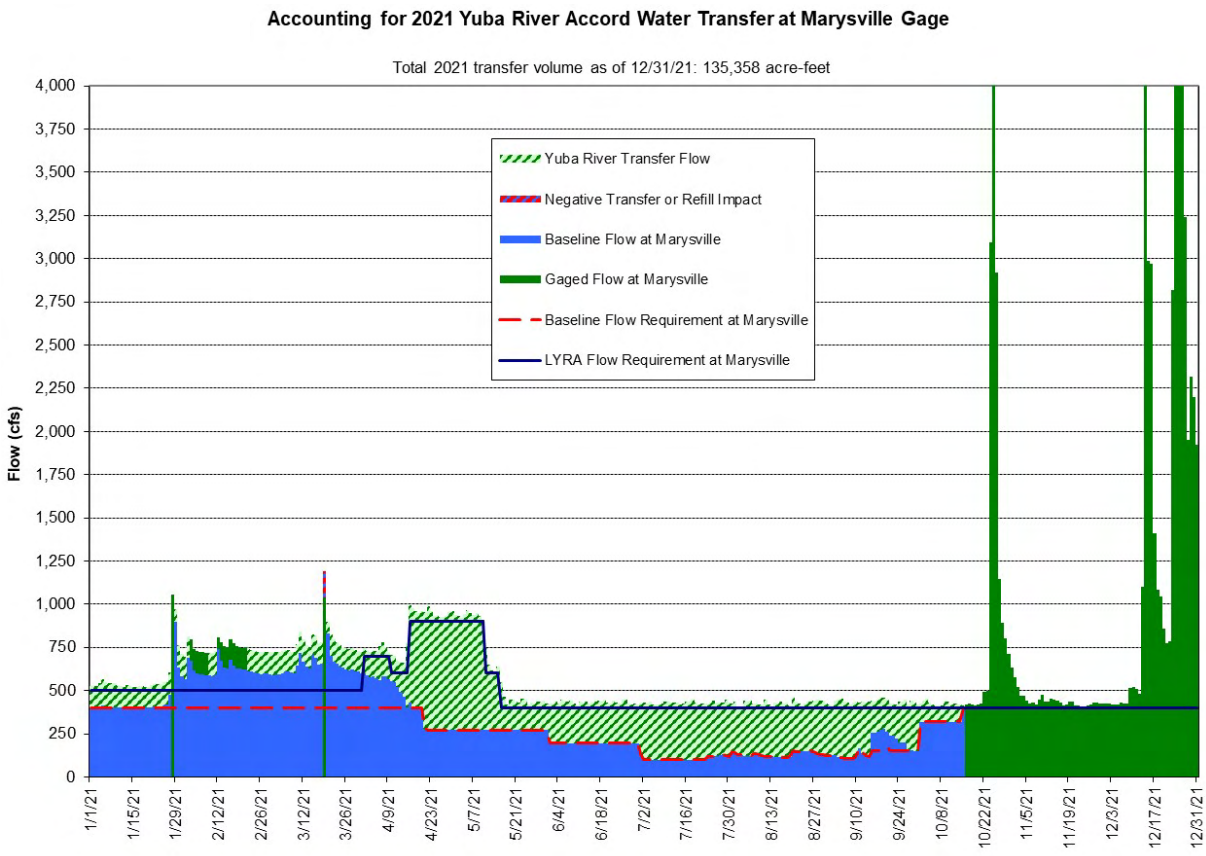
Overview of the Accord Transfer

As discussed above, with category #1 of Yuba Accord transfers, Yuba Water does not have discretion in releasing these flows because the minimum streamflow requirements in Yuba Water's consumptive water-right permits require them. For category #2, releases of stored water are made in the months of July and August with only a small portion of stored water that is occasionally accounted for transfer being released in September and then only to provide stable flows for fishery benefit. The reasons for releasing this type of transfer water in July and August are because this is the time with the greatest chance of DWR being able to export the water and because, if any significant amount is released after September 1, flow fluctuation requirements in Yuba Water's Federal Energy Regulatory Commission (FERC) license severely restrict lower flows after any transfer release. For category # 3, groundwater substitution transfer water is only released in July and August and is subject to strict scheduling rules which are reviewed and approved by the Accord River Management Team, of which CDFW is a participant. For the same reasons as #2, groundwater substitution transfer releases are made in July and August (with some water released in May or June to comply with Yuba Accord Fishery Agreement requirements) to ensure export of the water.

As an example of how category #1 of the Yuba Accord transfers work, Figure 2-1 displays how Yuba Water operations generated that category of water in 2021 and reflects data taken directly from the transfer accounting data sheet for that year. Figure 2-1 shows the required Accord minimum streamflows under Yuba Water's consumptive water-right permits as a blue line. The red dashed line reflects the pre-Accord Interim minimum streamflow requirements in SWRCB's RD-1644. The flows required to meet pre-Accord Interim requirements are depicted as a solid blue area. Flows in excess of the pre-Accord requirements (depicted as a green hatched area) are available for transfer.

In late January through April, the solid blue baseline flow is higher than the red dashed line of the pre-Accord required streamflows, and the green hatched transfer flow area is higher than the solid blue line of the Accord minimum flow requirement. That is because Yuba Water is also operating to the Smartsville gage flow requirement, which is higher than the Marysville gage flow requirement under both the Yuba Accord and RD-1644 during that time.

In the September-October period with which the comment is concerned, Figure 2-1 shows that Yuba Water is releasing transferable water (the green hatched area), but only because it is releasing flow to meet the Accord minimum streamflow requirements, which CDFW biologists helped to develop.



Source: Data provided by Stephen Grinnell in 2024.

Figure 2-1 Plot of 2021 Transfer Accounting Taken from the Yuba Water-DWR Accounting Spreadsheet Used for 2021

The comment also does not account for the flow-fluctuation requirements that apply to all Yuba Water operations through the Federal Power Act (FPA) license for the Yuba River Development Project (YRDP) issued by FERC and through Yuba Water's consumptive water-right permits. In 2005, Yuba Water sought and received from FERC an amendment to the YRDP's FPA license to authorize Yuba Water to construct and operate a Full Flow Bypass at the YRDP's Narrows 2 Powerhouse. That bypass's purpose is to minimize sudden reductions in Yuba River flows, and therefore potential effects on salmonids in the lower Yuba River, from "trips" in Narrows 2 operations during which that powerhouse must cease generating electricity for operational safety.[2] In the license amendment authorizing the Full Flow Bypass, FERC included new license terms that adopted more stringent limits on flow fluctuations downstream of Narrows 2 for the protection of fish in the lower Yuba River. In all operations, including releases for Yuba Accord transfers, Yuba Water complies with those flow-fluctuation limits. As amended by RD-1644, Yuba Water's consumptive water-right permits contain similar terms. These FPA license and water-right terms limit project-driven flow fluctuations from September through March of the following year and therefore indicate that the sort of transfer-related fluctuations described by the comment will not occur.

In summary, the timing of Yuba Accord water transfers does not have the potential to adversely impact spring run chinook salmon during spawning and incubation. For transfers in category #1, Yuba Water releases that transfer water

[2] Historically, these "trips" have occurred primarily when transmission lines that carry electricity generated at Narrows 2 suddenly cease operating, such as when birds fly into those lines. In such circumstances, Narrows 2 must stop generating because the electricity it otherwise would generate would have nowhere to go and major problems could occur at that powerhouse.

year-round to meet minimum flow requirements and operational needs and does not make discrete releases for transfers. For transfers under category #2 and #3 (operation to the 650,000 af target and groundwater-substitution transfers), Yuba Water releases that water primarily in July and August, outside of the sensitive September-October period identified by the comment. The only Yuba Accord transfer water that Yuba Water releases in September and October is water necessary to meet minimum streamflow requirements or small portions of flow that are used to provide stable flows for fishery benefit. In addition, the flow-fluctuation requirements that apply to all of Yuba Water's operations of the YRDP protect fish in the lower Yuba River.

Response A2-5

The comment states that the SEIR should incorporate information from the most recent survey(s) of groundwater dependent ecosystems (GDEs) in the groundwater extraction area to determine the locations of concern and their species assemblages. The comment further states that if additional surveys have not yet occurred, the SEIR should include available supplemental information that identifies other known or suspected GDEs in the project area. Additionally, comment states that the SEIR should characterize groundwater monitoring that will actively monitor groundwater depths in the areas of concern and adapt groundwater pumping to avoid negatively affecting these ecosystems during groundwater transfer periods.

The comment regarding potential impacts on GDEs reflects an incomplete understanding of: (1) the hydrogeology of the Yuba Subbasins from which groundwater-substitution pumping under the Yuba Accord occurs; and (2) the primary sources of recharge to the aquifers in those Subbasins that may interact with GDEs. As explained in more detail below, in the Yuba Subbasins, there are essentially two aquifers that are separated by relatively impermeable shallow clays and hardpans. GDEs interact with groundwater in the shallow aquifer above those shallow clays and hardpans and that shallow aquifer largely is recharged by water applied to irrigated fields. In contrast, groundwater-substitution pumping under the Yuba Accord is from the principal aquifer below the shallow clays and hardpans, such that pumping has little to no effect on the shallow aquifer on which GDEs may depend. That groundwater-substitution pumping, therefore, will not result in potentially significant adverse impacts on GDEs in the Yuba Subbasins. Moreover, by supporting continued agricultural irrigation at levels similar, if not identical, to the levels that would occur without groundwater-substitution pumping, that pumping actually will support GDEs by maintaining a similar degree of shallow aquifer recharge from irrigation water.

As explained in Yuba Water's groundwater sustainability plan (GSP) approved by DWR, GDEs in the Yuba Subbasins depend on a shallow aquifer that is primarily recharged through percolation from agricultural irrigation and that is substantially separated from the deeper principal aquifer, where pumping occurs, by shallow clays and hardpans. (GSP Section 2.2.19 [p. 2-70].) The existence of the shallow clays and hardpans that cause the shallow aquifer to exist also are the primary reason for the prevalence of rice farming in the region. The shallow clays and hardpans prevent most water from seeping deeper into the subsurface. This creates a perfect environment for ponding water and growing rice, and also creates a shallow aquifer that supports GDEs through recharge from irrigation water while limiting the impacts of pumping deeper in the subsurface.

The Nature of the Subsurface Limits the Impacts of Pumping in the Principal Aquifer on Groundwater Levels in the Shallow Aquifer

As the GSP explains in more detail, groundwater pumping occurs in the Yuba Subbasins within the principal aquifer, at depths below shallow clays and hardpans. (GSP Section 2.2.1.9 [p. 2-70].) Shallower wells, screened above the shallow clays and hardpans, are not feasible due to Yuba County's sanitary seal requirements and due to difficulty obtaining a viable quantity and reliability of water supply for beneficial uses. (GSP Section 2.2.1.9 [page 2-70]; Yuba County Code of Ordinances Section 7.03.040; DWR, Bulletin 74-81, Part II Section 9.) However, largely through recharge by irrigated agriculture, there is groundwater present above the shallow clays and hardpans (i.e., the shallow aquifer), which is often accessed by GDEs. (GSP Section 2.2.2.7 [pp. 2-142 – 2-143].)

Pumping in the Yuba Subbasins, like any groundwater pumping, lowers groundwater levels in the nearby area. In the Yuba Subbasins, however, pumping that occurs in the principal aquifer lowers groundwater levels in the principal aquifer and does not significantly lower levels in the shallow aquifer because the shallow clays and hardpans significantly limit hydraulic interaction between that principal aquifer and the shallow aquifer that may interact with

GDEs. Absent the shallow clays and hardpans, drawing down groundwater levels in the principal aquifer could result in greater flow from the shallow aquifer to the principal aquifer. However, the very low permeability of the clays and hardpans separating the two aquifers greatly inhibits any such flow, which means that pumping from the principal aquifer does not significantly draw on the shallow aquifer—and does not significantly draw water away from any GDEs—despite the resulting lowered groundwater levels in the principal aquifer.

Instead, over time, the lowered groundwater levels in the principal aquifer can extend laterally—rather than vertically into the shallow aquifer—towards the major rivers, the Yuba and Feather, and also towards the Bear River and Honcut Creek. The beds and banks of these larger rivers and creeks typically have less clay in the subsurface, as shown through soils data, well boring logs, and Airborne Electromagnetic (AEM) data. (GSP Section 2.2.1.10.2 [pp. 2-79 – 2-82]; DWR, 2023, California Airborne Electromagnetic Surveys for the Solano, South American, North American, Yolo, Sutter, South Yuba, and North Yuba Groundwater Subbasins. Appendix 6.)[3] The areas in the Yuba Subbasins along these larger rivers and streams can have coarser soils due to the geologic history of sediment deposition as those major rivers and creeks migrated over geologic time.

With less clay in the subsurface, these larger rivers and streams connect more to both the shallow aquifer and the principal aquifer. The potential effects on major streams are discussed in the Draft SEIR and are further discussed in response to comment A2-6, below.

In addition, Yuba Water's and DWR's certification process for new wells to enter the Yuba Accord groundwater-substitution transfer program helps to ensure that aspect of the Accord does not adversely affect GDEs (Yuba Water 2008). The certification process has special requirements for wells within two miles of the Yuba, Feather, and Bear Rivers, and even more restrictive requirements for wells within one mile (Yuba Water 2008). These requirements require deeper screen intervals and/or evidence of the presence of thicker clays in the upper subsurface. Because these certification requirements address the areas where wells involved in the Yuba Accord groundwater-substitution transfers could have potential impacts on surface rivers and streams due to the relative lack of shallow clays and hardpans in the upper subsurface, these requirements add protections for GDEs to that aspect of the Yuba Accord.

GDEs are Supported by Recharge from Applied Irrigation Water that Occurs Regardless of Groundwater Substitution Transfers

In addition to the nature of the subsurface, the physical mechanisms by which the shallow aquifer in the Yuba Subbasins is recharged are important in understanding GDEs' relationship to groundwater pumping in these Subbasins. The primary land use in these Subbasins is irrigated agriculture (GSP Section 2.1.3), with areas participating in groundwater-substitution transfers otherwise irrigating with large volumes of surface water that originate in Yuba Water's operation of the YRDP. The shallow aquifer is primarily recharged by surface water applied to irrigate agricultural crops, along with precipitation. (GSP Section 2.2.3.4, Tables 2-14 and 2-16.) The groundwater substitution program does not change the volume of water applied and precipitation continues to recharge in the same volume; therefore, recharge to the shallow aquifer would not significantly change under the Proposed Extension.

Conclusion

The groundwater-substitution program does not change the volume of applied irrigation water that recharges the shallow aquifer that interacts with GDEs in the Yuba Subbasins. Because that applied water is the primary source of recharge to the shallow aquifer, the groundwater-substitution transfer program will not affect the recharge that supports GDEs in the Subbasins. In addition, the shallow clays and hardpans that separate the shallow aquifer from the principal aquifer significantly limit any vertical movement of water from the shallow aquifer to the principal aquifer as a result of the groundwater-substitution pumping. With continued substantial recharge to the shallow aquifer resulting from continued irrigation—including irrigation with groundwater pumped from the principal aquifer as part of the groundwater-substitution program—and with minimal loss of water from the shallow aquifer to the principal aquifer, the groundwater substitution transfer program will not have a significant impact on GDEs in the Yuba Subbasins.

[3] The main text associated with the AEM is available at https://data.cnra.ca.gov/dataset/aem/resource/a88d98c3-c304-4309-ab18-271bbb74aa4c. The appendix information is available at https://data.cnra.ca.gov/dataset/aem/resource/348ff9b3-0974-485a-9d9d-13b025cb6825 and https://data.cnra.ca.gov/dataset/aem/resource/fcc8749a-a1d0-41c7-864c-d807d26f5b11.

Response A2-6

The comment states that Yuba Water should monitor instream habitat conditions, with increased frequency during identified periods of ecosystem vulnerability. The comment further states that the SEIR should identify ecologically relevant streamflow thresholds, and pumping operations of near-stream wells should undergo adaptive management before flows approach these thresholds, and that the SEIR should further evaluate the relationship between groundwater levels and tributary streamflow.

The comment does not identify any potentially significant impacts from seasonal variations in streamflow depletion, or streamflow depletion more generally, that could result from the Proposed Extension. To assess whether the Proposed Extension could cause significant environmental impacts through streamflow depletion, Yuba Water has conducted updated groundwater modeling using the Yuba Groundwater Model (YGM) that Yuba Water used to prepare the December 2019 GSP that DWR has approved under the Sustainable Groundwater Management Act (SGMA). Yuba Water compared the model's results against the 2007 EIR's criteria for identifying the Yuba Accord's potentially significant environmental impacts due to streamflow depletions. As discussed in more detail below, the updated YGM results demonstrate that the Proposed Extension would not generate any streamflow depletions that require further analysis to determine whether they would result in any potential significant environmental impacts.

The Draft SEIR employs the same criteria as the 2007 EIR for assessing the significance of streamflow changes that could result from implementation of the Yuba Accord. Specifically, those criteria are: a one percent or greater change in flow to identify a "measurable" difference; and a ten percent or greater change as triggering further analysis of the physical effect on environmental resources. (2007 EIR, Chapter 10, Section 10.2.1.2). The 2007 EIR used these analytical criteria based on numerous published sources cited in the 2007 EIR's relevant discussion. That analysis did not identify streamflow depletion from the planned Yuba Accord groundwater substitution transfers exceeding the 10 percent threshold for further environmental analysis.

In preparation for this SEIR, Yuba Water employed the YGM that it used in preparing the approved GSP following SGMA's enactment in 2014. Yuba Water conducted this analysis for this SEIR to assess whether any new information, or new analytical tools, would indicate an impact resulting from streamflow depletion that the 2007 EIR did not identify.

As discussed below, this updated analysis did not indicate that continuation of Yuba Accord groundwater-substitution transfers, or other Yuba Accord operations, could cause environmental impacts through streamflow depletion that the 2007 EIR did not identify.

Analysis of Stream Depletion Effects on the Aquatic Environment – Results

A simulation of historical groundwater substitution transfer pumping volume and timing for the period of 1990 to 2021 was conducted using the YGM to examine streamflow depletion effects from pumping groundwater as part of a Yuba Accord transfer. The YGM simulation results of streamflow depletion, when calculated as percentage of streamflow for the Feather and Yuba Rivers, show small percentages of streamflow reduction, even in the most affected low flow summer months just after significant pumping has occurred. Specifically, these results indicate that the comment's concern—that streamflow depletion could cause significant impacts in low flow periods that might not be significant in higher flow periods—is not supported by the applicable technical analysis.

As indicated in Tables 2-2 and 2-3, Yuba Water's YGM modeling indicates that the Yuba Accord's streamflow depletion effects are seen more rapidly in the Yuba River than in the Feather River after groundwater-substitution pumping begins. In the Yuba River, the peak stream depletion rate, although small compared to river flow, occurs in the late summer and early fall of a year with a groundwater substitution transfer.

Table 2-2 lists the results for average stream depletion rates as a percentage of streamflow by month for stream segments on the Yuba River and Feather River from the YGM simulation of historical groundwater substitution transfer pumping volume and timing. The table shows that average monthly streamflow depletion rates are a small percentage of streamflow in and around the Yuba Subbasins, with the largest average percentages less than 1 percent. The table also demonstrates that on average, streamflow depletion does not exhibit large variation across seasons or month to month. Over a multi-year period, streamflow depletions from the Yuba Accord's implementation, therefore, would be minimal.

Table 2-3 lists the YGM simulation results for maximum stream depletion rates as a percentage of streamflow by month for stream segments on the Yuba River and Feather River. No stream depletion rate percentage exceeds the threshold of 10 percent for further environmental analysis, with the maximum rate of 7.2 percent occurring on the Yuba River in September. For the rate of 7.2 percent occurring in September, examination of the full simulation period of transfers from 1990 to 2021 showed that, in September of 2002, the percentage of streamflow depletion occurring was 6.5 percent in the Yuba River below Daguerre Point Dam to Marysville and 7.2 percent from Marysville to the mouth of the river. Other than in this single modeled month of September 2002 and the month prior, the greatest percentage flow reduction due to streamflow depletion in the Yuba River was 3.7 percent. Further examination of the occurrence of 7.2 percent reduction in the modeled September 2002 showed that, during this month, flows in the Yuba River were above the Yuba Accord minimum streamflow requirement. In other words, notwithstanding the modeled reduction of flow of 7.2 percent—2.8 percent below the threshold for further environmental analysis—resources dependent on Yuba River flows received the anticipated benefits for which flows stated in the Yuba Accord Fisheries Agreement were developed by Yuba Water, CDFW, and other signatories to that agreement. Moreover, if the 7.2 percent of modeled streamflow depletion in that month were to have caused streamflows to drop below the Yuba Accord minimum streamflow requirements, Yuba Water would still have released more water to comply with that minimum requirement to maintain compliance.

Thus, Yuba Water's application of the YGM model that it developed pursuant to SGMA after its certification of the 2007 EIR demonstrates that any streamflow depletion would not cause a significant impact on an environmental resource.

Table 2-2 YGM simulation results of Average Stream Depletion Rates as a Percentage of Streamflow by Month for Yuba River and Feather River Stream Segments

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Yuba River SMV to Daguerre	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Yuba River Below Daguerre to MRY	0.1%	0.1%	0.4%	0.4%	0.4%	0.4%	0.2%	0.1%	0.1%	0.2%	0.4%	0.4%
Yuba River Below Marysville Gage	0.6%	0.6%	0.8%	0.6%	0.6%	0.6%	0.4%	0.2%	0.3%	0.5%	0.7%	0.9%
Feather River Below Yuba	0.6%	0.6%	0.5%	0.5%	0.4%	0.4%	0.4%	0.3%	0.3%	0.3%	0.4%	0.5%
Feather River Above Yuba	0.2%	0.2%	0.3%	0.3%	0.3%	0.3%	0.3%	0.2%	0.1%	0.1%	0.1%	0.1%
Feather River Downstream of Bear	0.7%	0.8%	0.6%	0.6%	0.5%	0.5%	0.5%	0.4%	0.4%	0.4%	0.5%	0.6%

Source: Data provided by Woodward and Curran and Stephen Grinnell in 2024.

Table 2-3 YGM simulation results of Maximum Stream Depletion Rates as a Percentage of Streamflow by Month for Yuba River and Feather River Stream Segments

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Yuba River SMV to Daguerre	0.0%	0.0%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%
Yuba River Below Daguerre to MRY	0.4%	1.9%	1.3%	1.2%	2.1%	2.8%	1.3%	0.3%	0.7%	1.9%	3.3%	6.5%
Yuba River Below Marysville Gage	1.3%	2.5%	2.2%	2.0%	2.5%	2.9%	1.5%	1.1%	1.7%	2.2%	3.7%	7.2%
Feather River Below Yuba	1.8%	1.9%	1.3%	2.1%	1.7%	2.1%	1.6%	1.2%	0.9%	0.8%	1.2%	1.6%
Feather River Above Yuba	0.5%	0.7%	0.9%	1.1%	1.1%	1.2%	1.5%	1.4%	0.9%	0.4%	0.3%	0.4%
Feather River Downstream of Bear	2.0%	2.3%	1.6%	2.6%	2.1%	2.6%	2.0%	1.6%	1.1%	1.1%	1.6%	2.0%

Source: Data provided by Woodward and Curran and Stephen Grinnell in 2024.

Finally, the Proposed Extension and associated groundwater-substitution pumping would not cause streamflow depletion-based impacts in Honcut Creek or the Bear River. For Honcut Creek, the relevant reaches of this creek within the area where groundwater-substitution pumping would occur are used for irrigation water conveyance by Yuba Water member units during the irrigation season. Without these artificial streamflows, Honcut Creek would be dry during the irrigation season when groundwater-substitution pumping occurs. Irrigation water will continue to support Honcut Creek flows during the relevant time periods. The Bear River is used for water delivery from Camp Far West Reservoir to South Sutter Water District and Camp Far West Irrigation District. Minimum flow releases are made from the reservoir on a fixed pattern; however, flows in the Bear River fluctuate significantly in the irrigation season

due to irrigation drainage return flows. DWR conducted studies during groundwater substitution transfers which showed no detectable streamflow reduction. Also, a significant factor that reduces any stream depletion effects on the Bear River is the Wheatland Water District In-Lieu Recharge Project (WWD Project), which has been operating since 2010. Because of these factors, the evaluation criteria used to assess whether the Yuba Accord would cause streamflow depletions that require further analysis are not applied to Honcut Creek or the Bear River, but both streams are included in the depletion assessment of downstream water supply impacts because that assessment concerns the amount of transferable water that the Yuba Accord produces, not the Accord's environmental impacts.

Response A2-7

The comment states that no reduction in the SDF should occur as a result of the WWD Project operations unless a more robust analysis of the spatial and temporal benefits of recharge is conducted. The comment states that such an analysis should include an evaluation of projected recharge operations under a range of future climate change conditions influencing recharge water availability, and an evaluation of the zone of beneficial influence of recharge relative to the depletion of groundwater levels and streamflow in the greater zone of pumping. The comment further states that the analysis should also consider whether it is necessary for recharge to occur in close temporal proximity to the groundwater substitution pumping to mitigate the acute streamflow depletion.

The WWD Project was funded by the State of California. DWR administered the grant funds through a competitive selection process, which identified the WWD Project as producing several benefits through in-lieu groundwater recharge. Those benefits include improving groundwater levels and storage to, among other things, reduce streamflow depletion. As the Draft SEIR Appendix B describes through a detailed analysis, the WWD Project produces quantifiable benefits that, among other things, offset Yuba Accord-related streamflow depletion in individual tributaries. The simulations of the effects of the WWD Project include two separate analyses providing quantified beneficial effects of the project on streamflow. Figure 22 of Appendix B shows the monthly reductions (as negative values) in streamflow depletion, i.e. increases in streamflow, due to the WWD Project.

In addition, Draft SEIR Appendix B's plot in Figure 21 shows the results of a long-term simulation of the WWD Project's reduction in streamflow depletion on each affected tributary, by month, for the 70-year simulation period. The same YGM that Yuba Water used in preparing the approved GSP following SGMA's enactment in 2014 was used for this work. This information is used to establish the direct and quantifiable benefits of the WWD Project to streamflow, including by reducing streamflow depletion from groundwater pumping. Yuba Water is an active participant in the multi stakeholder advisory group referred to in the CDFW comment (the Sacramento Valley Streamflow Depletion Factor Management Group [SVSDFMG]) and that group has identified recharge projects as one of the important ways streamflow depletion can be mitigated.

Response A2-8

The comment states that any SDF adopted for the Proposed Extension should be subject to regular review and revision, given anticipated updates to the existing framework for developing SDFs for groundwater substitution transfers, the long-term nature of the Proposed Extension, and uncertainty surrounding future climatic and hydrologic conditions.

As stated above, Yuba Water is an active participant in the SVSDFMG and is providing input to this process, along with frequent technical discussions with DWR formulating an approach to developing an appropriate, scientifically supported SDF associated with groundwater pumping. As stated in Section 3.2, "Surface Water Supply and Management," in the Draft SEIR, DWR will be the final decision maker on applying an SDF to Yuba Accord groundwater substitution transfers for purposes of determining how much transferable water groundwater substitution pumping actually generates. As discussed above, this issue is one associated with the water-right aspects of such transfers, rather than their potential environmental impacts. For this purpose, should DWR determine periodic review and revision is warranted, then Yuba Water would cooperate with DWR and Reclamation in a process to examine streamflow depletion effects and potential revision to the SDF.

Response A2-9

The comment states that the SEIR should evaluate cumulative impacts to address the changed environmental baseline conditions related to trends in fisheries populations, instream flows, Delta outflows, and water quality. The comment further states that the SEIR should include specific metrics and modeling, to the extent available, to evaluate cumulative impacts to surface waters and aquatic resources.

As discussed in Section 4.3, "Analysis of Cumulative Impacts," of the Draft SEIR, the Proposed Extension would not result in significant impacts compared to the existing conditions (discussed in Section 3.2) and "the incremental contribution of the Proposed Extension would not result in cumulatively considerable impacts to surface water supply and management in the CVP/SWP Upstream of the Delta Region, the Delta Region, or the CVP/SWP Export Service Area, relative to the existing condition."

Because the baseline for analyzing impacts under CEQA is the existing conditions at the time of the Notice of Preparation (NOP) (January 2023), the environmental conditions at that time, which are described in the environmental setting for each resource area, are the basis of comparison and include all of the regulatory changes and environmental changes to baseline conditions that have occurred since the 2007 EIR was prepared. Because the Proposed Extension proposes to continue the ongoing, existing elements of the Yuba Accord Transfer program, there are no significant differences in effects between the existing conditions and the Proposed Extension. While the cumulative projects listed in Section 4.2.2, "Related Projects," of the Draft SEIR, have potentially significant beneficial and adverse impacts, those impacts would not be significantly different/greater with implementation of the Proposed Extension when compared with existing conditions. Because of this, there is no additional analysis required under CEQA to assess cumulative impacts of the Proposed Extension.

Additionally, a project feature of the Yuba Accord Transfer program, described in the 2007 EIR and continuing with the Proposed Extension, is that the transfer is not a fixed operation of the CVP or SWP to capture the transfer flows and export the water, but instead, the CVP and SWP make reasonable best efforts to utilize and export the water released from the Yuba River as transfer water, while complying with all applicable requirements which were anticipated to change over time. The Yuba Accord Transfer program continues to be affected by these regulatory and other changes and transfers under the program are affected by these changes, generally shrinking in volume as the CVP and SWP are more limited in exporting transfer flows.

Lastly, for the Yuba Region, Table 4-1 in the Draft SEIR lists five regulatory actions, all of which are FERC relicensing of existing hydropower projects and include proposed conditions to benefit environmental resources, two actions that are related to flood management, and five actions that are habitat improvement projects. In the Yuba Region, the majority of projects are expected to improve fishery and aquatic conditions. For the Delta Region and CVP and SWP areas, the list of projects may include projects that have impacts, but as described above and in Section 4.3 of the Draft SEIR, the Proposed Extension would not cumulatively contribute to potential significant adverse environmental impacts.

Response A2-10

The comment requests that Yuba Water report any special-status species and natural communities detected during project surveys to the California Natural Diversity Database (CNDDB). No biological resources surveys were conducted in support of the Proposed Extension or SEIR; therefore, no CNDDB field survey forms were submitted.

Response A2-11

The comment states that the CDFW filing fee is due upon filing of the Notice of Determination (NOD). As required, Yuba Water will pay the fee or provide proof of payment when the NOD for the Proposed Extension is filed.

Response A2-12

The comment requests that CDFW be notified of proposed actions and pending decisions regarding the Proposed Extension. Yuba Water will continue to notify CDFW accordingly, including notification of the Final SEIR as required by CEQA.

Letter A3 Delta Stewardship Council
Jeff Henderson, Deputy Executive Officer
May 20, 2024

Letter A3

Delta Stewardship Council
A CALIFORNIA STATE AGENCY

715 P Street, 15-300
Sacramento, CA 95814

916.445.5511
DELTACOUNCIL.CA.GOV

May 20, 2024

JoAnna Lessard, Project Manager
Yuba County Water Agency
1220 F Street
Marysville, CA 95901-4740

Delivered via email: jlessard@yubawater.org

RE: Comments on the Draft Supplemental Environmental Impact Report for the Extension of the Lower Yuba River Accord Water Transfer Program, SCH# 2005062111

Dear JoAnna Lessard:

The Delta Stewardship Council (Council) thanks you for the opportunity to review and comment on the Draft Supplemental Environmental Impact Report (DSEIR) for the extension of the Lower Yuba River Accord Water Transfer Program (Yuba Accord Extension).

The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009, codified in Division 35 of the California Water Code, sections 85000-85350 (Delta Reform Act). The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem. (Water Code, § 85054.) The Delta Reform Act further states that the coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta

A3-1

1

Plan, a comprehensive long-term management plan for the Delta and Suisun Marsh that furthers the coequal goals. (Wat. Code, § 85300.)

The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, Title 23, sections 5001-5015. Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions of State or local public agencies that take place in whole or in part in the Delta. (Wat. Code, §§ 85210, 85225.30.) A state or local agency that proposes to undertake a covered action is required to prepare a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council prior to implementation of the project. (Wat. Code, § 85225.)

A3-1 cont.

Review of the Extension of the Lower Yuba River Accord Water Transfer Program

In our initial review of the Notice of Preparation, the Yuba Accord Extension appeared to meet the definition of a covered action. Council staff previously submitted comments on the NOP outlining our rationale on September 12, 2023, and subsequently met with representatives of Yuba County Water Agency (Yuba Water) to discuss the contents of our comment letter. During our discussions, Yuba Water representatives explained why Yuba Water did not find that the Yuba Accord Extension qualified as a covered action. Yuba Water's reasoning was stated in Chapter 3.2.1 of the DSEIR.

After reviewing the DSEIR, the Yuba Accord Extension does not in fact appear to meet the definition of a covered action based on its status as a continuation of an existing program.

A3-2

Water Code 85022(c)(4) states:

> *"Existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially persons living and working in the Delta."*

The Yuba Accord Extension represents an unchanged continuation of an existing developed use. Future developments under the Lower River Accord Water Transfer Program, however, may be covered actions if there is a change to the existing use, such as additional pumping at export facilities.

Many multi-year water transfers through the Delta that are not part of an existing program would qualify as a covered action. Temporary transfers of one year or less

are determined not to significantly impact the co-equal goals of the Delta Plan [Cal. Code Regs., tit. 23, § 5001(jj)[1]]. Single-year transfers can be used as a tool to help address acute water supply shortages in the current year as a supplemental/emergency supply, whereas multi-year transfers are a means to acquire additional water over multiple years to offset ongoing shortages. Prolonged increased pumping in the Delta may have a significant impact on the co-equal goals of the Delta Plan.

A3-2 cont.

Closing Remarks

If there are any potential changes to the program in the future, we invite you to contact us to participate in the Council's early consultation for covered actions. If you have any questions regarding the contents of this letter, please contact James Edwards at James.Edwards@deltacouncil.ca.gov.

A3-3

Sincerely,

Jeff Henderson
Deputy Executive Officer

[1] (jj) "Significant impact" for the purpose of determining whether a project meets the definition of a "covered action" under section 5001(k)(1)(D) means a substantial positive or negative impact on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people, property, and State interests in the Delta, that is directly or indirectly caused by a project on its own or when the project's incremental effect is considered together with the impacts of other closely related past, present, or reasonably foreseeable future projects. The following categories of projects will not have a significant impact for this purpose:

(1) "Ministerial" projects exempted from CEQA, pursuant to Public Resources Code section 21080(b)(1);
(2) "Emergency" projects exempted from CEQA, pursuant to Public Resources Code section 21080(b)(2) through (4);
(3) Temporary water transfers of up to one year in duration.

Response A3-1

The comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft SEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Response A3-2

The comment states that the Proposed Extension does not appear to meet the definition of a covered action based on its status as a continuation of an existing program. This is consistent with Yuba Water's determination, as described on pages 3.2-11 and 3.2-12 of the Draft SEIR.

The comment further states that future developments under the Lower River Accord Water Transfer Program, however, may be covered actions if there is a change to the existing use, such as additional pumping at export facilities. As described in the SEIR, the Proposed Extension does not propose changes to existing uses. If changes are proposed in the future to existing uses, such changes would be subject to CEQA environmental review at that time.

Response A3-3

The comment invites Yuba Water to contact the Delta Stewardship Council to participate in early consultation for covered actions if there are any potential changes to the Yuba Accord Long-Term Water Transfer Program in the future. The comment does not address the content, analysis, or conclusions in the Draft SEIR. Therefore, a response is not provided here.

Letter A4 State Water Resources Control Board
Erik Ekdahl, Deputy Director, Division of Water Rights
May 20, 2024

Letter A4

State Water Resources Control Board

May 20, 2024

VIA ELECTRONIC MAIL

Ms. JoAnna Lessard, Watershed Manager
Yuba Water Agency
1220 F Street
Marysville, CA 95901-4740
Email: jlessard@yubawater.org

Dear Ms. Lessard:

COMMENTS ON DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR EXTENSION OF THE YUBA ACCORD LONG-TERM WATER TRANSFER PROGRAM

State Water Resources Control Board (State Water Board) staff appreciates the opportunity to provide comments on Yuba County Water Agency's (Yuba Water) *Draft Supplemental Environmental Impact Report (DSEIR) for Extension of the Yuba Accord Long-Term Water Transfer Program* (Yuba Accord Water Transfer Program). The Yuba Accord Water Transfer Program consists of: (1) a Water Purchase Agreement between Yuba Water and the California Department of Water Resources; (2) Conjunctive Use Agreements between Yuba Water and its Member Units; and (3) a Water Transfer Agreement between Yuba Water, Contra Costa Water District, and East Bay Municipal Utility District. The Yuba Accord Water Transfer Program was authorized by the State Water Board in May 2008 pursuant to Corrected Order WR 2008-0014, which authorizes Yuba Water to transfer up to 200,000 acre-feet of water annually to parties within the service areas of the State Water Project and the Central Valley Project through December 31, 2025. Yuba Water has filed a petition for long-term transfer under water right Permit 15026 (Application 5632) with the State Water Board pursuant to Water Code section 1735 et seq. in order to extend the Yuba Accord Water Transfer Program through December 31, 2050. A4-1

Pursuant to the California Environmental Quality Act (CEQA), Yuba Water is serving as lead agency and preparing the DSEIR in support of the proposed extension of the Yuba Accord Water Transfer Program. The DSEIR is intended to supplement the 2007 Lower Yuba River Accord EIR which analyzed the environmental impacts of the Lower Yuba River Accord, which was implemented by Yuba Water in 2008.

In December 2023, Yuba Water provided State Water Board staff with an administrative draft version of the Supplemental Environmental Impact Report (ADSEIR) for preliminary review and comment. State Water Board staff provided comments on the ADSEIR and met with Yuba Water staff in early 2024 to discuss the ADSEIR. State Water Board staff appreciates ongoing coordination with Yuba Water, and the opportunity to review and comment on the ADSEIR. Division staff offer the following comments on the DSEIR for Yuba Water's consideration.

A4-1 cont.

Model Results

Appendix C3, *Modeling Data*, of the DSEIR presents Yuba River Development Project Modeling (YRDPM) results that are intended to support the environmental analysis contained in the DSEIR. The model results currently presented in Appendix C3 include three summary tables and twelve exceedance plots. These model results should be expanded to include modeling data to support the conclusions in the DSEIR, including characterizing the Yuba River watershed's hydrology (including New Bullards Bar Reservoir storage levels and downstream flows), water quality (including water temperatures), and the operations of the Yuba Accord Water Transfer Program (including water transfer volumes) under existing conditions and the project alternatives. In addition, the DSEIR should present a representative summary (monthly water year type) of hydrologic and water quality modeling results in Chapter 3, *Environmental Impacts and Mitigation Measures*, and Chapter 4, *Cumulative Impacts*.

A4-2

Bay-Delta Water Quality Control Plan, and Proposed Voluntary Agreements

Section 4.3.1, *Surface Water Supply and Management*, of the DSEIR discusses the proposed Yuba River Voluntary Agreement (VA) and states that "Yuba Water VA flow operations were formulated to [...] not significantly affect the occurrence of Yuba Accord instream flows." Section 4.3.1 discusses that the proposed Yuba River VA includes two components of water (Component A and Component B) to be dedicated to Delta outflow, and that Component B in the Yuba Water VA proposal is an additional release of stored water from New Bullards Bar Reservoir that could reduce end of water year storage by as much as 50,000 acre-feet. Section 4.3.1 states that "Yuba Water VA proposed flow contributions have been analyzed through model simulation to ensure this added release would not significantly impact the occurrence of Yuba Accord fishery flow schedules which are the required instream flows included in Yuba Water's consumptive water rights" but does not include the referenced model results. Section 4.3.1 also states that, "The Yuba Accord instream flow schedules could be impacted by changes in end of water year storage as this is a component of the North Yuba Index, which is the index for determining the following year flow schedules".

A4-3

Given that the DSEIR notes the proposed Yuba River VA could affect the Yuba Accord instream flow schedules, it should be made clear how Yuba Water concluded that the Yuba Water VA would not significantly impact the occurrence of Yuba Accord fishery flow schedules nor result in a cumulatively significant impact. Additional information supporting these conclusions should be included in the SEIR.

Change Petition for Long-Term Transfer

Before approving a petition to change the point of diversion, place of use, or purpose of use of a water right permit, the State Water Board must make the statutory and regulatory findings that the change would: (1) not operate to the injury of any legal user of the water involved; and (2) not in effect initiate a new right (Wat. Code, § 1702; Cal. Code Regs, tit. 23, § 791, subd. (a)). To approve a long-term transfer petition by a public agency under Water Code section 386, the State Water Board must find that the change would: (1) not result in substantial injury to any legal user of water; (2) not unreasonably affect fish, wildlife, or other instream beneficial uses; and (3) not unreasonably affect the overall economy of the area from which the water is to be transferred (Wat. Code, §§ 386, 1736; see also Stats. 1959, ch. 788 [Yuba County Water Agency Act], p. 2786, § 5.2, as amended, West's Wat. Code, Appen. § 84-5.2, subd. (c)).

The State Water Board must rely on information included in both Yuba Water's SEIR and documents associated with the petition for long-term transfer to evaluate potential conditions with and without the transfer and substantiate the necessary findings described above. Please note that as the State Water Board processes Yuba Water's petition, it may require information from Yuba Water in addition to the information currently included in the DSEIR to analyze the changes resulting from the proposed long-term transfer.

A4-4

Conclusion

Thank you again for the opportunity to provide comments on the DSEIR. If you have questions regarding this matter, please contact Kate Gaffney at kathryn.gaffney@waterboards.ca.gov.

A4-5

Sincerely

ORIGINAL SIGNED BY:

Erik Ekdahl
Deputy Director
Division of Water Rights

Response A4-1

The comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft SEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Response A4-2

The comment states that Appendix C3, "Modeling Data," of the Draft SEIR should be expanded to include modeling data to support the conclusions in the Draft SEIR, including characterizing the Yuba River watershed's hydrology (including New Bullards Bar Reservoir storage levels and downstream flows), water quality (including water temperatures), and the operations of the Yuba Accord Water Transfer Program (including water transfer volumes) under existing conditions and the project alternatives. In addition, the comment states that the Draft SEIR should present a representative summary (monthly water year type) of hydrologic and water quality modeling results. The requested modeling data has been added to Appendix C3. See Appendix C3 of this Final SEIR.

Response A4-3

This comment summarizes the discussion of the Yuba River Voluntary Agreement (VA) (which is now known as Yuba Water's Healthy Rivers and Landscapes [HR&L] Program) in Section 4.3.1 of the Draft SEIR, and states that because the Draft SEIR notes Yuba Water's HR&L Program could affect the Yuba Accord instream flow schedules, additional information supporting the conclusions that Yuba Water's HR&L Program would not significantly impact the occurrence of Yuba Accord fishery flow schedules or result in a cumulatively significant impact should be included.

Background

As described in Chapter 4, "Cumulative Impacts," of this SEIR, Yuba Water's HR&L Program would improve conditions for fish through targeted river flows and a suite of habitat-enhancing projects. Yuba Water's HR&L Program includes three primary design objectives for setting proposed HR&L flow contributions:

1. Sustain water supply reliability to Yuba Water Member Units;
2. Maintain the occurrence of higher flow schedules of the Accord; and
3. Preserve the cold-water pool in New Bullards Bar Reservoir, providing cold water for the lower Yuba River, all while providing a substantial contribution to Delta inflow during the spring.

Meeting these three objectives ensures preservation of the beneficial water temperature regime of the lower Yuba River under the Accord. Irrigation water for Yuba Water Member Units is diverted at Daguerre Point Dam (about halfway down the lower Yuba River), with the most valuable habitat for lower Yuba River salmonids located upstream from Daguerre Point Dam. Along with flows based on the Accord flow schedules, irrigation water supply deliveries at the Daguerre Point Dam point of diversion during the months of April through November achieve the following:

- Provide flows to optimize flow-habitat relationships in the reach with the most valuable habitat; and
- Limit water temperature warming, providing cold water from New Bullards Bar Reservoir to the lower Yuba River.

After extensive study and analysis in the development of the HR&L Program flow contributions, Yuba Water determined that operating to an end-of-September storage of 600,000 AF (50,000 AF below the Yuba Accord target of 650,000 AF) under the HR&L Program's proposed flow contributions would contribute to higher Delta inflows without substantially affecting the benefits provided by the Accord. The results of Yuba Water's related hydrologic modeling are in Appendix C4. That technical analysis shows that, with the HR&L Program's flow contributions, Yuba Water's water supplies are protected, Accord flow schedules are not significantly modified, and the New Bullards Bar Reservoir cold water pool is not substantially reduced during the driest years when water temperature management is most critical.

Healthy Rivers and Landscapes Flow Contribution Modeling

The Draft SEIR concludes that Yuba Water's HR&L Program "would not affect the Proposed Extension in any way that would cause the Proposed Extension to result in a cumulatively considerable impact." (SEIR Section 4.3.1). This conclusion is based on Yuba Water's development of its proposed HR&L flow contributions, including extensive

modeling studies. Yuba Water's related modeling results in Appendix C4 to this Final SEIR reinforce and provide additional evidence in support of the Draft SEIR's conclusion. That modeling simulation uses the Proposed Extension hydrologic model with the changes to YRDP operations needed to simulate implementation of the HR&L flow contribution. The change to YRDP operations was implemented by changing the monthly target storage operations for New Bullards Bar Reservoir operations in certain months and making additional storage releases in April, May, and June to achieve the target storage of 600,000 AF at the end of September. Although this is a simplified approach to representing the HR&L flow operations, it provides a useful approximation of the changes in flow conditions expected with the HR&L operations for purposes of the SEIR's cumulative analysis.

Results

Appendix C4 is provided as part of this Final SEIR to show how conditions would change under the HR&L flow contribution operations and the Proposed Extension, compared to the Proposed Extension alone. The cumulative effect of the HR&L flow contributions on Yuba Water's operations to meet Yuba minimum-flow schedules, New Bullards Bar Reservoir storage, and lower Yuba River flows is shown in detail in Appendix C4 and is briefly discussed below.

Yuba Accord Schedule Occurrence

Appendix C4 confirms the Draft SEIR's conclusion that Yuba Water's HR&L Program "*would not significantly impact the occurrence of Yuba Accord fishery flow schedules*." Over the 52-year simulation period, implementing the HR&L Program and the Proposed Extension together would result in changes to three water years—one year shifts from a Schedule 1 to a Schedule 2, one year shifts from a Schedule 2 to a Schedule 3, and one year shifts from a Schedule 3 to a Schedule 4. (Compare Appendix C4, page 1, with Revised Appendix C3, page 1; see also Appendix C4, Figure C4.1.) An increase in the year type schedule number (as would occur in only three years during the 52-year simulation period) reflects a lower flow.

It is important to understand these shifts in Accord flow schedules in the context of all Accord flow schedules and how they were developed as part of the Yuba Accord generally. Appendix C to the 2007 Yuba Accord EIR describes this process in detail. The results of this process continue to apply under the Proposed Extension, which does not involve modifications to the Accord flow schedules. As discussed in the 2007 Appendix C, the technical team that developed the Accord flow schedules sought to "maximize the probability of occurrence of the higher flow schedules (1 and 2) while minimizing the probability of occurrence of the very low flow schedules (6 and Conference Year)." None of the shifts in Accord flow schedules that would result from the HR&L Program's proposed flow contributions would shift a year into Schedule 6. Instead, those shifts are one-schedule shifts that are all within Schedule years 1 through 4.

The technical team used the percent occurrence of the flow schedules as a metric to assess achieving the objective of maximizing the higher flow schedules. The predicted occurrence of flow schedules was included in the Yuba Accord Fisheries Agreement and was included in Corrected Order WR 2008-0014. Table 2-4 lists the expected percent occurrence of flow schedules from Corrected Order WR 2008-0014, the flow schedules under the modeled Proposed Extension, and the flow schedules under the Proposed Extension with HR&L Program flow contributions. Table 1 shows the combined percent occurrence of Schedules 1 and 2 years occur at about the same frequency for the Proposed Extension and Proposed Extension with HR&L flows (81 percent and 79 percent, respectively, a two percent difference), and both exceed the expected Schedule 1 and 2 occurrences identified in Corrected Order WR 2008-0014 (78 percent). Also, both the Proposed Extension and Proposed Extension with HR&L flows have the same combined percent occurrence of the lower flow schedule years 5, 6 and 7 (conference) as Corrected Order WR 2008-0014 (10 percent).

Table 2-4 Percent Occurrence of Yuba Accord Flow Schedules

Yuba Accord	WRO2008-0014	Proposed Extension		Proposed Extension with HR&L	
Flow Schedule	% Occurrence	Years	% Occurrence	Years	% Occurrence
1	56%	32	62%	31	60%
2	22%	10	19%	10	19%
3	7%	4	8%	4	8%
4	5%	1	2%	2	4%
5	5%	3	6%	3	6%
6	4%	1	2%	1	2%
7(conference)	1%	1	2%	1	2%

Note: The modeling used to determine the percent occurrence of flow schedule included a period of simulation of 84 years and therefore the occurrence of one conference year yields a percent occurrence of one percent, while the Proposed Extension model uses a period of simulation of 52 years and the occurrence of one conference year in 52 results in a percent occurrence of 2 percent.

Source: Appendices C3 and C4 of this Final SEIR.

The flow exceedance comparison plots in Appendix C4 show that these shifts do not significantly alter the occurrence of flows in the lower Yuba River. The exceedance figures for April, May, and June show the increased flows of the HR&L flow contribution. Accordingly, the analysis in new Appendix C4 confirms the Draft SEIR's conclusion that, while the HR&L Program's proposed flow contributions could affect flow schedules in some water years, Yuba Water's HR&L Program would not significantly affect Yuba Accord instream flows.

Moreover, the limited effect on flow schedules observed in the analysis for the combined Proposed Extension and HR&L flow contribution scenario is not attributable to the Proposed Extension. The Accord water transfers are part of the baseline and would not significantly change as a result of the Proposed Extension. By contrast, Yuba Water's HR&L Program reflects Yuba Water's effort to increase water available for Delta outflow to provide additional protection for in-Delta fish species, as well as migrating salmonids, as developed in conjunction with the California Department of Fish and Wildlife. Implementing the goal of increasing Delta outflow during the spring of many years necessarily limits the quantity of water available for other purposes. The analysis in Appendix C4 is provided in this Final SEIR at the SWRCB's request, to support the SEIR's conclusion that Yuba Water's HR&L Program would not significantly impact the Proposed Extension.[4] For purposes of CEQA, however, the relevant question is whether the Proposed Extension, combined with other related projects, will result in a cumulatively significant impact, and if so, whether the incremental contribution of the Proposed Extension would be cumulatively considerable. Here, the driving factor behind the cumulative impact is the HR&L Program's reallocation of water from storage in New Bullards Bar to Delta outflow. Accordingly, not only is the combined impact not cumulatively significant, the Proposed Extension would not result in any changes in Yuba River stream flows compared to existing conditions.

New Bullards Bar Reservoir Storage

A table of New Bullards Bar Reservoir average end-of-month storage by water year type is provided in Appendix C4, along with a table of average end-of-month storage differences under the Proposed Extension with and without the HR&L Program's flow contributions. HR&L flow contributions are made in Above Normal, Below Normal and Dry year types; these year types show the direct effect of reduced storage levels. Wet and Critical years, while not HR&L contribution years, show small storage reductions as a result of storage reductions in prior HR&L operation years. End-of-September storage in Below Normal and Dry years storage is lower by almost the full 50,000 AF. End-of-September storage in Above Normal years shows less of a reduction, at just over 37,000 AF. These variations from the 50,000 AF target in Above Normal years are typically due to limited release capacity at New Bullards Bar Reservoir in the springtime. Additionally, if under the Proposed Extension, end-of-September storage is less than 650,000 AF but

[4] Importantly, in response to the comment this focused analysis specifically assessed how the HR&L flow contributions would affect the Proposed Extension. It did not consider the full cumulative condition, which includes not only the additional components of the HR&L Program that would provide environmental benefits (e.g., habitat enhancements) but also cumulative projects that are intended to provide environmental benefits (see Chapter 4, "Cumulative Impacts," of the SEIR).

greater than 600,000 AF, the reduction in storage with HR&L flow operations to 600,000 AF would be less than 50,000 AF. Similarly, if the end-of-September storage under the Proposed Extension is less than 600,000 AF, there would not be any HR&L flow contribution.

As explained above, this analysis addresses the effect of Yuba Water's HR&L Program to allocate more water to Delta outflow without significantly disrupting its existing operations (which include the Accord transfers). As also explained above, this analysis does not indicate that the Proposed Extension would have a cumulatively considerable incremental contribution to a potential cumulative impact on reservoir storage and uses of stored water.

Lower Yuba Flows

Appendix C4 also includes tables of average monthly flows by water year type, along with tables of monthly difference in flows under the Proposed Extension with and without HR&L flow operations. Flow results are provided at Marysville Gage at river mile 6.2.

Flow exceedance plots by month provide a comparison of the Proposed Extension with and without the HR&L flow contributions. The differences in the modeled Yuba River stream flows in those scenarios are relatively few and relatively small. There are relatively small differences in the exceedance probabilities of the two simulations, except for April, May and June, when the HR&L flow contributions are made from New Bullards Bar Reservoir storage. In these three months, the Proposed Extension plus HR&L flow contributions scenario had substantial increases in flows in the 25 percent to 75 percent exceedance range compared to the Proposed Extension alone. In other words, in the Above Normal, Below Normal and Dry water year types—more or less the 25 percent to 75 percent of the exceedance of hydrology—when the HR&L Program is intended to increase Yuba River flows in order to increase Delta outflows for environmental benefit, that proposal does in fact accomplish that objective in conjunction with the Proposed Extension's implementation. The purpose of Yuba Water's HR&L Program is to improve environmental conditions, and the modeling shows that it accomplishes that objective and not that it causes the Proposed Extension to result in a significant cumulative environmental impact.

Response A4-4

The comment summarizes the statutory and regulatory findings that the State Water Board must make before approving a petition to change the point of diversion, place of use, or purpose of use of a water right permit, and states that as the State Water Board processes Yuba Water's petition, it may require additional information from Yuba Water not currently included in the Draft SEIR or other required documents associated with the petition for long-term transfer to analyze the changes resulting from the proposed long-term transfer. Yuba Water will continue to respond to requests for information from the State Water Board, as appropriate, in compliance with the change petition process. This comment does not address the content, analysis, or conclusions in the Draft SEIR. Therefore, no further response is provided here. Responses to specific comments concerning environmental issues are provided above.

Response A4-5

The comment does not address the content, analysis, or conclusions in the Draft REIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided above.

Letter A5 State Water Contractors
Jennifer Pierre, General Manager
May 20, 2024

Letter A5

May 20, 2024

Sent by email: jlessard@yubawater.org

Ms. JoAnna Lessard, Project Manager
Yuba County Water Agency
1220 F Street
Marysville, California 95901-4740

Re: Draft Supplemental Environmental Impact Report for Extension of the Lower Yuba River Accord Water Transfer Program

Dear Ms. JoAnna Lessard:

The State Water Contractors (SWC) appreciate this opportunity to comment on the Draft Supplemental Environmental Impact Report for the extension of the Lower Yuba River Accord (LYRA) Water Transfer Program (SEIR). The SEIR states that the purpose and objectives of this proposed extension are to continue providing supplemental water to SWP and CVP contractors, to facilitate conjunctive use in the Yuba River watershed, and to generate revenue for the Yuba Water Agency. Therefore, Yuba Water Agency is proposing to extend the agreements comprising the LYRA Water Transfer Program through 2050.

The SWC is an organization representing 27 of the 29 public water entities[1] that hold contracts with the California Department of Water Resources (DWR) for the delivery of State Water Project (SWP) water. Collectively, the SWC members provide a portion of the water supply delivered to approximately 27 million Californians, roughly two-thirds of the State's population, and to over 750,000 acres of irrigated agriculture in the Bay Area, San Joaquin Valley, Central Coast, and Southern California.

A5-1

The SWC supports the proposed extension of the LYRA Water Transfer Program. The Water Transfer Program is a key element of the LYRA that provides important benefits for fish and wildlife and contributes to water supply reliability statewide. Since its inception in 2008, the Water Transfer Program has allowed our members to secure supplemental water supply across different water year types, especially during droughts. The proposed extension of the Water Transfer Program is essential to continue this successful multi-benefit Program.

[1] Alameda County Flood Control District Zone 7, Alameda County Water District, Antelope Valley – East Kern Water Agency, Casitas Municipal Water District, Central Coast Water Authority, City of Yuba City, Coachella Valley Water District, Crestline – Lake Arrowhead Water Agency, Desert Water Agency, Dudley Ridge Water District, Empire West Side Irrigation District, Kern County Water Agency, Kings County, Littlerock Creek Irrigation District, Metropolitan Water District of Southern California, Mojave Water Agency, Napa County Flood Control and Water Conservation District, Oak Flat Water District, Palmdale Water District, San Bernardino Valley Municipal Water District, San Gabriel Valley Municipal Water District, San Gorgonio Pass Water Agency, San Luis Obispo County Flood Control and Water Conservation District, Santa Clara Valley Water District, Santa Clarita Valley Water Agency, Solano County Water Agency, and Tulare Lake Basin Water Storage District.

1121 L Street, Suite 1050 • Sacramento, California 95814-3944 • 916.447.7357 • FAX 916.447-2734 • www.swc.org

Thank you for the opportunity to comment on the Draft SEIR. The SWC looks forward to working with you and DWR on this proposed extension. If you have any questions or would like to discuss this, please do not hesitate to contact Mr. Chandra Chilmakuri at (916) 562-2583. The Yuba Accord Water Transfer Program has provided important benefits to the SWC members, and we appreciate the Yuba Water Agency's efforts to extend the Program. A5-1 cont.

Sincerely,

Jennifer Pierre
General Manager

Response A5-1

The comment expresses support for the Proposed Extension of the Yuba Accord Long Term Water Transfer Program and does not address the content, analysis, or conclusions in the Draft REIR. Therefore, a response is not provided here.

Letter A6 Contra Costa Water District
Kyle Ochenduszko, Assistant General Manager
May 17, 2024

Letter A6

CONTRA COSTA WATER DISTRICT

May 17, 2024

JoAnna Lessard
Sent via Email to jlessard@yubawater.org

Subject: Draft Supplemental Environmental Impact Report for Extension of the Yuba Accord Long-Term Water Transfer Program

Dear Ms. Lessard:

Contra Costa Water District (CCWD) would like to express our support for Yuba Water Agency's proposed extension of the Yuba Accord Long-Term Water Transfer Program. We have reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for the Extension of the Yuba Accord Long-Term Water Transfer Program (Program), and we appreciate that CCWD's participation in the Program continues to be included.

CCWD serves 550,000 customers and industries in central and eastern Contra Costa County, relying solely on surface water from the Sacramento-San Joaquin Delta to meet the needs of our customers. Climate change and the evolving Delta regulatory environment are introducing more uncertainty to CCWD's water supply planning. To achieve CCWD's mission to provide reliable and high-quality water in an environmentally responsible manner, CCWD has pursued a cooperative partnership with Yuba Water Agency to improve CCWD's water supply reliability.

The Yuba Accord Long-Term Water Transfer Program is a key element of the Lower Yuba River Accord. The Program provides a proven mechanism for CCWD to secure an important source of reliable water supply across different water year types, while the revenues generated by the Program help support Yuba Water Agency's mission areas of sustainable water management, flood risk reduction and environmental stewardship.

CCWD and Yuba Water Agency successfully demonstrated the transfer of water to CCWD in 2023 under the existing Yuba Accord Water Transfer Program and current agreements. CCWD looks forward to continuing to work with Yuba Water Agency to ensure that the Program can keep providing benefits to multiple interests into the future.

A6-1

Sincerely,

Kyle Ochenduszko
Assistant General Manager

LHS

1331 CONCORD AVE, CONCORD, CA 94520 I 925-688-8000 I CCWATER.COM

Response A6-1

The comment expresses support for the Proposed Extension of the Yuba Accord Long Term Water Transfer Program and does not address the content, analysis, or conclusions in the Draft REIR. Therefore, a response is not provided here.

Letter A7 East Bay Municipal Utility District
Michael T. Tognolini, Director of Water and Natural Resources
May 17, 2024

EAST BAY MUNICIPAL UTILITY DISTRICT

Letter A7

May 17, 2024

JoAnna Lessard, Project Manager
Yuba County Water Agency
1220 F Street
Marysville, CA 95901-4740
Email: jlessard@yubawater.org

Dear Ms. Lessard:

On behalf of East Bay Municipal Utility District (EBMUD), we would like to express our support for Yuba Water Agency's proposed extension of the Yuba Accord Long-Term Water Transfer Program.

The Yuba Accord Long-Term Water Transfer Program is a key element of the Lower Yuba River Accord, a model settlement agreement that provides important benefits for fish and wildlife and contributes to water supply reliability statewide. The Water Transfer Program provides a mechanism for EBMUD to secure an important source of reliable water supply across different water year types, while the revenues generated by the Program help support Yuba Water Agency's mission areas of sustainable water management, flood risk reduction, and environmental stewardship.

A7-1

The Yuba Accord Water Transfer Program provides important benefits for EBMUD, and we appreciate Yuba Water Agency's efforts to extend the Program.

Sincerely,

Michael T. Tognolini
Director of Water and Natural Resources

MTT:cms

375 ELEVENTH STREET . OAKLAND . CA 94607-4240 . TOLL FREE 1-866-40-EBMUD . (1-866-403-2683)

Response A7-1

The comment expresses support for the Proposed Extension of the Yuba Accord Long Term Water Transfer Program and does not address the content, analysis, or conclusions in the Draft REIR. Therefore, a response is not provided here.

Letter A8 Metropolitan Water District of Southern California
Jennifer Harriger, Manager, Environmental Planning Section
May 20, 2024

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Letter A8

May 20, 2024 Via Electronic Mail

JoAnna Lessard, Project Manager
Yuba County Water Agency
1220 F Street
Marysville, California 95901-4740
Email: jlessard@yubawater.org

Dear Ms. Lessard:

Draft Supplemental Environmental Impact Report for the
Extension of the Yuba Accord Long-Term Water Transfer Program

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Draft Supplemental Environmental Impact Report (SEIR) for the Extension of the Yuba Accord Long-Term Water Transfer Program (Extension) prepared pursuant to the California Environmental Quality Act by Yuba Water Agency (Yuba Water) as the Lead Agency. The Extension seeks to extend the agreements comprising the Yuba Accord Long-Term Water Transfer Program (Water Transfer Program) through 2050. These agreements include: (1) the Yuba Water/Department of Water Resources (DWR) Water Purchase Agreement; (2) the Yuba Water/Member Unit Conjunctive Use Agreements, and (3) the Yuba Water/Contra Costa Water District (CCWD)/ East Bay Municipal Utilities District (EBMUD) Water Transfer Agreement. Under the Extension, Yuba Water plans to petition the State Water Resources Control Board to extend approval of the place of use, purposes of use, and points of rediversion for the Water Transfer Program. A8-1

Metropolitan supports Yuba Water's proposed extension of the Water Transfer Program. Metropolitan achieves its mission of regional water supply reliability in part by pursuing water transfers from willing sellers that protect environmental resources. The Water Transfer Program provides a proven mechanism for Metropolitan to secure an important source of reliable water supply across different water year types, while the revenues generated by the Water Transfer Program help support Yuba Water's mission areas of sustainable water management, flood risk reduction and environmental stewardship.

The Water Transfer Program has provided important benefits for Metropolitan since its implementation in 2008, and we appreciate Yuba Water's efforts to extend the program. For further assistance, please contact Ms. Sarah Bartlett at (213) 217-6166 or via email at sbartlett@mwdh2o.com.

A8-1 cont.

Very truly yours,

DocuSigned by:
Jennifer Harriger
1C5AACFD98D9493...

Jennifer Harriger
Manager, Environmental Planning Section

SB:rdl
(Comment Letters\DEIR for the Extension of the Yuba Accord Long-Term Water Transfer Program)

700 N. Alameda Street, Los Angeles, California 90012 • Mailing Address: Box 54153, Los Angeles, California 90054-0153 • Telephone (213) 217-6000

Response A8-1

The comment expresses support for the Proposed Extension of the Yuba Accord Long Term Water Transfer Program and does not address the content, analysis, or conclusions in the Draft REIR. Therefore, a response is not provided here.

Letter A9 Nevada Irrigation District
Jennifer Hanson, General Manager
May 16, 2024

Nevada Irrigation District

Letter A9

May 16, 2024

JoAnna Lessard, Project Manager
Yuba County Water Agency
1220 F St, Marysville, CA 95901
jlessard@yubawater.org

RE: Comments of Nevada Irrigation District to Yuba Water Agency's Draft Supplemental EIR for the Extension of the Yuba Accord Long-Term Water Transfer Program.

Dear Ms. Lessard:

Nevada Irrigation District submits these comments in response to Yuba Water Agency's Draft Supplemental Environmental Impact Report (SEIR) for the Extension of the Yuba Accord Long-Term Water Transfer Program. A9-1

1. **The Supplemental EIR is Not An Appropriate CEQA Document Because it Fails to Adequately Analyze the Significant Changes to Circumstances Impacting the Project.**

A supplement to an EIR is a document that is separate from the prior EIR and contains only those additions or changes needed to make the EIR adequate. Pursuant to CEQA, if major revisions are necessary to make a previous EIR adequate, the agency prepares a subsequent EIR. (Pub. Res. Code § 2166; 14 Cal Code Regs § 15162). In contrast, a subsequent EIR is a revised version of a prior EIR, which contains the modifications necessary to describe and analyze the project changes, changes in circumstances, or new information that triggered the need for further environmental review. At this stage of the environmental review, it is premature for YCWA to conclude that a supplemental EIR, which is legally appropriate only to address "minor additions or changes to the prior EIR" is the appropriate environmental document. A9-2

The Yuba Accord and its various components was last subject to extensive environmental review in the Lower Yuba River Accord 2007 EIR. Since that time, many significant changes to the regulatory and physical inputs affecting the California water transfer market have occurred. For example:

On December 12, 2018, the State Water Resources Control Board adopted Resolution No. 2018 – 0059 to update the Bay-Delta Plan. On March 29, 2024, draft Voluntary Agreement documents were submitted to the State Water Resources Control Board. In those materials, Yuba Water Agency tentatively agreed to implement flow and non-flow measures, under certain circumstances. Included in those materials is "flow table" in which the Yuba sub-basin commits to contribute 50 Thousand Acre Feet to Instream Flow during Dry, Below Normal, and Above

1036 West Main Street, Grass Valley, CA 95945 • (530) 273-6185 • nidwater.com

Normal hydrologic year types. Representatives of Yuba Water Agency then appeared at a State Water Board workshop and publicly endorsed these proposals and commitments.

It is therefore disingenuous for Yuba to assert in the SEIR that incorporating VA related commitments into the Project baseline evaluated in the SIER would require "speculation." The proposed VA term is 8 or 15 years. A9-2 cont.

A subsequent EIR to contemplate such changes is the appropriate environmental document.

2. <u>The SEIR Fails to Adequately Analyze Impacts Associated with Current Transfer Periods and Evaluate Alternative Transfer Periods.</u>

The lower Yuba River hosts Endangered Species Act listed Central Valley spring-run Chinook salmon (Oncorhynchus tshawytscha) evolutionarily significant unit, the Central Valley steelhead (O. mykiss) distinct population segment (DPS), and the North American green sturgeon (Acipenser medirostris) southern DPS, their proposed or designated critical habitat, and essential fish habitat (EFH).

Each of the identified species and associated designated critical habitat and essential fish habitat are directly impacted by the timing, quantity, and frequency of water transfers pursuant to the proposed project. Under the existing project, which YCWA proposed to extend, water transfers occurred in seven dry, critical dry, and extremely critically dry hydrologic year types that have occurred within the past seventeen years. A9-3

The timing of transfers during these year types is of significant concern to listed species. In testimony before the State Water Resources Control Board, the California Department of Water Resources, advised that "the vast majority of the Yuba River Accord water will be moved in the traditional transfer window during the summer and early fall months of July through October."

This transfer period does not align with the period of significant interest concerning water temperatures in the Lower Yuba River for the period July through November. The SEIR does not evaluate the impacts of water transfers in dry, critical dry, and extremely critically dry year types nor meaningfully evaluate the impact of the timing and schedule of such transfers to mitigate impacts, including water temperature impacts occurring in the Lower Yuba River in the July – November time period.

3. Water Transfers During Schedule 6 Water Years.

Pursuant to the Accord and its related water transfer programs, YCWA commits to providing 30,000-acre feet of transfer water during 'schedule 6 water years.' The Yuba Accord does not specify the timing of this water delivery, but project documents contemplate consultation with stakeholders between April 10 – May 21 to determine a schedule for such deliveries. During previous Schedule 6 water years, California DFW determined high water temperatures negatively impacted various life stages of ESA listed fishes.

A9-4

The SEIR altogether fails to analyze impacts associated with the *additional* 30 TAF of groundwater substitution transfer water made available under the Water Purchase Agreement. Vague references to a "strategic management plan" submitted to the River Management Team on an ad-hoc annual basis do not provide any meaningful analysis of the impact of such transfers. The deferral of impact analysis to the River Management Team constitutes an improper deferral or piecemealing of appropriate environmental review.

4. The SEIR Fails to Analyze the Impact of Constructing the narrows 2 Intake Extension as Required by Revised D-1644.

The State Water Resources Control Board's Revised Decision 1644, issued in 2003, ordered YCWA to extend the Narrows 2 Powerhouse Intake to a lower elevation in Englebright Reservoir and consult with NMFS, USFWS and California DFW regarding use of the lower intake from July through November in dry and critically dry years. As set forth in pages 176 and 177, Revised Decision 1644 clearly envisioned that the upper intake at New Bullards Bar Reservoir would be available along with the Narrows 2 Powerhouse Intake Extension to provide suitable water temperatures for ESA-listed fishes, and that YCWA would consult with NMFS, CDFW and USFWS regarding the coordinated operations of these two P-2246 facilities. YCWA has not constructed the Narrows 2 intake facilities, but nonetheless continues to make transfers that may be contributing to water temperature issues on the lower Yuba River.

A9-5

The SEIR is deficient because it fails to acknowledge this requirement or to analyze this as an alternative to impacts associated with the proposed Project.

5. Streamflow Depletion Factors Associated with Groundwater Substitution Transfers.

The Proposed Project contemplates the transfer of significant quantities of water through the mechanism of groundwater substitution transfers. Depending on various factors including the distance of the groundwater well(s) participating in the transfer to the Yuba River and associated tributaries, depth of the well, and local hydrogeologic conditions, the increase in groundwater pumped by entities participating in the YCWA / Accord Groundwater Substitution Transfer program to enable the proposed transfers results in a reduction in the amount of water that would otherwise have accrued to the stream due to the interconnection of surface water and

A9-6

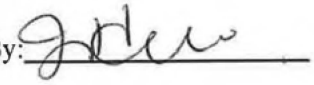
groundwater (streamflow depletion). Consequently, YCWA's groundwater pumping program for transfer operations will provide water at the expense of current and future streamflow.

Notwithstanding the foregoing, the SEIR wholly fails to evaluate the impacts of groundwater pumping on streamflow depletion affecting the lower Yuba River both on a 'real-time' basis as well as long term impacts. The SEIR further failed to analyze appropriate mitigation measures, including at a minimum: reductions in total quantities transferred in certain impacted year types, cessation of transfers during sequence of multiple, or multiple consecutive dry year types. As a result, the SEIR is inadequate and defective.

A9-6 cont.

Very truly yours,

Nevada Irrigation District

By: 

1036 West Main Street, Grass Valley, CA 95945 • (530) 273-6185 • nidwater.com

Response A9-1
The comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft SEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Response A9-2
The comment states it is premature to determine that a Supplemental EIR is the legally appropriate document to evaluate the Proposed Extension of the Yuba Accord Long Term Water Transfer Program because of changed circumstances. Section 1.3 of the Draft SEIR summarizes the requirements under CEQA for preparation of a Subsequent verses a Supplemental EIR and explains why Yuba Water decided to prepare a Supplemental EIR. As described therein, the Proposed Extension would not result in any new significant effects or substantially more severe significant effects compared to the environmental effects previously identified in the 2007 EIR, and only minor modifications to the 2007 EIR are needed to address changed conditions since the 2007 EIR was certified and the succeeding addenda adopted (in 2014, 2016, and 2022). Thus, Yuba Water decided to prepare a Supplemental EIR, pursuant to CEQA. It should be further noted that the CEQA process for a Subsequent versus a Supplemental EIR would be similar, as both would be subject to public notice and public review.

The comment further states that incorporation of the VAs (now known as Yuba Water's HR&L Program) into the project baseline is not speculative given that the proposed Yuba Water's HR&L Program term is 8 or 15 years and a subsequent EIR is the appropriate document to contemplate changes from commitments in Yuba Water's HR&L Program. As Section 3.1.2, "Baseline," of the Draft SEIR, states:

> Future changes to the watershed may occur due to the Voluntary Agreements, the future adoption of an updated Bay-Delta Water Quality Control Plan (Bay-Delta Plan), the outcome of the Biological Opinions (BOs) for the LongTerm Operations of the CVP and SWP, and the anticipated terms of a FERC license renewal and associated Water Quality Control Plan conditions. Each of these long-term processes are currently incomplete, with timelines for resolution that are wholly uncertain, and likely years away. Each process is related to some extent to the Yuba Accord, but at this point have only hypothetical outcomes that could resolve in myriad unknown ways. Therefore, incorporating these processes into the baseline would require speculation. These processes, however, are considered as appropriate in the discussion of cumulative impacts in Chapter 4, "Cumulative Impacts."

It would be inappropriate to incorporate Yuba Water's HR&L Program into the environmental baseline as suggested in the comment because it is not part of the existing conditions and will be implemented in the future; however, Yuba Water's HR&L Program is included in the cumulative projects table under its previous name, "VA" (see Table 4-1 in the Draft SEIR, as revised in this Final SEIR; see Chapter 3, "Revisions to the Draft SEIR"). As discussed in Chapter 4, "Cumulative Impacts," of the Draft SEIR, implementation of Yuba Water's HR&L Program is intended to provide environmental benefits through contributing to the achievement of the Bay-Delta Plan Update water quality objectives and enhancing habitat, and it would not affect the Proposed Extension in any way that would cause the Proposed Extension to result in a cumulatively considerable impact. For further discussion of Yuba Water's HR&L Program, see response to comment A4-3.

Response A9-3
The comment states that the Draft SEIR fails to adequately analyze impacts to fish species and their habitat associated with current transfer periods and evaluate alternative transfer periods. See response to comment A2-4 regarding potential impacts of water transfer timing by Yuba Water on listed fish species.

Response A9-4
The comment states that the Draft SEIR does not analyze impacts associated with the additional 30 thousand acre-feet (TAF) of 'groundwater substitution transfer water' made available during 'schedule 6 water years' under the Water Purchase Agreement and that the existing analysis of the impacts of such transfers constitutes improper deferral or piecemealing of environmental review. As an initial matter, the 30 TAF of groundwater substitution is not a Water Purchase Agreement commitment, but a term in the Fisheries Agreement and included in Corrected Order WR 2008-0014. Yuba Water's implementation of this 30 TAF, therefore, is not additional transfer water, as the comment

mischaracterizes it, but instead is a continuing element of the overall Yuba Accord project that would not change with the Proposed Extension. As explained in the Draft SEIR (p. 2-4), as part of the baseline/existing condition, and pursuant to the terms of the Yuba Accord Fisheries Agreement (which does not expire in 2025 and therefore need not be included in the Proposed Extension), Yuba Water already provides that 30 TAF of water during Schedule 6 years and will continue to do so. Under the Proposed Extension, Yuba Water would continue to transfer that water downstream of the Yuba River after it has provided fishery protection through, among other measures, coordination with relevant agencies under elements of the Yuba Accord that are independent from the Proposed Extension. These transfers accordingly are associated with Yuba Water providing instream flows consistent with the requirements of the Fisheries Agreement and SWRCB's Corrected Order WR 2008-0014 and were included in the evaluation of fishery impacts and groundwater pumping impacts in the 2007 EIR. Additionally, see response to comment A2-4 regarding water transfer timing by Yuba Water.

Response A9-5

The comment states that the Draft SEIR does not acknowledge the requirement under the State Water Board's 2003 Revised Decision 1644 to extend the Narrows 2 Powerhouse Intake to a lower elevation in Englebright Reservoir and use this lower intake from July through November in dry and critically dry years to provide suitable water temperatures for ESA-listed fishes. The comment further states that this should be analyzed "as an alternative to impacts associated with the [Proposed Extension]." The comment misrepresents the State Water Board's 2003 Revised Decision 1644 permit requirement, which does not require Yuba Water to construct the Narrows 2 Powerhouse Intake. Potential development of the Narrows 2 Powerhouse Intake is being addressed as part of the FERC relicensing process and its potential implementation is speculative. Further, constructing the intake extension is not an element of the Proposed Extension and, thus, need not be evaluated in the SEIR. Finally, the intake extension is not needed to avoid or lessen the Proposed Extension's environmental impacts, which are all less than significant.

Response A9-6

The comment states that the Draft SEIR does not evaluate the impacts of groundwater pumping on streamflow depletion affecting the lower Yuba River or analyze appropriate mitigation measures, including reductions in total quantities transferred in certain impacted year types, and cessation of transfers during a sequence of multiple or multiple consecutive dry year types. As an initial matter, while the comment refers to an "increase in groundwater pumped by entities participating in the Yuba Water/Accord Groundwater Substitution Transfer program," the Draft SEIR explains that the Proposed Extension includes an extension, under substantially the same terms, of the existing Conjunctive Use Agreements. (Draft SEIR, p. 2-11.) See response to comment A2-6 regarding SDF effects. Because the SEIR demonstrates that the Proposed Extension would not result in any significant environmental impacts related to streamflow depletion, no additional mitigation is required.

Letter A10 San Luis & Delta-Mendota Water Authority
Pablo Arroyave, Chief Operating Officer
May 20, 2024

Letter A10

San Luis & Delta-Mendota Water Authority

P.O. Box 2157
Los Banos, CA 93635
Phone: (209) 826-9696

May 20, 2024

VIA EMAIL

JoAnna Lessard, Project Manager
Yuba County Water Agency
1220 F St., Marysville, CA 95901
Email: jlessard@yubawater.org

Re: Comments – Draft Supplemental Environmental Impact Report for the Extension of the Yuba River Accord Long-Term Water Transfer Program

Dear Ms. Lessard:

Yuba Water Agency's April 2024 Draft Supplemental Environmental Impact Report for the Extension of the Yuba River Accord Long-Term Water Transfer Program analyzes the continued benefits of the Lower Yuba River Accord ("Yuba Accord") Water Transfer Program beyond its current expiration date of December 31, 2025. Through the San Luis & Delta-Mendota Water Authority ("Water Authority"), eleven member agencies[1] participate in and benefit from the Yuba Accord Water Transfer Program. The Water Authority submits this comment letter on behalf of its participating agencies to support Yuba Water Agency's proposed extension of the Yuba Accord Water Transfer Program as well as implementation of the programs governed by the Yuba Water Agency/DWR Water Purchase Agreement, Yuba Water Agency/MOU Conjunctive Use Agreements, and Fisheries Agreement. The continued implementation of the Yuba Accord contributes to the health of the fisheries and reliability of the water supply for Water Authority member agencies, including for disadvantaged communities within their service areas. A10-1

Most of the Water Authority's member agencies depend upon the Central Valley Project ("CVP") as the principal source of water they provide to users within their service areas. And yet, in the last ten years[2], south of Delta CVP agricultural water service and repayment contractors have

[1] Broadview Water District, Byron-Bethany Irrigation District, Del Puerto Water District, Eagle Field Water District, Mercy Springs Water District, Pacheco Water District, Panoche Water District, San Benito County Water District, San Luis Water District, Santa Clara Valley Water District, and Westlands Water District

[2] 2014-2023, available at https://www.usbr.gov/mp/cvo/vungvari/water_allocations_historical.pdf

Response A10-1

The comment expresses support for the Proposed Extension of the Yuba Accord Long Term Water Transfer Program and does not address the content, analysis, or conclusions in the Draft REIR. Therefore, a response is not provided here.

2.2.3 Organizations

Letter O1 American Rivers, California Sportfishing Protection Alliance, Friends of the River, Northern California Council, Fly Fishers International, and the South Yuba River Citizens League
Meghan Quinn, Director, California Hydropower and Dam Removal, American Rivers
Chris Shutes, Executive Director, California Sportfishing Protection Alliance
Keiko Mertz, Policy Director, Friends of the River
Jann Dorman, Executive Director, Friends of the River
Mark Rockwell, President & VP Conservation, Northern California Council, Fly Fishers International
Aaron Zettler-Mann, Executive Director, South Yuba River Citizens League
May 20, 2024

May 20, 2024

JoAnna Lessard, Project Manager
Yuba County Water Agency
1220 F Street
Marysville, CA 95901-4740

Submitted via email: jlessard@yubawater.org

RE: Comments on the Draft Supplemental Environmental Impact Report for the Extension of the Lower Yuba River Accord Water Transfer Program

Dear Ms. Lessard:

American Rivers, California Sportfishing Protection Alliance, Friends of the River (FOR), Northern California Council, Fly Fishers International, and the South Yuba River Citizens League (SYRCL) submit these comments regarding Yuba County Water Agency's (YCWA) Draft Supplemental Environmental Impact Report (DSEIR) for the Extension of the Lower Yuba River Accord Water Transfer Program (WTP). In addition to reviewing the DSEIR itself, we also reviewed Corrected Order WR 2008 – 0014 and the 2007 Yuba Accord Final Environmental Impact Report (2007 FEIR) upon which the Yuba Accord WTP Extension will rely during the California Environmental Quality Act (CEQA) process, as well as other relevant documents cited in this comment letter.

The DSEIR lacks substantial evidence and analysis to support the findings that the Proposed Extension will have no significant impacts. The findings are based on a CEQA argument that the impacts of the No Project and Proposed Extension alternatives are fundamentally identical. Since these are the only two projects the DSEIR analyzes, the DSEIR concludes that new issues with fisheries, substantial changes in environmental conditions, and new significant evidence not previously known are not relevant to the analysis. However, the failure of the DSEIR to analyze a reasonably foreseeable Reduced Exports alternative fatally flaws the DSEIR's conclusions. Once a Reduced Exports Project is included and analyzed, the CEQA argument at the heart of the DSEIR falls apart.

Additional analysis is required. YCWA must revise and redistribute the DSEIR, or replace it with a new draft Subsequent EIR. The new draft CEQA document must include a Reduced Exports alternative as described below. The new draft CEQA document must also analyze and disclose new issues with fisheries, substantial changes in environmental conditions, and new significant evidence not previously known when YCWA issued the 2007 FEIR.

O1-1

I. Introduction and Background

The Lower Yuba River Accord is comprised of three agreements: (1) the Fisheries Agreement, (2) the Conjunctive Use Agreement, and (3) the Water Transfer Program (WTP). The WTP allows YCWA to sell up to 200,000 AF/year of water to the Department of Water Resources.

SYRCL and FOR are signatories of the Fisheries Agreement. Both organizations have participated in its implementation for many years but were not parties to or signatories of the WTP. In addition, both organizations were clear throughout the development of the Yuba Accord that it did not address YCWA's obligations to protect water quality and habitat downstream of the Yuba and that elements of the Yuba Accord would likely need to be modified in the future to be consistent with changes in regulatory requirements relating to the ongoing species declines and habitat degradation in the Sacramento River and the San Francisco Bay-Delta estuary.

O1-2

YCWA is now proposing to extend the Yuba Accord Water Transfer Program through 2050, beyond its current expiration date of December 31, 2025. On January 12, 2023, YCWA issued a Notice of Preparation (NOP) of a Draft Supplemental Environmental Impact Report for the Extension of the Lower Yuba River Accord Water Transfer Program. On February 27, 2023, conservation organizations[1] submitted joint comments on the NOP. In those comments, we recommended that YCWA prepare a new subsequent EIR rather than a supplemental EIR due to substantial changes in environmental conditions and regulatory environment since the 2007 FEIR. While we still assert that a subsequent EIR is required, we acknowledge that the baseline is updated in the DSEIR. That said, the DSEIR's analysis is lacking for the reasons discussed herein, preventing a full understanding of impacts associated with the Proposed Extension.

O1-3

In our NOP comments, we highlighted the need to (1) consider project impacts on the Bay-Delta estuary, (2) evaluate how significant pending changes to the Bay-Delta Water Quality Control Plan and Endangered Species Act requirements will impact Yuba Water's ability to deliver environmental flows while meeting obligations to DWR and Yuba Water member units, (3) evaluate the WTP under different flow requirements that may reasonably result from the FERC relicensing of the Yuba River Development Project, (4) ensure water delivery contracts are flexible to account for water year conditions and are reviewed consistently, and (5) carefully consider project alternatives incorporating analysis through year 2050, including a No Project/No Action alternative as required by CEQA/NEPA. We also recommended an analysis of whether extending the WTP is inconsistent with the updates to the Bay-Delta Plan and re-initiation of consultation for the NMFS 2019 Biological Opinion for Chinook salmon.

[1] Signatories of the February 27, 2023 comments on the NOP included the California Sportfishing Protection Alliance, Friends of the River, Fly Fishers International Northern California Chapter, South Yuba River Citizens League, The Bay Institute, and Trout Unlimited.

II. Appropriate Level of CEQA Review

The proposed WTP should be evaluated in a subsequent EIR, given the presence of changed circumstances and new information that was not known at the time of the 2007 FEIR's preparation.

CEQA guidelines[2] require a subsequent EIR for certified program and project-level EIRs if the following conditions exist:

a. Substantial changes with respect to the circumstances requiring major revisions due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

b. New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time of preparation of the EIR, becomes available. Such information must show either: the project will have one or more significant effects not discussed in the previous EIR; significant effects previously examined will be substantially more severe; mitigation measures or alternatives previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

O1-4

Based on the above guidelines for issuing a subsequent EIR and changed conditions since 2007, it appears that a subsequent EIR (rather than a Supplemental EIR) is required for the proposed WTP extension. As explained in more detail in our scoping comments on the Notice of Preparation, the potential effects of extending the WTP will likely be substantially more severe with regards to deteriorating conditions for endangered species and critical habitat areas downstream in the Sacramento River watershed and the Bay-Delta estuary (see Section III below), as well as in the Yuba River itself.

In addition, there are significant modifications to regulatory conditions that are anticipated in the coming months due to a variety of ongoing processes, including anticipated consultation under the Endangered Species Act for threatened and endangered salmonids in the Lower Yuba River and Delta,[3]and the ongoing update of the Bay-Delta Plan, as described in the September 28, 2023 Draft Staff Report in Support of Potential Sacramento/Delta Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Draft Staff Report).[4]

[2] CEQA Guidelines Section 15162.

[3] Central Valley Project and California State Water Project Consultation | U.S. Fish & Wildlife Service (fws.gov)

[4] **State Water Resources Control Board (State Water Board),** Draft Staff Report in Support of Potential Sacramento/Delta Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Sep. 28, 2023). Available at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/staff_report.html.

III. Fish Declines in the Lower Yuba River and the Bay-Delta Estuary, and their Relation to Flow Release Patterns under the Yuba Accord

The DSEIR fails to provide substantial evidence in support of its conclusion that the Proposed Project would have less-than-significant impacts to Lower Yuba River and Delta fisheries, and that no mitigation is required. Instead, substantial evidence indicates that the Yuba Accord's annual movement of abundant cold water flows from the winter-spring to the summer is having a significant impact on species listed under the Endangered Species Act (ESA) and the California Endangered Species Act (CESA), and on other species of importance (collectively "special status species"),[5] which have continued to decline over the 17 years since the adoption of the project evaluated in the 2007 FEIR.[6] In addition, the condition of pelagic fish species in the Delta, notably Delta smelt and longfin smelt, has declined precipitously since 2007.

The operation of New Bullards Bar Reservoir under the Yuba Accord flows and transfer program captures cold water in the spring, holding it for later release and transfer during the summer. The effect of this action is lower flows in January through June, the natural runoff/spring recession flow season, and higher flow from July to September, when flows under a more natural hydrograph would typically be low.

O1-5

Under YCWA's agreement with the Department of Water Resources (DWR), YCWA releases up to 200,000 acre-feet (AF) of water stored in New Bullards Bar Reservoir for transfer each summer. The water passes through Englebright Reservoir, the lower Yuba River, the Feather River, the Sacramento River, and finally enters the Delta. From the Delta, the export facilities of the State Water Project (SWP) or the Central Valley Project (CVP) deliver most of the water to the purchasers in their respective service areas. Some water is also sold, in some years, to East Bay Municipal Utility District (EBMUD) and Contra Costa Water District (CCWD), which take delivery through the Freeport Regional Water Intake Structure and Contra Costa's Delta points of diversion, respectively.

Some of the transferred water is offset in YCWA's service area when local irrigators pump groundwater in lieu of taking part of their surface water allocations from YCWA.

---

[5] *See* 2007 FEIR, p. 3.4-17: "Fish species of focused evaluation in the lower Yuba River include spring-run Chinook salmon, fall and late fall-run Chinook salmon, steelhead, green sturgeon, white sturgeon, Pacific lamprey, river lamprey, Central California roach, hardhead, striped bass and American shad."

[6] The DSEIR provides on p. 3.4-24 the following criteria for evaluation of significant impacts to fisheries:

- Have a substantial adverse effect, either directly or through habitat modifications, on any fish species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW, NMFS or USFWS.
- Interfere substantially with the movement of any native resident or migratory fish species, or impede the use of native nursery sites.
- Substantially reduce the habitat of a fish species; cause a fish population to drop below self-sustaining levels; threaten to eliminate a fish community; or substantially reduce the number or restrict the range of special status fish species.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

According to the Draft Staff Report, new data shows that existing and decreasing freshwater outflows, particularly during the spring, negatively impact the survival of native fish species, including salmon. For these reasons, the Draft Staff Report's proposed updates to the Bay-Delta Plan focus on alternatives that mimic the natural hydrograph and increase winter and spring water flows:

> Total average annual unimpaired outflows from the Bay-Delta watershed are about 28.5 million acre-feet (MAF). Upstream diversions and water exports have reduced annual average outflows by a little less than half (to 15.5 MAF), and outflows during the critical January-through-June period by more than half. However, average regulatory minimum Delta outflows are only about 5 MAF—or about a third of current average outflows and less than 20 percent of average unimpaired outflows. Existing regulatory minimum Delta outflows are too low to protect the ecosystem …[7]

The Draft Staff Report's proposed new flow objective for Delta inflow is thus:

> *Maintain inflow conditions from the Sacramento River/Delta tributaries sufficient to support and maintain the natural production of viable native fish populations and to contribute to Delta outflows. Inflow conditions that reasonably contribute toward maintaining viable native fish populations include, but may not be limited to, flows that more closely mimic the natural hydrographic conditions to which native fish species are adapted, including the relative magnitude, duration, timing, quality, and spatial extent of flows as they would naturally occur.*
>
> *Maintain inflows from the Sacramento/Delta tributaries at 55% of unimpaired flow, within an allowed adaptive range between 45 and 65% of unimpaired flow.*[8]

O1-5 cont.

The DSEIR appears to ignore this more recent data, and instead continues to rely on outdated information prepared for the 2007 FEIR in support of its conclusion that "implementation of the Proposed Extension would not change habitat conditions…and therefore result in less-than-significant impacts to fish species…"[9]

According to the DSEIR, YCWA in 2007 anticipated that the adoption of the Yuba Accord would have "[b]eneficial impacts to spring-run Chinook salmon, fall-run Chinook salmon, and steelhead" in the Lower Yuba River.[10] However, since that time, additional research regarding the status of special status species, particularly Chinook salmon and steelhead trout, has become available. As demonstrated in Figure 1, Chinook salmon in the Yuba River have not seen the rebound or benefits anticipated by the 2007 FEIR. Instead, special status species have continued to decline in number.

[7] Draft Staff Report, p. 5-10.
[8] Id., p. 5-17.
[9] DSEIR, p. 3.4-28.
[10] DSEIR, p. 3.4-27.

5

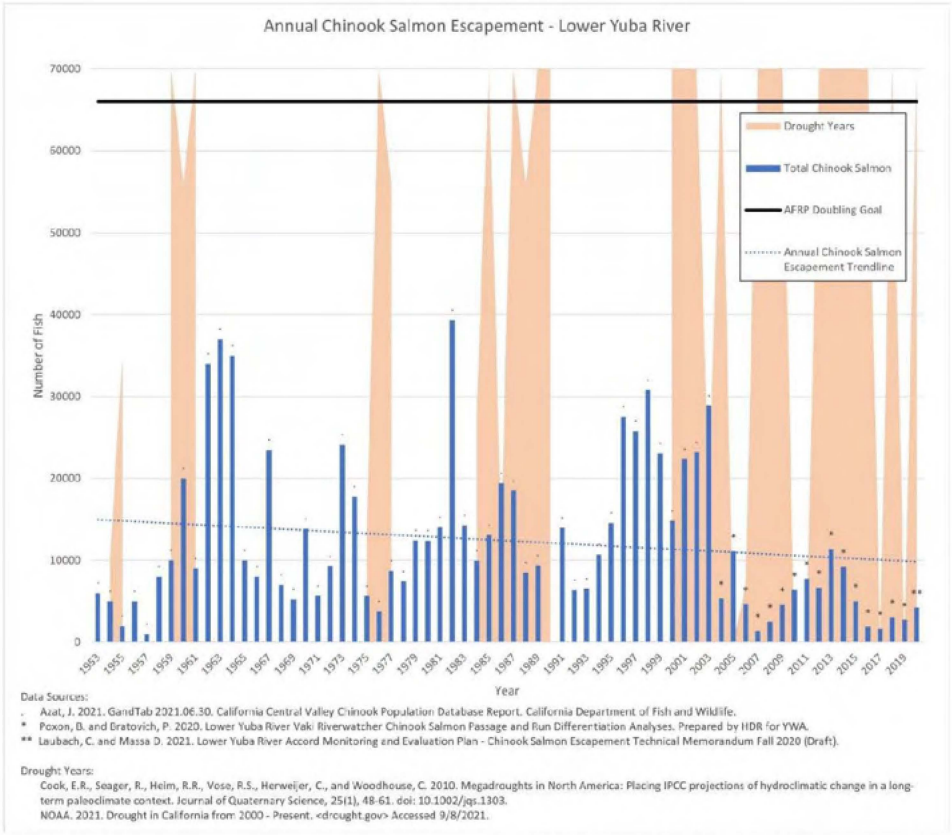


Figure 1: Annual Chinook Salmon Escapement – Lower Yuba River (1953-2019). The blue dotted line shows a long-term trend of decline in the total chinook salmon population in the lower Yuba River. Escapement in years since 2007 has been significantly lower than the long-term trend.[11]

O1-5 cont.

In addition, of the total number of salmon remaining in the Lower Yuba River, a large proportion are hatchery fish (Figure 2), suggesting that the total impact of the project on wild native salmonids is far greater than the total fishery numbers indicate. Further, hatchery fish have lower fitness than wild fish[12] and have adverse impacts on populations of wild salmonids.[13] Overall, substantial evidence suggests that salmonids in the Lower Yuba River continue to decline, and the anticipated "beneficial impacts" forecasted by the 2007 FEIR have not been realized. Additional analysis is required to update the information, evaluation, and conclusions developed for the 2007 FEIR.

[11] **Plot created by Tyler Goodearly, M.S., 2021. Data sources cited in figure.**

[12] Araki H, Berejikian BA, Ford MJ, Blouin MS. Fitness of hatchery-reared salmonids in the wild. Evol Appl. 2008 May;1(2):342-55. Available from: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3352433/

[13] McMillan, J.R., Morrison, B., Chambers, N., Ruggerone, G., Bernatchez, L., Stanford, J. et al. (2023) A global synthesis of peer-reviewed research on the effects of hatchery salmonids on wild salmonids. *Fisheries Management and Ecology*, 30, 446–463. Available from: https://doi.org/10.1111/fme.12643

6

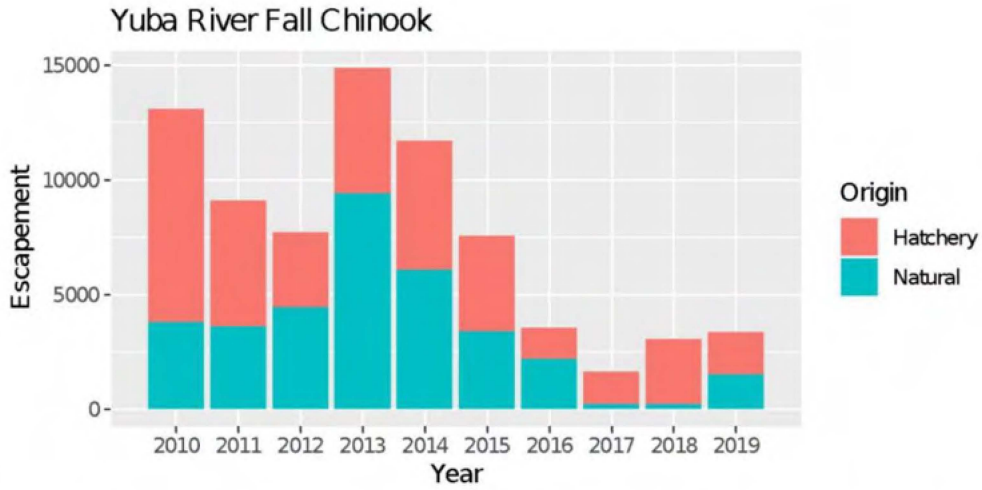


Figure 2: Composition and abundance of hatchery-origin vs. natural-origin fall run Chinook salmon spawning in the Yuba River. [14]

New analysis and information show that while cold-water releases from New Bullards Bar throughout the summer do produce water temperature benefits, this appears to have had limited benefits for decreasing fish populations in the Yuba River. The timing of the water releases helps very little with juvenile outmigration and juvenile rearing for salmon, in particular.

O1-5 cont.

IV. Cumulative Impacts are Considerable and not Adequately Identified or Analyzed

The DSEIR fails to analyze closely related past and present projects which may be, "individually minor but collectively significant projects…". The DSEIR fails to fully evaluate closely related projects that together have considerable impacts. CEQA defines cumulative impacts as follows:

> "Cumulative impacts refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (a) The individual effects may be changes resulting from a single project or a number of separate projects.
>
> (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts

O1-6

[14] Pacific Fisheries Management Council, Summary of FRAM base period Round 7.1.1 updates that potentially impact the Pacific Fishery Management Council's Chinook salmon abundance threshold for Southern Resident Killer Whales, (Sep. 27, 2022), pdf p. 75. Available at: https://www.pcouncil.org/documents/2022/10/d-2-attachment-1-methodology-review-materials-electronic-only.pdf/.

can result from individually minor but collectively significant projects taking place over a period of time."

In this case, the important part of the definition is paragraph (b) which refers to "other closely related past" projects that may be "taking place over a period of time." As discussed above in section III of these comments, data readily available to YCWA (and the SEIS itself) indicates that there is a set of potentially significant cumulative impacts of closely related past and present projects that must be analyzed even if the contribution of the subject action is minimal.[15] The ongoing trend of special status species declines is a strong indicator that cumulative impacts are "Cumulatively Considerable".

Corrected Order WR 2008 – 0014 articulates some of these impacts well in section 6.2.2 Significant Unmitigable Effects and Statements of Overriding Consideration:

> *"The Project's significant unmitigable effects within the State Water Board's purview are all cumulative effects. They are the potentially significant and unavoidable cumulative effects on*
>
> *1) Surface water supply and management in the Yuba Region, the Delta Region and the Export Service Area,*
>
> *2) Surface water quality in the CVP/SWP upstream of the Delta Region and in the Delta Region,*
>
> *3) Fisheries and aquatic resources in the CVP/SWP upstream of the Delta Region and in the Delta Region, and*
>
> *4) Recreation in the CVP/SWP upstream of the Delta Region and in the Delta Region. As noted in Section 4.2.3 above, the State Water Board has imposed additional mitigation measures to help offset the potential incremental and cumulative impacts of this project on the Delta, including limiting the amount and rate of pumping during the December to June period, and allowing the State Water Board, through delegation to the Deputy Director, to immediately condition or halt pumping if it is causing or threatening to cause an unreasonable effect on Delta Fisheries. However, these additional mitigations are likely insufficient to account for all potential cumulative impacts of the project."*

Substantial evidence suggests that potential Cumulative Impacts are considerable and therefore, must be identified and appropriately analyzed in a recirculated SEIR or a new subsequent EIR.

O1-6 cont.

[15] Yuba County Water Agency Extension of the Yuba Accord Long-Term Water Transfer Program Draft Supplemental EIR 3.4-1

V. Project Alternatives

The DSEIR analyzes two alternatives: the Proposed Extension alternative (contract renewal through 2050) and the No Project alternative. The DSEIR states that YCWA "briefly" considered a No-Transfer alternative but rejected it as "not reasonably foreseeable," arguing: "Under this scenario, therefore, there would likely be little or no variation from the operations under an approved water transfer, except that Yuba County communities would not receive the benefit of water transfer revenues."[16] This analysis, in combination with the analysis of the No Project and Proposed Extension alternatives, fails to consider that YCWA may have substantially less water available for transfer in the future due to the update of the Bay-Delta Plan.

Considering that the Bay-Delta Plan may allocate to Delta outflow much of the water currently available for YCWA to sell, a Yuba Accord contract extension may not be able to reliably deliver the contracted amounts. A Reduced Transfers alternative, therefore, is reasonably foreseeable. A Reduced Transfers alternative could achieve the project objectives. A Reduced Transfers alternative would also be the Environmental Superior alternative.

A Reduced Transfers alternative is reasonably foreseeable because an update of the Bay-Delta Plan that requires year-round release of a percent of unimpaired flow in the Yuba River and throughout the Sacramento River watershed and through the Delta is currently under active consideration by the State Water Board. Even though this is not the desired outcome of YCWA, the State Water Board's Draft Staff Report is substantial evidence of reasonable foreseeability. In addition, the State Water Board's adoption in 2018 of a similar approach for the lower San Joaquin River, upheld in court in 2024, is further evidence that a percent-of-unimpaired approach is reasonably foreseeable. O1-7

A Reduced Transfers alternative could still meet the project objectives. Those objectives are 1) to continue to support statewide water supply reliability; 2) to facilitate continued responsible groundwater management in the Yuba subbasin; and 3) to continue to support YCWA's programs.

Reduced transfers would still support statewide water supply reliability, but on a reduced scale. Reduced transfers could still also be part of a groundwater management strategy for the Yuba area. And reduced transfers could still also support YCWA's programs. In fact, planning now for reduced transfers and pricing those transfers accordingly would present an opportunity for a forward-looking contract and price structure. The basic assumption of less water available for transfer would likely mean reduced availability of competing transfer water, suggesting an overall greater unit cost.

Without a Reduced Transfers alternative, the DSEIR as written claims (as cited above) that Delta export operations under the No Project alternative and the Proposed Extension would be functionally identical, different only in beneficiaries: SWP and CVP contractors under the No Project Alternative, and YCWA under the Proposed Extension alternative. But a Reduced Transfers alternative founded on less water available for export would not be functionally

[16] SDEIR, p. 5-6.

identical to the No Project and Project Extension alternatives. A Reduced Transfers alternative has fewer impacts at the Delta pumps than either the No Project or Project Extension alternatives.

Under a Reduced Transfers alternative, some of the water that is transferred under current operations would instead become Delta outflow. Fewer fish would be drawn to the SWP and CVP's Delta pumps.

The Delta pumps and associated operations and infrastructure are notorious fish killers. Reduced exports, even in the summer, would save fish. Moreover, YCWA could prioritize transfers to EBMUD and CCWD, who do not use the SWP or CVP's Delta pumps; this would further reduce Delta impacts from YCWA's transfers.

O1-7 cont.

In addition, a Reduced Transfers alternative founded on a Bay-Delta Plan that required release of a percent of unimpaired flow in each month would change the release patterns of flow in the lower Yuba River and provide added winter and spring flows while reducing summer flows. This would more reliably provide higher flows for the juvenile rearing and outmigration of salmon and other species in winter and spring, as discussed above.

The Reduced Transfers alternative would therefore also be the Environmentally Superior alternative.

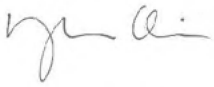
Closing

In summary, YCWA must revise and redistribute the DSEIR, or replace it with a new draft Subsequent EIR. The new draft CEQA document must include a Reduced Exports alternative as described above. The new draft CEQA document must also analyze and disclose new issues with fisheries, substantial changes in environmental conditions, and new significant evidence not previously known when YCWA issued the 2007 FEIR.

O1-8

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report for the Extension of the Lower Yuba River Accord Water Transfer Program. We look forward to continued participation in this process. If you have any questions regarding our comments, please do not hesitate to contact us.

Respectfully submitted,



Meghan Quinn
Director, California Hydropower and Dam Removal
American Rivers
mquinn@americanrivers.org

Chris Shutes
Executive Director
California Sportfishing Protection Alliance
blancapaloma@msn.com

Keiko Mertz
Policy Director
Friends of the River
keiko@friendsoftheriver.org

Jann Dorman
Executive Director
Friends of the River
janndorman@friendsoftheriver.org

Mark Rockwell
President & VP Conservation
Northern California Council, Fly Fishers International
mrockwell1945@gmail.com

Aaron Zettler-Mann
Executive Director
South Yuba River Citizens League
aaaon@yubariver.org

Response O1-1
The comment provides a summary of detailed comments provided below. See responses to the detailed comments below.

Response O1-2
The comment summarizes the Yuba Accord and SYRCL's and FOR's role in the Fisheries Agreement. It also summarizes their concerns raised during the development of the Yuba Accord regarding protection of water quality and habitat downstream of the Yuba River and potential need for modifications to the Yuba Accord in the future to be consistent with changes in regulatory requirements. The comment does not address the content, analysis, or conclusions in the Draft SEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Response O1-3
The comment summarizes the Proposed Extension, and the commenters' collective comments on the NOP for the Proposed Extension. The comment does not address the content, analysis, or conclusions in the Draft SEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Response O1-4
The comment states that the project should be evaluated in a Subsequent EIR due to the presence of changed circumstances and new information that was not known at the time the 2007 FEIR was prepared. The comment further states that the potential effects of extending the Yuba Accord Water Transfer Program would likely be more severe with regard to deteriorating conditions for endangered species and critical habitat areas downstream in the Sacramento River watershed and the Bay-Delta estuary, as well as in the Yuba River itself. In addition, the comment suggests that significant modifications to regulatory conditions that are anticipated in the coming months due to a variety of ongoing processes, including updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento Sacramento-San Joaquin Delta Estuary, be considered.

See response to comment A9-2 regarding Yuba Water's decision to prepare a Supplemental EIR. As the commenters acknowledge, the SEIR's analysis relied on an updated baseline that considered changed conditions since the 2007 EIR was certified and concluded that the Proposed Extension would not result in any new or more severe significant environmental impacts compared to those identified in the 2007 EIR. Additionally, see response to comment A2-4 regarding potential impacts on listed fish species. See responses to comments A4-3 and A9-2 and Chapter 3, "Revisions to the Draft SEIR," in this Final SEIR regarding updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento Sacramento-San Joaquin Delta Estuary explaining that implementation of Yuba Water's HR&L Program would result in beneficial impacts and that it would not affect the Proposed Extension in any way that would cause the Proposed Extension to result in a cumulatively considerable impact.

Response O1-5
The comment states that the Draft SEIR does not provide substantial evidence to support the conclusion that the Proposed Extension would have less-than-significant impacts to Lower Yuba River and Delta fisheries, and that no mitigation is required. The comment further states that the Draft SEIR does not consider more recent data and that additional analysis is needed to address the continued decline of salmonids since implementation of the Yuba Accord. See response to comment A2-4 regarding potential impacts on listed fish species.

Response O1-6
The comment summarizes how CEQA defines cumulative impacts and states that ongoing trends of special-status species declines is a strong indicator that cumulative impacts exist. The comment further indicates that even if the contribution of the subject action is minimal, the potential cumulative impacts of closely related past, present, and reasonably foreseeable projects are considerable and were not identified and appropriately analyzed in the Draft SEIR. See response to comment A2-4 regarding potential impacts on listed fish species.

In addition, the long-term transfer has undergone changes since the initial SWRCB order WR2008-0014 was issued. The changes to the transfer program, which are described in the SEIR (see p. 3.2-14), include new regulatory restrictions that eliminate exporting transfer water in the period identified by SWRCB in WRO 2008-0014 that could

potentially impact special-status species in the Delta. The discussion in WR2008-0014 regarding Delta special status species concerned the potential for relatively small amounts of transfer water, less than 20,000 AF annually, that could be pumped from the Delta at the CVP/SWP export facilities in the December to June period (SWRCB WRO 2008-0014 Section 2.5). In WRO 2008-0014, SWRCB limited the amount of transfer water that could be pumped from the Delta at the CVP/SWP export facilities (WRO2008-0014 Transfer Term 1 and Term 3). However, since that time, new biological opinions have limited transfer exports to a "transfer window" of July through September and more recently July through November (SEIR p. 3.2-14). The restrictions imposed on exports of transfer water restricting those exports to the transfer window have eliminated any transfer water pumping in the December through June period and eliminated the possibility of the Proposed Extension contributing even minimally to a cumulative impact on special-status species due to this action.

Response O1-7

The comment summarizes the alternatives that were evaluated in the Draft SEIR and states that a Reduced Transfers alternative is reasonably foreseeable because Yuba Water may have less water available for transfer in the future due to proposed updates to the Bay-Delta Plan. The comment further indicates that a Reduced Transfers alternative would have fewer impacts than the Proposed Extension.

As described in Chapter 5, "Alternatives," of the Draft SEIR, there would be no significant impacts associated with the Proposed Extension. Therefore, the Draft SEIR was not required to consider alternatives to the Proposed Extension, including the commenters' proposed "Reduced Transfers" alternative, because there would be no significant impacts to avoid or lessen through implementation of alternatives. Additionally, CEQA does not require Yuba Water to identify and analyze alternatives based on hypothetical future conditions. As explained in Section 3.1.2, "Baseline," of the Draft SEIR:

> Future changes to the watershed may occur due to the Voluntary Agreements, the future adoption of an updated Bay-Delta Water Quality Control Plan (Bay-Delta Plan), the outcome of the Biological Opinions (BOs) for the Long-Term Operations of the CVP and SWP, and the anticipated terms of a FERC license renewal and associated Water Quality Control Plan conditions. Each of these long-term processes are currently incomplete, with timelines for resolution that are wholly uncertain, and likely years away. ***Each process is related to some extent to the Yuba Accord, but at this point have only hypothetical outcomes that could resolve in myriad unknown ways. Therefore, incorporating these processes into the baseline would require speculation.*** These processes, however, are considered as appropriate in the discussion of cumulative impacts in Chapter 4, "Cumulative Impacts." ***Emphasis added.***

Regardless, substantial evidence demonstrates that a Reduced Transfers alternative would neither achieve the project objectives nor be the environmentally superior alternative as the comment suggests. In asserting otherwise, the comment misstates how Accord water transfers would be affected if the SWRCB were to adopt new Bay-Delta water quality control plan requirements for minimum streamflows based on unimpaired flows, as described in the SWRCB's related September 2023 draft staff report (DSR) (SWRCB 2023). Additionally, the comment misstates the likely hydrologic and water-supply effects of the SWRCB adopting such requirements. As Yuba Water previously demonstrated in its technical comments on the DSR, the potential unimpaired flow-based requirements cited by the comment would result in highly adverse impacts to the lower Yuba River's sensitive fish due to changes in water temperatures.

Although the comment asserts, without evidence, that it would be feasible for Yuba Water to implement a Reduced Transfers alternative in the event that SWRCB adopts unimpaired flow-based requirements, substantial evidence suggests otherwise. In January 2024, Yuba Water submitted to the SWRCB extensive comments on the 2023 DSR. As Yuba Water explained on pages 53 to 56 of those comments and in the Technical Memorandum #2 that Yuba Water submitted with those comments, the SWRCB's imposition of unimpaired flow-based requirements on Yuba Water as

proposed in the 2023 DSR likely would terminate all Accord transfers.[5] Yuba Water's comments and Technical Memorandum #2 provide an expert hydrological review of the SACWAM hydrologic modeling on which the DSR is based and concludes that operation of Yuba Water's YRDP, according to the DSR's SACWAM modeling, would eliminate Accord water transfers, and thereby eliminate a significant source of statewide water supply in droughts.

As the Draft SEIR states at page 2-7, the Proposed Extension's project objectives are as follows:

> The objectives of the Proposed Extension to the Water Transfer Program are to:
>
> (1) continue to support the existing level of water supply reliability throughout the state provided by the supplemental water for contractors of the CVP and the SWP, and other potential transferees consistent with the Water Purchase Agreement;
>
> (2) continue to facilitate responsible management of groundwater supplies consistent with the *Yuba Subbasins Water Management Plan: A Groundwater Sustainability Plan* (Yuba Water et al. 2019) through active coordination under the Conjunctive Use Agreements; and
>
> (3) continue to generate long-term, predictable revenue for Yuba Water's various projects and programs, such as its programs to replace aging wastewater infrastructure in Yuba County's Disadvantaged Communities.

Because substantial evidence demonstrates that the new unimpaired flow-based requirements described in the 2023 DSR likely would terminate all Accord transfers, the comment's premise that its proposed "Reduced Transfers alternative could achieve the project objectives" is incorrect. That premise is not supported by any information or data submitted with the comment or otherwise available. Yuba Water's comments on the 2023 DSR demonstrate that exactly the opposite would likely be the case. Specifically, the SWRCB's implementation of unimpaired flow-based requirements as discussed in the 2023 DSR likely would preclude *any* of the Proposed Extension's project objectives from being met.

Moreover, to the extent that the comment's proposed "Reduced Transfers" alternative might be implemented outside of a situation in which the SWRCB had adopted unimpaired flow-based requirements as discussed in the 2023 DSR, the comment appears to assume that other water users, including Reclamation and DWR as the operators of the CVP and the SWP, respectively, would desist from exercising their own water rights with points of diversion downstream of the Yuba River to divert water that would be transferred under the Proposed Extension. There is no basis for such an assumption. Nothing in the Proposed Extension would involve the SWRCB acting to prevent the CVP and the SWP from exercising their own water rights to divert water that Yuba Water releases as part of the continuing elements of the Yuba Accord. The only water-right petition involved in the Proposed Extension involves Yuba Water's water rights. (See Draft SEIR, p. 2-7.) Contrary to the comment's assumption that a Reduced Transfers alternative would involve "some of the water that is transferred under current operations would instead become Delta outflow," the CVP and the SWP likely would simply divert that water, just without compensating Yuba Water.

In this scenario, similar to the No-Transfer scenario addressed in the Draft SEIR's discussion of the No Project Alternative (p. 5-6), the effect of the proposed "Reduced Transfers" alternative would be to limit only Yuba Water's ability to transfer Yuba River water released under the Accord and would not be to limit other water users' ability to divert that water under their downstream water rights. Any such water therefore likely would be diverted by one or more of the many downstream water-right holders (who would not compensate Yuba Water). As the Draft SEIR explains, the most likely outcome would be that the CVP and the SWP would divert that water as part of their project supplies. The proposed alternative therefore would not reduce any alleged environmental effects in the south Delta as the comment suggests.

The commenters' proposed "Reduced Transfers" alternative therefore is either infeasible (in the event that the SWRCB adopts unimpaired flow-based requirements discussed in the 2023 DSR) or is unlikely to actually reduce south Delta

[5] Yuba Water has included its comments on the DSR, and the Technical Memorandum #2 it submitted with those comments, in the administrative record for the SEIR (Yuba Water 2024a). As the SWRCB's website also states, those comments are publicly available from the SWRCB via a request sent to SacDeltaComments@waterboards.ca.gov (SWRCB 2024).

diversions or significantly reduce any existing environmental impacts, assuming the SWRCB does not adopt unimpaired flow-based requirements as discussed in the DSR.

Finally, because the commenters' proposed "Reduced Transfers" alternative is premised on the SWRCB's adoption of unimpaired flow-based requirements as discussed in the DSR, it would be associated with lower Yuba River water temperatures that would be highly adverse for the river's fish. As pages 26 through 29 of Yuba Water's comments on the DSR explained, technical analyses that Yuba Water previously had submitted to FERC demonstrated that implementing unimpaired flow-based requirements like those discussed in the DSR would increase the lower Yuba River's water temperatures up to 13º Fahrenheit in the summer and increase temperatures at other times to levels that would be highly adverse for the river's salmon and steelhead.[6] Accordingly, implementation of the SWRCB's proposals that are the premise for the comment's proposed "Reduced Transfers" alternative would have significantly worse impacts on the lower Yuba River's sensitive fish compared to the Proposed Extension. The proposed "Reduced Transfers" alternative therefore would not be the Environmentally Superior alternative, as the comment claims, or even an appropriate alternative under CEQA. (California Code of Regulations, Title 14, Section 15126.6[a], [c], [f].)

Response O1-8

The comment states that a revised Draft SEIR needs to be prepared and recirculated or a Subsequent EIR prepared that includes evaluation of a Reduced Transfers alternative as well as analyzes and discloses new issues with fisheries, substantial changes in environmental conditions, and new significant evidence not previously known when the 2007 FEIR was issued. For the reasons described in responses to comments O1-2 through O1-7, above, neither recirculation of the Draft SEIR nor preparation of a Subsequent EIR is warranted.

[6] Yuba Water submitted with its comments to the SWRCB the relevant technical memoranda that it previously had submitted to FERC. Those memoranda were Exhibits G and H and are included in the administrative record for the SEIR. Those memoranda also are present in FERC's eLibrary at Accession Numbers 20211207-5175 and 20220307-5273. The commenters are parties to FERC's proceeding for the YRDP's relicensing and therefore should have received notice of Yuba Water's submission of those memoranda to FERC at the time of their submission. In addition, as discussed above, the SWRCB makes publicly available all comments on the DSR.

Letter O2 AquAlliance
Barbara Vlamis, Executive Director
May 20, 2024

AQUALLIANCE
DEFENDING NORTHERN CALIFORNIA WATERS

Letter O2

May 20, 2024

JoAnna Lessard, Watershed Manager
Yuba Water Agency
1220 F Street
Marysville, CA 95901-4740
Email: jlessard@yubawater.org

Re: Draft Supplemental EIR for the Extension of the Yuba Accord Long-Term Water Transfer Program, State Clearinghouse No. 200506211

Dear Ms. Lessard:

AquAlliance submits the following comments and questions for the draft Supplemental Environmental Impact Report ("DSEIR") for the Extension of the Yuba Accord Long-Term Water Transfer Program ("Project") that intends to operate through 2050. The SEIR states that "[t]he Proposed Extension is a continuation of the Water Transfer Program, beyond December 31, 2025, under its existing provisions. Although no substantial changes to the Water Transfer Program are proposed, Yuba Water, as lead agency, has chosen to prepare this SEIR to evaluate the potential environmental effects of the Proposed Extension."[1] O2-1

A. Existing Conditions

Review of the Yuba Subbasins Water Management Plan Annual Report for 2023 indicates that groundwater levels are *beginning* to recover from drought years, the same years that water transfers take place: "Yuba Water Member Units(11) participated in GWS transfers in 2008, 2009, 2010, 2013, 2014, 2018, 2020, and 2022, pumping a total of over 540,000 AF of groundwater. Plumas Mutual Water Company, which is located within the South Yuba Subbasin and operates its own GWS transfer program independent of Yuba Water, participated in GWS transfers in 2014, 2015, 2018, 2020, 2021, and 2022 pumping a total of over 22,000 AF of groundwater."[2] Clearly, the water transfers exacerbate drought impacts, which should be thoroughly analyzed and disclosed.

The SDEIR opines that the existing conditions are the same as in 2008 because the Yuba Accord has been in operation. "Because the Yuba Accord is and has been implemented since its approval in 2008, the water transfers occurring under the terms of the Yuba Accord Water Purchase Agreement reflect existing physical conditions in the watershed. Accordingly, the proper CEQA baseline consists of environmental conditions as they exist now, with the transfers occurring. It is against this baseline that the Proposed Extension SEIR will evaluate potential environmental impacts associated with the continuance of the transfers." Yikes! So much in the Yuba watershed, northern California watersheds, and the state as a whole is not the same for CEQA analysis! Some but not all possible O2-2

[1] p. ES-2.
[2] Yuba Water Agency, Et Al., 2024. Yuba Subbasins Water Management Plan: A Groundwater Sustainability Plan Water Year 2023 Annual Report. p. 3-1.

areas of change since 2006 that are involved in the proposed Project are human and species populations, climate, groundwater conditions, ground and surface water pollution, cropping patterns, urban and agricultural expansion, fires, and so much more.

Full disclosure of existing conditions is glaringly absent, which requires the withdrawal of the SDEIR and another CEQA document if the Project hopes to continue.

O2-2 cont.

B. Groundwater

Impacts to Well Owners

The DSEIR fails to disclose impacts associated with the Yuba River transfers, even impacts disclosed long ago. The Yuba Water Agency ("YWA", formerly YCWA) transfers encountered troubling trends for over a decade that, according to the draft Environmental Water Account's EIS/EIR, were mitigated by deepening domestic wells (2007 p. 6-56). While digging deeper wells is at least a response to an impact, it hardly serves as a proactive measure to avoid impacts. Additional information finds that it may take 3-4 years to recover from groundwater substitution in the south sub-basin although YWA's own analysis fails to determine how much river water is sacrificed to achieve the multi-year recharge rate. None of this is found in the DSEIR. What was found in the 2015-2024 Long Term Water Transfer Program's environmental review is that even the inadequate SACFEM2013 modeling reveals that it could take more than six years in the Cordua ID area to recover from multi-year transfer events, although recovery was not defined (pp, 3.3-69 to 3.3-70). This is a very significant impact that is not addressed specifically or cumulatively in the DSEIR.

AquAlliance litigation (Case No. 1:20-cv-878-DAD-EPG) contains additional details regarding impacts from groundwater substitution that are sorely absent from the DSEIR. After the defendants lost the case for Long Term Water Transfer in 2018, USBR and SLDMWA recognized in their subsequent environmental review that some impacts to groundwater users had to be disclosed.

O2-3

While acknowledging that "[g]roundwater substitution transfers could increase costs to water users for groundwater pumping, deepening existing wells, or drilling new wells in areas where groundwater levels decline as a result of the transfer," the FEIS/R does not provide adequate measures to mitigate this significant impact. FEIS/R 3.10-37. The FEIS/R states that "[g]roundwater substitution transfers would cause groundwater levels to decline in local areas . . . . Decreased groundwater levels would increase pumping costs for nearby well owners who are not participating in groundwater substitution transfers. Increased costs would reduce net farm revenues and, subsequently, household spending in the regional economy." FEIS/R 3.10-37. The FEIS/R conceded that

> *After a single year, pumping costs in most areas would increase about $0.64 to $1.60 per AF. In some areas in Sacramento, Glenn and Sutter counties, pumping costs could increase up to $3.20 to $4.80 per AF for nearby wells close to 0.25 miles from the transfer well. In*

> *some areas of Colusa and Yuba counties, groundwater levels could decline up to about 25 feet, which would be an increase in pumping costs between $6.40 and $8.00 per AF . . . . Reduction in groundwater levels could also result in existing wells that may not be participating in the water transfers to dry out. This would require either deepening existing wells or drilling new wells to continue to pump groundwater. Deepening or drilling new wells would result in excessive costs to third parties and would be a substantial adverse economic effect.* [emphasis added]

FEIS/R 3.10-37 to 3.10-38.

O2-3 cont.

Groundwater depletion may also lead to water quality impacts in wells. As well levels drop from adjacent groundwater use, the potentials for oils and metals to become mobilized is increased. How is the water quality in domestic wells, in particular, monitored during and after groundwater substitution transfers? Are health effects tracked? The North Yuba Subbasins Groundwater Sustainability Plan's 2023 annual report reveals that according to DWR's review "[d]ata gaps regarding groundwater quality monitoring exist. Department staff also find that the current groundwater monitoring network lacks spatial and temporal coverage of the entire Subbasins."[3]

AquAlliance fails to find in the DSEIR acknowledgements and mitigation for the likely life-altering and financial impacts to unsuspecting well owners near Project activities. This must be corrected in a revised and recirculated CEQA document.

Stream Depletion Factor

It is positive that YWA now includes "[d]epletion on streams below the Yuba River as summarized in Appendix B, and a shift in approach by DWR and Reclamation because of dwindling water supplies due to increased regulatory constraints and climate change effects, an SDF is being included in the Yuba Accord accounting of groundwater substitution transfers."[4] However, the DSEIR's reliance on DWR and USBR (Agencies") is misplaced. The Agencies may include stream depletion factor as a requirement in their White Paper, but they have little to no practice at doing more than sticking to a rigid number that was once 12 percent and is now 13 percent. The lax oversight of water transfers including, but not limited to, stream depletion, is a pattern and practice. The Agencies' behavior also flies in the face of DWR's commissioned analysis by CH2MHill, which found:

O2-4

> The effect of groundwater substitution transfer pumping on stream flow, when considered as a percent of the groundwater pumped for the program, is significant. The impacts were shown to vary as the hydrology of the periods following the transfer program varied. The three scenarios presented here estimated effects of transfer pumping on stream flow when dry, normal, and wet conditions followed transfer pumping. Estimated stream flow losses in the five-year period following

[3] Yuba Water Agency, Et Al., 2024. Yuba Subbasins Water Management Plan: A Groundwater Sustainability Plan Water Year 2023 Annual Report. p. 2-20.
[4] p. 3.2-29.

each scenario were 44, 39, and 19 percent of the amount of groundwater pumped during the four month transfer period. [5]

From the CH2MHILL analysis it is clear that the Agencies arbitrary selection of 13 percent for mitigating stream depletion is inadequate, therefore making the DSEIR's reliance on the Agencies and their White Paper inadequate under CEQA. Deferring analysis and selection of a SDF to a future date deprives the public of adequate disclosure and the ability to comment. A protocol should be established, so there is some assurance of the response during different hydrologic years and existing conditions.

The SGMA office of DWR also brings up the unpreparedness of the Yuba GSP to manage interaction between ground and surface waters:

> Department staff note that the Yuba GSP does not provide information regarding the location, quantity, and timing of depletions of interconnected surface water, as required by the regulations. It is believed the Yuba GSP does not, for the purposes of long-term compliance, effectively demonstrate with adequate evidence that minimum thresholds developed for the chronic lowering of groundwater levels are reasonable proxies for the rate or volume of surface water depletions caused by groundwater use that has adverse impacts on beneficial uses of the surface water. Department staff recommended that by 2025, the GSAs must provide the specific methodology to estimate the location, quantity, and timing of depletion of interconnected surface water as required by the GSP Regulations; assess and document the quantifiable change in location, quantity, and timing of depletions the GSAs consider to be significant and unreasonable, and thereby considers to be the minimum threshold(s) that could lead to an undesirable result; explore whether managing the location and quantity of pumping could be an effective proxy for depletion of interconnected surface water; and coordinate with subbasins in the Sacramento Valley to develop consistent approaches for assessing the location, quantity, timing of streamflow depletion due to groundwater use.[6]

O2-4 cont.

Groundwater Dependent Ecosystems

How are GDES being tracked, disclosed and mitigated? The Long Term Water Transfer EIS/R admitted tree and other vegetation effects could occur up to two miles away, and expert comments supported by hard data showed that effects can reach farther.

O2-5

The myriad issues raised above must be addressed in a revised and recirculated CEQA document.

O2-6

C. Climate Change

CEQA requires that the EIR evaluate the effects of the Proposed Action on the environment. (Cal. Pub. Res. Code §§ 21100, 21061). This requirement extends to analyzing both direct and indirect

O2-7

[5] CH2MHill, 2010, Technical Memorandum - Groundwater Substitution Transfer Impact Analysis, Sacramento Valley, To: Abdul Khan/California Department of Water Resources and Bob Niblack/California Department of Water Resources, From: Peter Lawson/CH2M HILL, Redding, California, March 29, 2010' p. 8.
[6] Yuba Water Agency, Et Al., 2024. Yuba Subbasins Water Management Plan: A Groundwater Sustainability Plan Water Year 2023 Annual Report. p. 2-20. (Exhibit A)

effects, as well as how and to what extent the Proposed Action will exacerbate existing hazards or conditions that may result in significant effects to the environment. (CEQA Guidelines, § 15126.2; California Building Industry Assn. v. Bay Area Air Quality Management Dist. (2015) 62 Cal.4th 369, 392). The SDEIR impermissibly ignores climate change analysis and fails to analyze how the Proposed Action will exacerbate climate change impacts to other resources.

The Project does not analyze how or to what extent it will exacerbate the effects of climate change by transferring water resources out of the project area at times when those water resources are already stressed by climate change and needed for other resources such as aquatic species, vegetation, irrigation, or recreation. Recent studies indicate that climate change will result in increasingly sharp seasonality of the California wet season.[7] Specifically, while certain climate models project an increase in winter mean precipitation, mean precipitation during autumn (September – November) and especially spring (March – May) months is expected to decrease.[8] The general effect is a sharp decrease in mean precipitation for the months immediately prior to and following the winter wet season.

O2-7 cont.

D. Cumulative Impacts

The DSEIR fails to address many projects that may have cumulative effects that should be assessed and disclosed. Examples include:

- The Long Term Water Transfer Program with lead agencies USBR and SLDMWA. There is an existing NEPA/CEQA document and notification for more NEPA/CEQA review later in 2024.
- The Richvale ID and Western Canal WD water transfers of 60,000 af.
- The transfer projects from the regular list of water sellers that apply to the SWRCB on an annual basis.
- The Delta Conveyance project.

Additional projects should also be considered in a recirculated CEQA document.

O2-8

As demonstrated above, the SDEIR must be withdrawn. Please keep AquAlliance apprised of your next steps.

O2-9

Sincerely,

B. Vlamis

Barbara Vlamis, Executive Director
AquAlliance
P.O. Box 4024
Chico, CA 95927

[7] Swain, D.L., Langenbrunner, B., Neelin, J.D. *et al.* Increasing precipitation volatility in twenty-first-century California. *Nature Climate Change* 8, 427–433 (2018) doi:10.1038/s41558-018-0140-y.
[8] *Id.*

Response O2-1

The comment is an introductory statement, including a summary of the Proposed Extension, and does not address the content, analysis, or conclusions in the Draft SEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Response O2-2

The comment summarizes past groundwater substitution transfers that have occurred during implementation of the Yuba Accord and states that these transfers exacerbate drought conditions in the Yuba Subbasin and should be analyzed and disclosed. The comment further states that because existing conditions have not been fully disclosed in the Draft SEIR, additional CEQA documentation is needed. As an initial matter, the comment's assertion that the Draft SEIR "opines that the existing conditions are the same as in 2008" is inaccurate. The SEIR's analysis relies on an updated baseline that considers existing conditions as of January 2023, when Yuba Water issued the NOP for the SEIR. See responses to comments A2-4 through A2-7 regarding potential effects of groundwater substitution transfers.

Response O2-3

The comment states that data show it may take several years for portions of the Yuba Basin to recover from groundwater substitution transfers and that groundwater depletion may result in water quality impacts in wells and these impacts are not addressed in the Draft SEIR. Therefore, the comment states that a revised and recirculated environmental document that discloses and evaluates these impacts and includes mitigation is required.

The comment fails to meaningfully acknowledge the relevant groundwater impact analyses in the 2007 Yuba Accord EIR or the Draft SEIR for the Proposed Extension. Section 3.3, "Groundwater Resources," of the Draft SEIR analyzes the potential groundwater impacts of the Proposed Extension and demonstrates that these impacts would be less than significant. The comment does not provide any evidence, or even allege, that the methodologies and conclusions in the Draft SEIR's groundwater impacts analysis are flawed.

Instead, the comment cites outdated and irrelevant information from other environmental documents. Specifically, the comment appears to cite the 2007 Draft EIS/EIR for the Environmental Water Account (EWA)[7] and a 2015 EIS/EIR prepared by the U.S. Bureau of Reclamation and San Luis & Delta-Mendota Water Authority for Long-Term Water Transfers.[8] Unlike the 2007 Yuba Accord EIR or the Draft SEIR, neither of the environmental documents cited in the comment analyzed groundwater substitution transfers under the Yuba Accord or the Proposed Extension, including the features of the Yuba Accord that have addressed, and will continue to address, the impacts raised in the comment. (See Section 2.3.6, "Other Commitments as Features of the Proposed Extension," of the Draft SEIR.) As the Draft SEIR explains (see pages 3.3-9 and 3.3-18 to 3.3-21), those features will avoid and, if necessary, mitigate any adverse impacts to groundwater levels and groundwater users associated with groundwater-substitution transfers under the Proposed Extension. The comment does not explain why these features would be inadequate to address any potential groundwater impacts under the Proposed Extension.

Since 2008, Yuba Water has implemented Mitigation Measures 6.1 and 6.2 identified in the 2007 Yuba Accord EIR, which include a monitoring and mitigation plan and a third-party action plan) to address groundwater impacts. The Proposed Extension explicitly incorporates continued implementation of those measures.

These measures reflect Yuba Water's and its Member Units' practical experiences before 2007 with pre-Accord groundwater-substitution transfers. In the early 2000s, before the Yuba Accord was implemented, some domestic wells that were not constructed to withstand the water level fluctuations of drought conditions were deepened, at the expense of Yuba Water's member units that participate in groundwater-substitution transfers and not at the expense of the well owners. Based on this experience, the 2007 Accord EIR incorporated, and Yuba Water has implemented, Mitigation Measures 6.1 and 6.2, including deepening wells that may have been affected by groundwater-substitution

[7] The Draft EIS/EIR for the EWA—a much broader program than the Yuba Accord—predated the implementation of the Yuba Accord. The 2007 Yuba Accord EIR, which this SEIR supplements, analyzed the groundwater impacts associated with Yuba Accord transfers.

[8] The EIS/EIR appears to be available as an AquAlliance hearing exhibit on the SWRCB's website at https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/CSPA%20et%20al/part2/aqua_266A.pdf.

pumping, at the expense of participating member units. The comment's assertion that the Proposed Extension would have "life-altering and financial impacts to unsuspecting well owners" is therefore unfounded.

In addition, as the Draft SEIR's section 2.3.3 states, the Proposed Extension would involve the extension of Yuba Water's Water Purchase Agreement with DWR under substantially the same terms. The existing Water Purchase Agreement includes, as its Exhibit 3, a Groundwater Monitoring and Operations Program. That plan includes specific limitations on groundwater-substitution pumping to ensure that local wells are not dewatered. (Draft SEIR, p. 3.3-18.) As the Draft SEIR states, as part of the Proposed Extension, Yuba Water will augment the existing protective measures implemented under the Accord by using its YGM to forecast groundwater levels that would occur with groundwater-substitution transfers in each year. (Draft SEIR, p. 3.3-18.)

The comment does not meaningfully acknowledge the Draft SEIR's discussion of these issues, nor does it provide any information that suggests that these existing and augmented measures will not adequately address the potential groundwater impacts cited in the comment.

The comment also fails to acknowledge the Draft SEIR's discussion about how the Proposed Extension would integrate with Yuba Water's implementation of its approved GSP under the SGMA to avoid adverse impacts to groundwater users. (See Section 3.3, "Groundwater Resources" and pages 3.3-20 to 3.3-21 [analysis of Impact 3.3-1].) As a result of Yuba Water's implementation of SGMA, and particularly through Yuba Water's use of the YGM it developed to implement SGMA, Yuba Water will be able to implement updated objectives for groundwater-substitution transfers' effects that are more protective than the GSP's thresholds for more general sustainable groundwater management. (Draft SEIR, pp. 3.3-20 to 3.3-21.)

With respect to groundwater quality, the comment quotes Yuba Water's 2023 GSP annual report and DWR's comment on groundwater quality monitoring. The comment, however, does not acknowledge or address the Draft SEIR's analysis of potential groundwater quality impacts (see pp. 3.3-21 to 3.3-22 [analysis of Impact 3.3-2]), which is based in large part on Yuba Water's long-running experience with measuring the groundwater quality impacts of existing Accord groundwater-substitution transfers, or the Draft SEIR's conclusion that continued Accord groundwater-substitution transfers under the Proposed Extension would not cause any significant groundwater quality impacts.

As explained in that analysis, Yuba Water's groundwater quality monitoring has focused on electric conductivity (EC) levels for two primary reasons. First, because EC is a measure of the changes in concentrations of dissolved solids (i.e., salts) in water, changes in EC levels indicate that basic groundwater quality is changing and that more analysis of any changes may be required. Second, DWR requires EC monitoring of all groundwater substitution projects, so the Accord water purchase agreement's Exhibit 3 Groundwater Substitution Transfer Monitoring and Operations Program requires Yuba Water to monitor EC in production wells involved in groundwater-substitution transfers. Specifically, Yuba Water (and its Member Units) must measure EC in the relevant wells "at the initiation of pumping (or as soon thereafter as practicable), two months after the initial EC measurements and at the termination of pumping" (WPA Exhibit 3 p. 2). Similar data had been collected in a number of Yuba County wells for decades before the start of the Yuba Accord. Thus, Yuba Water has a large base of data to analyze these issues.

Yuba Water's data from monitoring EC in production wells involved in Yuba Accord groundwater-substitution transfers shows generally consistent readings across most of the Yuba Subbasin. Only one well, in an area of southern Yuba County near Wheatland, has ever showed substantial long-term increasing EC trends in groundwater through Yuba Water's monitoring. Other wells have stable concentrations or have smaller increasing or decreasing trends in concentrations. At the time those trends were observed, however, the area of southern Yuba County near Wheatland was unique in southern Yuba County because Yuba Water was unable to deliver surface water for irrigation to that area before 2010. By comparison, Yuba Water began delivering surface water to most of southern Yuba County in the 1980s. The area in which EC levels in groundwater increased showed those increases from about 1980 through 2006. Since 2006, however, EC levels have been dropping (Yuba Water 2024b: 3-29 to 3-32). As Yuba Water began delivering surface water to the area in 2011, the decline in EC levels may be associated with reduced groundwater pumping as a result of the use of surface water delivered by Yuba Water.

These data contradict the comment's unsupported theory that continued groundwater-substitution pumping under the Proposed Extension could have significant adverse effects on groundwater quality. Instead, these data indicate that Yuba Water's surface-water deliveries have allowed southern Yuba County farmers to reduce their reliance on annual groundwater pumping, with resulting improvements in groundwater quality. Continued groundwater-substitution pumping under the Proposed Extension would be associated with continued Yuba Water surface-water deliveries that would occur in years with and without groundwater-substitution transfers. In addition, continued groundwater-substitution pumping under the Proposed Extension would incorporate the detailed monitoring and mitigation measures already included in the Accord, as augmented in the manner explained above and in the Draft SEIR. For these reasons, substantial evidence demonstrates that the Proposed Extension would not cause any adverse groundwater quality impacts, and the comment has failed to demonstrate otherwise. As the Draft SEIR addressed the project's potential groundwater impacts and no additional mitigation is required under CEQA, recirculation of the Draft SEIR is not warranted.

Response O2-4

The comment applauds the inclusion of an SDF but states based on the results of DWR's commissioned analysis of SDF by CH2MHill that current application of SDFs to groundwater substitution transfers has been inadequate and that a protocol should be established for different hydrologic years and disclosed in the environmental document to allow the ability to comment.

As a threshold matter, the comment appears to assume—incorrectly—that the Draft SEIR's analysis of streamflow depletion in Section 3.2, "Surface Water Supply and Management," is intended to also address the Proposed Extension's potential effects on aquatic species and other environmental resources that depend on streamflows in streams as a result of continued groundwater-substitution pumping.

This assumption, however, is not accurate. As described in response to comment A2-6, above, this SEIR demonstrates that continued Accord groundwater-substitution transfers: (1) would not have any effect on larger streams that are hydraulically connected with aquifers from which groundwater-substitution pumping would occur (i.e., the lower Yuba River, the Feather River) that would require further environmental analysis; and (2) would not adversely affect smaller streams that may support GDEs, but that rely on Yuba County's shallower aquifer that is largely separated from the deeper production aquifer by clay layers and lenses (see response to comment A2-6 for additional discussion). The CH2MHill technical memorandum cited by the commenter is 14 years old, does not include recent improvements in data availability and conceptual understanding, and analyzes a broad area spanning the southern half of the Sacramento Valley without critical local detail. The results presented in the CH2MHill technical memorandum are no longer relevant to conditions specific to groundwater substitution transfers in the Yuba Subbasins, having been superseded by the technical analysis presented in Appendix B in the Draft SEIR. Appendix B incorporates the most recent data and conceptualization of the Yuba Subbasins and groundwater substitution transfers into a detailed, site-specific modeling and analysis approach for defining stream depletion factors. The comment, therefore, provides no basis for concluding or theorizing that any streamflow depletions that might be associated with continued Yuba Accord groundwater-substitution transfers would cause any adverse environmental effects.

The comments about the potential variability of the SDF that will be used in relation to Yuba Accord groundwater-substitution factor, and potential related impacts, ignores the reality of streamflow depletion that may occur in association with the Proposed Extension, the Draft SEIR's analysis of potential streamflow depletions, and the basic purpose of an SDF. The Draft SEIR contains, in Appendix B, a technical memorandum entitled "Streamflow Depletion Effects on Downstream Water Supplies." Appendix B describes Yuba Water's extensive analysis of streamflow depletion effects, including multiple modeling studies, and includes detailed information on a proposed process to identifying an SDF in collaboration with DWR. As Appendix B discusses at pages 2 and 11 through 13, "a significant portion of the total streamflow depletion due to [groundwater substitution] transfer pumping occurs on the Yuba River above the Marysville Gage" and, out of the necessity to comply with regulatory requirements concerning minimum lower Yuba River flows, Yuba Water would compensate for any such depletions by releasing more water from New Bullards Bar Reservoir to ensure that those depletions do not cause flows at the Marysville Gage to fall below required minimums. In addition, DWR's participation and consideration relative to the SDF is important

because, to the extent any streamflow depletions associated with Yuba Accord groundwater-substitution transfers occur downstream of the Yuba River, DWR is the primary water user that could be affected. The fact that DWR's water supplies potentially could be affected, however, does not indicate that any environmental impact would occur because there are numerous regulatory requirements that govern conditions in the Feather River, the Sacramento River, and the Delta downstream of the Yuba River. The commenter provides no comments on Appendix B. The comment, therefore, provides no basis for questioning the Draft SEIR's analysis of potential streamflow depletions.

In addition, under the applicable law and the relevant hydrologic circumstances, a potentially flexible SDF is necessary to accurately account for water supply issues associated with future transfers under the Proposed Extension. As explained above and in the Draft EIR, this process is not intended to address environmental impacts directly, but rather, to alleviate concerns about potential injuries to water rights of downstream water users. As a result, this process is typically accomplished through negotiations regarding contractual terms, rather than as part of an environmental review process requiring the "public … disclosure and the ability to comment" sought by the comment.

Specifically, for Yuba Accord transfer water to reach many of its buyers, DWR, and sometimes Reclamation, must "wheel" that water through their south Delta pumps and associated water conveyance facilities pursuant to the "wheeling statutes" (Water Code sections 1810 through 1814). Relevant here, these statutes require that a wheeling operation occur "without injuring any legal user of water" (section 1810[d]) and authorize the "owner of the conveyance facility" to set the terms under which water will be wheeled (section 1812). In the case of Yuba Accord transfers, the wheeling statutes authorize DWR and Reclamation to impose reasonable terms to prevent any legal injuries to their own water uses that might otherwise occur as a result of the transfers through DWR and U.S. Bureau of Reclamation infrastructure. Moreover, because the Proposed Extension involves a 25-year extension of the wheeling of Yuba Accord transfer water through those agencies' facilities, any appropriate SDF necessarily will account for the fluctuating hydrology within which the transfers will occur. The Draft SEIR's treatment of the SDF issue—which, again, is intended to account for water supply issues to prevent legal injury, rather than to mitigate environmental impacts—is consistent with the applicable law governing water transfers. As noted above, the Draft SEIR separately analyzed potential environmental impacts of the Proposed Extension as a result of streamflow depletion in Sections 3.2 through 3.5 and determined that the Proposed Extension would not result in any significant impacts.

Finally, the comment states that "DWR also brings up the unpreparedness of the Yuba GSP to manage interaction between ground and surface waters"; however, DWR has approved Yuba Water's GSP under SGMA, signifying that that the GSP avoids undesirable effects. To the extent that the comment concerns the adequacy of the GSP generally, that issue is beyond the scope of this SEIR. In addition, the issue that the comment raises concerns the existence of potential GDEs in Yuba County. As explained in response to comment A2-5 regarding potential impacts to GDEs, however, any such ecosystems necessarily depend on Yuba County's shallow aquifer that has limited hydraulic connection with the county's deeper aquifer that is the primary source of groundwater that the county's farmers use and, therefore, the source for groundwater-substitution pumping. As a result, the Proposed Extension would not result in significant adverse impacts to GDEs requiring further analysis or mitigation.

Response O2-5

The comment asks how GDEs are being tracked, disclosed, and mitigated, and states that effects on GDEs can occur up to or more than two miles away. See response to comment A2-5 regarding potential impacts to GDEs. As substantial evidence demonstrates that the Proposed Extension would not result in any significant impacts to GDEs, no additional analysis or mitigation is required.

Response O2-6

The comment states that the issues raised in the comments require a revised and recirculated CEQA document. For the reasons described in responses to comments O2-2 through O2-5, above, recirculation of the Draft SEIR is not warranted.

Response O2-7

The comment states that the Draft SEIR does not address climate change and analyze how the Proposed Extension would exacerbate climate change impacts to other resources. As stated on page 3.1-11 under the subheading,

"Greenhouse Gas Emissions," in Section 3.1.3, "Effects Found Not to Be Significant," of Chapter 3 "Environmental Impacts and Mitigation Measures," in late 2018, the California Natural Resources Agency finalized amendments to the CEQA Guidelines, including changes to CEQA Guidelines Section 15064.4, which addresses the analysis of greenhouse gas (GHG) emissions. The amendments were approved by the Office of Administrative Law and filed with the Secretary of State and became effective on December 28, 2018.

As provided in CEQA Guidelines Section 15007(b), "[a]mendments to the Guidelines apply prospectively only," and if a CEQA document "meets the content requirements in effect when the document is sent out for public review, the document shall not need to be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved" (CEQA Guidelines Section 15007[c]).

The 2007 EIR was sent out for public review and certified before the amendment to the CEQA Guidelines adding analysis of GHG emissions. Although new information about the science of climate change has become available and the relationship between GHG emissions and land use planning has become better understood since the 2007 EIR was certified, impacts associated with GHGs were known at the time of certification of the 2007 EIR, and new information concerning GHGs does not constitute new significant information under CEQA (PRC Section 21166) or the CEQA Guidelines (Section 15162) because it does not constitute a new impact caused by the changes proposed in the project or indicate that the project would have any substantially more severe environmental impacts beyond those addressed in the 2007 EIR.

As discussed on page 3.1-11 under the subheading, "Greenhouse Gas Emissions," in the Draft SEIR, the Proposed Extension would not cause potentially significant impacts in this resource category because the Proposed Extension would be a continuation of the existing Water Transfer Program and would not involve physical changes to existing facilities or operations that would generate new or increased GHG emissions compared to existing conditions. Groundwater pumping would continue, as it does under existing conditions, and would not be increased under the Proposed Extension. Pumps used for groundwater pumping and water transfers are electric and, therefore, produce fewer emissions than diesel pumps. Construction and operation of other unrelated projects and other existing sources in the Yuba Region and the Export Service Area, including those associated with existing facilities, would also still occur. Emissions would be generated from sources such as vehicle traffic, construction and agricultural equipment, and operation of various facilities, but these sources of emissions are part of the existing conditions. The Proposed Extension would not generate new or increased GHG emissions relative to existing conditions that would have a significant impact on the environment.

As explained in response to comment A2-4, above, most of the Yuba Accord's transfer water is an increment of water between the minimum streamflow requirements for the lower Yuba River under the Accord, as approved by the SWRCB, and pre-Accord minimum streamflow requirements for the lower Yuba River. The amount of these Accord transfers is determined by downstream water accounting, not by changes in Yuba Water's operations. In other words, the Proposed Extension generally would not independently "[transfer] water resources out of the project area at times when those water resources are already stressed by climate change," as the comment incorrectly suggests. Accordingly, there is no clear mechanism by which most of the water transfers under the Proposed Extension would contribute to, or exacerbate the effects of, climate change. To the extent that climate change might be relevant, it would only be because changes in the relevant hydrology might affect the minimum streamflow requirements Yuba Water needs to implement in a given year, the downstream water accounting, or both. The comment provides no information that affects the Draft SEIR's analysis of the effects of the majority of Yuba Accord transfer water.

With respect to groundwater-substitution transfers "out of the project area," to the extent that climate change may affect Yuba County's water resources, those effects will be addressed through Yuba Water's ongoing Groundwater Substitution Transfer Monitoring and Operations Program and the various features of the Proposed Extension that have and will continue to protect groundwater supplies and quality as discussed in response to comment O2-3 above and in Section 2.3.6, "Other Commitments as Features of the Proposed Extension," of the Draft SEIR.

More broadly, climate change is a trend over time in hydrologic conditions and it is uncertain to what extent hydrologic conditions will become more variable with climate change. It is important to understand that California's hydrology has always been extremely variable. For example, between 1861 and 1865, California first experienced a

flood so significant that it inundated the City of Sacramento and much of the Central Valley and then a drought so significant that it essentially destroyed southern California's cattle ranching economy (Guinn 1890: 33-39). Consistent with the high variability of California's climate, the 2007 EIR and the Draft SEIR analyze the year-to-year variability of the hydrologic cycle to assess the range of effects of the Proposed Extension against that hydrology, the variation of which is much more variable from year to year than the projected long-term trend of climate change. Further, as the Draft SEIR states, as part of the Proposed Extension, Yuba Water will augment the existing protective measures implemented under the Accord by using its YGM to forecast groundwater levels that would occur with groundwater-substitution transfers in each year (Draft SEIR, p. 3.3-18). These measures are responsive to all causes of changes in groundwater levels, including climate change. The comment provides no basis for concluding or speculating that the Proposed Extension would exacerbate any climate change-related effects on Yuba County's water resources.

Response O2-8

The comment states that additional projects could contribute to cumulative impacts and provides several examples that it asserts should be disclosed and assessed in a recirculated environmental document. The comment does not provide any evidence of a potential cumulative impact or specify the types of cumulative impacts that it asserts would occur. As to the four specific projects that the comment asserts must be considered in the SEIR, substantial evidence demonstrates that these projects would not cause the Proposed Extension to have any cumulative impacts that were not considered in the Draft SEIR. Each of these projects is discussed below:

- The Long-Term Water Transfer Program with lead agencies USBR and SLDMWA: The comment states that this project was not addressed in the Draft SEIR; however, this project is included in Table 4-1 on page 4-10 of the Draft SEIR under the heading, "Long-term and Short-term Water Transfers." The Draft SEIR's cumulative impacts analysis considered this project, among others, and concluded that the incremental contribution of the Proposed Extension would not result in cumulatively considerable impacts relative to the existing condition. (Draft SEIR, pp. 4-20 to 4-23 [surface water supply and management], 4-24 to 4-25 [groundwater resources], 4-26 to 4-28 [fisheries and aquatic resources], 4-29 to 4-31 [surface water quality].)
- The Richvale Irrigation District and Western Canal Water District water transfers of 60,000 af: As explained in Section 3.1, "Approach to the Environmental Analysis," of the Draft SEIR, the SEIR considers the potential environmental impacts of the Proposed Extension using the existing condition (as of January 12, 2023, when the NOP for the Proposed Extension was issued) as a baseline for the analysis. The cited Richvale Irrigation District and Western Canal Water District transfers have been implemented since 2018 and are therefore appropriately part of the baseline for the SEIR's analysis. Accordingly, the SEIR need not also include these transfers in its cumulative impacts analysis. Under existing conditions, hundreds of thousands of acre-feet of water are transferred each year from Northern California to the San Joaquin Valley and Southern California across the Delta. To the extent that new transfers beyond the baseline are proposed or will occur, the SEIR includes them in its analysis of the cumulative impacts of the Proposed Extension. (See Table 4-1 of the Draft SEIR, which includes "Long-term and Short-term Water Transfers," on page 4-10.)
- The transfer projects from the regular list of water sellers that apply to the SWRCB on an annual basis: As explained in Section 3.1, "Approach to the Environmental Analysis," of the Draft SEIR, the SEIR considers the potential environmental impacts of the Proposed Extension using the existing condition (as of January 12, 2023, when the NOP for the Proposed Extension was issued) as a baseline for the analysis. The annual water transfers cited in the comment are part of this existing condition and are already accounted for as such in the Draft SEIR's analysis of the potential impacts of the Proposed Extension. Thus, it is not required, necessary, or appropriate for the SEIR to also treat these annual transfers as separate projects in the cumulative impacts analysis.
- The Delta Conveyance Project: The comment states that this project was not addressed in the Draft SEIR; however, this project is included in Table 4-1 on page 4-16 of the Draft SEIR. The Draft SEIR's cumulative impacts analysis considered this project, among others, and concluded that the incremental contribution of the Proposed Extension would not result in cumulatively considerable impacts relative to the existing condition. (Draft SEIR, pp. 4-20 to 4-23 [surface water supply and management], 4-26 to 4-28 [fisheries and aquatic resources], 4-29 to 4-31 [surface water quality].)

For the reasons explained above, the comment does not identify any evidence of potential cumulative impacts that were not adequately addressed in the Draft SEIR. No updates to the Draft SEIR's analysis or any other revisions to the Draft SEIR are necessary to address the four projects identified in the comment.

However, Yuba Water has made slight revisions to the Draft SEIR's list of cumulative projects; these revisions are intended to ensure the Draft SEIR's consistency with other Yuba Water CEQA/NEPA documents, but do not result in any new significant cumulative impacts or substantially more severe significant cumulative impacts in comparison to what was originally disclosed in the Draft SEIR. See Chapter 3, "Revisions to the Draft SEIR," for the specific text changes made to the Draft SEIR since its publication and public review.

Response O2-9

The comment states that the Draft SEIR should be withdrawn. The comment does not address the content, analysis, or conclusions in the Draft SEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided above, and AquAlliance will continue to be included on the distribution list to receive notices and environmental documents related to the Proposed Extension.

This page intentionally left blank.

3 REVISIONS TO THE DRAFT SEIR

This chapter presents specific text changes made to the Draft SEIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft SEIR and are identified by the Draft SEIR page number. Text deletions are shown in ~~strikethrough~~, and text additions are shown in underline.

The information contained within this chapter clarifies and expands on information in the Draft SEIR and does not constitute "significant new information" requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

3.1 REVISIONS TO CHAPTER 2, "DESCRIPTION OF THE PROPOSED PROJECT"

To provide an update regarding the authorized points of rediversion (PORDs) per current State Water Resources Control Board (SWRCB) practice and Yuba Water's discussion with SWRCB staff, the first paragraph on page 2-10 of the Draft SEIR is revised as follows:

> Yuba Water plans to prepare and file a water right change petition with the SWRCB. The petition would request the SWRCB's approval of a long-term water transfer of up to 200,000 acre-feet per year (the same volume of water now authorized under Corrected Order WR 2008-0014). The petition would request continuation of the same points of rediversion for Yuba Accord water transfers (i.e., Clifton Court Forebay, Jones Pumping Plant, EBMUD Freeport Regional Water Facility intake, and San Luis Dam at San Luis Reservoir) and addition of three of CCWD's Delta intakes (Rock Slough, Old River, Middle River intakes) as PORDs (which have been approved in 2022, 2023, and 2024 as temporary PORDs for Yuba Accord transfer water); continuation of San Luis Dam at San Luis Reservoir for potential storage of Yuba Accord transfer water; and continuation of the same places of use for Yuba Accord transfer water (i.e., SWP and CVP service areas); (i.e., SWP and CVP service areas); and continued authorization of municipal, industrial, and irrigation use of Yuba Accord transfer water. In addition, to conform with current SWRCB practice to include terminal reservoirs as authorized PORDs, the change petition also includes these terminal reservoirs from Clifton Court Forebay: Castaic Dam, Perris Dam, and Pyramid Dam. Reference to these terminal reservoirs is an administrative action that would not change the continued operation of the Water Transfer Program.

3.2 REVISIONS TO SECTION 3.2, "SURFACE WATER SUPPLY AND MANAGEMENT"

To provide clarification and in response to comments from Reclamation, the 3rd and 4th full paragraphs on page 3.2-21 of the Draft SEIR is revised as follows:

> ### Los Vaqueros Reservoir
>
> The Los Vaqueros Reservoir is an off-stream reservoir located in southeastern Contra Costa County that is owned and operated by CCWD and currently has a capacity to store 160 TAF of water. Reclamation and CCWD are currently evaluating expansion up to the 275-TAF capacity (Reclamation and CCWD 2020). CCWD diverts unregulated flows and regulated flows from CVP storage facilities releases as a contractor of Reclamation's CVP. CCWD can divert and re-divert up to 195 TAF per year of water from ~~its~~ the Rock Slough, ~~and~~ Old River, and Middle River intakes for direct use or to storage in Los Vaqueros Reservoir. As part of long-term CVP/SWP operations, Reclamation and DWR requested incidental take coverage for all water diverted at the Rock Slough Intake up to the maximum capacity of the intake (350 cfs) for the maximum annual diversion of 195 TAF (Reclamation 2019b). CCWD also diverts from Old River and Middle River intakes

to storage in the reservoir under its own Los Vaqueros water right permit (~~Reclamation and CCWD 2009~~ State Water Resources Control Board Permit 20749).

CCWD operates the Rock Slough Intake together with its other intakes and the Los Vaqueros Reservoir to meet its delivered water quality goals and to protect listed species. ~~The choice of which intake to use at any given time is based in large part upon salinity at the intakes, consistent with fish protection requirements specified in separate BOs (USFWS 1993; NMFS 2007; NMFS 2017) that govern operation of CCWD's intakes and Los Vaqueros Reservoir, as well as an incidental take permit from CDFW (2009) – all of which are separate from the 2019 USFWS and NMFS BOs for the coordinated long-term operation of the CVP and SWP (NMFS 2019). Los Vaqueros Reservoir is operated in a manner consistent with USFWS and NMFS BOs that require numerous fish protection measures, including an annual 75-day "no-fill" period and a concurrent 30-day "no-diversion" period. The default dates for the no-fill and no-diversion periods are March 15 through May 31 and April 1 through April 30, respectively. USFWS, NMFS, and CDFW can change these dates to best protect covered species. Customer demand during the no-diversion period is met through releases from the reservoir. CCWD also preferentially uses the screened Old River Intake over unscreened Rock Slough from January through August to further protect fish (Reclamation and CCWD 2009).~~ CCWD operates its diversions, storage, and conveyance facilities according to operational rules designed to minimize impacts to protected aquatic species and their habitat, as required under USFWS BOs (files: 1-1-93-F-35 and 1-1-07-F-0044), NMFS BOs (files: 5004 and 2005/00122), and ITP (No. 2081-2023-036-03), collectively referred to as the CCWD-specific BOs and ITP. These operating rules include 75-day no-fill and concurrent 30-day no-diversion periods and diversion restrictions under certain hydrodynamic conditions when listed fish are near CCWD's intakes. All of CCWD's intakes are equipped with fish screens, with the Rock Slough Fish Screen completed in 2011.

To provide clarification and in response to comments from Reclamation, the last paragraph on page 3.2-28 and continuing to page 3.2-29 of the Draft SEIR is revised as follows:

As described in more detail in Section 3.3, the 2007 EIR was correct that much of the streamflow depletion occurs on the Yuba River and only affects YRDP operations, however, with new information showing more effect of streamflow depletion on streams below the Yuba River as summarized in Appendix B, and a shift in approach by DWR and Reclamation because of dwindling water supplies due to increased regulatory constraints and climate change effects, an SDF is being included in the Yuba Accord accounting of groundwater substitution transfers. The inclusion of an SDF is being added as an adaptive management measure to adjust the net volume of transfer water that is delivered to participating contractors. With the inclusion of an SDF in the accounting, some transfer water will be made available to the CVP and SWP for their water supplies to offset streamflow depletion impacts. The SDF will ~~compensate the CVP and SWP for the streamflow depletion effects that are the residual effects of streamflow depletion propagating below the Yuba River~~ offset the streamflow depletion effects caused by groundwater substitution transfer pumping. Adjusting the Accord accounting principles to add an SDF to the calculation of delivered transfer water will ensure the CVP and SWP, as legal users of water are not injured by the groundwater substitution transfers of the Yuba Accord. The addition of an SDF to the Yuba Accord accounting to the Proposed Extension is therefore an adaptive management measure consistent with the 2007 EIR Impact 6.2.6-2, which is shown above.

3.3 REVISIONS TO SECTION 3.3, "GROUNDWATER RESOURCES"

To provide clarification and in response to comments from Reclamation, the 3rd full paragraph on page 3.3-22 of the Draft SEIR is revised as follows:

For more than fifteen years, groundwater substitution transfers throughout the Sacramento Valley have generally used a streamflow depletion factor (SDF) to calculate the amount of surface water that can be made available for transfer as a result of groundwater substitutions. Specifically, the SDF accounts for reductions in streamflow over time ~~from seepage back to groundwater that may occur when additional groundwater is pumped~~ due to (1) captured groundwater discharge (groundwater that otherwise would have discharged to a connected stream absent the pumping), and (2) induce infiltration (water drawn into the

aquifer because of pumping). As a result, when an SDF is used, the amount of surface water made available to the transferee is less than the amount of surface water the transferor foregoes by pumping groundwater. The difference is water left in the system to ~~address~~ offset streamflow depletion and ensure other surface water users are not adversely affected.

3.4 REVISIONS TO SECTION 3.4, "FISHERIES AND AQUATIC RESOURCES"

To provide clarification and in response to comments from Reclamation, the last paragraph on page 3.4-32 and continuing to page 3.4-33 of the Draft SEIR is revised as follows:

~~All CCWD facilities (e.g., Los Vaqueros Reservoir, Rock Slough, Old River, and Middle River diversion intakes) in the Delta, which could be used to transfer Yuba Accord water, are subject to no-fill and no-diversion periods identified as March 15 through May 31 and April 1 through April 30, respectively, for fisheries protection. The no-fill and no-diversion periods may be modified with approval from the USFWS, NMFS, and CDFW. On average, CCWD diverts approximately 127 TAF per year and approximately 110 TAF is CVP contract supply (USFWS 2019). CCWD's average annual diversions are not expected to increase as a result of long-term CVP/SWP operations, which may include water transfers pursuant to the Yuba Accord and the Proposed Extension. CCWD's operation of the diversion, storage, and conveyance facilities are covered under a separate USFWS BO (USFWS file number: 1-1-93-F-35 and 1-1-07-F-0179). CCWD's operations (including water transfers) addressed as part of long-term CVP/SWP operations are consistent with the separate USFWS BO and remain unchanged from current long-term CVP/SWP operations (USFWS 2019).~~ Up to 25 TAF of Yuba Accord water could be transferred to CCWD and would be diverted at its Rock Slough, Old River, and Middle River Intakes located in the Delta between April 1 and November 30. Operations of CCWD facilities, including diversions at the three intakes that would be used to transfer Yuba Accord water, were analyzed in the Los Vaqueros Expansion Reservoir Project Final Environmental Impact Statement/Environmental Impact Report 2010 (Final EIS/EIR, State Clearinghouse No. 2006012037, record of decision March 11, 2011, certified March 31, 2010) and 2020 Final Supplement to the Final EIS/EIR (certified May 13, 2020). All CCWD intakes are equipped with positive barrier fish screens that are effective at screening screenable-sized fish and keeping them from being diverted into CCWD's water control system. Additionally, CCWD operates its diversions, storage, and conveyance facilities according to operational rules designed to minimize impacts to protected aquatic species and their habitat, as required under USFWS BOs (files: 1-1-93-F-35 and 1-1-07-F-0044), NMFS BOs (files: 5004 and 2005/00122), and ITP (No. 2081-2023-036-03), collectively referred to as the CCWD-specific BOs and ITP. These operating rules include 75-day no-fill and concurrent 30-day no-diversion periods and diversion restrictions under certain hydrodynamic conditions when listed fish are near CCWD's intakes. Transfers of Yuba Accord water to CCWD would be subject to the requirements in CCWD-specific BOs and ITP and would not cause additional adverse impacts to fisheries and aquatic resources.

3.5 REVISIONS TO CHAPTER 4, "CUMULATIVE IMPACTS"

To ensure the Draft SEIR's consistency with other Yuba Water CEQA/NEPA documents, Table 4-1 on pages 4-3 through 4-17 of the Draft SEIR is revised as follows:

Table 4-1 Cumulative Project List

Project	Status	Primary Agencies	Description
Yuba Region (i.e., Yuba River)			
Narrows Hydroelectric Project (FERC No. 1403) Relicensing	Present	Yuba Water, FERC	Yuba Water owns and operates the Narrows Hydroelectric Project under FERC License No. 1403. Located on the south bank of the lower Yuba River immediately downstream of Englebright Dam and Reservoir, the Narrows Project consists of one development that include: (1) the Narrows Tunnel, a 1,077-ft-long tunnel that connects a USACE tunnel to the Narrows Project's penstock; (2) the Narrows Penstock, a 266-ft-long steel pipe penstock with a standpipe that connects the Narrows Tunnel to the Narrows 1 Powerhouse; (3) the Narrows 1 Powerhouse (12 MW); and (4) a powerhouse access tram. The Project does not include Englebright Dam and Reservoir or any open water conveyance facilities, switchyards, transmission lines, roads, streamflow gages, recreation facilities, or active borrow or spoil areas. Yuba Water is not proposing any operational or structural modifications to the project. The Narrows 1 Powerhouse is operated in conjunction with the Narrows 2 Powerhouse and/or the Narrows 2 Full Bypass on the lower Yuba River. Yuba Water filed its Final Application for a New License Major Project – Existing Dam for the Narrows Project on November 14, 2023. Yuba Water is requesting a new license term that would ~~end~~ extend the license's current expiration on January 31, 2026 to run concurrent with the term of the new license that FERC issues for Yuba Water's YRDP (FERC Project No. 2246) (Yuba Water 2023). Although Yuba Water is not proposing changes to the Narrows 1 Project, it is in the public interest, and consistent with FERC's 2017 Policy Statement (82 FR 49501) on establishing license terms to relicense the two projects at the same time in the future. ~~Yuba Water is awaiting the FERC license renewal.~~
Yuba River Watershed Habitat Restoration Plan	Future	Yuba Water, CDFW, and NMFS	In May 2023, Yuba Water, CDFW, and NMFS signed a term sheet to partner on an extension program to implement habitat restoration measures on the lower Yuba River and the North Yuba River. The Term Sheet sets forth a framework for a Settlement Agreement to implement certain restoration measures, including the potential for construction of a new fishway and modernized water diversion at Daguerre Point and initiation of a comprehensive program to reintroduce spring-run Chinook salmon to the North Yuba River. At the time this Final SEIR was prepared, negotiations for implementation of the Term Sheet have been progressing and the parties involved are seeking to resolve the remaining issues, complete CEQA review as discussed below, and execute the agreement by the end of 2024. Yuba Water anticipates relying on the SWRCB's General Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (SRGO), which provides a programmatic authorization for qualifying restoration projects, for construction, operation, and maintenance of the Nature-Like Fishway component of the Restoration Plan. Yuba Water is in the process of evaluating the project's consistency with the SRGO and the SWRCB's Program EIR (PEIR) for the SRGO to determine the appropriate CEQA document for the project.

Project	Status	Primary Agencies	Description
CVP/SWP Upstream of the Delta Region (i.e., Feather River and Sacramento Rivers)			
Long-term and Short-term Water Transfers	Present	Reclamation, San Luis and Delta–Mendota Water Authority (SLDMWA), Biggs–West Gridley Water District, Browns Valley Irrigation District, various other agencies	These projects provide water to municipal, agricultural, and ecosystem water users, including wildlife refuges with programs that transfer water from Northern California to the San Joaquin Valley and Southern California across the Delta (Reclamation and SLDMWA 2019; Biggs–West Gridley Water District 2021; Browns Valley Irrigation District 2009).
Delta Region			
Bay-Delta Water Quality Control Plan Update	Past, Present, and Future	SWRCB, CVRWQCB, San Francisco RWQCB	Water quality and flow objectives to meet water quality criteria are included in the *Water Quality Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary* (Bay-Delta Plan) (SWRCB 2006). The SWRCB is actively engaged in the process of updating the Bay-Delta Plan through two separate processes (Plan amendments) – first (Phase 1) efforts focusing on the lower San Joaquin River flows and Southern Delta salinity, and later (Phase 2) efforts focusing on the Sacramento River and its tributaries, Delta eastside tributaries, Delta outflows, and interior Delta inflows. In 2018, the SWRCB completed the Phase 1 efforts by adopting Bay-Delta Plan amendments focused on flows in the Lower San Joaquin River and its three major tributaries (the Stanislaus, Tuolumne, and Merced Rivers) for the protection of fish and wildlife, and establishing a new salinity objective for the reasonable protection of agricultural uses in the southern Delta. The SWRCB has initiated Phase 2 to evaluate updating portions of the Bay-Delta Plan including criteria for Delta outflow, Sacramento and non-San Joaquin River tributaries inflow, Suisun Marsh salinity, Delta Cross Channel Gate closure, Delta export limits, and reverse flows in Old and Middle River. In 2016, the SWRCB issued a working Draft Scientific Basis Report, which was finalized during October 2017, to evaluate possible Sacramento/Delta updates to the Bay-Delta Plan. Subsequently in 2018, the SWRCB released a Framework for Sacramento/Delta updates to the Bay-Delta Plan (2018 Framework). ~~In 2022, the SWRCB received a Memorandum of Understanding (MOU) proposing VAs as an alternative to updating and implementing the Bay-Delta Plan, and most recently, during September 2023, the SWRCB released a draft Staff Report for potential Sacramento/Delta updates to the Bay-Delta Plan for public review and comment. The draft Staff Report, serving as an environmental document for CEQA compliance, also includes a Final Draft Scientific Basis Report Supplement in support of the proposed VAs. The draft Staff Report evaluates potential economic, environmental, and other impacts, and associated mitigation measures, of a range of alternatives for updating the Bay-Delta Plan, including~~

Project	Status	Primary Agencies	Description
			~~what is referred to as the proposed Plan amendments alternative that is based on the 2018 Framework, the proposed VAs alternative, along with other alternatives.~~ The 2018 Framework proposes amending the Bay-Delta Plan to include a number of new water quality objectives, including objectives to require between 45% and 65% of unimpaired flow to flow from the Delta's tributaries (including the Yuba River) into and through the Delta and a narrative objective that temperatures in the Delta's tributaries would be managed to support native fish. The 2018 Framework did not propose operational rules or other detailed methods for coordinated implementation of its proposed new water quality objectives. Additionally, during 2018 DWR and CDFW submitted to the SWRCB a Framework Proposal for Voluntary Agreements (subsequently referred to as the Healthy Rivers & Landscapes [HR&L] Program) which would improve conditions for fish through targeted river flows and a suite of habitat-enhancing projects, including floodplain inundation and physical improvement of spawning and rearing areas. During March 2022, the California Natural Resources Agency (CNRA), California EPA, DWR, and CDFW signed with the HR&L Parties a Memorandum of Understanding (MOU) Advancing a Term Sheet for the HR&L Program. During September 2023, the SWRCB released a draft Staff Report for potential Sacramento/Delta updates to the Bay-Delta Plan for public review and comment. The draft Staff Report, serving as an environmental document for CEQA compliance, also includes a Final Draft Scientific Basis Report Supplement in support of the HR&L Program. The draft Staff Report evaluates potential economic, environmental, and other impacts, and associated mitigation measures, of a range of alternatives for updating the Bay-Delta Plan. Those alternatives include: (1) an alternative that is based on the 2018 Framework and that states that the SWRCB's staff would make many discretionary future decisions about how the 2018 Framework's water quality objectives would actually be implemented; (2) an alternative that would implement the proposed HR&L Program; and (3) several "modular" alternatives that might be implemented with either the 2018 Framework-based alternative or the HR&L-based alternative. Yuba Water, as one of the HR&L Parties, has developed a HR&L Program for the Yuba River consisting of a proposed flow contribution and construction of habitat enhancements. The flow contribution includes two components of water to be dedicated to Delta outflow. First, all Yuba Accord Released Transfer Water (as that term is defined in the WPA), from stored water releases that occurs during April, May, and June in Above Normal, Below Normal, and Dry years that DWR cannot export or back into Oroville Reservoir would be contributed to the HR&L Program (Component A). The second component (Component B) is an additional release of stored water from New Bullards Bar Reservoir, reducing end of water year (September 30) storage by as much as 50,000 acre-ft, to be released during the months of April, May, or June in Above Normal, Below Normal, Dry years. Along with the other elements of the HR&L Program, it is reasonably possible to evaluate how Yuba Water's proposal would be implemented and therefore to analyze its environmental effects as a cumulative project.

Project	Status	Primary Agencies	Description
			Because the SWRCB's 2023 draft Staff Report proposes that, under a 2018 Framework-based alternative, SWRCB staff would make many discretionary future decisions about how that Framework's proposed water quality objectives would be implemented, it is not reasonably possible to evaluate how that alternative would be implemented. In January 2024, Yuba Water submitted extensive comments to the SWRCB that implementing the 2018 Framework-based alternative as modeled in the SWRCB's 2023 draft Staff Report would have numerous highly adverse environmental and other impacts, including highly adverse water temperatures for Chinook salmon and steelhead in the lower Yuba River, severe and disproportionate impacts on Yuba Water's generation of hydroelectricity, and termination of Yuba Accord water transfers (Yuba Water 2024). Based on the information available at the time this Final SEIR was prepared, if and how the SWRCB might seek to implement the 2018 Framework-based alternative would constitute speculation, so it is not currently feasible to evaluate that alternative as a cumulative project.
~~Voluntary Agreements~~	~~Future~~	~~SWRCB, California Natural Resources Agency (CNRA), Water Rights Holders~~	~~The California Natural Resources Agency (CNRA) has been leading an effort to negotiate voluntary agreements with water users, to support environmental objectives through a broad set of tools while protecting water supply reliability. In 2018, in addition to a Framework for the Sacramento/Delta Update to the Bay-Delta Plan, DWR and CDFW submitted to the SWRCB a Framework Proposal for VAs which would improve conditions for fish through targeted river flows and a suite of habitat-enhancing projects, including floodplain inundation and physical improvement of spawning and rearing areas. During March 2022, CNRA, California EPA, DWR, and CDFW signed with the VA Parties a MOU Advancing a Term Sheet for the VAs. In September 2023, the SWRCB issued a draft Staff Report which evaluated the VAs as an alternative to implementing updates to the Bay-Delta Plan.~~ ~~Yuba Water has developed a VA project consisting of a proposed flow contribution and construction of habitat enhancements, though the VA project is still in formulation stage. The flow contribution includes two components of water to be dedicated to Delta outflow. First, all Yuba Accord Released Transfer Water (as that term is defined in the WPA), from stored water releases that occurs during April, May, and June in Above Normal, Below Normal, and Dry years that DWR cannot export or back into Oroville Reservoir would be contributed to the VA project (Component A in the Yuba Water VA proposal). The second component (Component B in the Yuba Water VA proposal) is an additional release of stored water from New Bullards Bar Reservoir, reducing end of water year (September 30) storage by as much as 50,000 acre-ft, to be released during the months of April, May, or June in Above Normal, Below Normal, Dry years.~~

Source: Provided by Yuba Water in 2023 and updated in 2024.

To ensure the Draft SEIR's consistency with other Yuba Water CEQA/NEPA documents and to be consistent with the above revisions to Table 4-1, the bulleted list on page 4-20 of the Draft SEIR is revised as follows:

- Water Transfers and Acquisition Programs
  - Long-term and Short-term Water Transfers
  - Bay-Delta Water Quality Control Plan Update ~~– Voluntary Agreements~~

To ensure the Draft SEIR's consistency with other Yuba Water CEQA/NEPA documents and to be consistent with the above revisions to Table 4-1, the second and third paragraphs on page 4-22 of the Draft SEIR are revised as follows:

> The HR&L Program is an alternative for the Bay-Delta Water Quality Control Plan Update ~~potential Voluntary Agreement project (VA project) is~~ identified in the SWRCB (2023) draft Staff Report ~~as a potential pathway project intended~~. The HR&L Program is proposed to contribute towards achieving the Bay-Delta Plan Update objectives. Yuba Water has developed a ~~VA project~~ HR&L Program consisting of a proposed flow contribution and construction of habitat enhancements. ~~Although the VA project is still in formulation stage,~~ Yuba Water's flow contribution operations are included for discussion in this section to inform how, if implemented, ~~the~~ Yuba Water's HR&L Program, and its ~~VA~~ flow contribution operations, would interact with the Proposed Extension operations for water transfers.
>
> ~~The~~ Yuba Water's ~~VA~~ flow operations under its HR&L Program were formulated to (1) not significantly affect the occurrence of Yuba Accord instream flows; (2) not impact surface water deliveries to Yuba Water Member Units; (3) not interfere with other operations of the Yuba River Development Project (YRDP); and (4) work in conjunction with current and future planned habitat enhancement projects. ~~The~~ Yuba Water's HR&L Program ~~VA flow contribution~~ includes two components of water to be dedicated to Delta outflow. First, all Yuba Accord Released Transfer Water (as that term is defined in the WPA), from stored water releases that occurs during April, May, and June in Above Normal, Below Normal, and Dry years that DWR cannot export or back into Oroville Reservoir would be contributed to the ~~VA project~~ HR&L Program (Component A in the Yuba Water ~~VA proposal~~ HR&L Program). Because this water is currently being released as part of the Yuba Accord, it would not interfere with the Proposed Extension, but also would not be available to third parties that are not a Yuba Accord participating contractor. The second component (Component B in the Yuba Water ~~VA proposal~~ HR&L Program) is an additional release of stored water from New Bullards Bar Reservoir, reducing end of water year (September 30) storage by as much as 50,000 acre-ft, to be released during the months of April, May, or June in Above Normal, Below Normal, Dry years. The added storage release would be in addition to Yuba Accord operations and would be an added flow during these months, effectively "riding on top" of the flows that would occur with the Yuba Accord operations. ~~The~~ Yuba Water's HR&L Program ~~VA proposed~~ flow contributions have been analyzed through model simulation to ensure this added release would not significantly impact the occurrence of Yuba Accord fishery flow schedules which are the required instream flows included in Yuba Water's consumptive use water rights. The Yuba Accord instream flow schedules could be impacted by changes in end of water year storage as this is a component of the North Yuba Index, which is the index for determining the following year flow schedules. For the reasons discussed in Section 3.2, the Proposed Extension would not result in cumulatively considerable impacts to local or statewide water supplies. ~~The~~ Yuba Water's HR&L Program ~~VA~~, as described above, would not affect the Proposed Extension in any way that would cause the Proposed Extension to result in a cumulatively considerable impact.

To ensure the Draft SEIR's consistency with other Yuba Water CEQA/NEPA documents and to be consistent with the above revisions to Table 4-1, the bulleted list on pages 4-24 and 4-25 of the Draft SEIR is revised as follows:

- Ecosystem Restoration Projects
  - ~~Voluntary Agreements~~ Bay-Delta Water Quality Control Plan Update
  - San Joaquin River Restoration Program

To ensure the Draft SEIR's consistency with other Yuba Water CEQA/NEPA documents and to be consistent with the above revisions to Table 4-1, the bulleted list and first paragraph on page 4-26 of the Draft SEIR are revised as follows:

- Ecosystem Restoration and Fisheries Improvement Projects
  - Hallwood Side Channel and Floodplain Restoration Project
  - Hallwood/Cordua Canal – Fish Screen Return Line Replacement
  - Timbuctoo Acquisition and Restoration Project
  - Upper Long Bar Habitat Restoration Project
  - Upper Rose Bar Habitat Restoration Project
  - Yuba River Watershed Habitat Restoration Plan

  As described in Section 3.4, "Fisheries and Aquatic Resources," the Proposed Extension would not result in significant impacts to fish species of focused evaluation or their habitats in the Yuba Region. Cumulative projects such as FERC relicensings (e.g., YRDP FERC relicensing) and flood control projects (ARC Spillway Project, WCM Update) will affect flow and habitat conditions in the Yuba Region, while habitat enhancement projects (e.g., Upper Long Bar Habitat Restoration Project, Upper Rose Bar Habitat Restoration Project, Yuba River Watershed Habitat Restoration Plan) are ~~intended to~~ proposed for the express purpose of increas~~e~~ing habitat availability and suitability for anadromous salmonid and other fish species of focused evaluation in the ~~lower~~ Yuba River. Proposed flow-related measures in the Yuba Region under the YRDP FERC relicensing are intended to benefit habitat conditions for salmonids and other native fish species in these areas. Overall, changes in flows under these projects are not expected to significantly adversely affect flow-related habitat conditions in the Yuba Region, and habitat enhancement and fish screening-related projects are expected to result in beneficial impacts to anadromous salmonids and potentially other fish species of focused evaluation in the lower Yuba River.

To ensure the Draft SEIR's consistency with other Yuba Water CEQA/NEPA documents and to be consistent with the above revisions to Table 4-1, the bulleted list on page 4-27 of the Draft SEIR is revised as follows:

- Ecosystem Restoration and Fisheries Improvement Projects
  - Feather River Wildlife Area, Riparian Habitat Restoration, Abbott Lake Unit
  - Anadromous Fish Screen Program
  - Liberty Island Conservation Bank
  - Ecosystem Restoration Program Conservation Strategy Implementation
  - Restoring Ecosystem Integrity in the Northwest Delta Phase II
  - Bay-Delta Water Quality Control Plan Update
  - ~~Voluntary Agreements~~
  - Contra Costa Canal Fish Screen Project
  - Franks Tract Futures Project
  - San Joaquin River Restoration

To ensure the Draft SEIR's consistency with other Yuba Water CEQA/NEPA documents and to be consistent with the above revisions to Table 4-1, the bulleted list on pages 4-28 and 4-29 of the Draft SEIR is revised as follows:

- Ecosystem Restoration and Fisheries Improvement Projects
  - Hallwood Side Channel and Floodplain Restoration Project
  - Hallwood/Cordua Canal – Fish Screen Return Line Replacement
  - Timbuctoo Acquisition and Restoration Project
  - Upper Long Bar Habitat Restoration Project
  - Upper Rose Bar Habitat Restoration Project
  - Yuba River Watershed Habitat Restoration Plan

To ensure the Draft SEIR's consistency with other Yuba Water CEQA/NEPA documents and to be consistent with the above revisions to Table 4-1, the second paragraph on page 4-29 of the Draft SEIR is revised as follows:

> As described in Section 3.5, "Surface Water Quality," the Proposed Extension would result in less-than-significant impacts to surface water quality conditions and associated beneficial uses in the Yuba Region. Based on consideration of the impact analyses in the 2007 Draft EIR as well as updated information on existing water quality conditions and beneficial uses in the Yuba Region, the impacts to water quality previously analyzed in the 2007 Draft EIR would still be applicable, and existing water quality beneficial uses and concentrations of constituents of concern (e.g., mercury, chromium, copper) in the Yuba Region would not be substantially affected by the Accord. Cumulative projects such as FERC relicensings (e.g., YRDP FERC relicensing), groundwater management actions (e.g., Yuba Subbasins Sustainable GMP), flood control projects (ARC Spillway Project, WCM Update), and habitat enhancement projects (e.g., Upper Long Bar Habitat Restoration Project, Upper Rose Bar Habitat Restoration Project, Yuba River Watershed Habitat Restoration Plan) could affect water quality conditions in the Yuba Region. However, potential adverse impacts to water quality associated with these projects, such as due to construction activities, would be primarily short-term in nature and would be minimized through project-specific impact avoidance or mitigation measures. Overall, these projects are not anticipated to result in substantial long-term adverse impacts to water quality conditions, including beneficial uses and concentrations of existing impairments in the Yuba Region waterbodies.

3.6 REVISIONS TO APPENDICES

In response to comments from SWRCB requesting additional modeling data, Appendix C3 of the Draft SEIR is revised as follows:

> [See revised Appendix C3 of this Final SEIR]

In response to comments from SWRCB requesting additional modeling data, a new appendix is provided with this Final SEIR as follows:

> [See new Appendix C4 of this Final SEIR]

4 REFERENCES

Chapter 1 Introduction

Yuba County Water Agency, California Department of Water Resources, and Bureau of Reclamation. 2007 (October). *Final Environmental Impact Report/Environmental Impact Statement for the Proposed Lower Yuba River Accord*. State Clearinghouse No. 2005062111. Marysville, CA. Prepared by HDR | Surface Water Resources, Inc., Sacramento, CA

Yuba Water. *See* Yuba County Water Agency.

Chapter 2 Responses to Comments

Bureau of Reclamation and San Luis & Delta-Mendota Water Authority. 2018 (December). *Long-Term Water Transfers Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement*. State Clearinghouse No. 2011011010. Available: https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=18361. Accessed March 2024.

California Department of Water Resources. 2019 (November 22). Draft Environmental Impact Report for Long-Term Operation of the California State Water Project. State Clearinghouse No. 2019049121.

DWR. *See* California Department of Water Resources.

Guinn. "Exceptional Years: A History of California Floods and Drought." *Historical Soc'y of So. Cal.* (1890) vol. 1, no. 5.

Reclamation and SLDMWA. *See* Bureau of Reclamation and San Luis & Delta-Mendota Water Authority.

State Water Resources Control Board. 2008. Corrected Order WR 2008-0014. Available: https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/orders/2008/wro2008_0014corrected.pdf. Accessed August 2024.

———. 2023 (September). *Draft Staff Report/Substitute Environmental Document in Support of Potential Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary for the Sacramento River and its Tributaries, Delta Eastside Tributaries, and Delta*. State Clearinghouse No. 2012012053. Available: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2023/staff-report/ch000-front.pdf. Accessed July 29, 2024.

———. 2024. Sacramento/Delta Update to Bay-Delta Plan website. Available: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/staff_report.html. Last updated February 4, 2024. Accessed July 29, 2024.

SWRCB. *See* State Water Resources Control Board.

Yuba Water. *See* Yuba Water County Agency.

Yuba Water County Agency. 2008 (March). *Groundwater Substitution Transfer Well Assessment Report*.

———. 2024a (January 14). *SWRCB Draft Staff Report Comments – SACWAM Modeling Of Yuba Water Agency's Yuba River Development Project – Modeled Operations Under Proposed Inflow And Cold Water Habitat Objectives*.

———. 2024b (March). *Yuba Subbasins Water Management Plan: A Groundwater Sustainability Plan, Annual Report, Water Year 2023*. Available: https://www.yubawater.org/198/Groundwater-Management. Accessed July 2024.

Chapter 3 Revisions to the Draft SEIR

Bureau of Reclamation. 2024. *Comments on the Draft Supplemental Environmental Impact Report (EIR) for the Extension of the Yuba Accord Long-Term Water Transfer Program (State Clearinghouse No. 200506211)*.

Reclamation. *See* Bureau of Reclamation.

Yuba Water. *See* Yuba Water County Agency.

Yuba Water County Agency. 2024 (January 14). *SWRCB Draft Staff Report Comments – SACWAM Modeling Of Yuba Water Agency's Yuba River Development Project – Modeled Operations Under Proposed Inflow And Cold Water Habitat Objectives*.

5 LIST OF PREPARERS

Yuba County Water Agency

John James ..... Director of Resource Planning
JoAnna Lessard, PhD ..... Watershed Manager
Jacob Vander Meulen ..... Environmental Compliance Officer
Ryan McNally ..... Director of Water Resources and Flood Risk Reduction

HDR

Amanda Ransom ..... Senior Environmental Planner
Dianne Simodynes ..... Senior Environmental Scientist
Morgan Neal ..... Senior Fisheries Biologist
Jeff Weaver ..... Senior Water Resources Engineer
Megan Lionberger ..... Senior Water Resources Engineer

Robertson-Bryan

Paul Bratovich ..... Principal Fisheries Biologist

SEG Water

Stephen Grinnell, PE ..... Hydrologist

Woodard & Curran

Jim Blanke, PG, CHG, PE ..... Senior Hydrologist
Jennifer Ziv ..... Senior Project Manager
Robin Cort ..... Senior Technical Practice Leader
Natalie Cochran ..... Environmental Scientist

Ascent

Sydney Coatsworth, AICP ..... Principal
Andrea Shephard, PhD ..... Senior Project Manager
Sarah Henningsen ..... Assistant Project Manager
Lily Bostrom ..... Environmental Planner
Tanya Jones ..... Environmental Planner
Phi Ngo ..... GIS Specialist
Gayiety Lane ..... Publishing Specialist
Michele Mattei ..... Publishing Specialist
Riley Smith ..... Publishing Specialist
Bryan Perry ..... Graphic Specialist

PMB Water

Paul Bartkiewicz ..... Legal Counsel

Bartkiewicz, Kronick, and Shanahan Law Offices

Jennifer Buckman ..... Legal Counsel
Kristin Peer ..... Legal Counsel

Remy Moose Manley, LLP

Chip Wilkins ..... Legal Counsel
Louisa Rogers ..... Legal Counsel

This page intentionally left blank.

Appendix C3

Modeling Data – Proposed Extension

[Supplemental Material for Draft SEIR Appendix C3]

Appendix C-3 Modeling Results – Proposed Extension

Model Version: YRDPM Version 3.102
Simulation Period: Water Year 1970 to 2021

Groundwater Substitution Transfers (Pumping Volume in TAF)
1970 to 1994 from LYRBM Sim 19.3 Scenario 3 used in 2007 Accord EIR. 1995 to 2021 from YWA historical GWS transfers.

Year	Year Type	Pumping Volume	Year	Year Type	Pumping Volume	Year	Year Type	Pumping Volume
1971	Wet	-	1981	Dry	90	1991	Critical	60
1972	Below Normal	-	1982	Wet	-	1992	Critical	30
1973	Above Normal	-	1983	Wet	-	1993	Above Normal	-
1974	Wet	-	1984	Wet	-	1994	Critical	90
1975	Wet	-	1985	Dry	68	1995	Wet	-
1976	Critical	90	1986	Wet	-	1996	Wet	-
1977	Critical	-	1987	Dry	90	1997	Wet	-
1978	Above Normal	-	1988	Critical	60	1998	Wet	-
1979	Below Normal	-	1989	Dry	30	1999	Wet	-
1980	Above Normal	-	1990	Critical	90	2000	Above Normal	-

Year	Year Type	Pumping Volume	Year	Year Type	Pumping Volume
2001	Dry	62	2011	Wet	-
2002	Dry	57	2012	Below Normal	-
2003	Above Normal	-	2013	Dry	57
2004	Below Normal	-	2014	Critical	57
2005	Above Normal	-	2015	Critical	-
2006	Wet	-	2016	Below Normal	-
2007	Dry	-	2017	Wet	-
2008	Critical	50	2018	Below Normal	16
2009	Dry	100	2019	Wet	-
2010	Below Normal	68	2020	Dry	77

** Note – No transfer pumping occurred in 1970 or 2021. Pumping in Schedule 6 years occurs automatically if Schedule 6 results in the simulation. The Proposed Extension/Existing Condition simulation results in a Schedule 6 for 2015 – 30TAF of pumping not shown in the table*

Resulting Yuba Accord Water Year Type Schedules

Year Type Schedule	Count	Percent of Total
1	32	62%
2	10	19%
3	4	8%
4	1	2%
5	3	6%
6	1	2%
Conference Year	1	2%
TOTAL	52	100%

Existing Condition/Proposed Extension Yuba River at Marysville (Yuba River Outflow) Flow

Average Monthly Flow by Year Type (Sacramento Valley Index) (CFS)

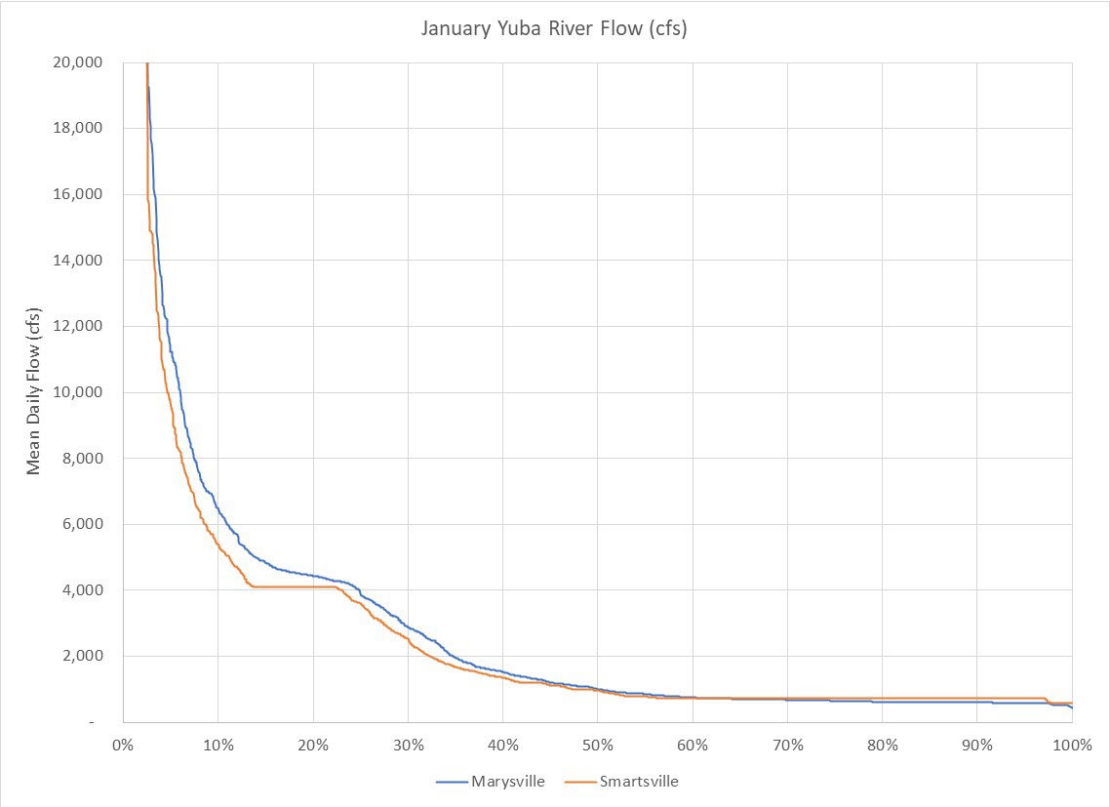
Water Year Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Wet	555	1,204	4,206	7,253	8,511	7,844	5,646	5,295	4,403	2,079	1,550	735
Above Normal	519	534	1,032	4,432	4,525	5,030	3,429	3,831	2,974	1,488	1,033	590
Below Normal	515	617	756	1,257	1,572	4,574	3,373	2,546	2,027	1,018	852	556
Dry	525	679	1,162	933	1,372	2,355	1,722	1,615	934	1,066	975	546
Critical	519	546	631	720	992	1,065	727	730	586	843	778	455

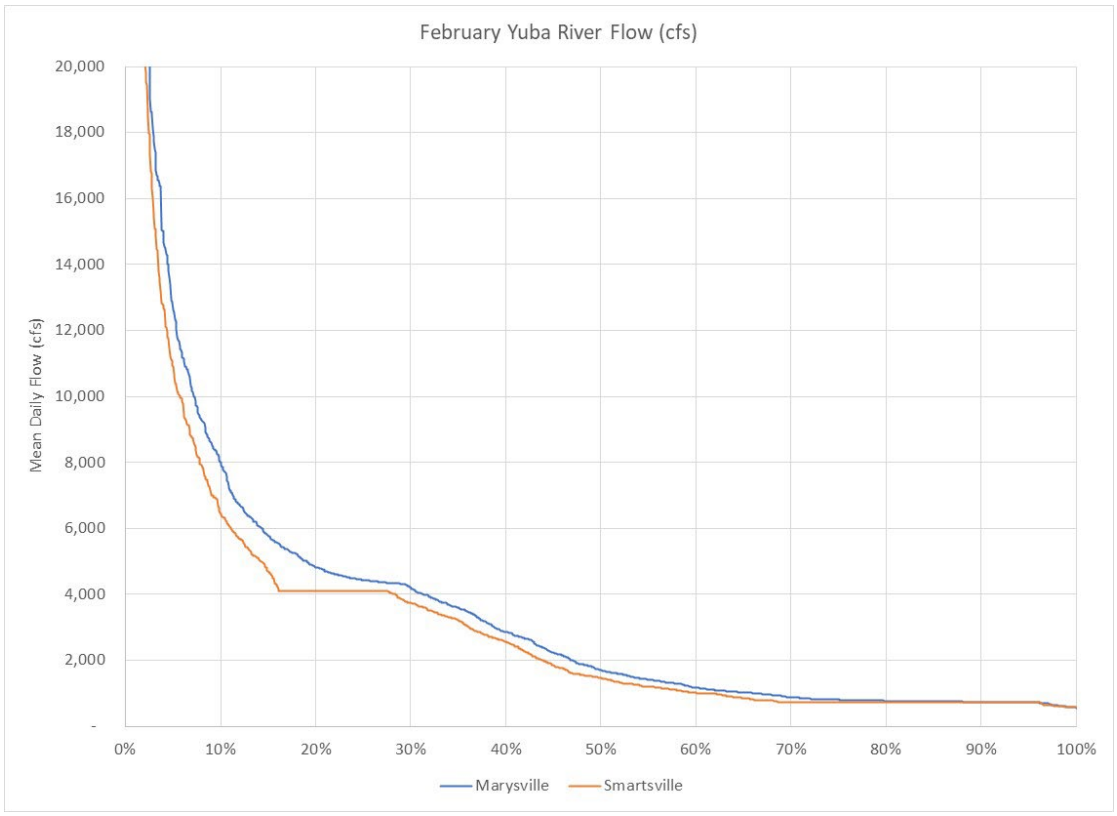
Existing Condition/Proposed Extension Yuba River at Smartsville Flow

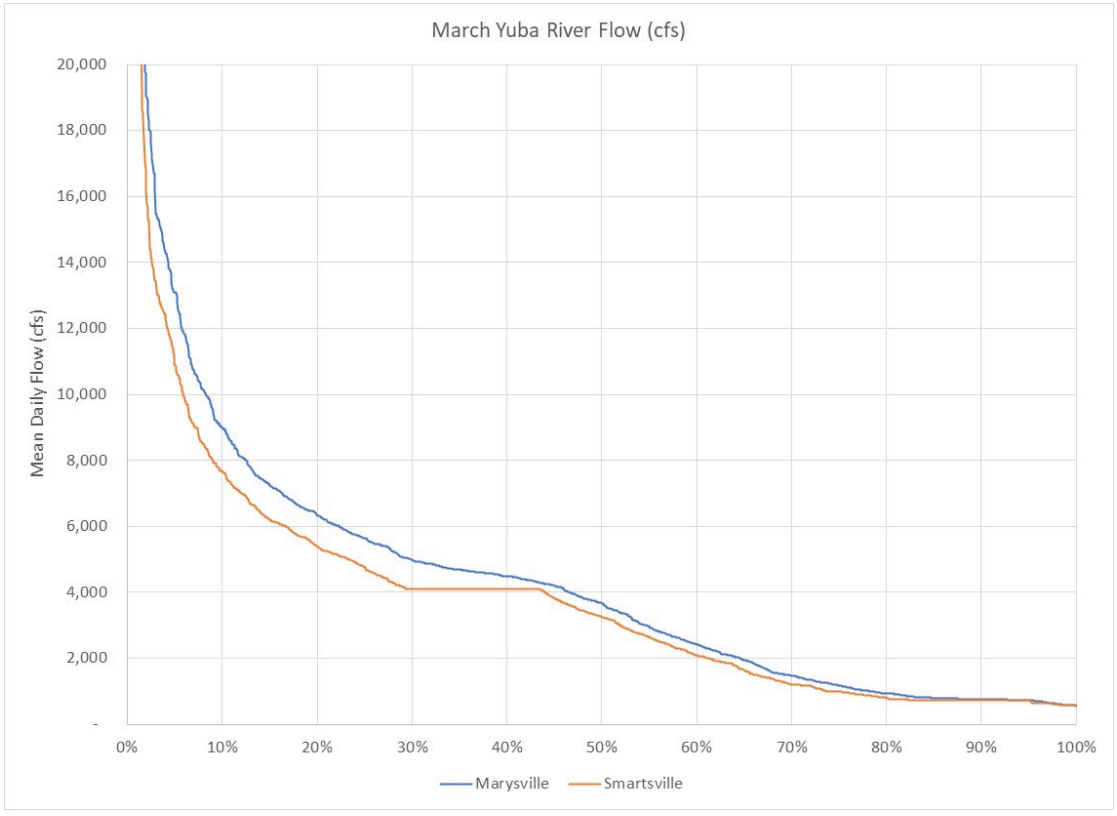
Average Monthly Flow by Year Type (Sacramento Valley Index) (CFS)

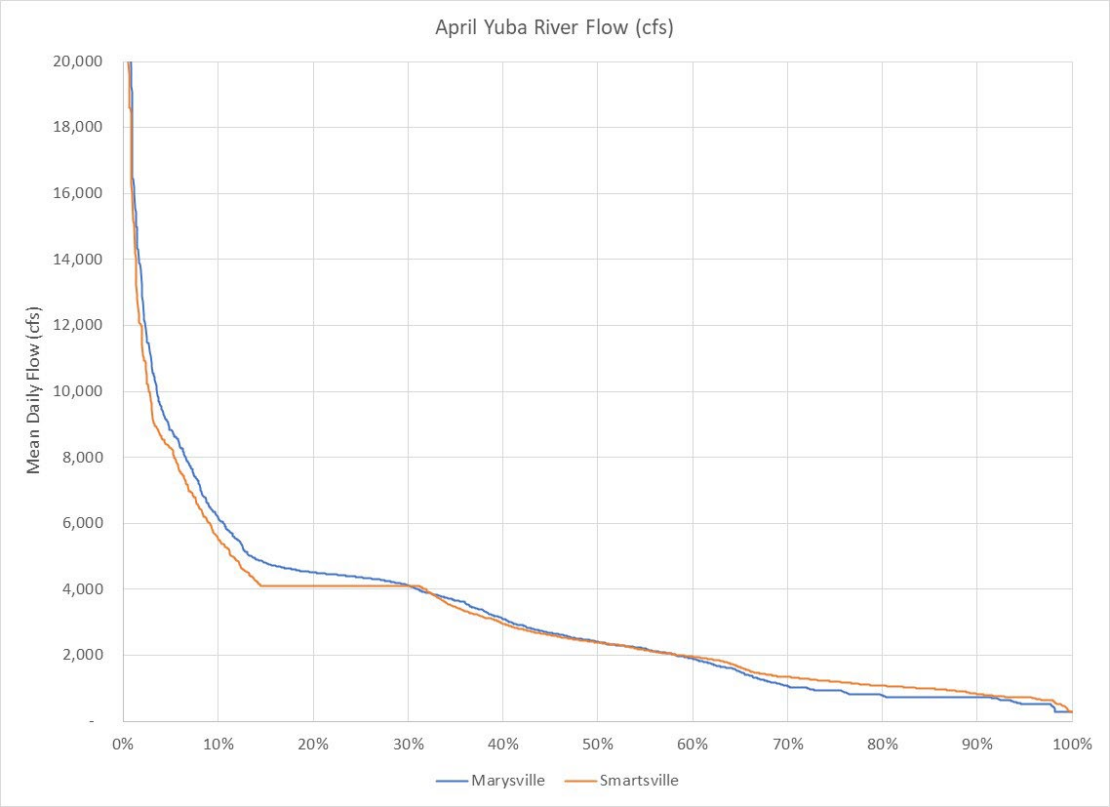
Water Year Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Wet	883	1,463	4,087	6,448	7,441	6,766	5,104	5,737	5,201	3,095	2,437	1,054
Above Normal	830	838	1,095	3,850	3,835	4,392	3,177	4,294	3,782	2,507	1,922	908
Below Normal	838	936	908	1,157	1,350	3,949	3,415	3,197	2,843	1,924	1,488	824
Dry	866	990	1,273	955	1,205	2,026	1,887	2,127	1,524	1,744	1,437	814
Critical	841	873	789	751	854	926	933	1,214	1,137	1,469	1,208	692

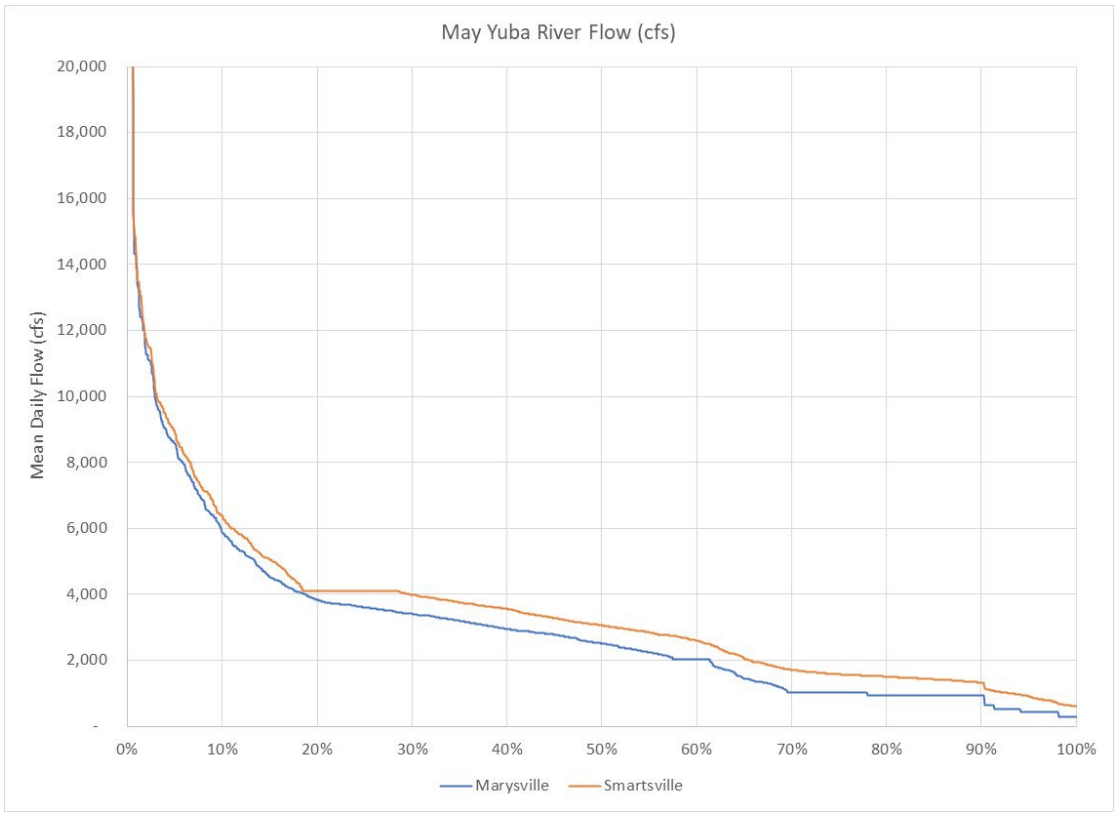
Existing Condition/Proposed Extension Simulation Resulting lower Yuba River Flow (cfs) Exceedance Probability by Month

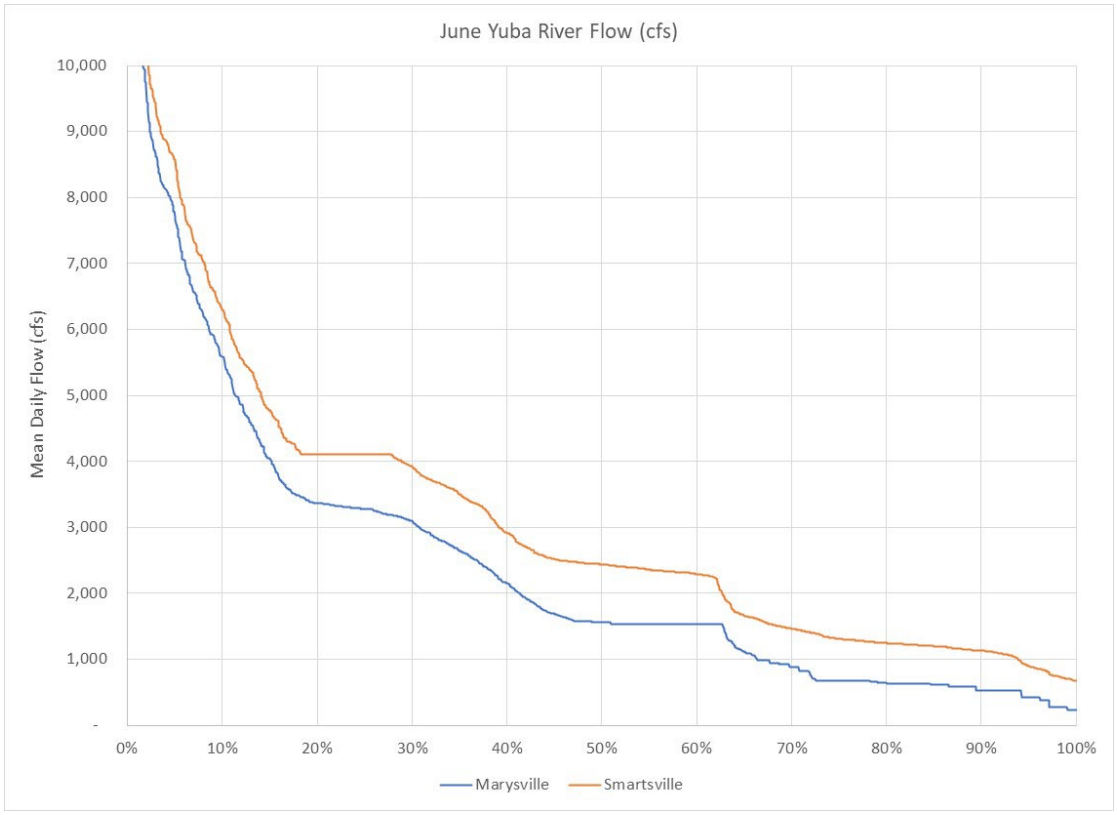


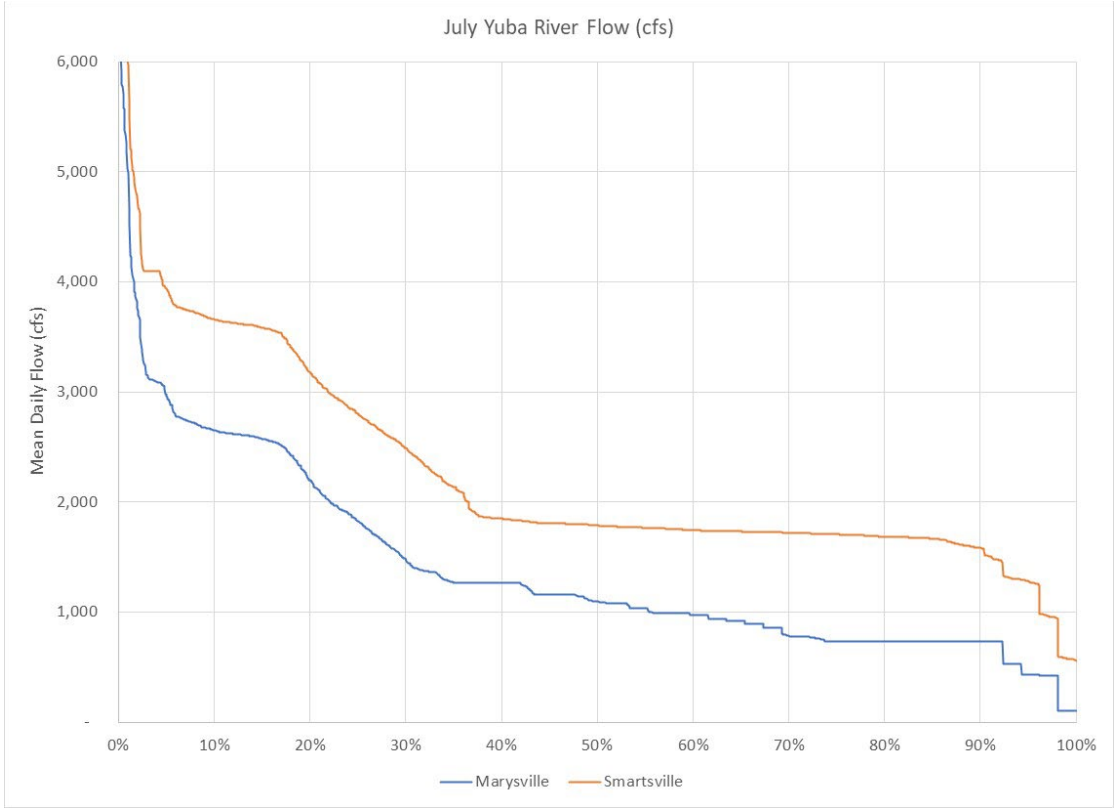

February Yuba River Flow (cfs)
Mean Daily Flow (cfs)
20,000
18,000
16,000
14,000
12,000
10,000
8,000
6,000
4,000
2,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Smartsville

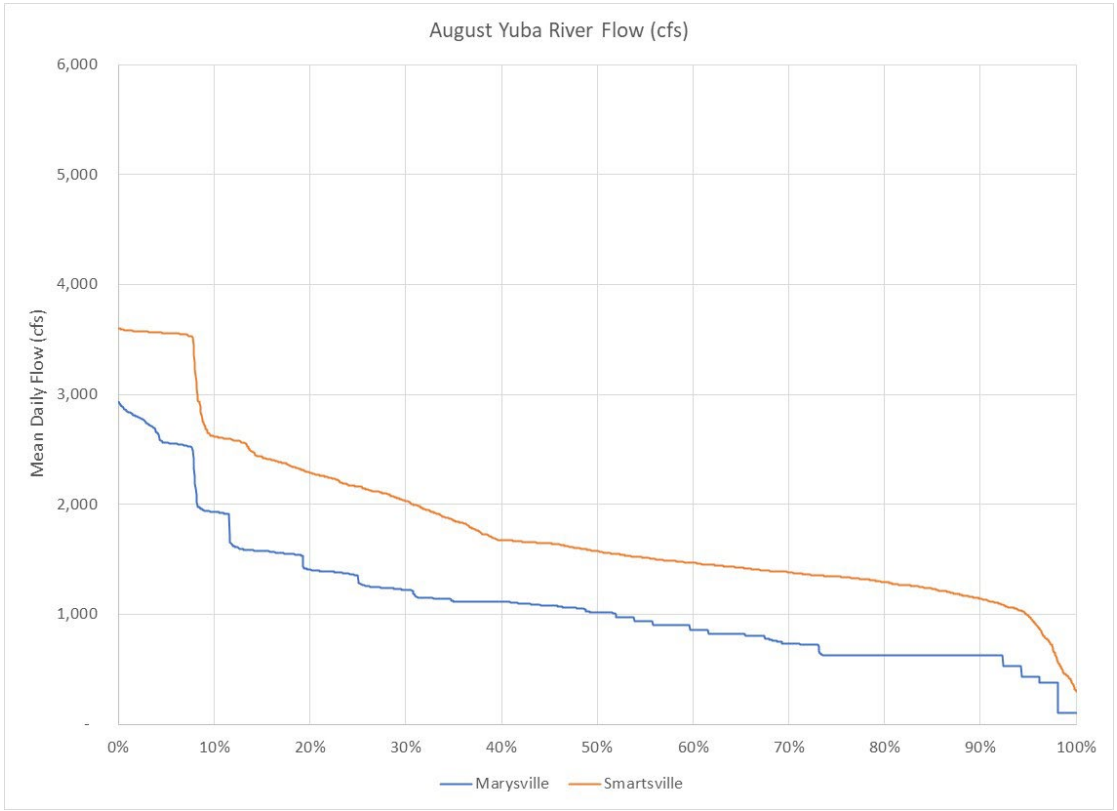

March Yuba River Flow (cfs)
Mean Daily Flow (cfs)
20,000
18,000
16,000
14,000
12,000
10,000
8,000
6,000
4,000
2,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Smartsville


April Yuba River Flow (cfs)
Mean Daily Flow (cfs)
20,000
18,000
16,000
14,000
12,000
10,000
8,000
6,000
4,000
2,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Smartsville

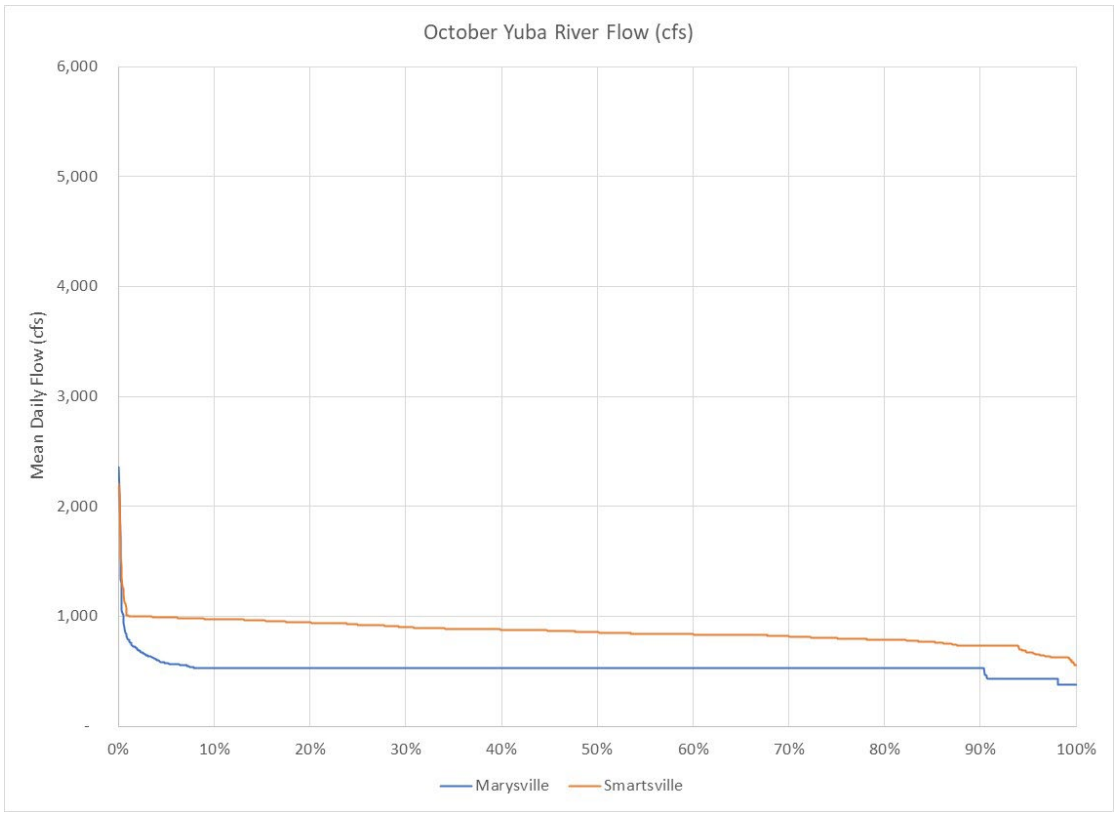

May Yuba River Flow (cfs)
Mean Daily Flow (cfs)
20,000
18,000
16,000
14,000
12,000
10,000
8,000
6,000
4,000
2,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Smartsville

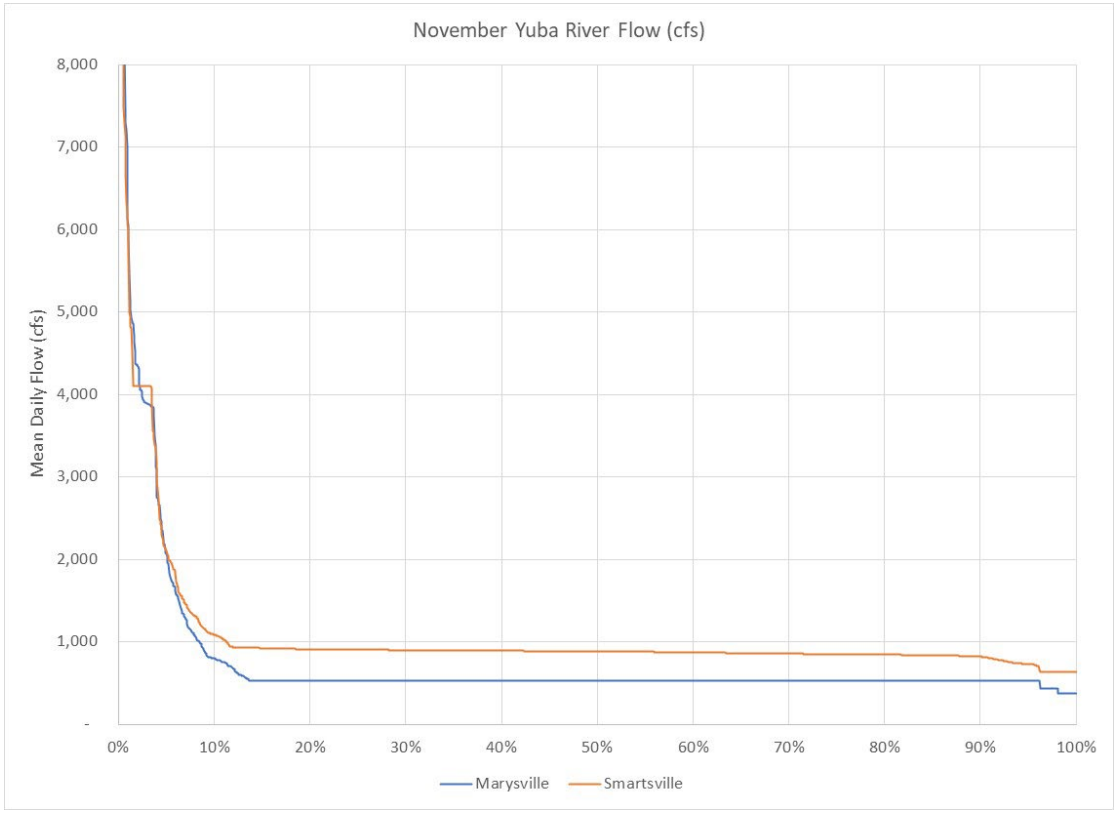

June Yuba River Flow (cfs)
Mean Daily Flow (cfs)
10,000
9,000
8,000
7,000
6,000
5,000
4,000
3,000
2,000
1,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Smartsville

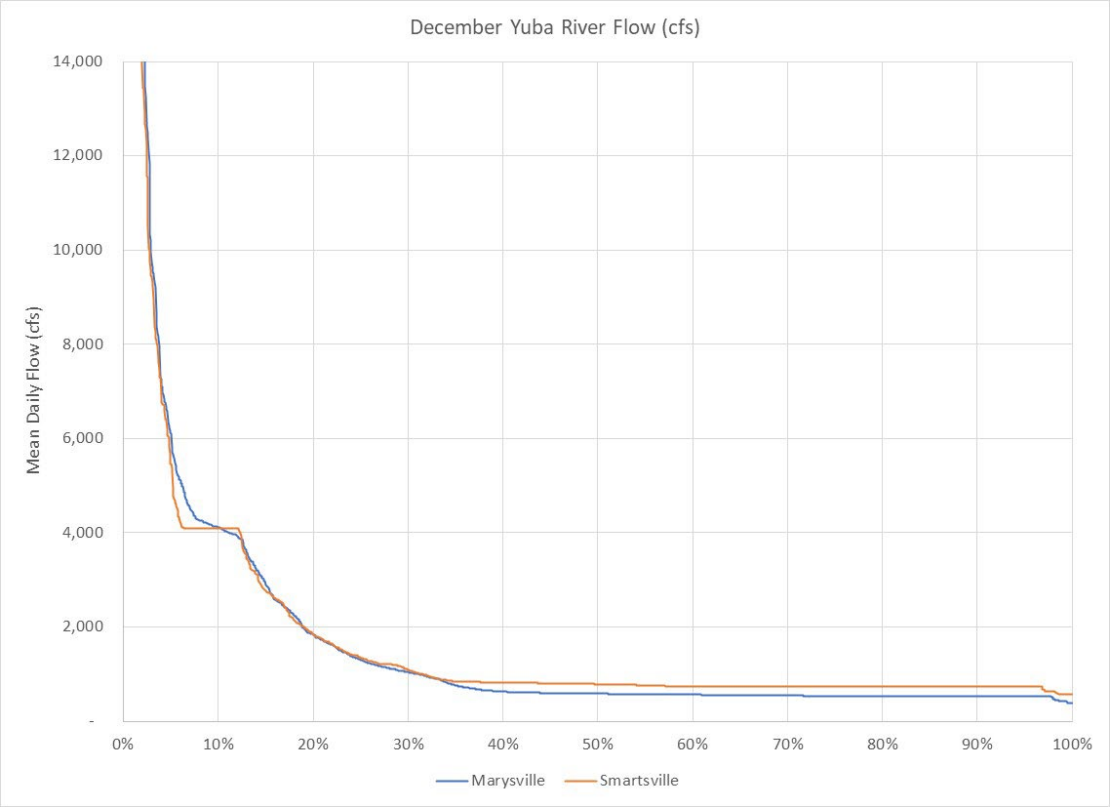

July Yuba River Flow (cfs)
Mean Daily Flow (cfs)
6,000
5,000
4,000
3,000
2,000
1,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Smartsville


August Yuba River Flow (cfs)
Mean Daily Flow (cfs)
6,000
5,000
4,000
3,000
2,000
1,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Smartsville


September Yuba River Flow (cfs)
Mean Daily Flow (cfs)
2,000
1,800
1,600
1,400
1,200
1,000
800
600
400
200
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Smartsville


October Yuba River Flow (cfs)
Mean Daily Flow (cfs)
6,000
5,000
4,000
3,000
2,000
1,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Smartsville


November Yuba River Flow (cfs)
Mean Daily Flow (cfs)
8,000
7,000
6,000
5,000
4,000
3,000
2,000
1,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Smartsville

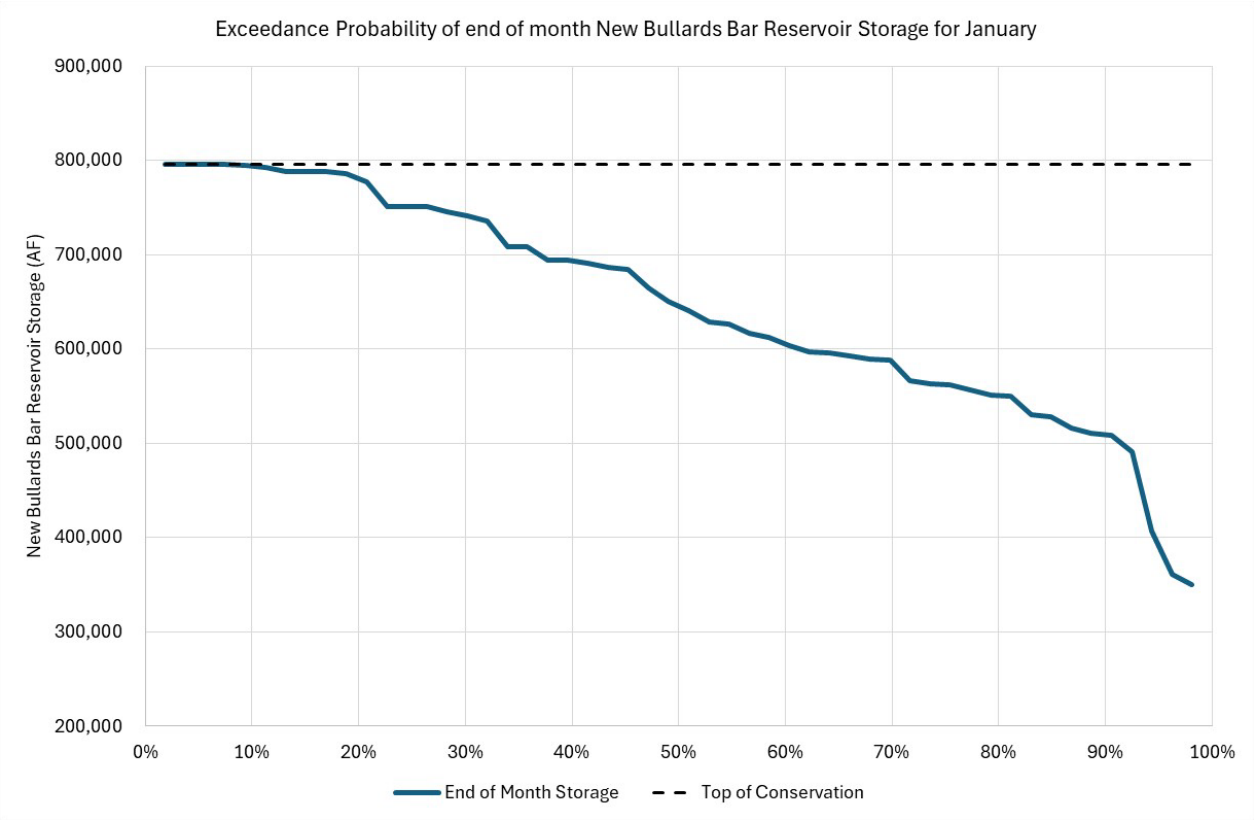

December Yuba River Flow (cfs)
Mean Daily Flow (cfs)
14,000
12,000
10,000
8,000
6,000
4,000
2,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Smartsville

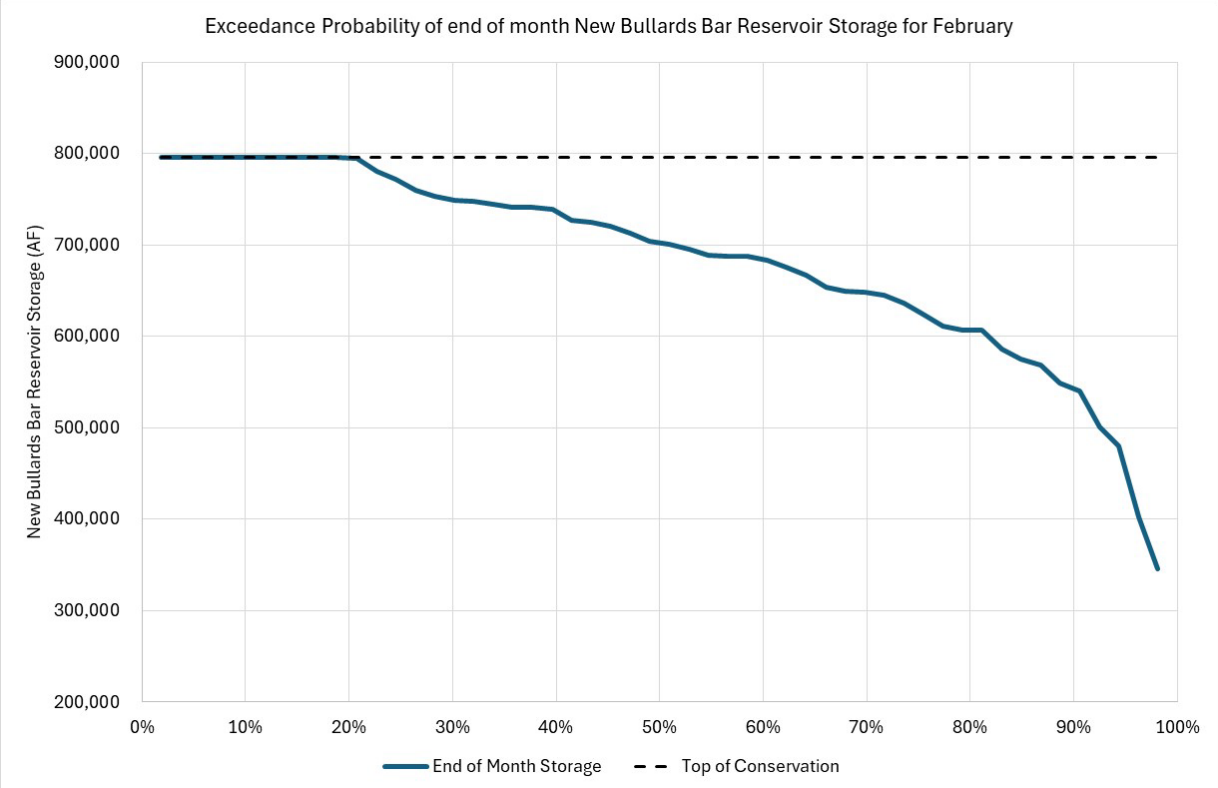
Resulting New Bullards Bar Reservoir Storage

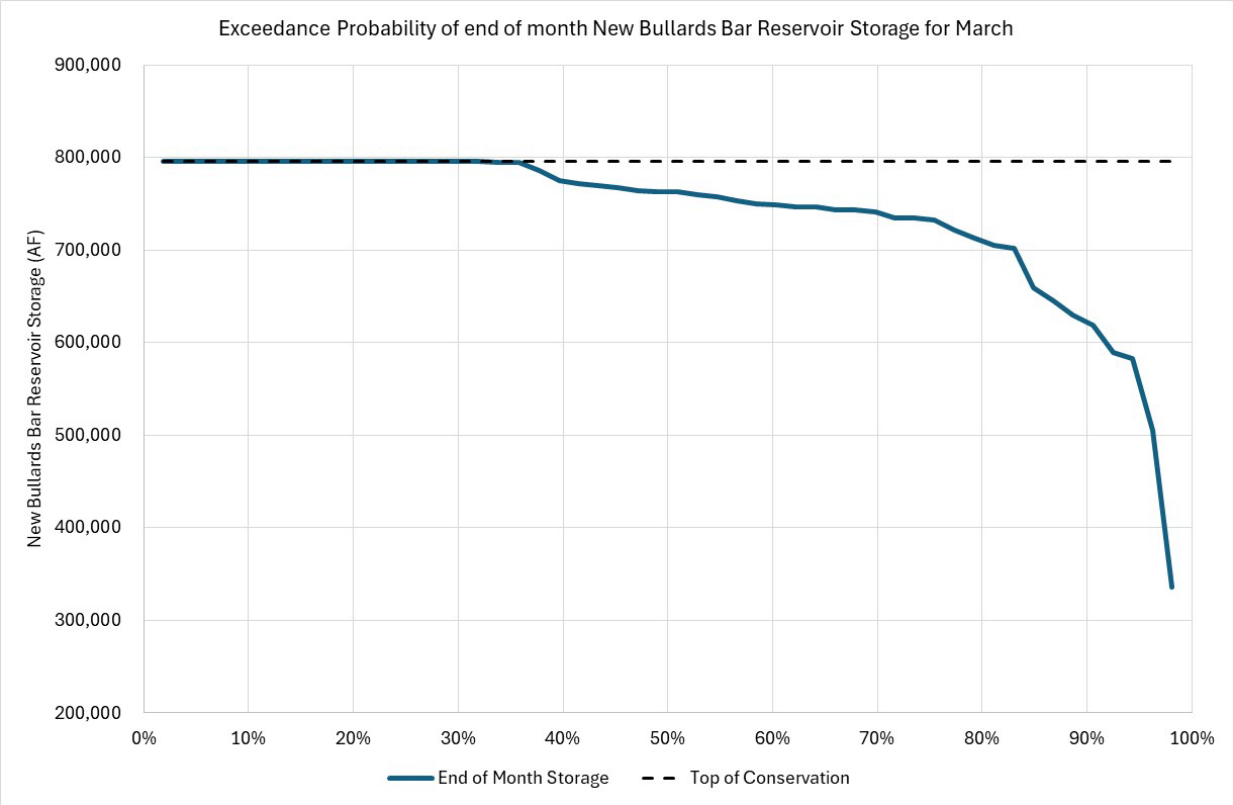
New Bullards Bar Reservoir Mean End of Month Storage (AF) by Water Year Type (SVI)

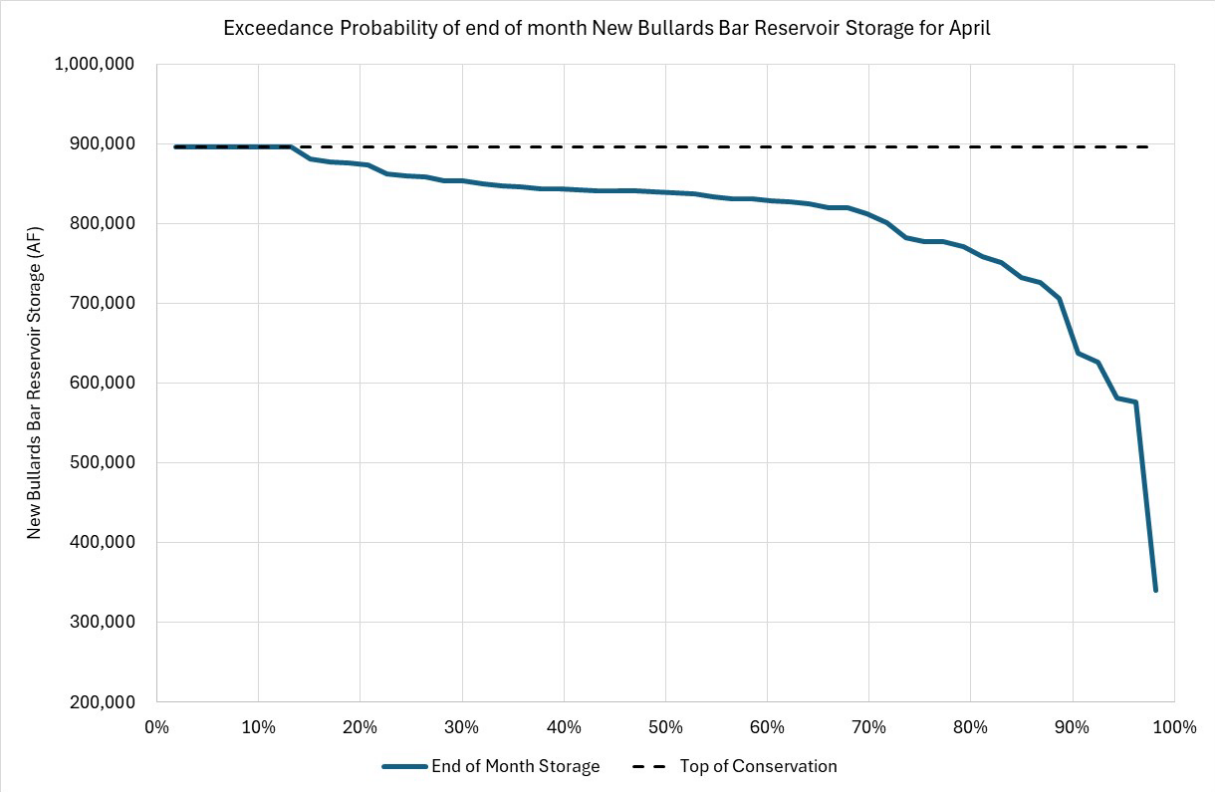
Water Year Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Wet	607,645	617,727	649,334	749,775	770,715	787,492	864,811	928,632	900,222	793,370	672,678	632,992
Above Normal	612,308	611,516	651,327	683,752	743,851	779,051	849,326	928,033	884,494	774,719	679,153	644,503
Below Normal	574,355	586,292	660,971	638,596	688,189	771,047	845,883	861,444	792,939	704,236	629,941	595,661
Dry	538,825	539,942	558,095	591,390	637,637	733,340	801,302	816,952	770,695	682,272	607,262	572,154
Critical	446,604	426,334	442,373	516,158	552,794	618,946	669,201	680,165	649,072	573,495	509,769	478,462

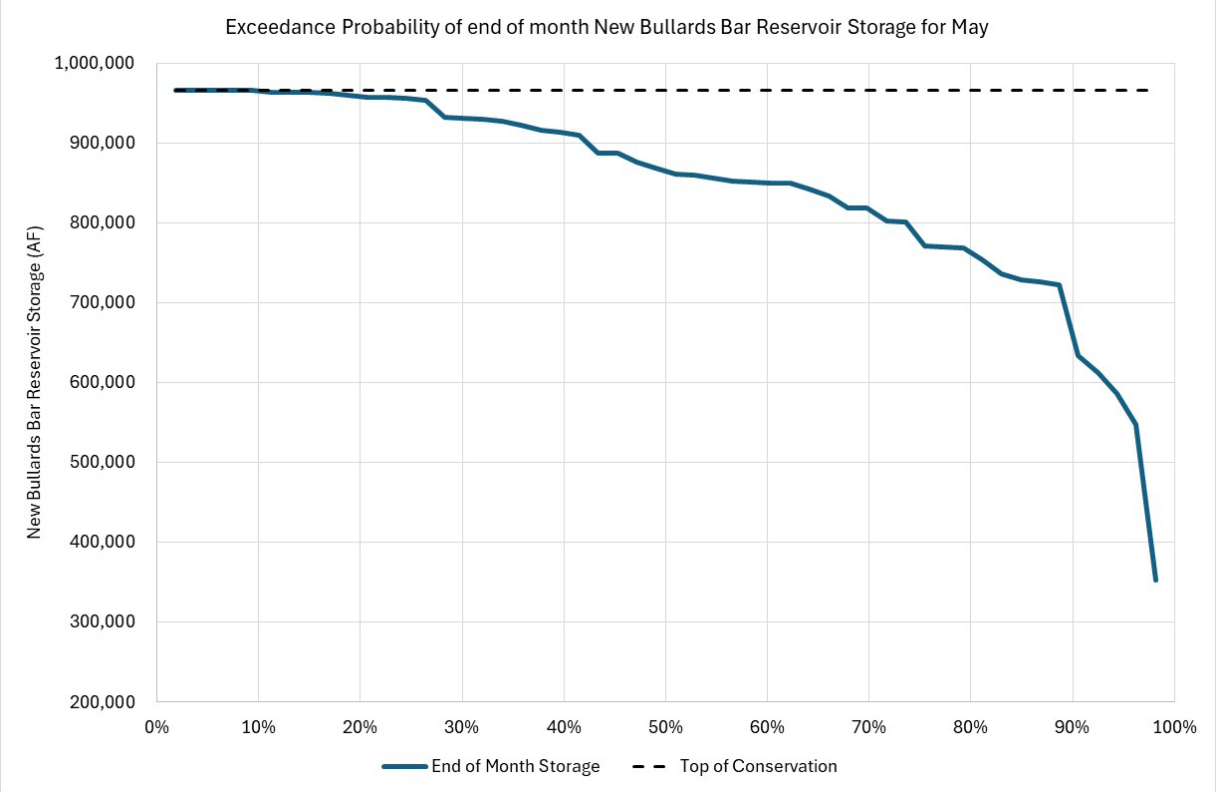
Exceedance Probability of New Bullards Bar Reservoir Storage (AF) by Month

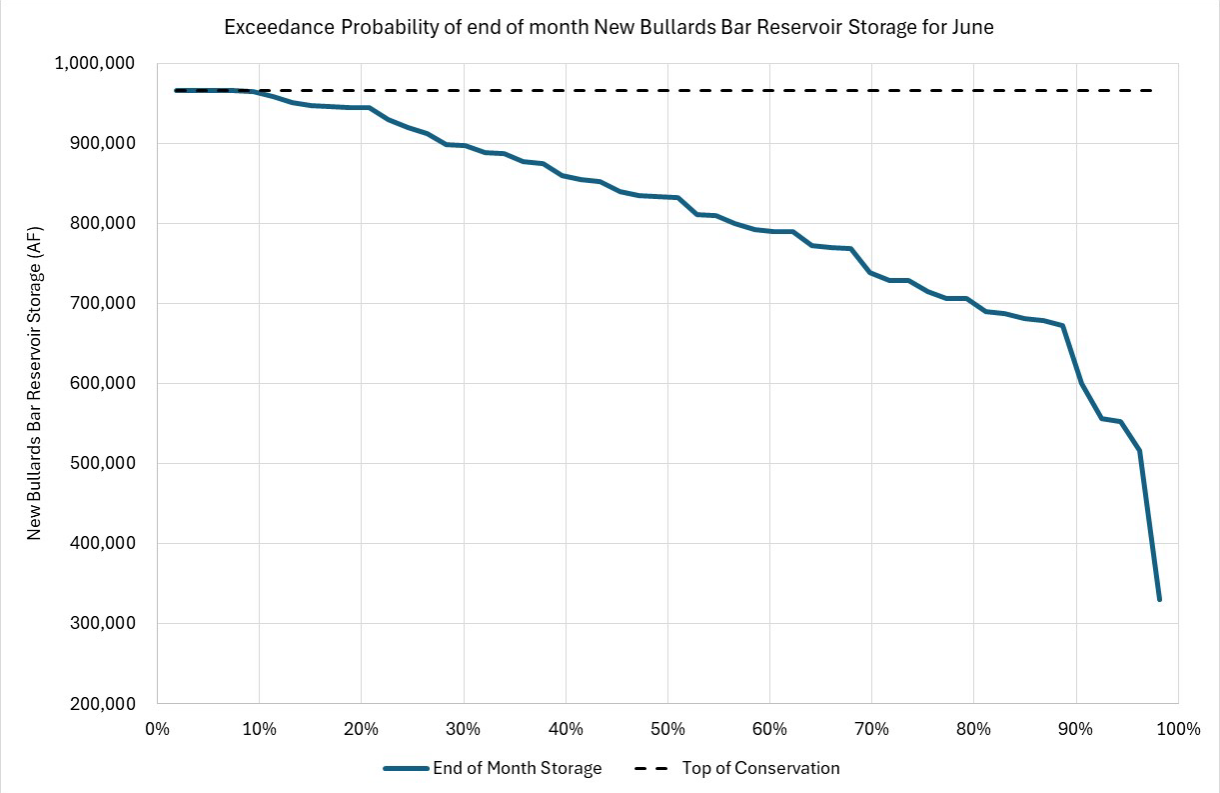


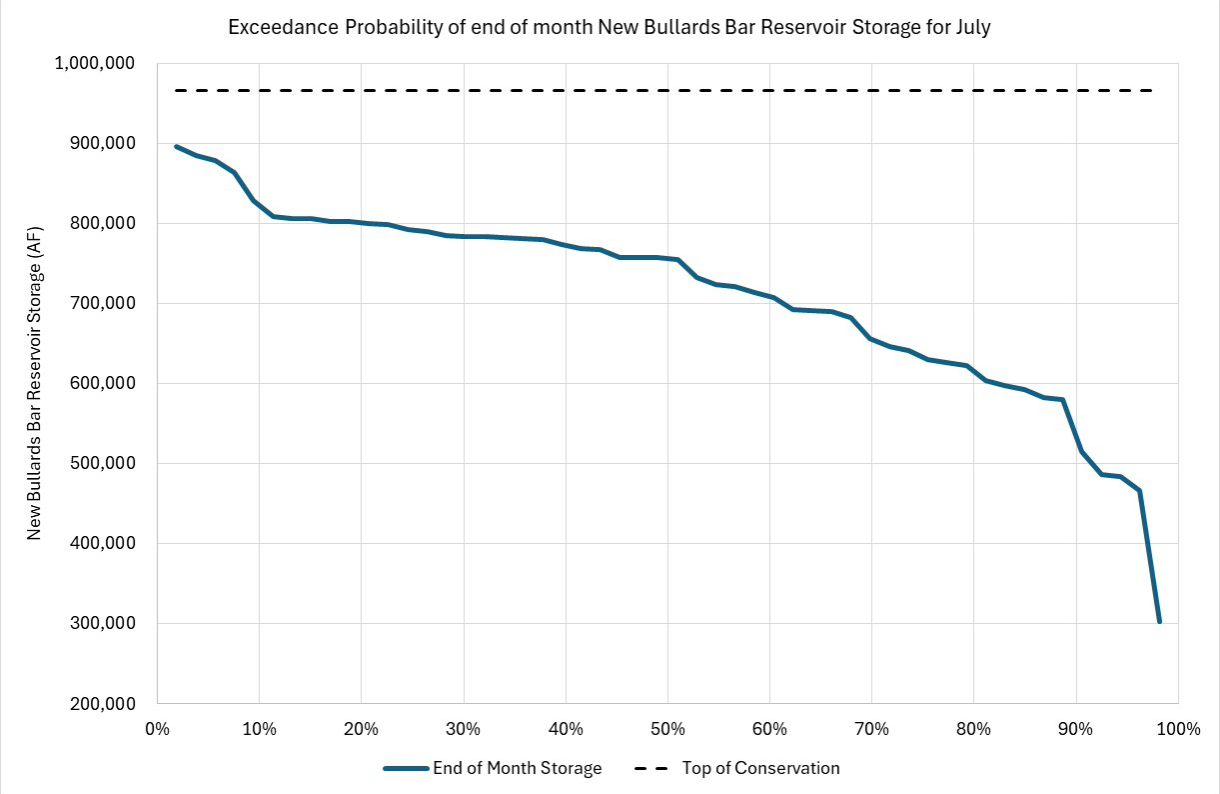


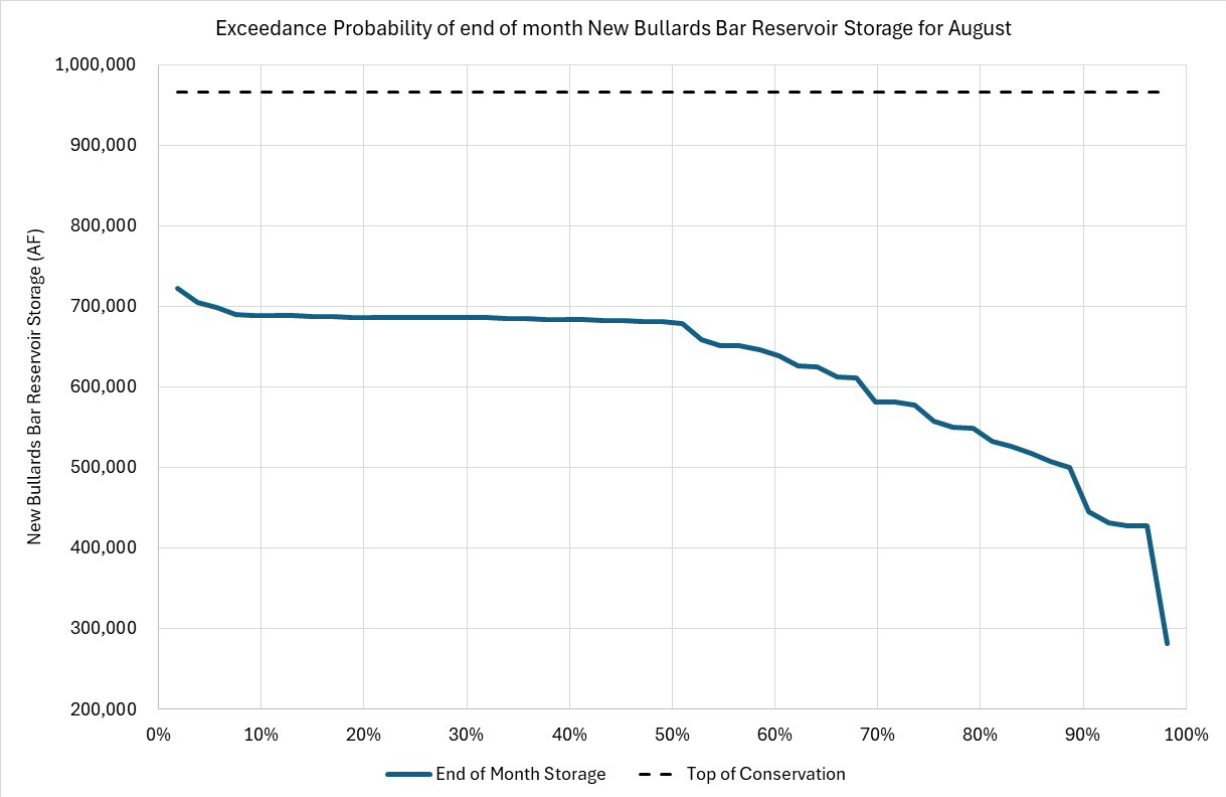

Exceedance Probability of end of month New Bullards Bar Reservoir Storage for March
New Bullards Bar Reservoir Storage (AF)
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
End of Month Storage
Top of Conservation

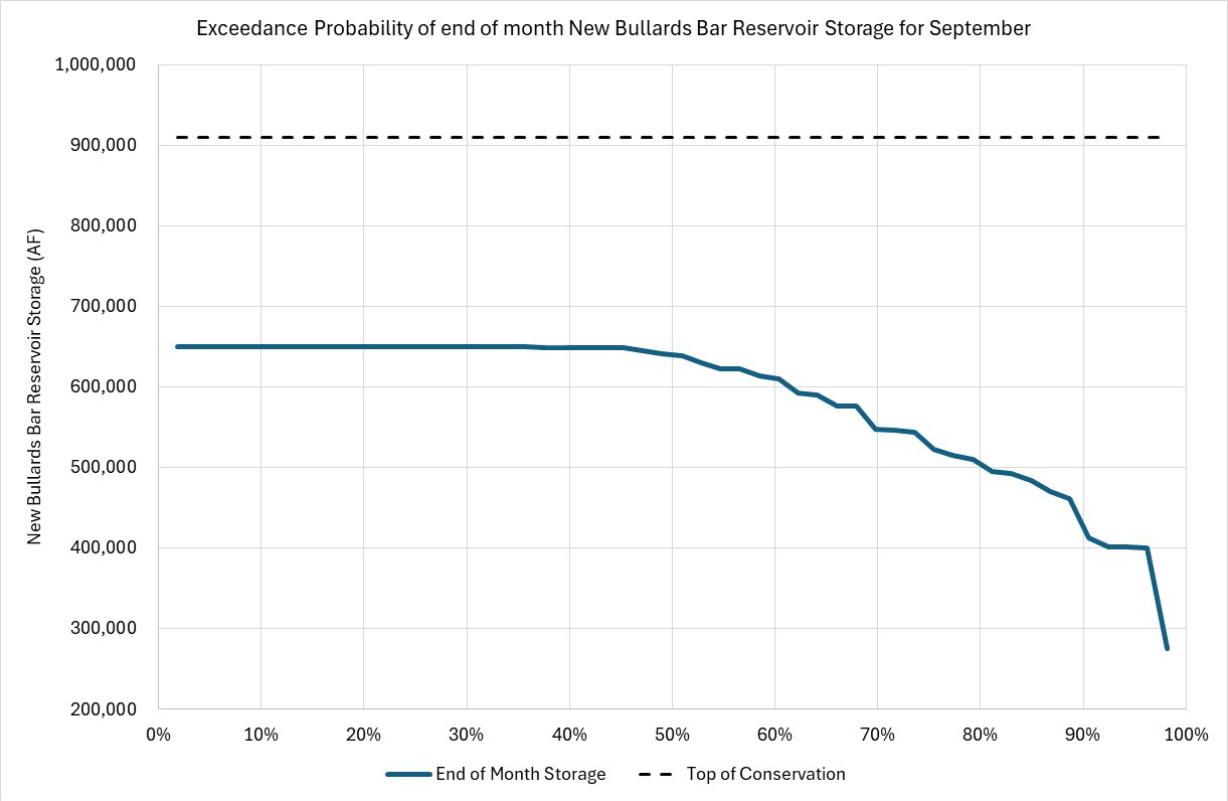

Exceedance Probability of end of month New Bullards Bar Reservoir Storage for April
New Bullards Bar Reservoir Storage (AF)
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
End of Month Storage
Top of Conservation

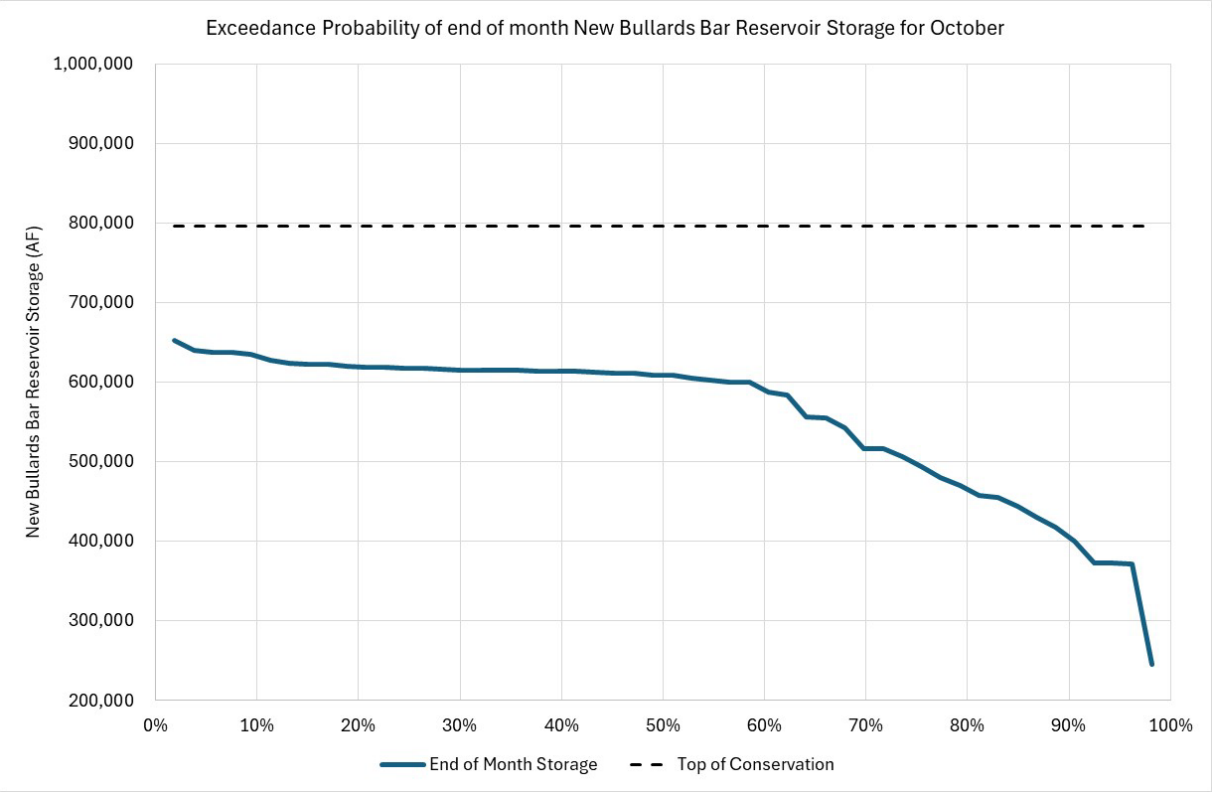

Exceedance Probability of end of month New Bullards Bar Reservoir Storage for May
New Bullards Bar Reservoir Storage (AF)
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
End of Month Storage
Top of Conservation

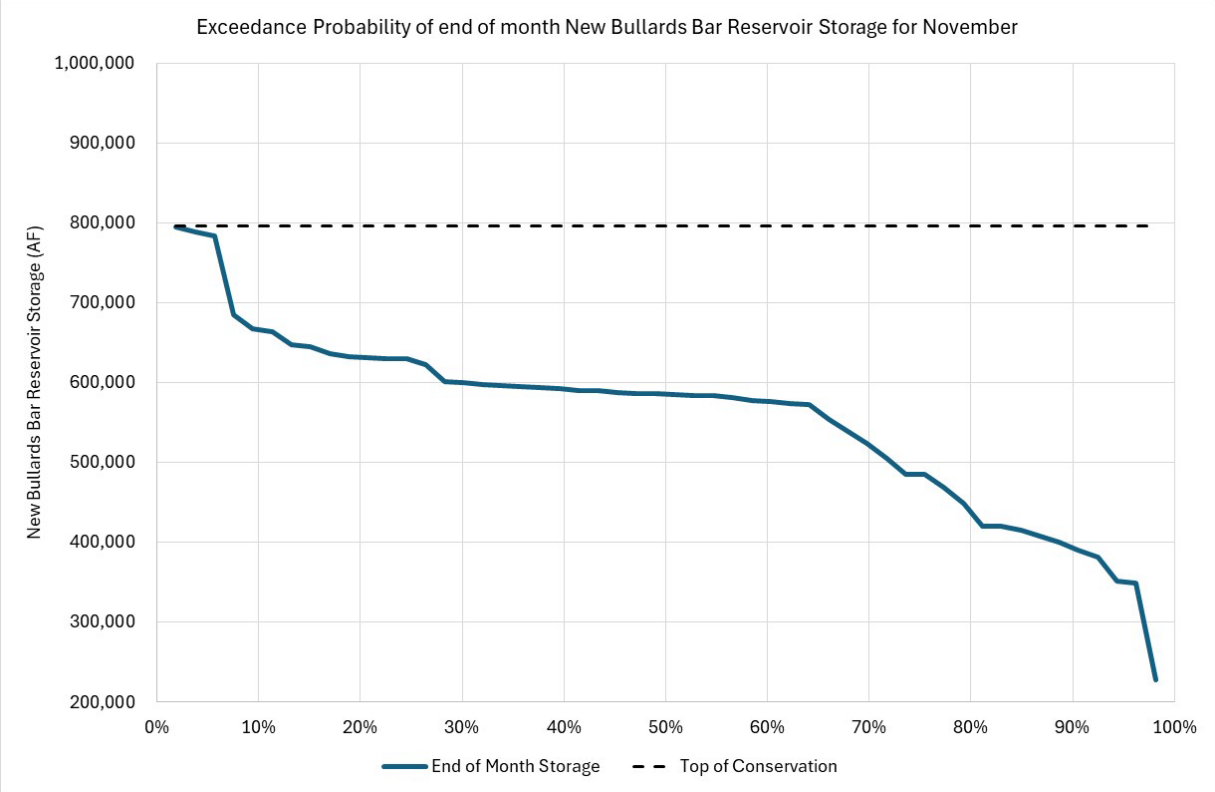

Exceedance Probability of end of month New Bullards Bar Reservoir Storage for June
New Bullards Bar Reservoir Storage (AF)
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
End of Month Storage
Top of Conservation

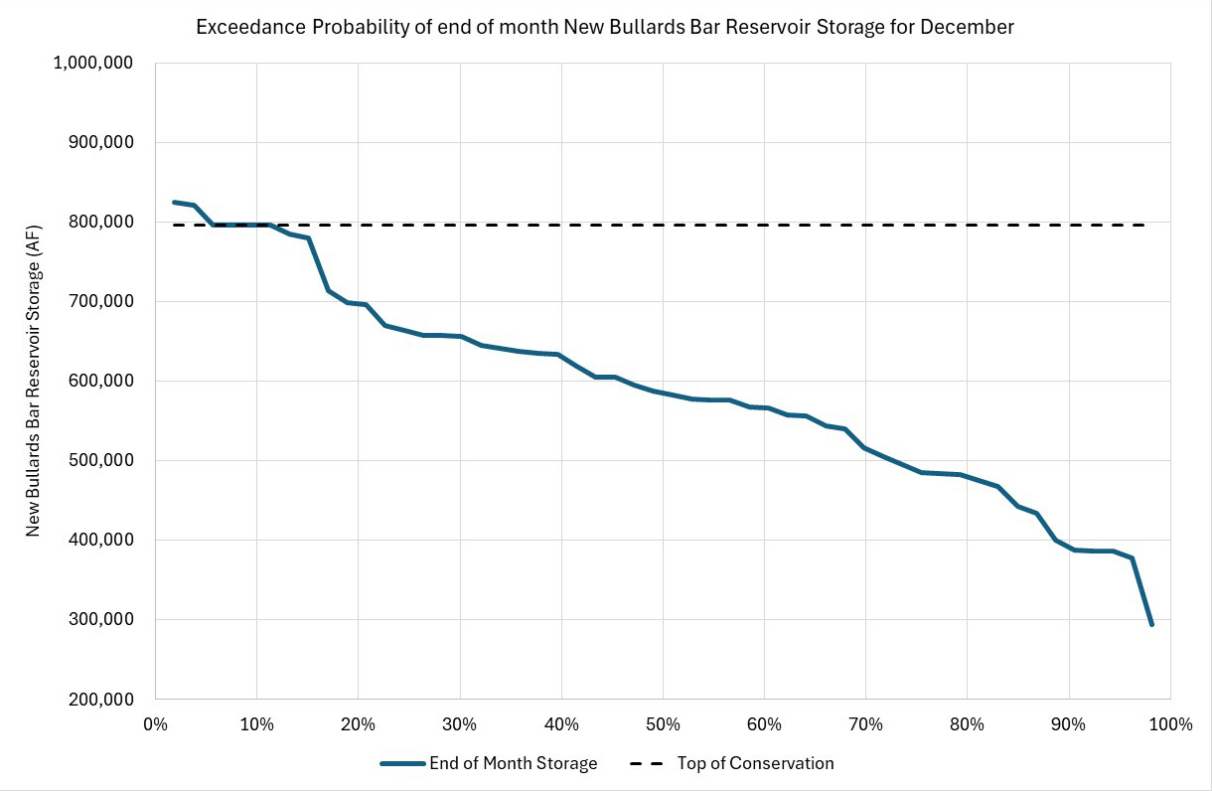

Exceedance Probability of end of month New Bullards Bar Reservoir Storage for July
New Bullards Bar Reservoir Storage (AF)
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
End of Month Storage
Top of Conservation


Exceedance Probability of end of month New Bullards Bar Reservoir Storage for August
New Bullards Bar Reservoir Storage (AF)
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
End of Month Storage
Top of Conservation


Exceedance Probability of end of month New Bullards Bar Reservoir Storage for September
New Bullards Bar Reservoir Storage (AF)
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
End of Month Storage
Top of Conservation


Exceedance Probability of end of month New Bullards Bar Reservoir Storage for October
New Bullards Bar Reservoir Storage (AF)
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
End of Month Storage
Top of Conservation


Exceedance Probability of end of month New Bullards Bar Reservoir Storage for November
New Bullards Bar Reservoir Storage (AF)
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
End of Month Storage
Top of Conservation


Exceedance Probability of end of month New Bullards Bar Reservoir Storage for December
New Bullards Bar Reservoir Storage (AF)
1,000,000
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
End of Month Storage
Top of Conservation

Existing Condition/Proposed Extension Temperature Modeling Results
Model Version: YRTM Version 3.5
Simulation Period: Water Year 1970 to 2021

Existing Condition/Proposed Extension Yuba River at Marysville Temperatures

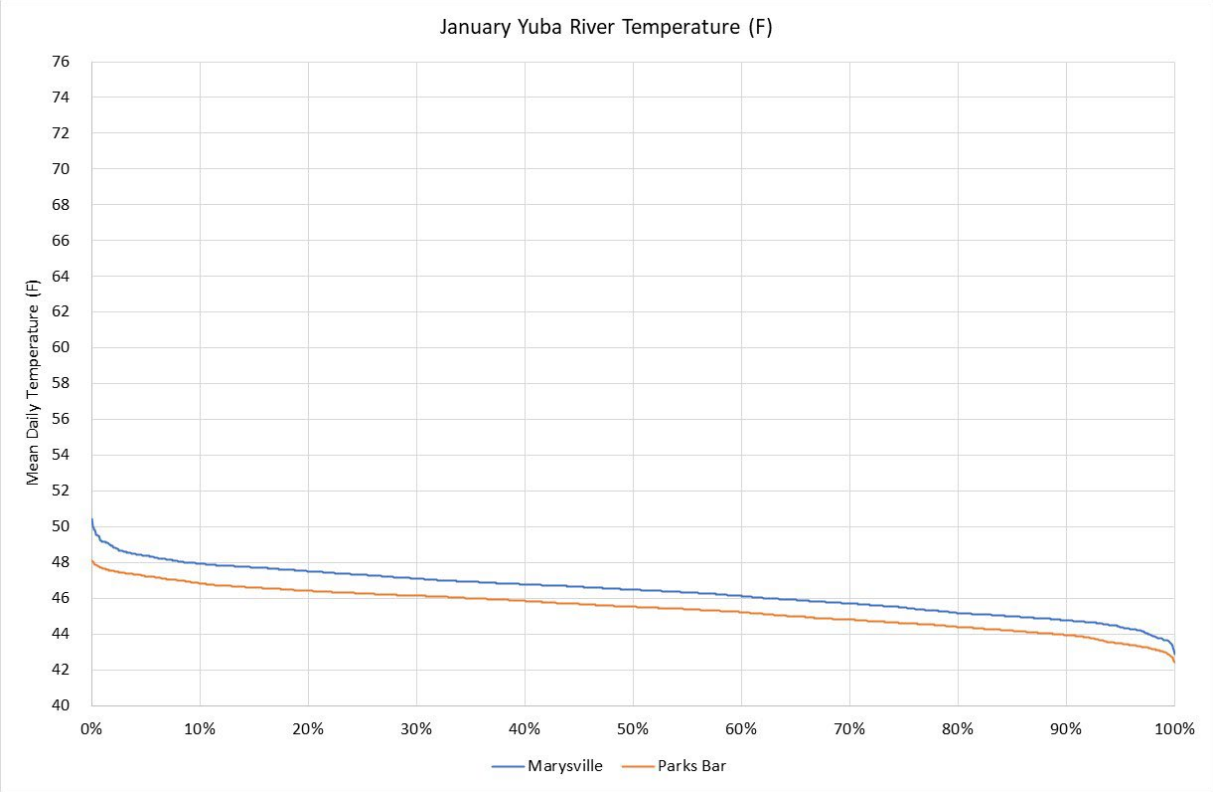
Average Monthly Temperature by Year Type (Sacramento Valley Index) (Degrees F)

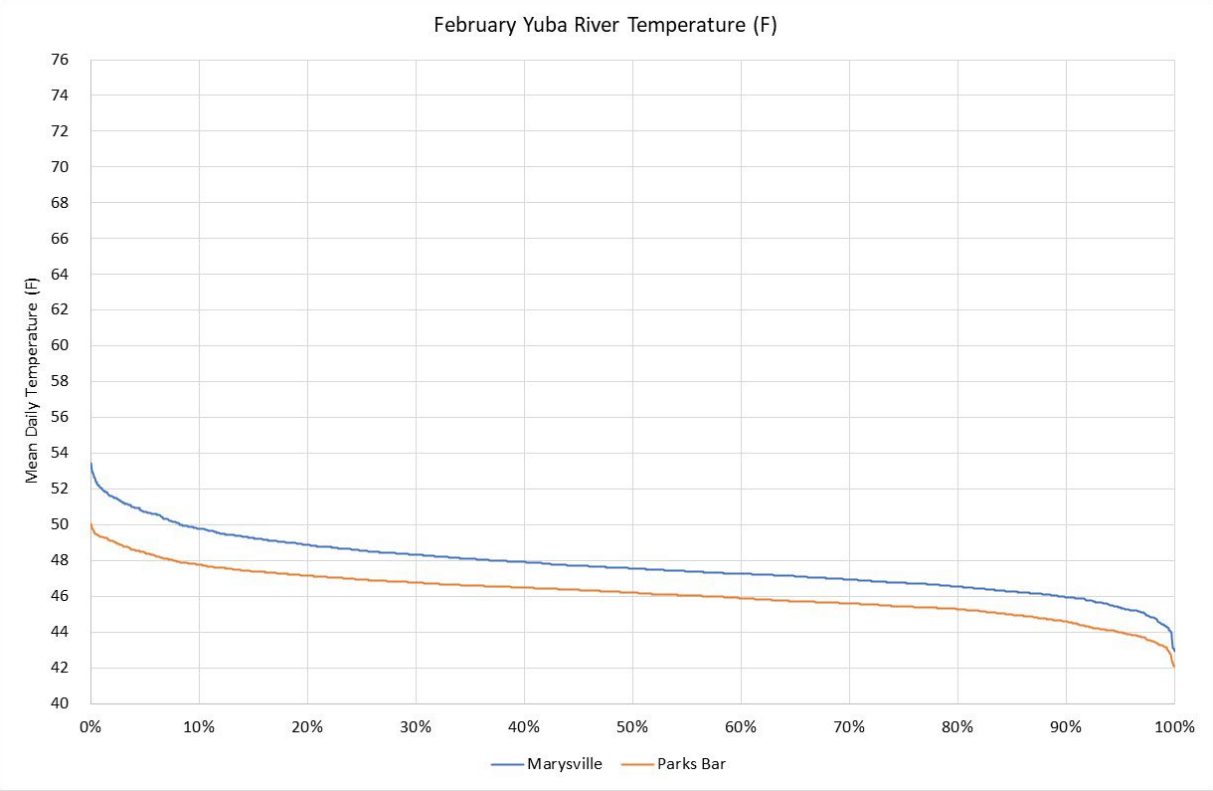
Water Year Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Wet	59.3	53.8	48.4	46.2	47.1	49.3	51.8	54.4	57.2	58.7	58.9	61.4
Above Normal	60.4	54.4	49.2	46.6	47.7	50.6	52.9	55.4	57.7	59.8	60.3	62.0
Below Normal	60.0	53.7	48.7	46.5	47.9	50.9	53.4	56.3	58.9	61.9	62.1	62.7
Dry	59.0	53.7	48.7	46.1	47.5	51.3	55.5	58.6	62.3	61.8	61.1	62.0
Critical	59.9	54.3	49.2	46.9	48.8	53.0	58.5	61.8	65.8	65.6	64.5	65.3

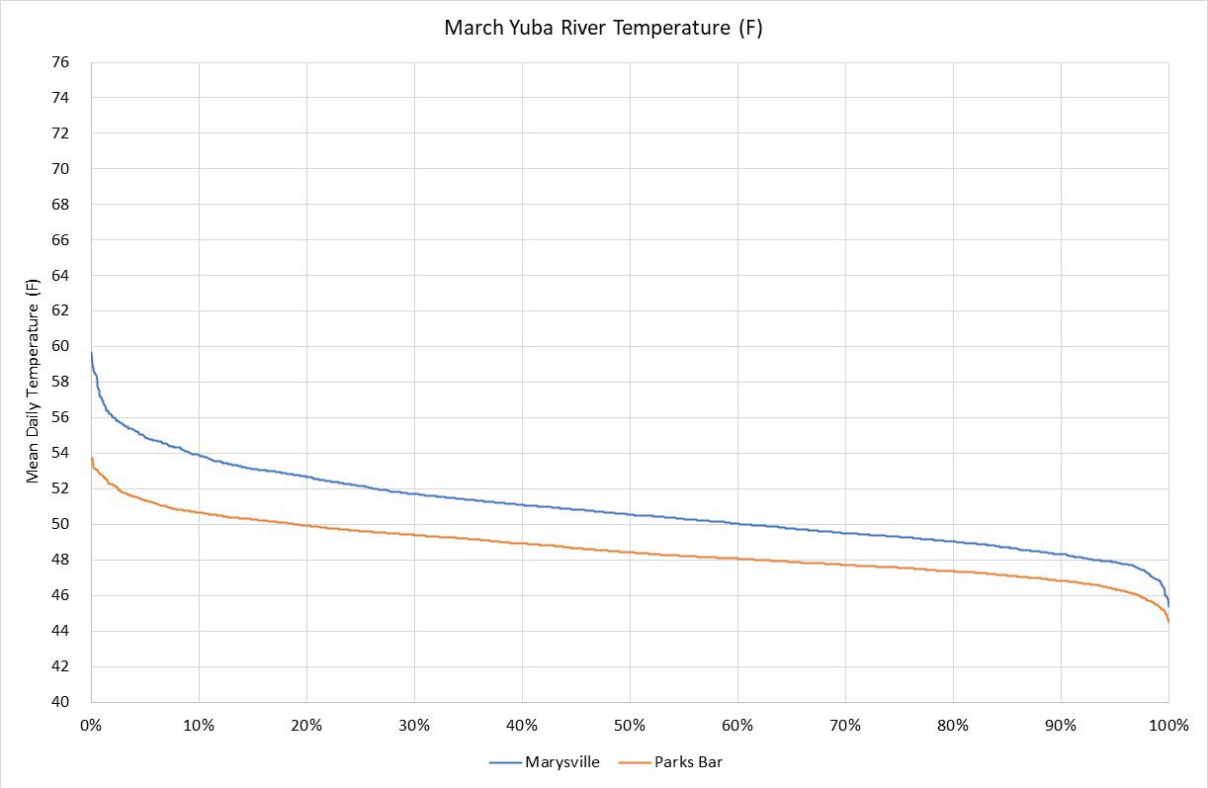
Existing Condition/Proposed Extension Yuba River at Parks Bar Temperatures

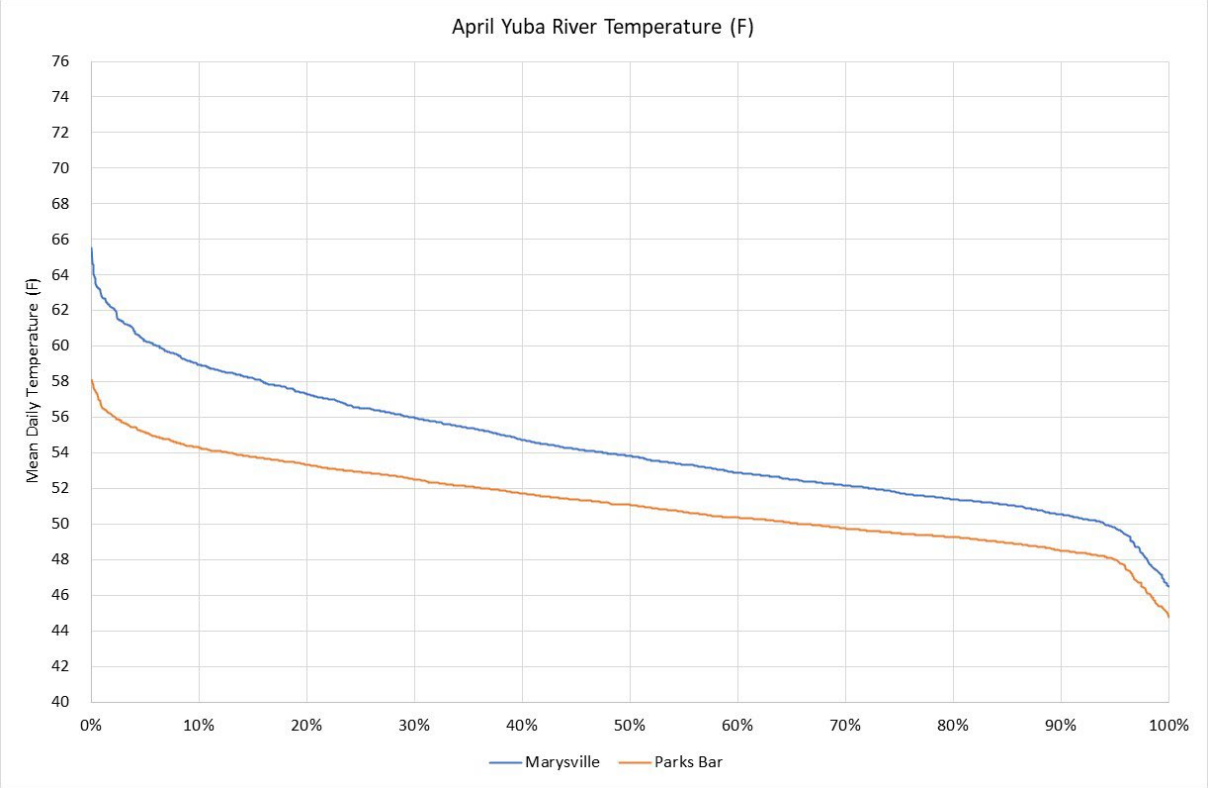
Average Monthly Temperature by Year Type (Sacramento Valley Index) (Degrees F)

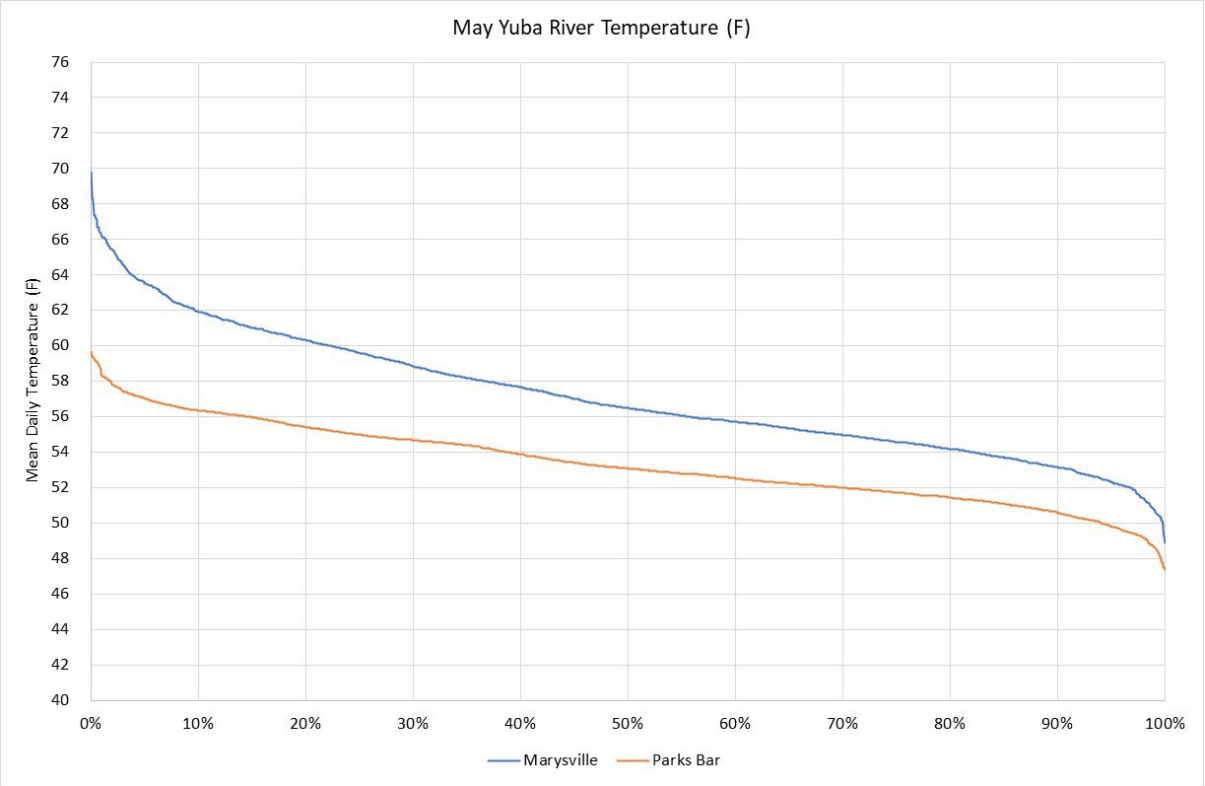
Water Year Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Wet	55.8	52.3	47.6	45.4	46.1	47.7	49.4	51.6	53.6	53.8	54.1	56.1
Above Normal	57.0	52.8	48.1	45.7	46.3	48.7	50.4	52.3	53.8	54.4	55.2	56.6
Below Normal	56.4	52.2	47.8	45.3	46.2	48.8	50.8	52.9	54.2	55.6	56.3	57.4
Dry	55.6	52.1	47.8	45.0	45.7	48.7	52.1	54.2	56.1	56.1	55.7	56.7
Critical	56.4	52.7	48.4	45.8	46.7	49.9	53.9	56.2	58.3	58.1	57.7	58.8

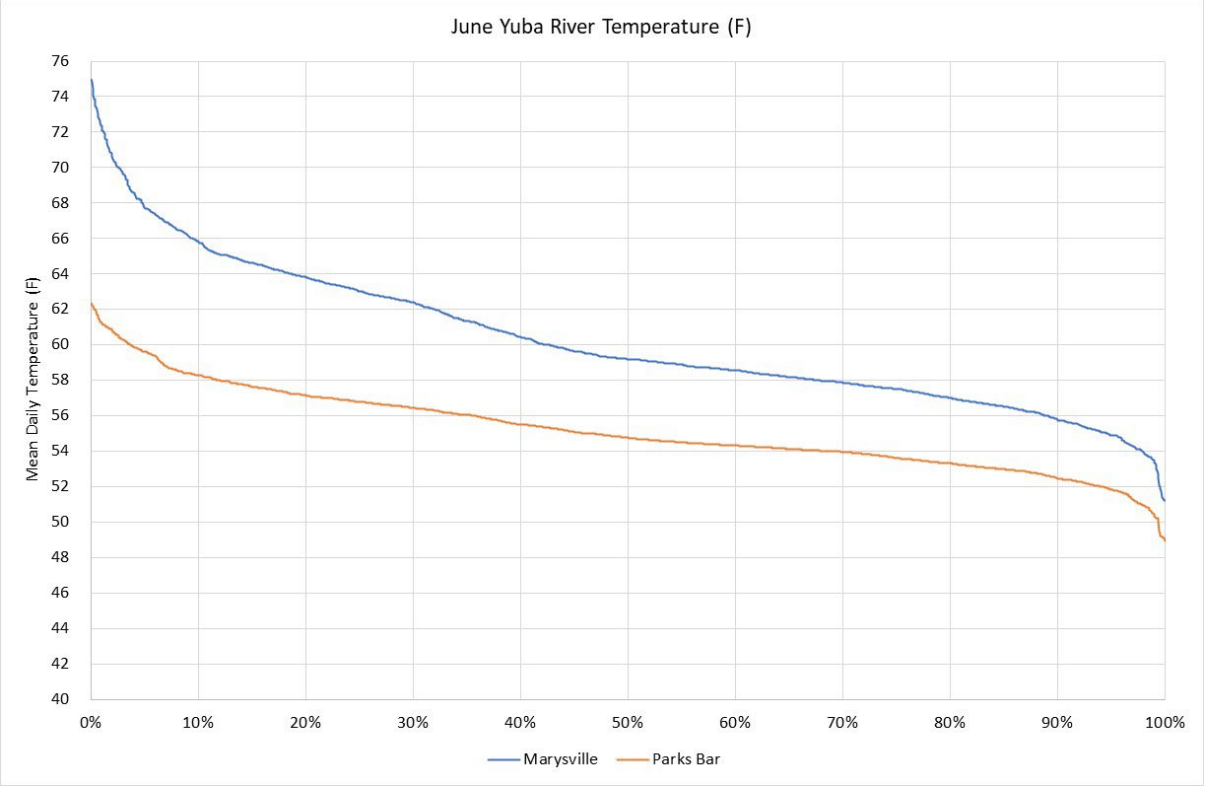

January Yuba River Temperature (F)
Mean Daily Temperature (F)
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Parks Bar

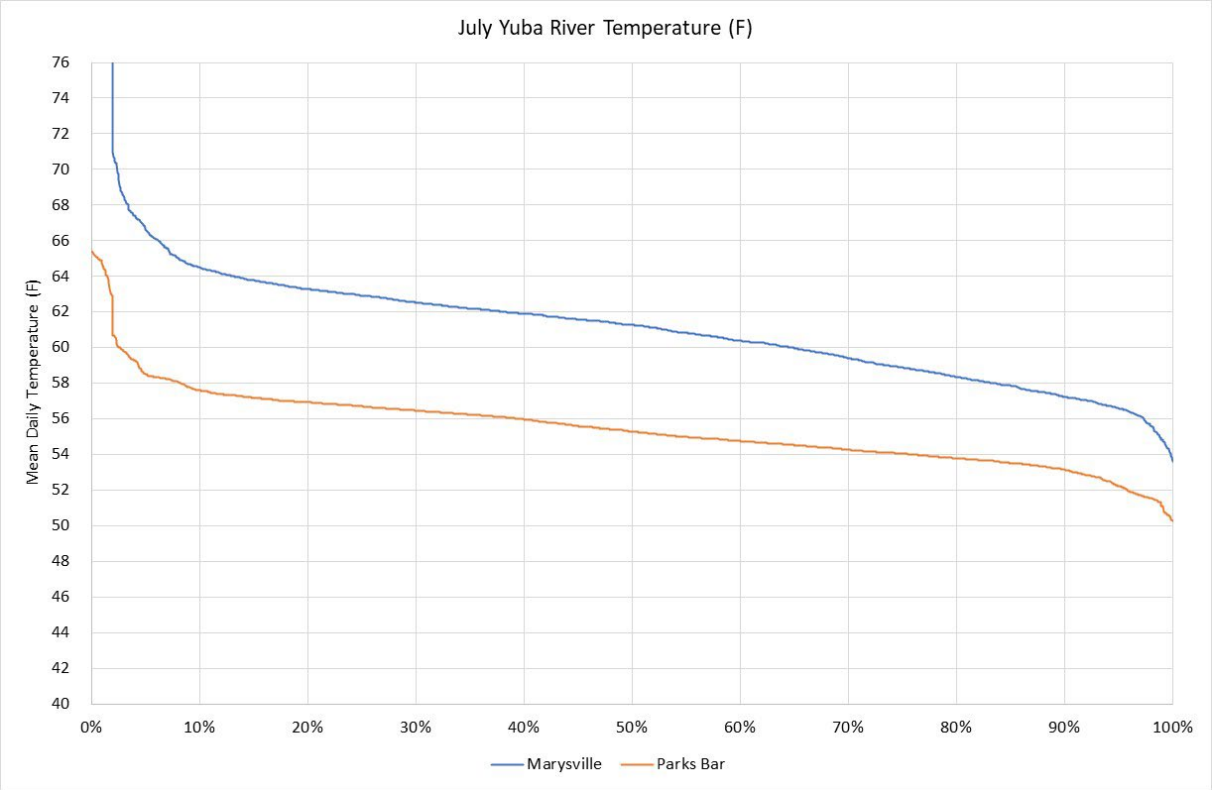

February Yuba River Temperature (F)
Mean Daily Temperature (F)
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Parks Bar

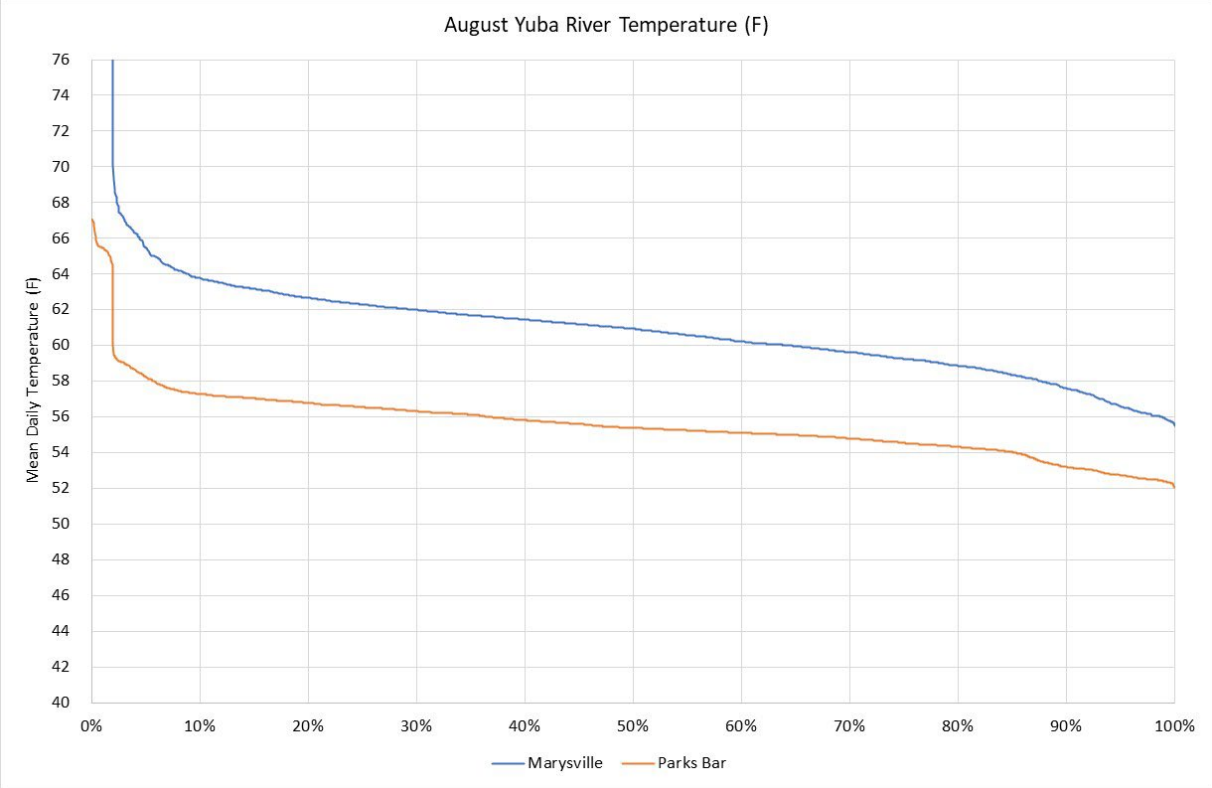

March Yuba River Temperature (F)
Mean Daily Temperature (F)
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Parks Bar

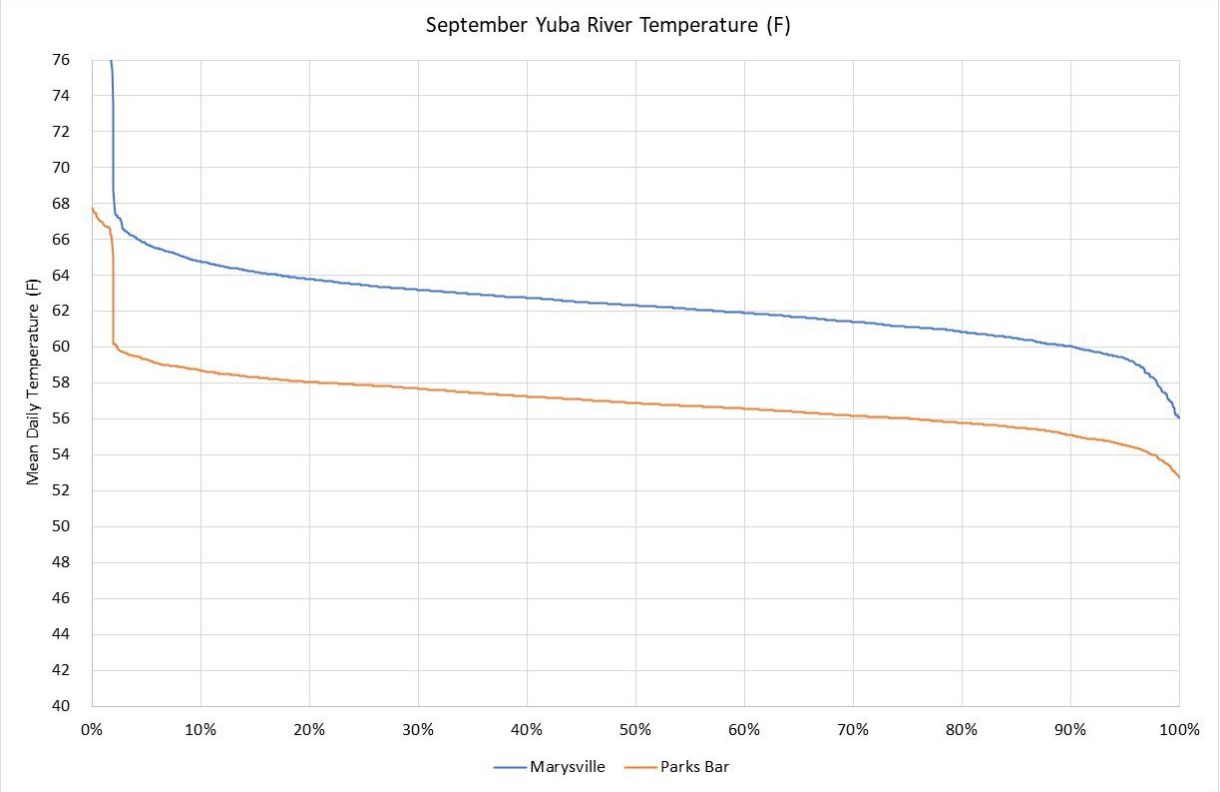

April Yuba River Temperature (F)
Mean Daily Temperature (F)
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Parks Bar

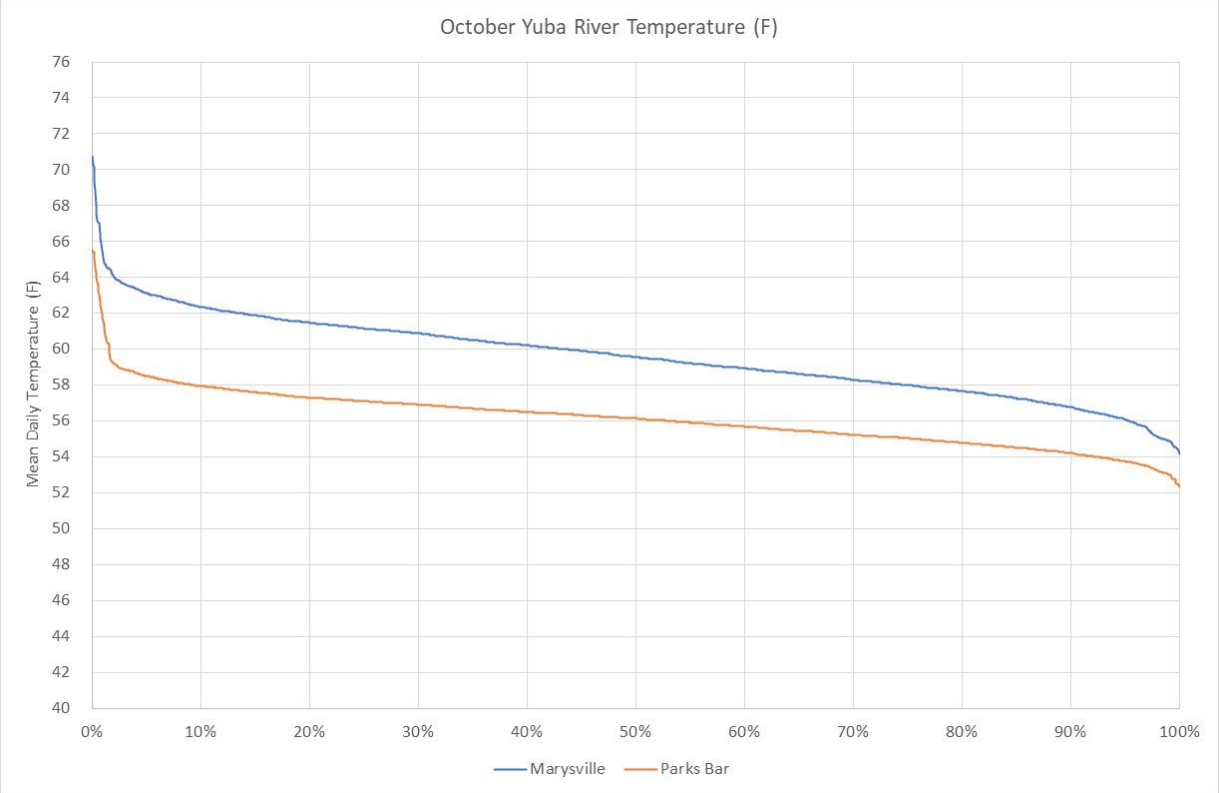

May Yuba River Temperature (F)
Mean Daily Temperature (F)
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Parks Bar

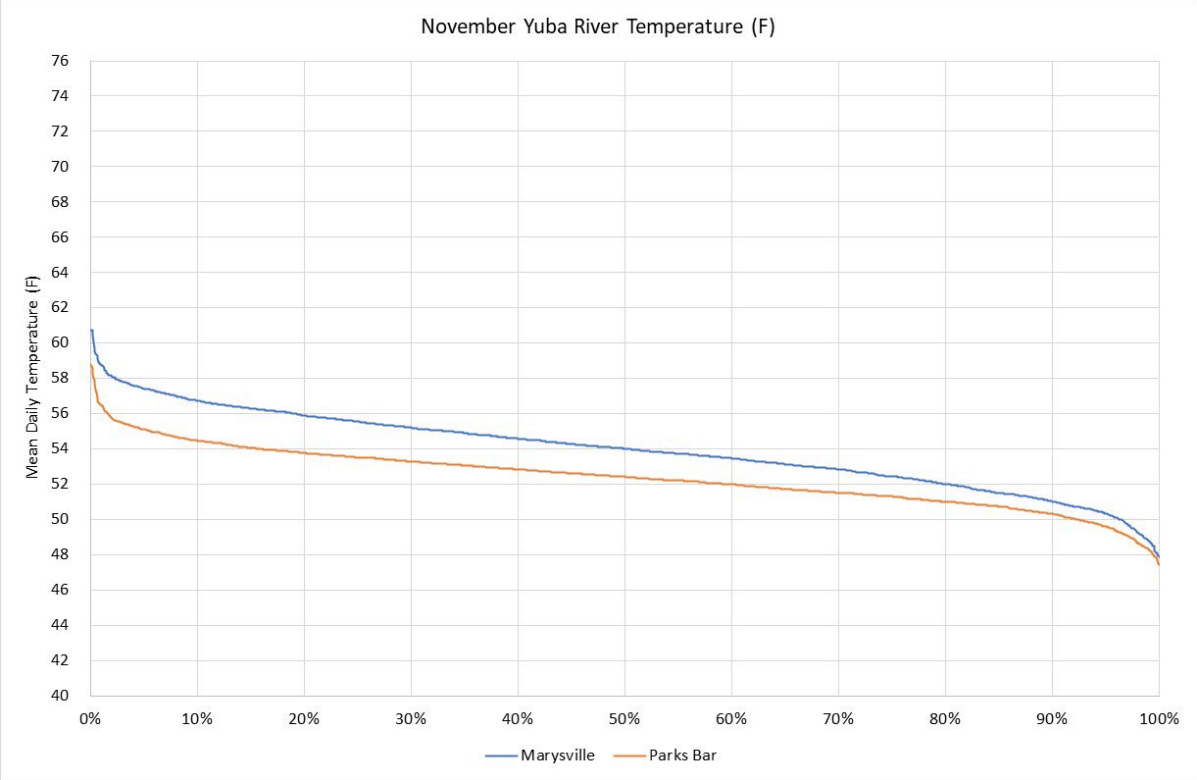

June Yuba River Temperature (F)
Mean Daily Temperature (F)
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Parks Bar

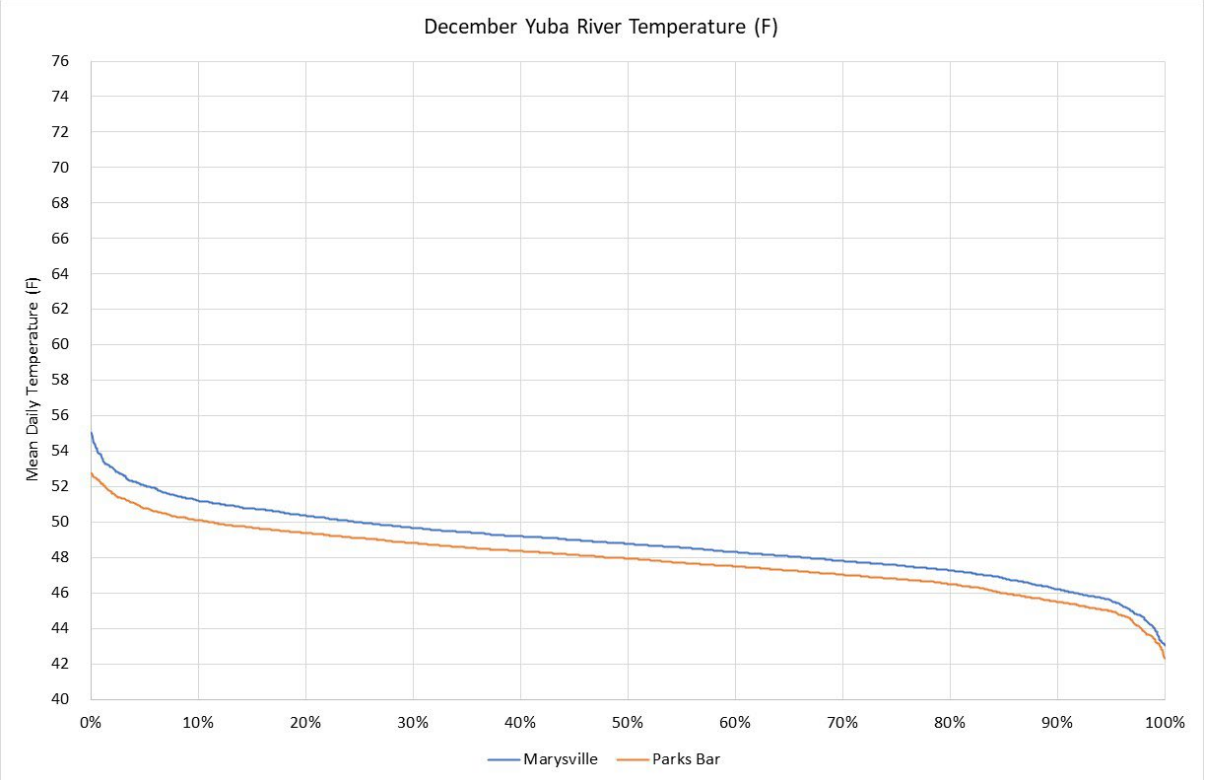

July Yuba River Temperature (F)
Mean Daily Temperature (F)
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Parks Bar


August Yuba River Temperature (F)
Mean Daily Temperature (F)
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Parks Bar


September Yuba River Temperature (F)
Mean Daily Temperature (F)
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Parks Bar


October Yuba River Temperature (F)
Mean Daily Temperature (F)
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Parks Bar


November Yuba River Temperature (F)
Mean Daily Temperature (F)
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Parks Bar


December Yuba River Temperature (F)
Mean Daily Temperature (F)
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Marysville
Parks Bar

Appendix C4

Modeling Data – Proposed Extension with Healthy River and Landscapes Flow Contribution (Bay-Delta)

[New Appendix C4]

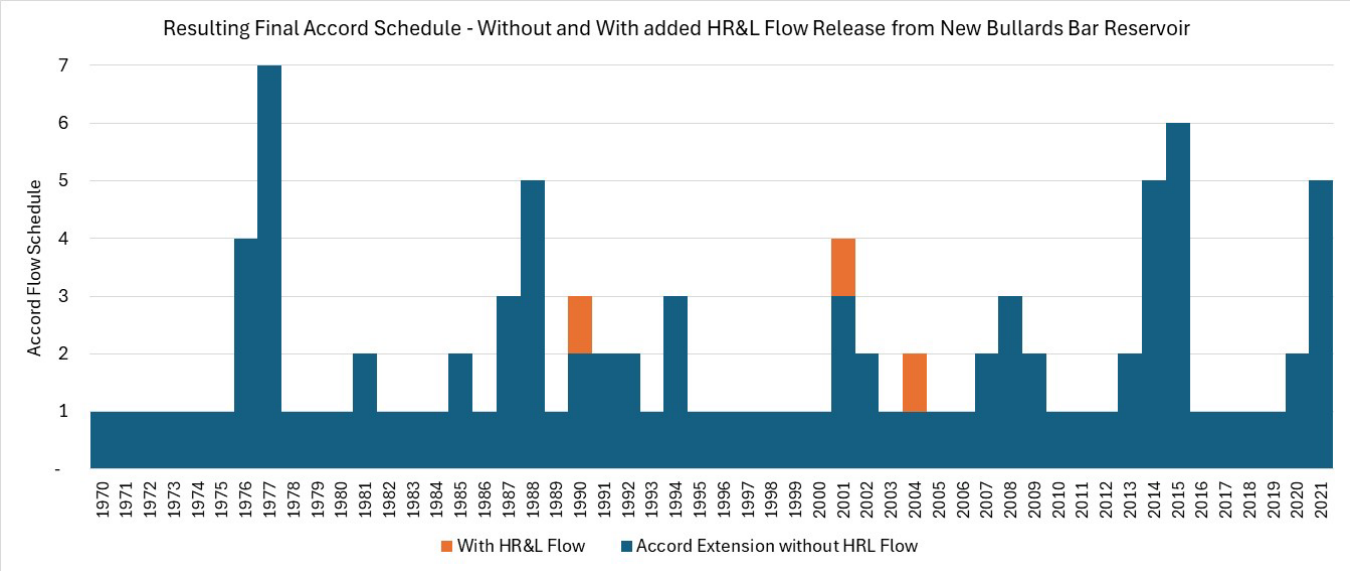
Appendix C-4 Modeling Results – Proposed Extension with Healthy River and Landscapes Flow Contribution (Bay-Delta)

Model Version: YRDPM Version 3.102.1
Simulation Period: Water Year 1970 to 2021

Resulting Yuba Accord Water Year Type Schedules

Year Type Schedule	Count	Percent of Total
1	31	60%
2	10	19%
3	4	8%
4	2	4%
5	3	6%
6	1	2%
Conference Year	1	2%
TOTAL	52	100%

Figure C-4.1 Plot of Final Accord Flow Schedule – Proposed Extension Without and with Healthy River and Landscapes Flow Contribution



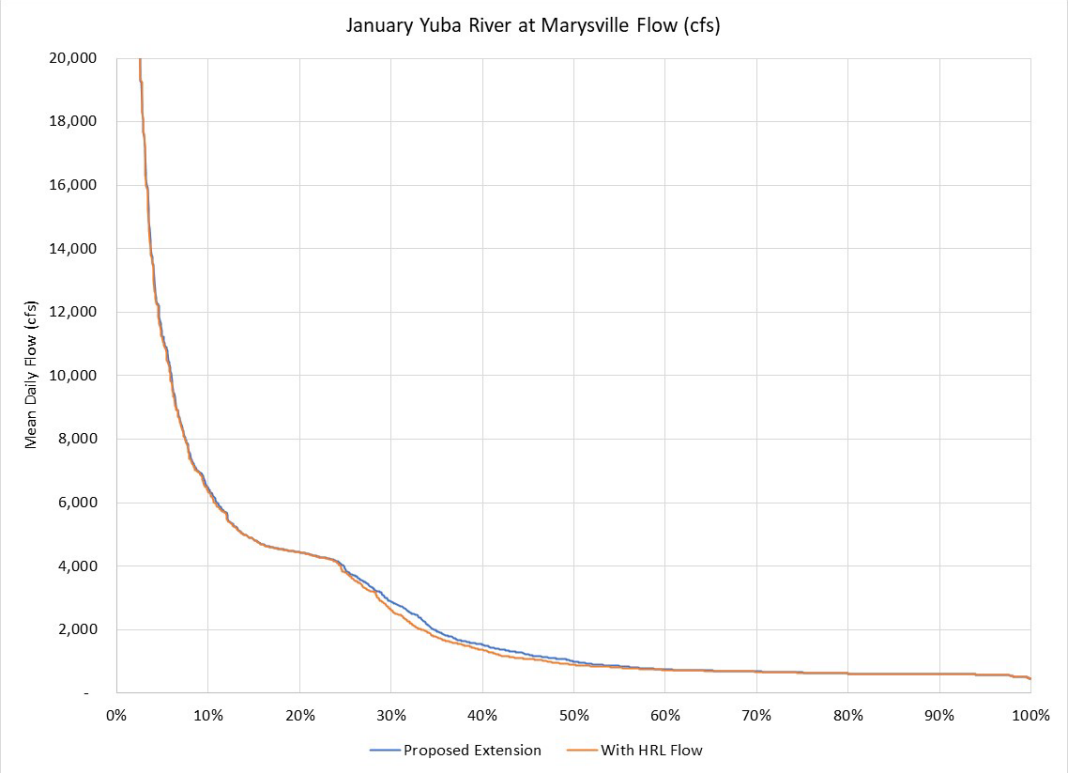
Proposed Extension with Healthy Rivers and Landscapes Flow Contribution
Yuba River at Marysville (Yuba River Outflow) Flow
Average Monthly Flow by Year Type (Sacramento Valley Index) (CFS)

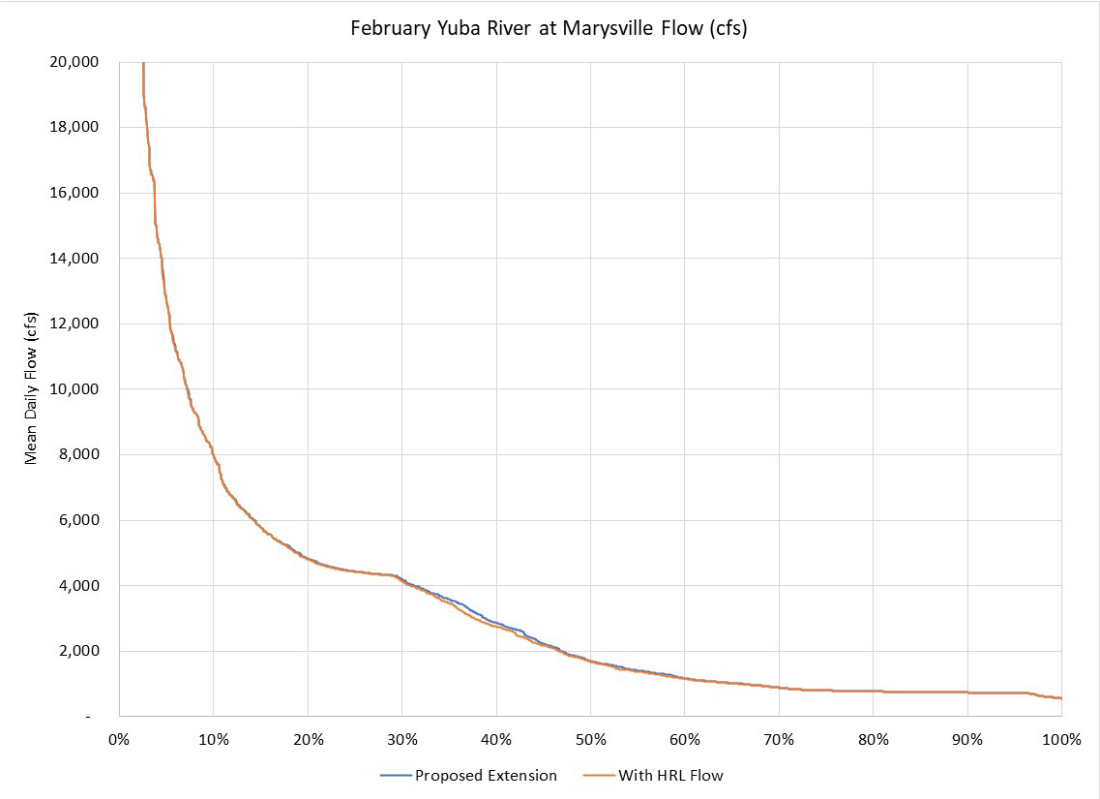
Water Year Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Wet	555	1,163	4,039	7,206	8,429	7,817	5,646	5,295	4,403	2,079	1,550	735
Above Normal	519	532	945	4,062	4,504	5,072	3,907	3,983	2,969	1,508	1,028	590
Below Normal	518	620	750	1,176	1,527	4,456	3,876	2,899	1,954	997	824	549
Dry	518	683	1,094	913	1,368	2,233	2,152	1,837	998	1,053	941	528
Critical	519	546	631	720	992	1,013	708	726	573	844	779	455

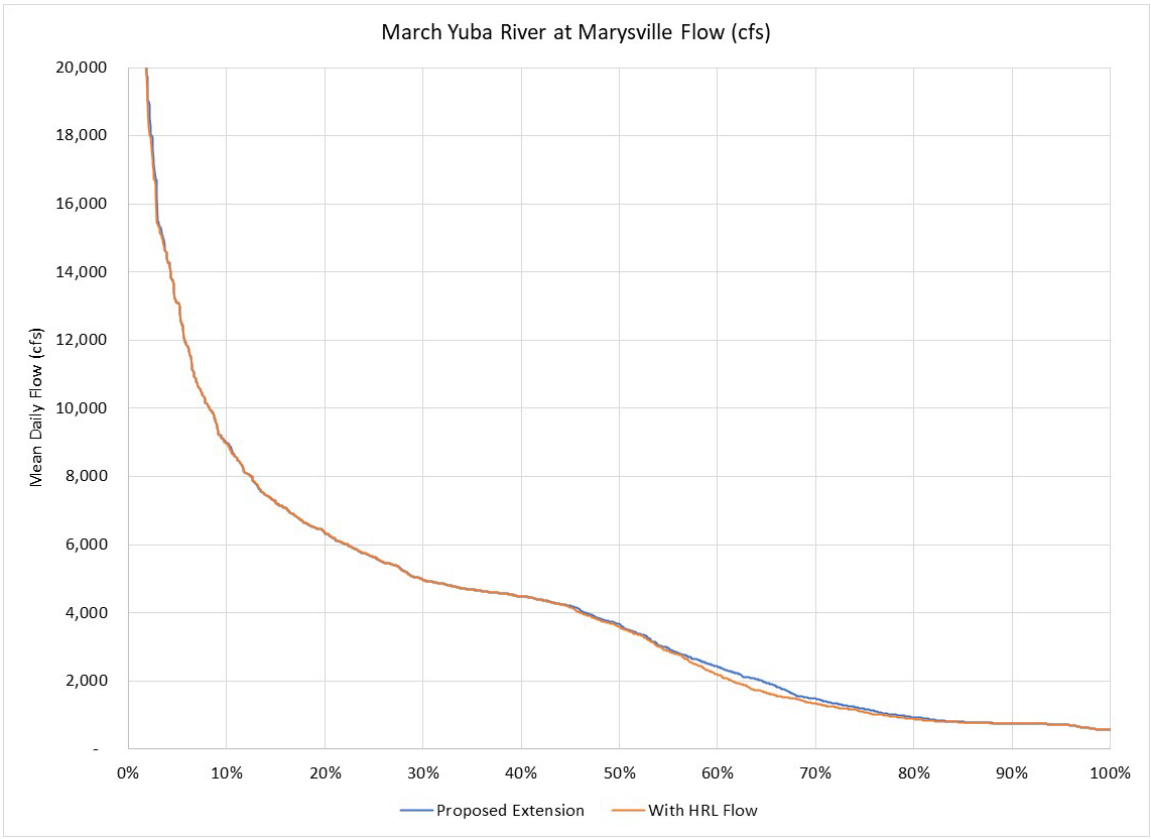
Yuba River at Marysville (Yuba River Outflow) Average Monthly Flow Difference by Year Type
HRL Flow minus Proposed Extension (Sacramento Valley Index) (CFS)

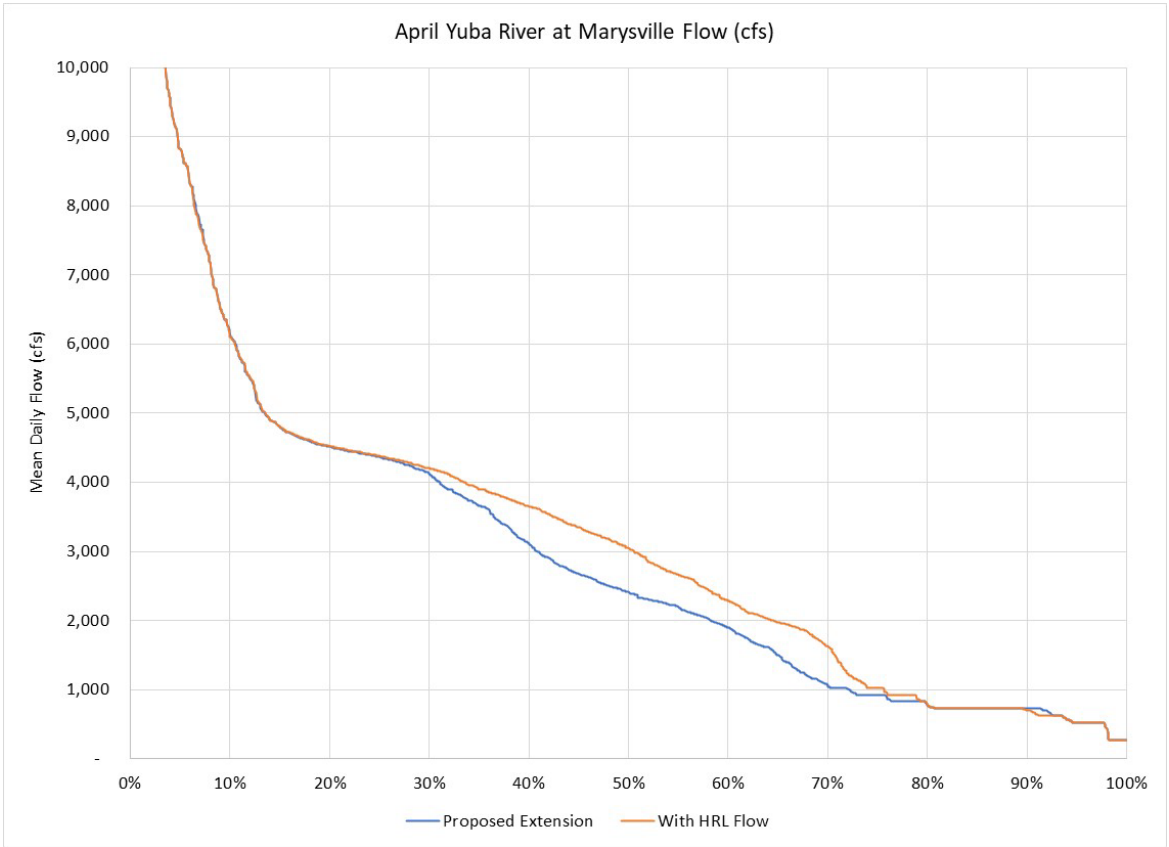
Water Year Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Wet	-	(40)	(166)	(47)	(82)	(27)	-	-	-	-	-	-
Above Normal	0	(1)	(88)	(369)	(21)	41	478	153	(5)	20	(5)	(0)
Below Normal	3	3	(6)	(81)	(46)	(118)	503	353	(73)	(21)	(28)	(7)
Dry	(8)	3	(68)	(19)	(4)	(122)	430	222	65	(13)	(34)	(18)
Critical	-	-	-	-	-	(52)	(19)	(4)	(13)	1	1	(0)

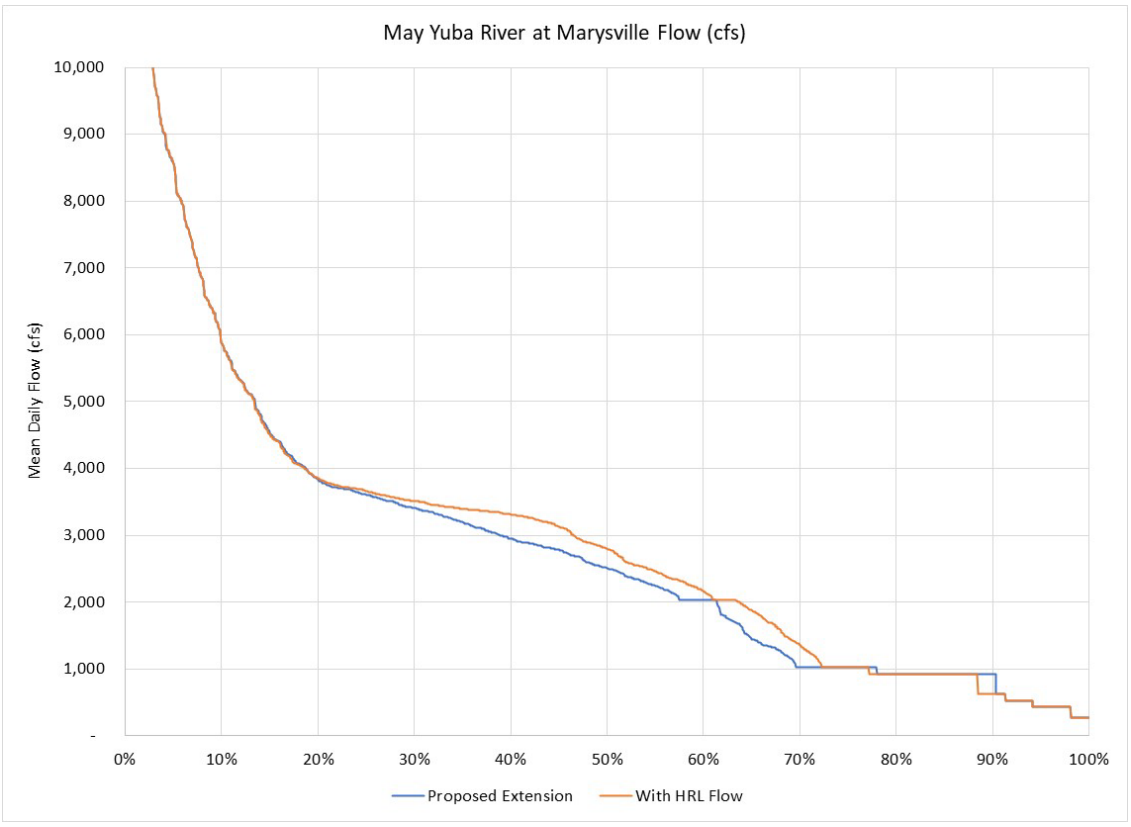
Proposed Extension without and with HRL Flow - Resulting lower Yuba River Flow (cfs) Exceedance Probability by Month

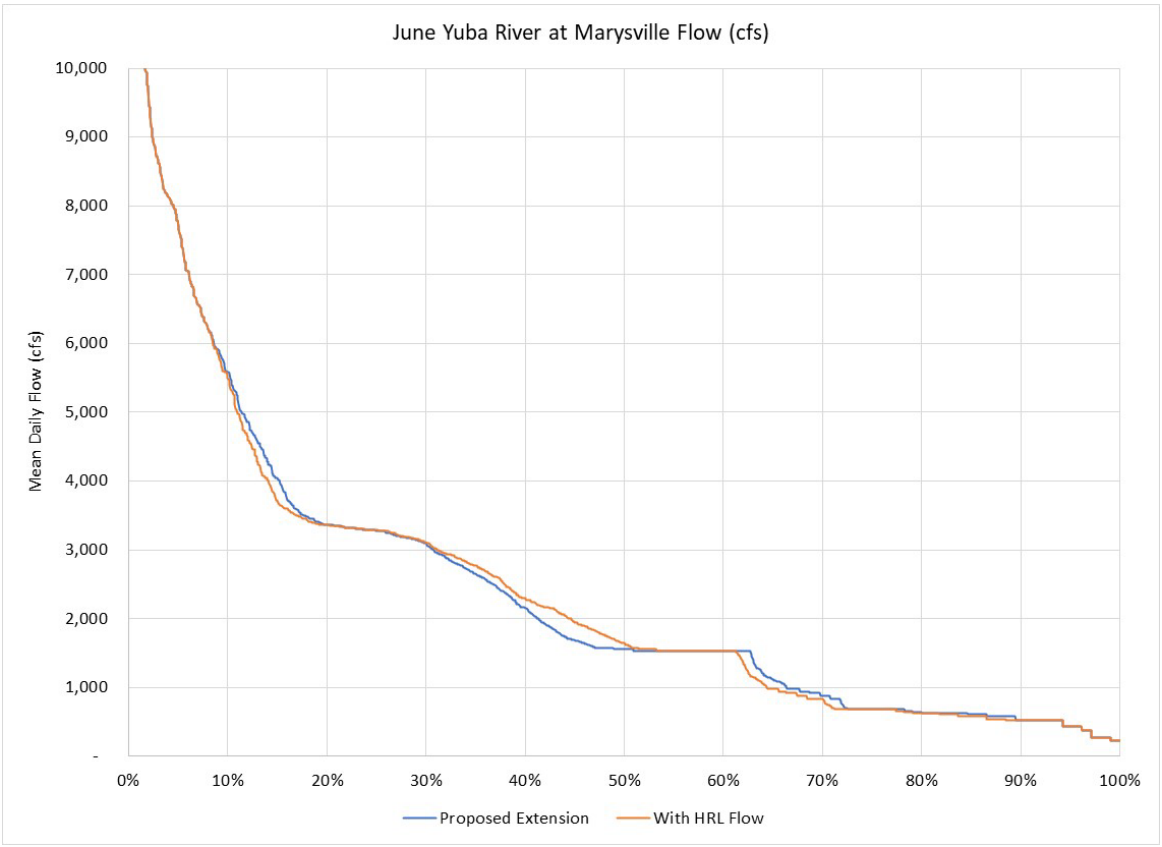


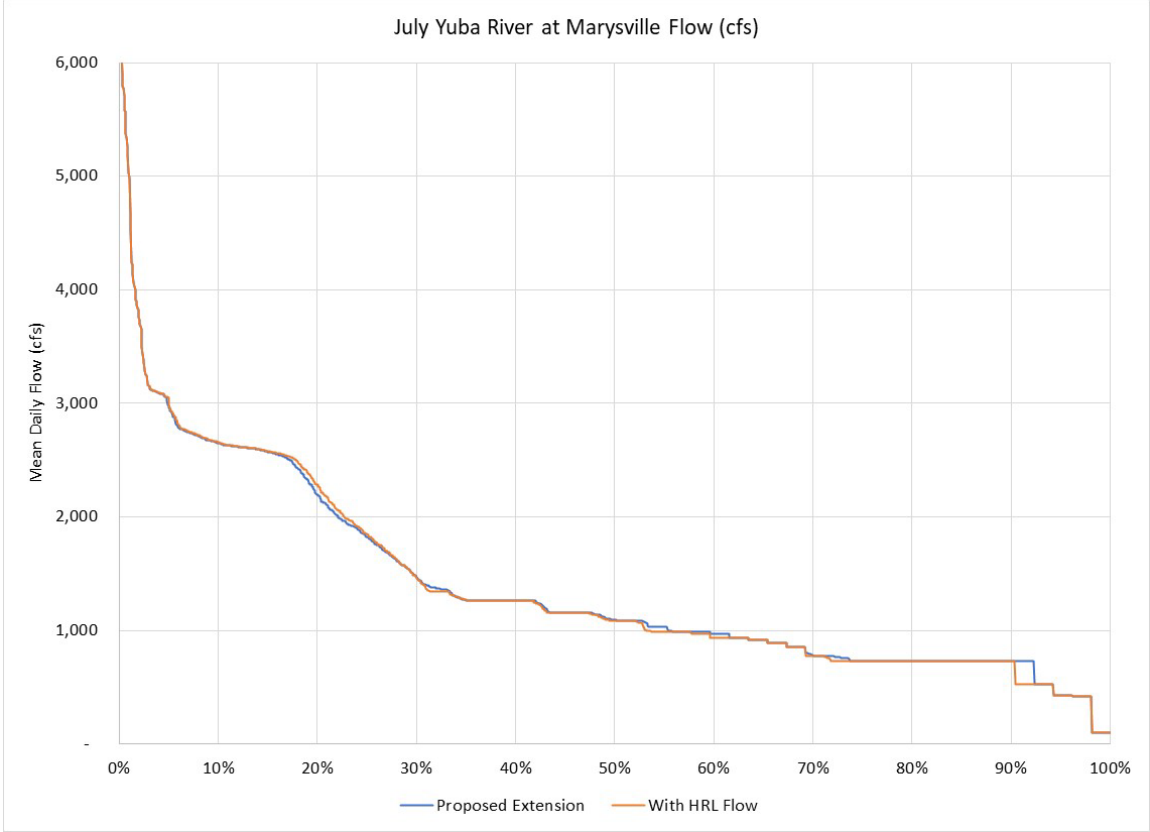


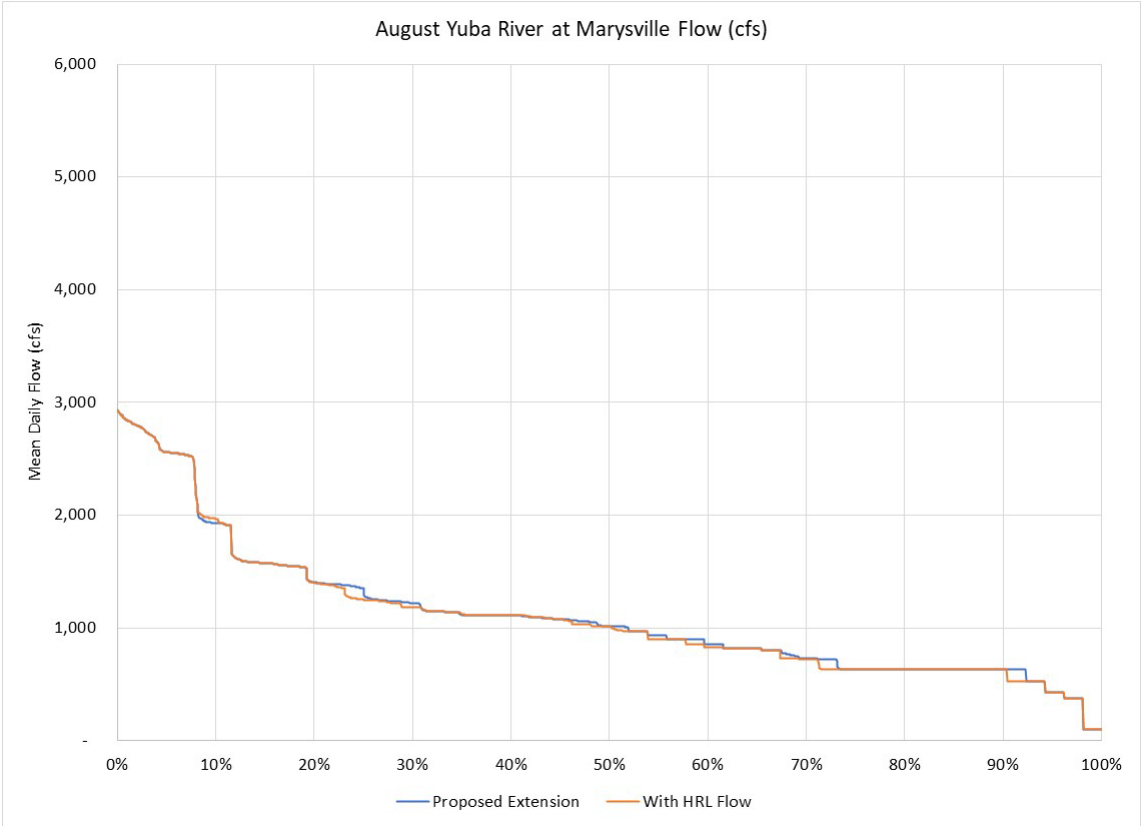

March Yuba River at Marysville Flow (cfs)
Mean Daily Flow (cfs)
20,000
18,000
16,000
14,000
12,000
10,000
8,000
6,000
4,000
2,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Proposed Extension
With HRL Flow

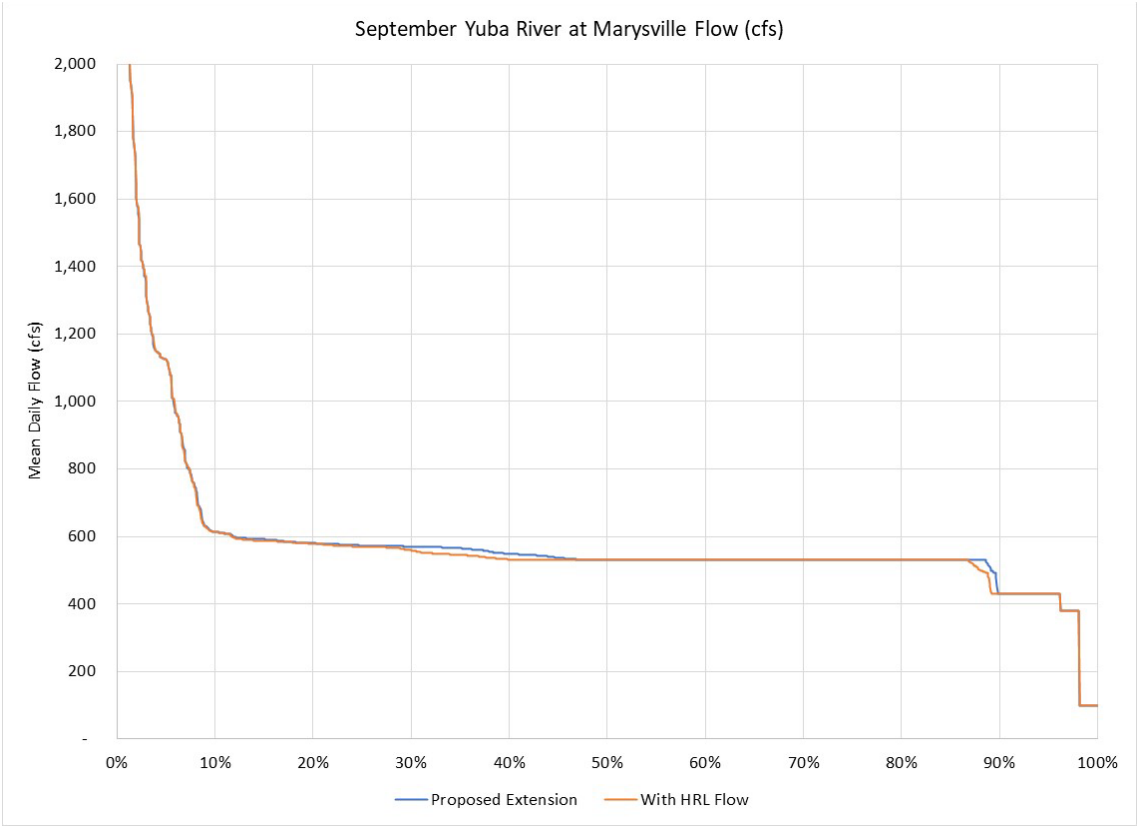

April Yuba River at Marysville Flow (cfs)
Mean Daily Flow (cfs)
10,000
9,000
8,000
7,000
6,000
5,000
4,000
3,000
2,000
1,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Proposed Extension
With HRL Flow

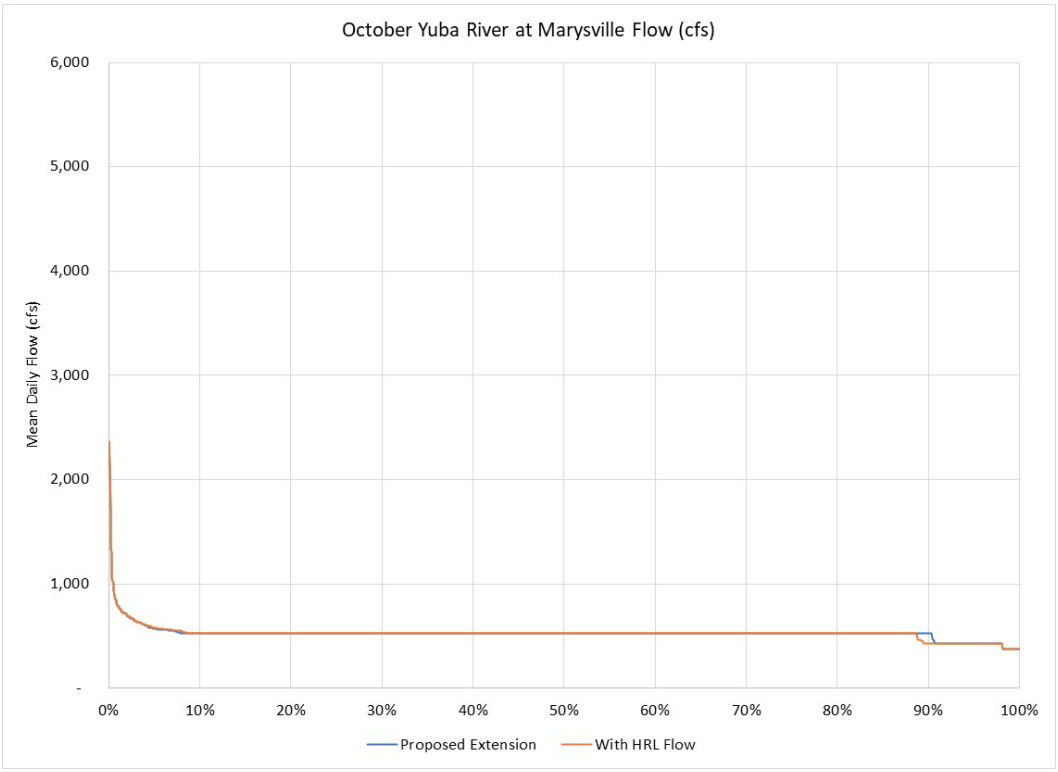

May Yuba River at Marysville Flow (cfs)
Mean Daily Flow (cfs)
10,000
9,000
8,000
7,000
6,000
5,000
4,000
3,000
2,000
1,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Proposed Extension
With HRL Flow

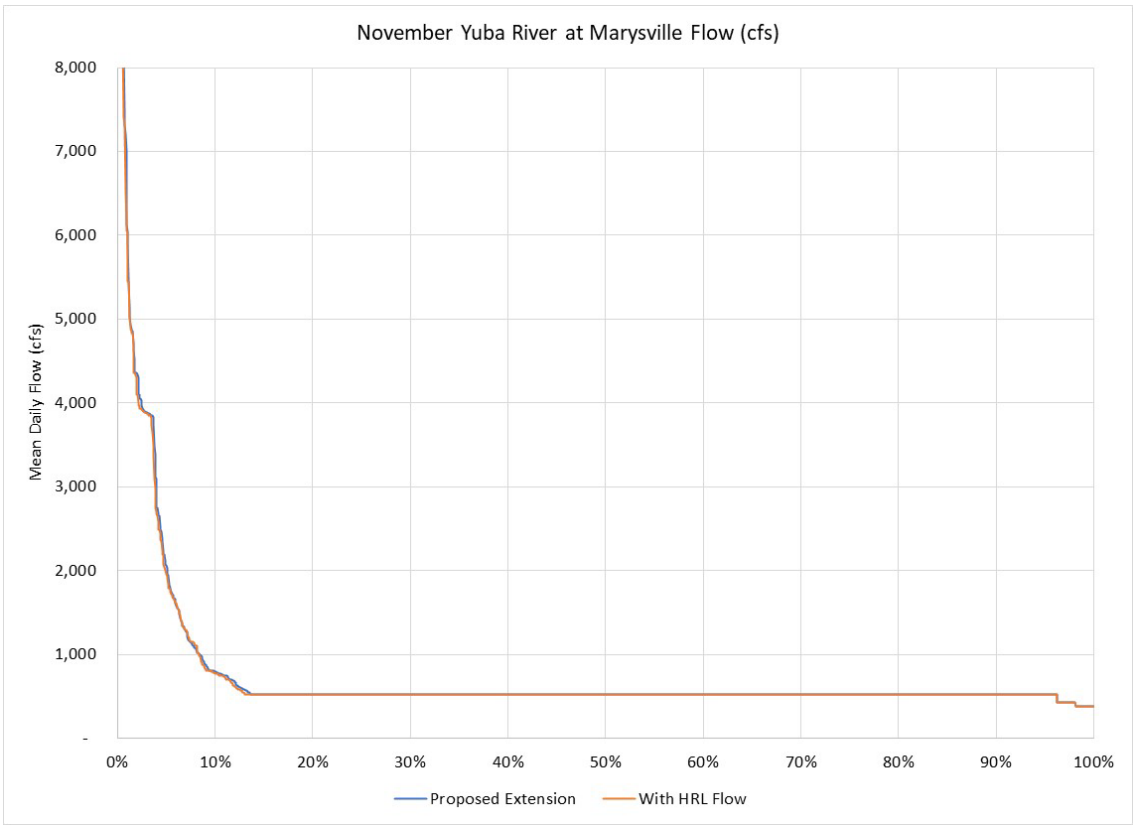

June Yuba River at Marysville Flow (cfs)
Mean Daily Flow (cfs)
10,000
9,000
8,000
7,000
6,000
5,000
4,000
3,000
2,000
1,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Proposed Extension
With HRL Flow

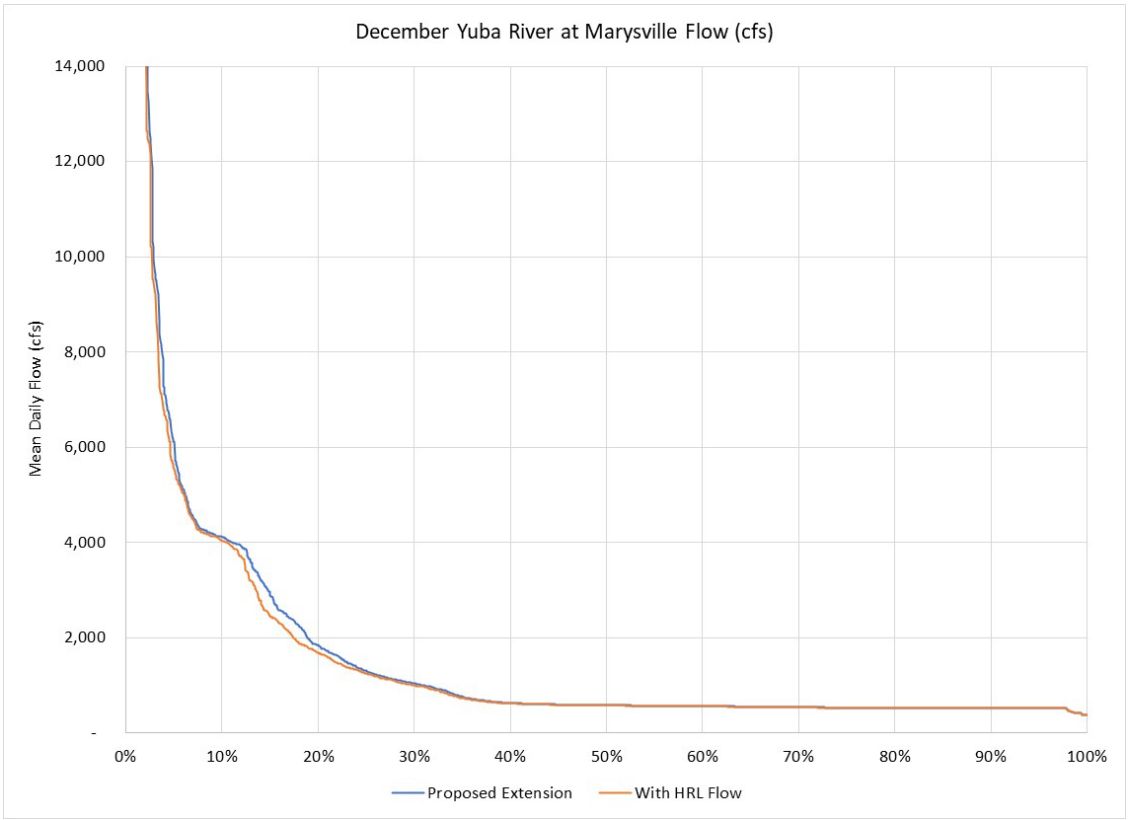

July Yuba River at Marysville Flow (cfs)
Mean Daily Flow (cfs)
6,000
5,000
4,000
3,000
2,000
1,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Proposed Extension
With HRL Flow


August Yuba River at Marysville Flow (cfs)
Mean Daily Flow (cfs)
6,000
5,000
4,000
3,000
2,000
1,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Proposed Extension
With HRL Flow


September Yuba River at Marysville Flow (cfs)
Mean Daily Flow (cfs)
2,000
1,800
1,600
1,400
1,200
1,000
800
600
400
200
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Proposed Extension
With HRL Flow


October Yuba River at Marysville Flow (cfs)
Mean Daily Flow (cfs)
6,000
5,000
4,000
3,000
2,000
1,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Proposed Extension
With HRL Flow


November Yuba River at Marysville Flow (cfs)
Mean Daily Flow (cfs)
8,000
7,000
6,000
5,000
4,000
3,000
2,000
1,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Proposed Extension
With HRL Flow


December Yuba River at Marysville Flow (cfs)
Mean Daily Flow (cfs)
14,000
12,000
10,000
8,000
6,000
4,000
2,000
-
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Proposed Extension
With HRL Flow

Resulting New Bullards Bar Reservoir Storage – Proposed Extension with HR&L Flow Contribution

New Bullards Bar Reservoir Mean End of Month Storage (AF) by Water Year Type (SVI)

Water Year Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Wet	607,540	617,431	649,236	743,586	769,080	787,492	864,811	928,632	900,222	793,370	672,678	632,992
Above Normal	575,088	577,081	625,051	685,971	747,246	779,121	821,754	890,996	847,943	737,008	641,823	607,239
Below Normal	530,062	542,818	638,589	627,835	679,995	770,136	815,268	808,949	744,913	657,631	585,126	551,317
Dry	489,953	492,737	515,859	572,860	619,335	722,561	764,964	767,032	717,035	629,538	556,732	522,740
Critical	442,860	422,768	438,830	497,998	534,645	604,001	656,095	669,045	640,728	567,406	505,214	474,553

Proposed Extension with and without HR&L Flow - Flow Difference by Year Type

HRL Flow minus Proposed Extension (Sacramento Valley Index) (CFS)

Water Year Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Wet	(105)	(295)	(98)	(6,189)	(1,635)	-	-	-	-	-	-	-
Above Normal	(37,220)	(34,435)	(26,275)	2,218	3,394	71	(27,572)	(37,037)	(36,552)	(37,711)	(37,330)	(37,264)
Below Normal	(44,293)	(43,474)	(22,383)	(10,761)	(8,194)	(911)	(30,615)	(52,494)	(48,026)	(46,605)	(44,815)	(44,344)
Dry	(48,872)	(47,205)	(42,236)	(18,530)	(18,301)	(10,780)	(36,338)	(49,919)	(53,660)	(52,734)	(50,530)	(49,415)
Critical	(3,744)	(3,567)	(3,543)	(18,160)	(18,149)	(14,945)	(13,106)	(11,120)	(8,344)	(6,089)	(4,555)	(3,909)