



MERCED IRRIGATION DISTRICT



December 1, 2016

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
10011 Street, 24th Floor
Sacramento, California 95814-0100
commentletters@waterboards.ca.gov

Re: Scope of Substitute Environmental Document- Bay Delta Water Quality Control Plan

Dear Ms. Townsend:

The Merced Irrigation District (MeID) is continuing to review and prepare comments regarding the State Water Resources Control Board's (SWRCB) Substitute Environmental Document (SED) relating to and in support of the SWRCB's proposed amendments to the Bay Delta Water Quality Control Plan. The proposed amendments, and the SED, would impose significant substantive changes to water flow requirements on tributaries to the San Joaquin River during the months of February through June each year, including the Merced River.

The SED indicates that the SWRCB prepared the SED "in lieu of an EIR," and that the SED "fulfills the requirements of CEQA and the State Water Board's CEQA regulations to analyze the environmental effects of the proposed Bay-Delta Plan update, as well as requirements of the Porter-Cologne Water Quality Control Act and other applicable requirements." (ES-2.)

The SED explains that "the assessment of environmental effects in this SED was conducted at a programmatic level, which is more general than a project-specific analysis." (Id.) The SED further states:

"The State Water Board's adoption of amendments to the 2006 Bay-Delta Plan will not result in direct physical changes in the environment. Rather, it is through the implementation of the Bay-Delta Plan that physical changes in the environment

potentially may occur. Accordingly, all potential environmental effects evaluated in this SED are indirect effects associated with implementation, which would occur later in time and would be subject to project-specific environmental review, in compliance with CEQA.” (ES-2, 3.)

Finally, the SED states:

“This document does not evaluate specific projects undertaken to implement the Bay-Delta Plan in sufficient detail to support a project-level approval for any project because the nature and extent of any environmental effects will depend in large part on the project-level actions undertaken. This SED, however, does evaluate the indirect effects of the project (plan amendments), including reasonably foreseeable environmental impacts of the methods of compliance and impacts associated with actions that people may take in response to the project.” (ES-2)

At a recent workshop on the SED in Modesto, Les Grober of the SWRCB stated several times, in response to a variety of questions about potential local impacts related to the amendments to the Bay Delta Plan, that because the SED was intended to be programmatic, such local impacts had not been analyzed or modeled at this stage.

MeID finds the above statements from the SED, and the comments from Mr. Grober, highly confusing. It is not clear from the SED, and from the comments at the recent workshop, whether, how, and when specific local impacts from the amendments to the Bay Delta Plan, and the SED, will be reviewed and analyzed. It is not clear when, and how, the SWRCB will review the impact of the amendments to the Bay Delta Plan on MeID, and the Merced River. It is also not clear whether, and to what extent, MeID should comment on the SED’s discussion of impacts on MeID and the Merced River. The comments of Mr. Grober did not clarify or address those questions, but only added to our confusion.

MeID is writing this letter at this time, in advance of its submission of comments to the SED, to request that the SWRCB explain and clarify these issues, and to address the scope and timing of the review of the specific project level impacts on MeID and the Merced River. In particular, MeID respectfully requests that the SWRCB explain, in advance of the due date for comments to the SED, (1) whether project level impacts on MeID and the Merced River, associated with the Amendments to the Bay Delta Plan are analyzed in the SED, and (2) if not, when, how and in what document will the SWRCB review those impacts?

MeID may also raise these questions at upcoming hearings or workshops involving the SED, but given the importance of these issues, and the approaching deadline for comments to the SED, MeID thought it necessary to formally raise these questions with the SWRCB as early as

possible. We request that the SWRCB correspondingly provide a rapid and clear response to these questions.

We thank you in advance for your consideration of and response to these important questions. If you have any questions or wish to discuss our questions, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "John Sweigard". The signature is fluid and cursive, with a small mark above the final letter.

John Sweigard
General Manager