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

September 19, 2007

Ms. Margaret Gidding
Bureau of Reclamation
2800 Cottage Way MP-140
Sacramento, CA. 95825

Subject: Scoping Comments for the San Joaquin River Restoration Program, Fresno, Madera, Merced Counties, California

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published August 2, 2007 requesting comments on the Bureau of Reclamation decision to prepare a Programmatic Environmental Impact Statement (PEIS) for the above action. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The commitment of the Settling Parties and implementing agencies to restoring and maintaining fish populations (Restoration Goal) while reducing adverse water supply impacts (Water Management Goal) is an essential step in reestablishing the San Joaquin River (River) as a resource supporting a full range of beneficial uses. While we recognize the important focus of the Settlement on fisheries, we recommend a holistic restoration approach which considers the scope of the entire River to the Sacramento-San Joaquin River Delta (Delta), integrates other beneficial uses, and acknowledges the role of the River in the larger context of the Sacramento Valley and Delta. Special attention should be given to reasonably expected future changes and activities within the San Joaquin region which may affect River restoration.

Considering the dual goals of the San Joaquin River Restoration Program (Program), the PEIS should include a description of a project study area which includes the entire San Joaquin River from Friant Dam to the Delta, the Delta region, water service contract areas, and areas which may be affected by proposed water transfers and other actions taken to achieve the Water Management Goal. The recently released Draft EIS for the Proposed Lower Yuba River Accord provides one possible approach for the environmental evaluation of a complex, multifaceted river restoration project. While we recognize that the current analysis is intended to be 'programmatic,' we also recommend that the PEIS be structured to support actions which could be implemented in the near future. Some of these actions could receive separate, site-specific analysis but would benefit from integration into a watershed-wide perspective.

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EPA advocates an integrated approach which places fisheries restoration in the context of the other beneficial uses associated with the River, such as wetlands, wildlife habitat, and municipal supply. The PEIS should include a realistic and forward-looking examination of the socio-economic and land use trends in the regional watershed to gain perspective on factors which will influence the character and condition of the River. The PEIS should examine, for example, existing and potential water quality stressors in the watershed, and should take account of other programs and projects addressing these issues, such as local watershed groups and water quality coalitions. In addition, we recommend the PDEIS describe reasonably foreseeable actions such as efforts to maintain and restore the Delta, provide flood protection, urbanization, and water supply and reliability projects. A short evaluation of the potential consequences of climate change on efforts to restore the San Joaquin River should also be included in the PEIS.

The Program should consider the comprehensive monitoring and assessment which will be needed to track restoration and water management. Currently there are several efforts to better align and coordinate monitoring for the San Joaquin Basin and Delta—one of them an EPA-funded project to formulate a San Joaquin regional monitoring strategy. The PEIS should review the state of monitoring for water quality, biota, and other parameters of concern, address any key gaps, and discuss how monitoring, assessment, and reporting to support the restoration effort will be accomplished

As the Program Management Plan for the Restoration Program (May 1, 2007) recognizes, the participation of a wide range of interests and expertise will be needed for this effort. We recommend the Technical Working Groups include a broad spectrum of experts in water quality, hydrogeology, air quality, and aquatic and terrestrial resources. Additionally, the implementing agencies should reach out to regionally and locally-based groups which may be planning and/or implementing activities affecting the River. For example, there are opportunities to coordinate this Program with planning and restoration of the extensive wetlands and refuge areas along the River and the San Joaquin River Parkway.

EPA has the overall national responsibility for implementing the Clean Water Act (CWA) in partnership with states and tribes. In addition, we work collaboratively with states and tribes to ensure protection of public water supplies under the Safe Drinking Water Act and protection of air quality under the Clean Air Act. EPA has worked closely with the Bureau of Reclamation (Bureau), US Fish and Wildlife Service, National Marine Fisheries Service, California Department of Water Resources, and other San Joaquin Valley stakeholders to address water quality and air quality issues of the San Joaquin River and Valley.

As stated in our meeting of May 24, 2007 with Jason Phillips of the Bureau, we are interested in being a cooperating agency because of our expertise in environmental issues and current involvement in many activities regarding the San Joaquin River and Valley. We request the Bureau designate EPA as a cooperating agency for this PEIS and the San Joaquin Restoration Program pursuant to the Council on Environmental Quality

NEPA implementing regulations (40 CFR 1501.6). We look forward to the opportunity for early involvement and working with the Bureau and other implementing agencies.

We request a written response to our request to be a cooperating agency on this PEIS and restoration program. Please direct your response to the Environmental Review Office at the address above (mail code: CED-2). If you have any questions, please contact me at 415-972-3846 or Laura Fujii, the lead reviewer for this project, at 415-972-3852 or fujii.laura@epa.gov.

Sincerely,

Connell Dunning

For Nova Blazej, Manager
Environmental Review Office

cc: Jason Phillips, Bureau of Reclamation
Dan Castleberry, U.S. Fish and Wildlife Service
Russell Bellmer, NOAA Fisheries
Paula Landis, California Department of Water Resources
Dale Mitchell, California Department of Fish and Game
Sharon Weaver, San Joaquin River Parkway