

Section 12.4

Federal Government Agencies

Comment Letter F_NOAA



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-4731

April 14, 2009

In response refer to:
151416SWR2006SR00613:JEA

Andrew Barnsdale
Environmental Science Associates
225 Bush Street, Suite 1700
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Dear Mr. Barnsdale:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Coastal Water Project (CWP) in Monterey County, California, proposed by California American Water (CAW). The CWP would provide a replacement water supply for CAW Monterey District customers through the development of a new seawater desalination plant, a product water conveyance system, and an aquifer storage and recovery system. The CWP will meet the requirements of State Water Resources Control Board Order 95-10, requiring CAW to secure a water supply to replace diversions (10,730 acre-feet per year (afy)) from the Carmel River Aquifer over and above the 3,376 afy that it is legally entitled, as well as comply with the Seaside Groundwater Basin Adjudication. The DEIR analyzes potential impacts of the CWP and its alternatives (Moss Landing and North Marina), in addition to a proposal for a project of more regional scope (Regional Project).

South-Central California Coast (SCCC) Distinct Population Segment (DPS) steelhead (*Oncorhynchus mykiss*) are listed as threatened under the Endangered Species Act of 1973 (ESA) and are present in the Carmel River. Populations of steelhead within the SCCC DPS are at critically low levels. Any adverse impacts to them must be minimized to assure these species do not become extinct. Decreasing flows in the river can delay the migration of upstream adults and downstream juveniles within the system. Decreased flows can contribute to increased water temperatures and a decrease in water quality, both detrimental to salmonids. The CWP will allow more water to remain in the river to benefit listed steelhead and their critical habitat.

Components of CWP alternatives are located within areas identified as essential fish habitat (EFH) for various life stages of marine and estuarine fish species managed by federal Fishery Management Plans (FMP) under the Magnuson-Stevens Fishery Conservation and Management Act (e.g., various rockfishes, flatfishes, sharks, northern anchovy, pacific sardine, Chinook salmon, coho salmon, etc.). In addition, the project components within Moss Landing/Elkhorn



Comment Letter F_NOAA

2

Slough are located in an area designated as coastal estuary Habitat Areas of Particular Concern (HAPC) for various federally managed fish species within the Pacific Groundfish FMP. HAPC are described in the EFH regulations as subsets of EFH that are rare, particularly susceptible to human-induced degradation, especially ecologically important, or located in an environmentally stressed area. CAW should avoid and/or minimize adverse effects to EFH and HAPC resulting from proposed CWP alternatives.

NOAA's National Marine Fisheries Service (NMFS) supports desalination and ASR as a long-term water supply to lessen impacts on listed SCCC steelhead from over-pumping in the Carmel River. However, NMFS believes consideration must be taken not to increase impacts to marine species and their EFH while reducing riverine impacts. Co-locating CAW's desalination plant at Moss Landing Power Plant (MLPP) could result in the continuation of MLPP using once-through cooling, thereby continuing potential impingement and entrainment impacts from the proposed usage of the open water intake system. NMFS supports the use of slant or vertical wells as an intake system to directly avoid these impacts.

NMFS' comments by chapter and page follow.

Chapter 4

4.1-35 The DEIR states that "regulatory agencies" suggest a 10-percent exceedance of ambient salinity as maximum allowable due to project discharge. Please describe what regulatory agencies this is referring to and how this level was determined.

4.1-38 Mitigation measure 4.1-4a describes a monitoring program to document salinity in the project discharge, and states that plant operations would be reduced if discharge salinity is greater than 110 percent of ambient. This mitigation measure should include a plan for implementation, which at a minimum addresses the following issues: (1) How often will monitoring be evaluated to see if standard is being met; (2) The time threshold for exceedance that will initiate reduction of operations; and (3) How quickly can operations be reduced.

4.3-10 Table 4.3-1 should include green sturgeon in the list of Federal and State protected fish.

4.3-14, 19 DEIR states that MLPP entrainment and impingement impacts have been minimized and mitigated through the section 316(b) permitting process with technology changes and the Elkhorn Slough Enhancement Program. Is there any evidence that suggests these strategies have been effective at minimization and mitigation? Specifically, has there been monitoring to show that technology changes were effective in minimizing impacts, and have any actions been taken under the ESEP that would compensate for unavoidable impacts of the MLPP?

4.3-19 DEIR correctly states that once-through-cooling has come under increased scrutiny, and evaluates impacts from having to construct a stand alone desalination facility (Section 8). The DEIS does not evaluate impacts if the MLPP once-through-cooling remains in operation longer, because a desalination plant has been constructed at that site, than it would if there were no desalination plant associated with it.

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F_NOAA-3

F_NOAA-4

F_NOAA-5

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12-4-1

Comment Letter F_NOAA

4.4-67 Impact 4.4-1 Please include NMFS as one of the agencies listed as regulating threatened and endangered species. F_NOAA-8

4.4-69 Mitigation Measure 4.4-1. Please include NMFS as one of the regulators for required permits. F_NOAA-9

4.4-75 Mitigation Measure 4.4-2a Temporary disturbance and/or loss of riparian habitat requires Endangered Species Act section 7 or 10 consultation with NMFS if there is potential for impacts to listed species or critical habitat. Also add NMFS as an agency for approval of a Riparian Restoration Plan. F_NOAA-10

4.4-79 Impact 4.4-6 It is unclear in the DEIR during which seasons desalinated water and ASR water will be used to offset impacts to steelhead in the Carmel River. It is also unclear when CAW will utilize their legal 3,376 afy of recognized rights. Given the Carmel River's low natural summer stream flows, the substantial, existing authorized diversions, and the ongoing degradation of the Carmel River by existing water diversions, NMFS recommends the proposed project use desalinated water and recovered groundwater (ASR) from the Seaside Basin as the first source of supply during the summer season to decrease CAW's pumping of the Carmel River Aquifer during the low-flow period. This will minimize adverse impacts to listed steelhead. We recommend CAW perfect their authorized 3,376 afy from the Carmel River in the winter season when excess flows are available and few impacts from water withdrawals to listed species will occur. This operation will also comply with Order 95-10 to "maximize production from the Seaside Aquifer and reduce diversions from the river to the greatest practicable extent." F_NOAA-11

4.4-80 Juvenile Rearing The discussion focuses on stranding in the lower river for juveniles during the summer and fall months. Figure 4.4-10 shows the average number of days in June through December period during which juvenile steelhead would be at high risk of stranding below the Narrows, by water year type. While it shows the difference in the number of days between unimpaired, baseline, and proposed project, it is not clear as to the sequencing of these days. A figure showing the average length of dryback (stream miles) for all scenarios would inform the reader better as to the benefits of the project. F_NOAA-12

4.4-80 Fall/Winter Downstream Migration, Figure 4.4-11 shows the same thing as Juvenile Rearing only for the months of October – March. This is confusing. A figure showing the average date (or how many days earlier) the river connects to the lagoon in the fall for all scenarios would inform the reader of true project benefits. F_NOAA-13

4.4-83 Spring Smolt Migration Figure 4.4-12. A figure showing the average date of dryback (when the river was disconnected from the lagoon) in the spring/summer period for all scenarios would inform the reader of true project benefits. F_NOAA-14

Chapter 6
6.4-13 Impact 6.4-6 The DEIR states the proposed winter diversion will only be operated when river flows exceed the existing instream requirements as set forth by NMFS as part of the Salinas Valley Water Project (SVWP) Biological Opinion. The DEIR correctly states NMFS analyzed F_NOAA-15

Comment Letter F_NOAA

effects of the Salinas River Diversion Facility (SRDF) in our Biological Opinion for the SVWP. However, the SVWP did not envision surface water diversions at the SRDF during the months of November through March (not November through January), and NMFS did not consult on the effects of diversions on adult migration during March (only during April). F_NOAA-15 cont.

Mitigation Measure 6.4-6 It is NMFS' understanding the Regional Project is not part of the SVWP. If that is the case, the Project proponent will need to initiate consultation with NMFS (not re-initiate) for the Regional Project. Consultation would need to analyze impacts on upstream adult migration at the SRDF during the months of November through March, or whenever diversions would be occurring during that timeframe for the Regional Project. The passage criterion of 45 cfs when the lagoon is open to the ocean is for downstream migrating kelts. Diversion effects on attraction flows, flows needed to open and maintain an open lagoon during the winter, and upstream passage flows would need to be analyzed as well as impacts to adults from a partially inflated dam structure. Without these analyses, this criterion cannot be used as an interim mitigation measure for the November through March time period. F_NOAA-16

Significance after Mitigation: Impacts to upstream migrating adult steelhead during November through March needs to be analyzed before determining whether impacts will be significant or insignificant for Phase 1 and 2. F_NOAA-17

NMFS continues to support desalination and ASR as a long-term water supply for the Monterey Peninsula. These water supply options could help decrease the over-pumping of the river and benefit listed steelhead and their habitat in the Carmel River.

If you have any questions concerning the above comments please contact Ms. Joyce Ambrosius at (707) 575-6064 or joyce.ambrosius@noaa.gov.

Sincerely,

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12-4-2