

Appendix E

Response to Comments

January 2016



November 16, 2015

SENT VIA E-MAIL

Alexis R. Phillips-Dowell, Senior Engineer
Department of Water Resources, South Central Region Office
3374 East Shields Avenue
Fresno, CA 93726
aphillips@water.ca.gov

Re: Comments on the Draft Channel Capacity Report for the 2016 Restoration Year

Dear Ms. Phillips-Dowell:

Wonderful Orchards (formerly Paramount Farming Company), on behalf of Wonderful Nut Orchards, submits the following comments on the Draft Technical Memorandum and Channel Capacity Report for the 2016 Restoration Year (Draft Report). The Draft Report is issued as part of the San Joaquin River Restoration Program (SJRRP) to determine and update estimates of then-existing channel capacities along the San Joaquin River.

Wonderful Nut Orchards owns New Columbia Ranch, located on the east side of Reach 2B of the San Joaquin River, upstream of the Mendota Pool and also holds rights to the water of the San Joaquin River and its sloughs and exercises those rights to divert flows. Wonderful will be directly affected by the SJRRP in a number of ways and appreciates the opportunity to submit the following comments on the Draft Report.

The Program Environmental Impact Statement/Environmental Impact Report (PEIS/R) for the SJRRP included in-channel flow limits based on estimated in-channel capacities along the River. The limit for Reach 2B was 810 cfs. Based on the In-Channel Capacity Study completed by Tetra Tech in February of 2013, the Draft Channel Capacity Report for the 2014 Restoration Year (2014 Report) increased the recommended then-existing channel capacity in Reach 2B to 1,120 cfs. The Draft Channel Capacity Report for the 2015 Restoration Year (2015 Report) adopted the same 2013 study to maintain the 1,120 cfs capacity recommendation.

WO-1

The current Draft Report incorporates an Updated In-Channel Capacity Study to account for subsidence-caused changes in levee capacity, but only adjusts the models for Reaches 3, 4A, and the Eastside Bypass. *See* Draft Report, at 20. Although there is active subsidence occurring in Reach 2B, the Draft Report states that it is “fairly minor when compared to other reaches.” *Id.* at 24. Consequently, the in-channel capacity limit for Reach 2B continues to rely on data from as early as 2008. The Draft Report’s conclusion is at odds with Reclamation and DWR’s own bi-annual surveys, which found that “[a]reas within the SJRRP most affected by ground subsidence include *Reach 2B* and Reach 4B, the Chowchilla, Eastside and Mariposa Bypasses, Sack Dam, and the Arroyo Canal.” *See* Technical Memorandum on Subsidence Monitoring (2011-2013) at 1 [emphasis added]. In a recent study, Reclamation estimates that subsidence in Reach 2B ranges from 2.5 to 5 feet over 25 years. Conceptual Hydraulic Design of the Mendota Bypass (August 2015) at 16. The subsidence occurring in Reach 2B must be incorporated into the analysis for in-channel capacity in the reach.

WO-2

Wonderful appreciates that Reclamation is working with DWR to better analyze the effects of long-term subsidence on channel capacity and intends to complete that study in 2016. In the course of that study, Reclamation should conduct an updated site-specific study to fully account for capacity changes due to subsidence in Reach 2B, specifically surrounding New Columbia Ranch.

WO-3

In addition, as expressed in our prior comment letters regarding previous channel capacity reports, Wonderful is specifically concerned about the impacts an increased then-existing channel capacity in Reach 2B may have on its adjacent property. In particular, the presence of a flow at 1,120 cfs in Reach 2B for an extended period of time and under varying hydrologic conditions may cause adverse impacts to Wonderful's property through ponding and groundwater seepage.

WO-4

In order to avoid these impacts, Reclamation must comply with its Physical Monitoring and Management Plan, Seepage Management Plan, and the thresholds to account for site-specific root zones as established by such plans. Reclamation should address comments prior to finalizing any updates to these critical plans or thresholds. In particular, Wonderful has submitted comments on Reclamation’s Almond Root Zone Study Plan Phase 1 and requests a written response to those comments. Operating at the increased 1,120 cfs capacity could trigger lowered seepage thresholds, thereby significantly impacting Wonderful's property. Accordingly, Wonderful requests that the updated Seepage Management Plan retain the existing 10-foot threshold based on a 9-foot root zone for almonds, consistent with established agricultural standards. Reclamation has scheduled a meeting in December 2015 to discuss almond root zones and Wonderful may have additional comments as a result of that and any other meetings on this issue.

WO-5

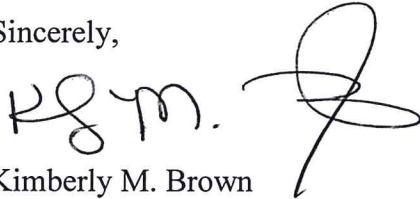
Finally, the 2016 Draft Report states, "Reclamation releases Restoration Flows in a manner that groundwater levels do not exceed thresholds that could cause seepage issues due to Restoration Flow releases." 2016 Draft Report at 39. As explained in a January 5, 2015 letter from SJRRP Program Manager Alicia Forsythe, Reclamation must regulate flows by considering both levee related capacity and groundwater seepage thresholds, operating to the lower of the two capacities in order to avoid adverse impacts to landowners. Because "seepage issues" does not fully encompass the importance of avoiding adverse impacts to adjacent landowners, Wonderful requests that Reclamation clarify its operational limit in both the finalized 2016 In-Channel Capacity Report and the updated Seepage Management Plan to reflect both seepage and levee-related capacity thresholds.

WO-6

Wonderful agrees Reclamation must continue to operate to avoid impacts to property adjacent to the River and to restrict SJRRP releases when Reclamation anticipates that the groundwater level thresholds identified in the Seepage Management Plan will be reached. It also, however, recommends conducting updated technical studies to incorporate changed circumstances, such as subsidence, to determine then-existing channel capacity and ensure proper triggers are in place to recognize the potential to adversely impact landowners.

Thank you for considering the above comments. Should you have questions, please contact me at any time.

Sincerely,

Handwritten signature of Kimberly M. Brown, consisting of the initials 'KGM.' followed by a stylized signature.

Kimberly M. Brown
Senior Director, Water Resources

Responses to Comments

WO-1

According to Reclamation's most recent surveys, Reach 2B has subsided by approximately 0 to 0.3 feet per year from July 2012 to July 2015 (Littell, 2015). In comparison, Reach 4A has subsided by 0.45 to 0.6 feet per year when averaged over the same period (Littell, 2015). Reclamation and DWR anticipate updating all the SJRRP hydraulic models with 2015 LiDAR data, expected in summer 2016. Thus, the 2017 or 2018 Channel Capacity reports should include in-channel capacities updated for subsidence in all reaches, which includes Reach 2A and Reach 2B

WO-2

Reclamation flew LiDAR data in 2015 and is expecting to receive that data in spring 2016. After development of new hydraulic models in all reaches, Reclamation and DWR will update the channel capacity in all reaches with up to date topography that includes subsidence.

WO-3

As noted elsewhere in Wonderful's comments, the Channel Capacity Report is focused on levee related capacity concerns and not groundwater seepage. Reclamation's Seepage Management Plan addresses groundwater seepage concerns as a result of the San Joaquin River Restoration Program. Reclamation is monitoring groundwater seepage on Wonderful's property through a groundwater well transect at San Mateo Avenue. If Wonderful has specific areas of groundwater seepage concern, Reclamation is willing to install additional groundwater monitoring wells to monitor these effects. All groundwater wells the SJRRP installs have thresholds established in them, and Reclamation keeps flows in the river low enough that groundwater levels do not rise above thresholds as a result of Restoration Flows, as described in the Seepage Management Plan (Reclamation, 2014). Please contact Katrina Harrison if you would like additional wells.

WO-4

Reclamation appreciates Wonderful's comments on the Almond Root Zone Study Phase 1, and has prepared written responses to those comments that they will share at the upcoming Seepage and Conveyance Technical Feedback Group meeting in the end of January, 2016. As discussed at our December 17, 2015 meeting, Reclamation understands the concerns of the growers regarding the almond root zone change and is committed to keeping with the existing 9 foot root zone plus 6 inch or 1 foot capillary fringe buffer for the 2016 Restoration Year.

WO-5

Reclamation agrees with the letter from Alicia Forsythe. Restoration Flows are limited by both levee capacities and groundwater seepage. Reclamation and DWR have updated the then-existing channel

capacity tables in the 2016 Channel Capacity Report (Tables ES-1, 8-1, and 9-1) to include groundwater seepage capacities, and hopefully clarify this point.

WO-6

Reclamation will continue to monitor for subsidence and incorporate it into modeling efforts as information becomes available. Reclamation appreciates your comments on this document and thanks you for your time.