



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

San Luis National Wildlife Refuge Complex  
Post Office Box 2176  
7376 South Wolfsen Road  
Los Banos, California 93635

01 August 2019

*Via mail and email*

Mr. Hicham Eltal, Merced GSP Contact  
Merced Irrigation District  
744 W 20th Street  
Merced, CA 95340  
Email: mercedsgma@woodardcurran.com

***Re: Comments on Draft Groundwater Sustainability Plan for Merced Groundwater Sub-basin  
July 2019 Draft Report***

Dear Mr. Eltal:

There are some discrepancies in the *Draft Groundwater Sustainability Plan for the Merced Sub-basin*, and the U.S. Fish & Wildlife Service has serious concerns regarding two proposed projects:

- **Pg. 1-24: “1.2.2.1.5 San Luis National Wildlife Refuge Complex --** The San Luis NWR Complex records monthly groundwater elevation data for 25 wells in the Merced National Wildlife Refuge.”
  - **Correction:** Groundwater elevation is rarely recorded for the Merced NWR wells; it is generally recorded only when well tests are performed by a contractor, which occurs less than once per decade on each well.
- **Pg. 1-40: “1.2.5.1 Beneficial Uses and Users in the Basin --** Approximately 15,000 AFY of water for environmental surface water flows are used at the Merced National Wildlife Refuge. “
  - **Correction:** This is inaccurate. The FERC-mandated quantity of water intended to mitigate for the loss of habitat caused by MID’s operations is up to 15,000 AFY. However, annual quantities of water have been diminishing from an average of 11,000 AFY to 3,234 AF in WY2017 (a flood year) and 4,502 in WY2018 (a normal year); for an average post-drought supply of 3,868 AF. In WY2017, the 3,234 AF delivered by MID was 22% of the water used, and 11,475 AF (78%) was pumped from wells. In WY2018, the 4,502 AF delivered by MID was 29% of the water used, and 11,219 AF (71%) was pumped from wells. Thus, post-drought, an average of only 25% of the water needed by the Refuge was surface water flows, causing the Refuge to rely on wells for the remaining 75%; the opposite of pre-drought proportions.
- **Pg. 2-110: “2.2.7 Groundwater-Dependent Ecosystems - 2. Habitat areas with supplemental water – ...** A substantial portion of this area overlaps with the Merced National

Wildlife Refuge which receives an average 11,000 AFY of surface water (2009-2013), with reduced deliveries during drought (100 to 4,000 AFY during 2014-2016).”

- **Correction:** However, post-drought deliveries have averaged only **3,868 AFY**.
- **Pg. 6-15: “Project 5: Merced Irrigation District to Lone Tree Mutual Water Company Conveyance Canal Description** – LTMWC is seeking to establish a new 2.25 mile long canal connection from an existing MID canal to an existing canal within the LTMWC system. The capacity of the canal to be constructed would be 60 cubic feet per second (cfs) and the potential delivery would be 20-24,000 AFY. The project would benefit 1020 acres in the Sandy Mush Mutual Water Company service area that are entirely dependent on ground water by providing access to surface water from the canal which would cross the acreage in route to LTMWC. LTMWC has 11,574 acres which are significantly dependent on groundwater in all but above average rainfall years. In addition, LTMWC is situated on the northern border of acreage being annexed into the Clayton Water District and said acreage is entirely dependent upon groundwater. Given these circumstances, LTMWC could implement the project to wheel surface water into Clayton Water District for usage in lieu of groundwater use, or for groundwater recharge. The project addresses management of groundwater extraction and recharge through in lieu recharge by switching groundwater demand to surface water in a white area of the Subbasin. **Measurable Objective:** The project supports mitigation of chronic lowering of groundwater levels through in lieu recharge, and also benefits reduction of subsidence through reduced groundwater pumping. **Time-Table for Initiation and Completion:** The project is anticipated to run from May 2019 through November 2020. The project will be in planning and design phase from May through mid summer 2019 with the preliminary engineering of two potential routes and subsequent selection of one route. This is followed by negotiation with landowners for easements, which is expected to be complete before end of 2019. Construction is anticipated to be complete by November 2020. **Expected Benefits and Evaluation:** This project has several benefits including supporting reduction of groundwater pumping by providing in lieu recharge opportunities. Note from MID: Local project sponsors (e.g., LTMWC, LGAWD, etc.) anticipate that surface water sourced from the Merced Irrigation District may be available through temporary water purchase and sale agreements and may serve as a water supply for the project(s). It is understood that the Board of Directors for the MID has and shall retain full and absolute discretion regarding whether and when it will enter into temporary water purchase and sale agreement(s), if any, and further, nothing contained in this document creates in any party or parties any right to water controlled by the MID whether it be surface water or groundwater. Any transferred water made available by MID shall be limited by the terms and conditions contained in any respective temporary water purchase and sale agreement. **Legal Authority:** The Merced Subbasin GSA has authority per SGMA to develop and support projects for conveyance and potential in lieu recharge, as well as projects which reduce subsidence in the Subbasin. **Estimated Costs and Plans to Meet Costs:** The estimated costs for this project are between \$3,000,000 - \$6,000,000. Costs for this project are expected to be met through pursuit of further grant funding, private funding, and funding raised through MSGSA.”
- **Major Issue:** This action will actually contribute to the *increase in groundwater withdrawal* at Merced NWR, and the *loss of wetlands* in the Central Valley. MID has reduced deliveries to Merced NWR from approximately 11,000 AFY to 4,000 AFY, causing groundwater withdrawal by the Refuge to increase by 7,000 AFY. Spending \$3 million to \$6 million on this proposed project to build a canal, acquisition of easements, and establishing water purchase agreements will tend to make more permanent that loss of surface water delivery to the Refuge. *It is simply shifting groundwater withdrawal eight miles westward.* In addition, those well costs are paid by the U.S. Department of the Interior’s Restoration Fund; diminishing funding available for creating wetlands

elsewhere in the Central Valley, which in turn causes the overall loss of 250 to 2,000 acres of seasonal wetlands elsewhere, depending on the cost of water.

- **Pg. 6-19: “Project 9: Study for Potential Water System Intertie Facilities from MID to LGAWD and CWD Description:** Under this project MID, LGAWD and Chowchilla Water District (CWD) would investigate the feasibility of improving and constructing water conveyance facilities to allow the temporary transfer of water from MID to LGAWD and CWD.”
  - **Major Issue:** As with Project 5, Project 9 is also likely to aggravate groundwater withdrawal at Merced NWR and wetland loss overall.

Please don't hesitate to contact me if you have any questions or concerns (Kim\_Forrest@fws.gov, 209/826-3508).

Sincerely,



Kim Forrest  
Refuge Manager

Cc: Stacy Armitage, Refuge Supervisor; USFWS  
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