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October 15, 2019

To: Pajaro Valley Water Management Agency

ATTN: Brian Lockwood, General Manager

36 Brennan Street, Watsonville, CA 95076

eir@pvwater.org

Re: Response to College Lake Integrated Resources Management Project Final EIR (FEIR)

The Sierra Club presents these comments with regard to the changes in the Environmental Impact Report and to the responses provided therein. We again emphasize that College Lake currently provides extensive seasonal wetland and mudflat habitat that is crucial for migrating birds and other species. We view many, if not most, of the responses to comments as seen in the FEIR as assurances made without changes to the EIR, which would actually implement those assurances. In addition, we view the FEIR as dismissive of the significance of the habitat value of the site, a significance reflected by the multitude of comments from numerous commenters. The repeated acknowledgement of comments without change to the document reflects an evasive approach with regard to these comments and concerns.

Should the Pajaro Valley Water Management Agency (PVWMA) choose to go ahead and approve this project document at its October 16 2019 meeting, the PVWMA should at the least incorporate the following changes:

1. The Adaptive Management Plan Goals and Objectives (DEIR 2.7.3.2) are wholly inadequate. **“Waterfowl management:** Support continued waterfowl use of College Lake” is an abysmally low threshold and should be expanded, as discussed below.
2. The FEIR should mandate the creation of a Technical Advisory Committee to advise and guide the Adaptive Management Plan process, as discussed below. The statement that

establishment of such a Committee “shall be taken into consideration” is inadequate and requires/promises nothing meaningful. (page 3.1.1-8)

3. A funding mandate should be incorporated into the FEIR, as discussed further below. Loose mention of funding by PV Water (page 3.3.5-6) as opposed to a minimum funding mandate will incentivize the project to minimize expenditures.
4. Deviation from the stated annual average water yield volumes (over an extended time period – 5 years) must result in new/renewed/updated environmental analysis.

1. Adaptive Management Plan (AMP) Goal: The FEIR Adaptive Management Plan Goals and Objectives (DEIR 2.7.3.2) with regard to waterfowl is indicative of the way in which the EIR downplays attempts to minimize the importance of this site as habitat for avian species. The goal stated as “**Waterfowl management:** Support continued waterfowl use of College Lake” should be replaced with a statement/goal that sufficiently indicates the importance and complexity of this habitat area. A more specific goal should be used, as seen below:

(as recommended by one commenter)

Habitat management: Maintain and enhance waterfowl, raptor, and wading bird populations; promote vegetative diversity and productivity to the maximum extent feasible; maintain and enhance mammalian prey-base populations; maintain wetland functional capacity to the maximum extent feasible; and consider acquisition of off-site wetlands for compensatory mitigation.

2. Technical Advisory Committee: Replace the vague assurances of the EIR with a clear statement and requirement that the AMP process shall be supported by the establishment of a technical advisory committee to advise the scientific elements of the plan implementation; and by establishment of a stakeholder committee to disseminate information and gather community responses.

3. Funding: Set a minimum threshold for funding for the AMP, so that cost cutting is not such a determinative factor in the scale of the management plan scope. Set the minimum threshold at 3-5% of the cost of the project.

4. Water Yield: In response to our concerns about the amount of water yield for the project, and the related effect on habitat as well as its seasonal timing, we have been directed in part to the responses of other commenters. We now comment specifically on Response Busch-6,

wherein the response to that comment avoids addressing concerns raised by higher water yields by stating that “the normal average annual yield is estimated to be approximately 1,800 to 2,300 acre feet per year (AFY)”. FEIR page 3.4.5-16. If analysis is based upon this assumption, the FEIR should include a proviso that if average annual yields exceed this range (over a five year period, for example) then the environmental analysis shall be revisited, which could/would lead to different set of impacts, management practices, and mitigations. Should this concern seem unfounded, we point no further than to the Pajaro Valley Water Management Agency’s own website’s College Lake Project web page, which states that the Project would “**allow an estimated average of 2,400 acre-feet of water per year to be captured, stored, treated, and delivered for agricultural irrigation.**” <https://www.pvwater.org/college-lake-project>. It appears that the PVWMA is using one number in its project description to stakeholders and then using a different, lower, number when deflecting comments to its DEIR. If the FEIR is going to base analysis on annual average yield numbers then long term (5 year timescale) deviations outside this range must trigger new environmental review. **The FEIR should be revised to include this condition.**

Summary

The College Lake Project FEIR understates the importance of this site as habitat for plant and animal species, and misstates the level of impacts to the site. Further, responses to comments to the DEIR as reflected in the FEIR do not “walk the walk”, and assurances made in those responses should be reflected in the final document, as we have discussed above. In order to achieve at least minimal regulatory compliance, and in light of the concerns raised herein, the project documents should be modified as described above.

Sincerely,

Gillian

Gillian Greensite, Chair

Sierra Club, Santa Cruz County Group

