



Rick Borges
Tulare I.D.

Chairman of the Board

Kelley Hampton
Delano-Earlimart I.D.
Vice Chairman

Josh Pitigliano
Lower Tule River I.D.
Secretary-Treasurer

Edwin Camp
Arvin-Edison W.S.D.

Roger Schuh
Chowchilla W.D.

Jerry Dyer
City of Fresno

Joe Ferrara
Exeter I.D.

George Porter
Fresno I.D.

Loren Booth
Hills Valley I.D.

Doug Phillips
Ivanhoe I.D.

Chris Tantau
Kaweah Delta W.C.D.

Kent H. Stephens
Kern-Tulare W.D.

Dave Loquaci
Madera I.D.

Michael Brownfield
Lindmore I.D.

Cliff Loeffler
Lindsay-Strathmore I.D.

Arlen Miller
Orange Cove I.D.

Bill De Groot
Pixley I.D.

Brett McCowan
Porterville I.D.

Mark Merritt
Saucelito I.D.

Craig Fulwyler
Shafter-Wasco I.D.

Matt Leider
Tea Pot Dome W.D.

Kurt Parsons
Terra Bella I.D.

Jason R. Phillips
Chief Executive Officer

854 N. Harvard Ave.
Lindsay, CA 93247
(559) 562-6305

friantwater.org

March 10, 2025

Sent Via Email Only

David Randall, Senior Planner
Fresno County Public Works and Planning Department, Development Services and
Capitol Projects Division
2220 Tulare St., 6th Floor
Fresno, CA 93721
DRandall@FresnoCountyCA.gov

Re: CEMEX Rockfield Quarry Modification Project Environmental Impact Report

Dear Mr. Randall:

The Friant Water Authority hereby submits the following comments on the subject
Environmental Impact Report (EIR).

Background

The Friant Water Authority (FWA) is a public agency formed by its members under
California law to operate and maintain the Friant-Kern Canal and to represent our
members in federal or state policy, political, and operational decisions that could
affect the water supply of the Central Valley Project's Friant Division. FWA also
operates and maintains the Friant-Kern Canal on behalf of the U.S. Bureau of
Reclamation.

FWA is a party to the litigation entitled *NRDC et al. v. Kirk Rodgers et al.* In 1988, a
coalition of environmental groups filed a lawsuit challenging the renewal of long-term
water service contracts between the United States and California's Central Valley
Project Friant Division contractors. After more than 18 years of litigation, the Settling
Parties reached a Stipulation of Settlement Agreement (Settlement). Besides FWA,
the Settling Parties include the U.S. Bureau of Reclamation (Reclamation), which
operates and maintains Friant Dam, immediately upstream of the CEMEX Rockfield
Quarry Modification Project. To implement the Settlement, Reclamation established
the San Joaquin River Restoration Program (SJRRP) and invited the U.S. Fish and
Wildlife Service, the National Marine Fisheries Service, and the State of California's
departments of Water Resources and Fish and Wildlife to join as implementing
agencies.

The Settlement provides for, among other things, the release of water from Friant
Dam and Millerton Lake into the San Joaquin River to restore and maintain fish
populations (including naturally reproducing and self-sustaining populations of

salmon and other fish) in good condition in the mainstem San Joaquin River downstream of Friant Dam to the confluence with the Merced River. The water released, called Restoration Flows, is protected from diversion pursuant to State Water Code Section 1707 and is over and above the water historically released to comply with the so-called Holding Contracts. The Holding Contracts are agreements between Reclamation and certain landowners downstream from Friant Dam under which water is released to maintain a 5 cubic feet per second (cfs) flow requirement past those landowners' property. The most downstream landowner is approximately 40 miles downstream of Friant Dam. Before the Settlement, sufficient water was released from Friant Dam to provide a flow of 5 cfs to that landowner. The San Joaquin River was dry beyond that point, except when flood control releases were required from Friant Dam.

Comments

FWA has the following specific comments on the subject EIR:

Page 2.16: The text states: *"applicant has water rights to use river water for industrial purposes in connection with the processing of rock, sand, and gravel."* FWA is unaware of such a water right. The document should be revised to include documentation supporting the claim of water rights, including copies of reports of diversion that the Applicant has made to the State Water Resources Control Board. If the water for the applicant is diverted in accordance with Holding Contract No. 15, it is FWA's understanding that Reclamation does not consider Holding Contracts to confer a water right. Holding Contracts are merely a commitment by Reclamation to provide 5 cfs past the Applicant's property adjacent to the San Joaquin River.

Furthermore, Holding Contract No. 15 states the following:

- Article 12 (*"How the Owner May Divert Water"*) states: *"The United States does not and will not...object to any reasonable beneficial use of the water of the River for irrigation and/or domestic purposes exclusively upon the said land..."*
- Article 28(a) states: *"...the United States agrees, notwithstanding any provision to the contrary in this contract contained, particularly Article 24 ["Adverse Interests Conveyed or Reconveyed"], that it will not object to the use by PACIFIC COAST AGGREGATES, INC., [sic] of the water of the San Joaquin River for industrial purposes in connection with the processing of rock, sand, and gravel, provided the water used is returned to the River free of pollution and/or contamination."*

Therefore, any water diverted under Holding Contract 15 must either be used for "for irrigation and/or domestic purposes" or returned to the San Joaquin River "free of pollution and/or contamination."

Page 2.16: The text states: *"Water is diverted from the river to the Plant Site via a ditch and the water then is used to wash the aggregate."* The document should state if the diversion is screened to prevent fish from entering the ditch.

Page 4.4-62 to -63: The text states: *“Fish species that occur in the San Joaquin River include largemouth bass, bluegill (*Lepomis macrochirus*), catfish, and common carp (*Cyprinus carpio*). Rainbow trout (*Oncorhynchus mykiss*) that are triploid (fish that is sterile) are planted for recreation. A Central Valley spring-run reintroduction effort for juvenile spring- and fall-run Chinook salmon (*Oncorhynchus tshawytscha*) is being undertaken on the San Joaquin River by the Bureau of Reclamation and others as part of the San Joaquin River Restoration Program. The river contains seasonal habitat for rearing and holding of juvenile spring- and fall-run Chinook salmon and are potential breeding habitat for spring- and fall-run Chinook salmon.”* The San Joaquin River Restoration Program is undertaking a significant fishery restoration effort. While the description given is accurate, it is insufficient given the magnitude of the effort and the importance of the work. Suggest additional information be provided. The Applicant should review the information available on the San Joaquin River Restoration Program’s website (<https://www.restoresjr.net/>), on the US Fish & Wildlife Service’s website (<https://www.fws.gov/project/san-joaquin-river-restoration-program>), the National Marine Fisheries Service’s website (<https://www.fisheries.noaa.gov/west-coast/habitat-conservation/san-joaquin-river-restoration>), and the California Department of Fish and Wildlife’s website (<https://wildlife.ca.gov/Regions/4/San-Joaquin-River>).

Page 4.10-7: The text states: *“During historic flow events, including the January 1997 flood event of approximately 60,300 cubic feet per second (cfs), the easterly bank along the Quarry Site did not experience significant erosion and the bank has never breached into the Quarry Site.”* The Corps of Engineers estimated the January 1997 flood to have a 60-to-80-year recurrence interval in their “Sacramento and San Joaquin River Basins, California Post Flood Assessment” (<https://babel.hathitrust.org/cgi/pt?id=uc1.31210025006170&seq=322> at Table 6-2, page 6-10). The Applicant should analyze the impact from up to a 200-year flood.

Page 4.10-16: The text states: *“...during unforeseen events, may be required to release water into the San Joaquin River at rates that could exceed the river channel capacity (Fresno County 2018a).”* It should be noted that such releases from Friant Dam may be required during foreseen events as well as unforeseen.

Page 4.10-49: The text states: *“The water level data for well MW-2S, screened only in the alluvium, shows that the well does not contain water except during periods when the San Joaquin River stage is greater than 4 feet. A review of river stage data from January 2014 to February 2023 indicates that the San Joaquin River stage measurements exceeded 4 feet for approximately 13 percent of the January 2014 to February 2023 time period.”* Once full implementation of the SJRRP is completed, there will be times when flows in the San Joaquin River will exceed 2,500 cfs for 2 weeks followed by 4,000 cfs for 2 weeks. The EIR should analyze San Joaquin River stages under these flows. The Restoration Flow hydrographs can be found in Exhibit B of the Settlement (https://www.restoresjr.net/?wpfb_dl=9).

Page 4.10-56: The text states: *“...leakage from the canal flows, which flow year-round, are likely an important source of groundwater recharge to the areas in the vicinity of the Friant-Kern Canal, including the Quarry Site.”* As noted above, FWA operates and maintains the Friant-Kern Canal. We

are unaware of the occurrence of significant seepage from the Friant-Kern Canal in the vicinity of the Quarry Modification Project, and the Friant-Kern Canal is about 2 miles from the Quarry Site. The text references the North Kings GSA's 2022 Groundwater Sustainability Plan as a source of the information contained in this section. The specific page number should be provided, using the updated 2025 GSP (<https://northkingsgsa.org/groundwater-sustainability-plan/>).

Page 4.10-104: The text states: *"Additionally, diversion of up to 295 acre-feet per year from the San Joaquin River would cease, making that water available for groundwater recharge through the riverbed or for use in lieu of groundwater within the North Kings GSA management area."* If the diversion of San Joaquin River water is done under a Holding Contract, that water cannot be used outside of the Holding, so the water would NOT be available for use "in lieu of groundwater within the North Kings GSA management area" outside of the boundaries specified in the Holding Contract.

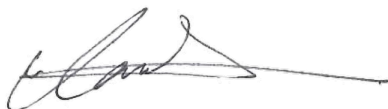
Page 4.11-36: Policy HS-C.12 discusses determination of the 200-year water surface elevations and states that *"new project development...shall not be allowed along the river until the risk of flooding at the site has been determined and appropriate flood risk reduction measures identified."* But the consistency analysis only addresses the 100-year flood. The consistency analysis should be redone.

Page 4.11-37: Policy HS-C.14 states the County shall promote flood control measures that maintain natural conditions within the 200-year floodplain, but there is no mention of the 200-year floodplain in the consistency analysis. Again, the consistency analysis should be redone.

Page 5-13: The text states: *"The proposed project would not affect water from Millerton Reservoir, Friant-Kern Canal, and Tule River; therefore, there would not be potential cumulative impacts of the proposed project and the Friant Ranch Specific Plan project on riparian communities, waters of the state, wetlands, or groundwater dependent ecosystems in the vicinity of the project sites."* The San Joaquin River is declared to be a "fully appropriated stream system" by the California State Water Resources Control Board. Any increase in water seepage from the San Joaquin River directly impacts the water supply of the water users of the Friant Division, which get water from the San Joaquin River, the Friant-Kern Canal, and from Millerton Reservoir. The text and impact analyses should be revised.

On March 7, 2025, Reclamation also provided comments on the subject EIR, which FWA concurs with and are incorporated here by reference. Thank you for the opportunity to comment.

Sincerely,



Ian Buck-Macleod
Friant Water Authority
Water Resources Manager