

5121 Van Nuys Blvd., Suite 203 \* Sherman Oaks, CA 91403 \* Tel: (818) 981-4491 \* Fax: (818) 981-4256  
 www.unitedchambers.org \* E-mail: marian@unitedchambers.org

Les Himes  
 Chairman of the Board  
 Marian E. Jocz  
 Executive Director

October 29, 2015

**Member Chambers**

Calabasas  
 CalPilipino & Entrepreneurship  
 Canoga Park~ West Hills  
 Chatsworth ~ Porter Ranch  
 Encino  
 Filipino American of Greater LA  
 Granada Hills  
 Pacoima  
 Regional Black  
 Sherman Oaks  
 Studio City  
 Sun Valley  
 Sunland Tujunga  
 Toluca Lake  
 Universal City ~ North Hollywood  
 Winnetka  
 West Valley ~ Warner Center

**Affiliate Members**

Southland Regional Assoc of Realtors  
 Thomas Soule, CPA

**Strategic Partners**

California Chamber of Commerce  
 Economic Alliance of SFV  
 Los Angeles Area Chamber  
 Los Angeles County Business Federation  
 Valley Economic Development Center  
 Valley Industry & Commerce Association  
 U. S. Chamber of Commerce

**Chairman's Circle**

C & M Printing  
 Corefit  
 Dilbeck Estates  
 Empower Group of Companies  
 Filipino American of Greater LA  
 Gelb Group, a Family of Companies  
 Horace Heidt Magnolia Estates  
 illi Commercial Real Estate  
 Law Office of Mark Levinson  
 Law Office of Savin Bursk  
 Lewitt Hackman  
 Parker Brown, Inc.  
 Phillipp & Associates  
 SCV Recycling  
 Universal City-No Hollywood Chamber  
 Westfield

BDCP/Water Fix Comments  
 P.O.Box 1919  
 Sacramento, CA 95812

cc: Governor Jerry Brown

Subject: Support Alternative 4A of California Water Fix

Dear BDCP/Water Fix Comments:

On behalf of United Chambers, we are writing to express our strong support for the California Water Fix (Alternative 4A). The California Water Fix represents a thoroughly vetted, viable plan to fix California's aging water distribution system that supplies water to 25 million Californians and 3 million acres of farmland, while also protecting the natural environment in the Delta.

The recirculated documents are the culmination of nearly a decade of extensive expert review, planning and scientific and environmental analysis by the state's leading water experts, engineers and conservationists, and unprecedented public comment and participation. The California Water Fix (Alternative 4A) reflects significant changes and improvements to the plan to address comments from the state and federal governments and other stakeholders.

We urge the Department of Water Resources and the Administration to move forward to bring the California Water Fix to fruition.

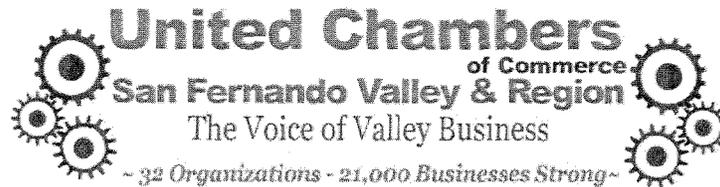
Our state's system of aging dirt levees, aqueducts and pipes that brings water from the Sierra Nevada Mountains to 2/3 of the State is outdated and at risk of collapse in the event of a major earthquake or flood. Problems with this aging system have already resulted in significant water supply cutbacks and shortages for people, farms and businesses, as well as damage to fish, wildlife and the environment.

Platinum Investor: Wells Fargo

Gold Investors - Metropolitan Water District \* Providence Tarzana Medical Center \* Providence Holy Cross Medical Center  
 Providence Saint Joseph's Medical Center

Silver Investors - Alperstein, Simon, Farkas, Gillin & Scott \* SoCalGas

Bronze Investors - California Lutheran University \* Valley Presbyterian Hospital  
 Copper Investor ~ Van Nuys Los Angeles World Airports



5121 Van Nuys Blvd., Suite 203 \* Sherman Oaks, CA 91403 \* Tel: (818) 981-4491 \* Fax: (818) 981-4256  
 www.unitedchambers.org \* E-mail: marian@unitedchambers.org

Les Himes  
 Chairman of the Board  
 Marian E. Jocz  
 Executive Director

Page 2

**Member Chambers**

Calabasas  
 CalPilipino & Entrepreneurship  
 Canoga Park- West Hills  
 Chatsworth ~ Porter Ranch  
 Encino  
 Filipino American of Greater LA  
 Granada Hills  
 Pacoima  
 Regional Black  
 Sherman Oaks  
 Studio City  
 Sun Valley  
 Sunland Tujunga  
 Toluca Lake  
 Universal City ~ North Hollywood  
 Winnetka  
 West Valley ~ Warner Center

**Affiliate Members**

Southland Regional Assoc of Realtors  
 Thomas Soule, CPA

**Strategic Partners**

California Chamber of Commerce  
 Economic Alliance of SFV  
 Los Angeles Area Chamber  
 Los Angeles County Business Federation  
 Valley Economic Development Center  
 Valley Industry & Commerce Association  
 U. S. Chamber of Commerce

**Chairman's Circle**

C & M Printing  
 Corefit  
 Dilbeck Estates  
 Empower Group of Companies  
 Filipino American of Greater LA  
 Gelb Group, a Family of Companies  
 Horace Heidt Magnolia Estates  
 illi Commercial Real Estate  
 Law Office of Mark Levinson  
 Law Office of Savin Bursk  
 Lewitt Hackman  
 Parker Brown, Inc.  
 Phillip & Associates  
 SCV Recycling  
 Universal City-No Hollywood Chamber  
 Westfield

The California Water Fix will improve our water delivery infrastructure to allow us to responsibly capture and move water during wet years, so that we have a greater water supply during future droughts. The current drought has demonstrated that California's aging water infrastructure is not equipped to handle the regular boom and bust cycles of our climate. With above average rains predicted in the near future, we must move forward with improved infrastructure to capture the water when it's available.

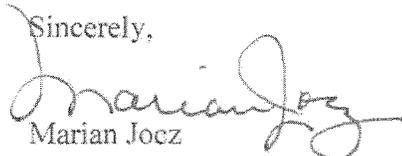
The California Water Fix (Alternative 4A) will:

- Protect water supplies by delivering them through a modern water pipeline rather than relying solely on today's deteriorating dirt levee system.
- Build a water delivery system that is able to protect our water supplies from earthquakes, floods and natural disasters.
- Improve the ability to move water to storage facilities throughout the state so we can capture it for use in dry years.
- Restore more natural water flows above ground in rivers and streams in order to reduce impacts on endangered fish and other wildlife.
- Protect and restore wildlife and the environment of the Sacramento-San Joaquin Delta.

Getting to this point has been a long and thorough process. Now is the time to act and move forward to protect California's water security.

For these reasons, we support the California Water Fix (Alternative 4A).

Sincerely,

  
 Marian Jocz  
 Executive Director

Platinum Investor: Wells Fargo  
 Gold Investors - Metropolitan Water District \* Providence Tarzana Medical Center \* Providence Holy Cross Medical Center  
 Providence Saint Joseph's Medical Center  
 Silver Investors - Alperstein, Simon, Farkas, Gillin & Scott \* SoCalGas  
 Bronze Investors - California Lutheran University \* Valley Presbyterian Hospital  
 Copper Investor - Van Nuys Los Angeles World Airports

---

**From:** Marian E. Jocz <marian@unitedchambers.org>  
**Sent:** Thursday, October 29, 2015 2:51 PM  
**To:** BDCPcomments  
**Cc:** governor@governor.ca.gov  
**Subject:** Support Alternative 4A of Ca Water Fix  
**Attachments:** Scan0364.pdf

Dear Sir / Madam:

Please find attached a letter of support for the above referenced issue.

If you have any questions please feel free to contact me.

Thank you for your time.

*Marian E. Jocz*  
*Executive Director*  
*(818) 981-4491*  
*(818) 981-4256*  
*[www.unitedchambers.org](http://www.unitedchambers.org)*

# El Toro Water District

"A District of Distinction"

Serving the Public - Respecting the Environment

October 27, 2015

BDCP/California WaterFix  
P.O. Box 1919  
Sacramento, CA 95812

Attention: BDCP/California WaterFix Comments

**RE: Recirculated Draft Environmental Impact Report/Supplemental Draft  
Environmental Impact Statement (RDEIR/SDEIS)**

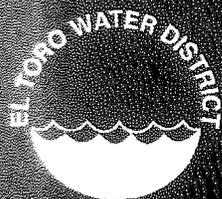
Dear BDCP/California WaterFix:

El Toro Water District is submitting the following comments on the partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Bay Delta Conservation Plan/ California WaterFix released on July 10, 2015.

El Toro Water District is a local governmental entity that relies upon the State Water Project (SWP) to reliably meet the water needs of its residents and businesses. El Toro Water District strongly supports the state and federal effort under the BDCP/California Water Fix to enhance the reliability and quality of SWP supplies that bring stability to Delta exports over the long term. The SWP is a foundational element of southern California's water supply portfolio and in conjunction with storage is the cornerstone of the Metropolitan Water District's dry year reliability for over 18 million people in six California counties. The SWP supplies also help the long-term salt imbalance for groundwater basins and makes water recycling more feasible. The SWP is an essential part of our regional and local water reliability strategy.

El Toro Water District supports the water supply facilities as described in the Modified Proposed Alternative 4A and offers the following comments on the RDEIR/SEIS:

- **Water Supply Reliability.** The Final EIR/EIS should provide additional information on water supply yield during each type of water year (normal, dry and wet) so that the water reliability benefits can be better understood and all storage assets in southern California optimized to enhance reliability during the inevitable dry periods.



**Board of Directors**

M. Scott Goldman  
William H. Kohn  
Jose F. Vergara  
Frederick J. Adjarian  
Mark L. Monin

**General Manager**

Robert R. Hill

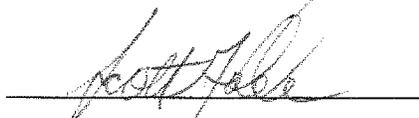
# El Toro Water District

- **Endangered Species Act Permitting.** The change in regulatory approach for Endangered Species Act compliance from the BDCP's HCP/NCCP to a Section 7 consultation is a significant change to achieve more regulatory certainty. We strongly urge the lead agencies and the permitting agencies to incorporate adaptive management and participative governance in operational decisions into the Final EIR/EIS and supporting agreements to ensure consistent delivery of SWP supplies.
- **Habitat Mitigation.** The amount of mitigation acreage under the modified Preferred Alternative has significantly increased. There is no clear description of how the amount of acreage was determined or why it has become the responsibility of the water supply facilities. The Final EIR/EIS should provide a detailed explanation and nexus between the proposed mitigation acreage for Alternative 4A and why water suppliers and ultimately water ratepayers will shoulder those costs.

Thank you for the opportunity to submit comments on the RDEIR/SEIS.

Sincerely,

EL TORO WATER DISTRICT



M. Scott Goldman

Board President

Cc: ETWD Board Members  
Bob Hill

---

**From:** Polly Welsch <pwelsch@etwd.com>  
**Sent:** Wednesday, October 28, 2015 7:20 AM  
**To:** BDCPcomments  
**Subject:** Recirculated Draft Environmental Impact Report  
**Attachments:** 20151028191150425.pdf

Please see attached memo.

Sincerely,

Polly Welsch  
Executive Assistant/Board Secretary  
EL TORO WATER DISTRICT  
[pwelsch@etwd.com](mailto:pwelsch@etwd.com)

DOWNEYBRAND

Andrea P. Clark  
aclark@downeybrand.com  
916.520.5424 Direct  
916.520.5824 Fax

Downey Brand LLP  
621 Capitol Mall, 18<sup>th</sup> Floor  
Sacramento, CA 95814  
916.444.1000 Main  
downeybrand.com

October 29, 2015

By Email to: [BDCPComments@icfi.com](mailto:BDCPComments@icfi.com)

By Mail to: BDCP/WaterFix Comments  
P.O. Box 1919  
Sacramento, CA 95812

**Re: COMMENTS OF RECLAMATION DISTRICT NO. 551 ON THE BAY  
DELTA CONSERVATION PLAN/CALIFORNIA WATERFIX  
PARTIALLY RECIRCULATED DRAFT ENVIRONMENTAL IMPACT  
REPORT/SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT  
STATEMENT (RDEIR/SDEIS)**

Dear California Natural Resources Agency:

Downey Brand LLP serves as general counsel to Reclamation District 551 (RD 551). RD 551 has reviewed the Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) to determine whether it complies with the requirements of the California Environmental Quality Act (CEQA) and the regulations implementing CEQA. RD 551 also reviewed the RDEIR/SDEIS to determine what specific impacts Alternative 4A (the "Project") may have within its jurisdiction, and has summarized its general concerns below.

*Reclamation District No. 551*

RD 551 encompasses approximately 8,537 acres within the Pearson District, including the town of Courtland. RD 551 was established in 1893, and is responsible for operating the Pearson District reclamation works. These works include levees bordering the Sacramento River (which levees are part of the larger Sacramento River Flood Control Project) and Snodgrass Slough, and a network of drainage canals and pumps that remove drainage water from the district and thus keep the water table low enough for productive agriculture. RD 551 raises revenue for these activities by levying an assessment against all specially benefited lands within the district, and currently with supplemental subventions reimbursements from the State for levee maintenance activities.

October 29, 2015

Page 2

## COMMENTS

### 1. *Incorporation of Previous Comments by Reference*

By letter dated July 25, 2014, Contra Costa Water District submitted extensive legal and technical comments on the Bay Delta Conservation Plan EIR/S. Similarly, by letter dated July 28, 2014, the North State Water Alliance submitted extensive legal and technical comments on the BDCP EIR/S. Finally, by letter dated July 29, 2014, the North Delta Water Agency (whose area includes RD 551) submitted extensive legal and technical comments on the BDCP EIR/S. All of those comments are incorporated herein by reference.

RD 551 anticipates that Contra Costa Water District, North State Water Alliance and North Delta Water Agency will submit additional comments on the RDEIR/SDEIS, and all of those comments are likewise incorporated herein by reference. As a responsible agency under CEQA, RD 551 expects that DWR will provide us with a specific response to our comments at least ten days prior to the Department taking any action on the California WaterFix Project.

### 2. *Drainage*

#### a. *Seepage*

Any seepage of water into the soils or canals of the Pearson District as a result of a water conveyance facility must be addressed in the RDEIR/SDEIS and properly mitigated pursuant to CEQA.

One of RD 551's main efforts is to remove drainage water from the district, primarily by running the district pump stations and drainage ditches. Most of the water currently comes from precipitation events, seepage through the levees, and irrigation tailwater, though district farmers recirculate and reuse water efficiently, minimizing the amount of water that must be pumped out of the district.

The Project envisions conveying exported water through an intake facility on the opposite side of Snodgrass Slough, adjacent to Pearson District. It is actually unclear from the RDEIR/SDEIS whether water is anticipated to seep from the intake pipe in a way that would impact Pearson District and contribute to the local water table, possibly requiring pumping off the island. Even a very small percentage of seepage from the facilities into the District could impact the existing drainage infrastructure, increase groundwater elevations, and threaten to destroy crops and damage permanent structures. Seepage can also compound existing problems related to the buildup of salt and alkalinity in the soil, which can burn crop roots. If there is an increase in seepage, the district pumps would need to run many more hours each day, and the drainage ditches would need to be more actively maintained—all at great cost to the district. Drainage operations are expensive (e.g., electricity, repair, equipment, maintenance) and are paid for by entirely the local landowners. Unlike with levee maintenance activities, there is no State contribution to pay for drainage activities undertaken by local districts.

Intake 5 is planned to be located adjacent to Pearson District; therefore, seepage considerations will be a critical consideration for siting. As DWR's own Bulletin 125 seepage investigations have shown, the interior of the district—unlike conditions on some nearby islands and tracts—has significant seepage. In large part, this seepage results from the local peat soils. Any facility constructed near the district should be located in an area with mineral soils; the surrounding peat would need to be excavated and replaced with imported fill in order to both reduce seepage and provide greater stability.

The RDEIR/SDEIS is poorly organized and difficult to follow, and therefore fails to satisfy the most basic requirement of CEQA: to inform the public about the environmental consequences of a proposed decision or project. A good example of this relates to seepage. The RDEIR/SDEIS discusses seepage or changes in groundwater elevation resulting from construction and operation of water conveyance facilities, including Intake 5, in Chapter 14 (Agricultural Resources). However, the discussion in the RDEIR/SDEIS lacks basic information necessary for the District to understand what effects are anticipated in and around Pearson District with respect to seepage. The discussion of Impact AG-2 (Other Effects on Agriculture as a Result of Constructing and Operating the Proposed Water Conveyance Facility) describes temporary lowering of groundwater levels in the vicinity of intakes, but does not address possible *permanent* impacts. That discussion also fails to state whether seepage will be monitored over time at the intakes (but it does, however, note that seepages will be monitored at the forebays). Confusingly, the Agriculture chapter references mitigation measures from the Groundwater chapter as addressing this issue (e.g., Mitigation Measure GW-5: Agricultural Lands Seepage Minimization), but those measures likewise fail to mention whether monitoring will take place at the intake facilities. It appears that the BDCP proponents will decide at a later time which areas will require monitoring (see RDEIR/SDEIS at pp. 7-6 and 7-7).

From RD 551's perspective, every effort must be made (and described in the CEQA document) to prevent seepage from the BDCP facilities: the Project must include contingency measures to address incidental seepage. These measures should include, at a minimum: (1) water table and soil moisture detection devices throughout the entire district so that conditions can be constantly monitored; (2) relief wells along the tunnel alignment and forebay so that any seepage can be captured and pumped back to the forebay or the Delta channels, and (3) a response plan that will require BDCP operations to cease long enough to locate and fully repair any leaks or any other cause of high-water elevation conditions. These measures are *not* currently included in the RDEIR/SDEIS discussions, as far as RD 551 is able to understand them, and they are certainly feasible.

*b. Dewatering*

RD 551 is also concerned about impacts on groundwater wells within its jurisdiction. The RDEIR/SDEIS's discussion of Impact GW-1 (During Construction, Deplete Groundwater Supplies or Interfere with Groundwater Recharge, Alter Local Groundwater Levels, or Reduce the Production Capacity of Preexisting Nearby Wells) notes that dewatering operations would be required for construction of the conveyance facilities, and that such dewatering could affect the

October 29, 2015

Page 4

productivity of existing nearby wells (i.e., within 2,600 feet). In the related NEPA conclusions section (page 7-11), the document states that “substantial lowering of groundwater levels” could occur “in the vicinity of intake pump stations 2, 3 and 5,” including to the extent that water levels are not able to support existing land uses. Figure 7-27 appears to show the anticipated groundwater level decline affecting Pearson District, but the RDEIR/SDEIS does not specifically address any such impacts within the District (indeed, the discussion appears to lack specificity regarding the locations of such impacts), and it is thus very difficult based on the RDEIR/SDEIS to gauge what those impacts may be for RD 551. It is stated, however, that where water level data indicate that dewatering operations are responsible for reductions in well productivity, “mitigation will be required and implemented.” This vague statement regarding mitigation lacks any specificity or discussion of feasibility, as is required under CEQA. RD 551, and the public, must understand exactly how such effects would be mitigated in order to weigh in on the adequacy of such measures.

*c. Conservation Measure Implementation*

It is apparent that implementation of conservation measures CM2-CM21 could deplete groundwater supplies or interfere with groundwater recharge, reduce the production capacity of nearby wells, or interfere with agricultural drainage. This is described as impact GW-6, and is addressed in the RDEIR/SDEIS’s discussion of Alternative 4A on page 4.4.3-4. It is also referenced in Chapter 7, which purports to discuss impacts related to groundwater but completely lacks any discussion of what the impact is, forcing a reader to look in a few other places for a description of the impact. This is another example of the poor organization of the document, which leaves the public confused about what the impacts of the Project will be.

Chapter 4’s discussion of this impact states:

“Implementation of the environmental commitments under Alternative 4A could result in additional increased frequency of inundation of areas associated with the proposed tidal habitat, channel margin habitat, and seasonally inundated floodplain restoration actions, which would result in increased groundwater recharge. Such increased recharge could result in groundwater level rises in some areas. More frequent inundation would also increase seepage, which is already difficult and expensive to control in most agricultural lands in the Delta (see Chapter 14, Agricultural Resources, of the Draft EIR/EIS). Impacts associated with the implementation of those environmental commitments would result in significant impacts.”

(RDEIR/SDEIS, p. 4.3.3-5).

This discussion lacks detail about the location of impacts, the nature of the impacts, and the basis for the conclusion of significance. RD 551 is left to assume that there could very well be a significant impact with respect to groundwater recharge in the Pearson District, but has to speculate because the RDEIR/SDEIS is fundamentally lacking in information.

October 29, 2015

Page 5

### 3. *Flooding*

#### a. *Impacts on RD 551 Levees*

Any Project facilities will require protection from tidal and seasonal flooding, and presumably will be bordered by extensive new levees. Any such levees will need to be tied in to the existing Sacramento River and Snodgrass Slough levees. As discussed above, the Pearson District's Sacramento River levees—which were originally constructed by RD 551 and its predecessor districts—form an integral part of the Sacramento River Flood Control Project, which is a Federal-State project with RD 551 responsible for local operation and maintenance. The BDCP will need to work with the U.S. Army Corps of Engineers, the Central Valley Flood Protection Board, and RD 551 to complete any work that ties in to these Project levees. The Snodgrass Slough levees were built in part by local landowners and by RD 551, and since then have been operated, maintained, repaired, and improved by RD 551 without Federal or State oversight; therefore, any tie in to these levees will require substantial cooperation and collaboration with RD 551's engineering staff.

Critically, the BDCP proponents will need to ensure that new levees are designed in a way that will not create a weak point in the adjacent, existing levees. Tie-ins, like repairs, can sometimes introduce weaknesses where the new levee segment has a different fill density than the old, making the new interface vulnerable to erosion, seepage or even failure. Some expected efforts to avoid differential settlement and related impacts may include pre-loading, stability berms, and geotechnical evaluations prior to design and construction.

RD 551 engineering staff will require a significant amount of time to review any proposed tie-ins and/or encroachments upon the district levees, and to propose comments and conditions, all for the purpose of avoiding third-party effects upon district operations and the significant environmental impacts that could otherwise result. As with any other encroachment upon the district works, RD 551 will look to the BDCP to pay for the hourly cost of RD 551's staff time in conducting this review.

#### b. *Placement of Reusable Tunnel Material (RTM)*

The new location for placement of Reusable Tunnel Material (RTM) across the Snodgrass Slough channel from RD 551 raises concerns regarding possible increased water surface elevations and/or increased flow velocities along the RD 551 levee. The forebay will be located across Snodgrass Slough on RD 1002, and RTM from the tunnel boring at this location will be placed on a conveyor and transported over Zacharias Island. Although this is a leveed area, the levees are quite low and overtop very early during floods. Zacharias Island then becomes part of the Snodgrass Slough flood channel that drains the area to the north (Morrison Creek stream group via Beach/Stone Lakes). Therefore, the tunnel muck will be blocking some of the existing floodway.

October 29, 2015  
Page 6

During high water events, the area on which RTM will be placed is part of the floodway draining a large portion of south Sacramento County. By restricting the floodway with RTM, the Project will likely increase the water surface elevations and/or increase the flow velocities along the RD 551 levee. The RDEIR/SDEIS fails to evaluate this potential impact, which is critical for RD 551. The BDCP proponents must address this issue in the RDEIR/SDEIS and then recirculate the document for public review.

Thank you for your attention to these comments.

Very truly yours,

DOWNEY BRAND LLP



Andrea P. Clark

APC

1424948.1

cc: Topper van Loben Sels, President, Board of Trustees  
Douglas Chan, Secretary, Board of Trustees  
Kurt Jonson, Member, Board of Trustees  
Gilbert Cosio, MBK Engineers  
Michael Moncrief, MBK Engineers  
Melinda Terry, Central Valley Flood Control Association

---

**From:** Clark, Andrea <aclark@DowneyBrand.com>  
**Sent:** Thursday, October 29, 2015 3:00 PM  
**To:** BDCPcomments  
**Cc:** Carel "Topper" Van Loben Sels (lindavls@citlink.net); dougchan@frontiernet.net; jhjonson@citlink.net; Gilbert Cosio (cosio@mbkengineers.com); Michael Moncrief; 'melinda@floodassociation.net'  
**Subject:** Comments on RDEIR/SDEIS  
**Attachments:** RD 551 Comments on BDCP-Cal WaterFix RDEIR-SDEIS.PDF

Please find attached Comments on the BDCP-Cal WaterFix RDEIR/SDEIS on behalf of Reclamation District 551. A copy has also been placed in the mail.

Andrea

Andrea P. Clark

## DOWNEYBRAND

Downey Brand LLP  
621 Capitol Mall, 18th Floor  
Sacramento, CA 95814  
916-444-1000 Main  
916-520-5424 Direct  
916-520-5824 Fax  
[aclark@downeybrand.com](mailto:aclark@downeybrand.com)  
[www.downeybrand.com](http://www.downeybrand.com)  
[www.theleveewasdry.com](http://www.theleveewasdry.com)

---

**CONFIDENTIALITY NOTICE:** This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. **If you have received this communication in error**, please contact our IS Department at its Internet email address ([is@downeybrand.com](mailto:is@downeybrand.com)), or by telephone at (916)444-1000 x5325. Thank you.

---



# CITY OF STOCKTON

---

October 29, 2015

[www.stocktonca.gov](http://www.stocktonca.gov)

**VIA ELECTRONIC MAIL**

BDCP/WaterFix Comments  
P.O. Box 1919  
Sacramento, CA 95812  
[BDCPComments@icfi.com](mailto:BDCPComments@icfi.com)

Re: City of Stockton Comments on the Bay Delta Conservation Plan/California WaterFix Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS)

To Whom It May Concern:

The City of Stockton (City) submits these comments on the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Bay Delta Conservation Plan (BDCP)/California WaterFix (CalWaterFix) Project (Project).

## **I. Introduction**

The City of Stockton derives its primary water supply from the Delta. The City's Municipal Utilities Department provides potable drinking water to more than 47,000 residential, commercial and industrial customers with a service population of more than 170,000. One of the sources of water for treatment and delivery to City customers is the Delta Water Supply Project (DWSP) Water Treatment Plant (WTP). The DWSP WTP is a 30 million gallon per day facility that derives its source water from the Sacramento/San Joaquin Delta at the southwest tip of Empire Tract under a water right issued by the State Water Resources Control Board.

In addition to providing potable drinking water, the City of Stockton owns, operates and maintains wastewater collection and treatment facilities serving the entire Stockton Metropolitan Area population of 300,000 under a National Pollutant Discharge Elimination System (NPDES) permit issued by the Central Valley Regional Water Quality Control Board. Wastewater treatment and discharge to the San Joaquin River has been, and will continue to be, an essential service to the residential, commercial and industrial sectors of the City of Stockton.

The City of Stockton is greatly concerned that the Project will have significant impacts that would adversely affect the City of Stockton and its residents. The City expressed its concerns with the BDCP in its July 29, 2014 comments on the Draft

Re: City of Stockton Comments on the Bay Delta Conservation Plan/California WaterFix Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS)

October 29, 2015

Page 2

EIR/EIS. Those comments identified numerous problems with the BDCP and DEIR/DEIS, which failed to adequately assess or mitigate the BDCP's impacts to the City's water supply and operations or the Delta ecosystem, among other concerns. Chief among these problems was the failure to recognize the City as a major diverter of water for municipal and industrial uses whose supply could be at risk by the BDCP.

To the City's surprise and dismay, none of the problems identified in our July 29, 2014 comments were addressed by the changes to the Project or the revised environmental documents. By altering flows and water quality in the Delta, the CalWaterFix Project, like the BDCP, threatens to have significant impacts that would adversely affect the City and its residents. The DEIR/DEIS contained no analysis of potential changes to water quality at the location of the City's drinking water intake on the San Joaquin River. Despite the City's comments, the RDEIR/SDEIS failed to incorporate, or address any of our concerns regarding potential water quality impacts at our intake. As a result, the City remains unable to understand the CalWaterFix Project impacts on the issues of greatest concern to our residents.

## **II. The RDEIR/SDEIS Fails to Address the City's Prior Comments on the Effects of the Proposed North Delta Diversions & Conveyance**

The City provided extensive comments on the DEIR/DEIS. None of the concerns raised in these comments was addressed in the supplemental or revised analyses included in the RDEIR/SDEIS, including the new evaluation of Alternative 4A and Alternatives 2D and 5A. As noted, among the City's chief concerns with the BDCP was the potential for the North Delta diversion to adversely affect water quality and the City's water supply. In particular the City objected to the DEIR/DEIS's failure to evaluate water quality and flow changes at the location of the City's drinking water intake. The City also raised concerns about impacts to agricultural resources, groundwater, air quality, roadways and traffic, as well as socioeconomic impacts. These issues remain unaddressed in the RDEIR/SDEIS. Because no changes were made to the Project or RDEIR/SDEIS that would address the City's comments and concerns, to the extent new alternatives, including Alternative 4A, are similar to the previously proposed BDCP CM1, the City's prior comments apply to the CalWaterFix Project and RDEIR/SDEIS, and the City reasserts its prior comments here and incorporates them by reference as comments on the RDEIR/SDEIS and CalWaterFix Project alternatives.

Re: City of Stockton Comments on the Bay Delta Conservation Plan/California WaterFix Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS)

October 29, 2015

Page 3

### **III. The RDEIR/SDEIS Repeats and Compounds the Problems of the DEIR/DEIS**

The water quality impact analysis provided for Alternative 4A fails to answer or address any of the questions or concerns the City raised in its comments on the original project proposal. There is no discussion of water quality effects at the City's intake. Moreover, the analysis of impacts at the locations that were included is hopelessly vague, convoluted and, ultimately, uninformative. The analysis is made even more unintelligible and factually suspect by the RDEIR/SDEIS's reliance on the flawed modeling methodology of the DEIR/DEIS. Rather than conduct a comprehensive analysis of the fundamental project changes in the CalWaterFix Project, the RDEIR/SDEIS attempts to bootstrap an analysis of CalWaterFix impacts on to modeling that was unique to the abandoned BDCP. The authors thus spend considerable time explaining why the model results are not necessarily accurate, or predictive of actual Project impacts, with the result that the public is asked to take on faith the RDEIR/SDEIS's conclusion of no significant impacts.

An example is the discussion of electrical conductivity (EC) impacts for Alternative 4A on pages 4.3-24 through 4.3-26.<sup>1</sup> The section starts by attempting to explain the methodology used to estimate EC impacts and justify the lead agencies' decision not to model the effects of the Alternative 4A changes, which eliminate habitat restoration actions that affect Delta hydrodynamics, a fundamental factor in the analysis. The result of these shortcuts and omissions is that "the quantitative modeling results presented in this assessment is not entirely predictive of actual effects under Alternative 4A, and the results should be interpreted with caution . . . . In this assessment the modeling results are described and then in most cases are qualified in light of findings from sensitivity analyses." (p 4.3.4-23.)

Of even more concern to the City regarding adverse effects to the water quality is the failure of the RDEIR/SDEIS to adequately consider the effects of modified in-Delta flow regimes and increased residence time changes associated with the proposed project. For example, it is commonly accepted that flow is a prime driver of the undesirable proliferation of cyanobacteria (e.g. Microcystis) in the Delta. The occurrence and magnitude of this undesirable species is associated with low velocities and increased residence times in the system. While the RDEIR/SDEIS includes new information regarding Microcystis and other harmful aquatic species, the document does not properly link the acknowledged project-related increases in residence times in the Delta to a worsening of the Microcystis problem. The

---

<sup>1</sup> The problems with the RDEIR/SDEIS EC analysis are representative of the analysis in other water quality areas of key concern to the City, including bromide, chloride, organic carbon, nitrate and pesticides.

Re: City of Stockton Comments on the Bay Delta Conservation Plan/California WaterFix Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS)

October 29, 2015

Page 4

RDEIR/SDEIS should be modified to acknowledge these impacts in the vicinity of the City's drinking water intake.

The RDEIR/SDEIS then states that model results show the Project will result in an increase in the number and frequency of exceedances of EC water quality objectives. However, the RDEIR/SDEIS downplays the significance of these exceedances, offering vague and noncommittal assurances that "modeling results without restoration areas would be expected to show a lesser effect and are expected to be able to be addressed [in] real time operations, including real time management of the north Delta and south Delta intakes, as well as Head of Old River Barrier management." (pp. 4.3-25 through 4.3-26.) Not only does this statement fail to quantify the actual exceedances, or the degree of any "lesser effect," but the assurance that effects could be "addressed" is not tied to any definable or enforceable *mitigation* commitment. The RDEIR/SDEIS provides no information about how "real time management" will occur, what type and extent of water quality sampling will occur to verify project effects on EC, the specific actions that Project operators will take, including the time lapse between identification of an exceedance and changes to operations, and the corresponding time lapse between any change in operations resulting from "real time management" and measured EC levels. Depending on the time sequence, EC levels could remain elevated above water quality objectives indefinitely. Without data and analysis based on actual Project effects, and information about the triggers for and concrete elements of such "adaptive management," these vague and unenforceable assurances do not demonstrate to the City that EC impacts will not be significant nor does this satisfy CEQA's requirement that an EIR actually mitigate significant environmental impacts.

The RDEIR/SDEIS does not indicate whether it intends to rely on mitigation measures included in the DEIR/DEIS, including DEIR/DEIS mitigation measures WQ11, WQ11a and WQ11b. However, even assuming reliance is intended, those measures contain the same flaws identified in the City's 2014 DEIR/DEIS comments and are especially inapplicable to mitigating effects of alternative 4A, as they are predicated on future assessment of impacts from the massive habitat restoration actions that were included in the BDCP but are not longer a part of the CalWater Fix Project or Alternative 4A. A mitigation measure that is based on an entirely different project (BDCP) with actions directed at study and adjustment of project elements that are no longer part of the proposed project (massive habitat restoration activities) cannot satisfy CEQA's requirement that actual project effects be clearly mitigated.

Re: City of Stockton Comments on the Bay Delta Conservation Plan/California WaterFix Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS)

October 29, 2015

Page 5

#### **IV. By Excluding Local Governments From Ongoing Aspects of Project Development, the EIR/EIS Does Not Fulfill CEQA and NEPA's Fundamental Purpose of Informed Decisionmaking and Public Participation**

The purpose of an EIR is not only to protect the environment but also to demonstrate to the public that it is being protected. By omitting or deferring evidence and analysis on issues of key importance to the City and others, including the development of mitigation measures necessary to avoid significant environmental impacts, the DEIR/DEIS and RDEIR/SDEIS fail to demonstrate to City residents that they and their environment are being protected. These problems are compounded by the CalWaterFix Project's elimination of any role for affected local governments in the ongoing governance of BDCP/CalWaterFix. This change excludes those most affected by the Project from participating in or understanding the important processes and decisions that the DEIR/DEIS and RDEIR/RDEIS rely on to excuse their lack of information about Project impacts and mitigation (i.e., adaptive management, facility design and construction, research, etc.). By allowing critical decision making processes such as the Real Time Operations Team to be dominated by South of Delta water supply interests<sup>2</sup> at the exclusion of local government, the CalWaterFix Project works an end run around CEQA and NEPA's fundamental purpose: informed decisionmaking and public participation.

#### **V. The Project is Inconsistent with the Delta Plan**

The State policy regarding the Delta, as set forth in the Delta Reform Act of 2009, states "it is the intent of the Legislature . . . to provide for a more reliable water supply for the state, to protect and enhance the quality of water supply from the Delta, and to establish a governance structure that will direct efforts across state agencies to develop a legally enforceable Delta Plan." (Wat. Code, § 85001(c).) To implement this policy, the Delta Plan requires that "covered actions," including the Project, demonstrate that they are consistent with all applicable Delta Plan policies as well as the State's coequal goals for the Delta of "providing a more reliable water supply for California" and "protecting, restoring and enhancing the Delta ecosystem." (Wat. Code, § 85054.) The Legislature's goal for a more reliable water supply includes areas in the Delta, and reliable water supplies for all beneficial uses, including cities and farmlands. The RDEIR/SDEIS fail to demonstrate the protection or enhancement of the quality of water supply from the Delta for users other than the BDCP/CalWaterFix proponents. Thus even assuming the Project may increase reliability of water supplies for South of Delta interests, its adverse effects on flows

---

<sup>2</sup> See, e.g., Appendix D, section 3.4.1.4.5 of the RDEIR/SDEIS.

Re: City of Stockton Comments on the Bay Delta Conservation Plan/California WaterFix Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS)

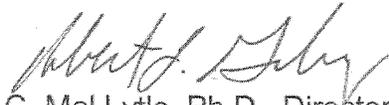
October 29, 2015

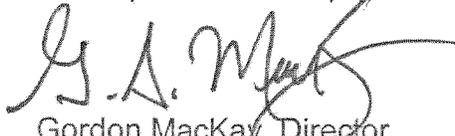
Page 6

and water quality threaten to reduce the reliability of water supply for Delta water users, including the City. Moreover, given the scale of the Project's known adverse effects, including but not limited to impacts to fish and water quality, it would be an abuse of discretion to conclude that the Project furthers the coequal goal of "protecting, restoring, and enhancing the Delta ecosystem."

## VI. Conclusion

For all the reasons stated herein, and in the City's July 28, 2014 comments on the DEIR/DEIS, and as amply demonstrated by the comments and criticism levied on the BDCP and CalWaterFix Project by federal resource agencies, the Delta Independent Science Board, local governments and nongovernmental organizations, the Project and accompanying environmental studies demonstrably fail to satisfy the requirements of CEQA and NEPA or the coequal goals for the Delta as established by the California Legislature. Because the BDCP/CalWaterFix fails to meet these standards, the City remains opposed to both the original project and the new alternatives, including the new preferred alternative 4A. Due to the numerous and overarching problems with the DEIR/DEIS and RDEIR/SDEIS, the only way to ensure that the City and other affected entities can understand the Project's impacts and meaningfully participate in the Project environmental review is for the state and federal lead agencies to start over and prepare a new draft EIR/EIS that addresses the concerns raised in comments on the DEIR/DEIS and RDEIR/SDEIS. So that the City can continue to participate in the development of adequate environmental documentation for the Project, please send the City any new or updated documents prepared pursuant to CEQA or NEPA. Also, please send the City any notices filed pursuant to those statutes, including any Notice of Determination (Pub. Resources Code §21092.2.)

*for*   
C. Mel Lytle, Ph.D., Director  
Municipal Utilities Department

  
Gordon MacKay, Director  
Public Works Department

  
David Kwong, Director  
Community Development Department

Re: City of Stockton Comments on the Bay Delta Conservation Plan/California  
WaterFix Recirculated Draft Environmental Impact Report/Supplemental Draft  
Environmental Impact Statement (RDEIR/SDEIS)

October 29, 2015

Page 7

cc: County Administrator  
Lodi City Manager  
Tracy City Manager  
Manteca City Manager  
Lathrop City Manager  
Ripon City Manager  
Escalon City Manager  
Stockton City Attorney  
COG  
Restore the Delta

---

**From:** Kelley Taber <ktaber@somachlaw.com>  
**Sent:** Thursday, October 29, 2015 2:50 PM  
**To:** BDCPcomments  
**Subject:** City of Stockton Comments on CalWaterFix RDEIR/SDEIS  
**Attachments:** image.gif; ATT00001.htm; mud@stocktonca.gov\_20151029\_135219.pdf; ATT00002.htm

To Cal WaterFix Project:

Attached please find comments on the Cal WaterFix RDEIR/SDEIS submitted on behalf of the City of Stockton.

**RIVER CHARTER SCHOOLS**  
**dba Delta Elementary Charter School**

P.O. Box 303  
Clarksburg, CA 95612

October 29, 2015

e-mailed to: BDCPComments@icfi.com on October 29, 2015

BDCP/California WaterFix Comments  
P.O. Box 1919  
Sacramento, CA 95812

Re: Comments to the Bay Delta Conservation Plan Draft RDEIR/SDEIS

BDCP Leadership and Comment Teams:

This letter constitutes the formal comments to the Revised Draft Environmental Impact Report and Draft Environmental Impact Statement (the “**Draft RDEIR/SDEIS**”) for public comment.

Throughout all of these comments, when impacts and/or effects are described or identified in any way, such impacts are to be deemed significant impacts for purposes of CEQA analysis, and such effects are deemed adverse effects for purposes of NEPA analysis. Also, throughout all of these comments the consideration needs to be given for the item to the extent it is still present in the proposed project.

### **Comments Regarding**

#### **Background and Environmental Justice of the RDEIR/SDEIS Impact on the Learning of Children in Meaningfully Greater Minority and Low Income Communities such as Clarksburg**

The Bay Delta Conservation Plan (“**BDCP**”) proposes to dramatically alter the way in which the Delta Elementary Charter School (“**DECS**”) meets its mission of delivering the finest education possible for its students meeting all state standards with a special emphasis on agriculture, music, art and project based learning. Its agricultural program in particular relies on the health of the local Clarksburg Ag community which is an integral part of making the Ag education happen at DECS. DECS provides this education to the 411 students it serves. (BDCP contains an erroneous enrollment figure which should be corrected.) DECS is located in Clarksburg in the Delta. Clarksburg, Hood and Courtland are three Delta communities that are “the small towns along the Sacramento River” where “meaningfully greater proportions of Hispanic residents are present”. DECS is a Clarksburg “Public School” funded almost exclusively with public funds. It educates all its students tuition free.

The noise during construction is a very serious issue for DECS this impact represents a disproportionate effect and is adverse. This is due to many years of

BDCP Comments  
BDCP Leadership and Comments Team  
October 29, 2015  
Page 2 of 7

---

enormous amount of pile driving strikes each day at each intake facility. DECS is 1/2 mile from Intake #2. This is a very significant impact and should not be neglected in the RDEIR/SDEIS. The pulsating noise from pile driving during the construction of Intake #2 will have a significant negative impact on the educational environment for students at DECS. The incessant pulsating noise to unacceptable levels during the school day will drastically impact their ability to attend to instruction and make academic progress. The distraction that this level of noise will cause will require constant teacher redirection which will decrease both time on task and instructional time overall. In addition to impeding the learning of typically developing students, the noise caused by the pile driving will have a profound effect on students with disabilities. At our school we have students with Autism Spectrum Disorders, Attention Deficit Disorders as well as students with other learning disabilities. Often, these students have sensory processing disorders and have difficulty being able to regulate their senses in the face of drastic change such as the spiking of noise levels with each pile driving strike. In addition, it is often difficult for students with these disabilities to attend to and focus on instruction in optimal environments, let alone when their senses are being overloaded by the proposed level of pulsating noise from seven plus years of pile driving 1/2 mile from the school. It should also be known that there are two other public schools in Clarksburg (Clarksburg Middle School & Delta High School) that will be similarly impacted. While we do not speak for these schools, the impact on the learning of the children in these schools should be analyzed as well. It is our professional opinion that pile driving 1/2 mile and more from DECS will significantly reduce the ability of our students to concentrate on their studies and progress in their learning and even more adversely impact those students in our population who have learning disabilities that make concentration a real challenge without multiple years of pile driving 1/2 mile away! We believe that it may be so adverse as to make functioning as a school impossible during the multi-year construction period.

We contend that the conclusion in the BDCP underlined above related to “feasibility” of mitigations is completely unacceptable. It indicates that mitigating for these impacts won’t be done as they are not feasible. It should be noted that the costs for BDCP have been estimated from a low of \$16 billion in the document to other estimates of over \$40 billion from various sources. That is a very broad cost range as well as being huge at either end. All elements necessary to achieving the goals of BDCP are accommodated even if it adds a few more billion dollars to the cost. However, a completely different standard is utilized when considering the mitigation of BDCP impacts (indicating that solving a large number of the problems BDCP causes isn’t feasible and therefore won’t be done). While those putting forth the BDCP, continue to contend that the residents and businesses in the Delta will benefit from BDCP, local residents and farmers many of whose families have made the Delta what it is today over as many as seven generations who have spoken at the vast majority of public hearings conducted over the last 5 or so years indicate quite the opposite. Accordingly, if the vast majority of the benefit from

BDCP Comments  
BDCP Leadership and Comments Team  
October 29, 2015  
Page 3 of 7  
-----

the BDCP will be outside of the Delta in the southern part of the state, and if it is so critical to be done for the good of those in the south, then the least that can be done is to make sure that citizens, businesses and farmers in the Delta are made whole from ALL the negative impacts of the project. And further, actually indicating in BDCP that it is assumed that many of the residents in Hood and other places close to facilities to be built may simply have to abandon their homes and not be compensated is not acceptable either. To do this is to deprive one group of people their property without compensation for others who then don't have to pay their fair share of the true cost of the BDCP.

In summary for this section, I ask that the standards used to determine what mitigations "are not feasible" be revisited and ensure that there is appropriate and adequate budget in BDCP to compensate ALL of those who will be deprived of the use of their property not just those that experience the legal "taking" of their property (being under a physical Intake Station that has to be taken under eminent domain.) More specifically an approach that should be considered follows: if the impacts of BDCP are not feasible to be mitigated for in a certain area and are within an area of unacceptable impact that would reasonably cause someone to leave their homes just to be able to live during the multi-year pile driving construction period or period of unacceptable impact, then they should be able to opt into having their property taken by eminent domain specified proximity outright or rendering it unusable. If this means compensation for "takes" outside of the normal standards for eminent domain then that must be done to not deprive property owners of the enjoyment of their property rights.

As it relates to DECS, we propose a solution to the sound problems caused by BDCP over a large number of years which is to build another school for use during the multi-year pile driving construction period close by that would be sound proof to the extent of not having the pile driving increase the sound in the class room or equivalent measures.

The mission and purpose of DECS is to provide a quality education to its students. In order to meet this mission and purpose DECS relies upon a number of existing physical and economic facts, including:

1. A system of roads and travel routes for bringing students to DECS as well as suppliers to bring purchased materials to the school;
2. The maintenance of existing levees and flood protection to reduce the risk of floods and the damage to DECS cause by inundation by water.

A number of State and federal entities are discussing formulating various devices, strategies, policies, habitat conservation plans, reports and other procedures (together, "**Plans**") which appear to have the potential to significantly and seriously disrupt or

BDCP Comments  
BDCP Leadership and Comments Team  
October 29, 2015  
Page 4 of 7  
-----

even prevent the DECS from accomplishing its mission and purpose by alteration of the physical and economic facts listed above. The BDCP is one example of one of these Plans currently under consideration.

This letter constitutes the formal comments to the Revised Draft Environmental Impact Report and Draft Environmental Impact Statement (the “**Draft RDEIR/SDEIS**”) for public comment.

Throughout all of these comments, when impacts and/or effects are described or identified in any way, such impacts are to be deemed significant impacts for purposes of CEQA analysis, and such effects are deemed adverse effects for purposes of NEPA analysis.

### **Comments Regarding Groundwater**

BDCP does not appear to address changes in water quality upon DECS operations. Poor water quality in groundwater, is believed to significantly and seriously deteriorate and negatively affect the efficiency of water use most importantly as drinking water in the school. The RDEIR/SDEIS must fully analyze serious and significant impacts and effects arising from changes in water quality upon DECS operations in order to be complete.

DECS relies to a great degree on groundwater through an existing well located on school property. The well supplying DECS water is within one-half mile of the project’s #2 water intake pumping station. BDCP needs to analyze and deal with the quality or quantity of ground water available or used by existing groundwater users as either impacts or effects as a result of any of the project alternatives. Further, it needs to provide a mechanism for an unbiased testing of water quality before the project commences so there will be a benchmark against which to measure the ultimate impact.

Specific to DECS, various project alternatives, must analyze the significant and substantial impacts or effects of lowered groundwater tables, and thus failures or significant or substantial loss of access to water.

### **Comments Regarding Socioeconomics**

The Socioeconomics of the Delta is founded on the belief that the “rural communities” of the Delta are the towns of the Delta, the collection of improvements lying within the historic townships in the Delta.

In truth, the Delta communities are composed of both the townships *together with* their surrounding agricultural lands, each in symbiotic relationship with the other. In the Clarksburg area this truth is illustrated by the almost weekly meetings,

BDCP Comments  
BDCP Leadership and Comments Team  
October 29, 2015  
Page 5 of 7

---

gatherings, two annual district parades, three annual community dinners at the district firehouse, two garden clubs, a boy scout troop that has consistently produced for many years one of the greatest number of Eagle Scouts on an annual basis in the United States of America, together with innumerable events at the schools, church, library, and with other community groups, all bringing together residents of both the town area of Clarksburg with the residents outside the town area, into one cohesive single community unit bound together with unified and common values, united traditions, and family histories going back on the same land as far as seven generations (“**Community Cohesion**”).

The Clarksburg community is also characterized by an important multi-cultural history. Whether it is the example of farmers who during the Second World War paid the taxes on the lands and building of their fellow Japanese farmers so they would not lose their land during internment, protection of the historic Japanese School, or the example of German POWs choosing to remain in the Delta upon their release in 1945, the Portuguese social hall (in the Lisbon District), the residents from Holland, in the area with the same name, or the large Hispanic population which participates in the life of the Delta, these facts and more demonstrate that the Delta community and its social fabric is not divided along the lines of township vs. non-township.

In the demographics, it important to note that only a part of West Sacramento lies within the Delta. The numbers offered for West Sacramento mislead because those numbers describe the whole of West Sacramento, not the Delta portion of the city. The Draft RDEIR/SDEIS ensure that data derived from outside the Delta is not offered as analysis of the Delta. Data should be limited to in-Delta residents, population, employment, etc. This same comment applies to cities and other areas which lie partly within the Delta, but the data for which is given for the entire city or area, not just the portion of the city or area which lies within the Delta.

The Draft RDEIR/SDEIS must mention or include at all in its analysis the 2001 Clarksburg General Plan, duly passed as an integral part of the Yolo County General Plan and is a matter of public record. As Yolo County is a cooperating agency and recognized arm of local government, the portions of its General Plan, specifically the 2001 Clarksburg General Plan, must be given the respect required by both state and federal law. The failure to include and analyze the 2001 Clarksburg General Plan is a fatal flaw.

## **Comments Regarding Transportation**

BDCP Comments  
BDCP Leadership and Comments Team  
October 29, 2015  
Page 6 of 7  
-----

The plan must address serious and significant impacts and effects of each of the Alternatives on the transportation network and routes relied upon by DECS to perform its mission.

The pavement conditions must be analyzed and ensure that damages during the multi-year construction are repaired to impact traffic to and from DECS. When 24-hour traffic diversions, and volunteer rerouting due to extremely heavy dump truck traffic to transport tunnel spoils and construction related vehicular, light equipment and heavy equipment trips, the Draft RDEIR/SDEIS must address how inadequate roads that are damaged will be repaired so as to not further fracture and degrade Community Cohesion.

Disruption of traffic operations inclusive of the parents bringing children to school and then getting them home must be addressed. Traffic rerouting, whether directed by governmental authority, or voluntary in nature as people change their transportation routes as a result of, and to avoid construction and operation impacts, will seriously impact and effect DECS

For example and in particular, but not by limitation, the admitted time of “at least 1 hour” delay due to construction over multiple years is not acceptable and needs to be addressed.

The project must analyze the serious impacts and effects of increased traffic, and in particular the serious impacts and effects of long periods of heavy equipment traffic, on the levee roads. Observable information related to the negative impact can be provided through actual observation of impacts in a home 60 feet away from the levee and 90 feet from Highway 160. The failure and omission of analysis of these issues must not happen.

### **Comments Regarding Public Services and Utilities**

The Draft RDEIR/SDEIS claims to describe the public services and utilities in the study area which may be affected by the construction, operations and maintenance of the action alternatives in the Plan Area.

Fire Protection and Emergency Response, must be to ensure that travel time for fire personnel is not impeded due to the reduced availability of a road network to get to the scene of an emergency. As the Clarksburg Fire Department is a volunteer fire department, the ability of the volunteers to get to the fire station over the roadway network is critical for a timely response to a fire at DECS.

### **Comments Regarding Public Health**

BDCP Comments  
BDCP Leadership and Comments Team  
October 29, 2015  
Page 7 of 7  
-----

The Draft RDEIR/SDEIS must take into account various flood potential, flood dangers, and flood risks. In particular, the Draft RDEIR/SDEIS in final form should include the Lower Sacramento River/Delta North Regional Flood Management Plan (July 2014), its findings, analysis, conclusions and recommendations. Flood risk, flood events, and high water events have been a significant and serious part of life at all levels in the Delta. Flood dangers and risks, and actual flood events, should be an integral part of each and every chapter of the Draft RDEIR/SDEIS. The lack of such analysis throughout and in every chapter would be a fatal flaw.

### **Comments Regarding Public Participation, Consultation and Coordination**

The public participation, consultation and coordination activities on the part of the preparers of the Draft RDEIR/SDEIS did not include any directed or specific outreach to DECS itself.

The largest outpouring of people coming to public meetings occurred in Clarksburg.

Although DECS is a major public entity in the Clarksburg area, the lack of outreach from the preparers of the Draft RDEIR/SDEIS to DECS, is a fatal flaw. DECS requests that the final RDEIR/SDEIS presentation clearly identify and show specifically all places where each and every one of the comments above is addressed.

Please contact me if you have any questions.

Very truly yours,  
DELTA ELEMENTARY CHARTER SCHOOL

By:   
Peter Stone, Chief Business Officer

**From:** Peter Stone <pstone@deltacharter.org>  
**Sent:** Thursday, October 29, 2015 2:49 PM  
**To:** BDCPcomments; BDCPcomments  
**Cc:** Steve Lewis; Darin Hall  
**Subject:** BDCP RDEIR/SDEIS Comments from River Charter Schools dba Delta Elementary Charter School  
**Attachments:** BDCP RCS DECS Comment Letter (signed)=== October 29, 2015.pdf

BDCP Leadership and Comments Team,

Attached are our Signed BDCP RDEIR/SDEIS Comments from River Charter Schools dba Delta Elementary Charter School.

Please confirm receipt.

Best regards,

Peter

I have reproduced an unsigned version below.

## **RIVER CHARTER SCHOOLS** **dba Delta Elementary Charter School**

P.O. Box 303  
Clarksburg, CA 95612

October 29, 2015

e-mailed to: BDCPComments@icfi.com on October 29, 2015

BDCP/California WaterFix Comments  
P.O. Box 1919  
Sacramento, CA 95812

Re: Comments to the Bay Delta Conservation Plan Draft RDEIR/SDEIS

BDCP Leadership and Comment Teams:

This letter constitutes the formal comments to the Revised Draft Environmental Impact Report and Draft Environmental Impact Statement (the "**Draft RDEIR/SDEIS**") for public comment.

Throughout all of these comments, when impacts and/or effects are described or identified in any way, such impacts are to be deemed significant impacts for purposes of CEQA analysis, and such effects are deemed adverse effects for purposes of NEPA analysis. Also, throughout all of these comments the consideration needs to be given for the item to the extent it is still present in the proposed project.

### **Comments Regarding**

#### **Background and Environmental Justice of the RDEIR/SDEIS Impact on the Learning of Children in Meaningfully Greater Minority and Low Income Communities such as Clarksburg**

The Bay Delta Conservation Plan ("**BDCP**") proposes to dramatically alter the way in which the Delta Elementary Charter School ("**DECS**") meets its mission of delivering the finest education possible for its students meeting all state standards with a special emphasis on agriculture, music, art and project based

learning. Its agricultural program in particular relies on the health of the local Clarksburg Ag community which is an integral part of making the Ag education happen at DECS. DECS provides this education to the 411 students it serves. (BDCP contains an erroneous enrollment figure which should be corrected.) DECS is located in Clarksburg in the Delta. Clarksburg, Hood and Courtland are three Delta communities that are “the small towns along the Sacramento River” where “meaningfully greater proportions of Hispanic residents are present”. DECS is a Clarksburg “Public School” funded almost exclusively with public funds. It educates all its students tuition free.

The noise during construction is a very serious issue for DECS this impact represents a disproportionate effect and is adverse. This is due to many years of enormous amount of pile driving strikes each day at each intake facility. DECS is 1/2 mile from Intake #2. This is a very significant impact and should not be neglected in the RDEIR/SDEIS. The pulsating noise from pile driving during the construction of Intake #2 will have a significant negative impact on the educational environment for students at DECS. The incessant pulsating noise to unacceptable levels during the school day will drastically impact their ability to attend to instruction and make academic progress. The distraction that this level of noise will cause will require constant teacher redirection which will decrease both time on task and instructional time overall. In addition to impeding the learning of typically developing students, the noise caused by the pile driving will have a profound effect on students with disabilities. At our school we have students with Autism Spectrum Disorders, Attention Deficit Disorders as well as students with other learning disabilities. Often, these students have sensory processing disorders and have difficulty being able to regulate their senses in the face of drastic change such as the spiking of noise levels with each pile driving strike. In addition, it is often difficult for students with these disabilities to attend to and focus on instruction in optimal environments, let alone when their senses are being overloaded by the proposed level of pulsating noise from seven plus years of pile driving 1/2 mile from the school. It should also be known that there are two other public schools in Clarksburg (Clarksburg Middle School & Delta High School) that will be similarly impacted. While we do not speak for these schools, the impact on the learning of the children in these schools should be analyzed as well. It is our professional opinion that pile driving 1/2 mile and more from DECS will significantly reduce the ability of our students to concentrate on their studies and progress in their learning and even more adversely impact those students in our population who have learning disabilities that make concentration a real challenge without multiple years of pile driving 1/2 mile away! We believe that it may be so adverse as to make functioning as a school impossible during the multi-year construction period.

We contend that the conclusion in the BDCP underlined above related to “feasibility” of mitigations is completely unacceptable. It indicates that mitigating for these impacts won’t be done as they are not feasible. It should be noted that the costs for BDCP have been estimated from a low of \$16 billion in the document to other estimates of over \$40 billion from various sources. That is a very broad cost range as well as being huge at either end. All elements necessary to achieving the goals of BDCP are accommodated even if it adds a few more billion dollars to the cost. However, a completely different standard is utilized when considering the mitigation of BDCP impacts (indicating that solving a large number of the problems BDCP causes isn’t feasible and therefore won’t be done). While those putting forth the BDCP, continue to contend that the residents and businesses in the Delta will benefit from BDCP, local residents and farmers many of whose families have made the Delta what it is today over as many as seven generations who have spoken at the vast majority of public hearings conducted over the last 5 or so years indicate quite the opposite. Accordingly, if the vast majority of the benefit from the BDCP will be outside of the Delta in the southern part of the state, and if it is so critical to be done for the good of those in the south, then the least that can be done is to make sure that citizens, businesses and farmers in the Delta are made whole from ALL the negative impacts of the project. And further, actually indicating in BDCP that it is assumed that many of the residents in Hood and other places close to facilities to be built may simply have to abandon their homes and not be compensated is not acceptable either. To do this is to deprive one group of people their property without compensation for others who then don’t have to pay their fair share of the true cost of the BDCP.

In summary for this section, I ask that the standards used to determine what mitigations “are not feasible” be revisited and ensure that there is appropriate and adequate budget in BDCP to compensate ALL of those who will be deprived of the use of their property not just those that experience the legal “taking” of their property (being under a physical Intake Station that has to be taken under eminent domain.) More specifically an approach that should be considered follows: if the impacts of BDCP are not feasible to be mitigated for in a

certain area and are within an area of unacceptable impact that would reasonably cause someone to leave their homes just to be able to live during the multi-year pile driving construction period or period of unacceptable impact, then they should be able to opt into having their property taken by eminent domain specified proximity outright or rendering it unusable. If this means compensation for “takes” outside of the normal standards for eminent domain then that must be done to not deprive property owners of the enjoyment of their property rights.

As it relates to DECS, we propose a solution to the sound problems caused by BDCP over a large number of years which is to build another school for use during the multi-year pile driving construction period close by that would be sound proof to the extent of not having the pile driving increase the sound in the class room or equivalent measures.

The mission and purpose of DECS is to provide a quality education to its students. In order to meet this mission and purpose DECS relies upon a number of existing physical and economic facts, including:

1. A system of roads and travel routes for bringing students to DECS as well as suppliers to bring purchased materials to the school;
2. The maintenance of existing levees and flood protection to reduce the risk of floods and the damage to DECS cause by inundation by water.

A number of State and federal entities are discussing formulating various devices, strategies, policies, habitat conservation plans, reports and other procedures (together, “**Plans**”) which appear to have the potential to significantly and seriously disrupt or even prevent the DECS from accomplishing its mission and purpose by alteration of the physical and economic facts listed above. The BDCP is one example of one of these Plans currently under consideration.

This letter constitutes the formal comments to the Revised Draft Environmental Impact Report and Draft Environmental Impact Statement (the “**Draft RDEIR/SDEIS**”) for public comment.

Throughout all of these comments, when impacts and/or effects are described or identified in any way, such impacts are to be deemed significant impacts for purposes of CEQA analysis, and such effects are deemed adverse effects for purposes of NEPA analysis.

### **Comments Regarding Groundwater**

BDCP does not appear to address changes in water quality upon DECS operations. Poor water quality in groundwater, is believed to significantly and seriously deteriorate and negatively affect the efficiency of water use most importantly as drinking water in the school. The RDEIR/SDEIS must fully analyze serious and significant impacts and effects arising from changes in water quality upon DECS operations in order to be complete.

DECS relies to a great degree on groundwater through an existing well located on school property. The well supplying DECS water is within one-half mile of the project’s #2 water intake pumping station. BDCP needs to analyze and deal with the quality or quantity of ground water available or used by existing groundwater users as either impacts or effects as a result of any of the project alternatives. Further, it needs to provide a mechanism for an unbiased testing of water quality before the project commences so there will be a benchmark against which to measure the ultimate impact.

Specific to DECS, various project alternatives, must analyze the significant and substantial impacts or effects of lowered groundwater tables, and thus failures or significant or substantial loss of access to water.

### **Comments Regarding Socioeconomics**

The Socioeconomics of the Delta is founded on the belief that the “rural communities” of the Delta are the towns of the Delta, the collection of improvements lying within the historic townships in the Delta.

In truth, the Delta communities are composed of both the townships *together with* their surrounding agricultural lands, each in symbiotic relationship with the other. In the Clarksburg area this truth is illustrated by the almost weekly meetings, gatherings, two annual district parades, three annual community dinners at the district firehouse, two garden clubs, a boy scout troop that has consistently produced for many years one of the greatest number of Eagle Scouts on an annual basis in the United States of America, together with innumerable events at the schools, church, library, and with other community groups, all bringing together residents of both the town area of Clarksburg with the residents outside the town area, into one cohesive single community unit bound together with unified and common values, united traditions, and family histories going back on the same land as far as seven generations ("**Community Cohesion**").

The Clarksburg community is also characterized by an important multi-cultural history. Whether it is the example of farmers who during the Second World War paid the taxes on the lands and building of their fellow Japanese farmers so they would not lose their land during internment, protection of the historic Japanese School, or the example of German POWs choosing to remain in the Delta upon their release in 1945, the Portuguese social hall (in the Lisbon District), the residents from Holland, in the area with the same name, or the large Hispanic population which participates in the life of the Delta, these facts and more demonstrate that the Delta community and its social fabric is not divided along the lines of township vs. non-township.

In the demographics, it important to note that only a part of West Sacramento lies within the Delta. The numbers offered for West Sacramento mislead because those numbers describe the whole of West Sacramento, not the Delta portion of the city. The Draft RDEIR/SDEIS ensure that data derived from outside the Delta is not offered as analysis of the Delta. Data should be limited to in-Delta residents, population, employment, etc. This same comment applies to cities and other areas which lie partly within the Delta, but the data for which is given for the entire city or area, not just the portion of the city or area which lies within the Delta.

The Draft RDEIR/SDEIS must mention or include at all in its analysis the 2001 Clarksburg General Plan, duly passed as an integral part of the Yolo County General Plan and is a matter of public record. As Yolo County is a cooperating agency and recognized arm of local government, the portions of its General Plan, specifically the 2001 Clarksburg General Plan, must be given the respect required by both state and federal law. The failure to include and analyze the 2001 Clarksburg General Plan is a fatal flaw.

### **Comments Regarding Transportation**

The plan must address serious and significant impacts and effects of each of the Alternatives on the transportation network and routes relied upon by DECS to perform its mission.

The pavement conditions must be analyzed and ensure that damages during the multi-year construction are repaired to impact traffic to and from DECS. When 24-hour traffic diversions, and volunteer rerouting due to extremely heavy dump truck traffic to transport tunnel spoils and construction related vehicular, light equipment and heavy equipment trips, the Draft RDEIR/SDEIS must address how inadequate roads that are damaged will be repaired so as to not further fracture and degrade Community Cohesion.

Disruption of traffic operations inclusive of the parents bringing children to school and then getting them home must be addressed. Traffic rerouting, whether directed by governmental authority, or voluntary in nature as people change their transportation routes as a result of, and to avoid construction and operation impacts, will seriously impact and effect DECS

For example and in particular, but not by limitation, the admitted time of "at least 1 hour" delay due to construction over multiple years is not acceptable and needs to be addressed.

The project must analyze the serious impacts and effects of increased traffic, and in particular the serious impacts and effects of long periods of heavy equipment traffic, on the levee roads. Observable information related to the negative impact can be provided through actual observation of impacts in a home 60 feet away from the levee and 90 feet from Highway 160. The failure and omission of analysis of these issues must not happen.

## Comments Regarding Public Services and Utilities

The Draft RDEIR/SDEIS claims to describe the public services and utilities in the study area which may be affected by the construction, operations and maintenance of the action alternatives in the Plan Area.

Fire Protection and Emergency Response, must be to ensure that travel time for fire personnel is not impeded due to the reduced availability of a road network to get to the scene of an emergency. As the Clarksburg Fire Department is a volunteer fire department, the ability of the volunteers to get to the fire station over the roadway network is critical for a timely response to a fire at DECS.

## Comments Regarding Public Health

The Draft RDEIR/SDEIS must take into account various flood potential, flood dangers, and flood risks. In particular, the Draft RDEIR/SDEIS in final form should include the Lower Sacramento River/Delta North Regional Flood Management Plan (July 2014), its findings, analysis, conclusions and recommendations. Flood risk, flood events, and high water events have been a significant and serious part of life at all levels in the Delta. Flood dangers and risks, and actual flood events, should be an integral part of each and every chapter of the Draft RDEIR/SDEIS. The lack of such analysis throughout and in every chapter would be a fatal flaw.

## Comments Regarding Public Participation, Consultation and Coordination

The public participation, consultation and coordination activities on the part of the preparers of the Draft RDEIR/SDEIS did not include any directed or specific outreach to DECS itself.

The largest outpouring of people coming to public meetings occurred in Clarksburg.

Although DECS is a major public entity in the Clarksburg area, the lack of outreach from the preparers of the Draft RDEIR/SDEIS to DECS, is a fatal flaw. DECS requests that the final RDEIR/SDEIS presentation clearly identify and show specifically all places where each and every one of the comments above is addressed.

Please contact me if you have any questions.

Very truly yours,  
DELTA ELEMENTARY CHARTER SCHOOL

By: \_\_\_\_\_  
Peter Stone, Chief Business Officer

**Peter Stone** | Chief Business Officer | **River Charter Schools**  
Cell (916) 744 -1956 | [pstone@deltacharter.org](mailto:pstone@deltacharter.org)  
District Mail - PO Box 303 Clarksburg, CA 95612



Delta Elementary Charter School & Lighthouse Charter School

REC-RC 2497

**Peter Stone**  
**8941 River Road**  
Sacramento, CA 95832

October 29, 2015

e-mailed to: BDCPComments@icfi.com on October 29, 2015

BDCP/California WaterFix Comments  
P.O. Box 1919  
Sacramento, CA 95812

Re: Comments to the Bay Delta Conservation Plan Draft RDEIR/SDEIS

BDCP Leadership and Comment Teams:

This letter constitutes my formal comments to the Revised Draft Environmental Impact Report and Draft Environmental Impact Statement (the “**Draft RDEIR/SDEIS**”) for public comment.

Throughout all of these comments, when impacts and/or effects are described or identified in any way, such impacts are to be deemed significant impacts for purposes of CEQA analysis, and such effects are deemed adverse effects for purposes of NEPA analysis. Also, throughout all of these comments the consideration needs to be given for the item to the extent it is still present in the proposed project.

### **Comments Regarding**

#### **Background and Environmental Justice of the RDEIR/SDEIS Impact on the Learning of Children in Meaningfully Greater Minority and Low Income Communities such as Clarksburg**

The Bay Delta Conservation Plan (“**BDCP**”) proposes to dramatically alter the way homeowners in the Delta live during and after the multi-year construction period.

The noise during construction is a very serious issue for me and homeowners in this area. The impact represents a disproportionate effect and is adverse. This is due to many years of enormous amount of pile driving strikes each day at each intake facility. My home is about 1 mile from Intake #2. This is a very significant impact and should not be neglected in the RDEIR/SDEIS. The pulsating noise from pile driving during the construction of Intake #2 will have a significant negative impact on me and fellow homeowners.

I contend that the conclusion in the BDCP underlined above related to “feasibility” of mitigations is completely unacceptable. It indicates that mitigating for these impacts won’t be done as they are not feasible. It should be noted that the costs for BDCP have been estimated from a low of \$16 billion in the document to other estimates of over \$40 billion from various sources. That is a very broad cost range as well as being huge at either end. All elements necessary to achieving the goals of BDCP are accommodated

BDCP Comments  
BDCP Leadership and Comments Team  
October 29, 2015  
Page 2 of 6

---

even if it adds a few more billion dollars to the cost. However, a completely different standard is utilized when considering the mitigation of BDCP impacts (indicating that solving a large number of the problems BDCP causes isn't feasible and therefore won't be done). While those putting forth the BDCP, continue to contend that the residents and businesses in the Delta will benefit from BDCP, local residents and farmers many of whose families have made the Delta what it is today over as many as seven generations who have spoken at the vast majority of public hearings conducted over the last 5 or so years indicate quite the opposite. Accordingly, if the vast majority of the benefit from the BDCP will be outside of the Delta in the southern part of the state, and if it is so critical to be done for the good of those in the south, then the least that can be done is to make sure that citizens, businesses and farmers in the Delta are made whole from ALL the negative impacts of the project. And further, actually indicating in BDCP that it is assumed that many of the residents in Hood and other places close to facilities to be built may simply have to abandon their homes and not be compensated is not acceptable either. To do this is to deprive one group of people their property without compensation from others who then don't have to pay their fair share of the true cost of the BDCP.

In summary for this section, I ask that the standards used to determine what mitigations "are not feasible" be revisited and ensure that there is appropriate and adequate budget in BDCP to compensate ALL of those who will be deprived of the use of their property not just those that experience the legal "taking" of their property (being under a physical Intake Station that has to be taken under eminent domain.) More specifically an approach that should be considered follows: if the impacts of BDCP are not feasible to be mitigated for in a certain area and are within an area of unacceptable impact that would reasonably cause someone to leave their homes just to be able to live during the multi-year pile driving construction period or period of unacceptable impact, then they should be able to opt into having their property taken by eminent domain specified proximity outright or rendering it unusable. If this means compensation for "takes" outside of the normal standards for eminent domain then that must be done to not deprive property owners of the enjoyment of their property rights.

Enjoying the benefits of living in the Delta relies upon a number of existing physical and economic facts, including:

1. A system of roads and travel routes to drive to and from my home as well as suppliers to bring purchased materials to my home;
2. The maintenance of existing levees and flood protection to reduce the risk of floods and the damage to my home caused by inundation by water.

BDCP Comments  
BDCP Leadership and Comments Team  
October 29, 2015  
Page 3 of 6

---

A number of State and federal entities are discussing formulating various devices, strategies, policies, habitat conservation plans, reports and other procedures (together, “Plans”) which appear to have the potential to significantly and seriously disrupt or even prevent me from a rightful enjoyment of my property by alteration of the physical and economic facts listed above. The BDCP is one example of one of these Plans currently under consideration.

This letter constitutes the formal comments to the Revised Draft Environmental Impact Report and Draft Environmental Impact Statement (the “**Draft RDEIR/SDEIS**”) for public comment.

Throughout all of these comments, when impacts and/or effects are described or identified in any way, such impacts are to be deemed significant impacts for purposes of CEQA analysis, and such effects are deemed adverse effects for purposes of NEPA analysis.

### **Comments Regarding Groundwater**

BDCP does not appear to address changes in water quality upon me and other homeowners. Poor water quality in groundwater, is believed to significantly and seriously deteriorate and negatively affect the efficiency of water use most importantly as drinking water in the home. The RDEIR/SDEIS must fully analyze serious and significant impacts and effects arising from changes in water quality upon me and other homeowners particularly during the de-watering required to build the tunnels.

I rely totally on groundwater through an existing well located on my property. The well supplying my home water is within one mile of the project’s #2 water intake pumping station. BDCP needs to analyze and deal with the quality or quantity of ground water available or used by existing groundwater users as either impacts or effects as a result of any of the project alternatives. Further, it needs to provide a mechanism for an unbiased testing of water quality before the project commences so there will be a benchmark against which to measure the ultimate impact.

Specific to my home, various project alternatives, must analyze the significant and substantial impacts or effects of lowered groundwater tables, and thus failures or significant or substantial loss of access to water.

### **Comments Regarding Socioeconomics**

The Socioeconomics of the Delta is founded on the belief that the “rural communities” of the Delta are the towns of the Delta, the collection of improvements lying within the historic townships in the Delta.

BDCP Comments  
BDCP Leadership and Comments Team  
October 29, 2015  
Page 4 of 6  
-----

In truth, the Delta communities are composed of both the townships *together with* their surrounding agricultural lands, each in symbiotic relationship with the other. In the Clarksburg area this truth is illustrated by the almost weekly meetings, gatherings, two annual district parades, three annual community dinners at the district firehouse, two garden clubs, a boy scout troop that has consistently produced for many years one of the greatest number of Eagle Scouts on an annual basis in the United States of America, together with innumerable events at the schools, church, library, and with other community groups, all bringing together residents of both the town area of Clarksburg with the residents outside the town area, into one cohesive single community unit bound together with unified and common values, united traditions, and family histories going back on the same land as far as seven generations (“**Community Cohesion**”).

The Clarksburg community is also characterized by an important multi-cultural history. Whether it is the example of farmers who during the Second World War paid the taxes on the lands and building of their fellow Japanese farmers so they would not lose their land during internment, protection of the historic Japanese School, or the example of German POWs choosing to remain in the Delta upon their release in 1945, the Portuguese social hall (in the Lisbon District), the residents from Holland, in the area with the same name, or the large Hispanic population which participates in the life of the Delta, these facts and more demonstrate that the Delta community and its social fabric is not divided along the lines of township vs. non-township.

In the demographics, it important to note that only a part of West Sacramento lies within the Delta. The numbers offered for West Sacramento mislead because those numbers describe the whole of West Sacramento, not the Delta portion of the city. The Draft RDEIR/SDEIS ensure that data derived from outside the Delta is not offered as analysis of the Delta. Data should be limited to in-Delta residents, population, employment, etc. This same comment applies to cities and other areas which lie partly within the Delta, but the data for which is given for the entire city or area, not just the portion of the city or area which lies within the Delta.

### **Comments Regarding Transportation**

The plan must address serious and significant impacts and effects of each of the Alternatives on the transportation network and routes relied upon by me and other homeowners to get to and from work and other transportation needs with reasonable timelines.

BDCP Comments  
BDCP Leadership and Comments Team  
October 29, 2015  
Page 5 of 6  
-----

The pavement conditions must be analyzed and ensure that damages during the multi-year construction are repaired to not impact traffic to and from my and other homes. When 24-hour traffic diversions, and volunteer rerouting due to extremely heavy dump truck traffic to transport tunnel spoils and construction related vehicular, light equipment and heavy equipment trips, the Draft RDEIR/SDEIS must address how inadequate roads that are damaged will be repaired so as to not further fracture and degrade traffic flows.

For example and in particular, but not by limitation, the admitted time of “at least 1 hour” delay due to construction over multiple years is not acceptable and needs to be addressed.

The project must analyze the serious impacts and effects of increased traffic, and in particular the serious impacts and effects of long periods of heavy equipment traffic, on the levee roads. Observable information related to the negative impact can be provided through actual observation at my home of impacts in a my home which is 60 feet away from the levee and 90 feet from Highway 160. The failure and omission of analysis of these issues must not happen.

### **Comments Regarding Public Services and Utilities**

The Draft RDEIR/SDEIS claims to describe the public services and utilities in the study area which may be affected by the construction, operations and maintenance of the action alternatives in the Plan Area.

Fire Protection and Emergency Response, must be to ensure that travel time for fire personnel is not impeded due to the reduced availability of a road network to get to the scene of an emergency. As the Courtland Fire Department is a volunteer fire department, the ability of the volunteers to get to the fire station and up and down River Road is critical for a timely response to a fire at mine and neighbors' homes.

### **Comments Regarding Public Health**

The Draft RDEIR/SDEIS must take into account various flood potential, flood dangers, and flood risks. In particular, the Draft RDEIR/SDEIS in final form should include the Lower Sacramento River/Delta North Regional Flood Management Plan (July 2014), its findings, analysis, conclusions and recommendations. Flood risk, flood events, and high water events have been a significant and serious part of life at all levels in the Delta. Flood dangers and risks, and actual flood events, should be an integral part of each and every chapter of the Draft RDEIR/SDEIS. The lack of such analysis throughout and in every chapter would be a fatal flaw.

BDCP Comments  
BDCP Leadership and Comments Team  
October 29, 2015  
Page 6 of 6  
-----

Please contact me if you have any questions and with your responses to my comments and concerns.

Very truly yours,

By:   
Peter Stone, Home Owner 8941 River Road

---

**From:** Peter Stone <peterwesleystone@gmail.com>  
**Sent:** Thursday, October 29, 2015 3:19 PM  
**To:** BDCPcomments  
**Subject:** BDCP RDEIR/SDEIS Comments from Peter Stone  
**Attachments:** BDCP Peter Stone Comment Letter (signed)=== October 29, 2015.pdf

**BDCP Leadership and Comments Team,**

**Attached are our Signed BDCP RDEIR/SDEIS Comments from River Charter Schools dba Delta Elementary Charter School.**

**Please confirm receipt.**

**Best regards,**

**Peter**

**I have reproduced an unsigned version below.**

**Peter Stone**

**8941 River Road**

Sacramento, CA 95832

October 29, 2015

e-mailed to: [BDCPComments@icfi.com](mailto:BDCPComments@icfi.com) on October 29, 2015

BDCP/California WaterFix Comments  
P.O. Box 1919  
Sacramento, CA 95812

Re: Comments to the Bay Delta Conservation Plan Draft RDEIR/SDEIS

BDCP Leadership and Comment Teams:

This letter constitutes my formal comments to the Revised Draft Environmental Impact Report and Draft Environmental Impact Statement (the “**Draft RDEIR/SDEIS**”) for public comment.

Throughout all of these comments, when impacts and/or effects are described or identified in any way, such impacts are to be deemed significant impacts for purposes of CEQA analysis, and such effects are deemed adverse effects for purposes of NEPA analysis. Also, throughout all of these comments the consideration needs to be given for the item to the extent it is still present in the proposed project.

## **Comments Regarding**

### **Background and Environmental Justice of the RDEIR/SDEIS**

#### **Impact on the Learning of Children in Meaningfully Greater Minority and Low Income Communities such as Clarksburg**

The Bay Delta Conservation Plan (“**BDCP**”) proposes to dramatically alter the way homeowners in the Delta live during and after the multi-year construction period.

The noise during construction is a very serious issue for me and homeowners in this area. The impact represents a disproportionate effect and is adverse. This is due to many years of enormous amount of pile driving strikes each day at each intake facility. My home is about 1 mile from Intake #2. This is a very significant impact and should not be neglected in the RDEIR/SDEIS. The pulsating noise from pile driving during the construction of Intake #2 will have a significant negative impact on me and fellow homeowners.

I contend that the conclusion in the BDCP underlined above related to “feasibility” of mitigations is completely unacceptable. It indicates that mitigating for these impacts won’t be done as they are not feasible. It should be noted that the costs for BDCP have been estimated from a low of \$16 billion in the document to other estimates of over \$40 billion from various sources. That is a very broad cost range as well as being huge at either end. All elements necessary to achieving the goals of BDCP are accommodated even if it adds a few more billion dollars to the cost. However, a completely different standard is utilized when considering the mitigation of BDCP impacts (indicating that solving a large number of the problems BDCP causes isn’t feasible and therefore won’t be done). While those putting forth the BDCP, continue to contend that the residents and businesses in the Delta will benefit from BDCP, local residents and farmers many of whose families have made the Delta what it is today over

as many as seven generations who have spoken at the vast majority of public hearings conducted over the last 5 or so years indicate quite the opposite. Accordingly, if the vast majority of the benefit from the BDCP will be outside of the Delta in the southern part of the state, and if it is so critical to be done for the good of those in the south, then the least that can be done is to make sure that citizens, businesses and farmers in the Delta are made whole from ALL the negative impacts of the project. And further, actually indicating in BDCP that it is assumed that many of the residents in Hood and other places close to facilities to be built may simply have to abandon their homes and not be compensated is not acceptable either. To do this is to deprive one group of people their property without compensation from others who then don't have to pay their fair share of the true cost of the BDCP.

In summary for this section, I ask that the standards used to determine what mitigations "are not feasible" be revisited and ensure that there is appropriate and adequate budget in BDCP to compensate ALL of those who will be deprived of the use of their property not just those that experience the legal "taking" of their property (being under a physical Intake Station that has to be taken under eminent domain.) More specifically an approach that should be considered follows: if the impacts of BDCP are not feasible to be mitigated for in a certain area and are within an area of unacceptable impact that would reasonably cause someone to leave their homes just to be able to live during the multi-year pile driving construction period or period of unacceptable impact, then they should be able to opt into having their property taken by eminent domain specified proximity outright or rendering it unusable. If this means compensation for "takes" outside of the normal standards for eminent domain then that must be done to not deprive property owners of the enjoyment of their property rights.

Enjoying the benefits of living in the Delta relies upon a number of existing physical and economic facts, including:

1. A system of roads and travel routes to drive to and from my home as well as suppliers to bring purchased materials to my home;
2. The maintenance of existing levees and flood protection to reduce the risk of floods and the damage to my home caused by inundation by water.

A number of State and federal entities are discussing formulating various devices, strategies, policies, habitat conservation plans, reports and other procedures (together, "**Plans**") which appear to have the potential to significantly and seriously disrupt or even prevent me from a rightful enjoyment of my property by alteration of the physical and economic facts listed above. The BDCP is one example of one of these Plans currently under consideration.

This letter constitutes the formal comments to the Revised Draft Environmental Impact Report and Draft Environmental Impact Statement (the “**Draft RDEIR/SDEIS**”) for public comment.

Throughout all of these comments, when impacts and/or effects are described or identified in any way, such impacts are to be deemed significant impacts for purposes of CEQA analysis, and such effects are deemed adverse effects for purposes of NEPA analysis.

### **Comments Regarding Groundwater**

BDCP does not appear to address changes in water quality upon me and other homeowners. Poor water quality in groundwater, is believed to significantly and seriously deteriorate and negatively affect the efficiency of water use most importantly as drinking water in the home. The RDEIR/SDEIS must fully analyze serious and significant impacts and effects arising from changes in water quality upon me and other homeowners particularly during the de-watering required to build the tunnels.

I rely totally on groundwater through an existing well located on my property. The well supplying my home water is within one mile of the project’s #2 water intake pumping station. BDCP needs to analyze and deal with the quality or quantity of ground water available or used by existing groundwater users as either impacts or effects as a result of any of the project alternatives. Further, it needs to provide a mechanism for an unbiased testing of water quality before the project commences so there will be a benchmark against which to measure the ultimate impact.

Specific to my home, various project alternatives, must analyze the significant and substantial impacts or effects of lowered groundwater tables, and thus failures or significant or substantial loss of access to water.

### **Comments Regarding Socioeconomics**

The Socioeconomics of the Delta is founded on the belief that the “rural communities” of the Delta are the towns of the Delta, the collection of improvements lying within the historic townships in the Delta.

In truth, the Delta communities are composed of both the townships *together with* their surrounding agricultural lands, each in symbiotic relationship with the other. In the Clarksburg area this truth is illustrated by the almost weekly meetings, gatherings, two annual district parades, three annual community dinners at the district firehouse, two garden clubs, a boy scout troop that has consistently produced for many years one of the greatest number of Eagle Scouts on an annual basis

in the United States of America, together with innumerable events at the schools, church, library, and with other community groups, all bringing together residents of both the town area of Clarksburg with the residents outside the town area, into one cohesive single community unit bound together with unified and common values, united traditions, and family histories going back on the same land as far as seven generations (“**Community Cohesion**”).

The Clarksburg community is also characterized by an important multi-cultural history. Whether it is the example of farmers who during the Second World War paid the taxes on the lands and building of their fellow Japanese farmers so they would not lose their land during internment, protection of the historic Japanese School, or the example of German POWs choosing to remain in the Delta upon their release in 1945, the Portuguese social hall (in the Lisbon District), the residents from Holland, in the area with the same name, or the large Hispanic population which participates in the life of the Delta, these facts and more demonstrate that the Delta community and its social fabric is not divided along the lines of township vs. non-township.

In the demographics, it important to note that only a part of West Sacramento lies within the Delta. The numbers offered for West Sacramento mislead because those numbers describe the whole of West Sacramento, not the Delta portion of the city. The Draft RDEIR/SDEIS ensure that data derived from outside the Delta is not offered as analysis of the Delta. Data should be limited to in-Delta residents, population, employment, etc. This same comment applies to cities and other areas which lie partly within the Delta, but the data for which is given for the entire city or area, not just the portion of the city or area which lies within the Delta.

## **Comments Regarding Transportation**

The plan must address serious and significant impacts and effects of each of the Alternatives on the transportation network and routes relied upon by me and other homeowners to get to and from work and other transportation needs with reasonable timelines.

The pavement conditions must be analyzed and ensure that damages during the multi-year construction are repaired to not impact traffic to and from my and other homes. When 24-hour traffic diversions, and volunteer rerouting due to extremely heavy dump truck traffic to transport tunnel spoils and construction related vehicular, light equipment and heavy equipment trips, the Draft RDEIR/SDEIS must address how inadequate roads that are damaged will be repaired so as to not further fracture and degrade traffic flows.

For example and in particular, but not by limitation, the admitted time of “at least 1 hour” delay due to construction over multiple years is not acceptable and needs to be addressed.

The project must analyze the serious impacts and effects of increased traffic, and in particular the serious impacts and effects of long periods of heavy equipment traffic, on the levee roads. Observable information related to the negative impact can be provided through actual observation at my home of impacts in a my home which is 60 feet away from the levee and 90 feet from Highway 160. The failure and omission of analysis of these issues must not happen.

### **Comments Regarding Public Services and Utilities**

The Draft RDEIR/SDEIS claims to describe the public services and utilities in the study area which may be affected by the construction, operations and maintenance of the action alternatives in the Plan Area.

Fire Protection and Emergency Response, must be to ensure that travel time for fire personnel is not impeded due to the reduced availability of a road network to get to the scene of an emergency. As the Courtland Fire Department is a volunteer fire department, the ability of the volunteers to get to the fire station and up and down River Road is critical for a timely response to a fire at mine and neighbors' homes.

### **Comments Regarding Public Health**

The Draft RDEIR/SDEIS must take into account various flood potential, flood dangers, and flood risks. In particular, the Draft RDEIR/SDEIS in final form should include the Lower Sacramento River/Delta North Regional Flood Management Plan (July 2014), its findings, analysis, conclusions and recommendations. Flood risk, flood events, and high water events have been a significant and serious part of life at all levels in the Delta. Flood dangers and risks, and actual flood events, should be an integral part of each and every chapter of the Draft RDEIR/SDEIS. The lack of such analysis throughout and in every chapter would be a fatal flaw.

Please contact me if you have any questions and with your responses to my comments and concerns.

Very truly yours,

By: \_\_\_\_\_

Peter Stone, Home Owner 8941 River Road

--

**PETER WESLEY STONE**

Sacramento, California

p: 916.744.1111 | m: 916.744.1956

e-mail: [peterwesleystone@gmail.com](mailto:peterwesleystone@gmail.com)

LinkedIn: <http://www.linkedin.com/in/peterwesleystone>

---

**From:** Ackley, Linda@DWR <Linda.Ackley@water.ca.gov>  
**Sent:** Thursday, October 29, 2015 3:31 PM  
**To:** BDCPcomments  
**Subject:** BDCP Email Updates

Please add me to the distribution list for email updates for CWF/BDCP.  
Thanks!

Linda Ackley  
Attorney IV  
California Department of Water Resources  
1416 Ninth Street, Suite 1118  
Sacramento, CA 95814  
916-653-7485 office  
916-708-4750 cell  
<http://www.saveourh2o.org/>  
<http://www.water.ca.gov/>



---

**From:** Bill Wells <commodorewells@msn.com>  
**Sent:** Thursday, October 29, 2015 4:08 PM  
**To:** BDCPcomments  
**Subject:** Comments for California Water Fix  
**Attachments:** 10 29 2015 Water Fix Comments002.pdf; 10 29 2015 Water Fix Comments001.pdf

The California Delta Chambers & Visitor's Bureau respectfully submits these comments in opposition to diverting the Sacramento River around the California Delta.

*Bill*

Bill Wells  
Executive Director  
California Delta Chambers & Visitor's Bureau  
PO Box 1118  
Rio Vista, CA 94571

Phone: 916-777-4041  
[www.californiadelta.org](http://www.californiadelta.org)

[www.yachtsmanmagazine.com](http://www.yachtsmanmagazine.com)

<https://www.facebook.com/California-Delta-Chambers-and-Visitors-Bureau-166428917257/timeline/>

"Defending the California Delta since 1969"



P.O. Box 1118 • Rio Vista, CA 94571 • Phone (916) 777-4041 • Fax (916) 777-4042  
Email: info@californiadelta.org • www.californiadelta.org

October 29, 2015

**RE: California Water Fix / BDCP**

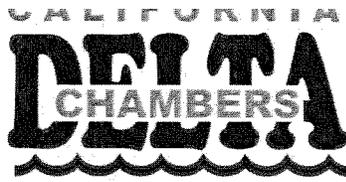
The California Delta Chambers & Visitor's Bureau is opposed to diverting the Sacramento River around the Delta. The California Delta is a national treasure and the largest estuary on the West Coast of the Americas since the Colorado River Delta was destroyed by excessive water exports. In human history there has never been a diversion of this scale that has not destroyed the parent waterway. Examples abound in California Tulare Lake, Buena Vista Lake, Owens "Dry" Lake, & Mono Lake to name several. The Colorado River was once navigable to Yuma and beyond, now after decades of water exports the Colorado Delta is a desert filled with invasive plant life and brackish water.

John Laird, Mark Cowin, and proponents from the Natural Resources Agency and the Department of Water Resources say the "Water Fix" is about increasing the reliability of the water supply exported but both (depending on their audience) have gone on record as saying exports would increase when the twin tunnels come online. This would be devastating to the Delta and cause salt water to intrude further into the Delta as well as increase the proliferation of invasive plants due to lower water flows. The twin tunnels are not replacing the diversion points in Tracy but are supplemental to them.

The above are the obvious problems, there are many more problems and concerns, we see no benefit to any business, resident, or visitors to the region. Construction will take some ten years or more with hundreds of tons of diesel exhaust and soot blanketing the area. The noise will be very disruptive to residents with construction going on day and night. Residents and visitors will be competing with project trucks on narrow Delta roadways, traffic jams will be endemic along with the potential for more traffic accidents.

The only groups that will benefit from this mother of all boondoggles will be the consultants working on the plan and the water exporters that have developed a dependency on Delta water. Unless these users develop sources for new water they will continue to demand more exports from the Delta.

The tunnels themselves are ill-conceived, boring through local farmlands, Indian burial grounds, and wildlife habitat. The proposed tunnels are to be held together with "gaskets and dowels" a method that will not survive a major earthquake or even land subsidence.



RECJRC 2500

P.O. Box 1118 • Rio Vista, CA 94571 • Phone (916) 777-4041 • Fax (916) 777-4042  
Email: [info@californiadelta.org](mailto:info@californiadelta.org) • [www.californiadelta.org](http://www.californiadelta.org)

It appears the Natural Resources Agency pays the PR person promoting the project as much as they pay the deputy secretary for the Bay Delta Conservation Plan charged with guiding the project. The agency has also hired ghost writers to attack local journalists who oppose diverting the river.

We urge a complete stop to the project until other more practical alternatives are considered. We also urge a complete audit of the Natural Resources Agency. There has been a high degree of secrecy associated with this project and while it appears somewhere between \$175 million and \$250 million has been expended on the project so far there are consistent rumors that the state's general fund is being tapped into to finance the continuing costs.

Feel free to contact me at [info@californiadelta.org](mailto:info@californiadelta.org) or 916-777-4041 if you would like any more information on this destructive and expensive project.

Best Regards,

Bill Wells  
Executive Director

A handwritten signature in black ink, appearing to read "Bill Wells". The signature is fluid and cursive, with a large initial "B" and "W".

October 28, 2015

BDCP/WaterFix Comments  
 P.O. Box 1919,  
 Sacramento, CA 95812  
[BDCPComments@icfi.com](mailto:BDCPComments@icfi.com)

RE: **Oppose the Delta Tunnels/California Water Fix (Alternative 4A)**

On behalf of the San Joaquin County Hispanic Chamber of Commerce (SJCHCC), I am writing to express our strong opposition to the proposed Delta Tunnels/ California Water Fix (Alternative 4A). SJCHCC was formed in 1972 and remains the largest Hispanic business organization in San Joaquin County and a founding charter of both the California Hispanic Chambers of Commerce and the U.S. Hispanic Chamber of Commerce. The purpose of SJCHCC is to create, promote and enhance business and to provide legislative leadership for our membership and constituency.

In addition to our direct membership, SJCHCC represents over 7,000 Hispanic-owned businesses within the county, many of which are small or disadvantaged, and depend on accessibility to good quality water from the Delta not only for their quality of life but to sustain their livelihood through the economic and industrial eco-systems the Delta currently provides. County-wide, Latinos represent over 40% of the population and heavily employed in the major areas of industry directly impacted by the Alternative 4A proposal including agriculture, transportation and recreation.

The San Joaquin County economy is directly tied to the Delta as a water source for its major industries including agriculture which has direct impacts to the warehousing, distribution and processing of agricultural products in our region. Metropolitan business will also feel the adverse impacts of the plan as they rely on the Delta and agricultural industry to drive construction, retail and tourism. Salinity intrusion is already impacting the western Delta farms and removing Sacramento River freshwater from the system will make matters worse. Delta farmers cannot irrigate crops with salt water and they certainly cannot plant crops in contaminated soils. The Delta Ag economy, which consists of generations of family farms and farm workers, generates \$5.2 billion for the California economy, annually.

The Delta tunnels will result in a water supply that will become unusable by most industries and adversely, local utilities (which represent yet another major employment source for residents of the San Joaquin region) will be unable to discharge wastewater in accordance with current Federal law. The outcome will undoubtedly be higher water bills for residents and businesses in one of the most economically challenged regions in the State. Future growth will be stunted by a lack of supply of clean water and the impacts from construction of the 14 month project do not account for adequate mitigation funding to rebuild our communities or agricultural industries.

The Delta has problems that need to be addressed, but the CA Water Fix tunnels won't fix them. It won't produce more water, more reliable supplies, or improved conditions for the environment in the Delta. The new EIR/EIS has not adequately addressed our above stated concerns. This is why we strongly oppose the Delta Tunnels/California Water Fix (Alternative 4A). Reclamation and DWR should prepare and circulate a new Draft EIR/EIS that will include alternatives that reduce water exports and increase Delta flows for consideration by the public and decision-makers. Such alternatives have a far better chance of complying with the Delta Reform Act and the federal Endangered Species and Clean Water Acts. If approved, our region will suffer the most significantly adverse economic and environmental impacts of the project of which the effects will devastate San Joaquin County.

Sincerely,



Brenna Butler Garcia  
 CEO



### Executive Committee

**Sylvester Aguilar/President**  
 Bank of the West

**Bob Gutierrez/ President-Elect**  
 Food 4 Less/ Rancho San Miguel

**Eddie Lira/ Treasurer**  
 JP Morgan Chase Bank

**Zenet Negron/Secretary**  
 Socially Now

**James Jimenez/Past-President**  
 Solara Investment Advisor, LLC

### Board of Directors

**John Freeman**  
 California Water Service

**Mark Plovnick**  
 BAC Community Bank

**Thom Sanchez**  
 Waste Management

**Andrew Mendoza, MPA**  
 Kaiser Permanente

**Alice C. Juarez**  
 Wells Fargo

**Sophia Garcia**  
 CA Consumer Finance Association

**Dr. Ashour Badal**  
 CSU Stanislaus Stockton Center

**Hugo Parra**  
**(Honorary Board Member)**  
 Comerciantes Unidos

**Chief Executive Officer**  
**Brenna Butler Garcia**

---

**From:** Bgarcia@sjchispanicchamber.com  
**Sent:** Thursday, October 29, 2015 3:45 PM  
**To:** BDCPcomments  
**Subject:** Opposition letter to Delta Tunnels  
**Attachments:** Delta Tunnels.Oppose Letter.10.28.15.pdf  
  
**Importance:** High

Please see our attached letter in opposition to the Delta Tunnels/ CA Water Fix (Alternative 4A).

Thank you,

Brenna Butler Garcia  
Chief Executive Officer  
San Joaquin County Hispanic Chamber of Commerce  
7500 West Lane, Suite 111  
Stockton, CA. 95210  
P (209) 943-6117  
F (209) 943-0114