



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

Regulatory Division SPK-2008-00861

OCT 28 2014

U.S. Bureau of Reclamation
Attn: Ms. Michelle Banonis
801 "I" Street, Suite 140
Sacramento, California 95814-2536

Dear Ms. Banonis:

This letter is in response to the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) dated July 2015 for the Bay Delta Conservation Plan (BDCP)/California WaterFix. The U.S. Army Corps of Engineers (Corps) has regulatory jurisdiction over portions of the BDCP under Section 404 of the Clean Water Act (33 U.S. Code 1344) and Sections 10 and 14 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403 and 33 U.S. Code 408, respectively).

Enclosed is a table of the Corps' comments on the RDEIR/SDEIS. The comments only pertain to the RDEIR/SDEIS. In addition to addressing these comments in the Final EIS, we look forward to your responses to our comments on the Draft EIS/EIR dated December 2013. As a cooperating agency, we are committed to continuing to work with you as you complete the NEPA process and will consider all comments before determining whether the Corps can adopt all or portions of the EIS.

As acknowledged in the RDEIR/SDEIS, there is a significant amount of additional engineering analysis required as part of our review under 33 USC 408. We anticipate there will be a need for a supplemental NEPA document(s) once the additional engineering analysis, specifically hydraulic modeling, is developed. We look forward to receiving a written request for review under 33 USC 408 from the California Department of Water Resources to continue our review of the proposed action.

This office requests its comments for both the Draft EIS/EIR and RDEIR/SDEIS be included and addressed in the Final EIS/EIR. In addition, before the Final EIS/EIR is released, we request a formal letter from the US Bureau of Reclamation responding specifically to the comments and how they are/will be addressed in the Final EIS.

We look forward to continuing to work with you and others on the BDCP/California WaterFix. Please refer to identification number SPK-2008-00861 in any correspondence concerning this project. If you have any questions, including

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clarification of any of the comments, please contact Mr. Zachary Simmons by email at *Zachary.M.Simmons@usace.army.mil* or by telephone at 916-557-6746 or Mrs. Meegan Nagy by email at *Meegan.G.Nagy@usace.army.mil* or by telephone at 916-557-7257.

Sincerely,

FARRELL.MICHAEL.J
ORDAN.1099678557
Michael J. Farrell
Colonel, U.S. Army
District Commander

Digitally signed by
FARRELL.MICHAEL.JORDAN.1099678557
DN: c=US, ou=U.S. Government, ou=DoD,
ou=PKI, ou=USA,
cn=FARRELL.MICHAEL.JORDAN.1099678557
Date: 2015.10.28 19:57:39 -0700

Enclosure

cc: (with encl)

Ms. Cassandra Enos-Nobriga, California Department of Water Resources, 901 P Street,
Room 428, Sacramento, California 95814-6431

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BDCP RDEIR/SDEIS Review Document Comment Form

Document: Public Draft—REIR/SEIS

Comment Source: USACE

Submittal Date: October 2015

No.	Page	Line #	Comment	ICF Response
General				
1			Suggest reevaluating effects language when employing various minimization measures. To conclude that there will be "No adverse effect" because so many mitigation measures will be implemented is a little misleading. Especially when some of them are minimization. Might be better to say, "will be mitigated to less than significant."	
2			Suggest adding a reference table summarizing all alternatives, mitigation measures, CM's EC's, impacts, etc. There are too many acronyms spread throughout the chapters and given the size of the document it is difficult to keep them straight. A reference sheet would be very useful.	
3			Given the size of the documents, suggest adding a table(s) showing impacts and which are considered adverse/not adverse for quick reference.	
4			Clearly address early in the document how much water will be diverted, and from where, once there are two points of diversion. The document should identify a purpose of the project as providing operational flexibility. Our understanding is that this project would not increase the diversions, but allow the water to be withdrawn from either location or a combination of the two, based on conditions.	
5			Why is the SCCF larger than the NCCF? How will the two operate and how do the operations affect the size of the forebay? Which is the primary source for SWP and CVWP deliveries, north delta intakes or south delta? If the north forebay feeds both pumps, why is it smaller?	
Sections				
6	1-4	39	The SDEIS discloses in Appendix E that additional analysis and information will be necessary for permission under Section 14 of the Rivers and Harbors Act (commonly called Section 408). As such, it is highly likely that additional Section 7 consultation will be necessary during Section 408 permitting.	

7	1-12	17	As implementation of the proposed project or any of the action alternatives will require permits and approvals from public agencies other than the lead agencies, the CEQA and NEPA documents are prepared to support the various public agency permit approvals and other discretionary decisions, "to the extent information is currently available". Add the wording within the quotes. This will account for the further information that is needed for the 408 permitting.	
8	1-15	13	The SDEIS discloses in Appendix E that additional analysis and information will be necessary for permission under Section 14 of the Rivers and Harbors Act (commonly called Section 408). As such, it is highly likely that additional Section 7 consultation will be necessary during Section 408 permitting.	
9	1-17	14	Concur. Detailed engineering design and hydraulic analysis will be required for the 408 review. The information contained within the current CEQA/NEPA documents does not fully meet this level of detail. Additional NEPA compliance will likely be required after additional information regarding engineering and hydraulic analyses are provided to USACE.	
10	1-30	27	Concur. USACE looks forward to positive responses to comments submitted as part of the draft EIS/EIR.	
11	4.1-9	HORB	Operational criteria for the Head of Old River Barrier during flood flows will need to be developed and approved by USACE in coordination with the Central Valley Flood Protection Board. The flood flow operational criteria will be applicable any time of the year that flood flows occur.	
12	4.1-15	11	Concur. 408 permission will be required for any environmental commitments which are located on federally authorized projects. Additional information will be required as part of the 408 process and DWR and Reclamation should anticipate the need for additional environmental review.	
13	4.1-43	10	What about LLT? Even though not being used for CEQA NEPA, how are you modeling differences between ELT and LLT?	
14	4.1-43	22	The physical modeling relies upon the Yolo Bypass improvements however, these improvements will require USACE permitting. The project is largely undefined at this time and it would be too early and pre-decisional to rely on. Provide better information regarding the sensitivity analysis	

			done to let readers know if these improvements are not done, what would the physical modeling results be.	
15	4.2		For consistency in the documents, suggest adding a NEPA heading in addition to the CEQA Conclusion heading. The NEPA and CEQA headings are used in Section 4.3 and in the other documents.	
16	4.3.1-8	29	Effects determination should be stated here.	
17	4.3.1-9		Effects determination should be stated here.	
18	4.3.15-13	13	Where can the public find design details about the small boat lock? What would it look like, what size boats would it accommodate, etc? I can't find the analysis referenced in the SDIP EIR/EIS.	
19	4.3.2-9	29	SW-8 should include more than simply wind fetch lengths. The environmental commitments are not yet well defined. They could have impacts to water surface elevations, sedimentation, velocity, scour, etc. The impact analysis and associated mitigation measures should address all potential impacts that could expose people or structures to a significant risk of loss, injury or death involving flooding.	
20	4.3.2-9	31	Impact SW-9: Alternative 4A would include structures within the 100-year flood hazard area. These structures MAY result in impeded or redirected flood flows or conditions. Additional hydraulic modeling is required to determine the extent of those potential impacts. While USACE permitting would require compensating for any significant hydraulic impacts, the project may have impacts that require mitigation.	
21	4.3.2-10	5	The NEPA effects aren't associated with impeded flood flows in the 100-year flood hazard area. Revise NEPA effects.	
22	4.3.3-7	17	Remove the word "Even". Should just say, "If the effect is adverse...."	
23	4.3.5-5	13	Concur with this section. During 408 permit review, USACE will review the recommendations provided by the geotechnical engineer to ensure federally authorized levees are not negatively impacted by the pile driving. Measures to compensate for any negative impacts may be required.	
24	4.3.6-2	23-29	These lines reference a Geotechnical Exploration Plan and multiple geotechnical reports. Please provide these documents to the Corps of Engineers.	
25	4.3.11-6	19	Says no long term adverse effects, but mitigation measures would, 'help reduce or avoid impacts at construction sites.' What is the effects determination for short term impacts? It's not	

			clearly stated.	
26	4.3.19, 4.4.19		Sections 4.3.19, 4.4.19, and 4.5.19 General. Driving sheet piles into and close by an existing levee could cause vibration-induced damage to the levee. In general, vibratory pile drivers cause lower vibration levels than impact hammers. Levees near pile driving must be monitored. Monitoring may include but not be limited to instrumentation (crest surveying and inclinometers in the slope) as well as frequent visual observation of the levees.	
27	4.3.26- 2	31	This paragraph is confusing. It seems like this paragraph should be written more in terms of the project itself not inducing growth in a floodplain. Since the levee improvements will be localized to the intake facilities, the remainder of the area would not change. The whole paragraph seems out of place for the indirect growth inducement	
28	5-47		Cumulative Analysis and table should include the following projects: <ul style="list-style-type: none"> • West Sacramento General Reevaluation Study • American River Common Features General Reevaluation • River Islands Project All of the above projects have either a draft or final EIS published.	
29	5-57	1	Concur with the statement that "...all of these cumulative projects including the action alternatives would be required to be designed to reduce flood affects prior to project approval" Upon development of the hydraulic models necessary for 408 permitting, DWR and Reclamation shall analyze cumulative hydraulic impacts over the full range of flood events. This additional analysis may require supplemental NEPA documentation.	
30				
Chap ters (App endi x A)	3-9	28	The information in transportation should be updated to not only include roadway level of service and pavement conditions associated with construction vehicle trips but also levee conditions (for those routes located upon levees) associated with construction vehicle trips. Measures that will be taken to monitor and/or avoid impacts should be included.	
31	3-28	15	This line describes the perimeter berm as providing the same level of flood protection as the levee at each intake site. Clarify the State intends the levee and perimeter berm to provide 200 year level of protection which is greater than the current levee.	

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32	3-28	17	Recommend deleting "and would increase public flood protection during construction"	
33	3-31	32	It's unclear what the "design flood condition" is. Recommend clarifying.	
34	3-50	34-36	Driving sheet piles into and close by an existing levee could cause vibration-induced damage to the levee. In general, vibratory pile drivers cause lower vibration levels than impact hammers. Levees near pile driving must be monitored. Monitoring may include but not be limited to instrumentation (crest surveying and inclinometers in the slope) as well as frequent visual observation of the levees.	
35	3-80	3	The Yolo Bypass is a critical facility of the federally authorized Sacramento River Flood Control Project and the Yolo Bypass Wildlife Area is also a federally authorized project. Any modifications within the Yolo Bypass, to include the wildlife area should be coordinated with USACE for 408 permission.	
36	3-92	14	The nonphysical barriers may require 408 permission. Please coordinate with the USACE team.	
37	6-2	37	Is this title out of place?	
38	6-7	11	Recommend being specific that the design flood elevation will be based on the 200 year flood event.	
39	6-8	5	Recommend being specific that the design flood elevation will be based on the 200 year flood event.	
40	6-8	25	The last sentence is confusing. Do you mean any levee alterations outside the new facilities will be designed to provide the same level of protection as they currently have? The sentence prior states the levees at the new facilities will be designed for 200-year level of protection which is greater than current.	
41	9		There is no Table 9-14 or Table 9-17 (expected PGA and 1.0-Sa). Also the first actual table in the chapter is numbered 9-26. This is confusing.	
42	9		Several sections of this chapter reference a seismic study. Please provide this study to the Corps of Engineers.	
43	9		Alternative 4 GEO-1 through GEO-15. Much of this information is repetitive and could be condensed into fewer impacts.	
44	9-13	17	Elsewhere in the document it is stated that the perimeter levee and building pad would be designed to provide protection against the 200 year flood. Please revise for consistency.	
45	9-23	2-6	There is some good liquefaction information here. Why was this information not included in previous	

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			seismic-related impact discussions in Appendix A Chapter 9?	
46	9-25	36-41	These lines relate to mitigation measures during construction, while the subject impact (GEO-8) is during operation of the project.	
47	10-9	7-9	The process of jet-grouting creates cement-laden cuttings (spoils) that have a high pH while wet. In order to reduce the pH, settling basins to dry the cuttings would be required. Impacts associated with the settling basins should be evaluated.	
48	10-9	7-9	The depth of jet grouting should be included as well as any safety concerns associated with construction.	
49	10-13	19	Add the word, "Other," to "No mitigation is required."	
50	17		Add Wild and Scenic Rivers Preservation Act & California Wild and Scenic Rivers Preservation Act	
51	17		It would be helpful to have a table showing the alternatives and impacts and which are not significant, mitigated to less than significant, and significant and unavoidable. Not sure if a chart like this exists elsewhere in the document.	
52	17-4		Should be updated with new alternatives. Were KOP's developed based on those alternatives as well?	
53	17-5	24	This would be a NEPA effect as well as CEQA. Or is this the same as "nighttime glare"? If so, remove the second subheading. The structure of this page is a little confusing as it's currently written.	
54	17-13		Sections 17.3.3.4 - 17.3.3.8 only address one AES impact for each alternative. Why is it separate? I'm unclear as to what parts of the original document are being changed in this section since these sections have quite a bit more information in the original document.	
55	17-43	14	Is this supposed to be under Alternative 1A discussion?	
56	17-47 (2013)	21	17.3.3.1 was missing NEPA summary in the original document. A NEPA summary was not added in the RDEIR.	
57	18-1	16	Rumsey Indian Rancheria should be Yocha Dehe Indian Community, also add Shingle Springs Band of Miwok Indians and Wilton Rancheria.	
58	18-3	23	Remove Reclamation, they are no longer a party to the PA	
59	18-9	4-5	The USACE is the only Federal agency currently entering into a Programmatic Agreement. Recommend changing throughout.	
60	19-102 E-14	6 34	It says that the "diversions are limited during low flows by operational rules." Where can I find these rules? How is the commitment to these rules formalized and regulated?	

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			Have these operational rules been verified by appropriate models?	
61	19-102 E-14	10 38	How can you model maximum intake (15,000 cfs) at lowest river flows? Based on USGS gage data it would appear that the river does not have enough water for 15,000 cfs at low flows like this summer (Sep 2015). Would this drain the river? This would appear to be more than a 0.7 ft decrease (pg E-15, ln 2).	
62	19-102 E-14	13 41	The reference to EM 110-2-2602 page 3-8 is about the advantages of building dual locks and does not have anything to do with draft depths in the Sacramento River. Please provide the appropriate reference that the depth of 16.5 feet is sufficient for navigation.	
63 -	19-135	42	If the temporary barge unloading facility is located along the Sacramento River at Walnut Grove, 408 permission will be required to include detailed hydraulic analysis.	
64	23-1	36	Physical damage to levees from groundborne vibration should be another primary issue.	
65	23-67	1	Impact NOI-2 should include a discussion of the impacts to levees from vibration or at least reference chapter 9 for more information.	
66	23-69	13	Mitigation measure NOI-2 should include practices to monitor and mitigate for vibration impacts to levees or at least reference chapter 9 for more information.	
67	E-2	23	Remove reference to EO 11998	
68	E-4	37	We do not make a preliminary LEDPA concurrence. The LEDPA determination is made in the Corps' Record of Decision. Only in circumstances where there is an MOU describing a preliminary LEDPA process for a specific project would we make a preliminary determination or concurrence.	
69	E-5	1	There is not a preliminary concurrence. The final plan would be approved prior to issuing the permit.	
70	E-9	29	Which functional assessment methodology will be used?	
71	E-14	32	Alternative 4A would include intakes 2, 3, and 5	
72	E-16	15	Where is the removal and restoration of the barge facilities described?	
73	E-21	11	Concur. Detailed engineering design and hydraulic analysis will be required for the 408 review. The information contained within the current CEQA/NEPA documents does not fully meet this level of detail. Additional NEPA compliance will likely be required after additional information regarding engineering and hydraulic analyses are provided to USACE.	

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74	E-21	34	Recommend: "As described in the surface water section and with information available at this time,..."	
75	E-22	17	Evaluation of cumulative hydraulic effects will also be required.	
76	App 3C		Temporary Impacts- Footnote 1 to Table E-1, App E, pg 19, is the only place in the Document where it states that temporary impacts will be considered permanent if they are expected to last more than one year. It should be stated somewhere in the document, either in App 3C or in the main body, that construction impacts lasting more than one year will be considered permanent by the Corps for the Section 404/10 Department of the Army permit.	

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From: Olson, Theresa <tolson@usbr.gov>
Sent: Friday, October 30, 2015 3:06 PM
To: BDCPcomments; Cassandra Enos-Nobriga; kenneth.bogdan@water.ca.gov; Kaylee Allen; Centerwall, Steve
Subject: USACE comments
Attachments: USACE BDCPCWFRDEIRSDEISComments102815.pdf

Here are USACE comments.

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