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BDCP/California WaterFix Comments
P.O. Box 1919
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To Whom It May Concern:

These comments are provided in response to the 2015 Public Review of the RDEIR/SDEIS, hereafter document. It is unfortunate that the length of this document and BDCP are prohibitive for the public to adequately review and provide comments within the established timeframe. It is impossible for a citizen to adequately read through such voluminous text and analysis with the ability to give thorough critical feedback within the allocated review period.

As expressed in previous comments on the BDCP the document provides little evidence that the new alternatives will provide a long-term solution to address water consumption and environmental needs. Specifically, the proposed actions further the short-sighted nature of public policy and environmental management dating back to the beginning of the State of California. The plan fails to address the fact that California's water infrastructure is decrepit and vulnerable due to poor policy and land use decisions (e.g., subsidence in the San Joaquin Valley has compromised SWP and CVP canals). Construction of the proposed tunnels will sell short the opportunities for a real solution to balancing water and environmental concerns in the Delta, and will rob future generations the right to inherit a world in as good or better condition than nature intended. Where are the real solutions that seek to meet sustainable demands on water through water recycling, building design focused on rainwater capture, smart land use planning, arid agricultural land retirement, water policy reform, and ecological restoration focused on intervention actions? While politically these may not be popular, one thing we have seen through the current drought is a willingness to be innovative beyond a mentality that California's water supply is linked solely to an outdated Central Valley Project and State Water Project concept. The document and BDCP fail to recognize the holistic view of the Delta beginning at the sources, which feed into it. The Delta is part of a landscape from summit to sea, and the problems within the Delta are not exclusive to its legal boundary.

1-3 It is alarming that such a limited proportion of the state's population provided comments given the significance of the project to the people and environment.

1-4 NMFS and FWS also need to uphold their Trust responsibilities to Tribes pursuant to PL-93-638. Furthermore, there is no mention of PL 93-638 and other trust responsibilities for federal agencies. Further there is no discussion of CDFG Code 16000, which supports Tribal interests in Trust resources.

1-7 In no way is a created system that is by no means complementary to nature's design sustainable.

1-10 Delta Ecosystem Health and Productivity. Herein lies the problem. The ecosystem cannot exist without a dynamic system. And under this plan there is no intent to restore anything, but where is that stated?

1-11 In acknowledging the influx of sea water, how will locating the tunnels in their planned location alleviate this, and what will further sea level rise (realistically, not to what is modeled here) do to exacerbate this?

1–13 The Endangered Species Act also states that federal agencies should use their authority to recover species. How is BOR contributing to recovery when they are operating a system that runs counter to nature?

1-35 Additional Discussion of Climate Change. It is important to note that the assumptions do not adequately account for sea level rise and other attributes of climate change. The plan does nothing to consider how to make the Delta resilient to climate change. In pre-European times the Delta was dynamic and resilient. It has undergone sea level rise until levees were built.

2-14 Continued reliance on water from the Delta without significant and meaningful restoration to resiliency regardless of the alternative will continue to strain the ecosystem. The human-caused adverse changes to the Delta and contributing watersheds that will perpetuate as a direct, indirect and cumulative impact are thus not less than significant.

2-17 In consideration of emissions, where is the analysis of the growth inducing impacts associated with conveyance of Delta waters. Really the analysis here is global in scope considering the export of commodities.

3-2 Construction of pumping facilities and other modifications to Clifton Court Forebay. It is highly likely any proposed actions in this area will impact traditional cultural properties. Certainly the areas identified for the pumping plant have been used for collection of cultural resources used to make baskets and regalia as well as other cultural purposes. Amongst some of the resources known to be collected from this area are yellow willow, sandbar willow, stinging nettle, creeping wild rye, California hibiscus, dogbane, and many others. As such, the use of this area for this purpose designates it a traditional cultural property. Additionally, numerous species of culturally important fish and wildlife are known from this area. The document and BDCP fail to adequately address the specific impacts to these species of cultural significance not limited to the areas near Clifton Court Forebay. Impacts to these areas would adversely affect the traditional cultural property. Pursuant to PL-93-638 BOR is required to uphold its Tribal trust responsibilities.

Where and what is the footprint of this site on Granville Tract?

Figure 3.2-1 What are the power sources? This project should include development of its own sustainable power. Elsewhere solar panels have been placed over canals to provide power while also minimizing evaporation. Clearly this should be considered here.

3-9 Cultural resources does not address traditional cultural properties or traditional cultural landscapes. It is recommended that the project proponents provide funding to appropriate traditional cultural practitioners of this region to complete a study of these features.

4.1-1 The reduction in mitigation is not providing any benefits to the functions and services the Delta provides. This seems to be cutting corners to get the tunnels built while punting the issue of fish, wildlife and plants off to another plan. Any lands set aside for mitigation should be placed in trust to a Tribal organization whose members have ancestral ties to the Delta.

4.1-2 The intakes are still located within the current range of tidal flux and seawater intrusion. The plan only accounts for a conservative model for sea-level rise and subsequent seawater intrusion. How is this solving any water problem. The models should use the worst case scenario. Further, the planning is short-sighted with respect to the time period of analysis. The CVP has existed for longer than this plan is considering. Removing restoration from this plan and deferring to California EcoRestore is piecemeal. California EcoRestore is not adding much new to the region that doesn't already exist. Many of these areas are already protected, and the agencies managing them have limited success in fulfilling their Trust obligations to restore these lands and fund management thereof. California EcoRestore proposes only 30,000 acres of restoration/enhancement whereas BDCP initially proposed approximately 65,000 acres. Less is not more for a functional ecosystem.

4.1-4 see comment for 3-2

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4.1-5 How is it that an HCP is not required under the new alternatives, but is necessary under the other alternatives? This needs to be explained.

4.1-7 (Table 4.1-2) While CFS is good for understanding hydrology and fisheries needs, the layperson would benefit from knowing what percent of flow and what the equivalent acre feet allocation would be under these scenarios.

4.1-15 Deferring the conservation actions to other requirements and initiatives described is piecemeal.

4.1-20 Do not burden existing resources with the responsibility to monitor the outcomes of this project. Funding to monitor and manage in perpetuity needs to be provided by the project proponents through other sources. Who would be involved in collaborative science. The term suggests only like-minded individuals and organizations would be involved.

4.1-38 The list of species is too limited, and this was a problem in the BDCP too. Where is the consideration of species impacted via direct, indirect and cumulative impacts. The list of species impacted by the CVP is more comprehensive.

4.2-12 Effects on sea level change Section 6.3.1.1 could not be found.

Fig 28-1 Percent minority. This map illustrates census block data. Further analysis needs to be completed to document how the proposed alternatives impact this landscape from a Native American perspective. The point is that California lacks treaties ceding this land, waters and "resources" to the Federal, state and local governments. Thus, these lands are all within Tribal jurisdiction, and as such this project poses a significant environmental justice issue. In fact, this is a traditional cultural landscape, which has yet to be analyzed by the project proponents. In review of Fig 4.1-1 there are several areas of impacts identified for tunnel material placement or forebays, which are culturally significant or have culturally significant properties.

As a Miwko? (Plains Miwok) traditional cultural practitioner, the proposed project, regardless of alternatives selected is offensive to the environment, culture and metaphysical attributes of this region, which I still uphold the responsibility to steward. In light of this I ran a scenario to evaluate the effects of the overarching intents of the proposed action to assess impacts to the environment, cultural wellbeing, social wellbeing, and economic wellbeing of this region using the Mauri-o-meter http://mauriometer.com/; the output of this model suggests the construction of the associated infrastructure and restoration actions will continue to negatively impact the four parameters described. Thus, in no way will any of the proposed alternatives lead to a better Delta for future generations to enjoy. However, I am currently working with the California Indian Water Commission and others to develop alternative models for a resilient Delta and water solutions, and hope the project proponents would be open to additional project alternatives that may come from this initiative.

In closing I still support the no action alternative, and hope the project proponents will develop a meaningful plan to restore resiliency to the Delta and surrounding landscape.

Sincerely,

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Cc: Gerald Jones, BIA
Amy Dutschke, BIA
Randy Yonemura, California Indian Water Commission
Rep. John Garamendi