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**From:** Charlene Woodcock <charlene@woodynet.net>  
**Sent:** Saturday, August 29, 2015 2:34 PM  
**To:** BDCPcomments  
**Subject:** Additional Comments on California WaterFix (Alternative 4A)

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

RE: Addendum to my 8/27 Comment in opposition to Delta Tunnels/California WaterFix (Alternative 4A)

Born and raised in Arcadia, at the foot of Mount Wilson east of Los Angeles, from earliest childhood I understood that southern California was desert land and that we all needed to conserve water, that it was a precious resource. Unfortunately, after World War II, California was flooded with people determined to make their fortunes without regard to environmental conditions in California.

I write to express my very strong opposition to the newest iteration of the very ill-conceived California state water plan, called California WaterFix now that it no longer pretends to seriously address environmental concerns such as restoration of the Delta and our salmon runs. Having redirected environmental mitigation to the limited subsidiary entity Eco Restore, that covers fewer than 2000 acres, it clearly fails to meet the 2009 Delta Reform Act "co-equal" goals of Delta restoration and water supply reliability.

Since we are expecting less, not more, water due to climate change brought on by extravagant burning of fossil fuels, we need to make what we have go further rather than expending a huge amount of money on a very dubious taking of water from the Sacramento River for San Joaquin agribusiness operations.

Conservation and water cleaning and reuse must be instituted immediately. Instead what this plan does is spend billions of mostly public dollars to ensure that California industrial agriculture will get the flow of water these corporations want. Already agriculture uses 80% of California's water. Thus large-scale agriculture should be the first target of a rigorous conservation plan, including restriction of water-needy crops. It is an outrage to see the new almond orchards that are being planted during the current drought. They bring great profit to their owners, thanks to the low cost of the inordinate amount of water they require year-round.

Originally the Bay Delta Conservation Plan was to be a balancing of Delta restoration and agricultural needs, with attention to restoring the levees and assisting farmers with drip irrigation etc., to bring our water system back into balance between human uses and restoring our once great fisheries. But the political force of billionaire Stuart Resnick and corporate industrial agriculture have succeeded in distorting these intentions beyond recognition.

It is hard to imagine a more destructive, environmentally intrusive plan for addressing California's need for water planning and conservation than the crude conception of constructing and burying two giant 40-mile-long concrete tunnels to take Sacramento water before it reaches the Delta.

A vastly cheaper and more effective alternative is that studied in the July 2015 report from ECONorthwest ([http://www.econw.com/media/ap\\_files/San\\_Luis\\_Unit\\_Land\\_Retirement\\_Final\\_Report\\_071415.pdf](http://www.econw.com/media/ap_files/San_Luis_Unit_Land_Retirement_Final_Report_071415.pdf)). If 343,000 acres of Central Valley land (298,000 in Westlands Water District) were taken out of production, ending irrigation would both save 454,000 acre feet of water each year, nearly the requirements of Los Angeles, but it would also put

a stop to the poisoning of land and water from the toxic runoff caused by irrigating these high salts- and toxic-chemical-laden land.

It is the most fundamental requirement of good government to perform a rigorous cost-benefit analysis of any large-scale public works project. The voters of California rejected the last effort to provide northern California water to Westside industrial farms. We do not want our state government to undertake this huge, monstrously environmentally destructive project to serve the narrow profit-making interests of Westside Water District industrial agriculture.

Sincerely,

Charlene M. Woodcock  
2355 Virginia Street  
Berkeley CA 94709

**From:** Victoria Tatum Wilson <vtatum@vtatum.com>  
**Sent:** Thursday, August 27, 2015 10:17 AM  
**To:** BDCPcomments  
**Subject:** Enough Already

I am writing to express my strong opposition to the the Delta Tunnels plan. In the process of writing a book on this subject, I am convinced the tunnels are a mistake, both financially and environmentally. Protecting the Delta will have its rewards for all of us, not just Delta farmers, although they deserve all the protection they can get. The fact that we are in a drought is no reason to ignore all of the environmental sanctions in place to protect endangered species. We need to find permeant solutions to our existence in an arid West, solutions that benefit farmers, salmon fishermen, and wildlife, not just South of Delta agribusiness (translation, water contractors) who are the complaining about "losing" some of their millions in annual profits.

I have read the long Delta Tunnels Alternatives Plan, and do not see one mention of the environmentally sound plans proposed by scientists who are experts in their field. I know about all the money that has been wasted so far, and say Enough Already. Jerry Brown, this goes against everything you say you believe in. I know it's your father's legacy, but it's time to let it go.

Sincerely,

Victoria Tatum

native of San Francisco



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**From:** Enos, Cassandra@DWR <Cassandra.Enos@water.ca.gov>  
**Sent:** Friday, August 28, 2015 4:31 PM  
**To:** Heiland, Brian@DWR  
**Cc:** BDCPcomments  
**Subject:** FW: BDCP RDEIR/SDEIS DSM2 runs

BG – Can you follow-up on Gang's request below.

Thx, Cassandra

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**From:** Gang Zhao [mailto:gzhao@flowscience.com]  
**Sent:** Friday, August 28, 2015 4:27 PM  
**To:** Enos, Cassandra@DWR <Cassandra.Enos@water.ca.gov>  
**Cc:** Enos, Cassandra@DWR <Cassandra.Enos@water.ca.gov>  
**Subject:** BDCP RDEIR/SDEIS DSM2 runs

Hi Cassandra,

It was nice speaking with you. I look forward to getting the updated files for Appendix B.

I actually have a question about model runs for Appendix B. The CD has two CALSIM runs for Appendix B. Are there any DSM2 runs for Appendix B available? DSM2 was mentioned in Appendix B in the footnotes on pages 70-71 and a few other pages. If DSM2 runs have been done for Appendix B, could we get those model data? I understand some of the model runs for the RDEIR were completed by a consultant (CH2M Hill?). If DSM2 runs were done by the consultant, is it ok that we contact the consultant directly to see if they have the DSM2 data?

Thanks.

Gang

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Gang Zhao, Ph.D., P.E.  
Principal Engineer  
Flow Science Incorporated  
48 South Chester Ave., Suite 200  
Pasadena, CA 91106  
Tel: 626-304-1134  
Fax: 626-304-9427  
email: [gzhao@flowscience.com](mailto:gzhao@flowscience.com)

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**From:** Heiland, Brian@DWR [mailto:[Brian.Heiland@water.ca.gov](mailto:Brian.Heiland@water.ca.gov)]  
**Sent:** Friday, August 28, 2015 3:03 PM  
**To:** Gang Zhao  
**Subject:** RE: BDCP RDEIR/SDEIS DSM2 runs

Gang, I was notified that there was a mistake on two of the runs for Appendix B – the ELT runs are not correct. I will be mailing you a CD with the updated files. I apologize for the inconvenience.

BG



**From:** Gang Zhao [<mailto:gzhao@flowscience.com>]  
**Sent:** Tuesday, August 11, 2015 3:59 PM  
**To:** Heiland, Brian@DWR <[Brian.Heiland@water.ca.gov](mailto:Brian.Heiland@water.ca.gov)>  
**Subject:** RE: BDCP RDEIR/SDEIS DSM2 runs

Hi Brian,

Thank you very much! I really appreciate your help.

Gang

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**From:** Heiland, Brian@DWR [<mailto:Brian.Heiland@water.ca.gov>]  
**Sent:** Tuesday, August 11, 2015 3:52 PM  
**To:** Gang Zhao  
**Subject:** RE: BDCP RDEIR/SDEIS DSM2 runs

Hi Gang, I can provide you with the files. I am finalizing the legal disclaimer right now and will follow up with you once the data is available (which should be very soon).

BG

Brian "BG" Heiland, P.E. | Supervising Engineer, Water Resources  
Office: (916) 651-9547 | Executive Program Office  
Cell: (916) 207-6620 | Department of Water Resources

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**From:** Gang Zhao [<mailto:gzhao@flowscience.com>]  
**Sent:** Monday, August 10, 2015 12:38 PM  
**To:** Heiland, Brian@DWR <[Brian.Heiland@water.ca.gov](mailto:Brian.Heiland@water.ca.gov)>  
**Subject:** RE: BDCP RDEIR/SDEIS DSM2 runs

Hi Brian,

I am preparing some comments for the latest BDCP RDEIR/SDEIS. I noticed the model DSM2 had been used to simulate the three new alternatives (2D, 4A and 5A). I wonder whether it is possible to make the DSM2 model output data public, which will be really helpful in preparing comments. I remember all modeling data were made available during the public comment process of the last BDCP DEIR/DEIS. I hope the same type of modeling data can also be made available this time. If you are not the contact person for the BDCP DSM2 model runs, could you please let me know whom I should contact?

Thanks.

Gang

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Gang Zhao, Ph.D., P.E.  
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Pasadena, CA 91106  
Tel: 626-304-1134  
Fax: 626-304-9427  
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**From:** Nader-Tehrani, Parviz@DWR [<mailto:Parviz.Nader-Tehrani@water.ca.gov>]  
**Sent:** Thursday, August 06, 2015 1:14 PM  
**To:** Gang Zhao  
**Cc:** Heiland, Brian@DWR  
**Subject:** RE: BDCP RDEIR/SDEIS DSM2 runs

Hello Gang,

Please contact Brian Heiland first.

He is CC'd on this E-mail.

Thanks.

Parviz Nader  
Delta Conveyance Branch  
(916) 651-9779

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**From:** Gang Zhao [[gzhao@flowscience.com](mailto:gzhao@flowscience.com)]  
**Sent:** Thursday, August 06, 2015 12:38 PM  
**To:** Nader-Tehrani, Parviz@DWR  
**Subject:** RE: BDCP RDEIR/SDEIS DSM2 runs

Hi Parviz,

Could you please let me know who I should contact to get the DSM2 model results for the new BDCP alternatives in the 2015 RDEIR/SDEIS?

Thanks.

Gang

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**From:** Smith, Tara@DWR [<mailto:Tara.Smith@water.ca.gov>]  
**Sent:** Tuesday, August 04, 2015 3:37 PM  
**To:** Gang Zhao  
**Cc:** Nader-Tehrani, Parviz@DWR  
**Subject:** RE: BDCP RDEIR/SDEIS DSM2 runs

Hi Gang,

I am forwarding your email to Parviz who may be better to help you on the BDCP simulations. Occasionally our group does simulations but primarily the simulations are done by a consultant. Also we need to go through the program managers prior to releasing any information. Hope all is well.

Tara

**Tara Smith**  
Chief, Delta Modeling  
Ph: 916 653-9885

**From:** Gang Zhao [<mailto:gzhao@flowscience.com>]  
**Sent:** Tuesday, August 04, 2015 3:09 PM  
**To:** Smith, Tara@DWR  
**Subject:** BDCP RDEIR/SDEIS DSM2 runs

Hi Tara,

Thank you for your help on the TUCP DSM2 run. I was wondering if you could help me with another DSM2 question. The latest BDCP RDEIR/SDEIS has sections that show some DSM2 model results for three new alternatives (2D, 4A and 5A). Do you know who I should contact to get a copy of the DSM2 results? I remember the last time all DSM2 results for the BDCP DEIR/EIS were made public. I checked the BDCP website (<http://baydeltaconservationplan.com/2015PublicReview.aspx>) but could not find a contact person. I called the phone number on that webpage and left a message, but have not got any reply yet. Any help would be really appreciated.

Thanks.

Gang

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Gang Zhao, Ph.D., P.E.  
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Pasadena, CA 91106  
Tel: 626-304-1134  
Fax: 626-304-9427  
email: [gzhao@flowscience.com](mailto:gzhao@flowscience.com)

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**From:** Enos, Cassandra@DWR <Cassandra.Enos@water.ca.gov>  
**Sent:** Monday, August 31, 2015 11:04 AM  
**To:** BDCPcomments  
**Subject:** FW: BDCP/CWF modeling files

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**From:** Deanna Sereno [<mailto:dsereno@ccwater.com>]  
**Sent:** Monday, August 31, 2015 9:39 AM  
**To:** Stein, Russell@DWR  
**Cc:** [lorloff@ccwater.com](mailto:lorloff@ccwater.com)  
**Subject:** BDCP/CWF modeling files

Hi Russ –

I'd like to get the CalSim II and DSM2 models that were used in the RDEIR/SDEIS sensitivity studies, including input/output and study setup files. I'll be in Sacramento tomorrow – I know this is short notice, but could I stop by to have them copied to a flash drive?

Thanks,  
~ Deanna

**Deanna Sereno**  
Contra Costa Water District  
P.O. Box H2O | Concord, CA 94524  
o: (925) 688-8079 | c: (925) 525-5445

**From:** Friends of the River <info@friendsoftheriver.org> on behalf of Norma J F Harrison <info@friendsoftheriver.org>  
**Sent:** Monday, August 31, 2015 10:09 PM  
**To:** BDCPcomments  
**Subject:** I oppose all alternatives in the Revised BDCP that propose construction of new diversions and tunnels under the Delta

Sep 1, 2015

BDCP Comments

Dear Comments,

Thank you for receiving public comments in response to the Recirculated Draft BDCP Plan and Draft EIR/EIS.

I oppose all alternatives in the BDCP that propose construction of new diversions and tunnels under the Delta. I oppose the project because:

It is too costly (up to \$54 billion with interest and other hidden costs) and the general public should not have to cover any of this outrageous, including habitat restoration costs. These should be paid by those who receive the water (since the Delta diversions degraded the habitat in the first place).

Operation of the diversions and tunnels threaten to dewater major upstream reservoirs in northern California and reduce downstream river flows, to the detriment of fish, wildlife, recreation, and other public trust values.

Diversion and tunnel facilities would adversely impact too much Delta farmland and habitat, harm Brannan Island State Park, infringe on the Stone Lakes National Wildlife Refuge, and degrade other essential conservation lands.

You cannot restore Delta habitat without first determining how much fresh water the Delta needs to survive and thrive. Restoration of fresh water flows from the San Joaquin River in the south Delta are particularly important.

The tunnels will need more upstream storage facilities to feed fresh water into them. These include raising Shasta Dam, building the Sites Reservoir, and possibly reviving the Auburn Dam on the American River and the Dos Rios Dam on the Eel. The environmental, cultural, and financial impacts of these controversial projects are a significant foreseeable but ignored impact of the BDCP.

.there are alternatives that are a whole lot less costly and are way more protective of the environment. I don't even have to repeat them to you you KNOW them very well. Norma

I believe that the Revised BDCP should have included, and I would support, an alternative that significantly reduces Delta exports and focuses instead on restoring habitat and threatened and endangered species in the Delta, improves Delta water quality by providing sufficient fresh water inflow from both the Sacramento and San Joaquin Rivers, and that includes a pragmatic plan to sustainably meeting California's water needs. This can be done by increasing agricultural and urban water use efficiency, capturing and treating storm water, recycling urban waste water, cleaning up polluted groundwater, and reducing irrigation of desert lands in the southern Central Valley with severe drainage problems. We don't need to build more dams or tunnels.

Thank you for considering my comments.

RECIRC455

Sincerely,

Ms. Norma J F Harrison  
1312 Cornell Ave  
Berkeley, CA 94702-1010  
(510) 526-3968  
normaha@pacbell.net

# BAY DELTA CONSERVATION PLAN / CALIFORNIA WATER FIX

RECIRC456.

BAY DELTA CONSERVATION PLAN/CALIFORNIA WATER FIX  
PARTIALLY RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT/  
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT

## COMMENT CARD

THE PUBLIC REVIEW AND COMMENT PERIOD IS JULY 10, 2015 THROUGH OCTOBER 30, 2015.

REC'D  
SEP 01 2015

PLEASE PRINT

NAME: Hue Simpson DATE: 8/19/2015

ORGANIZATION: E-MAIL: hves@7@sbcglobal

ADDRESS: 480 Del Medio Ave, #2

CITY: Mountain View STATE: CA ZIP: 94040

I unequivocally oppose the Delta Tunnels Project. THE idea that this will fix mistakes made in the 70s and the 80s is crazy and stupid and short sighted. Is not the definition of crazy "doing the same thing over expecting different results". Right, argument ~~may~~ be made that this time it's different but only in details. The concept is outdated. Every thing is connected, this will have consequences far beyond what's listed. This will become another BIG DIG, over 20 yr Boston, MA project, like replacing a radiator in a 25 year old car. ALL the parts have worn and sagged together.

Look into desalination; I hear San Diego has a plant. Recycle more gray water.

Financially IRRESPONSIBLE  
Humanely irresponsible  
Ecologically irresponsible

Thank you,

Hue Simpson

For more information, assistance in locating the documents or if you have special needs, contact 1-866-924-9955.

**COMMENT PERIOD**  
**JULY 10 – OCTOBER 30, 2015**





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 SEP 01 2015

GENERAL MANAGER/CHIEF ENGINEER  
 Richard W. Hansen, P.E.

August 26, 2015

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

FORM MASTER  
 #18

**Subject: Support Alternative 4A of California Water Fix**

Dear BDCP/California WaterFix:

On behalf of the Three Valleys Municipal Water District, I would like to provide the following comments on the Bay Delta Conservation Plan/California WaterFix (BDCP/WaterFix) and its recirculated draft environmental impact statement/report released on July 10, 2015.

Three Valleys Municipal Water District (TVMWD) relies on State Water Project (SWP) supplies as an important component of Southern California's overall water portfolio. The SWP is uniquely capable of capturing significant quantities of wet-year and wet period samples, allowing the Metropolitan Water District of Southern California to store these supplies for drought-cycle needs. Were it not for SWP supplies Metropolitan had stored prior to this historic drought cycle, the Southland would be in the throes of a devastating water shortage and severe economic hardship. The ability of the SWP to reliably capture set-period water is at severe risk due to the existing configuration of the pumping system, regulatory constraints and long-term threats due to climate change and catastrophic natural events such as earthquakes and flooding.

The modified preferred alternative outlines in BDCP/WaterFix represents a significant shift in this nine-year planning process that TVMWD must review and consider carefully. BDCP began as an effort that sought to combine water system and ecosystem improvements within a single permitting construct as a habitat conservation plan under Section 10 of the federal Endangered Species Act (ESA) and as a Natural Communities Conservation Plan under the State ESA law. The modified preferred alternative (Alternative 4a) delineates a different approach, with the WaterFix intake/conveyance improvements proceeding as a stand-alone project with ESA permitting acquired similar to the approach under the existing ESA permitting/regulatory construct of the SWP. Approximately 30,000 acres of proposed Delta ecosystem

improvements, meanwhile, would proceed on a parallel, but separate program now as California EcoRestore. TVMWD understands that the rationale of this modification is to identify an achievable path to permitting given overwhelming scientific uncertainty on how to best manage the Delta in the coming decades. The ability of public water agencies to participate in a historic reinvestment of the SWP will rely on a final plan that meets the state cO-equal goals of a reliable water supply and restoration of the Delta.

We remain supportive of the overall proposed configuration of the water supply improvements. New intakes in the northern Delta on the Sacramento River would provide the opportunity to divert high-quality supplies and address reverse-flow conditions in the southern Delta that are a result of the existing diversion system. The proposed twin-tunnel conveyance system would protect this supply long-term from threats such as seismic events and sea level rise. Proposed project modifications, such as the consolidation of intake pumping into a single facility in the southern Delta on SWP property near Clifton Court Forebay, have further reduced the physical footprint in sensitivity to Delta communities and existing land use activities. And we continue to support efforts to improve real-time monitoring and embrace adaptive management as essential ways to refine project operation over time to protect both threatened natural fisheries and water supply reliability.

The following comments should be considered:

- **Water Supply Reliability:** A successful final plan would accomplish several reliability needs: It would re-establish a consistent ability to capture wet-period supplies in a range of year types. It would improve reliability of deliveries in an average year and it would protect supplies long-term. The draft EIR/EIS provides some information that is useful for analysis. Yet, more and better information would be helpful to compare potential water supply capabilities under various future scenarios since billions of dollars have been invested to develop a storage and distribution system designed to capture SWP supplies when they are available and limit demands on the SWP system during dry periods.
- **Project Mitigation:** The preferred alternative significantly increases habitat mitigation related to construction compare to the very same project as proposed in the draft EIR/EIS in December 2013. Little rationale is provided for the increased mitigation requirements. While full mitigation for project impacts is always appropriate, placing an excessive burden on mitigation for any project, particularly the size of California WaterFix, is not. A careful review of all the target mitigation acreages is appropriate in order to settle on a final mitigation strategy that is commensurate with impacts. Shifting away from a habitat conservation plan is not a reason to conflate mitigation requirements for the project and unduly impact the final project's cost.
- **Improved Water Quality:** The preferred alternative continues to advance the objective of improving water quality of SWP supplies. High source quality for this imported supply is essential for Southland communities to increase the production of recycled water. In addition, the new modeling and analysis of in-Delta water quality, as a result of proposed water project operations, is helpful information to assure that the state can meet overall water quality objectives in the estuary.

- **Flexible Pumping Operations in a Dynamic Fishery Environment:** The preferred alternative continues to advance the objective of avoiding conflicts with migrating fish species. It is particularly important to embrace an adaptive managements approach to project operations to resolve fall outflow requirements for delta smelt, spring outflow requirements for longfin smelt, and operating constraints for south Delta diversions. Significant improvements in water reliability may be achievable without adversely affecting habitat conditions for important fish species. Management of this system must be as dynamic as the estuary itself.
- **Delta Ecosystem Restoration:** Under the preferred alternative, this responsibility shifts from BDCP to California EcoRestore. This is proposed to be a program separate from California WaterFix. Officially, California EcoRestore is not part of this public comment process. However, this recirculation does provide an opportunity to share input. State agencies need to better clarify their leadership roles in projects identified in California EcoRestore. Whether the state intends to be a lead agency on any given project, for example, remains to be seen. The acreage targets and timetables set forth in California EcoRestore cannot be achieved without lead agencies, expeditious planning and securing the necessary financing. While California EcoRestore is a promising and potential construct for habitat restoration, basic operational details remain unclarified. A more robust program is essential in order to demonstrate that water system investments will be matched with commensurate ecosystem improvements.
- **Seismic and Climate Change Risks:** The modified preferred alternative continues to provide the necessary design and system redundancy to reduce both seismic and climate change risks. Research into seismic risk is continuing. As an example, the potential of levee collapse due to the compaction of peat soils is a new and relatively poorly understood failure mechanism. Previous studies had largely centered on soil liquefaction. The likelihood of levee failure due to a natural disaster appears to be increasing, rather than decreasing, with improved scientific information and understanding. Reducing these risks is paramount to water supply reliability. The conveyance improvements must be sized sufficiently to capture water when it is available. Initial proposals for a larger conveyance system were not pursued due to feedback from wildlife agencies. The final project must be sufficiently sized to adequately address these risks.
- **Governance and Adaptive Management:** As a habitat conservation plan, BDCP had been proposing a detailed governance structure in order to implement various conservation measures. The modified preferred alternative no longer proposes to advance a habitat conservation plan. However, an adaptive management process to guide future water project operations is essential to the long-term success of California WaterFix. The same hold true for advancing tidal and floodplain habitat restoration projects as mandated in the existing biological opinions for pelagic and anadromous fish species. The need for an effective governance/adaptive management structure in partnership with the public water agencies is as necessary under California WaterFix/California EcoRestore as it was under the previous BDCP construct. Such a structure must be fully detailed and agreed upon before decisions can be made by public water agencies to invest in a final project proposal.

Water Fix Comments  
August 26, 2015  
Page 4

This recirculation process represents the final milestone before advancing to a final EIR/EIS and Record of Decision. We appreciate the exhaustive efforts of both the state and federal administrations to advancing this process so that a final project and proposal can be advanced sometime next year. It is essential to expeditiously resolve outstanding issues in order for the administrations to complete this process within financial and time constraints. Thank you for your efforts and for considering our comment. If you have any questions or would like to discuss further, please do not hesitate to contact me at 909-621-5568.

Sincerely,

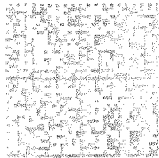
A handwritten signature in black ink, appearing to read "Richard Hansen". The signature is stylized with a large, looped "R" and "H".

Richard Hansen, P.E.  
General Manager  
Three Valleys Municipal Water District

cc: Three Valleys MWD Senators Hernandez, Huff, Leyva, Liu, Mendoza  
Three Valleys MWD Assembly Members Calderon, Chang, Hernandez, Holden, Rodriguez

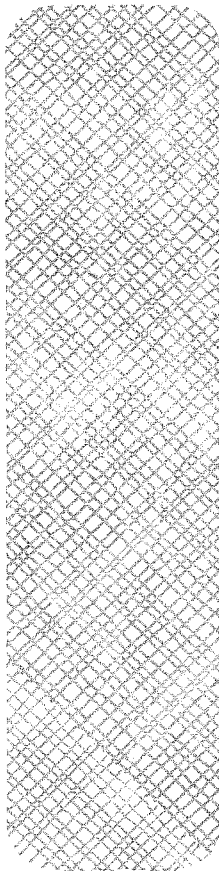


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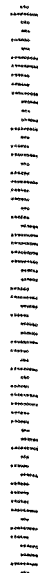


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RECIRC457

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

Dear Sir/Madam,

REC'D  
SEP 01 2015

I am writing to express my strong opposition to the Delta Tunnels plan.

The Delta Reform Act of 2009, in which the California State Legislature committed to the "coequal goals" of providing a more reliable water supply for California AND protecting and restoring the cultural, recreational, natural resource, and agricultural values of the Delta, cannot be upheld if the Delta Tunnels come to pass.

The California Water Fix does not meet the restoration goals of the Delta Reform Act; it is simply a plan to export more water out of the San Francisco Bay-Delta estuary. The Delta Tunnels will also fail to provide more reliable water because the Delta watershed is already oversubscribed by five times in normal water years.

My objections to the tunnels are threefold: The California Water Fix does not address the environmental, public health or economic impacts of the proposed Delta tunnels project. Also, the plan ignores alternatives that would save California tax and ratepayers billions of dollars, while investing in the jobs and local water sources that build sustainability.

**My environmental concerns with the plan are:**

- The impact on wildlife and plant species in the Delta that depend on freshwater include the Delta smelt, chinook salmon, steelhead, San Joaquin kit fox, and tricolored blackbird, protected species already on the brink that will face decimation due to a diminishing food-web.
- At sea, even the ESA-listed South Pacific Puget Sound Orca Whales depend on migrating Delta species that will be harmed by less water flowing through the Delta.
- The tunnels plan seems to ignore Section 7 of the Endangered Species Act which prohibits federal agency actions that are likely to jeopardize the continued existence of any endangered species or that "result in the destruction or adverse modification of [critical] habitat of [listed] species."

**My public health concerns with the plan are:**

- The tunnels will cause increased contamination of municipal water and wells for the millions of rural and urban residents living in the five Delta counties.
- Environmental justice communities, who depend on subsistence fishing, will also face food and health insecurities as a result of increased contaminants, specifically mercury contamination, in fish and wildlife populations.

**My economic concerns with the plan are:**

- For large metropolitan cities such as Los Angeles and San Jose that depend on export water, water rates and/or property taxes will go up, but they will get no additional water.
- No analysis has been done on how the lack of fresh water flows will impact San Francisco Bay tourism and recreation. These industries depend on Delta fresh water flows for their crab and salmon fisheries, wildlife sighting, boating, and their restaurant economy. This industry is worth billions annually.

- 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 operation and construction of the tunnels will obstruct and disable navigable waterways for boating, marinas and other types of leisure activities, in addition to creating conditions of low water flow that will foster invasive aquatic species, such as water hyacinth. Poor water quality also creates unsafe recreation. Recreation and tourism in the Delta generate \$750 million annually.

### **Alternatives to Water Exports Ignored**

Far far less expensive and less environmentally destructive alternatives to the Delta Tunnels were largely ignored. The plan does not seriously consider any alternatives other than new, upstream conveyance. The decision-making process (from the outset) has tilted in favor of increasing water exports from the Delta.

Our tax and ratepayer dollars would be much better spent on:

- More aggressive water efficiency program statewide that would apply to both urban and agricultural users.

- Funding water recycling and groundwater recharging projects statewide that would be billions of dollars less expensive for rate payers than constructing a new version of the Peripheral Canal or major new surface storage dams. Meanwhile, these projects move communities towards water sustainability.

- Retiring thousands of acres of impaired and pollution generating farmlands in the southern San Joaquin Valley and using those lands for more sustainable and profitable uses, such as solar energy generation.

- Improving Delta levees in order to address potential earthquake, flooding, and future sea level rise concerns at a cost between \$2 to \$4 billion and is orders of-magnitude less expensive than major conveyance projects that are currently being contemplated.

- Increasing freshwater flows through the Delta to reduce pollutants so ecosystems and wildlife can be restored.

### **In Summary**

The Delta has problems that need to be addressed, but the CA Water Fix tunnels are a 20th century idea that 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 my above stated concerns. That is why I 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.

On a personal level, the Delta is where I have grown up and have chosen to raise my family. The Delta is where I learned the value of living things and environmental ethics. As a state that prides itself on its amazing natural features, I believe that building tunnels and diverting water away from the Delta is unethical and goes against the ethics of the beautiful state we live in.

Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Cal McWeeney". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Cal McWeeney



Cal McWeeney  
P.O. Box 115  
Jackson, CA 95642

BDCP/Watertix Comments  
P.O. Box 1919  
Sacramento CA 95812

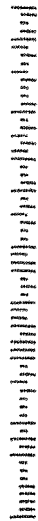
SACRAMENTO CA 957

28 AUG 2015 PM 6:1



SEP 01 2015

95812191919



REC12458

REC'D  
SEP 01 2015

BDCP/WaterFix Comments

August 28, 2015

TO WHOM IT MAY CONCERN;

My husband and I are totally against the Governor's proposed twin tunnels for the following reasons:

More salt water will push into the delta.

The proposed cost is money the State doesn't need to spend and always goes over budget in the end.

Will destroy farms, wildlife and habitat that depend on the delta.

Object to privately owned land that would be taken over.

All and all, it's a bad deal.

Ray and Marlene Perasso

142 Village Ct., Vacaville, CA 95687

Ms. Marlene Petasso  
142 Village Ct.  
Vacaville, CA 95687-6795



SACRAMENTO CA 958

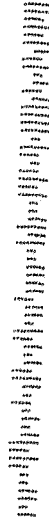
23 AUG 2015 PM 4 L



SEP 01 2015

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

95612191919



RECIRC459

To: The State and Federal officials  
promoting the Delta tunnel plan

REC'D

SEP 01 2015

From: Stephen H DuFF

I am a native San Franciscan, lifelong voter and avid fisherman. Governor Brown has been pushing this Delta tunnel project, which is nothing more than an underground peripheral canal that when presented to the voters of California was soundly rejected. I understand there will be no vote put to the people of California to build or not to build these tunnels. Most people I talk to about the tunnels have never heard of it, nor do they know the effect this project will have on the largest estuary in the western United States. I am not a biologist, but I can not be convinced that diverting the Sacramento river before it enters the Delta will not have a huge negative effect on the delta, which is an estuary that needs fresh water flowing through it to sustain the ecosystem of the Delta.

How can the delta survive this diversion of fresh water that has flowed through it long before any of us were here?

The water in California belongs to all Californians, not a group of wealthy, well connected corporate farmers. I was outraged when I read Steward Resnick took over the states water bank in what amounted to a back room deal. Now he and the corporate agri-business interests in the central and San Joaquin valleys want to take the Sacramento river water for their own interests, not for the interests of California or the Delta.

The oil companies also want this project to be built so they can get the huge amount of water needed to Frack oil out of the ground.

Who will pay for this project? The estimated cost to build these tunnels as stated by independent analysts is Fifty billion dollars. What return will the people of California get in building these outrageously expensive tunnels?

I strongly urge the State and Federal officials promoting the delta tunnel plan to consider other proposals to distribute the water of California more fairly and equitably.

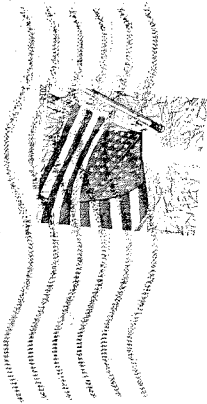
Stephen Adelf

*Regal Dental Ceramics, Inc.*

450 SUTTER ST., SUITE 1709  
SAN FRANCISCO, CALIFORNIA 94108

SAN FRANCISCO CA 941

27 AUG 2015 PM 6 T

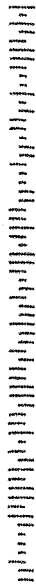


BDCF/Water-Fix  
Comments .P.O.Box 1919  
Sacramento, CA.

95812

SEP 01 2015

95812+1919



RECIRC460

**JOHN E. and LINDA D. BOUDIER**2660 16<sup>th</sup> Street  
Sacramento, CA 95818  
(916) 448-3416REC'D  
SEP 01 2015

ORIGINAL

August 29, 2015

BDCP/Waterfix Comments  
PO Box 1919  
Sacramento, CA 95812Re: Bay Delta Conservation Plan  
Environmental Impact Report  
/failures to disclose  
Notice for a Class of Delta Farmers

BDCP:

Your RDEIR/SDEIS does NOT evaluate the potential impacts related to changes to Alternative 4 and two additional sub-alternatives, nor any substantive changes to the EIR. The objections following are directed to the entire EIR. You have failed to disclose State Plans to take delta farms. We are delta farmers in Clarksburg.

**Exhibit A, attached:**

An e-mail dated August 17, 2015, from "Restore the Delta" that refers to newly released documents at:

<http://restorethedelta.org/wp-content/uploads/2015/08/DCE-Cm1-Property-Acquisition-Plan-2-Fr-MVD-PRA-2015.pdf>

AND

<http://restorethedelta.org/wp-content/uploads/2015/08/DCE-Cm1-Property-Acquisition-Plan-1-Fr-MWD-PRA-2015.pdf>.

The two documents above referenced via the "Restore the Delta" e-mail attached, are incorporated herein, as if fully set forth, by this reference.

In truth, we believe you plan to take our prospective business advantage, life earnings, children's inheritance, and entitlement rights without inverse condemnation proceedings and without compensation. We are *not* on the list of farms for compensation, but there will be a taking if this plan is approved and we can not build our dock across the river from one of your stations. We began the organic certification and dock plans years ago, knowing and believing the tunnel project was politically driven and brainless. *In our opinion, no reasonable person would approve of the project without personal economic or political gain. This project is motivated by greed.*

**Exhibit B, attached:**

The Bill of Rights is attached hereto and incorporated herein as if fully set forth. It is not reasonably possible for one small farmer to list the countless rights violated by this project. We, on behalf of all Delta farmers, claim the human rights inherently known to *The People*, without exception, in the Bill of rights.

The RDEIR/SDEIS does not appear to consider the Bill of Rights nor the expense of abrogating them through conniving secrecy and recently disclosed litigation anticipated under

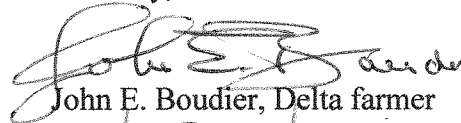
eminent domain. This does not include our farm nor our business plan. We expect our loss will be between 40 and 100 million dollars if we can not complete our business plan because of the project. If we are just one claimant in a class that the State has known about, and failed to disclose, then the undisclosed costs should and must be disclosed in the RDEIR/SDEIS.

**Exhibit C, attached:**

The Constitution of the United States is attached hereto and incorporated herein as if fully set forth. Again, small farmers are not obligated to educate the Governor, the Legislature, nor the Courts. We rely on the inalienable rights delineated by our heritage. *We the People* own the water, the State and Federal lands and buildings, and all the rights set forth in the Constitution of the United States.

The people have been denied due process by the failure to disclose the true plans set forth in Exhibit A. *The People* have been denied due process by the secrecy maintained by Governor Brown and his administration.

Sincerely,



John E. Boudier, Delta farmer



Linda D. Boudier, Delta farmer

**NOTICE OF INTENT**

Incorporeal hereditaments are rights than run with the land. The State of California can not take them without compensation. The media consistently suggests that water rights are complicated. I, as a representative of *The People*, disagree. I learned of the intended, still undisclosed, government taking on 8/17/2015.

It is my legal position that elected officials may not take incorporeal hereditaments without due process and compensation.

Any secretive abrogation of individual property rights related to the RDEIR/SDEIS has and will create individual causes of action, more appropriately presented as a class action by all effected riparian rights owners. I have not deferred our rights to any reclamation district, attorney, nor governmental agency. The Class to be defined will consist of all unrepresented riparian rights owners effected by the project.

Sincerely,



Linda D. Boudier  
Attorney at Law



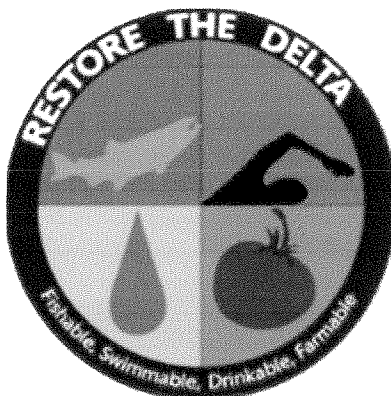
**Linda Boudier**

---

**From:** "Restore the Delta, Barbara Barrigan-Parrilla" <barbara@restorethedelta.org>  
**To:** <boudier@dslexreme.com>  
**Sent:** Monday, August 17, 2015 11:15 AM  
**Subject:** DELTA TUNNELS: Documents Reveal State Plans to Take Delta Farms

Eminent domain will be used to acquire family farms and right of way in Sacramento-San Joaquin Delta.

Is this email not displaying correctly?  
[View it in your browser.](#)



For release: August 17, 2015

**Contact:**

Barbara Barrigan-Parrilla, Restore the Delta, (209) 479-2053

Thomas H. Keeling, attorney for Delta landowners, (209) 474-1818

Conner Everts, Southern California Watershed Alliance, (310) 804-6615

## **DELTA TUNNELS**

### **“Confidential” Documents Reveal State Plans to Take Delta Farms**

Public opposition & lack of permits don't deter Department of Water Resources (Delta Design Construction Enterprise) Under Brown Administration Lead

*Sacramento* – Newly released documents gained through Public Records Actions show that water exporters and the Delta Design Construction Enterprise housed within the California Department of Water Resources have already developed plans to “acquire” family farms and right of way in the Sacramento-San Joaquin Delta through eminent domain.

The “Acquisition Management Plan,” obtained from the Metropolitan Water District of Southern California, shows that agencies have identified 300 parcels in the Delta they intend to “acquire” or gain right of way through.

The documents can be viewed here:

<http://restorethedelta.org/wp-content/uploads/2015/08/DCE-Cm1-Property-Acquisition-Plan-2-Fr-MWD-PRA-2015.pdf>

# **EXHIBIT A**

8/28/2015

<http://restorethedelta.org/wp-content/uploads/2015/08/DCE-Cm1-Property-Acquisition-Plan-1-Fr-MWD-PRA-2015.pdf>

Delta farmers, who have been winning a protracted legal battle with the state agencies, are shaken by the documents.

"It is wrong and premature that the Department of Water Resources has a unit creating a secret land acquisition plan to take 150 year-old farms, like ours, through condemnation," said Richard Elliot whose family has farmed in Courtland for more than 150 years and has never sold any of their land in the Delta. "Now it is going to be condemned for thirsty water agencies working with DWR. It does not make good policy sense to forsake prime Delta farmland with access to water and moderate weather conditions to farm in a dry desert that is filled with salt and selenium in its soils and that is not sustainable. The entire plan doesn't make for sustainable food policies, smart land use practices, or even common sense."

The documents also include maps of targeted farm parcels in the Delta.

"While Delta and good-government activists are busy mobilizing comments in a democratic process, we discover state agencies view public oversight as simply a distraction," said Barbara Barrigan-Parrilla Executive Director of Restore the Delta. "These documents arrogantly envision groundbreaking ceremonies as early as July 2016. Bulldozers and cement trucks are ready to roll! Red ribbons are budgeted! All for a \$60 billion boondoggle without even one permit. Clearly, water officials under the Brown Administration view the Delta as a colony."

### **Plans to End Outreach to the Delta**

The released documents also reveal that DWR and the tunnel promoters will cease all outreach to the Delta as a cost saving measure while issuing multi-million dollar no-bid contracts to oversee the construction of a project that will dewater the estuary.

"The most disturbing aspect of the documents are that The Brown Administration and water exporters don't trust Californians," said Conner Everts with the Southern California Watershed Alliance. "Why do they feel the need to 'fool' Californians? To advance their deeply flawed multi-billion-dollar tunneling experimental export plan. Plus, Metropolitan Water District this coming Monday is once again moving forward with a continuing parcel tax to burden property tax payers. What will these new taxes be used for--this massive tunneling experiment?"

A letter from the San Diego County Water Authority to the Metropolitan Water District discussing the tax can be found [here](#):

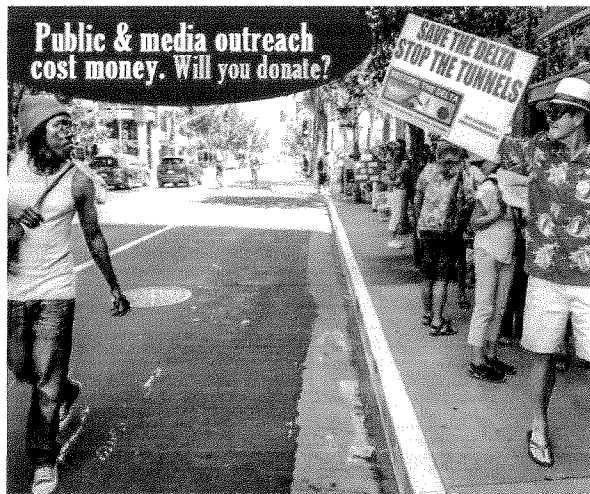
Main Document: "Confidential Draft – Prepared for internal discussion purposes only and not intended for public distribution"

"This Confidential Draft confirms my concerns about the magnitude of the assault on private property interests in the Delta and disruption to Delta life as a result of the proposed project," said attorney Thomas H. Keeling who has represented landowners in this litigation.

"Like every other aspect of the tunnels scheme, taxpayers, landowners, and Delta communities in general will pay the heavy price for a project that will line the pockets of a few private interests south of the Delta without delivering anything of value to California," added Keeling.

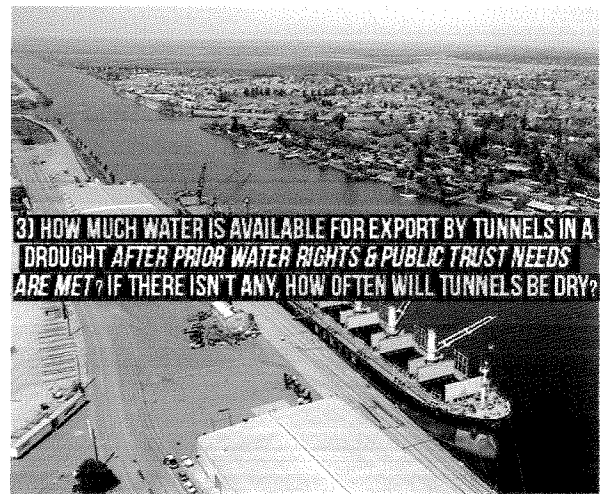
[Continue reading full press release here.](#)

## Help us stop the tunnels once and all.



Federal agencies may permit tunnels by early 2016. Public and media outreach cost money, [will you make a mid year donation to help us get through the year?](#)

## Ideas for your public comments!



[Here are the top ten questions](#) that pro-tunnel agencies don't want you to ask.

[DONATE](#) | [follow on Twitter](#) | [friend on Facebook](#) | [forward to a friend](#)

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**Our mailing address is:**

Restore the Delta  
10100 Trinity Parkway, Suite 120  
Stockton, CA 95219

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# Historic Documents

[« Index of Historic Documents](#)

## Bill of Rights and Later Amendments

### Index to this page

#### Bill of Rights

Amendment 1 Freedoms, Petitions, Assembly  
Amendment 2 Right to bear arms  
Amendment 3 Quartering of soldiers  
Amendment 4 Search and arrest  
Amendment 5 Rights in criminal cases  
Amendment 6 Right to a fair trial  
Amendment 7 Rights in civil cases  
Amendment 8 Bail, fines, punishment  
Amendment 9 Rights retained by the People  
Amendment 10 States' rights

#### Later Amendments

Amendment 11 Lawsuits against states  
Amendment 12 Presidential elections  
Amendment 13 Abolition of slavery  
Amendment 14 Civil rights  
Amendment 15 Black suffrage  
Amendment 16 Income taxes  
Amendment 17 Senatorial elections  
Amendment 18 Prohibition of liquor  
Amendment 19 Women's suffrage  
Amendment 20 Terms of office  
Amendment 21 Repeal of Prohibition  
Amendment 22 Term Limits for the Presidency  
Amendment 23 Washington, D.C., suffrage  
Amendment 24 Abolition of poll taxes  
Amendment 25 Presidential succession  
Amendment 26 18-year-old suffrage  
Amendment 27 Congressional pay raises

## Original Ten Amendments: The Bill of Rights

Passed by Congress September 25, 1789.

Ratified December 15, 1791.

### Amendment I Freedoms, Petitions, Assembly

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### Amendment II Right to bear arms

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

### Amendment III Quartering of soldiers

RECIRC461

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

---

**Amendment IV**  
**Search and arrest**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

---

**Amendment V**  
**Rights in criminal cases**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

---

**Amendment VI**  
**Right to a fair trial**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

---

**Amendment VII**  
**Rights in civil cases**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

---

**Amendment VIII**

RECIRC 461

**Bail, fines, punishment**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

---

**Amendment IX****Rights retained by the People**

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

---

**Amendment X****States' rights**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

---

**Later Amendments**

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**Amendment 11****Lawsuits against states**

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

*February 7, 1795.*

---

**Amendment 12****Presidential elections**

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;--The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--The person having the greatest number of votes for President, shall be the President, if such number be a majority of



THE  
CONSTITUTION  
*of the United States*



**EXHIBIT C**

NATIONAL CONSTITUTION CENTER





# We the People *of the United States*

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## *Article. I.*

### SECTION. 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### SECTION. 2.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.]\* The actual Enumeration shall be made

within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

### SECTION. 3.

The Senate of the United States shall be composed of two Senators from each State, [chosen by the Legislature thereof,]\* for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.]\*

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

#### SECTION. 4.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be [on the first Monday in December,]\* unless they shall by Law appoint a different Day.

#### SECTION. 5.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

#### SECTION. 6.

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

## SECTION. 7.

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively, If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

## SECTION. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings;  
-And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

#### SECTION. 9.

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

[No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.]\*

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

#### SECTION. 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## Article. II.

### SECTION. 1.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]\*

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.]\*

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:- "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

## SECTION. 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

## SECTION. 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

## SECTION. 4.

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## *Article. III.*

### SECTION. 1.

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

### SECTION. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; - to all Cases affecting Ambassadors, other public Ministers and Consuls; - to all Cases of admiralty and maritime Jurisdiction; - to Controversies to which the United States shall be a Party; - to Controversies between two or more States; - [between a State and Citizens of another State;-]\* between Citizens of different States, - between Citizens of the same State claiming Lands under Grants of different States, [and between a State, or the Citizens thereof;- and foreign States, Citizens or Subjects.]\*

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

### SECTION. 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

## Article. IV.

### SECTION. 1.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

### SECTION. 2.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.]\*

### SECTION. 3.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

### SECTION. 4.

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

## Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.



*Article. VI.*

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

*Article. VII.*

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names,

Go. Washington--Presidt:  
and deputy from Virginia

## NEW HAMPSHIRE

John Langdon  
Nicholas Gilman

## MASSACHUSETTS

Nathaniel Gorham  
Rufus King

## CONNECTICUT

Wm. Saml. Johnson  
Roger Sherman

## NEW YORK

Alexander Hamilton

## NEW JERSEY

Wil: Livingston  
David Brearley  
Wm. Paterson  
Jona: Dayton

## PENNSYLVANIA

B Franklin  
Thomas Mifflin  
Robt Morris  
Geo. Clymer  
Thos. FitzSimons  
Jared Ingersoll  
James Wilson  
Gouv Morris

## DELAWARE

Geo: Read  
 Gunning Bedford jun  
 John Dickinson  
 Richard Bassett  
 Jaco: Broom

## MARYLAND

James McHenry  
 Dan of St. Thos. Jenifer  
 Danl Carroll

## VIRGINIA

John Blair-  
 James Madison Jr.

## NORTH CAROLINA

Wm. Blount  
 Richd. Dobbs Spaight  
 Hu Williamson

## SOUTH CAROLINA

J. Rutledge  
 Charles Cotesworth Pinckney  
 Charles Pinckney  
 Pierce Butler

## GEORGIA

William Few  
 Abr Baldwin

Attest William Jackson Secretary

In Convention Monday

September 17th, 1787.

Present

The States of

New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Resolved,

That the preceeding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled. Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution.

That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution.

By the unanimous Order of the Convention

Go. Washington-President:

W. JACKSON Secretary.

\* Language in brackets has been changed by amendment.

# THE AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES AS RATIFIED BY THE STATES

## *Preamble to the Bill of Rights*

CONGRESS OF THE UNITED STATES  
BEGUN AND HELD AT THE CITY OF NEW-YORK, ON  
WEDNESDAY THE FOURTH OF MARCH,  
ONE THOUSAND SEVEN HUNDRED AND EIGHTY NINE

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

*(Note: The first 10 amendments to the Constitution were ratified December 15, 1791, and form what is known as the "Bill of Rights.")*

## *Amendment I.*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## *Amendment II.*

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

## *Amendment III.*

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

## *Amendment IV.*

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## *Amendment V.*

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## Amendment VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

## Amendment VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

## Amendment VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## Amendment IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## Amendment X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

### AMENDMENTS 11-27

## Amendment XI.

Passed by Congress March 4, 1794. Ratified February 7, 1795.

*(Note: A portion of Article III, Section 2 of the Constitution was modified by the 11<sup>th</sup> Amendment.)*

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

## Amendment XII.

Passed by Congress December 9, 1803. Ratified June 15, 1804.

*(Note: A portion of Article II, Section 1 of the Constitution was changed by the 12<sup>th</sup> Amendment.)*

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;-the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;-The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.-]\* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

\*Superseded by Section 3 of the 20th Amendment.

## Amendment XIII.

Passed by Congress January 31, 1865. Ratified December 6, 1865.

*(Note: A portion of Article IV, Section 2 of the Constitution was changed by the 13th Amendment.)*

### SECTION 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

### SECTION 2.

Congress shall have power to enforce this article by appropriate legislation.

## Amendment XIV.

Passed by Congress June 13, 1866. Ratified July 9, 1868.

*(Note: Article I, Section 2 of the Constitution was modified by Section 2 of the 14th Amendment.)*

### SECTION 1.

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### SECTION 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, [being twenty-one years of age,]\* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

### SECTION 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

### SECTION 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

### SECTION 5.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

\*Changed by Section 1 of the 26th Amendment.

## Amendment XV.

Passed by Congress February 26, 1869. Ratified February 3, 1870.

### SECTION 1.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

### SECTION 2.

The Congress shall have the power to enforce this article by appropriate legislation.

## Amendment XVI.

Passed by Congress July 2, 1909. Ratified February 3, 1913.

*(Note: Article I, Section 9 of the Constitution was modified by the 16<sup>th</sup> Amendment.)*

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

## Amendment XVII.

Passed by Congress May 13, 1912. Ratified April 8, 1913.

*(Note: Article I, Section 3 of the Constitution was modified by the 17<sup>th</sup> Amendment.)*

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

## Amendment XVIII.

Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by the 21<sup>st</sup> Amendment, December 5, 1933.

### SECTION 1.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

### SECTION 2.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

### SECTION 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

## Amendment XIX.

Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

## Amendment XX

Passed by Congress March 2, 1932. Ratified January 23, 1933.

*(Note: Article I, Section 4 of the Constitution was modified by Section 2 of this Amendment. In addition, a portion of the 12th Amendment was superseded by Section 3.)*

### SECTION 1.

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

### SECTION 2.

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

### SECTION 3.

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

### SECTION 4.

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

### SECTION 5.

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

### SECTION 6.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

## Amendment XXI

Passed by Congress February 20, 1933. Ratified December 5, 1933.

### SECTION 1.

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

### SECTION 2.

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

### SECTION 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

*Amendment XXII.*

Passed by Congress March 21, 1947. Ratified February 27, 1951.

## SECTION 1.

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

## SECTION 2.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

*Amendment XXIII.*

Passed by Congress June 16, 1960. Ratified March 29, 1961.

## SECTION 1.

The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

## SECTION 2.

The Congress shall have power to enforce this article by appropriate legislation.

*Amendment XXIV.*

Passed by Congress August 27, 1962. Ratified January 23, 1964.

## SECTION 1.

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

## SECTION 2.

The Congress shall have power to enforce this article by appropriate legislation.



## *Amendment XXV.*

Passed by Congress July 6, 1965. Ratified February 10, 1967.

*(Note: Article II, Section 1 of the Constitution was modified by the 25th Amendment.)*

### SECTION 1.

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

### SECTION 2.

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

### SECTION 3.

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

### SECTION 4.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

## *Amendment XXVI.*

Passed by Congress March 23, 1971. Ratified July 1, 1971.

*(Note: Amendment 14, Section 2 of the Constitution was modified by Section 1 of the 26th Amendment.)*

### SECTION 1.

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

### SECTION 2.

The Congress shall have power to enforce this article by appropriate legislation.

## *Amendment XXVII.*

Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

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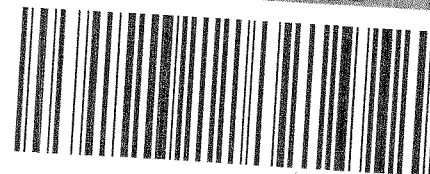


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SJCOG, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

*San Joaquin County Multi-Species Habitat Conservation &  
Open Space Plan (SJMSCP)*

September 3, 2015

*Anthony Silva*  
CHAIR

*Steve DeBram*  
VICE CHAIR

*Andrew T Chesley*  
EXECUTIVE  
DIRECTOR

*Member Agencies*

CITIES OF  
ESCALON,  
LATHROP,  
LODI,  
MANTECA,  
RIPON,  
STOCKTON,  
TRACY,  
AND  
THE COUNTY OF  
SAN JOAQUIN

The Honorable Sally Jewell  
Secretary of the Interior  
U.S. Department of the Interior  
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Washington, D.C. 20240  
exsec@ios.doi.gov

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U.S. Bureau of Reclamation  
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Sacramento, CA 95825  
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John Laird, Secretary  
California Natural Resources Agency  
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Sacramento, CA 95814  
Kinberly.goncalves@resources.ca.gov

Mark W. Cowin, Director,  
California Department of Water Resources  
P.O. Box 942836, Room 1115-1  
Sacramento, CA 94236-0001  
Mark.cowin@water.ca.gov

BDCPComments@icfi.com

Re: Request for an Additional 60-day Extension of Comment Deadline for BDCP/California Water  
Fix RDEIR/SDEIS Comments

Dear Secretary Jewell, Regional Director Murillo, Secretary Laird, Director Cowin and Federal  
and California Agencies, Officers, and Staff Members Carrying out the BDCP/California Water  
Fix:

SJCOG, Inc., as administrators of the San Joaquin County Multi-Species Habitat Conservation and  
Open Space Plan (SJMSCP), a member of the San Joaquin County Delta Coalition and  
collaboratively working with Friends of the River, Restore the Delta, the California Water Impact  
Network, the California Sportfishing Protection Alliance, and the Environmental Water Caucus  
(EWC) (a coalition of over 30 nonprofit environmental and community organizations and California  
Indian Tribes) are writing to urge you to provide an additional 60-day extension to the comment  
period on the recently released Bay-Delta Conservation Plan (BDCP)/California "WaterFix" and the

partially Recirculated Draft Environmental Impact Report and Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) to December 29, 2015.

We appreciate the recent 60-day extension to October 30, 2015, but as you know, the RDEIR/SDEIS contains substantial changes from the initial public draft. The DEIR/SDEIS amounts to nearly 8,000 pages of additional documentation. Additionally, we have been informed that the responsible agency will not consider any of our previous comments applicable to the new alternatives, despite the many similarities. As a result, we are faced with cross-referencing all of the previous comments to ensure that the responsible agency is fully aware of all the concerns.

Given the size and complexity of the documents, particularly in light of the 40,000 pages associated with the original draft EIR/EIS, and the need to cross-reference previously submitted comments, we strongly believe the current public comment period is inadequate. Affording an additional 60 days, beyond the current review period, is clearly warranted and justified.

Should you have questions, please contact me at 209-235-0600 or [mayo@sjcog.org](mailto:mayo@sjcog.org) for further comments. We also request the courtesy of a prompt written response to this Request for an additional 60-day extension of the public comment period.

Sincerely,



STEVEN MAYO  
Program Manager

Cc: (by email)

Josh Emery, United States Fish and Wildlife, Sacramento Valley Branch  
Kurstien Sheridan, California Department of Fish and Wildlife, Region 2  
Andrew Chesley, SJCOG, Inc. President

**From:** Steve Mayo <Mayo@sjcog.org>  
**Sent:** Thursday, September 03, 2015 8:05 AM  
**To:** 'exec@ios.doi.gov'; 'dmurillo@usbr.gov'; 'Kimberly.goncalves@resources.ca.gov';  
'Mark.cowin@water.ca.gov'; BDCPcomments  
**Cc:** Andrew Chesley; Sheridan, Kursten@Wildlife; 'Emery, Joshua'  
**Subject:** SJCOG, Inc. - RDEIR/SDIES -additional 60-day Extension Request  
**Attachments:** RDEIRS Extension Request 60 days More Extension\_Sept 2015.pdf

Dear Secretary Jewell, Regional Director Murillo, Secretary Laird, Director Cowin and Federal and California Agencies, Officers, and Staff Members Carrying out the BDCP/California Water Fix:

Please find an electronic version of the letter being sent to each of you regarding our agency's request for an additional 60-days for the RDEIR/SDEIS public comment period.

Feel free to contact me with any comments or questions.

Sincerely,

**Steven Mayo**

**Program Manager**

*Habitat Conservation Plan*

*San Joaquin Council of Governments*

*555 East Weber Avenue*

*Stockton, CA 95202*

*209-235-0600 phone*

*209-235-0438 fax*

[www.sjcog.org](http://www.sjcog.org)

---

**From:** Banonis, Michelle <mbanonis@usbr.gov>  
**Sent:** Thursday, September 03, 2015 2:13 PM  
**To:** BDCPcomments  
**Subject:** Comment Letter from SJCOG  
**Attachments:** RDEIRS Extension Request 60 days More Extension\_Sept 2015.pdf

Please see attached.

--

Michelle Banonis, Bay Delta Conservation Plan Program Manager  
Bureau of Reclamation  
650 Capitol Mall, 5th Floor  
Sacramento, CA 95814  
(916) 930-5676 (office)  
(916) 397-4914 (cell)

---

**From:** Mark Poulson <mpoulson47@sbcglobal.net>  
**Sent:** Saturday, September 05, 2015 7:00 AM  
**To:** BDCPcomments  
**Subject:** water diversion tunnels

To Whom it May Concern.

I want to go on record as opposing the water diversion tunnels for the CA Delta.

We are in a prolonged drought, and removing water from the Delta ecosystem will harm both it, and the people who live in it.

The Governor's stated goal of insuring a stable water supply for the southern users, in case of catastrophic failure of the levee system, by providing bypass tunnels is admirable, but his solution is wrong.

Reinforcing the levees so they can withstand both earthquakes and rising sea levels is a much more cost effective, long term solution.

70% of the water that flows south from the Delta goes to San Joaquin farmers who grow water intensive crops for export, so they are exporting our State's water in a time of severe drought, when the Governor has called for water conservation. Having those farmers move to different crops that are not water intensive, even if the State has to provide short term subsidies to help offset the cost of the changeover, is a much more effective way to save water.

If the farmers complain that other crops aren't as profitable, remind them that profit at the expense of others is wrong.

Agribusiness is no longer the huge portion of our State's economy it once was, and we need to transition away from water wasting agriculture by a small group of farmers, if it can't be reformed.

Tell the Governor to lead us into the future, not insure that we are mired in the past.

Mark Poulson  
(310) 908-9047

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**From:** Bob Wright <BWright@friendsoftheriver.org>  
**Sent:** Wednesday, September 09, 2015 8:36 AM  
**To:** BDCPcomments  
**Subject:** comment lettera ttached  
**Attachments:** 9 9 15 BDCP final ltr pdf.pdf

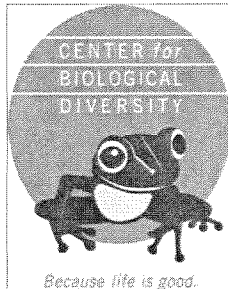
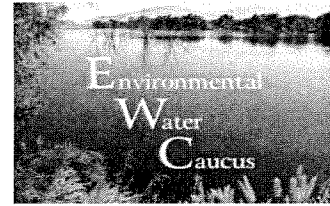
Dear [BDCPComments@icfi.com](mailto:BDCPComments@icfi.com):

Attached please find our joint BDCP/Water Fix comment letter of this date, September 9, 2015.

Please confirm by reply that our comment letter has been received. Also, please call if you have any questions.

Sincerely,

Bob Wright  
Senior Counsel  
Friends of the River  
Sacramento, CA  
(916) 442-3155 x207



FRIENDS OF THE RIVER  
1418 20<sup>TH</sup> STREET, SUITE 100  
SACRAMENTO, CA 95811

September 9, 2015

Via Email and U.S. Mail

The Honorable Sally Jewell  
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John Laird, Secretary  
California Natural Resources Agency  
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[Kimberly.goncalves@resources.ca.gov](mailto:Kimberly.goncalves@resources.ca.gov)

The Honorable Penny Pritzker  
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U.S. Department of Commerce  
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California Department of Water Resources  
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[Mark.cowin@water.ca.gov](mailto:Mark.cowin@water.ca.gov)

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[dmurillo@usbr.gov](mailto:dmurillo@usbr.gov)

[BDCPComments@icfi.com](mailto:BDCPComments@icfi.com)

**RE: RDEIR/SDEIS Comments and Request for BDCP Agencies to Comply with NEPA and the ESA by Preparing a Biological Assessment and Carrying out Consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service and then Issuing a New Draft EIR/EIS Concurrently with and Integrated with the Biological Assessment(s) and resulting Biological Opinion(s) and Including Reasonable and Prudent Alternatives**

Dear Secretary Jewell, Secretary Pritzker, Administrator McCarthy, Secretary Laird, Director Cowin, Regional Director Murillo, and Federal and California Agencies, Officers, and Staff Members Carrying out and Reviewing the BDCP/California Water Fix:

*Summary*

Friends of the River (FOR), Restore the Delta, the Center for Biological Diversity, the California Water Impact Network, the California Sportfishing Protection Alliance, and the Environmental Water Caucus (EWC) (a coalition of over 30 nonprofit environmental and community organizations and California Indian Tribes) object to the adverse modification of critical habitat for five threatened and endangered fish species, which would occur under the Bay Delta Conservation Plan (BDCP)/California Water Fix/Water Tunnels project.<sup>1</sup> Under the BDCP, three large new intakes would divert vast amounts of water from the Sacramento River between Clarksburg and Courtland through two tunnels roughly 35 miles south for export from the Central Valley and State Water Projects' pumping plants. As a result of this massive new diversion ("Water Tunnels project"), enormous quantities of freshwater which now flow through the Sacramento-San Joaquin Delta before being diverted would never even reach the Delta.

*The BDCP Delta Water Tunnels project is not a permissible project under the Endangered Species Act (ESA) because it would adversely modify critical habitat for at least five endangered and threatened fish species.* We previously addressed the failure of the BDCP agencies to develop and consider a range of reasonable alternatives increasing Delta flows by reducing exports in our July 22, 2015 letter to you. This letter expands on the ESA substantive and procedural violations to the National Environmental Policy Act (NEPA) alternatives analysis violations set forth in our earlier letter.

To summarize, *first*, the Sacramento River Winter-Run Chinook Salmon is listed as an endangered species under the Endangered Species Act, 16 U.S.C. § 1531 *et seq.* Likewise, the Central Valley Spring-Run Chinook Salmon, Central Valley Steelhead, Southern Distinct Population Segment of North American Green Sturgeon, and Delta Smelt, are listed as threatened species under the ESA.<sup>2</sup> *Second*, the reaches of the Sacramento River, sloughs, and

<sup>1</sup> The lead agencies for the project are the federal Bureau of Reclamation and the California Department of Water Resources.

<sup>2</sup> Each of these species is listed under the California Endangered Species Act as well, with most of them considered threatened. Bay Delta Conservation Plan, Section 1.4.3, *Covered Species*, Table 1-3, p. 1-24. This table shows that under the California Endangered Species Act, Delta smelt is listed as threatened; however, the BDCP species account for Delta Smelt states that the California Fish and Game Commission elevated delta smelt to the status of endangered on March 4, 2009. (BDCP, Appendix 2A, section 2A.1.2, p. 2A.1-2, lines 21-24.) Longfin smelt is considered threatened, winter-run Chinook salmon is considered endangered, spring-run Chinook salmon

the Delta that would lose significant quantities of freshwater flows through operation of the proposed Water Tunnels are designated critical habitats for each of these five listed endangered and threatened fish species. **Third**, no Biological Assessment has been prepared and transmitted to the U.S. Fish and Service (USFWS) or National Marine Fisheries Service (NMFS) by Reclamation with respect to the Water Tunnels project. **Fourth**, ESA Section 7 consultations have not occurred and no Biological Opinion has been prepared by the USFWS or NMFS with respect to the effects of the operation of the Water Tunnels on the five federally listed species of fish or their designated critical habitats. **Fifth**, because of Reclamation's failure to prepare Biological Assessments and failure to initiate ESA consultation, no "reasonable and prudent alternatives" (RPAs) have been developed or suggested by the USFWS or NMFS to avoid species jeopardy or adverse modification of designated critical habitat.

Approval of the Water Tunnels project in the form of preferred Alternative 4A or otherwise would violate the substantive prohibitions of Section 7 of the ESA by adversely modifying designated critical habitat as well as by jeopardizing the continued existence of the endangered and threatened fish species.

Approval of the Water Tunnels project would violate the procedural requirements of the ESA because Reclamation has not evaluated its proposed action "at the earliest possible time" to determine whether its action may affect listed species or critical habitat and has not entered into formal consultation with USFWS and NMFS.

Approval of the Water Tunnels project would violate the procedural requirements of NEPA because the BDCP Draft EIR/EIS and Water Fix RDEIR/SDEIS have not been prepared "concurrently with and integrated with" Biological Assessments and Biological Opinions required by the ESA. Again, the Biological Assessments and Biological Opinions, though required, do not exist.

These are not deficiencies that can be "fixed" by responses to comments in a Final EIR/EIS. Instead, Reclamation and the Department of Water Resources (DWR) must prepare a new Draft EIR/EIS to be circulated for public review and comment. The new public Draft EIR/EIS document must include the range of reasonable alternatives including alternatives increasing flows by reducing exports as set forth in our July 22, 2015 letter. The new public Draft NEPA document must also be prepared concurrently with and integrated with the ESA required Biological Assessments, Biological Opinions, and include reasonable and prudent alternatives, developed by the USFWS and NMFS. The required reasonable and prudent alternatives would include alternatives increasing flows through the Delta to San Francisco Bay by reducing exports.

***The Water Tunnels Threaten Jeopardy and Adverse Modification of Designated Critical Habitat of Endangered and Threatened Fish Species in Violation of the Substantive Prohibitions of the ESA***

The Sacramento River Winter-Run Chinook Salmon is listed as an endangered species under the ESA. 50 C.F.R. § 17.11. Critical habitat for the species was designated to include the Sacramento River extending from River Mile 0 near the Delta to River Mile 302, which is far

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threatened, fall- and late fall-run Chinook salmon are considered species of special concern; and green sturgeon (southern DPS) is also considered a species of special concern. Longfin smelt is at this time a candidate species for listing under the federal Endangered Species Act.

north of the proposed BDCP diversion near Clarksburg. 50 C.F.R. § 226.204. The Water Tunnels project would divert enormous quantities of freshwater from the Winter-Run Chinook Salmon's designated critical habitat. The four threatened fish species mentioned above would likewise lose enormous quantities of freshwater from their designated critical habitats because of diversion of water resulting from the project.<sup>3</sup>

“The ESA provides ‘both substantive and procedural provisions designed to protect endangered species and their habitat.’” *San Luis & Delta-Mendota Water Auth. v. Jewell* (Jewell), 747 F.3d 581, 596 (9th Cir. 2014), *cert. denied*, 135 S.Ct. 948 and 950 (2015). Pursuant to the commands of Section 7 of the ESA, each Federal agency “shall . . . insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of [critical] habitat of such species. . . .” 16 U.S.C. § 1536(a)(2). “Actions” include “actions directly or indirectly causing modification to the land, water, or air.” 50 C.F.R. § 402.02 (Emphasis added). “ESA section 7 prohibits a federal agency from taking any action that is ‘likely to jeopardize the continued existence’ of any listed or threatened species or ‘result in the destruction or adverse modification’ of those species’ critical habitat.” *San Luis & Delta-Mendota Water Auth. v. Locke* (Locke), 776 F.3d 971, 987 (9th Cir. 2015).

The BDCP itself identifies stressors and threats to each of the five species. Common threats and stressors to the five species include habitat loss due to the operation of water conveyance systems, increasing water temperatures and predation hotspots. By installing gigantic diversion intakes in at least three locations between Clarksburg and Courtland, and by diverting massive amounts of water from the Sacramento River, the Water Tunnels project will literally reduce the amount of aquatic habitat available to these five species in their critical habitats. Additionally, the massive diversion will reduce flow in the critical habitat and contribute to a further increase in water temperature. The Effects Analysis chapter (Chapter 5) of the Draft BDCP Plan (November 2013) admits that significant adverse effects could result from

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<sup>3</sup> The Central Valley Spring-Run Chinook Salmon is listed as a threatened species under the ESA. 50 CFR § 17.11. Critical habitat for the species was designated to include the Sacramento River from Lat 38.0612, Long -121.7948, near Mile 0, upstream to Elk Slough (38.4140, -121.5212) in Clarksburg, California. 50 C.F.R. § 226.211(k)(5)(i).

The Central Valley Steelhead is listed as threatened under the ESA. 50 CFR § 17.11. Critical habitat for the species was designated to include the Sacramento River from Lat 38.0653, Long -121.8418, near Mile 0, upstream to Elk Slough in Clarksburg. 50 CFR § 226.211(l)(5).

The Southern Distinct Population Segment of North American Green Sturgeon is listed as threatened under the ESA. 50 CFR § 17.11. Critical habitat for this species is designated to include the Sacramento–San Joaquin Delta including all waterways up to the elevation of mean higher high water within the area defined in California Water Code Section 12220. 50 CFR § 226.219(a)(3). The National Marine Fisheries Service’s website provides a map displaying Green Sturgeon critical habitat:

<<http://www.nmfs.noaa.gov/pr/pdfs/criticalhabitat/greensturgeon.pdf>>. The map indicates that the critical habitat includes the Sacramento River from Mile 0 near the Delta to upstream beyond the proposed intake site near Clarksburg.

The Delta Smelt is listed as threatened under the ESA. 50 CFR § 17.11. Critical habitat for the species was designated to include “all contiguous waters of the legal Delta.” 50 CFR § 17.95–e–Fishes–Part 2. The US Fish and Wildlife Service’s website provided a map displaying some of the Delta Smelt’s critical habitat:

<[http://www.fws.gov/sfbaydelta/maps/delta\\_smelt\\_critical\\_habitat\\_map.pdf](http://www.fws.gov/sfbaydelta/maps/delta_smelt_critical_habitat_map.pdf)>. The map indicates that the Delta Smelt’s critical habitat includes the Sacramento River near Mile 0 upstream to the proposed BDCP intake site near Clarksburg.

the Water Tunnels on the covered fish and their habitat including: “Change in entrainment of fish in water diversions. Change in predation as a result of new structures. Modification of river flow. Change in habitat. Change in food and foraging. Permanent indirect and other indirect losses. Disturbances related to construction and maintenance.” (Plan, ch. 5, 2-13).

The BDCP identifies key hydrologic and hydrodynamic changes that reduce or adversely modify habitat of these listed fish species. (See below) These changes will exacerbate threats and stressors already known to affect these fish. BDCP modeling in the RDEIR/SDEIS finds that through-Delta survival rates of winter-run, spring-run, and fall-run Chinook salmon all decrease relative to the No Action Alternative from Water Tunnels operation. (RDEIR/SDEIS Tables 11-4A-23, 51, and 74).

Specifically, the BDCP identifies reduced habitat due to water storage and water conveyance systems as a stressor and threat to Winter- Run Chinook Salmon. BDCP EIR-EIS Administrative Draft, 11A-47 (March 2013). There will be adverse effects on juvenile winter-run Chinook salmon including near-field (contact with screens and aggregation of predators) and far-field (reduced downstream flows (Plan, ch. 5, 5.3-23; RDEIR/SDEIS p. 4.3.7-48), reduced Sacramento River attraction flows for migrating adult winter-run Chinook salmon (Plan, ch. 5, 5.3-29), possible reduction of survival of juvenile winter-run Chinook salmon during downstream migration and possible negative effect on upstream migration of adult winter-run Chinook salmon by changing attraction flows/olfactory cues. (Plan, ch. 5, 5.3-32). The BDCP also admits that “A potential adverse effect of the BDCP on adult winter-run Chinook salmon will be the reduction in flow downstream of the north Delta diversions on the Sacramento River, reducing river flow below the north Delta intakes.” (Plan, ch. 5, 5.3-45; BDCP Appendix 5C, Tables C.A-41 and C.A-42; RDEIR/SDEIS Figures 4.3.2-7 and 4.3.2-8.) The reduced outflow along with the possible change in olfactory signals due to change in the flow mixture “could affect upstream migration.” (*Id.*). The RDEIR/SDEIS states: “when compared to the CEQA baseline, [Alternative 4A, the Water Tunnels], including climate change, would substantially reduce the quantity and quality of spawning and egg incubation habitat for winter-run Chinook salmon relative to existing conditions.” (RDEIR/SDEIS, 4.3.7-58.) The BDCP likewise identifies similar threats and stressors to the Spring-Run Chinook Salmon, Steelhead, Green Sturgeon, and Delta Smelt that would result from the Water Tunnels.<sup>4</sup>

In 2013, NMFS reiterated its previous “Red Flag” comment that the Water Tunnels project threatens the “potential extirpation of mainstem Sacramento River Populations of winter-run and spring-run Chinook salmon over the term of the permit . . .” (NMFS Progress Assessment and Remaining Issues Regarding the Administrative Draft BDCP Document, Section 1.17, 12, April 4, 2013). As we pointed out in our July 22, 2015 letter, the U.S. Environmental Protection Agency (EPA) has called for alternatives addressing “the need for water availability and greater freshwater flow through the Delta.” (EPA Letter, August 26, 2014, p. 2). Likewise, the Army Corps of Engineers, State Water Resources Control Board, and USFWS scientists also raised concerns regarding the BDCP’s impacts on water quality and impacts to endangered and threatened species.<sup>5</sup>

<sup>4</sup> See references to threats and stressors for the four other fish species in Attachment 1 of this letter.

<sup>5</sup> We briefly summarized some of these agencies comments in our July 22, 2015 letter (at pp. 8-10) to you.

However, comments from other federal agencies were ignored. In April 2015, the claimed habitat conservation elements of the BDCP have been dropped or drastically pared back in the switch from the BDCP to the “California Water Fix.” As just one example, the plan to provide “65,000 acres of tidal wetland restoration” has been eviscerated to merely “59 acres of tidal wetland restoration.” (RDEIR/SDEIS ES-17 (emphasis added)). Consequently, the current Water Tunnels project is *even more of a threat* to fish species and their habitat compared to the previous version that resulted in the concerns raised then by the EPA, Army Corps of Engineers, State Water Resources Control Board, and NMFS and USFWS scientists.

“The goal of the ESA is not just to ensure survival but to ensure that the species recover to the point it can be delisted.” *Alaska v. Lubchenko*, 723 F.3d 1043, 1054 (9th Cir. 2013), citing *Gifford Pinchot Task Force v. U.S. Fish and Wildlife Service*, 378 F.3d 1059, 1070 (9th Cir. 2004). Pursuant to the commands of the ESA, each Federal agency “shall. . . insure that any action authorized, funded, or carried out by such agency. . . is not likely to jeopardize the continued existence of any endangered or threatened species *or result in the destruction or adverse modification of [critical] habitat of such species . . .*” 16 U.S.C. § 1536(a)(2) (emphasis added). “[T]he purpose of establishing ‘critical habitat’ is for the government to carve out territory that is not only necessary to the species’ survival but also essential for the species’ recovery.” *Gifford Pinchot*, 378 F.3d 1059, 1070. Also, “existing or potential conservation measures outside of the critical habitat cannot properly be a substitute for the maintenance of critical habitat that is required by Section 7 [of the ESA, 16 U.S.C § 1536].” *Gifford Pinchot*, 378 F.3d 1059, 1076.

Taking the fresh water flows and safe refuge away from the endangered and threatened fish species would neither insure their survival nor insure their recovery and delisting. On-the-ground habitat restoration is not a lawful substitute under the ESA for maintaining the critical habitat of and in the waters of the Sacramento River, sloughs, and Delta. The reduction of water and flows, increased residence times of water, and increased water temperature are adverse modifications of their critical habitat. Approval of the BDCP would violate the ESA. The Water Tunnels project is thus not permissible under the ESA.<sup>6</sup>

***Reclamation is Presently Violating both NEPA and ESA Procedure by Failing to Issue a Draft EIR/EIS Concurrently with and Integrated with ESA Required Biological Assessments and Biological Opinions***

Extinction is forever. Fortunately, the ESA obligates federal agencies “to afford first priority to the declared national policy of saving endangered species,” *Tennessee Valley Authority v. Hill*, 437 U.S. 153, 185 (1978). Despite that, Reclamation has failed to prepare a Biological Assessment pertaining to its action and has failed to initiate consultation with USFWS and NMFS even though Biological Assessment preparation and initiation of consultation are required by the ESA. (See RDEIR/SDEIS 1-15 (under “Section 7 of the Endangered Species

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<sup>6</sup> We have brought the impermissibility of the Water Tunnels project given the substantive prohibitions of the ESA and the related procedural ESA and NEPA violations to the attention of Reclamation and DWR on numerous occasions for more than two years now. These prior communications include the FOR letters of June 4, September 25 and November 18, 2013, January 14, March 6, May 21, and July 29 (including pp. 10-11), 2014, EWC letter of June 11, 2014 (including pp. 29-30) and our recent joint letters of July 16 (requesting an extension of time to comment), and July 22 (alternatives), 2015. We also addressed these issues in our meeting with federal agency representatives in Sacramento on November 7, 2013.

Act’’)). The RDEIR/SDEIS concedes that “formal consultation under ESA Section 7” will be necessary. (*Id.*).

Section 7 of the ESA (16 U.S.C. § 1536(a)(4)) requires that “Should the agency find that its proposed action *may* affect a listed species or critical habitat, it must formally or informally consult with the Secretary of the Interior, or his or her delegee [USFWS and/or NMFS].” *Jewell*, 747 F.3d 581, 596 (emphasis in decision). “Formal consultation is required when the acting agency or consulting agency determines that the proposed action is *likely* to adversely affect a listed species or critical habitat. 50 C.F.R. §§ 402.13, 402.14. Formal consultation requires the consulting agency . . . , to issue a biological opinion stating whether the proposed action is likely to jeopardize such species or habitat. 16 U.S.C. § 1536(b); 50 C.F.R. § 402.14.” *Jewell*, 747 F.3d at 596 (emphasis in decision).

ESA Regulations (50 C.F.R. § 402.14(a)) require that “Each Federal agency shall review its actions *at the earliest possible time* to determine whether any action may affect listed species or critical habitat. If such a determination is made, formal consultation is required. . . .” *Karuk Tribe of California v. U.S. Forest Service*, 681 F.3d 1006, 1020 (9th Cir. 2012) (en banc)(emphasis added), *cert. denied*, 133 S.Ct. 1579 (2013). The Ninth Circuit Court of Appeals has repeatedly held that: “Any possible effect, whether beneficial, benign, adverse or of an undetermined character, triggers the formal consultation requirement.” *Western Watersheds Project v. Kraayenbrink*, 620 F.3d 1187, 1210 (9th Cir. 2010). *Accord*, *Karuk Tribe*, 681 F.3d 1006, 1027; *Cal. ex rel. Lockyer v. U.S. Dep’t of Agric.*, 575 F.3d 999, 1018 (9th Cir. 2009).

Even the ardent advocates for the Water Tunnels project who prepared the 48,000 pages of BDCP advocacy documents do not contend that taking large quantities of water away from the Sacramento River, sloughs, and Delta will not have “any possible effect, whether beneficial, benign, adverse or of an undetermined character” on the endangered and threatened fish species or their habitat. Not surprisingly, no preposterous claim of “no possible effect” is made in the Draft EIR/EIS or RDEIR/SDEIS. But instead of reviewing the proposed Water Tunnels at the earliest possible time, Reclamation is delaying ESA review until some unspecified and unacknowledged future time.

The NEPA regulations require that “To the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the . . . Endangered Species Act. . . .” 40 C.F.R. § 1502.25(a). “The [ESA] regulations also acknowledge that the agencies are expected to concurrently comply with both Section 7 of the ESA and NEPA. *See* 50 C.F.R. § 402.06 (‘Consultation, conference, and biological assessment procedures under section 7 may be consolidated with interagency cooperation procedures required by other statutes, such as the National Environmental Policy Act (NEPA).’).” *Jewell*, 747 F.3d 581, 648. “ESA compliance is not optional,” and “an agency may not take actions that will tip a species from a state of precarious survival into a state of likely extinction.” *Nat’l Wildlife Fed’n v. Nat’l Marine Fisheries Serv.*, 524 F.3d 917, 929-30 (9th Cir. 2008). Consequently, against this threat of extinction, conducting the draft EIS public review and comment stage without Biological Assessments or Biological Opinions leaves the public in the dark and violates both the ESA and



NEPA. In the absence of the ESA required analyses, the draft EIS/EIR is “so inadequate as to preclude meaningful analysis” in violation of NEPA. 40 C.F.R. § 1502.9(a).<sup>7</sup>

Reclamation has violated the “at the earliest possible time” ESA mandate and the “concurrently with and integrated with” NEPA mandate by prematurely issuing the Draft EIR/EIS and now the REDIR/SDEIS attempting to hide from the reviewing public the critical pertinent information and analyses that would be supplied by the missing Biological Assessments and Biological Opinions. New upstream diversions of large quantities of water from the Sacramento River will undeniably “affect” the listed fish species and their critical habitats.

*The public now has what it does not need: unsupported advocacy from the consultants speculating that the adverse effects will be offset or that the effects will not really be all that adverse. The public does not have what it does need: the federal agency Biological Assessments and Biological Opinions required by the ESA and NEPA.*<sup>8</sup>

The evasion of ESA obligations by Reclamation is both extreme and deliberate. Reclamation has on August 26, 2015 joined with DWR in submitting a petition to the State Water Resources Control Board for a change in the point of diversion necessary for the Water Tunnels. The petition recites that “The proposed project reflects the culmination of a multiyear planning process that began in 2006 . . . (Petition cover letter, p. 1). The passage of nine years makes a mockery of the ESA requirement to commence ESA review “at the earliest possible time.” Because of the absence of the ESA-Required Biological Assessments and Biological Opinions, Reclamation feels free to make the demonstrably false representation in the petition that “The California WaterFix would result in substantially improved conditions in the Delta for endangered and threatened species and afford greater water supply reliability for the state.” (Petition cover letter, p. 2).

Red flag comments and the Record so far have made it clear that there is at minimum significant uncertainty about whether the Water Tunnels project is even permissible under the ESA. This critical issue cannot be resolved until the Biological Assessments and Opinions have been prepared. Reclamation has not obtained the determination pursuant to ESA-required consultation whether the “preferred alternative”—the Water Tunnels—is even lawful or feasible.

Against this threat of extinction from known stressors and negative effects on the critical habitat, conducting the NEPA environmental draft process prior to and in a vacuum from the ESA consultation process violates the ESA command to carry out the ESA process “at the earliest possible time” and violates the NEPA command to conduct the NEPA and ESA processes “concurrently” and in an “integrated” manner. This also constitutes unlawful piecemealing or segmenting of the NEPA process from the ESA required analyses of the jeopardy and habitat threats posed by the proposed Water Tunnels.

<sup>7</sup> The CEQA rule is the same. Recirculation is required where feasible project alternatives were not included in the Draft EIR. CEQA Guidelines, 14 Cal. Code Regs., § 15088.5(a), or when “The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” CEQA Guidelines, § 15088.5(a)(4).

<sup>8</sup> “The ESA requires an agency to use ‘the best scientific and commercial data available’ when formulating a BiOp.” *Locke*, 776 F.3d 971, 995. “The purpose of the best available science standard is to prevent an agency from basing its action on speculation and surmise.” *Locke*, 776 F.3d at 995.

***Reclamation is Proceeding in the Absence of the “Reasonable and Prudent Alternatives” that Must be Developed and Identified pursuant to the ESA***

Our July 22, 2015 letter to you set forth the NEPA violations resulting from the failure of the BDCP documents including the Draft EIR/EIS and the new RDEIR/SDEIS to include a range of reasonable alternatives increasing freshwater flows through the Delta by reducing exports and not including new upstream conveyance. We pointed out how Reclamation and DWR have ignored repeated warnings and suggestions made to them over the years by public agencies including the EPA, U.S. Army Corps of Engineers, and State Water Resources Control Board, by the National Academy of Sciences and by the Environmental Water Caucus (EWC).

Beyond ignoring the NEPA alternatives mandate, expert government agencies, the Academy and the EWC, Reclamation is also ignoring the crystal clear prohibitions and mandates of the ESA and NEPA. The previous section set forth the procedural ESA requirements for consultation “at the earliest possible time” and the procedural NEPA requirements for the NEPA Draft EIS to be prepared “concurrently with and integrated with” the analyses required by the ESA.

There is more. Under Section 7 of the ESA, 16 U.S.C. § 1536(b)(3)(A), after consultation “If it appears that an action may affect an endangered or threatened species, the consulting agency must provide a biological opinion to the action agency explaining how the action ‘affects the species or its critical habitat.’ *Id.* § 1536(b)(3)(A). When a biological opinion concludes that the action is likely to jeopardize an endangered or threatened species, or adversely modify its habitat, then the consulting agency must suggest ‘reasonable and prudent alternatives [RPA].’ *Id.*” *Cottonwood Envtl. Law Ctr. v. U.S. Forest Serv.*, 789 F.3d 1075, 1085 (9th Cir. 2015). *Accord, Jewell*, 747 F.3d 581, 596; *Locke*, 776 F.3d 971, 988. The consulting agency “in the course of proposing an RPA, must insure that the RPA does not jeopardize the species or its habitat.” *Jewell*, 747 F.3d 581, 636.

We pointed out in our July 22, 2015 letter (at p. 10) that Reclamation and DWR had to drop the attempt to sell the Water Tunnels as part of a habitat conservation plan. The USFWS and NMFS scientists were unwilling to find falsely that the Water Tunnels would not be harmful to endangered species of fish and their habitat. The RDEIR/SDEIS calls this “difficulties in assessing species status and issuing assurances over a 50 year period . . .” (RDEIR/SDEIS, 1-2). In fact, for more than three years, the federal scientists have been issuing “Red Flag” warnings that the Water Tunnels threaten the “potential extirpation of mainstem Sacramento River populations of winter-run and spring-run Chinook salmon over the term of the permit,” contrary to publicity claims made for the project.

The Draft EIR/EIS and RDEIR/SDEIS alternatives and alternatives analyses are of no value whatsoever to either decision-makers or the public. This appears to be a deliberate effort on the part of Reclamation and DWR to unlawfully evade the obligation to develop in a Draft EIR/EIS for public review and comment a range of reasonable alternatives including alternatives that would increase freshwater flows through the Delta by reducing exports and that would not include new upstream conveyance. A central feature of this intentional violation of the procedural requirements of both NEPA and the ESA is premature issuance by Reclamation of the Draft EIR/EIS and RDEIR/SDEIS on the one hand, while with the other hand, Reclamation has deliberately failed to prepare a Biological Assessment and initiate formal ESA consultation with USFWS and NMFS.

As a result of these violations, *reasonable and prudent alternatives* have not been prepared by USFWS and NMFS and are not available to the public during the BDCP and Water Fix public review and comment periods. Reclamation and DWR wish to approve the Water Tunnels *in spite of* their adverse impacts on Delta water quality and quantity and on endangered and threatened fish species. In contrast, the ESA requires that the project *must not* jeopardize endangered species or their habitat. In essence, the current Water Tunnels project/Water Fix is an unlawful attempt by Reclamation and DWR to approve the Water Tunnels in a vacuum, in the absence of reasonable and prudent alternatives that they wish to avoid but which are required by the ESA. Reasonable and prudent alternatives are also necessary to provide the NEPA required analysis of a range of reasonable alternatives. The range of *reasonable alternatives* required by NEPA will necessarily include the *reasonable and prudent alternatives* required by the ESA. We are pleased to offer EWC's *A Sustainable Water Plan for California*, discussed in our July 22, 2015 letter, as one example of a reasonable and prudent alternative to the Water Tunnels.<sup>9</sup>

One remedy for this unlawful process is for Reclamation to proceed to prepare a Biological Assessment and request consultation with USFWS and NMFS, and then issue a new Draft EIR/EIS for public review and comment concurrently with and integrated with the resulting Biological Opinions prepared under the ESA. The only other lawful remedy open to Reclamation and DWR is also eminently sensible: drop the Water Tunnels proposed action and focus on intelligent 21<sup>st</sup> century water solutions such as recycling, drip-irrigation, conservation, and retirement of drainage impaired lands in the San Joaquin Valley from production.

### *Conclusion*

In the absence of answers to basic questions including ESA questions about jeopardy of listed fish species and adverse modifications of designated critical habitats, the Draft BDCP EIR/EIS and RDEIR/SDEIS are not sufficient for informed review by the public and the decision-makers. It will be necessary at minimum under the ESA, NEPA and CEQA for the federal and state agencies to prepare, issue, and circulate for public review a *new Draft EIR/EIS* concurrently with and integrated with Biological Assessments and Biological Opinions. 40 C.F.R. §§ 1502.9(a); 1502.25(a) (NEPA); 14 Cal. Code Regs., §§ 15065(a)(1); 15088.5(a)(CEQA). Then, and only then, would the public and the decision-makers have the opportunity to engage in meaningful analysis of a preferred project alternative and informed comparison with other alternatives, including the reasonable and prudent alternatives required by the ESA.

Should you have any questions, please contact Conner Everts, Co-Facilitator, Environmental Water Caucus at (310) 394-6162 ext. 111 or Robert Wright, Senior Counsel, Friends of the River at (916) 442-3155 ext. 207 or [bwright@friendsoftheriver.org](mailto:bwright@friendsoftheriver.org).

Sincerely,

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<sup>9</sup> <http://ewccalifornia.org/reports/ewcwaterplan9-1-2015.pdf>.

/s/ Conner Everts  
Co-Facilitator  
Environmental Water Caucus

/s/ E. Robert Wright  
Senior Counsel  
Friends of the River

/s/ Carolee Krieger  
Executive Director  
California Water Impact Network

/s/ Bill Jennings  
Executive Director  
California Sportfishing Protection Alliance

/s/ Barbara Barrigan-Parilla  
Executive Director  
Restore the Delta

/s/ Jeff Miller  
Conservation Advocate  
Center for Biological Diversity

Additional Addressees, all via email:

Maria Rea, Assistant Regional Administrator  
National Marine Fisheries Service

Michael Tucker, Fishery Biologist  
National Marine Fisheries Service

Larry Rabin, Acting, Field Supervisor, S.F. Bay-Delta  
U.S. Fish and Wildlife Service

Lori Rinek  
U.S. Fish and Wildlife Service

Mary Lee Knecht, Program Manager  
U.S. Bureau of Reclamation

Patty Idloff  
U.S. Bureau of Reclamation

Deanna Harwood  
NOAA Office of General Counsel

Kaylee Allen  
Department of Interior Solicitor's Office

Jared Blumenfeld, Regional Administrator  
U.S. EPA, Region IX

Tom Hagler  
U.S. EPA General Counsel Office

Tim Vendlinski, Bay Delta Program Manager, Water Division  
U.S. EPA, Region IX

Stephanie Skophammer, Program Manager  
U.S. EPA, Region IX

Erin Foresman, Bay Delta Coordinator  
U.S. EPA

Lisa Clay, Assistant District Counsel  
U.S. Army Corps of Engineers

Michael Nepstad, Deputy Chief, Regulatory Division  
U.S. Army Corps of Engineers

Zachary M. Simmons, Senior Regulatory Project Manager  
U.S. Army Corps of Engineers

Diane Riddle, Environmental Program Manager  
State Water Resources Control Board

Attachment I

## ATTACHMENT 1

The BDCP identifies several threats and stressors to the Central Valley Spring-Run Chinook Salmon, which include flow reductions causing increased water temperature and habitat elimination or degradation due to water conveyance systems. (BDCP EIR-EIS Administrative Draft, 11A-83, 11A-76 (March 2013)). The BDCP Plan admits that adverse effects of the proposed north Delta diversions on juvenile Spring-Run Chinook Salmon include near-field (physical contact with the screens and aggregation of predators) and far-field (reduced downstream flows). (Plan, ch. 5, 5. 4-16; see also RDEIR/SDEIS, p. 4.3.7-79, lines 15-17). “Plan Area flows have considerable importance for downstream migrating juvenile salmonids and will be affected by the proposed north Delta diversions . . . Because of the north Delta diversions, salmonids migrating down the Sacramento River generally will experience lower migration flows compared to existing conditions. . . As with winter-run Chinook salmon, it was assumed with high certainty that Plan Area flows have critical importance for migrating juvenile spring-run Chinook salmon.” (Plan, ch. 5, 5. 4-17; BDCP Appendix 5C, Tables C.A-41 and C.A-42; see also RDEIR/SDEIS, Figures 4.3.2-7 and 4.3.2-8). Other admitted adverse effects caused by operations of the north Delta diversions include reduced attraction flows in the Sacramento River for migrating adult spring-run Chinook salmon. (Plan, ch. 5, 5. 4-19). “Lower river flow downstream of the north Delta intakes under the BDCP may reduce survival of juvenile spring-run Chinook salmon during downstream migration along the Sacramento River and also could negatively affect upstream migration of adult spring-run Chinook salmon by changing attraction flows/olfactory cues.” (Plan, ch. 5, 5. 4-20). The RDEIR/SDEIS again delivers bleak prospects for the survival of this federally-protected species: “Under Alternative 4A (including climate change effects), there are flow and storage reductions, as well as temperature increases in the Sacramento River that would lead to biologically meaningful increases in egg mortality rates and overall reduced habitat conditions for spawning spring-run and egg incubation.” (RDEIR/SDEIS, 4.3.7-98).

The BDCP states that threats and stressors to the Steelhead include water storage and conveyance systems as well as flow reductions contributing to increased water temperatures. (BDCP EIR-EIS Administrative Draft, 11A-129, 11A-133 (March 2013)). The Plan admits near-field (physical contact with the screens and aggregation of predators) and far-field (reduced downstream flows leading to greater probability of predation) effects of the north Delta diversions on juvenile Sacramento River Region Steelhead. (Plan, ch. 5, 5. 6-11; see also RDEIR/SDEIS, p. 4.3.7-199, lines 1-6). The plan also admits that “Sacramento River attraction flows for migrating adult Sacramento River region steelhead will be lower from operations of the north Delta diversions under the BDCP.” (Plan, ch. 5, 5. 6-13; BDCP Appendix 5C, Tables C.A-41 and C.A-42; see also RDEIR/SDEIS, Figures 4.3.2-7 and 4.3.2-8). The Plan admits that respect to the Feather River, “the reduction in flows in the high-flow channel due to BDCP would reduce conditions in an already unsuitable habitat.” (Plan, ch. 5. 6-16). The RDEIR/SDEIS states: “In general, Alternative 4A would degrade the quantity and quality of rearing habitat for steelhead relative to Existing Conditions.” (RDEIR/SDEIS, 4.3.7-22).

The BDCP identifies increased water temperatures and habitat loss as threats and stressors to the Green Sturgeon. BDCP EIR-EIS Administrative Draft, 11A-162 – 65 (March 2013). With respect to admitted adverse effects, the Plan admits that flow changes will reduce transport and migration flows in the Feather River and Plan area. (Plan, ch. 5. 8-17 through 8-24). “As such [reduction in early fall releases], average in stream flows during some months of the three periods identified above (June-September, August-October, August-June) are expected

to substantially decline in the Feather River at Thermalito and moderately decline in the Sacramento River at Verona under the BDCP, especially for the LOS [low-outflow scenario] (Appendix 5.C, flow, passage, salinity, and turbidity, section 5.C.5.3.3, High Outflow and Low Outflow Scenarios).” (Plan, ch. 5, 5. 8-18). Also, the plan admits that “there is [on the Feather River] the potential for appreciable change in the Feather River as a result of operational differences between the BDCP scenarios and future conditions without the BDCP (EBC2\_LLT).” (Plan, ch. 5, 5. 8-24). The RDEIR/SDEIS states: “In general, Alternative 4A would reduce the quantity and quality of rearing habitat for larval and juvenile green sturgeon relative to Existing Conditions.” (RDEIR/SDEIS, 4.3.7-296).

The BDCP identifies several threats and stressors to the Delta Smelt, including water exports and increased water temperature. (BDCP EIR-EIS Administrative Draft, 11A-8-11 (March 2013)). Admitted adverse effects caused by the BDCP north Delta intakes include reducing the quantity of sediment entering the Plan Area thus increasing water clarity and negatively affecting delta smelt. (Plan, ch. 5, 5. 1-30; see also RDEIR/SDEIS, p. 4.3.7-26, 4.3.7-29). Greater water residence time from changes in water operations will likely increase the toxic blue-green alga *Microcystis* having both direct and indirect effects on the smelt. (Plan, Chapter 5, 5. 1-32; BDCP, Appendix 5C, p. 5.4-14; RDEIR/SDEIS, Chapter 8, Table 8-60a). North Delta intakes' operations will introduce and increase entrainment and impingement of Delta smelt as well as introduce and increase predation hotspots in and around the new intakes (RDEIR/SDEIS, p. 4.3.7-24, lines 4-7).

**From:** Mendoza, Tiffany  
**Sent:** Friday, September 11, 2015 7:09 AM  
**To:** BDCPcomments  
**Subject:** FW: Inquiry for speaker regarding BDCP

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**From:** Brent Harrison [mailto:[bharrison3@ucmerced.edu](mailto:bharrison3@ucmerced.edu)]  
**Sent:** Thursday, September 10, 2015 5:06 PM  
**To:** [info@BayDeltaConservationPlan.com](mailto:info@BayDeltaConservationPlan.com)  
**Subject:** Inquiry for speaker regarding BDCP

Hello:

Can the BDCP organization provide a speaker to discuss the program and some information on the finances of the program to an engineering economics class at UC Merced. The time frame would be a class meeting in late September or October of this year.

Regards,

Brent Harrison

Lecturer - School of Engineering

[bharrison3@ucmerced.edu](mailto:bharrison3@ucmerced.edu)

209-605-8322



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**From:** Mendoza, Tiffany  
**Sent:** Friday, September 11, 2015 8:47 AM  
**To:** BDCPcomments  
**Subject:** FW: Hi-Res CA Water Fix Images

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**From:** Bryce Roberto [mailto:BRoberto@mwdoc.com]  
**Sent:** Friday, September 11, 2015 11:46 AM  
**To:** 'info@baydeltaconservationplan.com'  
**Subject:** Hi-Res CA Water Fix Images

Hello,

We are producing an informational handout about California Water Fix but lack images/illustrations to accompany the info. Are there any images you can provide, with authorization to reuse? Thank you.

Best Regards,

**Bryce Roberto**

*Public Affairs Assistant*

Municipal Water District of Orange County

P.O. Box 20895, Fountain Valley, CA 92728-0895

(714) 593 5017



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**From:** Gilbert-Snyder, Paul <pgilbert@ebmud.com>  
**Sent:** Monday, September 14, 2015 8:52 AM  
**To:** BDCPcomments  
**Subject:** BDCP Conceptual Engineering Report

Hi,

When the original BDCP draft EIR was released, a supporting document titled "BDCP Conceptual Engineering Report" was also provided. I have not found this report in the recirculated documents – can you please confirm that the 2013 version of that document is still current and it has not been updated as part of the recirculated documents.

Thank you,  
Paul

*Paul Gilbert-Snyder  
Associate Civil Engineer  
Water & Natural Resources  
375 Eleventh Street, MS 902  
Oakland, CA 94607-4240  
510-287-0432*

REC'D  
SEP 11 2015

August 31, 2015

BDCP/California Water Fix  
P.O. Box 1919  
Sacramento, Ca 95812

Att: Jerry Brown

Gentlemen:

I wish to voice my comment on why the Tunnel Project you propose would not be good for the people of Northern Calif. I was born and raised in San Francisco and during my youth enjoyed the Delta. I saw the Corp of Engineers come thru and strip banks all along the delta. I saw the canal dug from Byron to Southern California, all to be done to help the people of Northern Calif. Enough is Enough.

The fishing in the Delta has steadily gone down hill and sending water south would do nothing for the farmers or the fish. Use the outrageous amount of money to improve the storage we so badly need and improve the existing rivers and streams.

Sincerely:

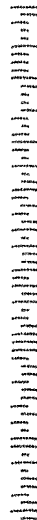
Knute Kleinen  
23315 Isabella Ct.  
Columbia, Calif. 95310



SACRAMENTO CA 957

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BDCP / CHL. & WATER FIX  
P.O. Box 1919  
SACRAMENTO, CA 95812



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KLEINER  
23315 ISABELLA CT  
COLUMBIA, CA 95310

RECIRC469

**TO: BDCP/WaterFix Comments**  
**P.O. Box 1919**  
**Sacramento, CA 95812**

**From: Amle Diller MSN, CNM**  
**5607 Seward Court**  
**Sacramento, CA**  
**95819**  
**(916) 842-3412**

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

I am writing to express my strong opposition to the Delta Tunnels plan, which is a terrifying option as it will further damage the Delta and waste taxpayer's money. ***·I have personally spoken with the CEOs of the companies that would bid on this project. They've communicated that this is the most extravagantly expensive way to move water, the least reliable, and will be a nightmare to fix. One CEO said off the record, their companies will benefit financially, but it is "the biggest tax payer' boondoggle I've ever seen",***

The Delta Reform Act of 2009, in which the California State Legislature committed to the "coequal goals" of providing a more reliable water supply for California AND protecting and restoring the cultural, recreational, natural resource, and agricultural values of the Delta, cannot be upheld if the Delta Tunnels come to pass.

The California Water Fix does not meet the restoration goals of the Delta Reform Act; it is simply a plan to export more water out of the San Francisco Bay-Delta estuary. The Delta Tunnels will also fail to provide more reliable water because the Delta watershed is already oversubscribed by five times in normal water years.

My objections to the tunnels are threefold:

The California Water Fix does not address the environmental, public health or economic impacts of the proposed Delta tunnels project. Also, the plan ignores alternatives that would save California tax and ratepayers billions of dollars, while investing in the jobs and local water sources that build sustainability.

**My environmental concerns with the plan are:**

- The impact on wildlife and plant species in the Delta that depend on freshwater include the Delta smelt, chinook salmon, steelhead, San Joaquin kit fox, and tricolored blackbird, protected species already on the brink that will face decimation due to a diminishing food-web.
- At sea, even the ESA-listed South Pacific Puget Sound Orca Whales depend on migrating Delta species that will be harmed by less water flowing through the Delta.
- The tunnels plan seems to ignore Section 7 of the Endangered Species Act which prohibits federal agency actions that are likely to jeopardize the continued existence of any endangered species or that "result in the destruction or adverse modification of [critical] habitat of [listed] species."

**As a Health Care Provider, my public health concerns with the plan are:**

- The tunnels will cause increased contamination of municipal water and wells for the millions of rural and urban residents living in the five Delta counties.
- The tunnels plan fails to model for potential increases of carcinogens and other formation of byproducts that would cause cancer and other serious health effects.
- Environmental justice communities, who depend on subsistence fishing, will also face food and health insecurities as a result of increased contaminants, specifically mercury contamination, in fish and wildlife populations.

**My economic concerns with the plan, in addition to those already mentioned, are:**

For large metropolitan cities such as Los Angeles and San Jose that depend on export water, water rates and/or property taxes will go up, but they will get no additional water.

- No analysis has been done on how the lack of fresh water flows will impact San Francisco Bay tourism and recreation. These industries depend on Delta fresh water flows for their crab and salmon fisheries, wildlife sighting, boating, and their restaurant economy. This industry is worth billions annually.
- 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.
- California coastal fishing communities depend on thriving wildlife. This historic industry is worth billions annually, with the salmon industry worth \$1.5 billion annually alone. Thousands of jobs and livelihoods are tied to these industries.
- The operation and construction of the tunnels will obstruct and disable navigable waterways for boating, marinas and other types of leisure activities, in addition to creating conditions of low water flow that will foster invasive aquatic species, such as water hyacinth. Poor water quality also creates unsafe recreation. Recreation and tourism in the Delta generate \$750 million annually.

**Alternatives to Water Exports Ignored**

Far far less expensive and less environmentally destructive alternatives to the Delta Tunnels were largely ignored. The plan does not seriously consider any alternatives other than new, upstream conveyance. The decision-making process (from the outset) has tilted in favor of increasing water exports from the Delta.

Our tax and ratepayer dollars would be much better spent on:

- More aggressive water efficiency program statewide that would apply to both urban and agricultural users.
- Funding water recycling and groundwater recharging projects statewide that would be billions

of dollars less expensive for rate payers than constructing a new version of the Peripheral Canal or major new surface storage dams. Meanwhile, these projects move communities towards water sustainability.

- Retiring thousands of acres of impaired and pollution generating farmlands in the southern San Joaquin Valley and using those lands for more sustainable and profitable uses, such as solar energy generation.
- Improving Delta levees in order to address potential earthquake, flooding, and future sea level rise concerns at a cost between \$2 to \$4 billion and is orders of-magnitude less expensive than major conveyance projects that are currently being contemplated.
- Increasing freshwater flows through the Delta to reduce pollutants so ecosystems and wildlife can be restored.
- Installing fish screens at the south Delta pumps to reduce the current salvage of marine life.

### **In Summary**

The Delta has problems that need to be addressed, but the CA Water Fix tunnels are a 20th century idea that 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 my above stated concerns. That is why I 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.

Please act responsibly to protect our money, our environment and our health.

Sincerely,

Amie Diller, MSN,CNM

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**From:** Amie Diller <cnmdiller@gmail.com>  
**Sent:** Sunday, August 30, 2015 11:46 AM  
**To:** BDCPcomments  
**Subject:** Comments  
**Attachments:** Letter-for-CA-Water-Fix-Delta-Tunnels-Comments.docx

Please find my letter attached.  
Thank you

*~Amie Diller*



BAY DELTA CONSERVATION PLAN/CALIFORNIA WATER  
PARTIALLY RECIRCULATED DRAFT ENVIRONMENTAL  
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT

## COMMENT CARD

THE PUBLIC REVIEW AND COMMENT PERIOD IS JULY 10, 2015 THROUGH OCTOBER 30, 2015.

PLEASE PRINT

NAME: Chita GABE CURIALE DATE: 9/1/15ORGANIZATION: NA E-MAIL: hues07@sbcglobal.netADDRESS: 2717 MALIK AVECITY: CERES STATE: CA ZIP: 95307

I oppose the Delta Tunnels Project.  
No planning to include future problems AND  
Certainly destroys habitat in the Delta.

Please record my protest-against.

Thank you

~~Chita Curiale~~  
Chita Curiale

**COMMENT CARD**REC'D  
SEP 11 2015**THE PUBLIC REVIEW AND COMMENT PERIOD IS JULY 10, 2015 THROUGH OCTOBER 30, 2015.**

PLEASE PRINT

NAME: Vreni Rau

DATE: 9-1-15

ORGANIZATION: E-MAIL vrenir@sbcglobal.net

ADDRESS: 18628 Sandy Road

CITY: Castro Valley

STATE: CA

ZIP: 94546

I read the Bay Delta Conservation Plan/California Water Fix Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environment Impact Statement.

I strongly oppose the construction of the water tunnels, which will divert water from the Delta to the Central Valley and to Southern California. The farmers in the Central Valley have continued to be extremely irresponsible in the way they use water. They are sucking the aquifer dry and there has been no stringent legislation to ration water and to distribute it in a limited and equitable fashion. The farmers are continuing to uproot crops that use limited water and replacing them with almond and pistachio trees that require huge amounts of water. Whenever I've driven through the Central Valley, I see almond orchards that are flooded.

The citizens of Northern California have done an excellent job in heeding the governor's directive to conserve water. In our own household, our water use has decreased by 46.6% from our use in 2013. In Northern California we have exceeded the call for reducing water use by 25%. Are the citizens really scrimping and saving so the Central Valley farmers can squander it?

I am extremely dismayed that this project has had no involvement from the legislature. Shouldn't such a massive water project be decided by the people of California or by the legislature? Instead, it has all been planned behind closed doors by certain interest groups that have clearly ignored the wishes of the public. The public already spoke on the issue two decades ago when we voted against the Peripheral Canal.

The harm to the San Francisco Bay and to several fish species has been clearly delineated by many environmental organizations and by the federal government. I respectfully urge Governor Brown to rescind this harmful project.

Sincerely,



Vreni Rau

Vreni Rau  
18628 Sandy Road  
Castro Valley, CA 94546

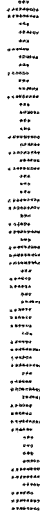
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OAKLAND CA 946  
01 SEP 015 PM 8 L



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

95812191919



RECIRC472

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**From:** Elizabeth Lasensky <elasensky@yahoo.com>  
**Sent:** Thursday, September 03, 2015 3:19 PM  
**To:** BDCPcomments  
**Cc:** Elizabeth Lasensky; Carol Warren  
**Subject:** BDCP/WaterFix Comments from Yolo MoveOn

September 3, 2015

BDCP/WaterFix  
Comments  
P.O. Box 1919  
Sacramento, CA 95812  
BDCPComments@icfi.com

The members of Yolo MoveOn urge Gov. Brown to please reconsider his support of the Delta Tunnels. Our members live in Davis, Dixon, Fairfield and Woodland. Each of our communities is closely tied to the Delta in multiple ways.

The economic and environmental vitality of the Delta is important to us, physically, psychologically, financially and socially. There are 4 million people living in the Delta, with a \$6B recreation and farming economy, dependent on Delta water quality and quantity, which also is the lifesource for the San Francisco Bay Estuary.

The proposed twin tunnels will take up to two-thirds of the fresh water from the Sacramento River to send to private Big Agriculture growing water-intensive crops in the desert. It is estimated that the cost of the Delta Tunnels project will be in the \$60 billion. Nearly a quarter of a billion dollars has been spent on this plan so far to move water that is already oversubscribed.

The proposed Tunnels plan would displace farmers for 14 years and put coastal fishermen out of work. Construction and heavy equipment will be devastating for fish and wildlife. Boron, selenium and other heavy metals from the San Joaquin River will be carried into the Delta, compromising the drinking water of Contra Costa County.

Every day this year water quality standards for the Delta have been violated by the state. They have allowed water exporters to pump too much water out of the Delta during the drought. Plus, the water exporters have never been forced to pay for the fish screens that they were required to provide at the existing water export pumps near Tracy. With declining fish populations, such negligence is irresponsible and reprehensible. The area's salmon have already declined 90% in the last three years of drought. Further, habitat restoration that was originally part of the Tunnel plan cannot replace the fresh water that salmon, smelt, sturgeon, and American shad need to survive.

With this massive, expensive and environmentally damaging plan, Yolo MoveOn members want to know where the actual water for the Tunnels will come from? What will that do to the water source area? How long are water exports from Northern California supplies sustainable? Has there been an analysis of the economic and environmental impacts on those regions?

We would also like to know how much water will be available for export through the tunnels in a drought, after prior water rights and public trust needs are met? If there isn't any, how often will the tunnels be dry? This consideration seems particularly critical when predictions are for more droughts and less snow pack in the future as climate change progresses.

Additionally, we understand that the majority of habitat designated for restoration under California Eco Restore is for prior damage. How can that help with habitat restoration and mitigation for the tunnels?

Lastly, will the state conduct a full cost-benefit analysis of the project that includes the value of freshwater to the San Francisco Bay-Delta estuary?

In the absence of answers to these important questions, Yolo MoveOn members strongly urge that the Tunnels project be permanently shelved and a more comprehensive, equitable, and environmentally sensitive water policy be adopted.

Sincerely,  
Elizabeth Lasensky  
Carol Warren  
Co-Chairs  
Yolo MoveOn

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**From:** michael.loughrey@accenture.com  
**Sent:** Thursday, September 03, 2015 2:44 PM  
**To:** BDCPcomments  
**Subject:** Protesting the Proposed California Water Fix Project (Twin Tunnels)

Thank you for the opportunity to provide my comments against this proposed project. My home is on the Sacramento river near Isleton. Governor Jerry Brown's California Twin Tunnels project (California WaterFix) will not create or save water. The project will not solve California's water problems, drought or no drought. Instead, it will cause a host of new problems, and it will pull away money that could be used for right-sized, targeted local projects that would provide solutions. Here are my specific comments:

- The Twin Tunnels project is an engineering experiment, not a sound plan. The tunnels will require a bore 32 miles long at a depth of 150 feet in very challenging soils. It is a much bigger and more complex project than Seattle's Big Bertha dig—and that project is two years behind schedule and way over budget, and has progressed only 1,100 feet.
- The Twin Tunnels will have the capacity to take in more than 100% of the current average flow of the Sacramento River, potentially stopping all freshwater flow into San Francisco Bay. Most of the diverted water will be delivered to unsustainable orchards in southern San Joaquin County.
- Likely environmental results of the Twin Tunnels project are the collapse of the Sacramento-San Joaquin-San Francisco Bay ecosystem, elimination of salmon and most other native fish species, reduction of endangered bird populations, periodic toxicity of shellfish, massive fish kills in San Francisco Bay, weeds and stagnant water along shorelines, and permanent disruption of offshore ecology.
- Predictable economic outcomes include severe effects on San Francisco's tourist and convention industries; a loss of appeal for the Bay Area as a site for new business location; a reduction of property values in communities near waterways; and an end to farming, sportfishing, and seasonal work in the Delta, Stockton, and adjacent areas of the Sacramento Valley.
- The original version of the Twin Tunnels plan--the Bay Delta Conservation Plan--was rejected last fall by the National Academy of Sciences, the U.S. Fish and Wildlife Service, and the Environmental Protection Agency. These and other federal agencies criticized the application's faulty science and fuzzy economics. Instead of modifying the plan, the Governor has stripped out almost all funds for mitigation of damage and has re-submitted the same Twin Tunnels plan under a new name.
- The Governor has kept residents uninformed of the true nature of his plan, has suppressed and ignored public comment, and has refused to consider better, cheaper, less destructive alternative plans—all violations of law. He has structured the Twin Tunnels plan so the project can go forward without a vote of the legislature or of the people.
- The Twin Tunnels project will be the biggest waste of public money in the history of California--\$40 billion to \$60 billion in total costs.

As a resident and registered voter of California, I demand that the Twin Tunnels plan be rejected. We need instead to bring together experts in all relevant fields to develop a plan that really does address California's water problems going forward, and does so in ways that conserve our financial resources and protect our wildlife, water quality, and environment.

Thanks for your consideration on this important matter.

Mike Loughrey  
17370 Grand Island Road, Walnut Grove Ca 95690  
Cell (925)323-4594

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

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**From:** Jarrett Martin <JMartin@ppeng.com>  
**Sent:** Thursday, September 03, 2015 11:44 AM  
**To:** BDCPcomments  
**Subject:** Updates

Can you include me on the email list for updates to California Water Fix (BDCP)? Thank you

**Jarrett Martin, P.E.**  
**Provost & Pritchard Consulting Group**  
2505 Alluvial Ave  
Clovis, CA 93611  
(559) 326-1100  
Cell: (209) 270-0395  
Fax: (559) 326-1090  
e-mail: [jmartin@ppeng.com](mailto:jmartin@ppeng.com)  
website: <http://www.ppeng.com/>

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**From:** Dan Courter <[sold@dancourter.com](mailto:sold@dancourter.com)>  
**Sent:** Thursday, September 03, 2015 5:53 PM  
**To:** BDCPcomments  
**Subject:** halt the tunnel project!

Please do not move forward with the delta tunnel project.  
We do not need a further intrusion of salt water which would occur  
if fresh water is routed south. We should not be bypassing the environmental impact of this.

Furthermore, we have far more important uses of our construction dollars,  
than buying up family farms and putting those families out of work.

Please put a halt to this project.

Dan Courter  
825 Wildcat Ct.  
Brentwood, CA 94513  
[sold@dancourter.com](mailto:sold@dancourter.com)

---

**From:** JA E <jed\_0707@hotmail.com>  
**Sent:** Friday, August 28, 2015 5:54 PM  
**To:** BDCPcomments  
**Cc:** Hap Capel; craig HOB; Chuck Wilton; Renee Triano; Alvin Huey; Bill O'Reilly; Chris Capel; John; landbaron@sbcglobal.net; peter amoroso; Russ Lund; Taffy Jo; Winnie Comstock-Carlson  
**Subject:** I oppose the Delta Tunnels/California Water Fix (Alternative 4A)  
**Attachments:** Letter-for-CA-Water-Fix-Delta-Tunnels-Comments.docx  
**Importance:** High

To whom this may concern:

Please find my opposition letter regarding the Delta Tunnels / California Water Fix ( Alternative 2A).

This email will also circulate to many people I know in addition to social media websites...

As a native of the Sacramento region, this project is a "Sham" to our people and a detriment to our ancient delta waterways!

Respectfully,

James A. Edwards  
Elk Grove CA

note: Please copy and past this email address and the letter attached, with your name and location and send IT - enough is enough!!

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

I am writing to express my strong opposition and END to the Delta Tunnels plan.

The Delta Reform Act of 2009, in which the California State Legislature committed to the "coequal goals" of providing a more reliable water supply for California AND protecting and restoring the cultural, recreational, natural resource, and agricultural values of the Delta, cannot be upheld if the Delta Tunnels come to pass.

The California Water Fix does not meet the restoration goals of the Delta Reform Act; it is simply a plan to export more water out of the San Francisco Bay-Delta estuary. The Delta Tunnels will also fail to provide more reliable water because the Delta watershed is already oversubscribed by five times in normal water years without taking into account those years when California is in a drought period!

My objections to the tunnels are threefold:

The California Water Fix does not address the environmental, public health or economic impacts of the proposed Delta tunnels project. Also, the plan ignores alternatives that would save California tax and ratepayers billions of dollars, while investing in the jobs and local water sources that build and promote sustainability.

**My environmental concerns with the plan are:**

- The impact on wildlife and plant species in the Delta that depend on freshwater include the Delta smelt, chinook salmon, steelhead, delta catfish, the yearly spawn of striped bass, the San Joaquin kit fox, and tricolored blackbird, most of which are protected species already on the brink that will face decimation due to a diminishing food-web.
- At sea, even the ESA-listed South Pacific Puget Sound Orca Whales depend on migrating Delta species that will be harmed or decimated by less water flowing through the Delta.
- The tunnels plan seems to ignore Section 7 of the Endangered Species Act which prohibits federal agency actions that are likely to jeopardize the continued existence of any endangered species or that "result in the destruction or adverse modification of [critical] habitat of [listed] species." UNACCEPTABLE!

**My public health concerns with the plan are:**

- The tunnels will cause increased contamination of municipal water and wells for the millions of rural and urban residents living in the five Delta counties.
- The tunnels plan fails to model for potential increases of carcinogens and other formation of byproducts that would cause cancer and other serious health effects.
- Environmental justice communities, who depend on subsistence fishing, will also face food and health insecurities as a result of increased contaminants, specifically mercury contamination, in fish and wildlife populations.

My economic concerns with the plan are:

- For large metropolitan cities such as Los Angeles and San Jose that depend on export water, water rates and/or property taxes will go up, but they will get no additional water.
- No analysis has been done on how the lack of fresh water flows will impact San Francisco Bay tourism and recreation. These industries depend on Delta fresh water flows for their crab and salmon fisheries, wildlife sighting, boating, and their restaurant economy. This industry is worth billions annually and provides year round JOBS!
- 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 which include fruit and row crops which our region is noted for!
- California coastal fishing communities depend on thriving wildlife. This historic industry is worth billions annually, with the salmon industry worth \$1.5 billion annually alone. Thousands of jobs and livelihoods are tied to these industries.
- The operation and construction of the tunnels will obstruct and disable navigable waterways for boating, marinas and other types of leisure activities, in addition to creating conditions of low water flow that will foster invasive aquatic species, such as water hyacinth. Poor water quality also creates unsafe recreation. Recreation and tourism in the Delta generate \$750 million annually and MORE JOBS!!

### **Alternatives to Water Exports Ignored**

Far far less expensive and less environmentally destructive alternatives to the Delta Tunnels were largely ignored. The plan does not seriously consider any alternatives other than new, upstream conveyance. The decision-making process (from the outset) has tilted in favor of increasing water exports from the Delta.

Our tax and ratepayer dollars would be much better spent on:

- More aggressive water efficiency program statewide that would apply to both urban and agricultural users.
- Funding water recycling and groundwater recharging projects statewide that would be billions of dollars less expensive for rate payers than constructing a new version of the Peripheral Canal or major new surface storage dams. Meanwhile, these projects move communities towards water sustainability.
- Retiring thousands of acres of impaired and pollution generating farmlands in the southern San Joaquin Valley and using those lands for more sustainable and profitable uses, such as solar energy generation.
- Improving Delta levees in order to address potential earthquake, flooding, and future sea level rise concerns at a cost between \$2 to \$4 billion dollars and is orders of-magnitude less expensive than major conveyance projects that are currently being contemplated.
- Increasing freshwater flows through the Delta to reduce pollutants so ecosystems and wildlife can be restored and maintained!

- Installing fish screens at the south Delta pumps to reduce the current salvage and destruction of marine life.

### **In Summary**

The Delta has problems that need to be addressed, but the CA Water Fix tunnels are a 20th century idea that does not address this regions water concerns or by and large the water problems for our start, bottom line THIS won't fix anything! What it fails to do and address is that it will not produce more usable water, it will not provide more reliable supplies, nor does it or will it improved conditions for the overall environment and most importantly wellbeing and Protection of the Delta waterways.

The new EIR/EIS has not adequately addressed my above stated concerns and with keeping in candor, this is nothing more than a Sham. That is why I, my family and many friends and neighbors oppose the Delta Tunnels/California Water Fix (Alternative 4A) now and into the foreseeable future.

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 and the general population throughout this region.

Respectfully yours,

James A. Edwards  
Elk Grove California

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**From:** Elaine Harris <erharrisusa@gmail.com>  
**Sent:** Sunday, September 13, 2015 12:38 PM  
**To:** BDCPcomments  
**Subject:** Your water plan is reasonable ...Get going!

Our state is turning into a 4th world country!!! Please help!

There is plenty of water in the state, we just have to retain it, move it and store it in the areas where it is needed. We need cities, we need agriculture, we need to protect the environment, and we need to make sure all of our citizens have a sustainable water supply.

Water is a basic necessity and it is an essential function of governmental agencies is to ensure that all of our citizens have water. **Your agencies have produced a good plan, so please stop talking and start working on getting the job done...**

I am a proud hard working Californian, but as an individual I cannot create a better water system. When we the people, with our governmental officials and governmental agencies work together we can accomplish BIG things. The water system from the 1960's was brilliant and millions of our citizens have benefited from the project. The present and future for myself and millions of people depend on your decisions and actions.

**At this point millions of people trust YOU**, our government officials, please find a way to get the water issues resolved, so we can continue to live in the 1st world California.

Steve Harris  
Visalia, California

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**From:** Carla Blair <carlablair@comcast.net>  
**Sent:** Wednesday, September 09, 2015 11:58 AM  
**To:** BDCPcomments  
**Subject:** Water fix comments

Please leave alone are Delta. I live on bethel island and the currents have changed tides are vary low leave the delta alone Carla Blair

Sent from my iPhone

---

**From:** Rogeen Cortrite/Jon Bromenschenkel <rogeen.jon@gmail.com>  
**Sent:** Saturday, September 05, 2015 9:07 AM  
**To:** BDCPcomments  
**Subject:** Vehement Opposition to the Delta Tunnels

The California Delta region from Sacramento to Stockton across towards the Bay area is a tranquil oasis for many species. Birds, fish and yes humans, come and or live in this area for its beauty and bounty. The proposed Delta diversion tunnels will destroy this unique habitat.

The use of eminent domain to seize family held farms should be outlawed. These beautiful and pastoral farms contribute to one of things that make California so special. The variety and abundance of locally grown fruits, nuts and vegetables will be destroyed.

The winter homes of migratory will be destroyed. Their nesting places destroyed.

Please abandon this destructive plan. If we lose the Delta, we will never be able to replace it.

--

Thank you,  
Rogeen Cortrite  
3400 Rebel Ridge  
Placerville, CA



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**From:** Carla <carlablair@comcast.net>  
**Sent:** Saturday, September 12, 2015 7:45 AM  
**To:** BDCPcomments  
**Subject:** Tunnels

To whom it matters,

As a home owner on Bethel Island we are appalled with the idea of taking our water to better irrigation in central California. This is a hardship for central area, but as news has reported we are in a hardship. I vote no for the continuance of Browns Tunnel project. Fred Goessel

Sent from my iPad

---

**From:** Elna <elsgoldens@comcast.net>  
**Sent:** Wednesday, September 09, 2015 1:15 PM  
**To:** BDCPcomments  
**Subject:** Tunnels

I hate anything that directs water to southern ca....the tunnels will affect too many people in delta, their property, homes, farms. taking land from people is a horrible way to do things.

No No No No No tunnels.

Bert and elna gericke  
Oakley and Bethel Island, ca.

**From:** Susan Schaber <sueschaber@gmail.com>  
**Sent:** Saturday, September 05, 2015 6:36 AM  
**To:** BDCPcomments  
**Subject:** Tunnels

To Whom It May Concern:

If what I read is true, I will pray that God intervenes in this hideous plot to remove generational farmers from their land, to ruin one of the most lovely and natural places in North America and to cause an enormous imbalance in our ecosystem for the intended purpose "to take". Greed is a destroyer and what you are about to participate in, is simply that. There are water handling alternatives to consider so that everyone benefits. We have been given a precious jewel from God. He gave us the responsibility of caring for it. Please reconsider and do what is ethical and beneficial to all.

Sincerely,

Susan Schaber  
Isleton, CA

---

**From:** JaNann <vchjanann@gmail.com>  
**Sent:** Friday, September 04, 2015 11:09 AM  
**To:** BDCPcomments  
**Subject:** Tunnels

Absolutely the worst idea ever heard of. Don't have to be an engineer to see this. Please drop this insane idea!!

J E Lewis  
Isleton, Ca.

---

**From:** Robert Brymer <robert.brymer62@gmail.com>  
**Sent:** Friday, September 04, 2015 10:57 AM  
**To:** BDCPcomments  
**Subject:** Tunnels

I oppose the building of these tunnels, as it well destroy this beautiful delta.

Sent from my iPad

---

**From:** J. Mills <jmillstpr@aol.com>  
**Sent:** Saturday, September 05, 2015 12:16 PM  
**To:** BDCPcomments  
**Cc:** info@californiadelta.org  
**Subject:** Regarding the proposed "Delta Tunnels"

Gentlemen, et al...

Having lived and worked – managing a number of agriculture and recreation based businesses – in the California Delta area since 1998, and as a lifetime resident of the State, I see VERY little positive impact on our state water resources from the construction of the proposed “Delta Tunnels.”

- a) The Tunnels will NOT increase our state’s water supply or reserves (aka: storage)
- b) The Tunnels will NOT recharge our critical natural aquifers
- c) The Tunnels will NOT improve the environment, the wetlands, the fisheries, or the quality of Delta and San Francisco Bay waters
- d) The Tunnels will NOT create or promote any long-term economic benefit to the Delta or San Francisco Bay areas

Quite the contrary – the Tunnels WILL have significant negative impacts on ALL of the above – AND, at a total cost of \$30 billion (give or take 10 or 20), the project can only be defined as a perfect example of “boondoggle politics.”

The effort and money to be expended on the project would be far better spent on, a) desalination technology and development (for those areas taking the water); b) water conservation and reclamation technology and projects; c) water resources storage and aquifer recharge projects; and d) Delta and Bay Area environmental and water quality projects.

Take a look at Mono Lake, the Salton Sea, and the Colorado River if you want to see what these Tunnels WILL accomplish...

Sincerely,

James “J” Mills  
2081 Sylvan Way  
Lodi, CA 95242  
(949) 355-6732  
[jmillstpr@aol.com](mailto:jmillstpr@aol.com)  
<https://www.facebook.com/james.j.mills>  
<http://linkedin.com/in/jamesmcv>  
<https://jamesmills.contently.com>  
<http://jamesmcvsailor.hubpages.com>

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**From:** Donald Althoff <althoff@citlink.net>  
**Sent:** Sunday, September 13, 2015 7:17 PM  
**To:** BDCPcomments  
**Subject:** Save dthe Delta

I cannot understand how you intend to have five intakes of water out of the Sacramento River and still have enough flow of water left to flow down the Sacramento River to effectively keep the salt water from intruding up the river and destroy the quality of the river water along the river for farming purposes? Also, with less flow of water the river will certainly drop more sediment with a slower flow of water and fill the channel faster than it is filling with sediment over the past 75 plus years.

Donald Althoff  
Walnut Grove, CA

---

**From:** Ray Brant <r\_abrant@sbcglobal.net>  
**Sent:** Tuesday, September 15, 2015 9:46 AM  
**To:** BDCPcomments  
**Subject:** Stop the Twin Tunnels

Dear BDCP,

- As a resident and registered voter of California, I demand that the Twin Tunnels plan be rejected. We need instead to bring together experts in all relevant fields to develop a plan that really does address California's water problems going forward, and does so in ways that conserve our financial resources and protect our wildlife, water quality, and environment.

The Twin Tunnels will cost the public about \$40-\$50 Billion and not create any new water.

- The original version of the Twin Tunnels plan--the Bay Delta Conservation Plan--was rejected last fall by the National Academy of Sciences, the U.S. Fish and Wildlife Service, and the Environmental Protection Agency. These and other federal agencies criticized the application's faulty science and fuzzy economics. Instead of modifying the plan, the Governor has stripped out almost all funds for mitigation of damage and has re-submitted the same Twin Tunnels plan under a new name.
- The Twin Tunnels will have the capacity to take in more than 100% of the current average flow of the Sacramento River, potentially stopping all freshwater flow into San Francisco Bay. Most of the diverted water will be delivered to unsustainable orchards in southern San Joaquin County.
- The Twin Tunnels will have the capacity to take in more than 100% of the current average flow of the Sacramento River, potentially stopping all freshwater flow into San Francisco Bay. Most of the diverted water will be delivered to unsustainable orchards in southern San Joaquin County.
- Likely environmental results of the Twin Tunnels project are the collapse of the Sacramento-San Joaquin-San Francisco Bay ecosystem, elimination of salmon and most other native fish species, reduction of endangered bird populations, periodic toxicity of shellfish, massive fish kills in San Francisco Bay, weeds and stagnant water along shorelines, and permanent disruption of offshore ecology.
- Predictable economic outcomes include severe effects on San Francisco's tourist and convention industries; a loss of appeal for the Bay Area as a site for new business location; a reduction of property values in communities near waterways; and an end to farming, sport fishing, and seasonal work in the Delta, Stockton, and adjacent areas of the Sacramento Valley.



We own property on Long Island across the Sacramento River from Isleton. We have seen the results of the current lack of run off from the drought, increased river bottom weeds and water water hyacinth. This plan will destroy the water quality and the ecosystem of the Sacramento River, Delta and San Francisco Bay.

Please stop the Twin Tunnels!

Raymond F. Brant  
Ann L Brant  
17400 Grand Island Rd.  
Walnut Grove, CA 95690

or  
PO Box 728  
Diablo, CA 94528

---

**From:** Matthew Brown <matt@precisionsurfacing.com>  
**Sent:** Tuesday, September 08, 2015 6:08 AM  
**To:** BDCPcomments  
**Subject:** The tunnels

I want you to know I strongly oppose the construction of the Delta Tunnels!!!  
Matthew Brown

Sent from my iPad

---

**From:** Ted Lyman <tlyman@ecgroup.com>  
**Sent:** Tuesday, September 08, 2015 10:36 AM  
**To:** BDCPcomments  
**Cc:** billwells@yachtsman.com  
**Subject:** Opposition to the Twin Tunnels

Dear State Water Officials,

I am a recently retired public policy analyst who happens to have been active in the recreational scene of the Delta for more than 50 years. As a policy analyst I understand the need to take into account the full range of water needs of the state. I also understand the seismic challenges Delta levees face. And, as a user and enjoyer of the Delta I understand the needs of this unique waterway if it is to continue playing its multiple roles of providing water to ag and urban users, a place of recreation and a home to fish and wildlife.

The Delta has changed dramatically in the past two decades. Water intakes are up, recreation offerings are down as invasive species have taken over and levees have been or are being improved in the most critical areas at great expense.

Any further impacts to this fragile place are sure to completely upend the balance of use which is now the case. The tunnels and their massive water diversion will add impacts sure to do further harm to recreation, to fish and to other wildlife. Water managers need to pursue the other avenues passed by voters in Props 1 and 2 last year. These measures take into account the water needs of the entire state and all users. Levees continue to be strengthened where feasible. Others can be abandoned over time. But we must take the tunnels out of the picture or risk upending the whole situation.

Sincerely,

Ted Lyman  
808 Paramount Road  
Oakland, CA 94610  
510-835-5070

---

**From:** Elaine Reichert <g.r-elaine@comcast.net>  
**Sent:** Wednesday, September 09, 2015 4:33 PM  
**To:** BDCPcomments  
**Subject:** No Tunnels

Once again Jerry Brown seems to be pandering to big corporate interests by proposing to destroy the Delta and 300 farms with his ill conceived tunnel plan.

At the moment, California's reservoirs fed from the rivers he proposes to tap, are nearly empty: Shasta, Folsom, Oroville to name a few. The gigantic San Luis reservoir near Los Banos has been dry for several years.

It's time to wake up accept the very real limits to water supply in this desert land we call California. Planting crops that require enormous quantities of irrigation water is irresponsible. Yes, we need farms and fresh, local food. But not gigantic corporate mega-farms. Sending food produced by strained local resources to China benefits only one corporation, not the people of California who will subsidize water for his massive plantings.

Excess water consumption has very real consequences, such as land subsidence, that threaten infrastructure and the quality of life for all the people of California.

Surely tree nuts could be watered with recycled, treated wastewater. Let China grow their own nuts. Cotton is best grown in Mississippi and other water abundant areas, not in a land of expanding drought.

To destroy 300 family farms in the Delta by eminent domain to subsidize water for one corporate farm is evil.

Do not allocate my tax dollars, nor any other public money, for this horrible tunnel project.

Thank you for reading this.  
Elaine Reichert  
San Rafael, California.  
Third generation Californian.

---

**From:** Scott Harrington <sahar@charter.net>  
**Sent:** Tuesday, September 08, 2015 12:05 AM  
**To:** BDCPcomments  
**Subject:** Jerry Brown/John Laird twin tunnel

I live in Porterville, Ca and if there is any place that has a shortage of water problem it is Porterville. I don't think that the Delta should be destroyed, which is exactly what will happen if these tunnels are constructed and used to divert water. Jerry Brown has a lot of expensive ideas of what the State of California needs. Maybe water can be transported where it is needed on his senseless high speed train.

**From:** Richard Hempfer <rhempfer@hotmail.com>  
**Sent:** Thursday, September 10, 2015 2:49 PM  
**To:** BDCPcomments; dori2@earthlink.net  
**Subject:** RE: More Tunnel News - get your opinion out there!

When planning for this environmental disaster was taking place, I wonder if anyone considered what withdrawal of 9000 cubic feet of water per second would do to the water levels in the San Joaquin river shipping channel. It seems to me that it would effectively put the Port of Stockton out of business, at least during drought years.

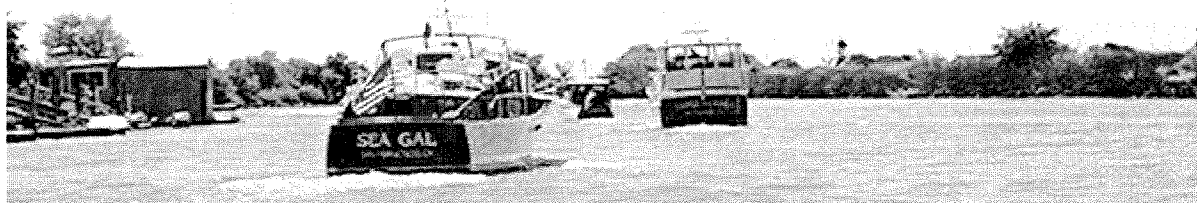
Richard Hempfer  
Bethel Island

---

From: dori2@earthlink.net  
To: bethelislandlovers@aol.com  
Subject: More Tunnel News - get your opinion out there!  
Date: Tue, 8 Sep 2015 09:20:51 -0700

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CALIFORNIA  
**DELTA**  
CHAMBERS  
& Visitor's Bureau



# THE CALIFORNIA DELTA SCUTTLEBUTT NEWSLETTER

Your best source for events, parties, news, coupons,  
and other happenings all around the California Delta.

# September 2015

We have a critical problem facing our California Delta. The public comment period for the Jerry Brown / John Laird twin tunnel boondoggle ends on October 30. It is critical that all people that love the Delta and do not want to see it destroyed submit their opposition to the plan. You should also contact your elected representatives and demand they use their influence to stop this pending disaster.

The Restore the Delta organization has announced that documents gained through public records actions show that water exporters and the Delta Design Construction Enterprise housed within the California Department of Water Resources have already developed plans to "acquire" family farms and right of way in the Sacramento-San Joaquin Delta through eminent domain.

The innocent sounding "Acquisition Management Plan" will be used to gain ownership of private property that lies within the tunnel right of way. If a landowner refuses to sell then eminent domain proceedings will start. Plans are already in place to seize all or part of 300 parcels of land in the Delta to support the BDCP many of these are family farms dating back to the gold rush era of the 1850s.

In another development, on August 27th the California Department of Water Resources (DWR) and the U. S. Bureau of Reclamation (USBR) announced that they have jointly submitted permit requests to add three additional points of water diversion from the Sacramento River to supply the State Water Project and Central Valley Project.

The three intakes would each have a capacity of 3,000 cubic feet per second (cfs). If you want an idea of the scale of the intakes take a look at the East Bay Municipal Utility District's intake just upstream from the Freeport Bridge. That intake is capable of extracting about 300 cfs of water from the river. Imagine the size of an intake that could take ten times that amount and then multiply that times three.

Calling this step an "important milestone for the project" the agencies have begun the process of clearing the way for the Delta Tunnels, despite the fact that the EIR/EIS on the proposed project is open for public comment until October 30, 2015.

Contractors also call for minimal public input. "All transactions are conducted, reviewed and approved internally by DCE staff and managers to maintain control and avoid unnecessary delays to schedule," the property plan outlines. "DCE shall seek to minimize external review and approval requirements."

In a June interview, Neil Gould, an attorney for the Department of Water Resources, said that the planning for the proposed tunnels was no more than 10 percent complete and had focused on assessing the environmental impact.

You must submit your comments prior to October 30, mail them to:

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

Bill Wells

Executive Director

# CURRENT DELTA NEWS

Hot Off the Press - Keeping You Current

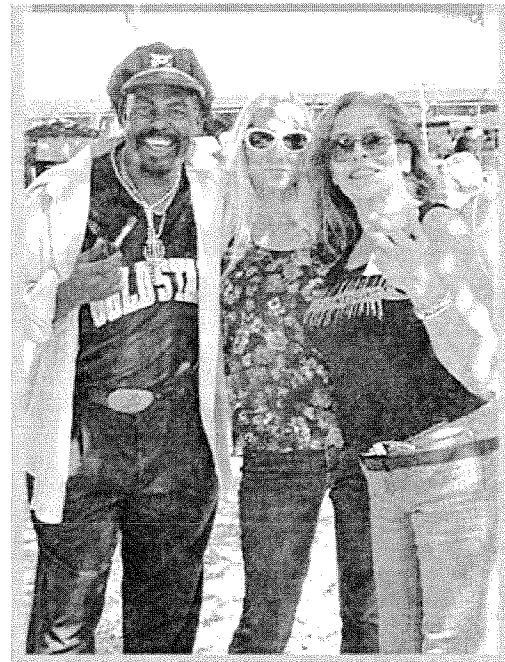
## Taste of the Delta 2015



The fourteenth annual Taste of the Delta Festival [www.tasteofthedelta.com](http://www.tasteofthedelta.com) was held at KOA Tower Park Resort in early August. 500 Delta lovers gathered to support the Delta Chambers and enjoy premium wines from area vineyards, great food from local restaurants and a selection of vendors. It was a beautiful day with a slight breeze to cool things off. The shady grounds of the campground where the event was held was a perfect spot to showcase

the great foods and wines of the Delta.

Folks started arriving at 1300 hours and attendees were automatically enrolled in a drawing and one lucky lady won a flat screen TV. Besides sampling some great local wines and foods local artists and artisans had their wares available for purchase. Live Jazz music was provided throughout the day by Dean Everett on the saxophone. John Giglio of Rosa's supplied the beer wagon for those that did not drink wine. Bargain hunters were able to pick up wine, vacation packages, and artworks at the live and silent auctions. This is the major fundraiser for the Delta Chambers and all proceeds go to support the organizations work of promoting local businesses and protecting the Delta from the evil forces trying to destroy it.







Jerry Tremain Commodore of the Marina West Yacht Club did a great job as auctioneer and an army of volunteers helped out pulling off the event. Special thanks from the Chamber board of directors to everyone, especially the local wineries and restaurants that helped make the day a huge success.

## New Vessel Sewage Guide for Boaters



SACRAMENTO, Calif. – A new recreational vessel sewage management guide, “When Nature Calls”, is now available for boaters. Sewage discharges are preventable. This new guide provides information on the proper use of marine sanitation devices and stationary sewage pumpouts, and proper boat sewage management.

“Properly disposing boat sewage makes a difference in water quality and protects aquatic

life,” stated California State Parks Division of Boating and Waterways (DBW) Acting Deputy Director Christopher C. Conlin. “You might think one boater’s contribution to the overall pollution problem is minuscule, but considering there are more than four million recreational boaters in California, individual discharges add up.”

[CLICK TO READ MORE](#)



**Photo Contest Winner:**

**Angelo Garcia Jr.**

**Last Month's Theme:**

**The Biggest Catch**



**Winners Receive**

**FUN PRIZES!** The lucky winner of each Delta Photo contest will receive one of the prizes listed above (a VERY cool and colorful CA Delta T-shirt, CA Delta Boaters Map or special event tickets). Two contest per month!



**Current photo contest theme is:**

**Delta Wildlife**

**Contest ends September 27, 2015**

### **To Enter**

1. Check out the current photo contest "THEME" below and submit a photo that best represents that theme. NO NEED TO BE A PRO Photographer, anyone can enter.  
Smart phone shots are encouraged!
2. Simply email your photo to: [PhotoContest@CaliforniaDelta.org](mailto:PhotoContest@CaliforniaDelta.org)
  - ~ Include your name, phone#, theme, and the location of photo.
  - ~ Photos need to be received on or before each Contest deadline.
  - ~ Photo resolution must be at least 2500 pixels wide.
  - ~ Horizontal photos are best.
  - ~ Two contests each month.

[CLICK FOR MORE DETAILS](#)

## DELTA 411

Delta Information Worth Knowing

### Go Mobile, Use Mobile Boat-to-Boat Services



Boaters use many products to clean and maintain their boats. Many cleaning and maintenance products are considered hazardous waste such as antifreeze, lead-acid batteries, used oil and oil filters, oil/fuel saturated absorbents, solvents, paints, zines, varnishes and cleaning products. The use of these products can sometimes result in spills and leftover products that require disposal.

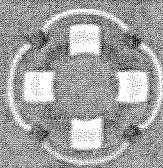
Hazardous wastes are toxic to human health and marine life and should be disposed of at a hazardous waste disposal facility. Click [here](#) to learn what you can do to deal with hazardous waste!

[CLICK FOR MORE DETAILS](#)

# DELTA MIXER

Business Networking Opportunity

CA DELTA  
CHAMBER **MIXER**



**STOCKTON MARINA**

**SEPTEMBER 9**

6PM-7:30PM  
445 W Weber Ave,  
Stockton CA 95203

**9 | September**

**Delta Chamber Mixer at Stockton Downtown  
Marina/Chitiva's Salsa & Sports Lounge**

6:00pm-7:30pm | 445 W Weber Ave, Stockton, CA 95203 | (209) 462-4200

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# SHOWCASE BUSINESSES

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Gas, Beer, Snacks!

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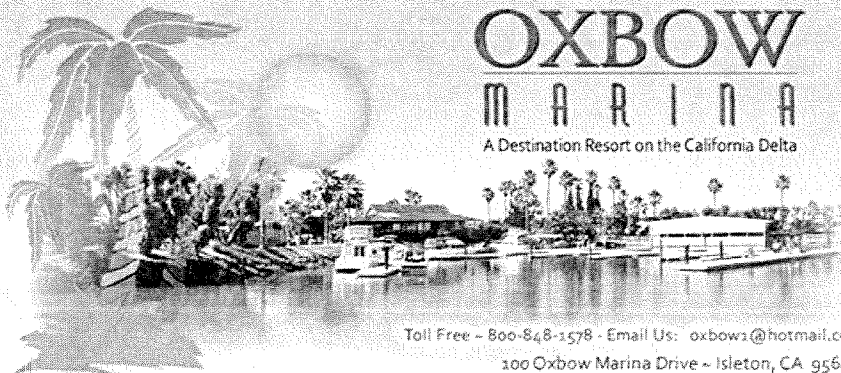
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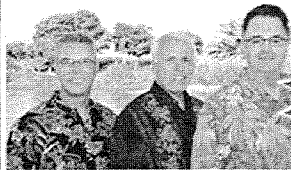
100 Oxbow Marina Drive - Isleton, CA 95641



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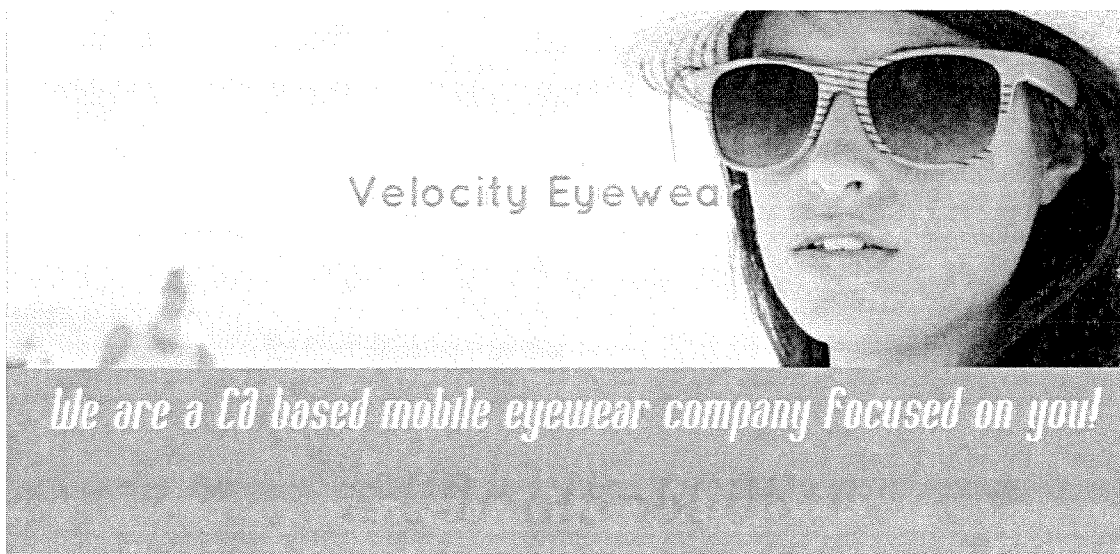
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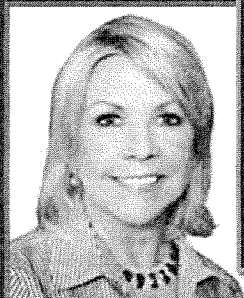
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## EVENTS

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CA 95242

**4 | September**

**Rosa's at Tower Park |  
Labor Day Weekend Fireball  
Friday**

12:00pm-9:00pm | 14900 W HWY 12 Lodi,

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## 4 | September

### Rosa's at Tower Park | Music with Dean Everett

8:00pm-12:00am | 14900 W HWY 12 Lodi,  
CA 95242

[CLICK FOR MORE DETAILS](#)



## 5 | September

### Rosa's at Tower Park | Sky Diver Demostration

5:00pm-6:30pm | 14900 W HWY 12 Lodi,  
CA 95242

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## 5 | September

### Rosa's at Tower Park | Live Music with The Livin' Daylites

9:00pm-1:00am | 14900 W HWY 12 Lodi, CA 95242

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**5 | September**

**San Quintin Fishing  
Tournament**

190 Main St, Rio Vista, CA 94571

[CLICK FOR MORE DETAILS](#)



**5 | September**

**Wine Tasting by E2 Family  
Winery**

11:00am-5:00pm | 23 Main Street, Isleton CA

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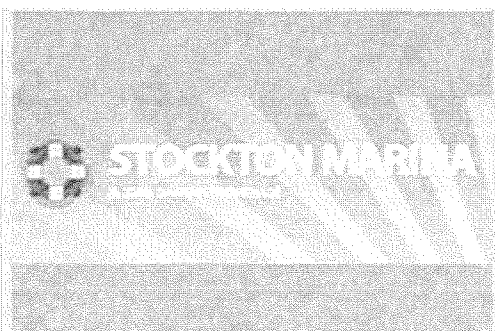


## 6 | September

### Rosa's at Tower Park | Summertime BLUES JAM

3:00pm-7:00pm | 14900 W HWY 12 Lodi, CA  
95242

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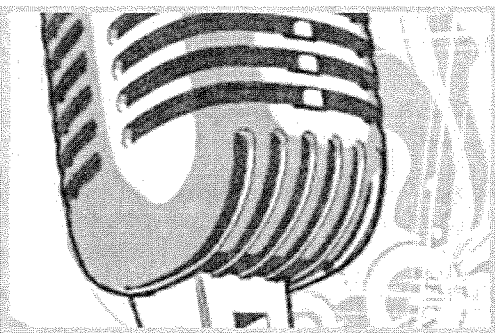


## 9 | September

### Delta Chamber Mixer at Stockton Downtown Marina

6:00pm-7:30pm | 445 W Weber Ave,  
Stockton, CA 95203

[CLICK FOR MORE DETAILS](#)



## 11 | September

### Rosa's at Tower Park | Karaoke Friday Night

9:00pm-12:00am | 14900 W HWY 12 Lodi,  
CA 95242

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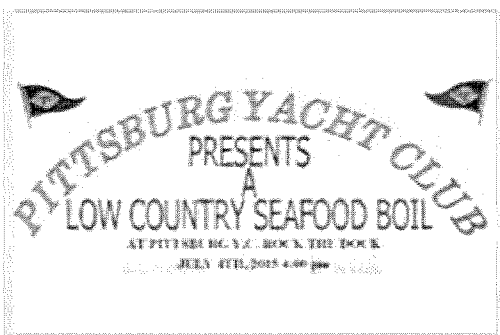
## 12 | September

### Rosa's at Tower Park | Live Music with Terry Sheets Band

9:00pm-1:00am | 14900 W HWY 12 Lodi, CA

95242

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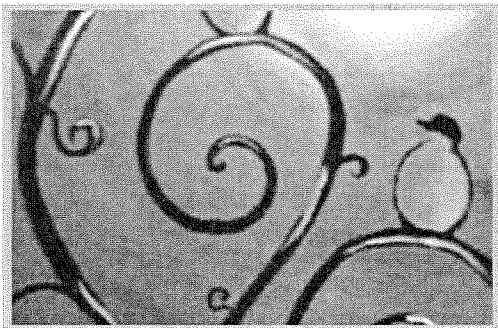
## 12 | September

### Pittsburg Yacht Club Low Country Seafood Boil

5:00pm-11:00pm | 3 Marina Blvd Pittsburg, CA

[CLICK FOR MORE DETAILS](#)





## 13 | September

### Rosa's at Tower Park | Paint Nite

1:00pm-3:00pm | 14900 W HWY 12 Lodi, CA 95242

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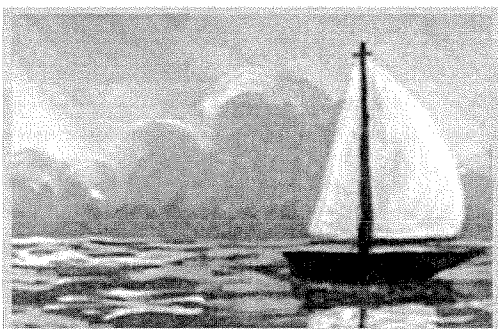


## 18 | September

### Rosa's at Tower Park | Live Music with Dean Everett

9:00pm-12:00am | 14900 W HWY 12 Lodi, CA 95242

[CLICK FOR MORE DETAILS](#)



## 18 | September

### Rosa's at Tower Park | Paint Nite~Drink Creatively

7:00pm-9:00pm | 14900 W HWY 12 Lodi, CA 95242

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## 19 | September

### Coastal Clean Up Day

Click here to get involved!

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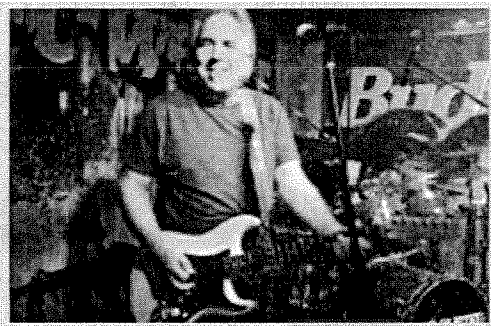


## 19 | September

### Rosa's at Tower Park | Live Music with Flat Busted

9:00pm-1:00am | 14900 W HWY 12 Lodi, CA 95242

[CLICK FOR MORE DETAILS](#)



## 20 | September

### Rosa's at Tower Park | Summertime Blues Jam

3:00pm-7:00pm | 14900 W HWY 12 Lodi, CA 95242



[CLICK FOR MORE DETAILS](#)

## 25 | September

### Rosa's at Tower Park | Karaoke Friday Night

9:00pm-12:00am | 14900 W HWY 12 Lodi,  
CA 95242

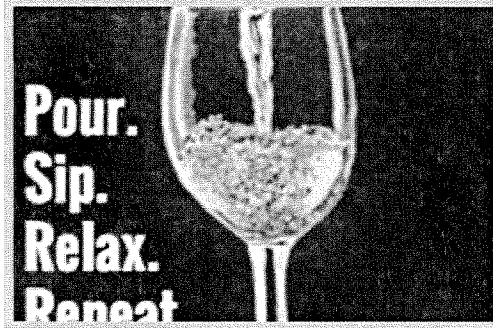
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## 26 | September

### Rosa's at Tower Park | Live Music with Fire and Wheels

9:00pm-1:00am | 14900 W HWY 12 Lodi, CA  
95242

[CLICK FOR MORE DETAILS](#)



## 27 | September

**Rosa's at Tower Park | Paint  
Nite~Drink Creatively**

1:00pm-3:00pm | 14900 W HWY 12 Lodi, CA  
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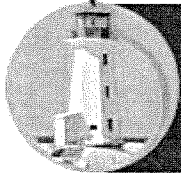


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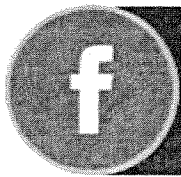
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PO Box 1118  
Rio Vista, CA 94571

---

**From:** Richard Fortmann <rgfortmann@gmail.com>  
**Sent:** Friday, September 04, 2015 8:40 AM  
**To:** BDCPcomments  
**Subject:** Delta water tunnels

This entire project is a disaster! It should be abandoned immediately. It does not create any new water, only take more from the Delta than is already being done. It will cause further salt water incursion into the Delta and harm already compromised habitat. Please do not continue to spend my taxpayer dollars on this boondogle.  
Richard Fortmann, 167 Del Oro Lagoon, Novato, CA 94949

---

**From:** Larry Thompson <thompson14ster@gmail.com>  
**Sent:** Tuesday, September 08, 2015 12:09 PM  
**To:** BDCPcomments  
**Subject:** Delta tunnels project

**I have major objections to this environment-damaging idea.** The California Water Fix does not address the environmental, public health or economic impacts of the proposed Delta tunnels project. The plan ignores alternatives that would save California tax and ratepayers billions of dollars, while investing in the jobs and local water sources that build sustainability.

Lawrence Thompson  
1069 Felicia Ct.  
Livermore, CA 94550

**From:** Carolyn Sherfy <clsherfy@gmail.com>  
**Sent:** Wednesday, September 09, 2015 3:14 AM  
**To:** BDCPcomments  
**Cc:** Jimfrazier@assembly.ca.gov susanbonilla@assembly.ca.gov steveglazer@senate.ca.gov  
**Subject:** Delta Water and Tunnel Project

This is a terrible idea. It will wreck our own water supply, fish and wildlife habitat, and recreation in Northern California. I am opposed to spending any state funds on this harmful endeavor. Please stop it now. All of my friends can't believe our state government would do this to us.

Carolyn L. Sherfy  
641 Central Park Place  
Brentwood, CA 94513  
(925) 516-7798

Sent from my iPhone



---

**From:** Jean Dakota <jdakota002@comcast.net>  
**Sent:** Saturday, September 12, 2015 7:25 AM  
**To:** BDCPcomments  
**Subject:** Delta Tunnels Plan  
**Attachments:** Letter strong opposition to Delta Tunnels 09 12 2015.docx

To Whom It May Concern, please see the attached letter on my position on the Delta Tunnels Plan. In addition, I am copying the letter below.

**I am writing to express my strong opposition to the Delta Tunnels plan.**

COMMON SENSE TELLS ALL OF US THAT THE DELTA TUNNELS ARE WRONG. Our Governor should be impeached and those politicians supporting this plan should be fired. Below are reasons and facts that the further document what common sense tells us:

The Delta Reform Act of 2009, in which the California State Legislature committed to the "coequal goals" of providing a more reliable water supply for California AND protecting and restoring the cultural, recreational, natural resource, and agricultural values of the Delta, cannot be upheld if the Delta Tunnels come to pass.

The California Water Fix does not meet the restoration goals of the Delta Reform Act; it is simply a plan to export more water out of the San Francisco Bay-Delta estuary. The Delta Tunnels will also fail to provide more reliable water because the Delta watershed is already oversubscribed by five times in normal water years.

**My objections to the tunnels are threefold:**

The California Water Fix does not address the environmental, public health or economic impacts of the proposed Delta tunnels project. Also, the plan ignores alternatives that would save California tax and ratepayers billions of dollars, while investing in the jobs and local water sources that build sustainability.

**My environmental concerns with the plan are:**

- The impact on wildlife and plant species in the Delta that depend on freshwater include the Delta smelt, chinook salmon, steelhead, San Joaquin kit fox, and tricolored blackbird, protected species already on the brink that will face decimation due to a diminishing food-web.
- At sea, even the ESA-listed South Pacific Puget Sound Orca Whales depend on migrating Delta species that will be harmed by less water flowing through the Delta.
- The tunnels plan seems to ignore Section 7 of the Endangered Species Act which prohibits federal agency actions that are likely to jeopardize the continued existence of any endangered species or that "result in the destruction or adverse modification of [critical] habitat of [listed] species."

**My public health concerns with the plan are:**

- The tunnels will cause increased contamination of municipal water and wells for the millions of rural and urban residents living in the five Delta counties.
- The tunnels plan fails to model for potential increases of carcinogens and other formation of byproducts that would cause cancer and other serious health effects.

- Existing Delta communities, who depend on subsistence fishing, will also face food and health insecurities as a result of increased contaminants, specifically mercury contamination, in fish and wildlife populations.

### **My economic concerns with the plan are:**

- For large metropolitan cities such as Los Angeles and San Jose that depend on export water, water rates and/or property taxes will go up, but they will get no additional water.
- No analysis has been done on how the lack of fresh water flows will impact San Francisco Bay tourism and recreation. These industries depend on Delta fresh water flows for their crab and salmon fisheries, wildlife sighting, boating, and their restaurant economy. This industry is worth billions annually.
- 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.
- California coastal fishing communities depend on thriving wildlife. This historic industry is worth billions annually, with the salmon industry worth \$1.5 billion annually alone. Thousands of jobs and livelihoods are tied to these industries.
- The operation and construction of the tunnels will obstruct and disable navigable waterways for boating, marinas and other types of leisure activities, in addition to creating conditions of low water flow that will foster invasive aquatic species, such as water hyacinth. Poor water quality also creates unsafe recreation. Recreation and tourism in the Delta generate \$750 million annually.

### **Alternatives to Water Exports Ignored**

A far less expensive and less environmentally destructive alternatives to the Delta Tunnels were largely ignored. The plan does not seriously consider any alternatives other than new, upstream conveyance. The decision-making process (from the outset) has tilted in favor of increasing water exports from the Delta.

Our tax and ratepayer dollars would be much better spent on:

- More aggressive water efficiency program statewide that would apply to both urban and agricultural users.
- Funding water recycling and groundwater recharging projects statewide that would be billions of dollars less expensive for rate payers than constructing a new version of the Peripheral Canal or major new surface storage dams. Meanwhile, these projects move communities towards water sustainability.
- Improving Delta levees in order to address potential earthquake, flooding, and future sea level rise concerns at a cost from \$2 to \$4 billion and is orders of-magnitude less expensive than major conveyance projects that are currently being contemplated.
- Increasing freshwater flows through the Delta to reduce pollutants so ecosystems and wildlife can be restored.
- Installing fish screens at the south Delta pumps to reduce the current killing of marine life.

### **In Summary**

The Delta has problems that need to be addressed, but the CA Water Fix tunnels are a 20th century idea that 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 my above stated concerns. That is why I 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.

Respectfully submitted,

Jean Dakota  
355 Paloma Ave  
San Rafael, CA 94901

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**From:** Mendoza, Tiffany  
**Sent:** Wednesday, September 09, 2015 7:05 AM  
**To:** BDCPcomments  
**Subject:** FW: BDCP

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**From:** 2003cobra@sbcglobal.net [mailto:2003cobra@sbcglobal.net]  
**Sent:** Wednesday, September 09, 2015 1:42 AM  
**To:** info@BayDeltaConservationPlan.com  
**Subject:** BDCP

To whom it may concern:

As residents of the Delta, we are strongly opposed to Gov. Brown's Bay Delta Conservation Plan on building twin tunnels which will alter and harm the health of the Delta.

Michael and Marsha Walsh  
Discovery Bay, Ca

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**From:** mgalvin10@gmail.com  
**Sent:** Friday, September 04, 2015 5:29 PM  
**To:** BDCPcomments  
**Subject:** California Delta

Dear Sirs,

The plans to ignore public opinion and divert additional water from the Delta and all that goes along with it are another fine example of the governmental overreach and croneyism that publicly funded agencies and California are rightly famous for. The prevailing attitude that public sector employees are able to trample on ordinary people's lives and spend millions of other people's money is contemptible and does nothing to improve the public's beliefs that the bureaucrats are not listening.

As a boater who uses the Delta frequently I strongly urge you not to proceed with your plans for the tunnels, land grabs and relocations.

Sincerely,

Michael Galvin

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**From:** Foxes <rtandsq@yahoo.com>  
**Sent:** Wednesday, September 09, 2015 1:22 PM  
**To:** BDCPcomments  
**Subject:** Delta Tunnels

Please register my very strong opposition to the Governor's plan to build twin tunnels in the Delta.

It is obvious that building these tunnels will ruin the environment of the Delta area. It will kill many fish species that are already having a horrible time and it jeopardizes the entire Delta eco-system. We could go on and on about all the negative things this will do to the Delta area.

It is just such a shame that the farmers in the Central Valley and the consumers and golf courses in Southern CA need water so much and that they so heavily outnumber voters in the Delta that they will see that this passes regardless of what it does to the Delta.

Please do what is actually right and do NOT approve this ill-conceived project.

Arthur Fox  
Rio Vista, CA 94571  
707-374-0068