

Tehama-Colusa Canal Authority

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October 30, 2015

Via U.S. Mail and E-mail (BDCPComments@icfi.com)

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

Subject: Comments of the Tehama-Colusa Canal Authority on the Bay Delta Conservation Plan/California WaterFix Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement

To Whom It May Concern:

The Tehama-Colusa Canal Authority ("TCCA") is a joint exercise of powers agency comprised of 17 water districts that receive water from the federal Central Valley Project ("CVP"). The TCCA service area is made up of 150,000 acres of irrigated farmland located along the west side of the Sacramento Valley that is located in the counties of Colusa, Glenn, Tehama and Yolo. TCCA was formed in part to secure a reliable water supply that would meet the needs of our member agencies, as well as exercising their rights to water originating in the Sacramento Valley.

TCCA has reviewed the Bay Delta Conservation Plan/California WaterFix ("BDCP/Fix") Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement ("Plan documents") that were made available for Public Review, and provides the following comments in response to the new and recirculated documents. TCCA previously commented on the Bay Delta Conservation Plan and the accompanying Draft Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") that were released for public review in December of 2013. TCCA hereby incorporates by reference and restates all of our previously submitted comments to the original Plan documents into this set of comments (said comments are dated July 29, 2014).

Further, TCCA hereby incorporates by reference and again joins both the previously submitted comments and additional comments submitted on these Plan documents by the North State Water Alliance (including all attachments and reports accompanying those comments) as though fully stated herein.

TCCA must underscore several of the comments made in the North State Water Alliance comments, which are of particular importance to TCCA. First, TCCA is gravely concerned that the proposed operations of the BDCP/Fix will have the impact of draining north of Delta CVP reservoirs on a much more frequent basis than presently, thereby diminishing greatly the water supply reliability for both the Sacramento River Settlement Contractors and the TCCA water users. Water users in the Sacramento Valley are protected by California's "area of origin" statutes. The BDCP/Fix and the accompanying EIR/EIS are filled with statements to the effect that the BDCP/Fix will not interfere with these uses of water. TCCA requests that the BDCP/Fix conduct the necessary modeling, by utilization of the best available science, to redefine and reconfigure its proposed operations to address the impacts to upstream water supplies. Such legally required assurances do not exist, despite the voluminous documentation that has occurred as part of the Plan documents. The operations proposed by the BDCP/Fix must comport with water rights law and avoid both regulatory and water supply impacts to upstream water users and fish and wildlife concerns. Absent these assurances, TCCA cannot support the BDCP/Fix as currently formulated. Moreover, without such guarantees, TCCA believes that the State Water Resources Control Board will not be able to approve the changes in point of diversion needed to effectuate the BDCP/Fix, due to both the injury to other legal users of water, and due to impacts caused to fish and wildlife resources in the Sacramento Valley and the Delta.

Additionally, the resulting water supply shortages would have two direct negative impacts on North state agriculture and local economies. First, it would result in the greatly enhanced reliance on groundwater within the agricultural areas north of the Delta that would see a resulting reduction in their surface water supply. This impact could be magnified greatly in light of the newly enacted Groundwater Sustainability Management Act. Further, many areas within the TCCA service area do not have reliable or adequate groundwater supplies. These factors would lead to significant economic impacts in the form of increased irrigation costs, fallowing of significant acreage, the loss of investment in permanent crops and annual cropping opportunities, and the resulting third party economic impacts that would reverberate through the regional economy, where agriculture is the foundation. None of these groundwater or economic impacts are sufficiently identified or analyzed in the Plan documents.

Any financing plan must adhere to the principle of "beneficiary pays." At present, this project lacks any details on dependable and/or viable plan to finance this Project. Of direct concern to TCCA is the fact that Reclamation has indicated that the costs associated with providing water to south of Delta refuges would be treated as an operations and maintenance cost, and so would be invoiced to all federal contractors on an annual basis. TCCA objects strongly to this proposed charge, on the ground that the proposed tunnels (and their associated capital and operations and maintenance costs) are not needed in order to move water to south of Delta refuges. If it is Reclamation's desire to move such water through the proposed tunnels, then that charge is properly paid for by the proponents of the Project, not North of Delta federal water contractors who do not benefit from, and are not pursuing the implementation of, the BDCP/Fix.

The BDCP/Fix EIS/EIR has many fatal flaws that do not meet the statutory requirements of NEPA and/or CEQA. The primary and overwhelming shortcoming is the complete lack of an adequate project description. This shortcoming makes it impossible to provide comments on a project that is not readily identifiable. Not to be completely flippant, but when the project proponents figure out what exactly the project is, and how it will be operated, we will then be

prepared to provide more tangible comments. Instead, we are left filling in the blanks and guessing at the project, its operations, and having to assume the impacts that are not sufficiently analyzed. As such, the document is wholly inadequate in meeting the requirements of NEPA and/or CEQA, not to mention concerns with its compliance with the Federal and California ESAs and California water rights law. Other shortcomings with the Plan documents include the following:

1. The operations and baseline assumptions are not accurately or sufficiently portrayed or defined;
2. the description of the operations is vague and uncertain;
3. the underlying impact analysis is wholly insufficient;
4. the modeling and impact analysis relies on assumptions from the BDCP timeframe that are no longer valid or reliable in regard to the amount of restoration and other conservation measures that are no longer certain to occur;
5. the decision tree/adaptive management process is completely undefined and inadequate for analysis;
6. the modeling is reliant on outdated data;
7. the analysis used the wrong version of the CALSIM model;
8. the operations described are unrealistic and employ modeling gimmicks that cannot occur in the real world;
9. the described operations rely on water from upstream users at times when that water is unavailable;
10. the documents fail to address or analyze the relied upon water transfers, that must be (yet have not been) voluntarily agreed to by upstream sellers to make this operation work;
11. the project is not economically viable;
12. the document is now so convoluted that it is hard to follow, confusing, misleading, and has so many errors and references to the wrong place or supporting documents that don't exist or can't be located that it is undecipherable at many times;
13. modeling underestimates exports and overestimates Delta outflow;
14. modeling fails to accurately describe climate change;
15. the Plan fails to adequately protect ESA listed fish species;

16. the Plan documents fail to sufficiently analyze the impacts on ESA listed fish species, particularly coldwater pool needs of winter run salmon and habitat needs of Delta smelt;
17. the Plan documents continue to assume restoration of a greater quantity than now committed to, as well as other conservation measures that are no longer certain or part of the project, and therefore can no longer be counted on to offset impacts;
18. the plan fails to rely upon the best available science regarding the fishery ESA concerns;
19. the Plan documents consistently utilize an optimistic approach related to any uncertainty of the benefits of the proposed actions, yet minimizes the impacts at every turn at the same time;
20. the Plan lacks any tangible description of a sufficient or acceptable monitoring program;
21. the Plan documents only look at tunnel alternatives, instead of truly examining other alternative options such as increased storage and/or other methods to meet the goals of the project;

Despite the extensive critical comments and concerns voiced herein, TCCA does wish to highlight that we continue to be committed to working collaboratively with all statewide water interests in the effort to find balanced and equitable solution for the Delta. We have made this sentiment clear throughout the proceeds to the BDCP project proponents, as well as to DWR and USBR. Despite the incredible volume of material produced and numerous meetings held, no real collaborative process has yet to take place. As a result, this process has yielded a set of documents, alternatives and a plan that is viewed with skepticism and concern. The north state is receptive to and supportive of finding solutions to these problems, we just do not want to be the solution. The resulting Plan documents have merely served to solidify our concerns and criticisms. It is the sincere belief of the upstream stakeholders that a collaborative effort that takes into account our needs and concerns would result in a much more balanced, achievable and supportable solution. TCCA is committed to such a collaboration should the opportunity present itself.

Thank you for the opportunity to provide these comments, and your attention to the same.

Very truly yours,



Jeffrey P. Sutton
General Manager

cc: TCCA Board of Directors
J. Mark Atlas, General Counsel