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**From:** Barbara Barrigan-Parrilla <barbara@restorethedelta.org>  
**Sent:** Wednesday, May 28, 2014 10:46 AM  
**To:** BDCP.Comments@noaa.gov  
**Subject:** RTD and Environmental Justice Coalition Request for BDCP Comment Extension  
**Attachments:** RTD and EJ Coalition Letter Requesting BDCP Extension May, 28 2014.pdf

Dear Ryan Wulff and BDCP Comment Officials:

Please find attached our letter requesting a restart and extension of the BDCP comment period due to lack of meaningful access for Limited English Speakers.

If you have any questions, please let me know.

Sincerely yours,

Barbara Barrigan-Parrilla  
Executive Director  
10100 Trinity Parkway, Suite 120, Stockton, CA 95219  
Phone: (209) 479-2053



[Website](#) | [Facebook](#) | [Twitter](#)

**Stop the tunnels: Sign our online petition.**

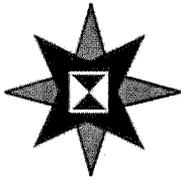


cafe coop

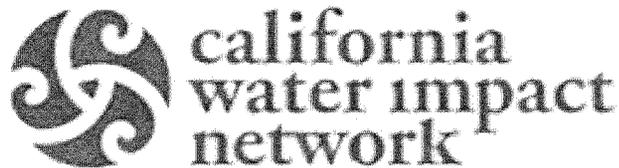
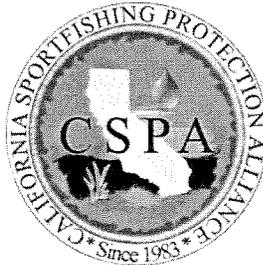
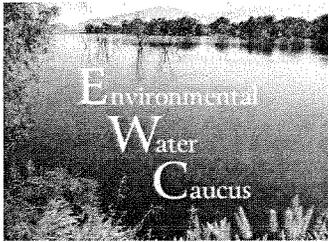


សមាគមអប្សរា  
APSARA

*Asian Pacific Self-development And Residential Association*



American Friends Service Committee  
PROYECTO VOZ



May 28, 2014

BDCP.Comments@noaa.gov (via email)

John Laird  
Secretary  
CA Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

The Honorable Sally Jewell  
Secretary  
U.S. Department of the Interior  
1849 C Street NW  
Washington DC, 20240

May 28, 2014: Letter to BDCP regarding lack of access for limited English speakers

David Murillo  
Regional Director  
U.S. Bureau of Reclamation  
2800 Cottage Way  
Sacramento, CA 95825

Mark Cowin  
Director  
CA Department of Water Resources  
P. O. Box 942836, Room 1115-1  
Sacramento, CA 94236-0001

Ren Lohofener  
Regional Director  
U.S. Fish and Wildlife Service  
2800 Cottage Way  
Sacramento, CA 95825

Chuck Bonham  
Director  
CA Department of Fish and Wildlife  
1416 9<sup>th</sup> St, 12<sup>th</sup> Floor  
Sacramento, CA 95814

Will Stelle  
Regional Director  
National Marine Fisheries Service  
7600 Sand Point Way, NE, Bldg 1  
Seattle, WA 98115-0070

Eileen Sobeck  
Assistant Administrator for Fisheries  
NOAA Fisheries  
1315 E. West Highway  
Silver Spring, MD 20910

Samuel D. Rauch III  
Deputy Assistant Administrator for Regulatory Programs  
NOAA Fisheries  
1315 E. West Highway  
Silver Spring, MD 20910

*Additional Addressees at end of letter*

**Re: Request for Restarting and Extending Bay Delta Conservation Plan Comment Period Due to Lack of Meaningful Access for Limited English Speakers**

Dear Federal and California Agencies, Officers, and Staff Members Carrying out the BDCP:

We are writing on behalf of Restore the Delta, the Environmental Justice Coalition for Water, Asian Pacific Self-Development and Residential Association, Café Coop, American Friends Service Committee Proyecto Voz, Environmental Water Caucus, California Sportfishing Protection Alliance, California Water Impact Network, and Friends of the River, as well as hundreds of thousands of limited English speakers who reside largely in low-income communities of color within the five Delta counties, to request a restart and extension of the public comment period due to the agencies' failure to provide for meaningful access and participation of California limited English speakers, including Delta limited English speakers attempting to engage with the draft Bay Delta Conservation Plan and draft EIS/EIR. In particular, we request that the agencies hold public hearings and provide interpreters; translate vital documents such as, at the very least, the Executive Summary of the draft EIS/EIR; and provide affordable access to documents to allow the thousands of low-income and limited English speakers to have meaningful participation in the process.

While a very limited amount of outreach material can be found on the BDCP website in Spanish, the plan itself and its corresponding EIS/EIR have not been translated into Spanish. In particular, the

May 28, 2014: Letter to BDCP regarding lack of access for limited English speakers

EIS/EIR identifies forty-seven significant and unavoidable adverse impacts (Chapter 31 EIR/EIS) that will have a direct impact on residents of the five Delta counties. The majority of Spanish, Cambodian, and Hmong speakers have not been made aware of these impacts, let alone that there is presently an ongoing comment period regarding the BDCP, or even that the project exists. In addition, Cambodian, Hmong, and Spanish speakers who fish for sustenance throughout the Delta have not been made aware of the project and have not been able to access any materials in their native languages. This is especially problematic considering that the EIR/EIS reveals increases of mercury fish tissue concentrations will result from implementation of the BDCP.<sup>1</sup>

In California, of the 34 million residents, 19.6% “speak English less than very well” according to the American Community Survey for the last five years. Statistics from the Stockton Unified School District, Lincoln Unified School District, and the River Delta Unified School District reveal that 11% to 30% of households are families in which English is not the primary language. Additionally, statistics from the American Community Survey of 2012 for the five Delta counties reveal that 571,188 individuals speak languages other than English and do not “speak English very well.” These individuals represent roughly 14 % of the 4 million residents who live in the five Delta counties (San Joaquin, Sacramento, Solano, Yolo, Contra Costa).

A review of the BDCP website shows that all public “open house” meetings have been completed and that for these most recent meetings during the public comment period no translation or interpretation services were offered to the public. Attendees of these open house meetings have noted back to us that no interpretation services were advertised at these meetings. Furthermore, a Lexus-Nexus search for Bay Delta Conservation Plan meeting notices shows only four stories in languages other than English discussing the proposed plan, with those stories appearing only between February 2010 and April 2011, with not one reporting on the public comment period for the BDCP. There is no record of media outreach to limited English speakers throughout California, let alone limited English speakers in Delta communities that will bear the brunt of the impacts for this project, or media outreach to non-English speaking communities regarding the release of the public draft of the plan and its EIS/EIR or the public meetings held in the early months of this comment period.

<http://baydeltaconservationplan.com/PublicReview/PublicOpenHouseMeetings.aspx>

Furthermore, the agencies have failed to respond adequately to requests for materials in Spanish, Cambodian and Hmong. Calls made by community members to the Spanish hotline resulted in them being directed to a few webpages, and provided a fact sheet upon request. People are permitted to make written comments in Spanish, but a copy of the BDCP and EIR/EIS documents does not exist in Spanish for people to use to make comments.

Moreover, the environmental justice survey completed to support Chapter 28 of the EIS/EIR (Environmental Justice) excluded non-English speakers within the Delta environmental justice

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<sup>1</sup> Bay Delta Conservation Plan, EIR/EIS, Appendix 8I, *Mercury*, Tables I-7a, I-15Aa, I-11Ba, I-11Ca, I-11Da.

*May 28, 2014: Letter to BDCP regarding lack of access for limited English speakers*

community. Of 1400 subjects identified by BDCP to interview throughout California, only 231 were interviewed completely, with only 76 subjects identified from “within or near the Delta.” All interviews were conducted in English. Of those 76 “within or near Delta” subjects, 38 were elected officials, 14 were business or agriculture leaders, and only 24 representatives from community, church, and ethnic groups could be considered as having ties to the environmental justice community. However, even among those 24 subjects, only 3 subjects expressed understanding of the link between the health of the Delta, subsistence fishing, and non-English speaking populations. Since these surveys were completed, the Bay Delta Conservation Plan has failed to continue with outreach to the subsistence fishing community, or to attempt to extend its survey to reach those in the environmental justice community with limited English proficiency. Additionally, not one representative for Delta farm workers was interviewed.

In addition, there are also significant problems regarding public access to the document for low-income communities. The only two ways an individual can review the English-only plan is to request computer discs or to review hard copies of the documents at the BDCP repositories located in Sacramento and West Sacramento. Notably, paper copies of the plan were not placed in libraries throughout the Delta in order to enable greater public access. Furthermore, the BDCP has refused to provide paper copies to individuals who do not have computer access, unless the individual is willing to pay \$6,000 per copy. By not making copies available, low income community members who do not have computer access are barred from participating in the process. The American Community Survey of 2012 identifies 694,000 persons or 17% of the population of the five Delta as living below the poverty level.

Consequently, the lack of access to information regarding the project, lack of provision of adequate oral and written bilingual information, failure to notice meetings in various languages, and limited public access to the document through required computer access and exorbitant fees violates the below cited principles of environmental justice and constitutes violations of CEQA and NEPA, as well as federal and state civil rights of a significant population of the five Delta counties. Such violations include but are not limited to:

1. CEQA participation requirements— CEQA requires a process that provides an opportunity for meaningful participation of the public. According to Public Resources Code Section 21061: “The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project can be minimized; and to indicate alternatives to such a project.” Public Resources Code section 21003(b) provides: “Documents prepared pursuant to [CEQA] should be organized and written in such a manner that will be meaningful and useful to decision makers and to the public.” CEQA Guidelines section 15201 explains that “Public participation is an essential part of the CEQA process. Each public agency should include

provisions in its CEQA procedures for wide public involvement . . . in order to receive and evaluate public reactions to environmental issues relating to the agency's activities."<sup>2</sup>

2. NEPA participation requirements, and Equal Justice Executive Order 12898: Federal Executive Order (EO) 12898 (1994), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires Federal agencies to make environmental justice part of their mission and to develop environmental justice strategies. The Presidential Memorandum accompanying the Executive Order specifically singles out NEPA, and states that "[e]ach Federal agency must provide opportunities for effective community participation in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of public meetings, crucial documents, and notices." (Memorandum from President Clinton, March 1994, available at [http://www.epa.gov/fedfac/documents/executive\\_order\\_12898.htm](http://www.epa.gov/fedfac/documents/executive_order_12898.htm).)
3. Title VI of the Civil Rights Act of 1964 provides: "No Person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency," See 65 Fed. Reg. 50,121 (Aug. 16, 2000). EPA "Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 69 Fed. Reg. 39602. (June 25, 2004). *Lau v. Nichols*, 414 U.S. 563 (1974) providing that National Origin Discrimination to Limited English Speakers.
4. California Government Code section 11135 (a) and implementing regulations in the California Code of Regulations Title 22 Sections 98211 (c) and 98100. Government Code 11135(a) provides: "No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state."

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<sup>2</sup> Indeed, the California court of appeals found that "[e]nvironmental review derives its vitality from public participation," and must be informed of significant impacts. (*Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal. App. 4<sup>th</sup> 396, 400.) Public review is crucial to ensuring government accountability and informed self-government. Public review serves a dual purpose in that it both bolsters the public's confidence in the government process, and provides lead agencies the appropriate resources and expertise on certain subjects regarding environmental impacts. (*Joy Road Area Forest and Watershed Ass'n v. California Dept. of Forestry and Fire Protection*, (2006) 142 Cal. App. 4<sup>th</sup> 656, 670.)

May 28, 2014: Letter to BDCP regarding lack of access for limited English speakers

- 5. The Dymally-Alatorre Bilingual Services Act—Government Code Sections 7290-7299.8 which requires that, when state and local agencies serve a “substantial number of non-English-speaking people,” they must among other things translate documents explaining available services into their clients’ languages.

Therefore, we are calling on officials to address these significant language and other access issues and then to restart the public comment period in accordance with the laws and policies discussed above.

Sincerely yours,

Barbara Barrigan-Parrilla, Executive Director  
Restore the Delta

Colin Bailey, Executive Director  
Environmental Justice Coalition for Water

Sovanna Koert, Executive Director  
Asian Pacific Self-Development and Residential Association

Luis Magana, Coordinator  
American Friends Service Committee  
Proyecto Voz

Esperanza Vielma, Executive Director  
Café Coop

Nick Di Croce, Co-Facilitator  
Environmental Water Caucus

Bill Jennings, Executive Director  
California Sportfishing Protection Alliance

Carolee Kreiger, Executive Director  
California Water Impact Network

May 28, 2014: Letter to BDCP regarding lack of access for limited English speakers



E. Robert Wright, Senior Counsel  
Friends of the River

(Encl. two attachments for [Comments@NOAA.gov](mailto:Comments@NOAA.gov))

Additional Addressees, all via email:

Maria Rea, Assistant Regional Administrator  
National Marine Fisheries Service

Michael Tucker, Fishery Biologist  
National Marine Fisheries Service

Ryan Wulff, Senior Policy Advisor  
National Marine Fisheries Service

Mike Chotkowski, 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

Patti Idlof  
U.S. Bureau of Reclamation

Deanna Harwood  
NOAA Office of General Counsel

Kaylee Allen  
Department of Interior Solicitor's Office

**From:** Moira Burke <moira@onramp113.com>  
**Sent:** Wednesday, May 28, 2014 12:16 PM  
**To:** BDCP.Comments@noaa.gov  
**Subject:** BDCP Comments  
**Attachments:** Microsoft Word - Moira Burke Agricola.docx.pdf; ATT00001.htm

May 28, 2014

RE: BDCP Comments

To Whom It May Concern:

As a Solano County farmer, fourth generation SF Bay Counties resident and one whose careers have centered on agriculture and agricultural research, I have been following Bay Delta Conservation Plan (BDCP) developments and issues since 2007 with increasing concern. Sadly, the overriding factor in BDCP decisions seems to be greed of a few at the expense of the well-being of the greater population and ecosystem.

I focus my concerns from three perspectives:

Firstly, having grown up enjoying the San Francisco Bay, Delta estuary and connected waterways all the way to Sierras, I have born witness to the benefits, beauty and wonder of a healthy, bountiful ecological system that has provided clean air, fresh water and abundant plant and animal life. Beyond its intrinsic value, however, this wondrous watershed has provided the ideal conditions in which agriculture can thrive and produce abundant food for those within and beyond its boundaries. That we, humankind, would even think of doing anything that could further harm or detract from this amazingly effective, natural system is unthinkable and incredulous.

Secondly, as a Solano County farmer for over 45 years, current vice-chair of the Solano County Advisory Committee, former scientific researcher at UC Davis, as well as a forestland owner, I have closely observed and evaluated potential effects, intended and unintended, of the BDCP for several years from the perspective of its effect on our ability to produce crops and feed ourselves. It alarms me that somehow agriculture in the northern Bay Counties of Solano, Yolo and Sacramento, seems to be left out of the discussion, though they are among the most productive areas for high value crops and provide a wide array of "ecosystem services" as well. Paramount in concern is the degree to which water salinity levels would move upstream in the Delta as a result of BDCP's proposed water conveyance system. Such salinity levels, would have devastating effects on existing crops in and near the Delta waterways, and we do not know the extent to which such salinity increases would intrude precious regional aquifers. My own operation would be immediately affected since I source feeder cattle from a rancher east of Dixon, whose pastures would die. Many other farmers would be more severely affected.

Lastly, and perhaps most important, I think of my children and grandchildren, i.e. those that follow us. That we would endanger our rich agricultural abundance, leaving following generations to suffer a scarcity of locally produced foods, pains me no end. That our populace would have to depend on products grown "off shore" under conditions we do not control at costs beyond our reach seems unthinkable. We have the proverbial "Golden Goose", why would we even think of risking it?

The BDCP is not about sharing and abundance of water; rather it is about sending a precious, needed resource from a sound, productive agricultural region to an area where poorly thought agri-business choices and water gluttonous development have created a greed for water at a cost to others. Neither our Delta ecosystem, nor our regional agriculture can afford this ill thought Bay Delta Conservation Plan. I strongly urge the Plan be scrapped.

Sincerely,  
Moira Burke

Moira Burke *Agricola: flora et fauna* 5794 Silveyville Road Dixon California 95620

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**From:** Andrew Londerholm <alonderholm@att.net>  
**Sent:** Wednesday, May 28, 2014 5:36 PM  
**To:** BDCP.comments@noaa.gov  
**Subject:** DVD of BDCP Documents

To whom it may concern,

May I please obtain a copy of the BDCP documents on DVD? This would be most helpful. My address is below:

Andrew Londerholm  
200 P Street, Apt D32  
Sacramento, CA 95814

Thank you,

Andrew Londerholm

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**From:** Friends of the River <info@friendsoftheriver.org> on behalf of Robin Kent <info@friendsoftheriver.org>  
**Sent:** Saturday, May 31, 2014 3:22 PM  
**To:** BDCP.Comments@noaa.gov  
**Subject:** I oppose all alternatives in the BDCP that propose construction of new diversions and tunnels under the Delta

May 31, 2014

Mr. Ryan Wulff, NMFS  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

Dear Mr. Wulff, NMFS,

Thank you for receiving public comments in response to the 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.

[ These tunnels are a sick joke, and I am appalled that people I have voted for and trusted to do the right things for the state, like Governor Brown, are throwing their support behind them.

California's water needs are a complex issue, but stealing water from the north to feed the south's ridiculous thirst is not the way to go. ]

I believe that the BDCP should include, 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.

Sincerely,

Ms. Robin Kent  
2736 Ganges Pl  
Davis, CA 95616-2922

**From:** Jillian Trujillo <jillian.elisa@gmail.com>  
**Sent:** Thursday, May 29, 2014 10:36 AM  
**To:** BDCP.comments@noaa.gov  
**Subject:** Question

How will the BDCP effect the Bay Area's water supply? Will we benefit from this plan directly? Or is the benefit strictly for agriculture and Southern California?

Jillian Trujillo  
San Jose

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**From:** Christine Compton <Compton@irwd.com>  
**Sent:** Thursday, May 29, 2014 1:49 PM  
**To:** BDCP.comments@noaa.gov  
**Subject:** BDCP Comment Letter  
**Attachments:** BDCP- Comments of Draft BDCP and DEIR-EIS- 5-27-2014.pdf

Attached please find a comment letter on the Draft BDCP and DEIR/EIS from the Irvine Ranch Water District.

Sincerely,

**Christine Compton**

Government Relations Manager

**Irvine Ranch Water District**

15600 Sand Canyon Avenue

Irvine, CA 92618

949-453-5338 Office

949-453-0228 Fax

[compton@irwd.com](mailto:compton@irwd.com)



## IRVINE RANCH WATER DISTRICT

15600 Sand Canyon Avenue • P.O. Box 57000 • Irvine, California 92619-7000 • (949) 453-5300 • www.inwd.com

May 29, 2014

VIA EMAIL

BDCP Comments  
c/o Ryan Wulff  
National Marine Fisheries Service  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

**RE: Comments on the Draft Bay Delta Conservation Plan and Associated Draft Environmental Impact Report/Environmental Impact Statement**

Dear Mr. Wulff:

Thank you for the opportunity to review and comment on the Draft Bay Delta Conservation Plan (Draft BDCP) and associated Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS), collectively referred to as the BDCP. As a water purveyor which remains partially dependant on imported supplies, the Irvine Ranch Water District (IRWD) has a vested interest in California's water supply reliability, and the implementation of a solution in the Sacramento-San Joaquin Delta (Delta). The District has supported the joint state and federal effort to develop and implement a BDCP which includes a set of water system and ecosystem improvements in the Delta that will serve as the foundation for achieving the legislatively established coequal goals of high-quality water supply reliability and ecosystem restoration. IRWD offers the following comments on the Draft BDCP and associated DEIR/EIS for your consideration as the documents are finalized.

IRWD's Efforts to Reduce Reliance on the Delta

IRWD is an independent special district that provides high-quality drinking water, reliable wastewater management, ground-breaking recycled water programs, and environmentally-sound urban runoff treatment to more than 340,000 residents in Central Orange County. Over the last two decades, the District has diversified its water supply to reduce its reliance on imported water sources. Despite these efforts, IRWD remains partially dependant on water from the Delta.

A vital part of the District's efforts to reduce its reliance on the Delta have been IRWD's local supply development, recycled water and water use efficiency efforts. The District has been and continues to be a leader in the area of recycled water, and meets roughly 29,850 acre-feet, or 25 percent, of our service area's water demands with recycled water. IRWD also offers cutting-edge conservation and water use efficiency programs so our customers have the tools needed to use water

Irvine Ranch Water District: Comments on the Draft BDCP and Associated DEIR/EIS

May 29, 2014

Page 2

wisely. We employ a unique allocation-based conservation rate billing structure that rewards customers for conserving water. Since its implementation in 1991, the allocation-based rate structure has help IRWD customers increase their water use efficiency, and reduce their daily usage from 180 gallons per capita per day to 90 gallons per capita per day.

These efforts combined with a considerable investment in local supplies and reliability projects have allowed the District to substantially change the composition of its water supply portfolio. In 1990, IRWD's water supply portfolio was comprised of 9 percent clear groundwater, 11 percent local surface water, 14 percent recycled water, and 66 percent imported water. In 2013, the water portfolio was comprised of 19 percent treated groundwater, 31 percent clear groundwater, 3 percent local surface water, 25 percent recycled water, and 22 percent imported water. IRWD continues to further reduce its reliance on imported supplies and forecasts that by 2035 imported supplies will comprise only 16 percent of the District total water supply portfolio.

#### Comments on the BDCP and DEIR/EIS

##### ***A. The Draft BDCP and DEIR/EIS complies with State law and the Sacramento-San Joaquin Delta Reform Act of 2009, and should be finalized and incorporated in the Delta Plan.***

In 2009, the California Legislature passed a comprehensive set of bills, the 2009 Water Package, aimed at addressing the State's aging water infrastructure and increasing water supply reliability throughout California. Included in the 2009 Water Package was adoption of California Water Code Section 85001, which declared the existing policies governing the Delta unsustainable and required a fundamental reorganization in the management of the Delta's ecosystem.

SBX7 1, which was a key piece of the 2009 Water Package, enacted the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act). The Delta Reform Act established mechanisms by which future decision about the Delta would be made and required the balancing of Delta water supply reliability improvements with ecological concerns. The adopted decision making process called for the development of a BDCP and requires that the Delta Stewardship Council incorporate the BDCP into the Delta Plan if the proposed BDCP meets certain requirements including being approved as a natural community conservation plan (NCCP) and habitat conservation plan (HCP). *California Water Code Section 85320(e)*.

The Delta Reform Act also requires that the BDCP meet certain conditions before it will be considered for inclusion in the Delta Plan. In addition to complying with the Natural Community Conservation Planning Act and the California Environmental Quality Act (CEQA), the BDCP must include a "transparent, real-time operational decision making process in which fishery agencies ensure that applicable biological performance measures are achieved in a timely manner with respect to water system operations." *California Water Code Sections 85320(b) & 85321*. The Draft BDCP meets these requirements because it, in association with the DEIR/EIS, includes proposed management as a NCCP/HCP consistent with the Natural Community Conservation Planning Act; has undergone sufficient review under CEQA; and proposes adaptive management for the Delta

which includes a decision making tree which will govern the operation of the water conveyance system to ensure species success based on real-time conditions and flow-rate factors.

Further, the Draft BDCP complies with the Sacramento-San Joaquin Delta Reform Act of 2009 because of the analysis completed in its associated environmental documents. California Water Code Section 85320 requires that the environmental analysis for the Bay Delta Conservation Plan include “ a reasonable range of flow criteria, rates of diversion and other operational criteria required to satisfy the criteria for approval of a natural community conservation plan..., and other operation requirements and flows necessary for recovering the Delta ecosystem and restoring fisheries under a reasonable range of hydrologic conditions;” a reasonable range of Delta conveyance alternatives including through-Delta, dual conveyance, and isolated conveyance alternatives; the potential effects of climate change, and changes in precipitation and runoff patterns on habitat restoration and conveyance; effects on migratory fish and aquatic resources; the effects on flood management in the Delta; the “resilience and recovery of Delta conveyance alternatives in the event of catastrophic loss caused by earthquake or flood or other natural disaster;” and the “potential effects of each Delta conveyance alternative on Delta water quality.” The DEIR/EIS studied 15 alternatives and a No Action Alternative, and looked at each of the required factors in one or more of its 35 chapters. Through its evaluation of these factors, the DEIR/EIS makes the Draft BDCP compliant with the requirements of the Natural Community Conservation Planning Act, CEQA and the Delta Reform Act. Given the Draft BDCP and DEIR/EIS’s compliance with the Delta Reform Act, IRWD urges the finalization of these documents and the incorporation of the final BDCP in the Delta Plan.

***B. The Draft BDCP, in proposing to implement the Preferred Alternative (Alt. No. 4), achieves the coequal goals by balancing ecosystem restoration and improvements in water supply reliability; the final BDCP should maintain this balance.***

The Delta Reform Act establishes one of the basic state goals for the Delta as seeking to:

“Achieve the two coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.” *California Public Resources Code Section 29702(a)*.

The coequal goals are a recognition that the Delta is a source of water for two-thirds of Californians, and that the Delta watershed, as the largest fresh water estuary in the Western Hemisphere, is ecologically important as home to 750 different plant and animal species. In recognition of this, any changes in the management of Delta, and any planning documents concerning the Delta, are required to achieve both of the coequal goals.

The BDCP balances the coequal goals by proposing to improve 145,000 acres of Delta habitat and permitting new conveyance facilities, as outlined in the Preferred Alternative (Alt. No. 4), that will

improve water supply reliability in the Delta. Implementation of the comprehensive multi-species, ecosystem approach contained in the BDCP's conservation strategies ensures that all species in the Delta are benefited, and that success is measured by specific, achievable and relevant biological goals. Implementation of the new conveyance facilities proposed in Alt. No. 4 will protect California's water supply from tidal influences, improve water quality and allow for more predictable pumping operations.

The proposed operating rules for the conveyance facilities allows for a "big gulp, little sip" approach that permits increased water exports when excess water is in the Delta watershed, and mandates lower exports when the environment is strained by below-average flows. Additionally, the BDCP proposes to make adjustments in water export levels based upon the success or failure of the Delta's ecosystem through a structure "intended to meet or contributed to a variety of biological goals and objectives that are related to flow management and reduced entrainment of covered fish species." *Bay Delta Conservation Plan: Executive Summary, Page 10*. The operation criteria for the Preferred Alternative includes continuation of existing criteria being implemented the under the biological opinions managing the Delta today. Maintaining these operating criteria in the adaptive management framework ensures that ecosystem protection will remain an important part of the management of the Delta as conveyance is improved. These operating rules establish the coequals as the cornerstone of the BDCP's operational rules.

Some critics of the BDCP have claimed that the plan unduly favors water supply interests and will permit State Water Contractors (SWC) to export more water than is currently allowed. The BDCP does not provide a greater amount of water for export. The BDCP estimates that the average water supplies available for export will be 4.7 million acre-feet to 5.6 million acre-feet per year. This is the same average currently permitted for export through the Delta. Where water supply reliability is improved is in the implementation of conveyance facilities designed to protect supplies from earthquake, levy-failure, and seawater intrusion risk.

The reality is that California cannot achieve the goal of a high quality water supply without investment in the Delta ecosystem restoration. Likewise, it cannot achieve the goal of ecosystem restoration without investment in the Delta water conveyance system. The BDCP, in adopting Alt. No. 4 as the Preferred Alternative, appropriately achieves the coequal goals, and appropriately reflects an understanding that effective ecosystem restoration is essential to ensuring high quality water supplies are available to Californians. The final BDCP should maintain Alt. No. 4 as the Preferred Alternative, and should continue to achieve both of the legislatively mandated coequal goals

***C. The BDCP should be finalized and Preferred Alternative (Alt. No. 4) should be implemented; the No Action Alternative does not improve water supply reliability or the Delta ecosystem.***

The Sacramento-San Joaquin Delta is an important part of California's water infrastructure and conveyance systems which move water stored in the snowpack of the Sierra Nevada throughout the state. It is a vital water supply for 25 million Californians, five million acres of agriculture lands, and

the trillion-dollar economy of Southern California and the Bay Area. For a number of years, federal and state agencies have been working to identify the investments necessary to convey these supplies across the Delta while restoring its important and valuable ecosystem.

IRWD has long held that the BDCP should include a conveyance project with operational flexibility providing the needed foundation for meeting the coequal goals including effectively conveying reliable and high-quality water supplies under the Delta in a way that ensures the movement of water across the Delta for supply purposes which does not interfere with the natural tidal fluctuations of the Delta needed to support vital habitat. The BDCP correctly identified that a comprehensive approach is essential, that a new conveyance system under the Delta is needed, and that any solution must meet the State's coequal goals of a restored Delta ecosystem and a reliable water supply. In its evaluation of 15 alternatives and a no action alternative as part of the DEIR/EIS, the environmental analysis correctly found that the No Action Alternative leads to increased environmental damage and reduced water supply reliability while the Preferred Alternative (Alt. No. 4) would strike the strongest balance between the coequal goals.

*(i) The No Action Alternative does not comply with the coequal goals.*

The DEIR/EIS correctly finds that under the No Action Alternative operation of the existing water conveyance facilities would become continually degraded over time due to sea-level rise and climate changes impacts requiring greater Delta outflows to curb salinity increases. *DEIR/EIS Chapter 5, Page 5-57.* The No Action Alternative would require implementation of the Fall X2 RPA action, which requires maintenance of higher outflows at specified locations in wet and above normal years in September and October plus releases in November to combat the effects of sea-level rise and salinity intrusion. Implementation of the Fall X2 RPA action under the No Action Alternative would result in an increase in Delta outflow requirements by 5 percent as compared to existing conditions. *DEIR/EIS Chapter 5, Page 5-57- Page 5-60.* Additionally, sea-level rise and climate change impacts would lead to an increased risk of levee failure under the No Action Alternative if the Delta levee system is not maintained. *DEIR/EIS, Chapter 5, Page 5-62.* An increased risk of levee failure translates into an increased risk of impairment in the Delta as a water supply and a decrease in water supply reliability.

Moreover, the impact of sea-level rise, climate change, and increased salinity would have a negative impact on Delta species, which would result in additional incidental takes associated with the conveyance facilities if operations were not changed. *DEIR/EIS Chapter 5, Page 5-64.* The No Action Alternative appropriately considers the historical inflow supplies as impacted by climate change and continued enforcement under the Endangered Species Act (ESA) in evaluating the impact of no project on State Water Project (SWP) and Central Valley Project (CVP) operations. The DEIR/EIS correctly finds that:

“The scenario characterized as *no federal action* (the No Action Alternative) means that the federal ITPs related to the proposed BDCP would not be issued and that the applicant would remain subject to the take prohibition for listed species and other ESA requirements.

Ongoing activities or future actions that may result in the incidental take of federally listed species would need to be permitted through ESA Section 7 or Section 10.” *DEIR/EIS Executive Summary, Page ES-25.*

Permits would likely not be issued under ESA. Similarly, permits would likely not be issued by the California Department of Fish and Wildlife under Section 2835 of the Fish and Game Code, and the incidental take caused by degradation in the Delta would result in greater operational constraints on the existing system and a reduction in exports. After looking at all of these factors, the DEIR/EIS concludes that under the No Action Alternative average annual Delta exports would be reduced by approximately 14 percent compared to existing conditions. *DEIR/EIS Chapter 5, Page 5.64.* Further, the DEIR/EIS concludes that urban response through conservation and efficiency measures would not be sufficient to account for the reduced exports. *DEIR/EIS Chapter 5, Page 5-64.* These impacts mean that the No Action Alternative should not be considered for implementation, and that a conveyance solution should be implemented in the Delta to prevent environmental degradation and uncertainty in water supply reliability.

***(ii) Preferred Alternative (Alt. No. 4) correctly balances the coequal goals.***

The Preferred Alternative (Alt. No. 4) presents the best option for improving water supplies and the Delta ecosystem. Alt. No. 4 proposes three new intakes on the Sacramento River and twin 9,000 cubic-foot-per-second (cfs) tunnels to convey water under the Delta to SWP and CVP pumping facilities in the South Delta. It also proposes operational rules to achieve the biological goals and objectives of the BDCP.

The new intakes, operational rules, and enlargement of the SWP Clifton Court Forebay in the South Delta will greatly reduce conflicts between fish and pumping— one of the largest sources of conflict in the Delta. The Preferred Alternative (Alt. No. 4) accomplishes this better protection for aquatic species by reducing reverse flows at the South Delta pumps, which will in turn reduce fish entrainment. The tunnel system proposed will also permit operational efficiencies by allowing for isolation of conveyance facilities. This will enable the number of tunnels in operation during periods of lower flow to be reduced, and the operation of all conveyance facilities during periods of higher flow. The flexibility in facility operations will allow for implementation of the “big gulp, little sip” approach, which allows for reduced exports when the Delta ecosystem requires greater flows and increased exports when there is excess water within the Delta watershed.

The Preferred Alternative (Alt. No. 4) also improves water supply reliability by reducing water supply risks associated with saltwater intrusion from sea-level rise and earthquakes. The best available science and engineering analysis of the Delta levee system has found that a major earthquake in the region would likely cause massive soil liquefaction and failure of numerous levees resulting in relatively rapid seawater intrusion into the Delta. The U.S. Geological Survey estimates a 63 percent chance of a 6.7 magnitude earthquake in the San Francisco Bay before 2036. The risk of a large earthquake in Northern California causing severe damage to the Delta grows greater with each day a comprehensive Delta solution is not implemented. If the state and federal governments do not move forward on the

BDCP, California is risking great environmental damage and a loss of a key water supply. Under current pumping procedures, a failure would result in interruption of deliveries for 3.5 to 4.5 years. *DEIR.EIS Chapter 5, Page 5-62.* Locating the three intakes in the north, as proposed under Alt. No. 4, would allow for water to be taken from the Delta past the tidal influence point, if levee failure were to occur, allowing water supplies to remain secure. Because of this, it provides sufficient protection from the risks associated with a large earthquake in or near the Delta.

The risk to the state's water supply is further threatened by the sea-level rise and the current location of conveyance facilities within the tidal influence zone. Alt. No. 4 again provides greater protection against sea-level raise and tidal influences because it moves the intake locations to the North Delta allowing water to be taken from outside of the enlarged tidal influence zone, and reduces the risk that the conveyance facilities will be negatively impact by salt water intrusion in the event of sea-level raise.

While some of the alternatives considered in the DEIR/EIS would allow for greater exports or greater environmental benefits, the Preferred Alternative (Alt. No. 4) best achieves the coequal goals and balances the needs of the environment with the need for water supply reliability. For this reason, it should be adopted in the final BDCP and implemented.

***(iii) Reconsideration should be given to the location of the intakes in the Preferred Alternative (Alt. No. 4); the three intakes should be placed upstream from waste discharge locations or discharge locations for waste treatment facilities should be relocated downstream of the proposed intakes.***

While IRWD supports implementation of the Preferred Alternative (Alt. No. 4), the proposed conveyance project should be designed and constructed in such a way as to produce the highest quality of water for export. To this end, the BDCP should consider either adjusting the conveyance project's intake locations so that the intakes are located above wastewater discharge influence areas, or should relocate wastewater outfall facilities to downstream of the intake locations.

IRWD recognizes that the DEIR/EIS analyzed a number of intake locations. The analysis took two general approaches, which included placement of diversion facilities north on the Sacramento River and diversions at Clifton Court Forebay. IRWD agrees with the analysis that placing diversion locations on the Sacramento River helps avoid entrainment and intake exposure for aquatic species. There is environmental benefit to relocating the Delta intake facilities to along the Sacramento River. What the proposed location of the three intakes under Alt. No. 4 fails to fully take into account is their downstream location from the outfall for the Sacramento Regional Wastewater Treatment Plant. IRWD contends that while the analysis of Alt. No. 4 examined several different intake locations it did not sufficiently weigh the water quality and supply impairment risks of the chosen locations directly south of the outfall. Nor did the analysis fully consider alternatives such as relocating the outfall location to south of Alt. No. 4's intakes.

Irvine Ranch Water District: Comments on the Draft BDCP and Associated DEIR/EIS

May 29, 2014

Page 8

The Sacramento Regional Wastewater Treatment Plant discharges an average of 141 million gallons per day of effluent into the Sacramento River, just upstream of Alt. No. 4's intake locations, and is permitted to discharge 181 million gallons per day. It is the single largest source of treated sewage discharged to inland waters in the entire state. While the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board have required the Sacramento County Regional Sanitation District to reduce pathogens, ammonia and nitrates in its discharges to the Sacramento River and move to a tertiary level of treatment, this level of discharge right above the intake locations for California's largest water supply poses a substantial threat to the water reliability and water quality of Delta exports. The impact of the Sacramento County Regional Sanitation District's discharges on the conveyance facilities should be minimized, and the final BDCP and associated EIR/EIS should contain sufficient analysis of the alternatives to identify and implement the best alternative to do so. IRWD asks that the Preferred Alternative (Alt. No. 4) be adjusted so that the intake locations are upstream from waste discharge facilities on the Sacramento River.

***(iv) Given the risks associated with no action in the Delta, implementation of Preferred Alternative (Alt. No. 4) should not be delayed.***

The bottom line is that the risk to the environment and California's water supply is too great if action on a Delta solution is delayed. By combining the water conveyance facility components with water conveyance operational components, conservation components, components related to reducing other stressors, and avoidance and minimization measures, Alt. No. 4 offers the best solution to achieve greater water supply reliability and environmental sustainability—the appropriate balance of the coequal goals. The No Action Alternative, an alternative that does not propose to change the intake location, or an alternative that proposes a conveyance facility of a substantially smaller size, is not a legitimate alternative because it will not achieve the coequal goals. As discussed above the No Action Alternative and failure to change the intake locations would mean the situation in the Delta would remain as it is today—in a continually degrading state in terms of water supply reliability and ecosystem health. Alternatives that downsize the future conveyance facility largely depart from the coequal goals by leaving California without a sufficient water supply solution that ensures water reliability in the Delta, and would not enable to the “big gulp, little sip” approach to be implemented. For these reasons, IRWD urges that the Preferred Alternative (Alt. No. 4) be implemented.

IRWD notes that the maintenance requirements for the tunnels have not yet been finalized, and recommends that this be examined more thoroughly in the final BDCP and EIR/EIS. Before implementation is begun, the cost and cost allocation for the Preferred Alternative (Alt. No. 4) should be fully understood. The final parameters of the conveyance system must be reflected in contractual agreements with high quality supply delivery assurances to provide certainty that investments in the conveyance facilities reap adequate returns for investors.

***D. Establishing an NCCP/HCP in the Delta is the best vehicle for achieving the Delta's coequal goals, and providing assurances that both environmental protection and water supply reliability will be provided for.***

It is important that the Bay Delta Conservation Plan is being developed as a 50-year habitat conservation plan with the coequal goals of restoring the Delta ecosystem and securing California water supplies. A habitat conservation plan is a proper vehicle for reaching these coequal goals because it will bring the interested parties to the same table, and establish clear operating rules and conservation measures for the 50-year term proposed in the Draft BDCP and its associated DEIR/EIS. This will provide a level of regulatory certainty, particularly in reference to the Federal Endangered Species Act and the California Endangered Species Act, needed for successful implementation of the plan's Delta improvements. The NCCP/HCP will also enable a stronger watershed-wide approach to improving the Delta's ecosystem health.

As one of the first communities in California to implement a Natural Community Conversation Plan/Habitat Conversation Plan, Orange County and the Central/Coastal NCCP/HCP demonstrated how the private and public sectors, including water agencies, can successfully partner with the resource agencies to allow for a holistic and broad-based ecosystem approach to habitat conservation and ecological protection while allowing for appropriate development and urban planning. The Central/Coastal NCCP/HCP in Orange County has demonstrated how substantial amounts of habitat can be conserved and restored based on an ecosystem approach, which better protects biological diversity and improves habitat for species of concern. Ultimately, the use of a similar NCCP/HCP, as proposed in the Bay Delta Conservation Plan, will provide better ecosystem protection and restoration in the Delta.

Orange County's Central/Coastal NCCP/HCP is also a prime example of how NCCP/HCP's ensure that the habitat protection and other operating parameters agreed to in an NCCP/HCP are binding on all of the parties involved. Like the NCCP/HCP process proposed in the BDCP and the long-term 50-year permit discussed in its associated documents, the Central/Coastal NCCP/HCP is a long-term agreement with a permit in effect until 2071. As the coordinating entity for the management of the 37,000-acre reserve system under the Central/Coastal NCCP/NCP, the Nature Reserve of Orange County serves the important role of working to implement the NCCP/HCP on behalf of its signatories. Its role is to ensure that the agreed upon natural communities and species are protected, and that the permit requirements for the reserve are met. After more than a decade, the Nature Reserve of Orange County has continued to bring all of the interested parties to the same table to ensure that the agreement reached in the NCCP/HCP is respected.

As a signatory of the Central/Coastal NCCP/HCP, IRWD can attest to the certainty created by an NCCP/HCP for all of the parties to the NCCP/HCP and the environmental benefits that are associated with a holistic, ecosystem-wide habitat conservation and restoration effort instead of the single-species approach used to date in the Delta. Use of an NCCP/HCP allows for adaptive management and monitoring that is flexible enough to allow for adjustments necessary to achieve the coequal goals throughout the entire 50-year term of the NCCP/HCP—not just for water supply

management but for all stressors on the system— while establishing the rules governing the Delta now so that there is a clear understanding on how management of the Delta will proceed over the next five decades. Use of the NCCP/HCP structure and the 50-year term proposed meets the objective declared by the Legislature in Water Code Section 85020, which requires that the water and environmental resources of the Delta be managed over the long term.

IRWD agrees that an NCCP/HCP with an adaptive management and monitoring program is the proper structure for the BDCP; however, the District asks that the Implementing Agreement be released in draft form for public review and sufficient time be allowed for comment before the BDCP is finalized. The Implementing Agreement should fairly and clearly detail the roles and responsibilities of each party to the NCCP/HCP and establish the steps taken if a party fails to meet its obligations under the plan. The assurances contained in the Implementing Agreement are important to the BDCP's success and the balancing of the coequal goals.

The draft Implementing Agreement and final BDCP should include the necessary regulatory assurances to sufficiently protect the significant investment being made to improve habitat and water supply reliability. Of the many assurances to be provided for, the NCCP/HCP and Implementing Agreement should provide strong protections from unforeseen circumstances and prohibit new requirements being placed on water conveyance operations for impacts to newly impacted species or species covered by the plan. The holistic approach to the Delta ecosystem envisioned in the NCCP/HCP should account for all of the probable impacts to species in the Delta.

***E. Reduced reliance on the Delta should continue to be pursued by local agencies; however water supplies from the Delta will always be needed in most regions of the state. Further, water quality improvements from the Delta conveyance facilities proposed in the Draft BDCP and associated DEIR/EIS will aid in local supply enhancement efforts such as maintaining and expanded water recycling, groundwater replenishment and water banking.***

“Each region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts.” *California Water Code Section 85021*. In compliance with the Water Code, IRWD has taken many steps to reduce its reliance on imported water including increasing water recycling, water use efficiency and supply diversification. Despite these efforts, like most of Southern California, the District will always have some degree of reliance on supplies from the Delta. A reliable, high quality imported water supply is a vital component of IRWD's water resource portfolio and, as a result, ecological stabilization of the Delta and new strategic water conveyance improvements are important to ensure ongoing water supply reliability for IRWD customers and for those regions that will continue to have some degree of reliance on imported water supplies.

IRWD remains committed to continuing to reducing its reliance on the Delta by investing in those strategies identified in Section 85021. IRWD agrees that all of California would benefit from

increasing water conservation, recycling and storage, and that these programs must proceed regardless of what is done in the Delta. Despite best efforts in implementing these strategies, these efforts, as summarized by the Natural Resources Defense Council, "cannot entirely replace water supplies diverted from the Delta, which is absolutely necessary for California's economy."

As evaluation of the BDCP and the Preferred Alternative (Alt. No. 4) continue, it is important to remember that "reduced reliance" does not equate to and was never intended to require a move to 100 percent "self reliance." The 2009 Delta legislation did not intend or envision a complete elimination in water exports from the Delta, but balanced the need for all of California to use its water resources more wisely and to reduce pressure on the Delta ecosystem. IRWD believes that the operating rules under discussion will provide local agencies with water supply reliability while reducing their dependence on the Delta by providing for reduced exports when increased water flow is needed for environmental reasons and for increased exports, which can be stored, during periods of higher flows. Additionally, improvements in water quality associated with the new conveyance facilities will aid local agencies in increasing the effectiveness of self-reliance efforts.

While the BDCP discusses the concept that a Delta solution and improved conveyance is only one piece of California's overall water supply strategy, it should more clearly identify the BDCP's importance to the implementation of other strategies essential to a comprehensive statewide approach to integrated supply management. Effective levee improvement and maintenance, development of groundwater and surface water storage, water banking programs, alternative supply development (i.e., recycled water, desalination, stormwater capture, impaired groundwater development), water use efficiency, conservation, and improved statewide operational efficiency are all needed for California to fully take advantage of the benefits associated with improved water reliability in the Delta.

The BDCP should but does not fully recognize the need for improvements in Delta water supplies for achieving success in implementing these other aspects of integrated water supply management. For example, the DEIR/EIS correctly identifies some of the benefits associated with recycled water, and the State's efforts to increase the amount of water recycling throughout the state. In Appendix 1C, it extols the virtues of recycled water as reducing dependence on imported supplies. *DEIR/EIS Appendix 1C, Page 1C.4-33- Page 1C.4-35*. However, the DEIR/EIS does not sufficiently discuss the benefit of improved water quality in imported supplies and the correlation to increased recycled water throughout the state. The extent of the analysis is the following:

"There may be an impact on recycled water use if the importation of Delta water in to Metropolitan Water District is significantly reduced. Because of the high salinity of Colorado River water, southern California has relied on SWP imports not only to increase supply but also to improve water quality by reducing the percentage of Colorado River water in delivered water. Recycled water has more salts than the potable water supply, and it uses can be diminished if source water salinity increases. Desalination is used in a few cases to improve recycled water quality, mostly for groundwater recharge and specialized

industrial users, but a more widespread need for desalinating recycled water could make the cost prohibitive.” *DEIR/EIS Appendix 1C, Page 1.C.4-27.*

The analysis should be expanded to make clear the importance of source water quality to recycling, and the reuse of water locally. The Preferred Alternative (Alt. No. 4) will lessen salt loading in Southern California by allowing Delta water of higher quality to be blended with Colorado River water. Once the imported water is used and recycled, it will result in lower salt concentrations in the recycled water as noted in the DEIR/EIS, but it will also result in benefits to groundwater recharge. In Orange County, this reduction in salt benefits the Orange County groundwater basin, which is recharged with recycled water. This type of benefit should be included in the BDCP’s analysis. There should also be a more thorough examination of how the increases in water quality associated with the Preferred Alternative (Alt. No. 4) will result in decreases in groundwater degradation, increases in water banking, and how the project will benefit water storage.

The final BDCP must continue to reflect that a Delta solution and improved conveyance is only a piece of California’s overall water supply strategy; however, the BDCP must complement other strategies essential to a comprehensive statewide approach to integrated supply management by providing water supplies of improved water quality. The DEIR/EIS should recognize that if the water quality improvements are obtained in the Delta, the BDCP will likely have the impact of further bolstering regional self-reliance efforts.

***F. The BDCP is vital to California’s water supply which is vital to California’s economic strength. The BDCP should evaluate the economic impact of taking no action in the Delta and should not limit the focus of its economic impact analysis to only growth inducement.***

The BDCP evaluates the economic impact of the project’s potential for growth inducement; however, it does not adequately take into account the economic impact of failing to secure water reliability for the state’s economic centers. The economy of California is largely driven by economic activity in the Bay Area, and in the counties of Los Angeles, Orange and San Diego. To put the economic contributions of these areas in perspective it is important to note that Los Angeles and Orange counties contribute roughly \$766 billion to California’s gross state product (GSP). The Bay Area contributes \$534 billion, and San Diego County contributes \$177 billion. These three areas alone comprise nearly 75 percent of the state’s \$2 trillion GSP.

These areas of the state depend heavily on the Bay-Delta with nearly one third of their water supplies coming from Delta exports, and the economic vitality of these areas is dependent upon a secure and reliable water supply. The bottom line is that predictability, especially in areas of infrastructure essential to business operations like water, is what business needs in order to make investments that will continue to strengthen our state’s economy. The BDCP should take into account the economic cost of not providing water security in its economic impact analysis. Given the importance of Southern California and the Bay Area to California’s economy it is likely that the cost of not completing the BDCP would outweigh the economic impacts associated with growth inducement caused by the project.

Irvine Ranch Water District: Comments on the Draft BDCP and Associated DEIR/EIS

May 29, 2014

Page 13

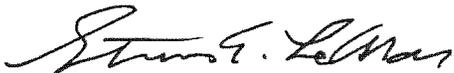
The importance of a reliable water supply to the California economy cannot be overstated. Beyond the economic hubs along California's coast, California risks severe and possibly permanent damage to our state's agricultural economy if the project is not implemented. The water from the Delta supports more than five million acres of California agriculture. These five million acres represents more than 80 percent of the United States' food production and more than 500,000 jobs. Loss of water as a result of failure in the Delta will mean California's agriculture will lose an essential water supply. That loss of water will result in millions of acres of unproductive land and a loss of jobs in communities which have already suffered great losses as a result of our most recent economic downturn and drought. Without implementing the comprehensive environmental and conveyance solution proposed by the BDCP, California risks unprecedented damage to its \$44.7 billion agricultural industry.

The SWP and the CVP are the two of the most important conveyance systems in California. For seven years, federal and state agencies have been working constructively within the BDCP to identify the right investments necessary to transport these supplies across the Sacramento-San Joaquin Delta while restoring this treasured ecosystem. Failure to move forward with the project would put the health of the Delta and California's economy at risk, and this should be acknowledged in the BDCP.

#### Conclusion

The development of a secure and reliable water supply for the residents of California is important to the economic vitality of our state. IRWD encourages the state and federal agencies to quickly finalize the BDCP and associated EIR/EIS with the additional analysis discussed above. Once this analysis is included, the BDCP and Preferred Alternative (Alt. No. 4) should be expeditiously implemented to limit further uncertainty in the Delta's ecosystem and water supply reliability. California can no longer afford to delay its investment in the Delta.

Sincerely,



Steven E. LaMar  
President

**From:** ruben becker <xmbecker@yahoo.com>  
**Sent:** Thursday, May 29, 2014 1:51 PM  
**To:** BDCP.comments@noaa.gov  
**Subject:** Feedback on BDCP

To Whom It May Concern:

I would like to voice my opposition to the BDCP in its present form.

It does not adequately address numerous areas.

For example, there is no clear estimate of the cost of the project nor how it will be completely paid for. And the price is increasing enormously.

Also, the funds that will be provided for environment/habitat restoration may end up being used just to mitigate problems created by this project. That would be a far cry from the intent of actually improving the environment quality and result in possibly only slowing its deterioration.

The tunnels also would have capacity to pump much more water than the Delta can sustain having removed. The safeguards to ensure that this does not take happen are not adequately in place.

Please register my opposition to the BDCP and Bay Delta tunnel project.

Sincerely,  
Ruben Becker  
2292 Taylor Road  
Bethel Island, CA 94511

**From:** McGinley, Lianne <LMcGinley@burbankca.gov>  
**Sent:** Thursday, May 29, 2014 2:35 PM  
**To:** 'bdcp.comments@noaa.gov'  
**Subject:** Comment letters from the City of Burbank  
**Attachments:** Burbank Water and Power BDCP Comment Letter.pdf; City of Burbank BDCP Comment letter.pdf

Hi Ryan,

Please find attached the City of Burbank's comment letter on the BDCP from the Mayor and Burbank Water and Power's General Manager.

If you could kindly, reply that you have received the letters that would be appreciated.

Thanks,

Lianne  
Lianne McGinley  
Legislative Analyst  
Burbank Water and Power  
164 W. Magnolia Blvd.  
Burbank, CA 91502  
818.238.3661 (direct)  
818.389.5461 (cell)



May 22, 2014

BDCP Comments  
Ryan Wulff, National Marine Fisheries Service  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

**SUBJECT: Support BDCP EIR/EIS Alternative #4**  
Email: [BDCP.comments@noaa.gov](mailto:BDCP.comments@noaa.gov)

Dear Mr. Wulff,

As the General Manager of Burbank Water and Power (BWP), I am writing to express support for the Bay Delta Conservation Plan (BDCP) and specifically Alternative #4 as outlined in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

Following the passage of California's comprehensive water package in 2009, BWP has closely monitored the BDCP process as the Burbank community depends on the health of the Delta for the 103,000 residents. I am encouraged by the release of the public draft of the plan and environmental documents. The outcome of this multi-year effort reflects unprecedented collaboration of public water agencies, state and federal fish and wildlife agencies, business and agricultural stakeholders, local governments and the public.

The draft plan and accompanying environmental documents identify several options for addressing the current challenges with California's water supply delivery system and the Delta ecosystem. BWP supports Alternative #4 as the best alternative to meet the state's equal goals of water supply reliability and Delta ecosystem restoration. Alternative #4 provides for three new intakes on the Sacramento River in the northern Delta and a 9,000 cubic feet per second tunnel system to convey that water to the existing aqueduct system, coupled with a comprehensive habitat conservation plan for the Delta.

#### **Water Supply Reliability**

In BWP's view, the construction of new water intakes and related underground conveyance is an essential element of the BDCP. The proposed twin tunnel system will protect public water supplies if a seismic event were to trigger levee breaks and cause saltwater to intrude from San Francisco Bay. The new intakes in the northern Delta will reduce conflicts between water systems and migrating fish species such as salmon and provide for much needed operational flexibility. Habitat improvements will also provide native species with the healthy ecosystems they need to survive.

#### **Ecosystem Restoration**

BWP also supports Alternative #4 to help restore fish and wildlife species in the Delta and minimize impacts on Delta communities and farms. Alternative #4 strikes the best balance between the multiple competing uses (e.g., agricultural, recreation, Delta communities, and water supply) and environmental pressures (e.g., subsidence, seismic risk, climate change, and ecological collapse). BWP also endorses

the proposed changes to shrink the intermediate forebay surface area from 750 acres to 40 acres, and realign a segment of the proposed tunnels to the east to utilize more public lands and avoid Delta communities. These changes will reduce the BDCP impacts to landowners and Delta residents.

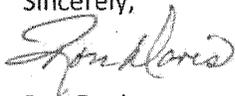
#### **Economic Considerations and Stability**

A study released through the public process indicates that the BDCP would result in a significant net economic benefit to the State of California, including a net improvement in the economic welfare of California residents of \$4.8 billion to \$5.4 billion. The results of the statewide economic impact study analyzed the project as an investment for the state as a whole and concluded that there is a positive economic benefit. Alternative #4 also provides for 50 years of regulatory stability which will help to protect an estimated 1.1 million jobs throughout the state and create more than 177,000 jobs from construction projects and environmental restoration.

The City of Burbank has been working diligently on becoming more sustainable. Burbank was the first city in the nation to voluntarily adopt a 33% renewable portfolio standard and is currently serving 25% of its power from renewable resources. At the end of 2014, BWP will have completed a four-year build out of recycled water that will serve 13 percent of Burbank's annual water use with recycled water. BWP also has a goal to conserve 500 acre feet of water annually through consumer incentives and with the assistance of grant funding to support increased water supply reliability, reduce impacts on imported water supplies and surface water ecosystems, and reduce the impact of drought conditions. Burbank also won the coveted 2014 Green California Leadership Award for the BWP EcoCampus. Burbank has the most LEED Platinum Buildings in the state.

BWP supports the BDCP, and specifically endorses Alternative #4, as adopted in the City's 2014 Legislative Platform. Alternative #4 is the best workable draft proposal that can lead to a final successful plan of action because it offers the greatest solution to minimize seismic risk to our state's water supply infrastructure while restoring the Delta's ecosystem. The present version of Alternative 4 represents substantial refinements and additional scientific work and analysis to identify a form of the proposed BDCP that is grounded in solid science and reaches what even the Department of Water Resources, the project proponent and lead agency for CEQA, considers the optimal balance between ecological and water supply objectives.

Sincerely,



Ron Davis

General Manager, BWP

c: Senator Diane Feinstein  
Congressman Adam Schiff  
Congressman Brad Sherman  
State Senator Carol Liu  
Assembly Member Mike Gatto  
Burbank City Council  
Burbank Water and Power Board

**From:** McGinley, Lianne <LMcGinley@burbankca.gov>  
**Sent:** Thursday, May 29, 2014 2:35 PM  
**To:** 'bdcp.comments@noaa.gov'  
**Subject:** Comment letters from the City of Burbank  
**Attachments:** Burbank Water and Power BDCP Comment Letter.pdf; City of Burbank BDCP Comment letter.pdf

Hi Ryan,

Please find attached the City of Burbank's comment letter on the BDCP from the Mayor and Burbank Water and Power's General Manager.

If you could kindly, reply that you have received the letters that would be appreciated.

Thanks,

Lianne  
Lianne McGinley  
Legislative Analyst  
Burbank Water and Power  
164 W. Magnolia Blvd.  
Burbank, CA 91502  
818.238.3661 (direct)  
818.389.5461 (cell)

BDCP 709

CITY OF BURBANK  
OFFICE OF THE MAYOR

June 11, 2014

BDCP Comments  
Ryan Wulff, National Marine Fisheries Service  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

**SUBJECT:** Support BDCP EIR/EIS Alternative #4  
**Email:** [BDCP.comments@noaa.gov](mailto:BDCP.comments@noaa.gov)

Dear Mr. Wulff,

On behalf of the Burbank City Council, we all join to express the City's support for the Bay Delta Conservation Plan (BDCP) and specifically Alternative #4 as outlined in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) as the optimal balance between ecological and water supply objectives.

The City Council has closely monitored the BDCP process as the Burbank community depends on the health of the Delta for the 103,000 residents. The Council is encouraged by the release of the public draft of the plan and environmental documents. The outcome of this multi-year effort reflects unprecedented collaboration of public water agencies, state and federal fish and wildlife agencies, business and agricultural stakeholders, local governments and the public.

The draft plan and accompanying environmental documents identify several options for addressing the current challenges with California's water supply delivery system and the Delta ecosystem. The Burbank City Council supports Alternative #4 as the best alternative to meet the state's equal goals of water supply reliability and Delta ecosystem restoration. Alternative #4 provides for three new intakes on the Sacramento River in the northern Delta and a 9,000 cubic feet per second tunnel system to convey that water to the existing aqueduct system, coupled with a comprehensive habitat conservation plan for the Delta.

In 2008, the City of Burbank adopted the United Nations Environmental Accords. Burbank was the first city in the nation to voluntarily adopt a 33% renewable portfolio standard and is currently serving 25% of its power from renewable resources. At the end of 2014, Burbank will potentially serve 13 percent of Burbank's annual water use with recycled water. Burbank also has a goal to conserve 500 acre feet of water annually through consumer incentives and with the assistance of grant funding to support increased water supply reliability, reduce impacts on imported water supplies and surface water ecosystems, and reduce the impact of drought conditions. Burbank also won the coveted 2014 Green California Leadership Award for the BWP EcoCampus. Burbank has the most LEED Platinum Buildings in the state.

Burbank supports the BDCP, and specifically endorses Alternative #4, as adopted in the City's 2014 Legislative Platform. Alternative #4 is the best workable draft proposal that can lead to a final successful plan of action because it offers the greatest solution to minimize seismic risk to our state's water supply infrastructure while restoring the Delta's ecosystem.

Sincerely,



Dr. David Gordon  
Mayor, City of Burbank

- c: Senator Diane Feinstein
- Congressman Adam Schiff
- Congressman Brad Sherman
- State Senator Carol Liu
- Assembly Member Mike Gatto
- Burbank City Council
- Burbank Water and Power Board

**From:** Dick Greenblatt <dick@greenblatt.com>  
**Sent:** Sunday, June 01, 2014 11:00 AM  
**To:** BDCP.comments@noaa.gov  
**Subject:** \$25 billion water proposal.

I don't know all the facts. however, Feinstein has been pushing to save the Delta smelt for a long time. I suggest she pay for this portion out of her own pocket-NO on supporting Delta smelt.

Best,  
Richard Greenblatt  
Los Angeles

**From:** Terrence Smith <tsmith@calana.org>  
**Sent:** Sunday, June 01, 2014 9:58 AM  
**To:** BDCP.Comments@NOAA.gov  
**Subject:** Comments on Draft BDCP and EIR  
**Attachments:** EIR comments.pdf

Attached please find my comments on the Draft BDCP and associated Draft EIR/EIS.

In summary, the critical flaws in the plan need to be satisfactorily addressed so as to give confidence to the public that greater harm will not occur.

I am very interested in learning of the response to these and other comments made during the public review and comment period and will be following the developments closely.

Sincerely,

Terrence Smith, MD, MPH

## BDCP EIR Comment Card

Name: Terrence Smith, MD, MPH  
Organization: California Analytica  
Address: 52992 Sacramento Street, Clarksburg CA 95612  
Email: tsmith@calana.org

As a physician with public health background I read with interest Chapter 25 "Public Health" of the BDCP-EIR. I have lived in Clarksburg for more than 30 years.

Several public health impacts are identified in Chapter 25. Crucial impacts on air and water quality as well as long-term noise and traffic effects of construction and operation are not included in this chapter but rather distributed around the report and only referenced in footnotes and parenthesis. Those that are discussed in this Chapter tend to be minimized or left as future issues to be addressed. The EIR Report discusses each issue individually while the cumulative and complex inter-action among the effects is not addressed. **The lack of a comprehensive assessment of the public health impacts on the human population that resides in the Plan Area is a serious deficiency.**

Comment #1 Vector-borne diseases

A significant consequence of this action will be to increase stationary surface water in the Delta. This will lead to a substantial increase in the public's risk of exposure to vector-borne diseases, including West Nile virus. The three large intakes, each with a 3,000 cfs capacity, include a solids lagoon measuring 400x200x15 feet and a sedimentation lagoon measuring 500x200x23 feet. Each intake therefore would create 180,000 square feet of new surface water, totaling 540,000 square feet for all three intakes; that translates to 10.5 million cubic feet of standing water in the Delta. Additional surface water will be created by the expansion of the forebay and standing water during construction of the coffer dams.

The assumption that there will be no increased risk of mosquito-borne diseases because of how the intakes and lagoons are structured is unsupported by any analysis and is theoretical while the risk probability is actual. In Appendix 3B.1.15 of the EIR the commitment is to use the 2004 edition of the Central Valley's Joint Venture's Technical Guide to Best Management Practices for Mosquito as guides "to the extent feasible consistent with the biological goals and objectives of the BDCP". It is not clear why the Department of Public Health's Best Management Guidelines are not referenced. Nor is it reassuring to see the caveat, 'to the extent feasible' conditioning the use of these practices.

According to the California Department of Public Health, "The statewide West Nile virus minimum infection rate in mosquitoes and the sentinel chicken sero-conversion rate were higher in 2012 than in any other year since surveillance began for WNV in California in 2000".<sup>1</sup> The number of documented human cases of West Nile Virus in Sacramento, San Joaquin, Solano and Yolo counties has similarly expanded over the last three years. In 2012, 60 human cases of WNV were registered. The prevalence of the virus has now expanded rapidly so that in Sacramento and Yolo counties nearly 50% of all dead birds

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<sup>1</sup> 2012 Annual Report, Vector-borne Disease Section, California Department of Public Health, p 17. Available on line at the CDPH website.

## BDCP EIR Comment Card

tested were positive for WNV. Moreover the season for WNV has expanded. In 2014 positive tests have already been registered in 4 counties. In 2012, the dates from first to last test ranged from March 28 to December 4.<sup>2</sup> It must therefore be considered that there is practically no 'safe period' when WNV is not a threat.

The Mosquito and Vector Control Association of California (MVCAC) has issued an advisory about the rapid increase in West Nile virus throughout the state and has, in addition, identified two new species of mosquito, *Aedes aegyptus* and *Aedes albopictus*. Both of these species are capable of transmitting dengue fever and chikungunya. Empirical models have shown that native cases of dengue fever may occur in California in the next two decades.<sup>3</sup> These models do not account for alterations in the landscape that would serve to actually favor the more rapid expansion of these tropical species of mosquitoes, thus shortening the time in which they will appear.

Sacramento County already has two resident species of mosquito that can carry the malaria parasite.<sup>4</sup> Increasing the surface water in the delta means greater egg-laying opportunities for mosquitoes and consequently facilitates the introduction of these infections. The Invasive Species Surveillance Program would be expected to identify these species when they appear in this area but additional resources will be necessary to control and eradicate them.

**Expanding the stationary surface water in the Delta will add a significant threat to increased vector-borne diseases.** Prior to permitting this project, increased surveillance is called for and efforts to mitigate the expansion of the mosquito population should be developed before any action is taken. These efforts need to be managed by appropriate public health officials with oversight and control to assure that operations do not result in human disease threats.

#### Comment #2 Contamination of Groundwater

The construction of the intakes and tunnels will significantly and permanently alter the quality of water for the entire region with major socio-economic and health consequences. Restructuring the current water eco-system in the north Delta as proposed would introduce potentially serious public health threats. It is disconcerting and somewhat ironic that one of the six public health impacts identified in the report is the recreationist's exposure to pathogens (Section 25-132) yet no mention is made of these exposure risks to long-time residential and agricultural communities.

De-watering in order to permit construction would result in the loss of wells and septic systems throughout the region and potentially result in the collapse of aquifers with permanent alteration in groundwater components. Vibrations in the soil caused by pile drivers and the increased heavy truck traffic will have a much greater impact on existing in-ground structures, such as septic systems, and building foundations without the cushioning effect of groundwater. Fracturing of septic systems would

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<sup>2</sup> 2012 Annual Report. Vector-borne Disease Section, California Department of Public Health.

<sup>3</sup> Hales S, deWet N, Woodward A. Potential effect of population and climate changes on global distribution of dengue fever: an empirical model. Lancet. August 2, 2002 <http://image.thelancet.com/extras/01art11175web.pdf>

<sup>4</sup> 2012 Annual Report. Sacramento-Yolo Mosquito & Vector District

BDCP EIR Comment Card

contaminate groundwater with release of microbial pathogens and increased nitrates. County local ordinances for septic systems would be impossible to maintain. Consumption of contaminated water would likely occur before public health agencies could intervene, resulting in cases of disease and illness. Other long term effects would not be immediately apparent. The result in the loss of drinking water for all the communities along the river would jeopardize the sustainability for towns along the Delta. If this were to occur the installation of water treatment facilities for all the communities should be added as a mitigation factor and be added as a BDCP cost factor.

The EIR provides neither a clear nor convincing analysis in the Exceedences of Water Quality Criteria section. As examples:

- **Mitigation Measure WQ-5: Avoid, Minimize, or Offset, as Feasible, Adverse Water Quality Conditions** (Chapter 25 p115) refers to a phased series of actions after initiation as problems are identified. It is unstated how such monitoring will occur nor which agency has responsibility to monitor, identify, and address the problems that will inevitably arise.
- **Impact PH-3: Substantial Mobilization of or Increase in Constituents Known to Bioaccumulate as a Result of Construction, Operation or Maintenance of the Water Conveyance Facilities** states that the levels of methylmercury and other toxic chemicals including in-ground pesticides will not pose a substantial threat to human health since they are not likely to dissipate into the surrounding groundwater. This rather too easy dismissal of toxic chemical exposure is not shared by other experts. I refer particularly to the Delta Independent Science Board review of the EIR released this month.

There is no attempt to assess the impact of the dynamic inter-relationship among all the existing and potential contaminants. **The mitigation measures proposed in the EIR do not satisfactorily address the seismic changes in water quality in the Delta region that would occur as a consequence of implementing Operational Scenario H.**

Comment #3 Loss of Transportation Systems Utilized by Public Health and Safety Agencies.

Insufficient consideration is given to the disruption of state and county roads and the increased heavy truck traffic caused by construction and operation of the intake and conveyance facilities. This is a significant public health concern for residents of the Delta. Access for emergency vehicles (fire, ambulance, police) to reach rural homes and farms as well as daily transportation to employment, schools, medical care and other necessary destinations will be impacted over a course of several years, if not permanently.

Conclusion

The BDCP has critical unsolved unmitigated impacts that have the potential to cause human disease, injury and illness. It should not be pursued unless further independent analysis and planning shows how this can be done in manner that does not put the public at risk.

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**From:** Friends of the River <info@friendsoftheriver.org> on behalf of Judy Schriebman <info@friendsoftheriver.org>  
**Sent:** Sunday, June 01, 2014 11:54 AM  
**To:** BDCP.Comments@noaa.gov  
**Subject:** I oppose all alternatives in the BDCP that propose construction of new diversions and tunnels under the Delta

Jun 1, 2014

Mr. Ryan Wulff, NMFS  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

Dear Mr. Wulff, NMFS,

Thank you for receiving public comments in response to the 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.

[ This year's drought has made it abundantly clear that we cannot solve this problem using yesterday's pipe it--pump it--impound it strategies.

We need to cover the CVWP canals w/solar cells to reduce evaporation and give us energy. We need to recycle and reuse the water we are taking for urban use. We need to grow smarter crops--like hemp--which require less water and pesticides than water grabbing cotton. And we MUST protect the fish, the wild rivers and riparian ecosystems that sustain us all. ]

I believe that the BDCP should include, 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

BDCP 712

BDCP712

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.

Sincerely,

Mrs. Judy Schriebman  
3 Poco Paso  
San Rafael, CA 94903-3866

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**From:** Bill Wells <commodorewells@msn.com>  
**Sent:** Thursday, May 29, 2014 5:48 PM  
**To:** BDCP.comments@noaa.gov  
**Subject:** comments from the California Delta Chambers re BDCP  
**Attachments:** bdcpc comments002.pdf; bdcpc comments001.pdf

Mr. Wulff - Please find our comments in the attached pdf files.

*Bill*

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

916-777-4041

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

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

"battling the water cartels since 1969"



BDCP #13  
BDCP713

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

May 29, 2014

Ryan Wulff, NMFS  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

**RE: BDCP comments**

On behalf of the California Delta Chambers & Visitor's Bureau representing many businesses and families in the California Delta I submit these comments regarding the Bay Delta Conservation Plan (BDCP).

First and foremost there is no financing plan for the BDCP. The water districts that are proposing the plan to divert the Sacramento River around the Delta have not agreed to pay for it. This is basic and should be agreed upon before moving any further on the project.

<http://baydeltaconservationplan.com/PlanningProcess/BDCP/WorkingGroups/WorkingGroup-Financing.aspx>

More basically the project will be devastating to the Delta and it's people. Ten years of construction with waterways blocked, near constant pile driving, heavy trucks clogging roads, and tons of carbon filling the air from trucks and equipment will leave the Delta damaged for generations.

<http://www.dailykos.com/story/2013/03/28/1197717/-More-Bay-Delta-Conservation-Plan-Documents-Released#>

Recreation is a billion dollar per year industry in the Delta. It has been under attack by the water exporters for several years. It will be in serious jeopardy if the BDCP is allowed to continue.

[http://www.deltavision.ca.gov/Context\\_Memos/recreation/recreation\\_memo\\_interation1.pdf](http://www.deltavision.ca.gov/Context_Memos/recreation/recreation_memo_interation1.pdf)



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

<http://deltarevision.com/Issues/recreation/recreation/14million-boating-days-per-year.jpg>

There will be contamination of Delta ground water that will be unmitigated. This will affect agriculture and drinking wells and potentially add mercury and other toxic materials to ground water.

<http://www.calitics.com/tag/peripheral%20tunnels>

As California's population continues to increase we need to create sources of new water not continue to reallocate water from one area to another. The behavior of the water exporters during the current drought should be warning enough of what will happen if the tunnels are built and we are faced with another drought. The water exporters will be clamoring for more water deliveries from the tunnels to the extreme detriment of the Sacramento River. Many Central Valley Project users have gone on record saying that water flowing through rivers to the sea is "wasted".

Lastly, there has never in human history been a water diversion of this scale that has not destroyed the existing waterway. We have asked the Department of Water Resources numerous times to provide a few examples where a plan like this has worked and they never have answered because there are no examples. Diverting the Sacramento River around the California Delta will destroy the Delta.

I encourage the fisheries agencies to refuse to issue permits that would enable this ill-conceived project to move forward.

Best regards,

A handwritten signature in black ink that reads "Bill Wells". The signature is written in a cursive, flowing style.

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

---

**From:** Friends of the River <info@friendsoftheriver.org> on behalf of Amy Gustin <info@friendsoftheriver.org>  
**Sent:** Tuesday, May 27, 2014 2:26 PM  
**To:** BDCP.Comments@noaa.gov  
**Subject:** I oppose all alternatives in the BDCP that propose construction of new diversions and tunnels under the Delta

May 27, 2014

Mr. Ryan Wulff, NMFS  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

Dear Mr. Wulff, NMFS,

Thank you for receiving public comments in response to the 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.

.We cannot keep taking more, and altering natural ecosystems, and pretend it is sustainable. Wetlands and riparian habitat have been decimated. The fish have too little water. Our efforts to redesign nature always bring us disastrous, unforeseen consequences. We can adjust to the reality of water availability in California. We cannot survive without functioning ecosystems.

I believe that the BDCP should include, 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.

Sincerely,

Ms. Amy Gustin  
PO Box 2301  
Redway, CA 95560-2301

**From:** Bob Wright <BWright@friendsoftheriver.org>  
**Sent:** Wednesday, May 28, 2014 9:46 AM  
**To:** BDCP.Comments@noaa.gov  
**Subject:** Env Water Caucus BDCP comment letter and attachment  
**Attachments:** 5 28 14 FOR EWC BDCP cmt ltr.pdf; 4 16 12 EWC BDCP concerns ltr.pdf

Dear [BDCP.Comments@noaa.gov](mailto:BDCP.Comments@noaa.gov):

Please confirm by reply receipt of the attached Environmental Water Caucus and Friends of the River comment letter dated May 28, 2014 on the BDCP Plan and Draft EIR/EIS. Also, please include as a comment the attached April 16, 2012 letter from the Environmental Water Caucus.

Thank you,

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

BDCP 7/15



# FRIENDS OF THE RIVER

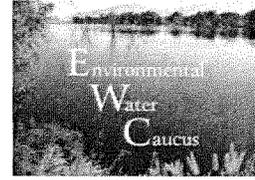
1418 20<sup>TH</sup> STREET, SUITE 100, SACRAMENTO, CA 95811

916/442-3155 • FAX: 916/442-3396 •

WWW.FRIENDSOFTHERIVER.ORG

## ENVIRONMENTAL WATER

### CAUCUS



May 28, 2014

[BDCP.Comments@noaa.gov](mailto:BDCP.Comments@noaa.gov) (via email)

John Laird  
Secretary  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

David Murillo  
Regional Director  
U.S. Bureau of Reclamation  
2800 Cottage Way  
Sacramento, CA 95825

Mark Cowin  
Director  
California Department of Water Resources  
P.O. Box 942836, Room 1115-1  
Sacramento, CA 94236-0001

Ren Lohofener  
Regional Director  
U.S. Fish and Wildlife Service  
2800 Cottage Way  
Sacramento, CA 95825

Chuck Bonham  
Director  
California Department of Fish and Wildlife  
1416 9th Street, 12th Floor  
Sacramento, CA 95814

Will Stelle  
Regional Director  
National Marine Fisheries Service  
7600 Sand Point Way, NE, Bldg 1  
Seattle, WA 98115-0070

Additional Addressees at end of letter

**Re: Comment Letter re Failure of BDCP Draft Plan and Draft EIR/EIS to Include a Range of Reasonable Alternatives Increasing Flows and Reducing Exports Including the Responsible Exports Plan Submitted by the Environmental Water Caucus**

Dear Federal and California Agencies, Officers, and Staff Members Carrying out the BDCP:

The Bay Delta Conservation Plan (BDCP) Draft plan and Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) are out for public review and comment at this time. Development and evaluation of a range of reasonable alternatives are the declared "heart" of both the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) required EISs and EIRs. Despite that, the alternatives section (Chapter 3) of the Draft EIR/EIS and the Endangered Species Act (ESA) required Alternatives to Take section (Chapter 9) of the BDCP Draft Plan fail to include even one, let alone the CEQA, NEPA and ESA required range of, reasonable alternatives that would increase water flows in the San Francisco Bay-Delta by reducing exports. These serious violations of law, brought to your attention by the Environmental Water Caucus (EWC)(a coalition of over 30 nonprofit environmental and community organizations and California Indian Tribes) and Friends of the River (FOR), require corrective action.

The BDCP omission of alternatives reducing exports to increase flows is deliberate. A claimed purpose of the BDCP Plan is “Reducing the adverse effects on certain listed [fish] species due to diverting water.” (BDCP Draft EIR/EIS Executive Summary, p. ES-10). “There is an urgent need to improve the conditions for threatened and endangered fish species within the Delta.” (*Id.*). The omission of a range of reasonable alternatives reducing exports to increase flows violates CEQA, NEPA and the ESA. The failure to include even one alternative reducing exports to increase flows is incomprehensible. Alternatives reducing the exporting/diversion of water are the obvious direct response to the claimed BDCP purpose of “reducing the adverse effects on certain listed [fish] species due to diverting water.”

The BDCP agencies have been marching along for at least three years in the face of “red flags flying” in their deliberate refusal to develop and evaluate a range of reasonable alternatives, or indeed, any alternatives at all, that would increase flows by reducing exports. Three years ago the National Academy of Sciences declared in reviewing the then-current version of the draft BDCP that: “[c]hoosing the alternative project before evaluating alternative ways to reach a preferred outcome would be post hoc rationalization—in other words, putting the cart before the horse. Scientific reasons for not considering alternative actions are not presented in the plan.” (National Academy of Sciences, Report in Brief at p. 2, May 5, 2011).

More than two years ago, on April 16, 2012, the Co-Facilitators of the EWC transmitted a short, 1 ½ page letter to Gerald Meral, Deputy Secretary of the California Resources Agency, sharing “concerns with the current approach and direction of the [BDCP] project and we would like to share those concerns with you.” (Letter, p. 1). Most of the paragraphs in the letter dealt with the types of issues involving consideration of alternatives. The penultimate paragraph of the letter specifically pointed out:

*The absence of a full range of alternatives, including an alternative which would reduce exports from the Delta. It is understandable that the exporters, who are driving the project, are not interested in this kind of alternative; however, in order to be a truly permissible project, an examination of a full range of alternatives, including ones that would reduce exports, needs to be included and needs to incorporate a public trust balancing of alternatives. (Letter, p. 2).*

We **attach** (for [BDCP.Comments@noaa.gov](mailto:BDCP.Comments@noaa.gov)) and incorporate by reference a copy of the April 16, 2012, EWC letter. As you can see from the letter’s distribution list, the letter was also distributed to a number of other federal and State officials involved in the BDCP process and BDCP decision-making in addition to Gerald Meral who was leading the BDCP process.

On December 15, 2012 by email, and December 17, 2012 by letter, Nick Di Croce, Co-Facilitator of the EWC transmitted the EWC’s Reduced Exports Plan to the California Resources Agency Deputy Secretary and requested “that you include it among the alternatives to be included in the BDCP.” On November 18, 2013, FOR submitted a comment letter in the BDCP process urging those carrying out the BDCP to review the “Responsible Exports Plan [a later, more detailed version of the Reduced Exports Plan]” proposed by the EWC:

as an alternative to the preferred tunnel project. This Plan calls for reducing exports from the Delta, implementing stringent conservation measures but no new upstream conveyance. This Plan additionally prioritizes the need for a water availability analysis and protection of public trust resources rather than a mere continuation of the status quo that has led the Delta into these dire circumstances. Only that alternative is consistent with the EPA statements indicating that more outflow is needed to protect aquatic resources and fish populations. The EWC Responsible Exports Plan is feasible and accomplishes project objectives and therefore should be fully analyzed in a Draft EIS/EIR.”(FOR November 18, 2013 comment letter at p. 3, Attachment 4 to FOR January 14, 2014 comment letter).

FOR specifically pointed out (at p. 3, fn. 1) that the plan was online at <http://www.ewccalifornia.org/reports/responsibleexptsplanmay2013.pdf>. We incorporate by this reference a copy of FOR’s May 21, 2014 BDCP comment letter explaining in greater detail the failure of the Draft BDCP Plan and EIR/EIS to include the required range of reasonable alternatives as well as supporting legal citations. (The FOR letter is in the BDCP comments Record and may also be found online at [www.friendsoftheriver.org/bdcpcomments](http://www.friendsoftheriver.org/bdcpcomments) ). We also reiterate that the May 21, 2014 FOR comment letter attached and incorporated by reference a copy of the 39 page “Responsible Exports Plan” of May 2013 as setting forth a feasible alternative that must be considered in the BDCP process.

By this letter, the EWC repeats the demand for consideration of the Responsible Exports Plan alternative and reasonable variants on that alternative. This demand follows up EWC’s similar requests which started back on April 16, 2012 but have to date been ignored in the BDCP process.

We also urge you to not load up the Responsible Exports Plan alternative with “poison pills” designed to make the alternative or variants on the alternative appear infeasible or undesirable. Our suspicions of future BDCP process intentional violations of CEQA, NEPA and the ESA are heightened by the flat refusal of the BDCP agencies to develop or even consider a reasonable range of alternatives despite the clear warnings in this regard given by the National Academy of Sciences three years ago, and repeated by the EWC over the past three years. In addition, obvious variants on the Responsible Exports Plan alternative creating a range of reasonable alternatives will include reducing exports both more and less than the 3,000,000 acre-feet reduction called for by the Responsible Exports Plan alternative as well as phasing in reductions in exports over time.

Finally, the BDCP agencies have failed to produce an alternatives section that “sharply” defines the issues and provides a clear basis for choice among options as required by the NEPA Regulations, 40 C.F.R. § 1502.14. The choice presented should include increasing flows by reducing exports, not just reducing flows by increasing the capacity for exports as is called for by *all* of the so-called “alternatives” presented in the BDCP Draft Plan and EIR/EIS. No matter how badly the BDCP proponents do not want to reduce exports and increase flows, during the Draft CEQA, NEPA and ESA processes inclusion of such alternatives as part of a range of reasonable alternatives is mandatory. Because of the gross deficiencies in the BDCP alternatives and Alternatives to Take sections in the Draft BDCP Plan and EIR/EIS it will be necessary for the BDCP agencies to prepare and release for decision-maker and public review a *new* Draft Plan and *new* Draft EIR/EIS. Those new Draft documents *must* include alternatives and Alternatives to Take sections that present the required evaluation of a range of reasonable alternatives.

Please call Nick Di Croce, Co-Facilitator, Environmental Water Caucus at (805) 350-8898 or Robert Wright, Senior Counsel, Friends of the River at (916) 442-3155 ext. 207 with any questions you may have.

Sincerely,

/s/ Nick Di Croce  
Co-Facilitator  
Environmental Water Caucus

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

Additional Addressees, all via email:

Maria Rea, Assistant Regional Administrator  
National Marine Fisheries Service

Michael Tucker, Fishery Biologist  
National Marine Fisheries Service

Ryan Wulff, Senior Policy Advisor  
National Marine Fisheries Service

Mike Chotkowski, 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

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  
Sacramento, CA

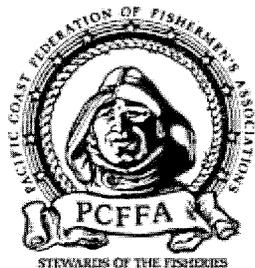
Lisa Clay, Assistant District Counsel  
U.S. Army Corps of Engineers

cc:

Congressman John Garamendi  
Third District, California

Congresswoman Doris Matsui  
Sixth District, California

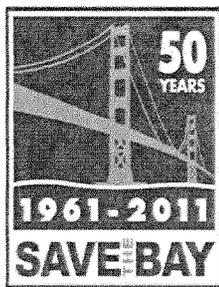
ENVIRONMENTAL WATER CAUCUS LETTER  
REGARDING THE BAY DELTA CONSERVATION PLAN  
APRIL 2012



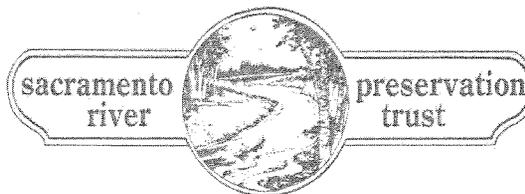
NORTHERN CALIFORNIA COUNCIL

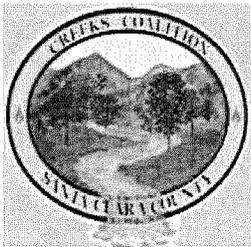


FEDERATION OF FLY FISHERS

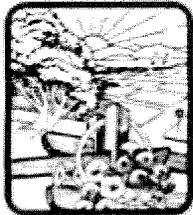
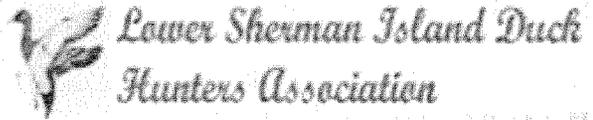


**AQUALLIANCE**  
DEFENDING NORTHERN CALIFORNIA WATERS





CA Save Our Streams Council



Santa Clara Organization  
of Planning and the  
Environment (SCOPE)

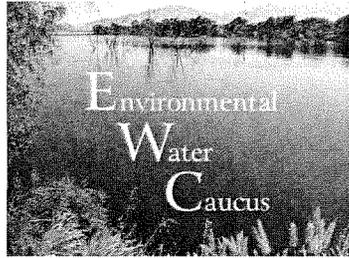


Tuolumne River Trust



SIERRA NEVADA ALLIANCE





Dr. Gerald Meral, Deputy Secretary  
California Resources Agency  
1416 Ninth Street, 13th Floor  
Sacramento, CA 95814

April 16, 2012

Via email to: [jerry.meral@resources.ca.gov](mailto:jerry.meral@resources.ca.gov)

Dear Dr. Meral:

A number of our Environmental Water Caucus affiliated organizations have lately been attending meetings on the Bay Delta Conservation Plan and have begun to review the 10,000 page Effects Analysis. As a result, we have developed a number of concerns with the current approach and direction of the project and we would like to share those concerns with you. Briefly stated, they include:

- *A "Preliminary Project" that is evaluated in the Effects Analysis which fails to contribute to the recovery of a number of the endangered species and actually increases the risks of extinction for some of these species. The Effects Analysis indicates that by taking more water from the Delta, BDCP will push species like spring-run Chinook Salmon and longfin smelt, as well as others, toward extinction.*
- *An Effects Analysis whose methodology and resulting science are fundamentally flawed, biased, and selective toward a predetermined solution for increasing water exports. The Technical Appendices severely underestimate the negative impacts of the planned BDCP.*
- *An almost complete disregard of the State Water Board's determination of the need to increase inflows and outflows to sustain and protect the ecology of the Delta estuary and San Francisco Bay. Instead, the BDCP adheres to exporters' predetermined outcome of increased water exports that fly in the face of scientific recommendations.*
- *A lack of specific, measurable, and achievable, objectives that define the BDCP contribution to the recovery of covered species and the conservation of natural communities in the Delta. There are currently no goals to recover populations of endangered fish in the Delta, only for avoiding jeopardy. There are also no goals to maintain populations of harvestable species of fish, including fall run Sacramento River Chinook salmon. The draft goals are much weaker than the existing management goals under the current Delta Ecosystem Restoration Program.*

- *Inadequate science review.* Although providing brief reviews by scientists from outside the system, the BDCP should also incorporate more frequent and more intensive reviews by scientists with first-hand knowledge of the system, using the DRERIP process.
- *The implementation of the BDCP is to be overseen by a governing board of water export contractors, similar to the governing board for the Joint Powers Authority that runs the Kern Water Bank.* The fact that the USBR and DWR will be minority members of the Board is not appropriate. Since DWR will own and operate new conveyance and DWR and USBR will be permittees, operations must continue to reside entirely within these agencies; this is a fundamental requirement of the legislation that created the Department of Water Resources.
- *A failure to align with the state's objective in reducing reliance on the Delta.* Adherence to this legislated mandate needs to be described, measured, and reported as a part of the project.
- *The failure to consider strengthening Delta core levees* above the PL84-99 standard which would provide protections against earthquake and flood risks and forecasted sea level rise. The Economic Sustainability Plan estimates that this alternative would cost from \$2 to \$4 Billion (compared with BDCP's \$16 Billion tunnel alternative) and would provide more infrastructure protection for the Delta than any planned BDCP alternative.
- *The absence of a full range of alternatives,* including an alternative which would reduce exports from the Delta. It is understandable that the exporters, who are driving the project, are not interested in this kind of alternative; however, in order to be a truly permitable project, an examination of a full range of alternatives, including ones that would reduce exports, needs to be included and needs to incorporate a public trust balancing of alternatives.

We hope you will consider our expressed concerns and redirect the project so that it will solve the problems of the Bay Delta ecosystems while assuring an equitable and efficient water supply for all Californians. Without a solution to these issues that we have described, as well as other issues, we do not believe that the project can possibly be permitted by the state and federal agencies who must sign off on the adequacy and credibility of the Effects Analysis.



Co-Facilitator  
Environmental Water Caucus



Co-Facilitator  
Environmental Water Caucus

Distribution, by email to the following:

John Laird, Secretary, California Resources Agency  
David J. Hayes, Deputy Secretary, Department of the Interior  
David Nawi, Department of the Interior  
Mark Cowin, Director, DWR  
Ken Salazar, Secretary, Department of the Interior  
Michael L. Conner, Commissioner, Bureau of Reclamation  
Mike Machado, Executive Director, Delta Protection Commission  
Phil Isenberg, Chair, Delta Stewardship Council  
Donald Glaser, Bureau of Reclamation  
Chuck Bonham, Director, Department of Fish & Game  
Will Stelle, NOAA

Senator Barbara Boxer  
Senator Diane Feinstein  
Representative George Miller  
Representative Grace Napolitano  
Representative John Garamendi  
Senator Fran Pavley  
Assembly Member Jared Huffman

## THE FOLLOWING EWC ORGANIZATIONS ARE REPRESENTED ON THIS LETTER:

*Gary Adams*  
*California Striped Bass Association*

*Dan Bacher*  
*Editor*  
*Fish Sniffer*

*Barbara Barrigan-Parrilla*  
*Executive Director*  
*Restore the Delta*

*Gary Bobker*  
*Program Director*  
*The Bay Institute*

*Sean Bothwell*  
*Staff Attorney*  
*California Coastkeeper*

*Lloyd Carter*  
*President*  
*California Save Our Streams Council*

*Jennifer Clary*  
*Water Policy Analyst*  
*Clean Water Action*

*Joan Clayburg*  
*Executive Director*  
*Sierra Nevada Alliance*

*Deirdre des Jardins*  
*California Water Research Associates*

*Siobahn Dolan*  
*Director*  
*Desal Response Group*

*Marty Dunlap*  
*Citizens Water Watch*

*Conner Everts*  
*Executive Director*  
*Southern California Watershed Alliance*

*Zeke Grader*  
*President*  
*Pacific Coast Federation of Fisherman's Associations*  
*President*  
*Institute for Fisheries Resources*

*Bill Jennings*  
*Executive Director*  
*California Sportfishing Protection Alliance*

*Carolee Krieger*  
*Executive Director*  
*California Water Impact Network*

*Mondy Lariz*  
*Director*  
*Santa Clara County Creeks Coalition*

*David Lewis*  
*Executive Director*  
*Save the Bay*

*Roger Mammon*  
*President*  
*Lower Sherman Island Duck Club*

*John Merz*  
*President*  
*Sacramento River Preservation Trust*

*Jonas Minton*  
*Senior Water Policy Advisor*  
*Planning and Conservation League*

*Carol Perkins*  
*Butte Environmental Council*

*Lynne Plambeck  
Executive Director Santa Clarita for  
Planning and the Environment*

*Mark Rockwell  
Co-Conservation Director  
Northern California Council Federation  
of Fly Fishers*

*Adam Scow  
California Campaign Director  
Food and Water Watch*

*Linda Sheehan  
Executive Director  
Earth Law Center*

*Caleen Sisk-Franco  
Spiritual Leader & Traditional Chief  
Winnemen Wintu Tribe*

*Esmeralda Soria  
Legislative Advocate  
California Rural Legal Assistance  
Foundation*

*Ron Stork  
Senior Policy Advocate  
Friends of the River*

*Craig Tucker  
Karuk Tribe*

*Barbara Vlamis  
Executive Director  
AquAlliance*

*Eric Wesselman  
Executive Director  
Tuolumne River Trust*

*Chris Wright  
Executive Director  
Foothills Conservancy*

BDCP715

BDCP715

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**From:** Friends of the River <info@friendsoftheriver.org> on behalf of Steve Frie  
<info@friendsoftheriver.org>  
**Sent:** Sunday, June 01, 2014 8:25 PM  
**To:** BDCP.Comments@noaa.gov  
**Subject:** I oppose all alternatives in the BDCP that propose construction of new diversions and tunnels under the Delta

Jun 1, 2014

Mr. Ryan Wulff, NMFS  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

Dear Mr. Wulff, NMFS,

Thank you for receiving public comments in response to the 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.

(These tunnels are a REALLY bad idea. As water users, we can conserve and adapt; the fish, plants and wildlife that depend on that water where it currently is, can't.)

I believe that the BDCP should include, 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.

DX#716

BDCP716

Thank you for considering my comments.

Sincerely,

Mr. Steve Frie  
1628 Balboa Ave  
Burlingame, CA 94010-4616  
(650) 245-8049

---

**From:** Friends of the River <info@friendsoftheriver.org> on behalf of Rebecca Armstrong <info@friendsoftheriver.org>  
**Sent:** Sunday, June 01, 2014 12:54 PM  
**To:** BDCP.Comments@noaa.gov  
**Subject:** I oppose all alternatives in the BDCP that propose construction of new diversions and tunnels under the Delta

Jun 1, 2014

Mr. Ryan Wulff, NMFS  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

Dear Mr. Wulff, NMFS,

Thank you for receiving public comments in response to the 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.

We need a long-term solution for our water supplies in California and more dams and exporting more water through tunnels are not it.

I believe that the BDCP should include, 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.

BDCP 717

BDCP717

Thank you for considering my comments.

Sincerely,

Ms. Rebecca Armstrong  
78 Fairmount Ave Apt 203  
Oakland, CA 94611-5911

**From:** Geyer, Karen <GeyerK@sutterhealth.org>  
**Sent:** Monday, June 02, 2014 8:34 AM  
**To:** 'BDCP.comments@noaa.gov'  
**Subject:** Save the Delta

To whom it may concern,

Please work toward the defeat of the diversion tunnels. The Delta is already severely impacted by the water being diverted currently. Salinity of the water has increased to the point that native fish are being impacted, we even have seals living in the Port of Stockton. The spring runoff is no longer able to flush the silt from the channels and the water quality is greatly affected. There are technologies that can be used to desalinate ocean water which could be leveraged to provide potable water for Southern California. I live in Stockton and I want to be able to enjoy the Delta for many years to come and I ask that you help this dream become a reality by defeating the peripheral tunnel project.

Thank you,  
Karen Geyer

**Karen Geyer** | Acute - Applications Analyst 3 | OR - OpTime | Sutter Health Information Services (SHIS) | Central Valley Region (CVR)  
| Landline: 209-530-3594 | Email: [GeyerK@sutterhealth.org](mailto:GeyerK@sutterhealth.org)



*Did you know that the IS Service Desk is staffed 24/7? Call 888-888-6044, to open a Remedy ticket requesting assistance or to report an issue. NOTE: You can select option 3 to reach an EHR Analyst. You can also email the Service Desk at [EHRServiceDesk@sutterhealth.org](mailto:EHRServiceDesk@sutterhealth.org)*

\*Confidentiality Notice: This message may contain information that is confidential and belongs to the sender, which is legally privileged. The information is intended only for the use of the individual or entity recipient. If you received this message in error or through inappropriate means, please REPLY to this message to notify the sender that this message was erroneously received by you, and then permanently delete this message from all storage media.

Would you like to recognize a colleague? [Click here](#)

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**From:** Cheryl Shores <cshores@pacbell.net>  
**Sent:** Monday, June 02, 2014 9:37 AM  
**To:** BDCP.comments@noaa.gov  
**Cc:** Shores Lyle  
**Subject:** PLEASE RECONSIDER!!!

Time is running out! We are told we must make our thoughts known to you by mid-June if we are to have any influence at all with regard to construction of the proposed tunnels to divert water before it goes through the delta. The proposed tunnels will do irreparable harm in so many ways. Please don't do it!

We recently spent an entire day touring CCWD's facilities and it is clear that the planned diversion will devastate local water quality as well as water supplies. What are you thinking? Why should SoCal and agriculture's needs take priority over NoCal? The correct answer is, they should not!

We are avid boaters and fishermen and have always tried to be good stewards of our precious natural resources. We also teach our children, their peers, and our grandchildren to do the same.

We conserve, plan for drought times with our landscaping. We have no lawn, planted bromeliads and cactii, and everything is on drip systems. Even our vegetables are all in containers.

It seems the more we conserve, the more we are punished with higher fees and diversion of water to the south. Why? Why? Why?

Coincidentally, when we travel south in our beautiful state, we notice that more and more of our natural desert is being planted with touchy crops like grapes, or are being turned into water-greedy golf courses.

Also why is it that you see more and larger lawns in the Los Angeles area than you do in the Bay Area? This makes no sense to us. Do we conserve only so that southerners can waste? Seems that way to us.

Another question we have is why don't we see a series of dams and reservoirs being constructed in the southern parts of our fair state? Anyone who pays attention to our weather patterns should realize that more often than not SoCal receives more precipitation than NorCal. Isn't this a no-brainer? Build dams in the southern half of our state now! That way there could be more recreation areas and more convenient places to grab water to put out wildfires too. Win-win.

Please, please hear our pleas and LEAVE THE DELTA ALONE. These drought times are tough enough on our delta's fragile ecosystems without greedy interests creating more stress on it.

Thank you for hearing us out on this subject so near and dear to these two California natives.

Sincerely,

Cheryl and Lyle Shores

Sent from my iPhone

**From:** Mike Shea <bigirish2@comcast.net>  
**Sent:** Monday, June 02, 2014 9:50 AM  
**To:** BDCP.comments@noaa.gov  
**Subject:** Delta Tunnels

The one fact that seems to be forgotten in this rush to lunacy is that there is only a certain amount of water on average and we must live within the limits of available water, regardless of what the experts say.....if we increase population and acres in production we have to cut back somewhere else, and once there are no more cutbacks, then we do without, but not for long. This will be further reduced as we begin fracking.

Mike Shea

**From:** Pam <pamedit@aol.com>  
**Sent:** Monday, June 02, 2014 9:53 AM  
**To:** BDCP.comments@noaa.gov  
**Subject:** Better solutions than the Delta Tunnels project

Dear BDCP,

You call yourself the Bay Delta Conservation Plan yet everything you propose to do is against nature. You are being a pawn for the water problems of the state of California.

**California doesn't need to build these massive twin tunnels and diversions to meet its water supply needs. A truly sustainable water plan for the state would focus on increased water conservation and efficiency, treating and recycling waste water, cleaning up polluted groundwater, capturing and treating storm water, and reducing irrigation of drainage-impaired lands in the southern Central Valley. The environmental, social, and monetary cost of these sustainable solutions is much less than what is proposed by the BDCP plan.**

This is a crazy scheme and it will ruin the popular and states' golden jewel - the California delta. We cannot try to serve a few industrial mega-growers in Westlands and Kern water districts, who grow permanent crops (almonds, pistachios) on unsuitable land. No tunnels!

I can't say it enough - stop the insanity of these tunnels. You will ruin the California Delta, one of California's best kept secrets and something we want to leave for future generations to enjoy.

Sincerely,  
Pamela Malouf  
native Californian

---

**From:** Connie Klein <connieKlein@astound.net>  
**Sent:** Monday, June 02, 2014 12:50 PM  
**To:** BDCP.comments@noaa.gov  
**Cc:** 'Shores Lyle'; 'Cheryl Shores'  
**Subject:** RE: PLEASE RECONSIDER!!!

I agree with Cheryl and her husband. Also when flying over SoCal there are so many more pools in yards than NorCal. We are working hard to conserve our resources here, please, please force the greedy southern part of our state to do more than just take.

I'm a native Coloradan and Colorado has been rationed since the 60's to give so many top cubic feet Colorado's water to southern California. SoCal took so much water from Mono Lake we had to fight to save the migratory bird populations...when will this stop?

If it's true that SoCal receives more water per year, why haven't they built more watersheds? Is it because it is so easy to legislate more resources to be donated? Grass takes more water than any other plant...why don't they ban grass or at least charge a premium to anyone who insists on maintaining it to help pay for public conservation outreach? Why don't they build desalination plants? Why, why, why?

Connie Klein

-----Original Message-----

**From:** Cheryl Shores [<mailto:cshores@pacbell.net>]  
**Sent:** Monday, June 2, 2014 9:37 AM  
**To:** [BDCP.comments@noaa.gov](mailto:BDCP.comments@noaa.gov)  
**Cc:** Shores Lyle  
**Subject:** PLEASE RECONSIDER!!!

Time is running out! We are told we must make our thoughts known to you by mid-June if we are to have any influence at all with regard to construction of the proposed tunnels to divert water before it goes through the delta. The proposed tunnels will do irreparable harm in so many ways. Please don't do it!

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It seems the more we conserve, the more we are punished with higher fees and diversion of water to the south. Why? Why? Why?

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Also why is it that you see more and larger lawns in the Los Angeles area than you do in the Bay Area? This makes no sense to us. Do we conserve only so that southerners can waste? Seems that way to us.

Another question we have is why don't we see a series of dams and reservoirs being constructed in the southern parts of our fair state? Anyone who pays attention to our weather patterns should realize that more often than not SoCal receives more precipitation than NorCal. Isn't this a no-brainer?

Build dams in the southern half of our state now! That way there could be more recreation areas and more convenient places to grab water to put out wildfires too. Win-win.

Please, please hear our pleas and LEAVE THE DELTA ALONE. These drought times are tough enough on our delta's fragile ecosystems without greedy interests creating more stress on it.

Thank you for hearing us out on this subject so near and dear to these two California natives.

Sincerely,

Cheryl and Lyle Shores

Sent from my iPhone=

---

**From:** Weldon, Scott <Scott.Weldon@sdcounty.ca.gov>  
**Sent:** Monday, June 02, 2014 2:18 PM  
**To:** BDCP.comments@noaa.gov  
**Subject:** Reasons the Twin Tunnels Plan is Flawed

The Bay/Delta Conservation Plan is a poorly thought out plan that will damage ecosystems and also salmon populations. The proposed ecosystem benefits for habitat restoration are highly uncertain, and seem to be tacked on as a way to justify the cost and expense of the tunnels. In addition, it benefits growers in south and southwest San Joaquin Valley by far the most, to the detriment of the northern growers and delta ecosystems. Specifics follow:

1. The plan calls for restoring large tracts of wetland habitat in the Delta in an effort to help struggling fish species, along with a range of other so-called "conservation measures." This new habitat is supposed to create more food for fish, making up for the lack of water. But positive results are highly uncertain.
2. The tunnels portion of the plan has been closely studied and is carefully described, but the habitat measures are vague. Specific sites for new wetlands haven't been identified; if landowners aren't willing to sell, or if environmental problems are identified, that will delay construction of habitat. This means benefits of restored habitat will not be realized until a decade or more after the tunnels are built, which will be too late for some species.
3. Even if wetlands are restored quickly, it's unclear whether the food they provide will help. The plan ignores an equally likely result that the food will be gobbled up by clams that have invaded the Delta, or by other fish species that are not threatened or endangered.
4. In many portions of the plan, the above uncertainties are downplayed or ignored, and fallback strategies are not well-explained.

It makes far more sense to expend the billions of dollars proposed for the twin tunnels on water reclamation, water conservation, strengthening the jetties, habitat restoration, and making all water purveyors/ water districts purchase water on an open market. This would stop farming that wastes water, such as rice, alfalfa, and almonds. I am opposed to the Twin Tunnels plan for these reasons.

That said, money decides everything, so I suspect that all of us commenting on this flawed plan will be ignored, and the powers that be will force the twin tunnels through. Thank you for your consideration of my comments.

Sincerely,

Scott Weldon

849 Eugenie Avenue

Encinitas, CA 92024

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**From:** Robert Pyke <bobpyke@attglobal.net>  
**Sent:** Monday, June 02, 2014 2:23 PM  
**To:** BDCP.comments@noaa.gov  
**Subject:** RE: comments on BDCP EIR/EIS  
**Attachments:** Addendum to Pyke Comments on BDCP PDEIR-EIS.pdf

I am attaching a short addendum to my previous comments.

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**From:** Robert Pyke [mailto:bobpyke@attglobal.net]  
**Sent:** Monday, May 26, 2014 3:12 PM  
**To:** 'BDCP.comments@noaa.gov'  
**Subject:** comments on BDCP EIR/EIS

Ryan,

My comments are attached. I assume that you will acknowledge receipt of these comments and that it is not necessary to send a paper copy.

Regards,

Robert Pyke

---

Robert Pyke, Consulting Engineer  
1310 Alma Avenue, No. W201  
Walnut Creek CA 94596  
<http://rpce.us/>  
925 323 7338

**Robert Pyke, Consulting Engineer**

May 31, 2014

**Addendum to Comments on the BDCP Public Draft EIR/EIS  
Dated May 26, 2014**

In my comments dated May 26, 2014, it is stated on page six that “there is no expectation that the SWP and the CVP will deliver up to full contract amounts under any hydrological condition – the interpretation of the results buried in the EIR/EIS by the BDCP staff is that exports will be maintained at present levels, plus or minus 10 percent, except that exports may have to be reduced if species recovery goals are not met, a circumstance that appears to have a high probability of occurrence. In fact, even the projection of maintaining exports at something like present levels is a fiction. Figures 1 and 2, kindly provided by Richard Denton, show that in order to achieve this overall level of exports, it is necessary to resort to more pumping in drier months than is the case at present. It is not easy to trace the effects of this through the present effects analysis, but this might be one of the reasons that the effects analysis does not show sufficiently positive results to justify the granting of incidental take permits. If the operational rules were to be changed so that the effects analysis suggests more positive results for salmonids, the volume of exports would immediately be reduced. These figures also show that it is ludicrous for BDCP proponents to talk about taking a “little sip, big gulp approach”, that is to take more water at periods of high flows and little of no water at periods of low flows. The BDCP does not in fact include the necessary physical components to do that. It should also be noted that it is unclear whether the aqueducts can presently carry the combined maximum exports of 14,400 cfs shown in Figures 1 and 2 because of subsidence caused by excessive pumping of groundwater, so that it is doubly questionable whether the planned level of exports can actually be achieved.”

That language remains part of my comments but I failed to add two additional points regarding the estimates of water that would be delivered to the SWP and CVP Contractors on implementation of CM1 of the BDCP.

One is that the maximum export figure of 14,400 cfs appears to assume through-Delta exports under certain conditions that exceed the limitations of the current Corps of Engineers permit for taking water into the Clifton Court Forebay, which would require modification of the Corps of Engineers permit. I did not mention that in my initial

**1310 Alma Avenue, No. 201, Walnut Creek, CA 94596****Telephone 925.323.7338 E-mail [bobpyke@attglobal.net](mailto:bobpyke@attglobal.net) Web <http://rpce.us>**

comments because I know that at least Dr Meral was aware of this need, but on reflection I believe that both the arguments that the BDCP would make to the Corps in expectation of a change in the Corps permit must be fully spelled out in the EIR/EIS and that unless the Corps has already granted a new permit, the calculations of expected exports under various scenarios must be revised to reflect the limitations of the existing permit.

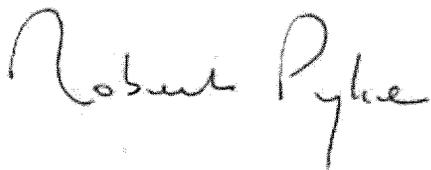
The second additional point is that the current BDCP preferred alternative for conveyance does not allow the extraction of much greater amounts of water in wet years to make up for, overall, taking less water in dry years. The BDCP modeling does take more water in wetter years simply because there is more water available and because the CALSIM II model meets artificially high water demands without realizing that in the second and subsequent years of a succession of wet winters, there will be no storage available south-of-the-Delta to store that water. This can be seen quite dramatically in the reduced exports in 1983 and 1998 that are shown in Figure 3 of my initial comments. These were two particularly wet years, but exports were noticeably down. Demand in those years will also be lower because the farmers' fields and urban landscapes are already soaked. Dr Greg Gartrell, formerly of the Contra Costa Water District has been quoted<sup>1</sup> as saying: "Unless they (the water contractors backing the BDCP) have storage, they are in big trouble. If you don't do something about having a place to put the water in wet years, you're fooling yourself with these studies." Gartrell refers to these high export figures in wet years as "computer water." "It looks good on paper, but when it comes to real life, you can't get it."

Taken together, these four points strongly suggest that the estimates of water that would be delivered to the SWP and CVP Contractors in this draft EIR/EIS are not only uncertain, but are almost certainly exaggerated. While this should be of great concern to the Contractors who are proposing to pay for the new conveyance facilities, its significance in terms of the draft EIR/EIS is that it is false and misleading on these points and confirms that the plan does not in fact satisfy the objectives, needs and purpose with respect to water supply that are stated in the EIR/EIS.

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<sup>1</sup> The California Spigot, March 14, 2013 <http://californiaspigot.blogspot.com/>

These four points must be addressed in a revised draft EIR/EIS that is then submitted for public review and comment.



Robert Pyke Ph.D., G.E.

*Dr Robert Pyke is an individual consultant on geotechnical, earthquake and water resources engineering. He was born and raised in Australia and received his bachelor's degree in Civil Engineering from the University of Sydney. He then worked for the Commonwealth Department of Works in Canberra on various water resource projects before attending graduate school at the University of California, Berkeley. At Berkeley he conducted original research for his Ph.D. under the guidance of the late Professor Harry Seed and formed a close relationship with Professor Seed with whom he subsequently worked on a number of consulting assignments. Since 1977 Dr Pyke has worked principally as an individual consultant on special problems in geotechnical, earthquake and water resource engineering. While at Cal he also studied for a minor in Environmental Planning with Professor Robert Twiss and he has had a life-long interest in solving engineering problems in a way that is consistent with broader community values. Dr Pyke served as an expert witness in litigations that followed the 1982 breach of the McDonald Island levee and the 1986 breach of the Yuba River levee, the latter becoming well-known as the Paterno Case. He is one of the principal authors of the 2011 Economic Sustainability Plan of the Delta Protection Commission. Details of his publications and resume and some of his writings can be found on <http://rpce.us>.*

---

**From:** Marilyn Moore <marilyn@reineman.com>  
**Sent:** Monday, June 02, 2014 2:49 PM  
**To:** BDCP.comments@noaa.gov  
**Subject:** Robbing northern California of water for southern California swimming pools.

I am opposed to this project. Northern Californians have been conserving water for many years. We barely have enough for our homes, businesses and farming. This project will take water to southern California before northern California water needs are met.

The LA basin has a natural water supply for about 500 people. Obviously, millions more live there. The lack of water is a local problem, that should be first addressed there in a mandatory way. Fly over the area.

How many swimming pools do you see? All pools should be drained and not allowed to be refilled. All landscaping should be xeriscape, ie., no

lawns or other landscaping that requires excess water. All water use should be metered and limited. Local residents should pay for the privilege of living in southern California. They should be taxed, and the money should be used to develop a dependable local water supply.

Desalinization of ocean water, for example. With the extra resources, the area might be able to afford to buy water from the Colorado River.

These are long term solutions, and show some kind of responsibility on the parts of local communities to deal with the reality of their problem. Taking water from another part of the state is a damaging short sighted fix. Northern Californians are already limiting their water. Our rivers are backing up with salt water. Farmers cannot grow crops, which feed us all. If this plan is implemented, water will be taken from northern California homes to fill southern California swimming pools. The diversion of water from the north to the south in this project will assure a steady supply of water to the south, but will leave an inadequate amount in the north. I do not see any serious effort to deal with this problem first in southern California. The plan is to leave people in the north part of the state with rationing, and salt water creeping into our rivers so southern Californians can be Water Hogs. Shame on you all.

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**From:** Friends of the River <info@friendsoftheriver.org> on behalf of Edrica Orlova <info@friendsoftheriver.org>  
**Sent:** Monday, June 02, 2014 10:27 PM  
**To:** BDCP.Comments@noaa.gov  
**Subject:** I oppose all alternatives in the BDCP that propose construction of new diversions and tunnels under the Delta

Jun 3, 2014

Mr. Ryan Wulff, NMFS  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

Dear Mr. Wulff, NMFS,

Thank you for receiving public comments in response to the 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.

(these tunnels would be travesty for our environment. It would change the way of life as we know it in the delta. The effects of these tunnels would be disastrous for the delta and the farmers. Please stop these tunnels.)

I believe that the BDCP should include, 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.

Sincerely,

Mrs. Edrica Orlova  
1540 Hull Dr  
San Carlos, CA 94070-2004  
(510) 525-2520

**From:** smf.mcnally@verizon.net  
**Sent:** Tuesday, June 03, 2014 9:46 AM  
**To:** BDCP.comments@noaa.gov  
**Subject:** Delta River Project

The Delta River has been a vacation spot and second home to our family and friends for the last thirty years. We enjoy all the water sports as well as boating trips to various delta destinations –one of those being the Clarksburg area. Clarksburg is particularly known for its family-owned wineries which we enjoy visiting.

The beautiful waterways of the Delta will be detrimentally affected should the River Project be approved. There must be another way to assist the farmers during a drought season. We need farming in California but why are those projects approved knowing that the original land was desert land and at times the farmers will have to face drought conditions. You don't destroy the recreation and fishing areas of the delta to facilitate someone else's needs.

Sincerely,  
Vince and Sheila McNally

---

**From:** KthHnd@aol.com  
**Sent:** Tuesday, June 03, 2014 12:02 PM  
**To:** BDCP.Comments@noaa.gov  
**Subject:** Delta Tunnels Public Comment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

As a member of the general public and a West Sacramento resident, I believe that the proposed Delta Tunnels plan is very ill advised. I am against the Delta Tunnels for all the reasons set forth in Congressional Representatives Doris Matsui's and Mike Thompson's Viewpoints article entitled "House Plan's Meant to Swipe North State Water" published in the Sacramento Bee on February 4, 2014. The proposed Bay Delta Conservation Plan simply doesn't make sense in spite of its superficial rationale.

Katherine Henderson

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**From:** Pennie MacPherson <pmacpherson@friantwaterEO.onmicrosoft.com>  
**Sent:** Tuesday, June 03, 2014 1:44 PM  
**To:** BDCP.comments@noaa.gov  
**Subject:** Clarification re deadline for comment period

The following webpage includes two disparate comment deadlines: <http://baydeltaconservationplan.com/PublicReview/HowtoComment.aspx>

The first deadline within the body of the page indicates that the comment period ends July 29, 2014. However, in the italicized text at the bottom of the page the official comment period is stated as "*December 13, 2013 through June 13, 2014.*"

Pennie MacPherson  
Contract Paralegal  
Friant Water Authority  
Phone: 559-562-6951  
Email: [pmacpherson@friantwater.org](mailto:pmacpherson@friantwater.org)

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**From:** Sally Lechich <lazyriver3@att.net>  
**Sent:** Friday, May 23, 2014 11:25 AM  
**To:** BDCP.Comments@noaa.gov  
**Subject:** STOP THE TUNNELS....this is ridiculous...do what is right for a change...Thank you...Sally Lechich in Stockton, Ca.  
**Attachments:** Experts Many flaws in tunnels proposal Recordnet.pdf

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## News

### EXPERTS: MANY FLAWS IN TUNNELS PROPOSAL

 Print this Article  Email this Article

Text Size: **A** | **A** | **A**

By **Alex Breitler**

May 20, 2014

Record Staff Writer

May 20, 2014 12:00 AM

The scientific foundation for Gov. Jerry Brown's twin tunnels plan "falls short of what the project requires," a panel of experts said Monday.

The latest in a series of strongly worded critiques by outside experts finds that the Bay Delta Conservation Plan - as the tunnels plan is formally known - overstates the project's benefits for fish, fails to recognize uncertainties and fails to identify contingency plans in case the results are less than what supporters expect.

The new review by the Delta Independent Science Board, required by law, avoids passing judgment on the project itself.

### Clock is ticking

A six-month public review of the twin tunnels plan is almost over.

Public comments must be filed by June 13. A coalition of environmental groups has asked for a 60-day extension, but it is unclear if the extension will be granted.

Email [BDCP.Comments@noaa.gov](mailto:BDCP.Comments@noaa.gov) or send a letter to BDCP Comments, c/o Ryan Wulff, NMFS, 650 Capitol Mall Suite 5-100, Sacramento, CA 95814.

More information: [baydeltaconservationplan.com](http://baydeltaconservationplan.com).

But the review does closely question lengthy reports that describe and rationalize the project.

"I don't think the document was organized to provide a convincing or particularly solid justification for the project, though they have a lot of the pieces, certainly," said Jay Lund, director of the University of California, Davis, Center for Watershed Sciences and a member of the independent panel.

The tunnels plan is so complex that it's not surprising outside experts would find flaws, Lund said.

"But the flaws are more than we hoped to find, I think," he added.

At the center of the \$25 billion plan are two 40-foot-wide tunnels that would suck water from the Sacramento River water in the north, and divert the water to existing export pumps near Tracy for delivery to cities and farms from the Bay Area to San Diego.

Today, that water is allowed to flow through the Delta before being pumped south.

The tunnels plan also calls for restoring large tracts of wetland habitat in the Delta in an effort to help struggling fish species, along with a range of other so-called "conservation measures."

The new habitat is supposed to create more food for fish, making up for the lack of water. But the independent science board cautions that any positive results are "highly uncertain."

First of all, while the tunnels portion of the plan has been closely studied and carefully described, the habitat

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measures are much more vague, the panel found. Specific sites for new wetlands haven't been identified; if landowners aren't willing to sell, or if environmental problems are identified, that could delay construction of the habitat.

And that means the benefits of restored habitat might not be realized until a decade or more after the tunnels have been built, which "may be too late for some species," the review says.

Even if wetlands are restored quickly, it's unclear whether the food they provide will help, the panel found. The tunnels plan ignores an "equally likely result" that the food will be gobbled up by clams that have invaded the Delta, or by other fish species that are not threatened or endangered.

In some portions of the plan, these uncertainties are downplayed or ignored, the panel found. Fallback strategies are not well-explained and research efforts to determine whether the plan is working may not be adequately funded.

The panel faulted the plan's authors for not giving enough consideration to climate change and sea level rise, impacts downstream on San Francisco Bay, and the potential for future levee failures in the Delta.

Finally, the plan fails to address concerns that residents in the Delta might be at risk from increased mosquito populations as a result of the new wetlands and sedimentation basins that would be used during the decade-long construction of the tunnels, the panel found.

"Clearly, this (mosquito issue) is being left to the future," the review concludes.

The panel did credit the plan's authors for analyzing "mountains of scientific information" amid a "bewildering array of regulatory requirements and economic, social and political pressures."

"It was an amazing enterprise for them to even undertake," Lund said.

Richard Stapler, a spokesman for the California Resources Agency, said in an email Monday that officials hadn't yet had time to carefully review the critique, but added the work was appreciated.

"This type of rigorous, independent scientific review will ultimately help improve outcomes for the BDCP," Stapler wrote.

Contact reporter Alex Breitler at (209) 546-8295 or [abreitler@recordnet.com](mailto:abreitler@recordnet.com). Follow him at [recordnet.com/breitlerblog](http://recordnet.com/breitlerblog) and on Twitter [@alexbreitler](https://twitter.com/alexbreitler).

HOME

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**From:** Sally Lechich <lazyriver3@att.net>  
**Sent:** Saturday, May 24, 2014 2:45 PM  
**To:** bdcpc comments - NOAA Service Account  
**Subject:** Re: Comment on the Draft BDCP and Draft EIR/EIS Re: STOP THE TUNNELS....this is ridiculous...do what is right for a change...Thank you...Sally Lechich in Stockton, Ca.

i am changing my email address to

[westmeath333@gmail.com](mailto:westmeath333@gmail.com)

thank you  
Sally L

On Friday, May 23, 2014 11:25 AM, bdcpc comments - NOAA Service Account <[bdcpc.comments@noaa.gov](mailto:bdcpc.comments@noaa.gov)> wrote:

Thank you for submitting a formal comment on the Draft BDCP and Draft EIR/EIS. All comments received on the Draft EIR/EIS will be considered in the Final EIR/EIS and decision-making process. For more information, assistance in locating the documents or if you have special needs, contact 866-924-9955. Additional information can be found at [www.baydeltaconservationplan.com](http://www.baydeltaconservationplan.com)

# **L # BDCP 731**

- Unused
- Duplicate of \_676\_
- Out of Scope
- Other: \_\_\_\_\_

(replace original)

# L # BDCP 732

- Unused
- Duplicate of \_675\_
- Out of Scope
- Other: \_\_\_\_\_

(replace original)

**From:** Ryan Wulff <[ryan.wulff@noaa.gov](mailto:ryan.wulff@noaa.gov)>  
**Sent:** Friday, May 30, 2014 2:59 PM  
**To:** [bdcg.comments@noaa.gov](mailto:bdcg.comments@noaa.gov)  
**Subject:** Fwd: BDCP COMMENTS | Week Ending 05.30.2014  
**Attachments:** 20140527 - Department of Energy, Folsom.pdf; ATT00001.htm; 20140527 - Pasadena Foothills Association of Realtors.pdf; ATT00002.htm; 20140527 - The Greater West Covina.pdf; ATT00003.htm; 20140530 - Diana C. Wood, Sacramento.pdf; ATT00004.htm; 20140530 - Fullerton Chamber of Commerce.pdf; ATT00005.htm; 20140530 - Grace Bull, Lodi.pdf; ATT00006.htm; 20140530 - Montebello Chamber of Commerce.pdf; ATT00007.htm; 20140530 - Rodney Melgard, Pinole.pdf; ATT00008.htm; 20140530 - The Honorable Edmund G. Brown Jr..pdf; ATT00009.htm

Begin forwarded message:

**From:** Anita Deguzman - NOAA Affiliate <[anita.deguzman@noaa.gov](mailto:anita.deguzman@noaa.gov)>  
**Date:** May 30, 2014 at 2:55:53 PM PDT  
**To:** Ryan Wulff - NOAA Federal <[ryan.wulff@noaa.gov](mailto:ryan.wulff@noaa.gov)>  
**Subject:** BDCP COMMENTS | Week Ending 05.30.2014

I have attached the following nine (9) comments for your review:

Copies have been made and are in your mailbox and the originals are up front at the receptionist desk.

--

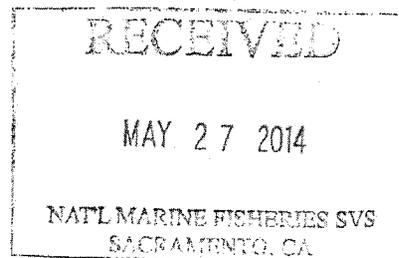
~~~~~  
Anita deGuzman  
*Administrative Assistant*  
NOAA Fisheries \* West Coast Region  
U.S. Department of Commerce

650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814  
916-930-3600 - main  
916-930-3629 - fax

[Anita.deGuzman@noaa.gov](mailto:Anita.deGuzman@noaa.gov)



**Department of Energy**  
Western Area Power Administration  
Sierra Nevada Region  
114 Parkshore Drive  
Folsom, California 95630-4710



MAY 19 2014

Bay Delta Conservation Plan Comments  
Attention: Mr. Ryan Wulff, National Marine Fisheries Service  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

Dear Mr. Wulff:

Western Area Power Administration (Western) appreciates the opportunity to review the draft environmental impact statement published by the Bay Delta Conservation Plan and is transmitting the following comments.

In general, Western believes that there are too many uncertainties and affiliated actions associated with the study effort to make a reasonable determination of the project's overall risk profile. Specifically, the context in which this proposed project would move forward is missing. As discussed below, the relationship between this project and other new or ongoing initiatives such as the Delta Reform Act, the Central Valley Improvement Act, San Joaquin River Restoration Settlement Act, the proposed Shasta Dam Enlargement, and the proposed Upper San Joaquin River Basin Storage Project is required to allow decision makers to weigh the benefits as well as the economic and financial feasibility of this proposed project.

In reviewing the report, it is difficult to determine the impact to Federal water and power customers of the Central Valley Project (CVP), when a project cost and accomplishment sharing agreement is still a work in progress. Pertinent actions that are either underway or proposed that could affect the anticipated project beneficiaries of the Bay Delta Conservation Plan or how the proposed plan of development may be related to other related activities include:

- (1) The State Water Resources Control Board (SWRCB) is still in the process of developing water quality standards pertaining to upstream storage reservoirs to meet the legislative directives contained in the Delta Reform Act. Similarly, authorized CVP water and power beneficiaries are still responsible for meeting the environmental objectives contained in the Central Valley Project Improvement Act as well as the San Joaquin River Restoration Settlement Act.

The environmental analysis does not address or identify how actions originating from each of these three programmatic activities would affect and/or impact the proposed project. As a proposed new standalone increment, the preferred alternative would require a minimum upfront commitment of at least \$25 billion. From a national economic development perspective, successful implementation of this proposed alternative would, at best, only serve to maintain the status quo, as the project would not generate any new net benefits. Given the current contours of California's water development resource profile, in order for the benefits associated with these costs to be fully realized, additional investments, which were not included as part of this standalone analysis would still need to be undertaken to ensure that water delivery and diversions would be maximized to the full extent practicable for both the Central Valley and State Water projects.

- (2) How would an Enlarged Shasta Dam, Temperance Flat, or a Sites Dam project(s) affect the environmental, economic, and/or financial baseline for this proposed project? Increased emphasis on environmental issues have eroded project accomplishments and increased the effective costs for delivered products and services to the authorized reimbursable project beneficiaries of the CVP. In the specific case of the hydropower function, the historic margin which has existed between cost and market-based prices for the Federal hydropower product has diminished. This margin is especially important as under Reclamation law, capital costs allocated to the irrigation function which are determined to be beyond the ability of the "irrigators to repay" are by law, re-assignable to the preference power beneficiaries for repayment purposes.
- (3) A recent Department of Interior Inspector General's audit (Report No. WR-EV-BOR-0003-2012 released March 2013) indicated that the irrigation function for the Central Valley Project is currently not on track to fully recover all of the allocated capital investment costs by the year 2030. The Inspector General found that, if Reclamation was unable to undertake the necessary corrective actions to the rates in a timely manner, the "increases to water contractors could create the potential for rates to exceed irrigation contractors' ability to pay and shift the repayment requirement to the power users." If timely corrective action is not undertaken, the Inspector General estimated that based on current trends, the projected shortfall could range from a low of \$330 million to a high of \$390 million. This is another example of an enterprise wide risk that is independent of the proposed project being evaluated, and could affect the overall economic and financial viability of the CVP.
- (4) As discussed previously, the SWRCB is actively considering new water flow standards in the Sacramento and San Joaquin River systems which when applied to this effort, could also impact not only the timing and reliability, but also the anticipated water and hydropower accomplishments of any proposed dam modification. A final decision in this process will undoubtedly impact the project's water and hydropower accomplishments. Depending on what flow standard is ultimately adopted by the SWRCB, it may be possible that some of the

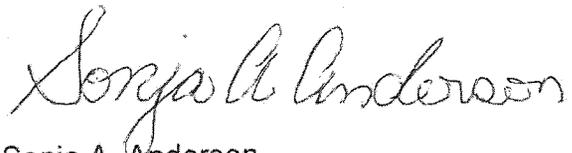
underlying assumptions used to generate the water and hydropower outputs for this study may need to be revisited and/or revised.

- (5) Reclamation is currently in the process of reallocating the costs of the "Base" Central Valley Project facilities. The outcome of this effort could potentially affect not only the costs assigned to each authorized project purpose, but in addition, with respect to the power function, have an impact on financial feasibility since Reclamation law allows for the reassignment of any capital investment costs which are beyond the ability of the irrigators to repay to be reassigned for repayment to the preference power customers. Consequently, integrating any new costs associated with this new increment block, especially, if a potential for an irrigation cost reassignment opportunity exists, could add additional new financial burdens on the existing preference power customer base.
- (6) Coupled with increased environmental regulatory oversight on the project (e.g., consultation on a new biological opinion, implementation activities associated with the San Joaquin River Restoration Program, the Central Valley Project Improvement Act implementation activities, bypass releases, as well as other Endangered Species Act consultations), it is more likely than not, that in the future, water and hydropower accomplishments for the project, even given this new project addition, will decrease, impacting the price competitiveness of the Federal hydropower product, as the per unit cost of the water and hydropower product from the project would inevitably be expected to increase. These costs could be further exacerbated by increased allocations of project use energy needed to move project water supplies
- (7) Reclamation has a number of other additional initiatives underway which could affect the financial cost and viability of this project. For instance, when costs for the new joint Folsom Dam project are placed into service, as well as a proposed new project to increase storage at San Luis Dam and Reservoir (\$360 million) the water and power customers of the CVP will be facing additional cost burdens.
- (8) An existing legacy transmission contract (Contract No. 14-06-200-2207A), is scheduled to expire in mid-2016, and replacement services through the California Independent System Operator, or from the construction of new transmission infrastructure (estimated at \$300 million) will significantly increase the costs of production faced by irrigators in the San Luis Unit.

Western understands the desire of the Bay Delta Conservation Plan to move forward and to find a solution to the outstanding water resource issues faced by California. However, in order to fully understand the implications of the proposed action, stakeholders need to be aware of other activities which although separate and distinct, may be related and have cumulative impacts which when viewed in their entirety, generate a potentially different view/perspective as to the overall risk profile of the project.

Ultimately, the viability of the project is contingent not only on the anticipated project accomplishments, but any interrelationships that those accomplishments may have with respect to other outcomes of ongoing parallel processes that are currently underway. Thank you for the opportunity to provide comments. We look forward to continuing to work and provide comments on your work products in the future.

Sincerely,



Sonja A. Anderson  
Power Marketing Manager

**From:** Ryan Wulff <[ryan.wulff@noaa.gov](mailto:ryan.wulff@noaa.gov)>  
**Sent:** Friday, May 30, 2014 2:59 PM  
**To:** [bdcpc.comments@noaa.gov](mailto:bdcpc.comments@noaa.gov)  
**Subject:** Fwd: BDCP COMMENTS | Week Ending 05.30.2014  
**Attachments:** 20140527 - Department of Energy, Folsom.pdf; ATT00001.htm; 20140527 - Pasadena Foothills Association of Realtors.pdf; ATT00002.htm; 20140527 - The Greater West Covina.pdf; ATT00003.htm; 20140530 - Diana C. Wood, Sacramento.pdf; ATT00004.htm; 20140530 - Fullerton Chamber of Commerce.pdf; ATT00005.htm; 20140530 - Grace Bull, Lodi.pdf; ATT00006.htm; 20140530 - Montebello Chamber of Commerce.pdf; ATT00007.htm; 20140530 - Rodney Melgard, Pinole.pdf; ATT00008.htm; 20140530 - The Honorable Edmund G. Brown Jr..pdf; ATT00009.htm

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**Date:** May 30, 2014 at 2:55:53 PM PDT  
**To:** Ryan Wulff - NOAA Federal <[ryan.wulff@noaa.gov](mailto:ryan.wulff@noaa.gov)>  
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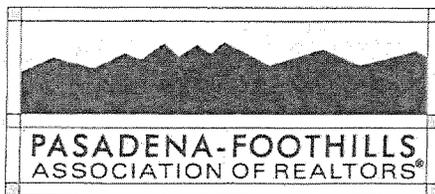
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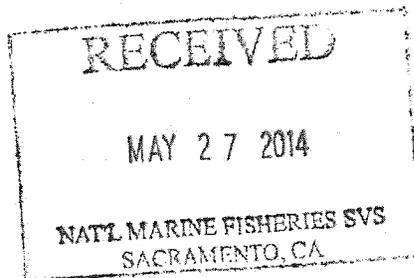
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Anita deGuzman  
*Administrative Assistant*  
NOAA Fisheries \* West Coast Region  
U.S. Department of Commerce

650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814  
916-930-3600 - main  
916-930-3629 - fax

[Anita.deGuzman@noaa.gov](mailto:Anita.deGuzman@noaa.gov)



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May 22, 2014

BDCP Comments  
Ryan Wulff, NMFS  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

Dear Mr. Wulff,

The 2,000 members of the Pasadena-Foothills Association of REALTORS would like to add their voice in support of the Bay Delta Conservation Plan, specifically Alternative #4 as described in the DEIR.

The protection of public water supplies is essential to the long term well-being of all parts of California. It is incumbent on our leaders to insure that water is delivered without interruption. The threat of disaster, the possible impacts of global warming, and the already aged and crumbling infrastructure within the Delta, demand that the state invest to safeguard our water supplies and to protect the delicate Delta ecosystem.

We urge all speed with approval of the DEIR and construction of the water conveyance system described in Alternative #4.

Sincerely,

Sharon Mancillas  
President

**From:** Ryan Wulff <ryan.wulff@noaa.gov>  
**Sent:** Friday, May 30, 2014 2:59 PM  
**To:** bdcpc.comments@noaa.gov  
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NOAA Fisheries \* West Coast Region  
U.S. Department of Commerce

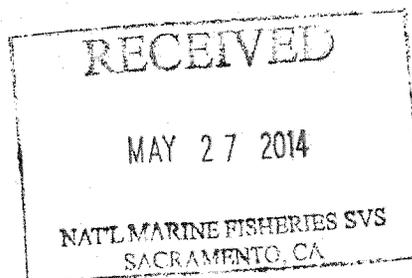
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916-930-3600 - main  
916-930-3629 - fax

*[Anita.deGuzman@noaa.gov](mailto:Anita.deGuzman@noaa.gov)*



May 16, 2014

BDCP Comments  
Ryan Wulff, NMFS  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814



**Re: Support Bay Delta Conservation Plan (BDCP) Environmental Impact Report/Environmental Impact Statement (EIR/EIS) Alternative No. 4**

Dear Mr. Wulff,

The Greater West Covina Business Association (GWC) supports the Bay Delta Conservation Plan and specifically Alternative No. 4 as outlined in the Draft EIR/EIS.

GWC is encouraged by the release of the public draft of the plan and environmental documents. The outcome of this multi-year effort reflects collaboration of public water agencies, state and federal fish and wildlife agencies, business and agricultural stakeholders, local governments and the public.

It is our opinion that Alternative No. 4, which provides for three northern intakes along the Sacramento River, a 9,000 cfs twin-tunnel system conveying water to the existing aqueduct, coupled with a comprehensive habitat conservation plan, is the best option to meet California's co-equal goals of reliability and ecosystem restoration. This proposed tunnel system will protect public water supplies from seismic risk and subsequent saltwater intrusion from San Francisco Bay. The intakes will reduce conflicts between water systems and migrating fish species. Habitat improvements will provide native species with the healthy ecosystem they need to survive.

The Greater West Covina Business Association supports the BDCP and specifically Alt. No. 4, as a workable proposal leading to a plan of action offering seismic protection, supply reliability, habitat restoration, immediate job creation and long-term statewide economic sustainability.

Sincerely,

Monica Farias, President/CEO  
Greater West Covina Business Association

cc: Federal and State Officeholders within the organization's jurisdiction

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**To:** Ryan Wulff - NOAA Federal <[ryan.wulff@noaa.gov](mailto:ryan.wulff@noaa.gov)>  
**Subject:** BDCP COMMENTS | Week Ending 05.30.2014

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Anita deGuzman  
*Administrative Assistant*  
NOAA Fisheries \* West Coast Region  
U.S. Department of Commerce

650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814  
916-930-3600 - main  
916-930-3629 - fax

[Anita.deGuzman@noaa.gov](mailto:Anita.deGuzman@noaa.gov)

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MAY 30 2014

NATL MARINE FISHERIES SVS  
SACRAMENTO, CA

May 26, 2014

Ryan Wulff  
National Marine Fisheries Services  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

RE: Bay Delta Conservational Plan (BDCP) EIR Comment

Dear Mr. Wulff,

I am a native Californian of who has been tracking Western water development and ecological issues since I was a child growing up in Bakersfield. I would like to comment on the BDCP process from the perspective of the basic assumptions that are reflective in the project. As a grandmother, I feel it is my civic and generational responsibility to speak up and at least be counted in my own mind for having done so.

Back in the 1950's, '60's, and even the 70's, there was little farming on the west side of the San Joaquin Valley because there is no natural water source, except groundwater. Lots of oil derricks, but no farming. The soils are notoriously salty and the natural drainage is very poor. However, after 50 years of vast amounts of private and public monies, political hardball and yes, hard work, the west side of the Valley has thousands of acres of permanent nut and fruit trees that require more water per tree than do even grape vineyards.

After attending numerous meetings, forums and studying the issues, I have concluded that the BDCP is a fundamentally flawed plan because it goes against common ecological sense. I know there are many thousands of pages of information in the EIR, however, I can never get past the obvious inverse proposition...**how do we support the restoration of the Delta by taking MORE water out of it?** The Delta, by definition, is a rich transitional environment from fresh to salt water which is collapsing precisely because of water exports over the last several decades. How do we not see a continued increase in the Delta's salinity problems when more fresh water is proposed to be taken out at the 'top' of the Delta? That makes no sense. If state engineers can fashion three sophisticated water intake plants with 'modern', but untested, fish screens, why can they not design modern fish screens for the miserably engineered Tracy pumps? And why are we willing to 'sacrifice' the prime agricultural farmlands of the Delta to subsidize marginal soils on the westside of the San Joaquin Valley that are notoriously salty with very poor drainage causing decades of severe pollution problems?

The BDCP promotes the continued unrealistic projections of water availability from the Northern CA watersheds, while stubbornly denying that climate change is eroding those watersheds. We all know that the precipitation patterns are shifting away from the reliable winter snows, with a slow melt season, to warmer winter storms, as in more rain, less snow and an earlier runoff. We have been spoiled by the historically large snowpacks with a melt season into July and August. Unfortunately, our statewide planning has been based on many decades of what we now know was an unusually 'wet period' historically. According to reputable climate science, the state is in store for more extreme climate events oscillating between 'atmospheric river' super storms (we do need to continue tending flood control infrastructure) to longer and more severe drought events with the devastating consequences.

The agricultural community of the western San Joaquin Valley knows that the soils are poor and that permanent crop infrastructure is expensive and not easily adaptable to drought contingencies. They also loudly tout an anti-government pro-business political perspective that vigorously protests government regulations and at the same time, they are very willing to influence and manipulate the legislative process to get vast amounts of water at taxpayer subsidized prices. Historically this includes huge infrastructure projects, such as, the state and federal aqueduct systems and the San Luis reservoir. Some might call this behavior both hubristic and hypocritical. The obviously arrogant stance of this constituency seems to believe themselves entitled to wrestle the water away from even senior rights holders under the guise of the "co-equal" goals stated in the Delta Plan Act of 2009. Every living creature requires water...everyone, including the flora and fauna. It is not the right or privilege of a few wealthy and well connected folks to essentially 'take' vast amounts of this precious resource without regard for all the other valuable industries and populations that need adequate fresh water supplies to thrive.

We, as human beings of all constituencies, must learn to live within our natural ecological limits. We must grow up and come to terms with the fact that we inhabit a 'Mediterranean' climate for better, and for worse. We do not have unlimited supplies of fresh water, despite all the schemes to pretend that we do. We all need adequate amounts of water to live and thrive and none has a right to 'hog' or waste water, no matter how rich and powerful they are.

**So the obvious question arises...why are we choosing to support and build larger conveyance schemes to irrigate unsustainable crops?** Why are we not being encouraged to develop local and regional conservation strategies to monitor, allocate and conserve these valuable resources, including groundwater, in such a way that protects them for all users, including generations to come?

I am not naive. I know that 'water follows money uphill.' I have worked for government, thus understand laws and regulatory issues at various levels of government. I'm conversant with the historical development of water in the Western U.S. and I follow politics. The complexities of these issues does not escape me, even though I have no formal role in the processes, nor am I a landowner. However, I do know what is ethically right and wrong. Just because someone wants something and they have the money and power to wrestle it away from someone else does not make it right or ethically accountable to future generations.

Water allocation in California is too fundamental to our existence and future prosperity to sit on the sidelines now. As a grandmother, I am compelled to speak up and say that we must come to terms with the limits of this precious resource. There are many advocates for sustainable regional development and preservation of watersheds, including the groundwater aquifers, who have workable plans for their regions. **We owe it to future generations of all species to carefully assess the many needs and uses of this precious resource AND to discontinue the unrealistic and distorted uses of fresh water that do not reflect its preciousness.**

Respectfully,



Diana C. Wood  
P.O. Box 15265, Sacramento, CA 95851

# **L # BDCP737**

- Unused
- Duplicate of \_\_\_\_\_
- Out of Scope
- Other: \_\_\_\_\_

(replace original)

**From:** Ryan Wulff <ryan.wulff@noaa.gov>  
**Sent:** Friday, May 30, 2014 2:59 PM  
**To:** bdcpc.comments@noaa.gov  
**Subject:** Fwd: BDCP COMMENTS | Week Ending 05.30.2014  
**Attachments:** 20140527 - Department of Energy, Folsom.pdf; ATT00001.htm; 20140527 - Pasadena Foothills Association of Realtors.pdf; ATT00002.htm; 20140527 - The Greater West Covina.pdf; ATT00003.htm; 20140530 - Diana C. Wood, Sacramento.pdf; ATT00004.htm; 20140530 - Fullerton Chamber of Commerce.pdf; ATT00005.htm; 20140530 - Grace Bull, Lodi.pdf; ATT00006.htm; 20140530 - Montebello Chamber of Commerce.pdf; ATT00007.htm; 20140530 - Rodney Melgard, Pinole.pdf; ATT00008.htm; 20140530 - The Honorable Edmund G. Brown Jr..pdf; ATT00009.htm

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**From:** Anita Deguzman - NOAA Affiliate <[anita.deguzman@noaa.gov](mailto:anita.deguzman@noaa.gov)>  
**Date:** May 30, 2014 at 2:55:53 PM PDT  
**To:** Ryan Wulff - NOAA Federal <[ryan.wulff@noaa.gov](mailto:ryan.wulff@noaa.gov)>  
**Subject:** BDCP COMMENTS | Week Ending 05.30.2014

I have attached the following nine (9) comments for your review:

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~~~~~  
Anita deGuzman  
*Administrative Assistant*  
NOAA Fisheries \* West Coast Region  
U.S. Department of Commerce

650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814  
916-930-3600 - main  
916-930-3629 - fax

[Anita.deGuzman@noaa.gov](mailto:Anita.deGuzman@noaa.gov)

2208 W. Walnut  
Lodi, CA 95242  
May 25, 2014

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MAY 30 2014

NATL MARINE FISHERIES SVS  
SACRAMENTO, CA

DBCP Comments  
Ryan Wulff, NMFS  
650 Capital Mall, Ste. 5-100  
Sacramento, CA 95814

Sirs:

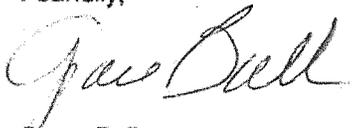
I am very concerned about the building of the DBCP tunnels. Much has been said in its favor--about 14,000 pages-- and much has been said against it, which it seems is only falling on deaf ears. Who wants to hear it anyway? Especially the DBCP.

I would like to scream my fears about the outcome of it all on the Delta. How can all the dirt be dug out without hurting the landscape and the environment around it? The water quality of the Sacramento River and the Delta will be affected as will the farm land around it. Why build wetlands to replace wetlands? Do you care at all about the farmers of the Delta region or only about the ones from the south who will get the water? Let me guess who contributes the most money to whose political campaigns? The Delta farmers didn't even have a representative on the study committee(s).

Then, who will pay for it? Do the farmers in the south really want to pay the \$15 billion pricetag? Even for them, it's a hefty price to pay. And that's not the whole of it. We all know the price will be much higher--maybe twice as much-- before it's over, plus there's maintenance and administration that's not even mentioned. Who will be stuck? The good old taxpayers, that's who. It's a grand scale slight-of-hand. Do the farmers in the south even know how much it will cost them, or do they even care since they know their politicians will hand the bill over to taxpayers and let them sweat while they get off with a grand deal?

The whole thing smells of Bodie. What's good for one part of the state can be devastating to another part. It's happened before and it will happen again if this thing gets rolling, and I'll be glad I won't be around to see it.

Fearfully,



Grace Bull

# L # BDCP739

- Unused
- Duplicate of \_\_\_\_\_
- Out of Scope
- Other: \_\_\_\_\_

(replace original)

**From:** Ryan Wulff <ryan.wulff@noaa.gov>  
**Sent:** Friday, May 30, 2014 2:59 PM  
**To:** bdcpc.comments@noaa.gov  
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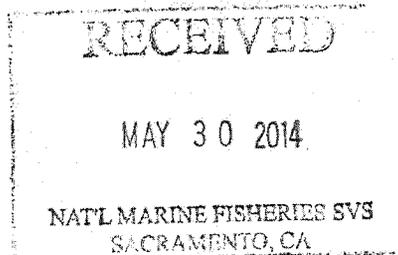
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916-930-3600 - main  
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[Anita.deGuzman@noaa.gov](mailto:Anita.deGuzman@noaa.gov)

May 22, 2014

1000 Alberdan Circle  
Pinole, CA 94564

BDCP Comments  
Ryan Wuff, NMFS  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814



Dear Sir:

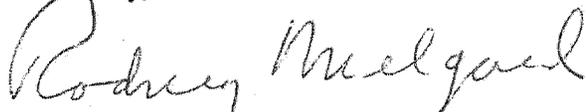
Since the Governor now has two expensive white elephants in tow (water tunnels and high speed trains) I have an idea that would combine these project and justify both of them.

- 1) We will need a lot more water to fill the tunnels than is likely to be available. By the time they are built, global warming will most likely have dried up the water supply. So
- 2) Since the obvious way to provide a safe, quiet and private venue for high speed trains is to put them in a tunnel—then
- 3) use the the tunnels for running the high speed trains to LA.

This approach therefore justifies the unafordable costs of both projects.

I assume the government already has this in mind as a fallback position since they are proposing a two tunnel system—ie, one north bound and one south bound.

Yours truly,

  
Rodney Melgard

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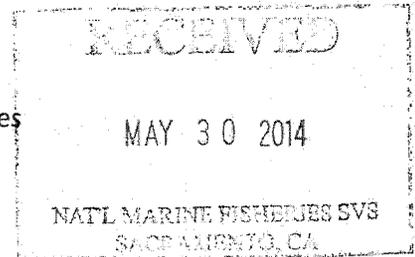
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U.S. Department of Commerce

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916-930-3600 - main  
916-930-3629 - fax

*[Anita.deGuzman@noaa.gov](mailto:Anita.deGuzman@noaa.gov)*

**The Honorable Edmund G. Brown Jr.**  
Governor, the State of California  
State Capitol Building, Suite 1173  
Sacramento, CA 95814

**Mr. Ryan Wulff**  
National Marine Fisheries Services  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814



RE: Concerns over proposed Delta plans

Dear Governor Brown and Mr. Wulff,

I'm writing you today, as a concerned citizen, to ask that any Delta solution that is developed by the State of California does not come at the expense of those who live and work in the Sacramento region. The proposed solutions in the Bay Delta Conservation Plan (BDCP) focus on solving the Delta's environmental problems and Central and Southern California's water supply needs. However, the current draft of the BDCP continues to ignore the needs of Northern California -- upstream of the Delta-- posing serious risks to our economy, environment and quality of life.

In early 2014, I was shocked and saddened by the drought's impacts upon Folsom Lake and the Lower American River. The lake and river are key to the Sacramento region's economy, lifestyle and environment and are crucial in providing water for California's water system and to the Sacramento-San Joaquin Delta.

The current draft of the BDCP's Environmental Impact Statement/Environmental Impact report states that Folsom Reservoir could go to "dead pool" approximately once every ten years as BDCP is implemented. I am very concerned that the State of California is not addressing our region's needs. Folsom Lake is crucial to our water supplies. BDCP acknowledges the possibility of Folsom Lake going dry, but the state is not proactively working towards solving this potential problem.

In this "dead pool" scenario, significant urban populations in Sacramento, Placer and El Dorado counties -- including Granite Bay and the cities of Folsom and Roseville -- would be essentially cut off from critical surface water supplies for several months. This would devastate the region's economy, devalue property and likely lead to depopulation of cities. It would also ultimately devastate the same environment that the BDCP is looking to restore -- the San Francisco- San Joaquin Bay Delta -- . These economic and environmental impacts would not only harm the Sacramento Region, but would harm the entire state.

The Sacramento region's water agencies, cities and counties have worked together on a comprehensive review of the current draft of the BDCP and its related documents, shared their findings with the public and have identified fatal flaws in the current draft of the BDCP. As a concerned citizen of California, I wanted to reiterate the fatal flaws in the current draft of the BDCP below:

- **The current draft of the BDCP is fundamentally inconsistent with existing water rights and contracts held by diverters from Folsom Reservoir** (cities of Roseville and Folsom; and the San Juan Water District). These longstanding water rights and contracts must be observed because they provide a level of certainty that is critical to our region's water supply and economy;

- **The current plan does not meet the basic federal and state criteria to be considered complete.** Among other omissions, it does not address any impacts to the region's lifestyle and livelihood, even though it is required by state and federal law.
- **The BDCP lacks an operational plan for the proposed twin tunnels, and the overall governance of the twin tunnels is unclear.** Without clarity in the BDCP about the operation of the twin tunnels, the impacts to Folsom Reservoir remain unclear and our region continues to face the potential of "dead pool" with no clear solutions.

My family moved to Granite Bay in 1977, another year of draught and very low Folsom Lake levels. At that time there were about 5,000 residents in Granite Bay and about 23,000 in Roseville. Lives and businesses were severely impacted. With the huge growth in this area's population, you can understand the concern of residents if we don't have a reliable water source. The San Juan Water District depends on Folsom Lake to serve its customers. Draining the lake to supply those in other water districts doesn't make good sense.

For the reasons stated above, I believe that the current draft of the BDCP should be considered incomplete at this point. With too many unanswered questions, errors and questionable assumptions, I ask that you direct the Department of Water Resources to do a better and more complete job and provide the public with a document that clearly defines a solution to the Delta and also supports a good, comprehensive water plan for all of California.

Sincerely,

  
Sandra Harris

5911 Reba Drive  
Granite Bay, CA 95746

cc: Rep. Beth Gaines

Senator Ted Gaines

---

**From:** Sheri Bargman <sheribargman@me.com>  
**Sent:** Tuesday, June 03, 2014 9:44 PM  
**To:** BDCP.comments@noaa.gov  
**Subject:** DVD request

Sheri Bargman  
[sheribargman@me.com](mailto:sheribargman@me.com)

Please send me a copy of the DVD offered in your recent email regarding the BDCP EIR/EIS to : Alan Bargman MD  
4471 Driftwood Ct  
Discovery Bay Ca, 94505  
Thank you  
AB

**From:** Robert Ange Crescione <crescione@sbcglobal.net>  
**Sent:** Wednesday, June 04, 2014 6:50 AM  
**To:** BDCP.comments@noaa.gov  
**Cc:** Sophia Lin; doug; Douglass Taber C -FS  
**Subject:** Fwd: PLEASE RECONSIDER!!!

Time is running out! We are told we must make our thoughts known to you by mid-June if we are to have any influence at all with regard to construction of the proposed tunnels to divert water before it goes through the delta. The proposed tunnels will do irreparable harm in so many ways. Please don't do it!

It is clear that the planned diversion will devastate local water quality as well as water supplies. What are you thinking? Why should SoCal and agriculture's needs take priority over NoCal? The correct answer is, they should not!

I'm an avid boaters and fishermen and have always tried to be a good steward of our precious natural resources.

I thought my children, their peers, and my grandchildren to do the same.

I conserve, plan for drought times with my landscaping. Everything is on drip systems. Even my vegetables are in containers.

It seems the more we conserve, the more we are punished with higher fees and diversion of water to the south. Why? Why? Why?

I have friends and family in SoCal and when I travel south in our beautiful state, I notice that more and more of our natural desert is being planted with grapes, or are being turned into water-greedy golf courses.

Also why is it that you see more and larger lawns in the Los Angeles area than you do in the Bay Area? This makes no sense to me. Do we conserve only so that southerners can waste? Seems that way to me.

Another question I have is why don't we see a series of dams and reservoirs being constructed in the southern parts of our fair state? Build dams in the southern half of our state now! That way there could be more recreation areas and more convenient places to grab water to put out wildfires too. Win-win.

Please, please hear our pleas and LEAVE THE DELTA ALONE. These drought times are tough enough on our delta's fragile ecosystems without greedy interests creating more stress on it.

Thank you for hearing me on this subject so near and dear to all of California.  
Sincerely,  
Robert Crescione

BDCP744.

**From:** Davis, Susan <susan.davis@icfi.com>  
**Sent:** Tuesday, June 03, 2014 4:20 PM  
**To:** bdcpc.comments@noaa.gov  
**Subject:** FW: Farmland Reserve Comments on Public Review of BDCP  
**Attachments:** Comments on Public Review Draft of Bay Delta Conservation Plan EIR. May 21 2014.pdf;  
Farmland Reserve, Inc.'s Comments on Public Review Draft of Bay Delta Conservation  
Plan EIR. May 22 2014.pdf

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Susan Davis | Sr. Project Manager | 916.737.3000 | [SusanDavis@icfi.com](mailto:SusanDavis@icfi.com) | [icfi.com](http://icfi.com)

---

ICF INTERNATIONAL | 630 K Street, Suite 400, Sacramento, CA 95814 | 916.737.3030 (f) | [www.icfi.com](http://www.icfi.com)



Please consider the environment before printing this e-mail.

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**From:** Morrow, Michelle@DWR [<mailto:Michelle.Morrow@water.ca.gov>]  
**Sent:** Tuesday, June 03, 2014 4:11 PM  
**To:** Davis, Susan  
**Subject:** FW: Farmland Reserve Comments on Public Review of BDCP

Did you get these?

**BARTKIEWICZ, KRONICK & SHANAHAN**

BDCP 744

PAUL M. BARTKIEWICZ  
STEPHEN A. KRONICK  
RICHARD P. SHANAHAN  
ALAN B. LILLY  
RYAN S. BEZERRA  
JOSHUA M. HOROWITZ  
KATRINA C. GONZALES  
ANDREW J. RAMOS

A PROFESSIONAL CORPORATION  
1011 TWENTY-SECOND STREET  
SACRAMENTO, CALIFORNIA 95816-4907  
TEL. (916) 446-4254  
FAX (916) 446-4018  
E-MAIL [bks@bkslawfirm.com](mailto:bks@bkslawfirm.com)

JAMES M. BOYD, JR., Of Counsel

May 22, 2014

**VIA U.S. MAIL**

Mr. Mark Cowin  
Director  
California Department of Water Resources  
P.O. Box 942836, Room 1115-1  
Sacramento, CA 94236-0001

Re: Farmland Reserve, Inc.'s Comments on Public Review Draft of Bay Delta  
Conservation Plan EIR

Dear Director Cowin:

Enclosed is a copy of Farmland Reserve, Inc.'s ("FRI") preliminary comments on the potential impacts of the Bay Delta Conservation Plan ("BDCP") and its related EIR/EIS on the Byron Ranch. This letter provides context for FRI's comments and reiterates FRI's continuing interest in working with the Department of Water Resources on an acquisition of the Byron Ranch.

As you may recall, FRI owns the Byron Ranch, an approximately 3,440-acre agricultural property immediately northwest of Clifton Court Forebay. The BDCP public draft proposes siting the proposed conveyance facilities' final segment on a portion of Byron Ranch, including the twin tunnels' exit shaft and appurtenant facilities. In October 2013, representatives of FRI and DWR met to discuss the potential location of BDCP facilities on Byron Ranch and DWR's potential acquisition of property interests in Byron Ranch. At that meeting, FRI expressed its interest in cooperating with DWR on BDCP activities involving the ranch and in entering into a "friendly negotiation" with DWR for an acquisition of the Byron Ranch.

In the attached comment letter submitted to the BDCP, FRI describes its concerns about how the twin tunnels might impact Byron Ranch and FRI's ability to operate the remainder of the ranch if BDCP were implemented. Because those impacts would be potentially significant, and Byron Ranch is located adjacent to DWR's operations at Clifton Court Forebay, FRI believes that the BDCP would benefit from DWR acquiring a fee simple interest in all of Byron Ranch. Regardless of the filing of its comments, which FRI must do to protect its interests in the Byron Ranch, I wanted to take this opportunity to reiterate FRI's strong interest in continuing its

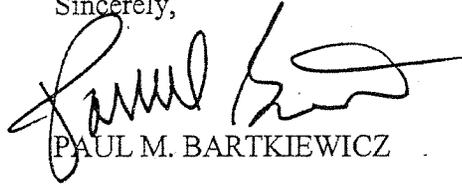
Mr. Mark Cowin  
May 22, 2014  
Page 2

BDCP744

discussions on issues affecting the ranch and in further cooperating with DWR staff as the BDCP process continues.

Please contact me if you have any questions regarding these issues.

Sincerely,



PAUL M. BARTKIEWICZ

PMB:tmo

Enclosure

cc: James Mizell, III, Office of Chief Counsel ✓

BDCP744

**Farmland Reserve, Inc.**

79 South Main Street, Suite 1000  
Salt Lake City, UT 84111  
(801) 715-9195

May 21, 2014

**VIA U.S. MAIL**

BDCP Comments  
Ryan Wulff, NMFS  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

Re: Comments on Public Review Draft of Bay Delta Conservation Plan EIR

Dear Mr. Wulff:

Thank you for the opportunity to comment on the public review draft of the Bay Delta Conservation Plan ("BDCP") and its related EIR/EIS. This letter presents Farmland Reserve, Inc.'s ("FRI") preliminary comments on the BDCP.

FRI owns Byron Ranch, an agricultural property comprising approximately 3,440 acres in southeastern Contra Costa County. The southeastern edge of the ranch is immediately north of Italian Slough and northwest of Clifton Court Forebay. The northern edge of the ranch is near Discovery Bay. Byron Ranch puts approximately 3,300 acres to productive use for growing feed crops and pasture.

Because BDCP would site the proposed conveyance facilities' final segment on Byron Ranch, including the twin tunnels' exit shaft and appurtenant facilities and significant construction-related facilities, FRI is potentially one of the most impacted private landowners from the proposed conveyance facilities. While FRI believes that the BDCP project as proposed will cause significant permanent and long-term impacts to Byron Ranch (which likely would require the BDCP to compensate FRI for acquisition of Byron Ranch property interests), there is insufficient detail about the plan's facilities and analysis of their impacts for FRI to determine the full extent of how those facilities would affect FRI's operation of Byron Ranch and impacts to its value.

#### **A. Summary of Proposed BDCP Impacts to Byron Ranch**

The public draft of BDCP proposes significant impacts to Byron Ranch if the preferred BDCP alternative, referred to as Alternative 4 or the Modified Pipeline/Tunnel Alignment, were implemented. Those impacts would include:

- permanent siting of the shaft terminus of the two large tunnels that would be built under the Delta;
- permanent siting of a siphon to move water from the shaft terminus into the northern cell of Clifton Court Forebay;
- permanent siting of an access road across Byron Ranch to the shaft terminus and related structures;
- stacking of excavated tunnel muck, or reusable tunnel material ("RTM"), on Byron Ranch for dewatering, treatment, and storage, including possible long-term or permanent storage;
- construction of a 40-acre concrete batch station near the proposed shaft terminus during construction of the new conveyance facilities;
- construction of a 2-acre temporary fueling station during construction of the new conveyance facilities; and,
- construction of temporary barge unloading facilities on Byron Ranch, which presumably would involve the transport and delivery of a variety of hazardous materials.
- In total, BDCP plan elements would impact approximately 963 acres of Byron Ranch, or 28 percent of ranch lands.

#### **B. Insufficient Information on Potential Project Impacts**

Alternative 4's modified pipeline and tunnel alignment would divert water through three intakes near Clarksburg and move it south to Clifton Court Forebay through a series of tunnels and pipelines. (See BDCP EIR, Figure M3-4.) BDCP would site the permanent shaft terminus and related structures on the southeastern corner of Byron Ranch to the northwest of the existing Clifton Court Forebay. (See BDCP EIR, Figure M3-4, Sheet 11.) However, the public draft of BDCP lacks a detailed description or analysis of the shaft terminus and related structures, including their likely footprint. Without a more-specific description of the plan elements that would be sited on Byron Ranch, there is no way for FRI to determine what the scope of the direct and indirect impacts to the ranch would be and if those impacts have been properly analyzed and mitigated.

Byron Ranch diverts and uses surface water from points of diversion on Old River, Italian Slough, and Dredger Cut pursuant to a riparian right and two water right permits. The siting of permanent structures in the southeastern corner of Byron Ranch could affect FRI's ability to use its existing facilities to divert and use surface water from Italian Slough, which runs along the southern boundary of the ranch. The BDCP EIR does not provide sufficient information on the extent to which the project would impact these water supplies.

The public draft of BDCP also proposes to control the amount of water in Old River to prevent blowout of the embankments around Clifton Court Forebay. (BDCP EIR 3C-41.) Without more information, however, FRI cannot evaluate whether those actions would interfere with FRI's diversion of water from Old River for use on Byron Ranch.

### **C. Insufficient Information on Potential Project Construction Impacts**

The public draft proposes RTM generated by tunnel boring, would be stored on an undetermined number of acres on Byron Ranch. (BDCP EIR Figure M3-4, Sheets 12 and 13.) Based on the available maps, it appears that approximately 930 acres of the ranch would be affected. In addition, leachate would drain from the RTM areas into a leachate collection system, which would then be pumped to leachate ponds for possible additional treatment. (BDCP EIR 3C-55.) There is not sufficient information in the BDCP EIR to determine how DWR would ensure that RTM leachate will not leak and contaminate Byron Ranch over the 10-year timeline for construction of the conveyance facilities. The BDCP also states that it is possible RTM cannot be treated or transported, and therefore might be permanently sited on Byron Ranch and covered by stored topsoil. (BDCP EIR 24-143 to 144.) The BDCP EIR does not provide sufficient information on the impacts of permanent storage of hazardous RTM on Byron Ranch.

BDCP also proposes to site a 40-acre concrete batch plant and a 2-acre fuel station near the shaft terminus on Byron Ranch. (See BDCP EIR 3-30 and BDCP EIR Figure M13-4.) Bulk fuel would be stored and would potentially pose the risk of contaminating Byron Ranch land and groundwater from spills and leakage. (BDCP EIR 24-137.) There is insufficient information in the BDCP EIR on potential impacts from spills and leaks. (BDCP EIR 24-138 to 24-140.)

In addition, BDCP proposes to construct a temporary barge unloading facility on Byron Ranch. (BDCP EIR 3-115 and Figure M13-4, Sheet 6.) BDCP assumes that barge activities would take place on levees using a ramp barge in conjunction with a crane/excavator barge or a crane or excavator positioned on or near the levee. (See BDCP EIR 3-115.) There is no information in BDCP concerning the number of barges or frequency of unloading at Byron Ranch. Presumably, this activity would be related to delivery of supplies for the concrete batch plant, fuel for the fuel station, and possibly RTM. One or more of these activities would involve the transportation and unloading of hazardous materials on Byron Ranch, which increases the potential risk of releases of hazardous materials on the ranch. There is insufficient information and analysis about the scope of the barge-related activities and the risk of those activities for FRI to determine what impacts would occur at Byron Ranch and if those impacts would be properly mitigated to a level of insignificance.

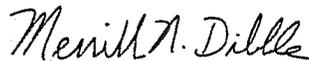
### **D. Conclusion**

The preferred BDCP alternative would create potentially significant permanent and temporary impacts on Byron Ranch. However, the public drafts of the BDCP and EIR/EIS do

not provide sufficient information for FRI to be informed as to the full extent of direct and indirect impacts and proposed mitigation measures. As noted, it appears that DWR will need to acquire significant property interests from FRI to implement the proposed project. Additional information on project impacts and mitigation measures is necessary for FRI to evaluate the extent of Byron Ranch property interests that might be impacted (and consequently acquired or compensated for) by the proposed project.

FRI appreciates your attention to these comments and looks forward to your response.

Sincerely,



Merrill N. Dibble  
Vice President, California Operations

MD:

cc: Mark W. Cowin, Director, DWR  
James Mizell, III, DWR, Office of Chief Counsel

**From:** Alicia Jamar <AJamar@co.tuolumne.ca.us>  
**Sent:** Wednesday, June 04, 2014 11:56 AM  
**To:** NMFS Ryan Wulff (BDCP.Comments@noaa.gov)  
**Subject:** Bay Delta Conservation Plan and EIR/EIS  
**Attachments:** WulffLtr.pdf

*Dear Mr. Wulff-*

*Attached is correspondence that the Tuolumne County Board of Supervisors approved on June 3, 2014, commenting on the Draft Bay Delta Conservation Plan and associated Draft Environmental Impact Report/Environmental Impact Statement.*

*Thanks,*

*Alicia L. Jamar*

*Chief Deputy Clerk of the Board of  
Supervisors of Tuolumne County  
(209) 533-5521*

Tuolumne County  
Administration Center  
2 South Green Street  
Sonora, California 95370



BDCP74S  
Alicia L. Jamar, *Chief Deputy  
Clerk of the Board of Supervisors*

Telephone: (209) 533-5521  
Facsimile: (209) 533-6549  
www.tuolumnecounty.ca.gov

## **BOARD OF SUPERVISORS COUNTY OF TUOLUMNE**

Sherri Brennan, *First District*  
John L. Gray, *Fourth District*

Randy Hanvelt, *Second District*

Evan Royce, *Third District*  
Karl Rodefer, *Fifth District*

*June 3, 2014*

Ryan Wulff, NMFS  
650 Capitol Mall - Suite 5-100  
Sacramento CA 95814

Re: Comments on Bay Delta Conservation Plan and EIR/EIS

Dear Mr. Wulff:

Thank you for accepting these comments from Tuolumne County on the Bay Delta Conservation Plan (BDCP, or the Plan) and related EIR/EIS. Our comments will be divided into two parts, first on the Plan itself and, second, on the EIR/EIS. Our comments are not intended to be exhaustive and do not touch on all aspects of the Plan or EIR/EIS but, rather are limited to fundamental points of primary concern to residents of Tuolumne County.

### **THE PLAN**

#### **Implementing Agreement**

Chapters 6 and 7 of the Plan deal generally with implementation of the Plan. Both chapters make reference to an "Implementing Agreement". We are unable to find in the Plan any precise definition or description of the purpose of an Implementing Agreement, but we understand that in connection with both Habitat Conservation Plans under the Federal Endangered Species Act and comparable provisions under State law, Implementing Agreements are to assure that ESA permit holders will follow through on their mitigation obligations and applicable permit conditions and requirements. In addition, it appears from Chapter 7.1.1.3 (see lines 14 and 15 on page 7-8) that the BDCP Implementing Agreement is intended to include the all-important "funding commitments" related to BDCP. We further note that Chapter 6.3.2 provides that within 30 days of receipt of the draft plan the Permit Oversight Group will review the draft plan and confirm that it is consistent with the provisions of the Implementing Agreement. The draft plan has been out since December 2013, so it would appear that there is already a serious case on non-compliance with Plan provisions.

Nowhere in the Plan is there found even a draft of a proposed Implementing Agreement. Rather, on May 5, 2014 BDCP released an announcement suggesting that drought related commitments have delayed release of the Implementing Agreement, and giving assurances that it would be released "prior to the release of the final BDCP and associated Final EIR/EIS." That suggests that the public will not see the Implementing Agreement until after the close of the comment period on the Plan and EIR/EIS on June 13, 2014. That seems to defeat the purpose of providing the public with the opportunity to comment on the details of what is probably the most ambitious (and expensive) infrastructure project in the State's history.

Finally, we find curious the May 5 announcement that the drought is responsible for the delay in releasing the Implementing Agreement. We understand that a member of the public utilized the Freedom of Information Act and has obtained a draft Implementing Agreement prepared in July 2013 by a San Francisco based law firm. We believe BDCP owes the public a more detailed explanation as to why the Implementing Agreement has not been made public, and we believe that the comment period now scheduled to close on June 13, 2014 should be extended for a minimum of 30 days following public release of the Implementing Agreement.

### Costs and Funding Sources

Chapter 8.2.7.1 estimates the total capital cost of BDCP to be \$24.9 billion, and we note parenthetically that this does not include interest on related debt and truly must be considered an estimate, as we understand that the engineering work for BDCP is only at the 10% level. Table 8-37 breaks down projected funding sources as being 68.4% from water contractors, 16.6% from State sources (primarily General Obligation bonds yet to be approved by the voters), and 14.3% from various Federal sources. Thus, it would appear that about \$8 billion of the estimated pre-interest capital cost is to be borne by the taxpayers of California and the United States.

Tuolumne County residents pay both State and Federal taxes. Yet, as hard as we try, we find nothing in BDCP that is of any benefit to Tuolumne County whatsoever. To the contrary, as we discuss below, it is likely that implementation of BDCP will result in the State Water Resources Control Board (SWRCB) looking at sources in Tuolumne County to provide replacement fresh water for the Delta to make up for the Sacramento River water that the Tunnels component of BDCP will route under the Delta. It is simply inequitable to ask residents of Tuolumne, or any other County that gets no benefit from BDCP, to shoulder any portion of the State and Federal funding sources of BDCP.

THE EIR/EIS

**The Failure to acknowledge that the Tunnels will increase the pressure to take further Foothill and Sierra water supplies for the Delta**

Commenting on the EIR/EIS from the point of view of Tuolumne County is somewhat like attempting to do what many say can't be done --- proving a negative. That is the case because in none of the chapters of the EIR/EIS where we would expect to see our concerns addressed is there any explicit acknowledgement of what we believe to be a serious issue. A review of chapters 5 (Water Supply), 6 (Surface Water), 8 (Water Quality) and 15 (Recreation) does not result in finding any mention of the likelihood that new sources of fresh water will be sought to replace the water that the Tunnels called for by BDCP will convey underground rather than through the Delta.

The SWRCB on August 3, 2010 by Resolution 2010-0039 found that from a fishery protection perspective significantly greater flows of fresh water are needed in the Delta. See – [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/deltaflow/docs/final\\_rpt080310.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/docs/final_rpt080310.pdf). Yet the Tunnels proposed in BDCP would further reduce fresh water flows in the Delta. It is likely, if not inevitable, that SWRCB would look for new sources of flows into the Delta. The obvious source would be up-river reservoirs in the foothills and high Sierra; specifically Don Pedro on the Tuolumne River and New Melones on the Stanislaus. Both rivers have their origins in Tuolumne County. This could amount to one of the greatest diversions of water supply and encroachment on established water rights in the State's history. Further, it would have a severe negative impact, not just on water supply and water quality in our county, but also on local recreation and tourism activities and future growth potential.

**The Failure to Consider Improved Forestry Management Practices as an Alternative**

We find the alternatives included in Chapter 3 of the EIR/EIS to be little more than modest variations of the Preferred Alternative of the Tunnels. We suggest that more imaginative alternatives to the Tunnels exist for dealing with California's chronic water shortages.

It is no secret that 60% of California's developed water supply and 50% of the flow into the Delta comes from the Sierra(<http://www.sierranevadaconservancy.ca.gov/our-region/sierra-water-supply-connection/sierra-delta-connection>). And there is a growing body of research that indicates that improved forestry management practices

Ryan Wulff, NMFS  
June 3, 2014  
Page 4

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can materially increase water yields from our forests (for example, see <https://eng.ucmerced.edu/people/rbales/CV/Talks/1204.1>) We believe that a through analysis of the potential for significantly increasing the water yield from the Sierra should be considered and included as an alternative to the exceptionally expensive and equally controversial Preferred Alternative of the Tunnels.

Sincerely,



Evan Royce  
Chairman

cc. BDCP.Comments@noaa.gov

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR  
Clerk of the Board



**From:** Al Kottman <alwaysal2@yahoo.com>  
**Sent:** Wednesday, June 04, 2014 11:14 AM  
**To:** BDCP.Comments@noaa.gov  
**Cc:** alfredkottman@sbcglobal.net  
**Subject:** Drain the Delta Campaign with Three Canals

BDCP

The Delta is a natural wonder, as much so as Yosemite, Yellowstone, etc. And for some unknown reason it's magnificence is not recognized or popularized. As a lifetime sailor and boater, I saw its beauty forty years ago flying over the Delta and visiting the Meadows. Since then it has declined dramatically and it saddens me greatly to see how we are passing on to future generations what will become a cesspool of excrement. First you were advised not to eat fish from the Delta now you are advised not to swim in it. Much too hazardous to your health, they say.

What are you thinking? Perhaps you want the salt water intrusion to continue as it surely will accelerate with climate change, raising ocean levels. Then the only choice will be desalination operations after it is too late to stop the disaster that will surely occur.

Desalinization operations should developed where the water is needed ; no need for costly transportation and turnels. Tell me why not?

Al Kottman  
P.O. Box 192  
Lincoln, CA 95648  
Phone/Fax 916 543-8151

**From:** Douglas E Williams <doug@weldengineers.com>  
**Sent:** Wednesday, June 04, 2014 4:09 PM  
**To:** BDCP.comments@noaa.gov  
**Cc:** Lulu Williams  
**Subject:** Draft BDCP comments

Regardless of the addition of any new water conveyance, the fact remains that there is only a finite amount of water available that passes, or could pass, through the Delta. The BDCP does not solve the water problems that arise from the over-commitment of this resource.

The current status of Northern California water exports to Southern California is clearly a major part of the problem, and correction of this imbalance must be part of the solution. Although alternatives to Northern California water have been considered by many Southern California water agencies, some of the most significant and useful options have not been implemented, primarily because the cost cannot be justified. The costs cannot be justified because the water prices are artificially low and do not reflect the actual value of water in Southern California or its cost to Northern California. For example, water desalination plants have been considered by many Southern California water agencies, but none has been built. This clearly means that the exported water is too cheap.

The document indicates that the water agencies will pay for 100% of the CM1 water facilities and operations. Unfortunately, this will not only continue the status quo, but the financial commitment will provide an even greater incentive for the Southern California water agencies to rely heavily and exclusively on Delta water exports. The greater potential capacity of the new tunnel system suggests that these exports will not diminish, but will likely increase long term. This is the wrong direction to take to attempt to solve the Delta water crisis.

Any new Delta infrastructure should be coupled with mandated requirements that the amount of water exported, particularly to Southern California, diminish over time. Long term reductions can be accomplished by increasingly strict water conservation and by new desalination plants, for example. An appropriate method to ensure long term reductions is to increase the cost of water exports beyond the Sacramento-San Joaquin watershed to appropriately reflect the actual cost of the water, including not just conveyance, but the effective cost of replacing that water. Lower water tables, species protection, salinization of the Delta, farm production in the Sacramento and San Joaquin valleys and forced water quotas are some of the actual costs and burdens incurred in Northern California that must be factored into the ultimate cost for the Southern California user. If the actual cost reflected this real cost, justification for the construction of desalination plants and other measures would be assured, reducing reliance on this precious resource.

Douglas E. and Louise K. Williams  
721 Ocean Ave.  
Richmond, CA 94801  
510.235.9353  
Fax: 510.232.9546  
[douglasewilliams@sbcglobal.net](mailto:douglasewilliams@sbcglobal.net)

**From:** h W Werhan <werhan@citlink.net>  
**Sent:** Thursday, June 05, 2014 3:32 PM  
**To:** BDCP.comments@noaa.gov  
**Subject:** Comments on tunnels

Gentlemen: As a resident of Walnut Grove, in the Delta, I would like to express my intense opposition to the plans for the tunnels. Here are several reasons:

1. The incalculable disruption in the quality of life and convenience of the many local residents and farmers in the Delta, during the construction process.
2. The skepticism surrounding the funding and motivation to do anything meaningful to restore or maintain the health of the area.
3. The intrusion of salt water from the Bay Area, when the tunnels are in use, since they restrict the flow of water through the Delta, unlike the present system.
4. The fact that the Los Angeles and San Diego water suppliers are involved in the planning is proof of the true objectives of the plan.

It is obvious that the current system of water withdrawal from the Delta is responsible for the decline in its ecological health, but it is also obvious that the new diversion locations will exacerbate the decline.

Wilson Werhan, Walnut Grove werhan@citlink.net

**From:** Jack Hawks <jhawks@calwaterassn.com>  
**Sent:** Friday, June 06, 2014 9:44 AM  
**To:** BDCP.comments@noaa.gov  
**Subject:** BDCP Documents

Please send me a DVD copy of the BDCP documents. Thanks in advance.

*Jack Hawks  
Executive Director  
California Water Association  
601 Van Ness Ave., Suite 2047  
San Francisco, CA 94102  
415.561.9650  
415.561.9652 fax  
415.305.4393 cell  
[www.calwaterassn.com](http://www.calwaterassn.com)  
[jhawks@calwaterassn.com](mailto:jhawks@calwaterassn.com)*

**From:** ejeanward <ejeanward@gmail.com>  
**Sent:** Friday, June 06, 2014 11:35 AM  
**To:** BDCP.comments@noaa.gov  
**Cc:** Roderic Ward  
**Subject:** the tunnels

I cannot believe that anyone thinks that the proposed huge twin tunnels will not seriously damage the delta's health and environment. To divert the amount of water proposed from the Sacramento River cannot help but enable considerable salt water intrusion into the delta waterways. This will, of course, destroy existing farmlands and the livelihood of those farmers.. Not to mention the complete disruption and destruction of our beautiful delta.To call this a "conservation plan" is laughable.

Please reconsider this truly terrible plan. Thank you, most sincerely, Jean Ward