From: Lynn Yanko <lyanko@lusd.net>
Sent: Thursday, July 24, 2014 10:03 PM
To: BDCP.comments@noaa.gov
Subject: Bay Delta Conservation Plan

Dear Mr. Wulff,

I have serious concerns regarding the implementation of the plan. How is the health of the Delta enhanced by removing fresh water from the Delta? It is important for the ecology of the Delta that fresh water levels be maintained. Increased salinity in the Sacramento/San Joaquin Delta means death to farms and death to fish.

This marsh land that you have planned in incomprehensible to me. The Sacramento/San Joaquin Delta grows food for all over California and the world. What farm land is going replace the thousands of acres you plan to put under water? Who is going to feed the world? The arid ground of the Southern California farms is planted with water sucking cash crops like almonds. What about asparagus, cherries, peaches, tomatoes, berries: the nutritious food the human race needs to survive? That depends on Delta soil. What happens to the farmers and the economy of the Sacramento/San Joaquin Delta communities?

The building of these tunnels is in an area where the ground contains the spores of Valley Fever. Has this risk been studied? This is a serious health risk which needs to be considered before digging up this ground and spewing the Valley Fever spores into the community at large.

Lastly, the twin tunnels DO NOT PROVIDE ANY new water. It is not prudent to invest in a system that basically is a "shell game" with the water of California. Let's put some energy and investment into systems that contain rain water (when it is available) and engage every California in water conservation efforts.

Please respond to my comments as soon as possible.

Sincerely,

Lynn K. Yanko
Lifelong Californian

From: Deborah Dugger <tuffstfff@gmail.com>
Sent: Thursday, July 24, 2014 1:46 PM
To: BDCP.comments@noaa.gov
Subject: Twin Tunnels project across the Delta..needs more discussion regarding seismic issues...and how they are addressed

Please..extend this deadline…so these issues…can be illuminated…given the elluvial deposits…and the sediments in the river..If…there is a "big shake"…it will sink…Is it being built on bedrock?…Who has done the foundation studies? Have they any experience…with foundation recommendations dealing with 'The fault lines..and previous..issues…in the fault ridden..areas`` of Northern California…'It's not our fault..won't work…given the Loma Prieta Quake... where bridge collapses occurred…and highways "pancaked'..that were not supposed to be affected..Have we come up with a "good foundation..for these projects?…I would ike to hear more…Please extend the deadline?...

From: Don Heatlie <donheatlie@gmail.com>
Sent: Friday, July 25, 2014 9:07 AM
To: BDCP.Comments@noaa.gov
Subject: Delta Tunnels

Really! Two forty foot tunnels will fix the delta?

Nothing lives in tunnels!

For the cost to build these two tunnels, the state could build 10 large dams in the foothills along the Sacramento River to store surface water diverted from the river during above normal water years. Then the water could be released during low water years to help flush the delta with fresh water.

Or, the state could build 30 desalination plants along the coast to provide fresh water to municipalities/farmers reducing the burden on the fresh water that is needed to flow through the delta to maintain its health.

I have stood at the Walnut Grove bridge on the Sacramento River last fall and watched the influence of the tides push the Sacramento River "up-hill." There was not enough fresh water flowing down the Sacramento River to keep the ocean at bay. Diverting water upstream will only cause the salt water intrusion to worsen. Once salt water enters our delta, we will need to change the Sacramento/San Joaquin Delta name to the Sacramento/San Joaquin **Estuary**. Farmers that grow America's food in the Delta region needs fresh water. Corn does not grow with Salt Water. Grapes do not grow with Salt Water. Tomatoes do not grow with salt water. Asparagus does not grow with salt water. Pears do not grow with salt water. Safflower does not grow with salt water. Alfalfa does not grow with salt water. Melons do not grow with salt water. Nothing farmed in the Delta region grows with salt water!!! The Delta needs more fresh water!!!

The two proposed tunnels will not add any additional water to our already tapped water supply. The water diverted into the tunnels can already be diverted with the existing delta waterways to get water into the canals that take water to the south. **We need more fresh water to flow through the Delta to maintain and improve the Delta's health. This can only be done by creating new water supplies by creating additional water storage or building desalination plants. Lets use valuable taxpayers dollars in a smarter way that will actually benefit the delta, municipalities, and farmers. Lets scrap the expensive tunnel idea that could potentially cause more harm than good, and not add any additional water for our thirsty state and Delta.**

Sincerely,

Don Heatlie
Taxpayer
Delta User
Food consumer

From: cavecche@gmail.com on behalf of Carolyn Cavecche <carolyn@octax.org>
Sent: Friday, July 25, 2014 10:30 AM
To: bdcp.comments@noaa.gov
Subject: OCTax Public Comments
Attachments: OCTax BDCP Support Letter.pdf

Attached please find a support letter to be entered into public comments from OCTax
Yesterday the wrong document, an inner-staff briefing memo, was sent by mistake as our comments. Please disregard and enter this letter as the official comment letter from the Orange County Taxpayers Association. My sincere apologies for our mistake. Thank you.

Carolyn Cavecche

President and CEO

Orange County Taxpayers Association

PO Box 5881 - Orange, CA 9863

Tel: 714-478-9399 - carolyn@octax.org

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BDCP1546

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P.O. Box 5881, Orange, CA 92863
phone (714) 289-1092 • www.octax.org

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

July 25, 2014

Re: Support BDCP EIR/EIS Alternative #4

Dear Mr. Wulff,

On behalf of the Orange County Taxpayers Association, I am writing to express our organization'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).

OCTax officers and members have been closely watching the BDCP process. We are 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. 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. We believe that Alternative #4 is the best alternative to meet California's co-equal goals of water supply reliability and Delta ecosystem restoration. This plan balances the competing demands of the Delta's resources and protects the water supply for the state.

The construction of new water intakes and related 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. Habitat improvements will provide native species with the healthy ecosystems they need to survive. 50 years of regulatory stability will protect an estimated 1.1 million jobs throughout the state and create more than 177,000 jobs from construction projects and environmental restoration.

Southern California is rebuilding its aging infrastructure to ensure its water supplies are reliable. We need the same kind of investment in the State Water Project to safeguard our imported supplies. A project of such magnitude will require some difficult decisions and compromise between stakeholders with varying priorities. However, California cannot sit idly by and wait for disaster. In addition, the demand for water will continue to grow, even as we employ new methods of water conservation.

We support the BDCP, and specifically Alternative #4, as a workable draft proposal that can lead to a final successful plan of action because it offers the best solution to minimize seismic risk to our state's water supply infrastructure while restoring the Delta's ecosystem.

Sincerely,

Carolyn Cavecche
CEO and President, Orange County Taxpayers Association

From: Friends of the River <info@friendsoftheriver.org> on behalf of Natalie Stameroff <info@friendsoftheriver.org>
Sent: Friday, July 25, 2014 8:58 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

Jul 25, 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.

Please do not act without first understanding the consequences. I understand southern California needs more water but potentially destroying the bay delta will not solve this problem. Solutions must come from conservation, increased awareness, and improved water management in local areas.
You have the power to see that what was once one of the largest estuaries in the world is not destroyed forever. I am speaking for myself and for many others who do not have the time or resources to access this information.

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. Natalie Stameroff
142 Bixby St
Santa Cruz, CA 95060-5149

From: Gilbert Labrie <GLabrie@dccengineering.net>
Sent: Thursday, July 24, 2014 10:01 PM
To: bdcp.comments@noaa.gov
Subject: BDCP EIR/EIS Comments from Staten Island and RD 38
Attachments: NMFS_BDCP_EIREIS_2014CommentLtr.PDF

Ryan,

Attached are my comments on the subject draft documents that have been distributed for comments.

A hard copy will also be mailed.

Gil Labrie, District Engineer, RD 38
ph 916-776-9122
cel 707-486-5774

Gilbert Labrie, AIA, Architect
Architecture • Engineering • Consulting
Permitting • Planning

BDCP1548

July 22, 2014

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

Subject: DRAFT BDCP and BDCP EIR/EIS comments for Staten Island and Reclamation District 38

Upon review of the Draft BDCP and the Draft BDCP EIR/EIS, we have determined that the analysis of environmental impacts of the Bay Delta Conservation Plan is incomplete and inadequate.

Overview

In order to fully realize the impacts of the proposed BDCP, the entire project must be presented. As a Habitat Conservation Plan and Natural Community Conservation Plan, the BDCP fails to identify specific locations where all of the proposed Conservation Measures (CMs) are expected to take place. CM 1, Water Facilities and Operation, is the only measure that has specific locations, thus potential impacts can be studied, evaluated, and ultimately mitigated.

The CMs that propose habitat restoration, CM 2-11, and those that have physical components to guard against other stressors, CM 16 to 18, and 21 do not have specified locations. Multiple areas in the BDCP EIR/EIS state that locations for these activities have not been selected and thus the effects are unknown. These later CMs will likely impact a considerable amount of productive land within the Delta that is not currently dedicated and managed as habitat. Such a change in land use will have significant impacts on the Delta economy, the legacy towns and the *Delta as Place*. Consequently, the potential success of these Conservation Measures as part of a HCP/NCCP cannot be evaluated by State and Federal permitting agencies without any specific location information, nor can any adverse impacts be assessed.

The EIR/EIS only provides a superficial and general overview of impacts of the Conservation Measures beyond CM 1. This is due to the lack of specific conservation measure location information. The Final BDCP EIR/EIS should include this level of detail and impact analysis in order to identify any mitigation strategies to reduce impacts to less than significant levels.

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Post Office Box 183 • Walnut Grove, California 95690 • (916)776-1161 • Fax (916)776-2282

There is an overall lack of consideration of adverse impacts on local LMA's and their ability to maintain and manage the reclamation works and levee systems within their jurisdiction. When searching in the document for impacts on human safety, which would occur, when levees are compromised as a result of BDCP implementation, Chapter 25: Public Health redirects readers to Chapter 6: Surface Water. Chapter 6 provides very little on adverse impacts to the levee systems and potential flooding concerns. The document is incomplete without and adequate analysis of all BDCP impacts on Delta island drainage and levee systems. This deficiency should be addressed in any Final BDCP EIR/EIS.

Based on the information provided in the Draft BDCP (Plan) and Draft BDCP EIR/EIS (Report), the following considerations must be evaluated with regards to impacts on Staten Island and Reclamation District 38 (District). These comments are based on the impacts of Alternative 4, described as the preferred alternative. The tunnel alignment in Alternative 4 also has the greatest impact on Staten Island and Reclamation District 38 when compared to all of the other alternatives.

Draft BDCP EIR/EIS

Chapter 6: Surface Water

According to Figures 6-14 and 6-15, flow downstream of the intakes on the Sacramento River will be reduced by approximately 5000 cubic feet per second (cfs) or 25% on average. This will in turn have impacts on downstream channels. The North and South Fork of the Mokelumne River are partially fed by this river through the Delta Cross Channel. An analysis needs to be done to determine the river stages of channels connected to the Sacramento River when the project is operational. According to BDCP Effects Analysis, Appendix 5C- Delta Habitat, a reduction in 6000 cfs is expected to drop the river level 3 feet (5C.5.4-6). If levels in the channels drop too low, the ability to siphon or pump water would be adversely affected. This could involve some diversions on Staten Island that are used to irrigate crops and accommodate the seasonal flooding for managed water fowl habitat.

On Figure M3-4 Sheet 7, the muck spoil site obliterates the main drainage canal on the southern end of the island. This will have a significant impact on the entire drainage network feeding into this principal system component. There is some discussion in the documents regarding relocating drainage systems prior to construction, however this main artery in the District's reclamation works and cannot easily be relocated without significantly impacting farming operations and even compromising levee safety on a major portion of the island.

Chapter 7: Ground Water

There are three (3) tunnel shafts proposed to be located on Staten Island. It is estimated that the construction of these shafts will require dewatering a 2600 foot radius to a depth of 300 feet (p. 7-46). On Staten Island a total of 1,195 acres lie within the projected dewatering influence area. It is likely dewatering will cause subsidence within the 2600 foot well area of influence and most likely beyond. This is not mentioned in the Report. Subsidence and associated impacts as a result of dewatering activities are potentially significant and must be addressed. For example, subsidence from dewatering can weaken the levees by creating higher hydrostatic pressures or

may even cause the levees to rotate. The areas of special concern for the District are the northern and southern under crossings of the levee by the tunnel shafts. The dewatering area of influence includes the levee. The impact on levee integrity and the potential increased flood risk from adjacent dewatering activities is not evaluated, but would be a significant adverse impact that would require mitigation.

Chapter 7 also discusses the possibility of seepage occurring on an island if an adjacent island is flooded for habitat purposes. This will cause an increased flood risk on the subject island if seepage is left unmitigated and begins to undermine the levees. This consequence of that impact is not discussed in the documents. Rather, it is recognized as a potentially serious adverse impact that may not be mitigated because of high costs associated with resolving seepage issues, according to the report (p. 7-51). The costs to remediate potential adverse seepage impacts would then be transferred to the District. This could place an undue economic burden on the District and seriously hamper its ability to adequately maintain the levee system the level of protection warranted by the resources protected.

There is no discussion of the affects dewatering will have on irrigating crops, such as increased drawdown or the ability to irrigate crops in those areas. Groundwater effects on agricultural drainage and irrigation is briefly addressed in Chapter 14, which continues to emphasize that the geographic incidence and potential severity of these effects are unknown (p.14-128). More research is obviously needed regarding dewatering issues to properly assess impacts in any EIR/EIS for the Plan. Additionally, there are no specific mitigation measures in the EIR/EIS to resolve any unanticipated impacts to drainage after construction activities have commenced.

In the winter, much of the land area is flooded to provide habitat for the threatened Greater Sandhill Crane and other waterfowl. Dewatering could adversely affect this time honored practice and as such has not been considered in the potential impacts of dewatering. The impacts of the dewatering wells, such as noise that would disrupt terrestrial species, are not discussed, nor are their specific locations determined. There is no discussion in the Plan as to whether or not, or when, the dewatering wells will be removed once construction is complete or if the land will be returned to its pre-construction state.

Chapter 12: Terrestrial Species

The preferred alternative, Alternative 4, will permanently remove approximately 1,500 acres from beneficial use. Most of this land is used for agriculture and is flooded in the winter to support threatened Greater Sandhill crane, shorebirds, and other waterfowl. Sandhill cranes are one species that almost exclusively use Staten Island over other islands in the Delta for nesting and roosting areas. Staten Island supports an estimated 15% of the regions threatened Greater Sandhill Crane population (Ivey 13). This chapter does discuss creating about 700 to 900 acres of habitat for Greater Sandhill Crane, which doesn't offset the acres lost on Staten alone. The chapter concludes that the net effect is a substantial decrease in the amount of managed wetland (p. 12-2052). The BDCP suggests that more habitat will be created that will also support Sandhill crane but doesn't say if it will be exclusively managed for Sandhill crane. There is no discussion of what will happen if the Sandhill cranes do not choose to use the new areas for roosting or nesting. Given how they have exclusively used Staten for quite some time, expecting this species to thrive in other locations is uncertain, so the project impact is most likely adverse.

The land that will be taken out of production will be used as reused tunnel material (RTM) areas. Conservation Measure 1, Alternative 4 indicates that the ponds will be created to dewater the tunnel muck material. There is no discussion of the effects the ponds could have if used by sandhill cranes or other water birds that use Staten Island for nesting, roosting, and foraging.

Chapter 14: Agricultural Resources

Based on information provided for the preferred Alternative 4, at least 1,500 acres of Important Farmland will be permanently removed and used as RTM sites. It appears though, that once construction is complete this material will be moved off site and used for other purposes. This should allow farming practices to continue on previous spoil sites after construction and removal of RTM. However, page 14-109 indicates that the operations in the RTM areas would preclude future agricultural use. The statement implies a significant adverse impact that is not addressed. There is also no proposed schedule for the RTM removal from the spoil sites.

The effects of the loss of a minimum 1,500 acres on Staten Island will have an economic impact of at least $1.5 million to $2.3 million annually depending on what type of crops are planted. This estimation uses the gross return of $1,020 per acre for corn and $1,540 per acre for alfalfa, crops typically planted on Staten Island (URS 2008, UCD 2011). This is a significant amount of lost production that would require mitigation. The proposed mitigation measure to offset lost agriculture, AG-1, creates an Agriculture Land Stewardship Program (ALSP) that suggests providing landowners with subsidies to operate the land in a way that may improve habitat or aide in operations. It is not specified in Chapter 8 of the BDCP what funding sources will be used to compensate landowners for lost productivity or to support an ALSP. It is expected that owners will not be fully compensated for the loss of agricultural operations. This will not only have significant impacts on the landowner and employees, it will also extend to the Delta legacy towns that depend on agricultural operations for their continued viability.

The District obtains funding for drainage system management, levee maintenance activities and rehabilitation projects from assessments against the land owner. Any permanent loss in agricultural production and revenues would ultimately impact the District's financial resources and ability to carry out its responsibilities for flood protection and drainage. Components of CM 1 will benefit from the protection of the levees and thus should be subject to assessments. There is no discussion in the BDCP of this issue or a mitigation strategy in this chapter or in BCDP Chapter 8.

Several gas lines owned by Lodi Gas and PG&E cross beneath Staten Island. These pipelines are required to have safety coverage so that agriculture operations can take place above. Subsidence from dewatering activities could reduce the coverage of these pipes, creating a potentially hazardous situation for the farming operations. The gas lines would have to be lowered if minimum coverage standards are not met. This possible scenario has not been considered and could be an adverse project impact that would require immediate mitigation to protect public health and safety.

Chapter 19: Transportation

According to Conservation Measure 1, Alternative 4 has project components along North Staten Island Road. The road runs immediately parallel to the tunnel alignment and is adjacent to two tunnel shafts, spoil areas, and a Safe Haven area. There is no analysis of the effects of the construction activity on this road in Table 19-26, either physically or function ally. Analysis shows that SJ 01 has deficient baseline conditions and construction activity will result in even worse. This is likely the case for North Staten Island Road. The northern most tunnel shaft location appears to be adjacent to the levee. It is not discussed whether or not levee access roads will be used by construction equipment to construct certain elements of the BDCP. Increased loads from large construction equipment frequenting levee patrol and access roads could hinder District access and adversely impact the levee structure, resulting in maintenance, flood response, and increased flood risk issues for the District and island, creating significant adverse impacts that have not been identified. Increase traffic on the main north-south access road will further exacerbate the access and operational problems for the District, and severely disrupt island farming operations, with significant adverse economic impacts.

Page 19-69 mentions the affected roadways will be brought back to preconstruction condition or better after construction. The report is silent on the adverse impacts to Staten Ranch and District operations during the lengthy construction period. This chapter also says "the BDCP proponents are not solely responsible for the timing, nature, or complete funding of required improvements" (p. 19-191). These two statements conflict and negate the assurances that one of the impacts might be mitigated, after-the-fact, or that unidentified on-going impacts will be addressed. This is just another example of the inadequacies of the BDCP and the EIR/EIS analysis.

On Figure M3-4 Sheet 7, the muck spoil site for Alternative 4 will cover the southern end of the main Staten Island Road north-south road. This will block the District's direct access to the levees on the southern end of the island. As previously mentioned, blocking access will compromise the District's ability to monitor and maintain the levees in that area. The District would also be unable to access this area quickly if a potential flood emergency occurs in this part of the island. The levees in the southern end of Staten Island are the most vulnerable levees and are exposed to greater hydrostatic pressures than the rest of the levee system. Thus the potential impacts to the unfettered use of this main island thoroughfare are significant and adverse. These impacts to Staten Island operations are not addressed in this chapter.

Draft BDCP

Conservation Measure 1: Water Facilities and Operation

According to Figure M3-4 Sheet 7 there is a major spoil re-handling site located directly adjacent to the south east levee on Staten Island. This potential placement of significant amounts of RTM material could adversley impact the integrity of the adjacent levee, stretching over 4 miles along the Mokelumne River Sough Fork. The Plan does not provide any detail about the proposed containment berms and whether they will be built adjacent to the levee or if the levee themselves will be used to contain the RTM. The weight from the RTM could consolidate the soils below and induce significant subsidence that would likely jeopardize levee integrity and increase flooding risk exposure. So will the activity associated with the barge unloading and, likely, loading operation projected for the levee area east of the main island road There is no discussion regarding the need of construction vehicles to access the levee patrol road to access

barges. There is also no description of what the loading facility will look like or how it will be constructed and its relationship to the levee structure. This is just another example of a seriously deficient impacts analysis.

Conservation Measure 6: Channel Margin Habitat

Channel Margin Habitat is planned along the North and South Forks of the Mokelumne Rivers (p. 3.4-158). These channels border Staten Island. While channel margin habitat locations are not specified in the Plan, some impacts of performing this conservation measure should be addressed. This deficiency is overlooked in the EIR/EIS analysis. There is no discussion on the limitations this could have on District levee maintenance activities, or even if it is physically and economically feasible. Page 3.4-158 just says the office will coordinate these activities with flood management agencies. It is not clear if the flood management agencies will also be required to provide financial/personnel resources for this work. There is no discussion on who is expected to manage the channel margin habitat areas after work is complete. Many other impacts of this CM can only be determined after the locations are selected and a design is engineered. If set-back levees are the contemplated solution, there could be a whole host of adverse impacts to farming operations and drainage that would require mitigation, to say nothing of the economic consequences for the Ranch and the District.

Thank you for your consideration. Please contact me with any questions or if you require any further information.

Respectfully,

Gilbert Labrie
District Engineer, RD 38
916-775-9122
glabrie@dccengineering.net

References

Ivey, G. L., Herziger, C. P., & Gause, M. (2003, August). *Farming For Wildlife: An Overview of Agricultural Operations At Staten Island* [Report]. Retrieved June 8, 2010, from West Coast Crane Working Group website: http://wccwg.nacwg.org/pdf/FINALSTATENISLAND-FarmingforWildlife_stc.pdf

URS Corporation, & Jack R. Benjamin & Associates, Inc. (2008, May). Economic Consequences. In *Technical Memorandum: Delta Risk Management Strategy (DRMS)*. Retrieved from http://www.water.ca.gov/floodmgmt/dsmo/sab/drmsp/docs/Economic_Consequences_TM.pdf

University of California, Davis. (2008-2011). Current Cost and Return Studies. In *Agriculture & Resource Economics* (af-sv-08, as-vn-07, gr-sv-08, pr-nc-06-1, ri-vn-07-2, sa-sv-05-2, tm-sv-07-2, wh-vs-08). Retrieved from http://coststudies.ucdavis.edu/current

From: Stacy Li <stacyli@sonic.net>
Sent: Thursday, July 24, 2014 5:02 PM
To: BDCP.comments@noaa.gov
Subject: comments
Attachments: BCDC2.pdf

Stacy K. Li, Ph.D., Principal
Aquatic Systems Research **707-566-7937**
1210 Spencer Avenue **stacyli@sonic.net**
Santa Rosa, CA 95404

Thank you for this opportunity to comment of the Bay Delta Conservation Plan (BDCP). No client funded these comments.

Is the Bay Delta Conservation Plan in response to habitat degradation of the Sacramento-San Joaquin Delta due to water export operations by the Central Valley Project (CVP) and the State Water Project (SWP)? If so, this draft Bay Delta Conservation Plan (BDCP) and its related DEIR/EIS lack necessary background information. It assumes everybody is familiar with the CVP, the SWP, why they were designed, how they actually function, how they adversely affect Delta ecology, and what part of the Delta is adversely affected. The document begins with how the respective agencies are going to interact with one another. It leaves me with the same feeling as coming into the middle of a conversation and not really understanding what's going on.

There is no attempt in these documents to educate and orient the reader of why certain actions are necessary or appropriate. It left me with the feeling of "Trust us, we know what we are doing". Given the current level of distrust of government, there is a great need for clearer communication between government and the public; the term "Transparency" is used frequently and everywhere. Embrace that concept. Further, it is most unfortunate that this document was not written with the reader in mind. It has the perspective of how the respective agencies are going to interact during the process rather than clearly describing the conceptual framework that is guiding the design and operation of the new water distribution system. But what is the project? Where is the project description? Why is there a need for a Bay Delta Conservation Plan? Without this, there is no context upon which to judge the efficacy or the value of any particular proposed restoration action.

If these restoration elements are not related to the new water distribution system project, but are considered simply because they are degraded and there may be money available through general Bay Delta activities to restore them, then be forthright and state that openly.

There are fundamental reasons that shape the design of the new water conveyance. The details that have not been decided must conform to these reasons or the new system will be compromised.

The concepts behind the design and operation of the new water conveyance system should be the foundation of any document related to the new water conveyance system. Instead, the plan is filled with jargon, acronyms, and labels that as far as I can see are not defined. It is bureaucratese at its worse. This should not be how the agencies are going to interact with one another, but rather what factors should be considered in guiding the

design and operation of a water redistribution system that avoids adverse impacts and fulfills these three major guiding objectives:

1. What is the best way to secure a firm water supply for California?

2. How can the new water system improve the ecological condition of the Delta (It is actually Deltas, since there are more than one)? and

3. How is tidal salt intrusion into the Delta going to be managed? This last principle is very important because it will largely determine what can be considered surplus water available for expanded consumptive demand and also guide water use planning so that natural systems are sustainable.

A document such as this should be focused to inform the public because this massive project requires their acceptance and support. I think this document fails miserably in informing the public. The risk of confusion and disorientation on their part will ultimately foster resistance to the project that is badly needed by the entire state, making it infinitely more difficult to achieve.

This document doesn't have to so nebulous if you provide the factors and concepts that necessarily shape this project. These provide a general framework without more specific details that have yet to be decided. I think they would facilitate understanding for the public and also provide and outline for the planners and technicians involved with the project. If you find this framework helpful, incorporate these concepts into your next draft.

1. WHAT IS THE BEST WAY TO SECURE A FIRM WATER SUPPLY FOR CALIFORNIA?

The water from the Sacramento River System should be used to secure the water supply because there is almost 3 ¾ more water available and it is of significantly higher water quality. The Sacramento Watershed contributes 21190 TAF (Sacramento River + Yolo Bypass) as Delta inflow each year, while the San Joaquin Watershed contributes 5660 TAF (San Joaquin River + Eastside streams) each year (Delta Atlas 1993). In addition, the waters of these two systems are so different in energy, current, temperature, total dissolved solids, and other characteristics that they do not mix downstream of the confluence until they reach Suisun Bay where the water is brackish (Li 2012, Li 2010). Brackish water is unsuitable for either irrigation or domestic use.

It has been assumed for a long time that Banks pumping plant and Jones Pumping plant can capture significant amounts of Sacramento Delta water from their location 31 river miles upstream on the San Joaquin River. The export activities cannot capture significant amounts of Sacramento Delta water because the rivers do not mix downstream of BDCP

Sherman Island and the amount of time available is too short. Therefore the maximum amount of water available is not 27,840 TAF annually, but only the 5660 TAF of annual surface runoff from the San Joaquin watershed. This means the water supply used for export will soon reach capacity, i.e., export volumes of 2,530 thousand acre feet (TAF) from Jones Pumping Plant and 2,490 TAF from Banks pumping Plant is 88.2% of the mean annual runoff of the San Joaquin watershed (5660 TAF) [Sacramento San Joaquin Delta Atlas 1993].

2. HOW CAN THE NEW WATER SYSTEM IMPROVE THE ECOLOGICAL CONDITION OF THE DELTA?

The major direct adverse effect of water export operations from the Delta is flow reversal. This means changing the natural flow of a river so that it flows upstream. Both Jones Pumping Plant (CVP) and Banks Pumping Plant (SWP) are located about 31 River miles upstream on the San Joaquin River. These water export operations reverse flows in lowest 31 river miles all the major channels in the San Joaquin Delta. The amount of days that reverse flows occur is trending towards 300 days each year (San Francisco Estuary Project 1992). Flow reversals through pumping are possible because the San Joaquin River is almost pancake flat with a gradient of 0.016 from near Fresno to its confluence with the Sacramento River just West of Sherman Island. Water moved through the San Joaquin Delta by tributary inflow off the West Sierra slopes and outgoing tide. The San Joaquin River has no gradient and therefore no energy, no momentum, and low inertia; that is why it is easily pumped upstream.

When the water export operations are relocated to the Sacramento River, the adverse effects associated with present water export operations will disappear from the San Joaquin Delta not reappear in the Sacramento Delta because the Sacramento River has a much higher gradient of 0.026 from near the city of Sacramento to its confluence with the San Joaquin River just West of Sherman Island. The Sacramento River has a significant higher gradient and consequently has more energy with higher momentum and higher inertia. It will be very difficult if not impossible to pump Sacramento River upstream. Therefore, by just by moving the export pumping facilities from the San Joaquin River to the Sacramento River, the adverse effects caused by flow reversal go away.

There are significant groups of fish of interest that are adversely affected in different ways by water export operations in the San Joaquin Delta:

San Joaquin anadromous salmonids are harmed by flow reversals in the San Joaquin Delta. There are no flow reversals in the Sacramento Delta. While Sacramento watershed fall-run Chinook salmon production generally show some degree of increase over their respective baseline (1968-1992) production with some actually achieving the Doubling Goal. On the other hand, San Joaquin tributary fall-run Chinook salmon production, i.e., those runs in the Stanislaus, Tuolumne and Merced rivers are far less abundant than their baseline levels (See Anadromous Fish Restoration Program website).

Since the general life histories of anadromous salmonids are similar, I use fall-run Chinook salmon data from AFRP because they are more available, but are also representative of what also happens to San Joaquin steelhead, a federally threatened species. Spring-run Chinook salmon were extirpated from the San Joaquin watershed when Friant Dam was constructed, but they still inhabit the Sacramento watershed as a Threatened species. There are notions to restore this species to the San Joaquin watershed under the San Joaquin River Restoration Project (SJRRP). The endangered Winter-run Chinook salmon is considered a Sacramento watershed fish. However, there is a small run of Chinook salmon that spawns in June and July downstream of New Hogan Reservoir on the Calavaras River, which is in the San Joaquin watershed. No other Chinook salmon spawn during this period (Healy 1991).

Reverse flows or flows that move upstream rather than down in the San Joaquin Delta eliminates any downstream cues for the emigrating smolts so they can't find the ocean. Furthermore, the fish protection (salvage) facilities at both pumping plants are worthless because fish protection facilities of this type assumes there is a downstream so that migrating fish can bypass the export facilities and there is no downstream during water export operations that create reverse flows. Finally, the combination of inadequate instream flows and reverse flow make it very difficult for returning adults to find their natal streams.

The Sacramento watershed supports the highest numbers of anadromous salmonids in California, so it is very important that relocating water export facilities do not harm these anadromous salmonid stocks. A representative summer current in the Sacramento River is around 2.5 feet per second (fps), making it very difficult and I think impossible for water export operations to create reverse flows in the Sacramento River. With no reverse flows in the Sacramento River, downstream cues to the ocean would remain. Attraction flows would be weak because of very low tributary releases, but at least they would be there for returning adults.

Green sturgeon, a federally listed threatened species, are present in the Sacramento watershed, but largely absent from the San Joaquin watershed. The lack of reverse flows in the Sacramento River removes this potential stressor on this species.

With no reverse flows, it is now feasible to design and construct fish protection facilities that actually function. This is a necessary and mandatory mitigation feature of this project, particularly for Chinook salmon, steelhead and green sturgeon.

Delta smelt, an endangered species, is a member of the Pelagic Organism Decline (POD). Preproject (before the original CVP and SWP), their population center was in the lower reaches of the San Joaquin Delta (Moyle 2003) where stream currents were placid even during tidal changes. I think that Delta smelt that inhabit the Sacramento watershed are

using marginal habitat and that was always so. San Joaquin water export operations created unnaturally high currents in the San Joaquin River that were extremely adverse to Delta smelt, which are poor swimmers adapted to backwater conditions. Delta smelt would benefit when water is exported from the Sacramento River. The San Joaquin Delta will revert to backwater habitat, a habitat to which they were adapted and habitat conditions in the Sacramento Delta will not change much from present conditions with the new water export operations. The result will be restored habitat conditions in the San Joaquin Delta and no change in conditions in the Sacramento Delta for Delta smelt.

Longfin smelt, a federally threatened species, is also a member of the POD. They are stronger swimmers than Delta smelt and are more marine in distribution (Moyle 2003). They spawn in the October through December period (Clemens and Wilby 1961) in the western Delta (Moyle 2003). I think the prolonged period of 300 days of reverse flows and the strong water export currents in the San Joaquin Delta in combination entrain almost all the fry. Moving the water export facilities to the Sacramento River would benefit longfin smelt by taking entrainment conditions away from known longfin smelt spawning areas.

Young-of-the-year striped bass and threadfin shad are the remaining two members of the POD. Both species are planktivores, i.e., they eat plankton. Robust and diverse plankton communities require water with high residence time in order to develop. Water export activities in the San Joaquin Delta simply reduce water residence time. If the water export facilities are moved to the Sacramento Delta and no water is exported from the San Joaquin Delta, residence time of San Joaquin Delta water would increase thus facilitating development of robust and diverse plankton communities. The striped bass and threadfin shad would no longer starve from a depleted plankton community. Since Sacramento Delta water is flowing on a steeper gradient, there won't be a noticeable change in water residence time due to water export operations there. Due to the volumes of water exported, water residence time may even increase slightly due to lower flow levels in the river channel that would be reflected in lower stream velocity. I do not think that this will make much difference in plankton community development.

In summary, I expect rapid population increases by all these fish species if the water export facilities are in the Sacramento watershed, state of the art fish protection facilities are in place and there is no water export from the San Joaquin Delta. One of the beneficial economic consequences would be fewer and/or shorter water delivery interruptions, making the water supply more firm without adding more water.

3. HOW IS TIDAL SALT INTRUSION INTO THE DELTA GOING TO BE MANAGED?

Controlling tidal intrusion into the Delta has had much interest and should not be ignored. Its relevance with this project is two considerations. One, tidal salt intrusion into the Delta must be kept West of Rock Slough to preserve domestic water supply for Antioch and Pittsburg. Two, amounts of flow necessary by season to kept salt West of that

diversion point must be determined prior to any consideration of expanding water demand, i.e., determining what water is surplus and available for water development.

Pittsburg and Antioch had their domestic water diversion just off shore of each city. Each city lost their domestic water diversions in the 1920s due to upstream water development that decreased outflow that functioned to keep those domestic water diversion sites permanently fresh. Ultimately, the initial CVP moved their diversions further East to Rock Slough where water was still fresh.

Upstream water development has resulted in the outflow to San Francisco Bay to be half of historical (California State Lands Commission 1991). Any further water development. means outflow to San Francisco Bay would be reduced to more than half of historical When you use more than half of anything, you must proceed with caution. I suggest that the amount of outflow sufficient to keep the Rock Slough diversion permanently fresh as the first bit of information needed to determine the amount of water available for further development.

There are many advantages of using the entire outflow of the San Joaquin Delta to control tidal salt intrusion. One, the low energy San Joaquin Delta water resists tidal intrusion in a more consistent and predictable fashion than the high energy Sacramento Delta water.

Because San Joaquin Delta water has no energy, its chief response to incoming tide is passive resistance that bends uniformly with the advancing incoming tide. It is easier to model and assess how much outflow is needed to keep Rock Slough fresh. In contrast, the higher energy Sacramento Delta water reacts violently with the incoming tide, creating an uneven interface that would be more difficult to model. Two, the San Joaquin Delta water quality is very low. It is filled with pesticide and fertilizer residues, so water-processing costs would be high. It would be better to use low quality water to control tidal intrusion and provide a valuable service rather than using high quality water that could be used for domestic purposes.

ACTION AREA

The Geographic Scope of the Plan Area is too restricted, and therefore incorrect. The original Central Valley Project diverted water away from the Delta at Friant Dam. Judge Karlton's decision to restore the San Joaquin River between Friant Dam to the confluence of the Merced River was based on the extreme level of diversion. However, like water, adverse effects from extreme flow diversion moves downstream through the San Joaquin Delta to the Pacific Ocean. Therefore, it would be wise to integrate the planning processes of the San Joaquin River Restoration Project with the Bay Delta Conservation Plan and others related to Delta water manipulation and Delta ecological improvement so that potential conflicts can be recognized and reconciled.

RELATIVE LEVEE SECURITY

Levees have been constructed more recently and are stronger in the Sacramento Delta than in the San Joaquin Delta. Since the Sacramento Watershed produces more water, streamflows are higher and floods occur more frequently. Consequently, the US. Army Corps of Engineers has been active with the Sac Bank Project repairing selected bank Problem areas. Although this is done in a piecemeal fashion, these levees have had design considerations such as flood frequency and expected flood elevations. In contrast, some San Joaquin Delta levees were manually constructed by manual labor without any design consideration and the quality of levee maintenance varies widely. If no water is exported from the San Joaquin Delta, the water delivery system is not related to San Joaquin Delta levee integrity and are therefore not held hostage by the specter of weak and faulty levees. The concern for these levees is reduced to public safety.

SALT IMPORTATION INTO THE SAN JOAQUIN VALLEY

The State Water Resources Control Board (SWRCB) held workshops on salt importation into San Joaquin Valley in 2006. Over a million tons of salt are imported into the San Joaquin Valley each year. These salts accumulate in the soil, forcing farmers to seek and to grow more salt tolerant crops. Aside from minor amounts leached from the ground and local concentrations from confined animal facilities in the San Joaquin Valley, most of it comes from agricultural return flows with residues of fertilizer and pesticide in the San Joaquin River. If no San Joaquin Delta water is exported into the San Joaquin Valley, salt importation and consequent accumulation will cease to be a problem.

WATER PROCESSING COST

If all the water exported is from the Sacramento Watershed, water-processing costs will go down because of the high quality of the Sacramento water.

WATER RIGHTS

There is a problem with consumptive water rights. The State Water Resources Control Board has estimated that there are 300 million acre feet per year of surface water that is or will be authorized in one form or another now or in the very near future. The fundamental problem is that California produces only 73 million acre-feet of runoff each year, so water has been over-authorized by a factor of four. What makes this even worse is that riparian rights accounts for 73 million acre feet per year and that riparian rights use is under reported. Riparian rights cannot be changed because it is part of English common law that was incorporated in our state constitution when California became a state. Is the only remedy a statewide water rights adjudication? What a mess!

FUNDING THE PROJECT

Funding for this project must be put on equal footing since the two primary objectives are to secure a water supply and improve the ecology of the Delta. The mechanism for acquiring funds for water development is well developed. Whereas how environmental activities are to be funded are nebulous. If you want a new water distribution system you must also pay for the promised ecological improvement as well. Remember this project has dual and coequal objectives.

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San Francisco Estuary Project. 1992. State of the Estuary: 269 pp.

From: Pat Corey <patcorey@cwo.com>
Sent: Friday, July 25, 2014 10:42 AM
To: BDCP.comments@noaa.gov
Subject: East Contra Costa Irrigation Comments on the BDCP
Attachments: Comments July 2014.pdf

Thank you for the opportunity to review and comment on the Draft BDCP EIR/EIS.
The District's comments are attached.

Paricia A. Corey, General Manager
East Contra Costa Irrigation District (ECCID)
1711 Sellers Avenue, Brentwood, CA 94513
P 925.634.3544 F 925.634.0897 patcorey@cwo.com

BDCP1550

East Contra Costa Irrigation District

July 25, 2014

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

Via U.S. Mail and BDCP.Comments@noaa.gov

Dear Mr. Wulff:

The East Contra Costa Irrigation District ("ECCID") appreciates the opportunity to review the Bay Delta Conservation Plan ("BDCP") Draft EIR/EIS. Located in the eastern portion of Contra Costa County, ECCID has provided agricultural irrigation water for over 100 years to thousands of acres of prime agricultural land within its 20,000 acre boundary. Additionally, ECCID provides water to both the City of Brentwood ("City") and Contra Costa Water District ("CCWD") for municipal and industrial purposes.

ECCID is party to a contract with the State of California, acting by and through the Department of Water Resources, for the assurance of a dependable water supply of suitable quality. This contract dated January 7, 1981, as amended April 11, 1991 and February 7, 2000 (the "Contract"), recognizes county of origin and water shed protection concepts and, essentially, guarantees 50,000 acre feet of water at a certain level of water quality at ECCID's point of diversion at Indian Slough ("ECCID's Point of Diversion"). Article 6(a)(ii) of the Contract, as amended February 7, 2000, provides:

> "DWR recognizes a pre-1914 appropriative right of ECCID to divert from the Delta for use on District lands as defined in Article 1(c) of this contract, as amended. DWR shall furnish such water as may be required within the District as defined in Article 1(c) of this contract, as amended, up to 50,000 acre-feet per year at a rate of up to 250 cubic-feet-per-second, to the extent not otherwise available to ECCID under the water rights of ECCID."

The Contract provides that the State shall cease all diversions to storage in SWP reservoirs or release stored water from SWP reservoirs or cease all exports by the SWP from Delta channels, or any combination of these that will maintain water quality at ECCID's Point of Diversion. The impact of various alternatives being considered under the BDCP on ECCID's rights under the Contract should be analyzed, in particular as they relate to the water quality assurances provided therein to ECCID and, more specifically, at ECCID's Point of Diversion. The Draft EIR/EIS fails to evaluate water quality at ECCID's intake nor does it disclose whether the State's ability to maintain certain water quality is possible under the BDCP.

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In addition to the water quality concerns addressed above, the BDCP's West Alignment Alternatives involve construction of facilities which would severely impact ECCID's Point of Diversion and its distribution system, including its main canal and other facilities as shown on the marked copy of Sheets 14 and 15 of Figure M3-3. These impacts, including the potential need to relocate ECCID's Intake on Indian Slough, should be addressed. The Draft EIR/EIS fails to analyze or identify any feasible mitigation for this impact.

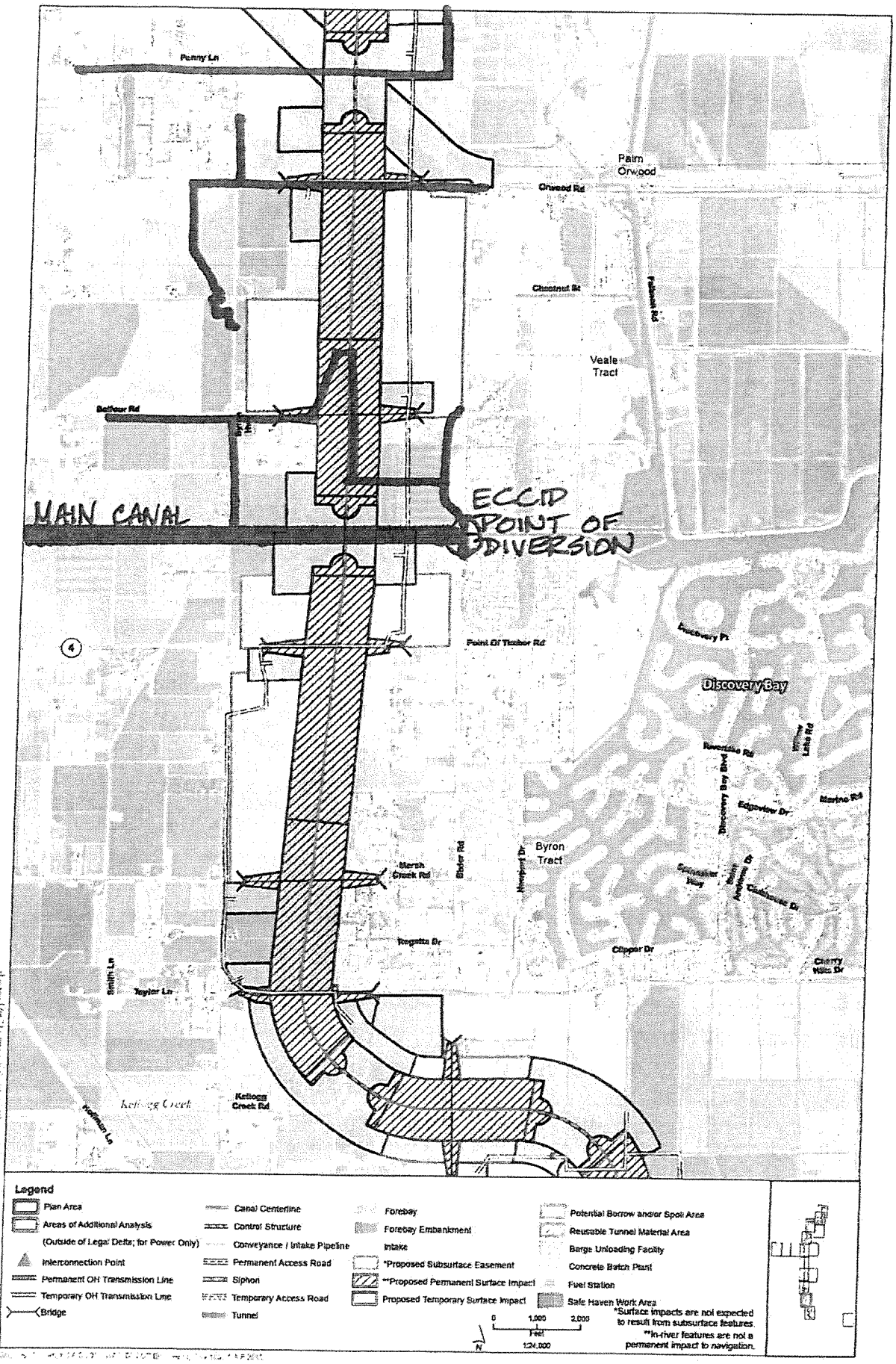
ECCID has been working closely with other Delta agencies and reserves the right to rely on all other comments submitted by, but not limited to, the CCWD and the City of Brentwood.

Thank you in advance for your attention to these issues. ECCID would be happy to meet with you in person to answer questions you may have.

Sincerely,

Patricia A. Corey
General Manager

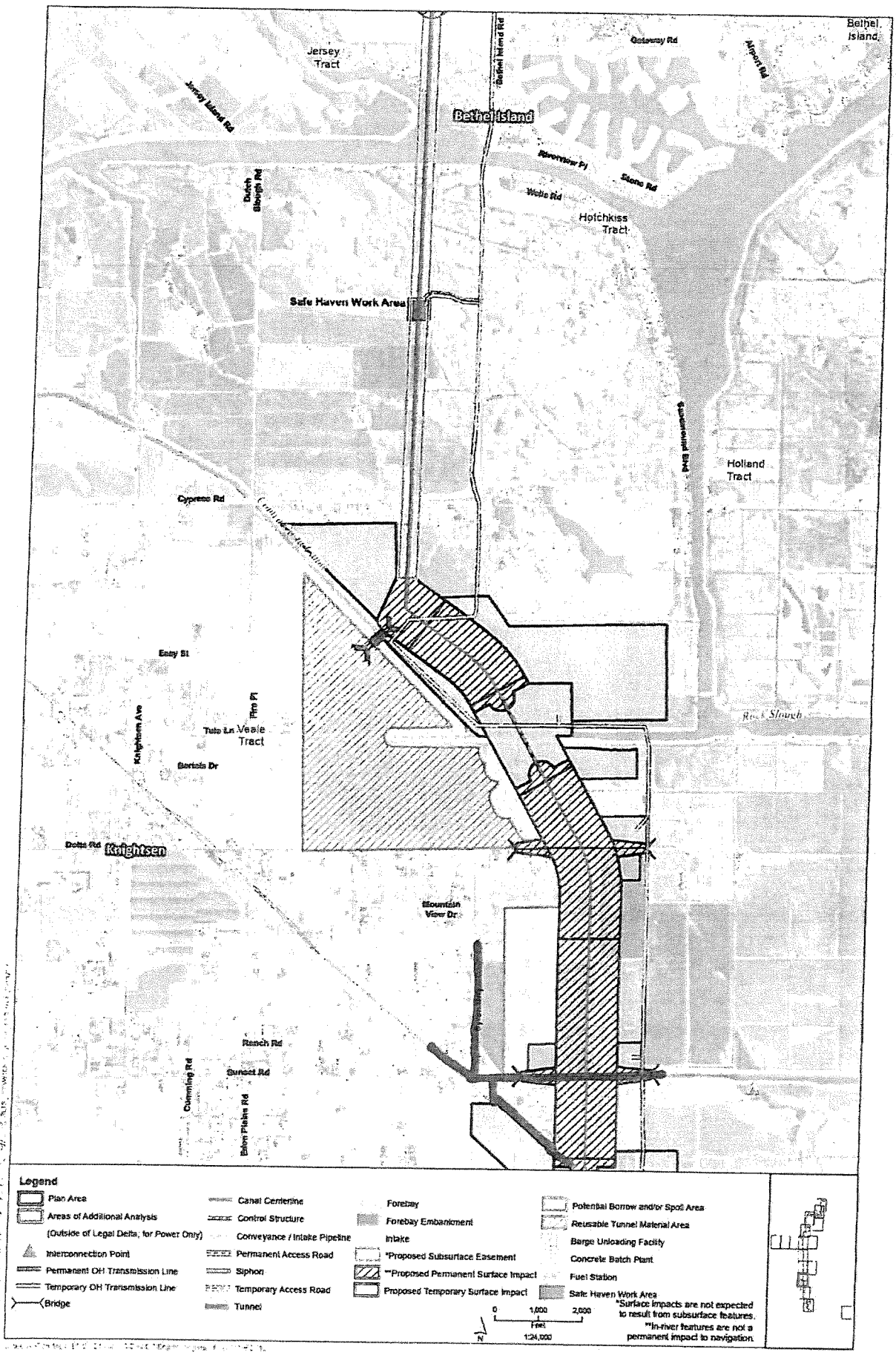
cc: Congressman John Garamendi
Congressman George Miller
Congressman Jerry McNerney
Senator Mark DeSaulnier
Senator Lois Wolk
Assemblymember Jim Frazier
California Natural Resources Agency, Secretary John Laird
Department of Water Resources, Director Mark Cowin
Contra Costa County Board of Supervisors
City of Brentwood
Contra Costa Water District, General Manager Jerry Brown
ECCID Board of Directors



ECCID FACILITIES

Figure M3-3: Sheet 15 of 17
West Alignment (Alternatives 1C, 2C, and 6C)

BDCP 1550



ECCID FACILITIES

Figure M3-3: Sheet 14 of 17
West Alignment (Alternatives 1C, 2C, and 6C)

From: Pat Meszaros <PMeszaros@mwdoc.com>
Sent: Thursday, July 24, 2014 3:50 PM
To: 'BDCP.comments@noaa.gov'
Cc: Richard Bell
Subject: MWDOC's Comments on BDCP
Attachments: BDCP Comment Letter.pdf

Attached please find the Municipal Water District of Orange County's comments on the Bay Delta Conservation Plan (BDCP), Draft EIR/EIS and Draft Implementing Agreement.

Thank you.

Pat Meszaros
Municipal Water District of Orange County
(714) 593-5025

WATER: DO MORE WITH LESS

BDCP1551

MUNICIPAL WATER DISTRICT OF ORANGE COUNTY

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July 24, 2014

Via Email: BDCP.comments@noaa.gov

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

Dear Mr. Wulff,

Subject: Comments of the Municipal Water District of Orange County on the Draft Public Review Bay-Delta Conservation Plan (BDCP), Draft Environmental Impact Report/Environmental Impact Statement, and Draft Implementing Agreement

SUMMARY OVERVIEW

The main points covered in this comment letter are:

1. MWDOC strongly supports the BDCP Preferred Alternative (No. 4) and opposes the No Action Alternative: It is critical to the state's economy and environment that both the State and federal government expeditiously follow through with the decision for adopting and implementing the BDCP.

2. Co-Equal Goals: The BDCP must be implemented in a manner consistent with the co-equal goals adopted by the State. Preferred Alternative (No. 4) is consistent with the Delta Reform Act of 2009's co-equal goals.

3. New Facilities and In-Delta Operational Flexibility: The modernization of the Delta conveyance system is essential in order for habitat restoration and conservation to have its intended effect; Preferred Alternative (No. 4), which incorporates the 9,000 cubic feet per second (cfs) three intake, twin tunnel conveyance system, provides the best balance between operational flexibility and modernizing the conveyance system for environmental benefit and water supply reliability.

4. Reduced Future Reliance: The 2009 Delta legislation called for water agencies to reduce future reliance on the Delta, not to become 100 percent "self-reliant". While efforts in these areas will continue, it is important to note that "reduced reliance" does not equate to and was never intended to require a move to 100 percent "self-reliance" and the notion of co-equal goals was never intended to result in a future with significant reduction in exports from levels achieved before the 2008 bio-opinions.

5. Plan Implementation and Regulatory Assurance: The BDCP must provide the needed implementation and regulatory structure and assurances to help achieve the co-equal goals.

    a. To us, this means that it is virtually impossible to predict the outcome of the BDCP habitat restoration efforts and endangered species population dynamics, and such a standard should not be required in the DEIR/DEIS.

    b. Furthermore, this means that changed circumstances under the operation of the BDCP, including the potential for new species listing, be incorporated in such a manner to result in a minimum impact on future water supply exports.

    c. At this time, the Implementing Agreement, whose purpose is to establish the obligations of the parties toward implementation of the plan, has not been advanced for public review. We would request that the agreement be circulated for public comment.

6. Cost Allocation: MWDOC supports the "beneficiary pays principle" in cost allocation for all responsible parties and beneficiaries.

7. Economy, Environment and Water Management: The State Water Project (SWP) is critically important to the Orange County economy, environment and water management. Implementation of the BDCP is critical to Orange County's future.

    a. Orange County has invested heavily to diversify our water portfolio but the SWP remains a critical source of low salinity water supply that is currently unacceptably jeopardized by the unsustainability of the current Bay-Delta system.

    b. Orange County relies on the SWP to support groundwater conjunctive use programs and water recycling programs - it is an essential part of our water reliability strategy that sustains our citizens and businesses.

c. We support the 9,000 cfs twin tunnel Preferred Alternative (No. 4) provided reasonable assurances are included regarding governance and future decision-making in the process. We strongly advocate for a seat at the table for the water Permittees in the various oversight groups. The investment and decision-making must be structured to achieve a positive outcome for both the SWP and Permittees and the ecosystem restoration in a collaborative, partnership manner.

Detailed comments follow:

INTRODUCTION OF FULL COMMENTS

The Municipal Water District of Orange County (MWDOC) is pleased to submit comments on the Draft Bay Delta Conservation Plan (BDCP) and Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

Please note that our comments on the BDCP and Draft EIR/EIS interchangeably use the terminology "BDCP", "BDCP process", "the Bay-Delta Fix" and the "decision-making process" to reflect the entire suite of efforts and decisions in a comprehensive manner.

The Municipal Water District of Orange County (MWDOC) is a wholesale water supplier and resource-planning agency governed by a publicly elected seven-member Board of Directors. MWDOC is the third largest member agency of Metropolitan Water District of Southern California (MET). Its service area covers all of Orange County with the exception of the three original MET member cities of Anaheim, Fullerton, and Santa Ana. MWDOC and the "Three Cities" coordinate water management planning. MWDOC serves Orange County through 27 cities and water agencies and one investor owned utility, including the Orange County Water District who manages the Lower Santa Ana River Groundwater Basin.

MWDOC's mission is "to provide reliable, high-quality supplies [of water] from Metropolitan and other sources to meet the present and future needs [of Orange County] at an equitable and economical cost, and to promote water use efficiency for all of Orange County." This mission is implemented through coordinated water management and planning with appropriate investments in water use efficiency, water supply development, system reliability improvements and emergency preparedness. Our mission is supported by collaboration with our member agencies and through public outreach, water education, and legislative advocacy.

MWDOC strongly supports the BDCP Preferred Alternative (No. 4) and opposes the No Action Alternative: ***It is critical to the state's economy and environment that both the State and federal Government expeditiously follow through with the decision for adopting and implementing the BDCP.***

MWDOC strongly supports the BDCP Preferred Alternative (No. 4) with the expectation that the State and federal government will move steadily forward with its adoption by issuing the Record of Decision and Notice of Determination by the end of this year, and by implementing the Preferred Alternative in accordance with the BDCP schedule.

We compliment the State and federal agencies and stakeholders in developing a thorough, comprehensive and balanced BDCP Preferred Alternative that will help achieve the co-equal goals of ecosystem restoration and water supply reliability. It is vital that the State of California and Federal Government follow through with this tremendous effort in collaborative planning as it is a once in a lifetime opportunity to resolve the long-standing Delta problems, and the cost of no action is too high. Our expectations are that the approximate $25 billion investment to implement and carry out the BDCP will result in greater certainty in California's water supply reliability, will make measurable improvements in water quality, and will restore significant environmental values in the Delta. The Preferred Alternative appropriately achieves the proper balance between the environmental needs of the Delta watershed with the water supply reliability needs of the entire State of California.

In spite of the world-class efforts of Orange County to provide greater water supply certainty for eight percent of California's population and the $200 billion economy they represent, Orange County remains dependent on imported water to meet approximately 45 percent of our average annual demand, with the SWP deliveries from the Delta meeting approximately half of those needs. The Delta ecosystem and water supply conveyance problems have long been recognized, and have remained in a continuing state of degradation, conflict, and stalemate. Many years and hundreds of millions of dollars have been spent on study efforts while the delta system continues to be used for water conveyance in a manner for which it was not intended. The longer it takes to begin the resolution, the more expensive it will become. This stalemate has been punctuated by droughts, floods, economic losses, environmental degradation and litigation every decade since the construction of the SWP in the 1960's. We can no longer delay action in the Delta, and urge the State and federal government to quickly move forward with the Preferred Alternative. Failing to act and move forward is not an acceptable alternative.

MWDOC also supports the proposed governance and implementation structure for the BDCP, as the large-scale Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP) to be formed under federal and state Endangered Species Act (ESA). Using the HCP/NCCP governance structure proposal will ensure that

all of the project's environmental and water supply reliability goals and objectives are realized.

The bottom line is that the BDCP Preferred Alternative (No. 4) offers the best solution to achieve greater supply certainty and the governance structure to provide necessary regulatory assurances. Moreover, it provides for a sustainable and balanced solution to achieve the State's policy of co-equal goals.

COMMENTS ON THE DRAFT BDCP AND DEIR/DEIS

Co-Equal Goals: ***The BDCP must be implemented in a manner consistent with the State policy of co-equal goals. Preferred Alternative (No. 4) is consistent with the Delta Reform Act of 2009's co-equal goals.***

The BDCP and Preferred Alternative (No. 4) should be adopted and implemented because they comply with State law and the Sacramento-San Joaquin Delta Reform Act of 2009. 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." Ref: California Public Resources Code Section 29702(a).

The BDCP and the Preferred Alternative balance the co-equal goals established by the Legislature in the Delta Reform Act by proposing to improve 145,000 acres of Delta habitat and permitting new conveyance facilities which will provide operational flexibility and will improve water supply reliability from the Delta.

While some critics of the BDCP have claimed that the plan unduly favors water supply interests and will permit State Water Contractors to export more water than is currently allowed, the BDCP and the Preferred Alternative do 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 (MAF) to 5.6 MAF per year. This is the same average currently permitted for export through the Delta today.

The Delta Reform Act of 2009 established the State policy of co-equal goals to provide a more reliable water supply and to protect, restore and enhance the Delta ecosystem. Orange County's primary interests in the successful implementation of the BDCP are:

1. Restoration of SWP supply to pre-2008 capabilities before imposition of the 2008 Delta smelt and salmon/steelhead biological opinions,
2. Assurances that the BDCP will provide greater supply certainty into the future without further significant mandated reductions in exports due to endangered species issues without a fair and balanced procedure, and
3. Protection of the export supply from both catastrophic outages to the Delta levee system from earthquakes and floods and from long-term sea level rise.

While the project will not expand average annual exports, it will provide certainty in the water supply, protect export supplies from catastrophic outages, and allow for a "big gulp, little sip" approach to beneficiaries. Construction of a new north Delta intake for the SWP and Central Valley Project (CVP), a significant investment for beneficiaries, would protect this critical supply from earthquake, flood and seawater intrusion risks. It also would restore a greater level of export supply certainty and reliability by providing operational flexibility that will minimize environmentally damaging south Delta diversions and reverse flows. The "big gulp, little sip" approach will allow for greater exports when excess river flows would normally discharge to the ocean and smaller, but consistent and predetermined export levels when Delta flows at normal or lower than normal levels. This approach makes sense and helps mitigate the impact of the 2008 opinions, but not at the expense of the environment.

<u>New Facilities and In-Delta Operational Flexibility</u>: ***The modernization of the Delta conveyance system is essential in order for habitat restoration and conservation to have its intended effect; Preferred Alternative (No. 4), which incorporates the 9,000 cfs three intake, twin tunnel conveyance system, provides the best balance between operational flexibility and modernizing the conveyance system for environmental benefit and water supply reliability.***

The 9,000 cfs three intake, twin tunnel conveyance system will add a new point of diversion in the north Delta area which will provide operational flexibility in how water is conveyed across the Delta. This will mitigate entrainment of fish under the current south Delta operations and will significantly curtail reverse flows. In addition, an improved conveyance system will allow the Delta to operate more naturally by minimizing conflicts between fish and water operations. This will better enable conveyance of high flows while minimizing fishery impacts. The project would substantially reduce the take of endangered species and would protect exports from earthquake, flood and sea level rise into the future. We strongly support this foundational conservation element of the BDCP, and believe that the Proposed Alternative (No. 4) proposes the best option for modernization of the conveyance system.

Proposed Alternative (No. 4) provides the best option for operational flexibility, and will allow for the "big gulp, little sip" approach. Southern California has made significant investment in water storage and conveyance facilities, such as the Diamond Valley Reservoir, Inland Feeder and groundwater storage facilities, to allow conjunctive use storage during periods of high flows in the system. Implementation of the Preferred Alternative (No. 4) will enable a more efficient and protective location for diversion of high flows for downstream storage and subsequent dry period use than the current system can provide.

The three proposed screened intakes in the northern Delta and proposed twin tunnels, combined with the enlarged and improved SWP Clifton Court forebay intake in the southern Delta, will provide the necessary flexibility to greatly reduce conflicts between fish and water operations. Reliance solely on the existing system is not sustainable and would cause significant long-term harm to the fishery as well as adverse impacts on SWP deliveries, as has occurred since 2008. The screened intakes proposed by BDCP in the northern Delta will significantly mitigate reverse flows and south Delta diversion impacts. The Preferred Alternative (No. 4) will enable a more natural flow pattern through the Delta estuary.

The existing system is vulnerable to future sea level rise. Salinity intrusion, especially during extended dry periods, will worsen with sea level rise. With sea level rise, the ability of the existing system to meet the co-equal goals will be increasingly difficult. The Preferred Alternative (No. 4) system will help mitigate future salinity risks to water supply. In addition, the projected change in precipitation patterns to increasing rain and decreasing snow will limit the time availability windows for diversion and capture of available river flows. This change will require increased diversion rates and storage during periods when higher flows occur. This should be a recognized benefit of the BDCP and placed within its climate adaption strategy.

The Preferred Alternative (No. 4) should also provide facility protection from major flood events, up to a 200-year storm event. This will require establishing protective elevations at the Clifton Court Forebay as well as providing similar levels of protection at the recommended new north Delta diversion facilities. 200-year storm protection should be included in the BDCP.

The 9,000 cfs three intake, twin tunnel conveyance system would also protect the critical SWP and CVP supplies if massive Delta island levee failures should occur in the future from a major earthquake. The body of independent scientific evidence of the seismic risks in the Delta is growing. 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 Delta waterways and saltwater flooding of many islands. Under this scenario, SWP and CVP deliveries would be interrupted and

significantly curtailed for up to three years resulting in severe economic damage to the state. The best available temporary solution would be a patchwork levee "pathway" that could only deliver a fraction of traditional supplies in the best-case scenario.

Seismic preparedness is crucial for this vulnerable segment of the statewide water delivery system, especially in the intervening years prior to completion of the tunnel system. The new northern Delta intakes and twin tunnels will protect future SWP deliveries and the economy of the state– providing a valuable insurance policy to improve the reliability of the system from natural disasters. Delays in implementation of the BDCP should be avoided and the project implementation should be expedited. Approvals should not be unreasonably withheld.

Reduced Future Reliance: ***The 2009 Delta Legislation called for water agencies to reduce future reliance on the Delta, not to become 100 percent "self-reliant". The 2009 water package called for both reduced reliance and construction of improvements in the Delta.***

As part of the 2009 Delta legislation, water agencies are required to reduce their future dependence on the Delta. Over the past several years, agencies have worked to improve water use efficiency, develop alternative local supplies, and reduce their dependence on the Delta by changing the timing of water exports. These efforts are in compliance with California's policy "to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency." Ref: California Water Code Section 85021.

While efforts in these areas will continue, it is important to note 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 reduction or elimination in water exports from the Delta, but balanced the need for all of California to use its water resources wisely, and to reduce future pressures on the Delta ecosystem from future population and economic growth in the State.

We have grown concerned over references to "self-reliance" as this is markedly different than "reduced future reliance," which was the intent of the law. The concept of "self-reliance" is troubling as the notion of co-equal goals was never intended to result in a future with significant reduction in exports from levels achieved before the 2008 bio-opinions. We would question whether this line of reasoning seeks to establish the pretext for ever-declining yields out of the SWP and ever increasing unit costs, further stranding imported supply investments onto our ratepayers and fundamentally damaging our ability to continue to optimize our local resources (i.e. salt management in recycled water and groundwater basins).

It is our considered opinion that both improvement in supply that should be expected from the BDCP implementation and new local resource developments are necessary, as well as other longer-term federal/multi-state supply and conservation projects if we are to secure and improve our water and economic future for the benefit of a growing population.

The recently released California Water Action Plan promotes increasing self-reliance through several measures, including providing a more reliable water supply that protects export supplies from catastrophic outages from earthquakes, major floods and rising sea levels. The California Water Action Plan focus highlights the importance of the BDCP to improve operational flexibility, protect water supplies and water quality, and restore the Delta ecosystem within a stable regulatory framework. It also goes on to state that as the Delta ecosystem improves in response to the implementation of the BDCP conservation measures, water operations would become more reliable, offering more secure water supplies. These are laudable goals of the BDCP, including restoration of export water supplies to levels that were realized before the 2008 biological opinions.

It is now time for the State and federal government to achieve the 2009 legislation's co-equal goals of improving water supply reliability and ecosystem function by implementing the BDCP.

Plan Implementation and Regulatory Assurance: ***The BDCP must provide the needed implementation and regulatory structure and assurances to achieve the co-equal goals as established by the State. MWDOC submits the following comments related to plan implementation, governance and assurances.***

Regulatory Assurances

It is important to establish a more stable regulatory environment, which is one of the key goals of the BDCP. The BDCP offers a clear choice between a stable future and today's ineffective and adversarial species-by-species approach to regulation and ESA enforcement under Section 7 of the ESA. Under the BDCP, ESA regulations and provisions of the HCP/NCCP would provide for regulatory and economic assurances, and greater certainty for public water supply and fish and wildlife agencies. The core Adaptive Management and Monitoring program is encouraged and should help to realize achievement of the co-equal goals. It is virtually impossible to ascertain and predict with any precision the outcome of the BDCP habitat restoration efforts and endangered species population dynamics, and such a standard should not be required in the DEIR/DEIS.

The BDCP must provide regulatory assurances commensurate with the significant investment to be made in both improved habitat and facilities. We generally concur

with BDCP Chapter 6 Plan Implementation structure and process. It is important that under the operation of the BDCP the identified changed circumstances, including the potential for new species listing, be incorporated within the BDCP with minimum impact on future water supply exports.

Further, it is likely that unforeseen circumstances will be caused by factors other than water diversions. The plan recognizes this under Section 6.4.1 which states "... if unforeseen circumstances occur that adversely affect species covered by an HCP or NCCP, the fish and wildlife agencies will not require additional land, water or financial compensation or impose additional restrictions on the use of land, water or other natural resources." These provisions must be retained to assure fairness in the process.

Balancing and Proportionality

In the discussion of Alternatives 4, 7 and 8 in DEIR/EIS Chapter 31 (starting at line 42, pg 31-7 and ending at line 32 on pg 31-8), the rationale for the Preferred Alternative (No. 4) is provided in terms of its balancing and proportionality between upstream salmonids, in-Delta species, and export area economy and environmental needs. In addition, the incidental take limits (ITL) should be set in some proportion to the population size of the listed species and should be adjusted accordingly based on population dynamics.

This section further indicates that Preferred Alternative (No. 4) would be subject to the "scientific decision tree" mechanism to "...ensure minimization of adverse environmental effects to water exports in response to changing conditions and evolving scientific information." It is our understanding that the scientific decision tree analysis process would apply only to the Delta smelt (fall outflow issue from 2008 USFWS Biological Opinion "Reasonable and Prudent Alternative") and Longfin smelt (spring outflow operations effects) (CM1). We would hope that improved data collection of the presence and abundance of these fish be monitored over a reasonable habitat range rather than be limited to historical sampling points and procedures. We also recommend that flow changes must also be based on balancing and proportionality to the maximum extent practicable between upstream salmonids, in-Delta, and export area economy and environmental needs.

Sound Science

Sound science is critical to the success of the BDCP. We strongly support the inclusion of independent scientific investigation and research to be included in the BDCP process. The current process of reliance on agency staffs and consultants, the Delta Science Program, and independent science review panels, is very good, but it can further benefit from the inclusion of scientific investigations by researchers not part of these groups. We are also concerned that the models being used for the effects analyses may not fully consider all elements of the BDCP, as the models have recognized limitations and would

likely underestimate the benefits of the BDCP. Outside expert opinions and independent research can only help the process and the process should be open to the inclusion of new scientific data and findings.

We note on page pg 31-8 the statement "Although Alternatives 7 and 8 do not include operations based on the (scientific) decision tree concept, these two alternatives would include greater levels of guaranteed spring and fall Delta outflows, which have demonstrated strong correlations with increased abundances of Delta and Longfin smelt." We disagree with this assertion and do not believe this has been supported at an accepted scientific level. This statement should be clarified for each species where it occurs in the BDCP and DEIR/EIS. Only necessary outflows for migrating fish should be required.

Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP) Structure and Governance

Establishing an HCP/NCCP in the Delta is the best vehicle for achieving the Delta's co-equal goals, and providing assurances that both environmental protection and water supply reliability will be achieved.

It is important that the BDCP is being developed as a 50-year habitat conservation plan with the co-equal goals of restoring the Delta ecosystem and securing California water supplies. A habitat conservation plan is a proper vehicle for reaching these co-equal 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 BDCP and its associated EIR/EIS. It is also important to note that 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.

There must be a strong voice for participating public water agencies in the BDCP process. There are good examples of multiple Permittee interests working collaboratively with resource agencies in southern California on Federal HCPs and State NCCP implementation. For example, the Metropolitan Water District of Southern California (MET) has Permittee status as part of a multi-state, multi-species HCP on the Colorado River because southern California's water supply reliability is tied to the success of the plan.

In Orange County, agencies have successfully implemented HCP/NCCPs incorporating assurances and representation for all participants. For example, in Orange County both the Santa Margarita Water District and Irvine Ranch Water District are participants in HCP/NCCP processes.

As one of the first communities in California to implement a HCP/NCCP, Orange County and the Central/Coastal HCP/NCCP 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 HCP/NCCP 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 HCP/NCCP, as proposed in the BDCP, will provide better ecosystem protection and restoration outcomes in the Delta.

Orange County's Central/Coastal HCP/NCCP is also a prime example of how HCP/NCCPs ensure that the habitat protection and other operating parameters agreed to in an HCP/NCCP are binding on all of the parties involved. Like the process proposed in the BDCP and the long-term 50-year permit discussed in its associated documents, the Central/Coastal HCP/NCCP 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 HCP/NCCP, the Nature Reserve of Orange County serves the important role of working to implement the HCP/NCCP 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 HCP/NCCP is respected. We believe that the BDCP HCP/NCCP can do the same for the interests in the Delta.

Authorized Entity Group

Permittees, such as water providers, must have a strong voice in the governance of the BDCP because water providers have a huge vested interest in the success of the effort as they are directly affected by the risk to water supply by its failure. Permittees are currently envisioned as key members of the "Authorized Entity Group" which, according to the BDCP documents, "will provide input and guidance on general policy and program-related matters, monitor and assess the effectiveness of the Implementation Office in implementing the Plan and foster and maintain collaborative and constructive relationships with fish and wildlife agencies, other public agencies, stakeholders, local governments and interested parties." This is good and effective governance and these provisions must be retained in the final plan.

Permit Oversight Group

Our understanding is that the Permit Oversight Group, consisting of representatives of state and federal fish and wildlife agencies, will ensure "that the BDCP is being properly implemented." This group has "final decision-making about real-time operations." The

Permit Oversight Group is apparently empowered to shut down the water exports and change the permits without Permittee recourse. We believe this is flawed and inconsistent with meeting the co-equal goals.

In early administrative draft versions of the plan that were available to the public, there was an appeals process that would enable decisions to be reviewed by the Secretary of the Interior and Secretary of Commerce. We believe this appeals step is critical, as Orange County and others across the state substantially depend on the SWP for their water supply. This change from earlier drafts would impose an unacceptable veto power without adequate recourse. The appeals process must be provided as before. Our concern is best alleviated via a balanced process including the ability for appeals. The process must avoid the more rigid and case-by-case Section 7 consultation approach that we have experienced and the uncertainty it can create.

The investment is too great to be vulnerable to unilateral actions driven solely by regulators without allowing the functioning of the BDCP plan to achieve the co-equal goals. As currently written, this provision appears to undermine the BDCP, and it needs to be revised along the lines as described.

Salinity Control

Before the construction of the CVP and SWP reservoirs, salinity intrusion far into the Delta was a common occurrence during very dry years. Since the construction of Shasta and Oroville Reservoirs and with the 1978 SWRCB D-1485 water quality control decision, the CVP and SWP have provided broad salinity control benefits to the Delta that have helped to protect in-Delta agriculture and domestic uses as well as export water quality, even as San Joaquin River flows were depleted by upstream diversion. We concur that salinity control is an important component of the BDCP. We also note that natural variability must be recognized within the BDCP and some relaxation of salinity control objectives must be allowed during severe droughts.

In addition, with future sea level rise, the BDCP needs to provide for a gradual relaxation of the X2 salinity control point, as releasing more and more stored water, which is made possible by both the CVP and SWP, will cause increasingly greater shortages in water supply at increasingly greater economic impact to the state. The estuary would be expected to shift upstream with sea level rise and this should be accounted for in the 50-year permit period. The BDCP must recognize that the existing Delta agricultural areas may require some form of land use conversion into the future.

Recognize Need for Additional Upstream Storage
While not part of the BDCP plan, additional storage north and south of the Delta will be critical concurrent with improvements in conveyance to enable the capture of high flows during wet periods for subsequent use. Additional storage will be especially important during periods of prolonged drought. Such facilities would be of statewide and national benefit, and both the State and federal government should financially contribute to their development. The BDCP should recognize the need for additional upstream and downstream surface storage to realize the full benefits of Preferred Alternative (No. 4). We support the development of future storage projects as stand-alone projects outside of the BDCP Plan to help with meeting the co-equal goals.

Scientific Decision Tree and Project Yield
The BDCP holds the potential to stabilize SWP and CVP annual deliveries to between a range of 4.7 to 5.6 MAF (Prior 20-year average deliveries were 5.2 MAF) and to stabilize them within this range over the 50-year permit period, but this depends upon the future outcome of "Scientific Decision Tree" studies that will refine future spring and fall outflows. The BDCP indicates that without the BDCP the Delta will continue in ecosystem decline, future deliveries would be reduced between 3.4 to 3.9 MAF as the result of new listings, higher requirements for outflows during wet and above-normal precipitation years would be required, and using fixed limits on take rather than proportionate take based on actual population size and dynamics would be likely.

The Decision Tree process is critical; water agencies require a seat at the table to represent the water supply and economic interests of the public that we, as public agencies, serve. Further, the water agencies have a high level of interest in ensuring that adaptability will result in regulatory agencies working collaboratively with the Permittees as provided for under the state and federal ESA laws for habitat and natural community conservation plans. It is important to ensure that the process is not skewed and has not established pre-determined outflows and compliance locations.

<u>Plan Implementation and Regulatory Assurance:</u> ***The BDCP must provide the needed implementation and regulatory structure and assurances to help achieve the co-equal goals. MWDOC submits the following comments related to plan implementation, governance and assurances.***

The BDCP and the 9,000 cfs three intake, twin tunnel conveyance system would significantly improve export water quality by reducing total dissolved solids (TDS), bromide, dissolved organic carbon (DOC) and other contaminants that currently impact the south Delta. This is especially important for Orange County for a broad range of water management purposes. It is our understanding, that future SWP deliveries under the Preferred Alternative (No. 4) would realize a reduction in concentrations, on average, of approximately 20 percent from existing conditions. Reductions in TDS,

bromide and DOC will help to sustain Orange County's groundwater basins, enhance recycling usage, and reduce treatment and consumer costs. Improving source water quality is an important value of the BDCP.

Reductions in DOC and bromide in SWP water will lower disinfection by-product formation in public water systems. Compliance with these U.S. Environmental Protection Agency and California Department of Public Health regulated compounds requires expensive water treatment to meet public health requirements. Reducing DOC levels will also reduce chemical and energy usage in ozone or chlorine based disinfection processes saving the ratepayer money and reducing environmental impact.

Further, given the high TDS and hardness levels in Colorado River water, lower TDS and softer SWP water is essential to help manage the long-term salt balance in southern California and Orange County groundwater basins, thereby, minimizing treatment costs, reducing penalty costs to consumers, and lowering the cost of recycled water projects. Lower TDS source water helps many of the elements of our Southern California reliability strategy, as well as achieving compliance with Regional Water Quality Control Board Basin Plan objectives and discharge limitations.

Water Quality Improvements and Regional Compliance with Section 85021

The Water Code directs that "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", reference California Water Code Section 85021. Orange County and Southern California have complied with the California Water Code by taking great strides to improve its regional self-reliance, but the BDCP and a reliable supply of imported water is still needed.

Many of the opponents of the proposed BDCP process state that development of local supplies, water reuse, conservation and water use efficiency can take the place of the supply and reliability projects proposed in the BDCP. The reality is that the solution to California's water problems requires action on all of these fronts in addition to the BDCP. While California should continue to develop local supplies, improve water reuse, and move towards greater water use efficiency and conservation, those efforts would be hampered without the BDCP Preferred Alternative (No. 4) and the water quality improvements which will be obtained as a result of those projects and changes in operations.

Expected water quality improvements in SWP supplies from the BDCP in reduced salinity, total organic carbon and bromide would result in water quality benefits and would promote water recycling and reuse. A reduction at the source means that these water quality challenges are less of a problem once the water is recycled, and would

allow for better quality in the recycled water produced in Orange County and Southern California. A better quality recycled water will allow water to be used for a greater number of cycles.

Orange County's future depends on high quality, reliable and affordable imported water supplies. If we do not have the expected high quality and reliable supply from the SWP that would be made possible by the BDCP, it would seriously jeopardize groundwater basin management and expanded local recycling projects, many of which may not be economically feasible without the high quality water received from the SWP. Moreover, a high quality SWP supply also supports long-term economic management and protection of groundwater basins from salinization and reduces overall consumer penalty costs from corrosion and scaling.

Cost Allocation: ***MWDOC supports the "beneficiary pays principle" in cost allocation for all responsible parties and beneficiaries***

All beneficiaries and responsible parties of the BDCP must contribute to the solution, including any diverter of water from the system (north or south of the Delta). Moreover, in Delta interests have been significant contributors to the modification of habitat, continue to discharge pollutants into the waterways, have caused the subsidence of the Delta islands and need for ever higher and unstable levees that risk both habitat and exports, and have benefited from operations of the projects. Accordingly, these interests have a moral and financial responsibility to directly participate in any solutions as do other responsible parties. Where habitat is to be created by modifying or restoring Delta islands to a more natural state, the in-Delta interests should work collaboratively to facilitate such actions.

Further, any recipient of water should pay the cost of water conveyance improvements in line with the proportion of overall water supplies they receive. Economic values associated with end uses of the water should have no bearing on the cost allocation of the BDCP; it is solely a matter of paying one's share of the cost of development of the water supply.

Furthermore, all Californians will benefit from a solution in the Delta through the improved habitat and reliable water supply that will be created; a stronger overall economy benefits everyone. Consequently, the State and federal government should step up to fund the costs of environmental and habitat improvements as well as providing funding support for flood control, levee improvements, fisheries, invasive species control and other programs within their jurisdictions.

Economy, Environment and Water Management: ***The State Water Project is critically important to the Orange County economy, environment and water management.***

Economic Impacts

The BDCP and DEIR/DEIS "No Project Alternative" analysis should include an evaluation of the economic impact of not strengthening California's water supply and the impact that "no action" has on the state's economic hubs as part of its overall evaluation. 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. MWDOC urges inclusion of these impacts.

The economy of California is largely driven by economic activity in the San Francisco Bay Area and Southern California. 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% of the state's $2 trillion GSP.

Orange County has a population of 3.1 million people, approximately eight percent of California's entire population, and an economy with a gross domestic product of about $200 billion or 10 percent of the state's overall economy of $2 trillion. Orange County's share of California's non-farm businesses was about 10 percent in 2011, and in 2007 Orange County accounted for $49 billion (10 percent) of California's manufacturer's shipments and $98 billion (16 percent) of California's merchant wholesaler sales. In addition, Orange County is a major regional employment, higher education and tourism center.

Orange County is an economic powerhouse for the state; the lifeblood of any economy is a reliable and secure water supply. MWDOC's 2010 Urban Water Management Plan indicates water demand for municipal and industrial use is expected to increase from approximately 485,000 acre-feet per year (AFY) to nearly 568,000 AFY by 2035. For all of Orange County, the total demand of 627,000 AFY is expected to increase to 726,000 AFY by 2035. Regional and local innovative programs and investments in water use efficiency have saved an estimated 75,000 AFY to date in the county.

The San Francisco Bay Area and Southern California 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 a dependable water supply is essential to business operations and expansion that will continue to strengthen our state's economy and increase employment. The BDCP should take into account the economic cost of not providing a secure and dependable water supply in its economic impacts analysis. Given the importance of Southern California and the Bay Area to California's economy, the cost of

no BDCP, without the Preferred Alternative (No. 4), would be extremely large and would greatly exceed any economic benefits of other alternatives that were considered.

It is also noteworthy that the Delta is a key water supply for 25 million California residents, largely located in the economic centers discussed above. 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 government do not move forward on the BDCP, we are risking great environmental damage, a loss of substantial water supply to more than two-thirds of California's residents and businesses, and associated economic losses into the future.

We also risk severe and possibly permanent damage to our State's agricultural economy. The water from the Delta supports more than 5 million acres of California agriculture. These 5 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 during the current severe drought. Without implementing the comprehensive environmental and conveyance solution proposed by the BDCP, we risk permanent damage to California's $44.7 billion agriculture industry.

The development of a secure and reliable water supply for the citizens of California is important to the economic vitality of our state. The BDCP will provide stability in California's water infrastructure by providing a process that can result in a more dependable, high quality SWP water supply.

Orange County Environment and Water Management

The recent droughts of 1977-78, 1987-92, 1999-00, 2007-08 and the current drought demonstrate the precarious nature of the federal, state, regional and local water supply systems serving California. Throughout the state, the current acute drought, natural climate variability and climate change, agricultural cutbacks due to lack of water and continuing groundwater overdraft, increasing population and need for an ever growing economy, have brought to the light that water supply solutions and challenges are looming larger and more complex. This has led many to an increasing recognition that we have entered an era of uncertainty and potential era of water scarcity if we do not plan for the future.

Recent droughts and a greater understanding of climate change impacts have demonstrated that supply uncertainty and variability pose great risks to our economy and the natural environment. We remain confident that we have the combined ability

to help solve these long-term problems. One key part of this solution is to fix the "broken Delta" through the program developed and recommended in the BDCP.

MWDOC and its member agencies have made significant investments in local resources and water management. Orange County water agencies are recognized leaders in water use efficiency, storm water conservation, groundwater basin management, wastewater management, water recycling and reuse, and advanced water treatment technologies. In north Orange County, the Orange County Water District is recognized as a world leader in indirect water recycling through their award winning Groundwater Replenishment System, a project that now recycles 72,000 AFY, is under construction to be expanded to recycle 100,000 AFY with plans to recycle up to 130,000 AFY in the near future. These programs with imported water enable OCWD groundwater producers to meet about 70% of their water supply needs from the groundwater production. Conjunctive use of the basin with imported water and its utilization remains dependent on the availability of high quality imported water that can be replenished during wet periods.

Through innovative, multi-agency approaches, MWDOC and its agencies develop, implement, and evaluate water use efficiency programs that provide multiple benefits, including improved irrigation efficiency, increased utilization of California Friendly landscapes, and pollution prevention through programs that help to reduce dry weather urban runoff. Our programs include educational classes on water-wise landscaping, irrigation performance reporting, water use surveys for hotels and industrial customers, and consumer incentives for water-efficient devices. To evaluate the effectiveness of such devices, MWDOC conducts studies to monitor water savings and urban runoff reduction.

Through these efforts, Orange County's water use today is less than it was in 1990 even with population growth of 683,000 and jobs growth of 204,000 respectively. Overall, MWDOC has documented conservation of about 75,000 AF per year (active and passive). Despite these efforts, Orange County is still reliant on purchases of imported water from MET to meet about 45 percent of our current needs. About one-half this need is met from the SWP.

South Orange County is much more reliant on imported water, having few local resources other than water recycling and a few small groundwater basins that are nearly fully developed. Regional recycling planning is underway to evaluate how best to maximize the use of recycled water in South Orange County. In addition, studies are underway for evaluating the feasibility of augmenting the groundwater supply from the San Juan Creek alluvial basin through replenishment with recycled water. The southern portion of Orange County despite its best efforts remains heavily dependent upon the Delta.

A number of retail agencies in south Orange County are recognized leaders in water use efficiency and conservation based rate structures, water recycling, and water reliability projects. For example, Irvine Ranch Water District, Moulton Niguel Water District, El Toro Water District, Santa Margarita Water District, Trabuco Canyon Water District and the cities of San Juan Capistrano and San Clemente are recognized leaders in water recycling and management through the use of dual distribution systems and community planning.

Orange County ratepayers have invested heavily in local resources in past years both directly and through MET. These investments through MET water supply purchases helped fund the $2 billion Diamond Valley Reservoir and $1 billion Inland Feeder that allow SWP deliveries during wet periods to be delivered into storage Southern California reservoirs. In addition, at least $1 billion in local recycling and groundwater recovery projects have been made, including water use efficiency and conjunctive use since 1991. Combined, these investments provide the ability to efficiently use existing supplies, develop additional local supplies, and to store water in wet years for subsequent dry year use.

Orange County is also exploring ocean desalination, another potential local supply. It is also a key feature of planning in Orange County with the innovative subsurface intake system being examined for the planned 15 million gallon per day Doheny Ocean Desalination Project in Dana Point and permitting of the 50 million gallon per day Poseidon Resources desalination plant in Huntington Beach.

Despite all of these efforts and investments, Orange County will continue to be dependent upon imported water. Completion and successful implementation of the BDCP is paramount to achieving the reliability that supports water management in Southern California. These local investments have helped meet the water needs of a growing productive population and reduced the otherwise growing pressure on water imports - our agencies should not be "penalized" by additional mandated investments that do not recognize and account for investments that have already been made.

COMMENTS ON THE DRAFT IMPLEMENTING AGREEMENT

The "Implementing Agreement" is necessary to provide a contractual, legally-binding agreement that spells out the commitments and assurances as well as the terms and conditions for on-going implementation of the BDCP. Given the high level of BDCP investment, the water community needs reasonable certainty regarding the expected amount of water supply to be restored that was lost as a result of the 2008 biological opinions.

It should be clearly recognized in the implementation structure and agreement decision-making process that the new, screened North Delta intake system will not only

greatly improve salinity control and water supply reliability from catastrophic levee failure and future sea level rise, but will avoid entrainment losses of fish as well as minimizing impingement losses from current south Delta diversions. In addition, the new intake system will provide much needed operational flexibility that will enable significant protections to endangered species as well as maintaining environmental and water quality benefits to the south Delta that are provided by the SWP and CVP. These benefits will be made possible through the ability to curtail south Delta endangered species take by changing the timing and diversion rate by use of the new North Delta intake system.

Currently, endangered species take by the existing south Delta unscreened forebay diversion operations are controlled by reducing exports. The BDCP will provide a physical means to minimize south Delta diversions. In addition, the added operational flexibility will result in greatly reduced reverse flows and related, improved south Delta water quality, and improved export water quality. The implementing agreement needs to recognize these benefits to allow export diversions to be restored.

Following are our specific comments on the Draft Implementing Agreement.

Comments In Support of Current Language (Areas where we agree with current Implementing Agreement provisions that should not be changed in ways that would weaken protections to water exports)

- Permit Oversight Group Members. It is appropriate that the state and federal fish and wildlife agency members of the Permit Oversight Group be either the named directors or administrators or designees that are duly authorized to exercise their authority. Delegation to staff members without such authority would lead to inefficiencies and decision-making gridlock.

- Real Time Operations Purpose. The stated purpose of Real Time Operations of "maximizing conservation benefits to covered fish species and maximizing water supplies" is appropriate. This reflects a fundamental purpose of the BDCP of restoring and protecting water supplies, and acknowledges that real time operations is a tool that can benefit water supply as well as fish species.

- Real Time Operations Ultimate Decision. In the event of disagreement among agency directors over a proposed Real Time Operations adjustment, it is appropriate that the adjustment will not be made.

- Adaptive Management Team Membership. Given the SWP and CVP Contractors' extensive responsibility in funding and implementing the Plan, it is fully appropriate that one SWP Contractor and one CVP Contactor be designated as voting members of the Adaptive Management Team.

- Funding from the State of California and the United States. Consistent with the Planning Agreement and in recognition that the BDCP is a comprehensive and ambitious plan that provides significant benefits to the public generally, the Implementing Agreement appropriately provides that the State of California and the United States will be responsible for funding the Plan where not otherwise funded by the Authorized Entities.

- Regulatory Assurances. The Implementing Agreement appropriately includes provisions that provide the Permittees with No Surprises and other assurances and protections, consistent with Endangered Species Act (ESA) and Natural Communities Conservation Planning Act (NCCPA) law and regulation.

- Assurances Provided to Reclamation. Given Reclamation's integral role in the BDCP and in coordinated CVP/SWP operations, the assurances provided to Reclamation against additional expenditures of resources, to the maximum extent possible, are appropriate.

Comments Seeking Changes

- Ultimate Decision Making Authority and Signatories to the Implementing Agreement (Page 1). It is not clear who will be obligating the commitments of the United States and the State of California that are beyond those of the Authorized Entities. It is recommended that the Secretary of the Interior and the Governor sign the agreement to help ensure that those commitments will be met. As stated in Section 1.0 of the Implementing Agreement, the level of agency signatory has not been determined and will be considered further. Staff suggests that the Governor, Secretary of the Interior, and the Secretary of Commerce should be the signatories for the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service, respectively. By having the Governor and the Secretaries sign on behalf these state and federal agencies, it helps ensure that the United States government and the State of California live up to their obligations under the Implementing Agreement. As for the Authorized Entities (Department of Water Resources and State Water Project/Central Valley Project Contractors), it is more clear as who has the ability to legally bind these entities. At minimum, when conflicts arise, decision-making must be moved to the highest levels possible.

- Covered Species (Page 7). Sections 3.20 and 8.5.1 of the Implementing Agreement define "Covered Species" listed in Exhibit "A". Since those species listed in Exhibit "A" link directly to the species for which the Permittees have been given "no surprises" protection, Exhibit "A" is important to understand the risk being undertaken by the Permittees. Exhibit "A" was not attached to the

Implementing Agreement and should be released for review before the parties enter into the agreement. Listing of all known species is critically important to provide broad coverage.

Furthermore, amended language is needed to allow incorporation of currently unknown native species as "Covered Species" where restoration activities are shown to provide a benefit without going through the full amendment process. It is critical that the listing of "Covered Species" is as broad as possible based on current science and is sufficiently flexible to assure an efficient process.

- Unforeseen Circumstances (Page 10). Section 3.51 of the Implementing Agreement defines "Unforeseen Circumstances" as those "changes in circumstances affecting a Covered Species or geographic area covered by the BDCP that could not reasonably have been anticipated by the Permittees, USFWS, or NMFS at the time of the BDCP's negotiation and development, and that result in a substantial and adverse change in the status of a Covered Species."

  Since the reasonably foreseeable changes in circumstance have been included in the BDCP, the definition should be modified to state that unforeseen circumstances are those "changes in circumstances affecting a Covered Species or geographic area covered by the BDCP that could not reasonably have been anticipated by the Permittees, USFWS, or NMFS at the time of the BDCP's negotiation and development, and were therefore not included in the BDCP, and that result in a substantial and adverse change in the status of a Covered Species."

- Bureau of Reclamation's Role (Page 15). The Bureau of Reclamation is not a party to the Implementing Agreement. Section 5.0 of the outlines the role of the Bureau of Reclamation. It states that the Bureau will enter into a Memorandum, or similar agreement, with the Parties of the Implementing Agreement outlining the Bureau's roles and responsibilities. This memorandum or similar agreement should be attached to the Implementing Agreement as an exhibit and incorporated by reference into the Implementing Agreement, and this section should be changed to reference that exhibit.

- Take Authorizations (Page 19). Section 8.2: Other Authorized Entities - Section 8.2 recognizes that certain third parties may seek take authorizations under the BDCP for ongoing operation of water diversions that are not associated with the SWP or CVP. These parties will be considered Other Authorized Entities. A sentence should be added clarifying that SWP/CVP Contractors shall not be held liable or be asked to take actions by USFWS, NMFS or CDFW as a result of Other Authorized Entities violating the terms and conditions of any take authorization issued by the Department of Water Resources. Also, the section references

Exhibit C. Exhibit C has not been released, and should be released prior for review to finalization of the Implementing Agreement.

Implementation and Conservation Measures Definitions - The definition of "Implementation" is not provided under the Definition section. It should be noted that it includes construction and operation/maintenance over the 50 year term of the permit. The definition of "Conservation Measures" should be more clearly defined that their implementation means that they meet the "maximum extent practicable" test.

- Neutrality of Permitting and Decision Tree Outcomes (Page 24). The provision related to Decision Tree Outcomes includes a reference to permit terms and conditions including the operational and flow criteria related to the high-outflow scenario. All Decision Tree outcomes should be described at an equal level of detail and fully evaluated with sound science before a decision is made. The high outflow scenarios should not be predisposed as being the permitted outcomes to be included as permit terms and conditions. Refer to MWDOC's BDCP comment letter which raises this issue under "Balancing and Proportionality" and its importance with regard to the issue of outflows and an expanded monitoring program over a reasonable habitat range compared to the historical narrow and limited monitoring program that in all likelihood has understated the Delta and Longfin Smelt populations as well as the effect of other stressors. Improved scientific understanding of the stressors impacting the smelt population is needed.

- Real-Time Operations Adjustments (Page 27-29). Real time operations decisions should not compromise the discretion of the Project Operators to maximize water supply benefits provided the requirements of BDCP are being met. Where exports are reduced due to real time adjustments, they should be made up later in the year through additional exports, so as to remain neutral. Given the SWP and CVP Contractors' vested interest and expertise in water operations, one SWP Contractor and one CVP Contractor should serve as voting (not non-voting) members on the Real Time Operations Team.

- Adaptive Management (Page 29-30). It is not clear how the limits for non-flow actions of Adaptive Management will be defined. A monetary cap for non-flow Adaptive Management Actions needs to be established. For water operations, the Implementing Agreement lists four resources sources and their priority of use. These sources are not defined and specifics on how they would be used and managed are not provided.

- Reserve System Lands and Funding (Page 42). The maintenance requirements/costs for the tunnels have not yet been finalized. Before implementation is begun, the cost and cost allocation for the Preferred Alternative (Alt. No. 4) should be fully understood. The final costs and performance objectives of the conveyance system must be reflected in contractual agreements to provide certainty that investments in the conveyance facilities result in adequate returns for State and Federal water contractors. This comment should also be addressed as it relates to the amount and who funds the non-wasting endowment required in Section 11.4.1.

- Changed Circumstances (Page 44). As the Implementing Agreement states, "Ecological conditions in the Delta are likely to change as the result of future events and circumstances that may occur during the course of the implementation of the BDCP." Section 12.0 should include a "no surprises" statement guaranteeing Permittees that the Fish and Wildlife Agencies will not require the permit holder to provide any additional land, water, or financial compensation nor impose additional restrictions on the use of land, water or other natural resource without the Permittee consent provided the Implementation Office acts as required in Section 12.1.

  Also there does not appear to be a division of responsibility between the Authorized Entities and the State and federal governments for implementing responses to Changed Circumstances. This should be addressed.

  Contributions for a changed circumstance action for any particular Conservation Measure should be on a pro-rata basis according to the overall funding for that measure.

- Inadequate Funding and Rough Proportionality (Page 47). Section 13.2 Inadequate Funding references the requirement for rough proportionality and permit suspension and revocation. This section needs to be revised as discussed below.

  - Timing - The Implementing Agreement provides only 45 days to regain rough proportionality or develop an acceptable plan to do so. Given the scope and complexity of the BDCP, this timeframe is unreasonably short and unrealistic.

  - Suspension and Revocation Standard - No metric is provided for when a failure of rough proportionality would trigger a partial suspension or revocation of the Permits. Consistent with the shortfall in funding provision, a failure to maintain rough proportionality due to a shortfall in state or federal funding should not be a basis for partial suspension or

revocation of the permits provided the Permittees are fully meeting their obligations.

- Minimal Effect – Consistent with "no surprises" assurances, the Implementing Agreement should provide that as long as the Permittees are fully meeting their obligations, the permits may not be revoked or suspended. At a minimum, the meaning of "more than a minimal effect" needs to be defined in order to protect the Permittees' from backstopping the obligations of the state and federal government.

- Funding Shortfalls - Section 13.2 states that "In the event of a shortfall in State or federal funding, a Fish and Wildlife Agency(ies) shall not suspend or revoke the State and/or Federal Permits or invalidate Reclamation's take statement if the shortfall in funding is determined to be likely to have no more than a minimal effect on the capacity of the Plan to advance the biological goals and objectives." This language allows the Permittee's permits to be revoked as a result of something outside of their control – this needs to be changed to protect the Permittees. Also the funding obligations of California and the United States are lumped together. The funding split between California and the United States needs to be identified.

- Authority of the Fish and Wildlife Agencies (Page 74-78). The Fish and Wildlife Agencies maintain too much authority in decision-making with respect to Plan implementation based on their defined roles in the Permit Oversight Group and Adaptive Management Team. The proper role for the Fish and Wildlife Agencies with respect to Plan Implementation is advisory and to insure overall compliance with permit requirements.

- Miscellaneous Provisions (Page 88 -93). The following provisions should be included in this section.

  - Provision Needed Regarding Inconsistent Permits by State Board/Others - An "off-ramp" provision should be provided in the event permits inconsistent with the BDCP are ultimately issued by the State Water Board or others (e.g., USACOE).

  - Provision Needed Regarding Consistent Positions in Other Regulatory Proceedings - A provision is needed wherein the Parties agree not take positions inconsistent with the BDCP in other documents and proceedings such as under NEPA, CEQA, Clean Water Act, Porter-Cologne Water Quality Control Act, and California Water Code.

- Miscellaneous Comments

  On page 45, the second paragraph under Section 13.0 indicates that the Permittees agree to provide such funds as may be necessary to carry out their obligations under the BDCP. This indicates an unlimited funding commitment and this is incorrect and should be clarified as noted under Section 13.1 of the Implementing Agreement.

  On page 64, Stakeholders Council should also include at least one representative from southern California in addition to Metropolitan Water District of Southern California.

Summary: ***Implementation of the BDCP is critical to Orange County's future***

- Orange County has invested heavily to diversify our water portfolio but the SWP is a critical source of low salinity water supply that is currently unacceptably jeopardized by the unsustainability of the current Bay-Delta system.

- Orange County relies on the SWP to support groundwater conjunctive use programs and water recycling programs - it is an essential part of our water reliability strategy that sustains our citizens and businesses.

- It is time to adopt and move the BDCP to implementation in order that we can achieve the co-equal goals of a reliable water supply for California and ecosystem restoration for the Delta.

- The 9,000 cfs twin tunnel BDCP Preferred Alternative (No. 4) will improve export water supply operations, reliability and water quality from the Delta in a manner that is protective of endangered species in the Delta.

- We support the 9,000 cfs twin tunnel Preferred Alternative (No. 4) provided reasonable assurances are included regarding governance and future decision-making in the process. We strongly advocate for a seat at the table for the water Permittees in the various oversight groups. The investment and decision-making must be structured to achieve a positive outcome for both the SWP and Permittees and the ecosystem restoration in a collaborative, partnership manner.

Thank you for your time and consideration of these comments. If you should have any questions please do not hesitate to call me at (714) 593-5026.

Sincerely,

Robert J. Hunter
General Manager