July 28, 2014

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

Dear Mr. Wulff:

The State Water Contractors ("SWC"), on its own behalf and on behalf of its member agencies[1], provides the following comments on the draft Bay Delta Conservation Plan ("BDCP") and its draft environmental impact report/environmental impact statement ("DEIR/DEIS") released on December 13, 2013. In addition, we request copies of all subsequent documents and notices, including the Notice of Determination ("NOD").

SWC'S INTEREST IN THE STATE WATER PROJECT

As contractors with rights to receive State Water Project ("SWP") supplies, we appreciate the opportunity to provide comments. Collectively, the SWC member agencies serve water to more than 26 million people—roughly two-thirds of California's population—over a geographic area that extends from Butte County in the Sacramento Valley, through the San Francisco Bay area and San Joaquin Valley to the California Central Coast and Southern California. The SWC member agencies also serve water to over 750,000 irrigated farmland acres. SWP supplies are critical to California's economy and ability to manage statewide water supplies.

We are proud to have invested billions of dollars in the last 20 years to improve SWP reliability by using smart planning and implementing water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, new storage, and improved regional coordination. To date, we have also invested over $100 million in the eight-year BDCP planning and stakeholder effort to secure long-term SWP reliability. The State Water Contractors have been investing in the SWP for more than four decades, and have additionally invested in regional storage and conveyance to allow our service areas to capture water when it is plentiful and reduce demands on imported supplies during dry and critically dry years. These investments will effectively become stranded if water deliveries from the project continue to degrade.

[1] Alameda County Flood Control and Water Conservation District Zone 7, Alameda County Water District, Antelope Valley-East Kern Water Agency, Casitas Municipal Water District, Castaic Lake Water Agency, Central Coast Water Authority, City of Yuba City, Coachella Valley Water District, County of Kings, Crestline-Lake Arrowhead Water Agency, Desert Water Agency, Dudley Ridge Water District, Empire-West Side Irrigation District, Kern County Water Agency, Littlerock Creek Irrigation District, Metropolitan Water District of Southern California, Mojave Water Agency, Napa County Flood Control and Water Conservation District, Oak Flat Water District, Palmdale Water District, San Bernardino Valley Municipal Water District, San Gabriel Valley Municipal Water District, San Gorgonio Pass Water Agency, San Luis Obispo County Flood Control and Water Conservation District, Santa Clara Valley Water District, Solano County Water Agency, and Tulare Lake Basin Water Storage District.

STATE WATER CONTRACTORS
SWC
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FOUNDED IN 1982

DIRECTORS

Dan Flory
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Antelope Valley-East Kern Water Agency

Ray Stokes
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Joan Maher
Santa Clara Valley Water District

Dan Masnada
Castaic Lake Water Agency

David Okita
Solano County Water Agency

General Manager
Terry Erlewine

In recent years, SWP deliveries have been repeatedly interrupted and reduced due to operational conflicts with threatened and endangered Delta species. Additionally, the SWP risks complete failure given the vulnerability of the Delta levee system to catastrophic earthquake and flood events. Such an event could threaten water supplies for Southern California, the Bay Area, the Central Coast and the Central Valley for several years. These risks are unacceptable, and conditions are expected to worsen with climate change unless steps are taken now to mitigate these concerns. The proposed BDCP has been developed as provided for in both state and federal endangered species protection laws. Alternative No. 4 of the Draft BDCP DEIR/DEIS is the most promising plan developed to date to solve environmental challenges and resolve decades of conflicts between agricultural, urban and environmental water uses with a comprehensive solution that supports California's co-equal goals of a reliable water supply and a restored Delta ecosystem to benefit all water users.

SWC SUPPORT FOR BDCP PREFERRED ALTERNATIVE

SWC strongly supports the CEQA BDCP Preferred Alternative No. 4 with the expectation that the state and federal governments will move steadily forward with its adoption by issuing the NOD and Record of Decision ("ROD") by the end of this year, and by implementing the Alternative No. 4 in accordance with the BDCP schedule.

We support Alternative No. 4's proposed twin-tunnel conveyance system that would isolate and protect drinking water supplies in the event of catastrophic levee failure and help restore natural Delta flow patterns to benefit native species, as well as implementing habitat restoration, water quality and predator control measures set forth in the BDCP. We also support the Alternative No. 4's recognition that changing conditions in the Delta will require ongoing scientific review and monitoring so the plan can effectively adapt over time to emerging science and the evolving ecosystem. The draft plan additionally provides an important framework to address a range of operational outcomes and levels of certainty necessary for a final plan to merit investment by participating public water agencies and by the state and federal governments.

The BDCP process has been transparent and open to the public. Over the last eight years, the BDCP was developed with input from state and federal agencies and independent scientists with more than 600 public meetings and stakeholder briefings. All the documents, over 3,000, are posted online in a commitment to public access and government transparency. Although not required by law, in 2011, a working draft BDCP was released. Next, in 2012 and 2013, administrative drafts of the BDCP and DEIR/EIS were released for additional public and agency comment. Public input was used to significantly revise the proposed project to further minimize environmental impacts before the public draft BDCP and DEIR/DEIS were released for comment on December 13, 2013.

Numerous economic studies conducted for the BDCP demonstrate the financial benefits in securing a reliable water supply from the SWP for the state, as well as the potential hardships caused by inaction and a deteriorating existing water delivery system. Alternative No. 4's improved water supply reliability, according to a study by the University of California at Berkeley's David Sunding, will protect more than a million jobs throughout California. Without the BDCP, the statewide economic hardship caused by the prolonged loss of SWP water supply due to a seismic event could result in more than $40 billion in economic damage statewide. BDCP offers the potential for economic benefits by protecting the state's most important water supply from natural disasters, climate change and further environmental restrictions.

In addition to the economic studies supporting Alternative No. 4, in the 2009 Legislature enacted the Delta Reform Act, which recognizes BDCP's central role in achieving the coequal goals of reliable water supplies from the Delta and Delta ecosystem restoration, and the Governor's 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 Delta Reform Act and the California Water Action Plan highlight the BDCP's importance to the State to improve operational flexibility, protect water supplies and water quality, and restore the Delta ecosystem within a stable regulatory framework. The California Water Action Plan also states that as the Delta ecosystem improves in response to BDCP's implementing conservation measures, water operations will become more reliable, offering more secure water supplies. Beyond these laudable goals, the BDCP aims to restore export water supplies to levels that were realized before the 2008-2009 biological opinions.

CONCLUSION

The proposed BDCP Alternative No. 4 is the most comprehensive effort ever undertaken to address the chronic water challenges facing the state and federal water projects in a manner that protects the Delta environment. Delay is no longer a possibility. It is now time for the state and federal governments to approve and implement the BDCP, which was envisioned as part of the 2009 legislation in order to improve supply reliability and ecosystem function.

Key decisions remain relating to specifics on cost allocations, operations, outflow range, financing and other issues. However, the current Alternative No. 4 draft details a workable solution to the challenges facing the Delta and California's water resources. The SWC believes that implementation of Alternative No. 4 is a key part of improvements in water supply, along with new local resource developments and other longer-term federal/multi-state supply and conservation projects, that will be necessary if we are to secure and improve water supplies and economic future for California's growing population.

We urge the state and federal governments to quickly resolve the remaining issues to provide assurances that the BDCP will achieve California's coequal goals of water supply reliability and ecosystem restoration in a cos-effective manner and move forward with Alternative No. 4.

If you have any questions please do not hesitate to contact me at (916) 447-7357 ext. 203.

Sincerely,

Terry Erlewine,
General Manager

BDCP1568

From: Elaine Benjamin <EBenjamin@swc.org>
Sent: Monday, July 28, 2014 12:13 PM
To: BDCP.Comments@noaa.gov
Subject: SWC Comments on BDCP 7-28-14
Attachments: SWC BDCP Letter final - 7-28-14.pdf

Dear Mr. Wulff,

Attached are SWC's comments on the Bay Delta Conservation Plan.

Hard copy to follow in the mail.

If you have any questions please contact Terry Erlewine at (916) 447-7357 ext. 203.

Thanks,

Elaine Benjamin
Office Manager/Finance Administrator
State Water Contractors
1121 L Street, Suite 1050 | Sacramento, CA 95814
Phone: 916/447-7357 ext. 202
Email: ebenjamin@swc.org | web: www.swc.org

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Reclamation District 830
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July 28, 2014

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

Email BDCP.Comments@noaa.gov

SUBJECT: Comments on the BDCP DEIR/DEIS

Dear Mr. Wulff:

Reclamation District 830 (RD 830) is pleased to submit the following comments on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Bay Delta Conservation Plan (BDCP).

Comment 1: Alternatives development in Chapter 3 of the Bay Delta Conservation Plan Draft EIR/EIS is inadequate, and failed to consider a full range of alternatives. A full range of statewide alternatives such as the increased use of recycled water, implementation of desalinization facilities, water conservation methods, and modified farming/cropping practices to reduce reliance on surface water supplies should have been included and analyzed in the range of alternatives developed.

Comment 2: The California Environmental Quality Act (CEQA) provides that the project description for the DEIR/DEIS for the BDCP must include all relevant parts of the BDCP**, including reasonably foreseeable future expansion or other activities that are part of the BDCP** (Emphasis added.) *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal. (1988) 47 C3d 376.* CEQA also requires that the lead agency, in this case the BDCP Proponents, may not split the BDCP, a single large project, into small pieces so as to avoid environmental review of the entire project. *Orinda Ass'n v Board of Supervisors* (1986) 182 CA 3d 1145, 1171. The DEIR/DEIS fails to meet this standard and therefore is inadequate because the project description does not include nor does the DEIR/DEIS analyze the 2014 Drought Emergency Temporary Rock Barriers, Steamboat and Sutter Sloughs and False River, California, DWR March 2014, Sheets 1 – 15 ("Barriers").

These Barriers are both reasonably foreseeable and part of the BDCP for several reasons, including: (1) during the 1976-77 drought, rock barriers were placed in several Delta

channels, including Sutter Slough and Dutch Slough,[1] and (2) these barriers are addressed in DWR, Delta Drought Emergency Barriers, Administrative Draft, April 2009. Even if the Barriers are not explicitly included in the Project Description of the BDCP DEIR/DEIS, they are *de facto* an integral part of the BDCP. As the BDCP DEIR/DEIS acknowledges in Chapter 8 that increases in salinity at multiple locations within the Delta will occur as part of the project, the BDCP DEIR/DEIS must analyze the need for rock barriers as part of the project. Although sometimes described with the adjectives "temporary" or "emergency," unfortunately these barriers are likely to become, especially in the western Delta, permanent, routinely used defenses against salinity intrusion in response to implementation of the BDCP and California's cycle of recurring droughts. CEQA demands that the DEIR/DEIS analyze the Barriers because they are both reasonably foreseeable and activities that are part of the BDCP. To allow the Barriers to be analyzed separately in other CEQA documents constitutes impermissible piece-mealing.[2]

To state it in concrete terms, the authors of the BDCP DEIR/DEIS must revise Chapter 8: Water Quality in order to analyze the short and long term impacts on salinity in the western Delta of the installation of the Barriers. In particular, the BDCP DEIR/DEIS authors must analyze the impacts of the installation of barriers as a result of the implementation of the BDCP as well as how barrier installations in response to future droughts would change once the BDCP is implemented.

Comment 3: The DEIR/DEIS does not adequately analyze, in a focused, specific and coherent manner, the impact of the salinity intrusion which will be caused by the BDCP on groundwater wells on Jersey Island as wells as the riparian and appropriative water rights held by various entities in the western Delta. These entities include but are not limited to RD 830.

RD 830 maintains the levees on Jersey Island and is the holder of a riparian right to divert water from the San Joaquin and False Rivers, Piper, Taylor and Dutch Sloughs. The water right License No.1310, Face Value 14,560 acre-ft/year.

The DEIR/DEIS presents several discrete, disparate discussions on the subject of salinity intrusion in the western Delta. For example, Appendix 3E discusses Potential Seismic and Climate Change Risks to SWP/CVP Water Supplies. In Appendix page 3E-3 in Section 3E.2.2, the DEIR/DEIS discusses Salinity/Seawater Intrusion. In Chapter 8, Water Quality, the DEIR/DEIS contains numerous references to EC (electrical conductivity) objectives as measured at Jersey Point. Chapter 8 at pages 8-562 and 563 discusses NEPA Effects and presents CEQA conclusions at pages 8-563 and 564.

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[1] Protecting Water Supplies and Delta Water Quality with Emergency Drought Barriers, DWR, March 2014, p.1.

[2] A lead agency may not split a single large project into small pieces so as to avoid environmental review of the entire project. *Orinda Ass'n v Board of Supervisors* (1986) 182 CA 3d 1145, 1171.

However, as previously noted the DEIR/DEIS does not adequately analyze the impact of the salinity intrusion caused by the BDCP on the riparian and appropriative water rights held by various entities in the western Delta.

Comment 4: At page 29-20, lines 12 through 21, the DEIR/DEIS states:

> **Resilience/Adaptation**
>
> The BDCP alternatives, with the exception of Alternative 9, would not add resiliency to existing levees; levee fragility would remain high and increase with time as in the No Action/No Project Alternative. However, BDCP Alternatives 1A–8 would provide additional adaptability to catastrophic failure of Delta levees. By providing an alternate conveyance route around the Delta, Alternatives 1A–8 provide a mechanism to continue making water deliveries to SWP/CVP contractors and local and in-Delta water users with conveyance interties even if the Delta were temporarily disrupted by a catastrophic levee failure. Alternative 9 adds additional resiliency to the Delta by strengthening and reinforcing levees critical to the through-Delta conveyance route, however, this alternative does not increase the adaptive capacity of the system.

RD830 does not dispute this statement. However, the DEIR/DEIS should, but unfortunately does not, analyze the impacts of "providing an alternate conveyance route around the Delta" on the availability and willingness of the state legislature and State Department of Water Resources (DWR) to provide funding to local reclamation districts for ongoing levee repair and maintenance. In other words, the availability of an alternative conveyance route around the Delta could potentially serve as a disincentive for DWR's funding of levee repair and maintenance because "worst case," in the event of levee failure and salinity intrusion into the Delta, there is an alternative means to route fresh water around rather than through the Delta.

Comment 5: The Draft EIR/EIS analysis assumes habitat restoration will be implemented and operating as fully intended under both the Early Long Term and Late Long Term scenarios. Even if the land is acquired for the proposed projects, habitat restoration is a time required process. Further, it is possible, if not probable, that North Delta Diversion (NDD) could be constructed and operate for an extended period of time without the habitat in place. The effects of NDD operations without habitat could have detrimental impacts, and should be quantified. For these reasons the BDCP should analyze the effects of the NDD to assess both the short term and long term impacts without the habitat in place. The BDCP should also analyze the effects of the NDD to assess both the short term and long term impacts without climate change. In the event the climate change assumptions are inaccurate for either timing or magnitude, the incremental impact of the NDD should be known. These analyses should be performed with updated CalSim II operations and DSM2 hydrodynamics models. Appendix A provides a Technical Memorandum prepared by MBK Engineers that further discusses this comment.

This concludes RD 830's comments on the DEIR/DEIS. Please contact Tom Williams, President of RD 830, if you have any questions. Thank you for your attention to this letter.

Sincerely,
RECLAMATION DISTRICT 830

Tom Williams
President RD 830

Attachment

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APPENDIX A
MBK ENGINEERS TECHNICAL MEMORANDUM

BDCP1569

MBK ENGINEERS

Water Resources • Flood Control • Water Rights

TECHNICAL MEMORANDUM

DATE: July 17, 2014

TO: Reclamation District No. 830, Jersey Island

FROM: Nate Hershey, Gary Kienlen, Patrick Ho, and Walter Bourez

SUBJECT: Technical Comments on Bay-Delta Conservation Plan Modeling

This technical memorandum is a summary of MBK Engineers' findings and opinions on the hydrodynamic modeling performed in support of the draft environmental document for the Bay-Delta Conservation Plan (BDCP) for Reclamation District No. 830. The results of that modeling are summarized in Appendix 5A to the draft BDCP EIR/EIS.

This review of the BDCP modeling focuses on water flow, stage, flow velocity, and water quality in the vicinity of Jersey Island.

No Action Alternative

Assumptions used in water operations modeling in CalSim II and in Delta hydrodynamics in DSM2 for the BDCP No Action Alternatives (NAA) are defined in the December 2013 Draft BDCP[1] and associated draft EIR/S. Those assumptions include changes to hydrology caused by climate change.

Climate Change

Analysis presented in the BDCP draft plan and draft EIR/EIS attempts to incorporate the effects of climate change at two future climate periods: Early Long Term (ELT) at approximately the year 2025; and Late Long Term (LLT) at approximately 2060. Although BDCP modeling includes both the ELT and LLT, the EIR/EIS relies on the LLT and only includes the ELT in Appendix 5. As described in the BDCP draft plan and draft EIR/EIS[2], other analytical tools were used to determine anticipated changes to precipitation and air temperature that is expected to occur under ELT and LLT conditions. Projected precipitation and temperature were then used to determine how much water is expected to flow into the upstream reservoirs. These time-series were then input to the CalSim II model to perform water operations modeling and determine Delta inflow, outflow, and exports.

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[1] The detailed assumptions are stated in BDCP draft EIR/EIS Appendix 5A.

[2] BDCP EIR/EIS Appendix 5A, Section A and BDCP HCP/NCCP plan Appendix 5.A.2

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A second aspect of climate change, the anticipated amount of sea level rise, is incorporated into the CalSim II model by modifying a subroutine that determines salinity within the Delta based on flows within Delta channels. Sea level rise is evaluated in greater detail through use of DSM2 using output from CalSim II. Effects of sea level rise will manifest as a need for additional outflow when Delta water quality is controlling operations to prevent seawater intrusion. In this technical memorandum, we do not critique the climate change assumptions themselves[3], we instead focus on effects of BDCP by comparing with project modeling to without project modeling.

There are three without Project ("baseline" or "no action") modeling scenarios used for the BDCP modeling analysis: No Action Alternative (NAA)[4], No Action Alternative at the Early Long Term (NAA – ELT), and No Action Alternative at the Late Long Term (NAA –LLT). Assumptions for NAA, NAA-ELT, and NAA-LLT are provided in the Draft EIR/EIS's modeling appendix[5]. The only difference between these scenarios is the climate-related changes made for the ELT and LLT conditions (Table 1).

Table 1. Scenarios Used to Evaluate Climate Change

	Climate Change Assumptions	
Scenario	**Hydrology**	**Sea Level Rise**
No Action Alternative (NAA)	None	None
No Action Alternative at Early Long Term (NAA-ELT)	Modified reservoir inflows and runoff for expected conditions at 2025	15 cm
No Action Alternative at Early Long Term (NAA-LLT)	Modified reservoir inflows and runoff for expected conditions at 2060	45 cm

Description of the BDCP Project

The BDCP contemplates a dual conveyance system that would move water through the Delta's interior or around the Delta through an isolated conveyance facility. The BDCP CalSim II files contain a set of studies evaluating the projected operation of a specific version of such a facility. Each Alternative was imposed on two baselines: the NAA-ELT scenario and the NAA-LLT scenario. The BDCP Preferred Alternative, Alternative 4, has four possible sets of operational criteria, termed the Decision Tree. Key components of Alternative 4 ELT and Alternative 4 LLT are as follows:

> The same system demands and facilities as described in the NAA with the following primary changes: three proposed North Delta Diversion (NDD) intakes of 3,000 cfs each; NDD bypass flow requirements; additional positive OMR flow requirements and elimination of the San Joaquin River I/E ratio and the export restrictions during Vernalis Adaptive Management Program; modification to the Fremont Weir to allow additional seasonal inundation and fish passage; modified Delta outflow requirements in the spring and/or fall (defined in the Decision

[3] This should not be read to imply that climate change assumptions are reasonable or considered correct or incorrect; the limited review reflects the scope of this memorandum.
[4] NAA is also called the Existing Biological Conditions number 2 (EBC-2) in the Draft Plan.
[5] BDCP EIR/EIS Appendix 5A, Section B, Table B-8.

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Tree discussed below); relocation of the Emmaton salinity standard; redefinition of the E/I ratio; acquiring 25,000 acres and 65,000 acres of in-Delta lands for ELT and LLT environments respectively for habitat restoration; and removal of current permit limitations for the south Delta export facilities. Set within the ELT environment.

The changes (benefits or impacts) of the operation due to Alternative 4 are highly dependent upon the assumed operation of not only the NDD and the changed regulatory requirements associated with those facilities, but also by the assumed integrated operation of existing CVP and SWP facilities. The modeling of the NAA Scenarios introduces significant changes in operating protocols suggested primarily to react to climate change. The extent of the reaction does not necessarily represent a likely outcome, and thus the Reviewers have little confidence that the NAA baselines are a valid representation of a baseline from which to compare an action Alternative. However, a comparison review of the Alt 4 to the NAA illuminates operational issues in the BDCP modeling and provides insight as to where benefits or impacts may occur.

BDCP Alternative 4 has four possible sets of operational criteria, termed the Decision Tree, that differ based on the "X2" standards that they contemplate:

- Low Outflow Scenario (LOS), otherwise known as operational scenario H1, assumes existing spring X2 standard and the removal of the existing fall X2 standard;
- High Outflow Scenario (HOS), otherwise known as H4, contemplates the existing fall X2 standard and providing additional outflow during the spring;
- Evaluated Starting Operations (ESO), otherwise known as H3, assumes continuation of the existing X2 spring and fall standards;
- Enhanced spring outflow only (not evaluated in the December 2013 Draft BDCP), scenario H2, assumes additional spring outflow and no fall X2 standards.

While it is not entirely clear how the Decision Tree would work in practice, the general concept is that, prior to operation of the NDD, implementing authorities would select the appropriate decision tree scenario (from amongst the four choices) based on their evaluation of targeted research and studies to be conducted during planning and construction of the facility.

Our review examines the ESO (or H3) scenario (labeled Alt 4-ELT or Alt 4-LLT) because it employs the same X2 standards as are implemented in NAA-ELT and NAA-LLT. This allowed the Reviewers to focus the analysis on the effects of the BDCP operations independent of the possible change in the X2 standard.

Method of Review

Our approach extracts output from DSM2 and compares hydrodynamics and salinity of the alternative against the baseline, where Alt 4 ELT is compared to NAA ELT and Alt 4 LLT is compared to NAA LLT. DSM2 simulates from October 1974 to September 1991 and produces output at 15-minute intervals. Daily maximums, minimums, and averages are then calculated from the 15-minute data. To provide meaning to the data, daily exceedance charts were produced. Percent exceedance describes the portion of the dataset, expressed in percentages, that exceeds a specific level. For example, a 90% flow exceedance of 200,000 cfs means that 90% of the daily flow during the simulated period, October 1974 to September 1991 is greater than 200,000 cfs. Exceedances provide an overall view of the entire

dataset in an ordered manner. When alternatives are plotted together, differences between the alternatives are easily distinguishable and potential project effects can be identified.

Conclusions

Effects to hydrodynamics were reviewed for the San Joaquin River at Jersey Point, False River, and Dutch Slough. Effects on salinity were reviewed at Jersey Point only. For all locations, changes in flow, stage, and velocity due to BDCP Alt 4 are similar. Figure 1 through Figure 9 illustrates simulated flows, stage, and velocities in the San Joaquin River at Jersey Point, False River approximately 9,000 feet west of Webb Tract, and Dutch Slough approximately 7,400 feet west of Bethel Island under the NAA ELT and Alt 4 ELT. Figure 10 through Figure 19 illustrates simulated flows, stage, and velocities at the same locations for NAA LLT and Alt 4 LLT.

In general, daily maximum flows decrease under the Alt 4 scenarios when compared to NAA scenarios, while the daily minimum flows increase. For example, the daily maximum flows in the San Joaquin River are reduced under Alt 4 ELT and Alt 4 LLT by 11 kcfs and 20 kcfs respectively compared to the NAA scenarios, while daily low flows increase by 15 kcfs under Alt 4 ELT and 23 kcfs under Alt 4 LLT. A similar pattern of effects are observed for stage and velocity at the other locations reviewed. This effect could be explained by the transport of flood and ebb tides into proposed habitat areas, which provides a dampening effect to the hydrodynamics in the Delta system. The dampening effects are much greater under Alt 4 LLT compared with Alt 4 ELT, likely due to larger habitat restoration area in the LLT (65,000 acres) versus ELT (25,000 acres).

Dampening effects of the habitat restoration can be illustrated in river stage. When tides are allowed to disperse over a larger area which will be created by the habitat projects, stage in the Delta system will be reduced, as illustrated in Figure 2, Figure 5, and Figure 8. Daily maximum stage around Jersey Island is reduced under Alt 4 ELT by approximately 0.2 feet and daily minimum stage is increased by approximately 0.2 feet when compared to NAA ELT scenario. Daily maximum stage around Jersey Island is reduced under Alt 4 LLT by approximately 0.3 feet and daily minimum stage is increased by approximately 0.4 feet when compared to NAA LLT scenarios as illustrated in Figure 11, Figure 14, and Figure 17.

Salinity at Jersey Point was extracted from DSM2 and average monthly Electrical Conductivity (EC) was calculated and then tabulated in Table 2.

The EIR/S did not analyze the NDD without habitat restoration. Therefore, the impacts of the project cannot be adequately assessed if the NDD were to begin operation while the project faces challenges in habitat land acquisition. Furthermore, habitat restoration will require time to operate at its intended functionality.

Recommendations

The EIR/S analysis assumes habitat restoration will be implemented and operating as fully intended under both the ELT and LLT scenarios. Even if the land is acquired for the proposed projects, habitat restoration is a time required process. Further, it is possible, if not probable, that NDD could be constructed and operate for an extended period of time without the habitat in place. The effects of NDD operations without habitat could have detrimental impacts, and should be quantified. For these

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reasons the BDCP should analyze the effects of the NDD to assess both the short term and long term impacts without the habitat in place. BDCP should also analyze the effects of the NDD to assess both the short term and long term impacts without climate change. In the event the climate change assumptions are inaccurate for either timing or magnitude, the incremental impact of the NDD should be known. These analyses should be performed with updated CalSim II operations and DSM2 hydrodynamics models.

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No Action Alternative ELT and Alternative 4 ELT

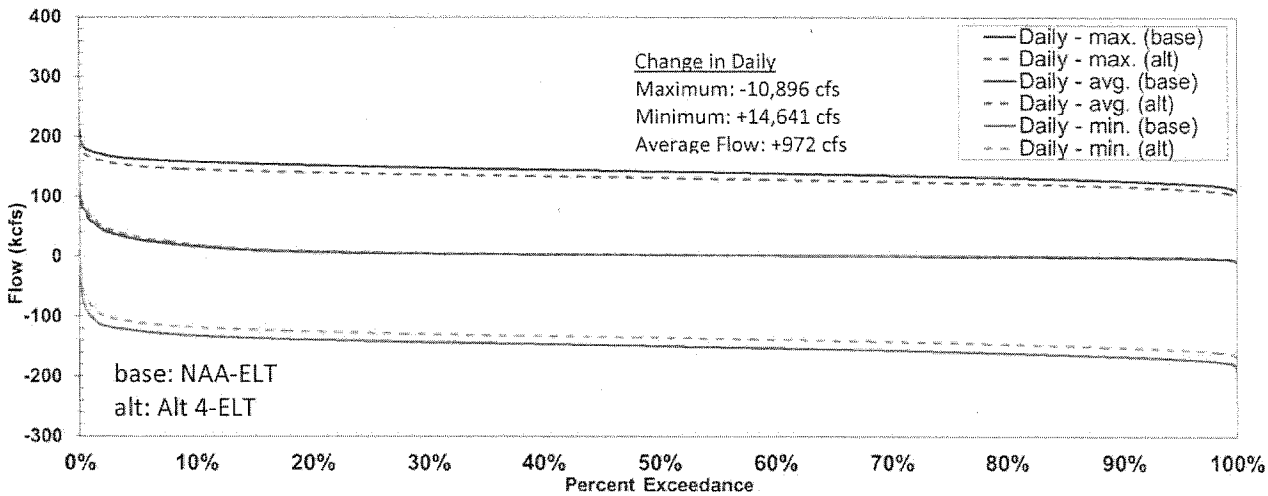

Figure 1. Daily Flow on the San Joaquin River at Jersey Point

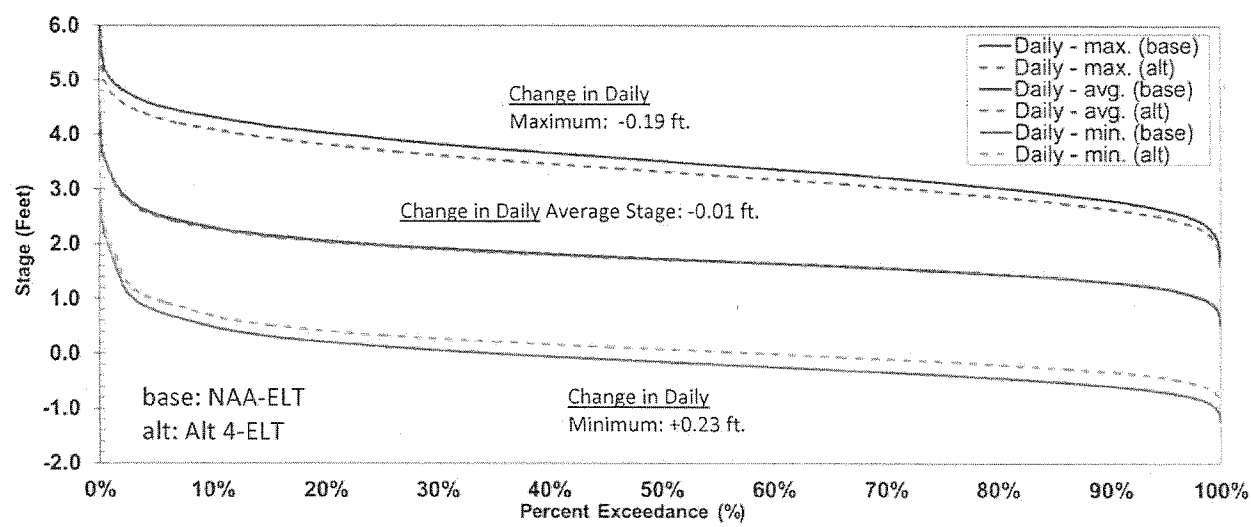

Figure 2. Daily Stage on the San Joaquin River at Jersey Point

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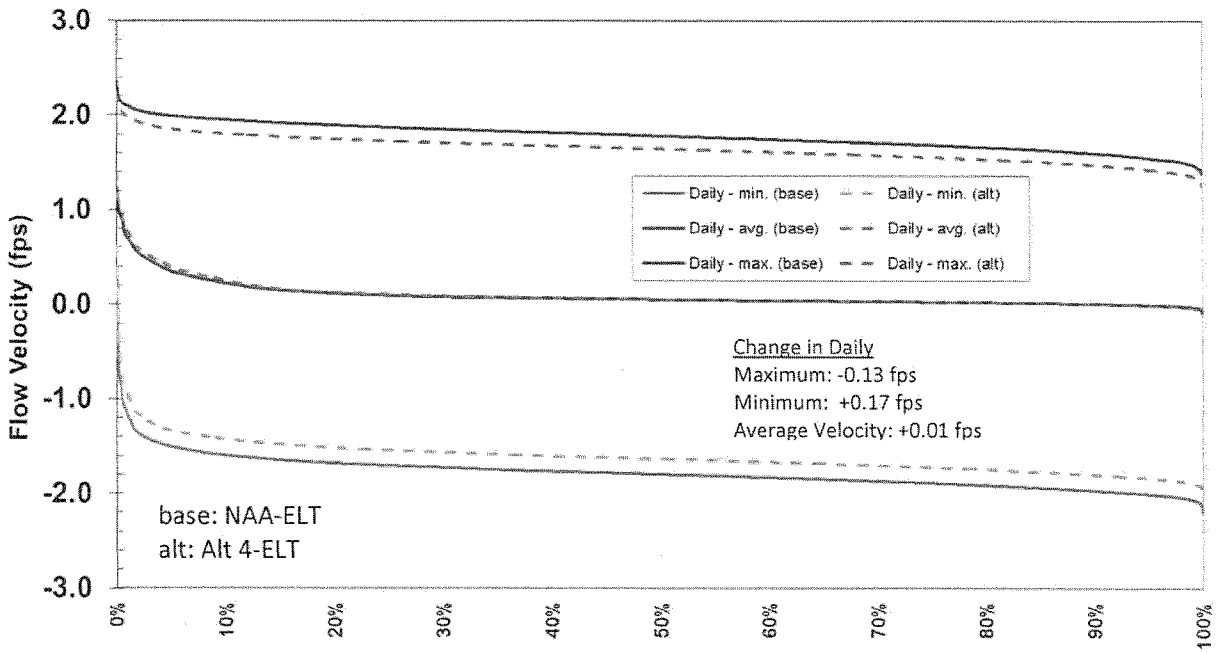

Figure 3. Daily Velocities on the San Joaquin River at Jersey Point

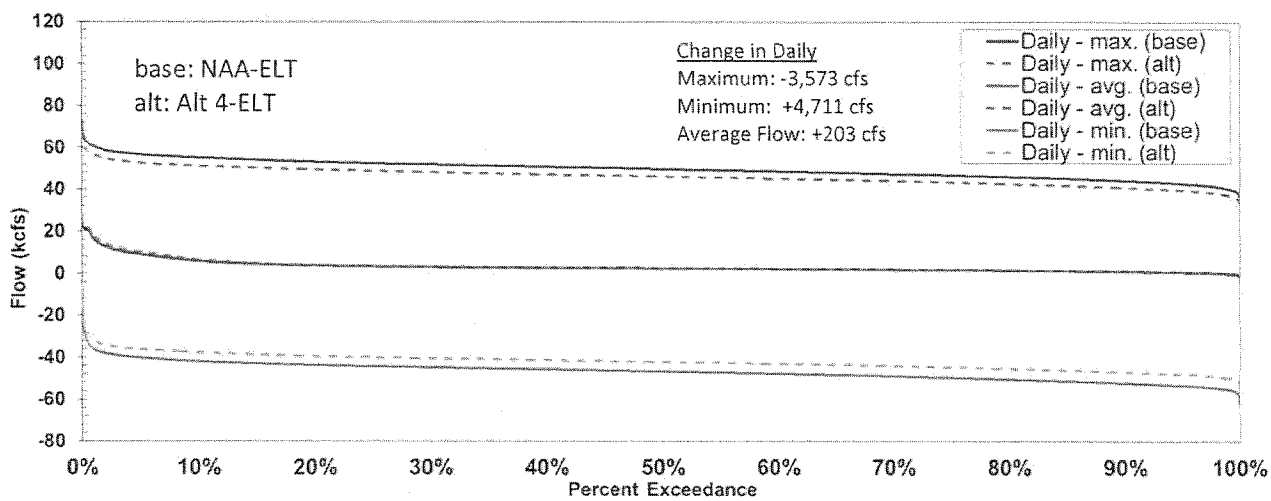

Figure 4. Daily Flow in False River (~9,000 feet west of Webb Tract)

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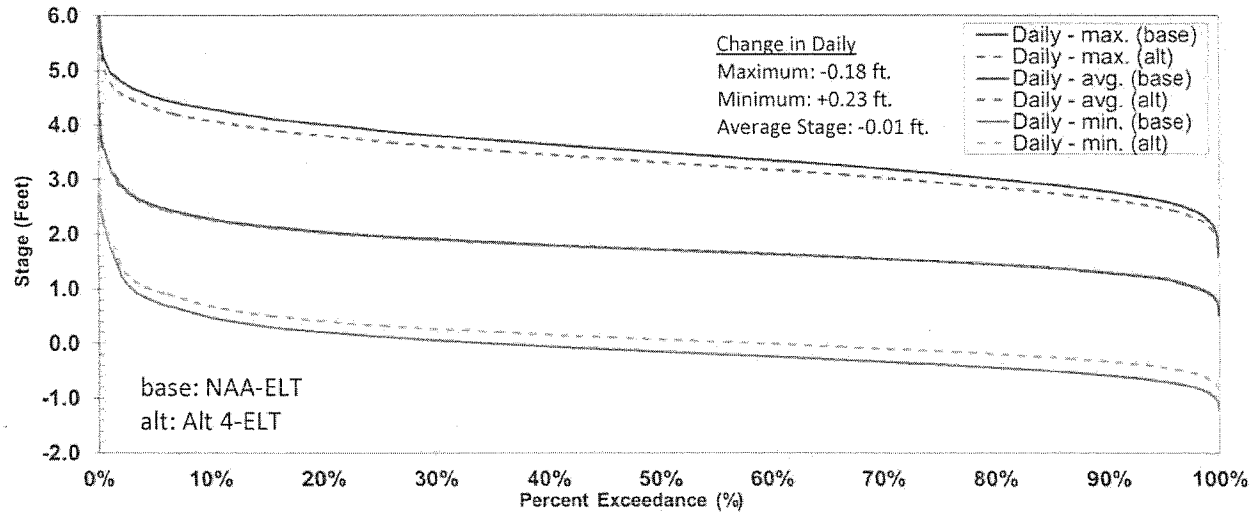

Figure 5. Daily Stage in False River (~9,000 feet west of Webb Tract)

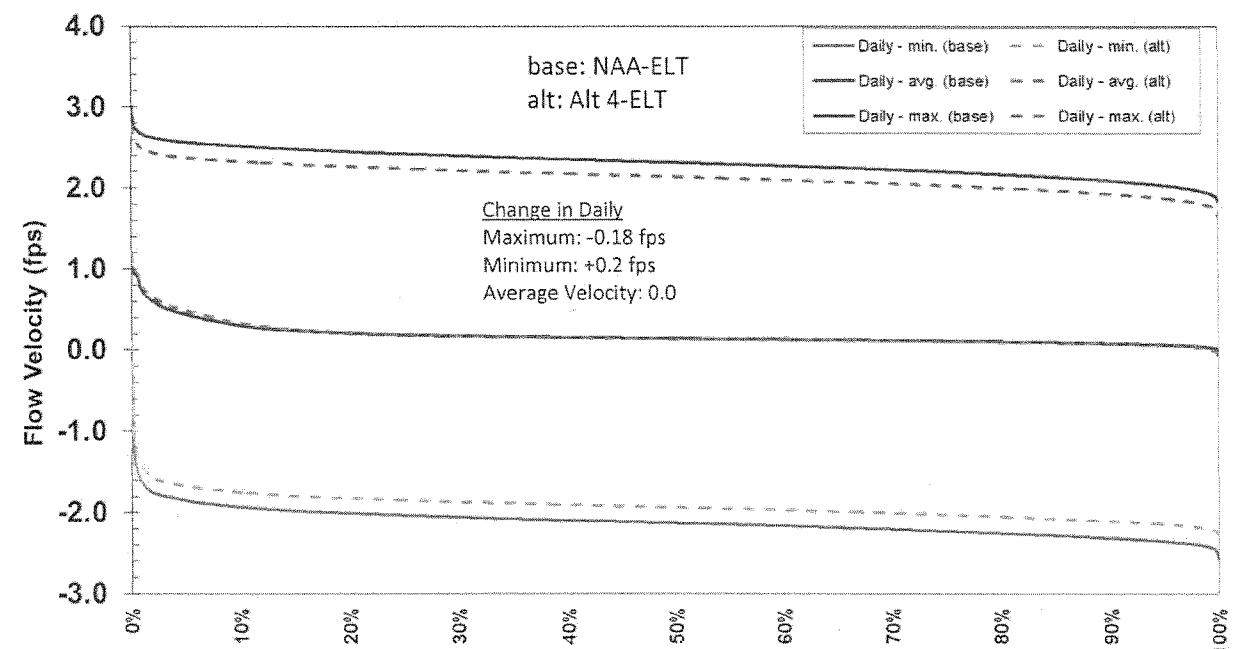

Figure 6. Daily Velocities in False River (~9,000 feet west of Webb Tract)

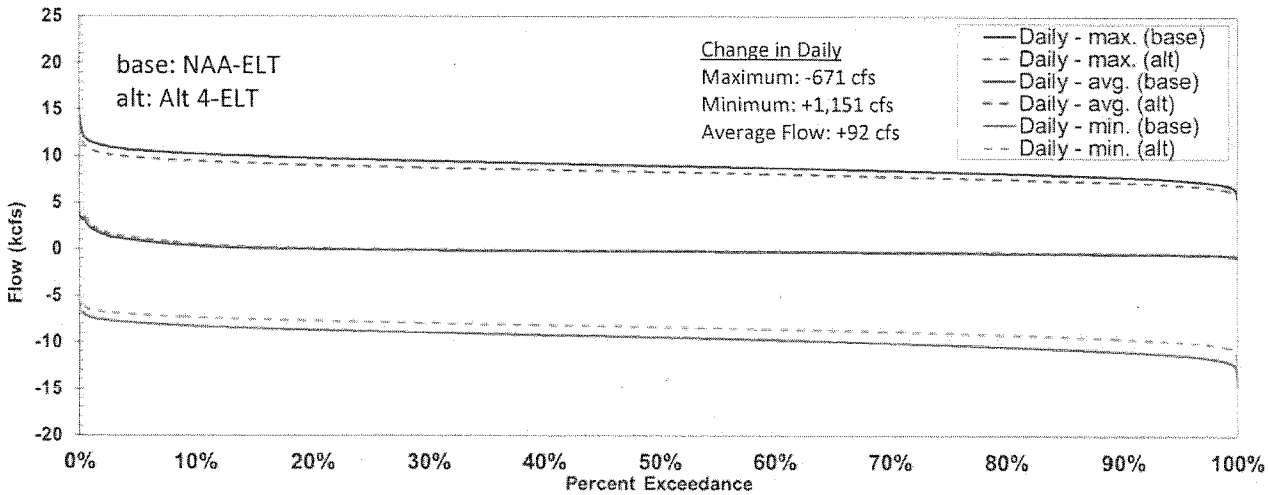

Figure 7. Daily Flow in Dutch Slough (~7,400 feet west of Bethel Island)

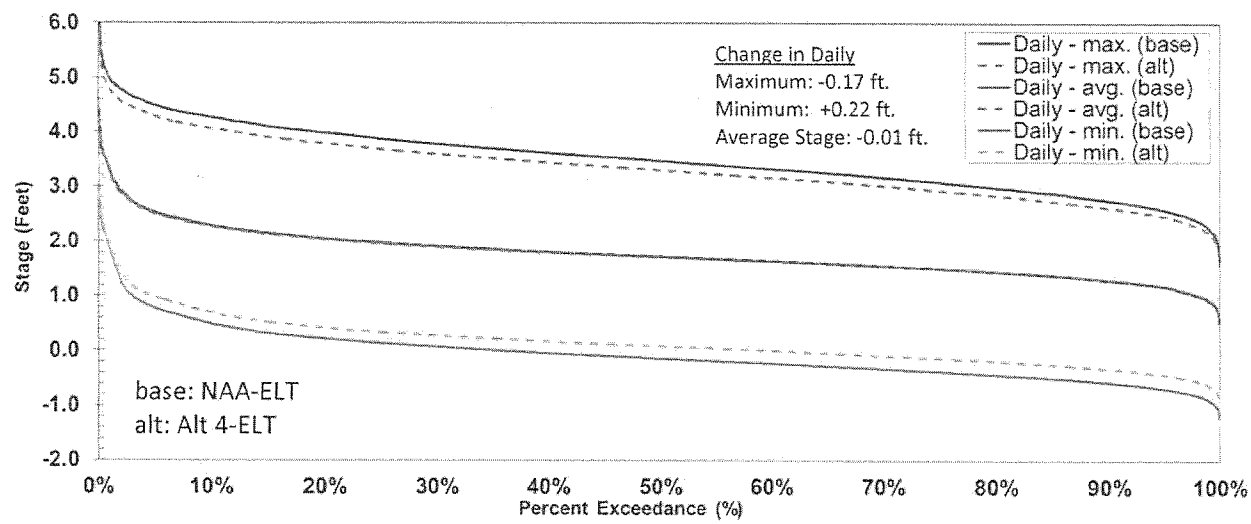

Figure 8. Daily Stage in Dutch Slough (~7,400 feet west of Bethel Island)

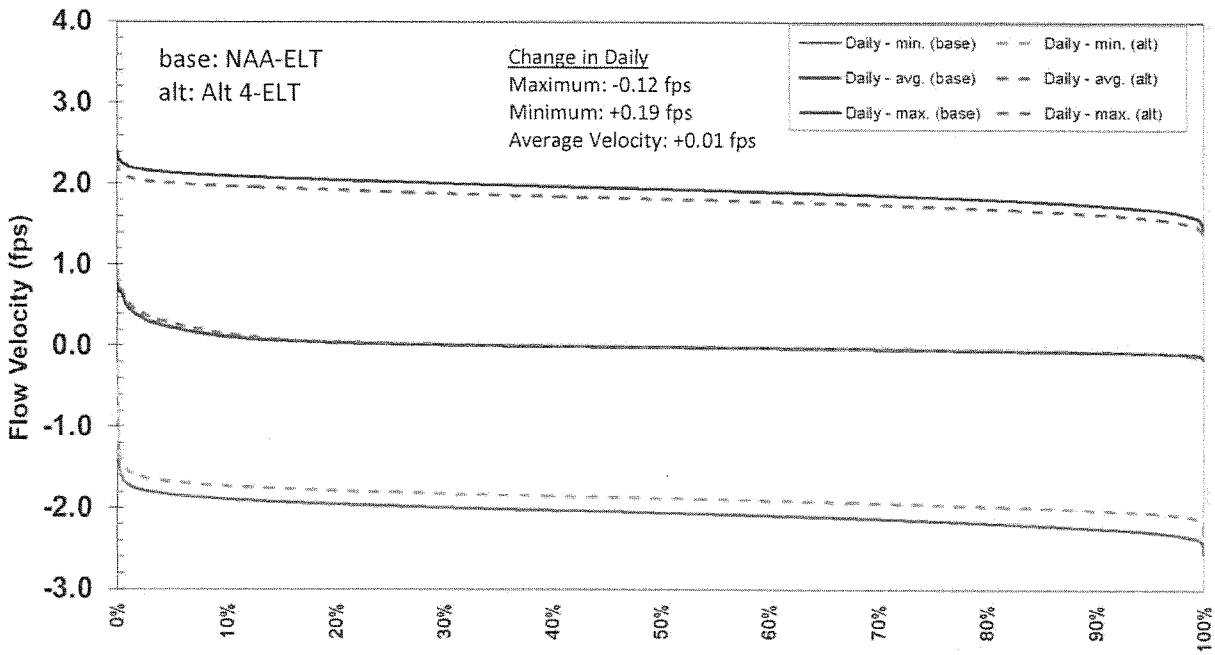

Figure 9. Daily Velocities in Dutch Slough (~7,400 feet west of Bethel Island)

BDCP1569

No Action Alternative LLT and Alternative 4 LLT

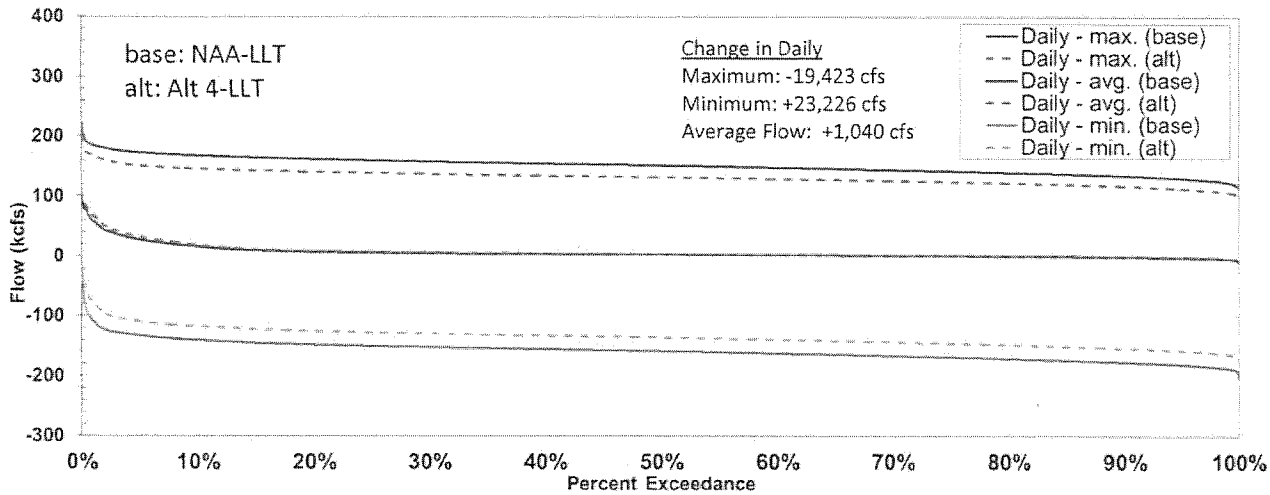

Figure 10. Daily Flow in the San Joaquin River at Jersey Point

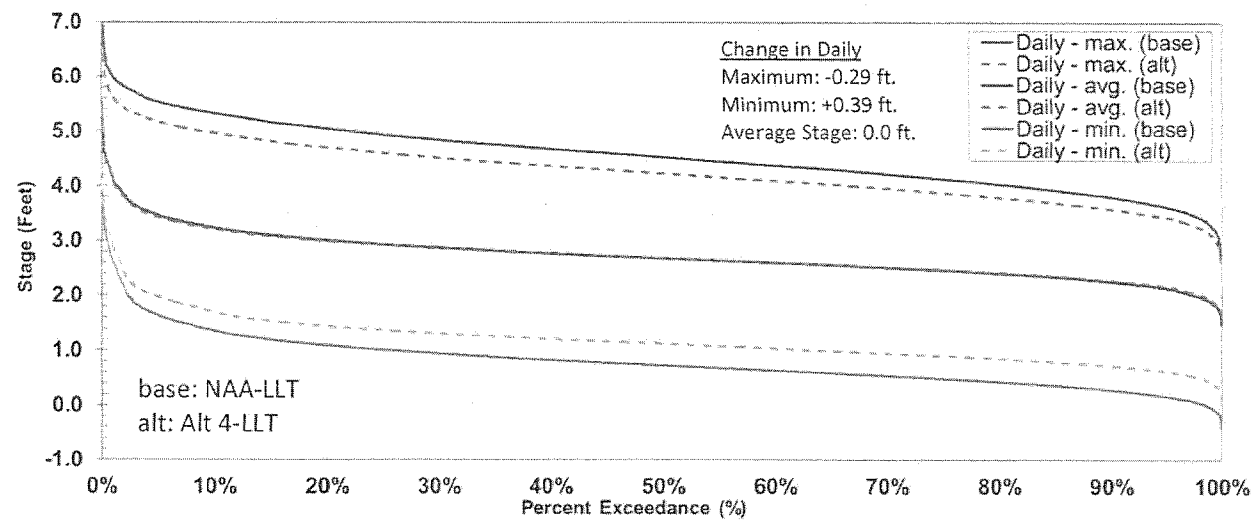

Figure 11. Daily Stage in the San Joaquin River at Jersey Point

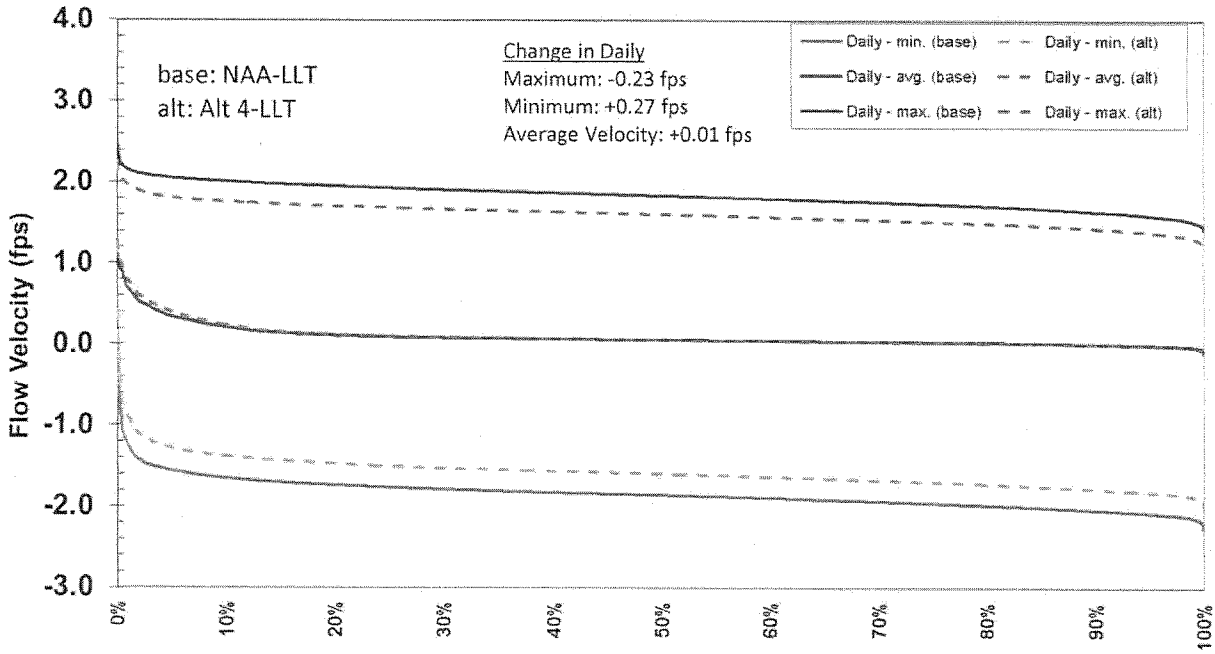

Figure 12. Daily Velocities in the San Joaquin River at Jersey Point

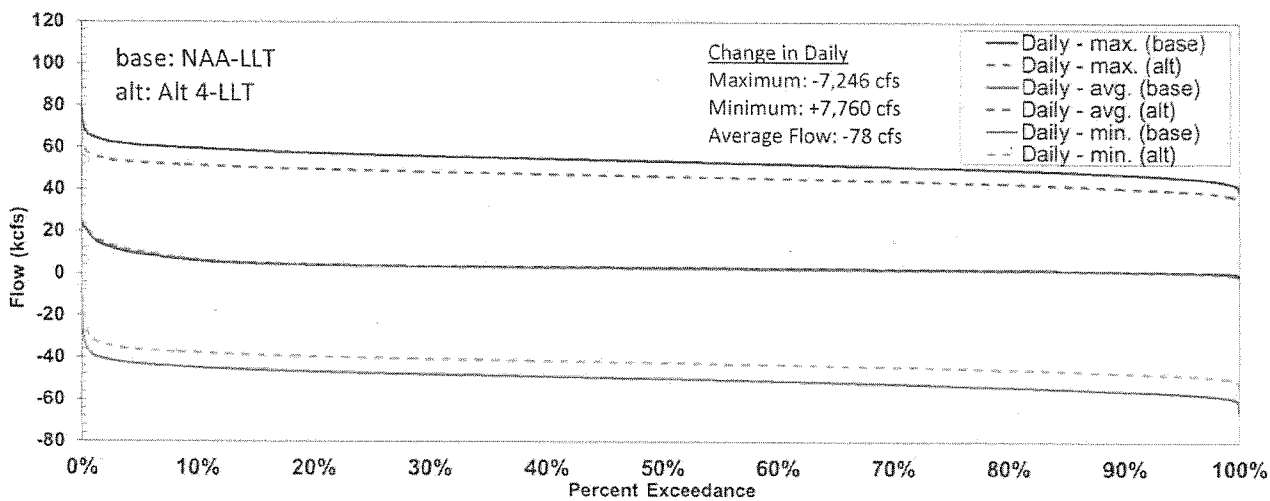

Figure 13. Daily Flow on False River (~9,000 feet west of Webb Tract)

BDCP1569

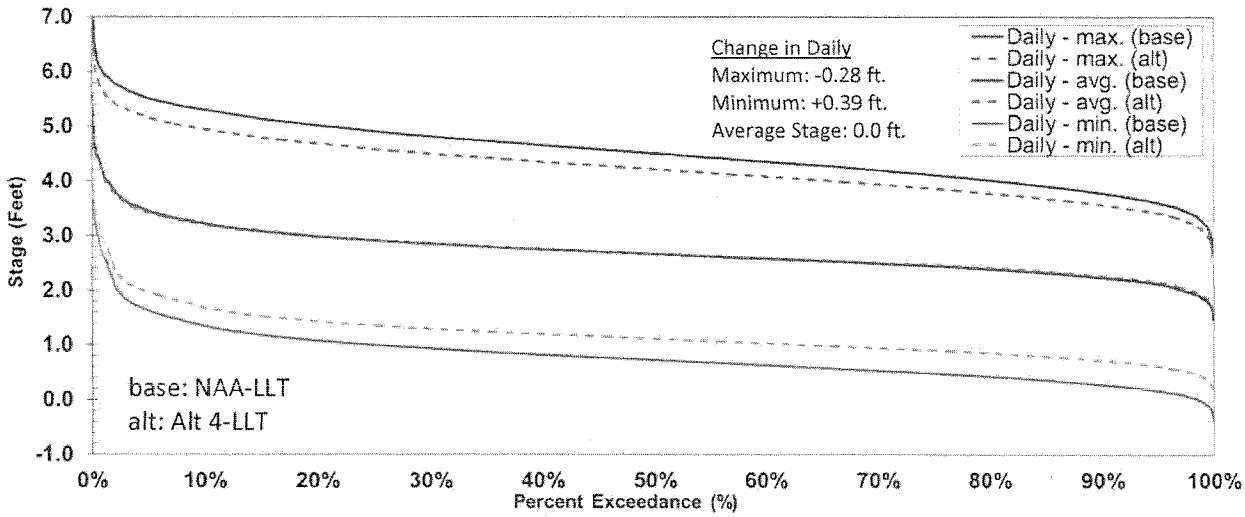

Figure 14. Daily Stage on False River (~9,000 feet west of Webb Tract)

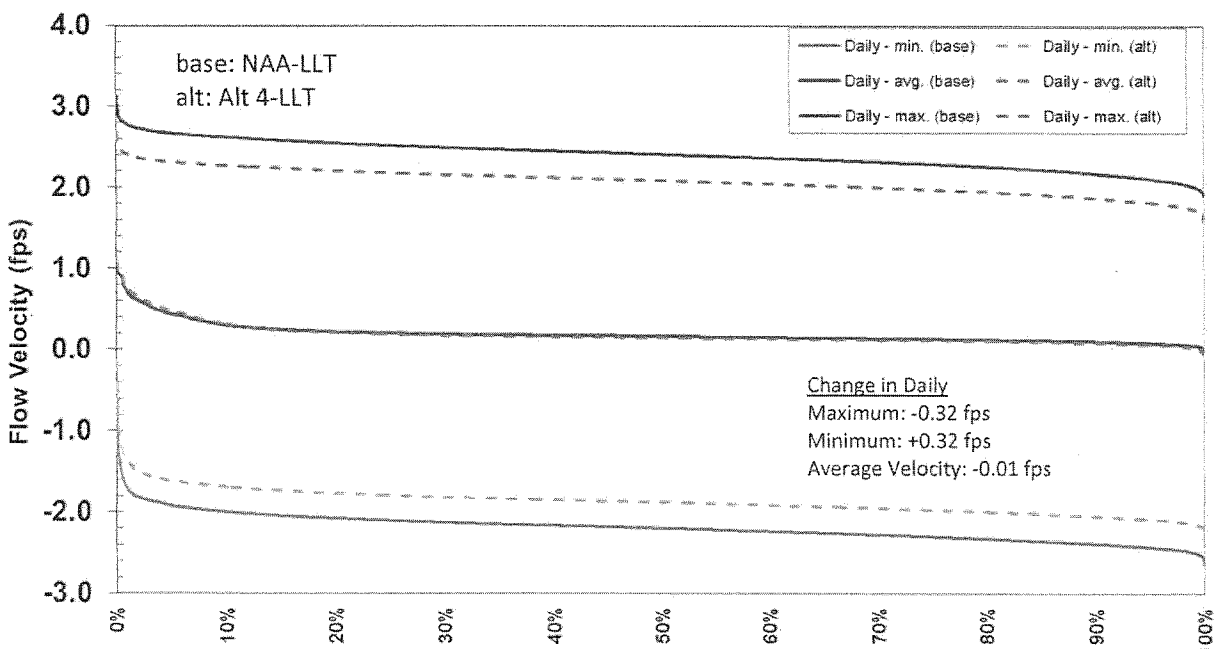

Figure 15. Daily Velocities on False River (~9,000 feet west of Webb Tract)

BDCP1569

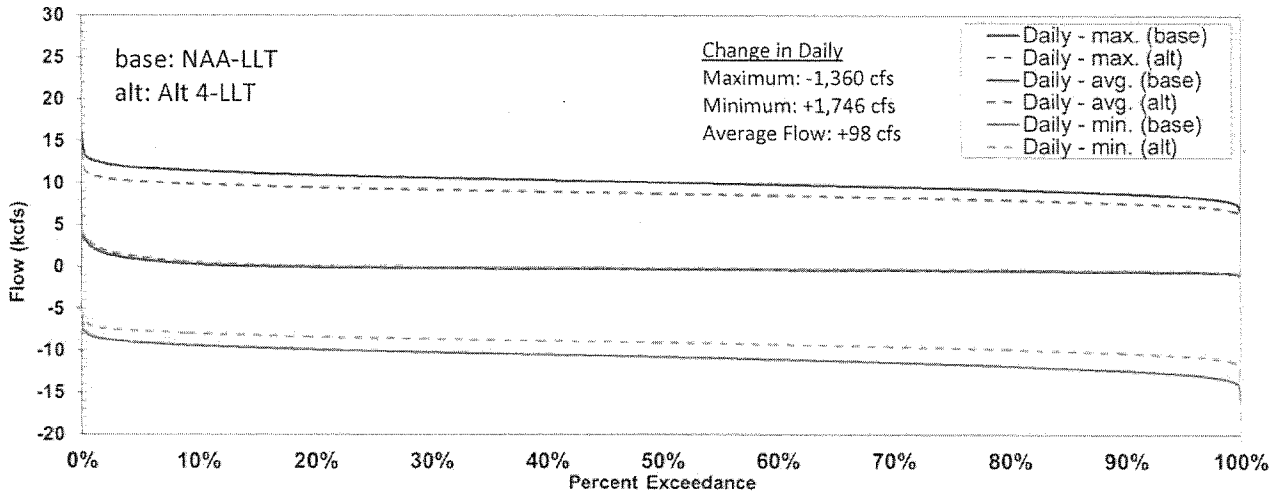

Figure 16. Daily Flow on Dutch Slough (~7,400 feet west of Bethel Island)

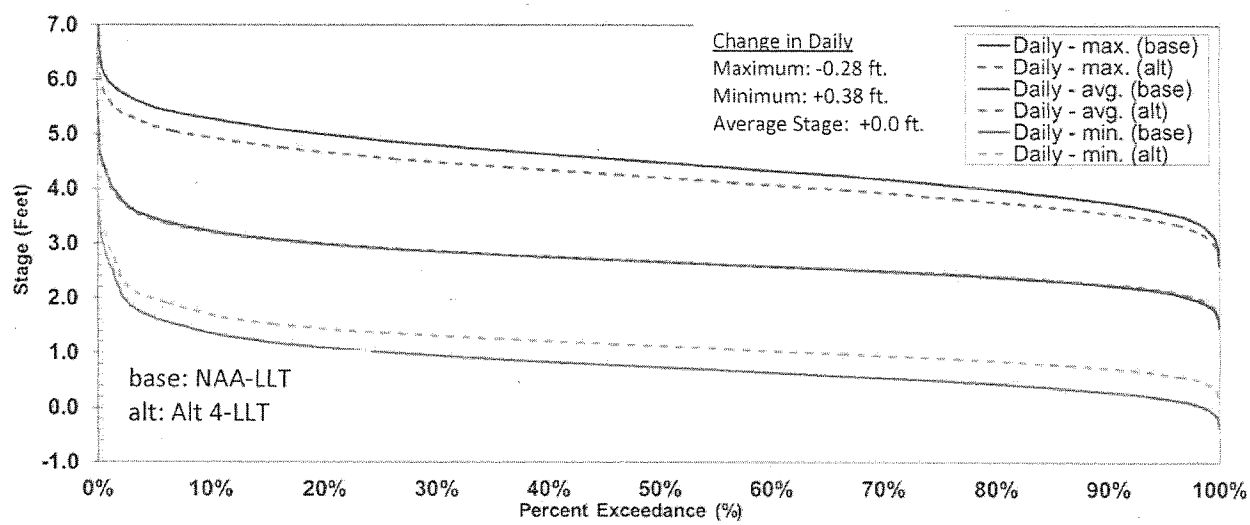

Figure 17. Daily Stage on Dutch Slough (~7,400 feet west of Bethel Island)

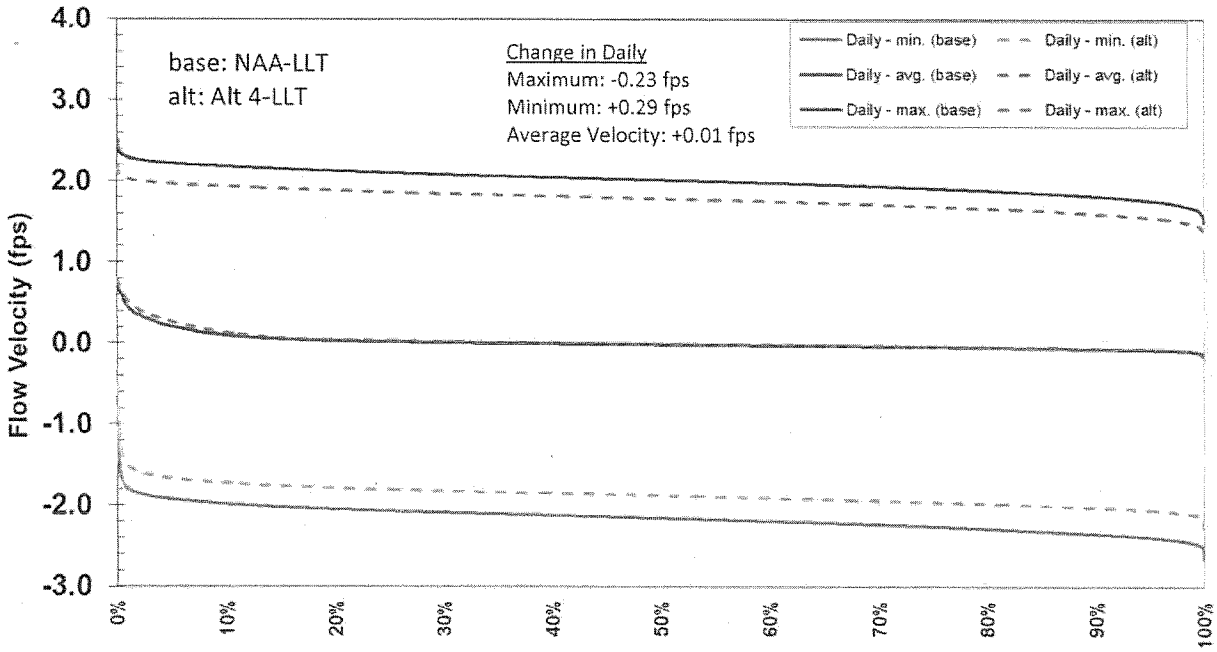

Figure 18. Daily Velocities on Dutch Slough (~7,400 feet west of Bethel Island)

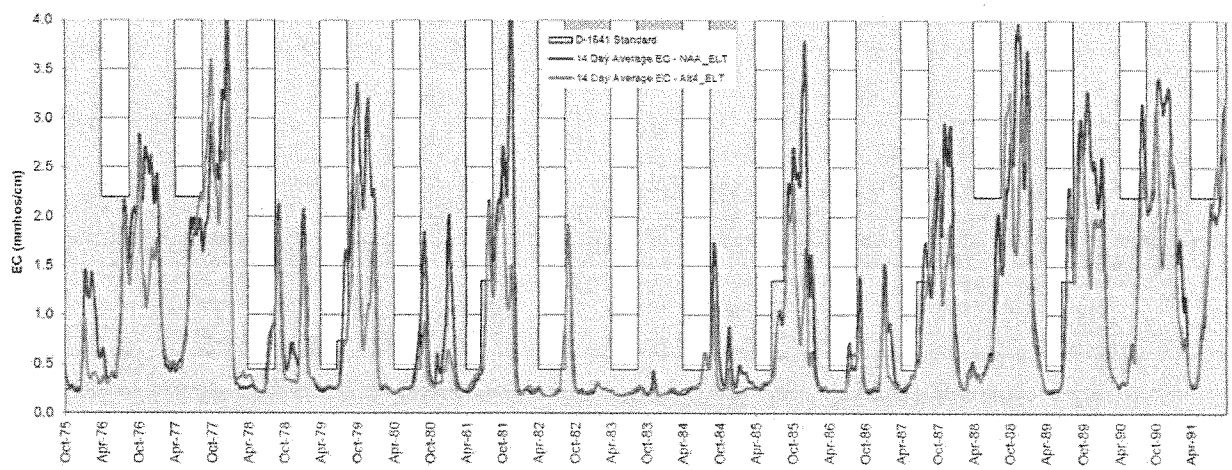

Figure 19. San Joaquin River at Jersey Point (NAA and Alt 4 ELT)

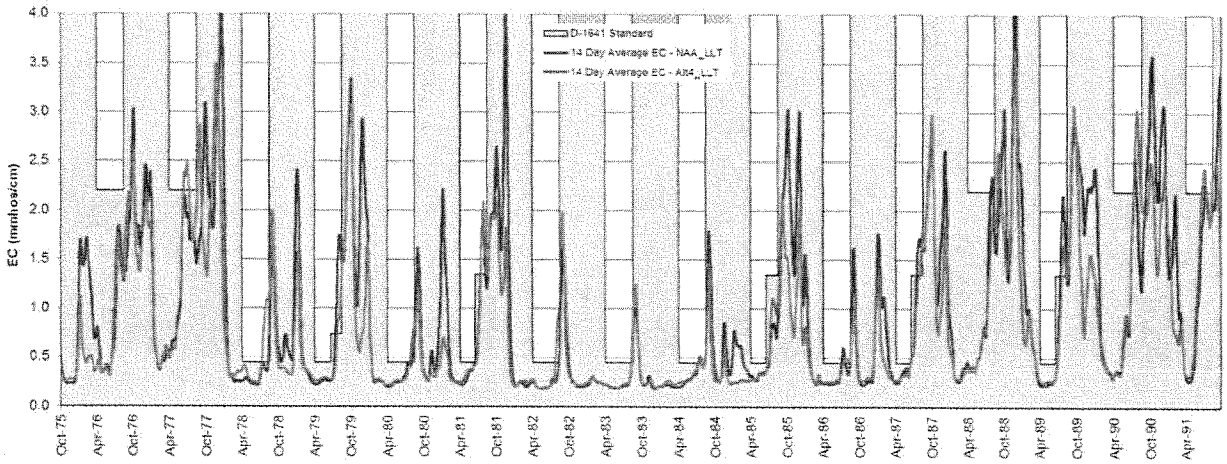

Figure 20. San Joaquin River at Jersey Point (NAA and Alt 4 LLT)

Table 2. Average Monthly Water Quality at Jersey Point (EC, mmhos/cm)

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
NAA-ELT	1.55	1.77	1.46	0.85	0.45	0.31	0.28	0.35	0.55	1.27	1.47	1.77
Alt 4-ELT	1.54	1.76	1.48	1.05	0.50	0.33	0.28	0.33	0.49	1.12	1.39	1.78
Alt 4-ELT minus NAA-ELT	-0.01	-0.01	0.02	0.20	0.05	0.02	0.00	-0.02	-0.06	-0.15	-0.09	0.01
NAA-LLT	1.19	1.48	1.40	0.86	0.48	0.33	0.30	0.39	0.61	1.15	1.36	1.84
Alt 4-LLT	1.34	1.35	1.43	1.03	0.54	0.35	0.30	0.36	0.55	1.05	1.24	1.80
Alt 4-LLT minus NAA-LLT	0.15	-0.13	0.03	0.17	0.06	0.02	0.00	-0.03	-0.06	-0.10	-0.11	-0.04

BDCP1569

From: Tom Williams <williams@isd.us.com>
Sent: Monday, July 28, 2014 12:14 PM
To: BDCP.Comments@noaa.gov
Subject: Reclamation District No. 830 - Comments on the BDCP DEIR/DEIS
Attachments: RD 830 Response Letter to BDCP.pdf

Mr. Wulff: Thank you for the opportunity to comment on this important issue. Attached please find a comment letter from Reclamation District No. 830 (RD 830) – Jersey Island, on the BDCP DEIR/DEIS. A hard copy of this letter (and attachment) has also been placed in the US mail and sent to the address listed in our letter. Please let me know if this email was received okay and if you have any questions. I may be reached at the contact information listed below.

Tom

Thomas Williams
President, RD 830
450 Walnut Meadows Drive
P.O. Box 1105
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Direct: (925) 809-3001
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Royce Fast
Division 6

Gene A. Lundquist
Vice President
Division 7

James M. Beck
General Manager

Amelia T. Minaberrigarai
General Counsel

July 28, 2014

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

Re: Draft Implementing Agreement

Dear Mr. Wulff:

The Kern County Water Agency (Agency) appreciates the opportunity to comment on the Draft Implementing Agreement (IA) for the Bay Delta Conservation Plan (BDCP or Plan).

As you know, the Agency serves as Kern County's local contracting entity for the State Water Project (SWP) and is the second largest SWP contractor. The Agency has been involved in the planning and preparation of the BDCP since its inception. The Agency endorses, without reservation, the intention of BDCP architects "to restore and protect ecosystem health, water supply, and water quality within a stable regulatory framework." Public Draft BDCP, p.1-1 (Nov. 2013). This concept can be traced back to the BDCP Planning Agreement executed in December 2006.

The Agency is encouraged by the level of commitment exhibited by all parties to the BDCP, including the federal and State regulatory agencies in recent months. In particular, the Agency is pleased that the parties made a concerted effort in the first half of 2014 to develop and circulate for public review and comment a draft IA. To a substantial degree, the draft IA incorporates both principles and language that the Agency believes are critical to the ultimate success of the BDCP. At the same time, as the drafters of the document acknowledge, important decisions regarding the IA remain to be made. Furthermore, certain aspects of the document should be revised before it becomes final. The comments below highlight provisions of the draft IA that should be carried through to the final IA, provisions absent from the draft IA that should be added to the final IA, and changes to the draft IA that are necessary to address the Agency's concerns as an applicant and partner in the BDCP process.

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Bakersfield, CA 93302-0058

Street Address
3200 Rio Mirada Dr.
Bakersfield, CA 93308

Role and Level of Commitment of the Federal and State Governments

Since the early planning stages of the BDCP, the parties have embraced the concept of a comprehensive plan that addresses the multiple human activities that harm the listed and other covered species included in the Plan. This is now reflected in the draft BDCP, which includes a wide range of conservation measures to address diverse stressors ranging from contaminants to predation to floodplain habitat destruction. In light of this holistic approach, key federal and state agencies are expected to play an even more active role in BDCP funding and implementation than in other habitat conservation plans. In addition, because the BDCP contemplates construction of new water infrastructure that will serve both SWP and Central Valley Project (CVP) contractors, both DWR and the U.S. Bureau of Reclamation (Bureau) have been partners in the BDCP planning process.

A critical issue identified but not resolved in the draft IA, is the role of the United States and the State of California in the BDCP. The Agency endorses the language in Section 1.0 of the draft IA, which provides that both the United States and the State of California will be parties to the IA. This is, in fact, essential because both the draft BDCP and the draft IA contemplate that the United States and the State will be committing resources to the implementation of the BDCP that are necessary both to ensure its success and to meet the criteria for issuance of permits by the regulatory agencies. A corollary of the fact that the United States and State are parties is that the officials who are signatories to the IA must have authority to bind those entities. This same principle must apply equally to all parties to the IA.

In light of the foregoing, the Agency believes that the Bureau should be a party to the IA. The draft IA indicates that the Bureau will not be a party, while at the same time acknowledging that the Bureau is a participant in the BDCP. This is nonsensical, which is further highlighted by the fact that the draft IA is filled with references to the Bureau, both acting alone or as one of the Authorized Entities. For example, Section 7.1 of the draft IA commits the Authorized Entities, including the Bureau, to fulfill numerous "obligations." Also, Section 10.2.2.2.1 identifies the Bureau as one of a number of agencies that will participate in the real-time operations team.

Section 5.0 of the draft IA suggests that the Bureau "will enter into a Memorandum, or similar agreement, with the Parties that sets out Reclamation's roles and responsibilities pursuant to the BDCP and establishes processes to ensure that Reclamation's actions are implemented in a manner consistent with the Plan." This creates the potential for ambiguity and even conflict. Will all parties to the IA sign the separate agreement? Will it include the same provisions as the draft IA with respect to the rights and obligations of the Bureau? If not, then the agreement will be unworkable. If so, then there is no sense to entering into a separate agreement.

Though the draft IA properly contemplates that the United States and State will be parties to the IA, it is also necessary for the final IA to articulate the commitments of those entities to fund the BDCP. Both federal and State law require the regulatory agencies to ascertain that funding for the BDCP is adequate prior to issuing permits. The provisions of the draft IA are insufficient in this regard. Section 13.1.1 sets out the funding obligations of the Authorized Entities. But because the Bureau is not currently included as a signatory, the legitimacy of this provision is uncertain. Furthermore, Section 13.1.2 states "there is no federal position as of this time regarding potential funding obligations of the United States." This is

arguably inconsistent with the statement in Section 13.0 that "the State and federal governments have committed to provide additional funding to implement the Plan." In any event, the BDCP can only move forward if both the federal and state partners in the process are prepared to make the same sort of long-term funding commitment that the other parties to the BDCP are expected to make.

Participation of SWP and CVP Contractors in Plan Implementation

The Agency and the other SWP and CVP Contractors (Contractors) have been full partners in the BDCP planning process since its inception. The Contractors have underwritten the majority of the planning costs associated with the BDCP and anticipate underwriting a large proportion of the costs of implementing the BDCP. Further, the Contractors have expertise in the areas of project operations and impacts of those operations (as well as other factors) on key covered species. In light of these facts, Section 15.1 of the draft IA sensibly contemplates an Implementation Office governed by the Authorized Entities, including the Contractors. Likewise, Section 15.2.4.1 contemplates that the Authorized Entities, including the Contractors, will select the BDCP Program Manager. Further, Section 7.1 identifies the broad obligations of all Authorized Entities, including the Contractors.

Consistent with their role as permit applicants, and as further described in the above-referenced provisions of the draft IA, the Contractors should be involved in all aspects of Plan implementation. In this context, the Agency endorses, as appropriate, the involvement of the Contractors in the adaptive management team as described in Sections 3.1 and 10.3.2.2 of the draft IA. Unfortunately, in Sections 10.2.2.1 and 10.2.2.2.1 of the draft IA, the Contractors are relegated to non-voting status in the real-time operations team. This arrangement is illogical both in light of the degree of involvement of the Contractors in the planning, funding and implementation of the BDCP and in light of the expertise that the Contractors offer. Therefore, the Agency strongly recommends altering the IA to grant the Contractors voting rights on the real-time operations team.

Sufficiency of Assurances for SWP and CVP Contractors

The BDCP involves a major, long-term commitment of resources by the Contractors to restore water supplies and improve their reliability and to contribute to the conservation of covered species. The financial contribution from the Contractors is enormous. Recognizing this fact, the draft IA includes a number of important provisions to provide assurances to the Contractors both that they will not be expected to make additional contributions beyond those expressly set forth in the BDCP and IA, and that the permits to operate the SWP and CVP will remain in place for the full duration of the BDCP.

Two provisions respecting real-time operations are important in this regard. First, Section 10.2.2.1 of the draft IA states that real-time adjustments to operations must occur only "within the established ranges and criteria as set out in CM1 and CM2." This language clarifies that the real-time operations provisions do not authorize any adjustments to operations outside the ranges and criteria set out in the BDCP. Second, that same section provides that real-time operations are included in the BDCP for the purpose of "maximizing conservation benefits to covered fish species and maximizing water supplies." In the view of the Agency, this language appropriately restricts the decisions that can be made by the real-time operations team. Thus, the Agency strongly recommends adding the following sentence to Section

10.2.2.3 to clarify the intent of the parties to the IA: "Adjustments that negatively impact water supplies are inconsistent with the purposes of this section."

Certain provisions regarding adaptive management are also important in this regard. Specifically, Section 10.3.7.1 of the draft IA states "any potential adaptive management changes to the Conservation Measures, either individually or cumulatively, shall not require the commitment of resources, including land, water, or money, in excess of those specifically provided for under these strategies, including the Supplemental Adaptive Management Fund, or alter the financial commitments of the Plan participants." The Agency endorses this provision, which is plainly intended to set a limit on the resources that the Contractors and other Plan participants must contribute. Likewise, Section 10.3.7.2 of the draft IA identifies resources available to support changes in water operations under the BDCP, and prescribes the sequence in which those resources should be drawn upon if needed.

The overall funding provisions of the draft IA, included in Section 13, affirm the obligation of the permittees, including the Contractors, to fund a portion of the BDCP, as well as the respective obligations of the United States and the State. Unfortunately, as discussed above, the statement that "the State and federal governments have committed to provide additional funding to implement the Plan" is undermined by the inclusion of bracketed language in Section 13.1.2 indicating the United States has not agreed to any level of funding at this time. In addition, the recent release of the State's water bond proposal indicates that the water bond will be "BDCP-neutral," a euphemism meaning that the State believes a water bond should not provide funding that might advance the BDCP. The combination of these two statements raises questions about the commitment of public funding that should be clarified in the final version of the IA.

More problematic from the perspective of the Agency, is the language on inadequate funding in Section 13.2 that provides that, in the event the United States and/or State fail to fulfill their funding commitments (whatever they may be), the BDCP permits may be revoked, even if the Authorized Entities (including the Contractors) are meeting their funding and other obligations. The Agency strongly recommends decoupling the BDCP permits from the extent to which the federal and State governments meet their funding commitments by significantly strengthening the protections for the permits in Sections 13 and 22.

Although Section 13 of the IA is intended to consist of the Plan's overall funding provisions, it does not define (and therefore limit) the extent of the funding commitments of the Authorized Entities. Section 13.1.1 goes so far as to state that the Authorized Entities "will provide funding equal to the costs associated with the construction, operation, and maintenance of the new conveyance infrastructure set out in CM1 and for the mitigation associated with such infrastructure," and "contribute towards all other Conservation Measures and related program elements, as described in the column 'Amount Paid by Contractors' in Table 8-41 in Chapter 8.3.4.1" of the BDCP. But the Agency believes it is important for the IA to specify either the maximum funding obligations of the Authorized Entities, or a range of potential funding obligations of the Authorized Entities. This should include obligations that may be triggered as a consequence of adaptive management and changed circumstances. To this end, it is necessary to define both the Supplemental Resources Fund and Supplemental Adaptive Management Fund, referenced in Sections 10.2.2 and 10.3.7 of the draft IA, respectively. It is also necessary to describe both the scope of the funds and the contributions various BDCP parties will make to the funds.

BDCP1570

Science as the Guide for the Decision Tree Process

A creative, but contentious aspect of the BDCP, is the incorporation of the so-called decision-tree process. Public Draft BDCP, p.3.4-24 (Nov. 2013). The process is proposed to determine whether two sets of specific outflow criteria must be implemented as part of the BDCP in order to meet the criteria for permit issuance set forth in the Endangered Species Act (ESA) and Natural Community Conservation Planning Act. These outflow criteria—regulating outflow in the fall purportedly to benefit delta smelt and outflow in the spring purportedly to benefit longfin smelt—are the subject of "considerable disagreement" and "uncertainty." *Ibid.*

The basic notion is that, (i) because the BDCP operational criteria will not apply until conveyance facilities are completed more than a decade from this point in time, and (ii) because of disagreement and uncertainty regarding (a) whether and, if so, to what extent changes to outflow to shift the location of the low salinity zone westward in the fall of above-normal and wet years contribute to achieving abundance and habitat objectives for delta smelt and, (b) whether and, if so, to what extent changes to outflow in the spring contribute to achieving the longfin smelt abundance objective, the BDCP, over the next decade the parties to the BDCP propose to engage in a scientific investigation to reduce or eliminate that disagreement and uncertainty. The premise is that through scientific investigation the parties can form recommendations regarding the efficacy of fall and spring outflow criteria.

For this process to succeed, the parties must be prepared to accept the full range of potential outcomes of the scientific investigations. An essential prerequisite for doing so is to provide an impartial description of the contested issues, uncertainties, and investigative process. Unfortunately, language in both the draft BDCP and the draft IA injects bias into the process before those scientific investigations have been initiated. Specifically, Section 10.2.1.1 improperly anticipates what action the regulatory agencies will take. That section contemplates that the regulatory agencies will require high outflows in both the fall and spring as conditions of their permits. This is improper for three reasons: (1) it is pre-decisional and therefore improper as it treads on the agency's prerogatives to make the decision; (2) it is inconsistent with the premise of the decision-tree process that there is sufficient uncertainty to delay any decision until scientific investigation has occurred; and, (3) it signals bias that has the potential to infect the whole endeavor before it is commenced.

The Agency recommends simply deleting the phrase "which may include as permit terms and conditions the operational and flow criteria related to the high-outflow scenario in the application" from the draft BDCP and draft IA to purge bias from the decision-tree effort. The Agency also notes that revisions to the BDCP, including the reformulation of biological objective DTSM2.1 and extensive editorial changes to Sections 5.5.1.1.2 and 5.5.2.1.1 of the BDCP, are necessary in order preserve the objectivity of the decision-tree process and allow the science to inform decision-making. DTSM2.1 is scientifically indefensible because it improperly adopts salinity as a surrogate indicator for delta smelt habitat. The impropriety of this from a scientific perspective is well established.

Commitments with Respect to Future Regulatory Actions

All parties are aware that the BDCP is being developed in a complicated regulatory environment involving a patchwork of regulatory agencies, each with distinct authorizing legislation. While acknowledging that some of the activities contemplated in the BDCP will be subject to review by such regulatory agencies, it is important that the BDCP parties have a common understanding of limits on and potential implications of future review of activities authorized by the BDCP in order to reduce the likelihood that such review will undermine Plan implementation.

With respect to future section 7 consultations for covered activities or associated federal actions, the Agency endorses Section 20.1.1 insofar as it is intended to align such consultation with the BDCP and its biological opinion. Because Section 20.1.1 addresses only those future consultations that involve covered activities or associated federal actions, which have already been analyzed for the purposes of the ESA and the National Environmental Policy Act (NEPA), the Agency recommends establishing an expedited consultation process. There is precedent for doing so in other habitat conservation plans.

With respect to designation of critical habitat for covered species in the Plan area, the Agency recommends altering Section 20.1.6 to provide that critical habitat will not be designated except where such designation is required by law. There is precedent for doing so in other habitat conservation plans.

Additionally, the IA should include a provision that clarifies that the BDCP parties will not take a position or positions inconsistent with the BDCP in regulatory proceedings subsequent to issuance of the Plan. This can be accomplished by adding a new provision to Section 20 of the draft IA stating that the BDCP parties agree not to take a position inconsistent with the terms of the BDCP, the Permits, the Integrated Biological Opinion, and the IA, including in or on documents prepared pursuant to NEPA or the California Environmental Quality Act, or in proceedings conducted pursuant to the Clean Water Act, the Porter-Cologne Water Quality Control Act and the California Water Code.

Conclusion

The Agency looks forward to working with all of its partners in the BDCP to address the comments raised above and finalize the draft IA in a timely manner.

Sincerely,

J. M. Bl

James M. Beck
General Manager

From: Blakslee, Taylor <tblakslee@kcwa.com>
Sent: Monday, July 28, 2014 10:49 AM
To: 'BDCP.comments@noaa.gov'
Cc: Walthall, Brent; Beck, Jim
Subject: Kern County Water Agency Comment Letters on the BDCP: (1) Draft EIR/IS, (2) Draft Implementing Agreement
Attachments: KCWA Comment Letter - Draft EIR-IS.pdf; KCWA Comment Letter - Draft Implementing Agreement.pdf

Good morning Mr. Wulff,

Please find attached two comment letters from the Kern County Water Agency on the BDCP:

1. Draft EIR/IS
2. Draft Implementing Agreement

Thank you,
>Taylor

Taylor Blakslee
Management Assistant
Kern County Water Agency
(661) 634-1455
tblakslee@kcwa.com

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Gene A. Lundquist
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Division 7

James M. Beck
General Manager

Amelia T. Minaberrigarai
General Counsel

July 28, 2014

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

Re: Draft Environmental Impact Report/Environmental Impact Statement for the Bay Delta Conservation Plan

Dear Mr. Wulff:

The Kern County Water Agency (Agency) appreciates the opportunity to comment on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Bay Delta Conservation Plan (BDCP or Plan).

The Agency was created by the California Legislature in 1961 to contract with the California Department of Water Resources for delivery of State Water Project (SWP) water. The Agency has contracts with other public water districts in Kern County to deliver SWP water. The Agency also manages and/or is a participant in multiple groundwater banking projects, including the Kern Water Bank, Pioneer Property and Berrenda Mesa banking projects. The Agency's Improvement District No. 4 also contracts with multiple urban water purveyors to provide potable water supplies to the greater Bakersfield area.

The Agency and its Member Units have dedicated significant financial and staff resources to developing the BDCP since its inception in 2006. The Planning Agreement regarding the BDCP, originally executed on October 6, 2006 (2006 Planning Agreement), defines the goals of the Plan as restoring and enhancing the Sacramento-San Joaquin Delta (Delta) ecosystem, protecting and restoring water supplies, creating a stable regulatory framework, and supporting issuance of incidental take permits for species covered by the Plan. Over the past nine years, the Agency has focused its efforts on achieving these goals as they were understood by the parties at the time the 2006 Planning Agreement was executed.

The BDCP planning process has involved a transparent and far-reaching public outreach program in an effort to gain as much public input as possible, far exceeding the requirements of State or federal law. Outreach efforts included multiple reviews by independent science boards and panels, more than 600 public meetings, and posting more than 3,000 documents to a dedicated website for public review. In addition, two preliminary administrative drafts of the Plan

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Bakersfield, CA 93308

were released in 2011 and 2012, and the comment deadline for the current public review draft of the BDCP was extended twice, for a total comment period of 228 days.

Since the 2006 Planning Agreement was executed, the BDCP has undergone many changes based on public input. Its survival through two State and two federal administrations is a testament to the potential it holds for resolving the Delta's long-standing water and environmental issues, and its responsiveness to public concerns. While many changes have ultimately improved the Plan, others have weakened the Plan's ability to achieve the goals set forth in the 2006 Planning Agreement. The comments set forth below are intended to help improve the Plan by focusing on the original purposes described in the 2006 Planning Agreement. While certain comments are limited to the DEIR/EIS, these issues may also need to be addressed in the draft Plan.

1. The Agency's Priorities.

The Agency is supportive of the BDCP and appreciates the effort that has gone into the draft Plan and the DEIR/EIS. The Agency believes the Plan can establish a comprehensive solution that achieves California's co-equal goals of improving water supply reliability and enhancing the Delta ecosystem. Specifically, the Agency supports the BDCP's proposed twin-tunnel conveyance system, which will isolate and protect drinking water supplies, and help restore natural flow patterns in the Delta for the benefit of native species. The Agency also supports the Plan's recognition that changing conditions in the Delta will require ongoing scientific review and real-time monitoring so the Plan can effectively adapt over time to emerging science and the evolving ecosystem, while continuing to improve water supplies.

While the current draft presents a potentially workable solution to the challenges facing California's water resources and the Delta, key decisions remain relating to specifics on cost allocations, operations, outflow ranges, financing and other issues. The Agency has identified the following critical issues related to yield, cost and assurances that must be addressed in the final DEIR/EIS and in the Plan:

- Yield: The yield of the completed project must provide long-term water supply reliability to all participating contractors. In particular, public water agencies (PWAs) must receive at least 75 percent of their contracted amounts on a long-term basis. Thus, the proposed conveyance must be operated in such a way that additional water required for fish and wildlife, as well as other public benefits, will be made up with no net loss to the PWAs. Further, operation of the conveyance should allow for increased storage in wet years to compensate for a lack of water in dry years. As drafted, portions of the Plan have the potential to decrease water supply reliability to the point that they render the BDCP financially infeasible. Measures still under consideration that could alleviate the risk of water supplies falling below the point of affordability must be clearly defined in the final Plan. To ensure that SWP yield is maintained over the term of the BDCP, the Plan should clearly define a floor below which water supplies cannot be reduced.

- Cost: The costs of the project must not exceed the estimates in the draft BDCP and must be allocated following a "beneficiary pays" methodology, with costs for each portion of the project being paid for by the parties benefiting from that portion of the project. With

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respect to the conveyance facilities, the PWAs participating in the project should bear the cost of those facilities. Costs for habitat restoration, other stressor reduction measures, and avoidance and minimization measures that provide public benefits should be paid for from public funds. Chapter Eight of the BDCP outlines costs for various conservation measures and the draft Implementing Agreement allocates to PWAs costs for design, construction, maintenance, and mitigation of the proposed conveyance, while appropriately reserving all public benefit costs to the United States and the State. The BDCP should clearly state that the project is contingent upon this division of costs between the SWP and Central Valley Project (CVP) contractors and the State and federal governments.

- Assurances: The BDCP must minimize risks of additional regulatory requirements that could reduce yield from the SWP and CVP. As a Habitat Conservation Plan under Section 10 of the federal Endangered Species Act (ESA) and a Natural Community Conservation Plan under California Fish and Game Code sections 2800 *et seq.*, the BDCP offers a path of regulatory stability for both the PWAs and wildlife agencies. Not only should the Plan describe this regulatory stability, but it should include a provision stating that the permits would remain in effect provided the permittees are fulfilling their obligations, even if there is a lack of public funding by the State or federal governments.

While the Agency believes the draft Plan provides a framework for developing transparent, science-driven processes by which a range of operational outcomes can be determined, it is of paramount importance that these processes remain neutral. For example, the so-called decision-tree process is intended to determine, based on rigorous scientific investigation, whether implementation of specific fall and spring outflow requirements is necessary to comply with legal requirements applicable to permits issued under the ESA and the California Natural Community Conservation Planning Act. The current draft of the BDCP should be revised to assure that unbiased scientific investigations inform the Implementation Office, which is tasked with making a recommendation regarding the outflow requirements, and the relevant wildlife agencies, which must ultimately decide what action to take with respect to the outflow requirements. The draft presumes that fall and spring outflow provide a benefit to the species, and anticipates what actions the regulatory agencies will take—this is improper. The Agency requests that the draft Plan be revised to provide an impartial description of the contested issues, uncertainties and investigative process.

2. Specific Comments Regarding the DEIR/EIS.

The Agency appreciates the degree to which the DEIR/EIS distills a tremendous amount of complex information and analyses into a document that, overall, provides a strong foundation for the BDCP. However, the Agency has identified a few issues that should be addressed in subsequent drafts. Rather than focus on chapter-by-chapter comments, the Agency has focused on key issues that, if addressed, would improve the analyses in the DEIR/EIS.

a. Uncertainty.

The BDCP inherently involves a high degree of uncertainty, including with respect to environmental commitments, mitigation measures and operational proposals. In some instances, if certain impacts are considered too uncertain or speculative, the impacts are not addressed. In other cases, there is uncertainty with respect to whether certain environmental commitments or mitigation measures will yield anticipated benefits.

It should be acknowledged that, despite these uncertainties, the draft EIR/EIS appears to be based on the best available science, including the most current, sophisticated studies pertaining to the Delta ecosystem. In relative terms, scientific research regarding the Delta is more comprehensive and robust than in other similar systems. Moreover, the BDCP incorporates a number of tools that will allow the Plan to evolve in response to new information. For example, the BDCP contemplates Plan amendments, which can include changes to biological goals and objectives, if appropriate. In addition, the BDCP incorporates a comprehensive adaptive management program, which will allow for adjustments in the course of Plan implementation in response to new data and analyses.

Nonetheless, uncertainties should be addressed in a consistent and logical way. It is improper for the DEIR/EIS to fail to analyze a particular impact because it is too uncertain. Rather, the document should directly acknowledge uncertainties, and reasonably draw conclusions based on the totality of the evidence.

b. Effects of the Environment.

The DEIR/EIS currently addresses the effects of the BDCP on the environment, rather than focusing on the effects of the environment on the BDCP. For example, while the DEIR/EIS describes how the BDCP will enable communities and species to better adapt to the impacts of climate change and sea-level rise, it does not analyze how these impacts may alter the outcome of the BDCP's proposed actions.

The Agency believes this approach is consistent with the California Environmental Quality Act (CEQA) and recent case law. Specifically, relevant sections of CEQA refer to the effects of a project on the environment, and not vice-versa. (See, e.g., Pub. Resources Code, § 21002.1, subd. (a) ["[t]he purpose of an environmental impact report is to identify the significant effects on the environment of a project"]; *id.*, subd. (e) [an EIR should focus on "the potential [significant] effects on the environment of a proposed project"].) Furthermore, the California Court of Appeals has consistently affirmed the principle that CEQA does not require an assessment of the impacts of the environment on a project. (See, e.g., *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464, 1468 ["[t]he purpose of CEQA is to protect the environment from proposed projects, not to protect proposed projects from the existing environment"]; *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473 [same]; *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal.App.4th 1604, 1612-1618 [concluding an environmental impact report was not required based on the environment's effect on the project because that was a concern that did not fall within the scope of CEQA].) However, the Agency recommends that the DEIR/EIS be revised to more robustly explain the legal basis for its approach.

c. Scope of Analysis:

The DEIR/EIS analyzes the direct and reasonably foreseeable indirect impacts associated with implementation of the BDCP alternatives. As certain commentators have noted, the geographic scope of the DEIR/EIS currently excludes San Pablo Bay and San Francisco Bay. While it can be argued that the impacts of the BDCP may extend downstream and impact these bays, the decision to limit the analysis in the DEIR/EIS to the Plan area is reasonable for a variety of reasons. The Agency recommends that the DEIR/EIS be revised to more thoroughly explain why the analysis is confined to the Plan area.

d. Organization:

The length and complexity of the DEIR/EIS makes it difficult for the average reader to understand the various BDCP alternatives, including the proposed conveyance structures, operations, environmental commitments and other conservation measures. The Agency recommends that the DEIR/EIS be revised to include summaries at the beginning of each chapter. This will enable a reader to more readily determine the key features of each alternative and will facilitate a more meaningful review.

e. Analysis of the Implementing Agreement:

The DEIR/EIS currently does not include an analysis of the Implementing Agreement. This is likely the case because the Implementing Agreement describes BDCP governance (i.e., decision-making) during Plan implementation, which will not have environmental impacts. Rather, the environmental impacts at issue are associated with the actual Plan. However, given the important role of the Implementing Agreement in Plan implementation, the Agency recommends that the final EIR/EIS include an analysis of the Implementing Agreement to the extent appropriate.

f. Analysis of Levee Breaks:

The consequences of levee failures on the effectiveness of the BDCP, as well as the financial implications of preventing such failures via levee maintenance, are not adequately addressed. The Agency recommends that the DEIR/EIS be revised to further describe how levee failures may affect the various BDCP alternatives, as well as a description of how the alternatives may affect the economics of levee maintenance.

3. Conclusion.

The Agency is supportive of the ongoing BDCP efforts and is encouraged by the progress made in the draft Plan and DEIR/EIS. The Agency is hopeful that the BDCP will accomplish the goals set forth in the 2006 Planning Agreement, while also addressing the Agency's concerns regarding yield, cost, and assurances, as described above. The Agency also has concerns regarding certain aspects of the DEIR/EIS, and believes the document would benefit from the specific recommendations described above.

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Thank you for the time and effort expended on the BDCP stakeholder and public participation process. The Agency looks forward to working with the involved State and federal agencies as the BDCP process moves forward.

The Agency appreciates the opportunity to provide these comments. If we can provide additional information on any of the issues described above, please do not hesitate to contact Brent Walthall at bwalthall@kcwa.com.

Sincerely,

James M. Beck
General Manager

BDCP1571

From: Blakslee, Taylor <tblakslee@kcwa.com>
Sent: Monday, July 28, 2014 10:49 AM
To: 'BDCP.comments@noaa.gov'
Cc: Walthall, Brent; Beck, Jim
Subject: Kern County Water Agency Comment Letters on the BDCP: (1) Draft EIR/IS, (2) Draft Implementing Agreement
Attachments: KCWA Comment Letter - Draft EIR-IS.pdf; KCWA Comment Letter - Draft Implementing Agreement.pdf

Good morning Mr. Wulff,

Please find attached two comment letters from the Kern County Water Agency on the BDCP:

1. Draft EIR/IS
2. Draft Implementing Agreement

Thank you,
>Taylor

Taylor Blakslee
Management Assistant
Kern County Water Agency
(661) 634-1455
tblakslee@kcwa.com

BDCP1572.

July 28, 2014

VIA E-MAIL (BDCP.COMMENTS@NOAA.GOV)

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

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

Dear Mr. Wulff:

This letter presents Yuba County Water Agency's ("YCWA") comments on the draft Bay Delta Conservation Plan ("BDCP") and its related draft EIR/EIS ("DEIR/EIS").

YCWA has a well-deserved reputation as a responsible steward of its water supplies and has a proven conservation ethic that has led to repeated and successful collaborations with conservation groups and local, state and federal agencies, as well as agricultural and urban water interests. For example, the National Marine Fisheries Service and the BDCP's primary proponent, the California Department of Water Resources, both participated in developing the landmark Lower Yuba River Accord (Yuba Accord). This award-winning settlement agreement ended 20 years of controversy by addressing water-supply and fisheries needs in the lower Yuba River and has led to significant economic and environmental benefits for California. Among the Yuba Accord's many benefits include higher instream flows for Chinook salmon and steelhead, an unprecedented fisheries monitoring and evaluation program, reduced greenhouse gas emissions and one of California's most successful large-scale water transfer programs.

All of the local, state and federal agencies participating in the BDCP deserve credit for attempting to develop a large-scale, and dynamic, program to improve environmental conditions in California's Bay-Delta ecosystem while preserving our state's economic interests. Because of YCWA's leadership in water supply planning and fisheries restoration issues, we certainly appreciate the challenge of such an undertaking. Our review of the BDCP is limited, however, to whether the plan may impact YCWA's operations. As discussed further below, however, there is insufficient detail and analysis in the BDCP and DEIR/EIS for YCWA to determine the full extent of how the plan may affect YCWA or its operations. Specifically, YCWA requests that you provide additional information on the following:

1. Potential impacts to upstream CVP/SWP facilities;
2. Potential impacts to flow and temperature in the Sacramento River basin; and,
3. Detailed discussion and analysis of potential impacts to groundwater in the Sacramento Valley and, in particular, the Feather River basin.

One of the key areas for improvement in the BDCP is the description of how state and federal CVP/SWP facilities upstream of the Delta may operate in conjunction with the proposed new facilities (tunnels, intakes, and proposed conservation measures). Without additional description and analysis of how these facilities may operate under the combined effects of the BDCP and long-term climate change, YCWA cannot understand how the plan may affect flows and temperatures in the Sacramento River, which in turn may affect YCWA's fisheries restoration efforts in the lower Yuba River. The DEIR/EIS provides some analysis of flows and temperature for the late long-term (2060) timeframe. This analysis, however, lacks a detailed discussion of how the operations of upstream CVP/SWP facilities may change in response to climate change. Such changes could affect flows and temperatures in the Feather River, through which Yuba River salmon and steelhead must migrate before they reach the Sacramento River and ultimately the Bay-Delta.

The BDCP and DEIR/EIS should also include a more-detailed discussion of potential impacts to groundwater in the Sacramento Valley. Since the 1970's, YCWA and its member units (local irrigation districts) have responsibly managed and improved Yuba County's groundwater supplies. The DEIR/EIS states the BDCP will have negative impacts on groundwater supplies in portions of the Sacramento Valley, but it is unclear from the draft documents whether those negative impacts may affect Yuba County, or even more specifically, which parts of Yuba County and how often. It is also unclear whether any groundwater impacts from the BDCP may negatively affect YCWA's conjunctive use efforts in Yuba County.

In summary, additional information and revisions to the BDCP and DEIR/EIS are necessary to properly inform YCWA about potential impacts to its operations. YCWA appreciates your attention to these comments and looks forward to your response.

Very truly yours,

Curt Aikens

Curt Aikens
General Manager

BDCP1572

From: Terry Peterson <tpeterson@ycwa.com>
Sent: Monday, July 28, 2014 10:05 AM
To: bdcp.comments@noaa.gov
Subject: YCWA's Comments on Public Review Draft of the Bay Delta Conservation Plan
Attachments: Comments-Bay-Delta Plan.pdf

Please find YCWA's comments on the Public Review Draft of the Bay Delta Conservation Plan.

Thank you,

Please Note Our Phone Numbers Have Changed

Terry Peterson

Administrative Assistant
Yuba County Water Agency
1220 F Street
Marysville, CA 95901
Main 530-741-5000
Direct 530-741-5001

From: Don Wagenet <dwagenet@tanc.us>
Sent: Monday, July 28, 2014 8:53 AM
To: BDCP.comments@noaa.gov
Subject: BDCP EIR-EIS Comments - Transmission Agency of Northern California
Attachments: TANC_BDCP_EIR-EIS_ Comments.pdf

BDCP:

Please accept and acknowledge receipt of the attached 8-page comments document from the Transmission Agency of Northern California.

Thank You
Don Wagenet
Transmission Agency of Northern California (TANC)

BDCP1573

CALIFORNIA ENVIRONMENTAL QUALITY ACT COMMENTS FROM THE TRANSMISSION AGENCY OF NORTHERN CALIFORNIA AND CALIFORNIA-OREGON TRANSMISSION PROJECT REGARDING THE PROPOSED BAY-DELTA CONSERVATION PLAN AND ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

INTRODUCTION

The Transmission Agency of Northern California (TANC) presents the following comments in the interest of assuring that the construction, operation, and maintenance of the alternative selected for implementation of the Bay-Delta Conservation Plan (BDCP) will minimize or entirely avoid potential hazards that could adversely affect the operation and maintenance of the California-Oregon Transmission Project (COTP).

TANC, the COTP, and Easement Provisions Protecting Against Uses That May Interfere with the Safe Operation and Maintenance of the COTP Facilities.

TANC is a joint exercise of powers agency organized under Chapter 5, Division 7, Title 1 of the California Government Code, and a Joint Powers Agreement, dated as of December 10, 1984, among the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara and Ukiah, the Modesto Irrigation District (MID), the Sacramento Municipal Utility District (SMUD), and the Turlock Irrigation District (TID), as members, and Plumas-Sierra Rural Electric Cooperative, as an associate member.

TANC is the Project Manager of the COTP, which is an existing 339-mile long, 1,600-megawatt, 500 kilovolt (kV) transmission project between the California-Oregon border and Central California (Figure 1). The COTP is critical to the delivery of electricity to California. The Western Area Power Administration (Western) has minority ownership interest in the COTP, transmission entitlement rights, certain lands rights, and provides O&M services to TANC for the COTP.

The following comments clarify certain references to TANC and the COTP.

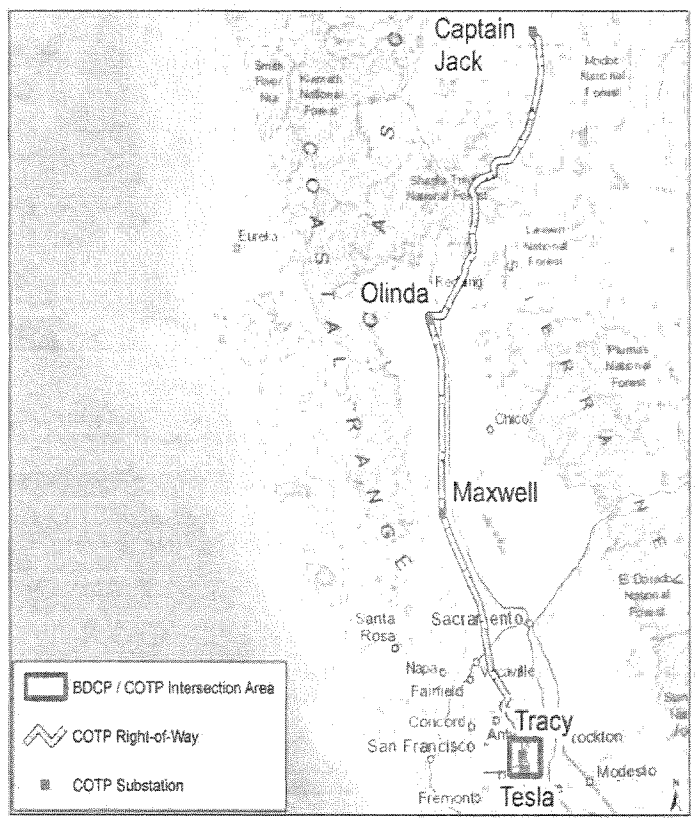

Figure 1. COTP ROW and BDCP Area of Concern

CALIFORNIA ENVIRONMENTAL QUALITY ACT COMMENTS FROM THE TRANSMISSION AGENCY OF NORTHERN CALIFORNIA AND CALIFORNIA-OREGON TRANSMISSION PROJECT REGARDING THE PROPOSED BAY-DELTA CONSERVATION PLAN AND ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Comment 1. Draft EIR/EIS Page 20-7, lines 16-18. The referenced sentence should be changed to read as follows (with italicized language inserted):

> "Electricity within the Plan Area is transmitted by power lines *owned variously by the participants in the California-Oregon Transmission Project (COTP) (which include the Transmission Agency of Northern California (TANC), the Western Area Power Administration (Western), Pacific Gas & Electric (PG&E), the City of Redding, the Carmichael Water District and the San Juan Water District),* ~~Western Area Power Administration (Western) and the Transmission Agency of Northern California (jointly own the California-Oregon Transmission Project),~~ PG&E, SMUD and MID."

Comment 2. Draft EIR/EIS Page 20-67, lines 23-24. The referenced sentence should be changed to read as follows (with italicized language inserted):

> "The alignment of the canal and other conveyance facilities constructed under this alternative would cross power transmission lines owned *variously* by *the participants in the California-Oregon Transmission Project (which include TANC, Western, PG&E, the City of Redding, the Carmichael Water District and the San Juan Water District), PG&E* ~~Pacific Gas & Electric~~, Western and SMUD.

Comment 3. The easements comprising the portions of COTP right of way (ROW) of concern are held by the United States and administered by the Western Area Power Administration (Western), a federal agency under the Department of Energy, acting as TANC Operations and Maintenance Agent, for the benefit of all of the COTP participants (which include TANC, Western, the Pacific Gas and Electric Company (PG&E), the City of Redding, the Carmichael Water District and the San Juan Water District). Those easements include provisions to protect against any additional uses affecting the COTP ROW that could interfere with the safe operation and maintenance of the COTP facilities.

Please see the BDCP EIR/EIS comments submitted under separate cover by Western. Those comments are hereby incorporated by reference to the extent that Western's interests and abilities to fulfill its contractual and other obligations to TANC on behalf of the COTP and its members and participants are in any way affected by the BDCP.

Comment 4. TANC's comments herein are not intended, and shall not be construed, as authorization of, or acquiescence in, any particular uses of the COTP ROW for the purposes of implementing the BDCP.

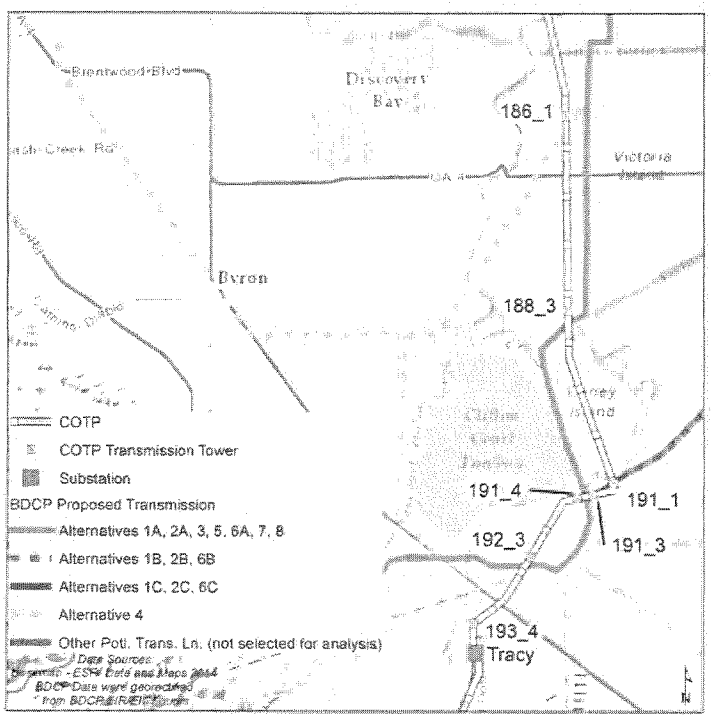

Figure 2. BDCP Alternatives Near the COTP

Potential BDCP Physical Impacts to the COTP

Certain Bay Delta Conservation Plan (BDCP) alternatives have the potential to adversely affect access to the COTP and its O&M. Figure 2 indicates the extent of the area where the BDCP alternatives would affect COTP O&M activities.

Several types of construction activities are planned to be conducted within or adjacent to the COTP ROW, including:

- Expansion of the Clifton Court Forebay/Byron Tract Forebay Across the COTP ROW;
- Permanent and Temporary Transmission Line Crossings of the COTP ROW;
- Permanent Water Conveyance Facility Crossings of the COTP ROW; and
- Potential Excavation and Storage of Residual Tunnel Material (RTM) and Other Spoils in the COTP ROW.

Each of these types of construction activities, and the long-term operation and maintenance of the resulting BDCP facilities are of concern to TANC. The Draft BDCP EIR/EIS does not provide site-specific, detailed information regarding the methods and equipment to be used in the construction of the conveyance and transmission facilities as they cross the COTP ROW. The following comments address TANC's concerns regarding the need for advance notification and coordination with TANC, and ongoing engineering and safety planning and practices that will need to be implemented as the BDCP proceeds.

Comment 5. The Draft BDCP EIR/EIS does not adequately acknowledge the public health and safety risks associated with construction activity in proximity to high voltage transmission lines. Indeed, Chapter 25 of the Draft BDCP EIR/EIS, which addresses "issues related to human health and safety that could potentially be affected by implementation of the BDCP alternatives,"

(Draft BDCP EIR/EIS, p. 25-1, lines 3-4) makes no mention of the these concerns and, correspondingly, does not identify any mitigation measures to address these concerns.

Comment 6. Crane and pipeline work under the COTP would be inherently hazardous, even with the best safety plan and supervision. The risks here are not just damaging and deadly harm to the equipment, facilities, and people involved in the construction and operation of the Project, but also harm to the population in general and the economy of the Western region. Uninterrupted power supplies are central to public safety, health, medical care, vehicle and air traffic control, information exchange, the storage and provision of safe foodstuffs, fresh water production and sanitary waste disposal; in fact, virtually every facet of modern life depends on grid reliability.

Expansion of the Clifton Court Forebay/Byron Tract Forebay Across the COTP ROW

Comment 7. BDCP Alternatives 1A, 1B, 2A, 2B, 3, 5, 6A, 6B, 7, and 8 propose the development of the Byron Tract Forebay to be located immediately south of and adjacent to the existing Clifton Court Forebay. We understand that approximately 14 million cubic yards of earth would be excavated to create the Bryon Tract Forebay, and that the forebay would be used to provide storage of approximately 4,300 acre-feet of water with a surface area of approximately 600 acres.

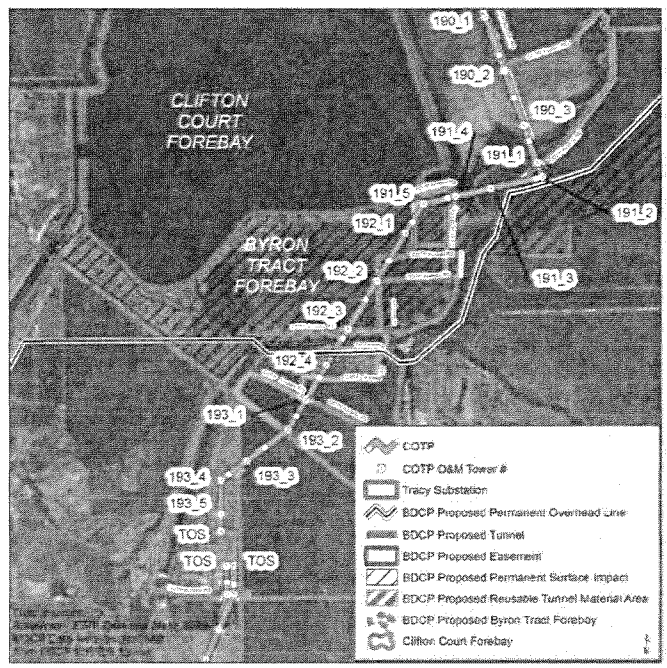

Figure 3. Byron Tract Forebay Expansion Across the COTP ROW

We understand that the Forebay would remain permanently flooded consistent with its purpose. Figure 3 shows the area where the forebay expansions would cross the COTP ROW. Forebay expansion across the COTP ROW would significantly and adversely affect the COTP facilities and ROW. Tower footings were not designed to withstand constant flooding and the reductions in stability that would result from permanent inundation. Specifically, the following adverse physical impacts would occur:

- Excavation within 100 feet of transmission tower footings during construction would threaten the integrity of tower footings and risk the collapse of the towers.
- Forebay flooding would severely reduce the integrity of the transmission tower footings, and likely result in tower failure.

- The structural stability of five or more 500-kV COTP transmission towers would be threatened by excavation and subsequent flooding of the expanded forebay.
- The cumulative impacts of excavation and flooding would almost certainly result in one or more transmission tower failures over time.

The proposed location of the forebay expansion is therefore unacceptable to TANC. Forebay expansion needs to be relocated away from the COTP ROW. The excavation, flooding, and protective levees need to be located no less than 500 feet west of the existing COTP ROW to ensure continued integrity of the COTP transmission towers.

Comment 8. If the alternative selected for BDCP implementation includes expansion of the Clifton Court/Byron Tract Forebay complex such that it would inundate any part of the COTP ROW, the BDCP proponent agencies will be responsible for all additional and/or replacement right of way that may need to be acquired for relocation of the existing COTP towers. The BDCP proponent agencies would also be responsible for all costs for the design and construction of any new transmission towers that will be needed to maintain COTP service levels as the COTP is relocated to new ROW. The BDCP proponent agencies would be required to procure the new ROW with rights fully equivalent in all respects to the current rights. Full ownership and transmission entitlements associated with those rights will need to be vested completely to TANC and the COTP participants. The BDCP proponent agencies would also be responsible for full funding of all environmental studies, permit applications, and all other regulatory compliance requirements needed for relocating the COTP ROW, and the design, construction and commissioning of the replacement 500-kV line of equal or greater capacity. The BDCP agencies would also be responsible for payment of all lost revenues resulting from outages needed for relocation, replacement interconnection, and for all associated litigation costs.

Permanent and Temporary Transmission Line Crossings of the COTP ROW

Draft BDCP EIR/EIS Figures 3-25, 24-6, 25-2, and others indicate that proposed temporary and permanent transmission lines needed for BDCP power could cross the COTP ROW. The proposed COTP ROW crossings could occur at COTP towers 156/4, 186/1, 188/3, 191/3, 193/1 and 193/4. The following comments apply to any and all permanent and temporary transmission and distribution line crossings of the COTP ROW proposed as part of the BDCP.

Because these crossings pose potential construction, operation, and related safety hazards, the following construction practices will be required to be undertaken as standard precautions in the design and installation of transmission crossings of the COTP ROW.

Comment 9. TANC requests that written notification be provided to itself and Western of all locations where temporary or permanent BDCP transmission lines will be crossing the COTP ROW, to be provided no fewer than 180 days prior to the initiation of construction.

Comment 10. Access to the COTP facilities for inspection and maintenance, including access for heavy equipment, shall be required at all times during BDCP transmission facilities planning, construction and operation. All COTP ROW access roads must be available at all times for emergency and routine O&M activities.

Comment 11. No transmission line crossings of the COTP ROW will be authorized to be sited in a manner that would place new transmission towers within the COTP ROW.

Comment 12. At all locations where proposed transmission or distribution lines to deliver power to the BDCP cross the COTP ROW, they shall cross under the COTP conductors. Further, these crossings shall satisfy National Electricity Safety Code and/or California General Order 95 requirements (whichever is more restrictive) for the COTP line under its maximum sag conditions.

Comment 13. TANC requires that it be consulted prior to and during the installation of temporary clearance markers to indicate the closest safe distances from the conductors.

Comment 14. Permanent markers indicating the proximity of energized high-voltage power line conductors shall be required to be furnished and installed on BDCP electric transmission facilities before the completion of construction according to standard industry practices for such marker installations.

Permanent Water Conveyance Facility Crossings of the COTP ROW and Potential Excavation and Storage of Residual Tunnel Material (RTM) and Other Spoils in the COTP ROW

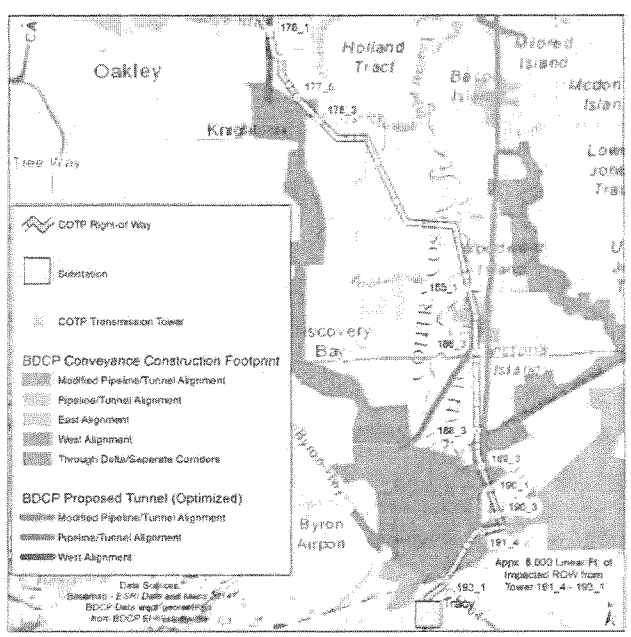

Figure 4. BDCP Proposed Crossings of the COTP ROW

BDCP EIR/EIS Figures 24-6, 25-2, and others indicate that Modified Pipeline/Tunnel Alignment, Pipeline/Tunnel Alignment, Western Alignment, and Through Delta/Separate Corridors conveyance alternatives could cross the COTP ROW. Figure 4 indicates the proposed locations of these crossings near COTP transmission towers.

BDCP excavation, construction, operation, and maintenance activities have the potential to adversely affect the physical conditions supporting the structural integrity of the COTP, ROW access, and O&M activities. **The following comments therefore apply to any and all construction near or adjacent to the COTP ROW.**

Comment 15. TANC requests an electronic copy of each draft version of any Project safety plan applicable to those construction activities within or adjacent to the COTP ROW be provided to itself and Western no fewer than 180 days prior to the approval of the plan for implementation.

Comment 16. TANC requires advance written notice of at least 180 days prior to any construction activity to take place within the COTP ROW.

Comment 17. TANC will require that the BDCP provide detailed, site-specific information regarding the construction practices that will be occurring within the COTP ROW, and within 500 feet of the COTP ROW that includes, but is not limited to:

- Construction equipment;
- Construction crew sizes;
- The extent to which cranes will be used in installing the conveyance facilities;
- Maintenance of clearance distances to COTP conductors;
- The duration of all construction activities within the COTP ROW;
- Excavation practices within or adjacent to the COTP ROW and transmission towers; and
- Excavated materials transport and placement locations.

Comment 18. TANC requires that a TANC representative be on site at times when construction work is conducted within or adjacent to the COTP ROW for any and all BDCP construction activities.

Comment 19. TANC will require the development of a Compensation Agreement for the time needed for on-site representation of TANC's interests.

Comment 20. TANC requests that all communications to TANC provided as requested in these Comments be transmitted in both electronic and hard copy formats to the following TANC staff:

Email:
info@tanc.us
psanchez@tanc.us
dwagenet@tanc.us

Regular Mail:
Transmission Agency of Northern California
P.O. Box 15129
Sacramento CA 95851-0129
Attention: General Manager

Comment 21. BDCP should coordinate closely with Western consistent with those comments submitted under separate cover by Western to ensure that the BDCP does not cause any unsafe construction or operating conditions.

Comment 22. All temporary earthwork within or adjacent to the COTP ROW shall be designed and implemented in a manner that results in drainage away from COTP transmission tower footings.

Comment 23. No cut or fill or cofferdam construction and/or dewatering activities will be authorized that could affect the stability of the COTP transmission tower footings consistent with all applicable government codes. Excavations will not be authorized within 100 feet of COTP transmission tower footings.

Comment 24. Residual Tunnel Material and any and all other excavated soil, spoils, or other materials will not be allowed to be placed within the COTP ROW.

TANC appreciates the opportunity to comment on the Draft BDCP EIR/EIS. We look forward to coordinating with the BDCP proponent agencies regarding the responses to these comments and the importance of maintaining the safety, reliability, and integrity of the COTP throughout BDCP planning, design, construction, operation, and maintenance.

Please call Don Wagenet at 916.852.1673 if you have any questions regarding these comments.

Sincerely,

Don Wagenet, for

Bryan W. Griess
General Manager
Transmission Agency of Northern California

Enclosures

Inland Empire Utilities Agency
A MUNICIPAL WATER DISTRICT

6075 Kimball Ave, • Chino, CA 91708
P.O. Box 9020 • Chino, Hills, CA 91709
TEL (909) 993-1600 • FAX (909) 993-9000
www.ieua.org

July 21, 2014

RECEIVED
JUL 25 2014
NAT'L MARINE FISHERIES SVS
SACRAMENTO, CA

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

Dear Mr. Wulff:

On behalf of the Inland Empire Utilities Agency, I would like to provide the following comments on the draft Bay Delta Conservation Plan (BDCP) and the associated environmental impact report/statement (DEIR/DEIS) as released on December 13, 2013.

The State Water Project is a vital component of Southern California's water system, providing roughly 25-30 percent of the region's water needs on average, including critical supplies for replenishment of the region's groundwater basins that are relied upon in drought years. The Project is of particular importance to the communities served by our Agency since we can use only imported State Water Project for groundwater replenishment, as imported water from the Colorado River is too salty. While conservation and local supply development will be the key building blocks of water supply reliability for the Southland in coming years, continued imports of water from the Delta, particularly during wet years, will also be essential to sustainable water management for the region.

The vulnerability of both the state and federal water operations in the Delta to interruptions caused by the need to protect threatened and endangered Delta species and the potential for catastrophic earthquakes and flood events are serious concerns that California must address. We believe that the proposed BDCP, being developed under provisions of the state and federal endangered species protection laws, is the most promising plan to date to solve these challenges and resolve decades of conflicts between agricultural, urban and environmental water users.

The Department of Water Resources is to be commended for its work in developing the public draft BDCP. The Plan and the related DEIR/DEIS documents provide exhaustive detail on the complex problems facing the Delta and an extensive assessment of the alternatives for resolving the conflicts in the Delta. The release of the draft BDCP culminates an eight-year stakeholder process, and represents an important milestone in the development of a lasting Delta solution – one that achieves state's coequal goals of a achieving reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem while preserving and enhancing the values of the Delta as an evolving place.

We are supportive of the BDCP's proposed twin-tunnel conveyance system that isolates and protects drinking water supplies and helps restore natural flow patterns in the Delta for the

benefit of native species, as well as the complementary habitat restoration, water quality and predator control measures outlined in the BDCP. We also think it is important to acknowledge the immense effort to develop the science that underlies the plan. We support the plan's recognition that changing conditions in the Delta will require ongoing scientific review and real-time monitoring so the plan can effectively adapt over time to emerging science and the evolving ecosystem.

However, we have concluded that the plan must deal effectively with the May 15, 2014 findings made by the Delta Independent Science Board that the public draft BDCP currently falls short of level of the analysis needed to comply with the EIR/EIS environmental review standards as well as what will be needed to comply with the Habitat Conservation Plan/Natural Communities Conservation Plan permit requirements. Specific issues identified by the Delta Independent Science Board (full letter attached) include the following:

1. Many of the impact assessments hinge on overly optimistic expectations about the feasibility, effectiveness, or timing of the proposed conservation actions, especially habitat restoration.

2. The project is encumbered by uncertainties that are considered inconsistently and incompletely; modeling has not been used effectively to bracket a range of uncertainties or to explore how uncertainties may propagate.

3. The potential effects of climate change and sea level rise on the implementation and outcomes of BDCP actions are not adequately evaluated.

4. Insufficient attention is given to linkages and interactions among species, landscapes, and the proposed actions themselves.

5. The analyses largely neglect the influences of downstream effects on San Francisco Bay, levee failures, and environmental effects of increased water availability for agriculture and its environmental impacts in the San Joaquin Valley and downstream.

6. Details of how adaptive management will be implemented are left to a future management team without explicit prior consideration (a) situations where adaptive management may be inappropriate or impossible to use, (b) contingency plans in case things do not work as planned, or (c) specific thresholds for action.

7. Available tools of risk assessment and decision support have not been used to assess the individual and combined risks associated with BDCP actions.

8. The presentation, despite clear writing and an abundance of information and analyses, makes it difficult to compare alternatives and evaluate the critical underlying assumptions.

In addition, in its letter of June 24, 2014, the Delta Stewardship Council identified more issues that need to be addressed in the DEIR/DEIS that relate to compliance with the 2009 Delta Reform Act requirements. These include (1) the clear delineation of the flow criteria and quantity of water available for export and other beneficial uses under different alternatives; (2) an assessment of the resiliency and recovery of conveyance alternatives in the event of catastrophic loss caused by flood or other natural events; and (3) mitigation of conveyance impacts. The full letter is attached for your reference.

Both the Delta Independent Science Board and the Delta Stewardship Council were charged by the California legislature in the 2009 Delta Reform Act to provide an independent review of the draft BDCP. It is critical that the issues identified by both of these entities be fully addressed in the final BDCP and related environmental documents. The alternative is unacceptable -- more litigation and the probable failure of the BDCP to ultimately meet the permit requirements of the state and federal endangered species protection laws. We believe that it is better for DWR to take the additional time needed to respond to these issues, developing the additional information and completing the additional analyses that will ensure that the public and decision-makers are fully informed about the BDCP alternatives and can select the best option in the final Plan.

The proposed BDCP is the most comprehensive effort ever undertaken to address the chronic water challenges facing the state and federal water projects in a manner that is protective of the Delta environment. We urge the state to move forward with the draft plan and focus on resolving those remaining issues needed to provide assurances that the plan will achieve California's co-equal goals.

Thank you for the opportunity to comment on this historic draft plan.

Sincerely,
INLAND EMPIRE UTILITIES AGENCY

P. Joseph Grindstaff
General Manager

Cc:
California Department of Natural Resources
John Laird, Secretary
Karla Nemeth, Bay Delta Conservation Plan Director

California Department of Fish and Wildlife
Charlton Bonham, Director
Carl Wilcox, Policy Advisor on the Delta

California Department of Water Resources

Mark Cowin, Director
Laura King Moon, Chief Deputy Director

California State Water Resources Control Board
Felicia Marcus, Chair

Delta Stewardship Council
Jessica Pearson, Executive Officer

Delta Protection Commission
Erik Vink, Executive Director

Sacramento-San Joaquin Delta Conservancy
Campbell Ingram, Executive Officer

U.S. Bureau of Reclamation
Sue Fry, Manager, Bay-Delta Office

NOAA Fisheries
Maria Rea, Assistant Regional Administrator, CA. Central Valley Office

U.S. Fish and Wildlife Service
Ren Lohoefener, Regional Director, Pacific SWR

BDCP1574

From: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Sent: Monday, July 28, 2014 8:14 AM
To: bdcp comments - NOAA Service Account; BDCPcomments
Subject: Fwd: BDCP COMMENTS
Attachments: 20140725 - Chevron Environmental Management Co..pdf; 20140725 - City of Torrance.pdf; 20140725 - Inland Empire Utilities Agency.pdf; 20140725 - Sacramento San Joaquin Delta Conservancy.pdf

---------- Forwarded message ----------
From: **Anita Deguzman - NOAA Affiliate** <anita.deguzman@noaa.gov>
Date: Fri, Jul 25, 2014 at 4:21 PM
Subject: BDCP COMMENTS
To: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>

I have attached the following comments for your files.

Copies have been made and are in your mailbox - original letters are up front at the reception desk.

--

Anita deGuzman
Administrative Assistant
NOAA Fisheries * West Coast Region
U.S. Department of Commerce
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814
916-930-3600 - main
916-930-3629 - fax
Anita.deGuzman@noaa.gov

CITY OF
TORRANCE

PATRICK J. FUREY
MAYOR

July 24, 2014

RECEIVED
JUL 25 2014
NAT'L MARINE FISHERIES SVS
SACRAMENTO, CA

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

Dear Mr. Wulff:

Subject: City of Torrance Support Position for the Bay Delta Conservation Plan (BDCP), the EIR/EIS Reports and Alternative Number 4, including the twin tunnel water conveyance facility

On behalf of the City of Torrance, I am writing to express our organization's support for the Bay Delta Conservation Plan (BDCP) and specifically for Alternative #4 as outlined in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS), including the development of the twin tunnel water conveyance facility. This matter was brought forward for City Council consideration on July 22, and the Council voted to adopt a Resolution expressing our support for the BDCP (attached).

Southern California is rebuilding its aging infrastructure to ensure its water supplies are reliable. In Torrance, we are in the process of developing new local water resource projects to reduce our dependence on imported water supplies. 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 compromises between many stakeholders with varying priorities. However, California cannot sit idly by and wait for disaster.

We support the BDCP, and specifically the 9000cfs twin tunnel design (Alternative #4), as a workable proposal that can lead to a final successful plan of action. Alternative #4 offers the best solution to minimize seismic risk to our state's water supply infrastructure, restores the Delta's ecosystem over time and provides vital water supply reliability.

Sincerely,

Patrick J. Furey
Mayor

Attachment: Resolution

BDCP1575

RESOLUTION NO. 2014-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADOPTING A RESOLUTION IN SUPPORT OF THE BAY DELTA CONSERVATION PLAN (BDCP), RELIABLE WATER SUPPLIES AND ENVIRONMENTAL RESTORATION

WHEREAS, water supplies from the Northern California that move across the Sacramento-San Joaquin Delta are vital to the economy of California, serving 25 million people from the San Francisco Bay Area to the Mexican border and agriculture throughout the Central Valley; and

WHEREAS, the Delta is the 550,000 acre estuary where rivers from the Sierra Nevada mountain range merge before heading out to the San Francisco Bay; and

WHEREAS, the Delta is in a state of environmental stress due to the loss of wetlands habitat, invasive species, pesticide runoff, other sources of contamination, pumping operations and other factors; and

WHEREAS, the decline in the Delta's health threatens this unique environment and water supplies that are imperative to meeting California's water needs and preserving the state's economy; and

WHEREAS, the Delta's levees are not engineered to protect the state's water supply distribution system from major earthquakes, and multiple levee failures could disrupt water deliveries and adversely impact the state's economy for up to three years; and

WHEREAS, numerous state and federal agencies and other stakeholder groups have worked for years towards developing a comprehensive package of ecosystem and water system reliability improvements by development of a comprehensive Bay Delta Conservation Plan (BDCP) to address both current conflicts in the Delta and long term threats to the reliability of the state's water supplies; and

WHEREAS, on December 13, 2013, the state released a public draft BDCP and its environmental impact statement/report, and subsequently extended the public comment period until July 29, 2014; and

WHEREAS, the BDCP represents the most comprehensive effort to comply with state and federal environmental laws over the last 50 years, through a cooperative effort to reverse the Delta's decline and protect the delivery of vital water supplies; and

WHEREAS, the failure to take decisive actions would be an unacceptable risk to the environment of the Delta, to the future reliability of water supplies and the economy of California; and

WHEREAS, out of all the proposed 15 BDCP alternative plans examined in detail by the state, Alternative Number 4 was designated and the state's preferred alternative for the BDCP; and

WHEREAS, Alternative Number 4 is the most promising plan developed to date to solve the Delta challenges and resolve decades of conflicts between agricultural, urban and environmental stakeholders with a comprehensive solution that achieves California's co-equal goals of a reliable water supply and a restored Delta ecosystem; and

WHEREAS, the City of Torrance is supportive of the proposed twin tunnel water conveyance system, as recommended in Alternative Number 4, which isolates and protects drinking water supplies and helps restore natural flow patterns in the Delta for the benefit of native species as well as implementing complementary habitat restoration, water quality and predator control measures outlined in the BDCP.

WHEREAS, the City of Torrance urges the state to move forward with the draft BDCP, specifically with support for Alternative Number 4, the state's preferred alternative, and focus efforts on resolving those remaining issues needed to provide assurances that the plan will achieve California's co-equal goals of water supply reliability and ecosystem restoration in a cost effective manner.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Torrance, California does hereby take a position of support for adoption of the Bay Delta Conservation (BDCP), including the adoption of Alternative Number 4, providing for the twin tunnel water conveyance system.

Introduced, approved and adopted this 22nd day of July 2014

/s/ Patrick J. Furey
Mayor Patrick J. Furey
ATTEST:

APPROVED AS TO FORM:
JOHN L. FELLOWS III, City Attorney

by /s/ Patrick Q. Sullivan
Patrick Q. Sullivan, Assistant City Attorney

/s/ R. Poirier
Rebecca Poirier, City Clerk

TORRANCE CITY COUNCIL RESOLUTION NO. 2014-92

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Rebecca Poirier, City Clerk of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Torrance at a regular meeting of said Council held on the 22nd day of July, 2014 by the following roll call vote:

AYES:	COUNCILMEMBERS	Ashcraft, Barnett, Rizzo, Weideman, and Mayor Furey.
NOES:	COUNCILMEMBERS	None.
ABSTAIN:	COUNCILMEMBERS	Goodrich.
ABSENT:	COUNCILMEMBERS	None.

/s/ R. Poirier
Rebecca Poirier, MMC
City Clerk of the City of Torrance

Date: July 24, 2014

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF TORRANCE)

This is to certify that the foregoing is a true and correct copy of the original document.
Dated:

City Clerk

BDCP1575

From: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Sent: Monday, July 28, 2014 8:14 AM
To: bdcp comments - NOAA Service Account; BDCPcomments
Subject: Fwd: BDCP COMMENTS
Attachments: 20140725 - Chevron Environmental Management Co..pdf; 20140725 - City of Torrance.pdf; 20140725 - Inland Empire Utilities Agency.pdf; 20140725 - Sacramento San Joaquin Delta Conservancy.pdf

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To: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>

I have attached the following comments for your files.

Copies have been made and are in your mailbox - original letters are up front at the reception desk.

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Anita deGuzman
Administrative Assistant
NOAA Fisheries * West Coast Region
U.S. Department of Commerce
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814
916-930-3600 - main
916-930-3629 - fax
Anita.deGuzman@noaa.gov

Chevron

RECEIVED
JUL 25 2014
NATL MARINE FISHERIES SVS
SACRAMENTO, CA

Mike N. Oliphant
Project Manager
Superfund and Specialty Portfolio

Chevron Environmental Management Company
P.O. Box 6012
San Ramon, CA 94583
Tel (925) 790 6431
Fax (925) 790 6772
mike.oliphant@chevron.com

July 24, 2014

Stakeholder Communication – National Marine Fisheries Service

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

Subject: **Comments on the Draft Environmental Impact Report / Draft Environmental Impact Statement for the Bay Delta Conservation Plan**
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Mr. Wulff:

On behalf of Chevron Environmental Management Company (CEMC), Leidos Engineering LLC (Leidos: CEMC contract consultant) recently reviewed the Draft Environmental Impact Report / Draft Environmental Impact Statement for the Bay Delta Conservation Plan (BDCP). The information contained in this letter may help you in planning this project and to understand something about Chevron's former pipeline operations within Alameda County and Contra Costa County, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in these former pipeline rights of way (ROWs).

Portions of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) pipelines existed in the vicinity of the proposed BDCP project area. These formerly active pipelines were constructed in the early 1900s and carried crude oil from the Kern River Oil Fields (in and near Bakersfield) to the San Francisco Bay Area. Pipeline operations for the OVP ceased in the 1940s, and in the 1970s for the TAOC pipelines. When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommissioning varied; in some instances the pipelines were removed, while in others, they remained in place. Because these pipelines have been decommissioned, with the majority of pipelines having been removed, they are not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figures 1 through 4 illustrate the location of the former OVP and TAOC ROWs with respect to sections of Alternative 4 of the proposed project. The locations of the pipelines shown on Figures 1 through 4 are based on historical as-built drawings and the approximated positional accuracy of the alignments is generally +/- 50 feet. The OVP and TAOC pipelines were installed at depths of up to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and ACM.

Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former OVP and TAOC pipelines. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil affected by the historical release of crude oil from these former pipelines is encountered during construction activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground.

BDCP1576

Parties conducting construction activities in the vicinity of these former pipeline ROWs may wish to use the information provided in this letter to help prepare for the possibility of encountering abandoned pipelines and pipeline-related ACM during the course of their work.

For more information regarding this historic pipelines, please visit http://www.hppinfo.com/. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd (michael.t.hurd@leidos.com) at (510) 466-7161 or Daniel Anzelon (daniel.b.anzelon@leidos.com) at (858) 826-3316.

Sincerely,

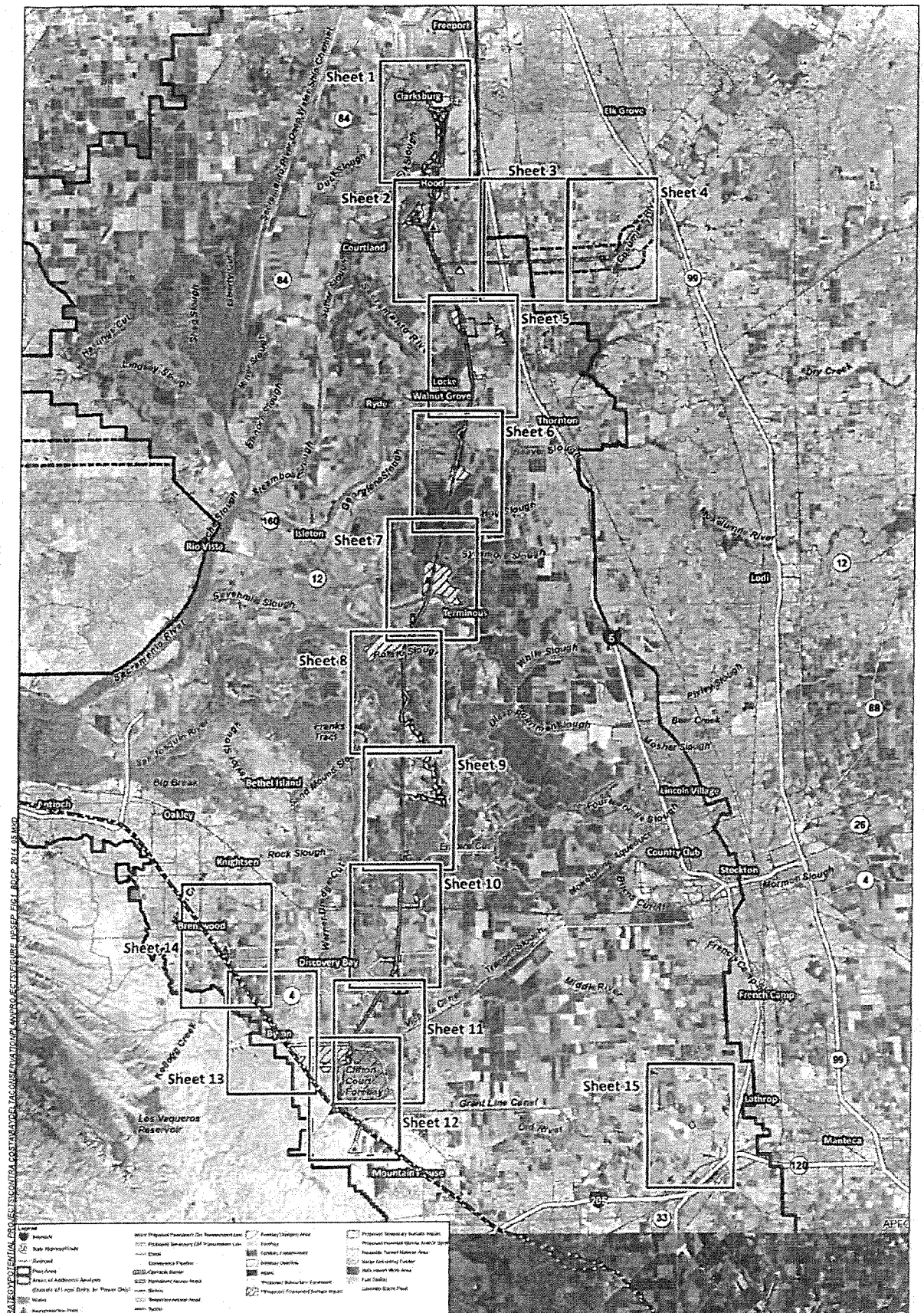
Mike Oliphant

MO/klg

Enclosures:
Figure 1. Historical Pipeline Rights of Way – Bay Delta Conservation Plan (Alternative 4) - Figure M3-4: Index
Figure 2. Historical Pipeline Rights of Way – Bay Delta Conservation Plan (Alternative 4) - Figure M3-4: Sheet 12 of 15
Figure 3. Historical Pipeline Rights of Way – Bay Delta Conservation Plan (Alternative 4) - Figure M3-4: Sheet 13 of 15
Figure 4. Historical Pipeline Rights of Way – Bay Delta Conservation Plan (Alternative 4) - Figure M3-4: Sheet 14 of 15

cc: Mr. Mike Hurd – Leidos
1000 Broadway, Suite 675, Oakland, California 94607

BDCP1576



ANALYST: HOANGTA

DATE: 9/29/2014

leidos

Map is compiled from data sources that vary in accuracy; features may not be displayed in exact relationship to one another. Do not rely on map for legal information or underground work. Source: Bay Delta Conservation Plan, "Draft Environmental Impact Report / Environmental Impact Statement", Figure M3-4 Index, Modified Pipeline/Tunnel Alignment (Alternative 4), December 14, 2013

0 1.5 3
Miles

Historical Old Valley Pipeline (OVP)

Historical Tidewater Associated Oil Company (TAOC) Pipeline

HISTORICAL PIPELINE RIGHTS OF WAY

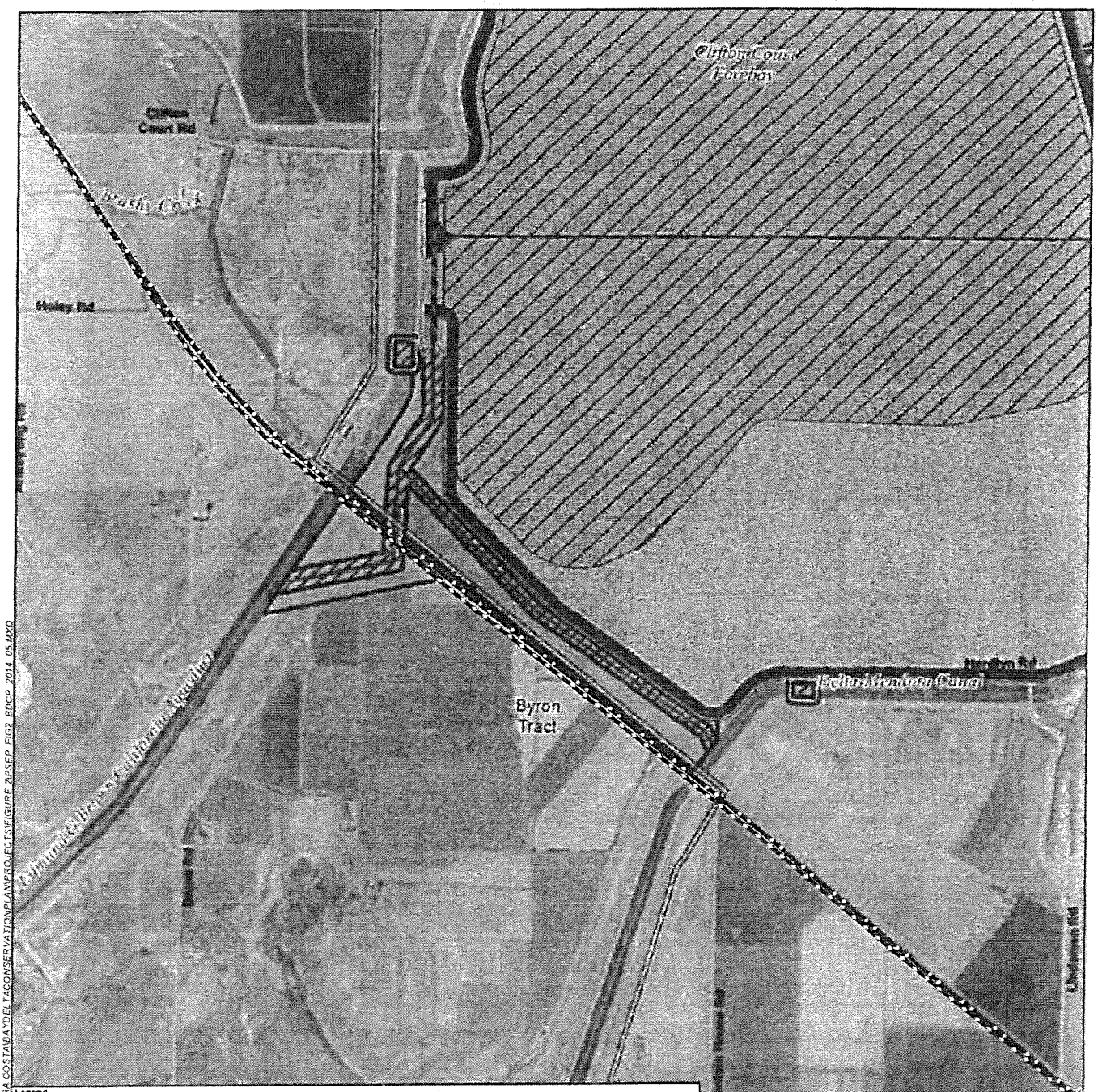
BAY DELTA CONSERVATION PLAN
ALTERNATIVE 4

California

FIGURE
1

FILE: Q:\HPFB\TR\MANAGEMENTSTRATEGY\POTENTIAL PROJECTS\CONTRA COSTA\BAYDELTACONSERVATIONPLAN\PROJECTS\FIGURE 1P-SEP_FIG1_BDCP_2014_05.MXD

BDCP1576



Legend

- Plan Area
- Areas of Additional Analysis (Outside of Legal Delta, for Power Only)
- Interconnection Point
- Proposed Permanent OH Transmission Line
- Proposed Temporary OH Transmission Line
- Canal
- Conveyance Pipeline
- Operable Barrier
- Permanent Access Road
- Siphon
- Temporary Access Road
- Tunnel
- Tunnel Material Conveyor
- Forebay Dredging Area
- Forebay
- Forebay Embankment
- Forebay Overflow
- Intake
- *Proposed Subsurface Easement
- **Proposed Permanent Surface Impact
- Proposed Temporary Surface Impact
- Proposed Potential Borrow And/Or Spoil
- Reusable Tunnel Material Area
- Barge Unloading Facility
- Safe Haven Work Area
- Fuel Station
- Concrete Batch Plant

0 500 1,000
Feet

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Historical Old Valley Pipeline (OVP)

Historical Tidewater Associated Oil Company (TAOC) Pipeline

CALIFORNIA LOCATION MAP

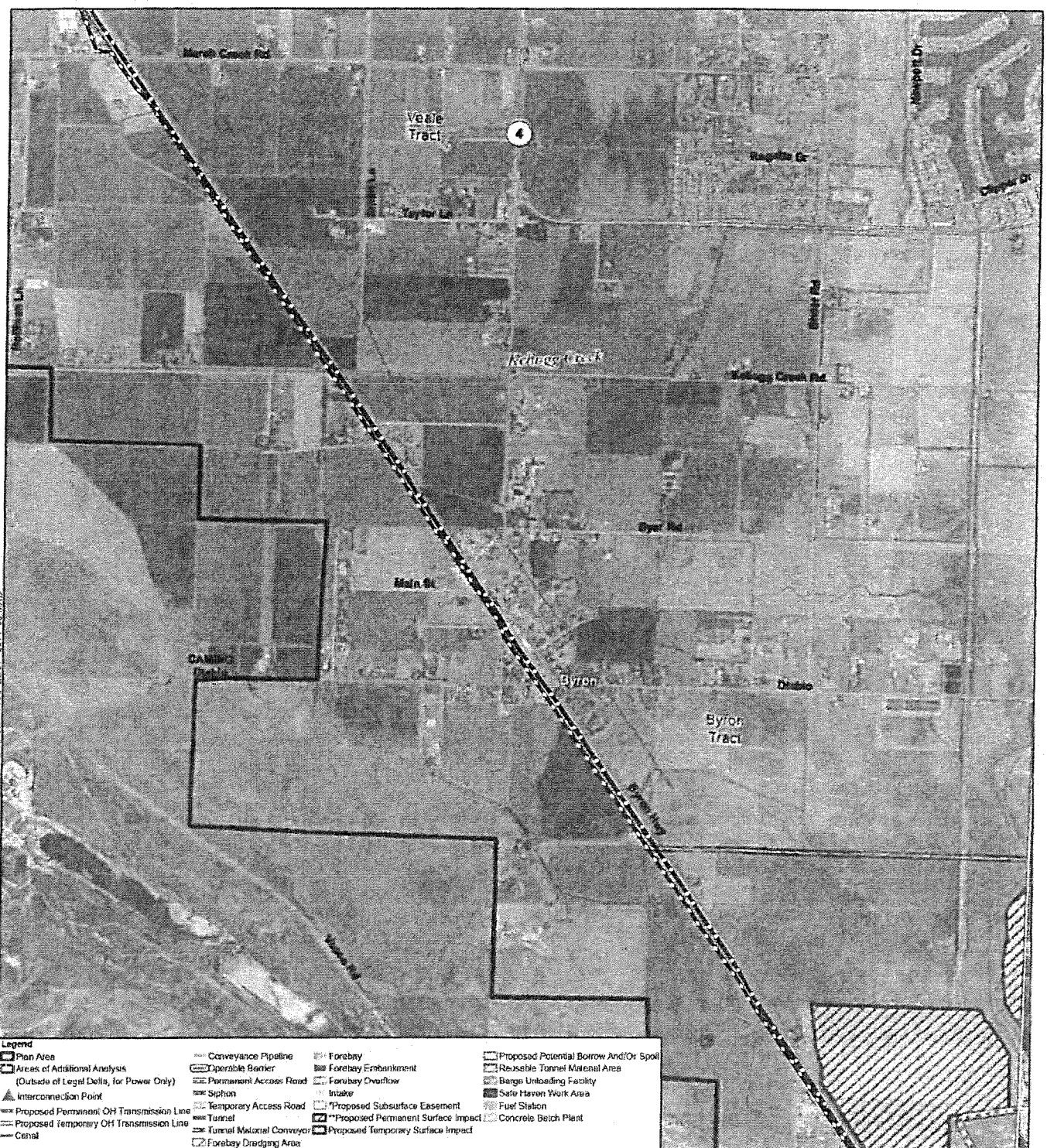
HISTORICAL PIPELINE RIGHTS OF WAY

BAY DELTA CONSERVATION PLAN
ALTERNATIVE 4
Alameda and Contra Costa Counties, California

DATE: 7/16/2014	ANALYST: ANZELOND	FIGURE:
leidos		2

FILE: Q:\HP\BTR\MANAGEMENT\STRATEGY\APOTENTIAL PROJECTS\CONTRA COSTA\BAYDELTACONSERVATIONPLAN\PROJECTS\FIGURE 2\PSEP_FIG2_BDCP_2014_05.MXD

BDCP1576



Legend

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Historical Old Valley Pipeline (OVP)

Historical Tidewater Associated Oil Company (TAOC) Pipeline

CALIFORNIA LOCATION MAP

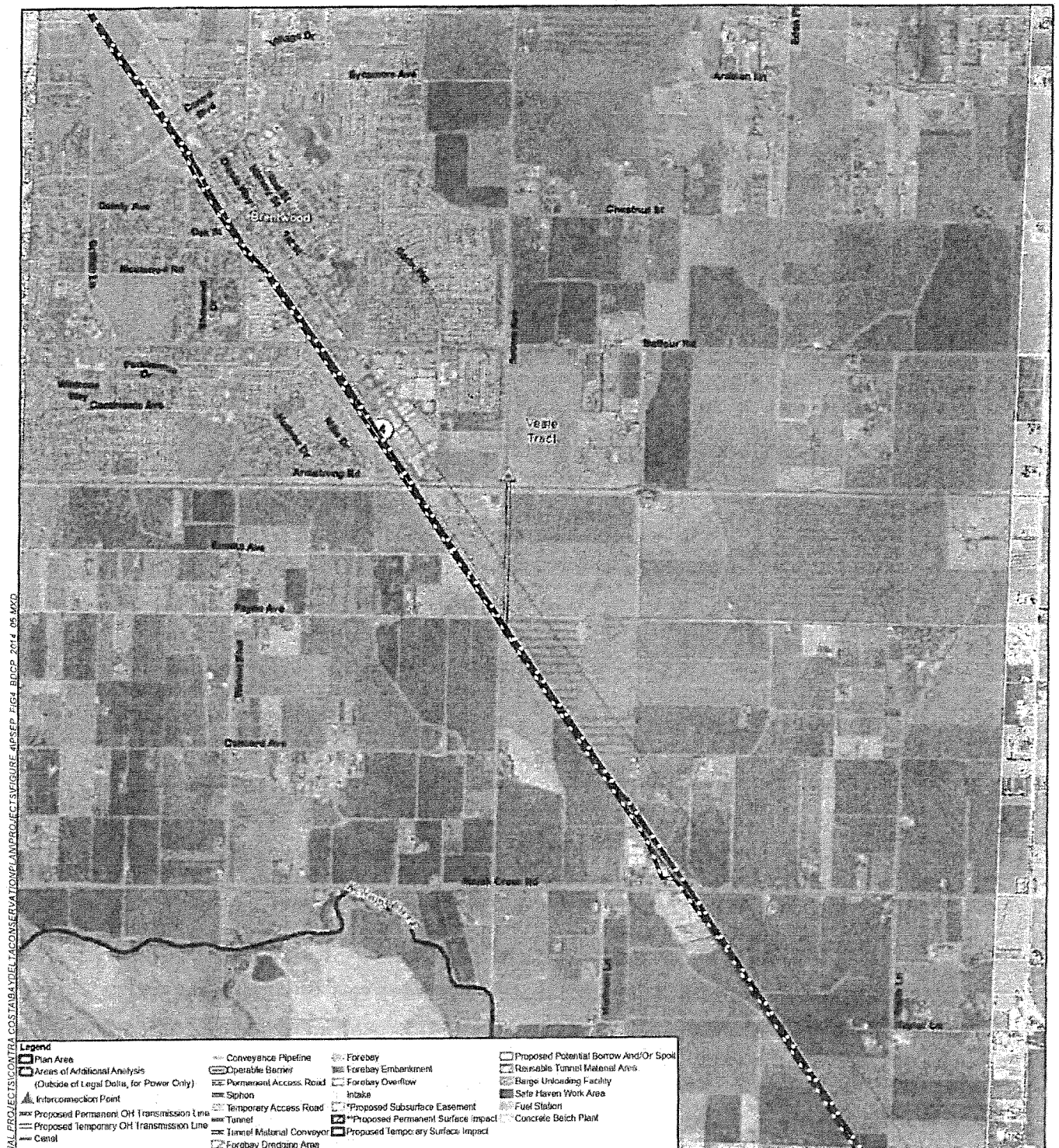
HISTORICAL PIPELINE RIGHTS OF WAY

BAY DELTA CONSERVATION PLAN
ALTERNATIVE 4
Contra Costa County, California

DATE: 7/16/2014	ANALYST: ANZELOND	FIGURE:
leidos		3

FILE: Q:\PIP\BTR\MANAGEMENTSTRATEGY\POTENTIAL PROJECTS\CONTRA COSTA\BAYDELTACONSERVATIONPLAN\PROJECTS\FIGURE 3\DSEP_FIG3_BDCP_2014_05.MXD

BDCP1576



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Feet

CALIFORNIA LOCATION MAP

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Historical Old Valley Pipeline (OVP)

Historical Tidewater Associated Oil Company (TAOC) Pipeline

HISTORICAL PIPELINE RIGHTS OF WAY

BAY DELTA CONSERVATION PLAN
ALTERNATIVE 4
Contra Costa County, California

DATE: 7/16/2014	ANALYST: ANZELOND	FIGURE:
leidos		4

FILE: Q:\P2BTRMANAGEMENTSTRATEGYPOTENTIAL PROJECTS\CONTRA COSTA\BAYDELTACONSERVATION\PLAN\PROJECTS\FIGURE 4\PSEP_FIG4_BDCP_2014_05.MXD

BDCP1576

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Sent: Monday, July 28, 2014 8:14 AM
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Subject: Fwd: BDCP COMMENTS
Attachments: 20140725 - Chevron Environmental Management Co..pdf; 20140725 - City of Torrance.pdf; 20140725 - Inland Empire Utilities Agency.pdf; 20140725 - Sacramento San Joaquin Delta Conservancy.pdf

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Date: Fri, Jul 25, 2014 at 4:21 PM
Subject: BDCP COMMENTS
To: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>

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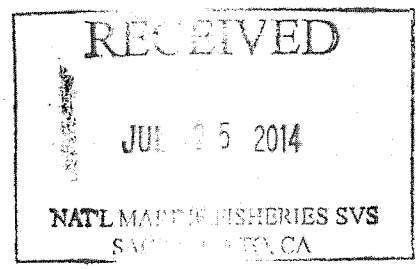
Anita deGuzman
Administrative Assistant
NOAA Fisheries * West Coast Region
U.S. Department of Commerce
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814
916-930-3600 - main
916-930-3629 - fax
Anita.deGuzman@noaa.gov

Tri-Omega Corp 955 So. Meridian Ave. Alhambra, Ca. 91803 Telephone 626-457-2010

July 22, 2014



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

Re: Bay Delta Conservation Plan, Need for Solutions

Dear Mr. Wulff,

I am a Southern California resident who realizes the importance of a reliable water supply from Northern California. Over the past 40 years, we have invested billions in the State Water Project to capture and deliver this essential supply, which makes up more than 30 percent of Southern California's water resource mix. I understand that conflicts in the Sacramento-San Joaquin Delta have steadily reduced water deliveries and that our supply from the region is at risk long-term because of seismic threats and other vulnerabilities. I am supportive of the efforts by state and federal agencies to find a long-term solution in the Delta that works for both California's environment and economy through the process known as the Bay Delta Conservation Plan.

I wanted to relay my support for this effort now that a draft solution is on the table and your agency is seeking comments from members of the public. Southern California is faring better than much of the state during this drought because of our investments in regional storage and conveyance that allowed us in the past to capture adequate supplies in wet years and store it for dry years. The supply from Northern California is critical for this system to work. Unfortunately, that supply is at risk until we modernize the Delta portion of the statewide water delivery system so that it reduces conflicts with Delta fish species and protects this supply in the event of natural disasters such as earthquakes.

Water from Northern California is vital to the entire state, supporting our $2 trillion urban and agricultural economy and sustaining the Delta environment. We need a solution that works for all stakeholders and we need every region of the state doing its part including increasing conservation and expanding local supplies. Please continue your important efforts on the Bay Delta Conservation Plan so that California can modernize this crucial link in our water system, restore the Delta ecosystem and put the state on a path to a more reliable water future.

Sincerely,

Carl Feldstein

BDCP1577

From: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Sent: Monday, July 28, 2014 8:13 AM
To: bdcp comments - NOAA Service Account; BDCPcomments
Subject: Fwd: BDCP COMMENTS
Attachments: 20140725 - Beverly Harman - Ukiah.pdf; 20140725 - California Contract Cities Association.pdf; 20140725 - City of Sacramento.pdf; 20140725 - CMI - Courier Messenger, Inc..pdf; 20140725 - Connie Skoog.pdf; 20140725 - Kern Minority Contractors Association.pdf; 20140725 - Ruth Cohen - Elk Grove.pdf; 20140725 - Tri Omega Corp..pdf

---------- Forwarded message ----------
From: **Anita Deguzman - NOAA Affiliate** <anita.deguzman@noaa.gov>
Date: Fri, Jul 25, 2014 at 4:21 PM
Subject: BDCP COMMENTS
To: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>

I have attached the following comments for your files.

Copies have been made and are in your mailbox - original letters are up front at the reception desk.

--

Anita deGuzman
Administrative Assistant
NOAA Fisheries * West Coast Region
U.S. Department of Commerce
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814
916-930-3600 - main
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Sacramento, CA 95814
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Anita.deGuzman@noaa.gov

BDCP1578

RECEIVED
JUL 25 2014
NAT'L MARINE FISHERIES SVS
SACRAMENTO, CA

July 23, 2014

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

Dear Mr. Wulff and Ladies and Gentlemen:

I urge you NOT to approve the ill-advised and prohibitively expensive Peripheral Diversion tunnel project in the Sacramento-San Joaquin Delta.

My family and I have lived in the greater Sacramento Valley area since the late 1800s; as dairy farmers in Elk Grove since 1906. My late father (born in 1908) and I (born in 1940) therefore have seen many changes to the valley and in this case, the Delta.

Destroying the Delta (which is what the tunnels would do) is a very short-sighted idea for many reasons:

- The entire watershed from the Sierra-Nevada mountains (and surrounding area) to the ocean would be profoundly changed. We are already diverting up to 25% of the freshwater out of the Delta. Fish migration and salinity in the eastern Delta has been negatively affected. Increased diversion would allow leakage into the Delta of even more salt water from the ocean, especially in the spring months.

- The native fish (smelt among others) and wildlife (birds included) would be deeply affected as the entire natural ecological balance would be destroyed, both during and after construction.

- The very delicate and precarious balance of farming in the Delta would also be altered and ultimately destroyed. Farming is a HUGE industry in California; every day as it is we are damaging this part of our state's economy. Let's not ADD to the destruction on purpose.

- The recreational uses of the Delta waterways would also be altered and shattered. Economically, recreationally, and socially the Delta is a HUGE asset to the entire greater Sacramento/San Joaquin Valley area (as well as the entire state of California).

- The cost estimates of $25 billion are unfathomable and unrealistic. The truth is that to build the system will enevitably take longer and cost more, and have higher [hidden, and as of now, unknown] problems than estimated. We are looking at several decades of disruption.

- "Restoration" on the scale necessary would not occur for years (generations), and even with the best of intentions, it will NOT be sufficient. The environmental harm simply will be too enormous to correct.

IF we are willing to spend $25 billion of taxpayers' money, let's do it the RIGHT way - for example:

- Consider improvement/expansion of existing water retention systems (i.e. deepening our storage lakes at Folsom and Oroville, etc. and expanding/modifying the existing dams.)

- Invest in research and development of NEW places/ways to retain existing water resources (i.e. new dams/storage lakes - for example Auburn and/or other smaller waterways.)

- Expansion of water desalination projects. We have the Pacific Ocean, which is FULL of water, at our doorstep. A primary finding of the Task Force is that "*...economically and environmentally acceptable desalination should be considered as part of a balanced water portfolio to help meet California's existing and future water supply and environmental needs...*". Let's seriously explore this option. I'm sure with additional funding (using some the $25 billion) we can come up with viable and affordable solutions.

- Research and development of 'cloud seeding' techniques. Today seeding is often considered a tool to improve rain and snow precipitation. New research and technology seems to have produced reliable results that may make cloud seeding a dependable and affordable water-supply practice.

- These are only a few ideas. I am certain there are many additional options to be considered.

Let's declare a 'War on Drought" and get our very qualified California scientists working on the problems of solving our water needs now, and in the foreseeable future. Let's leave the politicians out of the decision making; those who seem determined to inadvertable RUIN a huge part of our natural treasure (the Delta) and spend $25 billion dollars in the process. Their decision making - to date - has not shown much insight and vision into the entire question of the needs of the Delta area.

Let's **learn** from [instead of repeat] our previous experiences and mistakes:

Remember the disaster of the Hetch Hetchy project and what it has 'cost' us as a lost resource.

Sincerely,

Ruth Cohen

Ruth (Kammerer) Cohen
PO Box 727
Elk Grove, CA 95759
(916) 704-1734

KERN MINORITY CONTRACTORS ASSOICATION

July 20, 2014

RECEIVED
JUL 25 2014
NAT'L MARINE FISHERIES SVS
SACRAMENTO, CA

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

Dear Mr. Wulff:

On behalf of the Kern County Minority Contractors Association, I am writing to demonstrate that we support for the goals of the Bay Delta Conservation Plan (BDCP).

We agree with the co-equal goals of restoring the Sacramento-San Joaquin Delta ecosystem and securing reliable water supplies through a new Delta conveyance system. California and the Federal Government must continue the work of solving our long and short term water solutions.

The health of the Delta is critical to the future of California, because the Delta supplies 25 million Californians fresh water, provides millions of acres of farmland in the Central Valley and supplies water to drive much of California's economy.

Please get this plan approved, the great San Joaquin Valley and the State of California depend on the approval of the Bay Delta Conservation Plan.

Sincerely,

Marvin Dean
Kern County Minority Contractors Association
1330 E. Truxtun Ave, Bakersfield, Ca. 93305

From: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Sent: Monday, July 28, 2014 8:13 AM
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Administrative Assistant
NOAA Fisheries * West Coast Region
U.S. Department of Commerce
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814
916-930-3600 - main
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650 Capitol Mall, Suite 5-100
Sacramento, CA 95814
916-930-3600 - main
916-930-3629 - fax
Anita.deGuzman@noaa.gov

BDCP1580

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JUL 2 5 [illegible]14
[illegible]TL MARINE F[illegible] SVS
SACRAM[illegible]

To: Ryan Wulff, National Marine Fisheries Service
From: Connie Skoog
Re: Public response to plans proposed by the Bay Delta Conservation Plan
Date: July 23, 2014

Dear Mr. Wulff,

Though I have familiarized myself with the BDCP and its EIR/EIS through reading and attending meetings for the past few years, I find that I am at a loss in understanding how on a basic level the CM1 Water Facilities and Operation--on which most of the proposed cost and attention is focused--can possibly restore the habitat in the Delta. I don't even understand how it could possibly create more water for the water stakeholders, which is what this is actually all about.

Several of my own primary concerns, cited in the *Significant and Unavoidable Adverse Impacts* listed in Table 31-1 in Chapter 31 of the Draft EIR/EIS, include weak and unenforceable "Proposed Mitigation." Examples: PH-2: Exceedances of water quality criteria for constituents of concern such that there is an adverse effect on public health...." Proposed Mitigation: "WQ-5: Avoid, minimize or offset, as feasible, adverse water quality conditions." Mitigation for other major adverse impacts, including permanent conversion of important farmland and long-term reduction of recreational opportunities as well as reduction of fisheries and other wildlife, include words such as "the the extent feasible" and "good faith efforts."

There is no "good faith" felt by the public for the perpetrators of this plan. The only reason you have not heard from more members of the public is that very, very little of the quarter of a billion dollars that has been spent on producing this BDCP draft was for advertising to the citizens of California what this plan will actually mean to them, to their water rates and taxes, and most importantly to the environment of the Delta.

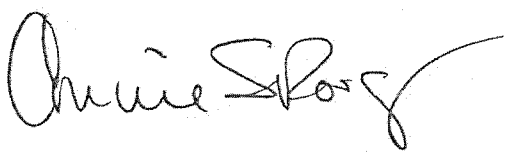
The 2009 Delta Reform Legislation called for reduced dependence on the Delta for California's water supply. In the last decade or so, the five million acre feet of water per year that was taken from the Delta has lead to reduced fisheries and increased salinity of water in the Delta (impacting both the environment and farming)....in short, over time it has brought the Delta close to the precipice. Yet, the CM1 Water Facilities and Operation central to the BDCP calls for water exports of 4.71 to 5.59 MAF per year (Chap. 9, Table 9-3, Take Alternatives Overview). That does not demonstrate REDUCTION of dependence on the Delta!

Even if the BDCP proposed tunnels did address prolonged drought, reduced groundwater, greatly reduced fisheries and other major concerns, it does not include information about how the plan will be financially supported. Before anything goes forward...certainly before take permits can be issued...funding must be demonstrated as sufficient for *all proposed activities*. The very fact that the public comment period will be over before any financial information has been made public is a travesty!!! Any and all propositions submitted to voters explain how they will be financed. That is the first question on any voter's mind! No one should or will act until they see how something will be paid for!

There are so many more points I would like to make, but I know brevity is appreciated. Please do NOT issue permits that would enable this ridiculous plan to go forward. They have not earned the right to get these permits from the fisheries agencies and they have not earned our trust that they are truly interested in conserving the Bay and Delta.

We cannot and should not give them our blessing just because of the money spent on formulating this plan, no more than we should have ever stayed in a war to justify money and treasure lost. The fisheries agencies have the power to hold them accountable. Please do it.

Sincerely yours,



Connie Skoog

Home phone: 925-420-6260

CMI COURIER-MESSENGER, INC.
BIG OR SMALL WE SHIP IT ALL

07/21/2014

RECEIVED
JUL 25 2014
NATL MARINE FISHERIES SVS
SACRAMENTO, CA

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

Re: Support BDCP EIR/EIS Alternative #4

Dear Mr. Wulff:

On behalf of Courier-Messenger, Inc., I am writing to express our support for the Bay Delta Conservation Plan (BDCP) and specifically Alternative #4 as outlined in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

Following the passage of California's comprehensive water package in 2009, we have closely monitored 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 numerous stakeholders consisting 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, which provides for three new intakes on the Sacramento River in the northern Delta and a 9,000 cfs tunnel system to convey that water to the existing aqueduct system, coupled with a comprehensive habitat conservation plan for the Delta, is the best alternative to meet California's co-equal goals of water supply reliability and Delta ecosystem restoration.

The construction of new water intakes and related conveyance is the key 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 such as Delta smelt with the healthy ecosystems they need to survive. Fifty 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.

25050 Avenue Kearny #112 Valencia CA 91355
Phone # 661-257-8689 Fax # 661-257-1895 email: Dispatch@Courier-messengerinc.com
www.Courier-MessengerInc.com

cmi Courier-Messenger, Inc.
BIG OR SMALL WE SHIP IT ALL

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 difficult decisions and compromise between stakeholders with varying priorities. However, California cannot sit idly by and wait for disaster.

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,

John C Burnett
President

cc: Hon. Howard P. "Buck" McKeon – California 25th Congressional District
Hon. Steve Knight – California 21st Senate District
Hon. Fran Pavley – California 27th Senate District
Hon. Scott Wilk – California 38th Assembly District
Hon. Steve Fox – California 36th Assembly District
Hon. Jeff Gorell – California 44th Assembly District

25050 Avenue Kearny #112 Valencia CA 91355
Phone # 661-257-8689 Fax # 661-257-1895 email: Dispatch@Courier-messengerinc.com
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Sent: Monday, July 28, 2014 8:13 AM
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To: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>

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Anita deGuzman
Administrative Assistant
NOAA Fisheries * West Coast Region
U.S. Department of Commerce
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814
916-930-3600 - main
916-930-3629 - fax
Anita.deGuzman@noaa.gov

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Duarte

SPECIAL EVENTS COMMITTEE
JAMES R. BOZAJIAN
Calabasas

EXECUTIVE DIRECTOR
SAM OLIVITO

July 22, 2014

BDCP Comments

Attention: Ryan Wulff, NMFS
650 Capitol Mall, Suite 5-100
Sacramento, California 95814

Dear Mr. Wulff:

I trust this correspondence finds you and your staff well.

In as much as the Legislature and the Governor have not yet completed their "negotiations" regarding the November 2014 Water Bond ballot measure. I write to express The California Contract Cities Association's support for a continued Legislative and Executive emphasis on water conservation, necessary infrastructure improvements, the need for shared water resources throughout the State, a focus on innovative solutions to the water crisis as well as the challenge to take important steps to plan for drought and emergency conditions that may arise in the future.

Thank you for your continued work on this and other important issues facing our State.

Sincerely,

Sam Olivito
Executive Director

Cc: CCCA Executive Board
League of California Cities
Metropolitan Water District

11027 Downey Ave. Downey, CA 90241 P(562) 622-5533 F(562) 622-9555 www.contractcities.org

BDCP1582

From: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Sent: Monday, July 28, 2014 8:13 AM
To: bdcp comments - NOAA Service Account; BDCPcomments
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NOAA Fisheries * West Coast Region
U.S. Department of Commerce
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814
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U.S. Department of Commerce
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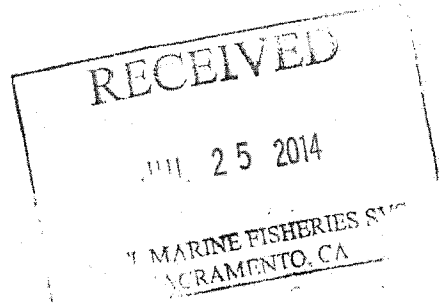
Sacramento, CA 95814
916-930-3600 - main
916-930-3629 - fax
Anita.deGuzman@noaa.gov

BDCP1583

Beverly Harman
1108 W. Perkins Street
Ukiah, CA 95482



July 22, 2014

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

Dear Mr. Wulff,

I am a fourth-generation resident of Northern California. I am writing to let you know that I strongly oppose any tunneling in the California Delta. It will have disastrous effects on the water quality, farms and wildlife in the Delta area. It will negatively affect the hundreds of towns and millions of people living in the area. It is a poorly conceived plan and a huge threat to Northern California.

Please do not consider any measures which would cause such extensive damage to the Delta region.

Thank you for your time.

Sincerely,

Beverly Harman

Beverly Harman

From: Cynthia Pollard <cpollard@bakersfieldchamber.org>
Sent: Monday, July 28, 2014 7:58 AM
To: BDCP.Comments@noaa.gov
Subject: Comments on Draft Bay Delta Conservation Plan EIR/EIS
Attachments: DraftBayDeltaConservationPlanEIR_EIS.pdf

Good morning Mr. Wulff:

The Greater Bakersfield Chamber of Commerce representing the interests of 1,300 businesses with 50,000 employees in the Greater Bakersfield metropolitan area applauds your efforts to achieve a solution to the serious economic, water supply and environmental problems facing California. It is especially hard-felt here in the Central Valley.

We appreciate greatly the considerable work you have done to achieve the co-equal goals of environmental and water supply restoration and protection.

Please accept the attached letter as our comments on the Draft Bay Delta Conservation Plan EIR/EIS.

A hard copy has been mailed via US mail.

Thanks for your consideration of our comments. If you have any questions or would like additional information, please let me know.

Regards,

Cindy

Cynthia D. Pollard
President/CEO
Greater Bakersfield Chamber of Commerce
1725 Eye Street/P.O. Box 1947
Bakersfield, CA 93303
Office (661) 327-4421
Fax (661) 327-8751
CPollard@bakersfieldchamber.org

BDCP1584

CHAMBER

VIA E-MAIL TO BDCP.Comments@noaa.gov

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

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

Dear Mr. Wulff:

The Greater Bakersfield Chamber of Commerce represents the interests of 1,300 businesses with more than 50,000 employees in the Greater Bakersfield metropolitan area.

We applaud your efforts to achieve a solution to the serious economic, water supply and environmental problems facing California, and appreciate greatly the considerable work you have done to achieve the co-equal goals of environmental and water supply restoration and protection.

We write to assist in the full consideration by the EIR/EIS of the need for the project to restore and protect the reliability of our water supply and to highlight the impacts on the environment of not achieving this objective. The "no action" alternative would ultimately have significant detrimental impacts on our region and the state. The feasibility of the chosen project is critical if it is to provide significant restoration and protection of the environment (which has declined from the very creation of our State) and restoration and protection of the water supply to more than 26 million Californians, thus fulfilling the "co-equal" goals embodied in state law.

Introductory Comments

Our comments are based on three underlying realities:

1. The chosen project must serve the "co-equal" goals of restoring and protecting the environment of the Delta and restoring and protecting the water supply of more than 26 million Californians who depend on water moving through the Delta for their homes, businesses, and farms. In reality, improvements to the Delta ecosystem are dependent upon a balancing restoration and protection of the water supply to achieve the co-equal goals embodied in state law.

2. To be economically feasible the project must be affordable for all of those who have contracted with the State Water Project ("SWP") or Central Valley Project ("CVP") for a water supply, and the environmental benefits beyond actual mitigation for the tunnels ("enhancements") must be affordable for the State.

3. If the project chosen does not significantly restore and protect the water supply for the SWP and CVP there will be continuing adverse environmental impacts in our region.

The Co-Equal Goals. As you consider the various alternatives, consider whether the project adequately meets the goals to be achieved. The project is to meet co-equal goals – not only restoring and protecting the environment of the Delta, but also restoring and protecting the water supply that passes through the Delta. An unbalanced project that does not meet these co-equal goals will be infeasible even if it has significant environmental benefits.

Affordability. The project chosen must be affordable for the water users trying to restore and protect the contracted water which has been lost, and the State attempting to restore and protect the environment which has been degraded since the very inception of our State. The water supply to be restored and protected is largely distributed by governmental entities within the State of California. Both the SWP and CVP, and their water users, are constrained by significant financial and economic limitations. The State is constrained by economic limitations. An alternative that does not appropriately control the costs to be borne would not be economically feasible.

Environmental Impacts of Failure to Achieve the Water Supply Goal. If the chosen alternative does not *significantly* restore and protect the water supply that passes through the Delta there will be significant environmental impacts throughout California due to the diminishing water supply and the unavoidable effects of economic decline. Our comments will focus on the impacts to our area -- an increase in particulate matter air pollution, an increase in airborne pathogens, and reduction in permanent crops that help to reduce greenhouse gases in the atmosphere. Further, failure to provide a secure means of water transport through the Delta leaves the entire state at risk of catastrophic economic decline if an earthquake (very probable during the 50 year time frame) disrupts water to points south of the Delta (including portions of Alameda County and the "Silicon Valley") for a number of years.

Comments on The Identified Project Purpose

The explanatory comment at ES 2.2.1 (p. 10, ll. 15-22) and Chapter 2, section 2.4 (p.2-5, ll. 3-9) could be interpreted as recanting on the goal of restoration and protection of water supplies. The co-equal goals embodied in State law are a clear expression of the need to serve both of the goals for the benefit of the State and the language should be clarified to avoid the implication of recantation. The explained phrase does assure interested parties that "restoration and protection" does not include increasing supplies above previously authorized contractual amounts, but it should be a goal of the project to restore and protect those contractually promised amounts. A failure to pursue the goal in good faith on the same footing as environmental goals would ultimately make the project infeasible. It could also result in the project not being financially feasible for the water supplier proponents. To ensure fidelity to the co-equal goals concept the significant and costly environmental benefits of the project should be reduced if the water supply benefits are not achieved.

Comments On the Preferred Alternative

We agree that the dual tunnel conveyance mechanism is the most likely to succeed in achieving the co-equal goals of the project. But alternative operational scenarios are provided for Alternative 4. These scenarios vary from a moderate (18%[1]) restoration of water supply of 821 KAF per year (Alternative 4 – H1) to an actual negative impact on water supply to the SWP and CVP (Alternative 4 – H4). Given the estimated cost of the twin tunnels at $14 Billion, the cost of the project is barely tolerable at the 821 KAF per year level of average improvement. Financially responsible water users would find a $14 Billion project infeasible if it produces no restoration or protection of water supply (such as alternative 4 – H4). The project operated at the level of no restoration or negative impact to water supply would not meet the

[1] The 23% figure appears to be related to the existing water supply. The percentage restoration of the contractual water supply is actually less as explained subsequently.

co-equal goals. Accordingly there should be a minimum water supply restoration benefit that is guaranteed.

To avoid conflict, the project would be well served to tie the significant environmental improvements of the project to the water supply restoration, thus providing an incentive for all to make the project work. The project contains many environmental enhancements over and above mitigation that should be the responsibility of the State. To the degree the 821 KAF of restoration is not achieved as a rolling average, the environmental enhancements in the project should be reduced, e.g. by reductions in funding for habitat creation and caretaking funds, to achieve a parity of environmental and water supply benefits pursuant to the co-equal goals.

Water user payments for the project should be limited in proportion to the actual water supply restoration achieved. A number of mechanisms could be employed. Mitigation requirements, in addition to environmental enhancements, should be reduced *pro rata* with any reduction of water benefits. If the environmental benefit of these former mitigation elements is still desired, then they should be re-categorized as "enhancements" to help the State restore environmental damage incurred since the time of the "49ers". Also, if the average annual water supply goal is not achieved then the repayment period for tunnel costs should be extended so that the total water benefit over the repayment period is the same, i.e. if the expected water benefit is not achieved over a 50 year period then the repayment period should be extended until the total water benefit is achieved.

Additionally, limiting the number of intakes and capacity as provided in Alternative 4 is actually a limitation on flexibility of the system. If additional intakes are cost effective then they would add flexibility to the system.

Alternative 1

Alternative 1 is preferable. It provides the potential for a 23%* restoration of contractual water supply amounts. Our direct water supply coming through the Delta is through the SWP. (Some water received through the Friant system is dependent on deliveries from the Delta to "exchange contractors" on that system.) State and Federal Endangered Species Act limitations had reduced the State's average ability to deliver our contractual amount to approximately 70% by the early 2000s, and that average delivery capability has been reduced to about 60% currently. Therefore a restoration amounting to 23% of the diminished deliveries is actually only a restoration of about 13.8% of our area's SWP contracted supply. This is significantly better than Alternative 4-H1's restoration of 10.8% of our contracted supply and also lowers the costs to our region's farmers to a level that will be affordable for more of our existing farms – thus preserving farms and jobs in our area.

Further, we believe there is a benefit from more intakes which will have the effect of creating more flexibility in avoiding disruptions to fish migration.

Alternative 5, 6, 7, 8 and 9

For the same reasons set forth in our comments on the "no action" alternative we believe these alternatives are not feasible and would have negative environmental consequences in our region. In addition, they do not meet the "co-equal goals" embodied in state law, and would not be economically feasible. Water users could not provide any funding for these alternatives, and it is unlikely the State would fund an alternative that does not meet the co-equal goals.

"No Action" Alternative

The "no action" alternative has environmental and human impacts. Without action, environmental conditions in our region will continue to deteriorate. The failure to deliver water to our area has already resulted in an increase in particulate matter and airborne pathogens due to winds whipping many empty acres of fallowed fields in dry years. Reduced acreage in agriculture has resulted in significant unemployment in dry years. Failure to correct this condition could result in more significant economic disruption as the agriculture economy in our area is permanently diminished.

Additionally many of our orchards bearing almonds, pistachios, citrus and other fruits, and other permanent plantings (including grapes) may ultimately be destroyed having a serious negative effect on the production of oxygen from carbon dioxide. Permanent plantings are more environmentally friendly, but they require a more stable water supply.

Kern County (served by the SWP and Friant systems) was the third largest agricultural producer in the state in 2012 with $6.2 Billion produced. Fresno County (served by the CVP) was the second largest in the state with production of about $6.4 Billion in 2013. Kings County served by the SWP had agricultural production of about $2.3 Billion during 2013, and Tulare County served primarily by the Friant system (dependent on Delta water to the "Exchange Contractors") produced $7.8 Billion in 2013. More than $22 Billion of annual agricultural production in these counties, and each of our counties significantly depends upon water transported through the Delta or exchanged for water transported through the Delta. Each has been adversely affected by the inability to move water reliably through the Delta. The reductions in water unavoidably reduce production *ceteris paribus*, and increase food prices throughout the United States. Ultimately the economic impacts of the increased cost of food supply will limit the ability of our society to engage in prudent and responsible environmental restoration. Imprudent and irresponsible approaches impairing our economy will ultimately harm the environment as well. Dedication to the "co-equal goals" will enhance the prudence and responsibility of the project.

Thank you for the consideration of our comments.

Very truly yours,

Cynthia D. Pollard
President/CEO
Greater Bakersfield Chamber of Commerce

From: Sandra Lunceford <shasta2hi@sbcglobal.net>
Sent: Sunday, July 27, 2014 11:23 PM
To: BDCP.comments@noaa.gov
Subject: Comments
Attachments: Natoma Station Community Residents Letter.pdf

Dear Mr. Wulff,

Please find attached the Natoma Station Community residents comments in opposition of the Bay Delta Conservation Plan.

Regards,

Sandra Lunceford

BDCP1585

Natoma Station Community Residents
Folsom, California 95630

February 5, 2014

Bay Delta Conservation Plan (BDCP) Comments
Ryan Wulff, NMFS
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

RE: Opposition of Bay Delta Conservation Plan (BDCP)

Dear Mr. Wulff,

We the residents of the Natoma Station Neighborhood Organization in Folsom, California wish to express our opposition to the construction of the two proposed water diversion tunnels served by three new North Delta intakes, in addition to the existing intakes at the South Delta along the Sacramento River. We wish to add our opposition to that voiced by the City of Folsom, the Placer County Democratic Party, San Juan Water District, and others.

Under proposed water operations that would occur with the institution of the BDCP, Folsom Lake would likely reach dead pool levels (water levels below the intake valves for City use) on a more frequent basis. We are already dangerously close to this condition, even without the initiation of the BDCP and are currently implementing significant water restrictions. It is clear that twin tunnels would increase the number of times Folsom Lake reaches dead pool levels along with low levels similar to what we are currently experiencing.

We are aware that reservoirs in Southern California are currently full, i.e. Castaic, Pyramid Lake, etc., and we feel it is necessary to preserve the Folsom Lake water supply for the residents and businesses of Folsom. We do not have any groundwater resources for backup water supply and, as reported, Southern California has both groundwater resources and enough water to supply them through the next two years without any conservation efforts (LA Times, Jan 15, 2014). We, in Folsom, are currently subject to Stage 3 Water Conservation measures while much of the water originating here has been sent to supply Southern California.

We do not oppose releasing water from Folsom Lake for conservation, but believe releases could potentially be cut at times without sacrificing the necessary benefits. For example, narrower stream beds may allow water to be released for hatchlings in the Fall yet allow enough water for residential and commercial use to sustain our population while conserving is still enforced.

It has been proposed that the twin tunnels are necessary to protect the water transport in case of an earthquake though there is no certainty that either of the two tunnels would withstand a significant seismic event.

BDCP1585

In conclusion, we believe that the BDCP is not a plan that provides for equitable water distribution and are wholly opposed to this plan.

NAME	ADDRESS
Sandra Lunceford	121 Kennar Way, Folsom
David Lunceford	121 Kennar Way, Folsom
[illegible]	114 KENNAR WAY FOLSOM
Dannan Harr	119 KENNAR WAY FOLSOM
Esther Ellis	117 Kennar Way Folsom
TRACY TAYLOR	112 KENNAR WAY Folsom CA
Mary McDonell	110 Kennar Way Folsom CA
Dori Muller	115 KENNAR WAY Folsom CA
Colleen S. Taylor	112 Kennar Way Folsom CA
RICK KRAEMER	108 KENNAR WAY FOLSOM CA
Christy Nyland	109 Kennar Way, Folsom, Ca.
Scott Nyland	109 Kennar Way, Folsom, CA.
Rebecca N. Kraemer	108 Kennar Wy Folsom, CA
Stephen Hartman	105 KENNAR WAY, FOLSOM, CA 95630
Kristen L. Brainard	103 Kennar Wy, Folsom, CA. 95630
Frances Briggman	116 Kennar Way Folsom Ca 95630
Mark Briggman	116 KENNAR WAY Folsom CA 95630
Ken Briggman	116 Kennar way folsom CA 95630
James L Wheeler	127 Kennar way Folsom CA 95630

Wei Shao	102 Kennar Way
Catherine Marcey	141 Bayline Cir
[illegible]	142 Bayline cir
[illegible]	146 Bayline Circle
[illegible]	152 Bayline Cir
[illegible]	156 BAYLINE CIR.
[illegible]	154 Bayline cir.
[illegible]	153 Bayline Cir.
[illegible]	162 Bayline Cir
[illegible]	166 Bayline cir.
[illegible]	166 Bayline Cir
[illegible]	170 Bayline Cir.
[illegible]	172 Bayline Cir
[illegible]	174 Bayline Cir
[illegible]	175 Bayline Cir
S.S. Nawathey	177 Bayline Cir
Ron Clark	179 Bayline Circle
Peter J Ruscito	182 Bayline Circle
Mark Neda	118 Kennar Way
[illegible]	105 Whistle Stop Way
[illegible]	105 Whistle Stop Way

BDCP1585

Sherrie Chretien 105 Whistle Stop Way Folsom

From: Don Hankins <don_hankins@sbcglobal.net>
Sent: Sunday, July 27, 2014 9:24 PM
To: bdcp.comments@noaa.gov
Subject: Comments on the BDCP
Attachments: BDCP Comments.docx

Dear Mr. Wulff,

Attached are comments on the BDCP DEIR/DEIS.

Sincerely,

Don Hankins

BDCP1586

DON L. HANKINS, PH.D.
P.O. BOX 627, FOREST RANCH, CALIFORNIA 95942
don_hankins@sbcglobal.net

27 July 2014

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

Subject: Bay Delta Conservation Plan DEIR/DEIS

Dear Mr. Wulff:

This letter provides comments in regards to the Bay Delta Conservation Plan DEIR/DEIS. Unfortunately due to the voluminous nature of this DEIR/DEIS I was unable to review the plan in its entirety; frankly, a public document of this length is prohibitive of public review and engagement, and seems counter to the intent of NEPA/CEQA (the CALFED DEIR/DEIS, which encompassed the Delta was nearly 10 times shorter). The comments provided draw upon my professional, personal and cultural background.

Background

The Delta falls within the Miwko? Waali? (Plains Miwok ancestral homelands). This region has undergone tremendous change in geologic time, and in the process has provided a means for maintaining a resilient and sustainable ecosystems and livelihoods for countless generations who mindfully considered their obligations to generations unborn. In the spirit of these obligations we also maintain a need to take responsibility for our actions to ensure future generations receive a world left in as good, if not better condition than we leave it. In review of the Bay Delta Conservation Plan (hereafter BDCP), it is difficult to obtain a sense that this world would be left in a better condition for future generations. The BDCP is clearly a plan comprised of maintaining the status quo of old ideas to ensure operations for a water delivery system that is inefficient and unsustainable. Clearly, at this point in time the Delta is not resilient; the flora and fauna of the region are suffering, the landscape is threatened by poor land-use decisions, and the water that is crucial to it all is being commodified by interests that lack the foresight to see beyond financial gains for themselves. In short, the Delta is not resilient, and no alternatives offered within this plan will correct this. Thus, there is no choice but to support the No Project Alternative.

As indigenous people, we hold water as sacred. It is a life giving force which all creation is connected to. For millennia we have asserted our ancestral obligation to ensure the balance and stewardship of water is maintained. Since colonization we have systematically been denied our ancestral rights; rights which by the nature of transitory resources (i.e., water, air, fish and wildlife) were never surrendered by treaty or other means. Therefore, we as indigenous people form this position in response to the threat of mis-use and mis-management of our resources vis-a-vi the BDCP, its predacessors and offer a plan to achieve implementation of actions to make our systems sustainable and resilient to social and environmental change.

Among major flaws in this plan is the disconnect in recognizing the interrelatedness of the Delta within a landscape context that extends from source to sink. While there is discussion of hydrologic inputs from regions beyond the Delta, it does not holistically consider the landscape feedbacks from the crest of the mountains to the sea. The Delta is part of a system that is not linear, but is circular; simplistically, water, juvenile salmon, and nutrients flow through the Delta, but are ultimately cycled back to the source. Thus, the Delta is just part of the problem or solution, but real benefits will be

met when treated as a whole. The BDCP considers storage primarily in the sense of dam operations, but fails to recognize the landscape features that naturally provide storage including meadows and the basins and sinks that exist throughout the Central Valley from the Colusa Basin to Tulare Lake.

Where in the hell does it consider the impacts of restoration. Where would restoration occur, what would it look like. Why is there no historic map of the Delta for reference? The BDCP fails to clearly articulate what actions would be undertaken to restore the Delta or at a minimum facilitate natural processes, which would make it more resilient.

Given the BDCP has failed to include regional Tribal experts as stakeholders in the development of this plan the entire plan is an environmental justice issue.

Point-specific Comments

Introduction

Section 1.2 needs to acknowledge the impacts to cultural heritage and habitats. "Financial stability" is not achieved on an agricultural economy that contributes less than 2% of the state's economy. Unsustainable population growth, water-use and land-use must be reconsidered in this state.

Section 1.4 pg. 1-6 "historical context" does not begin with the 1850's white settlement and havoc. Historical context begins by understanding the entirety of human history within this landscape inclusive of geologic time.

Pg. 1-7 FWS and NOAA have issued biological opinions for culturally important species that they have Trust responsibilities to Tribes for, yet have not consulted with Tribe to ensure their cultural obligations are upheld.

Pg. 1-10 Does the development of the tunnels really provide a reliable water source? It seems that real investments in research and development for water resources would provide long-term benefits to the state and achieve better results for sustained water and environmental concerns.

Pg. 1-14-15 lists the BDCP proponents. It is apparent that corporate and political interests are well represented. Where is the balance to this? Where is there true interest in healthy and resilient ecosystems?

Pg. 1-16 etc. list of covered species contains many culturally significant species. The list are noticeably absent of important species including, but not limited to gray whale, humpback whale, bald eagle, peregrine falcon and other marine mammals and fishes. Traditional knowledge within this region recognizes the connection of these species to the region and impacts to these species need to be considered in this plan. It is a Trust responsibility to Tribes of this region to ensure impacts to these species are addressed, as impacts to them are likely to occur.

Figure 1.4. How can the project area not include the entire catchment of the Sacramento and San Joaquin Rivers?

Pg. 2-2 How will this be achieved when it is still the same amount of water being used from the same sources. This does not add up. There needs to be reform with respect to urban and agricultural use. Past efforts have failed for a variety of reasons; largely have been unsuccessful due to a lack of being able to think beyond the status quo.

Pg. 2-4 The BDCP should take initiative to lead to recovery of all species whose homeranges fall within the Delta. The proposed restoration and enhancement activities are minimal efforts towards recovery. The plan should strive for a resiliency and long-term viability of populations. Restoring less than 10 percent of the Delta's landscape will not recover many of the covered species if any.

Pg. 3-1 Why is the plan only to encompass a 50 year period? The plan should be developed for multiple generations. It is feasible that within my own lifetime this plan will have expired. Will the species have recovered? Will the Delta face the same threats we anticipate and know of today?

Pg. 3-4 "Under these principles, the EIR needs to describe and evaluate only those alternatives necessary to permit a reasonable choice and "to foster meaningful public participation and informed decision making" (State CEQA Guidelines Section 15126.6[f])." This is ironic, because the BDCP does not provide an array of alternatives that are reasonable. It seems there are other options for procurement and conveyance of water. Further, the restoration does not even include any discussion of setback levees throughout the Delta, which would also provide more in-stream habitat, improve water quality, and retention. Lastly, the length of this document and lack of inclusion of Tribal people in its development have been far from meaningful, and thus limit truly informed decision making.

Pg. 3-6 The Steering Committee includes not a single Tribal representative. At least there are some environmental groups represented here.

Pg. 5-1 The environmental setting is too narrowly focused on the Delta. The direct, indirect and cumulative effects associated with this plan are much farther-reaching than is analyzed. This is where every plan thusfar has gone wrong. To understand the Delta the environmental setting begins at the top of the contributing watersheds and extends through the ocean.

Pg. 5-2 Define historical precipitation patterns. The paleo record demonstrates extensive droughts, and traditional knowledge does too. Using recorded climate data without considering the paleo record is short-sighted.

Pg. 5-4 California's water demand is not sustainable. What are the ramifications of water over use... saline soils, subsidence, etc. California needs to be looking to alternative means such as establishing policies for new (if not every) housing development to install cisterns and grey water systems. Research and development should be funded to improve water technologies such as desalination, recycling, and fog harvesting.

Table 5-1 How does this relate to the balance of water for fish? If the consumptive use is a percent of the water available, then there shouldn't be an issue for species survival. How does the lack of Tulare lake and wetlands lost due to the Swamp Lands Act factor in to our water budget?

Figures 5-17-19 It seems that things come out ahead to ensure more water in the Delta with the No Action alternative. How is it that exports will decrease from existing conditions with the No Action alternative?

Pg. 6-7 it is acknowledged that sea level has risen ~120 meters in 20 ka, with ~ 1.8 mm/year during the 20th century. If those rates of increase hold, then it would be anticipated that sea level will increase by approximately 8.28 cm during the life of the plan period, but sea level rise has been greater than that in recent years, and there is much uncertainty in sea level model predictions; the greatest extent would yield a 7m increase in sea level, which would have shorelines near Yuba City. If the BDCP is serious about securing water and improving environmental conditions it would make more sense to plan for the worse case scenario. What good would it do to have intakes located within the current extent of tidal flux, when it is obviously going to move further upstream. Furthermore, impacts to fisheries some of the focus fisheries are still within areas that would likely have the greatest impact on them. This is clearly a flaw in the thinking process for the development of the BDCP.

Pg. 6-23 discusses the regulatory setting, as it is also discussed in other sections of the BDCP. Throughout the document there is an apparent neglect for Tribal law, which is critical for Federal and to a lesser extent State entities to uphold. PL 93-638 Tribal Self Determination policies were established by Congress to ensure that the Sovereign interests of Tribes and Tribal organizations are

upheld. As permitting, funding and authorizing entities Federal agencies much act in the interest of Tribes and Tribal organizations. Thus, coordination with Tribes and Tribal organizations beyond the minimalist attempt that has been provided needs to occur. To date, DWR has neglected to hold consultations at mutually agreeable times with key Tribal groups.

Pg 6-37-41 It is unclear how X2 would be managed through climate change and sea level rise. How could it be ensured that this mixing zone could be maintained. Further, if more restoration was done, would X2 have to be managed at such a fixed location. Clearly from the maps provided about historic salt water intrusion, the fish have obviously been able to survive with the mixing zone at various locations provided there is habitat and more robust populations.

Pg. 6-42 Basically, there are no guarantees that this plan will achieve its intended purpose.

Pg. 6-46 Why are exports and river flows increasing? How would flood stage capacity be less under the No Action alternative? Would salt water enter the existing export facilities under the No Action Alternative?

Technical Appendices
Pg. 218 of 5A-A-5-B-B state the max diversion will be 3000 cfs at each intake. How was 65,000 acres determined for restoration? How would it be done? What would the impacts thereof be on water quality and quantity? How will it lead to sustained populations and recovery for fish, wildlife and plants?

Table B-31 USFWS Biological Opinion did not account for Trust responsibilities. It is focused on Delta Smelt, estuarine habitat in the fall (historically fall would have had lower flows and salinity would move eastward. The problem is that there is not enough instream floodplain habitat for covered fishes. NMFS Biological Opinion is focused on spring-run Chinook and steelhead. Wouldn't thermal stress relief better be achieved through cooling agricultural return waters and having more riparian restoration along the rivers. Models did not account for these sorts of efforts.

5A-C Since the model accounts for Trinity Lake, the effects analysis should be extended to the Klamath Trinity system too.

Table C-7-1-1 has nice data on Delta outflows; the No Action Alternative does better than the existing conditions for outflows.

5A-D figure 1 seems to assume a lack of species resiliency and fluidity. Why did the sea-level rise model not project beyond 2060? Figure 11 and 12 both show more significant rise. Table 1 shows more limited model projections within state, but there are models that indicate up to 7 m rise. Where is a map showing the extent of tidal flux and sea water via climate change and sea level rise?

5A-D2 Restoration should focus on areas not already natural. How and why were the restoration areas selected? Who will hold title to these lands after restoration. Title should be deeded to Tribe and Tribal organizations as appropriate to traditional territory or agreements.

7.7.1 Why is there such a narrow scope of groundwater areas?

Pg. 7-10 Salinity of groundwater increases due to overdraft and irrigated agriculture evapotranpiration. It has been known from Mesopotamian times that irrigated agriculture is difficult to sustain in arid regions. The state needs to think beyond current land use and water management to support ag.

How might the tunnels truncate or contaminate groundwater in the eastern and central Delta? Pg. 7-57 shows some of this.

Pg. 7-19 Tulare Lake poses a unique feature to naturally provide water in the San Joaquin Valley for ag and other users. Would the lake be dry if not for diversions upstream? If the basin has subsided, what would the potential holding capacity be now? If the Kern subbasin has lost 325,000 acre-feet capacity/year between 1970-1998, then they have not been managing their groundwater sustainably, and should not be rewarded with water from the Delta to subsidize their poor management.

Pg. 7-22 It states that San Francisco Bay covers 4,600 acres of coastal plain. Is this a misprint?

Pg. 7-43 How would the No Action Alternative in itself lead to increased subsidence due to continued water withdrawls. Groundwater management plans should be in place to ensure this does not occur.

Table 7-7 if a table can be done for SWP/CVP deliveries with each alternative, there should also be one for groundwater changes under each alternative. It is also unclear what groundwater changes would occur due to restoration efforts.

Figure 7-7 depicts that impacts to groundwater may affect a traditional cultural property.

Chapter 8 suggests that water quality would still be poor in the Delta. Why isn't there more effort to address point source and non-point source pollution in this plan? More riparian plantings would help improve water quality.

Pg. 8-46 Could sediment from the export facilities be used to restore Delta islands if mixed with coarse organic material?

Appendix D5 figure 4.4 Why would the tidal prism be less in future years in the east Delta?

Pg. 11-14 Clearly the issue of fish entrainment will not be absent with the proposed pipelines. What is the point then if fish are still being threatened by export operations. If exports must continue, then a better plan would be to locate intakes outside of the range of the most critically threatened species (perhaps focus on upstream tributaries).

Pg. 12-8 69,275 acres protected and 83,839 acres of natural community restored, but the loss would be 74,413-92,301 due to habitat conversions. So what this is saying is there is basically no net gain in wildlands either upland or wetland. 12-ES-2 states that most of the protected acreage would be cultivated ~51,000 acres. As stated previously, protecting natural functional areas is important in conservation, but we also need to restore natural processes to make these systems resilient. It does not seem the BDCP is prepared to achieve that. A key goal should be to ensure that all channels are restored with emergent vegetation versus the 20 miles proposed out of the hundreds of miles of waterways that exist in the Delta.

Pg. 12-11 impacts to vernal pools west of Clifton Court Forebay would impact Traditional Cultural Properties and culturally significant species.

Table 12-2, Why is the bald eagle not covered, but golden eagle is? There is traditional association of bald eagles within traditional accounts throughout the Delta. Burrowing owls are also not included, yet they are known from areas near Clifton Court. Marine mammals are not included, yet they are also an important component of the Delta and Trust responsibilities. Tule elk are also of importance and are not covered. There are a variety of species not covered, but should be. See below for a cursory list of culturally significant species:

BDCP15886

Table 1-1. BDCP Covered Species

No.	Common Name	Scientific Name	Status (Fed/State/CNPS)[1]
Fish (11 species)			
1	delta smelt[2]	*Hypomesus transpacificus*	T/E/-
2	longfin smelt[2]	*Spirinchus thaleichthys*	C/T/-
3	Chinook salmon, Sacramento River winter-run ESU*	*Oncorhynchus tshawytscha*	E/E/-
4	Chinook salmon, Central Valley spring-run ESU*	*Oncorhynchus tshawytscha*	T/T/-
5	Chinook salmon, Central Valley fall- and late fall-run ESU*	*Oncorhynchus tshawytscha*	-/SSC/-
6	Steelhead, Central Valley DPS*	*Oncorhynchus mykiss*	T/-/-
7	Sacramento splittail[3]	*Pogonichthys macrolepidotus*	-/SSC/-
8	green sturgeon, southern DPS*	*Acipenser medirostris*	T/SSC/-
9	white sturgeon*	*Acipenser transmontanus*	-/-/-
10	Pacific lamprey[4]	*Entosphenus tridentatus*	-/-/-
11	river lamprey[4]	*Lampetra ayresii*	-/-/-
Mammals (5 species)			
12	riparian brush rabbit[5]	*Sylvilagus bachmani riparius*	E/E/-
13	riparian woodrat (San Joaquin Valley)[5]	*Neotoma fuscipes riparia*	E/SSC/-
14	salt marsh harvest mouse[4]	*Reithrodontomys raviventris*	E/E, FP/-
15	San Joaquin kit fox[4]	*Vulpes macrotis mutica*	E/T/-
16	Suisun shrew[4]	*Sorex ornatus sinuosus*	-/SSC/-
Birds (11 species)			
17	California black rail[6]	*Laterallus jamaicensis coturniculus*	-/T, FP/-
18	California clapper rail[3]	*Rallus longirostris obsoletus*	E/E, FP/-
19	greater sandhill crane[3]	*Grus canadensis tabida*	-/T,FP/-
20	least Bell's vireo[2]	*Vireo bellii pusillus*	E/E/-
21	Suisun song sparrow[6]	*Melospiza melodia maxillaries*	-/SSC/-
22	Swainson's hawk[4]	*Buteo swainsoni*	-/T/-
23	tricolored blackbird[3]	*Agelaius tricolor*	-/SSC/-
24	western burrowing owl[3]	*Athene cunicularia hypugaea*	-/SSC/-
25	western yellow-billed cuckoo[3]	*Coccyzus americanus occidentalis*	C/E/-
26	white-tailed kite[3]	*Elanus leucurus*	-/FP/-
27	yellow-breasted chat[3]	*Icteria virens*	-/SSC/-
Reptiles (2 species)			
28	giant garter snake[4]	*Thamnophis gigas*	T/T/-
29	western pond turtle[3]	*Actinemys marmorata*	-/SSC/-

BDCP1586

No.	Common Name	Scientific Name	Status (Fed/State/CNPS)[1]
Amphibians (2 species)			
30	California red-legged frog[4]	*Rana draytonii*	T/SSC/-
31	California tiger salamander (Central Valley DPS)[4]	*Ambystoma californiense*	T/T/-
Invertebrates (7 species)			
32	California linderiella[4]	*Linderiella occidentalis*	-/-/-
33	conservancy fairy shrimp[4]	*Branchinecta conservation*	E/-/-
34	longhorn fairy shrimp[4]	*Branchinecta longiantenna*	E/-/-
35	midvalley fairy shrimp[4]	*Branchinecta mesovallensis*	-/-/-
36	valley elderberry longhorn beetle[4]	*Desmocerus californicus dimorphus*	T/-/-
37	vernal pool fairy shrimp[4]	*Branchinecta lynchi*	T/-/-
38	vernal pool tadpole shrimp[4]	*Lepidurus packardi*	E/-/-
Plants (18 species)			
39	alkali milk-vetch[4]	*Astragalus tener* var. *tener*	-/-/1B
40	Boggs Lake hedge-hyssop[4]	*Gratiola heterosepala*	-/E/1B
41	Brittlescale[4]	*Atriplex depressa*	-/-/1B
42	Carquinez goldenbush[4]	*Isocoma arguta*	-/-/1B
43	Delta button celery[4]	*Eryngium racemosum*	-/E/1B
44	Delta mudwort[4]	*Limosella subulata*	-/-/2
45	Delta tule pea[4]	*Lathyrus jepsonii* var. *jepsonii*	-/-/1B
46	dwarf downingia[4]	*Downingia pusilla*	-/-/2
47	Heartscale[4]	*Atriplex cordulata*	-/-/1B
48	Heckard's peppergrass[4]	*Lepidium latipes* var. *heckardii*	-/-/1B
49	Legenere[4]	*Legenere limosa*	-/-/1B
50	Mason's lilaeopsis[4]	*Lilaeopsis masonii*	-/R/1B
51	San Joaquin spearscale[4]	*Atriplex joaquiniana*	-/-/1B
52	side-flowering skullcap[4]	*Scutellaria lateriflora*	-/-/2
53	slough thistle[4]	*Cirsium crassicaule*	-/-/1B
54	soft bird's-beak[4]	*Cordylanthus mollis* ssp. *mollis*	E/R/1B
55	Suisun Marsh aster[4]	*Symphyotrichum lentum*	-/-/1B
56	Suisun thistle[4]	*Cirsium hydrophilum* var. *hydrophilum*	E/-/1B

Chapter 18 The noted Tribes responding do not necessarily include traditional owners within the Delta. While no sacred lands files recognized sacred sites within the Delta, there are many sacred sites within the Delta that need to be addressed. Similarly, there are man Traditional Cultural Properties that exist throughout the area, and some sites do fall within the alignments of the proposed pipelines. Living cultural resources need to be included for impacts consideration too; some of this would be addressed through broadening the list of covered species. Analysis needs to include reservoirs linked to the SWP and CVP, which have had adversely affected sacred sites, traditional cultural properties, etc. which previously were not subject to consultation, or consultation processes did not involve the appropriate Tribal leaders with specific knowledge of these sites.

Pg. 18-52 Any conservation easements or title should be granted through consultation to appropriate regional Tribe(s) or designated Tribal organizations (e.g., California Indian Water Commission).

In closing I'd like to reiterate that I support the No Action Alternative; I'd prefer to see a true effort to restore the Delta and make it a resilient ecosystem. If you have questions in regards to any of these comments please feel free to contact me at the provided contact information.

Sincerely,

Don L. Hankins, Ph.D.

From: Pat R. Di Cicco <prdicicco@att.net>
Sent: Sunday, July 27, 2014 9:20 PM
To: BDCP.comments@noaa.gov
Subject: BDCP Comment - Mr. Ryan Wulff
Attachments: Pat R. Di Cicco BDCP.docx

Mr. Ryan Wulff
National Marine Fisheries Service.

Hello Mr. Wulf,
Please, review my comment concerning the Bay Delta Conversation Plan.

Best Regards,
Pat

Pat R. Di Cicco
(559)287-7233

BDCP1587

Pat R. Di Cicco **PDR**

July 22, 2014

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

Dear Mr. Wulff:

I am writing to demonstrate that we support for the goals of the Bay Delta Conservation Plan (BDCP) of providing water for human use and for the environment. 22 million people need access to fresh water to preserve our region, the economy, and the environment.

I am a resident of the San Joaquin Valley and the son of Italian immigrants who came to California to live the American Dream. My family, the Di Cicco Family is a family devoted to its customers and community. We own a chain of restaurants and employ hundreds of people throughout the San Joaquin Valley. With respect to this letter, I speak for myself and feel compelled to participate in the EIR/EIS process.

As you know the drought has devastated our region's Agriculture economy. Large parts of the Central Valley have encountered devastating effects of water shortages. I believe the BDCP will be a positive long term solution to balancing the needs of people and the economy.

I also believe the people and lands of the Bay Delta region must be protected from potential salinity, but feel after reviewing the materials the adaptive management plan feel the science and water management policies ensure the region is protected by this plan.

In addition, policymakers must ensure that above ground water storage is part of California's future. BDCP proves to me the science exists to be applied storage and additional conveyance be part of California's future.

It is my hope that the Bay Delta Conservation is expeditiously approved to ensure the survival of our state and the Central Valley's agriculture economy.

Sincerely,

Pat R. Di Cicco
Fresno, CA

2951 W. Silverhill Lane Fresno, CA 93711 Cellular (559) 287-7233 prdicicco@att.net

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Los Angeles

July 20, 2014

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

Re: Support for BDCP Alterlnative #4

CSBA Means Business for Small Business.

Dear Mr. Wulff:

The California Small Business Association supports the Bay Delta Conservation Plan (BDCP) and Alternative #4, as outlined in the Draft Environmental Impact Report Environmental/Impact Statement. We believe this plan will provide the best approach for addressing the challenges of meeting California's water supply delivery system and Delta ecosystem.

We are pleased to see the collaboration by multi-agencies and government entities working together to achieve the best outcome for our water needs. As you develop this much needed water program, please work to not only meet the eco needs but also to maintain the stability and future of small farmers and small businesses. We believe this outlined plan will meet the present and future needs of California and provide a final plan that offers the best solution with the lowest risk to our great State.

We look forward to working together to achieve this goal.

Sincerely,,

Betty Jo Toccoli
President/CEO

BDCP1588

From: Betty Jo Toccoli <bjtcsba@pacbell.net>
Sent: Sunday, July 27, 2014 5:37 PM
To: BDCP.comments@noaa.gov
Subject: FW: letter of support
Attachments: Image.tif

I attached the wrong form. Here's the correct one.
Betty Jo Toccoli

From: Betty Jo Toccoli [mailto:bjtcsba@pacbell.net]
Sent: Thursday, July 24, 2014 4:51 PM
To: 'BDCP.comments@noaa.gov'
Subject: letter of support

Attached is our letter of support.
Betty Jo Toccoli 800-350-2722 x101

July 25, 2014

BDCP Comments
Ryan Wulff, NMES
650 Capitol Mall, Suite 5-100
Sacramento, CA, 95814 released in December 2013
Via email: BDCP.Comments@noaa.gov-comments

This comment letter is being written on behalf of the Willis Jepson Chapter of the California Native Plant Society, serving Solano County. The letter comments on the Draft EIR/EIS released in December 2013 for the Bay Delta Conservation Plan (BDCP). The lengthy document provides an analysis of the potential impacts for constructing many water conveyance alternatives through a large part of the delta of California. While Solano County is not within the footprint of the construction, Suisun Marsh located in Solano County, will be impacted by changes to water quality, sediment flow, infrastructure modifications, and proposed restoration. Construction of any of the tunnel or pipeline alternatives will be major undertakings that will impact beyond the construction footprint due to the large amount of truck and other vehicle traffic, movement of sediment, and general activity in an area unused to such things. Dust and vehicle exhaust in particular, will impact plants in the area including native plants along construction corridors and adjacent area. While the DEIR/EIS discusses sensitive plants and communities, the average and very important natural plant communities in the delta will also be impacted. We cannot afford to lose them. How will indirect impacts to natural plant communities be minimized with such a huge project? We did not see an analysis of the ongoing cumulative effects of construction and maintenance.

Suisun Marsh impacts are not clear. CM 4 discusses tidal marsh restoration in general and focuses on fish impacts. It is unclear what the impacts to rare marsh plants will be when areas are converted to tidal marsh. Weed impacts, such as from pepperweed, are not addressed. Can you specifically address impacts to Suisun Marsh from the project implementation and what the proposed mitigation measures will be?

The project alternatives are many, however, the need for this project is not convincing. Have you considered alternatives such as placing a pipeline in the existing concrete conveyance channels or covering the existing water conveyance canals to reduce the huge amount of existing loss due to evaporation? What is the cost benefit in gallons for these measures? Please add this type of measure to the alternative to the discussion.

Water conservation by end users is not mentioned. One alternative should be a no or minimal construction alternative with more conservation (less water pumped). We'd like to see these types of alternatives in the document. CNPS is a proponent of using low water use native plants in gardens. We know there is a different way to landscape that does not include the existing large amounts of water consumption.

Lastly, it is not clear from the DEIR/EIS and draft plan what kinds of maintenance, such as weed control, will be provided with this plan. There is a section on aquatic invasives through boating outreach, however there does not seem to be any commitment to actual on the ground invasive species (weed) control in the both the aquatic or terrestrial of the project. Invasive species increases can be anticipated in all of the construction areas and with water quality changes anticipated with the plan. These invasives have the potential to eliminate entire natural communities including sensitive species. What invasive species (weed) impacts are anticipated and what measures will be provided in the future to mitigate?

Sincerely

Submitted by

Susan Wickham on behalf of the
Willis Jepson Chapter
California Native Plant Society
PO Box 2212
Benicia, CA 94510

Email: swgeo1@gmail.com

BDCP1589

From: Susan Wickham <swgeo1@gmail.com>
Sent: Saturday, July 26, 2014 3:53 PM
To: BDCP.comments@noaa.gov
Subject: comment letter
Attachments: bdcd on ltrhead.doc

Comment letter attached respectfully submitted by the Willis Jepson Chapter of the CAlifornia Native Plant Society.

--

"Land is not merely soil; it is a fountain of energy flowing through a circuit of soils, plant, and animals."
-Aldo Leopold

SPUR
San Francisco | San Jose

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Fran Weld
Allison Williams

July 26, 2014

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

Dear Mr. Wulff:

SPUR appreciates the opportunity to comment on the draft Bay-Delta Conservation Plan (BDCP). SPUR is a member-supported Bay Area nonprofit organization that is devoted to good planning and good government. We have long been involved in state and regional water policy development, from securing Wild & Scenic status for the Tuolumne River in 1984, to supporting San Francisco's $4.6 billion Water System Improvement Program in 2002, to proposing a hierarchy of sustainable and reliable water supplies for the Bay Area in our 2013 report, *Future-Proof Water*.

SPUR opposed the proposed Peripheral Canal in 1982. Today, we are much more enthusiastic about the BDCP. The BDCP proposes to secure two of the most important existing water conveyances in the state while meeting environmental goals for the Delta. The BDCP provides a regulatory framework, creates a habitat conservation plan to contribute to the recovery of threatened and endangered species in the Delta, and represents an historic collaboration of agencies and stakeholders over many years to characterize and develop a response to threats facing the region.

BDCP is perhaps the most important and ambitious conservation and development project ever undertaken in California. Past efforts to reconcile the co-equal goals of water reliability and ecosystem health in the Delta have largely failed. The BDCP process has provided stakeholders with a clear sense that doing nothing will virtually guarantee the demise of both the Delta's ecosystem and its water supply conveyances that serve 20 million Californians. We would never design or permit the Delta of today, in which reversed river flows have endangered species, the state's largest estuarine ecosystem is in decline and threatened by climate change, seismically-unsafe levees subject thousands of people and farms to imminent flood risk and economic loss, and millions of Californians are at risk of severe, long term water supply disruption. We believe that implementing BDCP may be our last, best chance to sustain the region.

The following are our comments and concerns about the project:

1. Although full funding has yet to be identified for both the water supply tunnels and the restoration effort, there needs to be a fair allocation of costs for the $25 billion, 50-year implementation of BDCP. Beneficiaries of the project include more than Bay Area and southern California water ratepayers. Two-thirds of water supplies conveyed through the State Water Project and Central Valley Project are used for agriculture that is an important contribution to the food supply of the entire United States. Water

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contractors including both urban users and farmers should not be expected to bear the entire cost of either the tunnels or the restoration effort over fifty years. We support a funding approach that considers all the indirect beneficiaries of the project, the national significance of the Delta's ecosystem, and identifies permanent state and federal sources to fully restore the 80,000 acres envisioned in BDCP. In short, we recommend that under the "beneficiaries pay" principle, a broader set of users or stakeholders than just the direct contractors of the State and Central Valley Projects should bear the costs of water supply reliability, represented by the tunnels, and the costs of the BDCP's 21 other conservation measures that relate to the Delta's ecosystem health.

2. We support the BDCP's approach to using adaptive ecosystem management. Adaptive management is an approach to species and land management planning that incorporates observations and flexibility to adapt to a changing environment. This type of approach, which we have employed in our own climate adaptation planning work, is essential given the uncertain, stochastic nature of climate change and other disasters and will give the long-term nature of BDCP implementation a way of measuring and improving its chances of success.

3. We urge the state to support and to fund water efficiency efforts and the development of sustainable, reliable and alternative water supplies, especially in areas that are currently served by the Delta. Securing water conveyances in the Delta with new tunnels and restoring its ecosystem will undoubtedly improve its reliability and health. But as we are seeing in this year's historic drought, a better Delta will not sustain water contractors and ratepayers if the water's not there to begin with. With California expected to add 8 million people by 2030, mostly in the state's urbanized areas, and with climate change expected to potentially result in a massive loss of snowpack, we need to make better use of the water we already have, and build reliable new supplies. We especially support expanding water supplies through recycled water and indirect and direct potable reuse. We urge the state Department of Water Resources and Department of Public Health to create a permitting process to allow direct potable reuse as soon as possible.

Modeling that SPUR conducted for our report, *Future-Proof Water*, found that by 2100, the Bay Area may need up to 47 percent more water than it uses today. Cities and water agencies can together reduce future water demand by permitting only compact, water-efficient development and sustaining investment in conservation programs. We know that BDCP is about protecting the state's existing water supplies, not providing new ones – but without additional re-use projects that provide reliability, especially for droughts, ratepayers may grow cold on the sustained investment BDCP will require over decades if its benefits are not regularly apparent.

Overall, we encourage you to consider that a very broad set of beneficiaries could help pay for the project in various ways—making it more affordable by spreading out costs— while many would benefit from support for building alternative supplies which could help reduce dependency and pressure on the Delta.

Thank you for your consideration of our comments and for your thoughtful approach to the historic challenge of sustaining California's Bay-Delta.

Sincerely,

Laura Tam
Sustainable Development Policy Director

S. Bry Sarte
Chair, SPUR Water Policy Board

BDCP1590

From: Laura Tam <ltam@spur.org>
Sent: Saturday, July 26, 2014 3:12 PM
To: BDCP.Comments@noaa.gov
Subject: Comments from SPUR
Attachments: BDCP comments from SPUR.pdf

Attached please find SPUR's comments on the BDCP.
Thank you
Laura

--
Laura Tam
Sustainable Development Policy Director
SPUR • Ideas + Action for a Better City
(415) 644-4289
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@lauraetam

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