

From: Jeff Volberg <jvolberg@calwaterfowl.org>
Sent: Tuesday, July 29, 2014 5:01 PM
To: 'BDCP.Comments@noaa.gov'
Cc: Mark Hennelly; Jake Messerli; Robert Eddings; 'Ryan Broddrick'; John Carlson
Subject: Comments on Draft BDCP and Draft EIS/EIR
Attachments: CWA BDCP Comments FINAL.pdf; CWA BDCP EIS-EIR.pdf

Mr. Wulff,

Here are two sets of comments on the draft BDCP and the Draft EIS/EIR, respectively.

Thank you for the opportunity to comment.

Best regards,

Jeff Volberg



Jeff Volberg
Director of Water Law & Policy
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July 29, 2014

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

Re: California Waterfowl Association Comments on the Draft Bay Delta Conservation Plan (BDCP)

Dear Mr. Wulff:

Thank you for the opportunity to comment on the draft BDCP and associated EIR/EIS. The California Waterfowl Association is a statewide nonprofit organization whose principal objective is the conservation of the state's waterfowl, wetlands, and hunting heritage. California Waterfowl believes hunters have been the most important force in conserving waterfowl and wetlands. California Waterfowl biologists are leading experts on designing, operating, and maintaining managed wetlands and associated upland habitat throughout California, including the Sacramento/San Joaquin River Delta and the Suisun Marsh.

In the Delta, Yolo Bypass, and Suisun Marsh, California Waterfowl has restored approximately 8,500 acres of wetlands and enhanced approximately 80,000 acres. California Waterfowl has invested \$5.5 million in restoration and \$10.2 million on enhancement. The state and federal governments and private landowners such as farmers and duck clubs have also invested millions of dollars in managed wetlands for the primary benefit of migratory waterfowl. These managed wetlands also benefit a variety of other bird species, as well as reptiles, fish, and mammals. They use natural and artificial water flows to flood wetlands, and then use developed infrastructure to hold and drain floodwaters as appropriate to provide food resources and suitable seasonal habitat.

Since 1945, California Waterfowl has been active in creating and maintaining managed wetlands habitats for migratory waterfowl, including ducks and geese. Because of the loss of 95 percent of the historical wetlands in California, the remaining wetlands, two-thirds of which are in private ownership, have to be intensively managed to provide the optimum habitat value for migratory waterfowl. While not listed under the state or federal endangered species acts, migratory waterfowl are protected by legislation or treaty, including the North American Waterfowl Management Plan (NAWMP) and the international Migratory Bird Treaty Act.

California Waterfowl has reviewed the BDCP Plan and the Draft EIR/EIS. As proposed in the current drafts, the BDCP will have significant and unavoidable impacts on wetland and waterfowl resources in the Suisun Marsh, Delta, and Yolo Bypass. The BDCP would also have significant impacts on water quality in the Suisun Marsh. California Waterfowl cannot support a project that will destroy tens of thousands of acres of publicly and privately owned managed wetlands, which provide habitat for migratory waterfowl and other wetlands-dependent species, including many species covered by the BDCP. California Waterfowl will provide comments below that express our concern that the conversion

of up to 23 percent of the managed wetlands in the Suisun Marsh to tidal wetland habitat will disadvantage waterfowl without providing greater benefit to species covered by the BDCP.

Landowners and government agencies in the Yolo Bypass, Delta and in the Suisun Marsh have entered into long-term plans and agreements to achieve ecological goals that are beneficial to migratory birds and other species of concern. These include the Central Valley Joint Venture Implementation Plan, federal and state funded and held conservation easements, the Suisun Marsh Plan, the Yolo Bypass Wildlife Area Land Management Plan, and plans relating to the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve. To the extent possible, BDCP habitat projects should further the goals and objectives of these plans and agreements or, at the very least, not conflict with them.

California Waterfowl is primarily concerned with the effects of Conservation Measures 2, 3, and 4, as they relate to managed wetlands. California Waterfowl recommends the following changes to these conservation measures.

Conservation Measure 2

Conservation Measure 2 – Yolo Bypass Fisheries Enhancement – calls for increasing the frequency and duration of flooding in the Yolo Bypass for fish habitat. BDCP Chapter 5 – Effects Analysis – at Section 5.4.9.1.2, describes the effects of increased inundation on managed wetlands. Increased inundation, depending on timing, depth of flooding, and seasonality, can have adverse impacts on managed wetlands and food resources for wintering waterfowl.

Conservation Measure 2 would include adding operable gates to the Fremont Weir that would allow water to be diverted from the Sacramento River at an elevation of 17.5 feet, rather than at the current elevation of 32.8 feet. This water could be diverted into the Yolo Bypass at rates of from 3,000 cubic feet per second (cfs) to 6,000 cfs. The operable gates would allow inundation of the Yolo Bypass at times and during years when there is not sufficient water in the Sacramento River for the river to naturally overtop the Fremont Weir and inundate the Bypass.

According to Chapter 5, adverse impacts will range from flooding managed wetlands to depths that are incompatible with dabbling ducks to lessening the germination of seeds that provide feed for over-wintering ducks. California Waterfowl, the State of California, and local landowners have made significant investments in creating managed wetlands for the benefit of migratory waterfowl. California Waterfowl is concerned that not only will these investments be lost, but that waterfowl will suffer yet another diminution of their habitat, after having already lost 95 percent of the historical wetlands that they once enjoyed.

California Waterfowl believes that managed wetlands can be compatible with improvements in habitat for fish and other covered species. The 57,000 acre Yolo Bypass is an example of a multi-benefit approach to water management. First, and foremost, the Yolo Bypass is a flood protection structure for the Sacramento region. Yolo Bypass is also a significant agricultural area. Agriculture is beneficial for waterfowl, as well as other species. Yolo Bypass provides recreational opportunities, including waterfowl hunting. Managed wetlands on state and private lands in the Bypass provide important

habitat for migrating waterfowl in the winter. Current water flows and channels provide habitat for fish, including BDCP covered species.

Landowners and wetlands managers have adapted to the natural flooding that occurs in most years when the Sacramento River overtops the Fremont Weir or when tributary creeks on the west side of the Bypass empty their storm flows into the Bypass. Increased flooding for fish habitat could upset this adaptation and cause significant difficulties for farmers trying to plant their crops and for wetlands managers trying to provide seasonal waterfowl habitat. Plant species that are valuable to waterfowl, such as watergrass and smartweed, could be adversely affected by increased flooding at the wrong times.

Conservation Measure 2 could have broader support and lower cost if adverse effects that are identified in Chapter 5 are minimized. Use of the operable gates to increase inundation of the Yolo Bypass must be timed to avoid adverse effects on agriculture and migratory waterfowl, as well as to benefit the fish.

California Waterfowl recommends that Conservation Measure 2 include an adaptive management component that funds monitoring and research into the most minimally invasive means of using the operable gates at Fremont Weir to avoid impacts on agriculture and on waterfowl habitat, while providing the best possible habitat for fish, as well. If this monitoring and research includes cooperation with farmers, duck clubs, and other wetland managers, the multiple benefits already served by the Yolo Bypass could expand to provide fish habitat.

Conservation Measure 3

California Waterfowl generally supports the actions identified in Conservation Measure 3, particularly as they relate to managed wetlands. California Waterfowl has interests in Conservation Zones 1-5, 7, and 11. California Waterfowl owns managed wetlands in Conservation Zone 11 that could be considered for inclusion as components of the reserve system contemplated by Conservation Measure 3.

These properties have been used as study areas by researchers from UC Davis and the studies are being used to develop a theory of reconciliation ecology. The UC Davis researchers have been studying the benefits that wetlands managed for waterfowl habitat can provide to fish species, including species covered by the BDCP.

Conservation Measure 3 involves creating a natural communities preserve through acquisition of land in fee title and through conservation easements. The purpose of Conservation Measure 3 is to create linkages and connectivity among natural communities within and adjacent to the overall plan area, as well as protection and restoration of natural communities. This is generally consistent with California Waterfowl's mission of conserving waterfowl habitat and wetlands.

California Waterfowl has considerable expertise and experience in the protection and restoration of natural communities. The organization should be a primary candidate to assist in carrying out the projects and programs associated with Conservation Measure 3.

Conservation Measure 4

The Suisun Marsh is identified in the BDCP as Conservation Zone 11. Managed wetlands in the Suisun Marsh, mainly private duck clubs and state wildlife areas, constitute approximately 50,000 acres. These properties are primarily managed for the benefit of migratory waterfowl, but provide benefits to other wetland-dependent species as well, including species covered by the BDCP. The Suisun Marsh comprises approximately 10 percent of the remaining wetland waterfowl habitat in California. New research currently being conducted by UC Davis (on property owned and managed by California Waterfowl) suggests that covered fish may also be benefitting from managed wetlands. The current value of managed wetlands to fish hasn't been fully evaluated or quantified, but it isn't correct to assume that managed wetlands have no positive benefits to fish.

The BDCP discusses managed wetlands in Section 3.3.6.9. The section correctly identifies managed wetlands as a natural community. The section identifies stressors to managed wetlands as invasive plants and aging floodgate structures. The main threat is identified as flooding from breaching of levees. However, Conservation Measure 4 proposes to restore 13,746 acres to tidal natural communities. To do so will require the flooding of thousands of acres of currently managed wetlands through the breaching of levees.

In Chapter 5, Effects Analysis (BDCP Section 5.4.9), the conversion of these acres is identified as an adverse effect of the BDCP on managed wetlands. Migratory and resident breeding waterfowl, including ducks and geese, as well as other wetlands-dependent species, will suffer an absolute loss of habitat in these restored natural communities. Furthermore, the conversion of portions of the Suisun Marsh to tidal natural communities will have adverse impacts on the surrounding managed wetlands and associated uplands, through alterations to the physical infrastructure of water management levees and conveyance systems, and through degradation of water quality. Also, many of the existing tidal wetlands in Suisun Marsh have become completely invaded by non-native and noxious weeds that are now unmanageable.

Tidal conversions will have local effects on the tidal prism. Increased tidal inundation will mute the total tidal stage, decreasing the height of high tides and increasing the height of low tides. This will decrease drainage capacity of neighboring lands which could increase soil salinity (and therefore decrease waterfowl food plant production) and/or increase pumping costs. This will likely be a larger problem once several projects have been implemented and begin to have multiple cumulative effects. Tidal conversion will have effects on neighboring properties and land-use types beyond the expected effects on converted lands.

Although they are not yet candidates for protected status under the state and federal endangered species acts, waterfowl populations have been affected by the loss of 95 percent of their wetland habitat in California. Remaining wetland habitats have been managed over the past hundred years or so, to provide optimum habitat conditions on the remaining wetlands to make up, as best as possible, for the loss of so much habitat. Waterfowl and their wetland habitat are protected by the Migratory Bird Treaty Act, the North American Waterfowl Management Plan, the Tripartite Agreement between Canada, the United States, and Mexico, and the North American Wetlands Conservation Act. The

destruction of 13,746 acres of managed wetlands would violate the spirit, if not the letter, of these international obligations and existing conservation agreements and easements. For the BDCP to utilize the full benefits of managed wetlands, while restoring tidal wetlands in a way that does not threaten waterfowl habitat will require a system of cooperation with existing stakeholders in the Suisun Marsh and a rigorous system of adaptive management and mitigation.

California Waterfowl recommends that the covered parties under the BDCP continue to investigate and pursue a managed wetlands system that takes fish into account. UC Davis research indicates that the habitat needs of covered fish species and waterfowl are really not that different. A project of this nature and magnitude should not proceed in the absence of science, but instead should invest in new science to ensure that the effects of tidal marsh conversion will provide greater benefits to covered species than managed wetlands, before irreversible damage will be done to the existing waterfowl habitat.

At this time, there is no research or published data that "proves" or otherwise supports the assumption that tidal restoration will be substantially beneficial to fish, salt-marsh harvest mouse, or any of the other BDCP covered species. UC Davis is currently conducting a study that is beginning to document that managed wetlands are or can be beneficial to BDCP covered species. Basically, there isn't enough data that accurately quantifies the value of tidal marsh restoration to fish in Suisun Marsh in relation to the value of managed wetland. There is no way to substantiate the assumption that tidal restoration will meet the biological goals of the BDCP. Additional research **MUST** be conducted before any major changes are made to the landscape.

Managed wetlands in the Suisun Marsh can be, and are being, managed in ways that avoid the loss of habitat for waterfowl, while providing benefits to species covered by the BDCP. An array of stakeholders in the Suisun Marsh, including the U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NOAA Fisheries), U.S. Bureau of Reclamation (BOR), California Department of Fish and Wildlife (CDFW), California Department of Water Resources (DWR), Delta Stewardship Council (DSC) and the Suisun Resource Conservation District, adopted a Record of Decision on April 24, 2014, for a Suisun Marsh Management Plan. The Management Plan proposes a 30-year process that would include tidal restoration of from 5,000 to 7,000 acres and the enhancement of 40,000 acres of managed wetlands. The Management Plan is carefully balanced to protect private ownership and stewardship of the Suisun Marsh's wetland and wildlife resources.

The California Waterfowl Association requests that Conservation Measure 4 be amended to include the following provisions:

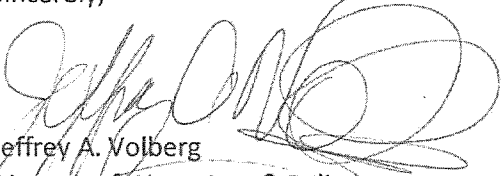
1. The conservation measure for restoration of tidal natural communities is conducted according to the Suisun Marsh Management Plan over the life of that plan.
2. The conservation measure is conducted in accordance with a rigorous adaptive management process that restores tidal natural communities only as needed under actual conditions, such as sea-level rise or levee failure, in order to meet biological objectives.
3. Under the adaptive management process, the use and enhancement of existing managed wetlands to achieve BDCP biological objectives shall be the preferred method over restoration of tidal natural communities in a way that reduces or damages waterfowl habitat.

4. The adaptive management process will include funding for research to develop and formalize a sound project model that minimizes habitat loss to waterfowl before any lands are restored to tidal flows.
5. The conservation measure include investments in improving infrastructure for managed wetlands, such as exterior levee improvements, management of invasive plants, replacement of aging floodgates, and provision of pumps to facilitate seasonal draining of managed wetlands.
6. The conservation measure must require protection of existing water quality (low salinity) standards for continued management of managed wetlands.

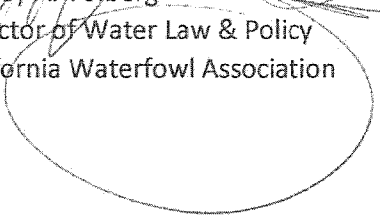
There is a potential for achieving the BDCP's biological objectives for its covered species, but it should not come at the expense of California's waterfowl and other wetland-dependent species. Conforming the restoration of tidal natural communities to the Suisun Marsh Management Plan will help to achieve the BDCP's biological objectives, without unduly disrupting this extremely important remnant of California's historic waterfowl habitat.

Thank you for your consideration of California Waterfowl's comments on the draft Bay Delta Conservation Plan.

Sincerely,



Jeffrey A. Volberg
Director of Water Law & Policy
California Waterfowl Association



From: Jeff Volberg <jvolberg@calwaterfowl.org>
Sent: Tuesday, July 29, 2014 5:01 PM
To: 'BDCP.Comments@noaa.gov'
Cc: Mark Hennelly; Jake Messerli; Robert Eddings; 'Ryan Broddrick'; John Carlson
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Thank you for the opportunity to comment.

Best regards,

Jeff Volberg



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July 29, 2014

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

Re: California Waterfowl Association Comments on the Draft Bay Delta Conservation Plan Environmental Impact Statement/Environmental Impact Report (EIS/EIR)

Dear Mr. Wulff:

Thank you for the opportunity to comment on the draft BDCP and associated EIS/EIR. The California Waterfowl Association is a statewide nonprofit organization whose principal objective is the conservation of the state's waterfowl, wetlands, and hunting heritage. California Waterfowl believes hunters have been the most important force in conserving waterfowl and wetlands. California Waterfowl biologists are leading experts on designing, operating, and maintaining managed wetlands throughout California, including the Sacramento/San Joaquin River Delta and the Suisun Marsh.

In the Delta, Yolo Bypass, and Suisun Marsh, California Waterfowl has restored approximately 8,500 acres of wetlands and enhanced approximately 80,000 acres. California Waterfowl has invested \$5.5 million in restoration and \$10.2 million on enhancement. The state and federal governments and private landowners such as farmers and duck clubs have also invested millions of dollars in managed wetlands for the primary benefit of migratory waterfowl. These managed wetlands also benefit a variety of other bird species, as well as reptiles, fish, and mammals. They use natural and artificial water flows to flood wetlands, and then use developed infrastructure to hold and drain floodwaters as appropriate to provide food resources and suitable seasonal habitat.

Since 1945, California Waterfowl has been active in creating and maintaining managed wetlands habitats for migratory waterfowl, including ducks and geese. Because of the loss of 95 percent of the historical wetlands in California, the remaining wetlands, two-thirds of which are in private ownership, have to be intensively managed to provide the optimum habitat value for migratory waterfowl. While not listed under the state or federal endangered species acts, migratory waterfowl are protected by legislation or treaty, including the North American Waterfowl Management Plan (NAWMP) and the international Migratory Bird Treaty.

California Waterfowl has reviewed the BDCP Plan and the Draft EIS/EIR. As proposed in the current draft, the BDCP will have significant and unavoidable impacts on wetland and waterfowl resources in the Suisun Marsh, Delta, and Yolo Bypass. The BDCP would also have significant impacts on water quality in the Suisun Marsh. California Waterfowl cannot support a project that will destroy tens of thousands of acres of publicly and privately owned managed wetlands, which provide habitat for migratory waterfowl and other wetlands-dependent species, including many species covered by the BDCP.

In Chapter 12 – Terrestrial Biological Resources – the EIS/EIR describes impacts of Alternative 4 and other alternatives on the managed wetlands natural community, but does not describe the impacts on migratory waterfowl. This is a significant omission, because migratory waterfowl are an important part of the natural communities that will be affected. Chapter 12 must describe impacts on migratory waterfowl, as described in the Chapter 5 – Effects Analysis - of the BDCP.

For a description and explanation of California Waterfowl's concerns with the BDCP plan and its effects on managed wetlands, please refer to California Waterfowl's comments on the draft BDCP, addressed to yourself and also dated July 29, 2014. Due to the concerns expressed in those comments, California Waterfowl would urge the adoption of Alternative 5 identified in the EIS/EIR, and will strongly oppose the adoption of Alternative 4 or any other option that would result in the loss of managed wetlands or other habitat for migratory waterfowl and other wetlands-dependent species.

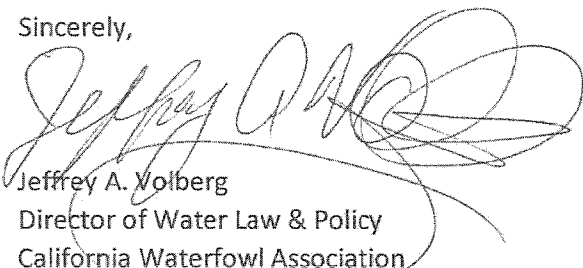
In the event that Alternative 4 or other options are selected that result in the loss of managed wetlands or other habitat for migratory waterfowl, the waterfowl will lose not just food resources, but also nesting cover and brood water for birds that remain and breed locally. Some species of ducks require fresh water for raising ducklings, which would be lost in a conversion of managed wetlands to tidal wetlands.

Mitigation for adverse impacts to waterfowl habitat (including direct loss or degradation of managed wetlands, associated uplands/nesting habitat, and decreased corn production due to BDCP-related land conversion to non-waterfowl purposes) must include the following:

1. Mitigation must be undertaken, to the extent possible, in the specific geographic areas in which the impacts occur;
2. Enhancement of remaining managed wetlands to increase waterfowl food production;
3. Restoration of upland habitats associated with managed wetlands to increase waterfowl nesting habitat;
4. Creation of waterfowl brood ponds; and for off-site mitigation measures,
5. Incentives to private landowners to maintain nesting cover on fallowed lands, particularly in rice-growing areas where ample waterfowl brood water is available during the late spring and summer.

Thank you for your consideration of California Waterfowl's comments on the draft Bay Delta Conservation Plan EIS/EIR.

Sincerely,



Jeffrey A. Volberg
Director of Water Law & Policy
California Waterfowl Association

From: Daniel A. McDaniel <damp1c@pacbell.net>
Sent: Tuesday, July 29, 2014 4:14 PM
To: BDCP.Comments@noaa.gov
Subject: Comments BDCP EIREIS 20140729
Attachments: Comments BDCP EIREIS DAM 20140729.pdf

Please see the attached comments regarding the BDCP EIR/EIS.

Daniel A. McDaniel

Daniel A. McDaniel
1287 Greeley Way
Stockton, CA 95207

July 29, 2014

BDCP.Comments@noaa.gov

Re: Draft Bay Delta Conservation Plan and
Draft Bay Delta Conservation Plan EIR/EIS

Gentlepersons:

Please accept these comments regarding the above.

I am a fourth generation native of California's Great Central Valley, and have resided in the Sacramento-San Joaquin Delta region for about 60 years. I have witnessed the destruction and havoc wreaked upon the fish, wildlife, and residents of the Delta and its tributaries by, most notably, the California Department of Water Resources ("DWR") and the U.S. Bureau of Reclamation ("USBR"). As a child my grandfather took me to observe the construction of Oroville Dam on the Feather River. Since then, I have observed the constant and relentless decline of the Delta and its tributaries by imprudent, irresponsible and unconscionable exploitation of the Delta and its tributaries by the DWR, the USBR, and their water contractors.

It had been hoped that in my lifetime there would be positive change contributing to the restoration of the Delta, its tributaries, its fisheries, and its people – a legacy for my grandchildren. Instead, conditions have worsened and there is now a proposed 50 year incidental take permit – a 50 year "get out of jail free card" - for the DWR, the USBR, and their contractors.

The BDCP appears as yet another smoke-screen to continue excessive diversions. Rather than improve conditions, the inexorable path of the BDCP is to build a new diversion facility with twin tunnels with yet more assurances to remain unfulfilled. Under the proposed BDCP, there is now little likelihood that my grandchildren will have any better legacy for their grandchildren, than do I.

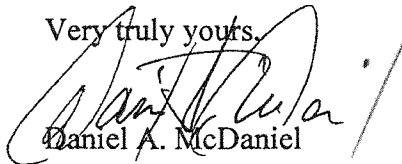
The draft BDCP EIR/EIS consideration and its preferred alternative is, and always has been, an empty charade making a complete mockery of both CEQA and NEPA. The entire process has never been about saving the Delta and the "fix" has always been in for

the twin tunnels and the restoration of excessive exports. Submitted herewith are the following:

1. Report of California Governor Jerry Brown's July 25, 2013 announcement of plans to construct the twin tunnels, referencing paralysis by analysis and "I want to get shit done." At the announcement, DWR Director Mark Cowin stated "We will have two tunnels leading from a forebay where water from the three intakes will collect. . ." U.S. Department of Interior Secretary Kenneth Salazar stated that "We are united with the state of California to move this project forward and get it done." Also, "We are not going to back down and we intend to get something done here." <https://www.youtube.com/watch?v=FTWmXQaDemA>
2. A report of California Secretary for Natural Resources John Laird's May 24, 2012 briefing that the state intends to proceed with construction of the twin tunnels.
3. Jerry Meral's statement that the "Bay Delta Conservation Plan was never about saving the Delta."
4. Department of Water Resources Memorandum of May 6, 2014, announcing the opening of the Delta Conveyance Facilities Design and Construction Enterprise to be known as the "DCE."
5. Kern County Water Agency letter of July 27, 2012, regarding "a scientifically defensible decision-tree to operate a new conveyance facility. . ."

These show that improper, predecisional commitments to the new diversion, twin tunnel facility of Conservation Measure 1 ("CM1") have been made. Accordingly, I urge you to stand up for something, as did U.S. Fish and Wildlife Service's Felix Smith at the Kesterson National Wildlife Refuge, when he reported the selenium poisoning of birds from agricultural drainage. Do your duty and reject the draft EIS/EIR for its numerous deficiencies as pointed out by other commenters, deny approval of any take permits, deny HCP status, and begin anew with a genuine effort to restore the Delta and its many species. The Delta and its many species and residents deserve as much.

Very truly yours,



Daniel A. McDaniel

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High Country News

For people who care
about the West

Tunneling under California's Bay Delta water wars

by Emily Green

On July 25, California Gov. Jerry Brown announced to an expectant press corps that the state plans to construct a pair of multibillion-dollar tunnels under the Sacramento-San Joaquin Bay Delta in order to modernize and possibly expand the export of Northern California's water, mostly south to farms and cities. After decades of rancor over what was once envisioned as the "peripheral canal," there had been enough studies. There had been enough policy groups. Above all, there had been enough fighting. "I want to get shit done," said Brown.

Central and Southern California water contractors have long supported the plan, and initially some critics saw the governor's announcement as yet another blow to the Delta's fisheries -- already devastated by a combination of pumping, drought and chronic mismanagement. Yet alongside Brown stood an administrator from the National Marine Fisheries Service, which has been fighting tooth-and-nail in federal court to protect the Delta's fish from water exporters. This was no shotgun wedding, William Stelle insisted. His department and its parent agency, the National Oceanic and Atmospheric Administration, support the tunnels. In fact, he argued, properly operated new intakes -- scaled down to the size that his scientists believe are safe -- might actually help Delta smelt, salmon and steelhead.

"The point of departure for evaluating the merits is the current environmental conditions for fish and wildlife," Stelle said, "and they are awful." That's because the pumping stations now exporting water to the Central Valley and the cities of Southern California are located in the South Delta, where their sheer force reverses the water's natural flow to the ocean. According to Stelle, most San Joaquin River juvenile salmon perish near or in the pumps, while the survival rate for Sacramento River migrants can be as low as 40 percent. As Stelle sees it, the ability to turn off South Delta pumps during migration and draw water instead from new pumps roughly 45 miles north would improve life for both the fish and the water exporters.

The carnage caused by the South Delta pumps is better understood now than it was when California voters first rejected the proposed peripheral canal in 1982. At the time, Brown was a second-term governor. "I hadn't

heard the word 'smelt' before," he said. Then as now, diverting fresh water before it could reach the brackish estuary was unpopular. Delta farmers worried that it would leave them salt water for irrigation, while fishermen saw the canal as an attempt to steal the entire flow of the Delta's most fecund tributary, the Sacramento River. And environmentalists believed that concentrated Delta pollutants would harm the estuary's natural outlet, the San Francisco Bay.

In contrast, the peripheral canal's proponents appeared greedy, unconvincing, irresolute or impotent. Central Valley cotton king J.G. Boswell wanted more water unencumbered by fish protections. The support of the Metropolitan Water District of Southern California, which served the suburbs steadily radiating out of Los Angeles, struck Northern Californians as simply a plea for more water for swimming pools. The case made by the California Department of Fish and Game, which used many of the same arguments that Stelle does now, never gained traction. The South Delta pumps had slowly been coming online from the 1950s through the 1980s, and the fish toll had yet to register.

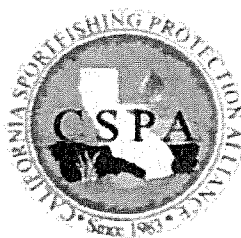
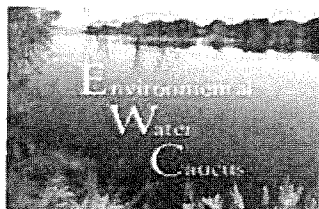
Then, in 1986, licensing of four new South Delta pumps increased capacity from 11,000 cubic feet per second to nearly 15,000. Almost simultaneously, drought hit California, where, due to serried ranges, almost half the state's stream flow ends up in the Sacramento-San Joaquin Delta system. As fish numbers tanked, and species such as the Delta smelt and chinook salmon became increasingly endangered, it dawned on horrified water managers that the Delta fisheries' continued collapse could shut off water to 3 million irrigated acres and cities from the Bay Area to San Diego.

Governor after governor called in policy wonks. Pete Wilson's "Delta Oversight Council" morphed into the federal and state "CALFED" program under Gray Davis and the Clinton administration. Then Schwarzenegger began the Bay Delta Conservation Plan, a caveat-rich operating manual for the state water hub that is still in environmental review. This was accompanied by a multi-year study called "Delta Vision." By the time Jerry Brown returned to office in 2011, Delta Vision had transmogrified into the "Delta Stewardship Council," charged with the policy side of getting rival factions to agree on "co-equal" goals. Throughout it all, report after report, the peripheral canal kept coming up.

By 2008, fish stocks had plummeted so badly that salmon fleets were dry-docked and water exports from the Delta fell by almost 2 million acre-feet; Fresno County farmworkers formed breadlines, and Central Valley water districts sued federal fish and wildlife agencies. Ample rain in 2011 offered some respite, but 2012 brought another dry year, by which point Brown declared a hopeless case of "analysis paralysis." Exasperation was such that every federal and state agency involved in Delta oversight stood with him as he revived the peripheral canal plan, this time offering lower pumping capacity than before (reduced from 15,000 to 9,000) and no guarantees of new water for anyone.

Many Delta communities are still worried about rising salinity if a freshwater tributary is tapped before it reaches the estuary. And whether Brown has converted environmentalists or merely disarmed them remains unclear. The Nature Conservancy, Sierra Club and Natural Resources Defense Council all want more details about who will man any new pumps, as well as how much water will be taken, when and from where. Environmentalists also wonder whether other existing commitments to habitat restoration and increased water conservation will be kept. But, this time, they better understand the cost of inaction. "The NRDC is still at the table trying to make the Bay Delta Conservation Plan work," said Kate Poole, the council's senior attorney. "We wouldn't be there if we didn't think it could."

This story was made possible with support from the Kenney Brothers.



NORTHERN CALIFORNIA COUNCIL

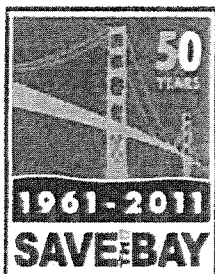
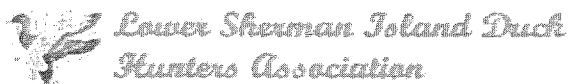


FEDERATION OF FLY FISHERS

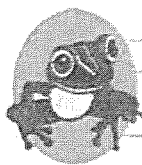
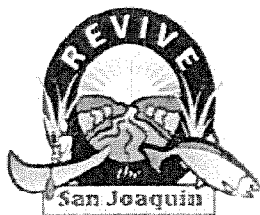
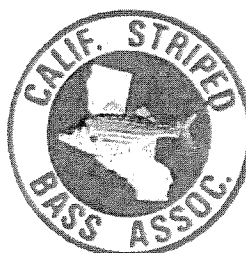
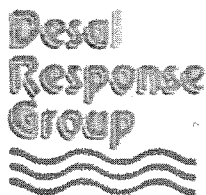
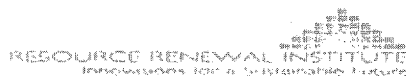


Institute for Fisheries Resources

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NORTH COAST RIVERS ALLIANCE



CENTER for BIOLOGICAL DIVERSITY
Protecting nature





June 12, 2012

The Honorable Ken Salazar
 Secretary of Interior
 Department of the Interior
 1849 C Street, N.W.
 Washington DC 20240

Dear Mr. Secretary:

The State of California is poised to make an enormous mistake, and potentially drag the Department of Interior and the American people along with it. California Secretary for Natural Resources, John Laird, recently informed us in a May 24, 2012, briefing that the State intends to proceed with construction of a world-record-size tunnel or pipes capable of diverting 15,000 cubic feet per second from the Sacramento River - nearly all of its average freshwater flow. Diversion of this water, which is the most pristine source of water to the San Francisco Bay Delta Estuary, would have devastating ecological impacts. Scientists within the Department of Interior have been pivotal in assessing these impacts and have raised "red-flag" warnings. This \$20 to \$50 billion dollar, highly controversial project will primarily serve to deliver Sacramento River water, through State and Federal pumps, to provide subsidized irrigation water to corporate agricultural operations of the western San Joaquin Valley.

In addition to the ecological devastation, the project will destroy jobs dependent on tourism, farming, recreation, fishing and seafood production in California and the entire

Pacific Coast. The decision outlined in the May 24th briefing has stirred urgent concerns among fishing communities, farming communities, and conservation organizations throughout the West Coast. This project is a poorly conceived assault on the public trust that desperately needs a strong hand of reason from your Department.

The State has not provided the details of how it reached this proposed action—nor have they answered questions about significant constructability challenges, provided blueprints, or developed a plan of operations. The State has not answered our questions regarding how the 22 species facing extinction in the Delta Estuary will be protected from this massive engineering project and water diversion. We are not reassured by the State's announcement that this project proposal was not pre-decisional and would not undermine the lawful environmental consideration of the project. We were surprised and dismayed that the State of California is headed in this direction, as it appears to contradict or ignore the consensus of expert opinions repeatedly expressed by scientists with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the National Research Council of the National Academy of Sciences. Most recently, State and Federal fishery and wildlife agencies issued official "red flag memos" detailing their concerns that the 50-year permit could hasten the extinction of Central Valley salmon, Delta smelt, longfin smelt and other fish species.

We need you, Mr. Secretary, to take a stand for the public. It would be folly for the Department of Interior to follow the State of California down this risky path. We hope that Interior will instead work to dissuade the State from pursuing this misguided policy. As you know, the Federal and State funding and cooperative assistance agreement, signed in March 2009, promised the following: ***"Reclamation will, upon completion of the Program, have the documentation and engineering information to gain Congressional approval to move toward feasibility, design, and implementation of restoration projects to benefit fish and wildlife habitat."*** [Emphasis added Cooperative Agreement 09FC200011 Page 3 of 32]

We urge you to uphold the Obama Administration's promise to ensure the Department of Interior's scientific integrity and not bow to political pressure. Circumventing peer-reviewed science with faulty modeling, analysis, and engineering, as the State is proposing, is legally questionable and will damage public trust. Further, protecting our national public trust demands the Department of Interior champion the State of California's flow criteria to protect public trust resources for the San Francisco Bay-Sacramento-San Joaquin Delta (Delta) ecosystem and water quality.

The Department of Interior should also raise the Cooperative Agreement's requirement to ***"...address measures that improve conditions for and allow conservation and rehabilitation of habitat supporting the Federally-listed endangered Delta smelt, winter-run Chinook salmon..... These species are considered by many to be the gauge of the health of the Delta ecosystem. Additionally, consider measures that benefit other fish, wildlife, and bird species that have been negatively affected by changes to the natural ecosystem, some caused by Central Valley Project operations."*** [Cooperative Agreement 09FC200011 Page 2 of 32.] No justification has been given for the scale of the proposed tunnels or pipe, nor is there any assurance of operations consistent with ecosystem goals.

Please do not put the interests of South-of-Delta water contractors before the public and San Francisco Bay-Delta dependent farmers, fishermen, and local communities. Narrow special interests should not be allowed to take these public water resources for private gain without regard to costs to one of our nation's most important estuaries. Mr. Secretary, two-thirds of existing Delta Estuary water exports serves corporate irrigators of the western San Joaquin Valley, which accounts for less than .5 percent of California's economy and population. Less than a third of the water goes to the urban areas that make up half of the state's population and economy. Levels of water demand are artificially high due to taxpayer subsidies. Basic fairness, binding commitments, and economic reality all demand that the fast tracking of this massive engineering experiment be rejected because it cannot meet basic legal, economic, and scientific requirements.

We urge you to take the rightful stand against this project and reject these unsustainable water demands and their high public costs, and instead invest in more efficient use of our scarce water resources through cost-effective water conservation and recycling. This will not only protect the pocket books of millions of California ratepayers and U.S. taxpayers, but will help ensure that legally-required salmon doubling goals, estuary restoration, and public trust values are honored for future generations. The planning for California's water future must return to a lawful, science-based, inclusive, and transparent process. The San Francisco Bay-Delta Estuary must not be stripped of the freshwater flows upon which so many vital public trust resources and West Coast communities depend. From its inception, this plan has been crafted by, and for, South-of-Delta exporters. They have used their economic power to influence and rush this half-baked, multi-billion dollar water tunnel.

Planning for California's legitimate water needs, and preserving recreational, fishery, environmental and agricultural resources are way too important to be rushed. California voters said "No" thirty years ago to a plan to dewater the Delta Estuary. It is doubtful they will like the idea any better this time. As Representative Grace Napolitano determined from Congressional testimony, water efficiency and conservation can save one million acre feet of water quickly and cost-effectively—and can start now.

It will be an unimaginable shame if the Department of Interior, the keeper of the public trust resources of our Nation, makes the mistake of going along with the State's poorly conceived and destructive plan.

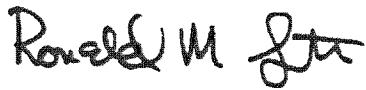
Sincerely,



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04/16/11


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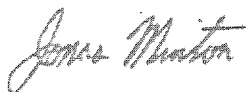
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Chris Acree,
Executive Director.
Revive the San Joaquin

Jackson Chapman
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California Striped Bass Association

Dan Bacher
Editor
Fish Sniffer

Cindy Charles
Conservation Chair
Golden West Women Flyfishers.

Lloyd Carter
President
California Save Our Streams Council

Jennifer Clary
Water Policy Analyst
Clean Water Action

Capt Jim Cox
Vice President State Board of Directors
California Striped Bass Assoc.

Robyn DiFalco
Executive Director
Butte Environmental Council

Frank Egger,
President
North Coast Rivers Alliance

Victor Gonella
President
Golden Gate Salmon Association

Huey D. Johnson
Founder and President
Resource Renewal Institute

David Lewis
Executive Director
Save The Bay

Gene Kaczmarek
President, Northern California Council
Federation of Fly Fishers

Roger Mammon
President

*Lower Sherman Island Duck Hunters
Association*

*Jim Martin
Conservation Director
Berkley Conservation Institute, Pure
Fishing*

*Pietro Paravano
Chairman of the Board
Institute for Fishery Resources*

*Dick Pool
President*

Water4Fish

*Nate Rangel
President
California Outdoors*

*Michael Schweit
President
Southwest Council, Federation of Fly
Fishers*

*Roger Thomas
President
The Golden Gate Fishermen's Association*

Cc: Governor Jerry Brown
Interested Parties

THE SACRAMENTO BEE sacbee.com

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Meral retires but Delta plan endures

Published: Thursday, Dec. 26, 2013 - 1:10 pm

Re "Top water official linked to tunnel plans to retire" (Page A4, Dec 15): I am the California Water Impact Network analyst who reported Jerry Meral's comment that the Bay Delta Conservation Plan was never about saving the Delta. The

comment by the state's top water official was rumored to have triggered his retirement as a deputy resources secretary. I do believe his candid comments about the BDCP had much to do with his retirement. Unfortunately, the fiscally irresponsible and environmentally disastrous project he promoted as the twin tunnels endures. The Westlands Water District recently learned that it will cost contractors an extra \$1.2 billion to complete design work on the tunnels. This extraordinary cost inflation should be taken as a harbinger for the entire project. And who will pay? Ratepayers, which means almost everyone who receives a municipal water bill in California. We don't need this boondoggle.

-- Tom Stokely, Mt. Shasta, water policy analyst, California Water Impact Network

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Memorandum

Date: May 6, 2014

To: All DWR Employees

From: Department of Water Resources

Subject: Establishment of the DWR BDCP Office and the DHCCP Design and Construction Enterprise

As many of you are keenly aware, the Department of Water Resources (DWR) has been deeply engaged in the development of the Bay Delta Conservation Plan (BDCP) since 2006. Several DWR offices and divisions are currently working on BDCP, either as part of the Delta Habitat Conservation and Conveyance Program (DHCCP) or as part of the planning and analysis of the overall BDCP program.

We are approaching a critical juncture for BDCP as the planning phase reaches completion, State and federal resource agencies consider permitting decisions, and a more detailed financing plan is developed. While many milestones remain before a positive decision to implement BDCP is achieved, DWR must begin to prepare to carry out its critical role in the implementation phase of this important project, should a conclusion be reached to move forward. To this end, we are establishing two new DWR organizations beginning June 1, 2014 - the DWR BDCP Office and the Delta Conveyance Facilities Design and Construction Enterprise (known as the DCE).

First, a new BDCP Office will be established within the Executive Division. The initial focus will be the completion of the conservation plan while providing early coordination and transition to implementation of BDCP conservation measures 2 through 22, including, for example, tidal marsh restoration, Yolo Bypass fishery enhancement and urban stormwater treatment. This team will work to plan, manage, and integrate coordination among DWR's various divisions involved with development of BDCP and initiate preliminary evaluations needed to implement BDCP. In addition, this team will play an important role in agency and stakeholder engagement needed to complete the plan. To help facilitate the completion of BDCP, including the needed close coordination with the Governor's Office and the State administration, the office will initially be led by the Chief Deputy Director.

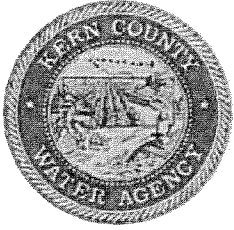
This office will lay the foundation for the implementation of BDCP, and once the BDCP is finalized, that work will be merged into the formal BDCP Implementation Office as is defined in Chapter 7 of the BDCP. This organization will likely be a multi-agency effort involving DWR or supported by DWR.

All DWR Employees
May 6, 2014
Page 2

Second, a Delta Conveyance Facility Design and Construction Enterprise (DCE) will be established within the Department as a new program to support activities associated with design and construction of conservation measure 1, the Delta Conveyance facilities. The mission of this enterprise is intended to be limited to this singular focus, and the life span of the enterprise will be limited to the time necessary to complete construction of these facilities. The organizational structure and staffing of the DCE is envisioned to be somewhat unique in comparison to a typical DWR organization. It will be managed by a Program Manager under contract to DWR, and will be staffed by highly qualified individuals from within DWR, participating regional and local public water agencies, and private consulting firms. As part of DWR, it will have the capacity to issue contracts for consulting services as well as construction, using DWR's authority and in keeping with all applicable State contracting statutes. Initially the DCE will be located in the Bonderson Building, but it is anticipated that it will move to another location to accommodate the growth needed to complete the design and construction of the conveyance facilities.

Undoubtedly, a number of questions will arise about how these two structures will mesh with our existing organization at DWR, and we will be working with you all to elicit your questions and develop solutions together. I look forward to your continued support as we enter into this exciting phase of the BDCP which will shape the future of Delta ecological restoration and water project operations.

/s/
Mark W. Cowin
Director



Directors:

Ted R. Page
Division 1

Terry Rogers
President
Division 2

Randell Parker
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

William W. Van Skike
Vice President
Division 6

Gene A. Lundquist
Division 7

James M. Beck
General Manager

Amelia T. Minaberrigarai
General Counsel

July 27, 2012

Ken Salazar, Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

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

Re: Kern County Water Agency's Participation in the BDCP Process

Dear Secretary Salazar and Secretary Laird:

The Kern County Water Agency (Agency) greatly appreciates Wednesday's joint announcement by Governor Brown and Secretary Salazar and the commitment it represents to completing the Bay Delta Conservation Plan (BDCP) by June 2013. The announcement bolstered the Agency's confidence that the issues faced in completing the BDCP can be resolved. Yesterday, the Agency's Board of Directors continued the Agency's participation in the BDCP for the next 90 days. As you are aware, the Agency's participation in the BDCP is contingent upon its Member Units continuing to provide the necessary funding.

The Agency was encouraged by the Governor's and the Secretary's commitment to issue a significant report in 90 days that addresses the two issues of greatest concern to the Agency. As described in the Agency's letter on May 24, 2012, the Agency is interested in defining the various components of the financing plan for the BDCP and the decision-tree concept in a manner that allows potential participants to evaluate the cost-benefit (or feasibility) of participating in the project. Developing appropriate financing mechanisms and a scientifically defensible decision-tree to operate a new conveyance facility are critical elements necessary to identify a project that provides sufficient benefits to be affordable (and therefore financeable) for agriculture. Other critical elements include permittee status for the Public Water Agencies and an acceptable biological opinion reconsultation process to determine Central Valley Project and State Water Project operations before a preferred project is completed. The Agency is committed to continuing active participation in resolving these issues.

Thank you for your personal efforts to bring the BDCP to this point and for the dedication that U.S. Bureau of Reclamation Commissioner Michael Connor, California Natural Resources Agency Deputy Secretary Dr. Jerry Meral, California Department of Water Resources Director Mark Cowin and California Department of Fish and Game Director Chuck Bonham have shown throughout this process.

(661) 634-1400

Mailing Address
P.O. Box 58

Bakersfield, CA 93302-0058

Street Address
3200 Rio Mirada Dr.
Bakersfield, CA 93308

Kern County Water Agency's Participation in the BDCP Process
Secretary Salazar and Secretary Laird
July 27, 2012
Page 2 of 2

As the Governor stated in his remarks, completing this project is "... another test of whether we can govern ourselves." We stand with the Governor in our belief that we can.

Sincerely,



Terry Rogers
Board President

cc: Honorable Edmund G. Brown Jr.
Honorable Dianne Feinstein
Kern County Congressional and Legislative Delegation
Honorable Karen Ross
Honorable Matt Rodriguez
Honorable Michael Connor
Honorable Mark Cowin
Honorable Don Glaser
Ms. Nancy McFadden
Ms. Martha Guzman-Aceves
Mr. Cliff Rechtschaffen
Dr. Jerry Meral
Mr. Chuck Bonham
Kern County Water Agency Board of Directors
State Water Contractors
San Luis & Delta-Mendota Water Authority
The Gualco Group, Inc.

From: Theresa Andrews <TAndrews@connect.org>
Sent: Tuesday, July 29, 2014 4:10 PM
To: BDCP.Comments@noaa.gov
Subject: BDCP EIR Comment Letter
Attachments: CONNECT Comment Letter_Draft EIR_BDCP_7.29.2014.pdf

To Whom it May Concern:

Please see the attached letter regarding comments on the BDCP EIR from CONNECT, a regional non-profit organization that assists in the development and formation of high-tech and life science startups.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Theresa

CONNECT

Theresa Andrews | Director, Public Policy
direct 858.964.1337 | **cell** 858.964.8764 | www.connect.org
fb [CONNECTPublicPolicy](#) | **twitter** [CONNECTPolicy](#)
blog [CONNECTPolicyBlog](#)



July 29, 2014

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

RE: Draft Environment Impact Report for the Proposed Bay Delta Conservation Plan

CONNECT is a regional organization that was birthed out of the University of California – San Diego over twenty-five years ago with the mission to propel creative ideas and emerging technologies to the marketplace. CONNECT supports the creation of innovative technology and life science products in San Diego County by providing resources to inventors and entrepreneurs. CONNECT serves the innovation economy which consists of 6,000 companies and more than 5,600 manufacturers and suppliers who employ 140,000 people representing 25% of the payrolls in the local economy.

This letter is written in response to your agency's request for comments on the Bay Delta Conservation Plan (BDCP). On behalf of our members, CONNECT offers the following comments.

San Diego County's \$191 billion economy and 3.1 million people depend upon the San Diego County Water Authority for approximately 75 percent of all water used in the region. Water is crucial for businesses that operate in the San Diego area as it is a key resource in sectors such as biofuel, biotech, and process manufacturing.

While CONNECT cannot comment on specifics of the draft environmental impact report, we do support the Water Authority's position that any solution to Delta conflicts must be: right-sized; cost-effective; that the costs be shared equitably among beneficiaries of the improvements; and that beneficiaries be required to make firm commitments to pay their share of constructing and maintaining improvements to the Delta.

Additionally, given that San Diego regional ratepayers may be asked to pay the second-largest share of the costs in the state, we also strongly support the Water Authority's request to participate directly in the BDCP cost allocation discussions and negotiations process.

If we may answer any questions, please contact me at tandrews@connect.org or (858) 964-1337.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Andrews", with a long horizontal flourish extending to the right.

Theresa Andrews
Director, Public Policy, CONNECT

From: Charles Gardiner <charles@deltavisionfoundation.org>
Sent: Tuesday, July 29, 2014 4:09 PM
To: BDCP.comments@noaa.gov
Subject: Delta Vision Foundation BDCP Comments
Attachments: DVF BDCP Comment Letter Final 7-29-14 w attachment.pdf

Ryan,

Please find attached comments from the Delta Vision Foundation on the Bay-Delta Conservation Plan.

Best wishes,

Charles

Charles L. Gardiner
Executive Director
Delta Vision Foundation
(415) 419-5133
(415) 999-0316 (cell)
www.deltavisionfoundation.org

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July 29, 2014

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

Re: Draft Bay-Delta Conservation Plan and Draft EIR/EIS

Dear Mr. Wulff:

The Delta Vision Foundation provides the following comments on the Bay-Delta Conservation Plan, Draft Implementing Agreement, and Draft EIR/EIS. The DVF summary comments are provided below and incorporate by reference the attached March 27, 2013 comment letter to Secretary Laird.

The extensive effort undertaken on behalf of the water contractor project proponents to generate these lengthy documents must be acknowledged. However, the responsible State and Federal permitting agencies cannot ignore, and must address in some way, the thousands of comments that note that decisions regarding BDCP must meet several tests as permits are considered. First, the project must be fully consistent with the requirements for a NCCP, particularly in achieving restoration of communities of species. Second, the project must address and be consistent with the requirements of other federal and state policies, contracts, and court decisions, many of which were identified by federal and state agencies in comments on the BDCP Administrative Draft. Third, the project must consider and be consistent with the Delta Reform Act of 2009, including the Two Co-Equal Goals, but also other policies and objectives, including reduced reliance on the Delta for water.

Water conveyance facilities and Delta habitat restoration are inseparably linked to actions and operations throughout the Delta watershed and the service areas for the State Water Project and Central Valley Project but the BDCP project does not effectively engage and address these linkages.

The 2009 Delta Reform Act and subsequent federal legislation established the Two Co-Equal Goals of ecosystem restoration and water supply reliability as state and federal policy for the Delta, based on the findings of the Delta Vision Blue Ribbon Task Force. The Two Co-Equal Goals are inextricably linked in addressing the conflicts and challenges in the Delta. The BDCP applicants and proponents have appropriately acknowledged the Two Co-Equal Goals, however, as described below, the Draft Bay-Delta Conservation Plan does not delineate or implement the principles and mechanisms of linked, integrated actions between ecosystem restoration and water supply reliability in the alternatives evaluation, governance, implementation, or adaptive management. As a result, there is no assurance or confidence that either goal will be achieved.

The Delta Vision Foundation was established by former members of the Delta Vision Blue Ribbon Task Force, the independent body convened under Governor's Executive Order S-17-06.

The mission of the Delta Vision Foundation is to encourage implementation and progress by the State of California toward achieving the Two Co-Equal Goals as defined in the *Delta Vision Strategic Plan*:

Restore the Delta Ecosystem

Ensure Water Supply Reliability

The Delta Vision Foundation monitors, evaluates, and provides information to government officials, policymakers, and the public about implementing the *Delta Vision Strategic Plan* recommendations as a set of integrated and linked actions.

Delta Vision Foundation

(415) 419-5133

www.deltavisionfoundation.org

Alternatives Evaluation and Decision-making

The alternatives analysis in BDCP fails to consider critical related actions and their impact on project decision-making. Water storage above and below the Delta, Delta levee improvements, and regional water management and efficiency are three examples of related actions that affect both water supply reliability and ecosystem restoration and achievement of BDCP goals. DVF appreciates the appropriate limitations and constraints of the scope of the environmental review process in that it cannot consider all potential actions in the Delta watershed and water delivery system. However, the range of potential actions in each of these three areas influence the comparative impacts and benefits of alternative facility sizes and operating rules. For example, additional water storage would provide flexibility in Delta and tributary water management for ecosystem flows and water deliveries. In addition, the Delta Independent Science Board noted the following regarding Delta levees in its May 2014 review of the Draft BDCP and Draft EIR/EIS:

“...although levees receive considerable attention in both documents (as befits their importance to what goes on in the Delta), the coverage is disconnected and incomplete. In particular, neither the consequences of levee failures on the effectiveness of BDCP actions nor the financial implications of demands for levee maintenance receives adequate attention.”¹

At a minimum, the BDCP should conduct sidebar analyses of conveyance alternatives with varying assumptions about additional water storage, strategic levee investments in through-Delta conveyance, and regional water management and water use efficiency in SWP and CVP service areas to identify which conveyance approaches offer the greatest likelihood of meeting ecosystem restoration and water supply reliability in future conditions.

Furthermore, the analysis of BDCP alternatives is conducted using simple binary comparisons, often based on professional judgment. For example, the evaluation of Alternative D (3,000 cfs tunnel, reduced tidal habitat) concludes that this alternative is inconsistent with restoration goals without considering the scientific uncertainty of benefits associated with tidal habitat. Likewise, the evaluation of Alternative F (Through-Delta Conveyance) concludes that the alternative is not consistent with plan goals because it would not protect against seismic and flood risk, without considering that net benefits are more than \$2 billion greater than the proposed action and the cost is more than \$8 billion less than the proposed action, money that could easily be invested in further levee improvements along the conveyance corridor. None of the alternatives consider the political practicability of conveyance alternatives.

These issues and examples are provided here not to suggest a particular alternative, but rather to highlight that the alternatives analysis is oversimplified and one dimensional. Without effectively considering costs and uncertainties, project investors (water contractors, the State and Federal governments, and ultimately ratepayers and taxpayers) cannot make fully informed decisions about the best option. Regardless of whether this revised analysis occurs within the legal requirements of habitat conservation planning and environmental review or in parallel with it, the analysis must be completed to ensure robust decision-making and sound investment of public and ratepayer funds.

Governance

The 2009 Delta Reform Act was passed to provide a more organized governance structure for addressing the complexities in the Delta and overlapping jurisdictions through coordinated science and

¹ Review of the Draft BDCP EIR/EIS and Draft BDCP, Delta Independent Science Board, May 2014, p. 7.

governance. The Act specifically addressed the role and relationship of BDCP to future Delta governance by requiring that BDCP be incorporated into the Delta Plan if it receives approval as a Natural Communities Conservation Plan by the Department of Fish and Wildlife and as a Habitat Conservation Plan under the federal Endangered Species Act. The following two sections of the Delta Reform Act address governance of the BDCP once it is incorporated into the Delta Plan.

85204. The council shall establish and oversee a committee of agencies responsible for implementing the Delta Plan. Each agency shall coordinate its actions pursuant to the Delta Plan with the council and the other relevant agencies.

85320 (g) The council may make recommendations to BDCP implementing agencies regarding the implementation of the BDCP. BDCP implementing agencies shall consult with the council on these recommendations. These recommendations shall not change the terms and conditions of the permits issued by state and federal regulatory agencies.

The proposed governance structure for implementing BDCP appears to be designed consistent with the “arms-length” role of the Delta Stewardship Council described in Section 85320 (g) without considering the more fundamental coordination requirements for implementing the Delta Plan in Section 85204. That is, the governance and implementation structure for BDCP is not sufficiently integrated and aligned with the legislative and policy framework for Delta science and decision-making. For example, if the BDCP is incorporated into the Delta Plan, proposed covered actions would have to be consistent with BDCP as required by the Delta Reform Act. Section 6.4.4 of the BDCP provides only general discussion of potential future actions and consistency with BDCP and speculative description of the role of the Implementing Office. This section should be expanded and clarified to explicitly describe the consistency determination process for the Delta Plan and other consistency evaluations that may be required for future projects such that reviewers and decision-makers can fully understand the future relationship of BDCP to potential projects and regulatory changes.

Implementation and Rough Proportionality

Chapter 6, Plan Implementation, does not provide the necessary evidence or assurance that conservation measures will be implemented in rough proportionality to the impacts of the covered actions. The BDCP is based largely on the premise that habitat restoration for aquatic species can offset impacts of water diversions by increasing healthy populations of fish species. While there is great uncertainty in that premise, the BDCP further separates that critical linkage to the point that there can be no assurance of rough proportionality other than the optimistic words in Chapter 6.

- The EIR/EIS for the BDCP conducts a project-specific review of water conveyance facilities and a programmatic review of other conservation measures. Therefore, subsequent project-specific environmental reviews are necessary for dozens, if not hundreds, of restoration projects and actions, each of which could take from three to five years to complete.
- Each of the dozens of projects likely has unique locational conditions, complex habitat design requirements, and individual permitting requirements. The implementation strategy does not outline any mechanisms for coordinating, standardizing, or streamlining design, permitting, and construction activities to assure prompt implementation.
- The BDCP proposes a new program implementation office to coordinate implementation of habitat restoration. The implementing office has no historical institutional capacity for implementing projects, no contracting capability, and appears understaffed to manage hundreds of environmental reviews, land acquisition/easement issues, design of complex habitat restoration, permitting, landowner relations, and construction. In contrast, the conveyance facilities

implementation will be managed by organization(s) that have experience designing and constructing what are reasonably routine facilities, albeit larger than typical.

- Funding sources for covered actions have essentially been separated from funding sources for other conservation measures. That is, the project proponents intend to commit funds for completing Delta conveyance facilities within BDCP. Funding for other conservation measures is described as an uncertain combination of state bond funds and federal funding.
- The timing of results and benefits further exacerbates the proportionality disconnect. The water supply benefits of the covered actions accrue immediately on completion of construction and initiation of operations. The benefits of habitat restoration only begin to accrue on completion of construction; full benefits develop over time following construction.

While it may be desirable for the water management agencies and contractors to assure control and progress on Conservation Measure 1, the BDCP cannot and will not be successful without closer linkage between ecosystem restoration and water supply reliability at all levels, including environmental compliance, design and permitting streamlining, effective implementing institutions, funding sources, and achieving benefits.

Adaptive Management

A robust adaptive management program is critical for managing BDCP implementation and achieving program goals. The BDCP does not yet define a substantive, effective adaptive management program to ensure success.

- BDCP relies too heavily on adaptive management as the solution or panacea for all program uncertainties, apparently driven by the urgency to reach a decision. Instead, BDCP should articulate each of the areas of uncertainty and assess where adaptive management is an appropriate tool to address the uncertainty, and develop alternate means to address uncertainties where adaptive management is not the correct approach before reaching conclusions about permit adequacy and providing assurances regarding water supply reliability. The Independent Science Board notes: "Details of how adaptive management will be implemented are left to a future management team without explicit prior consideration of (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."²
- The proposed funding for adaptive management is woefully inadequate to complete the necessary research, monitoring, synthesis, independent review, and action planning. BDCP should develop a secure, realistic, independent funding plan for monitoring and adaptive management.
- The institutional structures and funding for program adaptation and decision-making are inadequate. The most common failure of adaptive management programs is the failure to change the program when the science indicates change is needed. Institutional inertia, permittee or stakeholder opposition, decision costs, and complexity contribute to the inability to adapt. BDCP does nothing to address these challenges. The convoluted collaborative discussion process to change the program is cumbersome and inappropriate in a regulatory context. Regulatory decisions are appropriately placed in the hands of regulatory bodies, with review and comment by the regulated entities and the public. The Independent Science Board noted this challenge in its review: "...it is unclear how adaptive management will be integrated into the implementation of BDCP, whether the scientific skills needed to plan and oversee adaptive management will exist in

² Review of the Draft BDCP EIR/EIS and Draft BDCP, Delta Independent Science Board, May 2014, p. 3.

the Implementation Office and on the Adaptive Management Team, and whether the capacity to conduct the monitoring and analysis needed for adaptive management will be available. Because conditions in the Delta and responses to BDCP actions may change quickly, the adaptive-management process must be nimble and flexible, yet the organizational structure may delay rather than expedite needed adjustments.”³ The decision structure for permit adaptation should be revised to reflect the appropriate governance authorities and necessary decision-making clarity. In addition, funding sources and commitments must be established for analysis, environmental review, and other actions necessary to implement program changes.

- The BDCP fails to establish the necessary linkages between conservation measures and performance outcomes to determine if and when program adaptation is needed. The Independent Science Board noted the lack of “trigger points” to determine if adaptive management is needed.⁴ These success criteria or “trigger points” should be established in advance for measuring effectiveness of both habitat restoration and water management actions.

Linkages and Commitments

At all levels of planning and analysis, the Draft BDCP and Draft EIR/EIS fail to establish the necessary linkages and commitments to ensure successful implementation and achievement of the program goals. The fundamental linkage between water management and ecosystem restoration is not sufficiently established—ineffective implementation or inadequate results from habitat restoration must be linked to water operations. That is, linkages must be in place to ensure accountability of all regulated entities for implementation and results for the entire permit. Linkage problems occur in the following areas, among others:

- Funding for water management actions (Conservation Measure 1) is separate and more reliable than funding for other conservation measures.
- Institutional structures for implementing Conservation Measure 1 are more focused, experienced, and reliable than the proposed structures for implementing restoration actions.
- Implementation and success of habitat restoration is not linked to water supply diversion amounts and timing.
- Adaptive management structures and funding are biased against adaptation and change in permit requirements or implementation actions, particularly related to water supply reliability assurances.
- BDCP alternatives are not evaluated with full consideration of linkages to potential future conditions, including additional water storage, strategic levee investments or potential failures, and regional water management and efficiency.

Without effective legal requirements and conditions to enforce linkages between water supply reliability and ecosystem restoration, BDCP implementation will only continue the ineffective management strategies of the past 40 years and undermine State and Federal policy to achieve the Two Co-Equal Goals.

Public Transparency and Accountability

The BDCP documents and planning process undermine the fundamental principles of public transparency and informed decision-making. The sheer volume of documents for public review is

³ Review of the Draft BDCP EIR/EIS and Draft BDCP, Delta Independent Science Board, May 2014, p. 8.

⁴ Review of the Draft BDCP EIR/EIS and Draft BDCP, Delta Independent Science Board, May 2014, p. 3.

inconsistent with State and Federal environmental review guidelines, frustrating the public's ability to understand the action and implication of government decisions and essentially prohibiting any decision-maker from making an informed decision regarding environmental consequences. There will undoubtedly be hundreds of comments on the adequacy of the alternatives evaluated. However, separate from the adequacy of the alternatives themselves, the dispersion of the alternatives analysis throughout thousands of pages, the over-simplified conclusions about tradeoffs (noted above), and the incomplete consideration of uncertainty each frustrate the ability of any decision-maker to determine if the preferred action is indeed the optimized approach for meeting the project purposes.

In addition, the public and agency review process leading to the draft documents has been entirely inadequate to address and resolve critical issues for the Delta and BDCP. Fundamental issues, such as where and how habitat restoration will be effective to achieve BDCP goals, how additional flows will be provided for fish habitat improvement, how storage and regional water efficiency contribute to BDCP goals, how seismic resiliency in the Delta should be addressed, and how and where land and water quality impacts will be mitigated, are poorly articulated and only partially addressed. Hundreds of timely, substantive comments from stakeholders, State and Federal agencies, and independent review panels remain unaddressed and deferred to the final documents. Public meetings and work groups were simply listening sessions with little thought to constructive discussion of critical issues. Thorough consideration and responsiveness to the substantive comments on the flaws in planning, analysis, and compliance is urgently needed. Unfortunately, it is difficult to imagine how the necessary changes to address the flaws would not further delay decisions and action.

Conclusions

The Draft BDCP and Draft EIR/EIS continue to present a proposal that establishes primacy for water management facilities and operations to address water supply reliability without effective requirements, institutional structures, and funding sources to ensure ecosystem restoration and recovery. Further, the State and Federal Governments have failed to advance a reliable, linked plan to ensure that statewide water management actions, including storage, strategic levee investments, and regional water management and efficiency, are implemented concurrently. Without such a plan and commitments, California's water management system will not provide the management flexibility to reduce conflicts in the Delta, provide flows and water quality at critical times for fish, and address the effects of climate change.

The Delta Vision Foundation continues to support action to address Delta water conveyance and ecosystem restoration in a comprehensive manner that is financially, technically, and politically feasible. The integrated actions described in the *Delta Vision Strategic Plan*—water storage, strategic levee investments, ecosystem restoration and management, dual conveyance, and regional water management and efficiency—remain the only reliable means to achieve the Two Co-Equal Goals. Implementing conveyance improvements and substantial habitat restoration as part of BDCP is critically important and should move forward promptly. However, BDCP cannot and should not proceed without legal requirements and commitments to assure implementation of the other elements of a workable solution. As currently proposed, the BDCP is not fully evaluated and does not provide sufficient internal or external linkage and assurance for effective implementation of both ecosystem and water supply reliability actions.

The Delta Vision Foundation stands ready to assist the State Administration, Federal agencies, water contractors, and other stakeholders in developing the necessary analysis, linkages, and commitments to assure a workable, durable solution. We look forward to working with you on these issues as BDCP advances. Please contact Charles Gardiner if you have any questions or additional needs.

Sincerely,



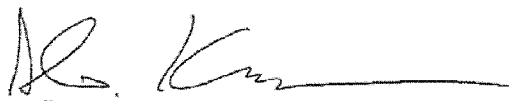
Sunne Wright McPeak
President, Delta Vision Foundation
Former Secretary, California Business, Transportation, and
Housing Agency



Linda Adams
Former Secretary, California Environmental Protection Agency



Mike Chrisman
Former Secretary, California Natural Resources Agency



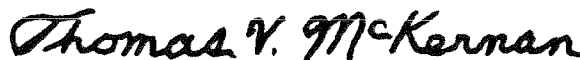
A.G. Kawamura
Former Secretary, California Department of Food and
Agriculture



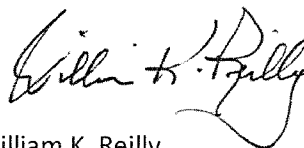
John Kirlin
Former Executive Director, Delta Vision



Michael Madigan
Former Chairman of the California Water Commission and the
Bay-Delta Advisory Council



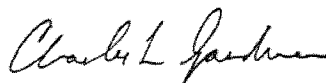
Thomas McKernan
CEO, Automobile Club of Southern California



William K. Reilly
Former Administrator, U.S. Environmental Protection Agency



Raymond Seed
Professor of Civil and Environmental Engineering, University of
California, Berkeley



Charles L. Gardiner
Executive Director

Attachment: March 27, 2013 Letter to Secretary Laird

Board of Directors

Linda Adams
Mike Chrisman
Rick Frank (Treasurer)
A.G. Kawamura
Michael Madigan
Thomas McKernan
Sunne Wright McPeak (President)
William Reilly
Raymond Seed (Secretary)

The Delta Vision Foundation was established by former members of the Delta Vision Blue Ribbon Task Force, the independent body convened under Governor's Executive Order S-17-06.

The mission of the Delta Vision Foundation is to encourage implementation and progress by the State of California toward achieving the Two Co-Equal Goals as defined in the *Delta Vision Strategic Plan*:

Restore the Delta Ecosystem

Ensure Water Supply Reliability

The Delta Vision Foundation monitors, evaluates, and provides information to government officials, policymakers, and the public about implementing the *Delta Vision Strategic Plan* recommendations as a set of integrated and linked actions.

Delta Vision Foundation

(415) 419-5133

www.deltavisionfoundation.org

March 27, 2013

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

Re: *"BDCP Plus" is Needed to Accomplish Two Co-Equal Goals*

Dear Secretary Laird:

Congratulations on beginning the release of the Administrative Draft Bay-Delta Conservation Plan (BDCP). The Administrative Draft is a significant accomplishment for the Natural Resources Agency and its departments and it provides a comprehensive scientific basis for development of an overall Delta solution. The Delta Vision Foundation (DVF) preliminary review of the initial chapters finds that it is advancing important elements of a plan to address the challenges in the Delta. However, it falls short of the linked-actions approach set forth in the *Delta Vision Strategic Plan* and is insufficient to achieve the Two Co-Equal Goals: it does not include essential facilities to capture water when it is truly surplus to the environment to provide water supply reliability while leaving enough water for fish at critical times to restore the Delta ecosystem. A workable solution, referred to by DVF as "BDCP Plus" and described in the *2012 Delta Vision Report Card*, can be accomplished by establishing legal commitments and assurances for the other vital elements of the "Delta fix" without delaying implementation of BDCP. The Administration must move expeditiously to embrace a "BDCP Plus" strategy or risk increasing dissipation of stakeholder consensus for BDCP.

It is worth noting that several environmental and business organizations proposed in January a "Portfolio-Based Conceptual Alternative" to BDCP that includes conveyance, storage, water use efficiency, alternate regional water supplies, improved regional water systems integration, habitat restoration, independent science, and most importantly, an operational strategy for Delta exports and ecosystem restoration. These additional components are generally acknowledged as critical to achieving the Two Co-Equal Goals. Although the Portfolio Alternative lacks critical near-term actions for a Strategic Levee System and Improved Through-Delta Conveyance and proposes an isolated conveyance facility that is likely too small to optimize beneficial uses, its significant group of proponents have underscored the wisdom of linked actions and have signaled serious problems for a BDCP-only solution.

The Delta Vision Foundation urges the Governor's Administration, the Legislature, and stakeholders to develop legal commitments that will assure implementation of the linked integrated actions for a workable Delta solution. The Natural Resources Agency and the Delta Stewardship Council should collaboratively lead this effort, beginning immediately.

The Delta Vision Foundation is concerned that the Governor's Administration continues to focus solely on conveyance and habitat restoration in BDCP without sufficient attention on the linked and integrated actions outlined in the *Delta Vision Strategic Plan* that are supported by the scientific evidence to 'fix' the Delta: fish need more water at the right time of the right temperature than conveyance alone will provide; and, unless both fish and farms are going to continue to suffer shortages in most years, then additional facilities are needed to capture water when it is truly surplus to the environment. For the Administration and some stakeholders to consider isolated conveyance as the equivalent to the "Delta fix" is to betray the scientific facts that fish need more water in most years. While BDCP was not initiated or developed as the comprehensive solution for water resource management, it has been held out as the "Delta fix" and, thus, its limited scope ignores both science and politics. BDCP cannot enjoy the broad support necessary for implementation without clear, concise linkages and commitments to the other actions and facilities that comprise a comprehensive Delta solution. That is, BDCP must be linked to facilities and investments to implement the big gulp-little sip strategy (storage, alternate supplies, and water use efficiency) and to protect and enhance Through-Delta Conveyance. Attachment A includes a summary of the critical linked components.

The Portfolio Alternative proposes the core concept of linked actions to identify efficient, effective means for accomplishing the Two Co-Equal Goals while protecting and enhancing the Delta as an evolving place. However, the conveyance facilities in the Portfolio Alternative are likely too small to effectively accomplish three important objectives: (1) minimize fish degradation; (2) divert more water in wet years and less in dry years; and (3) provide long-term security against seismic and flood catastrophes. It is interesting to note that the CALFED Bay-Delta Advisory Committee recommended a 5,000 cubic feet per second isolated conveyance facility combined with Improved Through-Delta Conveyance and storage north and south of the Delta.

Taken together, BDCP and the Portfolio Alternative present an opportunity to craft actions and commitments necessary to ensure immediate and long-term progress. Implementing conveyance improvements and substantial habitat restoration as part of BDCP is critically important and should move forward promptly. However, BDCP cannot and should not proceed without legal requirements and commitments to assure implementation of the other elements of "BDCP Plus" as a workable solution. The opportunity is now.

The Delta Vision Foundation recommends that the Natural Resources Agency and Delta Stewardship Council immediately begin discussions with stakeholders to develop specific policy, legal, and financial linkages through agreements, mitigation requirements, bond covenants, permit requirements, contract terms, and other mechanisms. Further, the two agencies should describe, and quantify where possible, the economic, cost, water supply reliability, ecosystem, and risk reduction benefits of the integrated, linked actions. The Governor and Legislature should validate this approach and direct the necessary resources to assure progress this year.

These actions will reinforce the critical concept of linked, integrated actions to address Delta conflicts and achieve the Two Co-Equal Goals. The "BDCP Plus" concept can be the framework for a broadly supported Delta solution. Stakeholders are finding common ground on the major elements of a true "Delta fix." It is important to capitalize on this opportunity.

The Delta Vision Foundation stands ready to assist the Natural Resources Agency, Delta Stewardship Council, and others in developing these linkages to assure a workable, durable solution. We look forward to working with you on these issues as BDCP advances and the Delta Plan is adopted. Please contact Charles Gardiner if you have any questions or additional needs.

Sincerely,



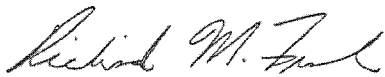
Sunne Wright McPeak
President, Delta Vision Foundation
Former Secretary, California Business, Transportation,
and Housing Agency



Linda Adams
Former Secretary, California Environmental Protection
Agency



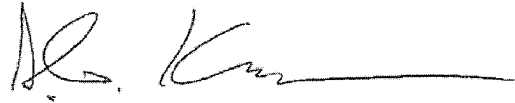
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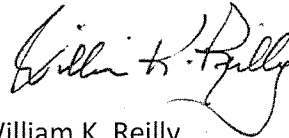
Richard M. Frank
Former Chief Deputy Attorney General for Legal Affairs,
California Department of Justice



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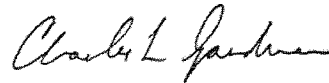
William K. Reilly
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Agency



Raymond Seed
Professor of Civil and Environmental Engineering,
University of California, Berkeley



Michael Madigan
Former Chairman of the California Water Commission
and the Bay-Delta Advisory Council



Charles L. Gardiner
Executive Director

Cc: Phil Isenberg, Chair, and Councilmembers, Delta Stewardship Council
Secretary Ken Salazar, Department of the Interior
Secretary Rebecca Blank (Acting), Department of Commerce
Commissioner Michael Connor, Bureau of Reclamation

Attachment A

The following are the core elements of a workable Delta solution as outlined in the *Delta Vision Strategic Plan* and embodied in "BDCP Plus:"

Delta Operations. The Bay-Delta system must be operated to achieve the Two Co-Equal Goals by diverting more water in wet years and less in dry years (the big gulp-little sip strategy outlined in the Portfolio Alternative). Water is the most important part of fish habitat. However, current operations divert more water in dry years than in wet years. Water use for families, farms, and factories should rely on water that is surplus to the ecosystem needs in wet years. Delta operations must link diversion constraints in dry years with diversion opportunities in wet years.

Conveyance and Storage. The Delta system must be rebuilt with facilities that support and enable the big gulp-little sip strategy and optimize facilities investments. Surface and groundwater storage upstream and downstream of the Delta must be expanded. Conveyance capacity through and around the Delta must be sufficient to move water in wet years, yet have constraints in dry years. Linked storage and conveyance will outperform independent strategies in achieving the Two Co-Equal Goals cost-effectively.

Through-Delta Conveyance. Enhancing through-Delta conveyance to support the big gulp-little sip strategy can provide fish protection and water quality improvement while optimizing the size and cost-effectiveness of new north Delta diversion and conveyance facilities. This concept is absent from both BDCP and the Portfolio Alternative, as well as near-term Delta planning.

Strategic Levee System. Critical levee investments are needed to increase the security of through-Delta conveyance, protect the Delta as place and other critical infrastructure, and provide aquatic habitat in channels that are not primary conveyance corridors. The State lacks any effective strategy for achieving these objectives and integrating actions with BDCP.

Habitat Restoration. The BDCP outlines a comprehensive set of habitat restoration actions. The successful implementation of these actions will depend in large part on adaptive management, independent science reviews, and effective performance monitoring. The success will also depend on minimizing conflicts with existing land uses and mitigating economic impacts in the Delta.

Delta Channel Hydrology. The BDCP includes water operations and several physical changes to improve Delta habitat water quality and fish migration through the Delta. Absent from BDCP and other State planning are barriers, gates, and island restoration that could improve water quality (particularly salinity management) for Delta uses and for fish while reducing the need for reservoir releases.

Water Use Efficiency and Alternate Water Supplies. Regional self-sufficiency and alternate water supplies are almost universally acknowledged as critical for meeting future water demands. These actions are also critical for supporting the big gulp-little sip strategy. The State lacks an adequate strategy for ensuring that all Delta water users make sufficient investments.

From: barbaraleary@comcast.net
Sent: Tuesday, July 29, 2014 4:05 PM
To: bdcg comments - NOAA Service Account
Subject: Addended comments for BDCP
Attachments: BDCP submitted Comments 7.2014.pdf

Please accept the attached addended letter to include my additional comments regarding the BDCP.
Thank you,

Barbara Leary
128 Yankton St.
Folsom, CA 95630
916 985-7948 (h)
916 947-9270 (c)



July 9, 2014 - addended July 29,2014

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

After reviewing the documents available for the BDCP I discovered funding must be shown to be sufficient for all planned activities, and all financial contributors and planned allocation of funds must be identified. To this date no formal funding proposals for the entire project have been made available to the public, nor is there an accurate projected cost for the entire project. In fact, as of this writing, the legislature continues to work on proposals for a state water bond without successfully identifying a specific dollar amount or identified areas for the money that "might" be raised will be spent. "Delta restoration" is a very vague term; I propose that it is unlikely the voters will support such a bond. In fact, many legislators have noted that any bond should be "tunnel neutral" further confounding the issue of what monies would be available for the BDCP as proposed. Given this lack of real vision or planning for the funding of the BDCP it is entirely unacceptable that this plan should be adopted; any permits to do so should be withheld.

I also find the plan entirely unbalanced in it's water delivery proposal, requiring the overlooking or changing existing water rights in order to unfairly benefit users in the western portion of the central valley, and leaving much of the Northern part of the state with frequent "dead pools" in place of our recreational lakes and basic day to day water supplies.

Finally, the documents provided for this plan are entirely unwieldy, over 40,000 pages, making it nearly impossible for a well educated person to review and address, say nothing about the average voter. Additionally, revisions and changes are being submitted to this date, making it absolutely impossible for anyone but a paid attorney to keep up with.

I am requesting that the BDCP document be deemed unacceptable for adoption.

ADDENDUM July 29,2014

In addition to the comments submitted earlier I would like to add, following further reading & research, that there is little to no discussion in the document regarding feasible, less expensive alternatives to solving the state's water problems, including the improvement of existing dams and levees as well as the construction of additional water storage facilities and the expanded use of existing aquifers. The inadequate monitoring of underground water storage and use is a great flaw in the state's water management program. Again, I am requesting that the existing BDCP document be deemed unacceptable and that the state pursue other, less expensive plans for water management.

Sincerely,

Barbara Leary
128 Yankton Street
Folsom, CA 95630

From: Dawna Sears <DawnaS@MTChicoRanch.com>
Sent: Tuesday, July 29, 2014 3:53 PM
To: BDCP.Comments@noaa.gov
Cc: dcooper@minasianlaw.com; Les Heringer
Subject: Comment Letter
Attachments: Letter to Ryan Wulff-NMFS 7-29-2014.pdf

Importance: High

Dawna Sears
Office Manager
M&T Chico Ranch
3964 Chico River Road
Chico, CA 95928
530-342-2954 Phone
530-342-4138 Fax

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July 29, 2014

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

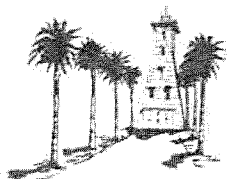
Dear Mr. Wulff:

Pacific Realty Associates, LP supports the comment letter dated July 28, 2014, submitted on behalf of the North State Water Alliance, which contains comments on the Bay Delta Conservation Plan, and its associated Implementation Agreement and draft Environmental Impact Statement and Environmental Impact Report. By and through this letter, Pacific Realty Associates, LP adopts each comment and objection in the July 28, 2014 letter as its own, along with all exhibits and attachments to that letter, and incorporates herein by this reference all such comments, objections, and documents.

Sincerely,

A handwritten signature in black ink, appearing to read 'Les Heringer', written over a large, stylized circular flourish.

Les Heringer
Manager



From: Shanti Parks <shantiparks@yahoo.com>
Sent: Tuesday, July 29, 2014 3:48 PM
To: bdcg.comments@noaa.gov
Cc: Randy Yonemura; bill.jacobson@mac.com; Gerald Jones; Don Hankins
Subject: comments on BDCP
Attachments: ciwc bdcg comments.docx

Please find enclosed my comments on the BDCP.

Randy Yonemura
California Indian Water Commission
(916) 601-4069
randy_yonemura@yahoo.com

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 our collective 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 predecessors 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.

BDCP1703

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 evapotranspiration. 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 withdrawals. 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:

Table 1-1. BDCP Covered Species

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

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

Add to all of the provided comments above that we as Miwok people are still battling the Department of Water Resources on the peripheral canal work, and that this process violated the Section 106 process, and continues to do so to this day. The destruction of sacred sites and burial places for the infrastructure that does not serve the entire state is appalling and illegal. The entire delta is a part of the Miwok creation stories for thousands of people

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BDCP COMMENTS

who continue to exist despite all ongoing attempts at eradication physically, culturally, and historically. This sacred landscape is not only important to modern day people, but to our past and future. It needs to be listed in the national register as a sacred site.

Under California State Fish and Game Code, Division 13, Chapter 691, Section 1, Chapter 1," Jurisdiction over the protection and development of natural resources, especially the fish resource, is of great importance to both the State of California and California **Indian tribes**.

(b) To California **Indian tribes**, control over their minerals, lands, water, wildlife, and other resources is crucial to their economic self-sufficiency and the preservation of their heritage. On the other hand, the State of California is concerned about protecting and developing its resources; protecting, restoring, and developing its commercial and recreational salmon fisheries; ensuring public access to its waterways; and protecting the environment within its borders.

(c) More than any other issue confronting the State of California and California **Indian tribes**, the regulation of natural resources, especially fish, transcends political boundaries.

(d) In many cases, the State of California and California **Indian tribes** have differed in their respective views of the nature and extent of state versus tribal jurisdiction in areas where **Indians** have historically fished. Despite these frequent and often bitter disputes, both the state and the **tribes** seek, as their mutual goal, the protection and preservation of the fish resource. This division is an attempt to provide a legal mechanism, other than protracted and expensive litigation over unresolved legal issues, for achieving that mutual goal." The Bay Delta Conservation Plan has not complied with, nor even seemed to pay attention to such existing laws providing for the protection of our natural resources and economies reliant on those resources, and certainly does not account for the cultural dependency of these places.

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 us at the provided contact information.

Sincerely,

Randy Yonemura
California Indian Water Commission

From: Barry Williams <wcstriper@gmail.com>
Sent: Saturday, July 19, 2014 11:46 AM
To: BDCP.comments@noaa.gov
Subject: BDCP- Comment 1- CM15

BCDC Comment – Conservation Measure 15- Predator Reduction

CM 15 would target legally protected gamefish for destruction at specific locations. Its flawed purpose is to attempt to reduce mortality rates at so called “hot spots”. The main target would be striped bass.

The striped bass is a legally introduced species that, over the course of a century, has found its niche in the Delta ecosystem. It is a valuable game fish the supports year round a wide range of jobs and businesses from marinas, bait shops, mom and pop stores, gas stations and, yes, even the state park system. It has co-existed with ESA species for over 130 years and has seen a drastic downturn in pollution that equally correlates to the downfall of ESA species. All species have plummeted as a result of the Central Valley Project and State Water Project.

The effects of the striped bass on ESA species are unknown. Here are some facts from DFG studies and documents contained on their own ftp sites that indicate striped bass are not a threat to ESA species.

CFG – 1926 – Scofield and Bryant

“The striped bass, originally native to the Atlantic Seaboard is now a common food and game fish of California. The basis of a great fishery and so highly prized by anglers that numerous bass clubs find existence in cities and bass enthusiasts line the banks of sloughs. Unquestionably, next to trout, the striped bass is the most popular game fish of Northern California.”

“In 1879 the striped bass were introduced by S.R. Throckmorton of the California Fish Commission, collection was by Livingston Stone of the U.S Fish Commission, from New Jersey.”

“The food of adult striped bass in rivers is principally carp, hardheads and split tails”

“U.S Bureau of Fisheries reported in 1894 that 7 of 10 stripers stomachs contained carp. In the Napa River crabs, minnows, clams, duck entrails, sardines and other stripers were their main diet”

In 1926 fears of the extinction of striped bass by over harvesting were present.

1993 Report to Fish and Game Commission about Delta Smelt (Moyle)

Below are the listed conclusions to decline in smelt

1. Habitat Modifications
2. Decline in copepods
3. Exotic species
4. Low spawning stock
5. Outflows to low
6. Waskasagi

BDC01709

7. Toxic Substances
8. Disease

"Although competition and predation cannot be ruled out, the available evidence suggests they are not a threat. In fact, several potential competitors or predators also show signs of population erosion approximately coinciding or preceding the decline of the smelt"

"Studies in the 1960's indicate smelt were only occasionally consumed by striped bass."

CAL FED 2008 Report to Fish and Game Commission about Delta Smelt

The report concludes with recommended actions to be taken.

1. Reduce entrainment at the SWP and CVP
2. Reduce entrainment at delta diversions
3. Reduce entrainment at power plants at Antioch and Pittsburg
4. Modify operations at SWP and CVP
5. Reduce pollution
6. Make reliable estimates of smelt losses at SWP and CVP

The report mentions predation by stripers in diversion flows only but lists predation by silversides and loss of food sources by invasive clams as contributing factors. Loss of habitat and requirement of turbid waters indicates that the invasive weed growth, creating a less turbid delta, could be a factor as well.

Excerpts from Modeling Effects of Striped Bass on Winter Run Chinooks

"Depletion of striped bass population contributes smaller effect (on population of winter run Chinooks) than conservation measures"

The possibility of winter run Chinooks reaching a sustainable level of 20,000 fish in 50 years would only increase by 4% if a figure of 700,000 adult striped bass were eradicated.

"Striped bass eradication would not be enough"

CAL FED 2007 Report regarding stomach contents of striped bass

March through October samplings. The report does not say how many fish were sampled only how many stomach contents were sampled and prey.

2001 - 131 striper stomachs contained 55 fish, of which 1 Chinook, 3 stripers, 3 silversides, 1 LMB, 0 smelt

2003 - 114 striper stomachs contained 49 fish, of which 0 Chinook, 1 stripers, 4 silversides, 0 LMB, 0 smelt

The expensive CAL Fed studies concluded that although predation existed by striped bass it was not a factor on the population decrease of listed species.

Proposing a measure that would target legal gamefish for destruction by electroshocking, kill tournaments, capture without the proper studies is insane and would do nothing to increase population of winter run salmonids and would interfere with legal angling pursuits.

BDCP 1704

An action of such would constitute an illegal take and violate current state regulations. It was clear in the recent striped bass lawsuit against CFG that the Fish and Wildlife Commission is not in favor of destruction of striped bass without scientific proof that the reduction of striped bass will guaranty the removal of salmon and delta smelt from the ESA listing.

Barry Williams
Walnut Creek, CA

From: Barry Williams <wcstriper@gmail.com>
Sent: Saturday, July 19, 2014 11:47 AM
To: BDCP.comments@noaa.gov
Subject: BDCP comment 2 - fish

BCDC Comment – Alternate 4 – fish protection

It is my understanding that Alternate 4 would be a dual conveyance system that would draw an additional 9000 cfs from the Sacramento River and also allow exports from the current south delta pumps.

The Delta is currently in a state of possible destruction and has been in a downhill spiral since the implementation of the CVP. Increase exports have caused the steady decline of fish species and, based on studies by the CAL FED project, are the number one stressor on listed species.

Currently the south delta pump operations are killing millions of fish each year. Last year there were over 11 million fish “salvaged” at the pumps. It is estimated that at least 4 times that amount are not salvaged and killed by the pumps. This is largely due to the existing fish screens are outdated and 50 year old technology. Current screens only run at 45% efficiency.

No implementation of any new conveyance project should proceed without the removal and reconstruction of the existing screens. The current plan does not include any conservation measure to address the fish screens.

I spoke with the fisheries people at the public meeting in Fairfield and there comment was that a more efficient screen was not possible. I do not believe this is the case. Channels could be redirected to create continuous flow to avoid entrapment against the screen. It is obvious this measure is not included due to cost and not possibility.

No new conveyance system should proceed without the current problems within the Delta and fish populations increased.

Barry Williams
Walnut Creek, CA

From: Barry Williams <wcstriper@gmail.com>
Sent: Saturday, July 19, 2014 11:42 AM
To: BDCP.comments@noaa.gov
Subject: BDCP - Comment 4- General comments

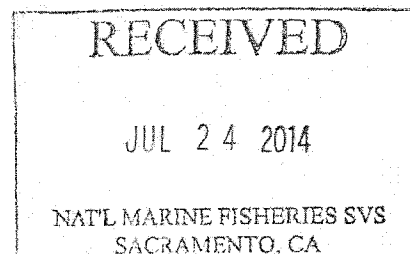
BCDC Comment – General Comments

The BDCP should not go forward until current issues and problems are fixed

1. The delta is in a state of disrepair. Fish populations are steadily decreasing. The CVPIA law enacted has not been complied with. Water Resource Board continues to violate the provisions by failing to increase fish populations, violate water temperate standards, violate salinity standards but continue to increase the exports to water contractors. No BDCP should proceed without flow requirements and penalties if violations occur.
2. No new conveyance system should be proposed without the outflow requirements to keep the Delta healthy be determined by scientific method. The current plan has no maximum limit the established.
3. This last year over 800,000 af of water was exported, even though it was considered a dry year. Before the year 2000 exports exceed 600,000 af only once. Increased water exports have to stop, there is only so much water.
4. Current water rights need to be revised. Current water rights exceed 4 times the annual rainfall in California! This is stupid!
5. This system will cost billions of dollars yet funding is not secured. The conservation measures have not been funded and we be paid by taxpayers. Why should we pay to fix the damage caused by others who benefit? Conservation measures should be funded and completed first before any conveyance goes forward.
6. This system will provide a reliable source of water to mainly a few very powerful water districts. Some of these districts lye within the salt and selenium laced Tulare basin. The farm land within this basin, roughly 190,000 acres has naturally occurring salts and selenium with no natural out drainage. It is predicted that in 40 years this land will be unproductive yet billions of dollars and the possible destruction of the Delta is being invested to keep these poisoned land going. Wouldn't it be wiser to take this land out of production to save money, water and the Delta?
7. The BDCP is a dual conveyance project. The destruction of fish at the south delta pumps will continue yet no new fish screens are proposed. No project should go forward without the current screens being replaced by modern screens. Over 40 million fish were killed at the pumps that last year. This needs to stop!

This project does not create any new water or replenish ground water supplies. Corporate farmers continues to plant permanent crops despite it being against the original CVP agreements. Over 415,000 acres of permanent crops have been planted with a 68,000 acre increase between 2008 and 2012. Additional almond and pistachio orchards have been planted recently to take advantage of high export prices, despite current dry conditions. These practices of planting for profit then bullying to get the water needed needs to stop!

Barry Williams



June 11, 2014

Mr. Ryan Wulff
Senior Policy Advisor
National Marine Fisheries Service, Southwest Regional Office
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Re: Support of the Bay Delta Conservation Plan Environmental Impact Report
– Support for Alternative #4

Dear Mr. Wulff:

As the largest home building company headquartered in California, KB Home is a stakeholder in the process by which the Bay Delta Conservation Plan is promulgated. While we have not been involved on a daily basis, we understand that the process has been collaborative and that the participants are well aware of the need for infrastructure improvements that will insure an adequate supply of water. Parenthetically, we are doing our part by building homes that make significant water conservation achievable by our homebuyers.

We find Alternative #4 to the Bay Delta Conservation Plan to be a critical component of the future environmental and economic needs of the people of California.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Larry Gotlieb".

Lawrence B. Gotlieb
Vice President, Government and Public Affairs
Associate General Counsel

From: Ryan Wulff <ryan.wulff@noaa.gov>
Sent: Thursday, July 24, 2014 4:22 PM
To: bdcg.comments@noaa.gov
Subject: Fwd: BDCP COMMENTS
Attachments: 20140724 - Irvine Chamber of Commerce.pdf; ATT00001.htm; 20140724 - KB Homes.pdf; ATT00002.htm; 20140724 - San Gabriel Valley Legislative Coalition of Chambers.pdf; ATT00003.htm

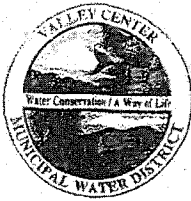
Begin forwarded message:

From: Anita Deguzman - NOAA Affiliate <anita.deguzman@noaa.gov>
Date: July 24, 2014 at 3:51:15 PM PDT
To: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Subject: BDCP COMMENTS

oops - 3 more for the day:

--

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



# VALLEY CENTER MUNICIPAL WATER DISTRICT

A Public Agency Organized July 12, 1954

Board of Directors  
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President  
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June 3, 2014

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JUL 24 2014

NATIONAL ARCHIVES  
SACRAMENTO, CA

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

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

**Subject: Support BDCP Option 4 (CM-1), 9,000 CFS Twin Tunnel Conveyance Project**

Dear Mr. Wulff,

Valley Center Municipal Water District (VCMWD) is a public water and wastewater agency serving north-central San Diego County providing 26,000 domestic, commercial and agricultural customers with water, wastewater, and recycling. VCMWD purchases 100% of its potable water supply from the San Diego County Water Authority, which in turn is a member agency of Metropolitan Water District of Southern California, a State Water Contractor. As such, we have a keen interest in the BDCP and very much appreciate the opportunity to submit comments on the Public Review Draft of the Bay Delta Conservation Plan and the associated Public Review Draft Environmental Impact Report/Environmental Impact Statement.

## **A Long Standing Issue Must Be Resolved**

Listed below are a number of reasons our agency supports the BDCP Option 4 (CM-1). Recent comments by Governor Brown, however, capture and underscore the essence of the BDCP, and that is to once and for all secure the ability to safely and reliably move State Water Project water through the Sacramento-San Joaquin Delta. During his recent budget briefing, Governor Brown stated that a successful BDCP.....

*"is an economic necessity that I've laid out, not because I want a legacy but because it appears absolutely imperative for the economic well-being of the people of California into the future."*

*"Since the time of my father (Gov. Pat Brown), people have said, 'How do we deal with that (moving water through the Delta)?' There was an idea of a peripheral canal, there now is the notion of tunnels. One way or another, we have to deal with handling what could be a catastrophic destruction in the delta."*

*"The water that is needed for Santa Clara, half the water for the Silicon Valley flows through the delta, 80 percent of the water for Livermore, for the farms in the Central*

*Valley, for the people of Southern California. That water is at risk as it flows through the delta, protected only by hundred-year-old earthen levees."*

#### **Option 4 (CM-1) is the Environmentally Superior Alternative**

VCMWD, along with other water agencies in the San Diego Region and statewide, has supported the 8-year long planning process and applauds the diligent and comprehensive work that has been completed to date. Based upon our review of the BDCP planning documents, the Draft EIR/EIS, other information we have reviewed from a number of sources and received from a number of diverse, knowledgeable and qualified speakers, it is VCMWD's opinion that:

***Alternative 4 (CM-1) represents the basis for a well-founded and environmentally superior solution to these challenges and the achievement of the legislatively mandated co-equal goals of water supply reliability and eco-system restoration.***

Underpinning this conclusion are the following factors:

- Options with conveyance of less capacity than proposed Option 4, even when coupled with new storage and local supply development, fall well short of meeting water supply reliability needs and does not provide the economic benefit to water agencies that would justify such a substantial investment of ratepayer dollars.
- Option 4 is the only option analyzed that fully meets the legislatively established co-equal goals of water supply reliability and ecosystem restoration.

#### **There Are Yet Many Issues to Resolve**

VCMWD has made this endorsement of Option 4 (CM-1) fully understanding that there is much to define, analyze and understand about the subsequent implementation of this project alternative, or any of the others that might ultimately be selected by the BDCP for permitting. It is also our view that the in-depth analysis by the San Diego County Water Authority on the BDCP raised many legitimate questions and concerns about project cost, the engineering and construction feasibility, project financing, project participation, cost allocation among the state and federal contractors, and then cost allocation with the Metropolitan Water District among its member agencies. Given the issues that the SDCWA has had with the MWD rate structure and considering the very large portion of the project that the San Diego Region will potentially pay over its fair share, we would urge the BDCP to give very close consideration of the points raised by the SDCWA about the project financing plan and cost allocation issues.

In the final analysis, VCMWD must trust that the BDCP, the Department of Water Resources (DWR) and the state and federal contractors will resolve these issues in a responsible, reasonable and equitable manner, just as a whole host of similar issues

June 3, 2014

were resolved prior to the construction of the existing State Water and Central Valley Projects.

Thank you for consideration of these comments. We look forward to the completion of the BDCP planning process and, ultimately, its implementation.

Sincerely;



Gary Arant  
General Manager

cc: Governor Jerry Brown  
Secretary of Resources John Laird

Senator Joel Anderson (36<sup>th</sup>)  
Senator Mark Wyland (38<sup>th</sup>)  
Senator Marty Block (39)  
Senator Ben Hueso (40<sup>th</sup>)

Assembly Speaker Toni Atkins (78<sup>th</sup>)  
Assemblywoman Marie Waldron (75<sup>th</sup>)  
Assemblyman Rocky Chavez (76<sup>th</sup>)  
Assemblyman Brian Maienschein (77<sup>th</sup>)  
Assemblywoman Shirley Weber (79<sup>th</sup>)  
Assemblywoman Lorena Gonzalez (80<sup>th</sup>)

Tom Wornham, Chair, and Members of the Board, SDCWA  
Maureen Stapleton, General Manager, SDCWA

**From:** Ryan Wulff <ryan.wulff@noaa.gov>  
**Sent:** Thursday, July 24, 2014 4:10 PM  
**To:** bdcpc.comments@noaa.gov  
**Subject:** Fwd: BDCP COMMENTS  
**Attachments:** 20140724 - San Gabriel Valley Economic Partnership.pdf; ATT00001.htm; 20140724 - San Gabriel Valley Regional Chamber of Commerce.pdf; ATT00002.htm; 20140724 - Santa Monica Chamber of Commerce.pdf; ATT00003.htm; 20140724 - Shea Homes.pdf; ATT00004.htm; 20140724 - South Bay Association of Chambers of Commerce.pdf; ATT00005.htm; 20140724 - South Gate Chamber of Commerce.pdf; ATT00006.htm; 20140724 - Southern California Contractors Association, Inc..pdf; ATT00007.htm; 20140724 - Three Valleys MWD.pdf; ATT00008.htm; 20140724 - United Chamber of Commerce - San Fernando Valley & Region.pdf; ATT00009.htm; 20140724 - Valley Center Municipal Water District.pdf; ATT00010.htm

Begin forwarded message:

**From:** Anita Deguzman - NOAA Affiliate <[anita.deguzman@noaa.gov](mailto:anita.deguzman@noaa.gov)>  
**Date:** July 24, 2014 at 3:33:15 PM PDT  
**To:** Ryan Wulff - NOAA Federal <[ryan.wulff@noaa.gov](mailto:ryan.wulff@noaa.gov)>  
**Subject:** BDCP COMMENTS

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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

RECEIVED

JUL 24 2014

NAT'L MARINE FISHERIES SVS
SACRAMENTO, CA

July 18, 2014

Dear Folks,

I am writing to comment on the twin tunnel or canal proposed to carry Sacramento river water to the Tracy pumps.

I have lived in the Stockton Delta area since 1950. My Dad and I used to fish in the Delta. Dad passed away in 1999.

I used to drive from Stockton to Travis AFB across the Delta. It is a beautiful area.

Please do not build either twin tunnels or a canal across the Delta.

The Delta is made up of great farm land. I bought sheep there and picked up corn there when I was in FFA.

The water in the Delta will

-2-

get dirtier because of the fresh Sacramento river water being removed from it.

If some of the farm land is taken out of production and made into a marsh area, the mosquito problem will be bad.

The water Stockton and the other cities that use Delta water for drinking etc. will be getting much dirtier when it is dumped out.

More salt water will come into the Delta if the tunnels or canal are built.

We need to build more dams in Calif. starting with the Auburn Dam, and continuing down the Sierra so our farmers in the middle and southern parts of the San Joaquin valley will

-3-

have enough water.

The people in the L.A. area can build dams in the mountains around them; or install desalination plants. The dams would help with flood control.

It would be better to spend part of the \$25 billion building the dams.

Please do not build the canal or twin tunnels.

Thank you for your time.

Sincerely,

David C. O'Neary

11337 Blehm Rd.

Halt, Calif.

95632

July 8, 2014 *wrote 7/18/2014*

S.J. paints grim picture of twin tunnels' impact

Supervisors to consider formal opposition today

By Alex Breitler

Record Staff Writer

Gov. Jerry Brown's proposed twin tunnels "will effectively destroy the Delta as it exists today," and will forever alter San Joaquin County's economy, county officials warn in a new report.

The staff report sums up the county's highly critical comments on the \$25 billion tunnels plan. Supervisors will consider approving those formal comments this morning at their meeting in downtown Stockton.

With the help of outside consultants and attorneys, the county attacks the so-called Bay Delta Conservation Plan on multiple fronts, arguing that

the tunnels are deceptively portrayed as a "conservation plan," that the tunnels represent "a triumph of project advocacy over sound science," and that the complex 34,000-plus page analysis is "among the least user-friendly environmental reviews in history."

Central and south Delta farmers are joining in with the

SEE TUNNELS, PAGE A6

NOT TOO LATE

It's not too late to comment on the twin tunnels plan.

Send email to BDCP

Comments@noaa.gov or send by mail to BDCP Comments,

Ryan Wulff, NMFS, 650

Capitol Mall, Suite 5-100,

Sacramento, CA 95814.

The deadline is July 29.

More information: baydeltaconservationplan.com.

TUNNELS: County outlines concerns

CONTINUED FROM PAGE A1

county's comments, which Central Delta Water Agency attorney Dante Nomellini described Monday as "really strong."

"The (tunnels) document is grossly defective," Nomellini said. "I don't know if it's going to make any difference. We're commenting along with a lot of other people."

Indeed, about 8,500 people, organizations and agencies across the state had already commented on the tunnels plan as of Monday, said Richard Stapler, a spokesman for the state's Natural Resources Agency. Some of the more technical comment letters run 100-plus pages, Stapler said.

And it's not over yet. The public comment period closes July 29.

Stapler said in an email that the state will be required to respond to each comment before issuing a final decision on the project.

The tunnels are billed as a way to stabilize the water supply for much of California while also re-suscitating the dying Delta.

Instead of allowing all of the water to flow through the Delta as it does today, two 40-foot-wide tunnels would siphon some of that water off the Sacramento River near Hood and deliver it directly to existing export pumps near Tracy.

That is supposed to reduce the number of fish that are sucked to their demise in the export pumps, which are powerful enough to make south Delta rivers and streams flow backward.

In addition to the tunnels, roughly 100,000 acres of Delta farmland would be converted

into habitat for fish and wildlife, among other "conservation measures" to help the estuary's environment.

Based on today's comments, San Joaquin County isn't buying any of it.

The county has long opposed the tunnels and their predecessor, the proposed peripheral canal, which was defeated by voters in 1982.

The comments up for approval today are the county's first opportunity to formally fight back against the modern-day incarnation of the canal.

Among the county's concerns:

- The tunnels have been studied closely, but the other parts of the "conservation plan" that are supposed to help the Delta, like the habitat restoration, remain vague concepts that may not be approved for years.

- Plan supporters assume, "without justification," that the benefits of those other measures will outweigh the "destructive consequences" of the tunnels.

- The plan relies on "phantom paper" water that doesn't exist in the real world, and as a result, the tunnels are likely to stoke future battles over California water rights.

- Proponents of the tunnels plan are given an "extraordinarily high level of responsibility" in how the new system will be operated, while Delta counties are excluded from "any meaningful role ... even though they will bear the brunt of BDCP's adverse consequences for decades to come."

- The environmental documents — twice as long as the Keystone Pipeline reports, according to county consultants

— are "totally unreadable."

The county's comments rely heavily on previous external reviews, including a report earlier this spring by the Delta Independent Science Board, which found the tunnels plan to be overly optimistic with regard to its benefit to the ecosystem.

Consultants for the county also sound the alarm about the impacts of constructing such a large project — issues such as increased truck traffic, crumbling roads, increased emergency response times, and the harm to agriculture caused by the infrastructure needed to finish the decade-long construction.

That infrastructure includes concrete batch plants, new power lines, roads and parking areas, and new barge docks, among other things.

The entire project could create a "cloud of uncertainty" over large portions of the Delta, making it "virtually impossible" to sell land, acquire loans or to decide which crops to plant, one consultant wrote.

The county and the central and south Delta water agencies all helped pay for the new review. The county's consultant alone cost upward of \$50,000, said Brandon Nakagawa, the county's water resources coordinator.

The city of Stockton also intends to submit comments on the tunnels plan but has not yet done so, a spokeswoman said Monday.

Contact reporter Alex Breitler at (209) 546-8295 or abreitler@recordnet.com. Follow him at recordnet.com/breitlerblog and on Twitter @alexbreitler.

BDCP170

From: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Sent: Thursday, July 24, 2014 3:01 PM
To: bdcg comments - NOAA Service Account
Subject: Fwd: BDCP COMMENTS
Attachments: 20140724 - City of Tustin.pdf; 20140724 - David Oleary - Galt.pdf; 20140724 - SFBANTA - San Francisco Bay Area Nordic Tug Association.pdf

----- Forwarded message -----

From: Anita Deguzman - NOAA Affiliate <anita.deguzman@noaa.gov>
Date: Thu, Jul 24, 2014 at 2:59 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.

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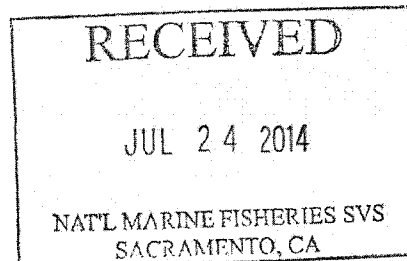
~~~~~  
Anita deGuzman  
*Administrative Assistant*  
NOAA Fisheries \* West Coast Region  
U.S. Department of Commerce  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814  
[916-930-3600](tel:916-930-3600) - main  
[916-930-3629](tel:916-930-3629) - fax  
[Anita.deGuzman@noaa.gov](mailto:Anita.deGuzman@noaa.gov)

**SFBANTA**

San Francisco Bay Area Nordic Tug Association  
985 Whitman Lane, Concord, CA 94518-3319

July 21, 2014

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



RE: Comment on the EIR/EIS as it relates to boating:

**General Statement**

*SFBANTA (San Francisco Bay Area Nordic Tug Association) is an organization of 26 cruising boat owners who live throughout the San Francisco Bay and Delta area. Our boats are trawlers, pleasure boats ranging in length from 26 feet to 42 feet and weighing 7,000 to 30,000 pounds. We often cruise on the Delta, enjoying its wildlife, silence, beauty and anchorages (including The Meadows). Like many boats on the Delta, we are not small fishing boats.*

*Individually, we have many concerns about the BDCP, including cost, loss of good agricultural land, unsecured funding, and environmental and economic impacts.*

*As an organization, and before deciding to respond as a group to the EIR/EIS, we held several discussions and informative meetings attended by about 50 people and resulting in a unanimous decision to oppose the BDCP, especially its focus on twin tunnels diverting Sacramento River water from the Delta as a solution to water availability statewide.*

*In our review, we found the EIR to be redundant and overwhelming. The intent appears to confuse and not seriously address the many real and important impacts of the proposed BDCP.*

*The EIR/EIS is biased towards the tunnels:*

- *It fails to seriously consider other less expensive and less destructive alternatives, such as storage, conservation, levee reinforcement and desalination.*
- *It fails to identify guaranteed funding for habitat restoration once the damage to waterways has been done.*
- *It fails to explain why the dual tunnels option is favored when it will irrevocably harm the Delta and its economy and wildlife, but produce NO additional water.*

**However, for our purpose here, we wish to focus on our expertise - which is BOATING.**  
*Issues of navigation, cruising, boating safety, and economic impact on Delta marinas has not been adequately addressed by the EIR/EIS.*

**Dams and Barriers**

Chapter 15 states that "an operable barrier would be placed at the head of Old River at the confluence with the San Joaquin River (15.3.3.9 page 15-253)." It continues: "There are no recreation sites within the impact area for the operable barrier at the head of Old River and San Joaquin River" (Draft EIR/EIS November 2013 page 15-260)." The operable barrier is also mentioned in passing on page 15-265 without discussing its significant impact or acknowledging that the entire Delta is a recreation site.

What is an "operable barrier" (p.15-269)? Can it handle the many large boats that travel along Old River? What alternative routes, if any, will be available? What impact will these barriers have on the velocity of current...on fish? What is the design and utility of the boat lock mentioned on page 15-269? What will be the impact if, as has been promoted (and implementation already attempted), a dam is also placed on False River?

Barge Unloading Facilities: Construction of five barge unloading facilities "may require partial channel closures" for about five years and "present a temporary barrier to boats and related recreation." (p.15-268)

- "The South Mokelumne River barge facility would be on the southern end of Staten Island (p.15-268)." Many of us have transited that river, and found it to have many shallow spots. At best, this, as stated, constricts boat traffic; it also increases the risk of boats going aground.
- The San Joaquin River barge facility "would be on the west side of Bouldin Island, on a wide bend in the river (p.15-268). If on the San Joaquin River, another shoaling area, this may force more boats into the shipping channel to avoid running aground, creating potential safety hazards. Most of the west side of Bouldin Island is bounded by the Mokelumne River and several substantial marinas and resorts. Again, the area is not all deep water and the congestion might cause boats to run aground or suddenly change course to avoid running aground.
- The Middle River barge facility would be "on the north side of Bacon Island...500 feet west of Connection Slough" (p.15-268). That is an area of narrow sloughs with a swing bridge to the east. If the dam is installed at Old River and San Joaquin River, this area will see increased boat traffic, especially if a dam is also put up at False River. Large boats will need the bridge to be opened. As noted, peak boat traffic volume may be high.
- Similar high volume concerns exist for the Old River and Italian Slough barge facilities, although larger boats tend not to travel that far south.

### Noise and Lighting

The EIR/EIS diminishes the impact of construction noise and lighting: "The noise of construction and piles of muck will make many popular anchorages and destinations inhospitable" (as if nothing could be done to prevent it).

- "In water construction would be further limited primarily to June 1 through October 31 each year (p.15-260)" — and this is the summer season!
- Construction would take place Monday through Friday for 24 hours a day -- but many boaters use their boats during the week and not just on weekend.
- The EIR/EIS mentions "bright lights that would negatively affect nighttime views from the work area...would affect any overnight camping at the recreation sites" (p.15-260). But what about the effect on boats at anchor in the Delta's many anchorages?
- Noise and lights from 24-hour activity over 5-plus years will drive away the cruising boats that support Delta businesses. Most of us know and enjoy the Delta for its recreation and wildlife. We appreciate its serenity and quiet. We enjoy the birds.

Quietness is a real Delta asset, one that the EIR fails to appreciate. What's the point of anchoring out if you can't swim or fish due to water quality, lights are on all night and it's noisy? "Noise" is not an "unavoidable" impact – it is quite avoidable if other alternatives are considered. By failing to equally address all options, the BDCP fails in its mandate to address the co-equal goals of water reliability and improving the Delta ecosystem.


### Economic Impacts

The EIR/EIS grossly understates the impact eight to ten years of construction will have on recreation and the Delta's economy. Many of these businesses cannot afford years of disruption. When they go out of business – and they will – not only will the economy of the Delta be impacted, but we will have no access to marine-oriented commercial services. The EIR/EIS seems to conclude that boat passage and navigation would be impeded for five years – and that there is no way around it. It diminishes the impact.

- Muck has been renamed "Reusable Tunnel Material" – but what studies have been done to assure that it is truly reusable and not toxic, to fish or to humans. Will water quality be impacted during the long construction period? Will this result in undesirable conditions for swimmers or water skiers? The giant muck ponds will be forever in the Delta, and will be too close to communities and recreational areas.
- "Boating opportunities would still be feasible, but it is possible that marina users would be disturbed by noise and visual disruptions (p.15-258)". This is regarding Wimpy's Marina but a relevant observation for other marinas, yacht clubs and anchorages as well.
- The EIR/EIS mentions specific recreation sites – but the entire Delta is a recreation site, connected by waterways that are narrow, often shallow in spots – and destined, under this plan, to be blocked, temporarily or permanently. Better solutions should be studied.

Respectfully submitted by,

**San Francisco Bay Area Nordic Tug Association**

  
Richard Smith, President  
Pat Borison, Secretary  
Irwin Scott, Treasurer

BDEX1710

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**From:** Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>  
**Sent:** Thursday, July 24, 2014 3:01 PM  
**To:** bdcg comments - NOAA Service Account  
**Subject:** Fwd: BDCP COMMENTS  
**Attachments:** 20140724 - City of Tustin.pdf; 20140724 - David O'leary - Galt.pdf; 20140724 - SFBANTA  
- San Francisco Bay Area Nordic Tug Association.pdf

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**From:** Anita Deguzman - NOAA Affiliate <[anita.deguzman@noaa.gov](mailto:anita.deguzman@noaa.gov)>  
**Date:** Thu, Jul 24, 2014 at 2:59 PM  
**Subject:** BDCP COMMENTS  
**To:** Ryan Wulff - NOAA Federal <[ryan.wulff@noaa.gov](mailto: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](tel:9169303600) - main
[916-930-3629](tel:9169303629) - fax
Anita.deGuzman@noaa.gov



RECEIVED

JUL 24 2014

NAT'L MARINE FISHERIES SVS
SACRAMENTO, CA

To whoever came up w/ the twin tunnels plan:

NO! So. Cal needs water = desalinization - the Pacific is due west! Also build more storage so the mud slides after the fires won't waste more water. Also conserve sprinklers watering in high heat evaporate. Israel uses drip irrigation.

Mother Nature & Mother Earth designed the Delta & San Francisco Bay. The animals need the natural delta to survive & so does mankind. We have mosquitos w/ West Nile & sleeping sickness & now Dengue fever - they do not need ^{more} vast areas of still water to breed.

Fast dirt sinks, so the pipes will break. The stupid pumps are already killing all our fish - enough is enough!!

I have already written to Gov. J. Brown 3 times & haven't received a reply.

Sincerely,

Judy L. Stack
(4th generation
Stocktonian)

BDCP1711

From: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Sent: Thursday, July 24, 2014 3:03 PM
To: bdcg comments - NOAA Service Account
Subject: Fwd: BDCP COMMENTS
Attachments: 20140722 - LiUNA - Laborers' International Union of North America.pdf; 20140722 - Richard Morat - Sacramento.pdf; 20140722 - Serrano Water District.pdf; 20140724 - City of Westminster.pdf; 20140724 - Coast Harbor Realty, Inc..pdf; 20140724 - Judy Stack - Stockton.pdf; 20140724 - Mission Valley Bank.pdf

----- Forwarded message -----

From: **Anita Deguzman - NOAA Affiliate** <anita.deguzman@noaa.gov>
Date: Thu, Jul 24, 2014 at 3:00 PM
Subject: BDCP COMMENTS
To: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>

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



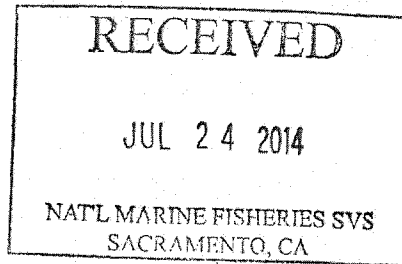
## City of Westminster

BDCP1712.

8200 Westminster Boulevard, Westminster, CA 92683 714.898.3311  
www.westminster-ca.gov

July 17, 2014

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



### RE: Support for Alternative 4 of the Bay Delta Conservation Plan

Dear Mr. Wulff,

On behalf of the City of Westminster, I am proud to submit this letter of support for the Bay Delta Conservation Plan and Alternative 4 contemplated in its associated environmental documents.

We believe the project outlined in Alternative 4 – twin tunnels at 9,000 cfs – is required at a statewide level to secure California's water and economic futures. This Alternative provides for the maximum balance of secure water supplies, environmental restoration, economic gain and cost-efficiency.

While we understand the discussion for larger or smaller cfs alternatives as well as different conveyance methods and configurations, Alternative 4 meets a standard that this project works to ensure all Californians, and especially the City of Westminster, can access a secure source of water for decades to come.

Importantly, we believe that this Plan should be funded through equitable user fees, with costs fairly distributed amongst the beneficiaries of its development. And its ultimate governance must reflect southern California's – and more specifically, Orange County's – leadership and innovation with regards to water resource management.

From north to south, to urban and agricultural communities, the State of California is in this together and the City of Westminster is proud to do its part to support both long- and short-term strategies to ensure a safe, secure and reliable water supply for our future generations.

On behalf of the City of Westminster, we look forward to working with the state to realize the success of the Plan.

Sincerely,

*TRI TA*

TRI TA  
Mayor  
City of Westminster

TRI TA  
Mayor

MARGIE L. RICE  
Mayor Pro Tem

DIANA LEE CAREY  
Council Member

SERGIO CONTRERAS  
Council Member

ANDY QUACH  
Council Member

EDDIE MANFRO  
City Manager

CC:

Governor Edmund G. Brown, Jr.  
Senator Barbara Boxer  
Senator Dianne Feinstein  
Congressman Allan Lowenthal  
Congressman Dana Rohrabacher  
Congressman Darrell Issa  
Congressman Ed Royce  
Congressman John Campbell  
Congresswoman Linda Sanchez  
Congresswoman Loretta Sanchez  
Senator Bob Huff \*  
Senator Lou Correa  
Senator Mark Wyland  
Senator Mimi Walters  
Assemblyman Allan Mansoor  
Assemblyman Curt Hagman  
Assemblyman Don Wagner  
Assemblywoman Sharon Quirk-Silva  
Assemblyman Tom Daly  
Assemblyman Travis Allan  
Assemblywoman Diane Harkey  
Secretary John Laird, California Natural Resources Agency  
ACC-OC Board of Directors

BDCP1712

**From:** Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>  
**Sent:** Thursday, July 24, 2014 3:03 PM  
**To:** bdcg comments - NOAA Service Account  
**Subject:** Fwd: BDCP COMMENTS  
**Attachments:** 20140722 - LiUNA - Laborers' International Union of North America.pdf; 20140722 - Richard Morat - Sacramento.pdf; 20140722 - Serrano Water District.pdf; 20140724 - City of Westminster.pdf; 20140724 - Coast Harbor Realty, Inc..pdf; 20140724 - Judy Stack - Stockton.pdf; 20140724 - Mission Valley Bank.pdf

----- Forwarded message -----

**From:** Anita Deguzman - NOAA Affiliate <[anita.deguzman@noaa.gov](mailto:anita.deguzman@noaa.gov)>  
**Date:** Thu, Jul 24, 2014 at 3:00 PM  
**Subject:** BDCP COMMENTS  
**To:** Ryan Wulff - NOAA Federal <[ryan.wulff@noaa.gov](mailto: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
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Sacramento, CA 95814
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[916-930-3629](tel:916-930-3629) - fax
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