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Sent: Tuesday, July 29, 2014 5:05 PM
To: bdcg.comments@noaa.gov
Subject: Metropolitan's Comment letter on BDCP DEIR/S
Attachments: Metropolitanians Focused Comments on BDCP EIRS.pdf

Good Afternoon,

On behalf of the Metropolitan Water District of Southern California, I am provided the attached file which contains Metropolitan's comment letter on the Draft EIR/S for the Bay Delta Conservation Plan. A copy of this letter was also sent to Mr. Ryan Wulff via U.S. Mail.

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

Stephen N. Arakawa

**Manager, Bay-Delta Initiatives
Metropolitan Water District of Southern California
700 North Alameda Avenue
Los Angeles, California 90012
Office: (213) 217-6052**

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THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

BDCP1742

Office of the General Manager

July 28, 2014

Via Electronic and U.S. Mail

bdcp.comments@noaa.gov

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

Dear Mr. Wulff,

Comments on the Bay Delta Conservation Plan Draft Environmental Impact Report/
Environmental Impact Statement (State Clearinghouse Number 2008032062)

The Metropolitan Water District of Southern California (Metropolitan) has reviewed, and is pleased to submit comments on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/S) for the Bay Delta Conservation Plan (proposed BDCP).

The document has been jointly prepared by the United States Department of the Interior, Bureau of Reclamation (Reclamation) and United States Fish and Wildlife Service (USFWS); the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) as lead agencies under the National Environmental Policy Act (NEPA); and by the California Department of Water Resources (DWR) as the lead agency under the California Environmental Quality Act (CEQA). The proposed BDCP, DEIR/S, and the Implementation Agreement reflect the outcome of a multi-year broad-based collaboration among DWR, Reclamation, state and federal fish and wildlife agencies, state and federal water contractors, non-governmental organizations, agricultural interests, and the general public. Metropolitan applauds the state of California and federal government for their commitment to this monumental undertaking and the extensive open public process.

To understand Metropolitan's perspective on the Delta, it is relevant to first understand Metropolitan's organization, mission, and its key programs. Metropolitan is a consortium of 26 cities and water districts that provides drinking water to over 19 million people in six counties (i.e., San Diego, Orange, Riverside, Los Angeles, San Bernardino, and Ventura) in Southern California. Metropolitan currently delivers an average of 1.7 billion gallons of

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Mr. Ryan Wulff

Page 2

July 28, 2014

water per day to a 5,200-square-mile service area. Established by the State legislature in 1927, Metropolitan's mission is to provide its service area with adequate and reliable supplies of high quality water to meet current and future needs in an environmentally and economically responsible way. Metropolitan's facilities include the 242-mile Colorado River Aqueduct, five conventional water treatment plants with a combined capacity of 2.6 billion gallons per day, nine surface water reservoirs with a total reservoir storage capacity of 1,072,000 acre-feet, 830 miles of pipeline, and 16 hydroelectric power plants. Metropolitan imports water from the Colorado River and Northern California to supplement local supplies, while providing incentives to its members to develop increased water conservation, recycling, storage, and other resource-management programs.

Metropolitan has been a strong supporter of the BDCP process since its inception as a means to attain a comprehensive long-term fix for the problems plaguing the Bay-Delta; i.e., a declining ecosystem and declining water supply reliability. As signatory to the BDCP Planning Agreement in 2006, Metropolitan has served as an active member of the Steering Committee, participated in numerous workgroups, and provided substantial financial assistance to the DWR for the development of the proposed BDCP and the DEIR/S. Along with DWR and other participating public water agencies, Metropolitan is an applicant under the BDCP and, if the proposed BDCP is approved, will be a permittee pursuant to state and federal species protection laws. Furthermore, as a public agency that will rely upon the EIR/S to support decision-making relative to its role in approving, funding, and implementing aspects of the BDCP, Metropolitan is a responsible agency for the purposes of CEQA.

Metropolitan strongly supports the proposed BDCP (Alternative 4), as the best option to provide the necessary flexibility to ensure meeting the BDCP objective to "[r]estore and protect the ability of the SWP and CVP to deliver up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts and other existing applicable agreements." Alternative 4 would also contribute toward achieving the State's coequal goals of environmental restoration for the Delta and water supply reliability for California that were established in the Delta Reform Act in 2009 by the State Legislature.

Early in the BDCP planning process in 2007, Metropolitan's Board of Directors adopted Delta Conveyance Policy Principles and Criteria to guide its participation in development of any long-term Delta fix. Of the Alternatives analyzed in the DEIR/S, Alternative 4 best addresses the Board's criteria as follows:

- Enhance Delta Ecosystems and Fishery Habitat: The plan should provide the ability to restore fishery habitat throughout the Delta and minimize disruption to key ecosystem processes.
- Allow for flexible pumping operations in a dynamic fishery environment: The plan should allow the greatest flexibility in meeting export demands in a manner that reduces harm to in-Delta fish species.
- Provide water supply reliability and improve export water quality: The plan should be configured to provide reliable water supplies and improve water quality by reducing bromide and dissolved organic carbon concentrations.
- Reduce seismic risks: The plan should reduce the risks to export water supplies from seismic-induced levee failures and flooding.
- Reduce climate change risks: The plan should reduce climate change-related risks to water supplies including salinity intrusion associated with sea level rise.

Additional description of the Metropolitan Board's Delta Conveyance Policy Principles and Criteria, and the benefits of the proposed BDCP (Alternative 4) is provided in our focused comments. Consistency with these policy principles will be the benchmark against which the selected BDCP alternative will be evaluated in Metropolitan's deliberation on approving participation in implementation and funding of the BDCP. Successful resolution of other factors such as export supply capacity, program costs and funding structure, governance oversight, and regulatory assurances are also vital to Metropolitan's decision on the BDCP.

Due to the critical importance of reliable State Water Project (SWP) supplies to our service area, Metropolitan has a vested interest in matters affecting the Delta's water supply reliability, water quality, and overall environmental health. To that end, Metropolitan has scrutinized the DEIR/S for the Draft BDCP. Metropolitan's comments on the Draft EIR/S focus on the following areas as summarized, below:

1. **Alternative 4 is the best approach for balancing reliable and stable water supplies with restoration of the Delta ecosystem.** The SWP is, and will continue to be, a vital source of water for meeting demands throughout Metropolitan's service area. The BDCP adopted alternative must insure adequate SWP supplies to meet current and future water supply needs. New water infrastructure with a minimum design capacity of 9,000 cfs, as proposed under Alternative 4, is the most viable alternative to addressing the BDCP's environmental and water supply goals.
2. **DWR properly formulated the CEQA Purpose Statement and Project Objectives.** The DEIR/S properly states the fundamental purpose statement and projects objectives of the BDCP consistent with CEQA and NEPA.

3. **Chapter 8 Water Quality.** It is essential that the analysis of potential water quality effects be based on current reliable information, clearly explain the limitations of the analytical methods, and qualify the impact analysis in light of the analytical limitations.
4. **The Delta is highly altered and the BDCP is not intended to address all past harms or restore the Delta to its pre-altered state.** Many factors have contributed to the decline of the Delta's ecosystem. While the BDCP Conservation Strategy provides a comprehensive approach to addressing many of these stressors and aims to improve ecological conditions and processes, it is not intended to be the sole solution for a Delta-wide comprehensive fix.
5. **The use of CALSIM II and other analytical tools to compare alternatives in the BDCP and EIR/S is appropriate.** The CALSIM II model was used to model hydrology and system operations and represents the best available planning model for the SWP and CVP operations.
6. **The BDCP Alternatives Evolved From Decades of Prior Study.** The range of alternatives developed by the BDCP and analyzed in the DEIR/S benefits from a long history of study that extends over decades and includes prior analysis of literally hundreds of potential alternatives.
7. **Some construction assumptions and commitments may not realistically represent appropriate standards for a large-scale, complex project like CM1.** It is of critical importance that construction assumptions and commitments presented in the DEIR/S and adopted for CM1 are realistic and reflective of activities necessary to implement a project of this magnitude to ensure safe, cost effective, and environmentally protective construction.
8. **Description of Decision Tree process must accurately reflect its purpose and scope.** The BDCP and DEIR/S should more clearly explain that the purpose of the Decision Tree is to test hypotheses surrounding flow and species abundance.
9. **The BDCP EIR/S aquatic species analysis must include a discussion of uncertainty and disagreement among technical experts.** Both CEQA and NEPA require disclosure of uncertainties by identifying where there exists scientific disagreement among experts. The DEIR/S needs to be improved in this area by providing a more balanced discussion of the range of scientific opinions as it applies to aquatic species impacts and related conservation measures.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Mr. Ryan Wulff

Page 5

July 28, 2014

Additionally, the State Water Contractors, submitted a comment letter on the Draft documents and its letter is incorporated herein by reference.

The BDCP is a massive and complicated undertaking, and the DEIR/S and accompanying public review documents are correspondingly voluminous. While we compliment the lead agencies and stakeholders on completing the DEIR/S, some inconsistencies among the draft documents are to be expected. For example, by agreement among the BDCP proponents, USFWS, NMFS, and CDFW, the project operating criteria are bounded by limits in order to establish a range for real time operations and a floor for water supply reliability. These limits are referenced in the negotiated Draft Implementing Agreement ("IA"), but are not expressly set forth in the DEIR/S or BDCP. (See, e.g., Draft IA, p. 27 ["The Parties shall establish a 'real time operations' mechanism to allow for short-term adjustments to be made to water operations, *within the established ranges and criteria as set out in CM1 and CM2*", emphasis added].) Thus, an important next step is to ensure consistency among the key documents, i.e., the BDCP, EIR/S, and Implementing Agreement.

Conclusion

A confluence of political, regulatory, and environmental developments have led Metropolitan and numerous other stakeholders to invest in the BDCP planning process to develop a workable and durable solution to the Sacramento-San Joaquin Delta's complex problems. The proposed BDCP aims toward a final, comprehensive multi-species conservation strategy to improve the ecological functions of the Sacramento-San Joaquin River Delta (Delta), as well as provide for prudent investments that ensure cost-efficient and reliable water supplies for the state of California. Metropolitan has long advocated for a comprehensive fix to the Delta, such as that provided by the proposed BDCP. However, prior to making this substantial financial investment in infrastructure modernization and habitat improvements for critical species in the Delta, the BDCP will need to incorporate reasonable levels of regulatory assurance and supply certainty for participating state and federal public water agencies, including Metropolitan. Such assurances and certainty are fundamental tenets responsible for the wide-spread success of Habitat Conservation Plans (HCPs) and Natural Communities Conservation Plans (NCCPs) in California and throughout the United States. Metropolitan urges the lead agencies to finalize the BDCP EIR/S based on selection of the proposed Alternative 4, and complete the ESA consultation process in a timely manner so that stakeholders may begin implementation of the BDCP and work towards achieving the coequal goals envisioned by the State legislature.

The proposed BDCP and DEIR/S represent an important step toward a potential final partnership, requiring Metropolitan and other stakeholders to provide salient comments in order to advance this important process and implementation. To that end, we appreciate

BDCP1742

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Mr. Ryan Wulff

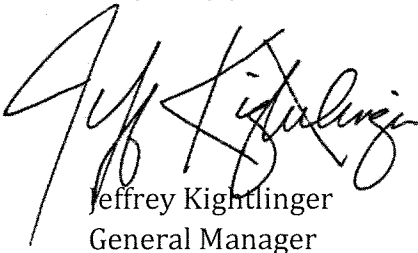
Page 6

July 28, 2014

the opportunity to provide input to the environmental review processes and remain committed to working with the state and federal governments toward a successful and mutually beneficial completion of the BDCP.

We look forward to receiving all future notices, the Final EIR/S and Record of Decision/Notice of Determination (ROD/NOD), along with any other forthcoming documentation for the BDCP. For further coordination efforts, please contact Mr. Stephen Arakawa at (213) 217-6052.

Very truly yours,



Jeffrey Kightlinger
General Manager

cc:

Mark Cowen, Director, Department of Water Resources
Chuck Bonham, Director, CA Department of Fish and Wildlife
Ren Lohofener, Regional Director, U.S. Fish and Wildlife Service
David Murrillo, Regional Director, Mid Pacific Region Bureau of Reclamation
William Stelle, Regional Administrator, NOAA Fisheries
Terry Erlewine, General Manager, SWC
Byron Buck, Executive Director, SFCWA
Dan Nelson, Executive Director, SLDMWA

METROPOLITAN'S FOCUSED COMMENTS ON BDCP EIR/S

1. Alternative 4 is the best approach for balancing reliable and stable water supplies with restoration of the Delta ecosystem.

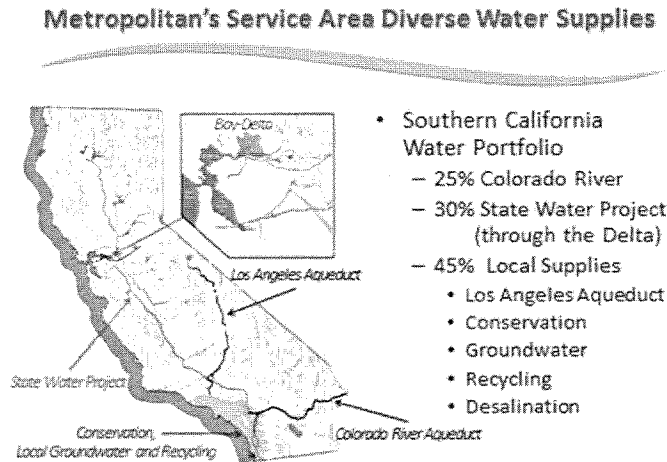


Figure 1-1

(refer to figure 1-1).

Furthermore, the water quality of the SWP supplies delivered to southern California is extremely important for achieving water management objectives and meeting stringent drinking water standards to protect public health.

This comment provides an overview in more detail on the following matters:

1. Importance of the SWP to Metropolitan.
2. SWP and Metropolitan's Approved Integrated Water Resources Plan (IRP) 2010 Update.
3. BDCP Alternative 4 as the Preferred Alternative.

Importance of the State Water Project to Metropolitan

The SWP is the largest, state-built and-operated water and power development and conveyance system in the United States¹. The SWP's main purposes are to provide water storage and delivery throughout California from the San Francisco Bay area to southern California (refer to figure 1-2).

¹ California Department of Water Resources website at: <http://www.water.ca.gov/swp/swptoday.cfm>.

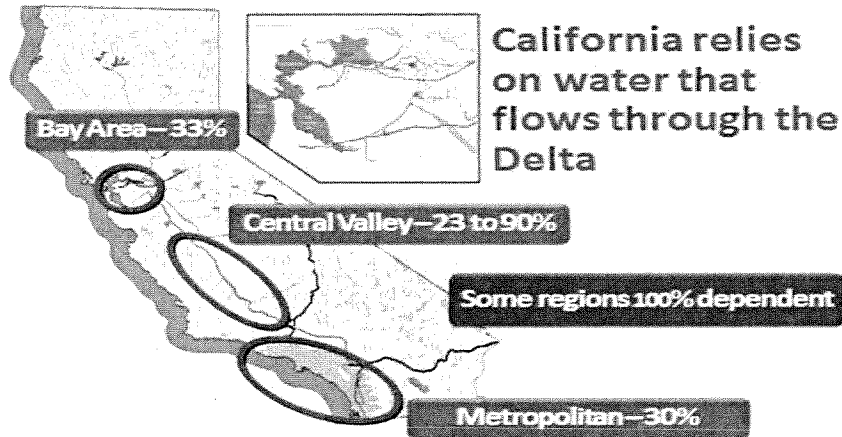
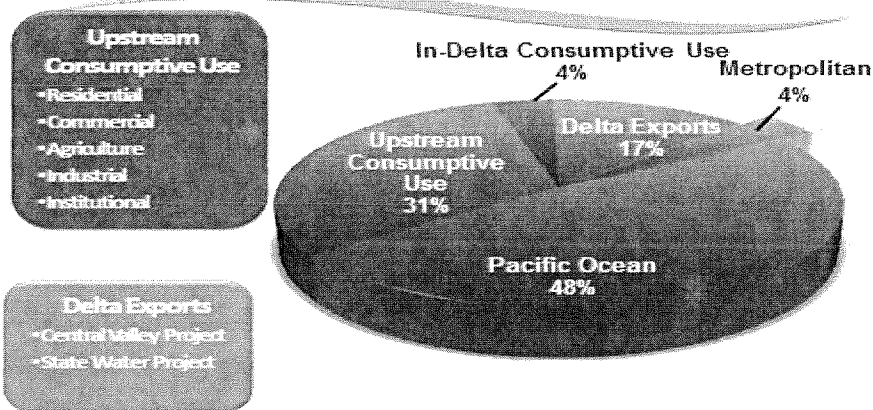


Figure 1-2

SWP water is conveyed to 29 contracting water agencies (i.e., State Water Contractors [SWC]) in Northern California, the San Francisco Bay area, the Central Coast, San Joaquin Valley, and Southern California (e.g., Metropolitan). Constructed during the 1960s and early 1970s, the SWP is designed to deliver about 2.3 million acre-feet (MAF)² during each “average” year. The SWP water supplements surface and groundwater resources for most of these agencies (refer to figure 1-3).

Water Flowing from the Delta Watershed



Source: Delta Vision Report -Estimated total annual runoff 32.85 maf (2007)

Figure 1-3

Water agencies and purveyors throughout California that rely on SWP water continue to develop new ways to expand their existing water supply options, including expanding local water supplies, aggressive conservation programs and recycled water. At the same time, during the past 20 years, southern California’s imported water use has remained essentially the same, despite adding approximately 3 million people to its population.

² Association of California Water Agencies website entitled California’s Water: California Water Systems at: <http://www.acwa.com/content/california-water-series/californias-water-california-water-systems>

