

7.28.14

Re: Tunnels project

I think the Delta Tunnels
is a bad solution for
best water management.

Steve Soriano

14031 Islandview Way

Walnut Grove CA 95690

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JUL 29 2014

NAT'L MARINE FISHERIES SVS
SACRAMENTO, CA

From: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Sent: Wednesday, July 30, 2014 9:18 AM
To: bdcg comments - NOAA Service Account
Subject: Fwd: BDCP COMMENTS
Attachments: 20140729 - Yuba County Water Agency.pdf; 20140729 - Jesse Castellanos - Granite Bay.pdf; 20140729 - Franklin D. Merck, Sr. - Stockton.pdf; 20140729 - Dan & Judy Serpa - Clarksburg - 1 of 2.pdf; 20140729 - Dan & Judy Serpa - Clarksburg - 2 of 2.pdf; 20140729 - Western Growers - Sacramento.pdf; 20140729 - Steve Soriano - Walnut Grove.pdf

Received before end of comment period.

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From: Anita Deguzman - NOAA Affiliate <anita.deguzman@noaa.gov>
Date: Tue, Jul 29, 2014 at 3:06 PM
Subject: BDCP COMMENTS
To: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>

I have attached the following BDCP comments for your files.

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

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

July 28, 2014

Dear Mr. Wulff:

I have been following news reports and local dialogue ever since the BDCP was proposed. I have attended public meetings in Stockton to inform the local residents about the BDCP and the California Dept. of Water Resources presentation and information session on the BDCP. In all that I have read, seen, and heard, there is not justification in the BDCP to allow the largest public works project in U.S. history to happen. The need to plan, finance, and construct the massive Bay Delta Conservation Plan has not been established. Water diversion and distribution from Northern California to Central & Southern California is already in place. Why do we need to incur billions and billions of dollars of spending debt on taxpayers, the state of California, and the Federal Government for a water project that will not produce more water than we already have in the present system. A far wiser use of state funding would be to improve and develop new systems of water retrieval, cache basins, and reservoirs in areas where water is taken from the north to the south. In other words

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NATL MARINE FISHERIES SVS  
SACRAMENTO, CA

Let us seek out solutions and plans locally in those areas where water is most needed rather than simply draining more water from the Sacramento-San Joaquin Delta.

Calling the BDCP a conservation plan that will save the habitat of a dying Delta is pure nonsense and misinformation.

The Sacramento-San Joaquin Delta is not dying and the BDCP has not shown or proven that it is. There is salt water intrusion from the San Francisco Bay Estuary because we are diverting too much water south, especially during drought conditions, such as we have now. Salt water intrusion will increase and accelerate with implementation of the BDCP and its ability to divert as much as 73 or more of the freshwater flow from the Sacramento River, the largest confluence of streams and rivers in northern California sustaining many different life forms among extensive and varied habitat. If allowed to happen, the BDCP would not only compromise and damage water quality and habitat in the Delta region, the San Francisco Bay Estuary would be severely damaged and impacted as well.

541 S. Rose St.  
Lodi, CA 95240

Sincerely,  
Bob Minnich

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Anita.deGuzman@noaa.gov

Dear Mr. Wulff

July 20, 2014

BDCP1758.

Wake up California residents! The state of California, Governor Jerry Brown, The Department of Water Resources, and a handful of water districts and water contractors, a few agribusiness farmers, and frack miners have spent many millions of dollars to fast track the Bay Delta Conservation Plan (BDCP). The plan would ~~give~~ ^{put} unlimited access and control of Sacramento River water diversions in the hands of a few who would profit monetarily from water sales. Stop the Tunnels Save the Delta, California's largest inland waterway is at stake.

The BDCP is a disaster plan to drain the Sacramento River (a product of many rivers and streams) into peripheral canals. Excavate 150 feet below the river bottom. Build 2 40 foot diameter tunnels (pipelines), 35 miles long with fishscreens, intake and out take pumps to divert as much as $\frac{2}{3}$ of the flow of the Sacramento River. The estimated cost upwards of \$50 billion and construction time of 10 years is not clearly

known by the state of California. We do know that a few water agencies, contractors, agribusiness farmers, and frack miners in Fresno, Tulare, Kern, and Imperial Counties will get wealthy from the water rights and sales. What will California residents get? Ours and future generations will inherit the cost of building and maintaining this monstrous water diversion project, seizing many thousands of acres of prime farmlands and following litigation, financing and interest, and losing precious water quality and quantity for human and wildlife habitat in both the Delta Region and San Francisco Bay.

John Minnehan
541 S. Rose St.

Lodi, CA 95240
john.minnehan@yahoo.com
781-301-1802

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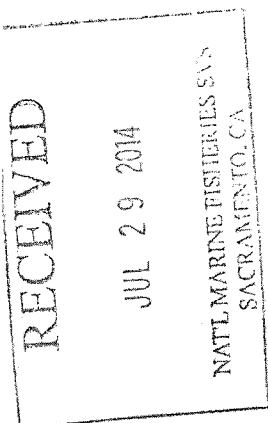
July 28, 2014

Dear Mr. Wulff

BDCP1759.

The Bay Delta Conservation Plan (BDCP) is a disaster plan to build 2 tunnels 40 feet in diameter, 35 miles long, 150 feet below the Sacramento-San Joaquin Delta. Potentially,  $\frac{2}{3}$  of the flow of the Sacramento River (a product of many rivers and streams in northern California) could be diverted to cities and farmers south of the Delta. Adverse effects of the plan include lowering of water quality in the Delta and San Francisco Bay, restriction of fish migrations and recreational use, lost bird and wildlife habitat, lowering groundwater levels and quality, loss of thousands of acres of prime farmland, spiralling costs to taxpayers and regional economy. The tunnels would cost upwards of 50 billion dollars for land seized, equipment, materials, construction, financing, and legal battles. Public works projects typically far exceed initial construction time, cost, financing and legal estimates. Learn more at [www.restorethedelta.org](http://www.restorethedelta.org).

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781 301-1802  
[johnminnehan@yahoo.com](mailto:johnminnehan@yahoo.com)



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Anita.deGuzman@noaa.gov

L # 1760

☐ Unused

✓ Duplicate of 1568

☐ Out of Scope

☐ Other: _____

(replace original)

July 28, 2014

BDCP1761.

Dear Mr. Wulff

I strongly oppose the Bay Delta Conservation Plan (BDCP), a monstrous plan by the state of California and water contractors to build 2 tunnels (pipelines) 40 feet in diameter, 35 miles long, 150 feet below the Sacramento-San Joaquin Delta. 2/3 of the flow of the Sacramento River would be diverted to cities and farmers south of the Delta region. The largest supply of fresh water would be made unavailable to fish, birds, humans, and other species in both the Delta and the estuary of the San Francisco Bay. To call it a conservation plan, the BDCP proposes to create 145,000 acres of habitat by seizing private farms at a multi-million dollar cost to taxpayers and the Delta regional economy. There's no guarantee that habitat creation will work.

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SACRAMENTO, CA

Planners estimate 10 years to construct the tunnels. Adverse effects include 24/7 heavy construction traffic and noise, increased air pollution, lowering of groundwater quality and supply, restrictions on recreational use of the Delta, increased salt water intrusion, a beautiful natural waterway would ^{become} an awful eyesore, loss of thousands of acres of prime farm land, & many other significant and unavoidable impacts.

The tunnels will cost an estimated 25 to 50 billion dollars, for land, equipment, construction, financing and bond measures. Water contractors will help finance the BDCP. In the end, taxpayers of California would pay the bulk of construction, financing and operating costs. Public works projects typically far exceed initial construction time, cost, & financing estimates.

Learn more at www.restorethedelta.org

BDCP is a disaster waiting to happen in California.

johnminnehan@yahoo.com
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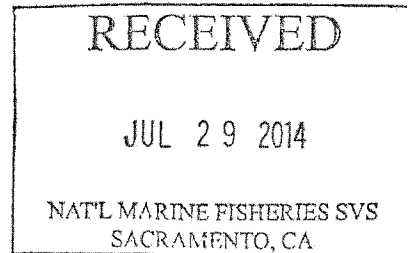
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Timothy W. Waits  
Linda L. Waits  
Managing Members  
Lake Winchester Vineyard, LLC  
51010 Willow Point Road  
P.O. Box 39  
Clarksburg, CA 95612



July 28, 2014

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

Re: Comments to the Bay Delta Conservation Plan Draft EIR/EIS

Dear Mr. Wulff and the BDCP Leadership and Comments Team:

The Bay Delta Conservation Plan (Nov. 2013) ("BDCP") proposes to dramatically alter the way in which the Sacramento River and Sacramento-San Joaquin Delta ("Delta") waters are allocated and flow through the Clarksburg District.

As the Managing Members of Lake Winchester Vineyards, LLC ("Lake Winchester Vineyards") in Clarksburg, we are gravely concerned about the potential significant impact of the proposals of the BDCP on local commercial operations, real property usage, environmental and socio-economic impacts. The following comments to the EIR/EIS are submitted for your consideration.

Lake Winchester Vineyards encompasses two parcels in Yolo County, assessor parcels 044-120-008-000 and 044-120-010-000, totaling approximately 342 acres of agricultural land of which approximately half is planted in a permanent crop of wine grapes which are under long-term purchase contracts. All irrigation for vineyard and farming activities at Lake Winchester relies on Delta sources through Lake Winchester.

Both parcels of land front Lake Winchester, which receives water from the Sacramento River for reclamation district needs as well as agricultural irrigation. The out-take feeding Lake Winchester is just south of Pumphouse Road and South River Road, which is just north of the town of Clarksburg.

The Lake Winchester Vineyards property line begins approximately ½ mile west of the Sacramento River and continues westerly along the lake for approximately 1.5 miles. Portions of the legal acreage of Lake Winchester Vineyards extend into the lake itself.

Two residences front Lake Winchester, as well as agricultural buildings and a business office. In addition to the reclamation and irrigation uses for Lake Winchester, the Sacramento Water Ski club holds a long term lease with property owners to use the lake as a private ski club.

A number of state and federal entities are formulating various services, strategies, policies, habitat conservation plans, reports and other procedures which will have potentially significant impacts. These plans could seriously damage Lake Winchester Vineyards, the lake itself, the neighboring properties and the unique wildlife habitat that rural lands and waterways provide.

Lake Winchester Vineyards is home to many endangered species, including the Swenson Hawk, Elderberry Beetle and Burrowing Owl, among others. All of these are dependent on the waters for survival and would be significantly impacted by water flow disruption.

Additionally, Ducks Unlimited, an international non-profit organization dedicated to the conservation of wetlands and waterfowl, has selected the unique physical environs of this property to create, in partnership with Lake Winchester Vineyards, a five acre natural wildlife fowl habitat. Key to the decision of Ducks Unlimited, a world leader in waterfowl conservation, to create this wildlife habitat at Lake Winchester Vineyards was the availability of water for the marshy wetlands to support the wildlife environs. The impacts to wetlands conservancy and endangered species are not adequately addressed in the EIR/EIS.

Chapter 6 of the EIR/EIS purports to analyze the significant and serious effects and impacts because of changes in the surface water as a result of the project's alternatives. However, Chapter 6 focuses almost exclusively on the changes in the level of surface water in and around both the Delta and the State of California as a result of the project alternatives; it fails to analyze or discuss the quality or quantity of surface water available or used by existing surface water users as either an impact or effect.

Specifically, the plan fails to analyze significant and substantial impacts of lowered surface water tables both in terms of existing water users and for continuing quality of water for the required uses. The EIR/EIS fails to adequately address the potential impacts to the quality of the surface water.

The Clarksburg Agriculture District relies in part on ground water through existing wells located in the District. Chapter 7 purports to analyze the significant and serious effects and impacts because of the changes in the groundwater as a result of the project alternatives.

However, Chapter 7 fails to analyze or discuss the quality or quantity of groundwater available or used by existing Clarksburg ground water users as either impacts or effects as a result of any of the project alternatives.



Chapter 8 does not appear to address changes in water quality available for agriculture production activities. The principle crop of the Clarksburg Agricultural District is wine grapes. This is a permanent crop installed at tremendous capital expenditure.

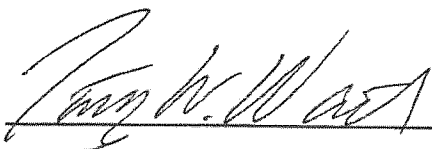
Changes in the quality of the ground water could significantly adversely affect the grape-growing industry in the District and could result in drastic economic and sociological consequences. The EIR/EMS must fully analyze such significant effects and impacts arising from changes in water quality in the Clarksburg Agricultural District in order to be complete.

The residents and businesses in the Clarksburg Agriculture District rely on a small number of small two lane rural roads for transportation within the Delta and beyond. Large scale construction as planned would result in devastating economic and social impacts to the people and business of the area. No mitigation is offered to offset the traffic and transportation impacts.

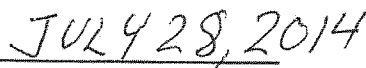
Section 14.2.2.3, page 14-20 lines 3 to 21, with reference to the Delta Protection Commission ("DPC") and its work fails to mention or analyze the DPC's Economic Sustainability Plan ("ESP"). Cutting across a number of sections written into the Draft EIR/ESP, but with particular focus of Delta agriculture, the ESP is an important planning and legal document formally adopted by the DPC. Many of the components of the ESP have been incorporated into and made a part of the Delta Plan, formally adopted by the Delta Stewardship Council. The ESP must be considered in the EIR/EIS.

Lake Winchester Vineyards requests that the final EIR/EIS clearly identify all places where each and every comment above is addressed.

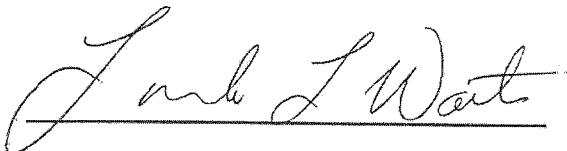
Respectfully Submitted,



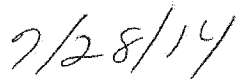
Timothy W. Waits  
Member/Manager



Date



Linda L. Waits  
Member/Manager



Date

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CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
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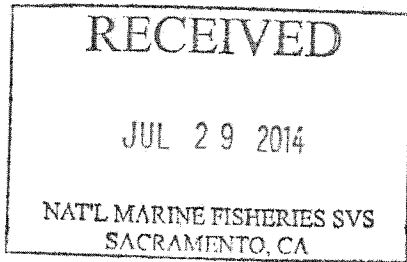


Established in 1938

July 28, 2014

JENNIFER LUCCHESI, *Executive Officer*
(916) 574-1800 Fax (916) 574-1810
California Relay Service TDD Phone 1-800-735-2929
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File Ref: SCH #2008032062

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

**Subject: Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS)
for the Bay Delta Conservation Plan**

Dear Mr. Wulff:

The California State Lands Commission (CSLC) staff has reviewed the subject EIR/EIS for the Bay Delta Conservation Plan (BDCP), which is being prepared by the California Department of Water Resources (DWR), Bureau of Reclamation (Reclamation), U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS). DWR, as a public agency proposing to implement the BDCP, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). Reclamation, USFWS and NMFS, as public agencies proposing to implement the BDCP and/or issue incidental take permits to DWR, are the co-lead agencies under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, because implementation of the BDCP involves work on sovereign lands, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the

United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Project Description

DWR and Reclamation propose to implement various activities, including physical and operational improvements, related to their joint operation of the State Water Project (SWP) and Central Valley Project (CVP), which together make up the water conveyance system for much of the water supply in the State. Because SWP/CVP improvements and operations result in the incidental take of species listed under the State and federal endangered species acts, DWR prepared the BDCP as part of its applications for incidental take permits from the USFWS, NMFS, and California Department of Fish and Wildlife (CDFW). The BDCP sets out a comprehensive conservation strategy for the Delta to restore and protect ecosystem health, water supply, and water quality over the next 50 years.

The BDCP includes the following components:

- Water Flow. Manage the routing, timing and amount of flow through the Delta while establishing an interconnected system of conservation lands across the BDCP area, including the Yolo Bypass Fisheries Enhancement;
- Habitat Restoration. Restore, enhance and manage physical habitat to expand the extent and quality of intertidal, floodplain, channel margin, riparian, vernal pool, grassland, and marsh habitat;
- Manage Negative Stressors. Reduce the adverse effects of various stressors on covered species through methylmercury management, invasive aquatic vegetation control, localized reduction of predatory fishes, and urban stormwater treatment; and
- Avoidance and Minimization Measures. Avoid or minimize direct take of covered species and minimize impacts on natural communities that provide habitat for covered species.

The EIR/EIS identifies the Alternative 4 as the Environmentally Superior Alternative.

Comments

1. Jurisdiction. After reviewing the information contained in the EIR/EIS, CSLC staff has determined that some BDCP activities will occur on State-owned sovereign land in various waterways under the jurisdiction of the CSLC. Please be advised that California Code of Regulations, Title 2, section 2030, subdivision (a) prohibits the CSLC from selling sovereign tide and submerged lands. Additionally, there are complex legal issues relating to the location and extent of sovereign lands within the BDCP area which may affect the use, conveyance, and/or encumbrance of these

lands. CSLC staff requests that DWR submit additional information such as detailed current and historical maps, title reports, intended use, and engineering designs as soon as possible to help CSLC staff determine the extent of sovereign lands in the BDCP area as well as the exact components of the BDCP that will require a lease or other authorization. Please contact Wendy Hall (see contact information below) for further questions about the extent of the CSLC's sovereign ownership and leasing or other authorization requirements.

2. Navigational easement. Please also be advised that the waterways in the BDCP are subject to a public navigational easement. This easement provides that the public has the right to navigate and exercise the incidences of navigation in a lawful manner on State waters that are capable of being physically navigated by oar or motor-propelled small craft. Such uses may include, but are not limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses.
3. Public Trust coordination. CSLC staff has been involved in ongoing coordination with DWR regarding the BDCP and its potential to impact public trust uses and values. The EIR/EIS discloses the impacts of implementing the BDCP on public trust uses including navigation and water-based recreation, commerce, and transportation. CSLC staff is available for further coordination to ensure that impacts to public trust uses are minimized during the implementation of Conservation Measure 1 in the BDCP. CSLC staff will also be available for coordination during future project-level CEQA analysis for BDCP Conservation Measures 2-22.

Thank you for the opportunity to comment on the EIR/EIS for the BDCP. As a responsible and trustee agency, the CSLC will need to rely on the Final EIR/EIS for the issuance of any new lease or other authorization as specified above and, therefore, we request that you consider our comments prior to certification of the EIR/EIS.

Please send copies of future project-related documents, including electronic copies of the Final EIR/EIS, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Holly Wyer, Environmental Scientist, at (916) 574-2399 or via e-mail at holly.wyer@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Wendy Hall, Public Land Management Specialist, at (916) 574-0994, or via email at wendy.hall@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Wendy Hall, LMD, CSLC
Holly Wyer, DEPM, CSLC

From: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Sent: Wednesday, July 30, 2014 9:18 AM
To: bdcpc comments - NOAA Service Account
Subject: Fwd: BDCP COMMENTS
Attachments: 20140729 - California State Lands Commission.pdf; 20140729 - State Water Contractor.pdf; 20140729 - City of Antioch.pdf; 20140729 - Timothy & Linda Waits - Lake Winchester Vineyard - Clarksburg.pdf; 20140729 - John Minnehan - Lodi - Letter 1 of 4.pdf; 20140729 - John Minnehan - Lodi - Letter 2 of 4.pdf; 20140729 - John Minnehan - Lodi - Letter 3 of 4.pdf; 20140729 - John Minnehan - Lodi - Letter 4 of 4.pdf

Received before end of comment period.

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

From: Anita Deguzman - NOAA Affiliate <anita.deguzman@noaa.gov>
Date: Tue, Jul 29, 2014 at 3:03 PM
Subject: BDCP COMMENTS
To: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>

I have attached the following BDCP comments for your files.

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

--

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

RECEIVED

JUL 28 2014

NATL MARINE FISHERIES SVS  
SACRAMENTO, CA

BDCP1764.

7/24/14

Dear Mr. Wulff,

Thank you for accepting comments on the Draft BDCP Plan and the Draft EIR/EIS.

I oppose the construction of the BDCP Twin Tunnels Project under the Sacramento-San Joaquin river system. Some of my reasons are as follows, and I don't think the BDCP will meet all of the requirement of the 2009 Delta Protection Act Water Code. Some areas of concern are: Water Code Section

Water Code Section:

85020(b) states - Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place

85020(d) Promote statewide water conservation, water use efficiency and sustainable water use

Section 85021 water code:

The policy of the State of California is to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation and water use efficiency. Each region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts.

Section 85320(b) water code states: The BDCP shall not be incorporated into the Delta Plan and the public benefits associated with the BDCP shall not be eligible for state funding, unless the BDCP does all of the following:

(A) A reasonable range of flow criteria, rates of diversion, and other operational criteria required to satisfy the criteria for approval of a natural Community Conservation plan as provided in subdivision (a) of Section 2820 of the Fish and Game Code, and other operational requirements and flows necessary for recovering the Delta ecosystem and restoring fisheries under a reasonable range of hydrologic conditions, which will identify the remaining water available for export and other beneficial uses.

Section 85320(D) states: The potential effects on ~~Sacramento~~ migratory fish and aquatic resources.

Section 85320(G) The potential effects of each Delta conveyance alternative on Delta water quality.

Another item of extreme concern:

"The Brown Administration admits the tunnels would have '52 Significant and Unavoidable Adverse Impacts' on the Delta region, including degraded groundwater quality, long-term reduction of navigation opportunities, and exposure to unhealthy air quality bad enough in Byron to require people to move in order to avoid an increased cancer risk" said RTD Executive Director Barbara Barrigan-Parrilla. "Hidden deep in the 40,000 page project proposal, and further buried in a footnote (p. 31-13, AQ-13 and fn 6), is the news that Byron area children, elderly and people with conditions like asthma will be so threatened by air toxins from the tunnel project that they would have to leave town. What about the thousands of people just up the road in Brentwood and Discovery Bay?"



Thank you very much and I hope you  
oppose too.

Mike HALL  
58 Cloverleaf Cir  
Brentwood, Ca 94513

(925). 634-6356

**From:** Ryan Wulff - NOAA Federal <[ryan.wulff@noaa.gov](mailto:ryan.wulff@noaa.gov)>  
**Sent:** Wednesday, July 30, 2014 9:12 AM  
**To:** bdcg comments - NOAA Service Account  
**Subject:** Fwd: BDCP COMMENTS  
**Attachments:** 20140728 - Gilbert Labriea AIA, Architect.pdf; 20140728 - County of Placer - Board of Supervisors.pdf; 20140728 - East Contra Costa Irrigation District.pdf; 20140728 - Yorba Linda Water District.pdf; 20140728 - Las Virgenes Municipal Water District.pdf; 20140728 - Mike Hall - Brentwood.pdf

Received before end of comment period.

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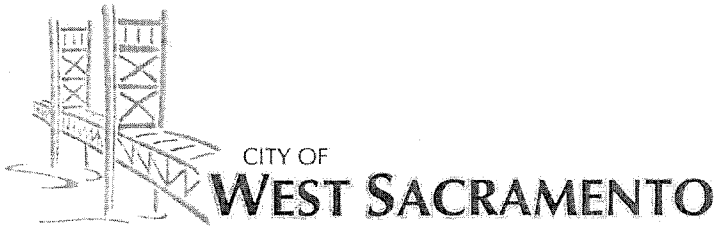
**From:** Anita Deguzman - NOAA Affiliate <[anita.deguzman@noaa.gov](mailto:anita.deguzman@noaa.gov)>  
**Date:** Mon, Jul 28, 2014 at 1:43 PM  
**Subject:** BDCP COMMENTS  
**To:** Ryan Wulff - NOAA Federal <[ryan.wulff@noaa.gov](mailto:ryan.wulff@noaa.gov)>

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.

--

~~~~~  
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

**CITY HALL**

1110 West Capitol Avenue
West Sacramento, CA 95691

City Council
City Manager
City Clerk
Information Technology
(916) 617-4500

Community Development

Planning/
Development Engineering
(916) 617-4645
Building
(916) 617-4683
Redevelopment
(916) 617-4535
Housing & Community
Investment
(916) 617-4555
Economic Development
(916) 617-4880

Public Works

Operations
(916) 617-4850
Engineering
(916) 617-4645
Flood Protection
(916) 617-4645

Finance

Administration
(916) 617-4575
Refuse & Recycling
(916) 617-4590
Utility Billing
(916) 617-4589

Human Resources

(916) 617-4567

Parks & Recreation

(916) 617-4620

FIRE

2040 Lake Washington Blvd.
West Sacramento, CA 95691
(916) 617-4600
Fax (916) 371-5017

POLICE

550 Jefferson Boulevard
West Sacramento, CA 95605
(916) 617-4900

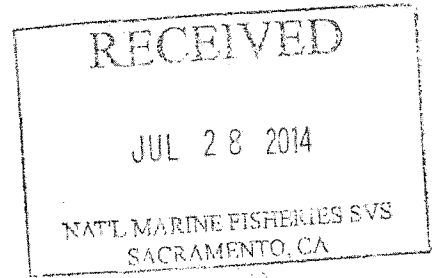
Code Enforcement
(916) 617-4925

PUBLIC WORKS

Operations
1951 South River Road
West Sacramento, CA 95691
(916) 617-4850

July 25, 2014

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



RE: Comment Letter on BDCP and Associated EIR/EIS

Dear Mr. Wulff:

The City of West Sacramento (City) appreciates the opportunity to provide these comments on the Bay Delta Conservation Plan (BDCP) Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS), and the BDCP (December 13, 2013 Public Review Draft). The Bay Delta Conservation Plan and the accompanying DEIR/EIS provides a blueprint to simultaneously resolve water supply reliability issues for Delta Exporters while addressing ecosystem sustainability issues consistent with the federal and state Endangered Species Acts in the Sacramento-San Joaquin Delta (Delta). The City supports rectifying these contrasting objectives but must address its concerns with the BDCP DEIR/EIS in its current form.

The implementation of the BDCP raises serious issues to the City and its water supply reliability. Specifically, it is not clear in any of the documents how the City's water rights and entitlements will be impacted by expanded exporter diversions in light of the Delta's plight and looming climate change predictions. It is unacceptable that the result of this project would be any diminution in the City's water supplies. The documents do not provide adequate assurances that not only the City's water rights and entitlements are protected but also that the water supplies that comprise the basis of these rights and entitlements are also protected. There is a subtle yet paramount correlation – the legal rights are only as good as the water available to supply all the rights. Simply stating that "water rights are protected" is not enough.

Importantly, the City's water assets are inextricably linked to all other water assets throughout the Delta watershed. As we are witnessing this year, deficient rainfall and storage in the San Joaquin drainage is placing additional water release burdens on the Sacramento drainage to meet Delta regulatory requirements. The current version of the documents fail to address the project operational problems associated with changed climate conditions that could worsen salt water intrusion in the Delta and reduce precipitation and snowpack statewide. These issues could directly affect the City's water supplies that originate north of the Delta and should be addressed in the documents.

Ryan Wulff
July 25, 2014
Page 2

The City is also concerned about new fees and charges that may result from implementation of the BDCP. The City expects that the "beneficiaries pay" principle will be used in assessing costs for the project – both acknowledged costs *and* unforeseen future costs. The notion that benefits may accrue the same to area of origin water users as they do to export diverters is misplaced. Specifically, assessing costs of ecosystem restoration to in-watershed water users in the same way as assessing costs to water exporters disavows the fundamental problem with the export of water from the Delta – exports permanently remove all exported water from the system unlike uses wholly contained in a watershed of origin. The costs of this permanent water displacement and its environmental impacts should be born accordingly.

The City cannot endorse the Bay Delta Conservation Plan or the DEIS/EIR unless there is adequate disclosure of long-term impacts to the water supply reliability of the City. Moreover, the BDCP must provide clear and unambiguous statement of assurance and protections for upstream water rights users from the future whims of the regulatory agencies in light of the project's foreseen and unforeseen environmental impacts. Fees and costs associated with this project and its environmental consequences must be the sole responsibility of the beneficiaries of the project and not tangentially, through broad based ecosystem restoration funds or bonds – on other water users in the state. Exporters must pay the full cost – both economical and environmental – of the deliveries taken out of the Delta watershed for their direct benefit.

The City is concerned about the proposal to restore at least 5,000 acres of riparian habitat where at least some could be done in Planning Unit 21. It is unclear exactly where this would occur, if it would consume developed and/or developable land, and conflict with planned levee improvements by the West Sacramento Area Flood Control Agency. The City of West Sacramento is designated for growth under the Sacramento Region Blueprint and in our General Plan. Growth in our City is planned in part to preserve agricultural lands and habitat areas beyond our incorporated limits as part of the region's MTP/SCS. Lastly, the City supports those comments submitted by the Yolo Natural Heritage Program.

We appreciate the opportunity to comment on the existing documents and look forward to receiving further updates clarifying the project components and the water and cost assurances needed for upstream water user consensus.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Tuttle", with a stylized flourish at the end.

Martin Tuttle
City Manager

From: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Sent: Wednesday, July 30, 2014 9:13 AM
To: bdcg comments - NOAA Service Account
Subject: Fwd: BDCP COMMENTS
Attachments: 2040728 - City of West Sacramento.pdf; 20140728 - Yocha Dehe Cultural Resources.pdf; 20140728 - Stark Reclamation District No. 2089 - Stockton.pdf; 20140728 - Union Island Reclamation District No. 2 - Stockton.pdf; 20140728 - Mossdale Reclamation District No. 2107 - Stockton.pdf; 20140728 - Union Island Reclamation District No. 1 - Stockton.pdf; 20140728 - Reclamation District No. 544 - Stockton.pdf; 20140728 - Los Angeles & Orange Counties Building & Construction Trades Council.pdf

Received before end of comment period.

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

From: Anita Deguzman - NOAA Affiliate <anita.deguzman@noaa.gov>
Date: Mon, Jul 28, 2014 at 1:45 PM
Subject: BDCP COMMENTS
To: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>

I have attached the following comments for your files.

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

--

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



YOCHA DEHE  
CULTURAL RESOURCES

July 25, 2014

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

RECEIVED

JUL 28 2014

NATL MARINE FISHERIES SVS  
SACRAMENTO, CA

RE: YD-02122014-04/Bay Delta Conservation Plan Comment Period

Dear Mr. Ryan Wulff:

The Cultural Resources Department of the Yocha Dehe Wintun Nation has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have cultural interest in portions of the proposed project area.

We have several comments in regards to the Bay Delta Conservation Plan. Our original letter sent to the California Department of Water Resources in 2009 did not have comments at that time. However, we would like to note that in the Native American Correspondence section, of Chapter 18, that a "no comment at this time letter" does not equate to "no objection or concern" regarding a project. We have quite a few concerns regarding this project.

While initial site visits were conducted in 2009 and later in 2011, local tribes were not invited to participate in these initial survey areas. Archaeologist and survey teams could have benefitted from Tribal knowledge of local landscapes.

As is noted in Chapter 18, on page 4 (18-4) of the Draft plan, test excavations will damage any potential archaeological resources and those resources may never again be perfectly restored. Once an alternative is chosen, test excavations in areas impacted by the project will be necessary. We highly recommend that prior to choosing test excavation areas, the archeologist or project engineer contact local tribes to consult regarding the placement of test excavations. We feel that test excavations done outside of the area of potential effect should be kept to a minimum number and that Tribal Monitors should be made a part of this discussion with contractors.

Currently, the Mitigation Measures in many of the Alternate Plans set up an adversarial dynamic between Project Personnel and Native American groups from the onset. For Example, Alternative 1A (18.3.5.2) with Mitigation Measure CUL 1: *Prepare a Data Recovery Plan and perform Data Recovery Excavations*, does not include Native American Monitors during excavation or testing. Mitigation Measure CUL-3: *Perform Training with Construction Workers*, does not include Native American Monitors as part of the Pre-construction training. Mitigation Measure CUL-5: *Consult with Parties regarding the Built Environment*, speaks to consultation for the

built in environment, but does not include tribes or consulting with parties regarding Archaeological Sites.

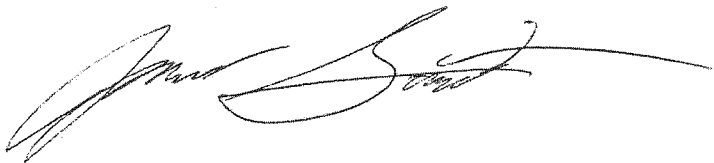
We believe that Consultation between tribes should be entered into prior to Data Recovery. Essentially, Mitigation Measure CUL- 5 should include more than the built environment and should come at the beginning of the process, rather than at the end.

All Mitigation Measures for Alternate plans should encourage Native American tribes to become full partners at the beginning of the process, and at every step until the project is completed. By excluding Native Americans from the process or only including them when Native American remains are discovered, you create an unnecessary dynamic that views Native American tribes as the ones that are going to stop the project, rather than the project being stopped because of project personnel negligence to consult with Native American Tribes prior to the start of the project.

We applaud the Departments of Water Resources attempt to develop an Internal Tribal Engagement Policy and would be willing to open a discussion with DWR as soon as draft documents can be circulated. However, we would like to make sure that project personnel who developed the *Principals of Design and Construction* for the Bay Delta Conservation plan also develop a Tribal Advisory Board that would assist in decision making, specifically pertaining to Cultural Resources Protection. The Advisory Board could then work with the Joint Powers Authority to assist in planning the project.

Thank you for providing us with this notice and the opportunity to comment. We look forward to future correspondences.

Sincerely,

A handwritten signature in black ink, appearing to read "James Sarmento", with a long, sweeping horizontal line extending to the right.

James Sarmento  
Cultural Resources Manager

**From:** Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>  
**Sent:** Wednesday, July 30, 2014 9:13 AM  
**To:** bdcf comments - NOAA Service Account  
**Subject:** Fwd: BDCP COMMENTS  
**Attachments:** 2040728 - City of West Sacramento.pdf; 20140728 - Yocha Dehe Cultural Resources.pdf; 20140728 - Stark Reclamation District No. 2089 - Stockton.pdf; 20140728 - Union Island Reclamation District No. 2 - Stockton.pdf; 20140728 - Mossdale Reclamation District No. 2107 - Stockton.pdf; 20140728 - Union Island Reclamation District No. 1 - Stockton.pdf; 20140728 - Reclamation District No. 544 - Stockton.pdf; 20140728 - Los Angeles & Orange Counties Building & Construction Trades Council.pdf

Received before end of comment period.

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

**From:** Anita Deguzman - NOAA Affiliate <[anita.deguzman@noaa.gov](mailto:anita.deguzman@noaa.gov)>  
**Date:** Mon, Jul 28, 2014 at 1:45 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.

--

~~~~~  
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

From: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Sent: Wednesday, July 30, 2014 8:23 AM
To: bdcg comments - NOAA Service Account
Subject: Fwd: letter on BDCP EIS from Corps
Attachments: scannedDoc.pdf

Received 7/29

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

From: **Nepstad, Michael G SPK** <Michael.G.Nepstad@usace.army.mil>
Date: Tue, Jul 29, 2014 at 2:45 PM
Subject: letter on BDCP EIS from Corps
To: Ryan Wulff - NOAA Federal <ryan.wulff@noaa.gov>
Cc: "Enos, Cassandra" <cenos@water.ca.gov>, "Laura King Moon (lkmoon@water.ca.gov)" <lkmoon@water.ca.gov>, "karla.nemeth@resources.ca.gov" <karla.nemeth@resources.ca.gov>, Marc Ebbin <mebbin@emslp.com>, "Clark, Susan S SPK" <Susan.S.Clark@usace.army.mil>

Ryan,

I will hand deliver you the signed copy on Thursday

Thanks

Michael G. Nepstad
Deputy Chief, Regulatory Division
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922
(916) 557-7262
michael.g.nepstad@usace.army.mil

* We want your feedback! Take the survey:

<http://per2.nwp.usace.army.mil/survey.html>

* Need information on the Regulatory Program? Visit our website:

<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>

* Facebook: www.facebook.com/sacramentodistrict

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* Twitter: www.twitter.com/USACESacramento

BDCP1767



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

July 29, 2014

Regulatory Division SPK-2008-00861

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

Dear Mr. Wulff:

This letter is intended to provide clarification of our understanding of the Environmental Impact Statement (EIS) for the Bay Delta Conservation Plan (BDCP) as it relates to the U.S. Army Corps of Engineers' Regulatory Programs.

The Sacramento District recognizes that the Draft EIS for the BDCP is primarily focused on two different proposed federal actions, namely the issuance of permits under Section 10 of the Endangered Species Act by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service and the adoption of operational and other changes to the Central Valley Project by the Bureau of Reclamation. The District further understands the Final EIS is not intended to include a level of analysis sufficient to support permit decisions under Section 404 of the Clean Water Act and Sections 10 and 14 of the Rivers and Harbors Act of 1899 for all actions associated with the BDCP. Rather, the EIS may later be supplemented through additional environmental documentation, if necessary. Furthermore, the District does not expect the BDCP EIS will include an analysis of alternatives that it will rely on to make a determination regarding the "least environmentally damaging practicable alternative" pursuant to the U.S. Environmental Protection Agency's 404(b)(1) Guidelines. Instead, the District will conduct such an analysis once it has received a permit application and additional project-level information.

The District is committed to further assisting the BDCP lead agencies in the development of an EIS that serves the needs of the BDCP parties. We will continue to work with the lead agencies regarding such issues as impacts of the BDCP to navigation, federal flood control and navigation projects, and waters of the United States, including wetlands. If you have any questions, please contact me by email at Michael.G.Nepstad@usace.army.mil or telephone at 916-557-7262.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael G. Nepstad", is written over a horizontal line.

Michael G. Nepstad
Deputy Division Chief,
Regulatory Division