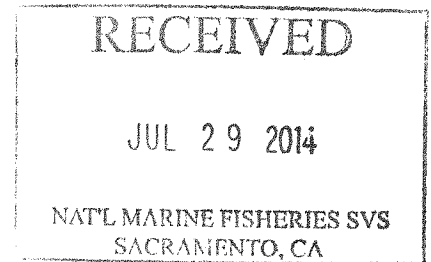


Courtland Fire Protection District

P.O. Box 163
Courtland, CA 95639

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 Comment Teams:

The Bay Delta Conservation Plan (Nov. 2013) ("**BDCP**") intends to radically alter the way the Courtland Fire Protection District (the "**District**") fulfills its mission and delivers emergency services within its District boundaries. It also places our mutual aid agreements at risk among the districts in Southern Sacramento County and eastern Yolo county.

The District is a unit of Sacramento County in the northern section of the Sacramento-San Joaquin Delta (the "**Delta**"). The District encompasses the area just south of Freeport along the eastern side of the Sacramento River to Vorden Road, as well as Sutter Island and the northern section of Grand Island. Therefore, the District lies entirely within the boundaries of the Delta as well as the BDCP Plan Area.

The purpose of the District is to provide EMS services and fire suppression to the civilians and structures within its boundaries as well as assist in holding insurance rates as low as possible. To fulfill this duty, the District relies on the following:

1. Funding almost entirely from property taxes based on property parcels and structures;
2. A system of State and County roads and private travel routes for the delivery of services within the District and the delivery of units as needed to fulfill mutual aid agreements in neighboring districts;
3. The on-going system of purchase and maintenance of equipment comprised of rolling stock, personal protection, fire suppression, medical aid, other supportive equipment; and
4. The maintenance of existing levees and flood protection to reduce the risk of floods and the damage cause by inundation by water.

Several State and federal entities are discussing formulating various devices, strategies, policies, habitat conservation plans, reports and other procedures (together, "**Plans**") which have the potential to severely disrupt and even prevent the District from accomplishing its mission by altering the above physical and economic facts. The BDCP is one example of one of these Plans currently under consideration.

This letter constitutes the District's formal comments to the Draft Environmental Impact Report and Draft Environmental Impact Statement, issued November 2013 (the "**Draft EIR/EIS**") for public comment. The comments in this letter are provided by the District so as to protect and enhance the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving environment. (See: Water Code section 85054)

Throughout all of these comments, when impacts and/or effects are described or identified in any way, such impacts are to be deemed significant impacts for purposes of CEQA analysis, and such effects are deemed adverse effects for purposes of NEPA analysis.

The District responds to approximately 140 fire suppression and medical aid calls annually. The District expects that its call volume will increase substantially on a yearly basis during the construction phase with a minor decline during post-construction operations.

Comments Regarding Surface Water

The District relies in part on surface waters throughout the District, and elsewhere on mutual aid calls, for fire suppression and emergency response. Chapter 6 purports to analyze the significant and serious effects and impacts because of changes in surface water as a result of the project alternatives.

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. However, Chapter 6 fails to analyze or discuss the quality or quantity of surface water available or used by existing surface water users as either impacts or effects as a result of any of the project alternatives.

Specific to the District, various project alternatives, if not all project alternatives, fail to analyze the significant and substantial impacts or effects of lowered surface water tables, and thus failures of significant or substantial loss of access to water. The District relies heavily on water, carried in all of its rolling equipment, to fight and suppress fires. Therefore, anticipated lowering of surface water elevations, quality and quantity will

threaten the Districts ability to fight and suppress fire both within the District and neighboring Districts through mutual aid agreements. The project proponents must provide for all water loss.

Chapter 8 does not appear to address changes in water quality upon District operations. Poor water quality, whether in surface or ground waters, is believed to significantly and seriously deteriorate and negatively affect the efficiency of water use in fire suppression and emergency response, and is further believed to shorten the life of the equipment used by the District to perform its mission. The EIR/EIS must fully analyze serious and significant impacts and effects arising from changes in water quality upon District operations and equipment in order to be complete.

Comments Regarding Groundwater

The District relies in part on groundwater through various existing wells located in the District, some within a mile of proposed water intake stations, for fire suppression and emergency response. Chapter 7 focuses almost exclusively on the changes in the level of groundwater in and around both the Delta and the State of California as a result of the project alternatives. It purports to analyze the significant and serious effects and impacts because of changes in groundwater as a result of the project alternatives. However, Chapter 7 fails to analyze or discuss the quality or quantity of ground water available or used by existing groundwater users as either impacts or effects as a result of any of the project alternatives.

Specific to the District, various project alternatives fail to analyze the significant and substantial impacts or effects of lowered groundwater tables, and thus significant or substantial loss of access to water is likely. The District relies heavily on water, carried in all of its rolling equipment, to fight and suppress fires. Therefore, anticipated lowering of groundwater tables, quality and quantity will threaten the Districts ability to fight and suppress fire both within the District and neighboring Districts through mutual aid agreements. The project proponents must provide for all water loss.

The District is also concerned generally that the overall lowering of the groundwater table as admitted in the Draft EIR/EIS will cause, or lead to, ground surface and underground depressions, sinkholes and lowered elevations, cracks in building foundations, and other structural damage as surface and subsurface earth subsides due to lowered groundwater tables, increasing calls for emergency assistance.

Comments Regarding Agricultural Resources

The District provides substantial fire and emergency response services to the persons, businesses, structures, industrial locations and improvements located out in

the District which are primarily characterized by or materially support agriculture land uses. The cross-reference discussion set forth in subsection 14.1, beginning on page 14-1, line 28, through page 14-2, line 2, fails to refer to fire suppression and emergency response as related to agriculture in any other chapter. Failing this, reader expects to see analysis of the serious and significant impacts and effects of each of the proposed project alternatives on agriculture as a result of the serious and substantial impacts and effects on the District operations caused by each of the project alternatives. The lack of such analysis is a fatal and serious flaw in the Draft EIR/EIS.

The substantial and serious connection between the District's income from special assessments (determined by a schedule of fixed amounts) and a portion of general real property taxes (determined by assessed values) and related serious and substantial impacts and effects caused by the various project alternatives is not analyzed at all.

Additionally, serious and substantial impact and effect, and possible reduction in the level of fire suppression and emergency response will have a serious and substantial impact and effect on future agricultural development and per acre values. These impacts, and the serious and significant impacts and effects which may occur related to the District may limit, restrict, stop, or reduce the agricultural infrastructure required for continued existence of all of the crops and agricultural activities identified in Chapter 14.

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").¹ Cutting across a number of sections written into the Draft EIR/ESP, but with particular focus on 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. This failure is a fatal flaw.

Additionally, the admitted lack of analysis of Williamson Act contract cancellations discussion (e.g., at page 14-75, lines 10-24) fails to include in its analysis the resulting financial impacts resulting on changes in land values, changes and restrictions in crop plantings, and changes in land uses on the income and operations of the District and the other public entities, utilities, and other organs of the Delta and the Delta communities. This failure is a fatal flaw.

Comments Regarding Socioeconomics

¹ The ESP is described and analyzed in subsection 16.2.2.3, beginning at page 16-32. However, the ESP also should be included in the Draft EIR/EIS analysis for Chapter 14.

In Chapter 16, discussing the Socioeconomics of the Delta, The findings indicate, without evidence, that the “rural communities” of the Delta are simply the towns of the Delta; the collection of improvements lying within the historic townships in the Delta. The language set out at page 16-3, lines 8-10 is an important example of this thinking. In truth, the Delta communities are composed of both the townships *together with* their surrounding agricultural lands, each in symbiotic relationship with the other. In the Courtland and Hood communities, this truth is revealed in the monthly meetings of town councils and informational meetings, an annual harvest fair, community dinners and fundraisers held by the District, annual street and yard sale events, along with many events held at the school, library, church, and other community groups. Together, these events bring the residents of these communities together into a cohesive, unified community bound together with common values, traditions, and histories going back in this and for over seven generations. (“**Community Cohesion**”). Together with our multicultural heritage through our large Hispanic and Asian communities, these facts and more demonstrate that the Delta community and its social fabric is not divided along the lines of township vs. non-township.

ECON 15, analyzed in relation to Alternative 1A, and incorporated into various other Alternatives, regarding damage, impact and negative effects on community character, is deeply flawed. (See page 16-72, line 3 to page 16-73, line 10.) In addition to the failures discussed above, the NEPA portion of the analysis (page 16-72, line 5 to page 16-73, line 2) admits that serious and significant impacts would be imposed on Delta communities, while the CEQA portion of the analysis (page 16-73, lines 3-10) claims no physical impacts will occur. Either one statement or the other is true. Both statements cannot be true at the same time.

ECON 15, page 16-72, at lines 27-30 claims that CM3 (the cultivated land natural community strategy) would ensure continued agricultural production, but fails to address in any way the quality, type, values or other characteristics of that claim of continued agricultural production. It is basis and foundational to any NEPA or CEQA analysis to include the basic parameters of anticipated changes in crop quality, type, value and other fundamental characteristics when claiming that “CM3 would ensure the continuation of agricultural production on thousands of acres in the Delta.”

The continued health of agriculture in the District, and in the Delta in general, is essential to the financial health and human resources demands upon the District and its ability to continue to satisfy the demands of its mission. The activities, meetings, social gatherings, parades, and other regular and annual events which provide important cohesion for the community and its social harmony are likely to be disrupted, leading to a substantial and disastrous impact on it and its neighboring communities.

Comments Regarding Cultural and Historic Resources

Since its establishment in the 1940s, the District has had an important place in the cultural and historic landscape of the Delta. In no small part due to its place in the Community Cohesion described above, the District has consistently served over time as a key place where members of the Delta Community gather to forge and renew relationships, discuss community issues, and plan for the future.

The District is also a key area for Native American activity. Sections 18.1.1.3 and .4 in particular, and section 18.1 in general disclose that at no time did the drafters of the Draft EIR/EIS ever reach out to local historians who would have shown the drafters and their agents and associates the location of burial grounds, where arrowheads are generally found, and where other evidence of Native American culture is located.

The failure of analytics used throughout the preparation of the Draft EIR/EIS to even ask for local knowledge on the ground and generally known among families who have lived in the Delta for as much as seven generations is a fatal flaw in analysis and process throughout.

Comments Regarding Transportation

There are expected to be various serious and significant impacts and effects of each of the Alternatives on the transportation network and routes relied upon by the District to perform its mission.

For example, Table 19-3, seventh column from the left title "Hourly Volume Range (6AM to 7PM) specifically fails to take into account morning and evening agricultural activity before and after the stated hours during harvest, planting and growing seasons for various crops. Pear harvest, for example, during July and August, creates heavy traffic before 6AM and after 7 PM. The same is true of grape harvest in August, September and October.

The pavement conditions are admittedly generally unknown or are already inadequate. When 24-hour traffic diversions, and volunteer rerouting due to extremely heavy dump truck traffic to transport tunnel spoils and construction related vehicular, light equipment and heavy equipment trips, the Draft EIR/EIS admits the already inadequate roads will be damaged beyond repair. This will further fracture and degrade Community Cohesion.

Nowhere in the Determination of Effects, section 19.3.2, page 19-36, line 7 through page 19-39, line 1, was the admitted disruption of traffic operations inclusive of the disruption on fire suppression and emergency response operations maintained by

the District. Traffic rerouting, whether directed by governmental authority, or voluntary to avoid construction delays will seriously and negatively impact the District. Responding to calls in and around construction and operation traffic will delay any emergency response. The failure and omission of analysis of these issues is a fatal flaw.

For example, the admitted time of “at least 1 hour” during which LOS would be exceeded (see, for example page 19-41, lines 10-11) does not analyze the resulting burden on emergency response. The same failure is true for corresponding analysis for all Alternatives.

Chapter 19 fails to analyze the serious impacts and effects of increased traffic, and in particular the serious impacts and effects of long periods of heavy equipment traffic, on the levee roads. The failure and omission of analysis of these issues is a fatal flaw.

Comments Regarding Public Services and Utilities

Chapter 20 of the Draft EIR/EIS claims to describe the public services and utilities in the study area which may be affected by the construction, operations and maintenance of the action alternatives in the Plan Area. (Page 20-1, lines 4 – 6.)

As part of the subsection discussing Fire Protection and Emergency Response, the Draft EIR/EIS states “Response time is broken into three components: alarm processing time (dispatch), turnout time, and travel time. The element of time for alarm processing is in the hands of the dispatch and communication system. The amount of time it takes to turnout fire apparatus is different depending on whether the station is staffed by full-time permanent or otherwise assigned personnel, or whether the staffing is recalled (volunteer). Travel time is a function of speed and the availability of a road network to get to the scene of an emergency.” (Page 20-3, lines 35-40.)

Flawed Method of Analysis. Subsection 20.3.1, from page 20-29, line 16 through page 20-30, line 8, recites a “desktop” method of analysis, limited solely to review of electronic data and telephone calls, perhaps limited to one voice message, and email(s). These two methods are the only listed means attempted by the drafters and proponents of the Draft EIR/EIS to obtain information from the public agencies and utilities the drafters write about.

There is absolutely no data presented in summary, raw or other form making representation of any data collected from the telephone calls and emails. This means that no such analysis was received. The calls and emails, and all information received as a result, should be disclosed in the Draft EIR/EIS. The lack of information is not disclosed, and should be disclosed. The Draft EIR/EIS, presented without any of the information collected via the personal methods, is flawed and defective because without

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the information obtained by telephone calls and email the readers and reviewers of the Draft EIR/EIS cannot effectively evaluate the Draft EIR/EIS. The conclusion is that the drafters have either hidden or failed to disclose the information received, or that information was received and not disclosed.

The drafters further failed to inventory the equipment and training level of the District or any Delta public entity or utility, failed to estimate the increased service load on the District due to the construction and/or operations of the projects listed in any of the alternatives, and failed to evaluate whether the District, or any other public entity or utility would possess the required equipment and training to respond to the increased service demands upon the District caused by any of the projects or proposals listed in the Draft EIR/EIS. Due to this, they have offered no plans to assist the District or any other public entity or utility.

Further Flaw in Method. As stated above, Subsection 20.3.1, from page 20-29, line 16 through page 20-30, line 8, recites a “desktop” method of analysis, limited solely to review of electronic data and telephone calls, perhaps limited to one voice message, and email(s). The drafters of the Draft EIR/EIS completely failed to collect the statements of mission, plans, purpose or any other matter from the data and information developed and stored at each public service entity, did not inspect or view any of the facilities listed, did not learn the scope, number or type of responses handled by the District, or any public service entity, in the Delta. The District submits that these flaws are fatal and the failures listed are required to be corrected in order to construct and understand the base line data points upon which the Draft EIR/EIS purports, and should be, based.

As one example for illustration only; if such basic inquiry had been performed by the drafters of the Draft EIR/EIS, they would have learned that part of the primary mission of the District is to provide emergency medical aid, accident and other non-fire first responder services, and that annual calls of this type typically number above 100 per year. The drafters would also have learned that many of these calls result from existing and long standing mutual aid agreements with neighboring Delta fire protection districts. The project, and all of the alternatives, clearly disrupt and delay the delivery of these non-fire responses. It is reasonably believed by the District, based on long experience, that loss of life, serious and permanent injury, some of a debilitating type, with corresponding catastrophic financial, social and quality of life loss.

Flawed Environmental Analysis. Subsection 20.3.1.1, in reference to the Environmental Consequences as applied to Fire Protection states, that “Fire Protection entities have the potential to be affected by construction activities in the same ways as law enforcement agencies.” (Page 20-30, line 30.) The “Law Enforcement” section immediately above this quoted sentence on Page 20-30, lines identifies four potential

impacts: increased number of construction personnel moving into the Plan Area, construction encroachment on station(s), road impacts, and decreased funding.

This analysis is flawed in the following ways:

1. The analysis is limited to “construction activities” (Pg. 20-30, line 30.) The effects analysis (referred to below) lists both constructions and operations activities as creating effects. The flaw here is the failure of the scope of environmental analysis limited to “construction”, whereas the effects analysis focuses on both construction and operation. The environmental analysis must focus and include operations in addition to constructions. Such expansion of analysis to include operations will require further study, additional data, and expanded outreach to understand the true environmental impacts of the BDCP operations upon public services such as Fire and Emergency Response.
2. The Environmental analysis as applied to fire protection, by simply incorporating the analysis as applied to law enforcement, fails to included emergency response, fire suppression, medical aid and other first responder duties which are difference than law enforcement.

Flawed Effects Analysis of Both Adverse Effects (NEPA) and Significant Impacts (CEQA). Subsection 20.3.2, Determination of Effects (beginning at page 20-33, line 1) should be titled “Determination of Effects and Impacts”, to cover both NEPA and CEQA analysis.

The effects and impacts analysis on page 20-33 should include “lack of fire suppression equipment to serve the needs of substantially greater, adverse and significantly higher number of calls and events requiring fire suppression services by the District both within its boundaries and through the District’s mutual aid agreements.

The effects and impacts analysis on page 20-33 should include “lack of emergency response and medical aid equipment

Comments Regarding Public Health

The Draft EIR/EIS fails to take into account various flood potential, flood dangers, and flood risks. In particular, the Draft EIR/EIS in final form should include the Lower Sacramento River/Delta North Regional Flood Management Plan (July 2014), its findings, analysis, conclusions and recommendations. Flood risk, flood events, and high water events have been a significant and serious part of life at all levels in the Delta. Flood dangers and risks, and actual flood events, should be an integral part

of each and every chapter of the Draft EIR/EIS. The lack of such analysis throughout and in every chapter is a fatal flaw.

Comments Regarding Environmental Justice

The District observed no dedicated outreach to the Hispanic or Asian members of our community.

Comments Regarding Public Participation, Consultation and Coordination

The public participation, consultation and coordination activities on the part of the preparers of the Draft EIR/EIS did not include any directed or specific outreach to the District itself.

The preparers of the Draft EIR/EIS have provided the communities of the District, some of the most affected communities in the Delta, with little to no informational outreach. Anyone wishing to participate and take part must travel to neighboring communities which are less impacted by the Draft EIR/EIS. Although the District is a major unit of local government in the Courtland and Hood communities, the lack of outreach from the preparers of the Draft EIR/EIS to the District and all affected communities, is a fatal flaw. The District reached out informally on a number of occasions, but none of these substitute for the formal outreach from the preparers of the Draft EIR/EIS to the District.

The District requests that the final EIR/EIS presentation clearly identify and specifically show all places where each and every one of the comments above is specifically addressed. A redline copy of the Draft EIR/EIS, accompanying the Final EIR/EIS, would greatly aid in helping the public understand where and how all comments are addressed in the final product.

Please contact us if you have any questions.

BDCP19341

BDCP Comments
Ryan Wulff, NMFS
July 28, 2014
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Very truly yours,

COURTLAND FIRE PROTECTION DISTRICT

We Agree and Affirm:

John Stump, Board Chair

Sean Rooney, Board Member

Berry McClain, Board Member

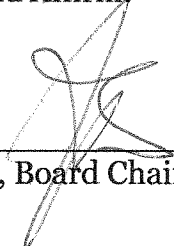
David Welch, Fire Chief

Jennifer Ratola, Board Secretary


Very truly yours,

COURTLAND FIRE PROTECTION DISTRICT

We Agree and Affirm:



John Stump, Board Chair



David Welch, Fire Chief