APPENDIX H4: 2009 LOCAL AGENCIES SCOPING COMMENTS

Central Contra Costa Sanitary District
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ELAINE R. BOEHME
Secretary of the District

May 14, 2009

Delores Brown, Chief
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Dear Ms. Brown:

Comments in response to Revised Notice of Preparation – Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan

The Central Contra Costa Sanitary District (District) appreciates the opportunity to offer comments on the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) that will be prepared to evaluate the environmental impacts of a proposed Bay Delta Conservation Plan (BDCP).

The District currently discharges an average of 44,000 acre feet per year (AFY) or 40 million gallons per day (mgd) of secondary treated effluent to the Suisun Bay just upstream of the Carquinez Bridge. In light of the current drought situation, we have been aggressively promoting recycled water and particularly a project that would use existing transmission and reservoir facilities to serve approximately 22,000 acre feet per year of water to the Shell and Tesoro refineries located nearby in Martinez. These refineries currently utilize about 22,000 acre feet per year of raw water supplied by the Contra Costa Water District. We would like to bring this project to your attention and ask that it be considered as a component of any analysis of the Delta, due to its potential to reduce diversions from the Delta by replacing water that is currently being diverted with recycled water. You may find our comment letter on the Los Vaqueros Reservoir Expansion Project DEIS/EIR (attached) of interest, as it covers many issues relevant to the development of the BDCP.

We also have an interest in ensuring that any projects implemented as a result of the Bay Delta Conservation Plan not have an adverse impact on Delta Outflow such that the dilution available at our outfall is impacted. We encourage you to include our discharge and potential for recycling as a component of your Delta modeling effort so that impacts and benefits can be identified and addressed in the planning process.

Finally, we were recently included in the list of wastewater treatment facilities that contribute ammonia to the Delta. This ammonia contribution is listed as a possible "Other Stressor" to the Delta ecology. Available research on this topic is limited and our District and the wastewater industry as a whole are very concerned that proper scientific study be conducted to substantiate and quantify this potential impact. As you are probably aware, the addition of technology to remove ammonia is extremely expensive and energy intensive. Therefore, it

would be a disservice to the public to speculate on the impacts of ammonia and rush to a judgment whose costs would be significant. We encourage you to weigh the theoretical impact of ammonia discharges against the very real impact of the timing, location, and quantity of water exports to ensure that public monies are spent appropriately and where the conservation benefits would be greatest.

The District appreciates the opportunity to provide these comments at this stage in the development of the BDCP EIR/EIS and looks forward to continued and increased involvement in development of a BDCP that will lead to the recovery of the Delta Ecosystem.

Sincerely,

Ann E. Farrell
Director of Engineering

AEF/mvp

Attachment

COPY

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ELAINE R. BOEHME
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April 21, 2009

Ms. Marguerite Naillon
Contra Costa Water District
P.O. Box H20
Concord, CA 94524

Mr. Louis Moore
US Bureau of Reclamation
2800 Cottage Way, MP-700
Sacramento, CA 95825

Dear Ms. Naillon and Mr. Moore:

Comments on the Los Vaqueros Reservoir Expansion Project DEIS/EIR

The Central Contra Costa Sanitary District (CCCSD) appreciates the opportunity to comment on the Draft Environmental Impact Statement/Environmental Impact Report (EIS/R) for the Los Vaqueros Reservoir Expansion Project (LVRE). The Project as proposed has many attributes that we support. It will provide needed water supply reliability and allow for improved environmental water management. In addition, it brings regional and state-wide partners to the table and creates opportunities to transfer any supplemental water created to these partners. For these reasons, the project creates benefits for our common rate payers and for the region and the State.

However, as you are aware, CCCSD believes recycling of treated wastewater and the Martinez Refinery Recycled Water Project (Refinery Project) should have been included and analyzed as part of the LVRE project and would significantly increase the benefits created. In fact, our estimates show adding recycled water to LVRE Alternative 1, Expansion to 275 TAF, could increase CCWD Water Supply Reliability Benefits from the project by 1100%. By adding recycled water to LVRE Alternative 4, Expansion to 160 TAF, water available for Environmental Water Management could be increased by up to 1650% over the stand alone project. In letters submitted August 21, 2003, we provided the CALFED Bay–Delta Authority and Contra Costa Water District (CCWD), respectively, with information expressing our position regarding the LVRE and our request for the inclusion of recycling of treated wastewater in the environmental review process. CCCSD also submitted verbal testimony at the LVRE public hearing held on March 31, 2009 in Concord, California. Copies of these letters and public testimony are attached for your review.

Background of the Central Contra Costa Sanitary District and the Martinez Refinery Recycled Water Project

Water recycling is an integral part of CCCSD's mission. CCCSD currently discharges an average of 44,000 acre feet per year (AFY) or 40 million gallons per day (mgd) of secondary treated wastewater to the Suisun Bay. If this amount of recycled water were used to create an offset of potable water, the offset would result in enough potable water to serve 100,000 single

family residences. This water could also be used to provide additional water supply reliability for existing uses or to enhance the Delta environment.

Currently, CCCSD has a modest recycled water program that supplies high-quality, tertiary-treated recycled water primarily for landscape irrigation purposes. Due to the substantial amount of additional recycled water that could be made available, CCCSD has been working for many years to expand use of recycled water to include supplies for industrial uses with consistent year-round demand. The table below illustrates the amount of recycled water that could be produced by CCCSD.

Treated CCCSD Effluent Available for Recycling			
	AFY	MGD	CFS
Current Annual Average Treated Wastewater Discharge	44,000	40	62
Average Dry Weather Treated Wastewater Flow Available[1]	40,000	36	56
Average Daily Existing Recycled Water Use[2]	7,000	6	16
Remaining Recycled Water Available for Use	33,000	30	46
Potential Recycled Water Demand Identified for Martinez Refineries	22,000	20	31
Remaining Recycled Water Available for Potable or Environmental Use	11,000	10	16

[1]In dry summer months
[2]In hottest summer month with highest recycled water demand

In the early 1970s, a pipeline and storage tanks were constructed with public dollars to enable the supply of recycled wastewater from CCCSD's treatment facility in Martinez to the nearby Shell and Tesoro refineries, also in Martinez. More than 30 years later, the benefits of those facilities remain largely unrealized because the facilities have hardly been used. Currently, CCCSD is seeking $100 – 150 million dollars in federal, state, and local funds to realize this opportunity. CCWD is the water purveyor in north-central Contra Costa County and shares ownership of a portion of the pipelines to the refineries. In light of these facts, CCCSD has actively engaged in discussions with CCWD for the past 15 years in an effort to implement this long-planned Refinery Project. We share the common goals of providing good quality, affordable water to our customers while reducing the burden on the fragile Delta ecosystem. Providing refineries and other users with recycled water frees up potable water supplies to meet environmental or other demands as well as improving the reliability of water supplies. CCCSD firmly believes that the Refinery Project and recycled water in general should be a component of the LVRE for the reasons stated below.

Recycling CCCSD's Treated Effluent Would Enhance Meeting LVRE Objectives

We believe that the Refinery Project, and recycling in general, meets the primary and secondary objectives of the project:

- **Develop water supplies for environmental water management that support fish protection, habitat management, and other environmental water needs.**

  The LVRE project purpose and need statement indicates that, during dry periods, the U.S. Department of the Interior, Bureau of Reclamation's (Reclamation) Central Valley Project (CVP) has difficulty meeting its environmental water requirements required by the Central Valley Project Improvement Act and meeting its contractual water supply obligations. Our Refinery Project could free up 22,000 acre-feet per year (AFY) of fresh water that could be used for environmental enhancement by leaving it in the Delta to augment Delta outflows to meet flow requirements necessary to protect declining fish species. Additional water recycling projects could free up another 11,000 AFY of fresh water.

- **Increase water supply reliability for water providers within the San Francisco Bay Area, to help meet municipal and industrial water demands during drought periods and emergencies or to address shortages due to regulatory and environmental restrictions.**

  The benefits derived from CCCSD's proposed Refinery Project and other similar projects are multifold. The Refinery Project alone would create up to an additional 22,000 AFY of new water supply for industrial users currently serviced by CCWD. This new supply is drought-resistant and would provide a more reliable source of water for industrial demands. This would free up a significant amount of water that Reclamation, CCWD and the South Bay project participants could use to: (a) store in Los Vaqueros Reservoir; (b) reduce diversions from the Delta; or (c) meet municipal water demands during drought, emergencies or other times of shortage. If industries were served 22,000 AFY by the Refinery Project water in lieu of CCWD potable water, CCWD would have enough potable water to meet the demands of 50,000 families or alternatively, more fresh water could be released upstream in the Delta for environmental enhancement.

  Acknowledging the importance of recycled water use in its service area, CCWD specifically included recycled water in its year 2005 Draft Urban Water Management Plan (UWMP). Table 5-2 of the UWMP lists "Potential Uses of Recycled Water" wherein there are 35,900 AFY identified as being available from CCCSD (9,000 AFY for urban irrigation and 26,900 AFY for oil refinery process use). However, the UWMP goes on to estimate actual and projected future use of recycled water as only 12,000 AFY by the year 2030 – more than 20 years from now.

  The CCWD UWMP anticipates that a multi-year drought would result in mandatory water supply reductions and that the second and third years of a multi-year drought would result in year 2030 supply deficiencies of 17% and 18%, respectfully. In addition, the plan calls for purchasing supplemental water from others which puts farmers at an economic disadvantage in the competition for scarce resources and could lead to land being taken out of production. Unfortunately some of this land has been planted in fruit trees and grape vines and cannot simply be taken out of production like land planted in rice or cotton. This can result in significant economic hardship to the impacted businesses and communities. Greater development and reliance upon recycled water could alleviate this possible demand reduction response to anticipated multi-year droughts. The use of recycled water in the CCWD service area would also free up water that could be transferred to the South Bay Water Agencies, who are potential project participants.

In short, CCCSD maintains that the Refinery Project and all potential recycled water projects create *new* water supply that translates into increased water supply reliability and flexibility to meet demands and increased environmental benefits resulting from a reduction in fresh water diversion from the Delta.

- **Improve the quality of water deliveries to municipal and industrial customers in the San Francisco Bay Area.**

  The Refinery Project would result in improved water quality for industrial customers because its supply of water is steady and reliable and the quality of the water is predictable. As stated in the background of the need for the project, Delta water currently supplied to municipal and industrial users is subject to seasonal variations (and often degraded water supply) with elevated salinity, total dissolved solids, bromides and other constituents. This variation requires industries to alter their operations or provide additional water treatment to ensure the quality is acceptable for use in their cooling tower operations. The Refinery Project could help address these problems for these industrial users. The CCWD UWMP acknowledges that recycled water projects could supply highly-treated recycled wastewater to selected industrial customers for process and cooling purposes.

  As a general comment, the stated objective is to improve water quality for industrial customers; however, the background of the need for the project focuses solely on the need for improved *drinking* water quality for San Francisco Bay Area municipal customers. The need for improved water quality for industrial uses is not clearly stated or addressed.

Recycled Water Inadequately Considered in Alternatives Analysis

According to CEQ NEPA Regulations (40 C.F.R. 1502.14), the alternatives section of a Draft EIS is required to rigorously explore and objectively evaluate all reasonable alternatives. CCCSD's readily available supply of high-quality recycled water and the Refinery Project in particular were not adequately considered as an alternative to increased storage or as a component that would require less storage and result in fewer environmental effects or result in an increase in yield for the same amount of storage.

The EIS/R summarily dismisses the consideration of recycled water programs in its alternatives analysis stating in Table B-1 that "recycled water programs are being actively pursued by other CALFED agencies and by individual agencies in the Bay Area." Table B-1 also states that the potential to address LVRE project objectives is limited by acceptable uses of recycled water, yet no specific examples are given.

It is true that Bay Area agencies are pursuing recycled water programs, but there are few that have the potential to deliver the yield of 22,000 AFY as the CCCSD Refinery Project. In addition, the spirit and intent of the CALFED Water Supply Reliability Program are to look at actions synergistically to achieve the overall goal. In point of fact, Reclamation is one of the implementing agencies for the CALFED Water Use Efficiency (WUE) Program – one of five elements of the CALFED Water Supply Reliability Program. WUE Program actions, including recycled water actions, were considered in the CALFED Water Supply Reliability Program. The actions of all five program elements were to be implemented in concert to achieve CALFED's overall goal of water supply reliability.

As a CALFED WUE implementing agency, the role of Reclamation is to "support local agencies implementing WUE actions at the local level through assistance programs and in overcoming implementation constraints." Given its CALFED role as a WUE implementing agency, and its role as federal lead on the LVRE, Reclamation has a responsibility to more rigorously consider recycling actions as part of the LVRE project.

In addition, through the LVRE project or other avenues, Reclamation could play a key role in overcoming CCCSD's Recycled Water Program implementation constraints and assist in coordinating efforts between CCWD and CCCSD to find acceptable, creative and mutually-beneficial solutions to address CCWD's potential loss of revenue.

The Alternatives Development further explains that

> ... initial concepts related to water use efficiency, such as additional water conservation and recycled water use, were not carried forward beyond Step 1. In general, substantial programs are already in place at each Bay Area water agency to improve water use efficiency. Additional efforts in these concepts would not contribute to the two primary objectives defined for the project: environmental water management and water supply reliability. Further reducing Bay Area water agency demand for Delta water would result in a very small decrease in Delta diversions and the associated environmental water benefit. Additional water conservation without storage to hold water for dry years would provide little benefit in dry years and reduce the effectiveness of drought management (rationing) programs that most Bay Area water agencies would rely on to maintain deliveries through extended drought periods.

Again, we believe that the Refinery Project, and recycled water in general, meet the LVRE project objectives. Moreover, the statement regarding further reduction of demand resulting in a very small decrease in Delta diversions is not correct when you consider the 22,000 AFY yield the Refinery Project would produce. In our discussion of the Benefits of the Refinery Project, below, you will see the significant percentage of increase in yield it would create for any of the project alternatives. Furthermore, this statement would appear to conflict with the CALFED Record of Decision, which viewed "investment in recycling as a cost-effective way to better balance supply and demand in the near-term, especially compared to surface storage and major conveyance improvements that were estimated to take at least 5–10 years to complete." The recycling actions in the CALFED ROD are intended to "address the growing mismatch between water supply demand caused by rapidly growing urban populations and static supplies."

Table B-6, Summary Comparison of Initial Plans, compares the ability of an initial plan to meet the federal Principles and Guidelines criteria of completeness, effectiveness, efficiency and acceptability without providing any detail on estimated costs of each initial plan. Determinations of low, moderate or high are made to provide comparison of an initial plan's ability to meet efficiency criteria. These determinations often indicate that the cost per unit of output is high or low compared to other plans. However, there is no information in the table outlining these estimated costs. To enable the public and responsible state and local agencies to fully understand how the LVRE project alternatives were developed and to compare these alternatives with other potential alternatives projects with similar benefits, such as recycling, the Alternatives Development should include the cost estimates upon which these determinations were made.

Benefits of the Refinery Project and Recycled Water

Significant Additional Yield

The CCCSD Refinery Project is one of the few potential recycled water projects in the state of California that could generate such a significant yield on a continuous annual basis. Including this project as a component of the LVRE project would result in significantly higher yields. Alternative 1 has the higher expanded capacity of 275 thousand acre feet (TAF), and Alternative 4 has the lower expanded capacity of 160 TAF. The following two tables demonstrate the range of increase the Refinery Project could produce in additional yield and percentage of increase for Alternatives 1 and 4. To provide a further point of comparison, the table notes the additional yield that could be achieved if all of CCCSD's available recycled water was used. The benefits of the additional yield in a 6-year drought situation are significant with an up to 1,100% increase in CCWD Water Reliability yield if recycled water is added to LVRE Alternative 1 and an up to 1,650% increase in Environmental Water Management yield if recycled water is added to LVRE Alternative 4.

LVRE Alternative 1 – 275 TAF Expanded Storage with South Bay Connection Summary of Benefits in 6-Year Drought —With Added Benefits of Recycled Water			
Operations	**Average Annual Yield (Table ES-2)**	**With Additional Annual 22 TAF Yield from Refinery Project (% increase)**	**With Additional Annual 33 TAF Yield from recycling all available CCCSD effluent (% increase)**
Environmental Water Management	135 TAF/yr	157TAF/yr (16%)	168 TAF/yr (24%)
South Bay Water Agencies Water Supply Reliability	30 TAF/yr	52 TAF/yr (73%)	63 TAF/yr (110%)
CCWD Water Supply Reliability	3 TAF/yr	25 TAF/yr (733%)	36 TAF/yr (1,100%)

LVRE Alternative 4 – 160 TAF Reservoir Expansion with No South Bay Connection Summary of Benefits in 6-year Drought —With Added Benefits of Recycled Water			
Operations	**Annual Average TAF Yield (Table ES-4)**	**With Additional Annual 22 TAF Yield from Refinery Project (% increase)**	**With Additional Annual 33 TAF Yield from recycling all available CCCSD effluent (% increase)**
Environmental Water Management	2 TAF/yr	24 TAF/yr (1100%)	35 TAF/yr (1650%)
Water Supply Reliability	10 TAF/yr	32 TAF/yr (220%)	43 TAF/yr (330%)

No Significant Increase in Environmental Impacts

Alternative 1, which represents the largest expansion and has the greatest extent of associated facilities, includes an expansion of the reservoir from 1,500 acres to 2,500 acres, raising the dam, constructing an additional intake facility and expanding pipelines and transfer facilities. The impacts of this alternative include those on biological resources, cultural resources and

some significant and unavoidable impacts on habitat for the San Joaquin kit fox, with accompanying considerable mitigation costs.

Comparatively, the pipeline and storage tanks for the Refinery Project are already in place. Construction of additional recycled water treatment facilities would have no significant impacts as it would be constructed on the already disturbed site of the CCCSD wastewater treatment facilities. The construction of the Refinery Project in combination with Alternatives 1, 2, 3 or 4 would result in no significant increase in environmental impacts from those expected from a stand alone LVRE Project.

Making the Best Collective Use of Tax Dollars

In addition to the benefit of increased yield with no significant increase in environmental impacts, the Refinery Project makes the best collective use of already expended public dollars and future proposed tax dollars. Given the current economic climate in the state of California and the world economy, the public expects reasonable returns on their public investments and more responsible, thoughtful spending of current and future tax dollars.

LVRE Project Impacts on Net Delta Outflow Greater than from Recycling all CCCSD's Effluent

As discussed in the LVRE environmental documentation, seasonal variations in Delta outflow play an important role in determining the reproductive success and survival of many estuarine species, including salmon, striped bass, delta smelt and others. Those flows from February through June are especially important.

The Delta Outflow Analysis for LVRE summarized in Tables 4.3-11 and 4.3-12 in average years notes the most significant impact in the month of May. With an outflow of 22,275 cfs in 2005 and 22,122 cfs in 2030 under Severe Fishery Restrictions, the LVRE reduces outflow by 1.5% in 2005 and 1.6% in 2030. Recycling all 46 cfs of CCCSD available treated effluent reduces Delta Outflow by less than 0.2% in May 2005 and 2030, significantly less impact than the LVRE on Delta Outflow.

The same Delta Outflow Analysis summary also notes a significant average year impact in the month of November. With an outflow of 9,743 cfs in 2005 and 9,389 cfs in 2030 under Severe Fishery Restrictions, the LVRE reduces outflow by 1.1% in 2005 and 1.5% in 2030. Recycling of 46 cfs of CCCSD available treated effluent reduces Delta Outflow by only 0.5% in November 2005 and 2030, again, significantly less impact than the LVRE on Delta Outflow.

While CCWD has consistently maintained that recycling CCCSD effluent has a negative impact on the Delta by reducing Delta Outflow, the environmental documentation for LVRE shows Delta Outflow reductions as high as 1.6% in average years and claims they are less than significant. If these levels of Delta Outflow reduction are less than significant for LVRE, then recycling CCCSD treated effluent would also have less than significant impacts on Delta Outflow.

Conclusion

The LVRE Project will provide needed water supply reliability and allow for improved environmental water management. In addition, it brings regional and state-wide partners to the

table and creates opportunities for more efficient and environmentally responsible use of our scarce water resources. For these reasons, we believe the project creates benefits for our common ratepayers, the region and the State as a whole.

However, CCCSD believes that making the Refinery Project and recycled water integral components of the LVRE project would greatly enhance its benefits to water supply reliability and to the Delta ecosystem. Reclamation and CCWD should more rigorously analyze the Martinez Refinery Project and recycled water as a potential component of the LVRE project. The benefits of recycled water include significant additional yield with no significant increase in environmental impacts and the best collective use of public dollars.

CCCSD recognizes that with any water supply project in California there are hurdles to implementation. However, our state is facing economic, environmental and water supply issues on an almost unprecedented scale. We feel that we are mandated as public agencies to work cooperatively in an environmentally and economically sensible manner to the benefit of the people and environment of California.

Sincerely,

Ann E. Farrell
Director of Engineering

AEF/mvp

Attachments

CENTRAL DELTA WATER AGENCY
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May 14, 2009

Via email lori_rinek@fws.gov
and Regular U.S. Mail

Ms. Lori Rinek
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2800 Cottage Way W-2605
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Via email BDCPcomments@water.ca.gov
and Regular U.S. Mail

Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Re: Scoping BDCP NOI 74FR7257 (Feb. 13, 2009) and NOP State Clearinghouse No. 2008032062 (Feb. 13, 2009)

Dear Ms. Rinek and Brown:

The following comments are intended to supplement previous comments which are attached hereto and incorporated by this reference thereto.

Assumption that Adverse Impacts to Certain Listed Species and Ecosystem Will be Improved by Relocation of SWP and CVP Export Pumping Intakes of the SWP and CVP is Unsupported and Requires Thorough Analysis.

Most of the fish, most of the water and the better water quality in the Delta watershed are in the Sacramento River. It would appear that relocation to the Sacramento River will result in the diversion and export of a greater percentage of Sacramento River water at any given rate of exports and therefore the adverse impact on fish dependent upon Sacramento river water will be increased. Removal of more Sacramento River water from the Delta pool and Delta outflow including the Sacramento River downstream of the intakes will result in degradation of the water quality and temperature thereby adversely impacting in-Delta and adjoining area water users, as well as fish and wildlife including waterfowl which are dependent upon such water.

Direct damage to fish, eggs and larvae from fish screens including related predation would appear to be greater with intakes on the Sacramento River due to the proximity to greater numbers of fish, eggs and larvae and the greater percentage of channel flow diverted at the screen locations. With degradation of quality in other portions of the Delta, it is likely that fish will move to the good water quality locations and thereby aggravate the problem.

The Stated Purpose and Objective to Restore and Protect the Ability of the SWP and CVP to Deliver Up to Full Contract Amounts Consistent With Law and Contract Terms Is Inappropriate as Related to the Conservation Plan and Natural Community Conservation Plan.

The mix of objectives to foster exports and conserve species results in an inappropriate conflict for those trust agencies with the responsibility to protect the identified species. The conservation planning process should be solely directed at conservation of the species impacted by the activity or project sought to be considered.

Fostering SWP and CVP deliveries is appropriately relevant only to define the scope of the planning effort. Conceptually it may be impossible to conserve species of concern while permitting any SWP or CVP deliveries or any particular level of deliveries.

Restoring and Protecting the Ability of the SWP to Deliver Water assumes that the SWP has water to deliver. The planning for the SWP recognized that by the year 2000, 5 million acre feet of supplemental water from North Coast watersheds would be required to supplement inflow to the Delta to meet in-basin requirements and export deliveries. Since the SWP contract entitlements are about 4.25 million acre feet and the 5 million acre feet has not been provided, there is no SWP water for delivery. Restoring and Protecting the Ability of the SWP to Deliver Water is to restore and protect zero deliveries.

Excepting to some extent water right settlement contracts, the contracts of both the SWP and CVP are contracts only to deliver water which is surplus to the present and future water needs including environmental needs within the Delta and other areas of origin, the water needs to protect other senior water rights and the water needs to meet other requirements such as salinity control, CVPIA requirements for restoration of anadromous fish populations and water quality standards. Until it is determined that there is surplus water available for SWP and CVP delivery, there is no delivery to be restored. As discussed below, historical hydrology and projected climate change may result in no water for SWP and CVP delivery regardless of other constraints.

Essential to the Consideration of a Conservation Plan Including a Natural Community Conservation Plan As Proposed Is a Determination of What If Any Quantity of Water Is Available For SWP and CVP Delivery and When Is It Available.

The Sacramento and San Joaquin Rivers Watershed was never intended to provide the water currently desired to be exported from the Delta. The State Water Project in particular was to provide an additional 5 million acre feet of supplemental water to the Delta from North Coast watersheds by the year 2000. The availability of water for export from federal Central Valley Project facilities which formerly was focused on firm yield at the end of a six year dry cycle such as 1929-1934 is now over-subscribed. This over-subscription is due in major part to the desire to firm the delivery of non-firm supply. Permanent crops have been planted in federal service areas based on non-firm supply. Environmental needs which are greater than previously estimated and reduced natural flow due to possible climate change further constrain the availability of water for export. The determination of the real export water yield from the Delta requires an estimate of the present and future consumptive water needs for full development within the Sacramento and San Joaquin Rivers Watershed including the Delta. The Watershed Protection Act/Area of Origin Law, W.C. 11460 et seq., provides for priority and right of recapture as to exports by both the SWP and CVP. Additionally, the instream flow needs for fish and other environmental features, recreation, navigation, maintenance of water levels and salinity control must be determined. The needs for fish must include the water necessary to provide full mitigation of SWP and CVP impacts including restoration of the natural production of anadromous fish to sustainable levels not less than twice the average levels during the period of 1967-1991 as required by the CVPIA (Public Law 102-575) and to meet the narrative salmon objective in the 1995 Water Quality Control Plan. Public Trust needs and water needed to meet water right permit terms and conditions and other regulatory requirements must be considered. The instream flows and Delta outflow must be sufficient to restore and support the interconnected ecosystem of the Bays, the Delta and the tributaries. The future availability of water for export if any will vary from year to year and it is probable that no water will be available during dry cycle hydrology such as occurred in 1929 through 1934 and 1987 through 1992. Climate change could produce dry cycles which are far more extended than those experienced in the last 100 years.

The Impacts Associated With So-called Restoration and Protection of Ability of the SWP and CVP Extend Well Beyond the Delta and Must Be Fully Considered.

There are numerous impacts associated with SWP and CVP water deliveries throughout the State some of which impact species of concern within the Delta. By way of example, deliveries to agricultural and refuge areas in the San Joaquin Valley increase salt concentrations in the San Joaquin River and add constituents such as selenium and boron. Such deliveries are being made without a suitable drainage solution and are causing waterlogging of lands in the trough of the valley and increasing the accumulation of salt in the soils and groundwater which will ultimately result in the loss of productivity of the land.

Evaporative losses of water and electrical power consumption associated with transportation of the water are significant.

There are obvious growth-inducing impacts. As development extends, there are the obvious impacts associated with changes in land use. Development including lakes and swimming pools in the desert consume more water per capita than development in cooler climates. Differences in losses of water to unusable surface water bodies and groundwater basins may also be significant.

Impacts associated with extraction of water from the Trinity River which is outside the Delta Watershed must be considered. Impacts associated with export of water from the Delta tributaries including impacts of water transfers must be considered. Groundwater basins in both the Sacramento River and San Joaquin River basins is currently overdrafted. SWP and CVP deliveries of water in areas upstream of the Delta have induced greater upstream use of natural flow thereby impacting the Delta and Bay.

The Vulnerability of SWP and CVP Existing and Proposed Facilities to Hazards Such As From Floods, Earthquakes, Sea Level Rise, Climate Change, Fire and Terrorist Attack Must Be Considered.

Delta levees are only part of the concern. The peripheral canal will of course build two new Delta levees which cross identified faults and connect to existing SWP and CVP export facilities which are located near active earthquake faults. The SWP and CVP export aqueducts and related facilities appear to parallel in close proximity to high hazard active faults. The Delta Risk Management Strategy effort appears to be seriously flawed and should not be used as a basis for planning without truly independent review.

The Goals of the Conservation Planning Effort Must Be To Comply With All Laws.

While the focus of the effort is to develop conservation-related plans, administrative agencies of both the State and United States must seek to comply with existing law.

Among the laws which must be met are the Delta Protection Act (California Water Code section 12200 et seq.); the Watershed Protection Act (California Water Code section 11460 et seq.); the San Joaquin River Act (California Water Code section 12230 et seq.); the Davis Dolwig Act (California Water Code section 11900 et seq.); the Central Valley Project Improvement Act (Public Law 102-575); the Water Supply, Reliability and Environmental Improvement Act (Public Law 108-361) and the so-called Coordinated Operations Agreement Act (Public Law 99-546).

Conservation Plans Must Address both Aquatic and Terrestrial Species and Must Not Transfer Adverse Impacts to Other Species.

The focus on listed aquatic species such as fish should not detract from the need to protect terrestrial species and otherwise address all environmental concerns. The improper joinder of water deliveries/conveyance as goals in the conservation planning effort appears to have the real purpose of simply circumventing court-ordered restrictions involving Delta smelt. The conservation planning effort must not result in significant adverse impacts to other species such as terrestrial species including without limitation migratory waterfowl.

Incorporation of Power Transmission Lines in the Project Requires Analysis of the Impacts Throughout the Interconnected System.

The scope of area of impact must include all areas served or impacted by the interconnected power transmission facilities. More locally, the transmission lines in the Delta greatly interfere with bird life and in particular waterfowl. The foundations for towers have created paths for critical underseepage. Because development within the primary zone of the Delta has been restricted, it has obviously become a lower cost target for construction of facilities to serve other areas. Such a result is contrary to the intent to preserve the area for agriculture and related compatible wildlife friendly agricultural practices.

Yours very truly,

DANTE JOHN NOMELLINI
Manager and Co-Counsel

DJN:ju

CENTRAL DELTA WATER AGENCY
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May 30, 2008

Via Email at delores@water.ca.gov

Ms. Delores Brown, Chief
Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Re: Comments on the Notice of Preparation for the EIS/EIR for the Bay Delta Conservation Plan

Dear Ms. Brown:

The Central Delta Water Agency and South Delta Water Agency previously submitted comments on the *federal* "Notice of Intent" to prepare an EIS/EIR for the BDCP on March 24, 2008. Since such comments relate to the same topic at issue herein, those comments are hereby incorporated by reference and enclosed herewith. We hereby take the opportunity to supplement those comments with the following.

1. **The Feasibility of "the Project" Has Not Yet Been Demonstrated and Must be Demonstrated *Prior to* the Initiation of the CEQA Process.**

CEQA at least implicitly, if not explicitly, assumes that the "project" which is subjected to environmental analysis under CEQA is a project that is feasible. Guidelines section 15364 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

CEQA is not meant to be the process to determine whether the proposed project is feasible. (CEQA *is*, however, an appropriate process to evaluate whether *alternatives* to the project are feasible.) Thus, before the CEQA process ever begins the project must be fairly determined to be feasible. This is especially important since EIS/EIRs are inevitably biased towards justifying why the project should be carried out and why all the alternatives to the project are not feasible and should be rejected. Moreover, it would involve a colossal waste of the resources of all of the public responsible and trustee agencies as well as the general public

and stakeholders to embark on the CEQA process with a project that, from the get-go, has not been proven to be fesible, i.e., "capable of being accomplished in a successful manner within a reasonable period of time . . . ." (Guidelines, § 15364.)

While as discussed below the project at issue has not yet been defined, and, as a result, this entire Notice of Preparation and Scoping Process is legally inadequate and premature, it is clear that at the present time it would be unwarranted and unlawful for the ultimate project to include any form of an isolated conveyance facility. In its "Vision for the California Delta," the Delta Vision's Blue Ribbon Task Force, which was specifically directed by the Governor to "develop a durable vision for sustainable management of the Delta" (Governor's Exec. Order No. S-17-06 (Sept. 28, 2006)), readily recognizes and concedes that the feasibility of any isolated conveyance to accomplish the purposes for which it is sought has not yet been demonstrated. For example, the Task Force explains:

> "One way to manage water exports is to create isolated facilities that take water around the Delta. *Perhaps* this would enhance the reliability of exports, create fewer problems for selected species, be less exposed to seismic risk, and result in higher water quality. *But at this point, there is not sufficient specific information to guarantee these outcomes.*
>
> Similarly, the concept of a "dual" conveyance, joining an isolated facility to improved conveyance through the Delta, *might* increase reliability and capture more high-water flows, but again, *not enough information is available at this point to ensure this.*" (Delta Vision, Blue Ribbon Task Force's "Our Vision for the California Delta," p. 13.)

Once the lead agencies for the BDCP EIS/EIR figure out and articulate what basic objectives they are trying to accomplish, then *before* the lead agencies develop the project which they believe is the preferred course of action (i.e., alternative) to accomplish those objectives, the lead agencies must ensure under CEQA, as well as the rule of good faith and fair dealing and other laws and principles, that whatever project they develop and bias the entire EIS/EIR process in favor of is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (Guidelines, § 15364.)

a. **An Isolated Conveyance Facility Is Not "Legally" Feasible.**

With regard to "legal" feasibility, two paramount questions regarding any form of an isolated facility include whether such a facility can be legally constructed and, if so, whether such a facility can be legally operated in a manner which successfully accomplishes the purposes for which it is constructed. Unless existing law is substantially overhauled the answer is "no" on both counts.

i. **Delta Protection Act of 1992.**

"The Legislature finds and declares that the Sacramento-San Joaquin Delta is a natural resource of statewide, national, and international significance, containing irreplaceable resources, and it is the policy of the state *to recognize, preserve, and protect those resources* of the delta for the use and enjoyment of current and future generations." (Pub. Resources Code, § 29701, emphasis added.)

"The Legislature further finds and declares that the basic goals of the state for the delta are the following:

(a) *Protect, maintain, and, where possible, enhance and restore* the overall quality of the delta environment, including, but not limited to, *agriculture, wildlife habitat, and recreational activities.*

. . .

(c) Improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety." (Pub. Resources Code, § 29702, emphasis added.)

"The Legislature further finds and declares as follows:

(a) The delta is an agricultural region of great value to the state and nation and *the retention and continued cultivation and production of fertile peatlands and prime soils are of significant value.*

(b) The agricultural land of the delta, while adding greatly to the economy of the state, also provides a significant value as open space and habitat for water fowl using the Pacific Flyway, as well as other wildlife, and the *continued dedication and retention of that delta land in agricultural production contributes to the preservation and enhancement of open space and habitat values.*

(c) *Agricultural lands located within the primary zone should be protected from the intrusion of nonagricultural uses.*" (Pub. Resources Code, § 29703, emphasis added.)

The construction of a huge isolated facility through the Delta will constitute a massive "intrusion of nonagricultural uses" by taking considerable acreage of agricultural land out of production, and, hence, result in the destruction of the associated economic, open space and habitat values associated therewith, which is squarely contrary to State's goal and policy to "recognize, preserve, and protect" such agricultural lands and values. (Pub. Resources Code, §§ 29703 & 29701, respectively.)

Similarly, with regard to the "operation" of an isolated facility, how is the diversion of substantial amounts of fresh water flows into such a facility consistent with the basic goal of the state to "*[p]rotect, maintain, and, where possible, enhance and restore the overall quality of the delta environment*, including, but not limited to, agriculture, wildlife habitat, and recreational activities"? (Pub. Resources Code, § 29702.) Clearly, it is not.

ii. **Water Code sections 12980 et seq.**

> "The Legislature finds and declares that the delta is endowed with many invaluable and unique resources and that *these resources are of major statewide significance*." (Wat. Code, § 12981, subd. (a), emphasis added.)
>
> "The Legislature further finds and declares that the delta's uniqueness is particularly characterized by its hundreds of miles of meandering waterways and the many islands adjacent thereto; that, in order to preserve the delta's invaluable resources, which include highly productive agriculture, recreational assets, fisheries, and wildlife environment, *the physical characteristics of the delta should be preserved essentially in their present form;* . . ." (Wat. Code, § 12981, subd. (b), emphasis added.)

Neither the construction of a huge isolated facility through the Delta, nor the diversion of fresh water inflows into such a facility, come anywhere near "preserv[ing]" "the physical characteristics of the delta . . . in their present form; . . . ." (*Ibid.*) Such construction and operation constitute an obvious and drastic alteration of the present physical characteristics of the Delta in direct contravention of the Legislature's finding and declaration in section 12981.

iii. **Delta Protection Act of 1959.**

> "The Legislature finds that the maintenance of an adequate water supply in the Delta sufficient to maintain and expand agriculture, industry, urban, and recreational development in the Delta area as set forth in Section 12220, Chapter 2, of this part, *and to provide a common source of fresh water for export to areas of water deficiency* is necessary to the peace, health, safety and welfare of the people of the State . . . ." (Wat. Code, § 12201, emphasis added.)

If water is exported at the northernmost tip of the Delta via an isolated facility, then such water is plainly *not* providing a "*common* source of fresh water for export," instead, it is providing an *isolated* source of fresh water for export which is entirely devoid of common benefits to essentially the entirety of the Delta and, hence, which is squarely contrary to section 12201 and "to the peace, health, safety and welfare of the people of the State."

Moreover, Water Code section 12205 provides:

"It is the policy of the State that the operation and management of releases from storage into the Sacramento-San Joaquin Delta of water for use outside the area in which such water originates *shall be integrated to the maximum extent possible in order to permit the fulfillment of the objectives of this part.*" (Emphasis added.)

Since, as just noted, one of the "objectives of this part" is to "provide a *common* source of fresh water for export" (Wat. Code, § 12201), the Projects have a duty to integrate their releases from storage into the Delta "to the maximum extent" possible to provide that "common" source. Diverting any amount of such releases in an isolated canal, which by definition is entirely devoid of the required commonality of benefits, is obviously not providing the "common" source of fresh water to the maximum extent possible. Rather, it would be blatantly disregarding that mandate.

Water Code sections 12203 and 12204, respectively, provide:

"It is hereby declared to be the policy of the State that no person, corporation or public or private agency or the State or the United States should divert water from the channels of the Sacramento-San Joaquin Delta to which the users within said Delta are entitled."

"In determining the availability of water for export from the Sacramento-San Joaquin Delta no water shall be exported which is necessary to meet the requirements of Sections 12202 and 12203 of this chapter."

Even assuming that the "common pool" mandate can somehow be disregarded, before one drop of water is placed in an isolated facility, there needs to be a comprehensive analysis regarding how many drops of water, and at what times of year, and during what hydrological and ecological situations, etc., can such drops of water be legally deemed to be surplus to what "users within [the] Delta are entitled" (Wat. Code, § 12203) and surplus to what is "necessary to meet the requirements of Sections 12202 and 12203 of this chapter." (Wat. Code, § 12204.) Once that amount of water is determined, then, and only then, can the economic and other feasibility considerations be fairly and meaningfully evaluated.

iv. **Watershed Protection Act.**

Water Code section 11460 provides:

"In the construction and operation by the department of any project under the provisions of this part a watershed or area wherein water originates, or an area immediately adjacent thereto which can conveniently be supplied with water therefrom, *shall not be deprived by the department directly or indirectly of the prior right to all of the water reasonably required to adequately supply the*

beneficial needs of the watershed, area, or any of the inhabitants or property owners therein."

Similar to the discussion immediately above, in order to fairly and meaningfully evaluate the feasibility of an isolated facility, there needs to be a comprehensive determination of what amount of water, at what times of year, and under what hydrological and ecological situations, etc., is "reasonably required to adequately supply the [human and environmental and public trust, etc.] beneficial needs of the watershed, area, or any of the inhabitants or property owners therein." Assuming the result of that determination reveals that there is indeed some amount of water that is surplus to such needs, does it make sense, economically or otherwise, to construct such a massive and expensive, and economically and environmentally disruptive, facility for the purpose of exporting that amount of water?

As noted above, whereas prior to the use of such an isolated facility water diverted into the Delta for export from the southern Delta provides some measure of "common" benefits, with an isolated facility any and all such common benefits are eliminated thereby making the deprivation of area of origin needs reasonably foreseeable, if not, clearly inevitable.

v. State and Federal Anti-degradation Laws.

The Federal Environmental Protection Agency ("EPA") requires all states to adopt an "antidegradation policy" similar to the State Water Resources Control Board's ("SWRCB") Resolution 68-16. (40 C.F.R. 131.12.) Resolution 68-16 is further intended to, and does, implement Water Code section 13000 which requires the SWRCB to regulate all "activities and factors which may affect the quality of the waters of the state" such that they "attain the highest water quality which is reasonable."

The State Water Resources Control Board's ("SWRCB") "Resolution 68-16 [commonly referred to as the SWRCB's "Anti-Degradation Policy"] provides in pertinent part:

> "Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies."

This Anti-Degradation Policy is yet another example of a policy which must be duly assessed before the feasibility of any proposed project which proposes to substantially disrupt the current distribution of water throughout the Delta, such as what an isolated facility would do, can be meaningfully determined. It does not take a degree in hydrodynamics to recognize the clear

potential, if not inevitability, of a substantial reduction in water quality in the Delta as the result of a substantial diversion of fresh water inflow into an isolated canal that would otherwise flow into the Delta.

This policy along with all other applicable policies and laws must be duly assessed before any project is deemed feasible and worthy of subjection to the CEQA process as "the project" and, hence, as the "preferred project alternative" course of action which the EIS/EIR process will inevitably be biased towards implementing.

b. **The EIS/EIR's Range of Alternatives Must Also be Comprised of Feasible Alternatives.**

In a similar vein, since Guidelines section 15126.6, subdivision (a), provides that "[a]n EIR *shall* describe a range of reasonable alternatives to the project, or to the location of the project, *which would feasibly attain* most of the basic objectives of the project" (emphasis added), not only does the feasibility of the project itself need to be assessed but so does the feasibility of all of the alternatives in that range. Potential alternatives which include an isolated facility or other unlawful component and, thus, which cannot pass the *legal* feasibility test, cannot not be properly credited for CEQA purposes as being included within the EIS/EIRs mandatory "range" of *feasible* alternatives.

2. **The Instant Notice of Preparation and Scoping Process Are Premature and Legally Inadequate.**

Guidelines section 15082, subdivision (a)(1) provides:

> The notice of preparation shall provide . . . sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response. At a minimum, the information shall include: (A) Description of the project, (B) Location of the project . . . , and (C) Probable environmental effects of the project.

The NOP is inadequate since it does not provide "sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response." Instead, the NOP makes it clear that the project has not even been developed at this stage. For example, the NOP states:

> [DWR] is initiating preparation of a joint [EIS/EIR] for the [BDCP], that will include analysis of improved water conveyance infrastructure and other habitat conservation measures *that will be developed* to advance the goals and objectives of the BDCP.

[¶] The planning effort for the BDCP *is in the preliminary stages of development*, ...

(NOP, p. 1, emphasis added.)

Because the project has not yet been developed the NOP cannot, and does not, sufficiently describe the actual project, the location of the project nor the probable environmental effects of the project as required by Guidelines section 15082.

The NOP states:

> The purpose of the scoping process is to solicit early input from the public and responsible, cooperating and trustee agencies regarding the development of reasonable alternatives and potential environmental impacts to be addressed in the EIR/EIS for the BDCP.

(NOP, p. 1.)

Because neither the project itself, nor its location, are adequately described, meaningful comment on the potential environmental impacts of the project is thwarted. With regard to the development of reasonable alternatives to the project, Guidelines section 15126.6, subdivision (a), provides:

> An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which [1] would feasibly attain most of the basic objectives of the project but [2] would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.

Meaningful comment on proposed alternatives to the project is also substantially thwarted since neither the project's "basic objectives" nor the potentially significant effects of the project have been articulated.

With regard to the project's basic objectives, the NOP states:

> Although the BDCP planning efforts are in the preliminary stages, the collective goals of the [Potentially Regulated Entities] *will provide the basis for* the project objectives under CEQA and the purpose and need statement under NEPA.

(NOP, p. 4, emphasis added.) "[W]ill provide the basis for" suggests that those goals will provide the basis *for the establishment of* the project's basic objectives or, in other words, the project's basic objectives will be derived from those goals. Whatever the case, the NOP does not adequately describe the project's basic objectives which the lead agency will ultimately use to

accept and/or reject proposed alternatives to the project. As a result, meaningful comment on proposed alternatives is thwarted and the lead agency's rejection of any suggested alternatives during this scoping process on the grounds that such alternatives do not have the potential to feasibly attain most of the project's basic objectives would be fundamentally unfair and entirely misplaced. (See Guidelines, § 15126.6, subd. (c) ["The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination"].)

For similar reasons, the mandatory "scoping meeting" required by CEQA, as well as the "Notice of Intent" and "scoping process" requirements of NEPA, are likewise unduly premature and legally inadequate. (See Guidelines, § 15082, subd. (c)(1) and 40 C.F.R. § 1508.22 & 1501.7, respectively.)

3. **Inadequate Identification and Description of the Project's Basic Objectives.**

Since the project's basic objectives play such a critical role in the lead agency's decision of which alternatives should be included in the EIR's detailed analysis of a "reasonable range" of alternatives to the project, as well as the lead agency's ultimate decision of which alternative it should ultimately select to carry out, the lead agency must very clearly identify and describe the precise "basic objectives" of the project. As discussed above, thus far, the lead agency has not done so.

The NOP states on page 4:

> The BDCP is being developed to set out near-term and long-term approaches to meet the objectives of providing for the conservation of covered species and their habitats, addressing the requirements of the federal and State endangered species laws, and improving water supply reliability.

If those three objectives are meant to the be the project's basic objectives, then, once again, the NOP and upcoming EIS/EIR must make it crystal clear that those are the project's basic objectives. While the project's basic objectives must be sufficiently broad to enable a broad range of alternative courses of action to be formulated to meet most of those objectives, the objective of "improving water supply reliability" needs some more specificity to avoid confusion and disputes as to what that objective really means.

For example, improving water supply reliability *for whom*? For water users within the Central Delta Water Agency? For *all* water users using water from the Delta watershed? For just those water users that use that watershed water in areas located *outside* that watershed? For just the so-called "Potentially Regulated Entities" or PREs?

What constitutes an "improvement" of water supply "reliability" in the eyes of the lead

agencies? This objective must ultimately be broad enough to allow for consideration of alternatives that seek to make the water supplies of the Project's export contractors more reliable by providing *non*-Delta watershed water supplies to those contractors in lieu of the inherently unreliable and variable Delta water supplies.

As you are aware, the legal sufficiency of the CALFED Bay-Delta Programmatic EIS/EIR under CEQA is currently under review by the California Supreme Court. One of the central disputes in that case is in fact, "what are the project's basic objectives"? While none of the project's "basic" (or even "secondary") objectives stated that total annual Project exports from the Delta must increase, the lead agency, and other export interests, unfairly argued that any alternative that did not increase such exports was somehow contrary to the project's basic objectives. Such monkey business, for a lack of a better word, with regard to the project's basic objectives should be avoid at all costs in the instant EIS/EIR.

Accordingly, great care should be given to the articulation of the project's basic objectives and the EIS/EIR should clearly articulate what those objectives are and it should use the terminology of "basic objectives" so that it tracks CEQA's language and there is no confusion as to what constitutes the basic objectives of the project.

4. **Proposed Alternatives.**

While as noted above, the suggestion of potential alternatives is substantially thwarted at this stage by the lack of articulation of the project's basic objectives as well as the lack of identification of the potentially significant impacts from the project, not to mention the lack of a meaningful description of the "project" itself, some alternatives concepts which should be consider either as stand alone alternatives or components of various alternatives include the following:

Alternatives which comply with the statutory "common pool" mandate and, thus, do not have any form of an isolated facility, dual or otherwise.

An alternative of "regional self-sufficiency" where Peter (human and environmental water users within the Delta watershed) are not robbed to pay Paul (i.e., export contractors). Instead, every feasible effort is made to the maximum extent possible to develop new <u>non</u>-Delta watershed water and/or make better use of existing <u>non</u>-Delta watershed water to meet the needs of export contractors. The intended result being, that such export contractors can ultimately wean themselves off Delta watershed water, substantially or entirely, such that the Delta watershed water can be used to meet the needs within that watershed.

Ultimately there should be several alternatives which contemplate a *reduction* in exports from the Delta over historical levels.

With regard to the feared apocalyptic collapse of numerous Delta levees from an earthquake. Numerous alternatives should be considered to address such a collapse. To the extent the desire is to avoid the disruption of export deliveries the EIS/EIR should first thoroughly explain as precisely as possible what the water quality will likely be under existing conditions should the Projects desire to continue exporting water during such a apocalyptic failure. Then the EIS/EIR should clearly explain how long that water quality will likely remain in that state assuming the recently adopted emergency preparedness plans are in place, etc. to close those levee breaches. The EIS/EIR should then thoroughly explain whether the Projects can still divert and utilize water of that level of quality for agricultural beneficial uses, urban, etc. in either blended form with water stored in San Luis or blended with other water supplies. Assuming the water cannot be used in its current "degraded" state, the EIS/EIR should explain what facilities could be constructed to desalinize that water, or better allow for the blending of that water will other higher quality supplies, etc., and the costs of the construction and operation of such facilities.

In the event, the Projects simply cannot feasibly use the water in the Delta after an apocalyptic levee failure and/or cannot get by with other supplies while the levees breaks are being repaired, then the fortification of various master levee scenarios should be considered to minimize the intrusion of bay waters in the event of such failures much like what is already being implemented at the present time. So called "polders" should also be considered whereby areas are protected by master levees such that not all levees need to be substantially upgraded. Rather, only "master" levees need to be so upgraded which would serve to protect the polders or various sections of land within the Delta.

Tidal gate structures should also be evaluated to help repel bay salinity in the event of such a massive failure.

The forgoing measures to protect against an apocalyptic levee failure could also serve the additional benefit of protecting the Delta from reasonably anticipated sea level rise.

In addition, with regard to the apocalyptic earthquake, the EIS/EIR's analysis should thoroughly examine the likelihood of such a magnitude earthquake near all of the Project's major export facilities, not the least of which is the export pumping facilities themselves as well as the California Aqueduct and Delta-Mendota canals which essentially track major fault lines. Alternatives to protect against damage and disruption of export supplies resulting from such earthquakes should be thoroughly evaluated.

With regard to protecting fishery resources within the Delta, actual, state of the art, fish screens on all Project export facilities should be evaluated to enable water that is truly surplus from the needs of the Delta, assuming there is any such water, to be exported with minimal impacts to fish. If an actual, state of the art fish screen is included for an isolated facility in any alternative which includes such an isolated facility, then such a screen must naturally also be included in all the alternatives that do not involve an isolated facility and should be installed on

all exiting Project export facilities.

An alternative should be considered that includes substantially increased Delta outflows. Such an alternative could draw sensitive fishery species away from the existing export facilities, thereby increasing the "reliability" of such exports, and also enable the restoration of the Suisun Marsh which could provide tremendous benefits to numerous fishery species.

The EIS/EIR should include an extensive discussion of desalinization options in order to promote regional self-sufficiency. Such a discussion would be in furtherance of Water Code section 12946 which provides:

> It is hereby declared that the people of the state have a primary interest in the development of economical saline water conversion processes which could eliminate the necessity for additional facilities to transport water over long distances, or supplement the services to be provided by such facilities, and provide a direct and easily managed water supply to assist in meeting the future water requirements of the state.

Opportunities for environmentally friendly desalinization of ocean waters as well as brackish ground waters (as well as the saltier Delta waters which presumably will result from a massive levee failure) should be thoroughly examined.

To the extent the objectives of the BDCP are ultimately to "provid[e] for the conservation of covered species and their habitats, address[] the requirements of the federal and State endangered species laws, and improv[e] water supply reliability" (NOP, p. 4), it is easy to see that weaning the export contractors off the Delta watershed such that exports from the Delta could be ultimately substantially reduced would seemingly satisfy those objectives better than any other alternative. Accordingly, as stated above, multiple alternative scenarios which seek to accomplish such weaning should be thoroughly considered.

5. **Impacts Which Should be Analyzed.**

The NOP at page 9 states:

> "The EIR/EIS will analyze the reasonably foreseeable direct, indirect and cumulative effects (e.g. climate change, including sea level rise) of the BDCP (including habitat conservation measures and water conveyance facilities) and a reasonable range of alternatives on a wide range of resources, including but not limited to:
>
> BDCP covered species
> Other Federal and State Listed Species

Aquatic Biological Resources
Wetlands and Terrestrial Habitat
Surface Hydrology including Water Rights
Groundwater Hydrology
Geology and Soils
Water Quality
Seismic Stability
Aesthetics
Air Quality, including Greenhouse Gas Emissions
Land Use (e.g. Urban, Agricultural and Industrial Uses)
Historic and Cultural Resources
Environmental Health and Safety
Public Services and Utilities
Energy and Natural Resources
Recreation
Population/Housing
Transportation/Traffic"

In addition to what was stated above with respect to alternatives, the following effects/topics should also be throughly analyzed:

- -- Impacts on *all* aquatic and terrestrial species must be examined, not just the BDCP covered species or other "listed" species.
- -- Navigation impacts.
- -- Impacts on the integrity of existing levees within the Delta from the construction and operation of any isolated facility or other facilities.
- -- Seepage impacts on lands within the Delta from the construction and operation of any isolated facility or other facilities.
- -- Evaporative water losses from any proposed creation of wetlands.
- -- If any increase in exports are contemplated or reasonable foreseeable, then a thorough identification of the source of such exports and examination of the full range of potential environmental impacts from the export of such water must be conducted.
- -- Growth-inducing impacts.
- -- Economic impacts which have the potential to result in adverse changes to the environment, e.g., the economic impacts from a loss of farmland due to an isolated facility and/or construction of wetlands and the decreased agricultural production within the Delta resulting from any decrease in water quality resulting from the operation of an isolated canal or otherwise. The potential for such economic impacts to result in physical changes to the environment via the abandonment of farming operations or local ability to fund levee maintenance, etc. should be fully examined.

Lastly (for the time being), but certainly not least, the EIS/EIR should thoroughly embrace the ramifications to the environment from the construction and operation of any isolated facility which would eliminate or diminish the Projects and, their water contractors', currently existing direct beneficial interests in preserving the water quality in the Delta. The Delta Protection Act of 1959's mandate that exports from the Delta be taken from the "common pool" within the Delta, and not from the uppermost northern tip of the Delta, has ensured that the state and federal government, as well as the millions of people who receive Delta export water and hundreds of thousands of acres of farmland that utilize such water, have a direct stake in ensuring that the Delta water quality remains fresh. What is good for the goose is good for the gander. The potential environmental impacts from the elimination or diminishment of that direct stake should not be underestimated by any of the participants to the BDCP and the upcoming EIS/EIR should thoroughly discuss, incorporate and acknowledge that potential throughout the entire EIS/EIR and especially in the discussion and evaluation of alternatives to the proposed project (whatever that may ultimately be).

6. **Conclusion.**

Thank you for your time and consideration of these comments and concerns.

Very truly yours,

Dante John Nomellini, Jr.
Attorney for the CDWA

DJR/djr
Enclosures

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March 24, 2008

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Re: NOI - Bay-Delta Conservation Plan

Dear Ladies and Gentlemen:

Thank you for the opportunity to comment.

INADEQUATE REGULATORY PROCESS

The Central Delta Water Agency (CDWA) continues to be concerned with the lack of arms-length relations between the regulatory agencies and the United States Bureau of Reclamation and California Department of Water Resources who are the water export project operators.

It has for years clearly been recognized that SWP and CVP impacts including export pumping from the Delta cause substantial damage to the fisheries yet the projects until recent court intervention have been allowed to steadily increase exports. Even the physical limits on federal exports have been avoided through coordinated operations, joint points of diversion, wheeling of transferred water and other mechanisms. Although failing to provide protection, the State Water Resources Control Board in 1978 recognized the harm when in D-1485 it found: "To provide full mitigation of project impacts on all fishery species now would require the virtual shutting down of the project export pumps."

The BDCP process is yet another example where regulatory integrity has been compromised. The need for focus on the broad protection of the Bay-Delta Estuary and the fish and wildlife therein is being blurred by the emphasis on "covered species" and by the goal to protect water supply on an equal footing with restoring and protecting the environment.

The cornerstone for both the CVP and SWP was the promise that the needs including environmental needs within the Delta and other areas of origin would come first and that only surplus water would be exported.

The base level of protection must include:

1) full mitigation of project impacts including without limitation destruction of spawning habitat upstream and within the Delta, alteration of instream flows, alteration of water temperatures upstream and in the Delta, alteration of scour and sedimentation, creation of reverse flows, diversion and/or destruction of fish, eggs and larvae at the export pumps, reduction in water levels, reduced Delta spring and summer outflows, project-induced upstream diversions and resulting discharges including degradation of water quality particularly in the San Joaquin River where San Luis Unit water was not to be provided without an adequate valley drain;

2) salinity control to both mitigate for project impacts and enhance Delta water quality;

3) preservation of fish and wildlife at project contractor cost as per Water Code section 11900 et seq. (Stats. 1961 c.867) and

4) compliance with the Coordinated Operations Project Operation Policy (Public Law 99-546).

The plan must also adhere to other constraints for planning and operations such as the CVPIA (Public Law 102-575) which includes doubling the natural production of "anadromous fish" including stocks of salmon, steelhead, striped bass, sturgeon and American shad and the Water Supply, Reliability and Environmental Improvement Act (Public Law 108-361).

The BDCP process goals do not embrace the breadth of issues necessary for water project planning which will protect the general public interest and public trust.

FAILURE TO RECOGNIZE THAT IT MAY BE IMPOSSIBLE TO PROTECT THE ENVIRONMENT (OR EVEN JUST THE COVERED SPECIES) WITH CONTINUED SWP AND CVP EXPORTS FROM THE SACRAMENTO AND SAN JOAQUIN RIVERS WATERSHED REGARDLESS OF THE METHOD OF CONVEYANCE.

The BDCP planning goal number 3 provides "Allow for projects that restore and protect water supply, water quality, ecosystem and ecosystem health to proceed within a stable regulatory framework;".

The planning goal to restore and protect water supply is an inappropriate goal for regulatory agencies which have a duty to protect threatened and endangered species from CVP and SWP impacts. It may also be totally unrealistic.

The planning for the SWP contemplated the addition of 5 million acre feet of supplemental water to the Sacramento and San Joaquin Rivers Watershed from north coast rivers by the year 2000. Development of water from such north coast rivers of course did not take place. Factors such as cost, wild and scenic river legislation and greater environmental awareness likely played a part. It is quite clear that increasing demand for water within the watershed was anticipated and the 5 million acre feet of supplemental water was intended to meet the approximately 4.25 million acre feet of SWP contract entitlement and provide about .75 million acre feet to meet the growing needs within the watershed. (See attached excerpts from DWR Bulletin 76, Preliminary Edition, December 1960.) It was never intended that exports from the Delta would be sustained with water from the Sacramento and San Joaquin Rivers Watershed past the year 2000. The absence of the 5 million acre feet of supplemental water greatly reduces the ability of the watershed to assimilate natural and man-induced contaminates and likely precludes meeting both the needs within the watershed and the desires of the exporters. Any fair environmental evaluation must evaluate the range of tolerable exports from the watershed if any at all. It would appear that water could be available for some export in wetter years but unlikely that exports could be restored or protected in other years. The environmental evaluation must look at alternatives which develop supply from outside the Sacramento and San Joaquin Rivers watershed including desalting brackish groundwater, municipal wastewater and in some cases seawater. The breadth of the evaluation should also include a determination of the range of impacts resulting from continued development of arid lands and arid lands in differing regions. The goal should be to establish the present and future needs to provide full protection within the watershed and establish the bounds of what is truly surplus water which can be exported. Curtailment of export pumping at times when fish, water quality or water levels are adversely impacted may provide more than sufficient export pumping opportunities to divert the water which is truly surplus. Attached hereto are charts showing the Estimated Seasonal Natural Runoff 1917-18 to 1946-47 for both the North Coast Area and the Central Valley. It is important to note that for the period 1928-29 to 1933-34 (the 6 year drought) the average total runoff of the Central Valley was only 17,631,000 acre feet. This can be compared to local requirements of about 25,690,000 acre feet and a safe yield of about 22,500,000 acre feet. In a reoccurrence of such a drought, the Central Valley will be severely short of water and no surplus would be available for export. Alternatives which develop self-sufficiency in areas dependent upon imported water and reduce dependence upon exports from the Delta must be considered.

The hundreds of miles of canals and pipelines together with the appurtenant pumping and power facilities leaves the present water system highly vulnerable to earthquakes, terrorism and

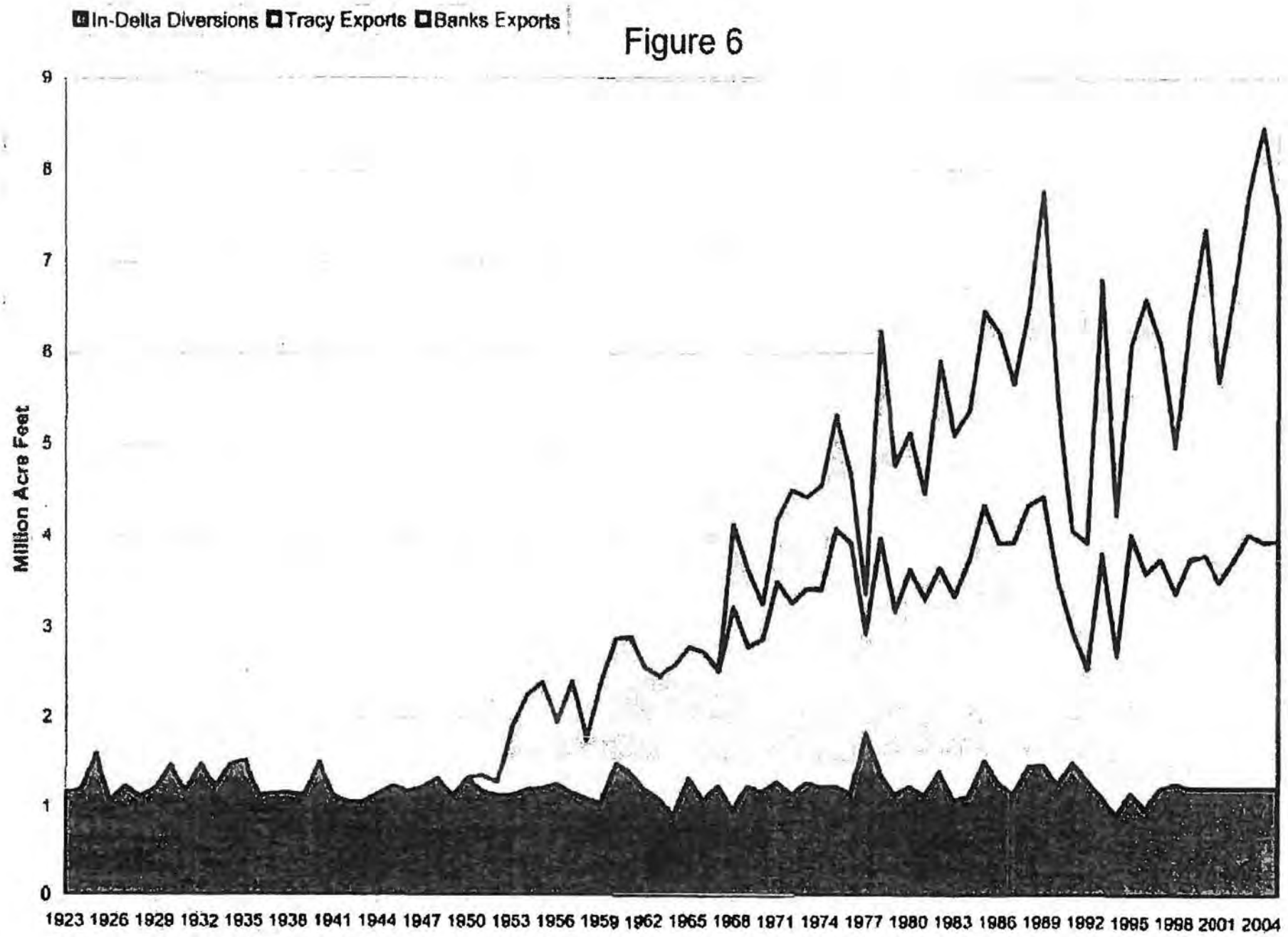
other threats including those outside the Delta. Real consideration of the reduced Delta export alternatives is critical.

These comments are intended to be preliminary and we further join in those submitted by the South Delta Water Agency.

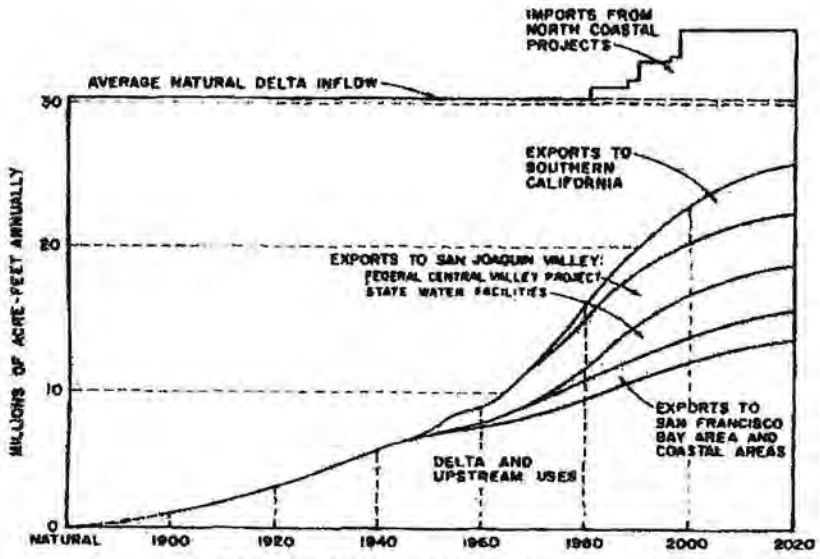
Yours very truly,

DANTE JOHN NOMELLINI
Manager and Co-Counsel

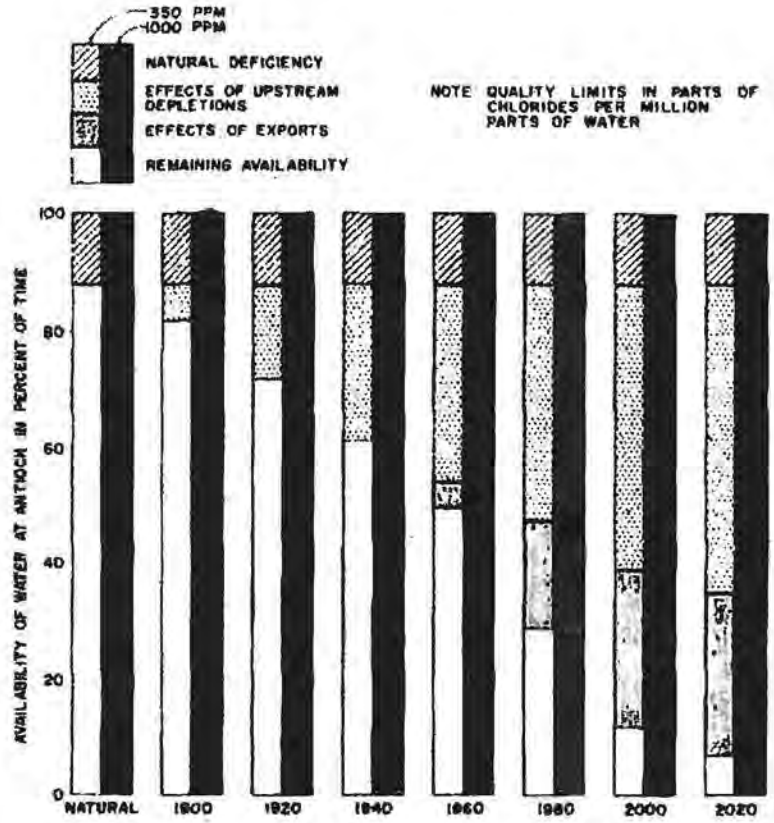
DJN:ju
Enclosures


In-Delta Diversions
Tracy Exports
Banks Exports
Figure 6
Million Acre Feet
0
1
2
3
4
5
6
7
8
9
1923 1926 1929 1932 1935 1938 1941 1944 1947 1950 1953 1956 1959 1962 1965 1968 1971 1974 1977 1980 1983 1986 1989 1992 1995 1998 2001 2004

The natural availability of good quality water in the Delta is directly related to the amount of surplus water which flows to the ocean. The graph to the right indicates the historic and projected availability of water in the San Joaquin River at Antioch containing less than 350 and 1,000 parts chlorides per million parts water, under long-term average runoff and *without* specific releases for salinity control. It may be noted that even under natural conditions, before any significant upstream water developments, there was a deficiency of water supplies within the specified quality limits. It is anticipated that, without salinity control releases, upstream depletions by the year 2020 will have reduced the availability of water containing less than 1,000 ppm chlorides by about 60 percent, and that exports will have caused an additional 30 percent reduction.



USE OF DELTA WATER SUPPLIES



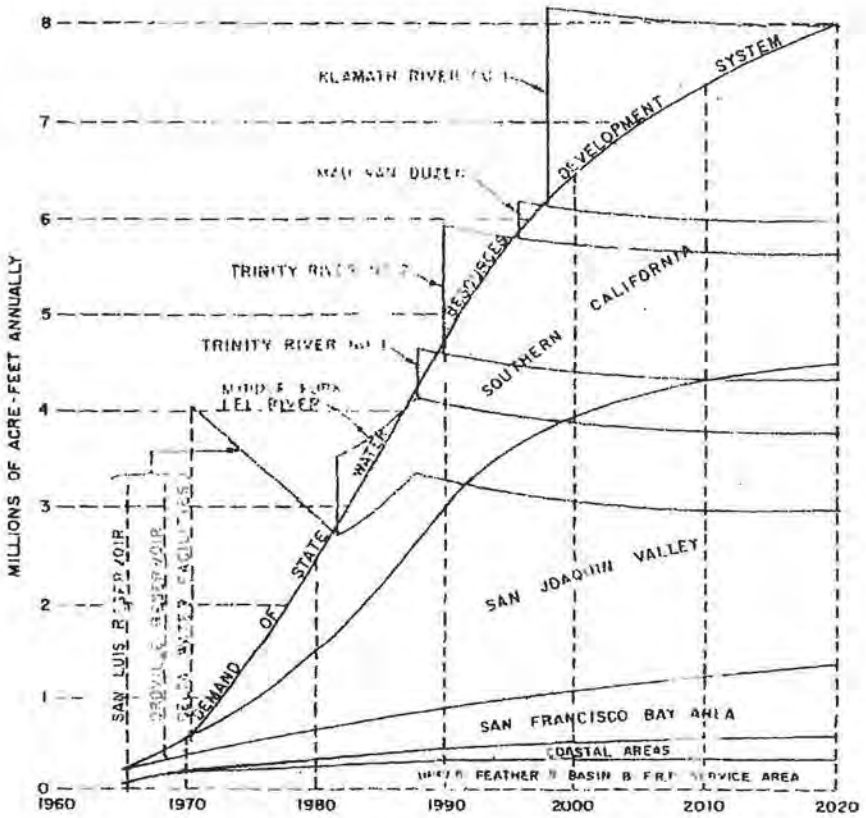
DELTA WATER QUALITY WITHOUT SALINITY CONTROL

The magnitude of the past and anticipated future uses of water in areas tributary to the Delta, except the Tulare Lake Basin, is indicated in the diagram to the left. It may be noted that, while the present upstream use accounts for reduction of natural inflow to the Delta by almost 25 percent, upstream development during the next 60 years will deplete the inflow by an additional 20 percent. By that date about 22 percent of the natural water supply reaching the Delta will be exported to areas of deficiency by local, state, and federal projects. In addition, economical development of water supplies will necessitate importation of about 5,000,000 acre-feet of water seasonally to the Delta from north coastal streams for transfer to areas of deficiency.

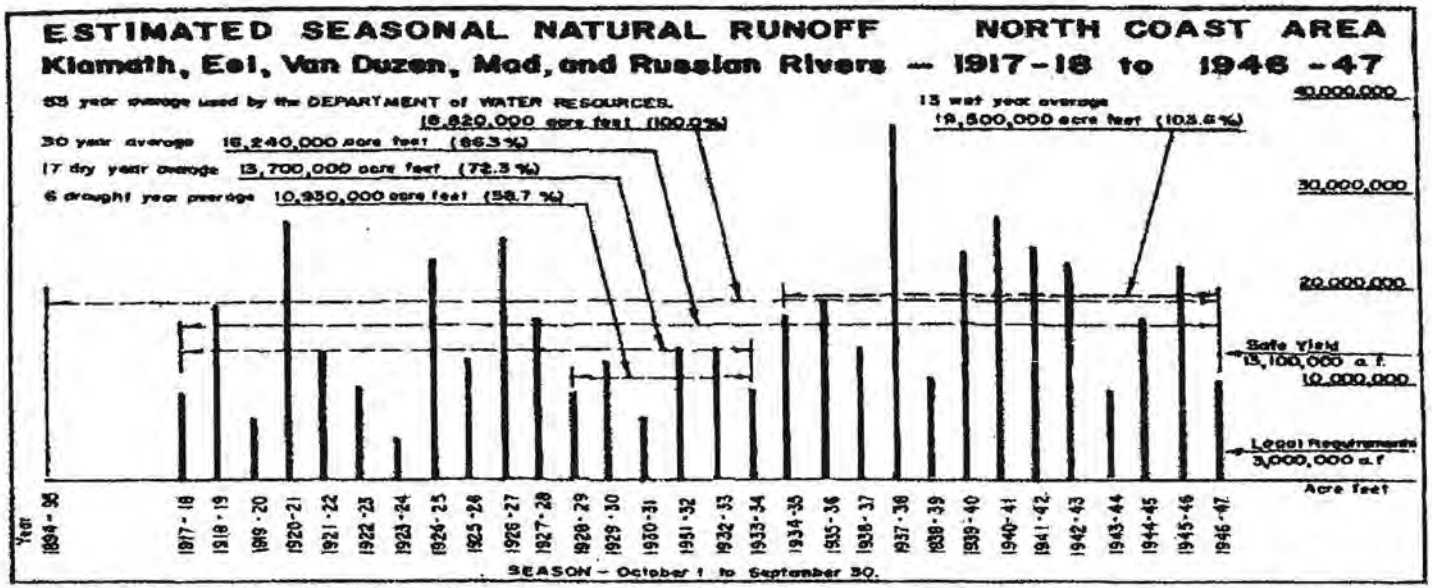
Tracy Pumping Plant

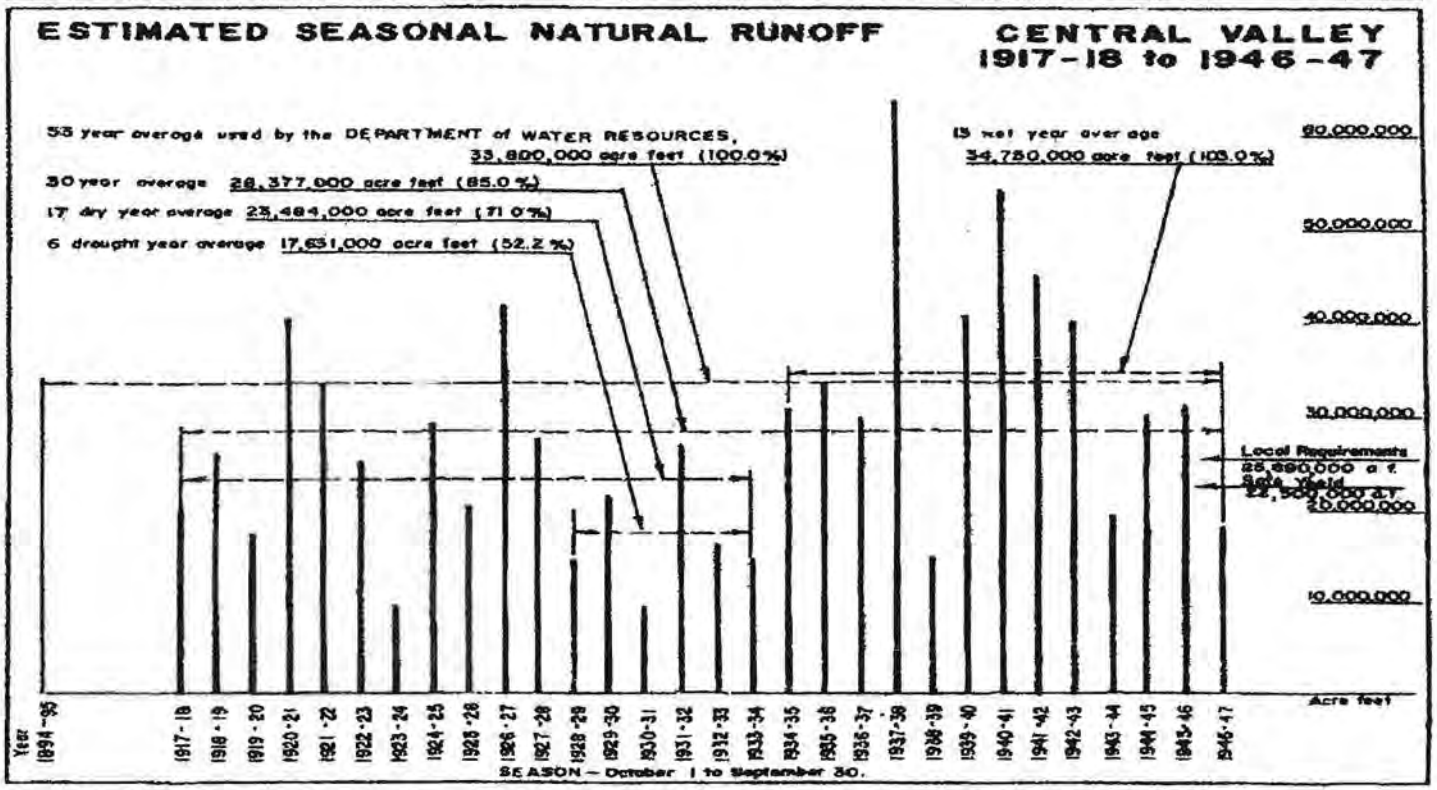
Full demands on the State Water Resources Development system can be met until about 1981 from surplus water in and tributary to the Delta with regulation by the proposed Oroville and San Luis Reservoirs. However, upstream depletions will reduce the available surplus supplies and water will have to be imported from north coastal sources after that year. It is anticipated that coordinated operation of the State Water Resources Development System and the Federal Central Valley Project will afford a limited increase in usable surplus Delta supplies beginning in 1981. As indicated in the chart, upstream depletions will continue to decrease the available surplus supplies.

The coordinated use of surplus water in and tributary to the Delta and of regulated or imported supplements to this supply, as required, is referred to as the Delta Pooling Concept. Under this concept of operation the State will ensure a continued supply of water adequate in quantity and quality to meet the needs of export water users. Advantage will be taken of surplus water available in the Delta, and as the demand for water increases and the available surplus supply is reduced by further upstream uses, the State will assume the responsibility of guaranteeing a firm supply of water, which will be accomplished by construction of additional storage facilities and import works. At the same time, the water needs of the Delta will be fully met.



WATER SOURCES AND USES


ESTIMATED SEASONAL NATURAL RUNOFF
NORTH COAST AREA
Klamath, Eel, Van Duzen, Mad, and Russian Rivers — 1917-18 to 1946-47
53 year average used by the DEPARTMENT of WATER RESOURCES.
18,820,000 acre feet (100.0%)
30 year average 16,240,000 acre feet (86.3%)
17 dry year average 13,700,000 acre feet (72.3%)
6 drought year average 10,930,000 acre feet (58.7%)
15 wet year average
19,500,000 acre feet (103.6%)
50,000,000
30,000,000
20,000,000
Safe Yield
15,100,000 a.f.
10,000,000
Local Requirements
3,000,000 a.f.
Acre feet
Year
1894-95
1917-18
1918-19
1919-20
1920-21
1921-22
1922-23
1923-24
1924-25
1925-26
1926-27
1927-28
1928-29
1929-30
1930-31
1931-32
1932-33
1933-34
1934-35
1935-36
1936-37
1937-38
1938-39
1939-40
1940-41
1941-42
1942-43
1943-44
1944-45
1945-46
1946-47
SEASON — October 1 to September 30.


ESTIMATED SEASONAL NATURAL RUNOFF
CENTRAL VALLEY
1917-18 to 1946-47
53 year average used by the DEPARTMENT of WATER RESOURCES,
33,800,000 acre feet (100.0%)
30 year average 28,377,000 acre feet (85.0%)
17 dry year average 23,484,000 acre feet (71.0%)
6 drought year average 17,651,000 acre feet (52.2%)
15 wet year average
34,750,000 acre feet (103.0%)
60,000,000
50,000,000
40,000,000
30,000,000
Local Requirements
25,690,000 a.f.
Safe Yield
22,500,000 a.f.
20,000,000
10,000,000
Acre feet
Year
1894-95
1917-18
1918-19
1919-20
1920-21
1921-22
1922-23
1923-24
1924-25
1925-26
1926-27
1927-28
1928-29
1929-30
1930-31
1931-32
1932-33
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1934-35
1935-36
1936-37
1937-38
1938-39
1939-40
1940-41
1941-42
1942-43
1943-44
1944-45
1945-46
1946-47
SEASON — October 1 to September 30.

SOUTH DELTA WATER AGENCY

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March 24, 2008

Via E-Mail
BDCP-NEPA.SWR@noaa.gov

Re: Notice of Intent to Conduct Public Scoping and Prepare an EIR/EIS Regarding the Bay Delta Conservation Plan (BDCP) for the Sacramento-San Joaquin Delta

Gentlemen:

The South Delta Water Agency submits the following comments regarding the NOI to prepare environmental documents reviewing the Bay Delta Conservation Plan ("BDCP").

1. The BDCP proposes to provide for the conservation of endangered species and their habitats in the Delta in a way "that also will provide sufficient and reliable water supplies" for parties reliant on exports from the Delta. Thus, the underlying premise limits the various options available to DFG, FWS and NMFS for recovery and enhancement of not only endangered (and threatened species) but for most Delta species in general.

One of the options available to the fishery agencies is to limit exports and require increased outflow to the point where the impacted fisheries are improved. By assuming ahead of time that some certain level of exports will be allowed (or amounts of outflow will be limited), the agencies are precluded from examining possible scenarios which might be better for the fisheries than the alternatives proposed by the BDCP. This approach also ignores various underlying legal requirements that DWR and USBR fully mitigate the impacts of the SWP and CVP.

2. The environmental review must fully analyze the alternative's impacts to water quality, especially in the South Delta. Currently, Sacramento River water is drawn across the Delta to the export pumps. This "fresher" water is mixed with the "poorer" San Joaquin River water and provides water quality benefits to both the Central and Southern Delta channels. An isolated facility decreases the amount of Sacramento water moving across the Delta, and thus result in a worsening of water quality in the Central and South Delta.

Studies so far have improperly examined this effect. DWR's modeling suggests that the operation of an isolated facility would have no significant effect on water quality. However, that modeling was an averaging of all year types, which resulted in a masking of the effects of the project. The environmental review must look at the various year types separately, showing how differing levels of flows through an isolated facility would result in differing flows across the Delta and less dilution of salts in the Central and South Delta.

For example, this past month, exports have been curtailed due to a court ruling. With the diminished through-Delta flow, the water quality objective was violated as measured at the Old River Tracy Blvd. compliance location. With an isolated facility, there might be less or no cross Delta flow, resulting in even worse quality and a more extreme violation of that and other standards/objectives.

As part of the analysis, the environmental documents must examine how the various options will affect compliance with the Southern Delta salinity standards as those standards are terms of the DWR and USBR permits. [Note, the standards are required to be met throughout the channels, not just at the compliance locations per the 2006 Bay-Delta Water Quality Control Plan.] The project purpose must include compliance with all permit terms and conditions, as well as other legal limitations and requirements on the projects. SDWA's analysis indicates that moving Sacramento River water through an isolated facility will in most years and in most months result in violations of the salinity standards, and thus any option with such a facility could not be adopted or implemented.

3. Operation of an isolated facility would decrease the inflow to the Delta, and thus affect outflow. Either outflow will decrease, or additional inflow will be necessary to meet outflow requirements. The environmental documents must fully examine the various operational scenarios and the consequent effects on fisheries and other beneficial uses. Less inflow will mean that the flow of water through the Delta will be slower. There are resulting impacts to fisheries as well as water quality from this change. Previous studies indicate that decreased rates of flow result in increased predation on various species, especially endangered ones. It would also result in warmer water, decreased DO, and increased hyacinth and other plants clogging the channels. As stated above, an alternative not presented by BDCP is an increased outflow scenario which should improve fisheries. Such an option must be considered in the review.

4. An isolated facility, by changing the water quality in Delta channels could result in changes in the location of various fish species who use water quality as cues for migration, spawning and other life stages. Hence, the intake to an isolated facility might become a place of greater risk for some species. Further, decreasing Delta cross flow might decrease the areas of good habitat for species seeking better water quality, thus increasing the stressors to the species.

5. The environmental documents must examine how an isolated facility would be operated to insure no adverse impacts to other and superior water right holders. During low flow

times, the "natural" flow may be necessary for in-Delta users and thus cannot be removed from the system through an isolated facility. Similarly, upstream return flows may be necessary for numerous water right holders and not available for the junior export permits. Further, stored flow may be necessary to comply with existing permit terms and conditions to meet outflow and water quality parameters and again not be available for transport though an isolated facility.

It is important to note that all (legal) Delta channels are subject to the tides, and in combination with their channel bottom elevations, result in water always being in those channels. This raises important issues that must be covered in the environmental documents. Water is always available for in-Delta users. If some or all tributary flow ceased, water would still be in Delta channels. Case law, statues, and permit terms and conditions require the projects to keep the Delta water at certain qualities for those in-Delta uses. Hence, the operation of any isolated facility must include the protection of the water quality on which those uses depend. Any honest analysis will indicate those obligations cannot be met when an isolated facility is moving water around the Delta instead of through it.

6. As a follow on to the above point, the Delta Protection Act (Water Code Sections 12200 et. seq.) places certain burdens on the export projects. Those statues require that the Delta be kept as a "common" pool for in-Delta and export supplies. The statues go on to require that an "adequate supply" be provided to in-Delta water users (no supply amount is guaranteed to export users), that no water needed for this supply or for salinity control may be exported, and that exports cannot include water to which in-Delta users are entitled. Finally, the statues require that releases from storage in the Sacramento-San Joaquin system shall be integrated as much as possible to meet the requirements of the Act.

Taken together, these statues place severe operational limitations of not only the export pumps, but also any isolated facility. Hence, the environmental documents must include a review of the BDCP alternatives with these statutory/operational limitations. The result will indicate that the opportunities for its operation will be nil.

7. The review must include other alternatives, not currently in the BDCP proposal. SDWA and CDWA proposed to the Delta Vision process a comprehensive program which included the "Delta Corridors" plan. This plan seeks to reconnect the San Joaquin River with the Bay, a situation that no longer exists during most years. This is because the export projects typically take more water than is entering the Delta from the San Joaquin, and thus no San Joaquin water reaches the Bay. In addition, upstream use has decrease in-Delta flow to the point where in many months in most years, the inflow of the San Joaquin is less than the local, in-Delta diversions. Again, this results in none of the river's flow reaching the Bay. The Delta Corridors plan seeks to correct this and thus should show increased benefits to fisheries over proposals which will decrease water quality in the Delta (isolated facility).

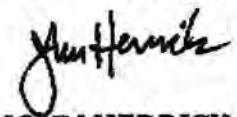
8. The review should include an improved through Delta conveyance as well as one that curtails exports in order to meet superior water right and environmental needs. As currently constructed, the BDCP proposals for through Delta are constrained by inaccurate assumptions regarding improved Delta channels and the need to maintain some "acceptable level" of exports.

9. It is unrealistic to assume that a Conservation Plan can be developed at this point. Ongoing investigations, speculation and analysis in the POD process indicates that the solution or solutions to the radical decline in ceratin fisheries are not yet known. Until such time as the specifics of why the decline is occurring at this time it is impractical and improper to adopt a Plan which gives exports a multi-year approval or guarantee of operations. We do not know yet if any particular level of exports is consistent with the protection of endangered species. Until we do, no plan should be contemplated or adopted which protects exports which are the likely cause the fishery problems.

SDWA can provide information and documentation to support the points set forth above and looks forward to participating in the environmental review of the BDCP proposals.

Please call me if you have any questions or comments.

Very truly yours,



JOHN HERRICK

JH/dd

CENTRAL DELTA WATER AGENCY
235 East Weber Avenue • P.O. Box 1461 • Stockton, CA 95201
Phone 209/465-5883 • Fax 209/465-3956

May 14, 2009

Via Email at BDCPcomments@water.ca.gov

Ms. Delores Brown, Chief
Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Via Email at lori_rinek@fws.gov

Lori Rinek
Sacramento Fish and Wildlife Office
2800 Cottage Way, W-2605
Sacramento, CA 95825

Re: Comments on the Department of Interior's Notice of Intent to Prepare (Dated February 13, 2009), and the CA Department of Water Resources' Notice of Preparation of (Dated February 13, 2009), an EIS/EIR for the Bay Delta Conservation Plan.

Dear Ms. Brown and Rinek:

The Central Delta Water Agency (CDWA) and South Delta Water Agency (SDWA) previously submitted comments on the federal "Notice of Intent" to prepare an EIS/EIR for the BDCP on March 24, 2008. The CDWA further submitted comments on the DWR's "Notice of Preparation" of an EIS/EIR for the BDCP on May 30, 2008. Since all of such comments are applicable to the topics at issue herein, those comments are hereby incorporated by reference and enclosed herewith. We hereby take the opportunity to supplement those comments with the following.

1. **The NOI and NOP are Still Unlawfully Premature.**

While the prematurity of the May 2008 NOI and NOP, are discussed at length in the attached documents, it bears re-emphasizing that such prematurity continues to be an overarching and fatal flaw. The NOP, e.g., contains statements such as the following which plainly confirm

such prematurity (with emphasis added):

- "[Conservation] measures *will be* identified through the planning process." (NOP, p. 1)
- "The BDCP covered activities *may* include, but are not limited to: . . . ." (NOP, p. 4)
- "[T]he list [of species to be evaluated for inclusion in the BDCP] *may change* as the planning process progresses." (NOP, p. 5)
- "The BDCP *will likely* consist of three major elements: . . . ." (NOP, p. 6)
- "Potential habitat restoration measures . . . *may* involve . . . ." (NOP, p. 6)

The issuance of the instant NOI and NOP in light of such lack of specificity is unfair and unlawful under NEPA and CEQA. The NOI and NOP must be reissued when, at a minimum, a complete draft of the BDCP is available for public review which fully describes and discloses the specifics of that plan.

2. **Project Objectives.**

The project's objectives must not be so narrowly draw so as to require the "construction and operation of facilities for movement of water entering the Delta from the Sacramento Valley watershed to the [Projects'] pumping plants located in the southern Delta" as a project objective. (NOP, p. 3.) While the construction of such facilities may be one way to meet various objectives, such construction should not itself be any part of the project's basic objectives.

The same is true of the objective to improve the ecosystem by "reducing the adverse effects to certain listed species of diverting water by relocating the intakes of the SWP and CVP." (NOP, p. 3.) That objective is likewise far too narrow and the objective, if anything should be something along the lines of "to improve the ecosystem by modifying the operation or nature of the SWP and CVP." Relocating intakes is merely one method to meet the objective.

There is a major difference between what the project proponent prefers to do to meet the project's basic objective and the project's basic objective's themselves. The NOI and NOP currently fail to recognize that difference and have improperly included preferred methods to meet the objectives as part of the objectives themselves.

Moreover, "relocating the intakes" is ambiguous since it's unclear whether it means the relocation of *all* SWP and CVP intakes, or just the Tracy pump intakes? And, if it means all, does it mean only intakes within the legal Delta, or intakes anywhere that may affect the Delta? And, furthermore, for the intakes that it is intended to cover, does it mean the intakes will be relocated such that the existing intakes will no longer be used? For example, does that mean a so-called "dual conveyance" alternative would be contrary to the objective?

In the end, it would constitute a fundamental deficiency, not to mention be fundamentally

unfair in multiple respects, if the objectives are defined in a manner that attempts to avoid the consideration of alternatives that include reduced, or, even, the elimination of, exports from the Delta.

Lastly, the following so-called objective takes the cake and is entirely too narrow, entirely too vague, entirely unfair and entirely unlawful:

> "Restore 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." (NOP, p. 3.)

For starters, this process cannot call the project a "Bay Delta Conservation Plan" if the foregoing is any part of the plan's objectives. Restoring and protecting exports from the Delta has nothing to do with "conservation" of the Bay Delta. For example, what parts of the Bay Delta are being "conserved" by such restoration and protection?

Secondly, the objective assumes there have been times when the Projects have been able to deliver their full contract amounts, i.e., "restore" such ability. Where is the evidence to support that? It further assumes that there will indeed be times when the hydrology and laws, etc. will allow for such delivery? Again, where is the evidence to support that?

Thirdly, this objective was obviously created to limit the range of potential alternatives in the EIS/EIR. In light of this objective, the project proponents would undoubtedly argue that any alternative that does not restore the ability to deliver up to the full contract amounts would be dead on arrival. Presumably, so would any alternative that attempts to conserve the Delta environment by reducing exports and developing non-export water to replace such reduced exports, and any alternative that seeks to satisfy the Project's contractor's needs with water developed by non-Project facilities.

It is, again, startling that such an objective can, with a straight face, be included as part of a plan entitled "Bay Delta Conservation Plan." This objective should be deleted in its entirety. It cannot be legally or fairly included as part of any so-called "Natural Community Conservation Plan" or "Habitat Conservation Plan" which the Bay Delta Conservation Plan is intended to serve as. Such an objective simply has nothing to do with conserving the "natural community" or "habitat" (or the Bay Delta).

3. **Emergency Proclamations.**

The EIS/EIR should fully discuss and explain how the proposed project and all of the alternatives will ensure that the various state, federal and local laws protecting matters such as Delta water quality, fish and wildlife, etc. will be upheld and enforced during all state, federal or

local emergency, disaster or other proclamations. The EIS/EIR should in particular explain what protection beneficial users, including fish and wildlife, downstream of the intakes of any isolated facilities will have all such laws fully upheld and enforced during such proclamations.

4. **State of the Art Fish Screens on Current Export Facilities.**

The EIS/EIR should fully discuss and explain why such screens are not currently in place, and were not installed and operational by 2006, as required by the 2000 CALFED Record of Decision, and how having such screens in place would have impacted the Wanger decisions and other export pumping restrictions on account of fishery concerns. Such screens should be a part of *all* projects and alternatives discussed in the EIS/EIR that intend on using such export pumps to pump any amount of water "through the Delta."

5. **The First Seven Years Following the 2000 CALFED Record of Decision.**

Similar to the above, the EIS/EIR should fully explain what was supposed to happen as far a measures to make the "through Delta" conveyance successful, such as the installation of the above-described fish screens and extensive levee improvements, etc., and what actually happened. Any differences should be fully explained. The history of failing to carry out matters that were intended to be carried out is relevant to the validity of claims that matters, including mitigation measures, etc., intended to be carried out pursuant to the instant project will actually be carried out.

6. **Alternatives.**

In addition to the others discussed in the attached documents, the following should be included in the EIS/EIR range of reasonable alternatives:

-- The Delta Corridor's proposal being developed by Russ Brown.

-- A comprehensive regional self-sufficiency alternative as set forth in "A Water Plan For the 21st Century: Regional Self-Sufficiency Scenario," dated 7/23/07 (a copy of which is enclosed herewith)

-- A no export alternative (i.e., no exports from the Delta watershed through the Tracy pumping plants). This alternative should be combined with everything possible that could be done to supply water to areas currently receiving exports from such pumping plants, including an unprecedented devotion of resources to developing self-sufficiency measures in importing areas such as 1) water conservation; 2) water reclamation, including desalting brackish and if necessary sea water; 3) storm water capture and reclamation; 4) higher levels of treatment of sewage effluent to allow for safe use of effluent for irrigation of golf courses and landscaping, industrial use, and in suitable cases human consumption; 5)

installation of dual water systems particularly in new developments; 6) installation of brine lines; and 7) improvements to water treatment facilities so that water from less desirable sources can be beneficially used. The devotion of resources should be at least as much as the *total* economic and environmental costs incurred in the planning, construction, mitigation, operation, etc. of any isolated facility.

-- There should also be a reduced export alternative which gradually reduces exports over time by a unprecedented devotion of resources to developing self-sufficiency measures as discussed above.

-- An alternative that gradually ends all deliveries of Delta watershed water to areas south of the Tehachapi Mountains and includes the above-described unprecedented devotion of resources to developing self-sufficiency in such areas should also be included.

Also, there should be alternatives to the project "as a whole," rather than alternatives focused solely on one or more components of the project, such as the conveyance component. The NOP at page 6, seems to indicate that the process is already heading down the wrong and unlawful path of only considering alternatives to the conveyance component.

In the end, the EIS/EIR's range of alternatives should include *numerous* alternative courses of action that meet "most" of the project's basic objectives and reduce one or more of the proposed project's potentially significant impacts. In light of the breadth of the objectives, it should be simple to craft and include within that range *many* potentially feasible alternative courses of action. And in light of the magnitude of what is at stake, informed decision making requires nothing less.

7. **Additional Impacts Which Should be Analyzed.**

In addition to other noted impacts, the following impacts should be fully analyzed and discussed:

- The flood control impacts from any facilities, such as isolated facilities, including, e.g., water elevation impacts resulting from any non-underground crossings through rivers and streams.

- Salt water intrusion into groundwater basins as a result of the various alternatives.

- All economic and socio-economic impacts associated with the proposed project and all alternatives.

- Evaporation loses from increased surface areas associated with isolated facilities, as well as increased surface areas from any intended abandonment, and, hence,

permanent flooding, of Delta islands.

8. **The Delta Pool as a Fresh Water Reservoir.**

The EIS/EIR should fully analyze and discuss the extent to which the Delta pool serves as a fresh water reservoir by, in essence, storing and holding upstream fresh water flows. The extent to which isolated facilities or other actions which increase the salinity of the Delta will adversely impact such a reservoir should be fully analyzed and discussed.

9. **Unlawful Segmentation and/or Piecemealing of the Project.**

DWR has unlawfully inverted the CEQA process by starting out with very site-specific, physically intrusive activities contained in the ongoing Delta-wide "Field Study," rather, than starting out with a broad or "programmatic" level of analysis of the Bay Delta Conservation Plan, and, then, "tier off" that programmatic analysis and focus in on more detailed, site-specific analysis/activities. Starting out with the broader level of analysis is essential, among other reasons, since, CEQA prohibits agencies from "segmenting" or "piecemealing" a project into smaller individual sub-projects or into separate phases in order to avoid the responsibility of considering the environmental impact of the project *as a whole*. CEQA provides numerous types of Environmental Impact Reports (EIRs) that can be used to avoid such segmenting and piecemealing such as "Staged EIRs," "Program EIRs," and "Master EIRs." (See Guidelines, §§ 15167, 15168 & 15175, respectively.) By initiating and carrying out the site-specific Field Study activities in advance of, rather than subsequent to, the required broader environmental analysis of the Bay Delta Conservation Plan project as whole, the current CEQA process is contrary to law.

10. **Conclusion.**

Thank you for your time and consideration of these comments and concerns.

Very truly yours,

Dante John Nomellini, Jr.
Attorney for the CDWA

DJR/djr
Enclosures

A
WATER PLAN
FOR THE 21st CENTURY:

REGIONAL
SELF-SUFFICIENCY
SCENARIO

A WATER PLAN FOR THE 21ST CENTURY:
REGIONAL SELF-SUFFICIENCY SCENARIO

INTRODUCTION

As the population of California continues to grow, the imbalance intensifies between the demands for water supplies in the primarily arid regions growing the fastest and the regions where water supplies originate, whose needs for their local supplies also grow. Sooner or later California must unshackle itself from dependence upon transfers of water from North to South, especially during periods of least supply (dry years) when water presently exported is often not surplus to the needs in the north, and develop regional self sufficiency. The Sacramento-San Joaquin Delta is at the bottom of all the river systems of the Central Valley of California and is currently experiencing a meltdown of its ecosystem, largely as a result of the over commitment of the water resources, especially during drier years, which would naturally, and normally, flow through it on their way through Suisun, San Pablo, and San Francisco Bays. Failure to reverse this trend will soon lead to extirpation of important aquatic species, some of which are already listed under the Endangered Species Act; further reductions will surely lead to wholesale destruction of one of the most important agricultural and environmental areas in the world and eventually to loss of infrastructure which supports the economy of the Western United States.

Proposals to build Peripheral Canals do not address the need to find better ways to balance the supply-demand equation, they merely redistribute the deficiency in the current system to the areas in which the waters originate, and to the environment. The solution cannot be found without looking beyond the Delta. We can, and must, do better, especially as we face significant changes in the earth's climate which threaten to greatly aggravate these problems.

HISTORY

To begin to visualize a solution to this dilemma it helps, as always, to look to see how we got into the problem.

Before the Gold Rush and the ensuing settlement of the Central Valley there were no major dams or flood control levees in and around the Central Valley. Snow fell and accumulated in the Sierras in the winter and rain and snow melt filled the rivers into the Central Valley in the winter and spring, overflowing the river banks as flows peaked, filling the rivers' flood plains to the extent of three to five million acres depending upon the severity of the weather. These flood plains, characterized by forests, riparian vegetation and marshes, supported large populations of antlered animals, bears, smaller mammals and vast populations of migratory and resident birds. As the rivers drained in the drier weather, the flood plains drained into the rivers, providing a steady supply of fresh water to the Delta and Bays throughout the spring and summer months, except in the very driest years, supporting native aquatic and terrestrial resources.

Mining in the mountains and urbanization and farming to house and feed the growing population of Northern California began to change the picture. Dams were built to supply the hydraulic mining operations, to prolong the agricultural water supply and to provide some flood protection to the growing urban communities. Flood control levees were built to protect against flood plain inundation, to move hydraulic mining debris through the system, and to allow reclamation of overflow lands. This had the consequence of pushing more and more of the flood waters and mining debris farther downstream, exacerbating flood problems in the Delta which, by about 1910, had virtually all been reclaimed from the flood plain by a system of levees in accordance with a state-incentives program to create more farm land. As agriculture expanded, farmers distant from the rivers sank wells and began mining ground water to grow their crops, especially in the more arid San Joaquin Valley and the Tulare Lake Basin. Eventually the Central Valley Project was built by the U.S. Bureau of Reclamation to divert the San Joaquin River to supplement over-drafted ground water supplies on the east side of the valley, while supplying the downstream users with water

from the Sacramento River dammed at Shasta and diverted from the Delta near Tracy into the Delta Mendota Canal. Only waters surplus to the needs of areas where the waters originated were intended to be transferred. The promises made to the north are clear and well supported in historical references and law.

> "On February 17, 1945, Acting Regional Director R.S. Calland of the Bureau of Reclamation stated in a letter to the Joint Committee on Rivers and Flood Control of the California State Legislature that it was the view of the Bureau that the intent of [California Water Code Section] 11460 is 'that no water shall be diverted from any watershed which is or will be needed for beneficial uses within that watershed.' The letter continued: 'The Bureau of Reclamation, in its studies for water resources development in the Central Valley, consistently has given full recognition to the policy expressed in this statute by the Legislature and the people. The Bureau has attempted to estimate in these studies, and will continue to do so in future studies, what the present and future needs of each watershed will be. The Bureau will not divert from any watershed any water which is needed to satisfy the existing or potential needs within that watershed....'" (See SWRCB [formerly State Water Rights Board] Decision D-990, Pages 70 and 71.)

An October 12, 1948 statement by Secretary of the Interior Krug included the following:

> "There is no intent on the part of the Bureau of Reclamation ever to divert from the Sacramento Valley a single acre-foot of water which might be used in the valley now or later." (See Decision D-990, Pages 70 and 71, for this and other Bureau Policy Statements.)

A King Salmon population estimated at 100,000-200,000 fish was eliminated as the San Joaquin River bed was dewatered below Friant Dam, and the water quality of the San Joaquin River deteriorated as it became dominated by agricultural and urban drainage.

Next, the State Water Project was conceived and authorized in a hotly contested state-wide bond election in 1959, accompanied by solemn legislative commitments to take only water surplus to the needs of the areas in which the water originated, including the Delta, for export to the water deficient areas of the State south of the Delta. Water supply contracts were executed which

expressly recognized that the Project might not be able to develop a water supply sufficient to meet the contracted amounts, leading to deficient deliveries to the contractors.[1]

As presented to the voters in the 1959 election, the State Water Project was to build dams not only at Oroville on the Feather River but also on several north coast rivers to augment its supply of water as demand in the areas of origin trumped the exporters' rights and demand in the export areas increased. We reproduce here an excerpt from Bulletin 76 (Preliminary Edition, 12/1960) reflecting the thinking of the Department of Water Resources at the time of the election:

> "The natural availability of good quality water in the Delta is directly related to the amount of surplus water which flows to the ocean. The graph to the right indicates the historic and projected availability of water in the San Joaquin River at Antioch containing less than 350 and 1,000 parts chlorides per million parts water, under long-term average runoff and *without* specific releases for salinity control. It may be noted that even under natural conditions, before any significant upstream water developments, there was a deficiency of water supplies within the specified quality limits. It is anticipated that, without salinity control releases, upstream depletions by the year 2020 will have reduced the availability of water containing less than 1,000 ppm chlorides by about 60 percent, and that exports will have caused an additional 30 percent reduction.

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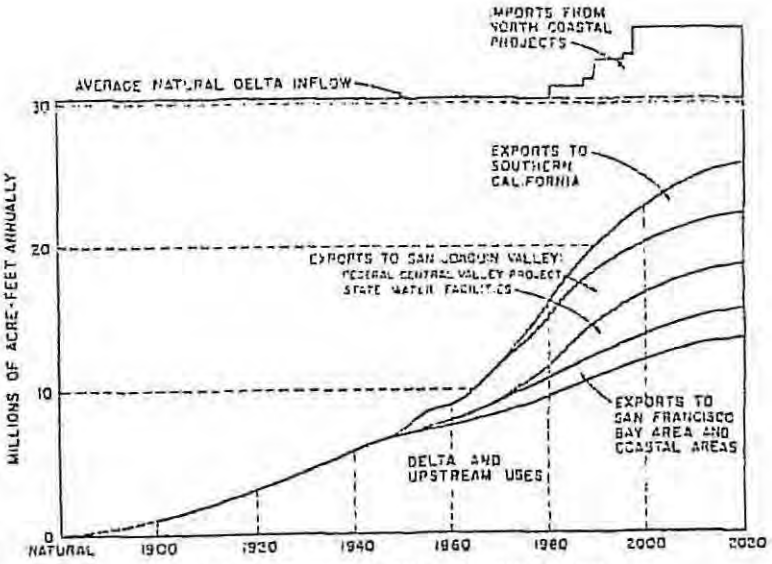
[1] The protections for the "north" are now primarily reflected in (1) the "County of Origin Statute" Water Code Sections 11461, Water Code Section 11128, Water Code Section 12931, Water Code Section 12200, et. seq., and can be summarized as follows:

(1) Only water surplus to the present and future needs of the "areas of origin" can be exported by the SWPand CVP. (See 12200, et. seq., and 11460, et. seq.)

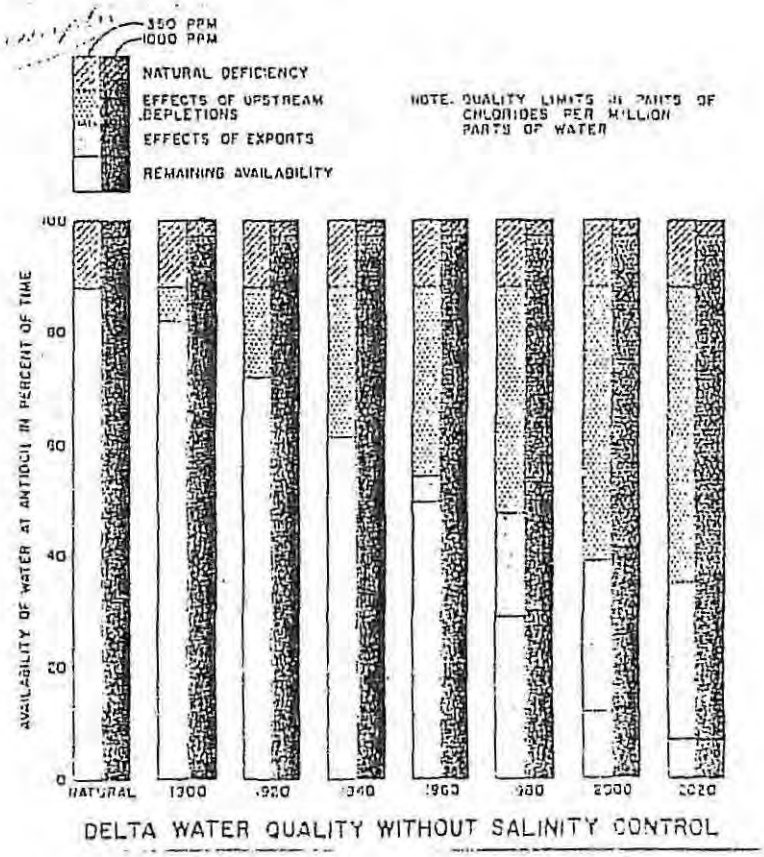
(2) Water utilized by the projects can be recaptured by the areas of origin" whenever needed. (See 11460, et. seq.)

(3) A common pool of water will be maintained in the Delta to serve both Delta users and the export projects. (See Water Code Section 12202 and Water Code Section 11207.)

(5) Releases from storage into the Delta for use outside the area will be integrated to the maximum extent possible to provide salinity control and an adequate water supply sufficient to maintain and expand agriculture, industry, urban and recreational development in the Delta. (See Water Code Section 11461 and Water Code Section 12202.)



USE OF DELTA WATER SUPPLIES



DELTA WATER QUALITY WITHOUT SALINITY CONTROL

The magnitude of the past and anticipated future uses of water in areas tributary to the Delta, except Tulare Lake Basin, is indicated in the diagram [above]. It may be noted that, while the present upstream use accounts for reduction of natural inflow to the Delta by almost 25 percent, upstream development during the next 60 years will deplete the inflow by an additional 20 percent. By that date about 22 percent of the natural water supply reaching the

Delta will be exported to areas of deficiency by local, state and federal projects. In addition, economical development of water supplies will necessitate importation of about 5,000,000 acre-feet of water seasonally to the Delta from north coastal streams for transfer to areas of deficiency."

The State Water Project contracted to supply 4.3 million acre feet per year of water to its contractors, on a 'best efforts' basis, with preference for serving its urban customers based on the large premium they paid for the project's costs.

We now know that only Oroville Dam; with a nominal dry period yield of one million acre feet, was constructed. Elimination of the North Coast facilities began when Governor Reagan decided not to proceed with damming the Eel River in the late 1960's, and was solidified by passage of the Wild and Scenic River legislation. We also now know that the river flows through the Delta required to support fisheries were badly underestimated and much larger flows were, and still are, recognized (if not fully imposed) by the federal environmental and fish agencies and by the State Water Resources Control Board which had reserved jurisdiction to set appropriate water standards to meet fishery needs once they were understood.

In August 1978, the SWRCB in D-1485 in failing to provide complete protection of the public trust acknowledged:

> "While the standards in this decision approach without project levels of protection for striped bass, there are many other species, such as white catfish, shad and salmon, which would not be protected to this level. To provide full mitigation of project impacts on all fishery species now would require the virtual shutting down of the project export pumps...."

> "Full protection of Suisun Marsh now could be accomplished only by requiring up to 2 million acre-feet of fresh water outflow in dry and critical years in addition to that required to meet other standards. This requirement would result in a one-third reduction in combined firm exportable yield of state and federal projects...." (SWRCB D-1485, p.14.)

THE PROBLEM

So how can the San Joaquin Valley, the Tulare Lake Basin, and now Southern California and some of the Bay Area, rely for their water needs on water

projects that never developed their base supplies, badly underestimated environmental needs and expected to have supply diminish as demands grew in the areas where the water originated? And add to these problems future population growth, ground water deplenishment, global warming effects on snow pack and sea levels and you have a system, already in triage, headed for major disaster.

THE SOLUTION: REGIONAL SELF SUFFICIENCY

What is the way out of this dilemma? Certainly not tinkering with various forms of Delta conveyance, which do nothing to cure the supply-demand problem, but merely shift the burdens of the dry period imbalance.

SOUTHERN CALIFORNIA

After the passage of the 1982 Referendum decisively rejecting the Peripheral Canal, member agencies of the Metropolitan Water District of Southern California ('MWD") began to push for regional solutions to "drought proof" Southern California by reducing reliance, during dry periods, upon regional imports of water. Offstream storage, especially the project now named Diamond Valley Reservoir, was built to store wet year supplies from the Colorado River and the State Water Project. Storm water retention dams and basins were constructed to back flood waters into infiltration basins. Extraction and treatment facilities were constructed at the lower end of depleted, but polluted, ground water basins to reactivate those basis for carry-over storage. Wetlands were created to help recycle the extracted and treated polluted ground water, creating wildlife benefits. Demand reduction programs, including aggressive conservation, were implemented. Desalinization plants for brackish and sea water were designed and constructed, often in conjunction with coastal-sited energy facilities, taking advantage of pre-heated cooling waters and existing ocean discharge facilities.

With the new stratagems and facilities, MWD says it will be able to meet the

needs of a growing Southern California population without future increases in dry period exports from the Delta, and presumably without the increases which occurred as Diamond Valley was being filled over the last several years.

In dry years, MWD's share of total Delta exports by the CVP and SWP is about 25%. The balance goes mostly to agricultural contractors of the two projects, especially in the drier years. In the wetter years, when the most water would be available without adverse impact upon the areas of origin and the Bay-Delta ecosystem, agricultural demand decreases because precipitation meets more of the crop needs and because of lack of facilities to store water for future use in drier years.

THE CENTRAL VALLEY REGIONAL SUPPLY

The lack of ability to utilize and store water in the Central Valley during the wetter years also aggravates flooding problems in the Valley and, especially, in the Delta. With literally millions of acres of the Valley floor converted from secondary flood plain to farm land and urban areas over the last 150 years, flood peaks at the lower end of the Valley and the Delta have increased dramatically and will increase even further if global warming produces more rain run-off in place of snow melt from the Sierras as is expected. In addition, traditional Sierra and foothill reservoirs will be less effective at flood control as flood reservations approach and exceed reservoir capacity and less control is available for larger rainfall events.

How then can the Central Valley, and especially Central Valley agriculture, prepare itself for a future of more concentrated rainfall events and less dry-year import availability from the Delta via the CVP and SWP and become regionally self-sufficient?

The California Water Atlas reports that there is over one-half billion acre feet of ground water storage space in the San Joaquin Valley alone, much of which has been vacated by the massive ground water mining which has sustained the growth of agriculture and urban areas from Red Bluff to Bakersfield and which hasn't been rectified by the billions of dollars invested in the CVP and

SWP which were constructed for that purpose. Deficiencies in imported water supplies have been noted and bemoaned, but not addressed. Ground water overdrafting continues largely unabated, with wells periodically deepened and power consumption escalating.

A simplified view of this situation helps to illustrate the problem. Agriculture in the Central Valley is constantly searching for markets for its production. The scarcity of robust markets impacts the economics of farming to such a degree that a "one year at a time" mentality prevails. Over supplied markets cause agricultural land, often in flood-prone areas, to be converted to urban development without proper attention to flood threats and flood control.

What can be done to get us out of this mess?

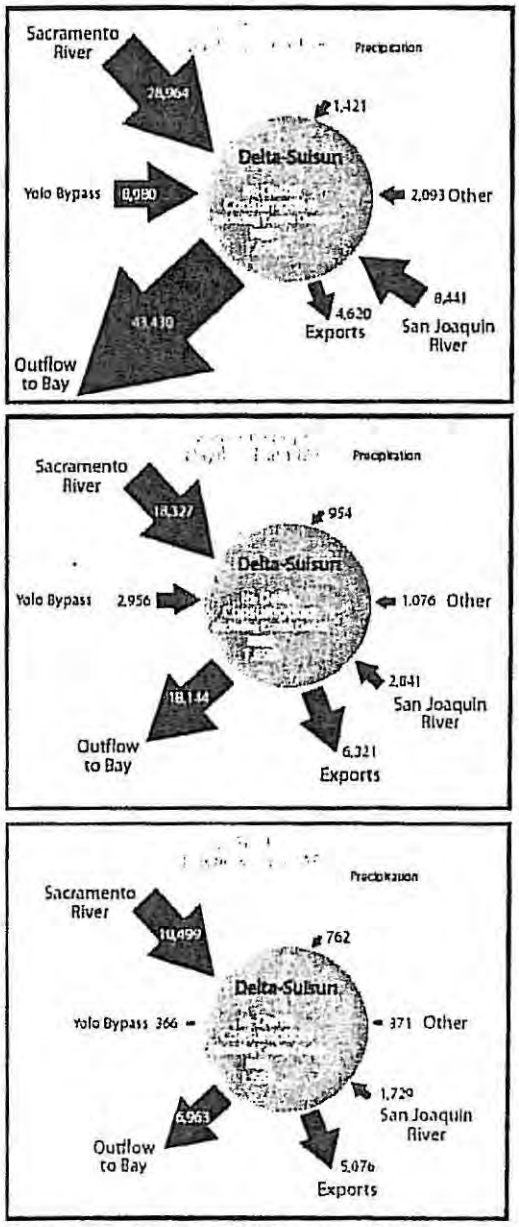
IT ALL STARTS WITH FLOOD CONTROL

First, we need a real flood management plan for the Central Valley which addresses the current situation and plans for the future of global warming. Until the "design flood" is determined, we can't design a system to contain it and we won't know where to expand our cities. This problem has been recognized and discussed recently in sessions organized and conducted by the University of the Pacific's Natural Resources Institute, and the development of a flood management plan for the Central Valley is now called for in SB 5 (Machado) currently before the legislature.

It is important that such a plan anticipate future climate change possibilities so that "room for the rivers" and appropriate flood works expansions can be reserved in flood management plans.

Second, we must recognize that meeting water needs in the Central Valley will be dependent upon controlling and conserving portions of these flood flows for future use. The recently completed DWR publication "Status and Trends of Delta-Suisun Services," May 2007, contains an important illustration of this problem. At page 18 (reproduced here) the authors present a chart entitled "Delta Water Balance" depicting Delta inflows, outflows and exports for three recent water years, 1998 (wet), 2000 (average) and 2001 (dry). Of particular note is the finding that exports from the Delta by the CVP and SWP were <u>less in the wet year</u> which experienced almost 50 million acre-feet of inflow <u>than in the dry year</u> in which less than 14 million acre feet entered the Delta from precipitation and its tributaries. <u>What kind of a surplus water export system is this?</u> And how much of the 5,076,000 million acre-feet of exports in the dry year were produced by carry-over storage from project reservoirs as opposed to current year unimpaired flows to which senior water rights and public trust entitlements would generally attach?

Delta Water Balance



Flows vary significantly from year to year

Status and Trends of Delta-Suisun Services

May 2007

A simple exercise is illustrative of this point. Average annual exports by the CVP and SWP from the Delta total about 5 million acre-feet, whereas average annual inflows are about 30 million acre-feet. Thus if less than 20% of the annual inflow to the Delta was exported in each year, total exports would increase, while exports during the driest years would be limited to 1 to 2 million acre-feet in each such year allowing sufficient Delta outflow to maintain good water quality in the estuary and support a healthy ecosystem.

It is interesting to note that Dr. Michael Rozengurt, a prominent Russian hydrologist testified in the SWRCB Bay-Delta Estuary Hearing (on July 14, 1987) leading up to D-1379 that every estuary in the world which had significantly reduced its cyclical natural river in-flows has experienced serious ecosystem harm. There is a growing scientific consensus that greater outflow, especially in the drier years, will be necessary to support a healthy ecosystem in the estuary, and of the need to determine what the "safe export yield" of the Delta will be after reserving sufficient outflow. Recently, the Pelagic Organism Decline recovery team of scientists has recommended immediate export reductions in the range of 1.5 million acre-feet per year as a measure to avoid elimination of pelagic species.

Should we not be redesigning our massive export projects (and perhaps some others) to increase exports during wetter years while decreasing exports in drier years, all in line with such "safe yield" limits?

The Southern California SWP contractors have already taken steps to accommodate themselves to such an approach with off stream storage and ground water recharge capabilities, as well as with demand management initiatives. But the Central Valley customers have done little. Neither Friant Dam (Millerton Reservoir) nor the Federal share of the San Luis facilities provide much carry-over storage relative to the annual demands of the CVP contractors. Both are largely operated on an annual fill and empty strategy. More wet year storage is needed, but where is it to be found?

Some of it might be provided by new or expanded reservoirs in the mountains, but this is unlikely given the current economics (especially without

urban subsidies of agricultural supplies), environmental problems, and the impacts of global warming on yield of traditional storage reservoirs.

More than likely it would best be provided by flood plain management on the valley floor, more like it was 150 years ago.

It should be noted that quite a bit of this is already happening. Flood management for the Sacramento Valley is largely provided not by foothill reservoirs, but by a system of bypasses and floodways on the valley floor. Although not much emphasis is placed on flood flow retention and ground water recharge in these by-passes and floodways today, it could be in the future.

The Tulare Lake Basin presents a model for the areas south of the Delta. Much of the larger flows of the Kings River are planned to flow into the basin where they are confined to leveed areas and used for carried-over irrigation supplies. These operations could be expanded to include flood waters that are now pushed to the San Joaquin River.

Similarly, the Kern County Water Bank is operated to store excess waters in wet years in a previously over-drafted ground water basin for subsequent use.

Investigation will reveal many other opportunities to retain storm waters on the valley floor in historical flood plains for carry-over use and ground water recharge. Some of these may utilize temporary retention in the by-passes and basins of the Sacramento Valley for subsequent transfer to storage and recharge on the floor of the San Joaquin Valley and Tulare Lake, finally utilizing wetter year export capacity of the CVP and SWP when fewer environmental consequences can be anticipated. Other opportunities will be found around Los Banos in the depleted basins under the San Joaquin River accessed from areas like Madera Ranch, the San Luis Refuge, the Grasslands and from the restoration of flows in the San Joaquin River itself. An intriguing opportunity will be presented as the Department of the Interior pays to retire vast acreages (200,000 or more) of the Westlands Irrigation District impaired by perched ground water without drainage but overlying an over-drafted ground water basin beneath the Corcoran Clay.

Reoperation of existing reservoirs will be more feasible with operable flood control basins.

Other opportunities will be presented by the need to create a system of

weirs and gates to supply flood by-passes and retention basins as the weather changes south of the Delta from snow to rain. These may extend all the way into the Delta, with flood easements acquired on currently farmed acreages for temporary flooding or wetlands creation on lands that don't include critical infrastructure, i.e., controlled flooding and timely pump-out to avoid levee failure and impacts to adjacent lands, to provide better flood protection to urban areas and critical infrastructure.

Easement programs should be developed, perhaps through the creation of a Conservancy, to target critical habitat areas, both aquatic and terrestrial, not already in public ownership, and to help compensate for loss of farming and development opportunities.

It is important to point out that the additional dry-year water that can be supplied by this type of redesign of the CVP and SWP does not need to be exported from the Delta in dry years since it is already at or near the sites where it is needed, recharging depleted ground water basins, recreating historical wetlands and providing carry-over water supplies.

Another important feature is that those projects are primarily designed for flood control, traditionally a non-reimbursable feature of water project development. The resulting water supply may therefore be one that agricultural users could actually afford.

WHAT NEEDS TO BE DONE IN THE DELTA ITSELF?

The Delta is much more than a cross-roads for water development or a vast and fertile farming area. Probably because its land is relatively flat, relatively unpopulated and relatively inexpensive, much important infrastructure has been sited in and across the Delta, all of which is vulnerable to catastrophic levee failures. Increasingly urban development is encroaching into the Delta as well. It is also home to one of the great and most varied ecosystems in the world, both aquatic and terrestrial, as well as a multi-faceted recreational paradise easily accessible to a large and growing population. All of these assets -- farming, infrastructure, urban areas, environment, recreation -- are as vulnerable to catastrophic levee failure as are the water export facilities, although the exports

facilities draw the most political attention.

In simple terms, agriculture built and maintains the levees, now with modest support from the State through the Levees Subvention Program. The levees protect the homes, highways, aqueducts, pipelines, gas fields, deep water channels, recreation facilities and ecosystem found in the Delta. Water development squeezes as much water as it can out of the Delta during the drier years putting enormous and destructive pressure on the ecosystem and the local uses. In the wetter years, upstream development dumps as much flood water as it can into the tributaries putting enormous pressure on the Delta levees. Is it any wonder that commentators now consider the Delta, if current trends continue ("business as usual"), to be "unsustainable" in the face of future changes?

The "drivers of future change" identified in the Delta Risk Management Study are:

- Subsidence
- Global climate change - sea level rise
- Regional climate change - more winter floods
- Seismic activity
- Introduced species
- Population growth and urbanization

How do we deal with these "drivers"?

SUBSIDENCE

Subsidence has occurred both with levees and the lands protected by the levees. As river flood stages have increased due to upstream activities causing constrictions on the flood plain and due to global warming, levees have been increased in width and height. Where constructed on compressible soil foundations (peats and clays), the additional weight has compressed these foundations, causing settlement and necessitating further construction, more weight, and more settlement. Each time new levee height or width is required, the process repeats itself until the foundation soils are fully compressed and

stabilized. Stabilization has largely occurred in many parts of the Delta, especially toward the edges.

The second form of subsidence has occurred mainly through oxidation of organic soils which were dried out (and sometimes burnt for weed control)for farming, and to some degree, by compression of the dewatered soils from the weight of farm equipment, not unlike the first form of subsidence discussed above for the levees. This form of subsidence slows down, and eventually stops, as the organic soils are depleted which has also occurred in most of the Delta. It is estimated by local interests well familiar with current soil conditions, that less than 100,000 of the 600,000 acres in the Delta still contain enough organic material to further subside. Most of these conditions existing in the west-central portions of the Delta, and these soils usually occupy just portions of islands, not the entire island.

Subsidence of the farmed lands has no impact upon levee stability per se. The levee structures support themselves and the "design levee" is only dependent upon a swath of land 200-400 feet wide, which is the foundation upon which the levee is built.

Although farmed land subsidence can increase the volume of water which the leveed island will contain if flooded, it doesn't contribute significantly to the stability of the levee itself.

Generally speaking, normal levee maintenance has kept up with the problems created by subsidence. The bigger challenges are presented by the next subjects.

GLOBAL CLIMATE CHANGE - SEA LEVEL RISE

Modest sea level rise has been documented at the Golden Gate since the original reclamation of the Delta, about 6 inches since reliable measurements began. Most observers feel this phenomenon is increasing and will produce further rises in a broad range of one to eight feet over the next 50-200 years. At the upper end of this range the world will be dealing with more difficult issues than the Delta, and many coastal areas and bays don't currently have levee protection.

Because the Delta is already protected by levees (which have few encroachments), it is possible to build higher, wider, stronger levees. It also becomes more expensive as levee building material gets scarcer and more remote. It is critical to protect and expand local sources of scarce material, such as dredged materials from deep water channel maintenance activities and the rock revetment material from nearby quarried deposits, which are under constant regulatory pressure.

At some point "Dutch" solutions should be considered, especially if the rate of sea level rise trends toward the higher estimates. Such solutions include joining groups of islands together behind common levees ("polders") to reduce the miles of levees which need major improvement. In many cases locks would be appropriate to retain waterway access for recreational and commercial uses.

Consideration should likewise be given to the possibility of constructing closable surge barriers west of the Delta if it looks like sea level rise will trend toward the highest estimates, mimicking the Rotterdam Storm Surge barrier types which Dutch engineers are now studying for the Lower and Upper Mississippi River. It would be helpful to have the assistance of the Dutch engineers to help plan an effective future flood control plan.

REGIONAL CLIMATE CHANGE - MORE WINTER FLOODS

Our responses to this "driver of future change" have been described earlier. Suffice it to repeat here that we need a Central Valley Flood Management Plan that will identify opportunities to attenuate flood peaks and incorporate methodologies for future use of the attenuated flows through flood plain retention and ground water recharge.

SEISMIC ACTIVITY

This is the real "wild card" of the drivers of future change. Although the Delta has never experienced levee failure from an earthquake, it could tomorrow. Hence, we should be preparing today.

The seismic vulnerability of the Delta is focused overwhelmingly in the

westernmost Delta because of closest proximity to known active faults, poorest levee foundations vulnerable to seismic events, and exposure of the CVP, SWP, and CCWD to potential sea water intrusion at their intake facilities induced by a western Delta island failure. As much as 60-70% of the risk of seismic failure is concentrated on Sherman Island alone, according to the risk studies, and much of the remaining risk is to Jersey, Twitchell and Bradford Islands.

In spite of the fact that most of the lands on these westernmost Delta Islands are already in public ownership, little is being done to reduce seismic vulnerability beyond "hand-wringing." Subsidence is presumably continuing under the farming practices of the tenant farmers and major seismic reinforcement of the most vulnerable portions of the levees is not being accomplished. We believe the public ownership needs to react quickly to the perceived seismic threat. Since these westernmost islands are also the closest and most accessible to the Bay Area population, there is a significant opportunity to meet recreational and educational needs if portions of these lands need to be converted from agriculture to attain seismic protection.

Our engineers tell us that a good defense against seismic failure is to widen the levee so that slumping caused by foundation liquefaction does not take the whole levee section resulting in a breach. In the process, a lot of material has been "stockpiled" at the site which can be used to respond to slumping damage as it occurs.

It should be noted that as you move eastward into the Delta, the seismic risk decreases, as does the risk of induced salinity intrusion which affects intake facilities of the in-Delta diversions. If the westernmost islands don't fail, the exposure of the export facilities is greatly reduced. By way of example, the recent June failure of the Jones Tracts' levees did not significantly impact export water quality. In the Eastern Delta, storm flood is a more significant risk, although as protection for urbanized areas is designed, seismic protection should be incorporated at appropriate levels.

INTRODUCED SPECIES

Introduced species have been identified as a big concern only in the last twenty-five years or so. In fact, some of the species we are now concerned about saving (Striped Bass, Threadfin Shad) are themselves introduced.

The Asian-variety clams and crabs that have become problems weren't "invented" in the last 25 years, and ocean-going commerce (and bilge water dumping) has existed since at least the 1930's. Why are they pervasive now, competing for food with the "desired" organisms?

The answer most likely lies in the changes to the aquatic environment which have taken place as a result of upstream diversion and Delta exports of fresh water which would otherwise run through the Delta to Suisun, San Pablo and San Francisco Bays.

The effect has been dampening of seasonal flow and quality fluctuation and, contrary to the mistaken assertions upon which the PPIC Report authors based their conclusions, a saltier Suisun Bay and Delta. The "null" or "mixing" zone where the forces of the Delta fresh water outflows and the ocean tides achieve balance in the spring and summer used to be found in Suisun Bay, which is very wide, typically shallow, and (before the construction of the Montezuma Slough gate), used to have many dendridic excursions into sloughs extending into the Suisun Marsh. Because the null zone is the most nutritionally productive area of the estuary, the combination of primary food production and channel configuration provided a productive nursery area for the aquatic creatures of the system.

Now the mixing zone has been relocated by reduction of Delta outflow an average of seven miles further upstream into the deep, dark, steeply banked channels of the western Delta, conditions in which the "preferred" species do not thrive. The more salt-loving Asiatic clams have taken hold in Suisun Bay and "filter" the zooplankton and other primary food supplies out of the system.

The best, and perhaps only, solution to this problem is to return the null or mixing zone to Suisun Bay by reducing exports from the system during the drier years, which is proposed earlier in this paper. If the water supply offshore from

Suisun Marsh was re-established at quality necessary to grow preferred plants in the Marsh, the dendric sloughs could be re-opened into the Suisun Bay which would undoubtedly help support the "nursery function" of Suisun Bay.

POPULATION GROWTH AND URBANIZATION

The population is probably going to continue to grow and that may not be avoidable, or necessarily bad. The key is to keep it from growing into flood-threatened areas.

We have a big problem. Locally governed land use authority allows urban development to occur in areas that turn out to lack adequate flood protection for existing or newly urbanized areas. The federal government doesn't adequately respond to flood threats, and to floods. As a group, the local, state and federal authorities don't have a flood management plan.

This problem transcends the entire Central Valley, although it is most evident in the Delta. We need to develop a plan whereby we have a common flood management plan that the local, state and federal authorities can work together to implement and stop pushing the blame (and liability) back and forth amongst each other.

Earlier in this paper we called for the development of a Flood Management Plan for the Central Valley which will assess current and future conditions. With such a plan we can determine how to operate flood control features of water storage projects, where to build our levees, and which portions of the historical flood plain we need to reactivate or recreate "to provide room for the rivers." Then we will know where, and where not, to build our cities. And there will be a sound basis for dividing governance responsibility between local, regional and state agencies on the basis of designated uses.

CONVEYANCE

Once all these "drivers" have been addressed as discussed above, we can "tinker" with Delta conveyance strategies to optimize the system without mere reallocation of shortage.

From a Delta perspective, we are fearful that mechanisms that make it possible to short the Delta of its water supply will be used, ultimately, to short the Delta of its water supply. We also believe that little has been done to consider the implications of isolated transfer since the 1982 Referendum and dispute the recent statement attributed to the Governor that isolated Delta conveyance "has been studied to death." We have the following concerns about isolated transfer facilities:

- The fresh water inflow to the Delta has already been greatly reduced by bypassing the Delta exports south from Friant, west from the Tuolumne, and west from the Mokelumne. The inflow is also reduced by the consumptive use of upstream water to grow food and support urban growth. If a Peripheral Canal were used to also keep Sacramento water out of the Delta, there would inevitably be further substantial increase in the salinity of water in Delta channels. Exports from Delta channels would then be deemed too salty. The canal would, therefore, have to convey all the water that is now exported south and west from Delta channels.

- The Peripheral Canal would be a barrier to flood waters from south and east of the Peripheral Canal alignment. During major floods that exceed the capacity of the San Joaquin and Mokelumne channels, the flood stage would increase against levees that protect tens of thousands of homes. The canal itself becomes a potential threat to flood adjacent areas if it breaches (and we are advised that current design and cost estimates do not include seismic protection).

- The Peripheral Canal would require vast expenditures to construct massive new levees on both sides of a 42 mile alignment through the very areas where we now have problems maintaining levees.

- If billions of dollars are spent on a Peripheral Canal, those funds won't be available to improve existing Delta levees, and to implement measures that could impede the flow of Bay water into the Delta in the event of multiple levee break if it occurs at a time when outflow to the Bay is not maintained by flood flows.

- If the basic configuration of Delta channels and land uses is not maintained, there will be an increase in the tidal actions which brings Bay water

into the Delta exacerbating water surface elevation during flood flows and loss of water to meet net Delta outflow requirements. Numerous Peripheral Canal proponents propose that levees be breached and/or allowed to fail for lack of maintenance or repair. As each island flooded it would increase Bay water encroachment. "Water use" by evaporation from the surface of flooded lands exceeds agricultural use of water from farmed lands by about two acre-feet per acre. It would also increase wave erosion on other levees. If the basic configuration is not maintained, the Delta will become a salty inland bay.

- As the Delta became an inland bay, the levees that protect roads, housing, utilities, railroads, recreation facilities, etc., would experience substantial wave and seepage problems. Their ability to protect the public's interests would be seriously diminished. It may be far cheaper to fortify the existing levees that protect the infrastructure than to relocate or fortify the infrastructure itself.

- Delta agriculture now produces food on about half a million acres of Delta lands. The production would be largely destroyed by increased salinity and by the uncertainty of levee protection caused by a Peripheral Canal. Agricultural Code 411 states that California must not become dependent on a net import of food due to failure to provide an adequate agricultural water supply. Using a Peripheral Canal to increase salinity and destroy half a million acres of food production in the Delta is incompatible with that mandate.

- The salinity increase caused by a Peripheral Canal would cause a violation of most, if not all, of the SWRCB's salinity standards and contracts with Delta water agencies.

- The reallocation of an inadequate water supply and other consequences of a Peripheral Canal would violate the Delta Protection Statutes, water rights law, and the Environmental Protection Act.

- The initial effect of the Peripheral Canal on Delta fishery is controversial. The entire Sacramento River anadromous fishery (Salmon, Steelhead, Shad, Sturgeon, Striped Bass, etc.) would need to pass by its intake and no fish screen of this magnitude has ever been proven effective. Delta Smelt will follow the fresh water in the Delta to the pump intakes (whether they are at Tracy or Hood) when water quality deteriorates below the point of export.

- It is not clear that there is a routing available for a Peripheral Canal with all of the urbanization that has occurred since 1982, without relocating it westward into the very areas that are thought to be vulnerable to flooding because of subsidence, poor foundation material and seepage problems.
- Who would be willing to pay for it? The 1982 Referendum illustrated the reluctance of the voters and a recent court decision reconfirms the obligation of the State to submit bond proposals to the voters.

The proposals to improve the efficiency of passage of water through the interior of the Delta bear more promise from both a political perspective and a "reversibility" perspective, including the recent suggestions of ways to separate the streams carrying fish from the flows being exported in the South Delta while still maintaining sufficient flow through the Delta to maintain a common pool of fresh water for use within and without the Delta.

Recent proposals incorporating such separations include "Straw Proposal 2" the so-called "Eco-Crescent" presented to the Delta Vision Stakeholder Coordination Group at its recent workshop in Courtland on June 13 and 14, and Dr. Russ T. Brown's "Proposal to Reconnect the San Joaquin River to the Estuary" dated March 23, 2007. Many features of these concepts included within the "Flexible Delta" Scenario being developed by the Delta Visions Stakeholder Coordination Group may fit within this concept, although others would not. In fact, a group composed of representatives of the North, Central and South Delta Water Agencies and some environmental groups submitted a tributary corridors concept to CALFED several years ago which included a physical barrier to separate San Joaquin River Salmon at the head of Old River to keep the fish in the main stem of the San Joaquin River away from the influence of the export pumping from Old River while enhancing other environmental features of Old and Middle Rivers.

All of these proposals appear to provide protection to important Delta fisheries without negatively impacting Delta water quality, such as is the case with isolated (peripheral) transfer facilities, and are worthy of study and consideration in conjunction with the other suggestions made here.

BLUE RIBBON TASK FORCE ISSUE ASSESSMENT

Before concluding, we wish to point out how the approach recommended in this paper responds directly or by implication to the issues which the Governor has addressed to the Blue Ribbon Task Force in his Executive Order 5-17-06 initiating the Delta Vision Process:

- The environment, including aquatic and terrestrial functions and biodiversity.

Our approach is to restore enough of the historical Delta outflow pattern necessary to return the mixing zone to the Suisun Bay to reclaim the ecological vitality of the Bay-Delta Ecosystem, while replacing displaced exports with flood plain recapture, ground water replenishment, and demand management initiatives. This approach will benefit aquatic and terrestrial populations in the entire Central Valley through enhanced drier year stream flow, water quality and wetland restoration, while providing protection to the largest fresh water estuary in the Americas and the 700+ native species of fish, animals and plants that depend upon it.

- Land use and land use patterns, including agriculture, urbanization, and housing.

Developing and implementing a Flood Management Plan for the Central Valley will help resolve existing governance problems by designating, from a regional perspective, where urbanization can safely occur and where agriculture and other open-space uses must remain, and by providing financing to implement the plan. Such a Flood Management Plan would also help determine whether it is more cost effective to protect legacy communities, roads, and other Delta infrastructure by strengthening existing levees or by constructing ring levees or consolidating and armoring utility corridors.

- Transportation, including streets, roads, highways, waterways, and ship channels.

This paper favors maintaining the existing land patterns in the Delta to appropriate risk levels given the protected use. Seismic concerns would be stressed in the westernmost Delta and for levees that protect urban areas. Flood

risks would be addressed through a combination of flood attenuation in upstream flood plains and rehabilitation and maintenance of Delta levees, in accordance with sound engineering practices. Greater risk would be assigned to levees which don't protect important infrastructure, recognizing the need for both a flood easement program and robust emergency response.

Delta Engineers assure us that there are techniques to protect Delta levees to address seismic risk and future conditions relating to global warming. If global warming begins to reflect higher estimates, "Dutch solutions," such as polders and tidal surge barriers, should be considered for timely implementation.

- Utilities, including aqueducts, pipelines and gas/electric transmission corridors.

As noted above, levee systems that protect at-risk infrastructures should be maintained to less at-risk standards. The utilities themselves are currently involved in this type of planning and construction, including multiple routing and consolidation.

- Water supply and quality, municipal/industrial discharges and urban and agricultural runoff.

The current system of regulation is adequate to meet existing and emerging public health and safety objectives, and to incorporate new technologies as they appear. Public funding needs to be available to address unusual issues, emergencies and environmental justice concerns.

- Recreation and tourism, including boating, fishing and hunting.

This paper's approach would enhance aquatic and terrestrial resources throughout the Central Valley and specifically preserve and support recreation and tourism through appropriate land-use designations established by a Central Valley Flood Management Plan, and by the restoration of a robust fresh water environment in the Delta consistent with its history.

- Flood risk management, including levee maintenance.

This paper calls for establishment and maintenance of levees throughout the Delta appropriate for the protection of the assets they protect and the stresses they will face, and a robust Emergency Response Plan for when, and if, they fail. Ultimately, it is either extremely expensive or impossible, to only protect

some of the levees in the Delta.

- Emergency response.

No mater how well designed and constructed, any levee can fail, if not from earthquake, floods or beavers, then maybe from acts of terrorism. We must have a robust Emergency Response Plan, including quick financial response capability. Delta interests have promoted and participated in emergency response planning, including a set-aside of Propositions I-E and P4 funding to jump start emergency response.

- Local and state economies.

Too often discussion about Delta Vision focuses on water export interruption and ignores the devastating impact a major flooding in the Delta would have on the ecosystem, transportation, utilities and urbanized populations. Any viable Delta Vision cannot envision long-term loss of any significant portion of the Delta land mass or the levees that provide its protection. This paper also describes a methodology for providing the water supply to the Delta exporters which they were supposed to get from the expansion of the water project in a way that addresses flood issues meaningfully with the prospect of global warming and is sensitive to environmental issues.

CONCLUSION

We have become dependent, perhaps unwittingly, upon the Delta to support a wide variety of functions, from ecosystem, to agriculture, to transportation of people, water, energy, and commodities, to urban communities and their recreation needs. We need to develop a plan that deals with all of these functions, not just inter-regional water transfer. We need to look beyond the Delta for solutions.

This plan needs to look forward and anticipate changes that appear certain to occur in the twenty-first century and beyond, and not be tied to concepts developed to deal with the past.

We hope that you have found this paper to be useful in that regard.

SUPPORTERS/PARTICIPANTS

The following participated in the preparation of this report:

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Darryl Foreman	South Delta Water Agency
Alex Hildebrand	South Delta Water Agency
Barbara Barrigan Parilla	Restore the Delta
Topper Van Loben Sels	Farmer (Delta Protection Commission, Director)
Russell Van Loben Sels	Farmer
Mike Hardesty	North Delta Water Agency, Central California Flood Control Agency
Christina Ortiz	Natural Resources Defense Council
Barry Nelson	Natural Resources Defense Council
Dante John Nomellini	Central Delta Water Agency
Thomas M. Zuckerman	Central Delta Water Agency
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Steve Mello	Farmer, former DPC Director
Ed Zuckerman	Farmer, CDWA Director
Marci Coglianese	Former Mayor, City of Rio Vista, Member, Bay Delta Public Advisory Committee
Tom Flinn	San Joaquin Co. Public Works Director
Larry Ruhstaller	Member, Board of Supervisors, S.J. County,
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Arne Simonsen	City of Antioch, ABAG
Gilbert Cosio	Delta Engineer
Bill Darsie	Delta Engineer
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May 14, 2009

Ms. Delores Brown,
Chief, Office of Environmental Compliance
Department of Water Resources,
P. O. Box 942836
Sacramento, CA 94236

Re: BDCP – Comments on NOP for EIR/EIS

Dear Ms. Brown

Thank you for allowing the City of Antioch the opportunity to comment on the Notice of Preparation ("NOP") for the joint Environmental Impact Report/Environmental Impact Statement ("EIR") for the Sacramento-San Joaquin Bay Delta Conservation Plan ("BDCP"). In addition to the comments set forth in this letter, the City incorporates its previous comments on the BDCP's prior NOP set forth in the City's letter dated May 30, 2008. The City's prior letter is part of the record and is posted on the BDCP website.

I. ANTIOCH'S BENEFICIAL USE OF WATER IN THE DELTA

The City is concerned about potential impacts to its water supply (e.g. in-Delta water flows and water quality) that could result from the implementation of the BDCP.

As previously stated, Antioch holds pre-1914 water rights to the San Joaquin River. The City's rights are among the highest priority rights in the Delta and have been validated as a matter of law by the California Supreme Court (Town of Antioch v. Williams Irrigation District (1922) 188 Cal. 451). Significantly, the City's Delta water rights include as a matter of law the right to Sacramento River flow into the Delta. Id.[1]

The City's water supply is protected pursuant to the City's water rights priority, the Delta Protection Act (Water Code sections 12200 et seq.), Watershed of Origin protections (Water Code

1. In the Town of Antioch v. Williams Irrigation District (1922) 188 Cal. 451, the California Supreme Court found:

> "It is important here to state some additional facts to explain how this pollution comes about and why diversions from the Sacramento River may or do affect the volume and quality of the water flowing down the San Joaquin River by the city of Antioch into Suisun Bay . . . For many miles above the entrance of the two rivers into said bay the land between them is flat and threaded with sloughs in which water either stands or flows. From the Sacramento River at two points, one about eight and the other about twenty-three miles above its mouth, sloughs diverge, into which parts of its water escape and flow through said sloughs and into the San Joaquin River at points several miles above the diversion by the City of Antioch."

sections 11460 et seq.), by the doctrines of reasonable use and the public trust as well as by the enabling legislation for the Central Valley Project and Shasta Dam (See Water Code section 11207)

II. NOP COMMENTS

A. Project Description

The proposed BDCP project ("project") is still not adequately described in the NOP. Under the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et esq., (and 40 CFR section 1508.22 for the EIS component of the EIR), the NOP must adequately describe the proposed project in order to enable meaningful comments and to adequately inform the public of the potential impacts to the environment.

The BDCP NOP is vague as to the project description. It is generally understood that the BDCP is likely to include a project component involving some form of an out-of-Delta conveyance facility. However, the NOP omits any details about such a facility including the preferred location and size of such a facility. Additionally, the NOP fails to state whether the proposed conveyance element of the BDCP will be a through-Delta only conveyance, or an out-of-Delta only conveyance, or a dual conveyance alternative including both through-Delta and out-of-Delta facilities. [2]

During the scoping meetings, several alternatives regarding the location of the out-of-delta conveyance facility were shown on certain maps. However, no alternative was indicated as a preferred alternative and the locations of the intakes and alternatives (e.g. western, eastern, and in-Delta alignments) were indicated to be tentative and for discussion purposes only. There was some discussion at the scoping meetings that the eastern alignment for the out-of-Delta conveyance facility was being considered as a potentially preferred location for the purposes of the habitat conservation plan but not for the CEQA process. Further, other in-Delta projects have been discussed as part of the BDCP such as the Frank's Tract Project; however, the exact configuration of these projects and how they would operate within the framework of the BDCP is not set forth in the NOP.

Without an adequate project description, it is not possible to know the potential impacts of the BDCP.

B. Document Type

It remains unclear whether the EIR will be a "project" level document or whether further environmental review will be conducted in future phases. An adequate project description must include a clear description of the environmental document to be prepared. It is also unclear how the

2 Recently, however, the BDCP has publically recommended a dual facility and has selected the eastern alignment as the preferred alignment for the out-of-Delta conveyance facility. As these decisions were made during the NOP comment period, and were not part of the project description in the NOP, the public has been deprived of an opportunity to comment on these decisions.

Environmental Impact Report and the Environmental Impact Statement will be jointly addressed and developed.

C. Discretionary Decisions

The EIR continues to fail to list clearly all the discretionary decisions expected to rely on this document. Many local, state and federal approvals will be necessary to implement the proposed project.

D. Impacts on In-Delta Resources, Water Quality and Beneficial Uses

The BDCP has the potential to impact in-Delta resources and beneficial uses by diverting water north of the Delta and reducing Sacramento River flow to the southern, central and western Delta. To date, there has been little discussion or analysis regarding these impacts other than some preliminary modeling. There was almost no discussion of such potential impacts during the scoping meetings conducted this spring.

Potential impacts from the BDCP include changes in the operation of upstream projects including Shasta, Oroville, and Folsom dams. Changes in inflow to, and outflow from, the Delta are also being proposed. These potential operational changes to existing facilities as part of the BDCP are not adequately described in the NOP (See for example page 8 of the NOP). As a result it is not possible to comment meaningfully on potential impacts to in-Delta water supplies and resources (including potential impacts from increased salinity in the western Delta) or on potential conflicts between the BDCP and in-Delta protections such as the Delta Protection Act. There may also be a conflict between operational changes (and the construction of new facilities) and stated potential covered activities such as the Cache Slough Restoration area resulting in improvement of "Delta salinity conditions."

In addition, the BDCP has the potential to impact in-Delta resources and water quality due to potential changes in the location of diversion points resulting in less water diverted from the southern Delta and more water diverted from the Sacramento River near Hood. Diverting large amounts of Sacramento River flows upstream of the Delta is likely to have critical impacts on the in-Delta resources and other beneficial uses. Without a specific project description of the location and configuration of the proposed new intakes, it is not possible to adequately comment on the potential impacts from the change in these points of diversion. It is unclear whether in-Delta water supplies could be impacted by these new diversion points and corresponding facilities.

Although preliminary model results have been provided to us at our request, we are unable to assess the impacts of the proposed project upon water quality at the City of Antioch's intake location. First, we understand that certain project components (e.g., size of habitat in the Cache Slough area) may change in subsequent project evaluations. Second, it is unclear that the tool being used to assess impacts (DSM2) is adequate. We understand that a "recalibration" process is currently underway that may alter the way in which flows into and out of the habitat restoration area

are simulated, with subsequent impacts to tidal flow dynamics and downstream water quality. We are also concerned about the ability of the DSM2 model to adequately describe future conditions, including both project-induced conditions and those that will result whether the project proceeds or not. In the former category, the DSM2 model being used to simulate salinity is frequently unable to reproduce salinity under conditions of low Net Delta Outflow (NDO), and it appears that the frequency of low NDO may increase under the proposed project. In the latter category, the salinity return component of the model at the Bay boundary has not, to our knowledge, been adjusted to accurately simulate the expected effects of sea level rise. We understand that a recalibration process may be underway to address this concern as well. Finally, and as noted above, changes in the operations criteria of upstream projects (e.g., Shasta, Oroville, and Folsom Dams) have not been included in the current model evaluations and may significantly affect the quality and timing of fresh water flows to the Delta.

The EIR must examine these potential impacts from the BDCP. The EIR must review how the BDCP will be implemented within the framework of the California water rights system (e.g. protecting water rights holders with superior priorities) and how the BDCP will meet the requirements of the Delta Protection Act (e.g. protecting against salinity intrusion and maintaining in-delta water quality). The EIR must also review how new export facilities and operational changes to existing facilities will impact in-Delta species. While one of the stated goals of the BDCP is to protect and restore aquatic and natural communities, the facilities constructed as part of the BDCP could in fact cause new significant impacts on aquatic and natural communities.

E. Mitigation/Alternatives

Potential mitigation measures and alternatives such as increased water conservation or reduced Delta exports are not described in the NOP and should be incorporated into the EIR. Water conservation has been a primary objective of other in-Delta processes such as the Delta Vision. Water conservation measures are likely to have less impact on in-Delta resources and water supply than out-of-Delta conveyances and are also likely to be far less costly than such facilities.

In addition, a reduced export/increased storage alternative should be considered and incorporated into the EIR. With increased storage facilities (both upstream and downstream of the Delta), it is possible that present pumping operations - even as currently constricted by the Biological Opinion for Delta Smelt - could meet the needs of the exporters. A recent study by Contra Costa Water District showed that the proposed conveyance scenarios for the BDCP may not result in significant increased supply of water for exports particularly during dry climatic periods.

F. Baseline Data

Historical conditions prior to the construction and operation of the State Water Project (and in the context of the requirements of the Delta Protection Act) should be used to establish the baseline for the BDCP. Historically, water in the Delta, especially the western Delta, was much

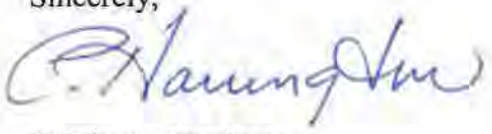
fresher than it is today (See for example Town of Antioch v. Williams Irrigation District (1922) 188 Cal. 451).

The NOP correctly notes that for the purposes of CEQA, the baseline for determining impacts from a proposed project is generally the same as existing conditions. However, existing conditions are leading to the decline of many species. Therefore, at the very least, the EIR must examine historical conditions and data to describe the conditions that native species are adapted to and how they might respond to project-induced changes that may differ significantly from those historic conditions. It is difficult to imagine that the BDCP could achieve its goals of protecting and restoring aquatic and natural communities by examining only present conditions.

G. Reasonably Foreseeable Impacts

It is reasonably foreseeable that the out-of-Delta component of a dual conveyance system as part of the BDCP could be used to convey water exclusively at times - either due to operational considerations or as the result of physical conditions such as levee failure due to earthquakes or floods. The EIR must comprehensively analyze the impacts (especially in-Delta impacts) of operating an out-of-Delta conveyance facility exclusively as part of the BDCP. For the purposes of the NOP's project description, the NOP does not provide a potential range of future operating criteria for the out-of-Delta conveyance facility component of the BDCP, making it impossible for the public to fully understand the potential impacts of the BDCP or to provide for meaningful input and comment.

Sincerely,



Phillip L. Harrington
Director of Capital Improvements/Water Rights

c: James Jakel, City Manager
Lynn Tracy Nerland, City Attorney
Matthew Emrick

CLEAR VISION 20/20

Introduction

In January 2007, we began the 18 month research phase of a long term community plan entitled Clear Vision 20/20. It is designed to be the vision that business and other community leaders believe should be the reality in Antioch by the year 2020. The Chamber Board of Directors decided to invest in this project to address a wide range of critical issues facing everyone in Antioch and East County. We felt that bringing together a wide range of community groups as well as public and private organizations would allow the creation of a central document which would outline mutual goals for greater regional success.

The committee held informational meetings with experts and officials who specialized in transportation, education, essential services, community amenities, natural resources and economic development. The goal was to determine the key issues in these areas; bring the various groups together to create a shared focus; and set a program for community outreach, education, advocacy and benchmark reviews.

The Clear Vision 20/20 can be a community catalyst that will allow us to focus our efforts and create alliances to bring this vision into reality. To achieve this challenging goal, we will launch Clear Vision 20/20 with educational outreach through the dissemination of the total project and then hold community meetings to address the issues one by one. These outreach efforts will have an education/informational component as well as a solution/brainstorming/support component. The goal is to make the community aware of the issues and find ways to engage businesses, governmental entities and the greater community to be part of the solution. Because the key agencies were involved in the process, we have their buy in to make this the vision piece that all of Antioch can look to throughout the next 10+ years.

We wish to thank all those involved in the first phase of the project. Special thanks goes to the chamber's Major Supporters who allow us to do these types of programs: Mirant, Sutter Delta Medical Center, PG&E, Walmart, Dow Chemical, and Bank of West. We also thank those that helped fund the project: PG&E, Perry Murphy Advertising, and Common Sense CA.

We hope you will join us in making these local and regional goals a reality for our future.

Thank you.

Ralph Garrow, Jr.
Ralph Garrow Real Estate
2007/2008 Vice Chair Economic Development/Governmental Affairs
2008 Chair Elect

Core Committee Members

Jim Kyle, Orchard Supply Hardware
Terry Ramus, Associate
Sean Wright, The Wright Start Chiropractic

Antioch City Representative: Councilman Arne Simonsen
Congresswoman Tauscher's Representatives: Jennifer Barton and Remi Goldsmith

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CLEAR VISION 20/20

Community Amenities

THEATRE, MUSIC, ARTS & ENTERTAINMENT

ISSUE: Job creation and higher end housing require high quality leisure activities

GOALS/PLAN: Have a variety of cultural experiences year-round in Antioch and the region

ACTIONS:

- Support and promote existing programs and facilities and groups that provide live entertainment, art shows, and educational opportunities
- Encourage the recruitment of additional groups that will enhance the regional selection

Photo courtesy of Hapgood Theatre

COMMUNITY ACTIVITIES FOR SPECIFIC DEMOGRAPHICS

ISSUE: A successful and dynamic community needs programs that provide opportunities for the diverse community

GOALS/PLAN: To be the leader in the region in our breadth of public and private programs for the various groups in Antioch

ACTIONS:

- Support and promote the active senior programs and opportunities
- Support and promote youth after-school programs as well as sports and civic groups that encourage positive role modeling and skills for the youth of Antioch
- Support and promote family-oriented efforts in activity programming
- Support and promote events and programs that offer cultural diversity and encourage the understanding of others

CLEAR VISION 20/20

Essential Services

POLICE SERVICES

ISSUE: High youth crime and many at-risk youth feel disconnected from the community

GOALS/PLAN: Reduce youth crime rate for Part 1 crimes (violent and property crimes) by 5% by 2010

ACTIONS:

- Support and promote the key programs that engage youth including but not limited to:
  - Youth Intervention Network (YIN)
  - REACH
  - Police Activities League (PAL)
- Review police efforts and crime rate statistics
- Encourage the increase, review, extension and/or modification as needed to existing and future after school programs for viability, interest and potential
- Partner in grants that give funds to programs that address this issue

ISSUE: Create the perception that Antioch is a safe and desirable community

GOALS/PLAN: Reduce the Part 1 (violent and property) crimes by 5% by 2010

ACTIONS:

- Monitor the Antioch Police Department's efforts to decrease and successfully manage the crime in Antioch
- Educate the public on successes in crime reduction
- Support the introduction, continuation and/or expansion of innovative policing programs both within the department and the greater community, including but not limited to:
  - Beat Health Program
  - Beat Alert (community email alerts)
  - CAT Team
  - Neighborhood Watch
  - SALT (Seniors & Law Enforcement Together)
  - Crime View (resource allocation review)
  - Safe Holiday Shopper Programs
  - Business Watch

ISSUE: The appearance of our community has an impact on economic development, community growth and community pride

GOALS/PLAN: Improve and/or maintain a beautiful, clean and attractive community

ACTIONS:

- Support, monitor and educate the community on code enforcement for residents and businesses in an appropriate manner
- Support efforts in creating a clean and safe community including but not limited to:
  - Park Health
  - School Resource Officers (both on and off campus)
  - CAT Team (Homeless Outreach, Vacant Properties and Graffiti Abatement)

EMERGENCY PREPAREDNESS

ISSUE: The region has questionable emergency preparedness for events that would have strong negative impact on the community and the city's economic health

GOALS/PLAN: Improve preparedness and area emergency response

ACTIONS:

- Advocate for placement of HAZMAT resources in East County
- Educate and aid other community education groups in preparing the community and business sector through the CERT program. The goal is 20% of the community trained as CERT participants by 2020
- Partner in grants that have funds for equipment, training programs and community responses
- Seek greater input in emergency personnel training scenarios

Essential Services – *continued*

HOSPITALS/REGIONAL HEALTH CARE

ISSUE: Preservation of current hospitals assets while looking ahead to future regional needs

GOALS/PLAN: Fair distribution of county funds for uninsured/underinsured patients and return or growth of county or private regional clinics

ACTIONS:

- Encourage and monitor responsible county budgeting to prevent closures of clinics or increased burden for the uninsured/underinsured in Antioch hospitals
- Educate leaders on the issues and impacts of this issue
- Advocate for funds for local hospitals and clinics

DELTA ENVIRONMENT & WATER SUPPLY

ISSUE: Protect Antioch's water supply and water rights as well as the recreational opportunities on the Delta while recognizing the fragility of the Delta system

GOALS/PLAN: Keep Pittsburg/Antioch/Oakley Delta region at a minimum salinity, allow Antioch to continue drawing water for businesses and residents as allowed by our water rights and maintain the opportunity for sports and leisure on the Delta

ACTIONS:

- Monitor the Delta Blue Ribbon Task Force report and recommendation
- Encourage the Bass and Sport Fishing tournaments which create jobs and tax revenue for the region
- Review and appropriately support projects that enhance leisure opportunities while being sensitive to the Delta ecosystem
- Fight with our city and county for protection and honoring of our water rights

ISSUE: Protect and enhance essential resources

GOALS/PLAN: Promote environmental protection, adequate fresh water flows in the delta to preserve Antioch's Water Rights and encourage use of sustainable and renewable resources to meet needs of industry and the community in a cost-effective manner

ACTIONS:

- Continue to support the exploration of cost-effective sources of water and power, including competitive opportunities in our area
- Ensure the Governor's Delta Vision Blue Ribbon Task Force provides for adequate fresh water flows in the Delta to prevent saltwater intrusion at Antioch's river intake
- Support and educate the community in the cost-effective hazardous recycling option in our local area to encourage responsible disposal including but not limited to programs with the City of Antioch and Delta Diablo Sanitation District

CLEAR VISION
20/20

Education

QUALITY – INFRASTRUCTURE/ACADEMIC

ISSUE: Improvement of overall achievement through focus on student achievement, accelerating achievement and closing achievement gap

GOALS/PLAN: Assure that funds are used well and arrive in a timely manner

ACTIONS:

- Produce annual report card using benchmarks
- Help set benchmarks in cooperation with the educational community
  - Have every school at 800 API
  - Monitor test scores for improvement
  - Monitor attendance for improvement
  - Increase taking AP and honors courses
  - Graduation rates to 95%
  - Increase transfer to UCs*
  - Increase percentage of students that take the PSAT and SAT to 75%

* ***While the goal is higher education of all types, only transfers to UCs can be tracked***

ISSUE: Need for both guidance and academic counselors at middle and high school levels to guide students on career paths, aid in reaching academic goals and advanced placement

GOALS/PLAN: Finding fund and prioritize the issue to create a ratio of at least 1 counselor per 500 students

ACTIONS:

- Partner with school board and staff for seeking funding sources
- Advocate on issues

ISSUE: Infrastructure improvements

GOALS/PLAN: Improve existing school facilities and improve technology throughout the system creating a state-of-the-art program that can be a model in the region

ACTIONS:

- Advocate on the issue
- Assist and partner on any grant funding opportunities

CLEAR VISION 20/20

Education – *continued*

SCHOOL CLIMATE AND SAFETY

ISSUE: Student support services need improvement

GOALS/PLAN: All students feel safe on campus and have a successful learning environment through prevention and early intervention

ACTIONS:

- Partner to create business mentors, internships and community awareness
- Advocate, support and review best practices student leadership programs such as Rotary, onsite leadership programs, and peer counseling programs

ISSUE: After-school issues for students and the community

GOALS/PLAN: Address safety concerns for students leaving school as well as community concerns of disruptive actions after school

ACTIONS:

- Create a coalition to improve the communication between key stakeholders
- Evaluate programs for after-school safety programs and best practices in other communities such as Safe Passage Home
- Aid in building better systems to support family engagement and involvement
- Aid in creating a team to seek systems and connections for relevant quality programs and establishing successful evaluation criteria for after-school programs both within the district and the community
- Encourage and support Antioch PAL

CREATION OF NEW EDUCATION MODELS

ISSUE: Not all students fit the same mold and specialized academies keep students interested

GOALS/PLAN: Encourage more magnet and academy opportunities such as the current focus on medical, performing arts and law academies

ACTIONS:

- Advocate for new opportunities based on our regional employment needs
- Partner in grant opportunities
- Partner to create business mentors, internships and community awareness

ISSUE: Limited community engagement and a lack of focus when volunteers are available

GOALS/PLAN: Create better relationships between business and education communities

ACTIONS:

- Research successful models in other communities and build a program here
- Aid in creation of a strategic plan to engage business and higher education in the business of education
- Evaluate joint events (State of Schools or other such event)

CLEAR VISION 20/20

Economic Development

JOB CREATION

ISSUE: Undeveloped land must be utilized effectively and that which is pre-zoned for commercial use needs to be protected and approved for optimal benefit

GOALS/PLAN: Create opportunities and support projects that bring jobs and needed services to Antioch

ACTIONS:

- Follow projects in the pipeline and make sure they meet the needs of Antioch and are moved effectively through the approval process
- Assist in meetings that bring businesses to our developable parcels including the following locations: FUA1, FUA2, the Kerley Property, Somersville area and Wilbur industrial area
- Support the LAFCO Annexation project granting Antioch control of the entire Delta shoreline from our border on the West to the Highway 160 bridge

EXECUTIVE HOUSING/ HIGH END DEVELOPMENTS

ISSUE: Housing stock does not meet the needs of some doctors and CEOs who will bring jobs to the region

GOALS/PLAN: Create appropriate housing stock and amenities for shopping and entertainment

ACTIONS:

- Review and support projects that create our still undeveloped executive housing stock such as Roddy Ranch development and Higgins Ranch

REVITALIZATION

ISSUE: The Rivertown region is underutilized and many small businesses fight to survive

GOALS/PLAN: Find and recruit the businesses needed to bring people to Rivertown as well as create excitement in the area

ACTIONS:

- Actively work with the city on opportunities to find appropriate tenants and businesses
- Assist restaurants in moving to Rivertown
- Encourage fast tracking of city permits on Rivertown projects
- Help create a sign program for Rivertown
- Work with the city on the Fourth of July and other marquee events to add excitement in Rivertown as well as smaller events or other venues that enhance Rivertown

MOVEMENT OF GOODS

ISSUE: Air freight is limited in the region

GOALS/PLAN: Work with regional partners and transportation agencies for creative solutions

ACTIONS:

- Review and support the expansion for the Byron Airport
- Support the study of a foreign trade Zone around the airport
- Support the Byron Airport efforts to receive any federal grants for appropriate expansion

ISSUE: Rail freight will be increasing in the area and have significant impacts on traffic and economic development plans

GOALS/PLAN: Find ways to minimize negative impacts and create opportunities for jobs and freight movement

ACTIONS:

- Support and lead a program of education with the railroads on grade crossing safety
- Support efforts to find federal and state dollars to make grade separations at Auto Center Dr., A St. and Hillcrest Ave.
- Work with the Economic Development Director and City on rezoning areas near the rail lines to industrial so that the rail lines can assist in finding companies to relocate to Antioch

Economic Development – *continued*

MOVEMENT OF GOODS
(continued)

ISSUE: Other cities are working with ports and others to bring industrial and manufacturing businesses to the region

GOALS/PLAN: Be aware of the neighboring projects and make sure we make the best of these opportunities

ACTIONS:

- Meet regularly with surrounding cities' economic development directors and regional chambers
- Research opportunities with the ports of Oakland and Stockton

Photo courtesy of UP Railroad

BUSINESS REGULATION

ISSUE: The city's sign ordinance is difficult to comply with and makes the breaking of the rules easier and cheaper than complying

GOALS/PLAN: Create more appropriate signage ordinances

ACTIONS:

- Push for the review and rewriting of the sign ordinances
- Educate for appropriate enforcement and changes

ISSUE: County Environmental Health delays most projects through difficult and inconsistent enforcement

GOALS/PLAN: Have a functioning and receptive Environmental Health Agency for businesses and community events

ACTIONS:

- Work with the Board of Supervisors to review current processes and issues
- Push for revised and consistent regulation

CLEAR VISION 20/20

Transportation

HIGHWAY 4 WIDENED TO HIGHWAY 160 BY 2015

ISSUE: Funding and timing of the funds

GOALS/PLAN: Assure that funds are used well and arrive in a timely manner

ACTIONS:

- Attend MTC meetings
- Work with local funding groups

ISSUE: Construction moving in a timely manner

GOALS/PLAN: Meet or beat the deadline

ACTIONS:

- Receive regular updates from CCTA/CalTRANS
- Advocate on issues that streamline the process

ISSUE: Effects on business and Antioch tax base during renovations

GOALS/PLAN: Minimize the economic effect on local businesses during the construction phases

ACTIONS:

- Work with the CCTA and Antioch Economic Development Department to create proactive plans for this time period
- Create public awareness campaign regarding the issues
- Aid in dissemination of the information on construction schedules, closures, alternate routes, etc.

ADDITIONAL ACCESS FOR EAST COUNTY (In Order of Priority)

ISSUE: Highway 4 Bypass

GOALS/PLAN: Completed by 2009

ACTIONS:

- Project on time – continue to receive updates.

ISSUE: Construction moving in a timely manner

GOALS/PLAN:

- Establish as a state highway
- Improve Route

ACTIONS:

- Partner with groups for regional advocacy and funding support

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ISSUE: 239/J4 Connection to Tracy

GOALS/PLAN: Improve road safety and facilitate good movement while opening a backdoor for the region

ACTIONS:

- Create partnerships for the project
- Raise community and legislative awareness regarding the issue and community need.

IMPROVE INTERNAL CIRCULATION WITHIN ANTIOCH

ISSUE: Access to Kerley property

GOALS/PLAN: Create access to area that has great economic development potential

ACTIONS:

- Support city efforts with traffic study and CalTRANS
- Create community awareness on the issue and need

ISSUE: Use of return to source funds for road improvements

GOALS/PLAN: Be proactive in creating priorities and oversee funding allocations

ACTIONS:

- Request report on the funding and audit the sales tax splits for the area
- Create a list of priorities from a business/economic point of view

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ISSUE: Ease internal flow

GOALS/PLAN: Improve goods movement and quality of life regarding circulation on city streets

ACTIONS:

- Review Lone Tree Way flow after bypass opens, with an eye toward widening if needed
- Partner with MTC and city to study the timing of lights for better flow
- Advocate for making James Donlon an arterial route through Pittsburg to Railroad Ave./Kirker Pass
- Review and advocate for the widening of L Street to the marina

Transportation – *continued*

ALTERNATIVE TRANSPORTATION
Improve Options for residents and businesses by 2020

FERRY

ISSUE: Continue to source alternatives

GOALS/PLAN: Support ferry to Antioch by 2010

ACTIONS:

- Review/receive updates on the feasibility study for project
- Advocate for funds with state and federal agencies
- Advocate for parking additions within Rivertown as part of the plan
- Educate businesses and community on the project

BART

ISSUE: BART must operate in Antioch

GOALS/PLAN: First a station at Hillcrest with plans to reach further into East County

ACTIONS:

- Demand a firm plan in place by end of 2008
- Advocate that NO funds be siphoned from the Highway 4 project and/or create delays
- Have a running BART train by 2015
- Seek better area representation
- Seek internal audit of BART
- Publicize issues of waste and delay in current projects

PUBLIC/PRIVATE PROJECTS

ISSUE: Viability

GOALS/PLAN: Stay Open to opportunity in this area

ACTIONS:

- Follow proposals as they are available and evaluate their benefit to the region

TRI DELTA/BUSES

ISSUE: Improve goods movement by reducing congestion and improve image of the area for new businesses

GOALS/PLAN: Support alternatives for commute traffic

ACTIONS:

- Advocate with MTC for appropriate regional funding for Tri Delta
- Work with CCTA and support efforts to aid Tri Delta in getting better Highway 4 access to the express lane in the new plan
- Advocate for express service to Concord, Livermore and BART stations
- Improve infrastructure and service
- Improve security at Park n' Ride locations

Photo courtesy of WETA

Department of Utilities
Office of the Director

CITY OF SACRAMENTO
CALIFORNIA

1395 35th Avenue
Sacramento, CA 95822-2911
phone (916) 808-1400
fax (916) 808-1497/1498

May 14, 2009

Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
PO Box 942836
Sacramento, CA 94236

Subject: Comments in response to Revised Notice of Preparation – Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan

Dear Ms. Brown:

The City of Sacramento (City) appreciates the opportunity to offer comments on the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) that will be prepared to evaluate the environmental impacts of a proposed Bay Delta Conservation Plan (BDCP).

The City of Sacramento provides a domestic water supply, wastewater collection and treatment services, as well as stormwater collection and disposal to the residents of the City. The City designed, operates and maintains its wastewater and stormwater systems in accordance with its National Pollutant Discharge Elimination System (NPDES) permit issued by the State of California, providing protection of beneficial uses of the Sacramento River and Sacramento-San Joaquin Delta. The City is very concerned with the health of the Delta and the tributary watersheds, including the recent population-level decline of multiple fish species, and supports the goal of the BDCP to improve the long-term ecological productivity and sustainability of the Delta.

The City of Sacramento has concerns in the following areas relative to the BDCP:

- Need for improved stakeholder involvement
- Application of sound science in the development and evaluation of conservation measures
- Relationship to other Delta planning efforts
- Need to fully mitigate all impacts of the project
- Project impacts on the local community and the upstream tributaries

Need for Expanded Stakeholder Involvement

A major concern of the City's is that the BDCP process is lacking in representation by Central Valley stakeholders, particularly Delta stakeholders. The City is supportive of the Sacramento Regional County Sanitation District's concern that the BDCP evaluation and ongoing process should address Central Valley stakeholders and other stakeholders not represented on the BDCP steering committee or in other aspects of the ongoing collaboration between state and federal agencies and water agencies.

Expanded stakeholder involvement will help ensure that the Project and EIR/EIS rely on the best available scientific knowledge and also will help in identifying reasonable and feasible alternatives that should be considered in the BDCP Draft EIR/EIS.

Application of Sound Science in the Development and Evaluation of Conservation Measures

For the BDCP to gain public support, and for conclusions about the effects of conservation measures to withstand scrutiny, such measures must be based on sound science and substantial evidence. The City is concerned that discussion of the potential effects of "Other Stressors" repeatedly identifies the Sacramento Regional Wastewater Treatment Plant discharge as a contributor to the ecosystem decline without sound science to support this view.

The ability of the project to meet biological goals is highly dependent on hypothetical habitat restoration activities in zones outside the pathways of through-Delta conveyance, and the project area, such as Suisun Bay. Restoration activities in adjacent areas to the project location are unique to this project and should be evaluated as offsets under the Clean Water Act. In debating the relative merits of the proposed alternatives in the EIR/EIS, the greatest weight should be placed on the outcomes which are more certain: changes to baseline hydrology and water quality owing to the timing, location, and quantity of water export.

Relationship to Other Delta Planning Efforts

The relationship of the BDCP planning and decision making effort to other ongoing planning efforts, whether state, local, or regional, should be clearly addressed in the EIR/EIS. Delta legislative efforts could change the outcome of the BDCP and thus are relevant to the feasibility of the project and any alternatives or mitigation measures and should be considered in the EIR/EIS.

Need to Fully Mitigate All Impacts of the Project

The EIR/EIS should state that an objective of the selected project will be to avoid unintended impacts on third parties. The selected project should avoid or fully mitigate changes in water or wastewater treatment and other impacts for residents of the Central Valley or the Delta that would not otherwise occur in the absence of the project(s) considered in the BDCP. The impacts of any such changes must be considered in evaluating the environmental costs and benefits of the BDCP. If the BDCP results in a need to increased wastewater or stormwater treatment in specific communities, such treatment could result in significant environmental impacts, including

increased energy use and greenhouse gas emissions, as well as other air quality impacts. These secondary impacts must be disclosed in the EIR/EIS, and the beneficiaries of water diversions from the Delta should be accountable for fully funding any necessary mitigation.

To that end, the BDCP and EIR/EIS should state that the funding for the selected BDCP project will be fair and equitable to stakeholders in the Central Valley and will be financed, in large part, by the beneficiaries of water diversions from the Delta or general bond obligations where the people of the state of California benefit.

Project Impacts

It appears that many or all of the alternatives will result in degraded water quality in the Delta due to the diversion of higher quality Sacramento River flows from the Northern portion of the Delta. A key element of the BDCP is the construction of new intake facilities on the Sacramento River between south Sacramento and Walnut Grove to allow the diversion of Sacramento River water directly into the SWP and CVP intake pumps located in the South Delta. Depending on the location, amount and timing of water withdrawn into the peripheral canal, the net water quality effect in the Delta in other Delta locations below the diversion point will be an increased influence of the San Joaquin River and San Francisco Bay.

In addition, the City is also concerned relative to the potential impacts of constructing a large diversion facility near City residences. Recent experience has shown that significant impacts are probable. These impacts must be identified and mitigated as the project progresses.

The City of Sacramento appreciates the opportunity to provide these comments at this stage in the development of the BDCP EIR/EIS and looks forward to increased involvement in development of a BDCP that will lead to the recovery of the Delta ecosystem and to the benefit of all Californians.

Sincerely,

for Marty Hanneman
Assistant City Manager/
Director of Utilities

cc: Honorable Darrell Steinberg, Senator
Honorable Dave Jones, Assembly Member
Mayor Kevin Johnson
Sacramento City Councilmembers
Mary Snyder, Sacramento County Regional Sanitation District
Ray Kerridge, City Manager

Stockton

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Robert Englant Organization: City of Stockton

Telephone: (209) 993-5549 e-mail: robert.englant@ci.stockton.ca.us

Address: 2500 Navy Dr.

City: Stockton State: CA Zip: 95206

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

The City of Stockton should be offered a direct Tap and permit for up to 3 mgd. At least some of the water will remain in the delta region.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

Clarksburg Fire Protection District

Harold C. Shipley, Director
35919 Delta Breeze Court
P.O. Box 598
Clarksburg, CA 95612
(916) 744-1112

To: Commissioners/Directors:
Bay Delta Conservation Plan
EIR/EIS—Public Scoping Meeting
Clarksburg Middle School
Thursday, March 26, 2009

Ladies and Gentlemen:

I have had an opportunity to speak to you before about the subject of this meeting and want to restate my concerns about the possible flooding of the Clarksburg Delta Area.

I am a director of the Clarksburg Fire Protection District and as such, owe the members of our district a duty to provide emergency medical and fire prevention services. Any limitations placed on the emergency access to any of the residents in our district would be detrimental to our goals of providing emergency services and would cause an immediate concern on our part to resist such limitations or restrictions.

We have 331 Farm units in our district with a population of approximately 1,300 residents and cover a geographic area of approximately 53 square miles. We average 52 medical aid calls a year or one each week. We cannot allow our citizens to go without our emergency medical support and request that you find a way to leave our community intact.

Thank you for your assistance in helping us serve our community.

Sincerely,

Harold C. (Hal) Shipley, Director

Water Agency

County Administration Building
651 Pine Street
4th Floor, North Wing
Martinez, California 94553-1229

Contra Costa County

Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
P.O. Box 94236
Sacramento, CA

May 14, 2009

Dear Ms. Brown:

Thank you for the opportunity to provide comments on the Revised Notice of Preparation of the Environmental Impact Report and Environmental Impact Statement (EIR/S) documents for the Bay Delta Conservation Plan (BDCP). On separate occasions, both the Contra Costa County Water Agency (3/24/08) and the County Public Works Department have provided specific comments on earlier scoping iterations for this project (see enclosures). We request that these comments be incorporated into the current scoping process. It does not appear that the Water Agency's comments were included in your February 2009 Preliminary Scoping Report. Our latest comments are as follows;

The Habitat Conservation Plan process makes it difficult to understand feasible conveyance alternatives appropriate for the EIR. We question using a Habitat Conservation Plan (HCP) context to frame the environmental review and analysis for a major new isolated conveyance facility project, as the impacts of such a facility encompass a far greater array of impact categories than the permitted 'take' of targeted species. Can you provide background and context for this approach? Will the level of analyses reflect a large number of alternatives to isolated conveyance and the range of potential sizes and capacities of such a facility? Will the EIR/S consider reduced exports or regional self-sufficiency to attain stated goals? Environmental documentation for HCP's usually have a relatively narrow focus on species and restoration, relying on program-level environmental documents to describe the broad range of other required components (such as land use, agriculture, transportation, utilities, other infrastructure & public service systems, cultural resources, etc.) related to the project itself. How will you structure this document to enable the full range of required environmental review for the project in the larger context?

The potential for social and economic impacts needs to be evaluated. The social and economic impacts of an isolated facility, coupled with the conversion of significant tracts of land from agriculture into habitat will indeed be significant. The EIR/S will need to capture the wide range of impacts and complexities inherent in such a scale of change to the Delta.

The EIR should include scientific justification of the geographic scope of its environmental analysis. The existing Delta ecosystem is a part of a much larger estuary that includes a massive watershed. The Delta today has been decimated in many different ways by a number of factors, including but not entirely limited to exports of water from the system. The scientific analysis of conveyance and ecosystem restoration will need to take into account the larger system (and the

factors affecting it), to enable accurate analysis of past and proposed project impacts to a portion of that system, as well as sound mitigation of those impacts. How will you tailor the environmental review to accomplish this?

Evaluation of a canal cannot be isolated from the rest of the water supply and flood control system. The existing antiquated water supply system of which a proposed canal would be part, is critically challenged by a number of factors, among them a lack of storage, increasing precipitation and flood flow among other things, which directly affect how the system operates. How can detailed planning of an isolated facility occur with any measure of future success in the absence of concurrent detailed planning on these other, critically important components of an improved system? How will the BDCP's water quality standards and other performance measures in the Delta be assured if other vulnerable parts of the water supply system fail? How will the EIR/S address this?

Evaluation of the project's effect on outflows and the impact on fish is critical. Outflow is a critical component of a healthy ecosystem, and has a strong scientific correlation to the health of fish species in the Delta and the Bay. Decreased outflow will have clear negative impacts to fish. How will this be addressed?

Initial work should focus on answering fundamental questions on the Delta ecosystem. The fundamental question "How much water in any given season of any given water year is needed to maintain a healthy ecosystem" needs to be determined prior to any meaningful compilation of environmental impacts of new conveyance projects, and restoration activities. How and when will this be accomplished? How can impacts of a new facility on such a decimated existing system realistically be measured? Will the effects of pumping on the existing Delta be identified and incorporated in some way in the EIR/S?

Potential impacts of the project on the Delta Community need to be evaluated.

- How will outflow quantity and quality change under the BDCP? How will changes in Sacramento River and San Joaquin River flow and resultant water quantity affect water supply to Contra Costa County, and water providers and users within the County?

- How will increased salinity (and perhaps changed flow patterns) in the western Delta affect groundwater in the communities that depend on it? How will the project ensure improved water quality for the Central and Western Delta?

- Decreases in outflow will lead to a decrease in sediment transport and increased sediment deposition in Delta channels and at the mouth of creeks, increasing risk of flooding and levee failure and increased dredging. This will have economic impacts to the shipping industry, hazards to boating and increasing Total Maximum Daily Loads (TMDL) requirements, among other things. How will this be assessed in the EIR/S?

- Decreased flow from the Sacramento River and resultant water quality degradation will result in decreased economic vitality in water-based industries (such as commercial/recreational fisheries), recreation, and heavy industry that needs fresh water. These impacts will need to be addressed.

- A decrease in water quality from an increase in San Joaquin flow will lead to increased National Pollution Discharge Elimination System (NPDES) permit regulations and stricter TMDL's. These impacts will need to be addressed in the EIR/S.

- Decreased circulation near Clifton Court Forebay due to proposed flow barriers would lead to potential negative water quality impacts (and resultant negative economic impacts) in the Discovery Bay area. How will this be addressed?

Details need to be disclosed on the dual conveyance alternative. Dual conveyance will require the rehabilitation of levees along Middle River, the proposed conveyance route. The EIR/S will need to provide detail on how this will be accomplished, where sediment will be obtained, a timeline for completion and other items. This, as well as rehabilitation of western levees critical to maintaining existing water quality should be considered as an earlier phase of the overall project to be accomplished, to help ensure continued water supply.

Details need to be disclosed on the canal alternative. A canal (as opposed to a pipeline or other improved structure) will carry with it many of the same problems that exist in the Delta today, such as seepage, seismic instability, problematic peat soils to name a few. How will the EIR/S address these problems? Will the EIR/S consider a more solid structure that avoids these problems, such as a pipeline?

BDCP goals and actions need to be coordinated with local conservation programs. There are a number of ecosystem improvements that may take place in the western Delta, in and around Contra Costa County that will have a broad range of impacts affecting water quality, land use, the economy, etc. How will these ecosystem issues be addressed and how will the state include the local agencies in the planning process? The County has an existing HCP/NCCP in this area of the County. Among many other policies, the County calls for mitigation of impacts in Contra Costa County to occur within the County as well. A clear analysis of the specific project, its impacts, mitigation of those impacts and costs of doing so should be presented in the environmental report.

Thank you for the opportunity to comment on the Revised Notice of Preparation for the EIR/S for the BDCP. If you have questions, please contact me at (925) 335-1226, or rgoul@cd.cccounty.us

Sincerely,

Roberta Goulart
Executive Officer
Contra Costa County Water Agency

Enclosures

Water Agency

County Administration Building
651 Pine Street
4th Floor, North Wing
Martinez, California 94553-1229

Contra
Costa
County

March 24, 2008

National Marine Fisheries Service
Attn: Rosalie del Rosario
650 Capitol Mall, Suite 8-30
Sacramento, CA 95819

Fish and Wildlife Service
Attn: Lori Rinek, Chief
Conservation Planning & Recovery Div.
2800 Cottage Way W 2605
Sacramento, CA 95825

SUBJECT: NOTICE OF INTENT TO CONDUCT PUBLIC SCOPING AND PREPARE AN ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) RE THE BAY DELTA CONSERVTION PLAN (BDCP) FOR THE SACRAMENTO-SAN JOAQUIN DELTA

Dear Ms Del Rosario and Ms Rinek:

Thank you for the opportunity to comment on the proposed Notice of Intent for environmental documentation for the BDCP.

Because the BDCP project will consider key areas of great concern to the State of California and its inhabitants, it would seem appropriate for the environmental documents to be as complete and as encompassing as possible in terms of full review of all potential projects to accomplish intended goals.

The NOI does not elaborate upon goals of the process, other than to mention the need for Incidental Take Permits. Project goals do not seem to be forthcoming at this time, making it difficult to comment with any specificity. Despite the fact that environmental review of a project is underway, a project per se has not been defined, and no preferred project alternative has been outlined.

The NOI document mentions four conveyance options to be considered, and the intent of the process to narrow the project focus to one or two of these options by fall 2007. We are assuming the date contained in the document was meant to be fall 2008. If this is not correct, it would be important to have detail as to which options will continue to be considered.

In addition to the four conveyance options, the NOI indicates that a range of other activities may also be covered activities. For example, the NOI lists facility improvements to the CVP and SWP as a potential covered activity. This is an extremely

broad example. What kind of improvements are contemplated? New reservoirs? The vast and unclear scope of activities that may be covered make it very difficult to comment effectively on the necessary scope of the environmental review.

Furthermore, due to the huge scope of conveyance and ecosystem options currently under consideration by other agencies, the environmental documents for the BDCP should consider the full range of conveyance alternatives, including through delta conveyance along the eastern delta (as well as Old and Middle Rivers), and alternatives also including the San Joaquin River.

Though the NOI provides very little information on the covered activities related to water supply and delivery, it provides even less information on the conservation measures that will be performed under the BDCP. Is increasing freshwater flows for fish through the Delta one the conservation measures to be evaluated? It should be.

A range of water export volumes should also be examined, including an array of reduced export scenarios, (and appropriate isolated facility capacity downsizing) given the decimated status of the delta ecosystem and the recent Wanger export reductions.

Mitigation for conveyance activities covered as part of this project should be very clearly defined, as opposed to other restoration activities that will be ongoing within the delta. Current ESA law is clear that mitigation must be provided for takings. Furthermore, it is inappropriate for project mitigation to be paid by the taxpayers (through bonds or other means). As a result, project mitigation will need to be clearly defined and compensated accordingly.

Thank you for the opportunity to comment on the process as it has been defined. If you have questions, please do not hesitate to contact me at (925) 335-1226.

Sincerely,

Roberta Goulart,
Executive Officer
County Water Agency

Contra Costa County
Public Works
Department

Julia R. Bueren, Director
Deputy Directors
R. Mitch Avalon • Brian M. Balbas
Stephen Kowalewski • Patricia McNamee

May 15, 2008

Mrs. Delores Brown, Chief, Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

RE: Response to the Notice of Preparation
for EIR & EIS for the Bay Delta Conservation Plan

Dear Mrs. Brown

We are writing in response to the Notice of Preparation (NOP) for the Environmental Impact Report and Environmental Impact Statement (EIR & EIS) for the Bay Delta Conservation Plan (BDCP) dated March 17, 2008. Thank you for the opportunity to provide comments on this critical document.

The Contra Costa County Public Works Department (PWD) strongly supports the efforts to balance the needs for a reliable water supply and a sustainable Delta ecosystem. However, we are particularly concerned that any water conveyance system that bypasses the Delta may have significant adverse impacts on Contra Costa County (CCC), as well as the downstream portions of the Delta (and the Bays).

This letter will highlight our concerns with regards to the possible impacts to health and safety of the residents, property, and natural systems in CCC, as well as compliance with our National Pollution Discharge Elimination System (NPDES) Permit and the County's Floodplain Management Program. We request that these issues be addressed in the EIR & EIS.

Decreased Water Quality in Receiving Waters:

The proposed "re-plumbing" of the Delta will likely result in Sacramento River water being diverted, with less water reaching the western portion of the Delta, and a reduced amount of Sacramento River water passing through CCC (at least during non-storm events). This will increase the proportional contribution of the San Joaquin River's water to the western Delta (relative to Sacramento River water). Since the Sacramento River generally has a higher water quality (i.e. lower pollutant levels) than the San Joaquin River, the quality of water passing through the Delta and into San Pablo Bay (CCC's receiving waters) will be lower and will contain higher levels of pollutants.

A reduction in the quality of water entering the western Delta will most likely affect the County's NPDES permit and Total Maximum Daily Load (TMDL) requirements by resulting in increased water quality standards for water discharged from CCC's creeks and storm drain
systems to the receiving waters of the Delta and San Pablo Bay. The PWD requests that the EIS & EIR examine the relationships between flows into the western portion of the Delta and potential effects on water quality (and subsequent regulatory implications) when analyzing any alternatives involving bypassing/diverting flows from the Sacramento River to south Delta pumping facilities or otherwise modifying the Delta's flow regimes.

Decreased flows and water quality may also have adverse affects on the economy of the Delta's communities, which are highly dependent on the quality of water in the Delta. Agriculture, recreational boating, recreational and commercial fishing, and industrial water needs would all be negatively affected by a decrease in water quality in the Delta. In addition, the value of many private properties and residential communities located throughout the Delta will likely be adversely affected by a decrease in flow and water quality. Although CEQA and NEPA do not require specific economic analysis, CEQA does require an analysis of housing impacts. The EIR & EIS should analyze the potential effects of large-scale water diversions on agricultural, recreational, residential, industrial, and other business uses within the western portion of the Delta.

Decrease Flows and Resultant Increase in Sediment Deposits:

As mentioned above, one result of re-plumbing the Delta will be decreasing dry weather flows. This, in turn, will result in an increase in the deposition of sediment. This increased sediment deposition will have many significant negative impacts, including increased costs to maintain shipping channels, increased costs to maintain private and public marinas, and increased safety risk to boaters due to additional submerged deposits and exposed sand bars.

Although it is unlikely that flows associated with large storm events would be significantly affected by the re-plumbing of the Delta, the increased flows caused by these events will be impeded by accumulated sediment, and would require an increase in hydraulic head to flush through the Delta system and out to San Pablo Bay. This would increase the depth (height) of flood waters and will exacerbate pressure on flood control facilities and levee systems, resulting in increased probability of failure of levees and flood control systems, hereby increasing risks to both lives and properties. In addition, as a result any increase in flood water heights, Special Flood Hazard Areas (SFHAs), as mapped by the Federal Emergency Management Agency (FEMA), will likely expand. This will add additional properties to the SFHAs, which will increase costs to property owners for compliance with local floodplain regulations including the requirement for mandatory purchase of flood insurance. The PWD requests that the EIR & EIS carefully analyze the potential impacts that any proposed water conveyance

bypass system or conveyance modifications will have upon sediment accumulation in the western Delta, and the impacts that the additional sediment will have upon shipping routes, recreational uses, hydrologic characteristics, public services, flood hazards, and the potential for levee and other flood control structural failures.

Decrease in Flows and Resulting Increase in Salt Water Intrusion:

Due to the decrease in Sacramento River (and overall) flows, salt water from San Francisco Bay will likely encroach further up-stream into the Delta. More extensive salt water intrusion will severely impact residents, farmers, and other businesses dependent on local Delta sources for their water supply. Increased salinity will also have significant detrimental effects on the aquatic life currently supported by the Delta, and will most likely result in decreases in populations of already threatened aquatic species and may result in an increase in non-native invasive species. The likelihood of increased salt water intrusion into the Delta needs to be analyzed and mitigated.

In addition to these comments, please also refer to the March 24th, 2008 letter from the Contra Costa County Water Agency to the Federal agencies regarding the NOI for the BDCP. This letter provides additional comments relative to this project and the NOP.

Thank you again for the opportunity to comment on this NOP for the Bay and Delta Conservation Plan EIR & EIS. We strongly believe that the above discussed issues should be addressed in the EIR & EIS plan. If you have questions with regards to this letter feel free to contact Rich Lierly, our Floodplain and Watershed Manager at (925) 313-2348 or email at rlier@pw.cccounty.us.

Very Truly Yours,

Julia R. Bueren
Public Works Director
Contra Costa County

RL:jj:lz
G:\FldCtl\NPDES\BDCP\Nop comment letter 5-13-08 final.doc

c: Members of the Board of Supervisors
J. Crapo, CAO
M. Avalon, Deputy Director, Public Works
G. Connaughton, Flood Control, Public Works
T. Jensen, Flood Control, Public Works
R. Lierly, County Watershed Program, Public Works
R. Goulart, Community Development Department
D. Freitas, Clean Water Program
M. Wara, Administration

County of Contra Costa

September 17, 2009

Office of the Sheriff

Warren E. Rupf
Sheriff

Dolores Brown, Chief
Office of Environmental Compliance
Department of Boating and Water Resources
P.O. Box 942836
Sacramento, CA 94236

Dear Ms. Brown:

I write you with regard to what has been described to me as the Bay Delta Conservation Plan to construct new, permanent barriers and gates, in and through Delta waterways. As a Sheriff with responsibility for on water enforcement, and search and rescue responsibilities on Delta waterways, I have some obvious concerns.

We have not been consulted, advised, or otherwise involved in, what one piece of literature describes as, a project that "...could be completed and operating by early 2010." Any dam or gate in the area which is apparently being discussed would have a tremendous impact on vessel traffic in and through our County. A section of Old River apparently referred to in your discussions, is the main thoroughfare between our northern county line and the community of Discovery Bay. We must have 24/7 access to respond to emergencies on or near these waterways.

Our needs and concerns must be considered, and I leave it to you to determine the manner and means of those considerations.

Sincerely,

WARREN E. RUPF, Sheriff

WER:mw

Cc: Mike Chrisman, Secretary of Natural Resources Agency
Lester Snow, Director Department of Water Resources
Sheriff Clay Parker, President California State Sheriffs' Association
David Twa, County Administrator Contra Costa County
Lieutenant Will Duke, Marine Services

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APPENDIX H6: 2009 INDIVIDUALS SCOPING COMMENTS

Clarksburg

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— *Comment Card* —

Please Print

Name: Amy Alotti-Nishi Organization: None / Resident

Telephone: 916 775-1985 e-mail: fouadsmom@hotmail

Address: 5230 Holland Road

City: Clarksburg. State: Calif Zip: 95612

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

Agriculture and rural areas are very important to our state as a natural resource. ~~and as~~ Productive farmlands are continually lost to development (maybe - over-development) housing; we do need to be concerned, once lost it is something that can not be replaced. Fertile productive lands should not be ~~designated~~ destined to become wetlands as long as they are still producing. This is not practical, or reasonable. In the future, this may be the right and only choice! Please don't hurry the process.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

My name is Andy Wallace and I live here in Clarksburg with my wife and 2 sons. Both of my sons attend school in Clarksburg as did I. My parents live here in Clarksburg and we've been part of this community for 45 years, which, by Clarksburg standards, makes us newcomers.

PROCEDURAL COMMENTS-

1. It is important to the people of the Clarksburg area, and the people who are interested in the project from around the state, to keep all of our comments in the record in their entirety, and not reduce our individual comments into general or combined comments.

2. The documented and undocumented impacts of this plan will directly and indirectly affect the people of Clarksburg, yet the people of Clarksburg who will carry the burdens of this project, will see none of the benefits.

3. The admirable goal of "fixing the delta" is meaningless if, at the end of the day, it ends up creating just enough smelt to keep transferring more water to Southern California. There is nothing "co-equal" in California water politics, the delta and ITS people are always going to come last.

   Water transfer should be de-linked from this process and the health of the watershed should be the primary focus of these efforts. Let's prove that the species that use the delta can be managed sustainably, over droughts, before we begin discussing water transfer.

4. The nature and character of the delta today is recognized as valuable in this document, yet our re-development interests are specifically rejected by this document, replaced with the unbridled growth of Southern California. This is an arbitrary and capricious attempt to shift the burden of development on the very people who are themselves not able to develop.

SPECIFIC COMMENTS & QUESTIONS-

1. With regards to the comments made by the Independent Science Advisors, in the BDCP Independent Science Advisors Report ,where are their comments addressed? *(See last Page)

2. What are the impacts on rare terrestrial plants (such as San Joaquin shadscale) and how will this project **not** lead to fragmentation and possible extirpation of these species?

3. How many acres of rare venal wetland habitat are jeopardized by the proposed canal construction? And, how many acres of this land have been surveyed?

4. We are concerned, on several levels that this project could lead to significantly worsening water quality, negating any positive ecological values.

5. Anyone who has worked in the Delta realizes that invasive species are one of the greatest ecological problems, yet the likely impacts of invasive species on this plan are just identified and dismissed in a cursory fashion. Invasive species are likely to require tens of millions of dollars in management and direct control and require these efforts in perpetuity. Where is the endowment for these activities?

6. If West Nile Virus increases in the Delta, it is expected to have significant impacts on native birds, such as the yellow-billed magpie. How are these impacts analyzed and mitigated for?

7. Converting freshwater habitat to brackish water habitat will have negative influences on the ecosystems of the upper delta, leaving this area as one of the last reservoirs of species, such as listed turtles and birds. Now the state wants to reduce their habitat for a fish that is largely limited by Southern California's water intakes? The sole purpose of this document is an attempt to commingle the issues of habitat restoration and water supply.

Water Use-

How much of the total San Joaquin flow will be taken under dry years and how much will be taken under wet years?

Engineering Issues-

1. What is the technical basis for proposing a flood bypass downstream/below the City of Sacramento and how is this not accomplished more efficiently by using the existing deep water ship channel? What is the difference in cost between using the ship channel and creating a new bypass?

2. Creating new bypasses and flooding areas within the existing Reclamation Districts will constrain or eliminate existing water management through water elevation changes and under-seepage. This will require redesign and operational changes throughout the region, causing tens of millions of dollars of infrastructure modifications and loss of agricultural use.

3. The project minimizes the engineering requirements to achieve and maintain water quality in the delta, and ignores the considerable engineering required to establish new flood routing and manage tidally-influenced wetlands. To realistically achieve what is being described would require an engineering feat equivalent to the entire country of the Netherlands efforts at reclamation and a management system beyond the capabilities of the Bureau Of Reclamation and

the Department of Water Resources. Instead, the engineering and water management is being treated simply as a conveyance problem needed to maximize water transfer.

Social Issues-

1. Tidal marsh wetlands have significant odor and mosquito problems, as anyone who has driven by one knows, which create objectionable and nuisance odors for the community. How will these issues be mitigated?

2. By improving habitat for delta smelt, other listed species could begin using the area, and potentially be creating new legal issues for the community, further reducing our ability to exercise our property rights. How will the community be protected from the consequences of this likely impact? *(Need a Clarksburg region Safe Harbor Agreement)*

3. Loss of farmland in the delta will have ripple effects with ag equipment suppliers, truck dealers, seed suppliers, etc., where good paying stable jobs will be directly impacted and lost. How will this plan mitigate for the losses of those jobs?

4. Who is running the economic analysis? On what basis will the analysis be completed, which models will be used, and why?

*Bold text are the Advisors' comments.

BAY DELTA CONSERVATION PLAN INDEPENDENT SCIENCE ADVISORS' REPORT http://www.resources.ca.gov/bdcp/docs/BDCP_ISA_Report_Final.pdf

An adaptive management approach was formally incorporated into the Strategic Plan for the CALFED Ecosystem Restoration Program (CALFED, 2000) but adaptive management was never fully implemented. The Advisors recommend that conservation planning for the BDCP be founded on adaptive management as described here (Recommendation R27). (Pg. 70)

BAY DELTA CONSERVATION PLAN INDEPENDENT SCIENCE ADVISORS' REPORT ON ADAPTIVE MANAGEMENT
http://www.resources.ca.gov/bdcp/docs/2.27.09_SC_HO_Adaptive_Management_ISA_report.pdf

Modeling - Models are extremely valuable for formalizing the link between objectives and proposed conservation measures to clarify how and why each conservation measure is expected to contribute to objectives. This key element of adaptive management is

largely missing from BDCP documents we reviewed. **We recommend more extensive and explicit use of models to formalize knowledge about the system and to select, design, and predict outcomes of conservation measures to be implemented and monitored.**

Feedback – Formal processes for devising actions to maximize learning, and for assimilating new knowledge to provide the feedback that is key to adaptive management, were not discussed in the documents. **We recommend that greater attention be given to the learning value of actions, and to establishing a formal process by which new knowledge is used to alter actions or revise goals or objectives.** (Pg. ii.)

Integration - The documents reviewed by the Advisors did not link the various conservation measures together as a package, and there was little sense of synergy or potential conflict among these clearly related actions. **We recommend the development of models to show clearly how various actions relate and how interactions will be integrated across multiple conservation measures and the entire adaptive management process.** (Pg. iii.)

Key missing elements of adaptive management in BDCP documents include (1) the formal setting of goals *based on problems to be addressed*, (2) the establishment of objectives (as distinct from goals), and (3) the use of conceptual or simulation models to bring the knowledge base to bear on the problems to be solved and predict outcomes of conservation actions. In addition, (4) monitoring must be more clearly and formally designed to establish criteria to evaluate effectiveness, and (5) monitoring results must be analyzed and assimilated to provide the information necessary for the feedback critical to adaptive management. Most critical are the succeeding steps (6) of capturing and interpreting information from monitoring and other sources to evaluate how the actions are working, what they are accomplishing, and how the knowledge base is changing. These critical steps require substantial investment in time, people, and resources.

3 Framework for Adaptive Management

Figure 1 presents a framework for incorporating adaptive management into the planning, design, and implementation of the BDCP. The framework is based on previously developed adaptive management frameworks, but has been refined to make key aspects of the process more explicit and to tailor the approach to the needs of the BDCP. The framework is specifically intended to improve the approach described in the draft BDCP documents and to avoid shortcomings of many previous AMPs. **We recommend adopting this refined framework to guide BDCP planning and implementation.**

BDCP Questions

Intro

There are significant issues that have yet to be addressed as part of the BDCP process. These include flows for fish; water quality; linkage of peripheral canal to (surface and groundwater) storage and conservation; assurances, governance; in-Delta economic impacts.

BDCP Process/Timing

Contra Costa County's concern about current activities to get authority to have access to land (DHCCP)

Water Quality/Supply

How will you ensure improved water quality for the Central and Western Delta? When will negotiations for remedial actions (such as intake relocation or other fixes) begin?

How will outflow change under the BDCP? What changes in Sacramento River flow quantity and San Joaquin River quantity (changes will result in water quality impacts to City of Antioch and CCWD intakes)

What impacts will the BDCP have on water supply to Contra Costa County and water providers within the County?

Governance - Assurances

The Delta Vision Implementation Plan proposed a new governance structure with "the authority, responsibility, accountability, science support and secure funding to achieve these goals." The BDCP Governance seems to be moving forward with its own governance, based on who 'owns the water' and who 'turns the knobs.' What assurances do Delta Counties have that our water quality, fisheries, ecosystems and water supply will be protected? What protections are already provided by the Delta Protection Act (Water Code Sections 12200 et seq.)?

Flows for Fish

How much Delta outflow is needed to sustain resident Delta fish and anadromous fish species, and how will this be addressed in the conservation measures being developed?

Conservation Measures in BDCP

Will reductions in export quantity be considered by the BDCP? If so, at what stage of the process? If not, why not?

The BDCP is talking about using operational controls to manage flows in the Delta. How will this be achieved without storage (whether storage is surface, groundwater, floodplains)? If

needed, which process will be used to evaluate and develop new storage? How will this be incorporated into the CEQA analysis?

Peripheral Canal

(5) (☆)

How can you size the PC without knowing how much flow is needed for fisheries (scientific correlation between flow and fish abundance)

Engineering

Size/Capacity of the PC

(4) (☆)

DWR proposes a 15,000 cfs canal that the Bay Delta Conservation Plan studies show that half the time no more than 6000 cfs is available.

Under drought or low rainfall years, how will water quality in the PC be maintained, if not from continual flow? In other words, the bigger you build it, the more flow it will take to maintain water quality for PC water exports. Has DWR looked at this size/flow issue and resulting impacts on other water contracts in a drought situation?

(6)

Seismic Risks

(☆)

One of the claims is that we need a Peripheral Canal because of potential seismic events and floods, yet what is proposed is a 44 mile earthen canal consisting of two long levees all built over liquefiable Delta soils.

What is the design earthquake for the PC? What will it take to make the PC capable of withstanding the Maximum Credible Earthquake? What will such a PC look like and cost?

Timing, Schedule and Budget

(1)

(☆)

There are a number of immediate actions recommended by the County, the Delta Vision, the Blue Ribbon Task Force, and many water agencies, including levee improvements, ecosystem restoration, and channel barriers to improve fish protection and improve water quality, pilot fish screens for Clifton Court exports. They were proposed 2 years ago and they have been widely endorsed. Why are these near term and intermediate solutions not already implemented given the apparent urgency to implement solutions?

What is the cost of the proposed isolated facility? Will it be strong enough to survive a major seismic event in the Delta? What would be the cost of fully armoring the canal to withstand a significant Delta earthquake?

(A) We believe Delta water rights are priority well established long term

Reverse flow issues speaks to the issue of not enough flow later

bdcpcomments

From: Arthur Unger [artunger@att.net] **Sent:** Mon 5/11/2009 4:22 PM
To: bdcpcomments
Cc:
Subject: Scoping Comments on the Bay Delta Conservation Plan.
Attachments:

Dear Ms. Brown,

Here are my Scoping Comments on the Bay Delta Conservation Plan.

I think the Delta should be restored as described in the BDCP; but, I do not think it can be restored and still allow as little water to flow into the ocean and as much water to pass through the Delta as passes through now. Therefore I think that conservation measures outside the planning area must occur and be listed and described as a part of the BDCP.

I do not think the BDCP should assume that an isolated conveyance around the Delta is necessary; I will not comment further on the peripheral canal.

Here are ways to decrease the amount of water that must come from the Delta and allow more Delta water to flow into the ocean.

1 Californians should be told that the state has a water shortage and that increasing our population worsens the water shortage.

2 Water for agricultural use should be directed to the land that produces the most food or fiber per unit water. Land that contains a lot of salt, so that it requires water to push the salt down below the root zone, should not be farmed. Westlands water district has such soil. Much of the best land is on the periphery of cities; urban sprawl onto such land wastes water: we need to eliminate urban sprawl.

3 Domestic users should conserve water; this means loosing our lawns, xeriscaping our homes and highways, using low flow toilets and other changes in our everyday routine. One fifth of the water from the delta is for domestic use. We should not use pools and fountains to decorate our streets, parks or yards; these evaporate water.

4 Farmers should continue to use water more efficiently. This includes much more use of subsurface drip irrigation.

5 California needs to determine how much water should be directed to certain thirsty crops.

Should the Central Valley be home to CAFOs? How much water from the Delta is used to grow feed for dairy and beef cattle? Would it save water if California imported, or at least did not export, milk? Would the energy and Green House Gas (GHG) generated by importing milk offset the water saving? Would pumping less water from the delta reduce energy use, criteria pollutants and GHG? I assume solar water pumps would not be used.

Can America's cotton and rice be grown in the southeast? We should not use federally subsidized water to flood rice and cotton fields.

6 Consider using gray water for non food crops and for domestic use.

7 Californians need to realize that all the water belongs to all of us. Kern County should not conserve less than others because it has the Kern River. The Sacramento River basin is as important in finding water for southern California as is Los Angeles and should conserve as vigorously.

Placing notices in water bills would be a good way to inform water users of concerns numbered one and three above.

It might be worthwhile to remember that southern California once got water from the Colorado River. The Colorado River's water shed is stressed by an exploding population just as California's rivers are. I do not know if it is realistic to hope that Colorado River water will ever again be available to California.

Thank you for the opportunity to comment,

Arthur Unger

2815 La Cresta Drive

Bakersfield, CA 93305-1719

(661) 323 5569

artunger@att.net preferred

bdcpcomments

From: Arthur Unger [artunger@att.net] **Sent:** Mon 5/11/2009 6:18 PM
To: bdcpcomments
Cc: amgallon@atg1.com
Subject: my BDCP comments
Attachments: UNKNOWN_PARAMETER_VALUE(126B) default-user-image.gif(2KB) papericon.png(1KB) sacramento-bee-sm.png(11KB) searchbutton.png(5KB) button-search-close.gif(758B) weather-sunny.gif(1KB) 52-4W19WATER.xlgraphic.prod_affiliate.4.gif(130KB) 0(126B)

Numbers at the bottom show Sacramento uses too much water. I commented today. Arthur Unger

----- Forwarded Message ----
From: Ann Gallon <amgallon@atg1.com>
To: "Unger, Arthur" <artunger@att.net>
Sent: Sunday, May 10, 2009 11:19:39 PM
Subject: Bee Exclusive Capital gushes wasted water - Sacramento News -

Art - See the graph at bottom for Urban water use per capita - 2006, 07 figures used. See Bakersfield. Ann

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  - Shea Homes
- Classifieds
  - Legal Notices
  - Place a classified ad
  - Foreclosure Sale
- Marketplace

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- Weekly Inserts & Gift Cards
- Shopping / Display Ads

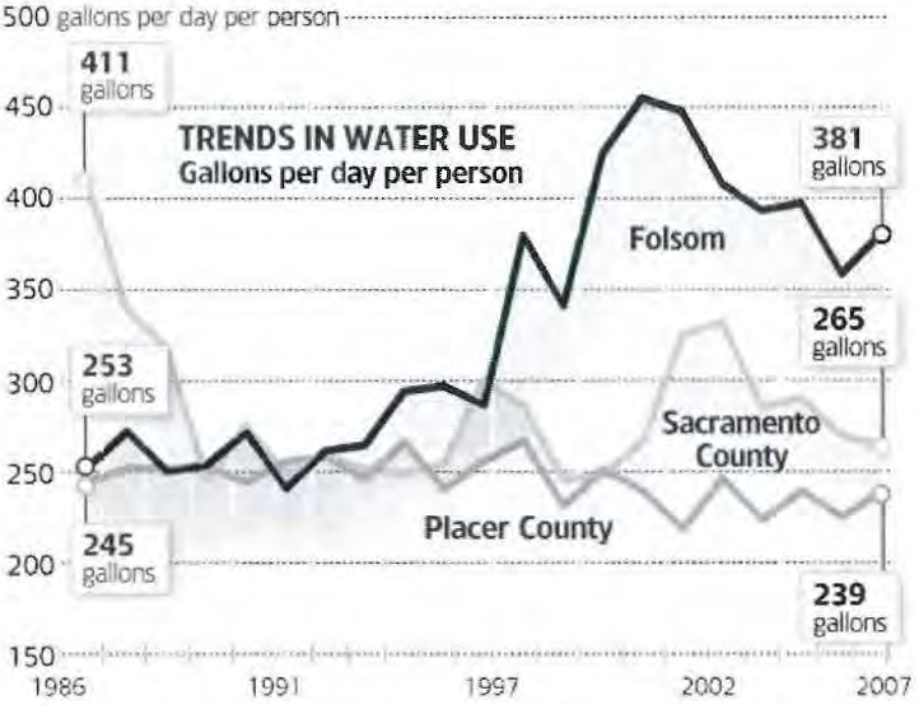
SEARCH

Web search powered by YAHOO! SEARCH
sacbee.com Web

5-Day Weather | Traffic
64° F

Water use, at home and abroad

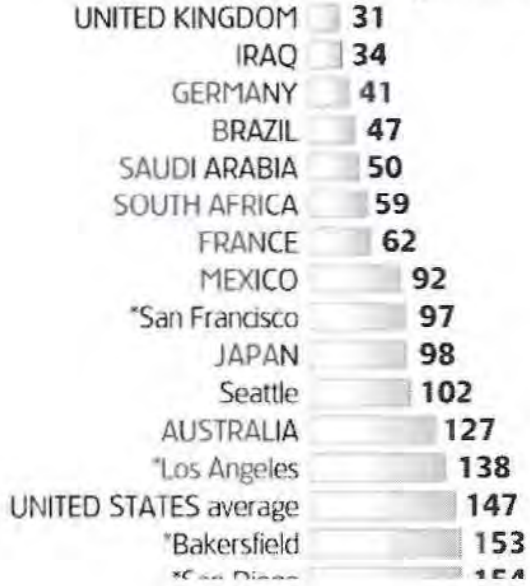
Water consumption in the Sacramento region far exceeds U.S. and state averages, as well as that of most other nations.



Sources: City of Folsom, Placer County Water Authority, Sacramento County Water Agency

COMPARING URBAN WATER USE

Gallons per day per person
(excluding industrial and agriculture)



Note: Data from 2006, except for several cities where only 2007 figures were available (*)

Clarksburg

How can you possibly think fish far more important than people. To flood my home of 56 years to save 3 or 4 smelt. Seems ridiculous to me

bdcpcomments

From: Bill Bonner [billbonner95831@sbcglobal.net] **Sent:** Thu 5/14/2009 4:53 PM
To: bdcpcomments
Cc:
Subject: Comments submission regarding the BDCP / Regarding Pocket Area locations.
Attachments:

The river bank across from the highly populated residential Pocket Area would be a highly inappropriate location for the proposed industrial-like water-intake structures. The visual impact alone, plus the potential for noise would be an unacceptable assault by self-serving outside-interests on the quality-of-life for residents of the Pocket Area, and with no return benefit to the local residents.

The Pocket Area is a quiet, well-planned residential area that has long attracted investment in homeownership with high standards tied to maintaining the quality-of-life features of this unique community. This includes the enjoyment outdoor recreation such as the established public path along the top of the river levee with views of the river, opposite levee and lands beyond, and an established public boat launch used for river recreation of all kinds. Both of these features are heavily used and immensely enjoyed by thousands of residents in this and surrounding communities throughout the year.

In addition, the homes and neighborhoods along the river in the Pocket Area are typically higher-end custom homes, some of which are 3-story homes with views that overlook the levees on both sides of the river.

To industrialize the river bank and nearby lands across from the Pocket Area would be in full view and earshot of this community, and would be a constant reminder of and a sickening monument to those self-serving outside interests that would destroy the natural beauty of the river and quality-of-life that belongs to the local residents.

If the diversion of water from this river is a foregone conclusion, the location of these facilities is not. There are surely more ideal locations along the river that are not already adjacent to established highly-populated residential neighborhoods, that would be far less imposing and disruptive.

Further, to "sell" the Bay Delta Conservation Plan to the public by wrapping it in a "politically correct" environmental appeal for restoring fish habitat is unconvincing. It appears, by virtue of its sponsorship, to first and foremost be a slickly packaged effort to gain control of routing water to Southern California and the East Bay areas at the expense and sacrifice of Northern California property owners. It seems to be an unfair and one-sided proposition in the extreme.

Bill Bonner
7522 Island Way
Sacramento, CA 95831
Phone: (916) 320-1888

Hello, and thank you for coming to Clarksburg, I would like to thank you in advance for taking the time to hear my comments, questions, and suggestions. My name is Brett Baker, I am a graduate of Delta High School and UC Davis, where I received my degree in Wildlife Fish and Conservation Biology under the guidance of Doctors Peter Moyle And Jeffery Mount- two Gentlemen who helped craft the Delta Vision Report. In addition I am a lifelong delta resident, the Sixth generation of my family to live and thrive on Sutter Island.

I would like to open my comments with an excerpt from Cadillac Desert.
This is the opening paragraph from Chapter 10 : Chinatown
"Everyone knows there is a desert somewhere in California, but many people believe it is off in some remote corner of the state- The Mojave Desert, Palm springs, the eastern side of the Sierra Nevada, but inhabited California, most of it, is, by strict definition, a semi-desert. Los Angeles is drier than Beirut; Sacramento is as dry as the Sahel; San Francisco is just slightly rainier than Chihuahua. About 65 percent of the state receives under twenty inches of precipitation a year. California, which fools visitors into believing it is "lush", is a beautiful fraud" much like this conservation planning effort we are here this evening to discuss. - That last bit was me.

Speaking with Karla She hoped I could provide you folks a bit of insight as to why us deltans are so upset and disturbed with this BDCP process.
My life experiences thus far have given me the opportunity to gain a bit of insight and understanding of your mindset, and the way you work, having been an employee of the resources agency, with the Department of Fish and Game, and having spent the last year as the Water and Agricultural policy analyst for the Lieutenant Governor. I have listened to and observed a considerable amount of discussions with agency staff, the likes of Lester Snow and

Undersecretary of the Resources Agency Karen Scarborough. I (I typically refrain from using first person examples- but this one is too good, so I will make an exception}shall never forget the first time I met with Mrs. Scarborough re: the BDCP. As I entered her office I was greeted with, and I quote "You must be here about us flooding Clarksburg." To which I responded "I don't find that amusing, I went to Delta High in Clarksburg" She then apologized as her comment may have come off a bit "Caddy" to which I responded "amongst other things" The rest of the conversation went...well, it went. I was greatly troubled by a staffers response to my inquisition regarding the incorporation of a SDWA funded independently engineered alternative, noting it was mentioned, but not in great detail, to which she responded, and again I quote " We have to at least make them think we're listening" followed by a thud which I'm pretty sure was Karen kicking her under the table.

As to OUR mindset, We've seen this before. You say you are striving for a transparent public process and I commend you on accomplishing this goal, if only one, IT's transparent alright, WE see right through it. We didn't fall off the sugar beet truck yesterday. We see this for what it is, a blatant water grab, an attempt to trump centuries old Senior Water Rights with Junior Water rights, because of a temporary appointment to a position of power of a man who married into the Kennedy's. Take this message back to him, I don't care how much lipstick you put on this pig , or how you dress this mutton up as lamb, were not buying it.

All these pretty colored handouts, maps and dog and pony shows, for what?? To Grow Lawns in Southern California, David Nahai, Executive Director Of LADWP the man in charge of asking Los Anglinos to ration their water usage last summer was found to be one of the biggest violators of his proposed policy with a daily household water use of up to 2,900 gallons, here he was asking regular citizens to reduce their consumption and he hadn't even bothered to check the timer on the sprinklers in his back yard, or

drain his pool. - I google earthed it, he's got a pool along with everyone else on his block most of whom have tennis courts too- must be a pretty meager existence. Arnold asked for a 20% reduction, what'd he get 3%? As for the State water Resources Control Board- I've been told they will be the regulatory agency in charge of canal operations, don't worry Jerry I'm not bringing up the February scenario- I think the Mr. Nomellini Jr. embarrassed you enough the other night in Stockton. well I'm just gonna give this one example/for instance of SWRCB incompetence, thought there are many. Assembly Bill 885 Was Passed in 2000 requiring the SWRCB to develop and implement a state-wide standard for On-site Wastewater Management Systems (Septic Tanks), This year they finally got their draft EIR recommendations out, which were met with great public disapproval, they have taken Public Comment and have now opted to go for a new re-write. The project manager @ SWRCB says "We're looking at taking a new direction, basically were starting from the ground up again"- not much progress for nine years work, and you're telling us we're supposed to trust our future to a regulatory agency That can't even get it's shit together, literally. Appologies to the children in the crowd, and my mother.

I would hope that you folks stop and take the time to ask yourselves one crucial question, Is this project beneficial in the long term for California's Economy and Ecosystems?, or is this just The cheapest quick-fix to continue the Status Quo, poorly planned development of the State south of Tracy, being pushed by Water Peddlers whose primary concern is to provide their users with water at the cheapest rates possible- no wonder they have 'so graciously' offered to pay for this project. Need I remind you of your duties, to do what is best for the overall long term health of the State. Whether you realize it or not You are shaping the implementation and development of The Federal and State Endangered Species Acts and CEQA and NEPA, I implore you to uphold the spirit of these laws to accomplish the intentions of their

Authors, Not to simply go through a long, expensive drawn-out process simply to check the boxes on a Laundry list of requirements. It pains me to see the way you have twisted the work of honest scientists to fit your plans. In regards to all of your phony science I only have theses two quotes for you "Essentially, all models are wrong, but some are useful" George Box, One of the 20th Centuries most influential statisticians- Father of modern day modeling.
"If I knew what I was doing people wouldn't call it research' Albert Einstein

Historically speaking massive water diversions have been the downfall of many empires and this project stands to destroy the World's 6th or 7th (depending who you ask) largest economy. Mesopotamia spent a great deal too many resources attempting to irrigate Salty Ag Land, and The Roman Empire was plagued with disease for failing to deal with their wastewater issues. There has never been an upstream water diversion in The State That did not result in a major ecological and Economical disaster for the People and Fish that Rely on those systems for their livelihoods.

There are real solutions to fixing California's ailing water system, Storage-haven't buit any substantial storage in the state sine the last time you tried to pass this vote, You folks are going to have to bite the bullet and build storage somewhere, the truth is this project adds no "new" water to the system, a system, now over allocated nearly four fold, which was originally designed to have 5.5 MAF in addition to what we have today. And you squabble over three damns, Sites, Los Vaqueros and an addition to the Millerton reservoir complex. What about building Shasta and Folsom to their originally designed capacity? And Rest-in- peace Auburn Dam. Why not finish the project you started over 50 years ago?

It was Arnold's Uncle-in-law --John F. Kennedy, who said in 1962

"If we could ever competitively, at a cheap rate, get fresh water from salt water, that it would be in the long-range interests of humanity which would really dwarf any other scientific accomplishments." I try not to think of the progress that could have been made in the past 30 years Were the attention focused on this ditch put to work developing sensible desalination practices, or How much Purple pipe could have been laid during the last population/ development explosion, and how much Water Could have been recycled with the Dollars spent on this shame of a process. The Public Will Soon have to get over their problem with recycled water, honestly how many kidneys do you think their water has gone through from the time it leaves Redding till it arrives in Tracy. Our focus should be on constructing facilities like the Wastewater treatment plant in Orange County that received the Stockholm Industry Water Award this past year, the equivalent of the Noble Peace prize in the World of Water. The reverse osmosis used at this plant is the same process that can be utilized to desalinate brackish ground water, which causes no conflict with marine mammals, and has been shown to be less energy intensive than conveying water through the SWP over the Grapevine. - Don't take my word for it ask Dr. Robert Wilkinson Of UC Santa Barbra. These are imbedded costs that will be a continual burden for the taxpayers and water users of our great state, these are things that should be taken into consideration throughout this decision making process.

In closing I would like to support the concept of regional self-sufficiency and would like to request an extension of the 90 day public comment period upon the completion of the EIR/EIS.

My final suggestion, And I would like to preface this by saying that I respect this man in the upmost, however I will not give him the advantage of "misunderestimating" his abilities, craftiness or his political clout. I have realized you folks have a propensity for getting ahead of yourselves in this planning process, I am curious

if you already have names picked out for your facilities. May I make this suggestion? As I'm sure this propaganda in Our Local paper crossed his desk more than once if it did not get its beginnings there, Arnold's partner in crime, who held Jeffery Kightlinger's job prior to him and holds Donn Zea's leash. As he is the Harvey Banks of his day I suggest you name it the Timothy Quinn, pumping plant, , for your Swarzenneger Canal. --I'll be back.

bdcpcomments

From: Charles [sushibar@excite.com] **Sent:** Sat 5/9/2009 5:24 PM
To: bdcpcomments
Cc:
Subject: in re BDCP (Please strike Peripheral Canal from proposal! Just say no to So-Cal aquagreed! Remember Lake Owens!)
Attachments: Bay_Delta_Conservation_Plan_Comment.doc(66KB)

To read Comment, please open attached .doc file. Thank you.

Thank you for the opportunity, here this day, to provide Comment on this matter of the Bay Delta Conservation Plan (BDCP). Now, it has recently come to my attention that an elaborate plan intended, ultimately, to plunder Northern California of her water to such an extent as has not been seen since the plunder of Lake Owens at the hands of the Los Angeles Dept. of Water & Power (LADWP), under the leadership of William Mullholland, working hand in hand with Frederick Eaton, was being cleverly cloaked in the inclusion of it in a conservation initiative, the stated purpose of which was to preserve the Sacramento - San Joaquin Delta against eventual calamity. And when this information came to my attention, I set about the task of enquiry into the matter. Researching claims made & collecting some documents for purposes of more thorough review, I went about the business of ascertaining whether the information earlier received be truth or fiction. What I eventually found did give rise to quite some concern.

Indeed there is a plan intended, ultimately, to plunder Northern California of her water to indeed quite an alarming extent, as I will show in the remainder of this Comment. But before I go on here, I must herenow pose the following question, “Cannot any threatened species listed for protection under the Federal ESA & / or under the California ESA by properly protected without bringing about the likely wholesale decimation of agriculture & ecosystems north & upstream of the Delta AND without imposing great hardship on agricultural & non-agricultural end-users north & upstream of the Delta?” Of course! But that is manifestly not the purpose of the BDCP, as this Comment clearly shows. Another question, “Cannot the Delta & Estuary ecosystems be properly protected without bringing about the decimation of ecosystems north & upstream of the Delta AND without imposing great hardship on agricultural & non-agricultural end-users north & upstream of the Delta?” Of course! But that is manifestly not the purpose of the BDCP, as this Comment clearly shows.

Now, looking at the Delta Vision website, et al, I found the phrase "Peripheral Canal" to have mysteriously disappeared somehow from any official discussion. Instead, what is found is a cavalcade of glowing rhetoric extolling the alleged virtues of the so-called Delta Vision, rhetoric that is almost quasi-messianic in tone. Much effort at review of the documents collected was required before the first mention of any kind of peripheral canal was found, at all. Of course, the exact phrase "Peripheral Canal" appears nowhere in the official discussion. Rather, terms such as "conveyance," "dual conveyance," & "Delta Fix" are used. Only such descriptions as are light on detail are to be found anywhere inside the avalanche of propaganda favorable to the promoters of the idea of a Peripheral Canal, there at the Delta Vision website. And that was not the only such propaganda-laden webpage.

Eventually, I came across the U.S.F.W.S. announcement of a certain comment submission deadline in re the BDCP. It came in the form of pg.s 7257 - 7260 of the Federal Register / Vol. 74, No. 29 / Friday February 13, 2009 / Notices.

The language thereof, though significantly more sober, in tone, than any portion of the Delta Vision webpage, nevertheless is more favorable to the Peripheral Canal than not. It is manifestly designed to lead the reader of it to deduce that in order to preserve the environment in one part of the State, one must agree to the likely ecological decimation of parts north & upstream of the area in question. Remember Lake Owens!

Thereafter I came upon the BDCP webpage. It was at this point that I hoped to finally get to the proverbial heart of the matter. I was rather disappointed upon the finding of there only being a small percentage of the chapters of the actual BDCP Draft Scoping Plan posted to the website. Most of the rest of what was there consisted largely of what can only, ultimately, be described as so much propaganda. So I examined what I could, to the end that I might have a more accurate picture of the situation. Some of what I found in portions of Ch. 3 of the Draft Scoping Plan certainly gave rise to quite some concern.

For instance, there is that which is identified as the "Major Plan Element." It calls for, inter alia, "[...] new water diversion facilities [to] be designed, constructed, & operated[.]" Further on therein 'tis said, "An isolated canal facility [...] to convey water from the new diversion facilities to the South Delta[.]" At twenty-seven lines of text thence, "Various isolated canal facility routes are under consideration including routes on the east & west sides of the Delta." And at three lines thence, "The isolated canal

facility would include above & below ground portions and would connect to the existing South Delta SWP & CVP facilities[.]"

On pg. 3-10, ln.s 13-15, "Completion of North Delta diversion facilities, the isolated canal facility, and associated project components would mark the beginning of the long-term implementation period of the BDCP." Behold the Peripheral Canal. Yikes! And according to the above citation, without the Peripheral Canal, there is essentially no BDCP. God forbid! Indeed, 'tis quite telling. Isn't it? Essentially what is being admitted to is that the BDCP is really nothing more than an elaborate smoke screen designed to obscure the real purpose & intent of the whole bloody enterprise.

And it's now being done in the name of protecting those species listed as endangered & / or threatened under both the Federal ESA & the California ESA. But is there substance to all the messianic promises being made in this attempt to set parts of Northern California well on their way to each potentially becoming another Lake Owens, for all practical intents & purposes? Well, there are certainly a great deal of promises & propaganda, but that certainly doesn't prove much. Couple that with the following admission of anticipated inefficacy of the proposed Peripheral Canal from pg. 3-8, "[T]he population level response of covered species to this parameter is uncertain[.]" Now, non-flow factors are there cited as reasons, but, be that as it may, 'tis apparent that the authors of the Draft Scoping Plan simply can't bring themselves to admit that the stated purpose of the Peripheral Canal may never be thereby fulfilled. Let's list a few factors: food limitation, invasive species, discharges of contaminants, temperature trends, etc. Again from pg. 3-8, "Even if construction & operation of North Delta facilities completely eliminates negative effects to covered species [...], other stressors may ultimately result in failure of these species to recover." Even if? What's this "even if" business? Is it not an admission, at least of sorts, that the Peripheral Canal likely cannot deliver on its promises? Also, from pg. 3-11, "There are also uncertainties related to how covered species will respond to various operational aspects of a North Delta facility[.]"

Going back to pg. 3-8, "Because significant infrastructure would be constructed, this 'conservation' measure is not easily reversible." Essentially, any Peripheral Canal that is constructed is permanent (& that by design).

Now, as to rationale behind the Peripheral Canal, here is something from pg. 3-4, "[W]ater has been diverted directly from the South Delta through SWP & CVP facilities to meet agricultural & urban water demands south of the Delta." What's this? Drying up Lake Owens & turning it into an alkali salt flat does not suffice for So-Cal? "Rob from Nor-Cal to give to So-Cal" seems to be the order of the day, as regards this issue. Indeed, waters conveyed via the Peripheral Canal to parts farther south would certainly reduce demand on Southern California water sources by Southern California end users. And that is the true purpose of the Peripheral Canal! Not any of this other business which is now being cited as reasons & rationale. No. The real reason is that Southern California covets Northern California water. The So-Cal mentality can be best summed up in the words of the late William Mullholland where he said, at a ceremony marking the completion of the L.A. Aqueduct in Nov. 1913 (speaking of Lake Owens water) "There it is! Take it!" And, indeed, that is the purpose of the Peripheral Canal, in re Northern California water.

And from pg. 3-10, "The operation of new facilities may require modifications of the operations of upstream reservoirs. This would require modification of the various agreements & licenses governing the operation of these reservoirs. This may require changes in minimum instream flow requirements, minimum drawdown levels, flood control operations, temperature standards, & riparian & geomorphic flow requirements. Such modifications may require modification of Clean Water Act § 404 permits for these projects, as well. Additionally, hydroelectric facilities may need modification to their FERC licenses." Translation, greater demands will inevitably be imposed on upstream water supplies north of the Delta, thus jeopardizing end users north of the Delta as well as hydroelectric generation capacities severely, not to mention jeopardizing upstream ecosystems, all in the event of the construction & operation of the Peripheral Canal. Thus the purpose & intent of the Peripheral Canal is further revealed.

Now, in the course of this Comment several references have herein been made to Lake Owens. And in

the following three paragraphs is a brief history of Lake Owens & of Mono Lake, using information taken from http://en.wikipedia.org/wiki/Owens_Lake and from http://en.wikipedia.org/wiki/California_Water_Wars. Similar information can be found at many other places & websites, and the following is a partial listing thereof: http://www.gbuapcd.org/owenslake/index.htm, http://www.kevinroderick.com/dust.html, http://www.desertusa.com/mag98/april/owens/owenslake.html, http://www.pbs.org/weta/thewest/people/d_h/eaton.htm, http://www.pbs.org/weta/thewest/people/i_r/mulholland.htm, etc.

What was it like before the L.A. Aqueduct dried up Lake Owens (a progress of 11 years from completion of the aqueduct in 1913 until 1924 when the lake had finally dried up)? It was an area supporting numerous & diverse waterfowl. According to a 1917 report by Joseph Grinell of the Museum of Vertebrate Zoology in Berkeley, "Great numbers of birds are in sight along the lake shore -- avocets, phalaropes, ducks. Large flocks of shorebirds in flight over the water in the distance, wheeling about show in mass, now silvery now dark, against the grey-blue of the water. There must be literally thousands of birds within sight of this one spot." The area was one that included several farms & ranches & even the occasional example of heavy industry. Before that, the Paiute (a tribe of North American indians) inhabited the area, making use of the natural resources, including that done vis à vis their techniques of irrigation. However, by 1901 the irrigation systems then in use were reportedly so poorly designed that several areas of land in the north of Owens Valley became over-saturated to the point of nearly becoming unsuitable for many agricultural purposes. The south of Owens Valley, by contrast, was more arid & less irrigated than the north, a situation that lent itself to the kind of ranching that indeed was characteristic of south valley agriculture, then. The U.S. Bureau of Reclamation reportedly started formulating plans for an irrigation system designed for better water efficiency than the then extant systems. But then came Frederick Eaton of Los Angeles, along with William Mullholland of LADWP. Mr. Eaton lobbied then President Theodore Roosevelt urging him to stop all such plans, so that the planned diversion of Lake Owens water toward the greater L.A. area via the then yet to be constructed L.A. Aqueduct could take place. Mr. Eaton got what he wanted. And the rest, they say, was history.

But that was not enough to satisfy L.A.'s aquagreed. In 1970, LADWP completed a second aqueduct. Two years thence, they were diverting yet more surface water & were pumping groundwater at the rate of several hundred thousand acre-ft. / yr. Owens Valley springs & seeps dried up. Groundwater – dependent vegetation started dying off. And that isn't all. Not too many years after Lake Owens first dried up back in 1924, LADWP went about looking for additional water sources.

So they acquired water rights in Mono Valley. They did this during the Depression, when they knew many parties to be in dire monetary need. By 1941, the aqueduct extensions were complete. Water bodies that once fed Mono Lake were then feeding L.A.'s ever insatiable aquagreed. Mono Lake once served as an important ecosystem link, where gulls & migratory birds would nest. But the lake level began to fall beyond the extent that tufa formations were being exposed. Lake water salinity & alkalinity increased, threatening native brine shrimp. And the birds nesting on Negit & Paoha Islands came under increasing threat. For not only were alkalinity & salinity levels rising as lake levels declined, but a land bridge was beginning to form between the lake shore & Negit Island, much to the relish of local predators. 1979 saw the beginning of litigation against LADWP in re the situation at Mono Lake. And the rest, they say, is history.

In the preceding three paragraphs was presented a brief history of Lake Owens & of Mono Lake. Now, that is not the sum - total of So-Cal aquagreed, for entire volumes of work would need to be written to give a more full account.

In 1982, an initiative was put on the ballot, which initiative provided for the construction & operation of the Peripheral Canal. Fortunately, it was rejected by the voters.

And today, we have before us yet another Peripheral Canal proposal. So how, exactly, will the Peripheral Canal do its work? It will draw water away from the Sacramento River at points north of the Delta. The water thus diverted will then be conveyed to points south of the Delta, freeing up San Joaquin

River water sources for use in supplementing So-Cal water supplies for So-Cal's exclusive benefit.

By the way, how is it that "Public Trust" gets trampled under foot by So-Cal aquagreed, all whilst being oppositely described by its proponents, in the name of conservation? Take a good, hard look at Ch. 3 of the BDCP Draft Scoping Plan, as well as at the Delta Vision!

Getting back to how the Peripheral Canal does its work, not one drop of benefit accrues to the North. Because major flows & flow rates are diverted away from the Delta thus, increased demands are imposed on upstream reservoirs to increase discharge rates, lest river levels be suffered to wane. Some upstream reservoirs were recently fitted with river temperature control devices designed to automatically increase discharge rates whenever river water temperatures start to exceed a preset number of degrees Centigrade. This was done to promote salmon spawning. But because of the mandated use of these devices, whenever major flows are diverted away from the Delta (thus reducing river levels by the rate of diversion, less any increase in upstream reservoir discharge rates), reservoir levels drop even faster than would otherwise be the case. Thus less water is available for end-users upstream of the diversion points. Drought or not, the Peripheral Canal is an abominably bad idea. But in the midst of such a drought as we now suffer, the Peripheral Canal is not only an abominably bad idea, it is also categorically insane! And as water is diverted upstream of the North Delta, Delta salinity naturally increases, thus placing Delta & Estuary ecosystems at increased risk. To counter this, bypass flows must needs be suffered to increase. And indeed the BDCP calls for exactly that. However, bypass flow rates cannot, ultimately, be made to increase, except that upstream reservoir discharge rates likewise be made to increase. And this is because even if diversion rates are ever reduced below the upper limit of diversion capacity, under no diversion plan now being contemplated will rates ever be brought down to zero.

After all, who builds a canal who does not also intend for it to be used at all?

And the South Delta (along with reservoirs upstream of it) will continue to be exempted from any additional burdens. For this is wholly consistent with the whole idea of a Peripheral Canal. Needless to say, with the construction & operation of the Peripheral Canal, discharge rates for reservoirs upstream of the North Delta will inevitably increase, which during a drought is at the height of folly. And with higher reservoir discharge rates comes reservoir levels lower than otherwise would be the case.

On the heels of that comes reduced hydroelectric generation capacity. It's only natural for that to be. For the rotational speed of hydroelectric turbines is entirely dependent on the force exerted on each turbine blade by the water. Force, incidentally, is the product of pressure multiplied by volume, and pressure is a function of depth. Where depth is reduced, pressure is reduced. Where pressure is reduced, force (relative to volume) is reduced. Where force is reduced, the rotational speed of each hydroelectric turbine is reduced, and where that is reduced, the electrical output of a given hydroelectric generator is thus reduced. Lo, another facet of the manifest purpose of the Peripheral Canal!

And of all the several means by which electricity is generated for a given population of rate payers, which means are contemplated to be suffered to proliferate, solar, water, and wind result in lower levels of emissions of so-called greenhouse gases (GHGs) than any other such means by which such electricity is to be generated. And of these, water is in the greatest jeopardy, in the event of the construction & operation of the Peripheral Canal, & that by design. Where hydroelectric generation capacity is reduced, an electricity deficit is thus created. That deficit must be made up somehow, or else the risk of area – wide utility service failure, of one form or another, escalates considerably. Additional sources of electricity are time consuming to bring on-line, needless to say. It is so for additional sources of low carbon electricity sources as it is for additional higher carbon electricity sources. When hydroelectrical capacity is reduced, the only two ways to make up the resulting deficit, at least in the shorter term anyhow, are to: (a) allow reservoirs levels to sufficiently increase (a thing that will likely never be allowed to happen, in the event of the construction & operation of the Peripheral Canal); (b) generate more electricity from higher carbon sources; and / or (c) institute rolling blackouts. And given the policy goals of the California Global Warming Solutions Act of 2006 (commonly identified as AB32), the Western Climate Initiative (WCI), etc., and given the emerging such policy goals of Congress & of the White House, the idea of the Peripheral Canal is especially repugnant. The Peripheral Canal is manifestly

designed to increase statewide GHG emission rates, and may therefore (at least in theory, anyway) be classifiable as an indirect gross polluter. To paraphrase a popularly known anti-drug slogan "Just say no to the Peripheral Canal!"

In conclusion, after having reviewed the documents I have, pursuant to my composition of this Comment, and after having considered both the manner & its implications, I must categorically reject the very notion that protecting the Delta's ecosystem, per se, necessitates any satiation whatsoever of Southern California's rank aquagreed! Indeed, threatened species are better off without the Peripheral Canal.

Now, since the Delta Vision manifestly cannot long endure absent the Peripheral Canal, the Delta Vision must wholly be defunded, decommissioned, disbanded, discarded, abandoned, etc. once & forever!

And if the BDCP cannot long endure absent the Peripheral Canal, then the BDCP must needs be treated likewise, & must remain so unless & until it is reconstituted, minus any notion whatsoever of the Peripheral Canal! And it can be so reconstituted, & without much bona fide difficulty! Endangered species are counting on it. Please, remember Lake Owens, and strike the Peripheral Canal from the BDCP (once & forever)! Thank you.

Clarksburg

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— *Comment Card* —

Please Print

Name: Cheryl Rose Organization: Clarksburg Resident

Telephone: 916 744 1524 e-mail: rosebuds@att.net

Address: PO 556

City: Clarksburg State: CA Zip: 95612

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

Frankly I not as concerned for the delta smelt as I am for the Clarksburg community and it citizens. In my opinion the State has made up its mind at how they want to proceede.

I realize that Calfs is an state don't Sacrafice one community for another.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

5/09/09

Mrs. Delores Brown:

Our Sacramento Delta is in deep trouble, due to huge amounts of water being shipped to other parts of the state. This Area is a very pristine and delicate and needs lots of love and TLC. It is home to delta smelt, striped bass, Black bass, great blue heron, and two species of our salmon. Due to so much of our water being pumped out of the area, the Sacramento River is being sucked dry and all of our fish are in trouble. Something has to be done now. We've lost the Delta Smelt, two species of salmon and now supervisors from Bakersfield want to pass laws that will cause the striped bass to go away. What are we doing? We as a people have already voted on this peripheral canal, some 15 years ago. I think Arnold has forgotten that fact. This needs to be soundly reinstated and water exports reduced.

Home owner Chuck Lung
285 Cresta Vista Way
San Jose, Ca 95119

deta water509

bdcpcomments

From: craig cory [craig.cory@gmail.com] **Sent:** Tue 5/12/2009 9:54 PM
To: bdcpcomments
Cc:
Subject: BDCP Public Scoping Comments
Attachments:

To Whom it May Concern:

We recently learned about the Bay Delta Conservation Plan at Lisbon Elementary School. During the meeting, your representatives were unable to answer many pertinent questions posed by the audience concerning the facility locations, number of facilities, their actual size, or the noise created by the facilities, to name a few. The answers to all these questions must be determined prior to doing any realistic Environmental Impact Review. The answers to these and many more questions will undoubtedly affect how the project impacts our community and our environment.

With that said, the environmental review must include:

1. The impact of these facilities on the river, riverbanks, and habitat in the area where they will be located.

2. Noise pollution caused by the facilities and its impact on humans living nearby.

3. Construction noise and disruption and its impact on humans.

4. Loss of local farmland and crops.

5. Loss of aesthetic quality of river and levees to people that live in the area and those that use the area for recreational purposes.

6. Loss of property values in the community.

7. Loss of recreational use of the river in the area.

8. Impact of new towers and power lines.

9. Impact on the eco-system in the areas of the facilities.

It does not make sense how you came up with a plan to save the Delta by destroying an entire community. From what we saw, this really has nothing to do with the Delta and everything to do with pumping water out of the river to send to the Bay and Southern California. The voters spoke in the 80swe do not want the peripheral canal by that name or any other. Your attempt at giving this such an attractive name and trying to pass this as a conservation plan will not work. We saw through it immediately and so will everyone else.

Craig and Laurie Cory

bdcpcomments

From: Curtis Damion [bcdamion@yahoo.com] **Sent:** Thu 5/14/2009 6:26 PM
To: bdcpcomments
Cc:
Subject: comments on Sacramento water project
Attachments:

I think this massive water project is very high on the stink-o-meter. The voters voted it down more than once, so our governor and his Southern California cronies came through a hole in the back door like a snake. Just who is going to pay for this? Even if the Southern water interests assume the payments (like this will happen,ha, or it just might because they are extremely greedy for this water, and money talks), the massive intake areas will change the Delta forever, making the water in the river more saline, forcing the Delta farmers to use well water; then the State will tax them for this, I'm sure. This canal is massive, wider than the Sac River itself. What is going to be left but a dribble for the Delta? The intake facility north of Freeport, almost finished, to supply water to the Bay Area, is a monstrosity. This whole project reminds me of "Chinatown," in which plans are made in the back room, and pressure, threats, and intimidation are used to produce the results that the powerful want. Doesn't it occur to anyone that the fish in the river were compromised because of the water already taken from the Delta system in the past, and the ammonia discharges from the Sewer Treatment plant exit near Freeport did a lot of damage also? Then they want to do extremely invasive environmental studies on the farmers' lands, the results of which could cut the farmers off at the knee. What a nerve. Absolutely no thought for people who have lived there, some for generations, and their property. I am totally and absolutely against this massive project. I guess the adage is true, I live in the best state money can buy.

Clarksburg

- project is not yet defined
- canal bigger than river

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Please Print

Name: DAN Whaley Organization: owner

Telephone: 916 548 3140 e-mail: whaley500@att.net

Address: PO Box 128

City: Hood State: CA Zip: 95639

☐ Yes, I would like to be added to your e-mail list.

where are the bridges / define the project

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

paying for what?

Who is the Delta Habit + Conservation Program

According to your rep's the EIR/EIS is being paid for by water districts IN to the South State shouldn't an indep. study be conducted? Why do South State water district have the right to take North State water? How do you address existing water Rights contracts? How do you address existing water Rights?

Who is present from the BDCP? Please I.D. for record.

Books to review

Jarod Diamond - "Collapsed."

David Sterling - "Green Gone Wild" human's are species

IMPORTANT

Please submit your comments at tonight's meeting or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

get info w/o → ignore threats - attorney will help? call Mark Reuners

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Comment Card

Please Print

Name: DANIEL WHITELEY Organization: _____

Telephone: (650) 589-2149 e-mail: _____

Address: 115 SANTA HELENA AVE. #2

City: SAN BRUNO State: CA Zip: 94066

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

SEE ATTACHED

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

BDCP - Comment Card

1) I am concerned about the language used in the water delivery such as "Full Contracted Amounts". I thought we all had certain issued rights to the water. The rights exceed well past 100% of the water available. To such an extent that even on our best rain fall years we still fall way short for everyone to receive their alotted 100% of water delivered. It was in the 70's or 80's that California was hit with a drought. At that time a rift was created between No. California and So. California. While No. California was on mandatory conservation of water, So. California was wasting water because of their contracted amount. Has anything changed? Have we covered all the aquaducts to prevent water evaporation? Were any swimming pool permits denied in So. California due to water conservation? I thought we were one state! Am I wrong? Shouldn't we be conserving water as one state?

2) At Grizzly Island we are concerned about the effect of having our irrigation and well water increase in salt content beyond what the plant and wild life can tolerate.

A) Will the Tuly Elk be hurt by the increased salinity in the water?
B) What effect will higher salinity have on the plant life needed to support the abundance of wild life?
C) I have found out since the meeting that baby ducklings will die if they do not have fresh water.

3) Do we know for sure removing levee's and creating larger intertidal marsh will help the endangered spieces(smelt, split tail, etc.)? Has the biologist worked with the local land owners to come up with a cooperative method to help save the endangered spieces?

Remember we (Grizzly Island) did not cause the down fall of the smelt or split tail. It was the taking of the water down south. The wild life and local owners should not bare the full brunt of So. California's Greed for the water and the problems it caused.

We have spent hundreds of thousands of dollars in proctecting the wild life on Grizzly Island. Do not hurt our environment for So. California's greed for water just because it is cheaper than setting up pumps in So. California to take water from the ocean. Maybe part of the cost of taking water from an environmentaly sensitive area will be to have desilination pumps available on Grizzly Island to support the fresh water needs of the Elk, ducks, and plant life on the Island.

Daniel Whiteley
Grizzly Island

bdcpcomments

From: Dave & Mari Hurley [hurleyjacks@aol.com] **Sent:** Sat 5/9/2009 8:33 PM
To: bdcpcomments
Cc:
Subject: BDCP Comments
Attachments:

Ms. Delores Brown
Chief, Environmental Review
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

May 7, 2009

As a fisherman and member of the California Striped Bass Association, I am requesting the Department of Water Resources to consider and provide an adequate answer to the following fundamental questions regarding the Bay/Delta Conservation Plan's stated preferred alternative of a "dual conveyance" system, aka the Peripheral Canal.

How much water does the estuary require to maintain ecosystem integrity?
How much surplus water is available for export?
What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these fundamental questions, the Department of Water Resources is unable to assess the ability to export water out of the Delta for agricultural and municipal uses in other regions of the state. It is clear
that our Delta is at crisis with several of its 750 species of plants, animals and fish in endangered or threatened status. Of particular note is the number of fish species threatened or endangered within the past several years. Salmon and steelhead populations are down 90% from historic levels. Resident open-water species (Delta and longfin smelt, threadfin and American shad, striped bass, splittail and sturgeon) are at or near historical lows. Much of their native food supply – phytoplankton and zooplankton - has been reduced by 90-99%. The mass and diversity of bottom dwelling organisms has plummeted. Hundreds of non-native invasive species have become established, further destabilizing the estuary. In addition, the Delta is severely polluted by numerous pollutants.

The first and foremost factor is the massive quantity of water exported south by the most powerful pumping network in the world: pumps that can reverse the tide and cause the San Joaquin River to flow upstream; pumps that can suck a volume of water including fish and their food supply equal to the capacity of the south Delta every four days. In some years, these pumps export almost three-fourths of the water that would have flowed to the sea.
Despite the obvious affect on the ecosystem of the Delta, pumping water south has increased exponentially since the 1950's with particular increases since the year 2000.

It is our belief that the Bay Delta Conservation Plan's stated co-equal goals of water delivery and improved habitat for the Delta is unattainable. This plan is essentially a water delivery plan sold to the general public as a conservation plan.

This plan does not pass the environmental test or the economic test. A recent study by of the University of the Pacific estimates that the economic consequences to California from ending exports are far less than from continuing upon the same path with exports.

As stated by Jerry Johns, Deputy Director of the Department of Water Resources, at the March 2009 Stockton Scoping meeting when directly questioned, " The chance of an alternative system to the dual conveyance is less than 5%" Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a pre-conceived plan looking for a rubber stamp.

We acknowledge that our Delta, one of the world's greatest resources, is in a critical state. To do nothing is not an option, but the "dual conveyance" plan offered as a solution to our water problems, is not a viable solution. The Department of Water Resources is highly encouraged to develop and present viable alternatives that answer the three questions previously listed:

How much water does the estuary require to maintain ecosystem integrity?
How much surplus water is available for export?
What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these questions, there is no plan.

Respectfully submitted,

David Hurley
6119 Oak Lane
Stockton, CA 95212

Name: DAVID S. NELSON **Organization**: Caltrans - Retired

Telephone : _____ **e-mail**: dave.s.nelson@frontiernet.net

Address: P.O. Box 547, Clarksburg, CA 95612

Yes, I would like to be added to your e-mail list.

Every Federal Action Environmental Impact Statement must cleary identify a proposed action's Purpose and Need. The Purpose identified in the Federal Register's February 13 2009 Notice is clear. However, the Need identified does not consider other alternatives that could meet the need.

What is the estimated cost of completing the BDCP's proposed action ? How does that compare to the cost of Ocean water de-salinization plants for providing Southern California and coastal communities with drinking water ? Can de-salinized Ocean water be conveyed to the southern valley farmers to meet their irrigation needs ? What about wind or solar power alternatives to meeting the needs of the Mirant LLC delta power plants ? These other alternatives will need to be addressed in the DEIS/EIR.

Also, protection of aquatic and terrestrial species is a need identified in the Notice. The existing pumping facilties for the conveyance of water to the South appears to be the culprit in adversely impacting the species living in the Delta. If water and power can be met with the above-mentioned alternatives, it would appear to alleviate the adverse impacts to the existing Delta species.

In addition to addressing the potential impacts to biological species in the Delta from the proposed action, there must also be an adequate analysis of the potential socio-economic impacts to the residents of the Delta. Our Yolo County Supervisor, Mike McGowen expressed concern in a letter to the Sacramento Bee that the BDCP lacked an early analysis of the impact to the residents of the Delta communities. As a resident of Clarksburg, I echo that concern. That would include potential loss of existing farmland, potential lowering of resident property values, and the potential to adversely impact travel within the Delta. Will the conveyances have adequate crossings to allow access to areas within the Delta ?

I look forward to reviewing the DEIR/EIS for the proposed BDCP action and its analysis of adverse impacts that may result from such action.

bdcpcomments

From: David Scatena [frost56@sbcglobal.net] **Sent:** Wed 3/25/2009 9:16 AM
To: bdcpcomments
Cc: Banks Vicki and John; Bethards Grover; Chapman Jack; Day Dennis; Dinubilo Jack; Fair-Sheeran Kathy; Goodson Mike; Hurley David; Janes Harry; JG Wilkinson; King Larry; Lucky Strike Fishing; mathes Don/Millie; Miller Jeff; Rich Cliff; Rich MaryLou; Scatena JOHN; Zanoni Bob
Subject: Bay Delta Conservation Plan [SCHEME]
Attachments:

I am David F. Scatena 2226 Segarini Way Stockton, Ca. 95209-2331 209-478-7966 frost56@sbcglobal.net
I attended the public meeting last night in Stockton, Ca.

I want to express to you several things, my emotional response to the meeting, some unanswered questions that need answers and propose some ideas.

First, my emotional response to the meeting was: Frustration, these people do not want to be confused with facts! Frustration that no one stepped up and said we will asure that the current regulations/standards will be rigidly enforced! What the hell, why hold these meetings they are not going to do any good. I want to cry for the farmers in the Sacramento/SanJoaquin River Delta region. Since the water "grabbers" are paying for this study why should I be surprized at the projected outcome!

Questions: 1. How much Water is needed to maintain a "HEALTHY" Sacramento/San Joaquin River Delta System? 2. How much water is excess to the needs of the first right users/Delta System? 3. When is the current system going to be held to the regulations/standards etc? and by whom? 4. How much actual runoff is available versus how much water has been "contracted to water grabbers"? What regulations/standards are going to be in place to assure regional responsibility for maintaining their supply of water to meet their needs.
These questions need to be answered before any conveyance is proposed unless of course the purpose of all of this is to just supply water to the Westland Irrigation Dist, Los Angeles.

Californians waste water! My first idea is to adhere to the promise made years ago, pumps convey only water that is excess to the needs of the people of Northern California. My second idea is to enforce the current laws/statutes/regulations and policies to assure a healthy Delta. My third idea is to make regional responsibility a priority, can they afford water for swimming pools, golf courses, irrigation of non-food items etc. The Los Angeles basin is a series of cement rivers/streams to the ocean. Build a system to capture and store this water underground to be used during spring, summer and fall. Require capture of rainwater. Require conservation of water! Basically unless they do these things to assure a supply of water their region would not receive any water from the pumps!

There is only so much water! It must be used prudently! Priorities must be set! First right users FIRST! Others only receive what is excess.
Last but not least the response of Jerry Johns Re: "We are a series of laws." is just a joke and those in the room laughed because we all know that his agency and many others have winked at the laws/regulations/policies which has resulted in an exhausted San Joaquin/Sacramento River Delta System!

I leave you with a story told to me by an administrator. When you ask a squirrel how to make squirrel stew, the squirrel responds you take two rabbits!
Because your study is being paid for by "Water Grabbers" the study is already flawed. Because the cost of the conveyance is proposed to borne by the "Water Grabbers" there will never be enough water to meet their expectations!

David F. Scatena

Chico - 3/9

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Comment Card

Please Print

Name: DENNIS FOX Organization: Cal Pac

Telephone: 661 366 4493 e-mail:

Address: 918 Blossom

City: Bakersfield State: CA Zip: 93306

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

Give Sherman to USFWS - Funding Stream is constant + In Lieu-Fees paid
Eliminate as much as possible invasives - Mainly aquatic. Tumbleweeds only interested as it clogs canals + pumps
Clean Air - Cleanwater Bond - Drop Parks - no pay back.
For the enviro vote do clean air - stop tumbleweeds by pending bio ~~enviro~~ controls of UC - no burning - also solar pump storage - for more assured water supply

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— *Comment Card* —

Please Print

Name: Derrell W Kelso Sr. Organization: Onions, Etc-

Telephone: 916-744-1318 e-mail:

Address: 48580 Clarksburg Rd

City: Clarksburg State: Ca. Zip: 95612

☐ Yes, I would like to be added to your e-mail list.

You need to listen to the farmers. We have brilliant farmers.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

What are you going to do with all the families that are unemployed when you are people going to move to? California grows 40% of the food for America. If we have no farms, we will have no food. We are in the Onion business. We supply onions for all of America. We are the largest suppliers in America. You aren't interested in the food + farms of California. Rome lost its power because they couldn't feed themselves. China is glad to take over the world power + feed us. We are all interested in the fish, but we must put our priorities in the right place. By the ways West Sacto dumped raw sewage in front of our (on the Knights Landing)

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You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

boat. That was terrible for the fish. Where were you?

PLEASE FOLD ALONG THIS LINE FOR MAILING

BDCP
BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT
Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

SACRAMENTO CA 957
01 APR 2009 PM 3 T

usa 42

Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

APR 0 2 2009

Thank you for your comments

The whole pragom is a joke. Why would
we be so focused on the fish and not on
feeding our people? We do not have the
money to spend on this pragom. This is
the Only Delta in America and I cant
believe there's such a pragom to destroy
it OK This is Criminal! Time to Cut back
Folks!

PLEASE SEAL WITH TAPE HERE

DJ Andriessen
PO Box 454
Clarksburg CA 95612
Dja43@frontiernet.net
916-744-1464

Good evening.

I appreciate the opportunity to speak tonight
My name is DJ Andriessen and I have lived in Clarksburg for over 20 years. I plan to live here for the rest of my long life.
I am a survivor of West Nile Virus. Although I still suffer from some of its lingering effects, I consider myself fortunate because I survived. West Nile Virus is a devastating disease for which there is neither vaccine nor cure. Since my diagnosis, there have been 9,237-recorded cases of humans contracting the disease in the U.S., with 344 fatalities. In spite of our efforts, the number of reported West Nile Virus cases in California has increased by 25% since 2006.

Creating a shallow water refuge in our area is really just building a West Nile Virus Incubator, and that would affect the entire Sacramento Valley, not just our area.
I do not believe this project exists to protect the smelt, unless these are our southern California Smelt friends, but even if it is, and we use what is currently being used to eradicate the mosquito population, we would also be killing the Chaoborus, or phantom, midge, whose larval stage is the main food source for our precious smelt. So we would be breeding the smelt just to watch them die of starvation.

The last time we met here, I asked that you take your plans back to the drawing board to find a more workable solution to the perceived problem. Tonight, I just want to say **shame on you**. Shame on those who are paying your wages-with my tax dollars.
In what democracy do ethical people think it is ok to take the homes and livelihoods of any number of people for an experiment-with fish?! I pray not in my America.
Our only consolation is that you were not around when the dinosaurs were dying out. God only knows how much land you would have taken to save them.
Good night.

Please address this directly in your final EIR/EIS

bdcpcomments

From: dustin king [butte_creek@hotmail.com] **Sent:** Thu 5/14/2009 2:02 PM
To: bdcpcomments
Cc:
Subject:
Attachments:

Ms. Delores Brown
Chief, Environmental Review
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

May 14, 2009

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What are the economic and environmental consequences of various reduced export scenarios?

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As stated by Jerry Johns, Deputy Director of the Department of Water Resources, at the March 2009 Stockton Scoping meeting when directly questioned, " The chance of an alternative system to the dual conveyance is less than 5%" Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a pre-conceived plan looking for a rubber stamp.
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nothing is not an option, but the "dual conveyance" plan offered as a solution to our water problems, is not a viable solution. The Department of Water Resources is highly encouraged to develop and present viable alternatives that answer the three questions previously listed:
How much water does the estuary require to maintain ecosystem integrity?
How much surplus water is available for export?
What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these questions, there is no plan.

Respectfully submitted,
Dustin King
Colusa, CA

Clarksburg

NOTE
This comment was originally written to the Delta Vision but, I believe that it also applies to you on the BDCP since both the Vision & the BDCP are running parallel paths, but are not paying attention to each other.

March 16, 2009

Emily Pappalardo
12540 Grand Island Road
Walnut Grove, CA 95690

John Kirlin, Executive Director
Delta Vision Blue Ribbon Task Force
1416 Ninth Street #1311
Sacramento, CA 95814

Re: Final Draft of the Delta Vision Strategic Plan & The Bay Delta Conservation Plan

Dear Mr. Kirlin: ~~t~~ to whom it may concern at the BDCP

The goals that you have proposed for the Delta are challenging. They attempt to address the opposing interests of the 500,000 people who live in the Delta along with proponents for water conveyance and ecosystem restoration. After reviewing your final draft, I feel that Delta residents will be the ones who will lose in your goal process. Even though one of the plan's goals is to recognize the Delta as a place, more emphasis should be placed there. In fact, it should be written into the California Constitution to ensure protection of the Delta's residents, economy, and agriculture. Agriculture is the driving force of the Delta – economically, socially and culturally. Several different Strategies and Actions seem contradictory within the document, reinforcing my sentiment. I will explain these contradictions using the same order as they are presented in the Delta Vision report.

Action 2.2.3 "Creating federal, state, and local mitigation requirements" that will support the transition of growers to more habitat and management practices. The word "requirement" is troubling in the plan since it purports that Delta farmers will be required to convert their land into habitat, instead being able to plant crops which will result in an economic loss to farmers. Habitat does not drive the economy, after the first influx of funds to purchase credits, the Delta economy will dry up. With this plan the long term economic value will not be enhanced. This contradicts *Strategy 2.2* which promotes carbon farming with the promise of profit. Farm families have successfully farmed in the Delta for many generations and I agree with the vision's comment, "Delta farmers will continue to be the best judges of agricultural business opportunities." Perhaps a fund could be established to ensure long term funding for habitat credits to offset farming loss.

Strategy 2.5 I also agree with the vision's comment, "In order to keep existing towns and rural areas economically vital, however, a small amount of physical growth will likely be necessary in legacy towns." The contradiction comes from *Strategy 6.2* which states that continued development is "potentially threatening state interests and heightening safety risks in the region." The title of *Strategy 6.2* is "Discouraging Inappropriate Land Uses in the Delta". A more revealing title would be, "Discourage Growth in the Delta." I think it needs to made clear what the legacy towns are and how

they will be protected. Many Delta towns lie in the primary zone, but, the Delta Protection Act discourages development in the primary zone. A growth plan would need to be created to reflect both of these views on growth in the Delta.

Action 3.1.2 "Constraints Criteria" discusses the selection of land appropriate for restoration efforts. There should be a criterion written about how to avoid converting prime agricultural land into wetlands. While some types of agriculture may be complementary to ecologic functions, others, such as vineyards which contribute to the economic success of agriculture in the Delta, are not as optimal. This is supported in *Strategy 2.2* which ensures the existence of the Delta as a place. In your plan land which should not be considered for ecosystem restoration is Sutter Island. While it is small in acreage, 115 people live there and it has $26.5 million in assets. (Data found in Sacramento Bee website: http://www.sacbee.com/1232/rich_media1444540.html) Although small, it is very fertile with high value crops such as pears, cherries and grapes. If you are consistent with Goal 2, which preserves the Delta as a place, Sutter Island is as important a place as any other. Also, the talk of acquisition of private land in *Strategy 6.2* contradicts Goal 2 and should be omitted. It must be recognized that prospective ecosystem sites on private land are also someone's farm, home and livelihood. Where can these farmers go and what will they do if their land is acquired for ecologic purposes? The report also ignored some suggestions provided regarding possible restoration sites. They were in a public comment to the Delta Vision from Jeff Hart, a local biologist, in September, 2007. Mr. Hart is an expert on the Delta's various habitats and his advice is well respected. For example, he suggested utilizing in-channel habitats as ecosystems which were not mentioned in the report. Ultimately you are converting prime-ag land into habitat as a mitigation measure for a water conveyance facility to support arid non-prime ag lands in the arid south.

Strategy 3.5 Many of the strategies and actions are discussed in rather broad terms about possibilities for water conveyance and where these facilities would be. One possibility for an intake point is at the Sacramento River near Hood. This diversion point is the same one in the initial canal proposal in the 1980's. However, there is no mention about what was learned from that proposal and the EIR process, even though it seems that the entire Delta Vision process stems from that time and the task force is looking at the same conveyance issues. Also it appears that this option is favored, without the final BDCP EIR having been released. The implementation states that, in 2010, "DWR to apply for water rights for new point of diversion for Hood". To find the best solution for the Delta, all of the proposed conveyance options must be equally reviewed. Furthermore, the Delta could benefit from an alternative system through flood control. This is not mentioned because it will remove the "Chicken Little" tactic that the Delta system is not reliable, which would make it more difficult to argue than more capacity in an alternative conveyance system.

Action 7.1.1 The California Delta Ecosystem and Water Council (CDEW) seems to have been granted major primary oversight and governance powers over all of the Delta's policy making, planning and regulations. Due to this amount of authority over the Delta, the selection of the council members is crucial and I disagree that they should all be appointed by the governor, as they may be promoting the governor's agenda and priorities. In fact, there is significant concern that the governor is influenced by his

Southern California constituents, who obviously want our water. A less biased, broad based selection would go a long way to allay those fears. To truly ensure that the interest of Delta residents, the ecosystem and conveyance are all held on an equal platform, there should be geographic, occupational, and representational criteria for each of the members. They must include science and agricultural experts and people from the Delta. In addition, I feel it is necessary that with the authority to create a "legally enforceable California Delta Ecosystem and Water Plan" (*Action 7.2.1*) these members should be voted in, through a non-partisan election as how the Board of Supervisors are elected. The Vision states that the CDEW members are to be chosen the same as those chosen to be on the Blue Ribbon Task Force. But there seems to be a disconnect between the expertise of the Task Force members and the expertise needed to truly solve the issues in the Delta. Besides, this is self-serving since those appointed would naturally have an allegiance to the one who appointed them.

Another area of concern is Goal 7. The CDEW plan is discussed at length but there is no mention of the Bay Delta Conservation Plan (BDCP) that runs a parallel path to the Delta Vision. The BDCP researches the water conveyance options and potential restorations sites but nothing is mentioned in the Vision as to how it will be implemented. If the Vision wants to improve governance, the BDCP must be included in discussions as part of the Vision, otherwise we will be stuck with too many groups trying to do the same thing and everything ending in confusion.

I hope that you will take these comments into consideration.

Sincerely,

Emily Pappalardo

Emily Pappalardo
Delta Resident
Architecture Undergraduate
Cal Poly State University
San Luis Obispo

Clarksburg

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Emily Pappalardo Organization:

Telephone: (916) 205-0770 e-mail: epappala@calpoly.edu

Address: 12540 Grand Island Rd.

City: Walnut Grove State: CA Zip: 95690

☑ Yes, I would like to be added to your e-mail list.

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- The channel margin habitat restoration will hit private property on the river side of the levee, what will happen/ what will you do when this occurs.
- will the proposed conveyance system be an open-ditch canal or more of a pipeline. The largest loss of water in ~~our~~ CAs water system is evaporation, an open-ditch canal will only continue. that, also what will be the capacity & the control on water diversions.
- Reverse flows from other conveyance facilities north of the Delta.
- Why isn't the BDCP working more closely with the Delta Vision as a means of improving governance as both entities say, yet neither mentions the other in their plans.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

Davis

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Comment Card

Please Print

Name: Erika Kegel Organization:

Telephone: 530/759-0333 e-mail:

Address: 2108 Calaveras Ave.

City: Davis State: CA Zip: 95616

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

As a non-Delta resident and ~~[illegible]~~ with no personal financial stake in Delta farming and "integrity" as a place, what responsibility does I (as a tax-payer and resident of the state) have to maintain the Delta levees that protect private property (below sea-level)? Especially if there is a peripheral canal, or if the SWP & CVP can't pump due to endangered species issues.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

bdcpcomments

From: Frank M [fm@solagracia.com] **Sent:** Fri 4/10/2009 11:03 AM
To: bdcpcomments
Cc:
Subject: Comments on the BDCP EIR/EIS
Attachments:

To Whom It May Concern:

My opinion on the BDCP EIR/EIS plan is number 4 - DO NOTHING. The following is support for this option;

I attended the meeting in Brentwood on Monday March 23, 2009 where the proposal was discussed in detail. I came away from that meeting with grave concerns regarding the entire Bay Delta Conservation Plan (BDCP) as it has been named. The BDCP plan is not a conservation plan, what it is however, is a plan to direct/divert more and cleaner water to Southern CA for their use and storage. This additional flow to Southern CA, if allowed would be the death of the Delta. I have frequented the Delta for over 50 years and lived in Discovery Bay, on the Delta for the past 27 years. During this time I have observed the degradation of the area, seen the changes as higher flows of water were being diverted south.

Noteworthy; The summer of 2008 there was a 2 week period that the flow south was reduced due to the location of certain fish near the inlet. During that 2 week period the water quality and clarity in and around Discovery Bay was greatly improved. Visibility off my dock went from 3 feet to 6 feet.

During the aforementioned meeting, we were told there were multiple plans. Flow rates were discussed and to my best recollection 6,000 to 15,000 cf/s were predicted as the flow rates we could expect. Currently the flow rated are up to 11,000 cf/s. Several of the attendees asked the panel of experts what flow rate did the Delta require for proper maintenance of the system. NO one could answer, but they sure knew what rates they wanted to take. Additionally the proposed barriers, locks or whatever you want to call them would be crippling to recreational boating and fishing. To transit the Delta where I normally go, with the plan executed would have me going through 2 or 3 of these barriers or locks each way.

After listening to and reading all the information made available at the meeting and on the website, it is my opinion to go with plan number 4, DO NOTHING. Before you ratify a plan that will destroy the Delta, let Southern CA find their water elsewhere, i.e. *desalinization.*

Thank you for the opportunity to address this most important issue.

Sincerely,

Frank Middleton

Frank Middleton

5871 Starboard Dr

Discovery Bay, CA 94505

Tel: (925) 634-2986

Fax: (925) 634-5150

fmbeta@solagracia.com

Davis

Comments on the Bay-Delta Conservation Plan

March 18, 2009

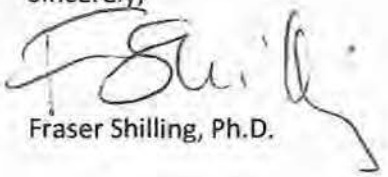
Fraser Shilling, Ph.D.
2313 Shire Ln.
Davis, CA 95616

BDCP Steering Committee:

I am writing comments in reference to the Conservation Strategies proposed by the team developing the Bay-Delta Conservation Plan, hereafter referred to as the BDCP. I am a scientist at the University of California at Davis in the Department of Environmental Science & Policy. I received my Ph.D. in 1991 from the University of Southern California, Division of Biological Sciences. I have published over 2 dozen articles in the peer-reviewed scientific literature and many technical reports for local, state, and federal agencies which have supported my research. I am currently the Co-Director of the UC Davis Road Ecology Center, which conducts research into the ecological and social effects of transportation systems. I am also the lead author of the California Watershed Assessment Manual.

The comments below reflect my initial comments and concerns regarding the conservation strategies and overall program. I have two main over-arching comments: 1) It is not possible to determine how effective the conservation measures and adaptive management plan will be because the incidental take permit is not presented in tandem. 2) There are no links between adaptive management and management actions. There are links implied between AM and conservation measures, however, in order to be granted the take permit must include measures of success/effectiveness and clear indications for how take will be modified in response to new information. There are extensive collections of scientific opinion pieces and peer-reviewed articles that address the components and integration of components of the Bay-Delta ecosystems, conservation effectiveness in similar ecosystems, how to practice successful adaptive management, linking adaptive management to management actions, effects and effectiveness of conservation plans under Section 10 of the Endangered Species Act, ecological links between hydrology and aquatic ecosystem condition, and other relevant fields. My comments are based in that literature, though no citations are given in this early version of my comments. My comments and questions are included in red below (or light grey in a b&w version). Where comments are posed as questions, the corollary statement should also be inferred. For example, the question: "How will increase in production be assured?" can also be read as "An increase in production should be assured".

Sincerely,



Fraser Shilling, Ph.D.

Biological Goals and Objectives From Jan 12, 2009 version of "Overview of Conservation Strategy" P. 16-17

The BDCP Steering Committee has developed a set of draft biological goals and objectives, which are described briefly above and in further detail in Section 3.2 of the draft Conservation Strategy. Implementation of these core elements is anticipated to contribute substantially towards achieving each of the following ecosystem, natural community, and covered fish species biological goals:

1. Provide hydrodynamic conditions within Delta waterways that contribute to viable populations of covered fish species.
How will population viability of all covered species be measured? How will relationship between hydro conditions and viability be determined. Will full natural range of hydro conditions be included?

2. Increase primary and secondary production to increase the abundance and availability of food for all life stages of covered fish species.
How will increase in production be assured? How will timing be made appropriate for different life stages? How will the relationship between production and food availability be determined?

3. Provide for the spatial distribution and connectivity of covered species habitats across the Delta to support the effective movement and genetic exchange of covered species within and among natural communities both inside and outside of the BDCP planning area.
Structural connectivity of habitats does not ensure functional connectivity which provides the effective movement and genetic exchange within and among populations. How will functional connectivity be assured? How will connections to areas outside the BDCP planning area be assured?

4. Protect, enhance, and restore covered natural communities to provide habitat and ecosystem functions to increase the natural production (reproduction, growth, and survival), abundance, and distribution of covered species.
How will the BDCP implementation assure that enhancing, protecting, and restoring atural communities will result in increased production, abundance, and distribution of species? There is not a one-to-one connection between habitat protection/restoration and production increase.

5. Increase the abundance of covered fish species by reducing sources of unnatural mortality.
How will the unnatural rates and sources or mortality be determined? How will abundance be measured so that this can be effectively determined?

6. Create conditions that support a viable population of delta smelt in the Delta and Suisun Bay.

How will viability be determined? How will linkages be determined between "created conditions" and viability in these areas?

7. Create conditions that support a viable population of longfin smelt in the Delta and Suisun Bay.
How will viability be determined so that the sample represents the population? How will linkages be determined between "created conditions" and viability in these areas?

8. Increase the survival of juvenile Chinook salmon passing through the Delta.
How will survival be determined so that the sample represents the population? How will linkages be determined between management actions and increased survival?

9. Increase the growth of juvenile Chinook salmon that pass through and rear in the Delta to increase the likelihood for survival of juvenile Chinook salmon in San Francisco Bay and ocean habitats.
How will growth be determined so that the sample represents the population? How will linkages be determined between management actions and increased growth in the Delta and between growth in the Delta and survival in the Bay and ocean?

10. Maintain or increase life history diversity of all runs of Chinook salmon.
How will the link be made between management actions and the diversity of runs?

11. Increase the proportion of all runs of adult Chinook salmon that successfully migrate upstream through the Delta to upstream spawning habitats.
How will migration be determined? How will linkages be determined between management actions and increased migration? How will upstream spawning habitats be protected for the migrating fish?

12. Increase the survival of juvenile steelhead passing through the Delta.
How will survival be determined so that the sample represents the population? How will linkages be determined between management actions and increased survival?

13. Increase the growth of juvenile steelhead that pass through and rear in the Delta to increase the likelihood for survival of juvenile steelhead in San Francisco Bay and ocean habitats.
How will growth be determined so that the sample represents the population? How will linkages be determined between management actions and increased growth in the Delta and between growth in the Delta and survival in the Bay and ocean?

14. Maintain or increase life history diversity of Central Valley steelhead.
How will the link be made between management actions and the diversity of runs?

15. Increase the proportion of adult Central Valley steelhead that successfully migrate upstream through the Delta to upstream spawning habitats.

How will migration be determined? How will linkages be determined between management actions and increased migration? How will upstream spawning habitats be protected for the migrating fish?

16. Maintain and conserve a viable population of Sacramento splittail in the Delta.
How will viability be determined? How will linkages be determined between "conservation actions" and viability in this area?

17. Increase the proportion of green sturgeon that successfully migrate upstream through the Delta to upstream spawning habitats.
How will migration be determined? How will linkages be determined between management actions and increased migration? How will upstream spawning habitats be protected for the migrating fish?

18. Increase juvenile green sturgeon habitat availability.
How will habitat be determined to be available? How will links be made between management actions and habitat availability?

19. Maintain or increase life history diversity of green sturgeon.
How will the link be made between management actions and the diversity of runs?

20. Increase the proportion of white sturgeon that successfully migrate upstream through the Delta to upstream spawning habitats.
How will migration be determined? How will linkages be determined between management actions and increased migration? How will upstream spawning habitats be protected for the migrating fish?

21. Increase juvenile white sturgeon habitat availability.
How will habitat be determined to be available? How will links be made between management actions and habitat availability?

22. Maintain or increase life history diversity of white sturgeon.
How will the link be made between management actions and the diversity of runs?

ADAPTIVE MANAGEMENT AND MONITORING PROGRAM (from Overview of Conservation Strategy, Jan 12, 2009, p. 48-49)

The program described below will be inadequate to conserve covered species and habitats for several reasons. First and foremost, it is impossible to evaluate the program in the absence of reviewing the final incidental take permit. The take permit allows a certain level of destruction of covered species and their habitat, destruction which must be mitigated under the BDCP. Secondly, the absence of a link between findings in the adaptive management program and take means there is no possibility to modify these activities in response to new information. Simply adapting the limited conservation measures proposed is not sufficient "adaptive management" to warrant the term. It is good that conservation actions would be modified in

response to new information. However, this is only part of the picture of adaptive management. The other part of the picture is adapting water withdrawals, conveyance, and other management activities covered under the take permit that are impacting covered species. Third, the various biological objectives and conservation activities require an in-depth monitoring program, the details of which determine whether or not conservation success and impacts and water management effects and impacts can be determined.

The BDCP will include adaptive management and monitoring programs to evaluate the effectiveness of the conservation measures and to address scientific uncertainties and knowledge gaps. These programs are currently under development, and are described in sections 3.5 and 3.6 of Chapter 3. This section provides a synopsis of the progress to date in developing the details of these programs.

While the BDCP conservation measures were developed on the basis of the best scientific and commercially available information and identify detailed actions to achieve the biological goals and objectives, new data and information will be developed over the term of BDCP implementation that will increase knowledge and help reduce uncertainties regarding the best approaches to implementing conservation measures. In addition, the Conservation Strategy anticipates the potential for substantial changes in Delta conditions that may result from climate change (e.g., sea level rise and hydrology in the Delta watershed), seismic events, potential large scale changes in land use, and other factors. The BDCP recognizes that monitoring and adaptive management are necessary to incorporate into plan implementation any new information and insight regarding actual changes and new projections of changing futures. As more is understood about the Delta ecosystem, adjustments to the implementation of BDCP conservation measures will be necessary and will be undertaken to improve effectiveness. The BDCP adaptive management process is designed to afford flexibility to make these adjustments, including modifications to, removal of, and additions of conservation measures and changes to the monitoring program as indicated by new scientific information.

The BDCP monitoring program will include activities to:

- Determine the effects of the covered activities on covered natural communities and species;
- Collect data necessary to effectively implement conservation measures;
- Document the implementation and effectiveness of conservation measures;
- Determine the appropriateness of the scientific relationships on which the assessment of effects and effectiveness are based; and
- Assess the overall status of species, natural communities, ecosystem processes that support species and natural communities in the Delta.

Information gathered through the BDCP monitoring program, research conducted by the BDCP, and other research efforts will guide decision making during implementation. The BDCP monitoring and research programs are designed to determine and assess cause and effect relationships between implementation of specific conservation measures and the type and magnitude of species and ecosystem responses to those measures, as well as species and ecosystem responses to the implementation of combinations of conservation measures. Should strong cause and effect relationships

be established, adaptive management provides the mechanism to concentrate efforts on the implementation of conservation measures that have been demonstrated to be more effective and to deemphasize or discontinue implementation of conservation measures that prove to be ineffective at achieving desired ecosystem, natural community, and species outcomes as articulated in the BDCP biological goals and objectives.

May 14, 2009

Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Dar Ms. Brown:

Although I was not able to attend the meeting on the Bay Delta Conservation plan, I would like to offer my input on the proposed intake facilities to be located across the river from the Pocket area.

Many of us moved to the Pocket to be closer to the peaceful rural setting provided by the Sacramento River and the farming community on the Yolo County side of the river, while still remaining within the Sacramento City limits. For the past nine years my family and I have enjoyed this lifestyle, but are very concerned that it will be altered dramatically if these intake facilities are allowed to be constructed as proposed. Aside from the inaccuracies of the intake structure as depicted on the artist's renderings, which I address below, there will be an ongoing impact on lifestyle in the Pocket due to the potential noise generated by the facility. Additionally, there will be a negative impact on property values in the Pocket, for potential buyers will elect to purchase homes elsewhere when they discover that such a facility is located directly across the river.

After reviewing the artist's renderings, I find there are many things that are not depicted accurately. A few of these are:

1. The river is shown to be at lease twice as wide as it actually is, which supports the illusion that the facility is farther from the Pocket than it will actually be.
2. The location of the facility is shown to be in a completely rural area, showing no indication of the residential neighborhoods on the Sacramento County side of the river, and therefore lends to the illusion that it should not bother anyone visually.
3. If the facility is to supply significantly more water than the facility currently under construction north of Freeport, it appears to be shown as being much too small.
4. Although a substation to provide the electrical power for the facility is shown on the drawing, there is no indication of either power lines or power poles, both of which will be unsightly to the residents in the Pocket.

Aside from the fact that the need for his project is questionable, facilities like these should be located in truly rural areas where the negative impact to the quality residential life is minimal.

Sincerely,

Gary L. Schmidt
23 Chicory Bend Court
Sacramento, CA 95831
Home: (916) 428-0708
Cell: (916) 417-1100

cc. Office of Councilman Robby Waters

The California Department of Water Resources
Att. Michelle Beachle
P.O. .Box 942836
Sacramento, Calif., 94236

Dear Ms. Beachle,

I n consideration of all the problems concerning the delta area, being it salt water intrusion, lack of fresh water in the delta, lack of fresh water to be delivered south to southern California, fish problems, it seams to me that some are insurmountable to try to solve them all at one time. Putting aside any solution involving shipping locks because of their possible detriment to Port costs, may I suggest the following solution as one step forward.

It is understood that salt water moves in on the tides, but it rides underneath the fresh water flowing out on top. Because of this action, I would suggest that a rock berm be placed at the Carquinez Straights, except at the shipping lanes having a depth of -35 ft at low tide, the side berms would be raised up to -8 ft. at low tide. At the shipping lanes a pneumatic dam would be installed to be raised or lowered to accommodate shipping and keep out high tide influences. The would in effect keep salt water out of the delta for the most part. There are also many areas in the estuary that have depths from -40 ft to -100 ft that should be filled in with rock up to -35 ft in order to get rid of the stagnant salt water.

Now to get some of the Sacramento River water into the delta. Starting at Walnut Grove, to open up the side channel to the north Mokelumni River, dredging it to at least -9 ft to the South Mokelumni River, then letting the natural flow go towards the Empire Cut Island and the middle of the delta. A short rock berm would be installed at the Sacramento River to divert the water. At the entrance to the 3 mile slough off the Sacramento River, from the west bank install a rock berm diagonally up stream to divert water into the slough Then at the break at the river between the Sherman Islands, extend a rock berm across the Sacramento River toward the shipping lane, diverting river water into the slough . These three actions would feed fresh water into the delta.

Regardless of what happens to this proposal or any other solution it boils down to whether the ocean rises because of polar ice melting thus inundating the delta with tidal effects that will be overwhelming to the whole system plus it's surrounding communities and the bay area. The tidal effect should be stopped at it's source, at the Golden Gate Bridge or just outside of it at the Potato Patch.

Sincerely Yours

Glen H. Mortensen

Glen H. Mortensen
Ret . Architect.

2236 Broadridge Way
Stockton, Calif. 95209

209-477-2733

BDCP
Bay Delta Conservation Plan
EIR/EIS

Comments

Greg Merwin, Farmer
916 775 1553
39104, Z-Line Road,
Clarksburg, CA 95612

In the first place, to call this the Bay Delta Conservation Plan has been very misleading from the beginning, and has rightly garnered you unbridled negative reaction. I would suggest that Delta Water Conveyance Plan would have been a far more accurate description of your activity.

Be advised that any construction on a conservation easement will cost far more to condemn (and condemnation will be almost assuredly required) than agricultural value. Lands adjacent to the Glide Memorial Easement (which is crossed by most of the northernmost feeder alternative), have sold for $75,000 per acre, which may well set the price for this land.

That you will come up with the most cost effective alternative for the water contractors almost goes without saying, and leaves only the question of mitigation to be considered.

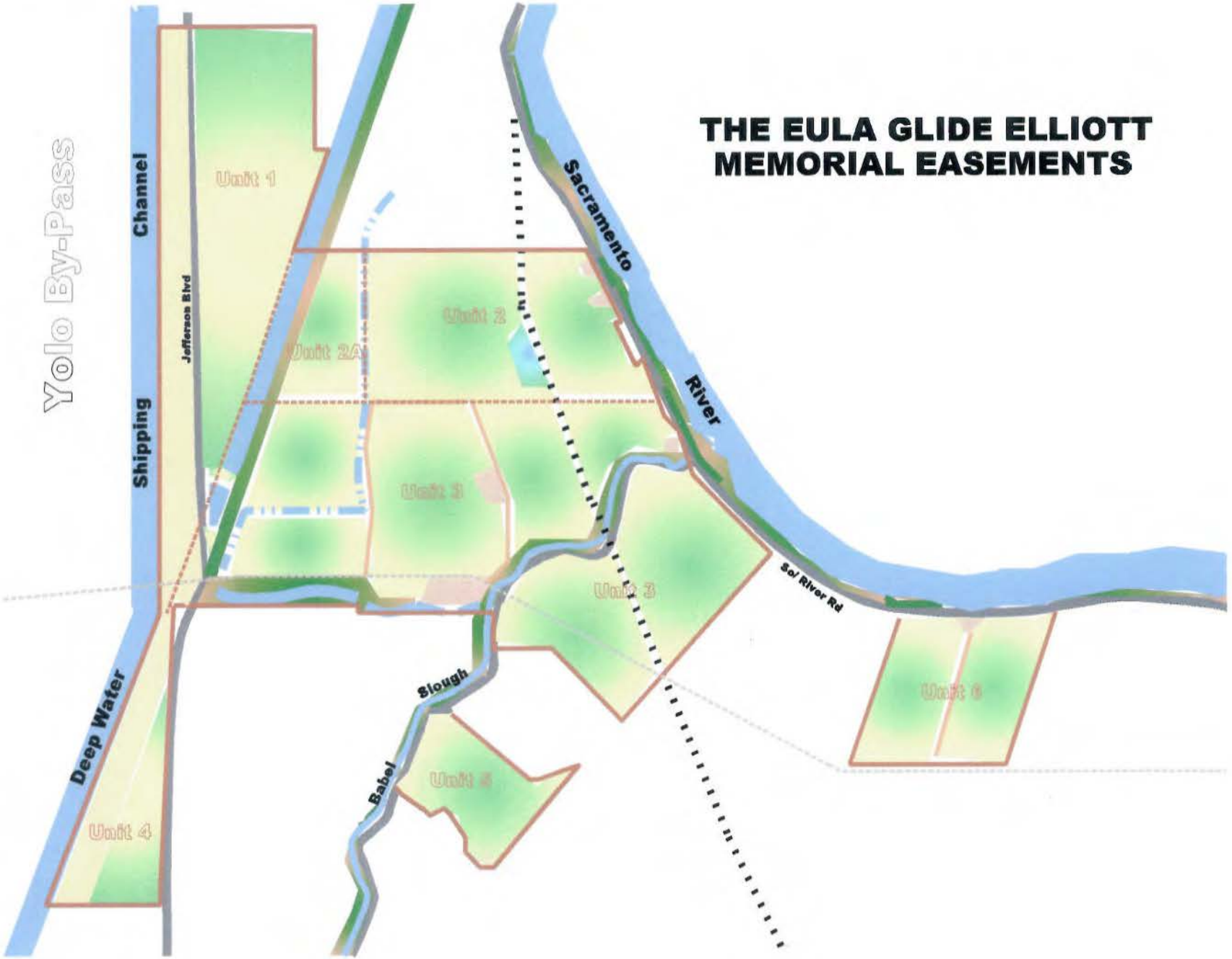
I believe very strongly that all mitigation should be concentrated on shoring up existing lower delta levees, as the massive seawater flooding of this area would be an environmental disaster to all, and there is simply no way to restore the sunken land to its original state of 160 years ago. It is almost laughable that flooding an island or 2 is being considered for study, since there are already several available flooded islands. Icertainly wouldn't consider asking the water contractors to take on all of the flooding problems of the lower delta, but I do think all available mitigation funds should be used for this purpose, and it seems to me that the biggest and deepest islands should take 1st priority, since this is where you could get the most "bang for the buck".

Creating marshes on sea-level land is something that could be undertaken at a later time, but protecting the lower delta from flooding should be tackled now!

Sincerely,

Greg Merwin

THE EULA GLIDE ELLIOTT MEMORIAL EASEMENTS



Yolo Land Trust

bdcpcomments

From: Gregg Taylor [taylorgs@techmarketing.com] **Sent:** Fri 4/10/2009 12:00 PM
To: bdcpcomments
Cc:
Subject: Peripheral Canal
Attachments:

Dear Sirs

I am totally against any canal or reshaping of the Delta Waterways. These locks and bypasses will totally destroy my water quality at Discovery Bay and ruin my home value. It is time that So Cal use De Stalinization plants for their water and to stop getting it from Nor Cal. There has been no indication of who this new system will improve the salmon run and in general the fisheries of the delta. Put a stop to this thing.

Thanks

Gregg Taylor

5831 Starboard Drive

Discovery Bay, CA 94505

bdcpcomments

From: don lonely [olderbrother30@yahoo.com] **Sent:** Wed 5/13/2009 9:22 PM
To: bdcpcomments
Cc:
Subject: Water Quality?????????
Attachments:

I just read an article where you are trying to stop the oyster farming in Drake's Bay. This is an ecologically sound operation unlike your destruction of the delta and the Salmon population of all of California. As a fisherman and outdoor enthusist and Past Serria Club member and ardent supporter---I believer it just time to start full protests and demonstrations against the wasteful practices of the state agencies and government that have killed a lot of our natural resources and endangering the rest.

Gregory Pilkington

bdcpcomments

From: Guy [gbrownsac@sbcglobal.net] **Sent:** Fri 5/15/2009 6:15 PM
To: bdcpcomments
Cc:
Subject: Bay/Delta Conservation Plan (BDCP)
Attachments:

Ms. Delores Brown
Chief, Environmental Review
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

As a fisherman and member of the California Striped Bass Association, I am requesting the Department of Water Resources to consider and provide an adequate answer to the following fundamental questions regarding the Bay/Delta Conservation Plan's stated preferred alternative of a "dual conveyance" system, aka the Peripheral Canal.

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these fundamental questions, the Department of Water Resources is unable to assess the ability to export water out of the Delta for agricultural and municipal uses in other regions of the state. It is clear that our Delta is at crisis with several of its 750 species of plants, animals and fish in endangered or threatened status. Of particular note is the number of fish species threatened or endangered within the past several years.

Salmon and steelhead populations are down 90% from historic levels. Resident open-water species (Delta and longfin smelt, threadfin and American shad, striped bass, splittail and sturgeon) are at or near historical lows.

Much of their native food supply – phytoplankton and zooplankton - has been reduced by 90-99%. The mass and diversity of bottom dwelling organisms has plummeted. Hundreds of non-native invasive species have become established, further destabilizing the estuary. In addition, the Delta is severely polluted by numerous pollutants.

The first and foremost factor is the massive quantity of water exported south by the most powerful pumping network in the world: pumps that can reverse the tide and cause the San Joaquin River to flow upstream; pumps that can suck a volume of water including fish and their food supply equal to the capacity of the south Delta every four days. In some years, these pumps export almost three-fourths of the water that would have flowed to the sea.

Despite the obvious affect on the ecosystem of the Delta, pumping water south has increased exponentially since the 1950's with particular increases since the year 2000.

It is our belief that the Bay Delta Conservation Plan's stated co-equal goals of water delivery and improved habitat for the Delta is unattainable. This plan is essentially a water delivery plan sold to the general public as a conservation plan.

This plan does not pass the environmental test or the economic test. A recent study by of the University of the Pacific estimates that the economic consequences to California from ending exports are far less than from continuing upon the same path with exports.

As stated by Jerry Johns, Deputy Director of the Department of Water Resources, at the March 2009 Stockton Scoping meeting when directly questioned, "The chance of an alternative system to the dual conveyance is less than 5%". Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a pre-conceived plan looking for a rubber stamp.

We acknowledge that our Delta, one of the world's greatest resources, is in a critical state. To do nothing is not an option, but the "dual conveyance" plan offered as a solution to our water problems, is not a viable solution. The Department of Water Resources is highly encouraged to develop and present viable alternatives that answer the three questions previously listed:

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Guy Brown
206 Breckenwood Way
Sacramento, CA 95864
gbrownsac@sbcglobal.net
916-849-3490 (cell)

Chico - 3/9

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: GUY HOPES Organization: CHICO STATE

Telephone: (707) 685 3015 e-mail: ghopes@mail.csuchico.edu

Address: 1469 ARCADIAN AVENUE

City: CHICO State: CA Zip: 95926

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

HAVE INFORMATION TOWARDS QUESTIONS →

- KNOW HOW IRRIGATION RUNOFF WILL AFFECT NEW SYSTEM?
- KNOW HISTORY OF OLD DELTA PROBLEMS + WASN'T IT CREATED FOR SYSTEM THEN?
- HAVE COUNTER ARGUMENTS OTHER THAN MONEY AND EIR/EIS CRITERIA?
- WILL USED CAPITAL INVOKE EMINENT DOMAIN ON FARMERS?

I WOULD LIKE MORE ENGINEERING RELATED INFORMATION ON THIS TOPIC. I WOULD ALSO LIKE TO KNOW ABOUT EACH LOBBYIST & SUPPORTER ORGANIZATION THAT CONTRIBUTES TO THIS PRESENTATION. I ENJOYED ATTENDING & LOOK FORWARD TO SEEING FUTURE DEVELOPMENTS

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

bdcpcomments

From: pavestone@aol.com [pavestone@aol.com] **Sent:**Tue 3/24/2009 8:09 AM
To: bdcpcomments
Cc:
Subject: Bay Delta scoping comment
Attachments:

Delores Brown, Water Resources
Re: EIR, Bay Delta Conservation Plan

Please include my comments in you eir study.

Jack Hanna
Resident Bethel Island
Planning Commisioner, East Contra Costa County Planning Commission
Member CIYC, CYA, and other boating associations
Lifetime resident of California (North and South)

California cannot afford this mistake!

Conservation of our water resources must begin immedeately!

Water allocation must not be increased to any users in the state.

We have figgured out air pollution and reversed the trend. We have figgured out erosion control and begun the process of application of C3 regulations. We have figgured out the waste stream dissaster and made great strides in it's reduction through recycling.

Why have we not begun to reverse the disaster of water resources squandered?

The courts have recognized the crisis of indicator species and reduced allocations from The Delta. But, the indicator species are only an indication of the depletion of the wet beating heart of the State of California. There are literally thousands of species who are not discussed in your studies, including the homo sapian residents.

We, who live here, see the decline of our water from pollution. The agricultural runoff is killing the natural species. We watch as the last crawdad dies in an abandoned television. The circulation of the water from mountains to the sea is the only protection they (we) have.

Contra Costa and the other Sherrifs have reversed the trend of squatters on the water. The cleanup of abandoned debris is stalled for budget reasons. Our levies are under reconstruction. Our boats are becoming more efficient and cleaner. We need regulation of holding tanks and access to mobile pumpout. We need more filtration of runnoff from populated areas that are already developed. More can and should be done to protect the water in the Delta and that must be done, with or without the diversions.

No increased water allocations can be made to any agency!
Instead, all users must learn to make better use of the share they enjoy.
Allocations can decrease if users begin to conserve by design!
The decreased allocations can support projected growth in our state.

Permanent conservation design can include recycling water for landscape irrigation, desalinization, and

improved methods of farming.
These simple obvious solutions have been applied in the desert for decades
Now is the time to begin permanent conservation and stop the ongoing degradation of our natural waters.
We must not divert more water from the Delta, or further alter it's circulation.

H. Jack Hanna
Bethel Island

---

look at desalination & other water alternatives for Southern CA

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— *Comment Card* —

Please Print

Name: Harriet Steiner Organization:

Telephone: 916-934-9909 e-mail: hsteiner@mhalaw.com

Address: 18 Rivershore Ct.

City: Sacramento State: CA Zip: 95831

☑ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

Please consider (1) intakes that are not across from the Pocket Area (2) the impact on the Pocket Area regarding noise, quality of life, aesthetics, light & pollution (3) determine how the beauty of the river can be maintained without turning the area across from the Pocket into an industrial looking area (4) determine how to maintain the Delta without destroying the river area through Sacramento. (5) will alternatives that include reducing flows @ the CVP pumps be considered. (6) will flood protection be part of this process (7) Develop / analyze alternatives that do not involve intakes by or across from the Pocket area *

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236. You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

find alternatives in rural areas

bdcpcomments

From: HAYDOCKI@aol.com [HAYDOCKI@aol.com] **Sent:**Fri 5/8/2009 7:45 PM
To: bdcpcomments
Cc: HAYDOCKI@aol.com
Subject: BDCP Comment about the scope
Attachments:

Please comment on the scope of the environmental impact statement and environmental impact report of the BDCP. At this point in the process, we want to hear from you only about the scope of the EIR/EIS. Thank you."

BDCP EIS/EIR Scoping Comments
From: Irwin Haydock, Ph.D.
11570 Aquamarine Circle
Fountain Valley, CA 92708
May 8, 2009

I am pleased to comment on the scoping of the BDCP EIS/EIR report due out in a year or so. This activity follows on the recent Blue Ribbon Committee's efforts to develop both a Delta Vision and a Strategic Plan for the Delta. My background represents over 50 years of relevant education and experience in California's water resources. As a 4th generation Californian I know my pioneering family has directly contributed to the water problems we face today. Thus, I have a vested interested in trying to make things better for our future generations. I have has followed the development of the California Water Project since the early 1960's, and have written extensively with Dr. Michael A. Rozengurt on the specific requirements of the Sacramento-San Joaquin Delta (see references cited below). Unfortunately, many of our predictions regarding the Delta have already come to pass due to excessive water withdrawals among other problems.

My expertise includes marine, estuarine and fresh water ecology. I retired as Senior Scientist from Orange County Sanitation District in 1996, after retiring in 1989 as manager of the Ocean Monitoring and Research program for the Los Angeles County Sanitation District. Previously, I managed the Salton Sea Project for DFG, followed by 3 years as Senior Ecologist of SCCWRP. I believe ecosystems need to be studied adaptively and holistically to build a truly sustainable future. This is the essence of the San Francisco Bay-Delta's watershed planning problems and a required consideration for your EIS/EIR scoping process. We are truly all in this together; I recall a brief stint as Governor Wilson's only southern California appointee to the Bay-Delta (pre-CalFed) Science Advisory Team in the mid-1990s. My opinions, which I believe were realistic and honest received less than rousing support, as if they were foreign to what was already assumed or known. But I have not seen anything to date that would cause me to rethink my positions, so I will reiterate some of them here again. (Below I have listed several published papers on the ecological basis of river-delta-estuary-bay and coastal zone connectivity, specifically discussing the SF Bay-Delta situation.). Two important attachments are only referenced below as URLs that will expose my past submissions to the BlueRibbon Committee's work (http://www.deltavision.ca.gov/). These will provide further details to this letter.

I would like to reiterate a few of the issues that impinge on the Delta ecosystem and future water supplies, and request that these issues each be thoroughly examined in the scope of BCDCs EIS/EIR.

First, I believe that today's science has already provided a real understanding and a reasonable goal for future delta water distribution. For a number of reasons explored in the publications below, and documented in the early 1980s studies (2 Vols) of the Bay-Delta done by Dr. Michael A. Rozengurt at the CSUSF Tiburon Marine Laboratory, the quantitative water diversion goal should be no more than approximately 25-30% of the longterm (50 year) average unregulated rivers flow. This is the maximum depletion that can be naturally withstood by any delta environment. The EIS/EIR should document the impact(s) of any greater amount being removed from the system.

Second, I believe that the construction of a restriction channel at the mouth of Susuin or San Pablo Bay could provide a useful impediment to the danger of salinity intrusion into the delta proper, and this would allow somewhat more freshwater to be shunted from the delta without paying the price of moving the halocline too far upstream or destroying the ecosystem. This would also be of even greater import if and when the expected tidal rise due to global warming hits the bay. I believe this construction needs to be thoroughly evaluated with respect to possible mitigating measures for increased delta withdrawels. I have provided reference to preliminary information below on this restriction channel.

Third, construction of a series of low-head dams above the delta should be evaluated as a mitigation for their use in providing emergency water for future flushing flows during low in-stream flow months of summer/fall.

Fourth, with respect to increased supplies, I believe that increased conservation and water efficiency should be carefully evaluated first. In southern California a huge and most effective step would be to provide advanced wastewater treatment to reclaim some of the millions of acre feet now being dumped into the ocean. This is already being accomplished in Orange County on a large scale. The OLAC (Orange/Los Angeles County) Project in the late 1970s identified at least 500,000 thousand acre feet that could be easily reclaimed, but it has taken over three decades to achieve this modest savings. Evaluating these possibilities also should detail the savings of a great deal of the energy being used to pump delta water over the Tehachapi Mountains.

Thank you for this opportunity to comment of the scoping process for the BCDC EIS/EIR. I welcome any questions or further explanations regarding these requests. I believe that it is vital to truly consider the coequal concerns of water supply and ecosystem, as well as honor the Delta as Place at this time. I stand ready to help in any way that I can to get this process right for all of California's citizens.

Irwin Haydock, PhD
Haydocki@aol.com

Reference URLs to previous submittals to Delta Blue Ribbon Committee:
http://www.deltavision.ca.gov/StrategicPlanningProcess/ExternalSubmissions/2008-ES-3.pdf Michael Rozengurt/Irwin Haydock April 10
1. PROJECT TITLE: Development of a Physical Model of a Salinity Restraining Channel to Control Salinity into Estuaries. Case of Study: San Francisco Bay
2. Delta under Current and Planned Freshwater Diversions, SWRCB Findings of Fact: Submitted Romberg Tiburon Center, 1988
3. The Restraining Channel that Can Avert Salinization of Sacramento - San Joaquin, Stockholm Symposium 1997
4. References and figure of channel and inventor

http://deltavision.ca.gov/docs/9_Comment_from_Irwin_Haydock_11-30-07.pdf
1.Transmittal letter Blue Ribbon Task Force Delta Vision
Subject: Our Vision for California's Delta
Comments on Third draft prepared by Staff (Revised Nov. 19, 2007)
2.Perpheral Canal letter to Gov Brown, November 28, 2007 (added below)

Some Critical References:

1994. With M.A. Rozengurt. The Role of Inland Water Development in the Systemic Alteration of the Coastal Zone Environment. In: Proc. Watershed '93 National Conference on Watershed Management. Alexandria, VA. pp. 755–759.
1993. With M.A. Rozengurt. Freshwater Flow Diversion and its Implications for Coastal Zone Ecosystems. In: Transactions of the 58th North American Wildlife and Natural Resources Conference. Washington, D.C. pp. 287–295.
1991. With M.A. Rozengurt. Effects of Fresh Water Development and Water Pollution Policies on the World's River–Delta–Estuary–Coastal Zone Ecosystems." In: Ocean–91 Long Beach Proceedings; Coastal Wetlands (H.S. Bolton and O.T. Magoon, (Eds). ASCE, New York, 85–99.
1991. With M.A. Rozengurt. Effects of Fresh Water Development and Water Pollution Policies on the World's River-Delta-Estuary-Coastal Zone Ecosystems. Seventh Symposium on Coastal Zone Management (CZ '91), Long Beach, Ca. July 8-12, 1991. Pp. 85-99. In: H.S. Bolton (ed.). Coastal Wetlands. American Society of Civil Engineers, New York.
1981. With M.A. Rozengurt. Methods of Computation and Ecological Regulation of the Salinity Regime in Estuaries and Shallow Seas in Connection with Water Regulation for Human Requirements. In: Proceedings of the National Symposium on Freshwater Inflow to Estuaries, Vol. II, USFWS, Biological Services Program, FWS/OBS–81/04, Oct., p. 474–506.
1980. With M. Rozengurt. Salinity Regulation in Conjunction with Increased Water Usage of the San Francisco Bay - Delta Regime, Pacific Division, AAAS, Abstracts 61st Ann. Meeting, Davis, CA, June 1980.

Letter Discussing Critical Facts Regarding Proposed Peripheral Canal, 1980.
June 20, 1980

Honorable Governor Jerry Brown
Sacramento California

This letter is being written to appraise you of certain facts which must be considered in your deliberations on the Peripheral canal issue currently before the California legislature and being discussed almost daily in the news. This issue has not only statewide, but national significance, as an example of large scale water development for which important ecological, economical, and social effects have already been demonstrated in similar programs of other nations.

The following facts are apparent to us, as professionals examining the demise of the San Francisco Bay Delta; some of these derive directly from observing the corpses of other similar ecosystems abroad:

1. There are should be no further water projects' constriction, including the Peripheral canal, until such time as new cost-benefit analyses have been done and predictions are made as to the relation between Delta outflow and (a) salt intrusion in San Francisco Bay, (b) pollution and waste treatment needs and (c) productivity of the entire system.
2. There should be no further water withdrawals from the existing Delta pool as history both here and abroad has shown severe economic and environmental damage results from greater than 30 % reductions in the natural flow.

The lack of data to understand this system and to make adequate Predictions is appalling and must be corrected immediately by a major research effort.

This must lead to a proper monitoring program to prevent future problems. The cost of these programs is estimated as at least $2 million per year, but .this is minuscule compared to the $11 billion expenditure contemplated for replumbing the system to meet only man's perceived needs.

3. The primary question which must be answered prior to any further water development (or replumbing) is the following "What is the natural limit water withdrawls from the Sacramento River and its Delta?"

The experience of foreign countries is frightening: diversion of no more than 30 to 50 % of the normal ,natural runoff (computed as averaged for 55 years) has led to serious immediate consequences and subsequent , successive degradation of resources, including finally the destruction of the diverted water supply itself due to salt intrusion from an adjacent estuary and sea . Note that these results did not occur all at once, but developed slowly at first and more rapidly toward the end.

This result could be predicted at the outset, for its is quite evident now in well documented case histories. The total time span involved in the above events was measured in years, not decades or centuries, from the point of withdrawals beyond 30% of the natural, spring outflow. This leads us to predict that "25-30 % is nature's limit!" We note with alarm that withdrawals from the River-Delta currently exceed 50%, with eventual projections scheduled for 75% or more of the normal, natural flows.

We predict that the system will collapse long before this point is reached, although we would not be pleased to see this prediction come true. More to the point, we feel that there is an immediate need to protect the Delta from the already observed salinity intrusions resulting from excessive water development. Dams and the Peripheral Canal cannot correct maintaining of a positive balance of brackish and fresh water exchange necessary to sustain natural estuarine conditions, created by Nature. Other solutions exist and should be examined for their applicability to this important problem.

The Peripheral canal, by itself, cannot flush this system and cannot prevent the salt intrusion water already occurring with alarming frequency. Such a canal will destroy even more of the natural circulation and exacerbate chemical and biological deltaic environment. This is directly opposite to nature's way of enriching the system with a meandering flow and its natural reversals (due to tides and winds, not pumping activities).
A similar, to proposed one, the Peripheral Canal was built on the eastern part of Volga Delta in 1974 to restore the low river- delta tributaries. Here anadromous (beluga, sevruga, sturgeon) and semi-anadromous fish (herring, shad , others) migrate to spawn, and feed. But the Canal nearly stop these activities . And due to excessive upstream and downstream water development , the fishery had declined precipitously.

We would point out that the Delta is not plumbing water distribution system. Historically, any delta is the heart of a rich productive river ecosystem. It receives nutrients from upstream; produces, processes and circulates its own additional nutrients within its fresh and brackish water body; and subsequently affects the rich productivity of the estuary (bay) and even the coastal sea. Any change in the course of this vital bloodstream or in the quality of its fluids will lead to change, much of which has already been shown to be detrimental to societal and economic as well as ecological systems.

My colleague and I represent almost 50 years of working experience in marine and estuarine biology, hydrology, and oceanography. This experience is directly pertinent to the problems faced today by the Delta - San Francisco Bay system. Our collective experience leads us to state that, without doubt a final result of further water developments will lead to economic, societal, and ecological ruin for the Delta - Bay for the predominant residual runoff to the San Francisco Bay corresponds to years of subnormal wetness or drought.

Published results regarding similar water development abroad (the Rivers Don and Kuban, the Volga and Terek, the Dnieper and Dniester, and the Mile and Po, which enter the Azov, Caspian, Black, and Mediterranean Seas, respectively) all Point to the inescapable conclusion that no more than 25-30 % of the natural Flow can be diverted without disastrous consequences. The historical, average Annual Delta outflow tributary to northern San Francisco Bay was 28.5 MAF (1871-1929) and is presently about 14 MAF, a 50% reduction.
A similar runoff decline had occurred in 1923-24 and led to very serious effects even prior to major water developments.
This natural lesson should be kept in mind when discussing eventual Projections of 75% water withdrawals from the Sacramento River in 1990.

The early warning signs of this excessive withdrawal are apparent in the reduced productivity of fish and wildlife resources, increased salinity intrusion affecting municipal and agricultural water supplies, increased effects of pollution loads in progressively more stagnant waters, and both subtle and gross changes in .the delta system's configuration and flow pattern.
These impacts are all the same in kind (not yet in degree) as have been thoroughly documented elsewhere. As such, equal or greater disruption to the ecology and basic economy of this system can be expected in the future. Taken together, these findings adequately demonstrate that the costs of eventual losses, where they are fully known orbe projected, far exceed any short-term benefits gained.
More importantly, it has also been demonstrated that many engineering works designed specifically to mitigate prior environmental disruption only exacerbated the problem and accelerated the eventual outcome.

Detailed reports have been published over the past decade which .have addressed the problems of water resources development leading to the subsequent destruction of the resource itself.

We are scientists and cannot advise you on the difficult political realities of this general problem. Nor can we understand the approach of some engineers:
"first must build and answer questions later." "Final answers to many of our most perplexing questions must be derived from the construction and operation." This quote was attributed to former Director Harvey Banks in the fifties (New West Magazine, June 16, 1980). We do know that if one follows nature's example, and answers the questions the same manner that nature has, then the result will be safe for both the environment and man.

Yours very truly,
Irwin Haydock, Ph.D. (Marine Ecology)
Michael Rozengurt, Ph.D., P.E. (Oceanography, Hydrology)

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bdcpcomments

This message was sent with High importance

From: jim [stripers@ptd.net] **Sent:** Thu 5/14/2009 12:59 PM
To: bdcpcomments
Cc:
Subject: Bay/Delta Conservation Plan
Attachments:

Ms. Delores Brown
Chief, Environmental Review
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

May 14, 2009

As a fisherman and an executive and founding member of www.stripers247.com , I am requesting the Department of Water Resources to consider and provide an adequate answer to the following fundamental questions regarding the Bay/Delta Conservation Plan's stated preferred alternative of a "dual conveyance" system, aka the Peripheral Canal.
How much water does the estuary require to maintain ecosystem integrity?
How much surplus water is available for export?
What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these fundamental questions, the Department of Water Resources is unable to assess the ability to export water out of the Delta for agricultural and municipal uses in other regions of the state. It is clear that our Delta is at crisis with several of its 750 species of plants, animals and fish in endangered or threatened status. Of particular note is the number of fish species threatened or endangered within the past several years. Salmon and steelhead populations are down 90% from historic levels. Resident open-water species (Delta and longfin smelt, threadfin and American shad, striped bass, splittail and sturgeon) are at or near historical lows. Much of their native food supply – phytoplankton and zooplankton - has been reduced by 90-99%. The mass and diversity of bottom dwelling organisms has plummeted. Hundreds of non-native invasive species have become established, further destabilizing the estuary. In addition, the Delta is severely polluted by numerous pollutants.
The first and foremost factor is the massive quantity of water exported south by the most powerful pumping network in the world: pumps that can reverse the tide and cause the San Joaquin River to flow upstream; pumps that can suck a volume of water including fish and their food supply equal to the capacity of the south Delta every four days. In some years, these pumps export almost three-fourths of the water that would have flowed to the sea.
Despite the obvious affect on the ecosystem of the Delta, pumping water south has increased exponentially since the 1950's with particular increases since the year 2000.
It is our belief that the Bay Delta Conservation Plan's stated co-equal goals of water delivery and improved habitat for the Delta is unattainable. This plan is essentially a water delivery plan sold to the general public as a conservation plan.

This plan does not pass the environmental test or the economic test. A recent study by of the University of the Pacific estimates that the economic consequences to California from ending exports are far less than from continuing upon the same path with exports.

As stated by Jerry Johns, Deputy Director of the Department of Water Resources, at the March 2009 Stockton Scoping meeting when directly questioned, " The chance of an alternative system to the dual conveyance is less than 5%" Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a pre-conceived plan looking for a rubber stamp.
We acknowledge that our Delta, one of the world's greatest resources, is in a critical state. To do nothing is not an option, but the "dual conveyance" plan offered as a solution to our water problems, is not a viable solution. The Department of Water Resources is highly encouraged to develop and present viable alternatives that answer the three questions previously listed:
How much water does the estuary require to maintain ecosystem integrity?
How much surplus water is available for export?
What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these questions, there is no plan.

Respectfully submitted,
James J. Hannan
Allcoast Media
membership of 100,000

www.stripers247.com represents over 10,000 members
We would like to see gamefish status - as well as protection of our fish from the poachers and water grabbers.

Dear Reader,

The following is an overview of my contribution to the meeting of 3/26/09

Being in a wheelchair takes me a bit longer to get to a microphone. I am one of the 'visible' survivors of West Nile Virus. In late August of 2005, I brushed a mosquito off my shoulder after swimming my daily 100 laps in the pool. I didn't give that very ill mosquito another thought. Approximately two weeks later I started to experience lack of stamina, and aches in the joints, particularly my hips and shoulders. I was unable to keep my appointment with my primary care physician because when I tried to stand (on the morning of my appointment) to my horror I found my legs would no longer support me. Overnight I had become paralyzed.

Instead of an appointment with my doctor, I was rushed to the hospital by ambulance. Five days and a series of MRIs, CAT scans, and, finally, a spinal tap later, a diagnosis of Polio from WNV was determined. Five weeks later, I left the hospital in a wheelchair. Believe me, it is indeed life-altering to learn that you have lost your independence and will never walk unaided. This, because of one mosquito bite.

When I hear ideas like flooding valuable agricultural land, returning certain areas of our precious farms to its original state, i.e. marsh land, it begs the question of just who is in danger. It's we the people, not the smelt or wildlife. When I asked, at a previous meeting, what health concerns were being addressed I was told "we haven't done that yet". At least it was mentioned in passing on 3/26. Why are we being asked (or told or threatened) to accept a life style change that cannot be justified morally, economically, or healthily? We will continue in our efforts to preserve our Delta and our way of life. Thank you

Jayne Alchorn, River Rd., Courtland CA

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— *Comment Card* —

Please Print

Name: Joanne Garcia Organization:

Telephone: (916) 422-7036 e-mail: Kenzies1s94@aol.com

Address: 211 River Acres Drive

City: Sacramento State: CA Zip: 95831

☑ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

bdcpcomments

From: Trooper208@aol.com [Trooper208@aol.com] **Sent:** Wed 3/25/2009 11:22 AM
To: frost56@sbcglobal.net; bdcpcomments
Cc: groverebethards@yahoo.com; Jackson.Chapman@comcast.net; rddaytripper@comcast.net; jackdinubilo@sbcglobal.net; klfair1950@comcast.net; Dmgoodson@aol.com; Hurleyjacks@aol.com; HJANES84@aol.com; jsprop@gmail.com; kingfish211@yahoo.com; kevinsprofishing@comcast.net; donmil40@att.net; fishseeker1@comcast.net; clifdweller51@yahoo.com; marylourich@yahoo.com; Huge92@aol.com; BobZanoni@aol.com
Subject: Re: Bay Delta Conservation Plan [SCHEME]
Attachments:

RIGHT ON DAVID THANKS John B.

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— *Comment Card* —

Please Print

Name: John Erman Organization: Suisun Marsh Landowner

Telephone: 925-525-3638 e-mail: jerman@harrisrebar.com

Address: 990 Hawthorne Dr.

City: Walnut Creek State: Ca Zip: 94596

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

Removing water from the Sacramento/San Joaquin Delta is not a good plan now or in the future. Please consider the Nuclear Desalination process that is cost effective, safe and already being used in other countries. This is a solution that will protect our natural resources and supply the needs of generations in the future. Reduced fresh water flow adversely impacts the Suisun Marsh where I am a landowner for the last 35 years and I have seen the changes that have resulted from transporting water south. Please stop now.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Fairfield

— Comment Card — 3/24/09

Please Print

Name: JON FADHL Organization: FARMER

Telephone: e-mail:

Address: 8320 KING RD

City: DIXON State: CA Zip: 95620

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

ISSUES of CONCERN

- EROSION of TAX BASE in SOLANO DUE TO MITIGATION
- ANAROBIC CONDITION FROM FLOOD of DELTA ISLANDS
- WHERE IS THE DOWN RANGE STORAGE

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

Davis

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: JON FADHL Organization: SEIF

Telephone: 707-678-1334 e-mail: JOVIAFARMS@CASTLES.com

Address: 8320 KING RD

City: DIXON State: CA Zip: 95620

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

MY QUESTION IS MORE ABOUT THE DELTA VISION AS A WHOLE. AS A PUBLIC PERSON AT LARGE IT IS BECOMING DIFFICULT TO NAVIGATE ALL THE AGENCIES INVOLVED. I WOULD LIKE TO SEE A CENTERAL IE STEERING COMMITTEE TO ASSIST THE PUBLIC OF WHICH AGENCIES MAY BE INVOLVED WITH THE CONCERN I FEEL LOST ABOUT THE VISION AND EACH AGENCIES RESPONSIBILITY

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. Comments must be received by May 14, 2009.

Stockton

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: John Studarus Organization: property owner in Delta

Telephone: 916 920-2800 e-mail: jestudarus@aol.com

Address: 195 Cadillac Dr

City: Sacramento State: CA Zip: 95825

☒ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

In nearly 100 yrs of Delta levees, NO levee has failed because of earthquake, even in the 6.9-7.1 1989 Loma Prieta earthquake. Taking more & more water out of the Delta has had more adverse impact on fish than anything else. All the levees (and islands) in the Delta are NOT peat. None of the levees nor islands north of Rio Vista are peat. Taking the cleaner water from above or in the Northern portion of the Delta will only harm the water quality (and habitat for fish, wildlife, and humans in the Delta. Until more storage is created the is no more water that can be sent south.

This project is being Railroaded through without regard to critical concerns.

Current laws are currently being ignored to ship water South. These laws should be honored

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

TAYLOR & WILEY
A PROFESSIONAL CORPORATION
ATTORNEYS
2870 GATEWAY OAKS DR., SUITE 200
SACRAMENTO, CALIFORNIA 95833
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JESSE J. YANG
KATE A. WHEATLEY
MATTHEW S. KEASLING
JAMES E. MIZELL, III

OF COUNSEL
KATHLEEN R. MAKEL

May 14, 2009

Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, California 94236

Re: Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan (State Clearinghouse Number 2008032062) – Scoping Comments and Comments on the Revised Notice of Preparation

Dear Ms. Brown:

My wife and I are residents of the City of Sacramento's Pocket neighborhood, which is adjacent to the Sacramento River and could potentially be affected by the proposed Bay Delta Conservation Plan (BDCP). In particular, I am concerned about the potential aesthetic and land use impacts of the proposed project. It is my understanding that your agency is currently soliciting scoping comments on the joint environmental impact report/environmental impact statement (EIR/EIS) that is to be prepared for the BDCP. In that regard, I have reviewed the Notice of Preparation (NOP) issued by your office and offer the following comments

Inadequacy of the NOP Project Description. The NOP does not appear to meet the minimum standards specified in the California Environmental Quality Act (CEQA) and CEQA Guidelines. Specifically, the CEQA Guidelines require that a NOP include "sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response." (Cal. Code Regs., tit. 14, § 15082, subd. (a)(1).) In this case, the NOP does not depict proposed locations for new diversions, nor does it have any mention of new pumping plants. Rather, the NOP merely notes that new points of diversion "could be located along the Sacramento River between South Sacramento and Walnut Grove." (Revised NOP, p. 8.) Thus, the NOP does not include sufficient information regarding the locations of proposed diversions and pumping plants or of the physical configuration of such facilities to allow for a meaningful response regarding the BDCP's potential environmental effects. Accordingly, the NOP should be revised to include further detail regarding the potential locations and design of proposed diversions and pumping plants and be recirculated for public review and comment as required under CEQA.

Analysis of Impacts of New Diversions and Pumping Plants. The EIR/EIS should include an analysis of the aesthetics and land use impacts of each diversion and pumping

plant that is under consideration. This analysis should include a detailed description of the proposed location, the environmental setting in the vicinity of each location, the design of the proposed facilities, visual simulations of the proposed facilities, and the environmental effects of locating such facilities on surrounding land uses.

Thank you for the opportunity to provide my comments on the BDCP. Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

John M. Taylor

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Joseph Corey Wilkerson Organization:

Telephone: 916.428-8000 e-mail: Corey@CoreyWilkerson.com

Address: 7779 River Landing Dr.

City: Sacramento State: CA Zip: 95831

☑ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

Included as part of the environmental impact study should be/must evaluate the quality of life for long-established homeowners in the Pocket area. How will the noise from proposed intake pumps affect homeowner's right to a peaceful existance? How will the visual impact alter and impact the community's stability? How will the existing water sports enjoyed by many be affected? How will the resale market of our homes be affected? Will potential buyers be off put at the noise and other intrusions? Will our property values be negatively impacted? Can the intakes be located somewhere less people populated?

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

William S. Reustle
Attorney & Counselor at Law
547 Jefferson Street, Suite "C"
Fairfield, CA 94533

Phone: 707 427-1662
Fax: 707 425-4488

E-mail: wreustle@sbcglobal.net
www.geocities.com/wreustle@sbcglobal.net

July 6, 2007

ANAEROBIC

County of Solano
Department of Resource Management
675 Texas Street, Suite 550
Fairfield, CA 94533

RE: General Plan Update

Dear Mr. Harry L. Englebright & Citizens Advisory Committee (CAC):

June Guidotti (Bonnici) has used her property for the agricultural grazing of sheep and cows. Her future plans are to continue this practice.

In addition, she proposes to construct a research project the study the production and quality value of feed grains produced from an acerbic and/or pyrolysis system. Feedstock to be considered in the project are sugar beets, green waste, corn, wheat, cannery waste, brewery waste, and other available by-product or agricultural product sources. It is estimated that the research project would be sited on approximately 20 acres.

In 1993, she proposed to site a Waste To Energy (WTE) plant on her property. **See Solano Garbage Company Landfill Environmental Impact Report dated January 1993, Page 3-27 (5) Bonnici Project. A portion of the reserved project will also involve the production of energy from waste by-products. This project is similar to what UC Davis is presently using.

Her property has been in her family for 5 generations. It is safe to say that her property is, and should be, considered "grandfathered" in all aspects regarding agricultural, land use, water, and no limits should be placed on this parcel. Her property is located in the buffer zone as outlined in the Suisun Marsh, as adopted by the State Legislature.

The permits, "*Certification of Qualifying Status of a Small Power Production Facility*" (18 C.F.R. §381.505(a); and, "*Certification of Qualify Status as a Cogeneration Facility*" (18 C.F.R. §381.505(a) Ms. Guidotti is seeking may not be necessary because of research.

She requests that her land use be accordingly revised so that there will be no restrictions on her anticipated activities.

Sincerely,

WILLIAM S. REUSTLE

13

June Guidotti
3703 Scally Road
Suisun, CA 94533

November 16, 2007

County of Solano
Department of Resource Management
675 Texas Street, Suite 550
Fairfield, CA 94533

RE: General Plan Update My Parcel No. 0046-130-170

REQUEST THAT GUIDOTTI PARCEL LAND USE BE ACCORDINGLY REVISED SO THAT THERE WILL BE NO RESTRICTIONS ON GUIDOTTI ANTICIPATED ACTIVITIES FOR THE ALTERNATIVE FOR PHASE I AND PHASE II OF POTRERO HILLS LAND FILL

Dear Mr. Englebright & Citizens Advisory Committee (CAC):

I read with interest an article in today's newspaper (Daily Republic) a press release about the upcoming meeting on Monday, November 19, 2007 on the Solano County General Plan Update.

Gentlepersons, my parcel of land is on that map and I have written letters with specific requests, as well as attended the meetings. On September 10, 2007 the minutes from the August 13, 2007 and the August 27, 2007 meetings were adopted and the portion of those meetings pertaining to my land were wrongly adopted.

I wrote a letter to Terry Curtola on October 28, 2007 asking for specific performance regarding my land, but Mr. Curtola chose to ignore my letter. My request was valid—The above parcel has been in my family over 100 years and now because Solano Land Trust wants my land via the "Resource Conservation Overlay" so they can litigate and mitigate with Potrero Hills Land Fill (PHLF) to get my land. If you look carefully at the overlay you will see that PHLF does not have an overlay on their property. Why not?

All I want, in a nutshell, is to be able to enjoy the use of my land as outlined in Mr. Reustle's letter of July 6, 2007 (attached). That is my inherent American right.

Sincerely,

June Guidotti & Family & For The Public

June Guidotti & Family & For The Public

Birgitta Corsello, Resource Management Director
County of Solano
675 Texas Street, -
Fairfield CA 94533

Dennis
James Bunting, Counsel
County of Solano
675 Texas Street
Fairfield CA 94533

November 9, 2007

Dear Ms. Corsello and Mr. Bunting,

I submit these comments to Solano County officials on behalf of the Guidotti Family, and the need of the people now that the Board of Supervisors has authorized an additional $42,000 contract with EWAW to revise the decertified EIR for the proposed 35-year Potrero Hills Landfill ("PHLP") project.

The Guidotti Family believes that you as responsible public officials should ensure that the revised EIR considers the most practicable alternative site available for the general purpose of this project. In our opinion Potrero Hill Landfill Phase I and Phase II has an adverse ecological and aesthetic impact on the Suisun Marsh. Guidotti Family does not believe it is in the public interest to have a project approved that would significantly impact one of the most important brackish marshes in the entire United States. Nor is it in the Public interest to approve a project that will potentially impact an endangered species, the Delta smelt, on the brink of extinction. Finally, an alternative site for this project should be selected because this project entails impacts to aquatic resources that are either not mitigable or inadequate.

The Guidotti Family did not give any one the right to use are parcel of land for mitigation, for any project Republic Services Inc owns, or Solano Land Trust, or Solano County, or anyone to make use without written permission of the owner.

Alternative sites: 66646 Construction of a new or expanded Thermal Electric Generating plants within Suisun Marsh for long term Agricultural use:

Guidotti Family believe that the alternative site for the general purpose of the project is in the 1993 Solano Garbage Company Environmental Impact Report dated January 1993 Page 6-27 (5) Bonnici Project: A portion of the reserved project will also involve the production of energy from waste by products. This project is similar to what UC Davis is presently using.

Enclosed is William S. Reustle July 6, 2007 letter to County of Solano Resource Management RE: General Plan Update: Stating Certification of Qualifying Status of a Small Power Production Facility' (18 C.F.R.381.505 (a), and, "Certification of Qualify Status as a Cogeneration Facility' (18 C.F.R.381.505 (a) Ms.Guidotti is seeking may not be necessary because of research.

June Guidotti & Family In the Public

June Guidotti & Family& for the Public.
3703 Scally Road
Suisun California 94585
Cell 707-6319365

William S. Reustle
Attorney & Counselor at Law
547 Jefferson Street, Suite "C"
Fairfield, CA 94533

Phone: 707-425-4470
707-427-1662
Fax: 707-425-4488

E-mail: wreustle@sbcglobal.net
www.geocities.com/wreustle@sbcglobal.net

August 25, 2007

Solano County Citizens Advisory Committee
Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533

RE: Comments and Recommendations on CAC Workbook: Land Use Alternatives South Vacaville-Fairfield-Suisun City Area

Dear CAC Members:

I am submitting this letter on behalf of my client, June Guidotti, for the August 27, 2007, County of Solano General Plan Update - Citizens Advisory Committee Meeting #23 scheduled to begin at 6:00 p.m. Please include the following comments and recommendations in the meeting record.

The CAC Workbook contains several errors related to the P13 proposal. **Please revise Table 2 on page 20 of 31 to**

reflect the current designation of Agriculture, extensive agriculture, and solid waste. In addition, the notes section of Table 2 states: "In the Primary Management Area of the Suisun Marsh Protection Plan. Amendment to BCDC's Suisun Marsh Protection Plan required." Ms. Guidotti's property is located in the secondary management area of the Suisun Marsh as stated on page 19 of 37 of the Workbook. We request that the note be revised to reflect what is required for the secondary management area for a multi-designated land use.

Table 2 on page 20 of 31 of the Workbook does not reflect land use classifications that would allow Ms. Guidotti to continue long-term agricultural activities on her property. It was her intent to add solid waste/energy activities to her property uses and, if necessary, modify the General Plan designation to reflect all current and proposed activities. The designation "pyrolysis plant" was a result of a communication error on the part of my client, and does not appear to be a land use designation that is listed in the CAC workbook. **Therefore, we request that "pyrolysis plant" be changed to agriculture, extensive agriculture, composting, solid waste, industrial, and commercial agricultural related industry**.

My client has sought clarification from various County staff (Dale Cardwell, Harry Englebright, Ron Glas, Mike Yankovich) on what the appropriate land use and zoning classifications currently are for her property. In addition she has inquired as to the future land use and zoning classifications under the proposed General Plan in order to continue her long-term agricultural activities, and to add an anaerobic or pyrolysis plant to her property. She has not received direct or sufficient answers.

When questioned at a CAC meeting on September 18, 2006, Harry Englebright indicated "...alternative energy projects as a land use is a topic the CAC will be discussing during the update process". To our knowledge this topic has never been discussed at a CAC meeting per Mr. Englebright's promise.

It is my client's understanding that the County Assessor's Office has the Land Use for my property identified as Range and Watershed. This is a mistake as her property is located in the secondary management area of the Suisun Marsh and according to the Solano County Land Use and Circulation Element "... The Secondary Management Area established in the 1977 Act, as shown on Figure 4, is designated for extensive agricultural use on the Land Use and Circulation Map." (Page 41). In addition, the Land Use and Circulation Element (Page 38) states: "The watershed designation has been applied to three areas of the County: the northern portion of the English Hills, the Vaca Mountains and the Twin Sisters area comprising a total of 34,000 acres."

My client believes that her property's Land Use is vested as Agriculture, Extensive Agriculture, and Solid Waste and that the zoning is Limited Agriculture-160. Ms. Guidotti has historically grazed cows, sheep and goats, as well as raised pheasants on my property. In addition, she has grown hay and maintained a vineyard. Her goal is to continue long-term agricultural use on her property and to add two projects that she believes are currently considered agricultural composting (solid waste) and thermal energy projects.

Ms. Guidotti has filed an application with the Resource Management Department (Ron Glas) on August 24, 2007, for a two-step compost facility and energy project. The first step will be a research project for long-term agricultural use

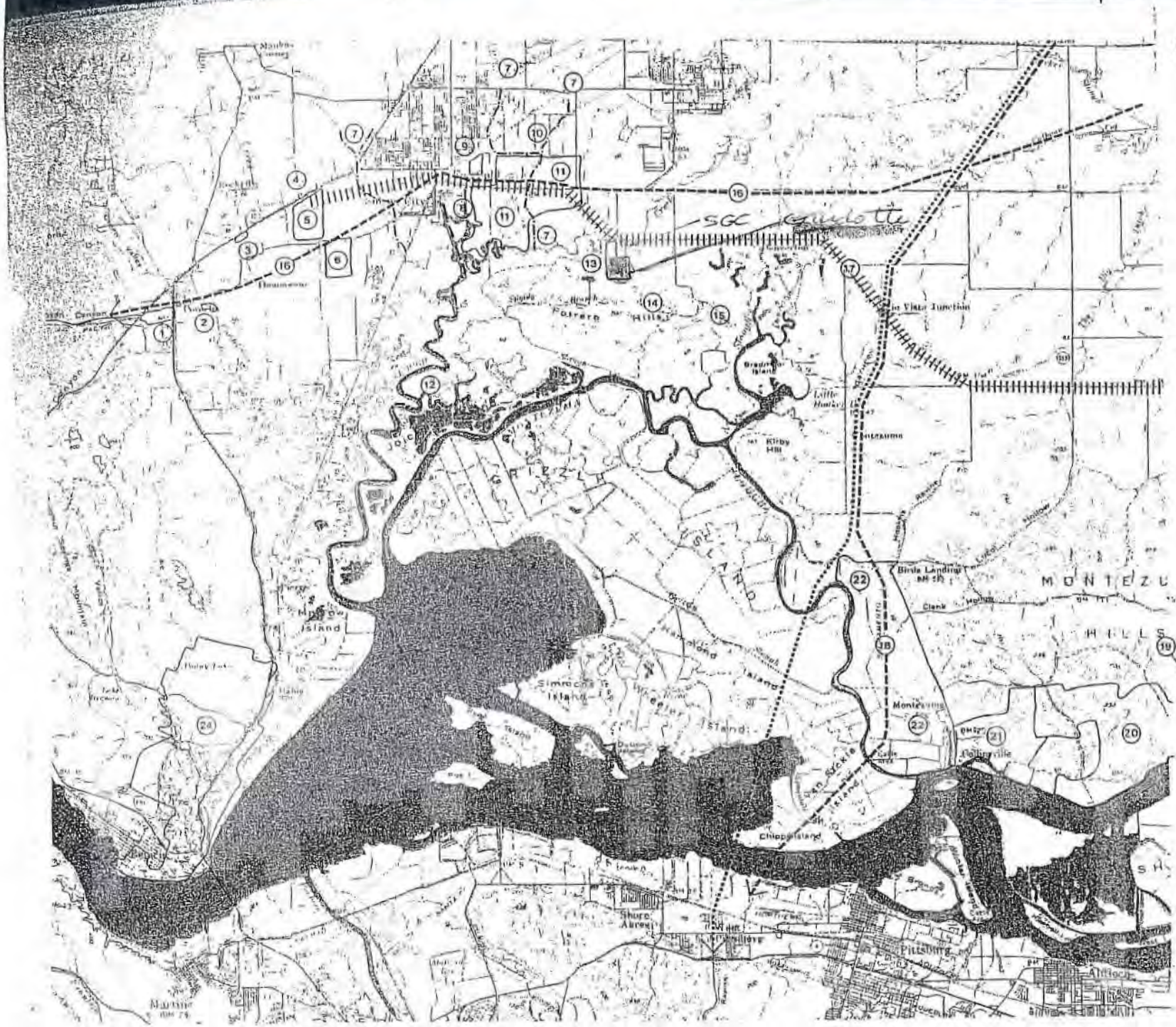
to process various combinations of feedstock (i.e., sugar beets, green waste, corn, wheat, cannery waste, brewery waste, and other available by-product and agricultural product materials or wastes) using an anaerobic digestion or a pyrolysis system to produce a high quality feed grain and energy [*Certification of Qualifying Status of a Small Power Production Facility (18 CFR Section 381.505(a)*]. It is my understanding that the California Integrated Waste Management Board currently considers anaerobic digestion systems compost facilities.

The second step will be the development of a full-scale anaerobic digestion or pyrolysis system to produce a high quality feed grain and cogeneration facility [*Certification of Qualifying Status as a Cogeneration Facility 18 CFR, Section 381.505(a)*] for the manufacture of feed grains and energy using the technology and feedstock that proved to be the most successful during the research study.

Within ten days of the date of this letter, please acknowledge in writing if the requested changes will be made. Thank you for the opportunity to present you with my client's comments.

Sincerely,

WILLIAM S. REUSTLE



EXISTING AND PROPOS PROJECTS

1 Cordelia Villages
2 Wastewater Pilot Project
3 Cordelia Commerce Park
4 Abernathy Road Interchange
5 Anheuser-Busch Brewery
6 Fairfield Subregional Sewage Treatment Plant
7 Fairfield Streams Project
8 Suisun Pacific Marina
9 Suisun Villages
10 Laurel Estates
11 Cold Springs Harbor
12 Suisun Slough Channel
13 Solano Garbage Company
14 Envirosol, Inc.
15 Explosives Technology Corp.
16 North Bay Aqueduct
17 Highway 12 Improvements
18 East Bay Municipal Utilities District Aqueduct
19 Atlantic Richfield Petrochemical Plant
20 Dow Petrochemical Plant
21 PG&E Power Plant
22 National Steel Co.- SP Transportation Co. Property
23 Shell Natural Gas Pipeline
24 Benicia Industrial Park

Pipeline .....
Aqueducts ----
Highway Improvements IIIIIIII
Present Dredged Channel & Proposed Flood Control Project ——·——

1 0 1 2 3 5
miles
1 0 1 3 5
kilometres

San Francisco Bay Conservation and Development Commission

N

Figure 10

William S. Reustle
Attorney & Counselor at Law
547 Jefferson Street, Suite "C"
Fairfield, CA 94533

Phone: 707 427-1662
Fax: 707 425-4488

E-mail: wreustle@sbcglobal.net
www.geocities.com/wreustle@sbcglobal.net

December 6, 2008

Solano County Board of Supervisors
675 Texas Street, Suite 6500
Fairfield, CA 94533

RE: Agenda #38 Public Hearing to further consider certification of the Final Environmental Impact Report for the Potrero Hills Landfill Expansion Project and approval of modifications to Use Permit No. U-88-33 (Revision No. 2) for the Potrero Hills Landfill Expansion Project

Dear Ladies and Gentlemen:

I am submitting this letter on behalf of my client, June Guidotti. Please consider this letter and include the following comments and recommendations in the meeting record.

It's hard to improve upon perfection. Attorney Kelly Smith's letter, dated 12/8/2008, expressed almost every word I wanted to say. About the only thing lacking was ... an objection to a public entity siding with a private enterprise to take my client's land, or vested rights of her land, away from her. She has survived death of a family member, fires, vandalism, terrorist threats, nuisance, litter, dust, odor and bio-solids across her property from the landfill next door, trespassers, loss of water in her pond, the landfill gasses, and the nastiest tasting water on this planet. Many of these things bear a direct relationship to the Landfill, which is not necessarily a great neighbor.

My client, June Guidotti, went so far as to sue (and prevail, I might add) Solano County. It was ordered by Judge Paul Beeman that Solano County must "reconsider" the certification of the EIR in accordance with CEQA and CEQA guidelines or to reconsider and/or modify the conditional use permit prior to any decision to proceed. I submit that these "fixes" have not yet been satisfied. Submission of an *addendum*, knowing it will only fail again is probably not the most efficient way to proceed.

An analogy I liken to what you are trying to accomplish is the K.I.S.S. system, or Keep It Simple Stupid. Why don't you simply fix what was ordered and then prepare a NEW Environmental Impact Report, instead of publishing in the Daily Republic about a public meeting on an addendum? To also avoid a Hatfield & McCoy situation, I strongly urge you take other avenues of access to the landfill without the taking of more of my

client's property. She has already lost an easement of 16 ½ feet because the landfill did not use the Amos & Andrews quarry road to the west of Emmington Road, but established a 32 foot wide commercial industrial road to the landfill. I am not going to allow anyone to take any more land or property rights from her without litigation.

It is incumbent upon the County to make the "fixes" and then prepare and submit to the public a new revised EIR that fully complies with CEQA.

Enclosed for the record are letters from 7/6/07, 8/20/07, 8/25/07, 11/30/07, and a map, which you probably should look at carefully. On the map, item #13 is shown as the Solano Garbage Company, but really part of #13 is my land. Solano Garbage Company and Ms. Guidotti's property is in the Potrero Hills, but the Potrero Hills Landfill is in the nearby canyon. Burning is not allowed in the canyon thus a power plant is not appropriate. Ms. Guidotti's land was previously identified as a site for a solid waste to energy plant which satisfied the original land use permit requirements. Solano Garbage Company actually had an option to lease a portion of the Guidotti Ranch for a few years after which the option was not renewed. Solano County did not challenge the failure of Solano Garbage Company to maintain the requisite site.

These items should be addressed in the Joint Technical Document and the Landfill Closure plan. These documents must be certified and made available to the public.

Finally, included as part of the record reference is made to all environmental laws (Federal, State, Local and County) and especially to Solano Superior Court Case Nos. FCS026779 and FCS026839 (Protect The Marsh). Also see enclosed a Complaint for Mandate from California Water Impact Network (C-WIN) and California Sportfishing Alliance (CSPA), Felix Smith (an individual).

Sincerely,

William S. Reustle
Attorney for June Guidotti

Comments made at the
BDCP Scoping Meeting
March 26, 2009
Clarksburg Middle School
Clarksburg, CA

Hello. My name is Kathy Hunn. I am a resident of Clarksburg and my husband is a farmer in the area. I wish to speak to the human aspect of this proposal being put before us tonight.

Many people who would be affected in the area are landowners. Far more people who live and work here do not own land. Our farming operation alone has 35 employees, fifteen of whom live here year round with their families. Once you have taken our land, or have created circumstances where the land is no longer farmable, those families will be left homeless and unemployed. Multiply that by the fact that Clarksburg has 331 farming units. Then, as you move on down the river, you have all the farms in the towns of Hood, Courtland, Locke, Walnut Grove, Isleton, and further south. The human cost is immeasurable, not to mention the economic devastation to the area.

In addition, there are many support businesses which will be gravely affected by the destruction of area farming. For example, equipment sales and repair companies, fuel delivery companies, seed companies, and the list goes on from there.

My request and my prayer is that you will hear all the comments made tonight and work to include the residents of the North Delta in the process to come up with workable solutions for all of California's citizens.

Please address this directly in your final EIR/EIS.

Clarksburg

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Ken Hoernlein Organization:

Telephone: 744-1415 e-mail: Kkhoernlein@calbroadband.net

Address: 49207 Caffrey Rd

City: Clarksburg State: CA Zip: 95612

☑ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

1) Why is the deep water channel not being considered as a conveyance?

2) What about Southern California Storage systems. How can water be sent in excess time without local storage.

3) Please consider the socio-economic impacts of this plan.

4) Clarksburg is the largest contributor to economy of Yolo County

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

5) Land ~~Co~~ Value talk should be consider at a pre-Canal Level.

bdcpcomments

From: Kent Wisecarver [kentwisecarver@sbcglobal.net] **Sent:** Wed 5/13/2009 7:56 PM
To: bdcpcomments
Cc:
Subject: BDCP, comments
Attachments:

Ms. Delores Brown

Chief, Environmental Review

Department of Water Resources

P.O. Box 942836

Sacramento, CA 94236

As a fisherman and member of the California Striped Bass Association,and the Bolinas Rod and Boat Club+, I am requesting the Department of Water Resources to consider and provide an adequate answer to the following fundamental questions regarding the Bay/Delta Conservation Plan's stated preferred alternative of a "dual conveyance" system, aka the Peripheral Canal.

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these fundamental questions, the Department of Water Resources is unable to assess the ability to export water out of the Delta for agricultural and municipal uses in other regions of the state. It is clear that our Delta is at crisis with several of its 750 species of plants, animals and fish in endangered or threatened status. Of particular note is the number of fish species threatened or endangered within the past several years. Salmon and steelhead populations are down 90% from historic levels. Resident open-water species (Delta and longfin smelt, threadfin and American shad, striped bass, splittail and sturgeon) are at or near historical lows.

Much of their native food supply – phytoplankton and zooplankton - has been reduced by 90-99%. The mass and diversity of bottom dwelling organisms has plummeted. Hundreds of non-native invasive species have become established, further destabilizing the estuary. In addition, the Delta is severely polluted by numerous pollutants.

The first and foremost factor is the massive quantity of water exported south by the most powerful pumping network in the world: pumps that can reverse the tide and cause the San Joaquin River to flow upstream; pumps that can suck a volume of water including fish and their food supply equal to the capacity of the south Delta every four days. In some years, these pumps export almost three-fourths of the water that would have flowed to the sea.

Despite the obvious affect on the ecosystem of the Delta, pumping water south has increased exponentially since the 1950's with particular increases since the year 2000.

It is our belief that the Bay Delta Conservation Plan's stated co-equal goals of water delivery and improved habitat for the Delta is unattainable. This plan is essentially a water delivery plan sold to the general public as a conservation plan.

This plan does not pass the environmental test or the economic test. A recent study by of the University of the Pacific estimates that the economic consequences to California from ending exports are far less than from continuing upon the same path with exports.

As stated by Jerry Johns, Deputy Director of the Department of Water Resources, at the March 2009 Stockton Scoping meeting when directly questioned, " The chance of an alternative syste m to the dual conveyance is less than 5%" Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a pre-conceived plan looking for a rubber stamp.

We acknowledge that our Delta, one of the world's greatest resources, is in a critical state. To do nothing is not an option, but the "dual conveyance" plan offered as a solution to our water problems, is not a viable solution. The Department of Water Resources is highly encouraged to develop and present viable alternatives that answer the three questions previously listed:

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

Respectfully,
Kent Wisecarver

bdcpcomments

From: wklywdr@aol.com [wklywdr@aol.com] **Sent:** Fri 4/3/2009 6:00 PM
To: bdcpcomments
Cc:
Subject: Scoping Comment EIR/EIS: An Alternative Route for the Peripheral Canal
Attachments:

To: Ms. Delores Brown
Office of Environmental Compliance
Department of Water Resources
PO Box 942836
Sacramento, CA 94236

From: Laura Schneider
1501 South Edgewood Street
Unit #579
Arlington, VA 22204
(703) 553-0497

Re: Scoping Comment for EIR/EIS BDCP: An Alternative Route for the Peripheral Canal

I have studied the various maps outlining alternative routes for the proposed peripheral canal. I realize these studies are all concept plans, and no one route has been decided on at this time. However, by taking them as a whole, I have come to realize that any one of them would be devastating and cause irreparable damage to delta lands. This is because this project is massive in scope. We are talking here of a conveyance 600 feet wide. This is the width of two football fields, measured end to end, cutting right through prime farm land, for many miles. Land such as found in the delta is a valuable and treasured resource and should not be used for such purposes. The top soil in the delta, especially in the north delta, is incredibly rich and very deep. To carve it up, compact it with heavy equipment, and take it out of production, in the way proposed by the BDCP, is exceedingly short sighted. There is no reason to put this conveyance through the delta, when other routes, completely outside of the delta, have not even been seriously considered.

I propose the following route for this conveyance (peripheral canal): The best place for this conveyance project is out in the range land, in the foothills, east of Sacramento. The soil there is much poorer than in the delta. Follow the eastern edge of the Sacramento/ El Dorado County Line, south to the eastern edge of the San Joaquin County Line, to the Stanislaus/ Calaveras County line until it meets the Stanislaus River. Then follow that river west to the Delta Mendota Canal, and use that conveyance to send the water south.

In order to use the peripheral canal for flood protection for the city of Sacramento (which it would not do in any of its present configurations, because all the water for all the proposed canals will be taken out after the water has passed through the city of Sacramento), water for the peripheral canal should be taken out north of Sacramento, near Nicolaus, and then directed through the peripheral canal to Folsom Lake, with an outlet on the south side of Folsom Lake at the Sacramento/El Dorado County Line, and then south, along the foothills, as described above.

Using this plan, the canal would serve as an "overflow device" for Folsom Lake during high water years, and this would reduce the likelihood of a catastrophic flood in Sacramento. Less money would have to be spent on levee strengthening along the Sacramento River, the people of Sacramento would get a benefit from reduced flood insurance premiums, to say nothing about the reduced worry of being flooded out of their homes, and Folsom Dam would not have to be raised to increase capacity in Folsom Lake.

I realize the focus of the BDCP is to save fis h in the delta. I feel, however, the BDCP is missing an opportunity to do good, by not considering other alternative routes to those already proposed. Preserve the prime farm land in the delta for future generations of hungry people. Increase flood protection for the city of Sacramento, and save lives and property. Change the route of this canal. Put this canal outside of the delta.

PLEASE ADDRESS THIS DIRECTLY IN YOUR FINAL EIR/EIS.

I am was born in Sacramento. I grew up in the delta, near Clarksburg, and I come back often to visit my parents on their delta farm.

Sincerely,
Laura Schneider

bdcpcomments

From: les johnson [lesjohnsonconsults@sbcglobal.net] **Sent:** Thu 5/14/2009 1:46 PM
To: bdcpcomments
Cc:
Subject: Fw:
Attachments:

----- Forwarded Message ----
From: Maureen Johnson <lightmo@sbcglobal.net>
To: lesjohnsonconsults@sbcglobal.net; Maureen Johnson <lightmo@sbcglobal.net>
Sent: Thursday, May 14, 2009 12:59:37 PM
Subject:

We are local "Pocket" area residents with a home located directly behind the levee in the Pocket/Greenhaven area, i.e. Dutra Bend Drive.

Our understanding of the BDCP is that it includes the building of 4-5 new water inatake pumps and water storage facilities te enable more water to be conveyed to the Bay and Southern California areas.

It is also our understanding that the pumps and water storage facilities will require construction of vast numbers of new towers and power lines. We have concerns about the noise pollution, landscape and riverbank degradation, as well as the volume of water drained, especially during drought periods.

We are astonished at the lack of public discussion and short notice regarding this project. Do we need to remind you of the successful lawsuits that occured after the airport was forced on the Garden Highway neighborhood?

It would be our hope that full disclosure and consideration of the above listed concerns be addressed.

Les and Maureen Johnson
7791 Dutra Bend Dr.
Sacramento, CA 95831
Ph# 916-393-7900

bdcpcomments

From: JLucas1099@aol.com [JLucas1099@aol.com] **Sent:** Thu 5/14/2009 5:09 PM
To: bdcpcomments
Cc:
Subject: Fwd: US COE Public Notice on NOP EIR/EIS Sacramento River Shipping Channel d...
Attachments: US COE Public Notice on NOP EIR/EIS Sacramento River Shipping Channel dredging(8KB)

Dear Ms. Brown,

Please find attached my July 2008, comment letter to the San Franciso Corps of Engineers. This is for your information, just in case you do not have the background COE Public Notice that the SFCOE circulated last Spring in regards the deepening to 35 feet of the Yolo Bypass shipping channel off the Sacramento River. The bypass, I believe, exits downstream of Sacramento, and this project needs to be incorporated in your review for cumulative impacts to the Sacramento River system flows.

Libby Lucas
174 Yerba Santa Ave.,
Los Altos, CA 94022

bdcpcomments

From: JLucas1099@aol.com [JLucas1099@aol.com] **Sent:** Wed 7/30/2008 12:02 PM
To: SPNETPA@USACE.army.mil
Cc: JLucas1099@aol.com
Subject: US COE Public Notice on NOP EIR/EIS Sacramento River Shipping Channel dredging
Attachments:

Bill Brostoff CESPN-ET-PA
USACE, San Francisco District
1455 Market Street, 15th Floor
San Francisco, 94103

Dear Bill Brostoff,

In regards the Public Notice for NOP of an EIR/EIS on the proposal to dredge the Sacramento River Shipping Channel, I would like to suggest addressing the following considerations:

~ The 1992 San Francisco District COE Final Report on Sediment Budget Study for San Francisco Bay has essential base data for modeling the Sacramento River flows needed to carry variable annual sediment loads through the Estuary. (Please note subconsultant report by Professor Ray B. Krone of U.C. Davis.) The model for an EIR/EIS should assess the magnitude of base flows needed to carry sediments not only through the mainstem Sacramento River and shipping channel but eventually through the Bay and out the Golden Gate. If a greater percentage of the Delta sediment load is allowed to remain in San Francisco Bay it will travel throughout bay by wind and wave action and increase sedimentation of the Oakland Estuary and South Bay, resulting in increased dredging costs for the Ports of Oakland and Redwood City. (A cost benefit analysis should address this.)

~ If shipping channel is lowered to 35 foot level, is it likely to be sufficiently below historic Sacramento River so as to result in this bypass dewatering the mainstem Sacramento River and degrading its riparian corridor and instream beneficial uses? Will migrating anadromous steelhead and salmon be diverted into shipping channel? Could this be lethal due to raised water temperatures or lack of continuity of riparian canopy? If diverted into shipping channel can fish eventually reach main Sacramento River channel upstream?

~ Saltwater intrusion has been an ongoing concern with increased diversions from the Delta. How much further upstream of Rio Vista will this deepened shipping channel bring saltwater? Will this new mixing zone degrade quality of drinking water supplies pumped out at Clifton Court Forebay? How extensively will Suisun Marsh and Sacramento River riparian vegetation be altered by these more brackish water conditions? Will such changes in marsh and riparian vegetation impact food sources for resident or migratory waterfowl? Will an endangered species or species of special concern be impacted? Will any alteration in habitat occur? Will increased brackish conditions likely result in increased incidence of invasives?

~ In USCOE Sediment Budget Study for San Francisco Bay it states that flows of 5000 cfs are maintained at Sacramento River Navigation Control Point from April through October, and 4000 cfs from November through March of all normal CVP delivery years. What will be anticipated navigation channel and mainstem Sacramento River channel flows implemented with a deepened channel in present water supply regimen?

As I am presently out of town and working on a laptop that has moments of disconnect, think it would be safest to get this off to you in extension timeframe that you so kindly gave. Thank you very much for any review of these points of concern.

Libby Lucas
174 Yerba Santa Ave.
Los Altos, CA 94022

PS If old USCOE documents are not readily available to you I can make copies. References not mentioned here on sediment transfer loads would be from U.C. Professor Krone and USGS. It is important that the full spectrum of high and low flow conditions are considered. 'Average flow' modeling is flawed in the extreme.

Statements of Linda Morse-Robertson

At the Clarksburg meeting:

I introduced myself as NOT being from Clarksburg, but rather Bethel Island, and that we, on our island, are ***pissed***. We are being forced out of our homes; out of our businesses and that we would fight TO THE DEATH against this debacle. I explained that I recognized that all the farmers in the north that depend on the water are going to lose their livelihoods and our island would lose theirs as well as we depend on the water to make our living, just in a different way.

I asked the Board how much each county was going to be paid for the easements that would have to be provided for the pipeline through all the south Delta islands…asked three times with no response. The only answer they had was" we are not sure IF that is going to happen"….. I explained that we have seen many salt water species around our island, including jellyfish, flounders in Walnut Grove, and that seals are living there on a full time basis around our island the last two years. Why? The salinity is such that they CAN. That happened because of the additional pump that, thankfully, the Feds shut down….

I asked what gave them the right to overturn our vote of 1982. I asked what they expected me to tell clients when their fresh water boats started getting ruined by the constant state of salt water. I asked what was going to replace the income of all of us on the island from the professional fisherman who came from all over the world to fish for black bass because our Delta is that good as it stands now. While the farmers in Clarksburg depend on the water for their land for income, I depend on the water for my small commercial harbor. And all that fresh water entails… The end result will be the same; we are all out of business if they push the canal through. Even though it is compromised now, it has a chance of recovery as long as the pumps are kept turned off and no canal is built.

Despite the board rolling their eyes at the statement, I said that if I had to tell my clients, no swimming, sharks sighted, that the chance was indeed there if we were turned into a salt water marsh. I closed with the fight to the death statement again…..

I was honored to be at that meeting with the great residents of Clarksburg, and I wear their shirt with pride. They are an impressive group!

bdcpcomments

From: Marian Fricano [MFricano@scu.edu] **Sent:** Mon 4/20/2009 4:31 PM
To: bdcpcomments
Cc:
Subject: Restoring the Sacramento-San Joaquin Delta
Attachments:

Dear People,
This is the time to put our resources into restoring the Sacramento-San Joaquin Delta and its ecosystem. California must deal with fixing our broken Delta, which in its current condition, cannot support our environment or our economy.

Whether it's the drought, reduced pumping through the Delta or our half-empty reservoirs, everyone can see that we haven't done enough to protect California's water for the future.
The Sacramento San-Joaquin Delta is home to more than 750 plant and animal species - 5 of which are endangered - and provides 25 million Californians with drinking water. We cannot wait for disaster to strike and jeopardize the well-being of our state's environmental and economic foundations - we must take action now.

Thanks,
Marian

Marian Fricano
Head, Access Services
University Library
Santa Clara University
Phone: (408) 554-5439
email: mfricano@scu.edu
www.scu.edu/library/
"Customer Services: Where service excellence is an everyday occurrence."

"A book, or a piece of art, should be the

axe for the frozen ocean within us."

---Kafka

Mark and Dana Lee
5600 Starboard Drive
Discovery Bay, CA 94505

November 18, 2009

Ms. Delores Brown
Office of Environmental Compliance, Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Dear Mrs. Brown,

I have lived on or near the California Delta since 1989. During that time, more and more water has been re-routed to the southern part of the state, for the use of the people down there. This has resulted in a major change in the environment of the Delta waterways. It used to be that we could see clear to the bottom; that we could go outside without a sour smell coming from the water; that we could see fish swimming around; that we had lots of birds nesting nearby and that we had fresh water to swim in. Now the water is brackish, smelly and the wildlife is greatly reduced. The invasive water weeds today are unbelievable, and the resultant blockage of sunlight to the bottom has caused significant eutrophication, increasing the concentration of chemical nutrients in the Delta ecosystem to an extent that the subsequent negative environmental effects such as lower oxygen levels and severe reductions in water quality, fish, and other animal populations are occurring. The impact on the Delta ecosystem has been significant and verified by many scientific reports.

Now they are proposing to stop up the natural tidal flow of water into our town by constructing two gates nearby. We already have been impacted by the California Aqueduct and the Los Vacqueros Reservoir removing fresh water from our area. With the blockage of tidal water into the region, there will be a significant increase in stagnate water, resulting in a prime breeding ground for mosquitoes carrying the West Nile Virus. We are very concerned for ourselves and our children. I am appealing to you as a mother and a person who cares about the California environment to please help us. There has not been an Environmental Impact Report done on this project, which we feel is illegal. With a population of over 30,000 people impacted by these gates, we think that the Water Agency should stop and recognize the impact they will have.

I have seen first-hand the decay of the Delta water and its environment. Blocking the natural flow of waters and tides and sending more water south through the Tracy pumps is NOT helping the Delta or the San Francisco Bay. Please help us, and our town, remain healthy.

Sincerely,

Dana A. Lee

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Tue 3/31/2009 5:32 PM
To: bdcpcomments
Cc: Karla Nemeth
Subject: Designation of "peripheral canal" or "isolated facility" in BDCP Communications
Attachments:

March 31, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources

Dear Ms. Brown:

During my study of BDCP materials over a period of many months, I have noticed the repeated use of the phrase "around the Delta" when referring to the proposed new North Delta diversion and its associated conveyance facilities. While it is true that the water the new facility carries will not be running through the Delta channels as happens at present, it is definitely not true that the new conveyance will run "around the Delta" as stated in many of your public documents and as often appears in print media and other public pronouncements. A few examples from your literature follow:

- BDCP Facts About Conveyance (8/25/08) back of page: "new point(s) of diversion in the northern Delta with isolated conveyance *around the Delta."* (italics mine)
- BDCP: An Overview and Update (March 2009) page 3: Improvements to water operation and flow: "Constructing and operating new points of diversion in the northern Delta reach of the Sacramento River with isolated conveyance *around the Delta* to the existing south Delta State Water Project and Central Valley Project facilities." and page 11: "The Steering Committee agreed that the most promising approach...would be to develop and analyze more environmentally friendly ways to move water through and/or *around the Delta,* and then to develop corresponding conservation strategies." (italics mine)
- The Bay Delta Conservation Plan: Points of Agreement for Continuing into the Planning Process (November 16, 2007) page 3: 2.3 Conveyance Facilities: "The main new physical feature of this conveyance system includes the construction and operation of a new point (or points) of diversion in the north Delta on the Sacramento River and an isolated conveyance facility *around the Delta*." (italics mine)

In fact, a cursory examination of your maps shows that the new canal, along with its considerable infrastructure (pipelines, transmission lines, pumps, bridges, tunnels, roads, etc.), runs directly through the Statutory Delta, the longer portions actually running through the Primary Zone, an area that under almost every other circumstance has been declared effectively off-limits to most types of development. In view of the wide-spread agreement about the fragility and environmental degradation of the Delta, this is as it should be.

However, your printed materials contribute to a misapprehension about this proposed project that is widely held among members of the general public, and very likely most of our lawmakers as well, namely, that it leaves the Delta intact because it carries the water around it to the pumps. Those of us who call the Delta home know that it will have huge impacts on the physical integrity, economic viability, and ecological health of the Delta, entirely aside from considerations of the effects of water diversion from the north. It shreds the landscape from north to south, introduces huge urban-scale facilities into a rural setting, and slices and dices fragile waterways, levees, farmland, and habitat areas alike. None of this will be apparent to anyone who hears that this canal will go "around the Delta". I call on the BDCP Steering Committee and everyone associated with this Plan to stop using this description of the "isolated conveyance" and to instead begin to give a true verbal picture to all of where this canal will actually be located. As an alternative, move as much as possible of the route of the conveyance to a location outside of the Primary Delta so as to minimize the massive detrimental impacts a through-Delta route cannot help but have.

Thank you for your consideration.

Mary McTaggart
34840 South River Road
Clarksburg, CA 95612
cavelanding@yahoo.com

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Thu 5/7/2009 6:51 PM
To: bdcpcomments
Cc: lori_rinek@fws.gov
Subject: BDCP EIR/EIS Public Scoping
Attachments:

May 7, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Dear Ms. Brown:

Please evaluate the following in the Final EIR/EIS:

1) Re: The Revised Notice of Preparation of EIR/EIS for the BDCP (February 13, 2009):

(a) Under "Project Area" (p.6) it is stated, "Any conservation actions outside the Statutory Delta would be implemented pursuant to cooperative agreements or similar mechanisms with local agencies, interested non-governmental organizations, landowners, and others." (underlinings mine) Since it is not stated elsewhere in this document that conservation actions inside the Statutory Delta would be implemented pursuant to cooperative agreements with landowners, etc., please confirm whether conservation measures will be implemented through cooperative (voluntary?) agreements with landowners within the Statutory Delta, or not.

(b) Please answer the question: "Is the proposed new North Delta diversion and conveyance a conservation measure under the BDCP?" If so, will this measure be implemented pursuant to cooperative agreements with landowners? If not, please state which of the Covered Activities numbered 2 through 9 (p.4) 1) are not conservation measures under the BDCP, and 2) will be implemented if necessary through the exercise of eminent domain power. Then evaluate the impacts of the use of eminent domain seizures on the economic and social viability and cohesiveness of affected Delta communities (agricultural and water-based recreational). By "communities" is meant not just the so-called "legacy towns", but the much larger rural communities surrounding them of which they are a part.

2) This request targets all future BDCP and indeed DWR map and document publication, with a further request to update, edit, or revise past publications to accomplish the following: Identify or designate on any map or list of Delta islands, districts, or tracts two of the northernmost of these, that is, Netherlands District (Reclamation District 999) and Lisbon District (Reclamation District 307). These comprise together more than 30,000 acres of the Primary Zone of the Statutory Delta, yet they have been omitted from all of the following recent Delta resources: the Delta Vision Blue Ribbon Task Force Report (October

2007) and Strategic Plan (December 2008), both of the recent Public Policy Institute of California Delta reports (which list 74 Delta islands, but not these),DWR's Delta Overview and Delta Atlas , and the Delta map accompanying the Revised BDCP NOP, to name only a few. In addition, State Highway 84, the northernmost portion of which is known locally as Jefferson Boulevard, is also routinely left off of Delta maps and lists of Delta infrastructure that accompany publications by various entities engaged in Delta planning. The North Delta is more than a blank space. As a matter of justice, courtesy, accuracy, and for the public and historical record, please put us "on the map".

Thank you for your consideration.

Mary McTaggart
34840 South River Road
Clarksburg, CA 95612
(916) 744-1945
cavelanding@yahoo.com

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Tue 5/12/2009 3:34 PM
To: bdcpcomments
Cc: Lori Rinek
Subject: EIR/EIS Scoping Comment
Attachments:

May 12, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Dear Ms. Brown:

Please include in your range of alternatives a proposal made by ex-Senator Mike Machado at the Stockton scoping meeting. He believes there is an alternative that has never been tried and that would require only this change: enforce all the laws governing the Delta - water quality, water rights, fish harvest, etc. - that are now on the books. No one knows what the Delta would be like if this were done, because it never has been; the true baseline conditions of the present Delta cannot easily be determined because of this lack of enforcement - just looking at what laws are now in place won't tell you what is actually happening in the ecosystem. Therefore please consider what the direct, indirect, and cumulative impacts of energetic enforcement of current law would be on the Delta ecosystem. I urge you to consider this as an alternative to the huge cost of massive new infrastructure (i.e. the isolated facility and thousands of acres of man-made habitat areas) which, by its very construction and presence, let alone operation, may bring a whole new set of unforeseen environmental maladies upon the Delta.

Thank you for your consideration.

Mary McTaggart
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916-744-1945
cavelanding@yahoo.com

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Tue 5/12/2009 5:01 PM
To: bdcpcomments; Lori Rinek
Cc:
Subject: BDCP Scoping Comment: Conveyance Design
Attachments:

May 12, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Dear Ms. Brown:

A document entitled "Draft Considerations for Determining the Capacity of Isolated Conveyance" was presented at the February 24, 2009 meeting of the BDCP Integration Team. "Pros" #5 states: "A 15,000 cfs capacity could minimize cut-and-fill costs associated with digging a canal and building levees around the canal....a 15,000 cfs canal would be able to use the soil removed for digging the canal for building the levees." Please be advised that probably as much as a third of the length of the proposed eastern alignment (central and south Delta areas) runs through peat soil of thickness up to 10' and perhaps more (map from one of the PPIC reports). Since various planning papers have attributed the high susceptability to failure of Delta levees in these very areas to the fact they are constructed of and on peat soil, perhaps cost estimates on construction of those portions of the canal need to be revised to reflect greater costs for export of dug soil and import of suitable levee-building soil. The surplus peat soil could perhaps be used to raise the land level of subsided peat islands in the central Delta to help lower their vulnerability to flood hazard.

On a related topic, please examine the possibility of catastrophic failure of the canal itself, given that it will run through an area that has been relentlessly characterized in studies and the media as extremely fragile and vulnerable to earthquake and flood risk. Examine both the direct and long-range regional, state and national economic, food security, and public health impacts. In addition, since it is likely that, if the canal is built, it will in time become the primary conduit for the majority of the water moving south to supply ever-growing populations, please examine the risk and impacts of intentional sabotage/destruction of the canal by terrorist act.

Thank you for your consideration.

Mary McTaggart
34840 S. River Rd.
Clarksburg, CA 95612
916-744-1945

cavelanding@yahoo.com

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Tue 5/12/2009 6:02 PM
To: bdcpcomments; Lori Rinek
Cc:
Subject: BDCP Scoping Comment: Transmission Lines
Attachments:

May 12, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Dear Ms. Brown:

The NOP (p.4) and NOI (p.7259): Covered Activities #2 mentions power line alignments associated with the alternative routes of the proposed isolated conveyance facilities. Please examine direct, indirect, and cumulative impacts of these transmission lines on residences and businesses, including relocation/removal to accommodate lines, human, animal, and plant/crop health, transportation and traffic (including crop dusters and agricultural equipment on- and off-road traffic), aesthetics and viewshed, other agricultural operations and agricultural economic viability, conversion of agricultural land to non-agricultural uses, air quality during and after construction, property values, and helicopter emergency-response times (for both medical and flood response). Please be aware that the BDCP Concept Level Conveyance Planning With Candidate Points of Diversion From the Sacramento River (March 2009) shows power lines running along the Sacramento River for about 1 to 1 1/2 miles up- and down- steam from where Babel Slough meets the River, and from about 1 1/2 miles north of Clarksburg to beyond the point opposite Hood. Those lines, depending on their voltage, would heavily impact or force the removal of all residences along these stretches, including quite a few within the "legacy town" of Clarksburg. Many residences in this area were built close to the bank of the River both for historic reasons (proximity to the River for riverboat transportation) and later to access levee-top roads and to maintain farmland in uncluttered parcels for more convenient and therefore more economical use. These residences lie in the direct path of your lines. The proposed Transmission Authority of Northern California high tension line project alternatives also run through the Clarksburg area. Depending upon their eventual placement, all of these lines taken together could also have a very significant negative impact on the agricultural economy of this area, as well taking a toll on its scenic vistas, particularly its locally famous sunsets.

Thank you for your consideration.

Mary McTaggart
34840 S. River Rd.
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916-744-1945
cavelanding@yahoo.com

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Thu 5/14/2009 4:15 PM
To: bdcpcomments; Lori Rinek
Cc:
Subject: BDCP EIR/EIS Scoping Comment - Conveyance Design a Moving Target
Attachments:

May 14, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Ms. Lori Rinek
Sacramento Fish and Wildlife Office
2800 Cottage Way, W-2605
Sacramento, CA 95825

Dear Ms. Brown and Ms. Rinek:

The BDCP publication An Overview of the Draft Conservation Strategy For the Bay Delta Conservation Plan (December 17, 2009) states on p.20: "The new north Delta diversion facility would consist of multiple intake structures along the Sacramento River between Walnut Grove and Freeport with a combined capacity of 15,000 cfs." On p.21 is further stated: "The Fish Facilities Technical Team proposed three different designs for fish screens depending on the size and location of individual intakes, and a range of options for the number and size of intakes ranging from 15 intake structures with a capacity of 1,000 cfs each to three large intakes with a capacity of 5,000 cfs each...DWR staff are currently conducting a value engineering analysis to determine the optimal number, size, and location of intakes and fish sceens." The February 24, 2009 Draft Considerations for Determining the Capacity of the Isolated Facility stated, "A 15,000 cfs canal is expected to need more associated engineering work and infrastructure than a smaller canal, particularly if the facility consisted of 5 separate intakes." (underlinings mine) The concept level maps released on the BDCP website several days before the last public scoping meeting in Clarksburg on March 26, 2009 show 12 or 13 intakes. And a later document entitled Conveyance Alignment Comparison presented to the BDCP Steering Committee by SAIC on April 24, 2009 proposes 5 intakes of 3,000 cfs each for each alignment. Many of the direct, indirect, and cumulative impacts of each of the proposed alignments on areas of the north Delta through which they may pass depend on the number, location, size, type, operation, and associated infrastucture of the intake facilities for these canals. How are members of the public, including the stakeholders who are most likely to be directly impacted, to comment in a specific and meaningful way, given that the design of these facilities is this much of a moving target? The same could be said for the location, size, and operation of the many thousands of acres of habitat to be constructed on areas presently designated on BDCP maps by large fuzzy green areas whose boundaries keep changing. The

NOI and NOP are still filled with words and phrases such as "may", "likely", "could be", "such as", "include, but may not be limited to", "list may change","potential", "it is premature", "possibly". I request that a new public scoping period, accompanied by new scoping meetings, be planned after the design of the north Delta diversion and other facilities/measures have been planned in enough detail to justify specific comments as to possible impact, mitigation, etc.

Thank you for your consideration.

Mary McTaggart
34840 S. River Rd.
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cavelanding@yahoo.com

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Thu 5/14/2009 6:54 PM
To: bdcpcomments; Lori Rinek
Cc:
Subject: BDCP EIR/EIS Scoping Comments: Impacts to Agriculture
Attachments:

May 14, 2009

Ms. Dolores Brown, Chief,
Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Ms. Lori Rinek
Sacramento Fish and Wildlife Office
2800 Cottage Way, W-2605
Sacramento, CA 95825

Dear Ms. Brown and Ms. Rinek:

Please examine for the EIR/EIS the direct, indirect, and cumulative impacts on national, state, and local economies and food security of the conversion of Delta agricultural land, much of it prime farmland producing 45% more than the state average, to habitat and conveyance by the BDCP. Include in your assessment also the loss of the expertise of the Delta farmer, for to the extent that farmers here are negatively impacted by the loss of their lands and/or by the effects of new regulation or oversite enacted with only the co-equal goals in mind, to that extent they may be forced financially to leave the Delta, taking with them knowledge about its environment that perhaps cannot be replaced. For more information about the importance and uniqueness of Delta farm lands and the impacts upon them of implementing the co-equal goals, please consult a letter submitted by California Secretary of Agriculture A.G. Kawamura (dated June 20, 2008) to the Delta Vision Blue Ribbon Task Force. It may be found at www.deltavision.ca.gov/StrategicPlanningProcess/IllustrativeComment/2008-AR-7_RESPONSE_FRM_CDFA.pdf . I would also refer you to an article written by Yolo County Agricultural Commissioner Rick Landon in the Yolo County Farm Bureau Agri-News (September 2008 - available at www.yolofarmbureau.org/PDF/newsletter/2008_09.pdf) regarding the impacts to our state and nation of the conversion of agricultural lands to habitat, with local examples. Delta farmland is valuable partly because of its richness, the suitability of its climate to the growing of many different crops, and because this is where the water is. Its value goes far beyond that of commodity prices; please attempt to carefully examine these factors in your analyses.

Thank you for your consideration.

Mary McTaggart
34840 S. River Rd.
Clarksburg, CA 95612
916-744-1945
cavelanding@yahoo.com

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Wed 5/20/2009 7:29 PM
To: bdcpcomments; Lori Rinek
Cc:
Subject: Comment Letter with Link Error - May I resubmit?
Attachments:

May 20, 2009

Dear Ms. Brown:

I discovered that a BDCP EIR/EIS comment letter I submitted late in the afternoon on May 14 has a slight error in a link to a letter I believe to be a help to the process of determining impacts to Delta farmland of the BDCP. I have attached a copy of the letter with the corrected link, along with a couple of typo corrections I found. Let me know if you will accept the correction or not - believe me, I will be understanding if you do not, since I am over the deadline with this, but feel the linked letter, written by Secretary of Agriculture A. G. Kawamura, might be of interest to the EIR/EIS team. Thank you, and hope to see you again. Letter follows in a separate email.

Mary McTaggart

bdcpcomments

From: cavelanding@yahoo.com [cavelanding@yahoo.com] **Sent:** Wed 5/20/2009 7:30 PM
To: bdcpcomments; Lori Rinek
Cc:
Subject: Letter Resubmit - Impacts to Agriculture
Attachments:

May 14, 2009

Ms. Dolores Brown, Chief,

Office of Environmental Compliance

Department of Water Resources

P. O. Box 942836

Sacramento, CA 94236

Ms. Lori Rinek

Sacramento Fish and Wildlife Office

2800 Cottage Way, W-2605

Sacramento, CA 95825

Dear Ms. Brown and Ms. Rinek:

Please examine for the EIR/EIS the direct, indirect, and cumulative impacts on national, state, and local economies and food security of the conversion of Delta agricultural land, much of it prime farmland producing 45% more than the state average, to habitat and conveyance by the BDCP. Include in your assessment also the loss of the expertise of the Delta farmer, for to the extent that farmers here are negatively impacted by the loss of their lands and/or by the effects of new regulation or oversight enacted with only the co-equal goals in mind, to that extent they may be forced financially to leave the Delta, taking with them knowledge about its environment that perhaps cannot be replaced. For more information about the importance and uniqueness of Delta farm lands and the impacts upon them of implementing the co-equal goals, please consult a letter submitted by California Secretary of Agriculture A.G. Kawamura (dated June 20, 2008) to the Delta Vision Blue Ribbon Task Force. It may be found at www.deltavision.ca.gov/StrategicPlanningProcess/IllustrativeComments/2008-AR-7_RESPONSE_FRM_CDFA.pdf . I would also refer you to an article written by Yolo County Agricultural Commissioner Rick Landon in the Yolo County Farm Bureau Agri-News (September 2008)

- available at www.yolofarmbureau.org/PDF/newsletter/2008_09.pdf regarding the impacts to our state and nation of the conversion of agricultural lands to habitat, with local examples. Delta farmland is valuable partly because of its richness, the suitability of its climate to the growing of many different crops, and because this is where the water is. Its value goes far beyond that of commodity prices; please attempt to carefully examine these factors in your analyses.

Thank you for your consideration.

Mary McTaggart

34840 S. River Rd.

Clarksburg, CA 95612

916-744-1945cavelanding@yahoo.com

bdcpcomments

From: Peter Nakamura [fish5544@sbcglobal.net] **Sent:** Fri 5/15/2009 10:32 AM
To: bdcpcomments
Cc: FishSite@aol.com
Subject: Johnson's Oyster Farm
Attachments:

Dear BDCP,

Let Johnson's Oyster Farm continue. What is wrong with you people.

One of the joys of Point Reyes is being able to sightsee and pick up some oysters at the same time. It is like two for one.

Sincerely,

Peter Nakamura
Coastsiderfishing Club Member
El Cerrito

bdcpcomments

From: thevalco@aol.com [thevalco@aol.com] **Sent:** Fri 5/15/2009 9:22 AM
To: bdcpcomments
Cc:
Subject: Bay Delta Conservation Plan
Attachments:

Ms. Delores Brown

Chief, Environmental Review

Department of Water Resources

P.O. Box 942836

Sacramento, CA 94236

As a fisherman and member of the California Striped Bass Association, I am requesting the Department of Water Resources to consider and provide an adequate answer to the following fundamental questions regarding the Bay/Delta Conservation Plan's stated preferred alternative of a "dual conveyance" system, aka the Peripheral Canal.

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Without answers to these fundamental questions, the Department of Water Resources is unable to assess the ability to export water out of the Delta for agricultural and municipal uses in other regions of the state. It is clear that our Delta is at crisis with several of its 750 species of plants, animals and fish in endangered or threatened status. Of particular note is the number of fish species threatened or endangered within the past several years. Salmon and steelhead populations are down 90% from historic levels. Resident open-water species (Delta and longfin smelt, threadfin and American shad, striped bass, splittail and sturgeon) are at or near historical lows.

Much of their native food supply – phytop lankton and zooplankton - has been reduced by 90-99%. The mass and diversity of bottom dwelling organisms has plummeted. Hundreds of non-native invasive species have become established, further destabilizing the estuary. In addition, the Delta is severely polluted by numerous pollutants.

The first and foremost factor is the massive quantity of water exported south by the most powerful pumping network in the world: pumps that can reverse the tide and cause the San Joaquin River to flow upstream; pumps that can suck a volume of water including fish and their food supply equal to the capacity of the south Delta every four days. In some years, these pumps export almost three-fourths of the water that would have flowed to the sea.

Despite the obvious affect on the ecosystem of the Delta, pumping water south has increased exponentially since the 1950's with particular increases since the year 2000.

It is our belief that the Bay Delta Conservation Plan's stated co-equal goals of water delivery and improved habitat for the Delta is unattainable. This plan is essentially a water delivery plan sold to the general public as a conservation plan.

This plan does not pass the environmental test or the economic test. A recent study by of the University of the Pacific estimates that the economic consequences to California from ending exports are far less than from continuing upon t he same path with exports.

As stated by Jerry Johns, Deputy Director of the Department of Water Resources, at the March 2009 Stockton Scoping meeting when directly questioned, " The chance of an alternative syste m to the dual conveyance is less than 5%" Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a pre-conceived plan looking for a rubber stamp.

We acknowledge that our Delta, one of the world's greatest resources, is in a critical state. To do nothing is not an option, but the "dual conveyance" plan offered as a solution to our water problems, is not a viable solution. The Department of Water Resources is highly encouraged to develop and present viable alternatives that answer the three questions previously listed:

How much water does the estuary require to maintain ecosystem integrity?

How much surplus water is available for export?

What are the economic and environmental consequences of various reduced export scenarios?

Thank You.

Peter Valconesi

Point Reyes Station Ca.

bdcpcomments

From: dutraoffice@aol.com [dutraoffice@aol.com] **Sent:** Thu 5/14/2009 4:17 PM
To: bdcpcomments
Cc:
Subject: comments
Attachments:

I would like to know impacts to the farmers forced out from their business, land and their homes?
Social impacts
Monetary impacts

Impacts to the remaining residents, Schools, businesses, churches, health?

Health..? What diseases do animals and insects carry? How will you protest people?

Air Traffic: Sacramento is second in bird strikes effecting major airlines in the United States. What impact will this have on safety?

Phyllis Dutra 916 775-1786
Clarksburg CA

12865 River Road, Courtland, CA 95615

26 March, 09

Dear Mr Brown,

Before stating an overview of my presentation I must give you some background information on my situation.

In late August of 2005 I left my pool after swimming my second set of one hundred laps. I flicked my towel and brushed a mosquito off my shoulder. I honestly did not experience the usual itching of a bite. Perhaps that's because it was a very very ill and nasty bug!

Approximately 2 weeks later I made an appointment with my primary care physcian because I had no energy and felt really ill. In attempting to leave my bed to keep the appointment the pain in my hips was extreme, when I tried to stand I fell to the floor! Overnite I became a victim of polio.

When I make presentations on the dreadful

aftermath of W. Nile Virus & give the preamble you have just read.

I choose an area close to the speakers because it's hard to get through a crowd when you are in a wheelchair. The only good thing about the chair is, it gets everyone's attention.

At Thursday evening's mtg, I expressed and explained the reason why I can no longer walk unaided, I can stand in a walker for short periods of time, I wear a brace on my right leg (from my toes to my hip, it holds me up! As determining a diagnosis of WNV-polio I spent 5 wks in the hospital & 2 1/2 yrs in rehab. The very thought of "returning the Delta to its original state of marsh and overflow land" is not only ridiculous it's terrifying. The public health was not addressed in the original plan, at all - In talking with Sac/Yolo Vector Control I learned that they had no input at the onset of discussions, in fact, Vec. Con. was not mentioned at all prior to Thursdays mtg. We, the people who live, farm and love the Delta are the in danger ed. We are more valuable to the state of CA. than the smelt! We will continue to have our voices heard and we refuse to have our way of life destroyed.

Please address this directly in your final EIR/EIS.

bdcpcomments

From: MLIZ007@aol.com [MLIZ007@aol.com] **Sent:** Sun 5/10/2009 11:52 AM
To: bdcpcomments
Cc: lcory@pd.cityofsacramento.org; CRicha2000@aol.com
Subject: Pocket area and the water facilities
Attachments:

I read the article in the Pocket News and talked personally with Laurie Cory in regards to these facilities. My questions are:
1. Why is this being built in a residential area?
2. Is the real purpose to provide water for southern California? If so, I see the lack of water preservation that they do down there. I am very distraught that our water is so mismanaged. Trinity Lake is almost empty this year due to the lack of proper water control.
3. If this is a good project, why can't it be built further south on farmland that has no residents nearby.
4. Has anyone ever thought of a bigger project to build canals across the country to alleviate flooding throughout the country?

Please respond to any of the above.

I just happened to drive over on the Yolo side of the river and saw the huge water structure that is now being built. They not only selected one of the prettiest spots on the river to build this huge plant, but they have obstructed the bike path to Freeport. I have been a resident of the Pocket since 1984. I am living in this area for the love of the river. Please do not destroy our home/environment.

This city talks of maximizing the waterfront for its beauty and extending the access all the way to Sutterville Road. Please so not destroy our serene life in the Pocket.

bdcpcomments

From: Richard Enderlein [renderlein@hotmail.com] **Sent:** Tue 4/14/2009 11:18 AM
To: bdcpcomments
Cc:
Subject: BDCP
Attachments:

Dear Regulatory Agency,
The people have already spoken on this issue in 1982. The canal was rejected then because it would be an environmental disaster then and it would be an environmental disaster now. Do not fool yourselves into thinking that by digging a new river in the delta that the water to fill it will miraculously appear to fill it. By moving the water around the delta, the salinity gradient will move further up the Sacramento river. This has been proven and is a well known fact. By trying to disguise the "new" canal as a boon for the environment is a lie being posited by those who wish more water to go south. By removing more water from the delta through the canal, the problem of massive fish die offs will only increase. Please do not fool yourselves into thinking the way our forebears did, in that "the rain will follow the plow". If and when this canal is built, where is the water going to come from to fill it? All water in the state has been "spoken for" for a very long time, and no new sources have been found yet. Where will this extra water come from to fill this canal? The water in the Sacramento river at freeport has been claimed and used for a very long time. Instead of trying to take more than is environmentaly acceptable at the pumps, why not shut off the pumps for those times when fish are really in danger. Why not review (EIR?)the use of these pumps? Maybe the best and cheapest environmental solution is to remove those pumps from the delta. The canal is a "band aid" for a serious sickness, and that sickness is the continued removal of the water from the delta by those tide changing pumps. In proposing a canal around the delta for "environmental reasons", you are lying to and spitting in the face of those people who rightfully voted on this proposal in 1982. The people spoke on this issue many years ago, and law was passed. Find another solution.

Sincerely,

Richard Enderlein
renderlein@hotmail.com

Statements of Richard Robertson

I opened with numbers, the numbers of gallons that the canal, not including the proposed pipe line would be NOT entering the Delta.

We had an engineer help do the math, but our calculator would not go any higher than one trillion gallons PER YEAR....that translates to 178,000,000 MILLION swimming pools PER DAY going to the south. That amount of water just IS NOT AVAILABLE....that amount of water would not reach our system, south Delta, and would not flush out contaminants, silt, or any other invasive species.

Our entire system would crash just as had been predicted when the fourth pump was turned on. It only took less than three years at the PRESENT rate of pumping to impact every species in the water. Add the horrible amount that they will take, IN ADDITION, and it boggles the mind. There just is not enough water in the system to take that volume and have ANYTHING SURVIVE. There is no water entering the Delta now, due to mismanagement of the past three years.

The salmon and striper runs were such that you could catch them all day and in some parts of the river they were thick enough that you could almost walk across their backs. No more...now it was lucky to catch one a day.

All of our native birds, animals, plants would be gone and never recover. Our sloughs would silt up and close up. The gates proposed would push salt water even farther into our system.

The people of Clarksburg were telling the same stories as the people of Stockton had at that meeting. Farms and homes of families that had been there for generations cut up destroyed so those families had no income, just the same as Clarksburg. I told of the 60 lawsuits that were already filed from the farmers of Stockton.

bdcpcomments

From: Robert Horst [horstfamily@sbcglobal.net] **Sent:** Wed 5/13/2009 8:53 PM
To: bdcpcomments
Cc:
Subject: Bay Delta Conservation Plan EIR/EIS
Attachments:

To Whom It May Concern.

I moved to Sacramento about 6 years ago and was happy to find the pocket community and call it home. My family and I have enjoyed the levee paths and views across the river countless times in these years. We have grown to love the river and this area deeply, so much so that we recently purchased a home along the levee with a third floor view of the river and farmlands beyond. Since coming to Sacramento from the Seattle area I have been amazed and often appalled at the disrespect shown for the Sacramento River in this area. This is particularly evident in the downtown area where miles of riverfront are essentially wasted. I keep waiting for this situation to improve and am very happy to see at least some progress being made particularly from the West Sacramento side. I have felt proud of my small community's respect and pleasure in the Sacramento river and believe that the pocket area selects for those truly in love with nature and the river. That said I am deeply concerned about the proposal to not only build massive water intake facilities directly across from my little spot on the river but also to place power lines along the river, ruining this wonderful view not only for the many residents that call the levee their home but for the countless pedestrians, bikers, etc that enjoy this view everyday. It truly surprises me that this is even being considered and I urge you to build these facilities (if they must be built) in a less populated area. Coming from the perspective of a former Seattle resident where every piece of waterfront is treasured and enjoyed, this type of development along the river can only serve to further erode our community and bring us further away from this extremely important Sacramento resource. How power lines and pumping facilities are supposed to be "good" for the environment is beyond me. I've read your proposal carefully and suspect this is largely driven by southern California's insatiable thirst for water. When will it end?

Thank you for your attention.

Sincerely,

Robert O Horst, MD

Concerned Citizen and Homeowner

Father of 3 wonderful children who enjoy the riverfront on a daily basis

Faculty, UCDavis School of Medicine

Medical Director, Sacramento County Child and Adolescent Psychiatric Services

7799 Dutra Bend Drive
Sacramento, CA 95831
May 9, 2009

Ms. Delores Brown, Chief
Office of Environmental Compliance
State of California Department of Water Resources
POB 942836
Sacramento, CA 94236

Dear Ms. Brown

Re: Public Comment
Bay Delta Water Conservation Plan
Environmental Impact Report and Statement
Water Intake Facilities in Yolo County
Facing the Greenhaven Pocket Area in South Sacramento

From where I live, at the address referenced above, water intake facilitie(s) that are contemplated with this plan that would have a negative impact on me. The closest one would be approximately 1,000-1,200 feet away (as the crow flies) from my house, as identified to me by a representative of the State of California Department of Water Resources, Paul Marshall, Operations/ Planning Manager. This would have a considerable adverse impact on my property, its value and benefit to me, a retired single male on a limited income. The sight, sounds, light pollution and other potential unknowns of a large facility, much bigger than the one being built, would be terrible.

I worked 20 years to save to build my house, which took another 7 years to realize after I bought the lot.

If you must do something like this I urge that it be placed outside of an impacted residential area.

Sincerely,

Robert Pecora

Robert Pecora

Fairfield

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Comment Card

Please Print

Name: Roberto Valdez Organization: HCP of Solano Co. Stakeholder, Friends of Lagoon Valley, Mayhamaka Friendship Alliance

Telephone: (707) 448-4905 e-mail: robertovaldez55@hotmail.com

Address: 248 Plantation Way

City: Vacaville State: CA Zip: 95687

☑ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

(1) Please notify on any public hearings re: BDCP.
(2) I am very concern on protecting & preserving threatened, endangered, & species of concern & their habitats in the Bay Delta, including but not limited, to Suisun Marshlands & Montezuma Slough.
(3) I strongly recommend that you consult & Dr. Peter B. Moyle (Dr. Fish) re: native Fish
(4) In addition, I strongly recommend that you educate & publicize bi-lingually the environmental, water, recreational etc. benefits that this plan will provide for both Northern & Southern California users.
(5) also, Please consult the Vallejo Inter-Tribal Council for native american input.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

(6) Please spread the good word to Spanish speaking users in local newspapers & radio & TV media outlets.

bdcpcomments

From: Roberto Valdez [robertovaldez55@hotmail.com] **Sent:** Thu 5/14/2009 5:26 PM
To: bdcpcomments
Cc:
Subject: FW: Bay Delta Conservation Plan Comments(May 14, 2009)
Attachments:

Please add the Golden Eagle(Not Listed) as another species which needs to be reconsidered by the BDCP in my second point.

Thank you.

From: robertovaldez55@hotmail.com
To: bdcpcomments@water.ca.gov
Subject: Bay Delta Conservation Plan Comments(May 14, 2009)
Date: Thu, 14 May 2009 17:08:53 -0700

May 14, 2009

Ms. Delores Brown
Office of Environmental Compliance
Department of Water Resources
Post Office Box 942836
Sacramento, CA 942836

Subject: Individual Comments to EIR/EIS Scoping Meeting for the Environmental Analysis of the BDCP Proposed Action.

Dear Ms. Brown:

I am a Vacaville resident who is concerned with both protecting and preserving the endangered ,threatened, and species of concerns and their habitats in our natural corridors in Solano County. I am also a long-time stakeholder in the Multi-Species Habitat Conservation Plan of Solano County. Since i will be providing specific comments to the both the listed and not listed species which will be targeted or determined with regard to this HCP/NCCP. i am requested that you attach my additionall comments to the written comments that i submitted to you during your previous scoping meeting in Fairfield, CA on Wednesday(3/25/09).

First, responding to the Draft of the DWP-BDCP- Covered Species Selection & Potential List(5/22/08), I applaud your BDCP efforts to target the following listed species: the Swainson's Hawk, Tri-Colored Black bird, California Black/Clapper Rail, Giant Gartner Snake, Salt Marsh Harvest Mouse, Valley Elderberry Longhorn Plant, Mason's Lilaeopsis, Delta Smelt, Chinook Salmon(Not listed), Steelhead fish, and vernal pool crustaceans such as the VPTS, VPFS, and CFS which continue to be challenged by development, landfill, and transportation projects in Solano County.

Secondly, i do not understand why the BDCP is not targeting the California Red-Legged Frog, Western Pond Turtle, Logger-Strike, White-Tailed Kite, and Contra Costa Goldfield Plants which tend to coexist within both the fertile farmlands and tule/marshlands in the San Joaquin-Sacramento Rivers Bay Delta areas. I strongly recommend that the BDCP reconsider these species and their habitats.

In addition, i do not understand why there needs to be additional evaluation for the California Tiger

Salamander, when, in fact, the scientific evidence reaffirms that the CTS are found throughout the San Francisco Bay Delta, including Solano County.

If you have any questions/concerns about my comments, please contact me at my home telephone: (707) 448-4905 or email: robertovaldez55@hotmail.com.

Thank you very much.

Yours Truly,

Roberto Valdez Jr., 248 Plantation Way, Vacaville, CA 95687.

bdcpcomments

From: withrowwong@cs.com [withrowwong@cs.com] **Sent:** Thu 5/14/2009 10:10 PM
To: bdcpcomments
Cc:
Subject: Bay Delta Conservation Plan
Attachments:

Ms. Brown:

I hope my comments/suggestions aren't too late. It is still the 14th, however, somewhat late.

I have been diligently trying to follow the proposals, plans and suggestions regarding the canal that is being proposed; however, I find it somewhat confusing to understand what is really going on. One such proposal directly impacts my home, with the line on the map going right through our home. I realize that this is only a proposal; however, I am concerned.

I was wondering why water couldn't be moved using the existing waterways. The Deep Water Channel seems a logical choice considering it is deep, opens at the river and travels down to the delta. Another option may be using Winchester Lake. It is large and spans about 3 miles, directly off the river. An additional pipeline/canal may need to be constructed to reach the Deep Water Channel from Winchester. There are ditches and sloughs all over the delta. Why can't some of these be used rather than building a costly and intrusive new canal?

Secondly, what about pipelines rather than a canal? I'm not an engineer, but it seems that a pipeline would be less intrusive and easier to build and maintain. It is my understanding that to build a canal, all the dirt would need to be hauled in and the area fenced. A pipeline may be less intrusive to farming operations and possibly less land would be needed to build.

Thank you for considering my ideas.

Robin Withrow-Wong
51200 Pumphouse Road
Clarksburg, CA 95612

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Ronald J. Ferrario Organization: Chevron Engineering Retired & Ex Port of Stockton Commissioner

Telephone: (209) 952-4503 e-mail: rferrario@sbcglobal.net

Address: 9006 Cavendish Ct.

City: Stockton State: CA Zip: 95209

☑ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the

1st – The name of the plan should be changed to what the plan really is, a peripheral canal designed to bypass the Delta and deliver water to the L A Basin with minimal amounts to others. Renaming the plan is a ploy to hide the true nature of the plan from the people of California. I've been involved with these types of plans and EIRs for 30 years; most of the plan is fluff covering its true intentions.

2nd – You provide no controls for water usage at the delivery points such as a moratorium on construction until local sources of water are obtained or there is continuing surplus water available. Continued expansion at delivery points will surely bring on continuous emergency regulations thereby bypassing all of the controls for the distribution of the Deltas water. History has shown that Southern California's ravenous water appetite will eventually suck California dry, i.e. the Owens valley, the Colorado River, etc...

3rd – We were informed that fish screens are currently available that protect all fish from entering pump intakes but that due to the volumes of water pumped the fish congregate at the pump intakes. The fish then are caught and trucked to locations distant from the pump intakes. One solution is to place the screens at locations away from the pump intakes. You already have 3 typical drawings showing various types of pump intake stations w/fish screens.

4th – Salt water intrusion in the various channels can be controlled with gates, this isn't rocket science, it's done all over the world.

5th – Finally, I see no vision or originality in this plan. Your slide presentation was all about protecting fish species; I guess the human species isn't important. You mentioned people once; the figure was 25 million who needed water, then on to fish again. It took the people, in the audience, at the Stockton meeting to bring out other relevant points.

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

Clarksburg

BDCP

BAY DELTA CONSERVATION PLAN
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Please Print

Name: Sandra Wilson Organization:

Telephone: [illegible] e-mail: sandrawilson@aol

Address: [illegible]

City: Clarksburg State: CA Zip: [illegible]

☐ Yes, I would like to be added to your e-mail list.

Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 14, 2009.

* State is Broke!!! where does $ come from.?
* I have never heard so much about saving fish!
* Dams are not being operated properly now except to send water South.
* Who has been contacted locally to ensure to be part for your board... someone they will listen to!
* How do you know your experiment will work?
* Where will you show us on your Report where our comments have been taken into effect.
* Bad Water will kill us if you taking our water doesn't
* How much will you buy my land for with so I can live & my children live the rest of my life.
* I want my water rights, they've been set by my ancestry!

Please submit your comments at station 6 at this scoping meeting, or fold this form in half, seal with tape and mail to:
Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
You may also e-mail your comments to BDCPcomments@water.ca.gov. **Comments must be received by May 14, 2009.**

Thank You for the opportunity to address questions on the BDCP plan this evening: We request herewith that you make all of our comments and questions tonight part of the record and address all of them in the final EIR-EIS.

I'm Stephen F. Heringer, 5th of 6 generations of the Heringer family to farm Clarksburg soils. At your Clarksburg meeting one year ago I requested economic analysis, intended environmental mitigation, cost projections and intended economic mitigation on the following issues of immediate concern to residents of the North Delta: To Summarize:

17,000 Acres of premium Wine grapes in the Clarksburg Appalachian
Vineyard Establishment Costs in the $16 - $20,000 Range
Vineyard Infrastructure Costs alone exceeding $340,000 Mil
11,000 Local and 13,500 Nationwide Jobs created by these wine grapes
$357 Mil Statewide and $900 Mil annual wages paid by these acres
Taxes generated Statewide $107 Mil, $64 Mil additional Nationwide
17,000 Agrotourism Visitors- $70 Mil Expenditures from Tourism

Please complete the requested analysis for the EIR-EIS.

As North Delta Water Agency constituents, we have paid contractual fees for almost three decades to the State of California for specific water quantity and quality parameters. Outline in the EIR-EIS how these quality and quantity parameters will continue to be met under your various BDCP plan options as our North Delta contract has no sunset date and we will fight for proper performance of its provisions.

Since the native soil material along the western route has been deemed unsuitable for levee construction purposes, where will the estimated 10 million yards of levee material come from and how will it be economically moved and placed on the proposed Western conveyance project?

We have implored all of you involved in the BDCP deliberations to consider the Delta as a Place in your planning processes. Outline in your EIR-EIS report the measures you have taken to consider the communities and peoples of the Delta, what considerations of the social and economic fabric of the area you have considered in your options, what considerations of the businesses that support our family farms and ranches, and finally, the considerations of the schools that educate our children. Ring levees may save our towns but will not save the Delta communities.

Our Yolo County Supervisors have partnered with us to keep our unique upper Delta area agricultural. We adapted sustainability generations ago to assure the farming and enjoyment of our Delta region for the benefit of all of the people of our Great State. Most, if not all, of your environmental suppositions are based on opinions and not on proven science. Farmers have used adaptive management for years, only difference was our definition, "Oh Hell – That didn't work!! Let's try something else. Following the authorization of the State Water Project 50 plus years ago, the State of California reneged on its promise to bring 10 million additional acre feet of water to the table through additional storage capacity and importation of north coast water. We will not now willingly sacrifice our heritage, homes, communities, and farms to satisfy the States thirst at our sole expense. Outline in the EIR-EIS how local voices will be made a significant part of the governance body that will control the future of our Delta. Thank you for your attention to these questions.

Stephen F. Heringer
916-744-1094
sfheringer@aol.com

My name is Stephen Hiromoto , 4th generation farmer and resident of the Clarksburg Community. My family had witnessed the building of these levees and were instrumental in the reclamation of many Holland Land acres. Great grandfather's diligence and hard work paved the way for the following generations to reap a livelihood from these soils. Each generation took pride in providing food for our country's tables and as prosperity ensued, we generously gave back to our community. Only during the years following the outbreak of World War 2 and the forced evacuation of Japanese American Citizens was our family away from Clarksburg.

As you work your jobs or careers, you chose to put your money into a bank. You assume that you will retain the right to do what you want with that money when you want it. My family chose to reinvest into Clarksburg Farmland. We assumed that taking caring of this land now would allow it to take care of us later.

My folks are aging and the time is now when that land needs to be liquid. Simply put it up for sale and cash out? Well…when this fiasco about flooding our homes and farmland began, all hopes of simply selling came to a "dead halt!" Realtors were suddenly saying " who wants to buy land that's going to be underwater?" For whatever reasons you give for this to take place…its just not the right thing to do. You're just telling me that my family just wasted one hundred years for nothing!

Arnold…before you swipe that card in your wallet issued by L.A. Metro Water, think about the families like mine and what you'll be doing to them!

bdcpcomments

From: Tom Lindemuth [srlindy@pacbell.net] **Sent:** Mon 5/11/2009 11:09 AM
To: bdcpcomments
Cc: Nancy Chinn
Subject: Comments on BDCP draft EIR/EIS
Attachments:

Ms. Delores Brown, Chief of Environmental Compliance, California Department of Water Resources

Dear Ms. Brown,

The following below are comments regarding the draft EIR/EIS Bay Delta Conservation Plan. Although I serve on the board of directors of the Delta Science Center, these comments are my own professional views and not those of the Delta Science Center.

1) The draft BDCP discusses potential alternatives for water supply reliability and impact on the environment from diversion projects along with environmental restoration efforts that would be mounted in parallel. What is not discussed, and an area where there is little compelling evidence, is the quantative relationship between physical and chemical stressors and the food chain that supports the threatened and endangered species in the Delta. It is felt that many of these stressors will be magnified due to the increase or resumption of urban and agricultural runoff when water supplies provided by the project are restored. Although difficult to quantify, these relationships should at least be firmed up prior to the committment for design and construction of such a major project. Having this vital science in hand can help form part of the framework for adaptive management both prior to and if successful, during implementation of the plan.

2) It is becoming increasingly accepted by scientists that anadromous fish "smell" out their natal waters in returning to spawn. The implementation of the BDCP will cause large amounts of Sacremento water to move south, some of which will return to the San Joaquin in the form of urban and agricultural runoff. This water may look or perhaps smell like "Sacramento" water to returning spawners, causing them to become disoriented and attempt to spawn in the San Joaquin watershed which currently provides few effective spawing areas. This phenomenon has been observed in Walnut Creek where hundreds and sometimes more steelhead attempt to spawn in the concreted channels which contains runoff of Mokulmne water.

Both of these issues could result in serious further harm to endangered species; harm which may be difficult and perhaps impossible to mitigate once major water exports from the Sacramento River are in operation. According to a recent newspaper article, a new draft study conducted by the Department of Water Resources questions the link between pumping from the Delta and the decline of pelagic fish species, a major part of the food chain. If this link is not significant, what then can explain the dramatic decline in the smelt and other fish species. Until these questions are much better understood, it seems unwise, perhaps even foolhardy to move forward with a new, large plan to export or bypass water from the Delta.

Thank you for your time and consideration.

Sincerely,

Thomas E. Lindemuth, P.E.
Consulting Scientist

COMMENT CARD

BUILD SHCT Removal
Plants all along
the Coast -
LEAVE the Delta
ALONG -

Wally Baumgartner
Box 568
CHRISBURG 95617
916 744-1231
36560 RIVERVIEW DR.

bdcpcomments

From: william gravert [bgravert@sbcglobal.net] **Sent:** Tue 5/12/2009 6:00 PM
To: bdcpcomments
Cc:
Subject: Public comment
Attachments:

I live in the Pocket area; adjacent to Garcia Bend Park, and directly across the river from a proposed intake facility. We chose this location to buy a home, in large part, due to the quite environment. I hope your EIR includes how this project will impact humans, and our quality if life, not to mention our property values. From my bedroom window, I can hear the farmers dog, across the river, barking. I can hear cars driving on the South River Road. I can't imagine the sound of the construction, and ultimate operation, of the proposed pumping facility. Perhaps that's why the only other pumping facility this size, in the state, is located in an agricultural area in Redding. Hopefully, your EIR will include information on other states pumping facilities, within/adjacent to urban areas, and their adverse impact on those communities. Preserve our quality of life!!! If pumping stations are required, they should, like the Redding facility, be
placed away from urban areas, having the least negative impact on humans. We oppose the 3/4 proposed pumping facilities adjacent to the Greenhaven/Pocket neighborhoods! Also, be honest. This has nothing to do with the environment, the Delta, or the Smelt (which, surprisingly, as of late, is not negatively effected by the intake pumps; how convenient). This is all about water, and water transfer; come hell, or high water.

bdcpcomments

From: woody alspaugh [w_als2004@yahoo.com] **Sent:** Mon 4/27/2009 11:09 AM
To: bdcpcomments
Cc:
Subject: Perhiheral canal
Attachments:

To:
egsd@dnr.wa.gov
Sir/ Miss, there are plans to build an canal trough the San Joaquin Delta. (In order to by pass the delta to convey the water to South Ca.
I, (we), think that this will be harmful, (kill), the environment of the delta.
Stockton has the longest inland seaport in the world. The "canal" would have to pass through, or under the river. I do not think that this is possible. I think that interrupting the flow of water would be like having a dam and the water would back up and flood.
What do you think? Is there any information on the subject? Thanks, Woody Alspaugh
www.hope05.org