

# **Scoping Report**

## **Bay Delta Conservation Plan**

### **Environmental Impact Report/ Environmental Impact Statement**

**March 2010**

#### **Lead Agencies**

California Department of Water Resources  
Bureau of Reclamation  
National Marine Fisheries Service  
U.S. Fish and Wildlife Service





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# CHAPTER 1: INTRODUCTION

## 1.1 INITIATION OF THE ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT PROCESS

The Bay Delta Conservation Plan (BDCP) Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is being prepared by the California Department of Water Resources (DWR) as the California lead agency, and by the U.S. Bureau of Reclamation (Reclamation), the U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS) as co-lead Federal agencies. The California Department of Fish and Game (CDFG), California Department of Parks and Recreation, California State Water Resources Control Board (SWRCB), California Air Resources Control Board, California Department of Boating and Waterways, California Department of Transportation, California State Lands Commission, and San Francisco Bay Conservation and Development Commission are responsible or trustee agencies. The U.S. Environmental Protection Agency (USEPA) and U.S. Army Corps of Engineers (USACE) are cooperating agencies. The State and Federal lead agencies are considering requests received during the scoping process from local agencies to participate as responsible or cooperating agencies.

DWR is preparing the EIR to evaluate potential impacts of approval of the proposed BDCP with respect to improved water conveyance infrastructure and other habitat conservation measures that will be developed to advance the goals and objectives of the proposed BDCP while meeting its California Environmental Quality Act (CEQA) obligations.

USFWS and NMFS are preparing the EIS to evaluate potential impacts of approval of the proposed BDCP Habitat Conservation Plan (HCP), including issuance of incidental take permits by USFWS and NMFS to DWR, and issuance of incidental take statements and biological opinions by USFWS and NMFS to Reclamation. Reclamation is participating as a co-lead Federal agency to evaluate potential impacts of approval of the proposed BDCP with respect to actions to improve water supply reliability for the Central Valley Project (CVP) water contractors while meeting its Federal Endangered Species Act (ESA) and National Environmental Policy Act (NEPA) obligations.

## 1.2 PURPOSE OF SCOPING

The purpose of scoping is to provide an open process for determining issues to be addressed, alternatives to be considered, and the need to focus on specific issues during the impacts and benefits analysis. Scoping provides an opportunity to involve stakeholders, other agencies, and the public early in the decision-making process to identify concerns and collect information from the public, agencies, and other stakeholders related to the proposed BDCP for the EIR/EIS. The information is used to identify issues related to the approach to resource issues, potentially affected geographical areas, and extent of impact assessments; methods for participation in the study; alternatives to be considered; and related activities considered during preparation of the EIR/EIS.

Scoping is conducted as part of the compliance with CEQA and NEPA, as summarized below.

### 1.2.1 CEQA Requirements

According to CEQA Guidelines (Title 14 California Code of Regulations section 15000 et seq.), scoping "has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important." In addition, scoping "has been found to be an effective way to bring together and resolve the concerns of affected federal, state, and local agencies, the proponent of the action, and other interested persons including those who might not be in accord with the action on environmental grounds."

## 1.2.2 NEPA Requirements

The NEPA regulations (40 Code of Federal Register 1501.7) define scoping as "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." The scoping process is conducted to include Federal, State, local agencies, Indian tribes, project proponents, and other interested persons. The results of the scoping process are used to determine:

- Study participants
- Potentially affected geographic areas
- Resources available for the study
- Study constraints
- Alternatives to be considered
- Potentially significant environmental issues to be analyzed
- Issues that are determined to be not significant or that have been addressed in other documents
- Potential cumulative impacts
- Assignments of joint preparation of the EIS among the lead and cooperating agencies, if appropriate

Scoping is to be initiated as soon as possible after the lead agency(s) decides to prepare an EIS. A Notice of Intent (NOI) to prepare an EIS is published in the Federal Register prior to initiating the scoping process. Public scoping meetings are generally held following publication of the NOI. Comments continue to be collected for several weeks following the scoping meetings. A scoping report is often published to summarize the issues identified in the formal scoping process and publicize decisions related to preparation of the EIS. Scoping frequently continues throughout the preparation of the Draft EIS.

## 1.3 ORGANIZATION OF THE SCOPING REPORT

This Scoping Report summarizes the scoping process in Chapter 2, describes the methods used to identify and categorize scoping comments in Chapter 3, describes issues to be analyzed in the EIR/EIS in Chapter 4, and presents a list of abbreviations and acronyms in Chapter 5. Appendices A and B include copies of the NOPs and NOIs. Appendix C includes the 2008 DWR Press Release. Typical copies of newspaper notifications for the 2008 Preliminary Scoping Meetings and the 2009 Scoping Meetings are included in Appendix D. Formal scoping comments are provided by categories in Appendix E. A list of agencies, stakeholders, and individuals that provided written and verbal comments is presented in Appendix F. Appendix G and Appendix H include Comment Letters, Emails, and Comment Cards from the 2008 and 2009 scoping processes, respectively. Appendix I includes the transcripts of the 2008 Preliminary Scoping Meetings. Appendix J includes the transcripts from some of the 2009 BDCP Informational Meetings.

## 1.4 OVERVIEW OF THE BAY DELTA CONSERVATION PLAN PROCESS

The proposed BDCP is a unique undertaking initiated and funded by public water agencies with the active participation of CDFG, USFWS, NMFS, environmental organizations, and other federal, State and local organizations that are involved in development of a plan for the long-term sustainability of the Sacramento-San Joaquin Delta (Delta). The proposed BDCP approach is essential to making significant contributions to the recovery of covered species and to the restoration of a more naturally functioning ecosystem while securing a reliable freshwater source for human use.

The proposed BDCP is being developed through a collaboration of DWR, Reclamation, Metropolitan Water District of Southern California, the Kern County Water Agency, the Santa Clara Valley Water

- 1 District, Alameda County Flood Control and Water Conservation District, Zone 7 Water Agency, the San  
2 Luis and Delta-Mendota Water Authority (SLDMWA), Westlands Water District, and Mirant Delta LLC  
3 (Mirant), owners of an electric power generating facilities located near Antioch and Pittsburg, California.  
4 These entities are collectively known as the "Potentially Regulated Entities" (PREs) and are preparing the  
5 proposed BDCP.
- 6 The goal of the BDCP participants is to formulate a plan that could ultimately be approved by USFWS  
7 and NMFS as a HCP under the provisions of ESA Section 10(a)(1)(B) and by CDFG as a Natural  
8 Community Conservation Plan (NCCP) under Fish and Game Code Sections 2800 *et seq.*, and/or the  
9 California Endangered Species Act (CESA), Sections 2050 *et seq.*
- 10 DWR, and potentially State Water Project (SWP) and CVP water contractors, intends to apply for ESA  
11 and CESA incidental take permits for water operations and management activities. Actions that harass,  
12 harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage threatened and  
13 endangered species in any such conduct as "take." "Incidental take" of threatened and endangered  
14 species occurs incidentally to implementation of an otherwise lawful activity, and not due to the primary  
15 purpose of the action. The ESA and CESA incidental take permits may also address species that are not  
16 currently listed as threatened or endangered, but may become listed due to changes and disturbances  
17 resulting from the covered activities.
- 18 For the proposed BDCP, the incidental take authorizations would allow the incidental take of threatened  
19 and endangered species resulting from covered activities and conservation measures that will be  
20 identified through the BDCP planning process, including those associated with water operations of the  
21 SWP, as operated by DWR, and potentially the CVP, as operated by Reclamation; and operations of  
22 certain Mirant power plants. The proposed BDCP is also intended to be used as the basis for ESA  
23 compliance by Reclamation, including compliance with Section 7 of ESA in coordination with USFWS and  
24 NMFS.
- 25 The proposed BDCP is intended to secure authorizations that would allow the conservation of covered  
26 species, the restoration and protection of water supply reliability, protection of certain drinking water  
27 quality parameters, and the restoration of ecosystem health to proceed within a stable regulatory  
28 framework.
- 29 In addition to the PREs, the proposed BDCP is being prepared with the participation of the USFWS;  
30 NMFS; USACE; California Natural Resources Agency; CDFG; SWRCB; and various stakeholders,  
31 including American Rivers, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute, The  
32 Nature Conservancy, The Natural Heritage Institute, California Farm Bureau, Contra Costa Water District,  
33 Friant Water Authority, and North Delta Water Agency. These organizations are members of the Steering  
34 Committee that is helping to guide preparation of the proposed BDCP. The regulatory agencies, which  
35 include USFWS, NMFS, USACE, and SWRCB, are participating in the Steering Committee only to  
36 provide technical input and guidance in support of the Steering Committee's efforts to complete the  
37 proposed BDCP.
- 38 The California Natural Community Conservation Planning Act of 2003 requires a planning agreement to  
39 be prepared by the participants to identify and provide for those measures necessary to conserve and  
40 manage natural biological diversity within the plan area while allowing compatible and appropriate  
41 economic development, growth, and other human uses. The participants in the proposed BDCP signed a  
42 Planning Agreement that contained the following Planning Goals.
- 43 ■ Provide for the conservation and management of covered species within the planning area.
  - 44 ■ Preserve, restore, and enhance aquatic, riparian, and associated terrestrial natural communities  
45 and ecosystems that support covered species within the planning area through conservation  
46 partnerships.
  - 47 ■ Allow for projects that restore and protect water supply, water quality, ecosystem, and ecosystem  
48 health to proceed within a stable regulatory framework.
  - 49 ■ Provide a means to implement covered activities in a manner that complies with applicable State  
50 and Federal fish and wildlife protection laws, including the Natural Conservation Community  
51 Planning Act or CESA, ESA, and other environmental laws, including CEQA and NEPA.

- 1      ■ Provide a basis for permits necessary to lawfully take covered species.
- 2      ■ Provide a comprehensive means to coordinate and standardize mitigation and compensation
- 3      requirements for covered activities within the planning area.
- 4      ■ Provide a less costly, more efficient project review process which results in greater conservation
- 5      values than project-by-project, species-by-species review.
- 6      ■ Provide clear expectations and regulatory assurances regarding covered activities occurring
- 7      within the planning area.

## CHAPTER 2: BDCP EIR/EIS SCOPING EFFORTS

### 2.1 SCOPING ACTIVITIES

On January 24, 2008, USFWS and NMFS issued an NOI to prepare an EIS, as described in Chapter 1. The NOI was re-issued on April 15, 2008 to include Reclamation as a co-lead Federal agency, update the status of the planning process, and provide updated information related to scoping meetings.

On March 17, 2008, DWR issued an NOP to prepare an EIR, as described in Chapter 1.

The March 17, 2008 NOP and the April 15, 2008 NOI identified scoping meeting locations and stated that written comments would be accepted until May 30, 2008.

At the time of the publication of the NOP and NOI in 2008, the proposed BDCP was in development, and information related to the alternatives to be considered in the EIR/EIS was not available. Additional information was developed to describe the proposed BDCP, and subsequent scoping activities were initiated on February 13, 2009 with the publication of a revised NOP and a revised NOI. The NOP and NOI identified scoping meeting locations and stated that written comments would be accepted until May 14, 2009.

Copies of the NOPs and NOIs are included in Appendices A and B, respectively. A copy of the 2008 Press Release from DWR is included in Appendix C. Copies of typical newspaper notifications for the 2008 preliminary scoping meetings and the 2009 scoping meetings are included in Appendix D.

### 2.2 INFORMATION DISCUSSED IN THE NOTICES OF PREPARATION AND NOTICES OF INTENT

The NOPs and NOIs described the purpose of the proposed BDCP, participants in the BDCP, covered activities, approaches to alternatives, and approaches for impact assessments in the BDCP EIR/EIS.

#### 2.2.1 Purpose of the Action as Presented in the Notice of Preparation

The February 13, 2009 NOP stated that the purpose of the proposed BDCP actions is to achieve the following.

- To be granted incidental take permits for the covered species that authorize take related to:
  - The operation of existing SWP Delta facilities and construction and operation of facilities for the movement of water entering the Delta from the Sacramento Valley watershed to the existing SWP and Federal CVP pumping plants located in the Southern Delta;
  - The implementation of any conservation actions that have the potential to result in take of species that are or may become listed under the Federal ESA, pursuant to the ESA at Section 10(a)(1)(B) and its implementing regulations and policies; and
  - The diversion and discharge of water by Mirant for power generation in the Western Delta.
- To improve the ecosystem of the Delta by:
  - Providing for the conservation and management of covered species through actions within the BDCP Planning Area that will contribute to the recovery of the species;
  - Protecting, restoring, and enhancing certain aquatic, riparian, and associated terrestrial natural communities and ecosystems; and
  - Reducing the adverse effects to certain listed species of diverting water by relocating the intakes of the SWP and CVP.

- 1       ■ Restore and protect the ability of the SWP and CVP to deliver up to full contract amounts, when  
2 hydrologic conditions result in the availability of sufficient water, consistent with the requirements  
3 of State and Federal law and the terms and conditions of water delivery contracts and other  
4 existing applicable agreements.

5 The State agencies involved in the BDCP process will be functioning within a statutory framework  
6 modified significantly by the enactment of Senate Bill X7 1, which includes the Sacramento-San Joaquin  
7 Delta Reform Act of 2009. That state legislation creates a new agency, the Delta Stewardship Council, to  
8 implement the coequal goals of providing a more reliable water supply in California and protecting,  
9 restoring, and enhancing the Delta ecosystem. To meet these coequal goals, the Delta Stewardship  
10 Council is required to develop, adopt, and commence implementation of a comprehensive Delta Plan by  
11 January 1, 2012.

## 12 **2.2.2 Purpose of the Action as Presented in the Notice of Intent**

13 The February 13, 2009 NOI stated that the purpose of the proposed BDCP actions is to achieve the  
14 following.

- 15       ■ Respond to the applications for incidental take permits for the covered species that authorize take  
16 related to:
- 17       • The operation of existing SWP Delta facilities and construction and operation of facilities for  
18 the movement of water entering the Delta from the Sacramento Valley watershed to the  
19 existing SWP and CVP pumping plants located in the Southern Delta;
  - 20       • The implementation of any conservation actions that have the potential to result in take of  
21 species that are or may become listed under the ESA, pursuant to the ESA at Section  
22 10(a)(1)(B) and its implementing regulations and policies; and
  - 23       • The diversion and discharge of water by Mirant for power generation in the Western Delta.
- 24       ■ Improve the ecosystem of the Delta by:
- 25       • Providing for the conservation and management of covered species through actions within the  
26 BDCP Planning Area that will contribute to the recovery of the species;
  - 27       • Protecting, restoring, and enhancing certain aquatic, riparian, and associated terrestrial natural  
28 communities and ecosystems; and
  - 29       • Reducing the adverse effects to certain listed species of diverting water by relocating the  
30 intakes of the SWP and CVP.
- 31       ■ Restore and protect the ability of the SWP and CVP to deliver up to full contract amounts, when  
32 hydrologic conditions result in the availability of sufficient water, consistent with the requirements  
33 of State and Federal law and the terms and conditions of water delivery contracts held by SWP  
34 contractors and certain members of SLDMWA.

## 35 **2.2.3 Project Area**

36 The planning area for the proposed BDCP will consist of the aquatic and terrestrial ecosystems and  
37 natural communities and adjacent riparian and floodplain natural communities within the statutory Delta.  
38 The statutory Delta includes parts of Yolo, Solano, Contra Costa, San Joaquin, and Sacramento counties.  
39 The proposed BDCP includes conservation actions outside of the statutory Delta that advance the goals  
40 and objectives of the proposed BDCP within the Delta, including as appropriate, conservation actions in  
41 the Suisun Marsh, Suisun Bay, and areas upstream of the Delta. Any conservation actions outside the  
42 statutory Delta would be implemented pursuant to cooperative agreements or similar mechanisms with  
43 local agencies, interested nongovernmental organizations, landowners, and others. The EIR/EIS project  
44 area may be different than the proposed BDCP geographic scope to appropriately evaluate impacts of the  
45 proposed BDCP and alternatives.



## 1 2.2.4 Covered Activities

2 The NOP and NOI stated that the proposed BDCP covered activities may include, but are not limited to,  
3 existing or new activities related to the following activities.

- 4 ■ Existing Delta conveyance elements and operations of the SWP and CVP.
- 5 ■ New Delta conveyance facilities (including power line alignments) and operations of the SWP and  
6 CVP generally described in the BDCP November 2007 Points of Agreement.
- 7 ■ Operational activities, including emergency preparedness of the SWP and CVP in the Delta.
- 8 ■ Operational activities in the Delta related to water transfers involving water contractors or to serve  
9 environmental programs.
- 10 ■ Maintenance of the SWP, CVP, and other PREs' facilities in the Delta.
- 11 ■ Facility improvements of the SWP and CVP within the statutory Delta (California Water Code  
12 Section 12220).
- 13 ■ Ongoing operation of and recurrent and future projects related to other Delta water users, as  
14 defined by the Planning Agreement.
- 15 ■ Projects designed to improve Delta salinity conditions.
- 16 ■ Conservation measures included in the BDCP, including, but not limited to, fishery related habitat  
17 restoration projects, adaptive management, and monitoring activities in the Delta.

## 18 2.2.5 Alternative Concepts

19 The NOPs and NOIs briefly discussed concepts that could be considered in the proposed BDCP and  
20 other EIR/EIS alternatives, including near-term and long-term approaches; methods to reduce stressors  
21 on covered species; conveyance facilities to enhance operational flexibility and water supply reliability;  
22 water operations and management actions to achieve conservation and water supply goals; and a  
23 comprehensive monitoring, assessment and adaptive management program guided by independent  
24 scientific input. The NOPs and NOIs also stated that the EIR/EIS will analyze the reasonably foreseeable  
25 direct, indirect and cumulative effects (e.g., climate change, including sea level rise) of the proposed  
26 BDCP and a reasonable range of alternatives on a wide range of resources.

27 The 2009 NOP and NOI described potential alternatives that would likely consist of three major elements:  
28 (1) actions to improve ecological productivity and sustainability in the Delta; (2) potential improvements to  
29 the water conveyance system; and (3) potential changes in Delta-wide operational parameters of the  
30 SWP and CVP associated with improved water conveyance facilities. Actions could be located throughout  
31 the Delta, and possibly upstream and downstream of the Delta, as appropriate to meet the objectives of  
32 the plan.

33 Potential habitat restoration measures to improve ecological productivity and sustainability in the Delta  
34 may involve the creation and/or restoration of floodplain, freshwater intertidal marsh, brackish intertidal  
35 marsh, channel margin, and riparian habitats. Floodplain restoration opportunities exist in the North  
36 Delta/Yolo Bypass and upper San Joaquin River areas, and intertidal marsh restoration opportunities  
37 exist throughout the Delta and in Suisun Marsh. Channel margin habitat restoration opportunities exist for  
38 improving habitat corridors and as a component of floodplain restoration. Riparian habitat restoration  
39 opportunities exist as a component of floodplain, freshwater intertidal marsh, and channel margin habitat  
40 restoration.

41 Three general conveyance concepts identified in the 2009 NOP and NOI include: (1) a dual conveyance  
42 alternative; (2) an isolated facility alternative; and (3) a through Delta alternative. The dual conveyance  
43 alternative may include use of existing points of diversion and new points of diversion in the North Delta,  
44 and facilities to move water from new points of diversion to the existing SWP and CVP pumping facilities  
45 in the South Delta. The fully isolated facility alternative would include new points of diversion in the North  
46 Delta and facilities to move water from new points of diversion to the existing SWP and CVP pumping  
47 facilities in the South Delta. The improved through Delta alternative could include new temporary or

1 permanent barriers to modify existing hydraulics or fish movement within the Delta, armoring of levees  
 2 along Delta waterways to ensure continued conveyance capacity, and/or actions to improve conveyance  
 3 capacity in existing Delta waterways.

4 New points of diversion in the North Delta could be located along the Sacramento River between  
 5 Sacramento and Walnut Grove. The new conveyance facility to connect new points of diversion to the  
 6 existing SWP and CVP pumping facilities in the South Delta could be located either to the west or east of  
 7 the Sacramento River. Potential SWP and CVP operations changes include the seasonal, daily, and real  
 8 time amounts, rates, and timing of water diverted through and/or around the Delta. Potential  
 9 corresponding changes to water exports could also be developed.

10 Other actions that may be evaluated for implementation by the proposed BDCP include measures to  
 11 minimize other stressors. These other stressors may include: (1) non-native invasive species; (2) toxic  
 12 contaminants; (3) other sources of impairment of water quality; (4) hatcheries; (5) harvest; (6) non-project  
 13 diversions; and (7) commercial and recreational activities.

## 14 2.3 SCOPING MEETINGS

15 Preliminary Scoping Meetings were held in 2008 and additional Scoping Meetings were held in 2009, as  
 16 described below.

### 17 2.3.1 2008 Preliminary Scoping Meetings

18 Preliminary Scoping Meetings were held in 2008 throughout California. Notification of the dates, times,  
 19 and locations were included in the NOP, NOI, advertisements in major newspapers that serve  
 20 communities in the vicinity of the Preliminary Scoping Meetings, and on a website  
 21 (<http://www.resources.ca.gov/bdcp>). Interested parties were encouraged to attend the Preliminary Scoping  
 22 Meetings to provide verbal comments. The locations, dates, and number of registered attendees at each  
 23 Preliminary Scoping Meeting are presented in **Table 2-1**.

24 The Preliminary Scoping Meeting format included a 30-minute time period where the attendees could  
 25 informally view informational posters and discuss issues pertaining to the project with staff of DWR,  
 26 CDFG, Reclamation, USFWS, and NMFS. After public review of the posters, the agencies made a 20-  
 27 minute formal presentation. Following the presentation, the meeting was opened for comments.  
 28 Comments were recorded and transcribed during the formal comment period of the meeting. Following  
 29 the formal portion of the Preliminary Scoping Meeting, attendees could further discuss issues and ask  
 30 questions of the DWR, CDFG, Reclamation, USFWS, and NMFS staff.

**Table 2-1. Locations of 2008 Preliminary Scoping Meetings**

Meeting Locations	Date	Attendees that Registered
Sacramento - California Resources Building Auditorium	April 28, 2008	117
Chico - Chico Masonic Family Center	April 29, 2008	25
Clarksburg -Clarksburg Middle School	April 30, 2008	167
Stockton - San Joaquin Farm Bureau	May 5, 2008	57
San Jose - Santa Clara Valley Water District	May 6, 2008	32
Los Banos - City of Los Banos Senior Center	May 7, 2008	7
Los Angeles - Junipero Serra State Office Building	May 8, 2008	31
San Diego - Marina Village Conference Center	May 12, 2008	13
Fresno - Four Points	May 13, 2008	25
Bakersfield - Kern County Board of Supervisors Chamber	May 14, 2008	19

### 31 2.3.2 2009 Scoping Meetings

32 Scoping Meetings were held in 2009 throughout California. Notification of the dates, times, and locations  
 33 were included in the NOP, NOI, advertisements in major newspapers that serve communities in the  
 34 vicinity of the Preliminary Scoping Meetings, and on the BDCP website

1 (<http://www.resources.ca.gov/bdcp>). Interested parties were encouraged to attend the Scoping Meetings to  
 2 provide verbal comments. The locations, dates, and number of registered attendees at each 2009  
 3 Scoping Meeting are presented in **Table 2-2**.

4 The Scoping Meeting format included a 30-minute to 60-minute time period where the attendees could  
 5 informally view informational posters and discuss issues pertaining to the project with staff of DWR,  
 6 CDFG, Reclamation, USFWS, and NMFS. A person was present at each meeting to transcribe formal  
 7 comments provided by attendees.

8 During the Scoping Meetings, representatives of the BDCP Steering Committee made a short formal  
 9 presentation and requested comments on the proposed BDCP. These comments were recorded with  
 10 transcriptions prepared during meetings in Davis, Sacramento, Stockton, Fairfield, and Clarksburg. The  
 11 transcriptions were provided by the BDCP Steering Committee to DWR, Reclamation, USFWS, and  
 12 NMFS and are included in this Scoping Report.

**Table 2-2. Locations of 2009 Scoping Meetings**

Meeting Location	Date	Attendees that Registered
Chico - Chico Masonic Family Center	March 9, 2009	13
San Jose - San Jose Marriott at the Convention Center	March 10, 2009	14
Bakersfield - Bakersfield Marriott at the Convention Center	March 11, 2009	24
Los Angeles - Junipero Serra State Office Building	March 12, 2009	6
San Diego - Marina Village Conference Center	March 16, 2009	14
Merced - Merced High School	March 17, 2009	9
Davis - Davis Veterans Center	March 18, 2009	43
Sacramento - Sacramento Hyatt Regency	March 19, 2009	61
Brentwood - Brentwood Community Multipurpose Room	March 23, 2009	90
Stockton - Stockton Civic Memorial Auditorium	March 24, 2009	112
Fairfield - Fairfield Hilton Garden Inn	March 25, 2009	50
Clarksburg - Clarksburg Middle School	March 26, 2009	352

13



## 1 CHAPTER 3: SUMMARY OF SCOPING COMMENTS

### 2 3.1 OVERVIEW OF COMMENTS RECEIVED

3 During the 2008 Preliminary Scoping Process, 123 letters, emails, and comments cards were submitted.  
4 Preliminary Scoping Meeting Transcripts included comments from 94 commenters.

5 During the 2009 Scoping Process, 182 letters, emails, and comments cards were submitted. Transcripts  
6 recorded at five meetings during the presentation by the BDCP Steering Committee representatives  
7 included comments from 84 commenters.

8 Letters, emails, comment cards, and transcripts were reviewed to identify 2,950 separate comments. The  
9 comments were grouped into 28 categories, as summarized in **Table 3-1**. Specific comments were copied  
10 from the letters, emails, comment cards, and transcripts into tables for each of the detailed categories that  
11 are presented in Appendix E. Comments in the tables in Appendix E are listed within each category  
12 alphabetically by agency or affiliation. A list of agencies, stakeholders, and individuals that provided  
13 written and verbal comments is presented in Appendix F. The letters, emails, and comment cards are  
14 presented in Appendix G and Appendix H The transcripts are presented in Appendix I and Appendix J.

### 15 3.2 SUMMARY OF COMMENTS RECEIVED

16 The following subsections present the comments received during the preliminary scoping process and a  
17 summary of issues discussed in the comments.

#### 18 3.2.1 Scoping Process and Future Participation in the EIR/EIS Process 19 Concepts

20 There were 69 comments related to the scoping process, as presented in Table E-1; and 100 comments  
21 related to participation in the EIR/EIS process, as presented in Table E-2. Comments related to the  
22 scoping process discussed the need for additional details describing the proposed project. Comments  
23 related to participation in the EIR/EIS process discussed the need for outreach in the Delta communities  
24 or with entities that could be affected by implementation of the proposed BDCP. Several agencies  
25 requested status as responsible and cooperating agencies, including County of Yolo, Metropolitan Water  
26 District of Southern California, Reclamation District 756, Reclamation District 999, Reclamation District  
27 2025, Reclamation District 2026, Reclamation District 2028, and Zone 7 Water Agency.

#### 28 3.2.2 Interaction with Other Processes

29 There were 95 comments related to integration with other processes, as presented in Table E-3. Many  
30 comments were related to integration with existing requirements, including the Clean Water Act, ESA,  
31 CESA, Central Valley Project Improvement Act, and Delta Protection Act. Other comments were related  
32 to potential relationships with ongoing related projects, including Delta Vision, CALFED programs, other  
33 HCPs and NCCPs, general plans, highway and utility infrastructure plans, other habitat restoration plans,  
34 and state and local water resources programs.

**Table 3-1. Summary of Comments Received During 2008 and 2009 Scoping Processes**

<b>Concepts Addressed by Comments</b>	<b>Number of Comments</b>
Scoping Process	69
Participation in EIR/EIS Process	100
Interaction with Other Processes	95
Preparation of the EIR/EIS	37
Issues to be Considered in Development of BDCP Concepts	1,051
Study Area Concepts	16
Future Conditions without BDCP Concepts	40
Biological Resources	540
Surface Water Resources	316
Water Quality Conditions	324
Flood Management Concepts	156
Groundwater Concepts	52
Sediment Concepts	21
Seismic Concepts	23
Soils Resources	21
Agricultural Resources	256
Socioeconomic, Population, and Land Use Resources	264
Utilities and Public Services Resources	118
Recreation Resources	67
Transportation Resources	46
Regional Economic Resources	198
Potential Risk from Mosquitoes and Other Hazards	44
Air Quality Resources and Potential for Odors	16
Aesthetic Resources	30
Natural, Historical, and Cultural Resources	3
Climate Change Concepts	44
Energy Use and Greenhouse Gas Emissions Concepts	14
Secondary Growth Concepts	11
NOTE: The total number of comments presented in this table exceeds the number of categorized comments because many comments are included in several categories.	

### 1 **3.2.3 Preparation and Use of the EIR/EIS**

2 There were 37 comments related to the structure of the EIR/EIS including discussion of the use of the  
3 document as a programmatic and/or site-specific environmental document.

### 4 **3.2.4 Development of BDCP Concepts**

5 There were 1,051 comments related to the development of BDCP concepts, as presented in Table E-5.  
6 Many comments were related to specific measures for the recovery of endangered and sensitive species  
7 and their habitats in the Delta and also provide for the protection and restoration of water supplies that the  
8 Federal and State projects currently convey through the Delta. Many comments described the need for  
9 understanding the basis of the alternatives. Other comments described potential concerns about impacts  
10 of conveyance facilities or the need to consider alternatives described in the NOP and NOI and additional  
11 alternatives, such as pipelines or tunnels. Several comments described the need to fully identify benefits  
12 and impacts to other resources, consider interaction of the Delta aquatic environment and other stressors  
13 not related to water diversions, use of scientific-based analyses, avoid redirected impacts, and consider  
14 long-term implementation issues, including costs for governance and land acquisition. There were over  
15 150 comments that described methods to reduce reliance upon Delta water supplies, including water  
16 conservation, recycling, and use of other water supplies such as conjunctive use programs to ensure  
17 adequate groundwater recharge operations. Over 75 comments described issues related to  
18 implementation of the proposed BDCP including governance methods, property acquisition approaches,  
19 and financing methods.

### 1 **3.2.5 Study Area Concepts**

2 There were 16 comments related to the study area concepts, as presented in Table E-6. Many comments  
3 described the need to expand the study area to locations outside of the Delta to evaluate impacts and  
4 benefits on associated habitat and communities, including upper portions of the Sacramento River  
5 watersheds and Suisun Marsh.

### 6 **3.2.6 Future Conditions without BDCP Concepts**

7 There were 40 comments related to projecting future conditions without implementation of the proposed  
8 BDCP, as presented in Table E-7. Several comments indicated that continuation of existing policy and  
9 operations would continue to cause habitat degradation. Other comments, related to assumptions to be  
10 used for projecting future conditions, described the need to consider full implementation of existing  
11 regulations and legislation.

### 12 **3.2.7 Biological Resources**

13 There were 540 comments related to biological resource issues to be evaluated in the EIR/EIS, as  
14 presented in Table E-8. Many comments encouraged an ecosystem or habitat approach that incorporated  
15 monitoring programs and adaptive management methods. There were concerns that restored habitats  
16 may not be similar to historical conditions, and therefore, may not be successful. Other comments  
17 described the need to coordinate with other restoration programs, such as restoration activities in the  
18 Yolo Bypass and other HCPs and NCCPs; and to consider relationships between proposed BDCP  
19 restoration plans and habitat located upstream of the Delta. Many comments included concerns that  
20 changes in existing land uses, including agricultural practices or changing freshwater habitats to brackish  
21 tidal water marshes, would create adverse impacts as well as benefits to the ecosystem. These and other  
22 comments described the need to identify and mitigate any redirected impacts. Finally, several comments  
23 suggested that incentives and safe harbor agreements could be provided to existing landowners to  
24 implement activities that would benefit habitats and maintain ongoing land uses.

### 25 **3.2.8 Water Supply, Surface Water Resources, and Water Quality Conditions**

26 There were 316 comments related to water supply and surface water resources to be considered in the  
27 development of the proposed BDCP, as presented in Table E-9; and 324 comments related to water  
28 quality conditions to be evaluated in the EIR/EIS, as presented in Table E-10. Many comments described  
29 the need for an understanding of changes in flows, water quality, and diversion methods with or without  
30 implementation of the proposed BDCP. Other comments described the need to consider concepts  
31 identified in other studies, including the use of Delta barriers to maintain freshwater corridors, use of  
32 state-of-the-art fish screens, habitat restoration and water supply concepts identified during the Delta  
33 Vision process, and methods to change demand patterns for Delta water supplies (e.g., development of  
34 water conservation, recycling, or groundwater programs).

35 Several comments identified the need to understand the extent, duration, and frequency of water quality  
36 changes that could affect habitat and water supplies related to changes in salinity, temperature,  
37 bromides, organic compounds, selenium, and other constituents. Agencies with discharge permits for  
38 stormwater and treated wastewater effluent were concerned if changes in Delta water quality would affect  
39 the permit conditions. Several comments were related to changes in water quality that could occur due to  
40 construction activities or long-term operations methods, such as vegetation management on restored  
41 lands. Other comments described the need for analysis of the bioavailability of mercury, selenium, and  
42 other constituents due to changes in salinity, temperature, or inundation patterns.

### 1    **3.2.9       Flood Management Concepts**

2    There were 156 comments related to evaluating changes to flood management, as presented in Table  
3    E-11. Many comments described the need for the EIR/EIS to evaluate potential for changes in flood  
4    management, levee erosion, and drainage as well as the associated risk of future floods.

### 5    **3.2.10      Groundwater Concepts**

6    There were 52 comments related to evaluating changes to groundwater resources, as presented in Table  
7    E-12. Many comments described the need for the EIR/EIS to evaluate potential for changes in  
8    groundwater recharge and quality due to changes in seepage and changes in groundwater elevations  
9    and quality.

### 10   **3.2.11     Sediment Concepts**

11   There were 21 comments related to evaluating changes to sediment loads, as presented in Table E-13.  
12   Many comments described the need for the EIR/EIS to evaluate potential for changes in sediment  
13   sources, transfer rates through the Delta, and sediment patterns due to changes in flow patterns and land  
14   use.

### 15   **3.2.12     Seismic Conditions**

16   There were 23 comments related to evaluating changes to potential for seismic risk, as presented in  
17   Table E-14. Many comments described the need for the EIR/EIS to evaluate potential for changes in land  
18   uses and water quality due to potential responses to seismic events to existing and future levees and  
19   canals that would be affected by the proposed BDCP.

### 20   **3.2.13     Soils Resources**

21   There were 21 comments related to evaluating changes to soils resources, as presented in Table E-15.  
22   Many comments described the need for the EIR/EIS to evaluate potential for changes in soils that are  
23   used for agricultural resources, peat mineral resources, and locations to be considered for spoils and  
24   borrow areas.

### 25   **3.2.14     Agricultural Resources**

26   There were 256 comments related to evaluating changes to agricultural practices and land use, as  
27   presented in Table E-16. Several comments described the need for the EIR/EIS to evaluate direct,  
28   indirect, and cumulative changes to agricultural communities due to changes in agricultural land use. The  
29   comments indicated that the analysis should include adequate detail to describe local and regional  
30   changes including economic changes in the communities due to reduction in agricultural production.  
31   Other comments described the need for analysis of potential conflicts between restoration and water  
32   supply actions and existing agricultural practices, such as the need for changes in cultivation or pest  
33   management due to the proximity of agricultural fields and proposed BDCP activities. Several comments  
34   described opportunities to modify existing agricultural operations to improve habitat quality and the  
35   potential use of Safe Harbor Agreements.

### 36   **3.2.15     Socioeconomics, Population, and Land Use Resources**

37   There were 264 comments related to evaluating changes to socioeconomic, population, and land use, as  
38   presented in Table E-17. Several comments described the need for the EIR/EIS to evaluate direct,  
39   indirect, and cumulative changes to Delta communities due to changes in agricultural land use, including  
40   portions of the community that provide materials and services to agriculture. Other comments described



1 the need to evaluate socioeconomic changes that could occur if taxes collected from agricultural  
2 activities, and community fees and taxes are reduced due to loss of existing land uses.

### 3 **3.2.16 Regional Economic Resources**

4 There were 198 comments related to evaluating changes to regional economics, as presented in Table  
5 E-18. Many comments described the need for the EIR/EIS to evaluate regional economic changes due to  
6 changes in employment, taxes, and land use. Other comments described the need to consider changes  
7 in market price of construction materials and labor due to implementation of the proposed BDCP and  
8 potential impact of and to inflation on the affected study area.

### 9 **3.2.17 Utilities and Public Services Resources**

10 There were 118 comments related to evaluating changes to utilities and public services, including  
11 emergency services and schools, as presented in Table E-19. Several comments described the need for  
12 the EIR/EIS to evaluate potential conflicts to utility and traffic corridors due to restoration and facilities  
13 construction, including potential increased response time for emergency services if existing roadways and  
14 waterways were modified. Other comments described the need to evaluate changes in funding for utilities  
15 and public services if population and employment changes occurred in response to land use changes.

### 16 **3.2.18 Recreation Resources**

17 There were 67 comments related to evaluating changes to recreation, as presented in Table E-20. Many  
18 comments described the need for the EIR/EIS to evaluate potential conflicts with Delta recreation during  
19 construction and long-term operations, relationship between recreational activities and habitat, and  
20 potential changes to funding of recreational areas if the tax base in the Delta changes. Other comments  
21 described concerns about potential conflicts between operable barriers and gates in the Delta and  
22 recreational boating corridors.

### 23 **3.2.19 Transportation Resources**

24 There were 46 comments related to evaluating changes to transportation corridors, as presented in Table  
25 E-21. Many comments described the need for the EIR/EIS to evaluate potential conflicts to navigation and  
26 roadway corridors during construction and long-term operations, especially related to emergency  
27 response times and recreational activities.

### 28 **3.2.20 Potential Risk from Mosquitoes and Other Hazards**

29 There were 44 comments related to evaluating changes to potential for risks due to mosquitoes, as  
30 presented in Table E-22. Many comments described the need for the EIR/EIS to evaluate potential for  
31 changes to mosquito breeding and the exposure risk for West Nile virus for humans and animals. Other  
32 comments described potential public health risks due to rodent and other animal activities associated with  
33 habitat restoration. Several comments discussed the need to consider methods to protect proposed  
34 BDCP facilities from terrorist activities or vandalism.

### 35 **3.2.21 Air Quality Resources and Potential for Odors**

36 There were 16 comments related to evaluating changes to air quality during construction and operations,  
37 as presented in Table E-23. Many comments described the need for the EIR/EIS to evaluate potential for  
38 changes in odors from increased acreage of marshes, and increased emissions if groundwater pumping  
39 increased.

**1 3.2.22 Aesthetics Resources**

2 There were 30 comments related to evaluating changes to noise, visual resources, and ambience of the  
3 community during construction and operations, as presented in Table E-24. Many of the comments  
4 described concerns about changes in the aesthetics of the Delta due to construction of the conveyance  
5 facilities.

**6 3.2.23 Natural, Historical, and Cultural Resources**

7 There were 3 comments related to evaluating changes to natural, historical, and cultural resources, as  
8 presented in Table E-25. The comments described the need for the EIR/EIS to evaluate potential for  
9 changes in these resources due to implementation of conveyance facilities and habitat restoration.

**10 3.2.24 Climate Change Concepts**

11 There were 44 comments related to evaluating the relationship of the BDCP and climate change, as  
12 presented in Table E-26. Many comments described the need for the EIR/EIS to evaluate the effects of  
13 rising sea levels, changes in hydrology and surface water availability, and changes in Delta salinity on the  
14 BDCP actions.

**15 3.2.25 Energy Use and Greenhouse Gas Emission Concepts**

16 There were 14 comments related to evaluating changes in energy use and greenhouse gas emissions, as  
17 presented in Table E-27. Many comments described the need for the EIR/EIS to evaluate energy  
18 requirements and greenhouse gas emissions related to implementation of the proposed BDCP actions.

**19 3.2.26 Secondary Growth Concepts**

20 There were 11 comments related to potential for secondary growth impacts, as presented in Table E-28.  
21 Many comments described the need for the EIR/EIS to evaluate secondary impacts of potential changes  
22 in growth rates and use of fossil fuels in the study area due to proposed BDCP actions.

23

# CHAPTER 4: ISSUES TO BE ANALYZED IN THE EIR/EIS

## 4.1 SUMMARY OF ISSUES

The BDCP EIR/EIS will describe the direct and indirect adverse and beneficial environmental effects of implementing the alternatives evaluated in the BDCP EIR/EIS. The indirect adverse and beneficial environmental effects associated with implementing the alternatives will be evaluated as secondary growth effects and cumulative effects of interactions with other past, present, and reasonably foreseeable future projects. The Existing Conditions, No Action Alternative, and No Project Alternative also will be evaluated in detail.

All comments received during the 2008 and 2009 scoping processes will be considered in preparation of the Draft EIR/EIS. Based upon the comments presented in Appendix E, information presented in the NOPs and NOIs, and the requirements of CEQA and NEPA, the EIR/EIS will address all of the resources identified to be considered by either CEQA or NEPA to be evaluated in an EIR/EIS, as summarized below.

- **Aquatic Resources** - Potential impacts to habitat or movement of species due to implementation of alternatives, including threatened and endangered species as described under the Federal ESA and CESA.
- **Terrestrial Resources (including vegetation and wildlife species, and specifically wetlands)** - Potential impacts to habitat or movement of species due to implementation of alternatives, including disturbance of riparian vegetation, jurisdictional wetlands or other waters of the United States, or other sensitive natural communities, including threatened and endangered species as described under the ESA and CESA.
- **Water Supply and Surface Water Resources** - Potential impacts to water supplies, including water rights and SWP and CVP water contractors; surface water flow and drainage patterns; hydrologic and hydraulic effects in the watershed and Delta; surface water elevations, including reservoir elevations; and Delta tidal patterns.
- **Water Quality** - Potential impacts to surface water quality in accordance with beneficial uses, including operations of agricultural and municipal/industrial diversions.
- **Flood Management** - Potential impacts to existing and projected flood management facilities and procedures and the associated risk of future floods.
- **Groundwater Resources** - Potential impacts to groundwater elevation and groundwater quality, including seepage effects and changes in recharge potential.
- **Sediment Resources** - Potential impacts to sediment sources, deposition patterns, and sediment quality.
- **Geological Resources and Seismic Conditions** - Potential impacts to geological foundations and formations, including responses to seismic events.
- **Soils Resources** - Potential impacts to soil resources including erosion, subsidence, and movement of soils.
- **Agriculture Resources** - Potential impacts to agricultural land uses, including agricultural practices on adjacent non-disturbed lands.
- **Land Use Resources** - Potential impacts to land uses, including agricultural, rural communities, municipalities, and industries.
- **Socioeconomics and Regional Economics Resources** - Potential impacts to population, housing, community aesthetics, and community economics, including the ability of public services financing through taxes and fees. Regional economics will be considered individually for Sacramento, San Joaquin, Yolo, Solano, and Contra Costa counties; and in localized regions,

- 1 including the Delta, Southern California, San Francisco Bay Area, Sacramento Valley, and San  
2 Joaquin Valley.
- 3 ■ **Utilities, Emergency Services, and Public Services Resources** - Potential impacts to utilities,  
4 including water supplies, wastewater treatment and disposal, electricity generation and  
5 transmission, communications, cable television, and natural gas; emergency services including  
6 police, fire, and ambulance services; schools; and solid waste collection and disposal services.
  - 7 ■ **Recreation Resources** - Potential impacts to land-based and water-based recreational  
8 opportunities.
  - 9 ■ **Transportation Resources** - Potential impacts to roadways and navigation transportation  
10 corridors.
  - 11 ■ **Potential Risk from Mosquitoes, Hazardous Materials, and Other Public Health Hazards** -  
12 Potential impacts related to risks of exposure to mosquitoes, rodents, hazardous materials, and  
13 other air-borne and water-borne constituents.
  - 14 ■ **Air Quality Resources and Potential for Odors** - Potential impacts related to air emissions,  
15 including particulate matter, equipment emissions, and odors.
  - 16 ■ **Visual and Other Aesthetic Resources** - Potential impacts to views, noise levels, and  
17 community characteristics.
  - 18 ■ **Natural, Historic, and Cultural Resources** - Potential impacts to natural, historic, and cultural  
19 resources.
  - 20 ■ **Paleontological Resources** - Potential impacts to paleontological resources.
  - 21 ■ **Mineral Resources** - Potential impacts to mineral resources, including natural gas well fields and  
22 commercial peat suppliers.
  - 23 ■ **Climate Change** - Potential impacts to the proposed BDCP conservation measures and adjacent  
24 environment over the 50-year study period due to changes in sea level rise and changes in  
25 precipitation and hydrology in the Central Valley watersheds.
  - 26 ■ **Energy Use and Greenhouse Gas Emission Concepts** - Potential impacts to existing and  
27 future energy consumption and greenhouse gas emissions.
  - 28 ■ **Environmental Justice** - Potential disproportionately high adverse impacts to minority or low-  
29 income populations.
  - 30 ■ **Secondary Growth Impacts** - Potential growth-inducement impacts not directly related to  
31 implementation of the proposed BDCP or the alternatives considered in the EIR/EIS.
  - 32 ■ **Cumulative Impacts and Consistency with Other Federal and Non-Federal Projects and**  
33 **Plans** - Potential impacts that could occur with implementation of the proposed BDCP or the  
34 alternatives considered in the EIR/EIS in combination with other related past, present, and  
35 reasonably foreseeable future actions; and consistency and compatibility of the proposed BDCP  
36 or the alternatives considered in the EIR/EIS with other ongoing programs in the study area.
  - 37 ■ **Short-term Uses of the Environment versus Loss of Long-term Productivity** - Comparison of  
38 the potential short-term impacts, generally construction impacts, to long-term environmental  
39 productivity for physical, biological, and community resources.
  - 40 ■ **Irreversible and Irretrievable Commitment of Resources** - Potential impacts to consumption of  
41 resources that cannot be restored or returned to original condition after implementation of  
42 mitigation measures.
  - 43 ■ **Indian Trust Assets** - Potential impacts to Indian Trust Assets and methods to protect and avoid  
44 these adverse impacts. Indian Trust Assets are legal interests in property held in trust by the  
45 Federal government for the benefit of Indian tribes or individuals.

# 1 CHAPTER 5: ABBREVIATIONS AND ACRONYMS

## 2 Agencies, Districts, Associations, and Companies

3	CDFG	California Department of Fish and Game
4	DWR	California Department of Water Resources
5	Mirant	Mirant LLC
6	NMFS	National Marine Fisheries Service
7	Reclamation	U.S. Bureau of Reclamation
8	SLDMWA	San Luis Delta-Mendota Water Authority
9	SWRCB	State Water Resources Control Board
10	USACE	U.S. Army Corps of Engineers
11	USEPA	U.S. Environmental Protection Agency
12	USFWS	U.S. Fish and Wildlife Service

13

## 14 Technical Terms, Facilities, Plans, Legislation, and Programs

15	BDCP	Bay Delta Conservation Plan
16	CEQA	California Environmental Quality Act
17	CESA	California Endangered Species Act
18	CVP	Central Valley Project
19	Delta	Sacramento-San Joaquin Delta
20	EIR	Environmental Impact Report
21	EIS	Environmental Impact Statement
22	ESA	Federal Endangered Species Act
23	HCP	Habitat Conservation Plan
24	NCCP	Natural Community Conservation Plan
25	NEPA	National Environmental Protection Act
26	NOP	Notice of Preparation
27	NOI	Notice of Intent
28	PREs	Potentially Regulated Entities
29	SWP	State Water Project

30



**APPENDIX A: NOTICES OF PREPARATION**

**APPENDIX A1: NOTICE OF PREPARATION - MARCH 17, 2008**

**APPENDIX A2: NOTICE OF PREPARATION - FEBRUARY 13, 2009**





**DEPARTMENT OF WATER RESOURCES**

DIVISION OF ENVIRONMENTAL SERVICES  
901 P STREET, P.O. BOX 942836  
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**NOTICE OF PREPARATION****ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT  
FOR THE BAY DELTA CONSERVATION PLAN**

March 17, 2008

**INTRODUCTION**

Pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended, the California Department of Water Resources (Department) is initiating preparation of a joint Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Sacramento-San Joaquin Bay Delta Conservation Plan (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 Department will serve as the State lead agency. The California Department of Fish and Game (CDFG) will be a responsible and trustee agency under CEQA. The Department will consult and fully cooperate with other State responsible and trustee agencies, such as the State Water Resources Control Board (SWRCB), as well as State Water Project contractors and certain federal Central Valley Project water contractors, as it prepares this document.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the U.S. Bureau of Reclamation (Reclamation), the U. S. Fish and Wildlife Service (FWS), and the National Marine Fisheries Services (NMFS) may serve as co-lead federal agencies. On January 24, 2008, the FWS and NMFS published a Notice of Intent (NOI) in the Federal Register (Vol. 73, No. 16, FR 4178-4180, January 24, 2008) to conduct public scoping and to prepare an EIR/EIS for the BDCP. To date, the Federal agencies have not decided which Federal agency will serve as the administrative lead.

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. The planning effort for the BDCP is in the preliminary stages of development, and further information regarding the various features of the BDCP may be provided to the public in subsequent public notices and/or in scoping meetings. The BDCP Steering Committee will continue work on the overall approach to the BDCP during 2008. These proceedings can be followed on the California Resources Agency website:

<http://resources.ca.gov/bdcp/>.

The BDCP is being developed through a collaboration of State, federal and local water agencies, and Mirant Delta LLC (Mirant Delta), owners of an electric power generating facility located in West Pittsburg, California, under: (1) Section 10(a)(1)(B) of FESA, and (2) the Natural Community Conservation Planning Act (NCCPA), California Fish and Game Code, Section 2800 et. seq. and/or Fish and Game Code Section 2081 of the California Endangered Species Act (CESA). The BDCP process is intended to provide the basis for the Department, State and federal water contractors, and Mirant Delta to apply for incidental take permits (ITPs) pursuant to Section 10 of FESA and California Fish and Game Code Section 2835 and/or 2081, and the BDCP is intended to provide Reclamation the ability to obtain Biological Opinions and incidental take statements (ITS) pursuant to Section 7 of FESA. These incidental take authorizations would allow the incidental take of threatened and endangered species resulting from covered activities and conservation measures that will be identified through the planning process, including those associated with water operations of the California State Water Project (SWP), as operated by the Department and the federal Central Valley Project (CVP), as operated by Reclamation, as well as operations of certain Mirant Delta power plants. Ultimately, the BDCP is intended to secure authorizations that would allow the conservation of covered species, the restoration and protection of water supply reliability, protection of certain drinking water quality parameters, and the restoration of ecosystem health to proceed within a stable regulatory framework.

The EIR/EIS will analyze the impacts of alternative conservation actions including improved water conveyance infrastructure in the Delta (e.g. dual or isolated conveyance systems). New dual or isolated conveyance systems would require a canal from the Sacramento River to the SWP Harvey O. Banks and the CVP C.W. Jones pumping plants near Tracy. The EIR/EIS will also analyze the impacts of alternative water operations and management actions to achieve conservation and water supply reliability goals.

## **BACKGROUND INFORMATION**

In August of 2000, a broad array of State and federal agencies, including the Department, adopted the CALFED Program as a 30-year planning roadmap for restoring the Delta's ecology and improving water management. Since 2000, further studies and information has become available that can change our thinking about the Delta and has caused us to reexamine the conveyance component of the August 2000 CALFED decision. Pelagic organisms, including Delta smelt, have experienced a precipitous decline in recent years. Federal court litigation has resulted in the potential for temporary but substantial cuts in water exports. New research by the Department indicates a higher degree of risk to Delta levees from earthquakes than was previously understood, revealing a heightened risk to the State's water supplies that travel through

Delta channels. There is also growing consensus among scientific experts suggesting that climate change will cause considerable sea level rise that would adversely affect levees, water quality, and conveyance of water supplies through the Delta.

On September 28, 2006, Governor Arnold Schwarzenegger issued Executive Order 2-17-06, initiating the Delta Vision process to develop “a durable vision for sustainable management of the Delta.” In December 2007, the Delta Vision process resulted in a final set of recommendations by a Blue Ribbon Task Force of experts to a committee of State Agency Directors to chart a new course for the Delta. Among the recommendations is that the State should consider a different approach to conveying water to areas south of the Delta than the through-Delta alternative the State approved as part of the CALFED Record of Decision. On February 28, 2008, Governor Schwarzenegger, in a letter to State Senators Perata, Machado and Steinberg, stated his intention to direct the Department to proceed with the CEQA/NEPA process to evaluate at least four alternative Delta conveyance strategies in coordination with the BDCP efforts to better protect at-risk fish species, within the context of broad habitat conservation principles recognizing the importance of water supply reliability and other issues like seismic and flood durability, ecosystem health and resilience, water quality, schedule, cost and options, as suggested by the Delta Vision Task Force.

## **DESCRIPTION OF THE BDCP**

The Department and Reclamation, along with the Metropolitan Water District of Southern California (MWD), the Kern County Water Agency (KCWA), the Santa Clara Valley Water District (SCVWD), Alameda County Flood Control and Water Conservation District, Zone 7 Water Agency (Zone 7), the San Luis and Delta Mendota Water Authority (SLDMWA), the Westlands Water District (WWD), and Mirant Delta (known collectively as the “Potentially Regulated Entities” or PREs) are currently preparing the BDCP for existing and proposed covered activities within the Statutory Delta.

The BDCP process is intended to meet the following regulatory authorizations:

1. The requirements of Section 10(a)(1)(B) of FESA for the non-federal PREs and result in the issuance of ITPs from FWS and NMFS;
2. The requirements of an ITP under the California fish and wildlife protection laws, either pursuant to Section 2835 or Section 2081, resulting in take authority under the Fish and Game Code; and
3. The requirements of the Section 7 consultation process under the FESA, resulting in the issuance of Biological Opinions, and ITSSs, from the NMFS and FWS on specific activities of certain members of the PREs.

Although the BDCP planning efforts are in the preliminary stages, the collective goals of the PREs will provide the basis for the project objectives under CEQA and the purpose and need statement under NEPA. Formal preparation of a draft EIR/EIS will commence when the BDCP has been further developed. The BDCP process is also intended to complement and support the actions identified in the Governor's Delta Vision Blue Ribbon Task Force process.

The BDCP is being prepared with the participation of the FWS, NMFS, California Resources Agency, CDFG, the State Water Resources Control Board (SWRCB), the PREs, and various stakeholders, including The Nature Conservancy, Environmental Defense, Defenders of Wildlife, the California Farm Bureau, the Natural Heritage Institute, American Rivers, Contra Costa Water District, and The Bay Institute. These organizations are members of the Steering Committee that is helping to guide preparation of the BDCP. The regulatory agencies, FWS, NMFS, CDFG and SWRCB are participating in the Steering Committee to provide technical input and guidance in support of the Steering Committee's efforts to complete the BDCP.

The participants are undertaking these planning efforts pursuant to: (1) the Planning Agreement that was signed in October 2006 and amended in April 2007 to guide the development of the BDCP process; and (2) the Points of Agreement for Continuing into the Planning Process, dated November 2007 (see California Resources Agency website, <http://resources.ca.gov/bdcp/> for these agreements). The Points of Agreement document provides a summary of the BDCP planning process to date, along with future direction and procedures. The website provides access to documentation of the planning process, and a schedule of past and future planning activities.

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. Specifically, the BDCP will serve as a habitat conservation plan that satisfies the requirements of Section 10 of the FESA, and provide the basis for consultations between Reclamation, FWS and NMFS under Section 7. The BDCP will also provide the basis for compliance with State law under the NCCPA and/or CESA. Successful completion of the BDCP approval process will result in long-term take authorizations for covered activities, including certain water operations of the SWP and CVP, and operations of certain Mirant Delta power plants. The BDCP is also intended to support durable assurances regarding the long-term obligations of most of the PREs.

The BDCP will achieve these objectives through a number of anticipated actions: habitat restoration and enhancement to increase the quality and quantity of habitat in the Delta; other conservation actions to help address a number of stressors on covered

species; conveyance facilities to enhance operational flexibility and water supply reliability while providing greater opportunities for habitat improvements and fishery conservation; water operations and management actions to achieve conservation and water supply goals; and a comprehensive monitoring, assessment and adaptive management program guided by independent scientific input. Additional core purposes of the BDCP are to provide for the conservation of covered species within the planning area; to protect and restore certain aquatic, riparian and associated terrestrial natural communities that support these covered species; and to provide for water supplies and ecosystem health within a stable regulatory framework. Other applicants, co-applicants, or beneficiaries of an ITP, referred to as PREs, may be identified during the planning process. The EIR/EIS will evaluate the effects of implementing the BDCP, conveyance alternatives, power line alignments, other nonstructural alternatives, develop appropriate mitigation measures and describe the permits necessary for BDCP implementation.

The BDCP will likely consist of several major elements, including new capital improvements to the water supply conveyance system, a restoration program for important habitats within and adjacent to the Delta in order to improve the ecological productivity and sustainability of the Delta, and monitoring and adaptive management for the restoration program. The plan will also likely include operational improvements for the water supply system in the near-term and for the long-term once any capital improvements have been completed and are operational.

### **Covered Activities**

The BDCP covered activities may include, but are not limited to, existing or new activities related to:

- Existing Delta conveyance elements and operations of the SWP and CVP;
- New Delta conveyance facilities;
- Operational activities of the SWP and CVP generally described in the BDCP November 2007 Points of Agreement;
- Emergency preparedness of the SWP and CVP in the Delta;
- Operational activities in the Delta related to water transfers involving water contractors or to serve environmental programs;
- Maintenance of the SWP, CVP, and other PREs' facilities in the Delta;
- Facility improvements of the SWP and CVP within the Statutory Delta (California Water Code Section 12220);
- Ongoing operation of and recurrent and future projects related to other Delta water users, as defined by the Planning Agreement;
- Projects designed to improve Delta salinity conditions;

- Existing power generation operations of the Mirant Delta power plants
- Conservation measures included in the BDCP, including, but not limited to, fishery related habitat restoration projects, adaptive management, and monitoring activities in the Delta; and
- New power lines and rights of way.

### **Covered Species**

The covered species that are the initial focus of the BDCP include certain aquatic species such as:

- Central Valley steelhead *Oncorhynchus mykiss*;
- Central Valley Chinook salmon *Oncorhynchus tshawytscha* (spring-run and fall/late fall-runs);
- Sacramento River Chinook salmon *Oncorhynchus tshawytscha* (winter-run);
- Delta smelt *Hypomesus transpacificus*;
- Green sturgeon *Acipenser medirostris*;
- White sturgeon *Acipenser transmontanus*;
- Splittail *Pogonichthys macrolepidotus*; and
- Longfin smelt *Spirinchus thaleichthys*.

Other species that will be considered for inclusion in the BDCP include, but may not be limited to:

- Swainson's hawk *Buteo swainsoni*;
- Bank swallow *Riparia riparia*;
- Giant garter snake *Thamnophis gigas*; and
- Valley elderberry longhorn beetle *Desmocerus californicus dimorphus*.

This list identifies the species that will be evaluated for inclusion in the BDCP as proposed covered species; however, the list may change as the planning process progresses. The participants anticipate that species may be added or removed from the list once more is learned about the nature of the covered activities and the impact of covered activities on native species within the planning area.

### **BDCP Planning Goals**

The BDCP includes goals and objectives related to the management of covered activities and the protection of covered species and their habitats. As described in the Planning Agreement, the planning goals include:

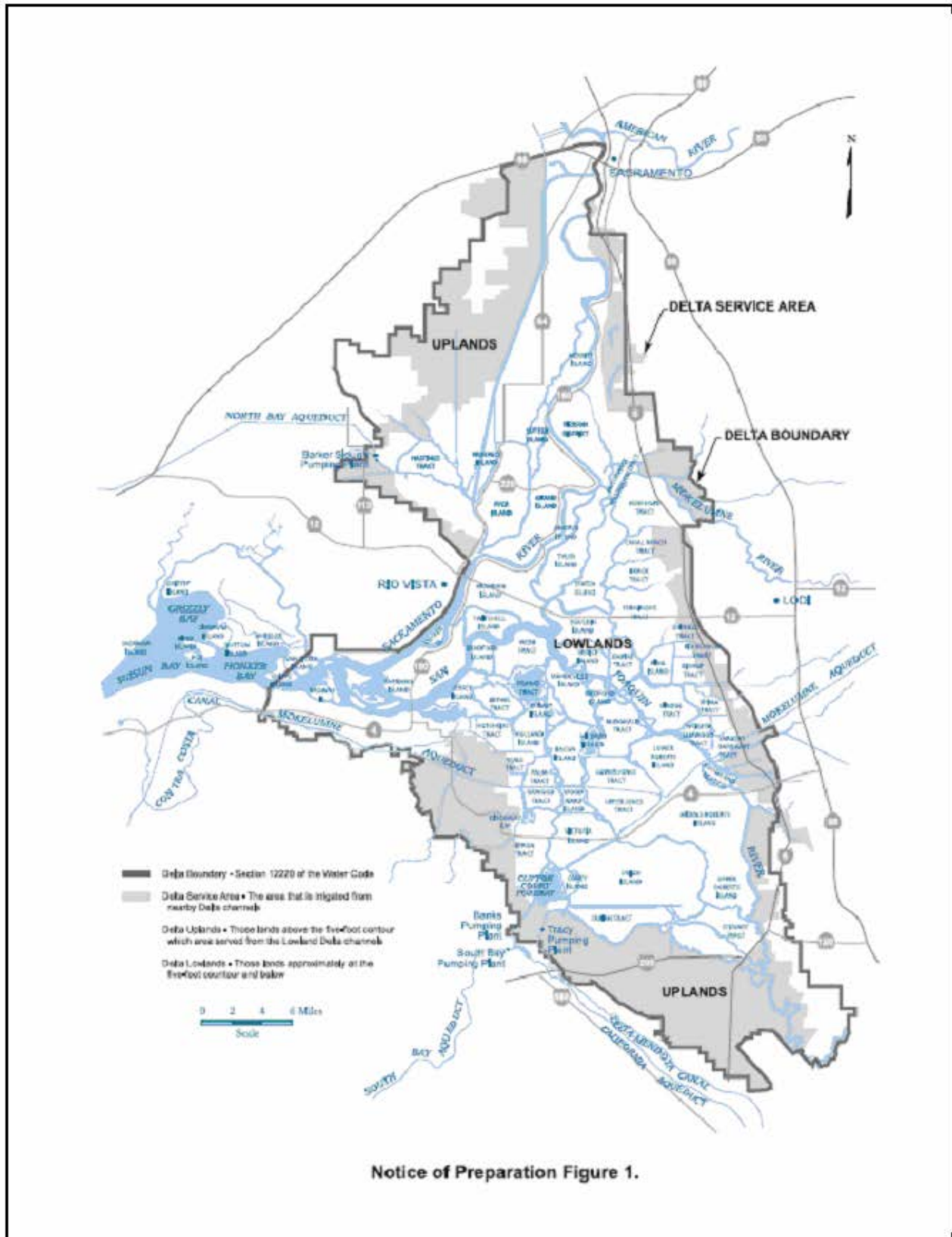
1. Provide for the conservation and management of covered species within the planning area;
2. Preserve, restore, and enhance aquatic, riparian, and associated terrestrial natural communities and ecosystems that support covered species within the planning area through conservation partnerships;
3. Allow for projects that restore and protect water supply, water quality, ecosystem, and ecosystem health to proceed within a stable regulatory framework;
4. Provide a means to implement covered activities in a manner that complies with applicable State and federal fish and wildlife protection laws, including the NCCPA or CESA, FESA, and other environmental laws, including CEQA and NEPA;
5. Provide a basis for permits necessary to lawfully take covered species;
6. Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for covered activities within the planning area;
7. Provide a less costly, more efficient project review process which results in greater conservation values than project-by-project, species-by-species review, and;
8. Provide clear expectations and regulatory assurances regarding covered activities occurring within the planning area.

## **PROJECT AREA**

The planning area for the BDCP will consist of the aquatic ecosystems and natural communities, and potentially adjacent riparian and floodplain natural communities, within the Statutory Delta (Figure 1). The Statutory Delta includes parts of Yolo, Solano, Contra Costa, San Joaquin, and Sacramento counties. However, it may be necessary for the BDCP to include conservation actions outside of the Statutory Delta that advance the goals and objectives of the BDCP within the Delta, including as appropriate, conservation actions in the Suisun Marsh, Suisun Bay, and areas upstream of the Delta. Where appropriate, 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 as appropriate.

## **POTENTIAL ENVIRONMENTAL EFFECTS**

The EIR/EIS for the BDCP will likely evaluate a range of measures to achieve the conservation goals, including new capital improvements to the water supply conveyance system both through and around the Delta; a significant restoration and enhancement program for important habitats within and adjacent to the Delta designed





to improve the long-term ecological productivity and sustainability of the Delta; and a monitoring and adaptive management program. The EIR/EIS will also likely evaluate a range of operational improvements for the water supply system in the near-term and for the long-term once the capital improvements have been completed and are operational. The lead agencies will assist with the design and implementation of new studies and analyses to support an evaluation of potential impacts of proposed actions and conservation measures to be undertaken as part of the BDCP and the development and evaluation of appropriate alternatives. The EIR/EIS will include an analysis of the effects of the proposed plan and other alternatives, including potential impacts to terrestrial resources that may or may not be addressed as covered species by the BDCP.

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

Comments on the NOP, comments from the scoping meetings, and ensuing analyses may identify additional environmental resources to be evaluated. At present, sufficient information is not available to enable the Department to determine the detailed scope and significance of the effects related to the BDCP. An Initial Study is not included in this NOP.

## SCOPING MEETINGS

The schedule for this EIR/EIS depends upon the development of the draft BDCP, which is expected to occur by early 2009. The federal Notice of Intent (NOI) for the BDCP was published in the federal Register on January 24, 2008. Additional notices will be published as more information regarding the Federal Lead Agencies and Cooperating Agencies are decided and additional details become available. Public Scoping meetings for this NOP are scheduled to take place at the following times and locations:

- April 28, 2008 at 10:00 am California Resources Building Auditorium  
1416 Ninth Street  
Sacramento, CA 95816
- April 29, 2008 at 5:00 pm Chico Masonic Family Center  
1110 West East Avenue  
Chico, CA 95926
- April 30, 2008 at 6:00 pm Clarksburg Middle School  
52870 Netherlands  
Clarksburg, CA 95612
- May 5, 2008 at 6:00 pm San Joaquin Farm Bureau  
3290 N. Ad Art Road  
Stockton, CA 95215
- May 6, 2008 at 6:00 pm Santa Clara Valley Water District  
5700 Almaden Expressway  
San Jose, CA 95118
- May 7, 2008 at 6:00 pm City of Los Banos  
Public Services Department Main Office  
Senior Center-Miller & Lux Building  
830 6<sup>th</sup> Street  
Los Banos, CA 93635
- May 8, 2008 at 1:00 pm Junipero Serra State Building  
320 West Fourth, Carmel Room 225  
Los Angeles, CA 90013

Please note that the format of the meetings will include a 30-minute time period where the public can informally view several informational posters and discuss certain issues pertaining to the project with staff. The formal presentation and public comment will begin after these discussions. Anyone interested in more information concerning the EIR/EIS process, or anyone who has information concerning the study or suggestions as to significant issues, should contact Delores Brown as provided below.

## **WRITTEN COMMENTS**

This notice is being furnished to obtain suggestions and information from agencies and the public on the scope of issues and alternatives to be addressed in the EIR/EIS, and to identify important issues raised by the public related to the development and implementation of the BDCP.

Written comments from interested parties are invited to ensure that the full range of issues related to the development of the BDCP and issuance of the ITPs are identified. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public. Written comments on this part of the Scoping process will be accepted until **May 30, 2008**.

In accordance with Title 14, section 15082, subdivision (b)(1)(B) of the California Code of Regulations,, responsible and trustee agencies should indicate their respective level of responsibility for the project to the Lead Agency (Cal. Code Regs., title 14, div.6, ch. 3 (CEQA Guidelines), section 15082, subdivision (b)(1) (B)). Additionally, section 15082, subdivision (c)(1) and section 15206, subdivision (b)(4)(E), state that projects of statewide significance should provide notice to cities/counties within which the project would be located. The Guidelines, further provide that within 30 days after receiving the Notice of Preparation, each responsible and trustee agency shall provide the Lead Agency with specific detail about the scope, significant environmental issues, reasonable alternatives, and mitigation measures related to the Responsible Agency's area of statutory responsibility that will need to be explored in the EIR portion of the EIR/EIS (CEQA Guidelines, section 15082, subdivision (b)(1)(A)).

The Department's practice is to make comments, including names, home addresses, home phone numbers, and email addresses of respondents, available for public review. Individual respondents may request that we withhold their name and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosures would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable

circumstances, this information will be released. The Department will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Written comments on the scope of the EIR/EIS should be sent to Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P. O. Box 942836, Sacramento, CA 94236 or by email at [delores@water.ca.gov](mailto:delores@water.ca.gov).



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Barbara McDonnell  
Chief, Division of Environmental Services  
Department of Water Resources

Date March 17, 2008

Notice of Preparation

To: State Clearing House, Governor's Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

From: California Department of Water Resources  
901 P. Street, Bonderson BLDG, 4th Floor, PO Box 942836  
Sacramento, CA 95814

Subject: Notice of Preparation of a Draft Environmental Impact Report

Department of Water Resources will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

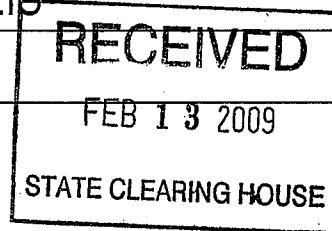
The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (  is  is not ) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Delores Brown, Division of Environmental Services at the address shown above. We will need the name for a contact person in your agency.

Project Title: Bay Delta Conservation Plan EIR/EIS

Project Applicant, if any:



Date 2/13/09

Signature Barbara McDonnell

Title Chief, Division of Environmental Services

Telephone 916-376-9700

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

**DEPARTMENT OF WATER RESOURCES**

DIVISION OF ENVIRONMENTAL SERVICES  
3500 INDUSTRIAL BOULEVARD  
WEST SACRAMENTO, CA 95691

**REVISED NOTICE OF PREPARATION****REVISED NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT AND  
ENVIRONMENTAL IMPACT STATEMENT FOR THE  
BAY DELTA CONSERVATION PLAN**

(State Clearinghouse Number: 2008032062)

February 13, 2009

**INTRODUCTION**

Pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the California Department of Water Resources (Department), National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and the U.S. Bureau of Reclamation (Reclamation) will initiate the preparation of a joint Environmental Impact Report and Environmental Impact Statement (EIR/EIS) for the Bay Delta Conservation Plan (BDCP) for the Sacramento-San Joaquin Delta, California.

The Department is the lead agency under CEQA, Reclamation is the lead agency under NEPA for the proposed BDCP, and NMFS and USFWS are co-lead agencies under NEPA. The Federal co-lead agencies have requested that the U.S. Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA) participate in the EIR/EIS as cooperating agencies for the purposes of compliance with their regulatory programs, including the Clean Water Act. EPA and the Corps have agreed to participate.

The BDCP is being prepared through a collaboration of state, federal, and local agencies pursuant to authority provided in: (1) Section 10(a)(1)(B) of the Federal Endangered Species Act (ESA) of 1973, as amended, and (2) the Natural Community Conservation Planning Act (NCCPA), California Fish and Game Code, Section 2800 et. seq. or Section 2081 of the California Endangered Species Act (CESA), California Fish and Game Code 2050 et. seq. The BDCP process may provide the basis for the Department to apply for incidental take permits (ITP) pursuant to Section 10 of the Federal Endangered Species Act and California Fish and Game Code Section 2835, while Reclamation will obtain Biological Opinions and incidental take statements (ITS) pursuant to Section 7 of the Federal Endangered Species Act. These incidental take authorizations will allow the incidental take of threatened and endangered species resulting from certain covered activities and conservation measures associated with water operations of the California State Water Project (SWP), as operated by the Department, and the federal Central Valley Project (CVP), as operated by Reclamation. Such measures will be identified through the planning process.

## BACKGROUND INFORMATION

The Department and Reclamation, along with the Metropolitan Water District of Southern California (MWD), the Kern County Water Agency (KCWA), the Santa Clara Water District (SCVWD), Alameda County Flood Control and Water Conservation District, Zone 7 (Zone 7), the San Luis and Delta Mendota Water Authority (SLDMWA), the Westlands Water District (WWD), and Mirant Delta (known collectively as the "Potentially Regulated Entities" or PREs), are preparing the BDCP for their covered activities within the Geographic Scope described below. It is the goal of the PREs that the BDCP follow a process that meets:

1. The requirements of Section 10(a)(1)(B) of the ESA for non-federal PREs and result in the issuance of ITPs from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (collectively the Services) to certain of the PREs;
2. The requirements of an ITP under the California fish and wildlife protection laws, either pursuant to the NCCPA, Section 2835 and/or Section 2081 of the Fish and Game Code; and
3. The requirements of Section 7 of the ESA related to consultation with other federal agencies, resulting in the issuance of Biological Opinions, including ITSSs, from the NMFS and or USFWS on specific activities of certain members of the PREs.

Since the first set of scoping meetings that occurred from April 28<sup>th</sup>, 2008 to May 14<sup>th</sup>, 2008, the planning efforts for the BDCP have advanced. All comments from the first set of scoping meetings will be taken into consideration for the development of the EIR/EIS. A preliminary scoping report has been completed; all comments from the first set of scoping meetings are available online (<http://www.water.ca.gov/deltainit/comments.cfm>). The BDCP has also released a document entitled, "Overview of the Draft Conservation Strategy for the Bay Delta Conservation Plan" which is also available online ([http://resources.ca.gov/bdcp/docs/12.19.08\\_HO\\_BDCP-Overview\\_of\\_Conservation\\_Strategy\\_With\\_Core\\_Elements.pdf](http://resources.ca.gov/bdcp/docs/12.19.08_HO_BDCP-Overview_of_Conservation_Strategy_With_Core_Elements.pdf)). Formal preparation of the draft EIR/EIS is commencing and is incorporating all necessary information as it is created in connection with, and as part of the BDCP process. The BDCP process is continuing with the cooperation of the Services, the California Resources Agency, California Department of Fish and Game (CDFG), the PREs, including Mirant Delta, and various stakeholders, including the Nature Conservancy, Environmental Defense, Defenders of Wildlife, the California Farm Bureau, the Natural Heritage Institute, The Bay Institute, Contra Costa Water District, and American Rivers. All of these organizations are participants in the Steering Committee and guide the preparation of the BDCP. Friant Water Authority and the North Delta Water Agency became Steering committed members on October 17, 2008. The Services and CDFG are participating in the Steering Committee's efforts in an ex-officio basis, providing technical input and guidance in support of the Steering Committee's efforts. CDFG will be a responsible agency under CEQA for this EIR/EIS process. The participants are undertaking these planning efforts pursuant to: (1) the Planning Agreement that was signed October 2006 and amended April 2007 to guide the BDCP process; and (2) the Points of Agreement dated November 2007 (see Resources Agency website, <http://resources.ca.gov/bdcp/> for Planning Agreement). This website <http://www.water.ca.gov/deltainit/bdcp.cfm> provides open access to comprehensive documentation of the planning process, and a detailed schedule of past and future planning activities.

## **PROJECT DESCRIPTION**

### **Purpose and Project Objectives**

The purpose and project objectives of the proposed actions are to achieve the following:

To be granted incidental take permits for the covered species that authorize take related to:

1. The operation of existing State Water Project Delta facilities and construction and operation of facilities for the movement of water entering the Delta from the Sacramento Valley watershed to the existing State Water Project (SWP) and Federal Central Valley Project (CVP) pumping plants located in the southern Delta;
2. The implementation of any conservation actions that have the potential to result in take of species that are or may become listed under the ESA, pursuant to the ESA at §10(a)(1)(B) and its implementing regulations and policies;
3. The diversion and discharge of water by Mirant LLC for power generation in the Western Delta.

To improve the ecosystem of the Delta by:

1. Providing for the conservation and management of covered species through actions within the BDCP Planning Area that will contribute to the recovery of the species; and
2. Protecting, restoring, and enhancing certain aquatic, riparian, and associated terrestrial natural communities and ecosystems.
3. Reducing the adverse effects to certain listed species of diverting water by relocating the intakes of the SWP and CVP;

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.

### **Need**

The Delta is currently a conduit for water that is used for a wide range of in-stream, riparian and other beneficial uses, including drinking water for over 25 million Californians and irrigation water for agricultural lands in the Delta and the San Joaquin Valley. While some beneficial water users depend on the Delta for only a portion of their water needs, others are highly dependent on supplies from the Delta. While overall water supplies have remained finite, conflicts have arisen and intensified among Delta Water users as total demands have increased for various users and regulatory requirements for rare, threatened or endangered species have also increased. With the forecast of reduced precipitation in the Sacramento and San Joaquin valley watersheds, the struggle to meet these demands will be magnified.

The recent regulatory requirements to protect Delta smelt and longfin smelt have taken a more



ecosystem approach to minimizing effects of water project operations than past regulatory requirements. These requirements affect the timing of flow restrictions associated with meeting the habitat requirements for threatened and endangered species. There exists a need to protect and recover these species in order to reduce conflicts and provide for healthy ecosystems.

The levees in the Delta are at risk of failure from a number of causes, including seismic activity and sea level rise associated with global climate change. The ability of the Department and Reclamation to export water from the Delta would be compromised should one or more of these levees fail. Such levee failure would result in an interruption of water supply for both urban and agricultural uses. Another impact of levee failure would be severe degradation of water quality in the Delta with potential adverse impacts upon the aquatic ecosystem. Improvements to the conveyance system are needed to respond to these increased demands upon water supply reliability, water quality, and the aquatic ecosystem. Improvements to the conveyance system will also respond to risks on water supply reliability due to a levee failure.

The EIR/EIS will analyze a reasonable range of alternatives developed to address the purposes identified above.

### **Covered Activities**

The BDCP covered activities may include, but are not limited to:

1. Existing Delta conveyance elements and operations of the CVP and SWP;
2. New Delta conveyance facilities (including power line alignments) and operations of the CVP and SWP generally described in the BDCP November 2007 Points of Agreement (<http://resources.ca.gov/bdcp/>);
3. Operational activities, including emergency preparedness of the CVP and SWP in the Delta;
4. Operational activities in the Delta related to water transfers involving water contractors or to serve environmental programs;
5. Maintenance of the CVP, SWP, and other facilities in the Delta;
6. Facility improvements of the CVP and SWP within the Statutory Delta (California Water Code Section 12220);
7. Ongoing operation of and recurrent and future projects related to other Delta water users, as defined by the BDCP Planning Agreement (<http://resources.ca.gov/bdcp/>);
8. Projects designed to improve Delta salinity conditions; and
9. Conservation measures included in the BDCP, including, but not limited to, fishery related habitat restoration projects, adaptive management, and monitoring activities in the Delta.

### **Covered Species**

Species proposed for coverage in the BDCP are species that are currently listed as Federal or State threatened or endangered or have the potential to become listed during the life of the BDCP and have some likelihood to occur within the project area. The covered species that are the initial focus of the BDCP include certain aquatic species such as:

1. Central Valley steelhead *Oncorhynchus mykiss*;

2. Central Valley Chinook salmon *Oncorhynchus tshawytscha* (spring-run and fall/late fall-runs);
3. Sacramento River Chinook salmon *Oncorhynchus tshawytscha* (winter-run);
4. Delta smelt *Hypomesus transpacificus*;
5. Green sturgeon *Acipenser medirostris*;
6. White sturgeon *Acipenser transmontanus*;
7. Splittail *Pogonichthys macrolepidotus*; and
8. Longfin smelt *Spirinchus thaleichthys*.

Other species that will be considered for inclusion in the BDCP include, but may not be limited to:

1. Swainson's hawk *Buteo swainsoni*;
2. Bank swallow *Riparia riparia*;
3. Giant garter snake *Thamnophis gigas*; and
4. Valley elderberry longhorn beetle *Desmocerus californicus dimorphus*.

This list identifies the species that will be evaluated for inclusion in the BDCP as proposed covered species, but the list may change as the planning process progresses. The participants anticipate that species may be added or removed from the list once more is learned about the nature of the covered activities and the impact of covered activities on native species within the planning area.

### **Planning Goals**

The BDCP will include goals and objectives for the management of Covered Activities and conservation of Covered Species. As proposed in the Planning Agreement, the planning goals include:

1. Provide for the conservation and management of covered species within the planning area;
2. Preserve, restore, and enhance aquatic, riparian, and associated terrestrial natural communities and ecosystems that support covered species within the planning area through conservation partnerships;
3. Allow for projects that restore and protect water supply, water quality, and ecosystem health to proceed within a stable regulatory framework;
4. Provide a means to implement covered activities in a manner that complies with applicable State and federal fish and wildlife protection laws, including the NCCPA or CESA, FESA, and other environmental laws, including CEQA and NEPA;
5. Provide a basis for permits necessary to lawfully take covered species;
6. Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for covered activities within the planning area;
7. Provide a less costly, more efficient project review process which results in greater conservation values than project-by-project, species-by-species review; and
8. Provide clear expectations and regulatory assurances regarding covered activities occurring within the planning area.

## **PROJECT AREA**

The planning area for the BDCP will consist of the aquatic ecosystems and natural communities, and potentially adjacent riparian and floodplain natural communities, within the Statutory Delta (California Water Code Section 12220). The Statutory Delta includes parts of Yolo, Solano, Contra Costa, San Joaquin, and Sacramento counties. However, it may be necessary for the BDCP to include conservation actions outside of the Statutory Delta that advance the goals and objectives of the BDCP within the Delta, including as appropriate, conservation actions in the Suisun Marsh, Suisun Bay, and areas upstream of the Delta (Figure 1). 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. The EIR/EIS project area for which impacts are evaluated may be different than the BDCP geographic scope.

## **ENVIRONMENTAL BASELINE**

CEQA Guidelines Section 15125 states that an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation (NOP) is published, or if no Notice of Preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant. Normally, the environmental baseline is the same as existing conditions.

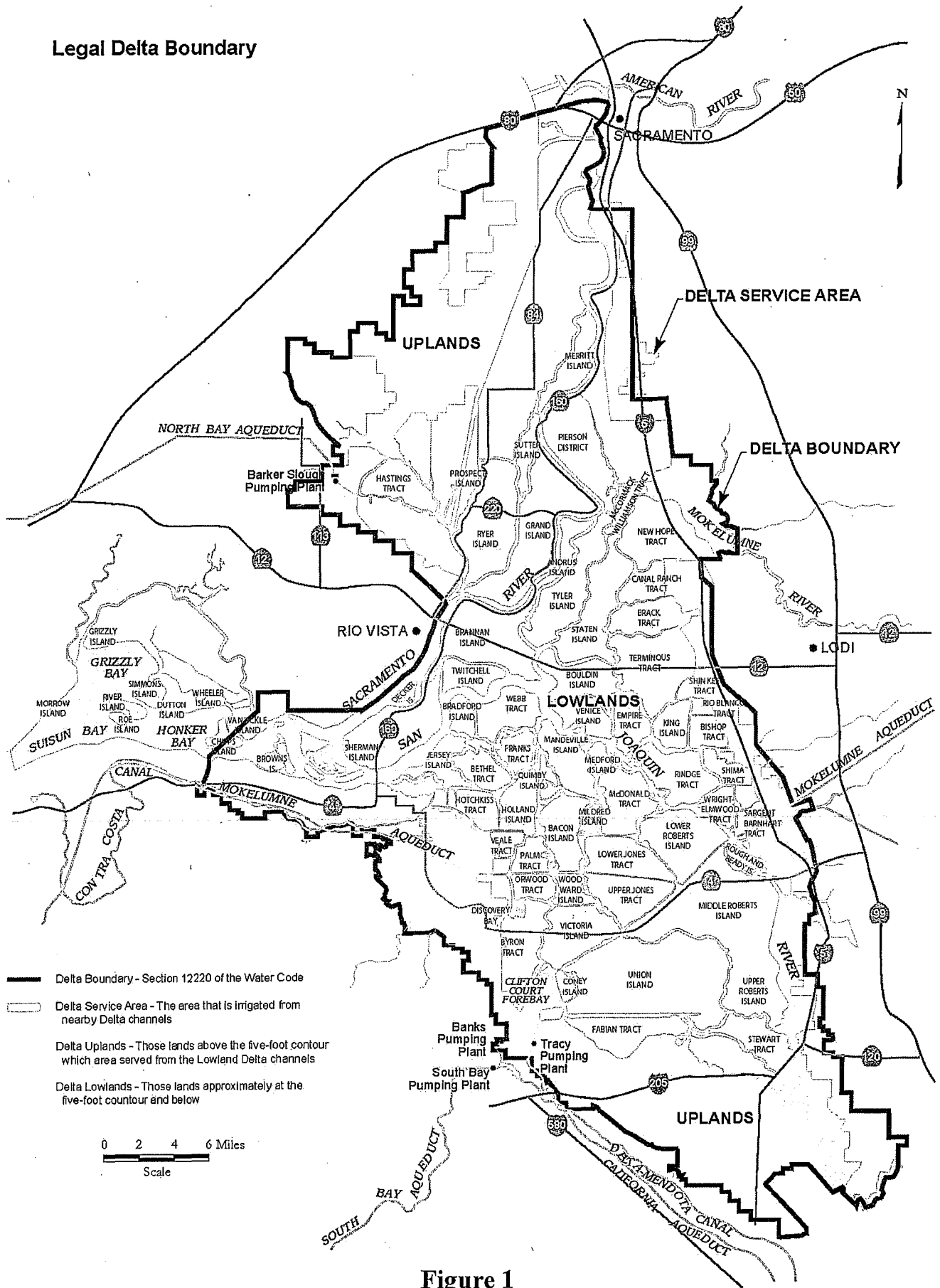
### **Alternatives**

The BDCP will likely consist of three major elements: 1) actions to improve ecological productivity and sustainability in the Delta; 2) potential capital improvements to the water conveyance system; and 3) potential changes in Delta-wide operational parameters of the CVP and SWP associated with improved water conveyance facilities.

Potential habitat restoration measures that could improve ecological productivity and sustainability in the Delta may involve the creation and/or restoration of floodplain; freshwater intertidal marsh; brackish intertidal marsh; channel margin; and riparian habitats. Floodplain restoration opportunities exist in the North Delta/Yolo Bypass and upper San Joaquin River areas; and intertidal marsh restoration opportunities exist throughout the Delta and in Suisun Marsh. Channel margin habitat restoration opportunities exist for improving habitat corridors and as a component of floodplain restoration. Riparian habitat restoration opportunities exist as a component of floodplain, freshwater intertidal marsh, and channel margin habitat restoration.

Three general alternatives are being considered as they relate to the potential changes in the water conveyance system and CVP and SWP operations. These include: 1) a through Delta alternative; 2) a dual conveyance alternative; and 3) an isolated facility alternative. The dual conveyance alternative may include use of existing points of diversion during some circumstances and potential new points of diversion at various locations in the North Delta, as well as facilities to move water from new points of diversion to the existing SWP and CVP pumping facilities in the South Delta. The fully isolated facility alternative would include

# Legal Delta Boundary



- Delta Boundary - Section 12220 of the Water Code
- - - Delta Service Area - The area that is irrigated from nearby Delta channels
- Delta Uplands - Those lands above the five-foot contour which area served from the Lowland Delta channels
- Delta Lowlands - Those lands approximately at the five-foot contour and below

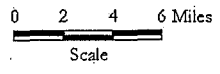


Figure 1

potential new points of diversion at various locations in the North Delta and facilities to move water from new points of diversion to the existing SWP and CVP pumping facilities in the South Delta. The improved through-Delta alternative could include new temporary or permanent barriers to modify existing hydraulics or fish movement within the Delta, armoring of levees along Delta waterways to ensure continued conveyance capacity, and/or actions to improve conveyance capacity in existing Delta waterways.

New points of diversion could be located along the Sacramento River between South Sacramento and Walnut Grove. The new conveyance facility could extend from the new points of diversion to the existing SWP and CVP pumping facilities in the South Delta and be located either to the west or east of the Sacramento River. Potential CVP/SWP operations changes include the seasonal, daily, and real time amounts, rates, and timing of water diverted through and/or around the Delta. Potential corresponding changes to water exports could also be developed.

Other actions to reduce threats to listed fish that may be evaluated for implementation by the BDCP include measures to minimize other stressors. These other stressors may include: (1) non-native invasive species; (2) toxic contaminants; (3) other sources of impairment of water quality; (4) hatcheries; (5) harvest; (6) non-project diversions; and (7) commercial and recreational activities. Implementation of potential habitat creation and restoration activities and measures to minimize other stressors will be evaluated throughout the Delta, and possibly upstream and downstream of the Delta, as appropriate to meet the objectives of the plan.

Preliminary locations, alignments, and capacities of new conveyance facilities, as well as habitat restoration activities and actions to address other stressors, to be evaluated in the EIS/EIR will be informed by the scoping process. In addition to the potential alternatives described above, other reasonable alternatives identified through the scoping process will be considered for potential inclusion in the alternatives analysis.

## **POTENTIAL ENVIRONMENTAL EFFECTS**

The EIR/EIS will analyze resources that could be affected by the project, including but not limited to the covered species listed above, as well as:

1. Aquatic Environment
2. Potentially Affected Wetlands and Terrestrial Habitat
3. Surface and Groundwater Hydrology
4. Geology and Soils
5. Water Quality
6. Water Rights
7. Seismic Stability
8. Aesthetics
9. Air
10. Land Use
11. Historic and Cultural Resources
12. Environmental Health and Safety
13. Public Services and Utilities
14. Energy and Natural Resources

15. Effects of Climate Change Including Sea Level Rise
16. Greenhouse Gas Emissions

Potential adverse effects are likely in each category, though it is premature to determine whether or not such effects, in a particular category, will be significant for purposes of CEQA.

Subsequent comments on the Notice of Preparation, comments from the scoping meetings, and ensuing analyses will identify additional environmental impacts, if any.

### **SCOPING MEETINGS**

The schedule for this EIR/EIS depends upon the development of the draft BDCP, which is expected to occur in early 2009. The federal Notice of Intent (NOI) for the BDCP was published in the federal Register on February 13, 2009. Joint Public Scoping meetings for the Federal NOI and this NOP are scheduled to take place at the following times and locations:

- March 9, 2009 at 6-10 pm. Chico Masonic Family Center, 1110 West East Avenue, Chico, CA 95926.
- March 10, 2009 at 6-10 pm. San Jose Marriott, Blossom Hill Room and Almaden Room, 301 South Market Street, San Jose, CA 95113.
- March 11, 2009 at 6-10 pm. Bakersfield Marriott at the Convention Center, Salon A and Hammons Room, 801 Truxtun Avenue Bakersfield, CA 93301.
- March 12, 2009 at 1-4 pm. Los Angeles Junipero Serra State Building, 320 West Fourth, Los Angeles, CA 90013.
- March 16, 2009 at 6-10 pm. San Diego Marina Village Conference Center, Captains Room and Room C8, 1936 Quivera Way San Diego, CA 92109.
- March 17, 2009 at 6-10 pm. Merced High School, 205 West Olive Avenue Merced, CA 95344.
- March 18, 2009 at 6-10 pm. Davis Veterans Center, 203 East 14th Street, Davis CA 95616.
- March 19, 2009 at 1-4 pm. Sacramento Hyatt Regency, 1209 L Street Sacramento, CA 95814.
- March 23, 2009 at 6-10 pm. Brentwood Community Multipurpose Room 730 Third Street, Brentwood CA 94513.
- March 24, 2009 at 6-10 pm. Stockton Civic Memorial Auditorium 525 North Center Street, Stockton, CA 95202.
- March 25, 2009 at 6-10 pm. Fairfield Hilton Garden Inn, Willow and Larkspur Rooms, 2200 Gateway Court, Fairfield, California 94533.
- March 26, 2009 at 6-10 pm. Clarksburg Community Church, 52910 Netherlands Avenue, Clarksburg, CA 95612.

Anyone interested in more information concerning the EIR/EIS process, or anyone who has information concerning the study or suggestions as to significant issues, should contact Delores Brown as provided below.

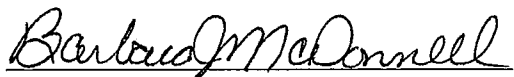
## WRITTEN COMMENTS

This notice is being furnished to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives that will be addressed in the EIR component of the joint EIR/EIS. The primary purpose of the scoping process is to identify important issues raised by the public and affected agencies related to the issuance of ITPs for the BDCP. Written comments from interested parties are invited to ensure that the full range of issues related to the development of the BDCP and issuance of the ITPs are identified. All comment received, including names and addresses, will become part of the official administrative record and may be made available to the public. Written comments on this part of the Scoping process will be accepted until May 14, 2009.

Within 30 days after receiving the Notice of Preparation, each Responsible Agency and Trustee Agency shall provide the Lead Agency with specific detail about the scope, significant environmental issues, reasonable alternatives, and mitigation measures related to the Responsible Agency's or Trustee Agency's area of statutory responsibility that will need to be explored in the EIR/EIS. In accordance with CEQA Guidelines Section 15082(b)(1)(B), responsible and trustee agencies should indicate their respective level of responsibility for the project in their response.

Department practice is to make comments, including names, home addresses, home phone numbers, and email addresses of respondents, available for public review. Individual respondents may request that we withhold their name and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosures would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. The Department will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Written comments on the scope of the EIR/EIS should be sent to Ms. Delores Brown, Chief, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236 or by email at [BDCPcomments@water.ca.gov](mailto:BDCPcomments@water.ca.gov).

  
Barbara McDonnell  
Chief, Division of Environmental Services  
Department of Water Resources

Date 2/13/09







**APPENDIX B: NOTICES OF INTENT**

**APPENDIX B1: NOTICE OF INTENT - JANUARY 24, 2008**

**APPENDIX B2: NOTICE OF INTENT - APRIL 15, 2008**

**APPENDIX B3: NOTICE OF INTENT - FEBRUARY 13, 2009**



**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

RIN 0648-XE30

**Notice of Intent to Conduct Public Scoping and Prepare an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) Regarding the Bay Delta Conservation Plan (BDCP) for the Sacramento-San Joaquin Delta, California**

**AGENCIES:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; Fish and Wildlife Service (FWS), Interior.

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA), and the California Environmental Policy Act (CEQA) we, NMFS and FWS (Services), advise the public of our intent to collaborate with the State of California in gathering information necessary to prepare a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) on the anticipated Bay Delta Conservation Plan (BDCP). The BDCP is being prepared through a unique collaboration of state, Federal and local agencies, of the Federal Endangered Species Act of 1973, as amended (Act). The California Department of Water Resources (DWR) intends to apply for Incidental Take Permits (ITP) from the Services based upon the BDCP in 2009 according to the planning schedule. At the same time, the Services would provide Biological Opinions and Incidental Take Statements (ITS) to the Bureau of Reclamation (Reclamation) for their participation and implementation of the BDCP. A goal of the BDCP is to meet the requirements of the California Natural Community Conservation Planning Act (NCCPA), California Fish and Game (CDFG), and provide the basis for DWR to apply for an ITP pursuant to CDFG Code. However, in the event that the BDCP does not meet the requirements of the NCCPA, DWR may alternatively seek an ITP under Section 2081 of the California Endangered Species Act, California Fish and Game Code 2050 *et seq.* These incidental take authorizations would allow the incidental take of threatened and endangered species resulting from certain covered activities that will be identified through the planning process, including those associated with water

operations of the California State Water Project, as operated by DWR, and the Central Valley Project, as operated by Reclamation.

**ADDRESSES:** Comments and requests for information related to the preparation of the EIR/EIS should be sent to National Marine Fisheries Service, Attn: Rosalie del Rosario, 650 Capitol Mall, Suite 8-300, Sacramento, California 95819; or Fish and Wildlife Service, Attn: Lori Rinek, Chief, Conservation Planning and Recovery Division, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W-2605, Sacramento, California 95825. Comments may also be submitted electronically to [BDCP-NEPA.SWR@noaa.gov](mailto:BDCP-NEPA.SWR@noaa.gov). Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Rosalie del Rosario of NMFS at 916-930-3600 or Lori Rinek of FWS at 916-414-6600.

**SUPPLEMENTARY INFORMATION:****Proposed Action**

The California Department of Water Resources (DWR) intends to apply for Incidental Take Permits (ITP) from the Services based upon the BDCP in 2009 according to the planning schedule. Other applicants, co-applicants, or beneficiaries of an ITP, referred to as Potentially Regulated Entities, will be identified during this planning process. At the same time, the Services would issue Biological Opinions and Incidental Take Statements (ITS) to Reclamation for its participation and implementation of the BDCP. These Incidental Take Statements would allow for the incidental take of threatened and endangered species resulting from certain covered activities that will be identified through the planning process and are associated with water operations of the California State Water Project, as operated by DWR, and the Central Valley Project, as operated by Reclamation.

The Services provide this notice to (1) briefly describe the anticipated proposed action and the BDCP planning activities now underway to help develop that proposed action; (2) advise other Federal and State agencies, affected Tribes, and the public of our intention to continue to gather information to support the preparation of an EIR/EIS; (3) announce the initiation of early public scoping; and (4) obtain suggestions and information on the scope of issues to be included in the EIR/EIS. Written comments should be received on or before March 24, 2008.

The applicants have identified four potential water conveyance options that are being considered for the habitat conservation planning process: (1) the existing conveyance and system without physical change to conveyance facilities, (2) changes to conveyance in San Joaquin Old and Middle River channels plus separation of San Joaquin corridor from through-delta conveyance, (3) a dual conveyance in which existing conveyance would still be operational plus an isolated facility (not yet constructed) from the Sacramento River to the south Delta, and (4) an isolated conveyance facility (not yet constructed) from the Sacramento River to the south Delta. These four options are undergoing evaluations through the BDCP Steering Committee to assess the relative ability of each to contribute to the goals and objectives of the planning effort. Although the applicant has not yet decided which option(s) will be submitted for consideration under section 10 of the Endangered Species Act, the intent is to narrow the project focus to one or two of the four options or a mixture thereof by fall 2007.

Additional to the conveyance elements of the State Water Project (SWP) and Central Valley Project (CVP) options given above, covered activities may include, but are not necessarily limited to, existing or new activities related to:

1. Operational activities, including emergency preparedness, of the SWP and CVP
2. Operational activities related to water transfers involving Water Contractors or to serve environmental programs
3. Maintenance of the SWP, CVP and other Potentially Regulated Entities' facilities
4. Facility improvements of the SWP and CVP
5. Ongoing operation of and recurrent and future projects related to other Delta Water Users
6. Projects designed to improve salinity conditions
7. Conservation measures included in the BDCP, including, but not limited to adaptive habitat management, restoration, enhancement and monitoring activities.

Please refer to the Planning Agreement, para. 7.5, available at <http://resources.ca.gov/bdcp/>. The BDCP Planning Agreement was reached in October 2006 and was amended April 2007, to guide the BDCP process.

**Planning Process**  
DWR and Reclamation, along with the Metropolitan Water District of Southern California, Kern County Water Agency, Santa Clara Valley Water District, Zone

7 Water Agency, San Luis & Delta-Mendota Water Authority, Westlands Water District, Contra Costa Water District, and Mirant Delta (known collectively as the "Potentially Regulated Entities" or PREs) are preparing the BDCP for their covered activities within the Geographic Scope described below. It is the goal of the PREs that the BDCP will (1) satisfy the requirements of Section 10(a)(1)(B) of the Act for non-Federal PREs and result in the issuance of ITPs from the Services to certain of the PREs, (2) be used in a concurrent consultation with other Federal agencies pursuant to Section 7 of the Act, resulting in the issuance of Biological Opinions, including ITSs, from the Services to certain of the PREs, (3) satisfy the requirements for an ITP under the California fish and wildlife protection laws, either pursuant to the Natural Community Conservation Plan Act (NCCPA), Section 2835 of the Fish and Game Code or Section 2081 of the Fish and Game Code.

The planning efforts for the BDCP are in its preliminary stages. Formal preparation of a draft EIR/EIS will commence when the planning efforts described below progress further in the coming months. The BDCP is being prepared with the cooperation of the Services, the California Resources Agency, CDFG, the California Bay Delta Authority, the PRE's as listed above, and key Non-Government Organizations including The Nature Conservancy, Environmental Defense, Defenders of Wildlife, Natural Heritage Institute, The Bay Institute, American Rivers, and the California Farm Bureau Federation. All of these agencies and organizations are members of a Steering Committee that will guide the preparation of the BDCP. The Services are participating in the Steering Committee's efforts on an ex officio basis, providing technical input and guidance in support of the Steering Committee's efforts. The participants are undertaking these planning efforts pursuant to the Planning Agreement.

A document from the BDCP Steering Committee titled "The Bay Delta Conservation Plan: Points of Agreement for Continuing into the Planning Process," dated November 16, 2007, provides a summary of the planning process to date along with future direction and procedures. Through this document, the Steering Committee points to agreement on an approach to be evaluated for achieving the conservation and water supply goals. The primary new structural features of the water conveyance system to be evaluated are a new diversion point (or points) for water from the Sacramento River in the north Delta and an isolated

water conveyance facility around the Delta. Modifications to existing south Delta facilities to reduce entrainment and otherwise improve the State Water Project's (SWP) and Central Valley Project's (CVP) ability to convey water through the Delta while contributing to near- and long-term conservation and water supply goals will also be evaluated.

Members of the public interested in participating in the BDCP process directly or interested in having access to information associated with the effort are encouraged to visit the Bay Delta Conservation Plan component of the California Resources Agency's website: <http://resources.ca.gov/bdcp/>. This website provides open access to comprehensive documentation of the planning process, and a detailed schedule of past and future planning activities. The following describes preliminary information identified by the Steering Committee for consideration in the BDCP development.

#### Geographic Scope

The planning area for the BDCP will consist of the aquatic ecosystems and natural communities, and potentially adjacent riparian and floodplain natural communities, within the Statutory Delta (California Water Code Section 12220), which includes parts of Yolo, Solano, Contra Costa, San Joaquin, and Sacramento Counties. However, it may be necessary for the BDCP to include conservation actions outside the Statutory Delta that advance the goals and objectives of the BDCP, including as appropriate, conservation actions in the Suisun Marsh, Suisun Bay, and areas upstream of the Delta. Any conservation actions taken outside the Statutory Delta would be implemented pursuant to cooperative agreements or similar mechanisms with local agencies, interested non-governmental organizations, landowners, and others. See Planning Agreement, para. 5.

#### Covered Species

Species that are intended to be the initial focus of the BDCP include aquatic species such as: Central Valley steelhead (*Oncorhynchus mykiss*), Central Valley Chinook salmon (*Oncorhynchus tshawytscha*) (spring run and fall/late-fall runs), Sacramento River Chinook salmon (winter run), Delta smelt (*Hypomesus transpacificus*), green sturgeon (*Acipenser medirostris*), white sturgeon (*Acipenser transmontanus*), splittail (*Pogonichthys macrolepidotus*), longfin smelt (*Spirinchus thaleichthys*). Other species that will be considered for inclusion in

the BDCP include Swainson's hawk (*Buteo swainsoni*), bank swallow (*Riparia riparia*), giant garter snake (*Thamnophis gigas*), and valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). See Planning Agreement, para. 6.1.1. This list identifies the species that will be evaluated for inclusion in the BDCP as proposed covered species, but the list may vary or change as the planning process progresses. The participants anticipate that species may be added or removed from the list once more is learned about the nature of the covered activities and the impact of covered activities on native species within the planning area.

#### Planning Goals

The BDCP will include goals and objectives for the management of Covered Activities and conservation of Covered Species. As proposed in the Planning Agreement (para.3), the planning goals include:

1. Provide for the conservation and management of covered species within the planning area;
2. Preserve, restore and enhance aquatic, riparian and associated terrestrial natural communities and ecosystems that support covered species within the planning area through conservation partnerships;
3. Allow for projects that restore and protect water supply, water quality, ecosystem, and ecosystem health to proceed within a stable regulatory framework;
4. Provide a means to implement covered activities in a manner that complies with applicable State and federal fish and wildlife protection laws, including the Natural Communities Conservation Planning Act or the California Endangered Species Act, the Federal Endangered Species Act, and other environmental laws, including CEQA and NEPA;
5. Provide a basis for permits necessary to lawfully take covered species;
6. Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for covered activities within the planning area;
7. Provide a less costly, more efficient project review process which results in greater conservation values than project-by-project, species-by-species review; and
8. Provide clear expectations and regulatory assurances regarding covered activities occurring within the planning area.

### Statutory Authority

Section 9 of the Act (16 U.S.C. 1538) and implementing regulations (50 CFR 17.21, and 17.31(a)) prohibit the “taking or animal species listed as endangered or threatened. The term “take” is defined under the Act to mean harass, harm, pursue, hunt, shoot, wound kill, trap, capture or collect, or attempt to engage in any such conduct (16 U.S.C. 1532 (10)). “Harm” is defined by FWS regulation to include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding and sheltering (50 CFR 17.3). NMFS’ definition of harm includes significant habitat modification of degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, spawning, migrating, rearing and sheltering (64 FR 60727, November 8, 1999).

Section 7 of the Act outlines the procedures for federal interagency cooperation to conserve federally listed species and designated critical habitats (U.S.C. 1531 *et seq.*) Section 7(a)(1) of the Act directs the Secretaries of Interior and Commerce (Secretaries) to review other programs administered by them and utilize such programs to further the purposes of the Act. It also directs all other Federal agencies to utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation of species listed pursuant to the Act. Section 7(a)(2) states that each Federal agency shall, in consultation with the Secretaries, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Sections 7(b)(4) and 7(o)(2) of the Act allow for taking of listed species that is incidental and not an intended part of a Federal action if such taking is in compliance with the terms and conditions of an incidental take statement provided by the Services.

Section 10 of the Act and implementing regulations provide for the issuance of incidental take permits (ITPs) to non-federal applicants to authorize incidental take of endangered and threatened species (16 U.S.C. 1539(a); 50 CFR 17.22, and 17.32(b)). Any proposed take must be incidental to an otherwise lawful activity, must not appreciably reduce the likelihood of the survival and recovery of the species in the wild, and must be minimized and mitigated to the maximum extent

practicable. In addition, an applicant must prepare a Habitat Conservation Plan (HCP) describing the impact that will likely result from such taking, a plan for minimizing and mitigating the impacts of such incidental take, the funding available to implement the plan, alternatives to such taking, and the reasons such alternatives are not being implemented.

NEPA (42 U.S.C. 4321 *et seq.*) requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. Under NEPA and its implementing regulations (40 CFR 1500 *et seq.*; NOAA Administrative Order 216–6; 40 CFR parts 1500–1508), a reasonable range of alternatives to the proposed action are developed and considered in the Services’ EIR/EIS. Alternatives considered for analysis in an EIR/EIS may include: variations in the scope or types of covered activities; variations in the location, amount and types of conservation measures, timing of project activities; variations in permit duration; or a combination of these or other elements. In addition, an EIR/EIS will identify potentially significant direct, indirect, and cumulative effects, and possible mitigation for those significant effects, on biological resources, land use, air quality, water quality, water resources, socioeconomic, environmental justice, cultural resources, and other environmental issues that could occur with the implementation of the proposed action and alternatives.

### Schedule

The schedule for this EIR/EIS depends upon the development of the draft BDCP, which is expected to occur by early 2009. We will publish additional notices about the proposed action and public participation once the elements of the comprehensive plan are developed.

### Request for Comments

Environmental review of the EIR/EIS will be conducted in accordance with the requirements of NEPA (42 U.S.C. 4321 *et seq.*), its implementing regulations (40 CFR parts 1500–1508), other applicable regulations, and the Services’ procedures for compliance with those regulations; and according to the requirements of CEQA (California Public Resources Code Section 21000 *et seq.*) and the State CEQA Guidelines (14 California Code of Regulations 15000 *et seq.*). This notice is being furnished in accordance with 40 CFR 1501.7, and 1508.22 to obtain suggestions and information from other agencies and the

public on the scope of issues and alternatives that will be addressed in the EIR/EIS. The primary purpose of the scoping process is to identify important issues raised by the public related to the issuance of ITPs for the BDCP. Written comments from interested parties are invited to ensure that the full range of issues related to the development of the BDCP and issuance of the ITPs are identified. Comments during this stage of the scoping process will only be accepted in written form. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Our practice is to make comments, including names, home addresses, home phone numbers, and email addresses of respondents, available for public review. Individual respondents may request that we withhold their names and /or homes addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

### Reasonable Accommodation

Information regarding this proposed action is available in alternative formats upon request.

Dated: January 15, 2008.

#### Angela Somma,

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

Dated: January 15, 2008.

#### Dale Morris,

*Acting Deputy Regional Director, U.S. Fish and Wildlife Service, Region 8, Sacramento, CA.*

[FR Doc. E8–1219 Filed 1–23–08; 8:45 am]

**BILLING CODE 3510-S; 4310-55-S**

Dated: April 9, 2008.

**Ken McDermond,**

*Deputy Regional Director, Region 8, California and Nevada, Sacramento, California.*

[FR Doc. E8-8051 Filed 4-14-08; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

### Fish and Wildlife Service

## DEPARTMENT OF COMMERCE

### National Marine Fisheries Service; Bay Delta Conservation Plan for the Sacramento-San Joaquin Delta, California

**AGENCIES:** Bureau of Reclamation, Interior; Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice of Intent (NOI) to prepare an environmental impact statement/ environmental impact report (EIS/EIR) and notice of public scoping meetings.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation), the Fish and Wildlife Service (FWS), and the National Marine Fisheries Service (NMFS) intend to serve as co-lead agencies in the preparation of a joint EIS/EIR for the Bay Delta Conservation Plan (BDCP). The California Department of Water Resources (DWR) will serve as the lead agency under the California Environmental Quality Act (CEQA). Reclamation will serve as the administrative lead for all actions related to this **Federal Register** Notice.

The BDCP is a conservation plan being prepared to meet the requirements of the Federal Endangered Species Act (FESA), the California Endangered Species Act (CESA), and the State of California's Natural Communities Conservation Planning Act (NCCPA). DWR and State and Federal water contractors intend to apply for FESA and CESA incidental take permits (ITP) for water operations and management activities in the Sacramento-San Joaquin Delta. These incidental take authorizations would allow the incidental take of threatened and endangered species resulting from covered activities and conservation measures that will be identified through the planning process including those associated with water operations of the Federal Central Valley Project (CVP), as operated by Reclamation, the California

State Water Project (SWP), as operated by DWR, as well as operations of certain Mirant Delta LLC (Mirant Delta) power plants. Additionally, the BDCP will, if feasible, be used as the basis for FESA compliance by Reclamation, including compliance with Section 7 of FESA in coordination with FWS and NMFS. Ultimately, the BDCP is intended to secure authorizations that would allow projects that restore and protect water supply and reliability, water quality, and ecosystem health to proceed within a stable regulatory framework.

On January 24, 2008, FWS and NMFS issued a NOI to conduct public scoping and prepare an EIR/EIS regarding the BDCP for the Sacramento-San Joaquin Delta, California (73 FR 4178). As the BDCP effort has progressed, Reclamation has determined it has a substantive interest in the development and ultimate implementation of the BDCP. Specifically, Reclamation seeks to improve water supply reliability for its Federal water contractors, while meeting its FESA obligations. Environmental constraints, including measures to protect endangered species in the Sacramento-San Joaquin Delta, impair that water supply reliability. The BDCP will recommend actions and conservation measures for implementation to improve both environmental conditions in the Delta and water supply reliability. Reclamation expects the recommended actions and conservation measures to include activities that are within Reclamation's responsibilities. The NOI is, therefore, being reissued to include Reclamation as a co-lead agency, update the status of the BDCP planning process, correct an error in the January 24, 2008, NOI, and to provide notice of scoping meetings. As the Federal lead agencies continue to refine the purpose and need for the project, additional public notices regarding scoping will be issued and additional scoping meetings will be held.

**DATES:** Ten public scoping meetings will be held at various times and locations throughout California. See **SUPPLEMENTARY INFORMATION** section for public scoping meeting dates.

Written comments on the scope of the BDCP or issues to be addressed in the EIS/EIR must be received no later than May 30, 2008.

The scoping period on the initial Notice of Intent published jointly by FWS and NMFS on January 24, 2008 (73 FR 4178), is scheduled to close on March 24, 2008. Comments submitted under that NOI need not be resubmitted, as all comments will be consolidated and incorporated under this NOI for

review and response by the co-lead agencies (i.e., Reclamation, FWS, and NMFS).

**ADDRESSES:** Send written comments to Patti Idlof, Bureau of Reclamation, 2800 Cottage Way, MP-150, Sacramento, CA 95825, e-mail to [pidlof@mp.usbr.gov](mailto:pidlof@mp.usbr.gov), or fax to (916) 978-5055.

See **SUPPLEMENTARY INFORMATION** section for public scoping meeting addresses.

**FOR FURTHER INFORMATION CONTACT:** Patti Idlof, Natural Resource Specialist, Reclamation, at the above address or 916-978-5056; Lori Rinek, FWS, 916-414-6600; or Rosalie del Rosario, NMFS, 916-930-3600.

### SUPPLEMENTARY INFORMATION:

#### Public Scoping Meeting Dates

Public scoping meetings will be held on the following dates and times:

- Monday, April 28, 2008, 10 a.m. to 2 p.m., Sacramento, CA.
- Tuesday, April 29, 2008, 5 p.m. to 9 p.m., Chico, CA.
- Wednesday, April 30, 2008, 6 p.m. to 10 p.m., Clarksburg, CA.
- Monday, May 5, 2008, 6 p.m. to 10 p.m., Stockton, CA.
- Tuesday, May 6, 2008, 6 p.m. to 10 p.m., San Jose, CA.
- Wednesday, May 7, 2008, 6 p.m. to 10 p.m., Los Banos, CA
- Thursday, May 8, 2008, 1 p.m. to 4 p.m., Los Angeles, CA
- Monday, May 12, 2008, 6 p.m. to 10 p.m., San Diego, CA
- Tuesday, May 13, 2008, 6 p.m. to 10 p.m., Fresno, CA
- Wednesday, May 14, 2008, 6 p.m. to 10 p.m., Bakersfield, CA

#### Public Scoping Meeting Addresses

Public scoping meetings will be held at the following locations:

- Sacramento—California Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA 95816.
- Chico—Chico Masonic Family Center, 1110 West East Avenue, Chico, CA 95926.
- Clarksburg—Clarksburg Middle School, 52870 Netherlands, Clarksburg, CA 95612.
- Stockton—San Joaquin Farm Bureau, 3290 North AdArt Road, Stockton, CA 95215.
- San Jose—Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, CA 95118.
- Los Banos—City of Los Banos, Public Services Department Main Office Senior Center—Miller & Lux Building, 830 6th Street, Los Banos, CA 93635.
- Los Angeles—Junipero Serra State Office Building, 320 West Fourth, Carmel Room 225, Los Angeles, CA 90013.

- San Diego—Marina Village Conference Center, 1936 Quivira Way, Starboard Room, San Diego, CA 92109.
- Fresno—Four Points-Fresno, 3737 North Blackstone, Fresno, CA 93726.
- Bakersfield—Board of Supervisors Chambers, 1115 Truxtun Avenue, First Floor, Bakersfield, CA 93301.

#### **Modification to January 24, 2008, NOI published by FWS and NMFS**

The NOI dated January 24, 2008 (73FR4178) erroneously identified Contra Costa Water District (CCWD) as a Potentially Regulated Entity (PRE). CCWD is a participant in the process, but has not yet and may not become a PRE.

#### **Background Information**

The BDCP is being prepared through a collaboration of State, Federal, and local water agencies, and Mirant Delta, an electric power generating facility located in West Pittsburg, California in Contra Costa County, under: (1) Section 10(a)(1)(B) of the FESA of 1973, as amended, and (2) the NCCPA, California Fish and Game Code, Section 2800 et. seq., or Fish and Game Code Section 2081 of CESA. The BDCP is intended to provide (1) Reclamation the ability to obtain a Biological Opinion and incidental take statements (ITS) pursuant to Section 7 of FESA and (2) the basis for the DWR and State and Federal water contractors to apply for ITPs pursuant to Section 10 of FESA and California Fish and Game Code Section 2835 or 2081 for implementation of the BDCP.

DWR and Reclamation, along with the Metropolitan Water District of Southern California (MWD), the Kern County Water Agency (KCWA), the Santa Clara Valley Water District (SCVWD), Alameda County Flood Control and Water Conservation District, Zone 7 Water Agency (Zone 7), the San Luis and Delta-Mendota Water Authority (SLDMWA), the Westlands Water District (WWD), and Mirant Delta (known collectively as the Potentially Regulated Entities or PREs) are currently preparing the BDCP for existing and proposed covered activities within the Statutory Delta. Some of the elements of the BDCP will complement the actions identified in the State of California's Delta Vision process.

It is the goal of the PREs that the BDCP follow the processes that meet:

1. The requirements of Section 10(a)(1)(B) of the FESA for the non-federal PREs and result in the issuance of ITPs from the FWS and NMFS to those PREs;
2. The requirements of an ITP under the California fish and wildlife

protection laws, either pursuant to Section 2835 or Section 2081, resulting in take authority under the Fish and Game Code; and

3. The requirements of the Section 7 consultation process under the FESA, resulting in the issuance of Biological Opinions, and ITSs, from the NMFS and FWS on specific activities of certain members of the PREs.

The planning efforts for the BDCP are in the preliminary stages. However, the collective goals of the PREs will help form the purpose and need statement for the project as required by NEPA and the project objective as required by CEQA. Formal preparation of a draft EIS/EIR will commence when the planning efforts progress further in the coming months. The BDCP is being prepared with the cooperation of the FWS, NMFS, California Resources Agency, California Department of Fish and Game (CDFG), the PREs, and various stakeholders, including The Nature Conservancy, Environmental Defense, Defenders of Wildlife, the California Farm Bureau, the Natural Heritage Institute, American Rivers, Contra Costa Water District, and The Bay Institute. These organizations are members of the Steering Committee, which is helping to guide preparation of the BDCP. The regulatory agencies, FWS, NMFS, and CDFG are participating in the Steering Committee to provide technical input and guidance in support of the Steering Committee's efforts to complete the BDCP. Other applicants, co-applicants, or beneficiaries of an ITP, referred to as PREs, may be identified during the planning process.

The participants are undertaking these planning efforts pursuant to: (1) The Planning Agreement that was signed October, 2006, and amended April, 2007, to guide development of the BDCP and (2) the "Points of Agreement for Continuing into the Planning Process" dated November 16, 2007 (see Resources Agency Web site, <http://resources.ca.gov/bdcp/> for these agreements). The Points of Agreement document provides a summary of the BDCP planning process to date, along with future direction and procedures. The website provides access to documentation of the planning process, and a schedule of past and future planning activities.

#### **BDCP Description**

The BDCP will have several core purposes: Habitat restoration and enhancement to increase the quality and quantity of habitat in the Delta; other conservation actions to help address a number of stressors on covered species; conveyance facilities to enhance

operational flexibility and water supply reliability while providing greater opportunities for habitat improvements and fishery conservation; water operations and management actions to achieve conservation and water supply goals; and a comprehensive monitoring, assessment, and adaptive management program guided by independent scientific input. Additional core purposes of the BDCP are to provide for the conservation of covered species within the planning area; to protect and restore certain aquatic, riparian, and associated terrestrial natural communities that support these covered species; and to provide for and restore water quality, water supplies, and ecosystem health within a stable regulatory framework. The EIS/EIR will evaluate the effects of implementing the BDCP, conveyance alternatives, and power line alignments, other nonstructural alternatives, and describe the permits necessary for BDCP implementation.

The BDCP will likely consist of several major elements, including new capital improvements to the water supply conveyance system, a restoration program for important habitats within and adjacent to the Delta in order to improve the ecological productivity and sustainability of the Delta, and monitoring and adaptive management for the restoration program. The plan will also likely include operational improvements for the water supply system in the near-term and for the long-term once any capital improvements have been completed and are operational.

#### **Covered Activities**

The BDCP covered activities may include, but are not limited to, existing or new activities related to:

- Existing Delta conveyance elements and operations of the CVP and SWP;
- New Delta conveyance facilities (including power line alignments) and operations of the CVP and SWP generally described in the BDCP November 2007 Points of Agreement;
- Operational activities, including emergency preparedness of the CVP and SWP in the Delta;
- Operational activities in the Delta related to water transfers involving water contractors or to serve environmental programs;
- Maintenance of the CVP, SWP, and other PREs' facilities in the Delta;
- Facility improvements of the CVP and SWP within the Statutory Delta (California Water Code Section 12220);
- Ongoing operation of and recurrent and future projects related to other Delta

water users, as defined by the Planning Agreement;

- Projects designed to improve Delta salinity conditions; and
- Conservation measures included in the BDCP, including, but not limited to, fishery related habitat restoration projects, adaptive management, and monitoring activities in the Delta.

#### Covered Species

The covered species that are the initial focus of the BDCP include certain aquatic species such as:

- Central Valley steelhead *Oncorhynchus mykiss*;
- Central Valley Chinook salmon *Oncorhynchus tshawytscha* (spring-run and fall/late fall-runs);
- Sacramento River Chinook salmon *Oncorhynchus tshawytscha* (winter-run);
- Delta smelt *Hypomesus transpacificus*;
- Green sturgeon *Acipenser medirostris*;
- White sturgeon *Acipenser transmontanus*;
- Splittail *Pogonichthys macrolepidotus*; and
- Longfin smelt *Spirinchus thaleichthys*.

Other species that will be considered for inclusion in the BDCP include, but may not be limited to:

- Swainson's hawk *Buteo swainsoni*;
- Bank swallow *Riparia riparia*;
- Giant garter snake *Thamnophis gigas*; and
- Valley elderberry longhorn beetle *Desmocerus californicus dimorphus*.

This list identifies the species that will be evaluated for inclusion in the BDCP as proposed covered species; however, the list may change as the planning process progresses. The participants anticipate that species may be added or removed from the list once more is learned about the nature of the covered activities and the impact of covered activities on native species within the planning area.

#### BDCP Planning Goals

The BDCP will include goals and objectives related to the management of covered activities and the protection of covered species and their habitats. As described in the Planning Agreement, the planning goals include:

1. Provide for the conservation and management of covered species within the planning area;
2. Preserve, restore, and enhance aquatic, riparian, and associated terrestrial natural communities and ecosystems that support covered species within the planning area through conservation partnerships;

3. Allow for projects that restore and protect water supply reliability, water quality, ecosystem, and ecosystem health to proceed within a stable regulatory framework;

4. Provide a means to implement covered activities in a manner that complies with applicable State and federal fish and wildlife protection laws, including the NCCPA or CESA, FESA, and other environmental laws, including CEQA and NEPA;

5. Provide a basis for permits necessary to lawfully take covered species;

6. Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for covered activities within the planning area;

7. Provide a less costly, more efficient project review process which results in greater conservation values than project-by-project, species-by-species review, and;

8. Provide clear expectations and regulatory assurances regarding covered activities occurring within the planning area.

#### Project Area

The planning area for the BDCP will consist of the aquatic ecosystems and natural communities and, potentially, the adjacent riparian and floodplain natural communities within the Statutory Delta. The Statutory Delta includes parts of Yolo, Solano, Contra Costa, San Joaquin, and Sacramento counties. However, it may be necessary for the BDCP to include conservation actions outside of the Statutory Delta that advance the goals and objectives of the BDCP within the Delta, including as appropriate, conservation actions in the Suisun Marsh, Suisun Bay, and areas upstream of the Delta. 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. The EIS/EIR project area for which impacts are evaluated may be different than the BDCP geographic scope.

#### Basis for Preliminary Alternatives

As part of the BDCP process, the Steering Committee evaluated potential options to address water supply reliability, water quality, and ecosystem health in the Delta. Initial options included various combinations of water conveyance facilities and habitat restoration actions. As a result of this evaluation, the Steering Committee developed the Points of Agreement document that provides an overall

framework for moving forward with development of the BDCP. Previous evaluations and potential improvements to the water conveyance system and strategies for in-Delta habitat restoration and enhancement outlined in the Points of Agreement document will be used for the basis of alternative development, but will not preclude or limit the range of alternatives to be analyzed under NEPA.

#### Statutory Authority

Reclamation, as administrative lead for this **Federal Register** action, provides this notice in accordance with NEPA regulations found in 40 CFR 1501.7.

NEPA (42 U.S.C. 4321 *et seq.*) requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. Under NEPA and its implementing regulations (40 CFR 1500 *et seq.*; NOAA Administrative Order 216-6), a reasonable range of alternatives to the proposed action are to be developed and considered in an EIS/EIR prepared by the FWS and NMFS. Alternatives considered for analysis in an EIS/EIR may include variations in the scope or types of covered activities; variations in the location, amount, and types of conservation measures and the timing of project activities; variations in permit duration; or a combination of these or other elements. In addition, as required by NEPA, the EIS will identify significant direct, indirect, and cumulative effects, and possible mitigation for those significant effects, on biological resources, land use, air quality, water quality, water resources, socioeconomics, environmental justice, cultural resources, and other environmental issues that could occur with the implementation of the proposed action and alternatives.

#### Request for Comments

The purpose of this notice is to advise other Federal and State agencies, affected Tribes, and the public of our intention to continue to gather information to support the preparation of an EIS/EIR, to obtain suggestions and information from other agencies and the public on the scope of alternatives and issues to be addressed in the EIS/EIR, and to identify important issues raised by the public related to the development and implementation of the BDCP. Written comments from interested parties are invited to ensure that the full range of alternatives and issues related to the development of the BDCP is identified. Comments during this stage of the scoping process will only be



accepted in written form. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public. A similar notice is being published by DWR in accordance with CEQA requirements. Comments and participation in the scoping process are encouraged.

#### **Special Assistance for Public Scoping Meetings**

If special assistance is required at the public meetings, please contact Ms. Patti Idlof at 916-978-5056, TDD 916-978-5608, or via e-mail at [pidlof@mp.usbr.gov](mailto:pidlof@mp.usbr.gov). Please notify Ms. Idlof as far in advance as possible to enable Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified. A telephone device for the hearing impaired (TDD) is available at 916-978-5608.

#### **Public Disclosure**

Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 4, 2008.

**Susan M. Fry,**

*Regional Environmental Officer, Mid-Pacific Region, Bureau of Reclamation.*

Dated: April 4, 2008.

**Ken McDermond,**

*Deputy Regional Director, U.S. Fish and Wildlife Service, Region 8, Sacramento, CA.*

Dated: April 4, 2008.

**Russell M. Strach,**

*Assistant Regional Administrator, Southwest Region, National Marine Fisheries Service.*

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instructions for participation via e-mail. We will give preference to registrants based on date and time of registration.

Dated: January 30, 2009.

**Rachel London,**

*Wind Turbine Guidelines Advisory Committee Alternate Designated Federal Officer.*

[FR Doc. E9-3158 Filed 2-12-09; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Bureau of Reclamation

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[FWS-R8-2008-N0345; 1112-0000-80221-F2]

#### Bay Delta Conservation Plan for the Sacramento-San Joaquin Delta, CA

**AGENCIES:** Fish and Wildlife Service, Interior; Bureau of Reclamation, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice of Intent (NOI) to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and notice of public scoping meetings.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the Fish and Wildlife Service (FWS), the Bureau of Reclamation (Reclamation), and the National Marine Fisheries Service (NMFS) will serve as co-lead agencies in the preparation of a joint EIS/EIR for the Bay Delta Conservation Plan (BDCCP). The California Department of Water Resources (DWR) will serve as the lead agency under the California Environmental Quality Act (CEQA), which requires the preparation of the EIR component of the EIS/EIR. FWS will serve as the administrative lead for all actions related to this **Federal Register** Notice (Notice). The Federal co-lead agencies have requested that the U.S. Army Corps of Engineers (USACE) and the Environmental Protection Agency (EPA) participate in the EIS/EIR as cooperating agencies for the purposes of their regulatory programs. The Corps and EPA have indicated that they will participate in such a role.

This Notice revises and updates the Notices of April 15, 2008 and January 24, 2008. In these previous Notices the description of the proposed action and

possible alternatives were preliminary in nature and relied upon initial BDCCP planning documents which describe the overall intent and direction of potential actions. Following publication of these previous Notices, preliminary scoping comments were submitted in writing and provided at preliminary scoping meetings. Some of the scoping comments indicated that more detailed descriptions of the proposed actions and alternatives are needed to allow specific comments on the range of alternatives and issues and levels of detail to be considered in the analyses of environmental consequences. Public comments received during this scoping period plus the previous two preliminary scoping periods will be considered during the preparation of the EIS/EIR. Comments submitted in response to the previous notices will be considered and do not need to be resubmitted.

The BDCCP is a conservation plan being prepared to meet the requirements of the federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), and the State of California's Natural Communities Conservation Planning Act (NCCPA). DWR (and potentially State and Federal water contractors) intends to apply for ESA and CESA incidental take permits (ITP) for water operations and management activities in the Sacramento-San Joaquin Delta. These incidental take authorizations would allow the incidental take of threatened and endangered species resulting from covered activities and conservation measures that will be identified through the planning process, including those associated with water operations of the Federal Central Valley Project (CVP), as operated by Reclamation, the California State Water Project (SWP), as operated by DWR, as well as operations of certain Mirant Delta LLC (Mirant Delta) power plants. Additionally, if feasible, the BDCCP will be used as the basis for ESA compliance by Reclamation, including compliance with Section 7 of ESA in coordination with FWS and NMFS. Ultimately, the BDCCP is intended to secure authorizations that would allow projects that restore and protect water supplies, water quality, and ecosystem health to proceed within a stable regulatory framework.

**DATES:** Ten public scoping meetings, open house format, will be held at various times and locations throughout California. See **SUPPLEMENTARY INFORMATION** section for public scoping meeting dates.

Written comments on the scope of the BDCCP or issues to be addressed in the

EIS/EIR must be received no later than May 14, 2009.

**ADDRESSES:** Send written comments to Lori Rinek, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W-2605, Sacramento, CA 95825, e-mail to [lori\\_rinek@fws.gov](mailto:lori_rinek@fws.gov), or fax to (916) 414-6713. See **SUPPLEMENTARY INFORMATION** section for public scoping meeting addresses.

**FOR FURTHER INFORMATION CONTACT:** Lori Rinek, FWS, 916-414-6600; Patti Idlof, Reclamation, 916-978-5056; or Rosalie del Rosario, NMFS, 916-930-3600.

#### **SUPPLEMENTARY INFORMATION:**

##### **Public Scoping Meeting Dates**

Public scoping meetings will be held on the following dates and times:

- Monday, March 9, 2009, 6 p.m. to 10 p.m., Chico, CA.
- Tuesday, March 10, 2009, 6 p.m. to 10 p.m., San Jose, CA.
- Wednesday, March 11, 2009, 6 p.m. to 10 p.m., Bakersfield, CA.
- Thursday, March 12, 2009, 1 p.m. to 4 p.m., Los Angeles, CA.
- Monday, March 16, 2009, 6 p.m. to 10 p.m., San Diego, CA.
- Tuesday, March 17, 2009, 6 p.m. to 10 p.m., Merced, CA.
- Wednesday, March 18, 2009, 6 p.m. to 10 p.m., Davis, CA.
- Thursday, March 19, 2009, 1 p.m. to 4 p.m., Sacramento, CA.
- Monday, March 23, 2009, 6 p.m. to 10 p.m., Brentwood, CA.
- Tuesday, March 24, 2009, 6 p.m. to 10 p.m., Stockton, CA.
- Wednesday, March 25, 2009, 6 p.m. to 10 p.m., Fairfield, CA.
- Thursday, March 26, 2009, 6 p.m. to 10 p.m., Clarksburg, CA.

##### **Public Scoping Meeting Addresses**

Public scoping meetings will be held at the following locations:

- Chico—Masonic Family Center, 1110 West East Avenue, Chico, CA 95926.
- San Jose—San Jose Marriott, 301 South Market Street, Blossom Hill and Almaden Rooms, San Jose, CA 95113.
- Bakersfield—Bakersfield Marriott at the Convention Center, 801 Truxtun Avenue, Salon A and Hammons Rooms, Bakersfield, CA 93301.
- Los Angeles—Junipero Serra State Building, 320 West Fourth, Los Angeles, CA 90013.
- San Diego—Marina Village Conference Center, 1936 Quivera Way, Captains Room and Room C8, San Diego, CA 92109.
- Merced—Merced High School, 205 West Olive Avenue, Merced, CA 95344.
- Davis—Veterans Center, 203 East 14th Street, Davis, CA 95616.

- Sacramento—Hyatt Regency, 1209 L Street, Sacramento, CA 95814.
- Brentwood—Brentwood Community Multipurpose Room, 730 Third Street, Brentwood, CA 94513.
- Stockton—Stockton Civic Memorial Auditorium, 525 North Center Street, Stockton, CA 95202.
- Fairfield—Hilton Garden Inn, 2200 Gateway Court, Willow and Larkspur Rooms, Fairfield, CA 94533.
- Clarksburg—Clarksburg Community Church, 52910 Netherlands Avenue, Clarksburg, CA 95612.

#### Reasonable Accommodation

Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Lori Rinek at (916) 414-6600 as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

#### Background Information

The BDCP is being prepared through a collaboration of State, Federal, and local water agencies, and Mirant Delta, an electric power generating facility located in West Pittsburg, California in Contra Costa County, under: (1) Section 10(a)(1)(B) of the ESA of 1973, as amended, and (2) the NCCPA, California Fish and Game Code, Section 2800 *et seq.*, or Fish and Game Code Section 2081 of CESA. The BDCP is intended to provide (1) Reclamation the ability to obtain a Biological Opinion and incidental take statements (ITS) pursuant to Section 7 of ESA, and (2) the basis for the DWR (and potentially State and Federal water contractors) to apply for ITPs pursuant to Section 10 of ESA and California Fish and Game Code Section 2835 or 2081 for implementation of the BDCP.

DWR and Reclamation, along with the Metropolitan Water District of Southern California (MWD), the Kern County Water Agency (KCWA), the Santa Clara Valley Water District (SCVWD), Alameda County Flood Control and Water Conservation District, Zone 7 Water Agency (Zone 7), the San Luis and Delta-Mendota Water Authority (SLDMWA), the Westlands Water District (WWD), and Mirant Delta (known collectively as the "Potentially Regulated Entities" or PREs) are currently preparing the BDCP for existing and proposed covered activities within the Statutory Delta. Some elements of the BDCP will complement the actions identified in the State of California's Delta Vision process, which

was a process convened by Governor Schwarzenegger to provide advice with respect to how to improve environmental conditions in the Delta while rendering it a more reliable source of water supply.

It is the goal of the PREs that the BDCP meets:

- (1) The requirements of Section 10(a)(1)(B) of the ESA for the non-federal PREs and result in the issuance of ITPs from the FWS and NMFS to those PREs;
- (2) The requirements of an ITP under the California fish and wildlife protection laws, either pursuant to Section 2835 or Section 2081 of the Fish and Game Code, resulting in take authority under either one of those statutes; and
- (3) The requirements of the Section 7 consultation process under the ESA, resulting in the issuance of Biological Opinions, and ITSs, from the NMFS and FWS on specific activities of certain members of the PREs.

#### Purpose and Need for Action

##### Background

This EIS is being developed for the following proposed actions and federal regulatory agency responses:

- (1) DWR, Reclamation, other PREs, and possibly other persons or entities implementing the BDCP;
- (2) DWR and possibly other PREs applying to the FWS for incidental take permits pursuant to the ESA section 10(a)(1)(B); and
- (3) DWR and possibly other PREs applying to the NMFS for incidental take permits pursuant to the federal ESA section 10(a)(1)(B).

The proposed federal actions that are being evaluated in this EIS are:

- (1) FWS issuing an ESA Section 10(a)(1)(B) permit(s);
- (2) NMFS issuing an ESA Section 10(a)(1)(B) permit(s); and
- (3) Reclamation's implementation of one or more components of the BDCP.

Reclamation, as a federal agency, obtains incidental take authorization through consultation with FWS and NMFS under Section 7 of the ESA. Reclamation will initiate Section 7 consultation with FWS and NMFS for any BDCP components to be implemented by Reclamation. Additionally, in a parallel yet separate process, Reclamation will be required to reinstate Section 7 consultation on the long-term operation of the CVP, as coordinated with the SWP, to the extent that such coordinated operations may be modified to effectively be integrated with any operational or facility improvements that may occur from implementation of the BDCP.

#### Purpose

The purposes of the proposed actions are to achieve the following:

Respond to the applications for incidental take permits for the covered species that authorize take related to:

- (1) The operation of existing SWP Delta facilities and construction and operation of facilities for the movement of water entering the Delta from the Sacramento Valley watershed to the existing SWP and CVP pumping plants located in the southern Delta;
- (2) The implementation of any conservation actions that have the potential to result in take of species that are or may become listed under the ESA, pursuant to the ESA at section 10(a)(1)(B) and its implementing regulations and policies;
- (3) The diversion and discharge of water by Mirant LLC for power generation in the Western Delta.

Improve the ecosystem of the Delta by:

- (1) Providing for the conservation and management of covered species through actions within the BDCP Planning Area that will contribute to the recovery of the species; and
- (2) Protecting, restoring, and enhancing certain aquatic, riparian, and associated terrestrial natural communities and ecosystems.
- (3) Reducing the adverse effects to certain listed species of diverting water by relocating the intakes of the SWP and CVP;

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 held by SWP contractors and certain members of SLDMWA.

#### Need

Water for a wide range of in-stream, riparian and other beneficial uses, including drinking water for over 25 million Californians and irrigation water for agricultural lands in the Delta and the San Joaquin Valley, is currently routed through the Delta. While some beneficial water users depend on the Delta for only a portion of their water needs, others are highly or totally dependent on supplies from the Delta. Conflicts have arisen and intensified among users of Delta water as total volume of water used and competition for the finite quantity of water available to be applied among those uses has increased over time. Such conflicts are magnified in years with reduced

precipitation in the watershed of the Sacramento and San Joaquin valleys.

Requirements have been established for the direction and magnitude of water flows moving through the Delta, and the volume of water and the timing requirements for its release associated with meeting the habitat requirements for threatened and endangered fish species. There exists a need to protect and recover these species. However, these requirements alone are unlikely to recover the species and they have also reduced the ability of the CVP and SWP to meet the quantity and timing of water delivered from the Delta for beneficial consumptive uses. Additionally, the levees in the Delta are at constant risk of failure from a number of causes, including seismic activity and sea level rise associated with global climate change. The ability to export water from the Delta for beneficial use would be compromised should one or more of these levees fail, resulting in an interruption of water supply for both urban and agricultural uses, as well as cause severe degradation of water quality in the Delta with potential adverse impacts upon the aquatic ecosystem and the ability to apply water from the Delta to beneficial use. Improvements to the conveyance system are needed to respond to these increased demands upon and risks to water supply reliability, water quality, and the aquatic ecosystem.

The EIS provides analysis for alternatives developed to address the purpose and needs identified above.

### Project Area

The planning area for the BDCP will consist of the aquatic and terrestrial ecosystems and natural communities and, potentially, the adjacent riparian and floodplain natural communities within the Statutory Delta. The Statutory Delta includes parts of Yolo, Solano, Contra Costa, San Joaquin, and Sacramento counties. However, it may be necessary for the BDCP to include conservation actions outside of the Statutory Delta that advance the goals and objectives of the BDCP within the Delta, including as appropriate, conservation actions in the Suisun Marsh, Suisun Bay, and areas upstream of the Delta. 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. The EIS/EIR project area for which impacts are evaluated may be different than the BDCP geographic scope.

### Covered Activities

The BDCP covered activities may include, but are not limited to, existing or new activities related to:

- (1) Existing Delta conveyance elements and operations of the CVP and SWP;
- (2) New Delta conveyance facilities (including power line alignments) and operations of the CVP and SWP generally described in the BDCP November 2007 Points of Agreement (<http://resources.ca.gov/bdcp/>);
- (3) Operational activities, including emergency preparedness of the CVP and SWP in the Delta;
- (4) Operational activities in the Delta related to water transfers involving water contractors or to serve environmental programs;
- (5) Maintenance of the CVP, SWP, and other PRES' facilities in the Delta;
- (6) Facility improvements of the CVP and SWP within the Statutory Delta (California Water Code Section 12220);
- (7) Ongoing operation of and recurrent and future projects related to other Delta water users, as defined by the BDCP Planning Agreement (<http://resources.ca.gov/bdcp/>);
- (8) Projects designed to improve Delta salinity conditions; and
- (9) Conservation measures included in the BDCP, including, but not limited to, fishery related habitat restoration projects, adaptive management, and monitoring activities in the Delta.

### Covered Species

Species proposed for coverage in the BDCP are species that are currently listed as Federal or State threatened or endangered or have the potential to become listed during the life of the BDCP and have some likelihood to occur within the project area. The covered species that are the initial focus of the BDCP include certain aquatic species such as:

- (1) Central Valley steelhead *Oncorhynchus mykiss*;
- (2) Central Valley Chinook salmon *Oncorhynchus tshawytscha* (spring-run and fall/late fall-runs);
- (3) Sacramento River Chinook salmon *Oncorhynchus tshawytscha* (winter-run);
- (4) Delta smelt *Hypomesus transpacificus*;
- (5) Green sturgeon *Acipenser medirostris*;
- (6) White sturgeon *Acipenser transmontanus*;
- (7) Splittail *Pogonichthys macrolepidotus*; and
- (8) Longfin smelt *Spirinchus thaleichthys*.

Other species that will be considered for inclusion in the BDCP include, but may not be limited to:

- (1) Swainson's hawk *Buteo swainsoni*;
- (3) Bank swallow *Riparia riparia*;
- (4) Giant garter snake *Thamnophis gigas*; and
- (5) Valley elderberry longhorn beetle *Desmocerus californicus dimorphus*.

This list identifies the species that will be evaluated for inclusion in the BDCP as proposed covered species; however, the list may change as the planning process progresses. The participants anticipate that species may be added or removed from the list once more is learned about the nature of the covered activities and the impact of covered activities on native species within the planning area.

### Alternatives

The BDCP will likely consist of three major elements: (1) Actions to improve ecological productivity and sustainability in the Delta; (2) potential capital improvements to the water conveyance system, and; (3) potential changes in Delta-wide operational parameters of the CVP and SWP associated with improved water conveyance facilities.

Potential habitat restoration measures that could improve ecological productivity and sustainability in the Delta may involve the restoration of floodplain; freshwater intertidal marsh; brackish intertidal marsh; channel margin, and riparian habitats. Floodplain restoration opportunities exist in the North Delta/Yolo Bypass and upper San Joaquin River areas; intertidal marsh restoration opportunities exist throughout the Delta and in Suisun Marsh. Channel margin habitat restoration opportunities exist for improving habitat corridors and as a component of floodplain restoration. Riparian habitat restoration opportunities exist as a component of floodplain, freshwater intertidal marsh, and channel margin habitat restoration.

Three general alternatives are being considered as they relate to the potential changes in the water conveyance system and CVP/SWP operations. These include: (1) A through-Delta alternative; (2) a dual conveyance alternative; and (3) an isolated facility alternative. In addition, the implications of taking no action, the No Action alternative, will be considered in the analysis. The dual conveyance alternative may include potential new points of diversion at various locations in the North Delta, facilities to move water from new points of diversion to the existing SWP and CVP pumping facilities in the South Delta, and continued use of the existing

diversions in the South Delta. The fully isolated facility alternative would include potential new points of diversion at various locations in the North Delta and facilities to move water from new points of diversion to the existing SWP and CVP pumping facilities in the South Delta. The improved through-Delta alternative could include new temporary or permanent barriers to modify existing hydraulics or fish movement within the Delta, armoring of levees along Delta waterways to ensure continued conveyance capacity, and/or actions to improve conveyance capacity in existing Delta waterways.

New points of diversion could be located along the Sacramento River between South Sacramento and Walnut Grove. The new conveyance facility could extend from the new points of diversion to the existing SWP and CVP pumping facilities in the South Delta and be located either to the west or east of the Sacramento River. Potential CVP/SWP operations changes include the seasonal, daily, and real time amounts, rates, and timing of water diverted through and/or around the Delta. Potential corresponding changes to water exports could also be developed.

Other actions to reduce threats to listed fish that may be evaluated for implementation by the BDCP include measures to minimize other stressors. These other stressors may include: (1) Non-native invasive species; (2) toxic contaminants; (3) other water quality issues; (4) hatcheries; (5) harvest; (6) non-project diversions; and (7) commercial/recreational activities. Implementation of potential habitat restoration activities and measures to minimize other stressors will be evaluated throughout the Delta, and possibly upstream and downstream of the Delta, as appropriate to meet the objectives of the plan.

Preliminary locations, alignments, and capacities of new conveyance facilities, as well as habitat restoration activities and actions to address other stresses, to be evaluated in the EIS/EIR will be informed by the scoping process. In addition to the alternatives described above, other reasonable alternatives identified through the scoping process will be considered for potential inclusion in the alternatives analysis.

#### Statutory Authority

NEPA (42 U.S.C. 4321 *et seq.*) requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. Under NEPA and its implementing regulations (40 CFR

part 1500 *et seq.*; NOAA Administrative Order 216–6) (43 CFR Part 46), a reasonable range of alternatives to the proposed action are to be developed and considered in an EIS/EIR prepared by the FWS and NMFS. Alternatives considered for analysis in an EIS/EIR may include variations in the scope or types of covered activities; variations in the location, amount, and types of conservation measures and the timing of project activities; variations in permit duration; or a combination of these or other elements. In addition, as required by NEPA, the EIS will identify significant direct, indirect, and cumulative effects, and possible mitigation for those significant effects, on biological resources, land use, air quality, water quality, water resources, socioeconomic, environmental justice, cultural resources, and other environmental issues that could occur with the implementation of the proposed action and alternatives.

#### Request for Comments

The purpose of this notice is to advise other Federal and State agencies, affected Tribes, and the public of our intention to continue to gather information to support the preparation of an EIS/EIR, to obtain suggestions and information from other agencies and the public on the scope of alternatives and issues to be addressed in the EIS/EIR, and to identify important issues raised by the public related to the development and implementation of the BDCP. Written comments from interested parties are invited to ensure that the full range of alternatives and issues related to the development of the BDCP is identified. Comments during this stage of the scoping process will only be accepted in written form. You may submit written comments by mail, facsimile transmission, or in person (see **ADDRESSES**). All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public. Comments and participation in the scoping process are encouraged.

Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

#### Ken McDermond,

*Deputy Regional Director, Pacific Southwest Region, U.S. Fish and Wildlife Service, Sacramento, CA.*

#### Mike Chotkowski,

*Acting Regional Environmental Officer, Mid-Pacific Region, Bureau of Reclamation.*

#### Russ Strach,

*Assistant Regional Administrator, Protected Resources, Southwest Region, National Marine Fisheries Service.*

[FR Doc. E9–3103 Filed 2–12–09; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AZA 33447]

#### Public Land Order No. 7730; Withdrawal of National Forest System Land for the Red Rock Ranger District Administrative Site; Arizona

#### Correction

In notice document E9–2632 appearing on page 6417 in the issue of February 9, 2009, make the following correction:

In the second column, beneath subheading “*Gila and Salt River Meridian*”, the third line should read:

E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>.

[FR Doc. Z9–2632 Filed 2–12–09; 8:45 am]

BILLING CODE 1505–01–D

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

[DES 09–02]

#### Aspinall Unit, Colorado River Storage Project, CO

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of Availability of Aspinall Unit Operations Draft Environmental Impact Statement.

**SUMMARY:** The Bureau of Reclamation (Reclamation), the Federal agency responsible for operation of the Aspinall Unit, has prepared and made available to the public a draft environmental impact statement (DEIS) on Aspinall Unit operations pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4332.

**DATES:** A public review period commences with the publication of this notice. Written comments on the DEIS



## **APPENDIX C: DEPARTMENT OF WATER RESOURCES PRESS RELEASE**







## **News for Immediate Release**

**March 17, 2008**

### **Contacts:**

- Ted Thomas, DWR Public Information Officer, 916-653-9712
- Matt Notley, Public Affairs Special Assistant, 916-651-7242

### **DWR Initiates Environmental Review Process for Delta Conservation Plan, Announces Other Delta Actions**

SACRAMENTO – The Department of Water Resources (DWR) announced today immediate actions to implement Gov. Schwarzenegger’s plan for Delta sustainability. DWR will start the public process to study the environmental impacts of a Delta conservation plan including alternative water conveyance, implement new statewide water conservation initiatives, and strengthen emergency response plans for the Delta.

“The Delta is a great natural treasure and a vital link in the state’s water system, but it is teetering on the edge of collapse,” said DWR Director Lester A. Snow. “To avert an ecological disaster and ensure reliable water supplies for Californians now and in the future, we must act now.”

Last month, Gov. Schwarzenegger outlined a comprehensive plan for Delta sustainability that includes more water conservation, better emergency response and flood protection, and actions to ensure a cleaner, safer water supply.

#### **Initiate Delta Conservation Plan EIR/EIS**

Building on the Governor’s plan and recommendations of his Delta Vision Blue Ribbon Task Force that define environmental restoration and water supply as coequal goals for the future of the Delta, DWR will prepare a joint Environmental Impact Report/Statement (EIR/EIS) for the Bay Delta Conservation Plan (BDCP) in cooperation with the federal lead agencies.

DWR will hold a public informational workshop on Monday, March 24, 2008 to discuss the scope and timeline of the environmental review process, the collaborative efforts involving other agencies and stakeholders, and opportunities for public participation and involvement. DWR Director Snow and other project team members will be present.

Workshop on Delta Conservation Plan EIR Process

Monday, March 24, 2008 at 1:30 p.m.  
Resources Building Auditorium  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814

The BDCP is a collaborative effort by state and federal agencies and stakeholder groups to develop a conservation plan for the Delta aimed at addressing the current conflict between the protection of at-risk fish species and water supply.

While the BDCP will focus on the fish/water supply issues in the context of broad ecosystem protection principles, it will also address water conveyance alternatives, habitat restoration and management, other ecological problems including invasive species and toxic pollutants.

From now until the completion of the EIR/EIS process in 2010 there will be many opportunities for public review, comment and participation. One purpose of the scoping meetings is to receive public input on alternatives that should be considered in the EIR/EIS process. Attached is a list of initial public scoping meetings to present information on the project, including a description of initial alternatives and the scope of the BDCP process. A meeting schedule can also be found at [http://baydeltaoffice.water.ca.gov/sdb/bdcp/index\\_bdcp.cfm](http://baydeltaoffice.water.ca.gov/sdb/bdcp/index_bdcp.cfm)

### **Increase Water Conservation**

Increasing water conservation is an essential element of fixing the Delta. The Governor has called for a 20 percent per capita reduction in urban water use statewide by 2020. DWR is working with the State Water Resources Control Board, the California Public Utilities Commission, and the California Energy Commission to develop a plan to achieve the Governor's goal.

The California Water Plan Advisory Committee will discuss the Governor's plan for a comprehensive Delta solution, including strategies for increasing urban water conservation, during the second day of its March 20-21 meeting.

California Water Plan Advisory Committee  
Friday, March 21, 9 a.m. – 4 p.m.  
Doubletree Hotel, 2001 Point West Way  
Sacramento, CA 95815

Meeting agenda and materials are posted at [www.waterplan.water.ca.gov/materials/index.cfm](http://www.waterplan.water.ca.gov/materials/index.cfm)

### **Delta Emergency Response Planning**

A comprehensive emergency response plan is critical to the sustainability of the Delta. A natural disaster could cripple water deliveries to 25 million Californians, millions of acres of farmland, threaten lives and property, destroy vital infrastructure and result in serious economic consequences. DWR is working with the Delta Protection Commission to develop the Delta Emergency Response plan.

To address the Governor's call for better emergency response and flood protection, DWR, in cooperation with the Delta Protection Commission, is scheduling a public workshop in the Delta to discuss options and receive public input on Delta emergency response actions.

Delta Emergency Response Workshop  
Thursday, April 10, 2008, 4 p.m. to 6 p.m.  
Courtland Auditorium, 146 Primasing Avenue  
Courtland, CA 95615

### **Initial Scoping Meetings for Delta Conservation Plan**

#### April 28, 2008 – Sacramento

10 am

Resources Building Auditorium  
1416 Ninth Street, Sacramento

#### April 29, 2008 – Chico

6 pm

Chico Masonic Family Center  
1110 West East Avenue, Chico

#### April 30, 2008 – Clarksburg

6 pm

Clarksburg Middle School,  
52870 Netherlands, Clarksburg

#### May 5, 2008 – Stockton

6 pm

San Joaquin Farm Bureau  
3290 N. Ad Art Road, Stockton

#### May 6, 2008 – San Jose

6 pm

Santa Clara Valley Water District  
5700 Almaden Expressway, San Jose

#### May 7, 2008 – Los Banos

6 pm

City of Los Banos Public Services Department  
Senior Center-Miller & Lux Building  
830 6<sup>th</sup> Street, Los Banos

#### May 8, 2008 – Los Angeles

1 pm

Junipero Serra State Building  
320 West Fourth, Carmel Room 225, Los Angeles

*The Department of Water Resources operates and maintains the State Water Project, provides dam safety and flood control and inspection services, assists local water districts in water management and water conservation planning, and plans for future statewide water needs.*

Contact the DWR Public Affairs Office for more information about DWR's water activities.

**APPENDIX D: EXAMPLES OF NEWSPAPER NOTICE FOR SCOPING MEETINGS**

**APPENDIX D1: EXAMPLE OF NEWSPAPER NOTICE FOR 2008 PRELIMINARY SCOPING MEETINGS**

**APPENDIX D2: EXAMPLE OF NEWSPAPER NOTICE FOR 2009 SCOPING MEETINGS**





***You are invited ...***

*to attend an EIR/EIS scoping and community information meeting about the Bay Delta Conservation Plan*

**Meeting Purpose:**

- To share the BDCP environmental review process and solicit comments about the scope of the Environmental Impact Report and Environmental Impact Statement
- To share information and answer questions about the BDCP and how to be involved

**Meeting dates and locations:**

- **Sacramento** Monday, April 28, 10:00 a.m.  
California Resources Building Auditorium  
1416 Ninth Street
- **Chico** Tuesday, April 29, 5:00 p.m.  
Chico Masonic Family Center  
1110 West East Avenue
- **Clarksburg** Wednesday, April 30, 6:00 p.m.  
Clarksburg Middle School  
52870 Netherlands
- **Stockton** Monday, May 5, 6:00 p.m.  
San Joaquin Farm Bureau  
3290 N. Ad Art Road
- **San Jose** Tuesday, May 6, 6:00 p.m.  
Santa Clara Valley Water District  
5700 Almaden Expressway

**For more information visit:**

<http://www.resources.ca.gov/bdcp/>  
[http://baydeltaoffice.water.ca.gov/sdb/bdcp/index\\_bdc p.cfm](http://baydeltaoffice.water.ca.gov/sdb/bdcp/index_bdc p.cfm)

Meeting facilities are accessible to persons with disabilities or who need assistance to participate. To request assistance or translation services, contact Darla Cofer at (916) 653-7129 or [dcofer@water.ca.gov](mailto:dcofer@water.ca.gov).

Written comments are due by **May 30, 2008**, and can be sent to Ms. Delores Brown, Office of Environmental Compliance, Dept. of Water Resources, P.O. Box 942836, Sacramento, CA 94236, or emailed to [BDCPcomments@water.ca.gov](mailto:BDCPcomments@water.ca.gov).

# BDCP

## BAY DELTA CONSERVATION PLAN

**YOU ARE INVITED...** To attend an Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) scoping meeting to provide your input to the environmental review of the Bay Delta Conservation Plan (BDCP). The open house format allows you to attend at your convenience during the allotted time.

### Meeting Purpose

- To solicit comments from the public, agencies and Tribes about the scope of the EIR/EIS.
- To provide additional information about the BDCP and provide an opportunity to discuss the status of the BDCP.

### MEETING DATES AND LOCATIONS

#### CHICO

**Monday, March 9, 2009 – 6pm-10pm**  
Chico Masonic Family Center  
1110 West East Avenue, Chico, CA 95926

#### SAN JOSE

**Tuesday, March 10, 2009 – 6pm-10pm**  
San Jose Marriott  
301 South Market Street  
San Jose, CA 95113

#### BAKERSFIELD

**Wed., March 11, 2009 – 6pm-10pm**  
Bakersfield Marriott  
at the Convention Center  
801 Truxtun Avenue  
Bakersfield, California 93301

#### LOS ANGELES

**Thursday, March 12, 2009 – 1pm-4pm**  
Junipero Serra State Building  
320 West Fourth, Los Angeles, CA 90013

#### SAN DIEGO

**Monday, March 16, 2009 – 6pm-10pm**  
Marina Village Conference Center  
1936 Quivera Way, San Diego, CA 92109

#### MERCED

**Tuesday, March 17, 2009 – 6pm-10pm**  
Merced High School  
205 West Olive Ave., Merced, CA 95344

#### DAVIS

**Wed., March 18, 2009 – 6pm-10pm**  
Veterans Memorial Center  
203 East 14th Street, Davis CA 95616

#### SACRAMENTO

**Thursday, March 19, 2009 – 1pm-4pm**  
Hyatt Regency Sacramento  
1209 L Street, Sacramento, CA 95814

#### BRENTWOOD

**Monday, March 23, 2009 – 6pm-10pm**  
Brentwood Community  
Multipurpose Room  
730 Third Street, Brentwood CA, 94513

#### STOCKTON

**Tuesday, March 24, 2009 – 6pm-10pm**  
Stockton Civic Memorial Auditorium  
525 North Center Street Stockton, CA 95202

#### FAIRFIELD

**Wed., March 25, 2009 – 6pm-10pm**  
Hilton Garden Inn  
2200 Gateway Court  
Fairfield, California 94533

#### CLARKSBURG

**Thursday, March 26, 2009 – 6pm-10pm**  
Clarksburg Community Church  
52910 Netherlands Ave  
Clarksburg, CA 95612

### For more information visit:

<http://www.resources.ca.gov/bdcp> - OR - <http://www.water.ca.gov/deltainit/bdcp.cfm>

Meeting facilities are accessible to persons with disabilities or who need assistance to participate. To request assistance or translation services, contact Rebecca Nicholas at (916) 651-2966 or [rmichola@water.ca.gov](mailto:rmichola@water.ca.gov).

Written comments can be sent to

Ms. Delores Brown, Office of Environmental Compliance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236, or emailed to [BDCPcomments@water.ca.gov](mailto:BDCPcomments@water.ca.gov).

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Sacramento  
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## 1 **APPENDIX E: CATEGORIZATION OF SCOPING COMMENTS**

2 Letters, emails, comment cards, and transcripts were reviewed to identify separate comments. The  
3 comments were initially grouped into categories, as described in Chapter 3. Specific comments were  
4 copied from the letters, emails, comment cards, and transcripts into tables for each category, as  
5 presented in the tables presented in this appendix. Comments are listed within each category  
6 alphabetically by agency or affiliation. A list of agencies, stakeholders, and individuals that provided  
7 written and verbal comments is presented in Appendix F. The letters, email, and comment cards are  
8 presented in Appendix G and Appendix H. The transcripts are presented in Appendix I and Appendix J.

### List of Scoping Comment Tables in Appendix E

1			
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3	Table E-2	2008 and 2009 Scoping Comments Related to Participation in EIR/EIS Process .....	E-11
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5	Table E-4	2008 and 2009 Scoping Comments Related to Preparation and Use of the EIR/EIS..	E-34
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17	Table E-15	2008 and 2009 Scoping Comments Related to Soils Resources .....	E-313
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19	Table E-17	2008 and 2009 Scoping Comments Related to Socioeconomics, Population,	
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35		Greenhouse Gas Emission Concepts.....	E-442
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1

Table E-1. 2008 and 2009 Scoping Comments Related to Scoping Process

Year of Scoping	Affiliation	Comment
2009	Attendee of Chico Scoping Meeting	Just the pitiful manner with which this meeting was broadcast, letting us know it was going to happen in the first place. So hardly anybody really knew this was going on tonight. Just really too bad. They need to let people know in a lot better fashion than they did when they're going to have something like this.
2008	Butte Environmental Council	There's nothing to scope. You know, you have nebulous, down the road HCP and NCCP. There is no project, so I don't know how you can proceed with CEQA and NEPA at this point. I think, you know, you have your priorities eschewed and I have never yet encountered an HCP and NCCP that started the environmental review before they've even got to the purpose and need, and what are you doing?
2008	Butte Environmental Council	And, there's no initial study provided, at least that's acknowledged that that isn't provided to the public which would have at least given us a little more, I hope to balance off of. And, I really think that if you ever get to a project description so that the public would want something to analyze and comment on, I hope you'll come back because I think this should all be repeated.
2009	Butte Environmental Council	BEC objects to the NOTICE OF PREPARATION of the ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT FOR THE BAY DELTA CONSERVATION PLAN (BDCP) because : 1- The description of the Project is not clear in the Notice
2009	Butte Environmental Council	BEC objects to the NOTICE OF PREPARATION of the ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT FOR THE BAY DELTA CONSERVATION PLAN (BDCP) because :...The BDCP requires upstream water management projects to supply the water to operate pumps and therefore environmental analysis should be tiered under one or more of these projects (SWWA, SVIWMP)
2009	Butte Environmental Council	BEC objects to the NOTICE OF PREPARATION of the ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT FOR THE BAY DELTA CONSERVATION PLAN (BDCP) because :...The project may result in significant adverse environmental impacts and poses significant unknown risks to the environment upstream and downstream from the Delta.
2009	Butte Environmental Council	BEC objects to the NOTICE OF PREPARATION of the ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT FOR THE BAY DELTA CONSERVATION PLAN (BDCP) because :...The project implies the intention of overriding the State and Federal Endangered Species Acts by promotion of "co-equal goals" of "ecological restoration" and "water supply".
2009	Butte Environmental Council	BEC objects to the NOTICE OF PREPARATION of the ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT FOR THE BAY DELTA CONSERVATION PLAN (BDCP) because :...The BDCP makes no effort to consider decreased demand for water exports. The BDCP assumes increased demand South of Delta (SOD) will result in sustained or increased export from the Delta.

Table E-1. 2008 and 2009 Scoping Comments Related to Scoping Process

Year of Scoping	Affiliation	Comment
2009	Butte Environmental Council	...the NOP fails to provide a sufficient draft BDCP plan that the-public and affected agencies and jurisdictions can review to provide meaningful assessments and comments on the numerous and consequential environmental impacts of the BDCP on the Delta, the watersheds, and the associated Pacific Ocean environment.
2009	Butte Environmental Council	DWR's paltry description of the Project fails to comply with the most essential review and disclosure requirements of CEQA, thereby depriving decision makers and the public of the ability to consider the relevant environmental issues in any meaningful way...
2009	Butte Environmental Council	At a minimum, BEC encourages the DWR to prepare an NOP for the project that more clearly describes activities, connections with other water supply plans, and risks to the economy and environment of the entire watershed
2009	California Central Valley Flood Control Association	The lack of specificity or details on the proposed project prevents the Association and its local agency members from being able to identify the significant environmental effects of the project action or how to avoid any significant environmental effects, or how to mitigate those significant environmental effects, where feasible, pursuant to the basic purpose and goals of CEQA. We therefore expect to be provided the opportunity in the future to see and comment on a detailed project description, alternatives, and proposed mitigations before a final EIR/EIS is approved.
2009	California Farm Bureau	California Farm Bureau is concerned that the Fish & Wildlife Service, Bureau of Reclamation, National Marine Fisheries Service, and the Department of Water Resources (hereinafter "Agencies") may fail to recognize that agricultural land and water quality resources are a part of the physical environment, thus consideration of impacts to agricultural resources must be included as part of a proper National Environmental Policy Act ("NEPA") and California Environmental Quality Act ("CEQA") environmental review.
2009	California Farm Bureau	Given the national and statewide importance of agriculture and the legal requirements of environmental review, California Farm Bureau urges the Agencies to properly assess all direct and indirect effects on the agricultural environment resulting from the proposed BDCP project in the EIS/EIR.
2008	California State Water Resources Control Board	...the NOP states that formal preparation of the EIR/EIS will commence once the BDCP has been further developed. The State Water Board reserves the right to provide additional comments once additional information becomes available. This information may be provided in writing or through participation in the BDCP Steering Committee, technical teams, or workgroups.
2009	Central Delta Water Agency	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.

Table E-1. 2008 and 2009 Scoping Comments Related to Scoping Process

Year of Scoping	Affiliation	Comment
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	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." ....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.
2009	Central Delta Water Agency	But the BDCP is very much a work in progress. It says in the notice of preparation the BDCP will likely consist of certain elements. It may include. That's not appropriate for a notice of preparation. It's premature.
2008	Central Delta and South Delta Water Agencies	CEQA is not meant to be the process to determine whether the proposed project is feasible...Thus, before the CEQA process ever begins the project must be fairly determined to be feasible.
2009	City of Antioch	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.
2008	Contra Costa County Water Agency	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.
2008	Contra Costa County Water Agency	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.
2008	Contra Costa County Water Agency	...the NOI indicates that a range of other activities may also be covered activities...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.
2009	Contra Costa Water District	The NOP appears to have restricted the EIR/EIS to a narrow set of solutions and alternatives that are likely to result in a flawed set of environmental documents and an equally flawed plan.

Table E-1. 2008 and 2009 Scoping Comments Related to Scoping Process

Year of Scoping	Affiliation	Comment
2008	County of Yolo	...the legal adequacy of the BDCP and the EIR/EIS depends on whether the public review and comment process satisfies all legal requirements. The County believes that the NOP does not meet these requirements. Further scoping - following the issuance of a legally adequate NOP - is therefore both necessary and appropriate.
2008	County of Yolo	The NOP is Premature, and it Lacks an Adequate Project Description.
2008	County of Yolo	The NOP Does Not Properly Describe the Geographic Location or Scope of the Project.
2008	County of Yolo	The NOP Does Not Properly Identify the Potential Environmental Effects of the Project.
2009	Delta Farmer	This scoping is premature and cannot be focused nor thoroughly examined without those specifics.
2008	East Bay Municipal Utility District	Under the option of dual conveyance, the scoping document needs to identify measures to reduce the impact of operating a Through Delta Facility.
2008	Greene and Hemly	Was the April 30th meeting used to comply with NEPA requirements?
2009	Meeting attendee at Chico Scoping Meeting	...the publication of this meeting was next to none. I don't know how far north it is, but there was only the Enterprise Record one time, buried. We have several other counties around here that use District water, I'm going to call it, out of the river. They knew nothing about it at all.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	...we urge the lead agencies to adjust the scoping process as necessary to adequately incorporate the development of a conservation strategy. This adjustment would also likely provide adequate time for the BDCP to incorporate the final implementation recommendations of the Delta Vision process, which we believe would be of great benefit to the overall planning effort of both BDCP and Delta Vision.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The scoping and comment period for the EIS/EIR should be reopened upon completion of the BDCP conservation strategy and adoption of the Delta Vision Strategic Plan.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Consistent with our March 24,2008 letter, and in order to improve informed public participation in the process, we respectfully request that the agencies re-open the scoping and comment process upon completion of the draft BDCP conservation strategy and Delta Vision Strategic Plan
2008	North Delta CARES	What, in all of its detail, was defined as the project as of the date of the Scoping Meeting of April 30,2008 in Clarksburg, California?
2009	North Delta Water Agency	Finally, it is impossible to provide comprehensive or complete comments on the Bay Delta Conservation Plan Environmental Impact Report/Environmental Impact State or evaluate the cumulative impact of various projects to be in a final EIR/EIS due to the lack of a project description or specific performance targets such as, but not limited to, bypass flows and outflows, greenhouse gas impacts, or seismic stability...We therefore expect to be provided the opportunity in the future to see and comment on a detailed project description, alternatives, and proposed mitigations before a final EIR/EIS is approved.

Table E-1. 2008 and 2009 Scoping Comments Related to Scoping Process

Year of Scoping	Affiliation	Comment
2009	Reclamation District 2068	The NOP/NOI fails to provide sufficient information and specificity making it effectively impossible to determine what exactly is proposed for a plan and thus the scope of an EIR/EIS.
2008	Resident of Clarksburg	It is important to the people of Clarksburg, and the people who are interested in the project from around the state, to keep our comments in the record in their entirety, and not reduce our individual comments into general or combined comments.
2008	Resident of Clarksburg	...it is important to the people of Clarksburg and the people who are interested in the project from around the state to keep our comments in the record in their entirety. And not reduce our individual comments into general or combined comments
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	...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 project, keep all of our comments in the record in their entirety and not reduce our individual comments into general or combined comments.
2009	Resident of Clarksburg	Every Federal Action Environmental Impact Statement must clearly 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.
2009	Resident of Clarksburg	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...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"
2009	Resident of Clarksburg	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 infrastructure 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.
2009	Resident of Clarksburg	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.

Table E-1. 2008 and 2009 Scoping Comments Related to Scoping Process

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	Where will you show us on your Report where our comments have been taken into effect.
2009	Resident of Sacramento	...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 comments as required by CEQA.
2008	San Joaquin County and San Joaquin County Flood Control and Water Conservation District	The NOP identifies the BDCP as the project; however, the content, parameters and description of the BDCP are unknown. There is no BDCP plan to review.
2008	San Joaquin County and San Joaquin County Flood Control and Water Conservation District	The NOP indicates that Governor Schwarzenegger by letter dated February 28, 2008 directed the Department of Water Resources to proceed with "the CEQA/NEPA process to evaluate at least four alternative Delta conveyance strategies in coordination with the BDCP efforts to better protect at-risk fish species. . ." It is unclear from the NOP if this is the environmental document requested by the Governor. If so, the NOP does not clearly describe the referenced four alternatives...
2008	South Delta Water Agency	The scoping process is designed to lead to implementation of a particular plan to be determined by the Bay Delta Conservation Process, BDCP. It is not designed to determine whether that plan is a viable solution, and whether there may be other more effective plans. It was clear that the scoping sessions are not intended to lead to unbiased consideration of other plans. The scoping process will merely meet a process requirement while a BDCP plan is moved toward implementation.
2009	South Delta Water Agency	The project description is inadequate and therefore prevents meaningful participation and comments by the public. The NOP includes a Project Description that sets forth the "purpose and project objectives." Such information may be the beginning point in determining a project description under CEQA and NEPA, but it does not satisfy the statutory requirements.
2009	South Delta Water Agency	We don't think it's appropriate or legal to ask for scoping comments on a project that has not yet been clearly defined. The purpose of scoping is to get input on what people think you should examine for a specified project. Right now, the project is we want to move forward with investigations, and then decide on something later. So we think that's inadequate.
2008	Stockton East Water District	It is very difficult to make meaningful comments on the March 17, 2008 Notice of Preparation, because the NOP does not meet the minimum requirements set forth in the CEQA Guidelines §15082(a)(1).
2009	Stockton East Water District	...we would like to emphasize that the Preliminary Scoping Report does not provide a sufficient description of the project which is to be the subject of the EIR/EIS. This puts anyone commenting on the Report at a disadvantage; as a result, our comments must be somewhat general.



Table E-1. 2008 and 2009 Scoping Comments Related to Scoping Process

Year of Scoping	Affiliation	Comment
2009	Stone Lakes National Wildlife Refuge Association	A clear description of the Project is necessary for environmental review purposes. Such a description has not yet been provided. This lack of information interferes with the ability of the Association to meaningfully comment on the Revised NOP. It is only by also monitoring the BDCP Steering Committee meeting proceedings and handouts that the Association is aware of the latest configuration of project components that would affect Stone Lakes NWR...the Association understands that habitat restoration activities are no longer being targeted for lands within Stone Lakes NWR.
2009	Suisun Resource Conservation District	...the NOP fails to satisfy the most basic requirements of CEQA. The three key elements of a NOP are: (1) a description of the project; (2) identifying the location of the project; and (3) identifying the project's probable environmental effects. (14 C.C.R., 5 15082(a)(l).) The NOP fails to meet CEQA's standards in all three areas, and SRCD requests that DWR consider all comments submitted hereon and prepare a new NOP.
2009	Suisun Resource Conservation District	The NOP fails to adequately identify the project. On page 2, the NOP states that the BDCP is to address "covered activities." A list of 9 "covered activities" is provided on page 4 of the NOP, but this list is so cursory that it does not provide SRCD or a reasonable reader of the NOP with an understanding of what projects are actually "covered activities." ...The NOP should describe what are the existing Delta conveyance elements and operations, and why those elements/operations require preparation of a habitat conservation plan.
2009	Suisun Resource Conservation District	Item 2 is "New Delta conveyance facilities," which the NOP claims are described in the November 2007 Points of Agreement. The new conveyance facilities description found in that document...is too vague to allow educated comment on how to scope the project. In particular, there should be information regarding the possible changes in operation of the state and federal water projects that may occur in relation to the Peripheral Canal (e.g. how much water may be diverted in the North Delta; when may diversions occur; what impacts will these diversions have on downstream water users and water quality, etc.)
2009	Suisun Resource Conservation District	The NOP fails to adequately identify the location of the project. The "Project Area" description on page 6 states that the BDCP will occur in the Statutory Delta, as well as Suisun Marsh, Suisun Bay, "and areas upstream of the Delta." Figure 1 is a map labeled "Legal Delta Boundary," and which delineates the area that is statutorily defined as the Delta. This map fails to delineate, however, the Suisun Marsh or "areas upstream of the Delta." A revised map that clearly shows the project area should be included in the revised NOP.
2009	Suisun Resource Conservation District	The NOP fails to provide a reasonable description of the project's probable environmental effects. The fact that a primary objective of the BDCP is to address existing CVP and SWP operations means that it should be reasonably straightforward to at least explain the environmental effects from operation of those projects...Of particular concern to SRCD are the vaguely discussed plans to convert tens of thousands of acres of managed wetlands to tidal marsh. These types of conversions while benefitting certain species, are detrimental to others. The Suisun Marsh is an area where tidal restoration is contemplated. The NOP fails to reasonably describe where and in what acreages tidal restoration will occur, or to discuss probable environmental effects associated with such tidal restoration.

Table E-1. 2008 and 2009 Scoping Comments Related to Scoping Process

Year of Scoping	Affiliation	Comment
2009	Suisun Resource Conservation District	The NOP fails to reasonably discuss possible impacts to downstream water rights holders associated with the BDCP. Again, if part of the BDCP project is to change the point where the SWP and CVP divert water from the south Delta to the north Delta, then the NOP should address how this will affect downstream water rights holders - including specifically those water users in the Suisun Marsh.
2009	Suisun Resource Conservation District	The NOP indicates that the BDCP is focused on habitat and conservation measures aimed at restoring certain fish populations. Yet, the project area...appears limited to the Delta and Suisun Marsh areas. Why have other areas, such as upstream in the Central Valley river systems, been excluded from the BDCP's fish restoration efforts?
2009	Suisun Resource Conservation District	The NOP is currently too vague, however, to allow meaningful comment on such matters. For instance, the NOP contains no direct information regarding the project impacts to the Suisun Marsh, nor enough indirect information regarding the project's parameters and impacts for SRCD to reasonably infer impacts to the Suisun Marsh. For this reason, many of SRCD's concerns are phrased in the form of questions...
2008	U.S. Environmental Protection Agency	The project purpose and need statement, proposed federal action, and intended covered activities need significantly greater definition before the interested public can meaningfully comment on the scope of the environmental analysis.
2008	U.S. Environmental Protection Agency	The revised scoping notice should provide more specificity as to what activities (construction and operation of the existing or new facilities) are intended to be covered by the federal permit.
2008	U.S. Environmental Protection Agency	The revised NOI should clarify the proposed level of review of this document. Typically, large projects include some kind of programmatic review with subsequent documents tiering from the programmatic review to deal with site-specific issues or particular problems. The lead agencies should clarify whether this EIS is intended to serve as a single environmental review covering both programmatic decisions (such as, what form of conveyance will be used, at what size) and site specific issues (actual alignment, rights of way, site specific mitigation). If a tiered or supporting document approach is intended, the lead agencies should discuss their proposed division of issues between the programmatic and the site-specific documents.
2008	Yolo Natural Heritage Program	In summary, the BDCP EIR/EIS Notice of Preparation ("NOP") scoping process is deficient in that it failed to supply the public and interested agencies with sufficient detail to provide meaningful input (CEQA Guidelines § 15083(b)).

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Table E-2. 2008 and 2009 Scoping Comments Related to Participation in the EIR/EIS Process

Year of Scoping	Affiliation	Comment
2009	Attendee at Davis Scoping Meeting	...we don't see hardly any, if any, of these public comments ever getting into literature or (inaudible) by the agencies of which you represent. So just to let you know.
2009	Butte Environmental Council	BEC requests notification of any meeting that addresses this proposed BDCP or any other DWR project that requires any consideration of CEQA. Please send any additional documents that pertain to this project.
2009	California Department of Parks and Recreation	Because the BDCP Project potentially involves State Park units, as delineated in the California Environmental Quality Act Guidelines (Section 15386), California State Parks is a trustee agency for the park units within the State Parks system and may also be a responsible agency for this project.
2009	California Department of Parks and Recreation	Because the BDCP potentially involves State Park units, as delineated in the California Environmental Quality Act Guidelines (Section 153861), California State Parks is a trustee agency for the park units within the State Park System and may also be a responsible agency for this project.
2008	California Native Plant Society Santa Clara Valley	Are the six chosen environmental organizations representative of California citizenry and user groups....Ducks Unlimited and California Assn. of Fly Fishermen are two user groups who should definitely be at the table, and also Audubon and a representative of boaters. California Native Plant Society could contribute to considerations of habitat and water conservation criteria.
2008	California Sportsfishing Protection Alliance	We request a receipt of timely submission and that we be placed on the list to receive both electronic and hard copies the draft EIR/EIS.
2008	California State Water Resources Control Board	...the NOP states that the BDCP is being prepared with the participation of the State Water Board and other agencies. To clarify, the State Water Board is participating in the BDCP planning process for the limited purposes of advising the BDCP parties of the State Water Board's regulatory requirements and providing technical information. The State Water Board is neither a party to the BDCP planning agreement nor a decisionmaking member of the Steering Committee. By participating in the process in an advisory capacity, the State Water Board hopes to ensure that a broad range of alternatives is evaluated, and the potential impacts of all the alternatives are fully disclosed
2008	California State Water Resources Control Board	While the State Water Board can provide information that will help guide the BDCP parties toward a successful completion of the BDCP process, the State Water Board cannot make a prior commitment to the outcome of any regulatory approval that must be issued by the State Water Board. The State Water Board acts in an adjudicative capacity when it acts on a request for water right application, change petition, or other water right approval that may be required for or requested in connection with a proposed project. The State Water Board must be an impartial decision-maker, avoiding bias, prejudice or interest, in any adjudicative proceedings conducted in accordance with the State Water Board's regulatory approvals. Accordingly, State Water Board staff will not act as advocates for any alternatives considered during the BDCP process.

**Table E-2. 2008 and 2009 Scoping Comments Related to Participation in the EIR/EIS Process**

Year of Scoping	Affiliation	Comment
2008	City of Antioch	The ability of interested parties to understand and meaningfully participate in the development of the BDCP could be enhanced by improving accessibility of written and other materials being considered in the planning process.
2008	City of Antioch	Because in-Delta water users such as the City have such a crucial stake in how the BDCP is designed and implemented, the BDCP will need to specifically address in-Delta concerns to succeed...the City supports the Steering Committee's work toward fuller inclusion of in-Delta interests in the process.
2008	City of Livermore	City of Livermore is requesting that Zone 7 to be identified as a Responsible Agency pursuant to CEQA for the development of the BDCP EIR/EIS. We also request that Zone 7 be designated a non-federal cooperating agency under NEPA.
2009	City of Sacramento	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.
2008	Commenter during Scoping Process	If it were not for one alert Clarksburg citizen, we would not have known about this meeting.
2008	Commenter during Scoping Process	The list of stakeholders, in the information handed out by BDCP, shows the lack of local participation, representation. The stakeholders list is also devoid of elected officials. Who is accountable to the citizens of the affected areas?
2008	Contra Costa Water District	Although CCWD is actively participating in the BDCP planning process as an interested party, CCWD is not a Potentially Regulated Entity (PRE). CCWD operations are governed 'by independent biological opinions.
2008	County of Yolo	Under the California Environmental Quality Act ("CEQA), the County is a "responsible agency" with regard to the BDCP, as it may have permitting authority or approval power over aspects of the project.
2008	County of Yolo	..the county would like it to be very clear to the state and federal agencies and all of the other folks that are involved in creating BDCP that heretofore, local government has been excluded from the process, and that needs to change...Yolo County is involved in the process of a general plan update, and part of that update includes specific proposals to protect the viability of agriculture in this area and enhance the vitality - the economic vitality of this region.

Table E-2. 2008 and 2009 Scoping Comments Related to Participation in the EIR/EIS Process

Year of Scoping	Affiliation	Comment
2009	County of Yolo	Yolo County should be directly represented in the process of developing management and governance recommendations for the Delta. Priorities are: preserving County prerogatives related to land use, water resources, flood management, tax revenues, public health and safety, economic development, agricultural stability, recreation, and environmental protection; developing a Delta Conservancy with a clearly defined and limited mission and a governing body committed to that mission, institutionally separate from regulatory functions, capable of addressing multiple goals for Delta management, that incorporates a non-state entity to handle land management, and has reliable and adequate funding sources in perpetuity; and developing legislation, participating in planning processes, and implementing changes in Delta management.
2009	County of Yolo	...the County has previously advised you that it may be a "responsible agency" with regard to the BDCP, as it may have permitting authority or approval power over aspects of the project. So far as the County is aware, this remains the case. Despite that, however, the February 13, 2009 NOP was not sent to the County as required by CEQA. The County is thus not bound by the "deadline" for responsible agency comments set forth in the NOP.
2008	Dublin San Ramon Services District	The final irony is that very few of the impacted communities are directly represented in the many activities under way to address the Delta crisis. The voices of these cities and of millions of water ratepayers - the ultimate water consumers of Delta water - are generally not heard. The BDCP must make a special effort to reach those a step removed from the traditional water industry and actively engage those communities and citizens in this important process.
2008	Farmer in the South Delta	Let me go back to March 21st when DWR held a meeting to kick off this EIR scoping process. The material handed out at that time, and the remarks of Deputy Director Jerry Johns, made it very clear that this is not really a democratic process that's intended here. They prejudged that the preferred alternative would be whatever comes out of the BDCP. Now that body is an unelected body, unaccountable, and it's steering committee includes nobody from the Del
2009	Grass Farm	Need More Community Impact Through Increases Conversation. Need To Involve Different Community Groups. Let People Know of The Impacts Environmentally and publicly.
2009	Hoopa Valley Tribal Council	Another part of it is, that we don't know how the federal government operates with the tribe, with respect to CVP and the California Water Supply.
2009	Hoopa Valley Tribal Council	We think that there ought to be a tribal trust responsibility committee, or within the federal agency, Fish and Wildlife Service and Bureau of Reclamation, so that we actually have a meaningful mechanism to participate in....Throughout this process we think there ought to be a trust committee, so that there's a mechanism that is meaningful to Indian tribes, so that they can show up and participate and have meaningful meetings with their trustee agencies.
2008	Metropolitan Water District of Southern California	This letter contains Metropolitan's response to the NOP as a Responsible Agency pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15096 and one of the Potentially Regulated Entities (PREs) in this process

Table E-2. 2008 and 2009 Scoping Comments Related to Participation in the EIR/EIS Process

Year of Scoping	Affiliation	Comment
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...we strongly encourage federal biologists and other staff from all relevant agencies (USFWS, NMFS, USBR, EPA, ACOE) to participate in the BDCP process.
2009	North Delta CARES	...we firmly maintain that attempts to develop and implement plans to "improve" the Delta's ecological health and water supply roles will inevitably fail without ongoing, substantial input and support from Delta locals at every level. We urge legislators, planners, state and federal agencies, water contractors, environmentalists, the Governor, and the public at large to recognize that natural systems, even degraded ones, will not be nurtured through solutions driven by politics and panic.
2008	North Delta Water Agency	To ensure that the BDCP process and the resulting EIR/EIS reflects the interests of the people of the Delta, the Steering Committee should be expanded as quickly as possible to include significant interests within the Delta.
2008	North Delta Water Agency	The BDCP should make a more concerted effort to reach out to local agencies and landowners, and solicit their feedback during the planning process. Many local landowners within the Delta are not accustomed to tracking public notices for large-scale environmental planning processes....Public meetings should be held within the Delta during each significant phase of the planning process, and in particular to get feedback regarding all lands and locations that may be identified as habitat creation or mitigation lands, and for any modifications to flood control plans and local levees....the notices and meetings should include maps with proposed action...clearly recognizable boundaries, and these meetings should be held prior to any final decisions..
2008	Olivenhain Municipal Water District	...we would like to be involved in the planning. We would like to be involved in the public discourse on how much is this gonna cost. We need to know every step of the way what you're gonna expect from us.
2008	Reclamation District 2025 (Holland Tract)	The District is an interested party and responsible agency with respect to Bay Delta Conservation Plan (BDCP) activities that may affect the island and its levee protection system.
2009	Reclamation District 2025 (Holland Tract)	The planning area for the BDCP includes the Statutory Delta, of which the District is a part, making the District a responsible agency with respect to the Bay Delta Conservation Plan, as noted in the May 30, 2008 comment letter.
2008	Reclamation District 2026 (Webb Tract)	The District is an interested party and responsible agency with respect to Bay Delta Conservation Plan (BDCP) activities that may affect the island and its levee protection system.
2009	Reclamation District 2026 (Webb Tract)	The planning area for the BDCP includes the Statutory Delta, of which the District is a part, making the District a responsible agency with respect to the Bay Delta Conservation Plan, as noted in the May 30, 2008 comment letter.
2008	Reclamation District 2028 (Bacon Island)	The District is an interested party and responsible agency with respect to Bay Delta Conservation Plan (BDCP) activities that may affect the island and its levee protection system.

Table E-2. 2008 and 2009 Scoping Comments Related to Participation in the EIR/EIS Process

Year of Scoping	Affiliation	Comment
2009	Reclamation District 2028 (Bacon Island)	The planning area for the BDCP includes the Statutory Delta, of which the District is a part, making the District a responsible agency with respect to the Bay Delta Conservation Plan, as noted in the May 30, 2008 comment letter.
2008	Reclamation District 756 (Bouldin Island)	The District is an interested party and responsible agency with respect to Bay Delta Conservation Plan (BDCP) activities that may affect the island and its levee protection system.
2009	Reclamation District 756 (Bouldin Island)	The planning area for the BDCP includes the Statutory Delta, of which the District is a part, making the District a responsible agency with respect to the Bay Delta Conservation Plan, as noted in the May 30, 2008 comment letter.
2008	Reclamation District 999	On a final note, we urge the BDCP to make a more concerted effort to reach out to local landowners and solicit their feedback on the final recommendations.
2009	Reclamation District 999	In addition to practical reasons to consult with the affected communities regarding development of such an enormous and far reaching project, close consultation with affected entities such as the District is legally required. Under CEQA, the District has management authority over several resources affected by the project and requests that its concerns be carefully considered." Under NEPA, an EIS must be conducted "in cooperation with State and local governments" and other agencies with jurisdiction by law or other special expertise. Consultation under CEQA and NEPA is thus formally requested at this time.
2009	Reclamation District 999	There is significant disagreement about the form and effectiveness of the BDCP's outreach efforts. It is fair to say that individuals within the BDCP process have attempted to engage local stakeholders. The difference between those positive engagements and the larger process have created difficulties in the pre-NEPA stage, ranging from denial to engage active local stakeholders in the process, refusal to provide meeting documents from the various teams, refusing to provide email updates, and refusing to provide countervailing scientific references to advisory groups, the BDCP must significantly change its outreach and process to follow the DOI's guidance (Williams et al. 2007) and NAS recommendations for meaningful stakeholder involvement, an explicit component of adaptive management.
2009	Reclamation District 999	For the BDCP to substantively engage the directly affected communities, it must make substantive changes in its polices and outreach, required to implement adaptive management.
2009	Reclamation District 999	BDCP has failed to engage the groups already working on and directly associated with the science and management of both mercury and the proposed primary actions.
2009	Reclamation District 999	The Delta Tributaries Mercury Council has scientific representation from state and federal agencies, local watershed groups, and consulting scientists. This group has identified that seasonal flooding of the existing bypass and BDCP proposed flooding of new bypass(es) and restoration areas, may exacerbate MeHg production and pose new threats for Delta wildlife exposure. Members of the Council have also discussed how the Cache Creek settling basin may in fact not be an effective sediment trap for mercury-impacted sediment size classes. To date the BDCP has not asked for counsel from or engaged this group.

Table E-2. 2008 and 2009 Scoping Comments Related to Participation in the EIR/EIS Process

Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	The Cache Creek Technical Assistance Committee (committee) advises Yolo County on issues pertaining to the Cache Creek Resource Management Area...To date, the BDCP has not asked for counsel from or engaged this group.
2009	Reclamation District 999	The BDCP's proposed efforts to reduce mercury are a valuable first step in the right direction, and certainly prioritization of efforts to reduce Delta mercury loads and methylation in general would be beneficial. But these efforts must be done in concert with local and regional experts and existing programs.
2009	Recreational Boaters of California	Recreational Boaters of California [RBOC] requests a meeting to discuss the concerns of the boating community with the regard to Bay Delta Conservation Plan proposals to construct new, permanent barriers and gates in and through Delta waterways
2009	Recreational Boaters of California	And although, not shown on the peripheral canal is here, (inaudible) the Delta conveyance facility, which would come down another -- same intake down through -- what we call the meadows area into the North Fork of the Mokelumne by going past Tower Park and then down along Little Potato Slough, and then crosses over the deep water channel and continues to head south. Looking at the maps this evening, I would again, want to have the same assurances we would be looking at some follow-up meetings, that as those levees were put in place, enhanced, and possibly changed surveying the water ways and exactly how boating is going to be accommodated so that folks who now transit those gray areas, I just described, can do that, as the new flows are shunted, if you will, from north to south and how that's going to be affecting boaters, I think is a critically important item. And I'd like to have that addressed and also like to have some follow-up meetings
2008	Resident of Clarksburg	Sure their government officials gave notice of community meetings, but they did so in the same manner as our presenters did this evening. They advertised in abstract papers, not read by the local community.
2008	Resident of Clarksburg	Your Public Participation process appears limited, to the point of not meeting legal and regulatory communities. While the Public Notice was appropriate in media placement, it was less than informative as to the extent (and nature) of the proposed action. Nor did it seem much attention was paid to the communities involved being rural with little mass media penetration and even less sophistication with federal and state environmental public policy actions. Strongly urge an assessment of the communities involved by a recognized professional (member of IPPP) and the creation of a truly informative and collaborative public communications plan with measurable actions.



Table E-2. 2008 and 2009 Scoping Comments Related to Participation in the EIR/EIS Process

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	One of my biggest concerns along this whole process is the lack of detail. And I realize you're attempting your best to refine your detail. However, I mean -- and just to backup -- one of things that I've done is search at length to find maps that indicate what's going to happen, what's going on. Every one in this room -- not a single person here -- by the way -- wants to be here tonight. And I apologize for that. But that's a fact. Maybe neither do you. But the fact of the matter here is the maps you have outside, they show four conveyance options. Plus, the through Delta conveyance. And there's actually a fifth conveyance that nobody's even talking about. But I happened to know about it because I mentioned it last year -- and I'm glad to see it's on the map. This one here is just showing one. What's up with that? And more exasperating is a map one month in a community somewhere that's a public meeting and I don't know where you find the notice of them are will show something they're going to study and the next month or two a map will show up and it won't exist. And then a month after that it shows up again.
2008	Resident of Clarksburg	..if it wasn't for one of our local citizens hearing about this meeting tonight, you wouldn't have anybody here.
2008	Resident of Clarksburg	Especially when the stakeholders themselves -- there is not an elected official on any of these. They are authorities. They are water agencies and districts. And who are these folks beholding to? It's not the voters.
2009	Resident of Clarksburg	I wondered if it would be possible to get more than 90 days for the public comment period when the EIR comes out. I know 90 days is probably a long time. But I would think this document is going to be huge. And you keep telling us that's the time when we really need to say what's what. We're not going to even have time to read it, let alone think about it if there's only -- you know. Ninety days isn't very long if it's several thousand pages. That's all. My request is for longer.
2009	Resident of Clarksburg	Who has been contacted locally to ensure to be part for your board
2008	Resident of Courtland	Is it appropriate to establish wetland and tidal wetland zones for the four options under consideration without input from the areas being considered for conversion?
2009	Resident of Davis	Can you release the permit, the draft take permit, at the same time that you're releasing this conservation measures and other kinds of descriptions, so that we can really evaluate the conservation measure effectiveness, the effects of family farms in the Delta, whatever the question is, we really need to have that other information in front of us; so when can you do that and can you do that soon?
2009	Resident of Sutter Island	...would like to request an extension of the 90 day public comment period upon the completion of the EIR/EIS.
2009	Resident of Sutter Island	...would like to request an extension of the 90 day public comment period upon the completion of this EIR/EIS
2009	Resident of the Delta	...I look at this and I think it's a fraud. I don't even know why you guys are bothering. You pretty much have made up your mind you're going to build this canal and I see where you're going. I also don't see any representatives from the environmental or agricultural interest here in the Delta on your board. And I could be wrong.

Table E-2. 2008 and 2009 Scoping Comments Related to Participation in the EIR/EIS Process

Year of Scoping	Affiliation	Comment
2008	Resident of the Delta	...it's [Delta] not part of the steering committee and it hasn't been mentioned in any of the considerations today. And, that's a big mistake. There are many, many people and many, many elements involved that just don't deserve to be ignored.
2008	Resident of the Delta	...I would like to state at the outset that I feel that the bulk of most Delta planning and research to date, including this process, has been marked by unaccountable lacks of interest in and input from those who are closest to the actual land and waters of the Delta and who potentially have the most to lose: Delta residents, communities, landowners, growers, and water users. To ensure that the BDCP has the best chance of succeeding in its stated goals, these lacks should be remedied ASAP
2009	Resident of Vacaville	I strongly recommend that you educate & publicize bilingually the environmental, water, recreational etc benefits that this plan will provide for both Northern & Southern California users
2009	Resident of Vacaville	Please consult the Vallejo Inter-Tribal Council for Native American input
2009	Resident of Vacaville	Please spread the good word to Spanish-speaking users in local newspapers + radio + TV media
2009	Restore The Delta	We want to express our dismay once again that the BDCP steering committee was formed to exclude representatives of Delta communities.
2009	Restore The Delta	We want to express our dismay once again that the BDCP steering committee was formed to exclude representatives of Delta communities.
2008	Rio Vista City Council	I have read your options document ...and looked at the steering committee, and I would like to know where on the steering committee and involved in this process are the Delta stakeholders.
2008	Sacramento Regional County Sanitation District	Please include the District on the notice list to receive all notices concerning the BDCP including, but not limited to, notice of any workshops, meetings or hearings on the BDCP or EIR/EIS, and any CEQA Notice of Determination for the project.
2009	Sacramento Regional County Sanitation District	One of the District's main concerns is 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.
2009	Sacramento Regional County Sanitation District	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. Excluding or failing to consider relevant evidence at the beginning of the process creates a risk that the ultimate adoption of the conservation measures will be ineffective or will be delayed after the release of the Draft EIR/EIS due to the need for further study. For those reasons, it is critical to have broad stakeholder involvement in the development of the BDCP as well as the EIR/EIS.
2009	Sacramento Regional County Sanitation District	The BDCP EIR/EIS evaluation and ongoing process should address the input of Central Valley stakeholders and other stakeholders not represented on the BDCP steering committee or other work groups of the ongoing collaboration between state and federal agencies and water agencies.

Table E-2. 2008 and 2009 Scoping Comments Related to Participation in the EIR/EIS Process

Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	It is our understanding from the November 25 [2008] BDCP Integration Team meeting that a new technical team to review ammonia issues is being formed and does not include any discharger representatives. SRCSD requests active participation as a technical reviewer on the ammonia issues technical study.
2009	Sacramento Regional County Sanitation District	The BDCP states in its approach to conservation that they will work with SRCSD and other dischargers to determine any potential direct and indirect effects of ammonia on covered species. It is our understanding from the November 25 [2008] BDCP Integration Team meeting that a new technical team to review ammonia issues is being formed and does not include any discharger representatives. SRCSD requests active participation as a technical reviewer on the ammonia issues technical study.
2009	Sacramento Regional County Sanitation District	A common theme we continue to bring forward is the need for more stakeholder involvement and public access to draft documents as they are being developed.
2009	Sacramento Regional County Sanitation District	...SRCSD is vitally interested in the work of the BDCP, and has participated...in past workshops and meetings...In early January [2009], we were notified and invited to participate in the Delta Regional Ecosystem Restoration Implementation Plan (DRERIP) evaluation workshop to be held on January 14, 2009. On January 8, we were summarily disinvited...We expressed our frustration at being excluded from the evaluation team, but confirmed that SRCSD would have a representative present at the workshop to observe. On January 14, 2008, Dr. Diana Engle...on behalf of SRCSD, went to the DRERIP workshop...Shortly before the workshop commenced...informed her that she would have to leave...We are very disappointed that technical representatives for SRCSD were excluded from the DRERIP evaluation workshop...The BDCP process will lose its credibility if it continues to conduct the public's business behind closed doors, while excluding interested parties willing to participate in finding real and lasting solutions to the Delta crisis.
2009	Sacramento Regional County Sanitation District	...you said that there will be the proposal out sometime in the summer, and we're particularly interested in the conveyance and from an operation's protective too. So do you have any idea when in the summer? Are we talking later summer, mid summer, early?
2009	San Joaquin Farm Bureau Federation	Why is it that Delta interests have been ignored in this process?
2009	San Joaquin Farm Bureau Federation	...because local interests have been precluded from meaningful input in this process, we believe that the entire process should be restarted, so we can address our entire states water needs and how we minimize our impact to the food production of our region.
2009	SH Merwin & Sons, Inc	One of my deepest concerns in this process is the ongoing lack of continuity in the maps that are supposed to be an integral part of accurately communicating the BDCP. Some elements proposed may be shown on a map in one meeting, and the next week they may be removed from the maps in another meeting, then they seem to reappear again at yet another meeting. This is disturbing and literally misleading to citizens who are attending these meetings to be as informed as we can be about what you are proposing to do to us.

Table E-2. 2008 and 2009 Scoping Comments Related to Participation in the EIR/EIS Process

Year of Scoping	Affiliation	Comment
2008	South Delta Water Agency	I can't get the steering committee to answer basic questions about what modeling they've done and what the assumptions are.
2009	Speaker at Sacramento Scoping Meeting	The San Joaquin River is on a restoration course or a collision course restoration similar to the BDCP, what's being done to coordinate those two efforts as you move forward?
2009	Stone Lakes National Wildlife Refuge Association	Once a clear Project definition is developed, the Association would work with the BDCP proponents to develop suitable mitigation measures.
2009	Suisun Resource Conservation District	As a responsible agency, SRCD is required to comment on project alternatives and potential mitigation measures.
2008	Tuolumne County	...Board took action on December 4, 2007, by adopting a resolution "asserting legal standing and formally requests coordination status with all federal and state agencies maintaining jurisdiction over lands and/or resources located within Tuolumne County." The resolution is attached, and this Board formally requests that the DWR, pursuant to Sections 81 25-81 29 of the California Water Code, "Coordinate" with the County of Tuolumne
2009	U.S. Army Corp of Engineers	The Corps recognizes and embraces our role as a cooperating agency in the preparation of the proposed EIS/EIR (IAW 33 CFR Part 325).
2008	U.S. Environmental Protection Agency	Most observers of Delta conveyance alternatives believe that the US Bureau of Reclamation (or, potentially, the US Army Corps of Engineers (Corps)) will need to be involved in the construction and operation of at least some part of any new conveyance alternative. To streamline the environmental review process, these agencies should be included as lead agencies in this and any subsequent environmental reviews.
2008	U.S. Environmental Protection Agency	Similar permitting issues under state law may confront state agencies proposing to take action under the BDCP. To avoid unnecessary duplication and delay, EPA recommends that the lead agencies coordinate with the potential regulatory agencies to assure that the proposed EIS meets the needs of regulatory agency NEPA/California Environmental Quality Act (CEQA) compliance.
2009	U.S. Environmental Protection Agency	As you know, the U.S. Environmental Protection Agency (EPA) agreed to be a cooperating agency in the preparation of this EIS/EIR in its letter dated November 12, 2008. [Footnote: In our letter agreeing to be a cooperating agency, EPA emphasized that our role as a cooperater was technical, and that it did not abridge or otherwise affect our independent NEPA review responsibilities under Section 309 of the Clean Air Act and the related CEQ Regulations. We reiterate that caveat here, and note that recent litigation brought by some parties against state and federal agencies and others participating in the development of the BDCP does not affect our Section 309 responsibilities. See 54 FR12735 (March 28, 1989)(CEQ accepts EPA's Section 309 "referral" of the CVP contract renewals even though the NEPA issues had been raised in federal defensive litigation.)]

Table E-2. 2008 and 2009 Scoping Comments Related to Participation in the EIR/EIS Process

Year of Scoping	Affiliation	Comment
2009	U.S. Environmental Protection Agency	Thank you for your recent letter inviting the U.S. Environmental Protection Agency (EPA) to be a cooperating agency for preparation of the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Bay Delta Habitat Conservation Plan (BDCP) for the Sacramento-San Joaquin Delta. As you know, EPA has for many years worked with the Department of the Interior and other federal agencies to address the environmental and water management challenges in the Bay and Delta. We believe that a Habitat Conservation Plan (HCP) developed under the federal Endangered Species Act (ESA) could be a useful complement to the other ongoing programs aimed at restoring this important resource. In this spirit, we accept the invitation to participate in the development of the environmental analysis and documentation, consistent with our expertise and jurisdictional interests.
2009	U.S. Environmental Protection Agency	Finally, we would like to emphasize that our role as a cooperating agency during document preparation will be technical in nature, and that this assistance does not abridge or otherwise affect our responsibilities for independent review of the Draft and Final EIS under Section 309 of the Clean Air Act and the related Council on Environmental Quality regulations.
2008	Wallace Chan Farms	I'd like to have an agenda that's more "meaty" in advance; more advance notice of the meetings; and local representation (elected officials, area residents) on the steering committee
2009	Yolo Basin Foundation	The Lower Yolo Bypass Planning Forum BDCP Conservation Measures Committee, co-sponsored by Yolo Basin Foundation and the Delta Protection Commission provides a valuable stakeholder forum in which to develop ecosystem-based alternatives to improve fish habitat while protecting existing uses.
2008	Yolo County Board Supervisor	We are frustrated at this point that -- and then in some ways we don't feel that there was really sufficient -- has been sufficient opportunity to participate and certainly to prepare for this meeting,
2008	Yolo County Board Supervisor	...there is not a adequate opportunity as I see it, in the process for the -- both the local communities and the local jurisdictions to be directly involved.
2008	Yolo County Board Supervisor	And Yolo County is working very hard to enhance the opportunities down here for our agricultural -- for the farmers and for the folks who live down here and who support that. What we are afraid of, and I think some of the preliminary suspicions or concerns that we have is that again, there will not be an adequate opportunity to really represent those concerns and help shape this project.
2008	Yolo County Board Supervisor	I want to urge you to open the dialogue, to actually create a formalized place for places like Solano County, Yolo County, Sacramento County to be at the table. To be formally and legitimately represented in your conversations and your meetings.
2008	Yolo County Habitat/Natural Community Conservation Plan	...the BDCP website could be improved so that it's easier to find useful information.
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	DWR should actively engage Delta land and water users (individuals and organizations) as a source of information about past and future Delta water use, levees, and ecology.

Table E-2. 2008 and 2009 Scoping Comments Related to Participation in the EIR/EIS Process

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	Zone 7 is requesting to be identified as a Responsible Agency pursuant to CEQA for the development of the BDCP EIR/EIS. We also request designation as a non-federal cooperating agency under NEPA.

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Table E-3. 2008 and 2009 Scoping Comments Related to Interaction with Other Processes

Year of Scoping	Affiliation	Comment
2009	Attendee at Clarksburg Scoping Meeting	I want to say the Delta Protection Act was found in 1992, and it designated this area as being primarily for agriculture, recreation, and tourism. And I hope that any work that takes place for this conservation plan will follow those precepts that were set in 1992.
2009	Butte Environmental Council	BEC objects to the NOTICE OF PREPARATION of the ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT FOR THE BAY DELTA CONSERVATION PLAN (BDCP) because :...The BDCP requires upstream water management projects to supply the water to operate pumps and therefore environmental analysis should be tiered under one or more of these projects (SWWA, SVIWMP)
2009	Butte Environmental Council	A comprehensive EIR/EIS of the Sacramento Valley Water Management Agreement (Phase 8, 2001, SVWMA) and/or the Sacramento Valley Integrated Regional Water management Plan (SVIRWMP 2005) should be complete prior to initiation of an EIR/EIS for the BDCP...There are at least three projects mentioned in the Sacramento Valley Integrated Regional Management Plan (SVIRWMP) being floated to "improve" water supply reliability from this watershed: integration of the lower Tuscan aquifer formation into the state water supply through conjunctive water management, constructing canals and pumps to create Sites reservoir, and enlarging Shasta reservoir. Additionally, these plans assume reoperation of both Shasta and Oroville reservoir.
2009	Butte Environmental Council	The USBR and California DWR are involved in numerous current and reasonably foreseeable water programs and projects that are not disclosed in the Notice and have not been reviewed under CEQA or NEPA. This includes, but is not limited to: * Sacramento Valley Water Management Agreement (Phase 8) 2001 * Butte County Integrated Water Management Plan 2005 * Sacramento Valley Integrated Regional Water Management Plan 2006 This must be rectified in an EIR/EIS, so that all the impacts associated with the rapidly evolving California Water Supply system may be fully disclosed to the public for review and comment.
2008	California Sport Fishing Protection Alliance	CSPA believes the schedule was not only internally inconsistent, but also fundamentally inconsistent which the governor's Delta Vision and the basic Federal and Clean Water Endangered Species laws.
2008	California Sportsfishing Protection Alliance	The envisioned HCP is fundamentally inconsistent with the governor's Delta Vision statement. For example, Principle No. 7 states that a revitalized Delta ecosystem will require reduced diversions or changes in patterns and timing of diversions and exports.
2008	California Sportsfishing Protection Alliance	Describe in detail how the reductions in Delta exports identified in the Delta Vision document will be accomplished within the California water rights process and the effects on a) senior water rights holders, b) junior holders, c) riparian diverters and d) the public trust.
2008	California State Lands Commission	To the extent the proposed project involves State-owned sovereign lands, a lease may be required. However, Public Resources Code (PRC) section 6327 provides that if a facility is for the "procurement of fresh-water from and construction of drainage facilities into navigable rivers, streams, lakes and bays," and if the applicant obtains a permit from the local reclamation district, State Reclamation Board, the U.S. Army Corps of Engineers, or the Department of Water Resources, then an application shall not be required by the Commission.

**Table E-3. 2008 and 2009 Scoping Comments Related to Interaction with Other Processes**

Year of Scoping	Affiliation	Comment
2008	California State Water Resources Control Board	...the NOP states that the BDCP may include conservation actions in Suisun Marsh and Suisun Bay. Any such actions should be coordinate with the State and Regional Water Boards and the development of the Suisun Marsh Habitat management, Preservation, and Restoration Plan.
2008	California Water Impact Network	Since the Trinity River has both federal and state area of origin protections, annual and decadal limitations on exports of Trinity River water must be established to ensure "preservation and propagation" of the Trinity River's fisheries,
2008	Central Delta Water Agency	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" .... and the Water Supply, Reliability and Environmental Improvement Act (Public Law 1 08-36 1).
2009	Central Delta Water Agency	The Goals of the Conservation Planning Effort Must Be To Comply With All Laws.
2009	Central Delta Water Agency	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.
2008	City of Stockton	The EIR/EIS needs to evaluate how the BDCP will affect land uses under the City's recently updated General Plan.
2008	City of Stockton	The Delta conveyance facility would have the potential to divide the City of Stockton and require changes to the City's General Plan.
2008	Contra Costa County Water Agency	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
2009	Contra Costa County Water Agency	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?
2009	Contra Costa Water District	On several occasions in the BDCP Steering Committee, in its workgroups and in discussions led by BDCP consultants, new storage facilities have been cited as the primary reason for oversizing the facility. In addition, there has been discussion on the sharing of CVP and SWP storage in San Luis Reservoir to improve deliveries from the SWP and CVP with an isolated facility. The under-use of the proposed 15,000 cfs facility in BDCP analyses, combined with discussions about the improvement in use of the facility with new storage or operations, indicates that other options not being considered in the analyses are in fact being considered for the future by the Lead Agencies and others. Otherwise, there would be no reasonable basis for constructing the large facility currently under consideration. If operations to work around shortages, such as flexibility in San Luis Reservoir operations (e.g., lending storage capacity between the CVP and SWP), are anticipated, the operations must be fully described and analyzed within the EIR/EIS, with full disclosure of potential impacts.



Table E-3. 2008 and 2009 Scoping Comments Related to Interaction with Other Processes

Year of Scoping	Affiliation	Comment
2009	Contra Costa Water District	Similarly, if construction of additional storage is the basis for the physical conveyance capacity of the isolated facility, future operation of the isolated facility in coordination with the additional storage must be fully described and analyzed within the EIR/EIS, with full disclosure of potential impacts. Failure to do so would be evidence of piecemealing.
2009	Contra Costa Water District	Implementation of pilot screens at or near Clifton Court Forebay could immediately reduce the loss of fish by predation in the Clifton Court Forebay and through salvage operations. Bond funding is already available for this project. This should be examined and environmental documentation completed on its own accelerated schedule. Information from such a pilot project will provide valuable information for the EIR/EIS...
2009	County of Solano	The EIR/EIS must also analyze the impacts of the BDCP activities on the Montezuma Wetlands project, a dredging sediment re-use and wetland restoration facility located at the eastern edge of the Suisun Marsh near Collinsville. Mitigation measures must include the following: Buffers incorporated into the project that are sufficient to avoid the need for additional restrictions on public agency and private activities on surrounding lands. Restoration activities in the Suisun Marsh under the BDCP must include consideration for local activities and projects under the Suisun Marsh Habitat Restoration Management Plan. Measures to protect on going wetland restoration projects including the Montezuma Wetlands project.
2008	County of Yolo	How will implementation of the BDCP affect existing Williamson Act contracts, farmland security zone contracts, and similar farmland preservation tools (such as conservation easements)?
2009	Delta Farmer	What about other parameters that are not in this scoping? What about the impact of the Sacramento municipal intake that's taking water of the Delta. What about the impact of the sewer treatment plant that's putting high and very excessive and detrimental amounts of ammonia into the system, which is messing up with the food chain in the Delta already.
2009	Delta Farmer	What about habitat conflicts? We have agencies who are promoting such as you stated in your presentation about restoring habitat. We have other agencies that say, "No, you can't do that." "We don't want any trees on the levees. We don't want anything on there. Spray it. Burn it. Do whatever." "You know, we have to have a clean levee site." I don't know how those two things get resolved when you've got the left not knowing what the right hand is going. It's a contradiction in terms.
2009	Delta Farmer	We've got other issues with takes from the river, as far as these valleys are concerned. Sacramento has just installed a new take system. We have issues with the sewage treatment plant, discharging water that is not of the quality it is supposed to be in the first place, as it relates to ammonia is the big issue these days. And the more water we take out of the Delta, the more depleted and the more undiluted it becomes. The Delta is a very precious ecological resource that has a lot more to do with than just fish, and I understand we're after the fish. Okay. Fine. But we've got flora and fauna. We have bird species. We have all kinds of things in the Delta that relate to the Delta.
2008	Delta Protection Commission	Continuation of the SB 34 Program with its incentive funding for mitigation should be supported as the best way to accomplish the goals of levee maintenance with no net long term loss of habitat.

Table E-3. 2008 and 2009 Scoping Comments Related to Interaction with Other Processes

Year of Scoping	Affiliation	Comment
2008	Delta Protection Commission	It is also worth noting, relative to the Commission's Management Plan that pursuant to the Commission's adopted 2006-2011 Strategic Plan and in response to the Governor's recommendation in February of 2008, the process for updating the Management plan has been initiated with anticipated completion by the end of the year
2008	Delta Vision Blue Ribbon Task Force	Without diverting focus from achieving the goals and objectives of BDCP, the EIR/S process and subsequent implementation should look for opportunities for positive coordination with other public policy efforts.
2008	Delta Wetlands Project	The Project will directly further the goals of the Bay Delta Conservation Plan (BDCP) of providing for the conservation and management of covered species within the planning area; and restoring and protecting water supply, water quality, ecosystem, and ecosystem health....the BDCP should consider including the Project as a key element of the conservation plan.
2009	Delta Wetlands Project	A Final EIR (2001 SCH # 1988020824) and Final EIS (2001) were prepared for the Delta Wetlands Project. The Final EIR is being updated by the Semitropic Water Storage District in response to Central Delta Water Agency v. State Water Resources Control Board, 124 Cal.App.4th 245 (2004). Semitropic is preparing the Delta Wetlands Project Place of Use EIR that will analyze the effects of providing water to the proposed places of use, banking water within the Semitropic Groundwater Storage Bank and Antelope Valley Water Bank, and will update prior analyses based on new information and changed circumstances. The Place of Use EIR NOP was provided to DWR. As the Delta Wetlands Project is "likely and foreseeable," BDCP's CEQA analysis must consider the Delta Wetlands Project. We encourage DWR to consider the Delta Wetlands Project documents in preparing the Draft EIS/R for BDCP...
2009	Delta Wetlands Project	The Delta Wetlands Project is consistent with and will help accomplish the ambitious BDCP goals, including the conservation of covered species, the restoration and protection of water supply reliability, protection of certain drinking water quality parameters, and the restoration of ecosystem health to proceed within a stable regulatory framework. As a stand-alone project, the Delta Wetlands Project works with BDCP's isolated conveyance alternatives and provides a variety of benefits to BDCP including a more diverse array of restored habitats, strengthening Central Delta levees along the critical Middle River water supply pathway, and reducing conflicts between water demand and supply. The benefits provided by the Project to BDCP, however, are significantly enhanced through incorporation of the Project into BDCP plans.
2009	Delta Wetlands Project	BDCP should consider measures that integrate the Delta Wetlands Project in the following manner: • Delta water quality impaired by diversions from an isolated facility is most effectively mitigated by releases from an in-Delta storage facility; • Storage may be the only tool to recover water supply yield reduced by the Wanger decision and future restrictions likely imposed by the State Water Resources Control Board and to satisfy the Endangered Species Act; • The Delta Wetlands Project will finance the strengthening of 56 miles of central Delta levees, will become the core of a sustainable Delta, and serve as an antidote to the concerns of in-Delta interests that isolated conveyance leads to abandonment of the Delta; • The 9,000 acres of habitat provided by the Project's Habitat Management Plan will be one of the largest new conservation efforts in the region and will provide an array of wetland and upland habitats that will compliment BDCP's focus on aquatic habitat restoration; and, • Importantly, the Project can provide these benefits much sooner than the isolated facility will be operational.

Table E-3. 2008 and 2009 Scoping Comments Related to Interaction with Other Processes

Year of Scoping	Affiliation	Comment
2009	Flood Planner in the Delta	...one thing that we discovered at the last meeting is that the Army Corps of Engineers believes that levees should not have vegetation on them. There's a whole movement opposing that, et cetera. But how does that affect your habitat, how does that affect the runoff? I think all the projects need to intercommunicate.
2008	Hoopa Valley Tribal Council	The Fisheries Department is writing today to communicate that the scope of the Bay Delta Conservation Plan (Plan) must be broadened to explicitly address potential impacts to tribal trust assets including Trinity fish populations.
2009	Hoopa Valley Tribal Council	Recommendations: 1) Full and timely implementation of the Trinity River Record of Decision and reform ROD administration. 2) Funding for Trinity River restoration at the levels identified in the February 26,2007 determination of costs by the Secretary of the Interior in consultation with the Hoopa Valley Tribe....3) Full integration of the fish and wildlife restoration Central Valley Project purpose established in the CVPIA based on the best science available and adjust deliveries to water contractors accordingly. 4) Implementation of CVPIA contract reform provisions, particularly those in section 3404 requiring contractors to pay for environmental restorations and in section 3406(b)(23), which make the costs of Trinity restoration fully reimbursable operation and maintenance costs. 5) Ensure transparent implementation of the CVPIA so that no Tribal Governments are excluded from deliberations affection California Water Resources.
2009	Hoopa Valley Tribal Council	6) Ensure that decision making respects the senior priority of Indian rights in natural resources and the federal responsibility for the resources that the United States holds in trust for the Hoopa Valley Tribe. 7) Fulfill obligations under the 1955 Trinity River Division authorization requiring annual availability of 50,000 acre feet of TRD water for uses in the Trinity River, as set forth in contracts and permits. 8) Remedy the adverse impacts on CVPIA implementation due to the double-counting provision contained in the San Joaquin Settlement, S. 22 Sec. 10007(2), 111thCong, 1st Sess. The Tribe concurs with the analysis of the Bureau of Reclamation and U.S. Fish and Wildlife Service regarding CVPIA implementation funding that "the amount available for CVPIA activities will be reduced sooner" following enactment of the San Joaquin Settlement Agreement by Congress. (CPAR at 1 4).
2009	Hoopa Valley Tribal Council	The 1937 CVP specifically provides that one of the Purposes of the CVP is to provide for the water needs of Indian Land. There is not a single water contract today between the Bureau of Reclamation and an Indian Tribe or individual Indian allottee. Many Tribes and Indian allottees possess senior water rights, however the Federal Government has ignored them when allocating CVP water.
2009	Hoopa Valley Tribal Council	We have a list of recommendations for -- in our document -- the first four is basically to fully implement the record of decision. The contract that was signed with the Hoopa Valley Tribe, as per the congressional mandate.
2009	Hoopa Valley Tribal Council	So one of the problems with California Water Supply is that the 1937 CVP requires the delivery of water to California Indian tribes, yet there is not one contract. So when the United States starts abiding by structural responsibility, those tribes are going to want California water supply. And it's going to come out of the Delta supply, and it's going to come out of Sacramento and that needs to be addressed by the federal government as a trustee, because it's going to affect the water supply here.

**Table E-3. 2008 and 2009 Scoping Comments Related to Interaction with Other Processes**

Year of Scoping	Affiliation	Comment
2009	Hoopa Valley Tribal Council	There's another provision in the 1955 Trinity River Act, that says that another 50,000 acre feet, that over and above the record of decision posed, is deliverable to the Trinity River. We expect the Delta plan to consider that and provide that 50,000 acre feet over and above and back to the Trinity River for fulfilling that legal obligation.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR must analyze consistency with and potential impacts on the Delta Vision "vision" document and strategic plan
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	If the activities authorized by the HCP/NCCP are inconsistent with the existing statutory framework applicable to the CVP and SWP, the regulatory benefits of the BDCP will be illusive because the Projects' operations will violate existing law....We strongly recommend that the EIS/EIR specifically analyze whether and to what extent the alternatives analyzed in the environmental review are consistent with these existing requirements, in particular the statutory policy of doubling anadromous fish populations under the CVPIA and State law, and that the final BDCP include tools and flexibility to be consistent with all of these existing legal requirements, including the goal of doubling anadromous fish populations.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIR/EIS should analyze consistency with and potential impacts on the Delta Vision "vision" and strategic plan.
2008	North Delta CARES	How is the BDCP tied to the Governor's Blue Ribbon Panel and Delta Vision?
2008	Planning and Conservation League	The EIR/EIS should discuss how the BDCP will be integrated with other conservation plans within and near the BDCP planning area.
2008	Planning and Conservation League	The BDCP process is scheduled to have completed the Draft Plan by early 2009, such that significant planning will take place during 2008 – potentially resulting in a plan at odds with the direction of the Delta Vision Task Force.
2009	Planning and Conservation League	The EIS/EIR should discuss how the BDCP will be integrated with other conservation plans within and near the BDCP planning area.
2009	Planning and Conservation League	The EIS/EIR should discuss how the BDCP will be integrated with the Governor's Delta Vision strategic and implementation plans.
2008	Reclamation District 999	We request that your EIR process clearly show your compliance with Federal and State Reclamation Law.
2009	Reclamation District 999	...the District is concerned about the impacts of the BDCP in combination with another proposed Project that would potentially bifurcate and disrupt lands within the District: the Transmission Agency of Northern California Transmission Project ("TTP")...the combination of the TTP and a western conveyance facility would interfere with the ability of farmers within the District to continue agricultural activities. Together, these massive infrastructure projects would also disturb important habitat areas relied upon by myriad species...To the extent that these projects are interrelated and interdependent, they must be reviewed in tandem.

Table E-3. 2008 and 2009 Scoping Comments Related to Interaction with Other Processes

Year of Scoping	Affiliation	Comment
2008	Regional Council of Rural Counties	RCRC agrees the statement also contained in the NOP that any conservation actions outside the statutory Delta should be implemented pursuant to cooperative agreements or similar mechanisms with local agencies, interested non-governmental organizations, landowners, and others.
2008	Resident of Clarksburg	The impact analysis should include which laws and regulations will be violated or at least impaired by this flooding, including the Delta Protection Act, also the Clean Air and Clean Water Acts, the Endangered Species Act and their California equivalents.
2009	Resident of Clarksburg	The proposed Transmission Authority of Northern California high tension line project alternatives also run through the Clarksburg area.
2008	Resident of Clarksburg	Is the BDCP consistent with the Delta Protection Act legislation and management plan in all respects?
2008	Resident of Courtland	...BDCP and Delta Vision are not related. They are two entirely separate processes at this point.
2009	Resident of Los Altos	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....this project needs to be incorporated in your review for cumulative impacts to the Sacramento River system flows.
2009	Resident of Los Altos	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?
2009	Resident of Los Altos	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 of 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?
2009	Resident of Los Altos	What will be anticipated navigation channel and mainstem Sacramento River channel flows implemented with a deepened channel in present water supply regimen?

Table E-3. 2008 and 2009 Scoping Comments Related to Interaction with Other Processes

Year of Scoping	Affiliation	Comment
2009	Resident of Suisun	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 acerbic and/or pyrolysis system...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...A portion of the reserved project will also involve the production of energy from waste by-products.
2009	Resident of Walnut Grove	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.
2008	Rio Vista City Council	...how will this interface with the Delta Vision Strategic Plan.
2008	Sacramento Regional County Sanitation District	The relationship of the BDCP planning and decision making effort to other ongoing planning efforts (e.g. Delta Vision and the Biological Opinion(s) being performed in response to court orders) should be clearly addressed in the EIR/EIS.
2009	Sacramento Regional County Sanitation District	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.
2008	San Francisco Bay Conservation and Development Commission	Commission permits are required for placement of fill, construction, dredging, and substantial changes in use within its jurisdiction.
2008	San Francisco Bay Conservation and Development Commission	Our staff urges the BDCP agencies to incorporate Marsh Plan and Bay Plan policies as it develops the BDCP
2008	San Francisco Bay Conservation and Development Commission	Therefore, the EIR/ EIS should address other applicable Bay Plan policies
2008	San Francisco Bay Conservation and Development Commission	The EIR/ EIS should analyze how the entire project, not just the portion within the Commission's permit jurisdiction, will affect the hydrology, sediment dynamics, water quality and biological resources of the Bay.
2008	San Francisco Bay Conservation and Development Commission	...conduct early consultation with and obtain all necessary authorization from the Regional Board to aid the Commission in determining whether the project would adversely impact the Bay's water quality.
2008	San Francisco Bay Conservation and Development Commission	We request that the EIR/EIS indicate that under CZMA (16USC 1456(c) and (d)) the Commission is authorized to review any federal actions, permits, licenses and grants affecting any land or water use or natural resources within the Commission's coastal jurisdiction (i.e., San Francisco Bay and Suisun Marsh) for consistency with the Commission's laws and regulations.

Table E-3. 2008 and 2009 Scoping Comments Related to Interaction with Other Processes

Year of Scoping	Affiliation	Comment
2009	San Francisco Bay Conservation and Development Commission	... the staff believes it will be critical for the BCDP agencies to coordinate closely with other Bay and Delta initiatives, such as the Delta Vision Strategic Plan recommendations, the Delta Risk Management Strategy, and other ongoing and planned habitat restoration efforts in the estuary.
2009	San Francisco Bay Conservation and Development Commission	Commission permits are required for placement of fill, construction, dredging, and substantial changes in use within its jurisdiction. Permits are issued when the Commission finds proposed activities to be consistent with its laws and policies. In addition to any needed permits under its state authority, federal actions, permits, licenses and grants affecting the Commission's coastal jurisdiction are subject to review by the Commission, pursuant to the federal CZMA, for their consistency with the Commission's federally-approved coastal management program for the Bay.
2009	San Francisco Bay Conservation and Development Commission	In addition, new water conveyance facilities and changes in operation of existing facilities outside the Commission's jurisdiction in the Delta have the potential to alter circulation patterns, affect water quality, or result in other impacts in the Commission's Bay and Marsh jurisdictions.
2009	San Francisco Bay Conservation and Development Commission	...the EIR/EIS should address other applicable Bay Plan policies, including a discussion about the Commission's regulatory requirements governing the protection of the Bay's natural resources, including fish, other aquatic organisms, and wildlife, and certain habitat needed for their protection, including tidal flats and marshes and subtidal areas.
2009	San Francisco Bay Conservation and Development Commission	It should also analyze cumulative impacts, including the potential impacts of other projects being planned for the Bay-Delta estuary and its watershed, such as dam construction, habitat restoration, levee repairs and upgrades, and the deepening of the Stockton and Sacramento Ship Channels.
2009	San Francisco Bay Conservation and Development Commission	The EIR/EIS should discuss the Commission's regulatory authority governing the protection of the Bay's and the Marsh's natural resources and habitats.
2009	San Francisco Bay Conservation and Development Commission	We request that the EIR/EIS indicate that under CZMA (16 USC 1456(c) and (d)) the Commission is authorized to review any federal actions, permits, licenses and grants affecting any land or water use or natural resources within the Commission's coastal jurisdiction (i.e., San Francisco Bay and Suisun Marsh) for consistency with the Commission's laws and regulations.
2008	San Joaquin County and San Joaquin County Flood Control and Water Conservation District	On May 13, 2008, the San Joaquin County Board of Supervisors adopted Resolution R-08-269 a "Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta."
2009	Solano County Water Agency	SCWA has entered into an agreement with DWR for the permitting and design of the North Bay Aqueduct Alternate Intake Project. The Alternate Intake Project will provide a second intake to the NBA on the Sacramento River between Freeport and Courtland. DWR has selected an EIR/EIS consultant for the project. The BDCP EIR/EIS needs to consider this project.

Table E-3. 2008 and 2009 Scoping Comments Related to Interaction with Other Processes

Year of Scoping	Affiliation	Comment
2008	Stakeholder	Does the BDCP address the conservation part of the Governor's Task Force? Are they related in any way? Would they be funded as part of the same whole moneys, or is the BDCP entirely separate, and would be looking for separate funding
2009	Stone Lakes National Wildlife Refuge Association	TANC, in combination with the canal and associated facilities, would result in cumulative environmental impacts on sensitive species that must be carefully considered. Moreover, given the need for power along any new conveyance route, these projects may be interrelated and interdependent, making it necessary to review the projects in tandem.
2009	Suisun Resource Conservation District	How will the BDCP relate to the SMPA and the Suisun Marsh Plan? Will they be consistent?
2009	Suisun Resource Conservation District	SRCD requests that all project alternatives be consistent with the Suisun Marsh Preservation Act, RSMMPA, Suisun Marsh Plan, and regulations of BCDC and Solano County, including the Suisun Marsh Local Plan of Protection.
2008	Tuolumne County	The DWR must evaluate the BDCP for consistency with local County plans and policies concerning area of origin rights.
2008	Tuolumne County	How will the BDCP Project planning process coordinate with and take into account the County's Blueprint planning process?
2008	Tuolumne County	The BDCP Project planning process must be consistent with the State Water Plan (Bulletin 160).
2009	U.S. Army Corp of Engineers	The Corps recognizes that the scope of the project EIS/EIR must take into account potential project impacts while appropriately balancing environmental issues in its analysis. Three Corps projects the BDCP should coordinate with the San Francisco District staff include: (1) the San Francisco Bay to Stockton navigation improvement study, (2) the Sacramento River Deep Water Ship Channel (DWSC) navigation improvement study, and the (3) the Delta Dredged Sediment Long Term Management Strategy (Delta LTMS).
2009	U.S. Army Corp of Engineers	The Corps projects that the BDCP should consider and coordinate with Sacramento District include: (1) Delta Islands and Levees Feasibility Study, (2) CALFED Levee Stability Program, (3) the Lower San Joaquin River feasibility Study, (4) the Central Valley Integrated Flood Management Study, (5) the Sacramento River Bank Protection Project, and (6) the Sacramento River Flood Control Project.
2009	U.S. Environmental Protection Agency	We urge the action agencies to consider entering into memoranda of agreement with any relevant permitting agency, which could allow the agencies to clarify roles and responsibilities in developing an adequate EIS/EIR.
2008	Wilson Farms and Vineyards	Is the BCDC Plan consistent, or will it be consistent with the Delta Protection Act legislation and management plan in all respects?



Table E-3. 2008 and 2009 Scoping Comments Related to Interaction with Other Processes

Year of Scoping	Affiliation	Comment
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would seriously affect the ability of Fish and Game personnel to manage the Wildlife Area in accordance with the Yolo Bypass Wildlife Area Land Management Plan adopted in 2008 and other foundational agreements, including the US Army Corps of Engineers Operation and Maintenance Manual and MOUs signed by flood control and wildlife agencies in 1994.
2008	Yolo County Board Supervisor	Yolo County has a general plan underway; much of what I am concerned about would run in direct conflict with our plans to revitalize, enhance, and support and nurture this part of the county. And primarily in an agricultural context.
2008	Yolo County Board Supervisor	West Sacramento is in the process of an extensive flood control project, and we're very concerned and curious about what other activities would be.
2009	Yolo Natural Heritage Program	To ensure compatibility between the two plans we recommend that BDCP conservation objectives be coordinated early with the YNHP where we share common species needs....Unavoidable habitat conversions resulting from BDCP actions must be fully mitigated. This includes mitigation for impacts to terrestrial species as well as for the loss of agricultural resources. BDCP and YNHP should each apply standardized mitigation ratios in the overlap area to ensure that equitable outcomes and benefits are realized. BDCP and YNHP implementing strategies should be coordinated as both planning efforts continue to evolve so that neither plan overshadows the other. We request that BDCP support our efforts to retain vegetated levees within the YNHP planning area boundary. The JPA supports the continued viability of the Vic Fazio Wildlife Area and requests that BDCP avoid impacts to this important habitat resource.
2009	Yolo Natural Heritage Program	The JPA requests that the following projects be added to the BDCP covered activities list. These projects are proximate to Delta waters and would benefit from regulatory permitting anticipated in the BDCP that cannot be achieved in the YNHP. We can provide detailed information on the scope of these activities upon request. Davis/Woodland/UCD surface water project, Davis/Woodland wastewater discharge project, Port of Sacramento, Restoration and habitat enhancements undertaken in the YNHP that have the potential to impact BDCP target species

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Table E-4. 2008 and 2009 Scoping Comments Related to Preparation and Use of the EIR/EIS

Year of Scoping	Affiliation	Comment
2009	Butte Environmental Council	BEC objects to the NOTICE OF PREPARATION of the ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT FOR THE BAY DELTA CONSERVATION PLAN (BDCP) because :...The BDCP requires upstream water management projects to supply the water to operate pumps and therefore environmental analysis should be tiered under one or more of these projects (SWWA, SVIWMMP)
2009	Butte Environmental Council	BEC objects to the NOTICE OF PREPARATION of the ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT FOR THE BAY DELTA CONSERVATION PLAN (BDCP) because :...The project may result in significant adverse environmental impacts and poses significant unknown risks to the environment upstream and downstream from the Delta.
2008	California Department of Food and Agriculture	We recommend that where significant adverse impacts to agricultural resources cannot be avoided, the record of decision adopting the final EIR/S include a statement of overriding considerations that includes a documentation of the net watershed-wide benefits to agriculture that implementation of the BDCP will hopefully achieve.
2009	California Farm Bureau	The impact analysis in the EIS/EIR must not be limited to the amount of area that would be physically occupied by the BDCP Project. The analysis should consider the construction of ancillary facilities and supporting infrastructure, mitigation areas, as well as growth-inducing impacts and social and economic impacts...the permanent and temporary disturbances caused directly by construction activities must be fully analyzed in the EIS/EIR.
2008	California State Lands Commission	The EIR/EIS should analyze the effect of the implementation of mitigation measures on State-owned sovereign lands, and if those measures would preclude future uses of these Public Trust lands.
2008	California State Water Resources Control Board	...the State Water Board may request additional information outside of the CEQA process in order to meet the State Water Board's public trust and other obligations. Accordingly, while BDCP parties may determine that CEQA does not require an analysis of all of the issues discussed herein (including impacts to other legal users of water and public trust resources), it would further the State Water Board's consideration of the BDCP if the draft EIR/EIS discussed these issues. Given the similarity of the scope of analyses, it would be expeditious to address these issues in one document.
2008	City of Antioch	The Draft EIR/EIS should clearly list all discretionary decisions that are expected to rely on the document for provision of environmental analysis.
2009	City of Antioch	It remains unclear whether the EIR will be a "project" level document or whether further environmental review will be conducted in future phases....It is also unclear how the Environmental Impact Report and the Environmental Impact Statement will be jointly addressed and developed.
2009	City of Antioch	The EIR continues to fail to list clearly all the discretionary decisions expected to rely on this document.
2008	City of Stockton	It is important that the EIR/EIS evaluate the impacts of the BDCP that extend beyond the statutory Delta boundaries

Table E-4. 2008 and 2009 Scoping Comments Related to Preparation and Use of the EIR/EIS

Year of Scoping	Affiliation	Comment
2008	Contra Costa County Public Works Department	Although CEQA and NEPA do not require specific economic analysis, CEQA does require an analysis of housing impacts.
2009	Contra Costa County Water Agency	How will you structure this document to enable the full range of required environmental review for the project in the larger context?
2009	Contra Costa Water District	It has never been made clear, however, what would occur if the outcome of the EIR/EIS analysis is inconsistent with the BDCP management decisions already
2009	Contra Costa Water District	The BDCP modeling studies described herein have been used by various BDCP workgroups to evaluate possible benefits and impacts of the proposed project (e.g. the DRERIP evaluation) and to recommend changes in operation of the isolated facility. Those studies are the basis of this revised NOP. Therefore, all BDCP studies, reports and analyses to date must be included in the administrative record.
2009	County of Solano	The EIR/EIS must analyze the whole of the project including total proposed restoration over the life of the BDCP. This would include identification of all sites for the potential restoration of 55,000 to 80,000 acres to tidal marsh and associated environmental impacts from the restoration of these sites and the indirect impacts on the surrounding upland areas to provide adequate buffer areas to the restoration sites.
2009	County of Solano	Depending on future changes to the project to meet management goals and to the extent these future actions have not been analyzed in this environmental document, future environmental review would be required.
2008	Delta Vision Blue Ribbon Task Force	Easily comparable information about all options. Provide pre-construction (e.g., land purchase), construction, operation and maintenance, and mitigation costs for all alternatives. Similarly, provide comparable information about expected impacts on the ecosystem and water available for human use under various standardized scenarios.
2008	Delta Vision Blue Ribbon Task Force	Transparent and consistent modeling assumptions.
2008	Northern California Water Association	The EIR/EIS cannot defer environmental studies of any element of the BDCP.
2008	Planning and Conservation League	The EIR/EIS on the BDCP, if it is to provide meaningful analysis on necessary conservation objectives for Delta species and appropriate regulatory assurances, must unambiguously report the BDCP's legal basis for take authorization.
2009	Planning and Conservation League	Neither the Notice of Preparation nor the BDCP Planning Agreement commits its signatories to pursuing take authorizations by drafting the BDCP as a Natural Communities Conservation Plan (NCCP) (under the state Natural Communities Conservation Plan Act (NCCPA)) or as a Habitat Conservation Plan (HCP) (under section 10 of the Federal Endangered Species Act (FESA)). While these documents state the intent to develop the BDCP as an NCCP/HCP, the current ambiguity regarding this issue must be resolved. The EIS/EIR on the BDCP, if it is to provide meaningful analysis on necessary conservation objectives for Delta species and appropriate regulatory assurances, must unambiguously report the BDCP's legal basis for take authorization.

Table E-4. 2008 and 2009 Scoping Comments Related to Preparation and Use of the EIR/EIS

Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	...it is unclear from the NOP what level of review is contemplated for the various proposed actions. For instance, the NOP does not explain the level of review (i.e., project or program) that elements of the BDCP will be analyzed. A "program EIR should be explicit about what level of review is contemplated for project-level approvals." The public must be apprised, in particular, of those aspects of the Project that will not receive additional environmental review.
2009	Resident of Hood	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?
2009	Resident of Irvine Water District	I was not aware right up front that the EIR/EIS process has selected a preferred alternative for the Delta, and yet you appear to be most certainly planning on the east side diversion, and it shows in your printed material. And I'm wondering if you got a little bit in front of the cart, or the cart a little in front of the horses, in doing so, and if you are, you know, coming up with a BDCP that's predicated on an east side alignment, assuming that the people who divert water want to drink the sewage, you know, basically from the Sac Regional Plant, because the intake is right below it. I'm just wondering, so has the EIR/EIS process, you know, come up with a preferred alternative that I'm not aware of.
2008	Resident of Livermore	It is critical that this EIR/EIS process identify all of these other factors and assess to the greatest degree possible their individual and collective impacts in the Delta in order to be certain that an accurate assessment of the proportional impacts of the proposed alternative water conveyance and conservation actions that are being proposed will have.
2009	Resident of Sutter Island/Hood	What's important here is according to the representatives the EIR/EIS is being paid for by the water district in the south state. Shouldn't this be an independent study? When somebody's paying for a report, often times it's biased.
2009	Sacramento County Farm Bureau	The EIR/EIS for the BDCP must consider all negative impacts caused by conveyance alternatives and habitat restoration/enhancement t projects.
2008	Sacramento Regional County Sanitation District	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. The cost estimates and funding mechanisms for the four alternatives should be presented in the EIR/EIS.
2008	Sacramento Regional County Sanitation District	The costs for habitat restoration activities embodied in the Options should also be evaluated in the EIR/EIS.
2009	Sacramento Regional County Sanitation District	I want assurance that all impacts to the Sacramento Region caused by the proposed plan will be and must be fully mitigated.
2009	San Francisco Bay Conservation and Development Commission	In the event that the proposed project would result in adverse environmental impacts that cannot be avoided, the EIR/EIS should discuss mitigation measures.
2008	Stockton East Water District	An alternative's potential environmental impacts on all aspects of the environment, and all water users in and upstream of the Delta must be evaluated.
2009	U.S. Army Corp of Engineers	We envision using the BDCP EIS/EIR as a programmatic document; tiering additional NEPA documents for Corps permit actions from it.

Table E-4. 2008 and 2009 Scoping Comments Related to Preparation and Use of the EIR/EIS

Year of Scoping	Affiliation	Comment
2009	U.S. Environmental Protection Agency	EPA believes that the action agencies need to decide and clearly articulate what state and federal actions they want to cover in this NEPA document; As a regulatory agency, we are especially concerned about the need to identify probable regulatory permits, licenses, etc., that will need to be secured in order to move forward with the BDCP process, and to make early decisions about whether those permits, licenses, etc., are intended to be covered by this NEPA document.
2009	U.S. Environmental Protection Agency	Our point here is that the BDCP process needs to clarify which permits are intended to be covered in this EIS/EIR, so that the relevant agencies can make sure that their program requirements for NEPA/CEQA coverage are met. [Footnote: EPA is not suggesting that the BDCP EIS/EIR is required to provide NEPA/CEQA coverage for all ensuing permits. Action agencies can chose to deal sequentially, rather than simultaneously, with their permit obligations, and may have legitimate programmatic or legal reasons for doing so.]
2009	U.S. Environmental Protection Agency	EPA urges the BDCP process to clarify the level of analysis intended for this EIS/EIR. Is this a programmatic document, or is it intended to serve as both the programmatic document and the site-specific document for some or all of the major projects emanating out of the BDCP?
2008	Wilson Farms	EIR's must also take place before anything happens...We're talking about over 20,000 acres with this idea. They'll have to also get EIR's for annexed lands to this project because they're going to be affected as well being attached to the flooded lands. All those critters that can run for their lives will be running for the levees provided they even know which direction to run and if they can run fast enough before drowning. We demand a full blown EIR study of all this before any action of dirt is turned over. This will take years and years.

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Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Alameda County Water District	ACWD believes that developing and implementing the Bay Delta Conservation Plan is a significant and important next step to improving our water supply reliability and the health of the Delta ecosystem.
2008	Alameda County Water District	As identified in the Delta Vision process, ACWD urges the BDCP effort to consider new Delta conveyance as part of the reasonable range of alternatives for the Delta. In addressing the ecosystem needs, ACWD urges that the effort look beyond the existing pumps to evaluate the full range of impacts from other stressors affecting the Delta ecosystem. And further, that the effort consider the full range of potential mitigation strategies to address impacts associated with the covered activities.
2008	American River Water User Group	...develop a range of alternatives that will avoid any of these redirected impacts, and that all potential impacts within these areas of concern be fully identified and mitigated in each alternative. The BDCP EIR/EIS should not, however, analyze alternatives that would involve involuntary reallocations of water supplies from upstream uses to Delta uses, for example, through regulatory actions.
2008	American River Water User Group	Actions to address the ecosystem and water supply reliability crisis in the Bay Delta must include adequate assurances that Delta solutions: · are based on sound science; · are part of a comprehensive water management approach that includes both conveyance and water supply; · are protective of watershed of origin rights; · are based on beneficiary pays principles; · avoid redirected impacts and costs to upstream areas, including reduction in reliability of water supplies or water quality and increased stream temperatures in upstream tributaries; · include water quality standards for the Bay Delta that take into account the potential for failure of Delta levees and that do not require significant unscheduled water releases from Folsom Reservoir
2009	Arceo Ranch	Creating new conveyances that would remove our water would impose a negative balance on the environment and agriculture.
2009	Arceo Ranch	An alternative would be to revisit the idea of building another reservoir to store excess water for use in Southern Ca.
2008	Association of California Water Agencies	We need a comprehensive solution that improves the sustainability of the system. We have to invest in the environmental integrity of the system so it can meet the co-equal objectives of protecting the aquatic environment and providing the reliable high quality water our economy needs.
2008	Association of California Water Agencies	We also have to invest in water use efficiency, water recycling and other strategies, and expand our surface and groundwater storage capacity.
2008	Association of California Water Agencies	The need for a more sustainable water system has never been more urgent. Species are in decline and communities are losing jobs and income because of a failing water system...We have to invest in a sustainable delta and as part of that we need a comprehensive solution that includes the co-equal objectives of protecting the aquatic environment and providing for a reliable high quality drinking water that our economy needs.
2008	Association of California Water Agencies	Fixing the delta is a central element of Aqua's [ACWA] policy blueprint. Aqua's members view the BDCP process as a critical step towards this goal and the larger goal of securing a more sustainable water system for California.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Association of California Water Agencies	We must address the shortcomings of a system that was built largely in the 1950's when societal values were less focused on the environment. Without a more sustainable delta, important tools such as recycling, local surface and groundwater storage can not work efficiently and effectively in other parts of the state. The significant public investment of local programs will be at risk.
2008	Association of California Water Agencies	We must improve the delta so our water supply system can be co-equal objectives with protecting the aquatic environment and providing a reliable high quality water for our state.
2009	Attendee at Clarksburg Scoping Meeting	...how many months out of the year is this canal going to have water flowing through it?
2009	Attendee at Clarksburg Scoping Meeting	Now, wouldn't you believe that it would be smarter to go up north and build storage instead of hoping that we get enough rain where we can fill your pretty canal?...They're going to raise Folsom Dam -- the projection is to raise it 4 feet. Why are they spending all that money to raise the dam, if you guys plan putting in this canal?
2009	Attendee at Clarksburg Scoping Meeting	We have a great state we ought to share the resources. But it's finite. We cannot keep gobbling up more but we have to conserve. But I think more importantly, we have to look for alternative supplies...we have 1,000 miles of coastline. I mean southern California or northern California want more fresh water, why don't we take this -- a part of umpteen billion dollars and construct some desalinization plant? Why are we pumping water what four or five hundred miles down south, when if you look at a map probably 80 percent of the people from Bakersfield south to the Mexican border live within 50-miles of the border... Let's improve desalination process, make it a viable option. You have certainly not, in the true sense of the word, an infinite supply of the ocean. But my gosh, we have far more water there than we have fresh water supplies and it's rapidly being eaten up with development in the south and in the north....But the point is, there is only so much fresh water. We need to look for other sources.
2009	Attendee at Clarksburg Scoping Meeting	Pumping stations in this canal. We have a huge pumping station in Freeport. How many pumping stations are we going to need for this canal? This is a little pumping station compared for what's needed. And this is going to be going down California. So how far apart are they going to be? These are questions I need answered.
2009	Attendee at Clarksburg Scoping Meeting	Eminent domain. Somebody brought that up earlier. How many acres? How many acres are you going to be taking through eminent domain? Somebody talked earlier about Clarksburg, which you show as a dot on the map. The hamlet of Clarksburg is quite large. Who determines what part of -- where Clarksburg will stop and the levee will come? When I look at that, another question comes up. You're going to build a levee around these little towns or hamlets. These are new levees.
2009	Attendee at Davis Scoping Meeting	...the conveyance, the eastern conveyance, is to carry between 15,000 and 25,000 cubic feet a second of water. I haven't checked the Sacramento River flows in the last few days, but I suspect it's running about 15,000 cubic feet a second at the moment. So if we're taking that much water out of the system and taking it all the way around, I don't understand how you're going to change anything to the better, as so far as altered hydrodynamics is concerned

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Attendee at Davis Scoping Meeting	...if we're looking at the global warming aspect of these things, and we're going to have reduced rainfall, and we're going to have reduced snow pack and water content and so forth, where is this water coming from that's going to go into this thing in the first place, and where is it going afterwards? Is there additional storage being talked about down south? Is there additional storage being talked about up north where we would have a chance to collect this water, when we have it abundantly, and then run it through this canal?
2009	Attendee at Davis Scoping Meeting	...I've lived down there all my life and abundant flows only happen about two months out of the year, depending on the year we have. And it hasn't happened much in the last three years, so if we're going to build all of this - all of these facilities, and it's only going to be used two months out of the year, and the rest of the time it's going to be used -- the function we have now, is going to be in place, I don't see the point in doing this in the first place. It doesn't make sense to me.
2009	Attendee at Davis Scoping Meeting	And has anybody ever done any studies to see how much fish species go through those pumps [agricultural diversions] during the course of the irrigation cycle?
2009	Attendee at Davis Scoping Meeting	We already have low water flows going through the Delta already. We have a new team facility up in South Sacramento to feed the City of Sacramento. We've got a sewer discharge in Freeport that's putting in bad water, and then we're going to take more water off the top of the Delta. Again, I don't see how that's a positive for the Delta in the long run, and particularly, as it relates to the amount of money that's going to be spent on all of this.
2009	Attendee at Fairfield Scoping Meeting	I want to know what is the authorization for this study? Where did it come from? From the Legislature? From the Executive Administrative Directive or some departmental activity?
2009	Attendee at Fairfield Scoping Meeting	Are you also studying desalination as aggressively as you are studying this? Southern California certainly ought to be using desalination. Israel does. There's no reason why Southern California shouldn't instead of taking Northern California water.
2009	Attendee at Sacramento Scoping Meeting	I understand that the State Water Resources Control Board is responsible for the regulatory for all service diversions in the State. What possible recommendations or guidelines or suggestions are you planning to make through this EIR/EIS process, with respect to operational criteria or sustainable flood levels, as well as timing of those exports with operation of that facility
2009	Attendee at Stockton Scoping Meeting	...you said that all the costs for this whole process and some future peripheral canal were going to be paid for by water contractors. State water project. Is that right?...So is it true, then, that so far, the taxpayers have not incurred any cost with regard to this project? The taxpayers of the State of California?
2009	Attendee at Stockton Scoping Meeting	Do you have an authorized project that you're doing this for?



Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Attendee at Stockton Scoping Meeting	BDCP/DWR recently filed about 60 lawsuits against landowners on the Delta...It's not a lawsuit. We go to court, but it's not a lawsuit...And in the fact sheet that you put out for this meeting, you said, "We're out trying to get entry permits. But we're only going to do it voluntarily," et cetera, et cetera. There was nothing in there about the state filing lawsuits to gain entry...is anything you're doing now with the scoping, and the future EIR, and CEQA compliance and NEPA compliance, is any of that in any way related to these non-lawsuits for temporary entry?...And is any of the data gathering you're going to do in any way invasive? Are you going to dig any holes or bore any holes or dig any pits?...In the aggregate, for all the miles that you're going to study, have you done any environmental review of the impact of those studies?
2009	Attendee at Stockton Scoping Meeting	And what we came down to that led to the failure of Cal Fed was the lack of governance. There was no accountability. There was no way to bring in concurrence between state officials and federal officials for a common objective. And that hurdle still hasn't been addressed. Until it does, how can we proceed forward and do what we did with Cal Fed and bumble again?
2009	Attendee at Stockton Scoping Meeting	...is one of the alternatives looking at the operation or the health of the Delta if the Delta is managed under existing law? Existing law in terms of implementation of water quality, existing law relating to take exports, existing law relating to species?
2009	Attendee at Stockton Scoping Meeting	And what I really am afraid of is that this becomes another form of Cal Fed. The only difference is it's become narrower in its application, it's become more focused in its funding, and it's become more directed by the interests who have a stake outside of the Delta rather than those involving the people in the Delta.
2009	Attendee at Stockton Scoping Meeting	One of the previous speakers mentioned about desalinization. Well, it's fine for a ship. But for a city, you're going to end up using lots of oil and lots of other resources to desalinize. So it's -- my best hope, as far as I've seen, is up here at the National Ignition facility. They may just take the first step towards nuclear -- controlled nuclear fusion...I'd love to see fusion reactors at Pearblossom, 150-mile straw out into the Pacific. And that California aqueduct would be filled with desalinized water run by nuclear fusion.
2009	Attendee at Stockton Scoping Meeting	We're being asked to believe that all of this is going to work without a lot of positive facts or figures or whatever. For instance, we have fish screens that supposedly are state of the art, but they don't work. So we're going to use fish screens up on the north end of the Delta to pull two-thirds of the water out of the Sacramento River...we're going to use fish screens up there to screen out fish as well. But the fish screens that we have down here don't work even at this point. So we've had all these years to figure out that technology, and we haven't evidently got there. Because if they did work, we wouldn't have this problem, evidently.
2009	Attendee at Stockton Scoping Meeting	The easy fix for all this thing is to take the pumps and the screens that go with them out, and we wouldn't have a problem with the smelt to begin with.
2009	Attendee at Stockton Scoping Meeting	Where is this water coming from to make this system work? Do we have additional storage up north? Have we raised Shasta dam? Have we built a new dam? No.

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Year of Scoping	Affiliation	Comment
2009	Attendee at Stockton Scoping Meeting	And we're going to build all this, and only pump this water when we have excessive flows. Well, last year, that means that we wouldn't have pumped any of this water. Because we didn't have any excessive flows last year. This year, we've had about a month. So, you know. Billions and billions and billions not only on something that's only going to work part time, is what I've been told. I haven't seen that in writing.
2009	Attendee at Stockton Scoping Meeting	Who's going to pay for this whole project? I asked a couple of people. Didn't seem to know. What's it going to cost? I mean, it seems like there's going to be a cost there. Anybody pick up a paper? Lot of unemployment out there. Everybody cutting corners. My wife. Furlow. Everything. It's just a mess.
2009	Attendee at Stockton Scoping Meeting	Over 7 billion gallons of water daily are desalinated worldwide. Southern California, you do the math. Why do we have to ship large amounts of our fresh water to Southern California when they could pull it out of the oceans?
2009	Attendee at Stockton Scoping Meeting	Could you explain to me what you said was a positive flow screen for the fish screens or your tubes for your canal?...Didn't you say before about the south pumps, the fish nets, they weren't effective. Right? You said they didn't work, or that they had to be maintained. So who's going to maintain these fish nets?...didn't you just say over here that they're designing new screens to help -- preventing the smelt and everything? And then they were denied that. And so now you're saying that you can put these new high-tech screens in for your canal, but you couldn't do it for the Delta...Because you said for the south Delta, it's not working. Even with the new screens, you'd have to, you know, handle these fish...Then why not just use them for the south Delta if you don't have to handle them? I mean, it's simple, I mean, if you think about it. I mean, it's screens or a canal. Which one's more cost effective?
2009	Attendee at Stockton Scoping Meeting	You guys are building a canal to go down to So. Cal., Southern California, to supply them with water. And it just seems that you guys are using this as kind of an excuse. Kind of a by the way. Kind of like a, "Oh. We're saving the environment, so we can go build this canal. And all you guys here, you guys can go against it, but it just makes you look even worse."
2009	Attendee at Stockton Scoping Meeting	We're looking at zero percent of our annual water coming in for us for our water rights. And you guys are coming in here and saying, "We're going to take a third of it now." And then what's next? Next thing you know, there's another population boom in L.A. And it's, "Now we got to take two-thirds of it."
2009	Attendee at Stockton Scoping Meeting	You guys are like, "Oh. Desalinization plants are too expensive. Nuclear reactors are too -- are just too. dangerous." I mean, they can go off. Everyone likes to point at Chernobyl. But everyone likes to do this one. "You know what? How about we screw two, three, four, five communities to go and go pump water down to L.A.?" And is this really cost-effective?
2009	Attendee at Stockton Scoping Meeting	You guys have an ocean right next to you. You guys can't build desalinization plants? You guys can't -- you can't invest your money -- because we're in a deficit. You can't invest your money into something else rather than come up here and bother us for our day jobs and everything?
2009	Attendee of Clarksburg Scoping Meeting	I arrived at the meeting to find out that our property is in threat of eminent domain. This thing comes to one issue: It's people first, food second, fish last. And let the Federal judge down in Fresno and all of those people that think of fish as more important be DAMNED.

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Year of Scoping	Affiliation	Comment
2008	Barsoom Inc	The scope should be limited to "Tide Lands" and now Swamp & Overflow
2008	Barsoom Inc	Areas should be limited to west of Deep water channel
2008	Bell Gardens Chamber of Commerce	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system.
2008	BIOCOM	We support the Bay-Delta Conservation Plan because it maps out a comprehensive approach for solving the Delta's most critical issues. It does so in a way that puts restoring water supply reliability on equal footing with restoring habitats for fish and wildlife.
2008	BIOCOM	In an ultra-competitive industry, one of the few true growth industries in our state, and with other states spending millions to attract our companies and research institutes, water reliability in California is essential to the survival of the life science industry here. We need your help and leadership to push forward a comprehensive Bay-Delta plan that meets the critical water needs of our industry and our state.
2008	BIOCOM	We support the Bay Delta Conservation Plan because it maps out a comprehensive approach for solving the deltas most critical issues. It does so in a way that puts restoring water supply reliability on equal footing with restoring habitats for fish and wildlife.
2008	BIOCOM	Over the years BIOCOM has strongly advocated for sound water policies and programs. These include programs, enhanced regional water conservation efforts and expand the use of reclaimed water. Many of our member water companies have embraced conservation and use, and the use of reclaimed water for years. And, many more are taking similar steps to do so now.
2008	BIOCOM	In an ultra competitive industry and one of the few true growth industries in our state, and with many other states funding millions to attract our companies and research institutes, water reliability in California is essential to the survival of the Life Science community. We need your help and leadership to push forward a comprehensive bay delta plan that meets the critical water needs of our industry and our state.
2008	Building Industry Association of Southern California	The BDCP must stick to its stated goal of placing the needs of the future delta eco-system, and that of the water systems on equal footing.
2008	Building Industry Association of Southern California	A balanced approach is the only reasonable framework for a successful solution. Both quality and quantity are important needs of the future water system.
2008	Building Industry Association of Southern California	...the strategy to restore the delta should study ways to separate the natural tide fluctuations of the eco-system from the movements of the water system.
2009	Butte Environmental Council	BEC objects to the NOTICE OF PREPARATION of the ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT FOR THE BAY DELTA CONSERVATION PLAN (BDCP) because :...The project implies the intention of overriding the State and Federal Endangered Species Acts by promotion of "co-equal goals" of "ecological restoration" and "water supply".

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Year of Scoping	Affiliation	Comment
2009	Butte Environmental Council	BEC objects to the NOTICE OF PREPARATION of the ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT FOR THE BAY DELTA CONSERVATION PLAN (BDCP) because :...The BDCP makes no effort to consider decreased demand for water exports. The BDCP assumes increased demand South of Delta (SOD) will result in sustained or increased export from the Delta.
2009	Butte Environmental Council	A basic tenant of the BDCP is the promotion of "co-equal goals" of "ecological restoration" and "water supply" violates the state's Natural Community Conservation Planning Act (NCCPA). The primary objective of the NCCP program, broader in its orientation than the California and Federal Endangered Species Acts, is "to conserve natural communities at the ecosystem scale while accommodating compatible land use," according to the DFG. BEC believes that these coequal goals violate the Acts. Protection of endangered species comes first - it is not a coequal goal.
2009	Butte Environmental Council	The BDCP makes no effort to decrease demand for water exports. The BDCP assumes increased demand SOD will result in sustained or increased export from the Delta...While the plan indicates water exports will be limited to "the availability of sufficient water, consistent with the requirements of State and federal law..." the public has no assurance based on past performance that this will hold true. In fact, the assurance that water supply will be valued co-equally with ecological restoration insures that there will be institutional attempts to override environmental law during inevitable emergencies arising from the continued demand by contractors for water especially during dry periods.
2009	Butte Environmental Council	The EIR/EIS should consider different cropping options, retirement of drainage impaired land SOD, conservation/recycling improvements in municipal water use, and other methods to reduce water demand, which could significantly reduce the need to move water through the Delta.
2009	California Central Valley Flood Control Association	...adaptive management requirements should be included that require BDCP project modifications in the event of increases in flood risk to System facilities and public safety.
2009	California Central Valley Flood Control Association	...the BDCP document should investigate the possibility of increasing habitat, such as channel margin habitat, in conjunction with rehabilitation of existing levees that are important to the through-Delta portion of the dual conveyance facility. These multi-objective projects could provide extreme benefit to the Delta lands and habitat.
2009	California Central Valley Flood Control Association	Due to the significant scientific uncertainties regarding the impacts from the construction and operation of new conveyance facilities and the implementation of habitat conservation measures in the Delta, the EIR/EIS must include an adaptive management process that includes modification of any conveyance or habitat project that results in human consequences, including reducing flood protection. For instance, if the Fremont Weir project mentioned earlier is implemented and funding for vegetation maintenance in the Yolo Bypass is not available and a riparian forest starts growing in the Bypass, the Plan needs to adaptively manage the habitat measure to assure flood capacity is returned. Just as there is an adaptive management process for responses by covered species to the Plan's implementation, there also needs to be an adaptive management process to respond to negative human impacts caused by the Plan's implementation.

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Year of Scoping	Affiliation	Comment
2008	California Contract Cities Association	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.
2009	California Delta Chambers & Visitor's Bureau	If they're willing to pay for a solution, they should be willing to pay right now for desalination plan to fix their own water down there.
2008	California Department of Food and Agriculture	We recommend that the primary approach to mitigation of agricultural resource impacts be through the selection of project alternatives and conservation measures that avoid or minimize impacts...Some would have greater impacts on agricultural land than others....Another approach to building in mitigation to the BDCP is a "working lands" approach, as suggested by the Delta Vision Report....we recommend the next best approach to avoidance or minimizing impacts is to engage landowners in collaborative approaches to achieve BDCP objectives through the creation of multi-functional landscapes that keep as much agricultural land in production as possible.
2008	California Department of Food and Agriculture	Agricultural/conservation easements can be used to secure durable public improvements, such as restoration and flood setbacks, while allowing wildlife and floodplain compatible agricultural uses to continue.
2008	California Department of Food and Agriculture	We recommend that water conveyance and management alternatives analyzed be broad, consistent with the Governor's recent letter on water management.
2008	California Department of Food and Agriculture	The BDCP Planning Agreement defines the planning area as the statutory Delta, but acknowledges that it may be necessary to include conservation measures outside of the Statutory Delta that advance the goals of the BDCP within the Delta. We recommend that as part of the Conservation Plan consideration be given to providing incentives and technical assistance to upstream agricultural landowners in the San Joaquin Valley to manage salt-laden drainage on-farm...Similar incentives, perhaps in cooperation with local resource conservation districts in order to leverage USDA Farm Bill Conservation Title program funding, could be provided to growers throughout the watershed to increase Delta flows through an agricultural water account program
2008	California Department of Food and Agriculture	The BDCP Planning Agreement defines the planning area as the statutory Delta, but acknowledges that it may be necessary to include conservation measures outside of the Statutory Delta that advance the goals of the BDCP within the Delta. We recommend that as part of the Conservation Plan consideration be given to providing incentives and technical assistance to upstream agricultural landowners in the San Joaquin Valley to manage salt-laden drainage on-farm...Similar incentives, perhaps in cooperation with local resource conservation districts in order to leverage USDA Farm Bill Conservation Title program funding, could be provided to growers throughout the watershed to increase Delta flows through an agricultural water account program
2008	California Department of Food and Agriculture	...we recommend the purchase of agricultural conservation easements to protect Delta agricultural lands whose protection also protects Conservation Plan investments in ecosystem restoration from incompatible uses such as urbanization.

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Year of Scoping	Affiliation	Comment
2008	California Farm Bureau	To meet BDCP export water supply and species conservation objectives and, at the same time, substantially avoid adverse, in-Delta water quality impacts, at least one improved through-Delta alternative should go significantly beyond the through-Delta improvements considered by the Metropolitan Water District of Southern California (MWDSC) and others, as an interim option and for a narrower set of the specific objectives, early on in the BDCP process. In addition, any improved through-Delta alternative involving an isolated Middle River conveyance corridor and siphon under Old River should examine both cost-saving measures (in terms of substantial, initial estimates on levees armoring costs, for example) and feasible measures to maximize the water supply potential of such an alternative (e.g., necessary channel dredging, low-lift pumps, etc.). In particular, the EIR/EIS should utilize useful elements from Russ Brown's "Delta Corridors" concept as modeled, refined and supplemented by the South Delta Water Agency.
2008	California Farm Bureau	Siting of restoration and conveyance facilities to avoid conversion of productive farmland.
2008	California Farm Bureau	Avoiding impacts to high-value agricultural lands and instead directing proposed habitat restoration projects toward alternative marginal and flood-prone lands whenever possible
2008	California Farm Bureau	Phasing restoration floodplain and tidal marsh habitats over time, to avoid significant impacts and allow existing uses of the land to continue in the interim.
2008	California Farm Bureau	Maintaining agricultural water supplies of sufficient quantity and quality to enable continued farming of a wide range of crops in the Delta, including high-value, non-salt tolerant crops.
2008	California Farm Bureau	Adopting a willing-seller-only policy with respect to acquisition of necessary lands.
2008	California Farm Bureau	Utilizing available public and existing conservation lands before acquiring or otherwise restricting lands in private ownership.
2008	California Farm Bureau	Utilizing easements, as opposed to fee title acquisition, to maintain private ownership of agricultural lands and commercially viable agricultural whenever possible.
2008	California Farm Bureau	Providing economic incentives for Delta farmers to undertake actions that benefit covered species and ecosystem health, while allowing economic uses to continue on privately held lands.
2008	California Farm Bureau	Providing significant, sustained investment in research, including financial incentives for voluntary implementation of landscape-level demonstration projects to develop practices, technologies, and methods to facilitate a potential transition to carbon farming, new crop types, and other alternative forms of agriculture for the purpose of achieving greater long-term sustainability in key areas of the Delta, as appropriate.

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Year of Scoping	Affiliation	Comment
2008	California Farm Bureau	...it is possible that an isolated facility operated non-preferentially, or an isolated facility sized and designed to facilitate permanent water exchange arrangements on one or more of the Delta's eastside tributaries, could help to reduce some adverse impacts of such conveyance, while simultaneously contributing to the conservation of covered species and reduced regulatory restrictions on exports. A less constrained future conveyance system, therefore, could potentially facilitate and enable opportunities for water exchange arrangements that would not otherwise be possible...More reliable Sacramento River water from an isolated facility could provide an incentive for EBMUD to forego diversions from the Mokelumne River under certain conditions as a way of partially addressing water quality impacts in the Delta and, at the same time, improving conditions for fish...A proposed intertie between EBMUD's Mokelumne Aqueduct and the SFPUC's Hetch-Hetchy (the SFPUC-Hayward-EMBUD Intertie) could facilitate transfers among these Bay Area water purveyors or from outside the region
2008	California Farm Bureau	....In a future scenario involving dual or isolated conveyance through the Delta, Zone 7, State Water Project and Central Valley Project contractors would benefit from a dual or isolated conveyance facility....In combination with potential restored flows from Friant in the Upper Reaches of the San Joaquin River, supplemental Tuolumne River flows could help restore salmon and other anadromous fish in the San Joaquin River and its tributaries. Lastly, of relevance to South Delta agriculture, particularly in dry years and late summer, these restored tributary flows could help to correct the historic problem of insufficient tributary flows to the Delta that an isolated or dual conveyance facility would significantly worsen.
2008	California Farm Bureau	Local water agencies in San Joaquin County that rely currently upon variable surface water supplies and limited local groundwater might have an interest in contracting for firm, relatively high quality deliveries from an isolated facility, in lieu of water such districts might otherwise divert from the Mokelumne, Calaveras, Stanislaus, and Lower San Joaquin Rivers....
2008	California Farm Bureau	On-going groundwater recharge, conjunctive management, and stream restoration efforts by these still largely agricultural districts, SCWA, The Nature Conservancy, and others could be expanded with potential deliveries of purchased surface water supplies from Folsom Lake, including water supplies no longer required by SMUD for use at Rancho Seco or possible entitlements associated with historic water rights applications related to Auburn Dam...Other water exchange possibilities in this area include the use of unassigned wet and normal year capacity in EBMUD's FRWP Folsom South Canal Connection facilities to carry out conjunctive use projects in Central and South Sacramento County and North Eastern San Joaquin County....
2008	California Farm Bureau	One or more screened diversions in the vicinity of the CVP's existing Delta-Cross Channel gates and/or Georgiana Slough could work in tandem with dual conveyance, providing freshwater flows from the Sacramento River into the interior Delta. From there, water would flow toward the export pumps, primarily, via the South Fork Mokelumne River and Middle River....Given the significant water quality implications of the dual and isolated conveyance options currently being considered, study of a potential through-Delta facility merits much more rigorous and systematic study. Continued study of a through-Delta facility should occur on an expedited and greatly intensified basis, as a deliberate and integrated part of any studies of dual or isolated conveyance.

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Year of Scoping	Affiliation	Comment
2008	California Farm Bureau	...modified DCC operations should remain as part of the range of potential mitigation alternatives warranting deliberate and focused consideration by the BDCP at this time.
2008	California Farm Bureau	While dual or isolated conveyance would likely worsen, compound, and extend existing water quality problems in the South Delta, however, it is at the same time pertinent to note that such conveyance could potentially remove some barriers to implementation of recirculation.
2008	California Farm Bureau	...if concerns relating to imprinting and straying prove overwhelming adverse it may be possible to achieve a functional equivalent of recirculation, as discussed above, through potential water exchanges to restore tributary flows on the Mokelumne and Tuolumne Rivers
2008	California Farm Bureau	...options involving in-Delta barriers, and particularly movable barriers, would be inexpensive, easily reversible, and conducive to adaptive management..
2008	California Farm Bureau	Near-term or long-term, either singly or in combination with an isolated facility, a through-Delta conveyance option similar to the "Delta Corridors" concept described by Russ Brown could have various benefits..
2008	California Farm Bureau	In addition to groundwater banking, conjunctive use, water efficiency, and water recycling, all of which should continue and expand in direct support of any long-term solution for the Bay-Delta, new surface storage will be necessary to prepare for future impacts of climate change and increase flexibility to achieve various environmental objectives. In particular, new South-of-Delta facilities will be needed to optimize future conveyance, improve the timing of water exports, and reduce hydrologic impacts on listed species and the Delta in drier years. Similarly, increased surface water storage capacity in both the Sacramento and San Joaquin River watersheds would enhance the State's ability to achieve multiple objectives,
2008	California Farm Bureau	Within the context of the BDCP, water efficiency in export-dependent areas south of the Delta could be encouraged and incentivized through linkages to the ESA's incidental take provisions.
2008	California Farm Bureau	New water supplies from desalination projects, urban water use efficiency, and water recycling could significantly offset the need for imported supplies
2008	California Farm Bureau	...in addition to the long-term need for west-side drainage improvements in any case, it seems entirely appropriate to consider potential, future west-side drainage and salinity management actions as possible, long-term conservation or mitigation measures for the 50-year BDCP.
2008	California Farm Bureau	...there may be opportunities to realize multiple benefits for the ecosystem, water supply and water quality through reoperation of upstream reservoirs.
2009	California Farm Bureau	The Agencies shall identify and rigorously examine all reasonable alternatives for the BDCP project.
2009	California Farm Bureau	...while improvements to Delta conveyance and a stable and functioning ecosystem are a necessary part of this overall solution, so too is strategic investment in new surface water storage facilities with broad statewide benefits. This was the conclusion reached by the Delta Vision Blue Ribbon Task Force in their initial Delta Vision Report in fall 2007...



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Year of Scoping	Affiliation	Comment
2009	California Farm Bureau	Given the long-term 50-year planning horizon of the BDCP, California Farm Bureau sees potential future storage improvements currently outside of the scope of the BDCP as both closely related to, and imminently compatible with proposed Delta conveyance and ecosystem improvements in the BDCP. In this context, it is our strong recommendation that the lead agencies consider the potential for possible integration between the BDCP EIR/EIS and subsequent environmental documents for future water storage projects, by way of existing tiering, staging, supplemental EIR, and other similar provisions of NEPA and CEQA.
2008	California Farm Water Coalition	What the BDCP we encourage that process to resolve that. It's no surprise that we would encourage the BDCP to keep the water flowing, recognizing the value of the role that our farmers play. We also recognize that the Bay Delta environment must be protected. But don't sacrifice one over the other.
2008	California Native Plant Society Santa Clara Valley	In regards agribusiness, for water allocation, can a priority point system be established whereby a crop, such as rice, that will provide food and refugia for migratory waterfowl after the crop has been harvested will rank higher, than say a crop that can not provide secondary or tertiary benefits from considerable amounts of water used?
2008	California Native Plant Society Santa Clara Valley	...this EIR/EIS needs to establish estuary standards that will return salmon and steelhead runs to all tributaries. (Water Districts that can prove they are restoring local coldwater fisheries by management of seasonal releases needed by anadromous fish and not diverting critical flows or causing drybacks as fish are spawning, should rank higher for water allocations, especially in drought years, than Districts that cannot.)
2008	California Native Plant Society Santa Clara Valley	Please establish uplands habitat goals, as well as wetlands habitat goals usable for Estuary watersheds that can be easily adhered to at every stage and level of this Bay Delta Conservation Plan. HCPs can be streamlined in manner that only one or two species in development acreage are addressed which may not be indicator species for full spectrum of biodiversity found at site.
2008	California Native Plant Society Santa Clara Valley	It would be highly beneficial, in light of the Migratory Bird Act and State compliance with international law, that this EIR/EIS establish baseline for volume of forage that each resident species and migratory waterfowl needs to sustain a healthy life cycle and/or complete its commute from Latin America to Alaska. That would be the amount of forage for necessary weight gain during time of layover in San Francisco Estuary, times the approximate numbers of birds of each species, be it thousands or tens of thousands, and what acreage and calibre of crop or wetlands is necessary to accomplish this. (Would recommend Suisun Marsh RCD data.)
2009	California Native Plant Society Santa Clara Valley	Since a diversion of 15,000 cfs from the Sacramento River is not feasible, it would appear that a diversion channel should be sized to accommodate a quarter of that amount (say 10' X 125') which would reduce impact to Delta marshes, and lower water loss to evaporation, cost of construction and cost of wetlands mitigation. If more water is needed it needs to be obtained from another river system.

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Year of Scoping	Affiliation	Comment
2009	California Native Plant Society Santa Clara Valley	A formula needs to be scientifically arrived at that will define minimum flows needed to retain the integrity of the rivers that flow through the delta marshes and provide critical spawning and rearing habitat for resident and migratory fish, and birds, as well as sustain habitat biodiversity by overflow into marshes and wetlands. The Uplands Habitat Goals report and studies such as the 1985-86 Interagency Ecological Studies Program for the Sacramento-San Joaquin Estuary should provide sufficient data without commissioning new research. Elements of shallow benches, overhanging shade and instream woody materials will have top consideration, while entrainment and water diversion operations which contribute to such critical loss of fish and organisms need an entirely new design, preferably making most of gravity flow. Clifton Court pumps are rather medieval.
2009	California Native Plant Society Santa Clara Valley	Before any consideration can be given to this or any other modification of Delta diversions, a successful recovery plan must be instituted to reverse this collapse of Delta Smelt and salmon populations in the Bay. A plan needs incorporate all recipients of Sierra water supplies, to contribute fish friendly streams or financially. Rather than construct bigger reservoirs with thermal pollution and rampant algae growth, smaller underground containment must be encouraged and groundwater reserves returned to some semblance of historic levels. Agriculture needs subsidy, but here again, farmers could rotate with dry farming crops in drought years.
2009	California Native Plant Society Santa Clara Valley	Please establish appropriate conservative base flows for rivers of the Bay Delta Estuary that can sustain historic uses and resources, and in particular restore a West Coast fishery to support the Pacific Flyway, and California's dedicated band of fishermen. Fishing, if anything, has more tenure in our state than farming.
2008	California Sport Fishing Protection Alliance	The fundamental inconsistency between and HCP with the goal of protecting and restoring listed species and a conveyance plan involving a massive public works project that will change the hydrology of the estuary and its tributary waterways is indeed the plan. It is little more than a Bay Delta Conveyance Plan masquerading as an HCP. As a general principal we do not believe that any HCP should include guaranteed water delivery, and/or changes in infrastructure solutions. HCP should be focused on needed habitat improvements sufficient to enhance the listed species to the point til they could be Group D listed.
2008	California Sport Fishing Protection Alliance	Long term assurances and guarantees are fundamentally inconsistent with any defensible or adaptive management program.
2008	California Sport Fishing Protection Alliance	No HCP planning should have goals beyond protecting and enhancing targeted species.
2008	California Sport Fishing Protection Alliance	Identify and evaluate alternative water systems and delivery systems and prioritize those evaluations on ecosystem water needs.
2008	California Sport Fishing Protection Alliance	Clearly and HCP's first priority must be on ecosystem, followed by urban and agricultural needs.
2008	California Sport Fishing Protection Alliance	Analyze and quantify the Delta needs. For over a decade DWR and the Bureau have refused to undertake a quantification of how much water this ecosystem actually needs. Sufficient reductions are essential. It must discuss how much water is required for a healthy Delta and how various scenarios on export levels and patterns and timing of upstream diversions will affect targeted species are reiterated. A reduced export alternative must be included and evaluated.

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Year of Scoping	Affiliation	Comment
2009	California Sport Fishing Protection Alliance	At its heart, BDCP is simply an illegal scheme to allow those in the south valley who own junior water rights to surplus water, water they understood would not be available in certain years, to take precedence over the senior water rights and the public trust needs of Northern California.
2009	California Sport Fishing Protection Alliance	Establish a meaningful governance structure for the Delta.
2009	California Sport Fishing Protection Alliance	We still don't have an acceptable project description with specific details. Sizing, location, capacity, operational protocols, mitigation measures, the assurances and safeguards which are critical, considering the historical failure to enforce existing standards, and the fact that water quality and flow standards and environmental review requirements can be wiped out at the stroke of a pen, like the governor recently did in the emergency drought proclamation. And who would pay for -- well, we still don't have an acceptable range of alternatives.
2009	California Sport Fishing Protection Alliance	We still don't have an analysis and time schedule of how alternative water supplies could replace Delta exports. California water plan reports by NREC, the Pacific institute of the Los Angeles County Economic Development Corps and others document the existence of viable alternatives that far exceed the present level of Delta exports.
2009	California Sport Fishing Protection Alliance	We still don't have quantifiable biological targets, objectives, and consequences.
2009	California Sport Fishing Protection Alliance	Adaptive management, by definition, does not allow for export assurances, given the history of mitigation. Failures in this estuary, no project can provide for export reliability. Water operations management team decisions must be driven by biological constraints.
2008	California Sportsfishing Protection Alliance	There is a fundamental inconsistency between an HCP with a goal of protecting and restoring listed species and a conveyance plan involving a massive public works project that will change the hydrology of the estuary and tributary waterways.
2008	California Sportsfishing Protection Alliance	As a general principle, CSPA does not believe that any HCP should include guaranteed water delivery and/or changes in infrastructure as solutions.
2008	California Sportsfishing Protection Alliance	Long-term assurances or guarantees are fundamentally inconsistent with any defensible adaptive management program.
2008	California Sportsfishing Protection Alliance	Identify and evaluate alternative water supplies and delivery systems and prioritize those evaluations on a) ecosystem water needs, b) urban water needs and c) agricultural water needs.
2008	California Sportsfishing Protection Alliance	The EIR/EIS must discuss how much water is required for a healthy Delta and how various scenarios of export levels and patterns and timing of upstream impacts to biological resources caused by the documented shortfall of water deliveries that were anticipated from North-coast Rivers.
2008	California Sportsfishing Protection Alliance	...an EIR/EIS that fails to evaluate several reduced export alternatives will fail to comply with minimum CEQA/NEPA requirements....

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	California Sportfishing Protection Alliance	Propose full mitigation for "take" of species protected pursuant to the California Endangered Species Act. We note that California State Water Board Decision 1485 found that "full mitigation of project impacts on all fishery species now would require the virtual shutting down of the project export pump."
2008	California Sportfishing Protection Alliance	Establish and evaluate recovery goals, yardsticks, mileposts and consequences of failure within the HCP/NCCP that will assure policy makers and the general public that progress is occurring and species recovery is on track.
2008	California State Lands Commission	...the EIR/EIS should consider a range of alternatives for prevention programs for aquatic invasive species
2008	California State Lands Commission	...in light of the recent decline of pelagic organisms and in order to protect at-risk fish species, the EIR/EIS should re-examine the objectives of maintaining certain non-native fisheries within the Delta.
2008	California State Water Resources Control Board	In addition, to achieve BDCP's project objectives to assure protection and restoration of fish and wildlife resources, the EIR/EIS should analyze a broad range of alternate water quality objectives and operational strategies, including reductions in exports, that may be more protective of fish and wildlife beneficial uses.
2008	California State Water Resources Control Board	...the State Water Board requests analyses of a broad range of alternatives under the following scenarios: (1) potential interim changes to the Bay-Delta Plan; (2) long-term changes to the Bay-Delta Plan with new conveyance facilities; and (3) long-term changes to the Bay-Delta Plan without new conveyance facilities.
2008	California State Water Resources Control Board	Specifically, the State Water Board requests analysis of a broad range of conveyance alternatives, flows (including changes to Delta outflow objectives), and diversions by the SWP and CVP (including reduced diversions or a cap on diversions) for providing open water habitat under the above scenarios.
2009	California State Water Resources Control Board	...the State Water Board will have discretionary approval over aspects of the BDCP project related to potential changes to the State Water Project's...and Central Valley Project's...water rights (such as changes to the points of diversion and operational requirements) and to water right conditions associated with water quality requirements for the two projects ...environmental documentation must be prepared that evaluates the environmental effects of the proposed actions, identifies a reasonable range of interim and long-term alternatives that would reduce or avoid the potential significant environmental effects of the actions, and discusses the significant effects of the alternatives. Similarly, any environmental analysis associated with changes to the Bay-Delta Plan must evaluate the significant environmental impacts of any such changes and identify a reasonable range of potentially feasible alternatives to such changes.
2009	California State Water Resources Control Board	One issue in particular that will require coordination is environmental review of the SWP's and CVP's interim and long-term exports from the Delta. As noted in the State Water Board's May 30, 2008 letter, a reduced diversion alternative should be analyzed to inform the State Water Board and others of the potential tradeoffs between delivering water for consumptive uses and protection of fish and wildlife beneficial uses. While SWP and CVP exports are not the only factor contributing to the current degraded state of the Bay-Delta ecosystem, exports remain an important factor requiring analysis.

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Year of Scoping	Affiliation	Comment
2009	California State Water Resources Control Board	A reduced diversion alternative should be lower than diversions allowed for in the current delta smelt biological opinion and soon-to-be released salmonid and green sturgeon biological opinions for the Long-Term CVP and SWP Operations, Criteria, and Plan. This reduced diversion alternative should be low enough to assure not only continued existence of the species, but also some level of rehabilitation for the estuary. To determine what this level should be, State Water Board staff suggests reviewing historic fisheries data and water export data to arrive at a low export level that is reflective of the quantity of water that could be diverted from the Delta with reasonable confidence of not causing significant or long term impacts to the estuary. Through environmental analysis of such an alternative and higher export alternatives, the State Water Board and other responsible agencies will have information on which to consider the various environmental tradeoffs related to export restrictions.
2009	California State Water Resources Control Board	Combined with analyzing potential reductions in exports, an alternative for changes to Delta outflows (and potentially inflow requirements) should also be analyzed that reflects a more natural hydrograph. Current outflows and operations have tended to flatten the natural hydrograph and produce more static flow conditions in the Delta. Outflows and export regimes that support a more natural variable hydrograph should be analyzed, including both the naturally high outflow and naturally low outflow ends of the hydrograph for both the interim and long-term. One way to conduct this analysis would be to analyze the effects of providing various percentages of the unimpaired Delta inflow and outflow, and managing storage releases and exports to attempt to parallel this pattern.
2008	California Striped Bass Association	The best bet is to build building plants to desalt an untapped resource and that the Pacific Ocean to fulfill the needs of the 38 million people that reside in California.
2008	California Striped Bass Association	I am therefore, my organization is therefore, solidly against any water conveyance such as the proposed peripheral canals. And we are steadfastly against any other system that will allow more water to be diverted from our Delta.
2008	California Striped Bass Association	So whatever you decide to do, I want you to make sure that there's a high priority on our fisheries and natural resources out here in the Delta.
2009	California Striped Bass Association	Southern Cal. Sought be storing there run off water or stop having so many swimming pools. Last DeSalt Plants my be the answer.
2009	California Striped Bass Association	We don't need the peripheral canal. I feel as if it is a bad idea for all of us - and for the future generations as well.
2008	California Striped Bass Association, Stockton Chapter	Conservation. I don't hear any part of this particular plan -- of course it was a short overview -- but without addressing those two issues, all you're doing is this same story just a different way of getting the water down to where it is. So I would encourage you as an agency, you do have our public trust.
2009	California Striped Bass Association, West Delta Chapter	...the reason for Bill 1253 is To Raise The Salinity in the Rivers by Pumping more water from up the River that is the Sacramento.

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Year of Scoping	Affiliation	Comment
2008	California Water Impact Network	Recognizing that all of our water resources are over committed, (the State Water Board now admits that it has issues water rights permits that equal five to seven times the amount available in the state) and there is no more water to draw from, demand management is a must..
2008	California Water Impact Network	The biggest saving in the urban sector can come from changing the plant materials used around our homes and businesses.
2008	California Water Impact Network	The second biggest source of urban water savings can come from all the conservation methodologies that have been outlined by the California Urban Water Conservation Council
2008	California Water Impact Network	It makes much more sense to apply desal technology to our wastewater stream rather than to the ocean since it would need only one tenth the amount of energy to apply reverse osmosis to wastewater. Spreading this water to go through the soil until it reaches the aquifer is a good way to remove any remaining contaminants.
2008	California Water Impact Network	..there is growing interest in Southern California to capture rain water where it falls, and get it into the ground to augment our local water supply and reduce our need to import as much from the north.
2008	California Water Impact Network	The agricultural sector ... is by far the biggest source of water quality problems to the delta especially from drainage impaired lands...This land must be taken out of production, and the water rights retired as an immediate source of water to help with the delta's endangered species problems.
2008	California Water Impact Network	This is a serious deficiency in the BDCP analysis and must be remedied by development of an alternative which reduces Delta exports below current levels.
2008	California Water Impact Network	...an alternative should be developed which examines a reduction in Delta exports to drainage-impaired lands in the Western San Joaquin Valley within both CVP and SWP service areas.
2008	California Water Impact Network	What is the expectations, or what is the possibility of this group doing anything better, or more, or more effectively, or more efficiently, or coming up with any different answers than what Cal Fed was unable to do?
2008	California Water Impact Network	You've got to look upstream. You've got to look to the water sheds and to local agencies, local governments using water much more efficiently than they are now.
2008	California Water Impact Network	Of reuse, we've just really begun to do. There's tremendous potential we should be using between 80 and 90% of all of the waste water, should be reused.
2008	California Water Impact Network	And, we are beginning to look now at capturing storm water where it falls and getting it into the ground so that we can augment our drinking water supply. This is relatively new. There's no numbers yet, but we are beginning to retrofit neighborhoods to capture all storm water and get it into the ground.

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Year of Scoping	Affiliation	Comment
2008	California Water Impact Network	A major source of water that is not being seriously considered and must be considered during this process is the drainage water that is poisoning the San Francisco Bay Delta now. We can't get serious about enforcing water quality standards in the delta unless we deal with the selenium and other salts, and other Ag chemicals that are coming down the San Joaquin River and poisoning the delta and the ground water on the way....There is minimally 2 million acre feet of water that could come from that Ag land which is now being irrigated that should not be, should never have been and it was known before a drop of water was put on that land that it should never have been irrigated.
2009	California Waterfowl Association	...we strongly support additional wetland restoration in the Delta. However, as a general principal, we caution planners to fully recognize and protect the existing ecological values of the region. We believe that there is the potential to reverse much of the wetland benefit we have painstakingly accomplished (and at great public and private expense) unless conservation measures promoted are done in a manner sensitive to needs of the entire ecosystem. The potential for restoring ecological conditions favorable for native fish species is great, but should be additive to, rather than at the expense of, existing avian and other terrestrial values.
2008	Calleguas Municipal Water District	Agencies that depend on the State Water Project require certainty in order to effectively plan for the customers they serve. Calleguas encourages the State to move forward with the EIS/EIR on the Bay Delta Conservation Plan, and begin work on a comprehensive program to meet California's water needs in a manner that respects the ecological values of the Delta.
2009	Central Contra Costa Sanitary District	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.
2008	Central Delta and South Delta Water Agencies	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...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"?...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
2008	Central Delta and South Delta Water Agencies	...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."...Since, as just noted, one of the "objectives of this part" is to "provide a common source of fresh water for export" (Wat. Code, S 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

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Year of Scoping	Affiliation	Comment
2008	Central Delta and South Delta Water Agencies	...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."...This Anti-Degradation Policy is yet another example of a policy which must be duly assessed before the feasibility of any proposed project ...can be meaningfully determined.
2008	Central Delta and South Delta Water Agencies	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.
2008	Central Delta and South Delta Water Agencies	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.
2008	Central Delta and South Delta Water Agencies	An alternative of "regional self-sufficiency" ...every feasible effort is made to the maximum extent possible to develop new non-Delta watershed water and/or make better use of existing non-Delta watershed water to meet the needs of export contractors.
2008	Central Delta and South Delta Water Agencies	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.
2008	Central Delta and South Delta Water Agencies	Tidal gate structures should also be evaluated to help repel bay salinity in the event of such a massive failure.
2008	Central Delta and South Delta Water Agencies	...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.. 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..
2008	Central Delta and South Delta Water Agencies	An alternative should be considered that includes substantially increased Delta outflows.
2008	Central Delta and South Delta Water Agencies	The EIS/EIR should include an extensive discussion of desalinization options in order to promote regional self-sufficiency.
2008	Central Delta Water Agency	The base level of protection must include: 1) full mitigation of project impacts ..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).



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Year of Scoping	Affiliation	Comment
2008	Central Delta Water Agency	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.
2008	Central Delta Water Agency	...I don't know how you folks are going to come out with a preferred alternative. I know you will, and I know what it will include, but this is from the Delta Vision Report. I would caution you not to come out with a preferred alternative.
2008	Central Delta Water Agency	...it sounds like your preferred alternative is going to be a dual facility. They acknowledge -- this is on November 2007 -- perhaps an isolated facility would enhance the reliability of exports. Perhaps it would create fewer problems for selected species. Perhaps it would be less exposed to seismic risk. And perhaps it would result in higher water quality. But at this point, there's not sufficient specific information to guarantee these outcomes. Same with the dual conveyance, it might increase reliability, and it might capture more high water flows, but again, not enough information is available at this point to ensure this...
2008	Central Delta Water Agency	...I would beg and ask that you folks try and be clear on what are your projects basic objectives, so we don't have to fight over it. And of course, your objectives define what your alternatives are, so it's important that they are clear and that they are not unfairly or narrowly construed when it comes time to reject in alternative approaches.
2009	Central Delta Water Agency	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
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	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."
2009	Central Delta Water Agency	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?

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Year of Scoping	Affiliation	Comment
2009	Central Delta Water Agency	... 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.)
2009	Central Delta Water Agency	Such screens [state of the art] 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."
2009	Central Delta Water Agency	The Delta Corridor's proposal being developed by Russ Brown.
2009	Central Delta Water Agency	A comprehensive regional self-sufficiency alternative as set forth in "A Water Plan For the 21 <sup>st</sup> Century: Regional Self-Sufficiency Scenario," dated 7/23/07
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	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
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	...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.
2009	Central Delta Water Agency	...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.
2009	Central Delta Water Agency	We support strongly the concept of self-sufficiency, particularly in the urban areas.
2009	Central Delta Water Agency	...self-sufficiency. Make our urban areas more reliant on their own resources. Desalting. Practice water recycling. Reclamation.
2009	Central Delta Water Agency	...if your preferred project includes an isolated facility, it's not very comforting to know that you're not going to look at other alternatives.

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Year of Scoping	Affiliation	Comment
2009	Central Delta Water Agency	The Delta Pool Delta Protection Act of 1959 says that water shall be taken out of a common pool and given to exporters...Because that means everybody who pulls water out of the Delta depends on the quality of that water in the Delta. So when you comes time to think about how are we going to give assurance that the Delta is going to stay healthy, the best assurance is to make sure everybody who feeds off it has a stake in that health. And my question to you is, how is the Delta going to be protected in an emergency situation...How are we going to be protected if you folks get a peripheral canal and there's an emergency? Are you telling me that they're going to let sufficient water flow through the Delta? Or are they going to overrule whatever water quality standards are in place?...let's say there are standards in the Delta that preserve a certain level of water quality. You build your peripheral canal. We have an emergency. What assurance do we have that you're not going to ignore those standards and bypass the water around us?
2009	Central Delta Water Agency	A drought like we just had where the governor said, "Forget about water quality." In that situation, what assurance do we have that you're going to honor the water standards in the Delta? With the common pool, you have to keep the Delta fresh. Otherwise, you get bad water quality. But with the canal, you can let the Delta go to hell, and you can take your water from up north. So in an emergency drought situation, what can you say to us to say that that water won't be bypassed around us? That we'll get the water?
2009	Central Valley Joint Venture	We strongly support additional wetland restoration in the Delta. However, as a general principal, we caution planners to fully recognize and protect the existing ecological values of the region. We believe that there is a sizable potential to undo much of the good work we have painstakingly and at great public and private expense accomplished to date unless this new work is done in a manner sensitive to needs of the entire ecosystem. The potential for restoring ecological conditions favorable for native fish species is great, but should be additive to, rather than at the expense of, existing avian and other terrestrial values.
2009	Central Valley Joint Venture	We also encourage the EIR/EIS to consider areas beyond the Delta and Suisun Marsh for implementing conservation measures and potential mitigation.
2009	Chair of Delta Caucus	The draft EIR must identify how much Delta outflow is needed to maintain a healthy estuary and how each alternative will be designed in order to maintain the appropriate outflow and Delta water quality. The EIR should compare and contrast water flow and water quality from the two major rivers (the Sacramento and San Joaquin) which enter the Delta and determine what factors contribute to the major difference in water quality.
2009	Chair of Delta Caucus	The draft EIR must explain why the BDCP isolated facility (peripheral canal) is designed to convey 15,000 cfs. Is it based on science to support a healthy Delta or on achieving maximum export without regard to the health of the Delta environment? If the maximum export capacity is 15,000cfs and the preferred alternative is a dual conveyance system, why isn't the capacity of the peripheral part of the system reduced by the conveyance capacity of the through Delta part so that the combined capacity is 15,000cfs? Wouldn't it be more appropriate to size the peripheral part of the dual conveyance system by starting with expected river flows and subtracting Delta outflow requirements to maintain a healthy estuary subtracting through Delta capacity and what is left could be conveyed in an isolated facility. It may be nothing. So why propose digging a big ditch that you may not be able to use or can only use occasionally and which would make it possible to destroy the Delta.

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Year of Scoping	Affiliation	Comment
2008	City of Antioch	The City urges DWR to remain open to consideration of alternatives that would address special status species needs without construction of such a massive and irreversible infrastructure project.
2008	City of Antioch	To properly facilitate public comment, the Draft EIR/EIS should clearly identify the preferred project.
2008	City of Antioch	One of the planning criteria for selection of the suite of options under consideration for the BDCP includes meeting water supply goals. Though not stated in the materials, this goal appears to include only meeting the water supply goals of water exporters. To the extent this goal is converted to an objective of the BDCP project guiding the environmental review process, the objective should also include meeting in-Delta water demands.
2008	City of Antioch	Part of an adequate project description includes a clear explanation of document type. To the extent DWR intends to analyze project activities at a "project" level, a sufficient degree of detail must be provided to fully assess the impacts of that action.
2008	City of Antioch	Exports of water currently put a tremendous strain on the Delta and its tributaries; addressing these difficult species issues equitably may require changes to the volume of water diverted by the Projects in addition to the other possible measures listed in the NOP. Through land retirement, conservation and other measures, the demand for exported water could be reduced while continuing to serve existing out of Delta beneficial uses.
2008	City of Antioch	Implementation of additional water conservation measures by Delta water users - especially those uses that remove water from the watershed completely -- are potentially feasible means to lessen significant impacts associated with operation of the Projects.
2009	City of Antioch	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.
2009	City of Antioch	...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.
2008	City of Claremont	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.
2008	City of Livermore	The EIR/EIS must equally and comprehensively consider water supply and conveyance, ecological restoration and management, and flood protection.
2008	City of Livermore	Include a range of project alternatives, such as an alternative that includes significant statewide and/or regional improvements to local water conservation, groundwater management, and water recycling.

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Year of Scoping	Affiliation	Comment
2008	City of Livermore	The BDCP should consider a wide range of possible restoration and conservation activities aimed at improving ecological conditions, including those resulting from the Delta pumps as well as from other non SWP-related activities (e.g., agricultural and municipal inputs).
2008	City of Livermore	The EIR/EIS should recognize that the historic Delta estuary cannot be recreated – millions of acres of agriculture, housing, recreational areas, wildlife areas, and water supply facilities are now well established. A full “restoration” is not realistic.
2009	City of Sacramento	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.
2009	City of Sacramento	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.
2009	City of Stockton	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.
2009	Clark Farms	Where will the BDCP get the funds to pay for the project? How will the source of the funds for the project affect Delta citizens? How much money will be provided by the state of California? How much money will be provided by water contractors? How much money will be provided by the private sector? Will there be conflicts of interest based on the source of the funds to pay for the BDCP? Will the BDCP be influenced in any way in the basis of the source of its funding?
2009	Clark Farms	I would like you to investigate the merit of building more reservoirs north of the Delta to collect spring snow melt and runoff, providing better regulation and control with regard to substances detrimental to fish being released or dumped into water supplies north of the Delta, and providing cleaner water with controlled flow to pass through the existing channels of the northern Delta.
2009	Clark Farms	What experiments or studies have been conducted to determine if more reservoirs and stronger regulations of detrimental substances being dumped in waterways north of the Delta would work as well as, or better than, the BDCP draft conservation strategy and, also, might be more cost effective?
2009	Clark Farms	What studies have been done to determine how many reservoirs...would be needed north of the Delta to provide adequate storage of spring snow melt and runoff to allow for a steady, controlled year-around amounts of water to pass through existing channels in the Delta that would meet the purposes of the BDCP?
2009	Clark Farms	What studies have been done to determine the cost of above-referenced strategies [increased storage and regulations of discharges in northern California] versus the cost of the strategies of the BDCP draft?
2009	Clark Farms	How much will the strategies of the BDCP cost?

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Year of Scoping	Affiliation	Comment
2009	Clark Farms	How much will the aforementioned alternatives [increased storage and regulations of discharges in northern California] cost?
2009	Clark Farms	It also has been our understanding that the additional water storage above the northern Delta would provide for an adequate supply of water flow through the Delta at times when water is being diverted from the Sacramento River to the BDCP peripheral canal to prevent increased salinity in the northern Delta.
2009	Clark Farms	Why will this project be successful? In what ways is this project similar to previous unsuccessful efforts and in what ways is it different? What data from previous efforts are incorporated in the BDCP? What studies and experiments have been conducted to show that this plan will meet with success when similar past efforts have failed/
2009	Clark Farms	How will the BDCP prevent the spread of nonnative organisms in the Northern Delta?
2008	Coalition for Environmental Protection Restoration and Development	The integrity of those documents as a matter of their thoroughness and consideration of options and alternatives is critical if you are to be able to meet those schedules without running into what appears to be the almost inevitable risk of legal challenge.
2008	Commenter during Scoping Process	...my questions surrounded why the habitat restoration was being planned, who owned the land that was being "restored, how the land was being acquired, and whether the land was being planned as mitigation for the planned conveyance system.
2009	Commenter during Scoping Process	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.
2009	Commenter during Scoping Process	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
2009	Commenter during Scoping Process	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?
2009	Commenter during Scoping Process	Will reductions in export quantity be considered by the BDCP? if so, at what stage of the process? If not, why not?
2009	Commenter during Scoping Process	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?
2009	Commenter during Scoping Process	How can you size the PC without knowing how much flow is needed for fisheries (scientific correlation between flow and fish abundance)

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Year of Scoping	Affiliation	Comment
2009	Commenter during Scoping Process	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.
2009	Commenter during Scoping Process	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?
2009	Commenter during Scoping Process	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?
2009	Commenter during Scoping Process	Just who is going to pay for this? Even if the Southern water interests assume the payments..., 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.
2009	Commenter during Scoping Process	"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?"
2009	Commenter during Scoping Process	"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?"
2009	Commenter during Scoping Process	"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!
2009	Commenter during Scoping Process	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.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Commenter during Scoping Process	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....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.
2009	Commenter during Scoping Process	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...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.
2009	Commenter during Scoping Process	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.
2009	Commenter during Scoping Process	How much water does the estuary require to maintain ecosystem integrity? How much surplus water is available for export?
2009	Commenter during Scoping Process	What are the economic and environmental consequences of various reduced export scenarios?
2009	Commenter during Scoping Process	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.
2009	Commenter during Scoping Process	Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a preconceived plan looking for a rubber stamp.
2009	Commenter during Scoping Process	How much water does the estuary require to maintain ecosystem integrity? How much surplus water is available for export?
2009	Commenter during Scoping Process	What are the economic and environmental consequences of various reduced export scenarios?
2009	Commenter during Scoping Process	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.
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Year of Scoping	Affiliation	Comment
2009	Commenter during Scoping Process	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
2009	Commenter during Scoping Process	Instead of trying to take more than is environmentally 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.
2009	Commenter during Scoping Process	What is not discussed, and an area where there is little compelling evidence, is the quantitative 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 commitment for design and construction of such a major project.
2009	Commenter during Scoping Process	...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?
2008	Conaway Preservation Group	The EIR/EIS And The BDCP Should Include An Analysis And Consideration Of Conservation Opportunities And Mitigation Measures Upstream Of The Delta
2008	Conaway Preservation Group	The BDCP Should Specifically Consider Opportunities In The Yolo Bypass
2008	Conaway Preservation Group	The BDCP Should Consider Additional Species
2008	Conaway Preservation Group	Conaway believes that there is an opportunity to implement the above-mentioned habitat and floodplain restoration efforts in the Yolo Bypass in a way that also addresses water quality.
2008	Contra Costa County Water Agency	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.
2008	Contra Costa County Water Agency	Is increasing freshwater flows for fish through the Delta one the conservation measures to be evaluated? It should be.
2008	Contra Costa County Water Agency	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.

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Year of Scoping	Affiliation	Comment
2009	Contra Costa County Water Agency	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?
2009	Contra Costa County Water Agency	Will the EIR/S consider reduced exports or regional self-sufficiency to attain stated goals?
2009	Contra Costa County Water Agency	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.
2009	Contra Costa County Water Agency	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?
2009	Contra Costa County Water Agency	Will the EIR/S consider a more solid structure that avoids these problems, such as a pipeline?
2008	Contra Costa Water District	Alternatives in the EIR/EIS, should (1) consist of a comprehensive set of actions, including projects proposed during the Delta Vision process, (2) include a broad range of conveyance facility options to ensure that potential solutions with reduced impacts are not overlooked, and (3) incorporate interim and near-term actions.
2008	Contra Costa Water District	A number of proposals have been developed that do not require relocation of intakes to the north Delta, nor require construction of pipelines or canals. These alternatives, which have been presented to the Delta Vision Blue Ribbon Task Force, must be fully considered and evaluated or the document could be significantly and fatally flawed.
2008	Contra Costa Water District	Failure to include alternatives that examine the benefits and impacts of increased flows or changed reservoir operations on the system appear to have been arbitrarily excluded in a way that appears to conflict with CEQA, the CEQA Guidelines, and NEPA.
2008	Contra Costa Water District	The adverse effects of reduced inflow to the Delta on Delta water quality (especially for drinking water uses) and fisheries are indisputable, yet the BDCP and the EIR/EIS have excluded alternatives that would meet the BDCP goals with potentially fewer impacts.
2008	Contra Costa Water District	The full range of reasonable alternatives that could feasibly attain all or most of the BDCP's basic objectives (including but not limited to those which could avoid and/or substantially lessen significant effects of the proposed action or actions) should be considered and evaluated.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Contra Costa Water District	Project alternatives should be developed to evaluate a broad range of conveyance capacity and configuration alternatives for this new facility, including but not limited to continued use of screened south Delta diversions and modifications to channels, that will reduce fish impacts and improve water quality in the Central and South Delta.
2008	Contra Costa Water District	Although DWR did not examine anything below 5,000 cfs, an earlier evaluation by CCWD found that a 2,500 cfs facility would provide similar water supply. While meeting water supply reliability goals, the smaller capacity facility would leave more water in the river system to benefit the environment and maintain or improve water quality...Additionally, a smaller capacity facility could be constructed as a pipeline, which has a number of benefits over an open canal..
2008	Contra Costa Water District	Since the conveyance facility will likely be crossing liquefiable soils in a seismically active region, seismic stability is a key issue. A pipeline, or a series of pipelines, would reduce risk of failure and shorten the time period the facility would be out-of-service for repair following a seismic failure in comparison to an open canal built of earthen levees.
2008	Contra Costa Water District	The existing Delta levees are currently being evaluated for risk to seismic events as part of the Delta Risk Management Strategy. Given the potential risk, it is difficult to justify building another 80 miles of levees associated with an unlined canal (the embankments) on top of liquefiable soils. Removal, replacement, and compaction of those soils, along with the cost of damage to existing drainages and associated land uses are likely to make a pipeline cost-effective compared to a properly designed canal capable of providing a secure water supply.
2008	Contra Costa Water District	The EIR/EIS should include an alternative consisting of a screened intake and pipeline of approximately 2,000 to 3,000 cfs that would provide a reliable water supply primarily to urban areas now exporting water from the SWP and CVP export pumps near Tracy.
2008	Contra Costa Water District	The EIR/EIS should examine fully screening all intakes, including the existing export intakes in the South Delta, with positive barrier fish screens for the export facilities...Screening these facilities to eliminate salvage and loss of adult delta smelt would improve fish population numbers and avoid a number of significant impacts associated with large canals.
2008	Contra Costa Water District	...Metropolitan Water District of Southern California, a potentially regulated entity of the BDCP, has proposed various barrier configurations and operational modifications to provide for protection of delta smelt equivalent to the current interim operational restrictions...while reducing the water supply impacts and Delta water quality degradation...The BDCP should incorporate similar near-term actions, designed with an integral monitoring component to evaluate the effects of these barriers on multiple species of concern.
2008	Contra Costa Water District	Implementation of pilot screens at or near Clifton Court Forebay could immediately reduce the loss of fish by predation in the Clifton Court Forebay and through salvage operations...This should be examined and environmental documentation completed on its own accelerated schedule.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Contra Costa Water District	A number of ecosystem habitat improvements could be incorporated into the near-term actions of the BDCP...Examples of such projects include: Restoration of floodplain habitat and salmon migration through the Yolo Bypass; Brackish tidal marsh habitat development in Meins Landing in Suisun Marsh; and Freshwater tidal marsh habitat development on Decker Island or Liberty Island...Such projects should be included in the EIR/EIS, with full evaluation and disclosure of potential impacts, including impacts to water supplies and water quality...
2008	Contra Costa Water District	Positive barrier fish screens should be considered at water intake locations covered by the proposed project.
2008	Contra Costa Water District	The EIR/EIS should analyze a wider variety of parameters for this facility, evaluating lower conveyance capacity and alternative configurations. Preliminary modeling indicates a 2,500 cfs peripheral pipeline, operated in combination with through Delta conveyance, will meet the water supply goals of the BDCP.
2009	Contra Costa Water District	CCWD encourages the Lead Agencies to evaluate immediate, interim, and near-term projects, including the 2-Gates Demonstration Project, pilot fish screens at Clifton Court Forebay, ecosystem restoration projects, and reoperation of the Delta Cross Channel.
2009	Contra Costa Water District	Failure to consider the full range of reasonable alternatives will also affect the ability of lead agencies to approve and of responsible agencies to permit any projects, potentially resulting in delays and even failure of the process to meet its goals and schedule. The full range of reasonable alternatives that could feasibly attain all or most of the BDCP's basic objectives (including but not limited to those which could avoid and/or substantially lessen significant effects of the proposed action or actions) should be considered and evaluated.
2009	Contra Costa Water District	The following alternatives, which have been presented to the Delta Vision Blue Ribbon Task Force, may meet the BDCP goals without building a new conveyance around the Delta: (1) "A Long Term Vision for the Sacramento-San Joaquin Delta: A Work in Progress", submitted by: The Bay Institute, Natural Heritage Institute, Natural Resources Defense Council, The Nature Conservancy, Planning and Conservation League, California Water Impact Network and Environmental Defense; (2) "A Water Plan for the 21st Century", submitted by: In-Delta Group; and (3) "Delta Corridors", submitted by: Russ Brown.
2009	Contra Costa Water District	CCWD therefore requests that these alternatives be thoroughly considered and that at least one through-Delta conveyance alternative be evaluated in the EIR/EIS in accordance with CEQA and NEPA.
2009	Contra Costa Water District	CCWD requests the dual conveyance alternatives in the EIR/EIS (1) include an alternative with a 2,500 cfs pipeline and another alternative with a 5,000 cfs canal; (2) explicitly define the range of anticipated operations, and include analysis of operations under the higher bypass flow scenario proposed by the California Department of Fish and Game; and (3) include modification of existing South Delta export facilities.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Contra Costa Water District	The EIR/EIS should evaluate a dual conveyance alternative with a 2,500 cubic feet per second (cfs) pipeline to move water from the new North Delta diversion(s) to the SWP and CVP export facilities in the South Delta. While meeting water supply reliability goals, the smaller capacity facility would leave more water in the river system to benefit the environment and maintain or improve water quality (see environmental impacts section). Additionally, the facility should be constructed as a pipeline, which has a number of benefits over an open canal...
2009	Contra Costa Water District	Since the conveyance facility will likely be crossing liquefiable soils in a seismically active region, seismic stability is a key issue. A pipeline, or a series of pipelines, would reduce risk of failure and shorten the time period the facility would be out-of-service for repair following a seismic failure in comparison to an open canal built of earthen levees.
2009	Contra Costa Water District	Given the potential risk, it is difficult to justify building another 80 miles of levees associated with an unlined canal (the embankments) on top of liquefiable soils. Removal, replacement, and compaction of those soils, along with the cost of damage to existing drainages and associated land uses are likely to make a pipeline cost-effective compared to a properly designed canal capable of providing a secure water supply.
2009	Contra Costa Water District	For certain storm events, the proposed canal alignments will have very long fetch, which would produce large wind waves within the canal, potentially causing significant erosion and overtopping. Using rip-rap or other means to resist the action of wind waves will increase head losses along the canal, resulting in larger cross-sections and larger environmental impacts.
2009	Contra Costa Water District	The EIR/EIS should include a dual conveyance alternative consisting of a screened intake and pipeline (instead of a canal) with a capacity of approximately 2,500 cfs.
2009	Contra Costa Water District	The EIR/EIS should evaluate a second dual conveyance alternative with a 5,000 cfs canal to move water from the new North Delta diversion(s) to the SWP and CVP export facilities in the South Delta.
2009	Contra Costa Water District	Operation of the new and existing SWP and CVP facilities will greatly affect the potential impacts; therefore, the EIR/EIS must fully disclose and analyze the full range of anticipated operations of each conveyance alternative. BDCP modeling studies to date have shown that the new isolated facility being considered is clearly oversized. Oversizing the facility implies that the operational constraints that were modeled might be changed or relaxed, allowing the facility to be used more often than evaluated within the EIR/EIS and/or that additional facilities are anticipated but not included in the environmental documentation.
2009	Contra Costa Water District	A higher bypass flow scenario proposed by the California Department of Fish and Game (CDFG) has not been examined by the BDCP. The high bypass flow scenario should be analyzed in the EIR/EIS along with the low and mid-level bypass flow scenarios and the environmental impacts of each examined.
2009	Contra Costa Water District	Due to the continued reliance on existing South Delta export facilities, the EIR/EIS should include measures to reduce direct mortality of fish at these facilities in each of the dual conveyance alternatives and the through Delta conveyance alternatives.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Contra Costa Water District	The EIR/EIS should examine fully screening all intakes at export facilities, including the existing export intakes in the South Delta, with positive barrier fish screens.
2009	Contra Costa Water District	Alternatives that would also reduce take in the South Delta, such as use of bypass flows, barriers and separation of Old and Middle Rivers to provide a habitat corridor, were developed in the Delta Vision process and should be evaluated in detail in the EIR/EIS. Failure to consider measures to reduce take at the existing South Delta facilities would render the document incomplete and inadequate.
2009	Contra Costa Water District	A number of potential pilot projects, with goals similar to the BDCP effort, have been proposed in the central Delta. The projects could provide protection to Delta fish by impeding migration toward the South Delta export facilities (thus reducing take) and improve water quality by reducing salinity intrusion in the fall. For instance, Metropolitan Water District of Southern California...has proposed various barrier configurations and operational modifications ["2-Gates Demonstration Project"]....If these projects are not started immediately on their own, then the EIR/EIS should incorporate similar near-term actions in each of the alternatives, designed with an integral monitoring component to evaluate the effects of these barriers on multiple species of concern.
2009	Contra Costa Water District	A number of ecosystem habitat improvements could be incorporated into the near-term actions of the BDCP. Many projects have been proposed and advanced to various levels, but have not yet produced environmental documents. By incorporating these habitat improvement projects into the EIR/EIS, the projects would contribute to species recovery in the near-term and provide additional information for subsequent habitat improvement projects. Examples of such projects include: • Restoration of floodplain habitat and salmon migration through the Yolo Bypass; • Brackish tidal marsh habitat development in Meins Landing in Suisun Marsh; and • Freshwater tidal marsh habitat development on Decker Island or Liberty Island.
2009	Contra Costa Water District	Alternative operation of the Delta Cross Channel (DCC) was proposed as part of the North/Central Delta Salmon Out-migration Study, coordinated by the Department of Water Resources. Based on the results of previous studies, the principal investigators hypothesize that the DCC "gates could be operated with respect to the diel cycle to minimize fish movements into the central Delta while at the same time minimizing water quality impacts in the central Delta. These observations motivate the idea of closing the gates at night, presumably a period when salmon outmigrants are more vulnerable to entrainment into the DCC. Using this operational strategy, the DCC would be allowed to convey water into the central Delta during the day (and recreational boaters could move freely from the central to northern Delta through the DCC), where it would presumably alleviate water quality concerns and allow increased exports over fully closed conditions."
2009	Contra Costa Water District	The EIR/EIS should incorporate modifications to the DCC operations as a near-term action in each of the through Delta alternatives and dual conveyance alternatives, designed with an integral monitoring component to evaluate the effects of the barrier operations on multiple species of concern. Reoperation of the DCC could have immediate benefits and provide valuable data to assist in the long-term operation of a through Delta or dual conveyance project.

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Year of Scoping	Affiliation	Comment
2009	Contra Costa Water District	Any proposals to change current water quality standards must be thoroughly evaluated and, regardless of whether such changes are assumed to be lawful, the impacts on all beneficial uses of Delta water must be disclosed.
2009	Contra Costa Water District	...the plan should examine the benefits of installing positive barrier fish screens on reducing salvage and potentially increasing FMWT indices, and the additional benefits on through-Delta flows, fisheries and water quality levels. The EIR/EIS should examine using positive barrier fish screens on all export facilities in order to achieve the project goal of obtaining a take permit for operation of existing and future facilities..
2009	Contra Costa Water District	The EIR/EIS also should evaluate the alternative of a pipeline conveyance system in order to avoid this impact [severing irrigation and drainage ditches].
2009	Contra Costa Water District	The EIR/EIS also should evaluate the alternative of a pipeline conveyance system in order to avoid this impact [seepage from unlined canal].
2009	Contra Costa Water District	The EIR/EIS also should evaluate the alternative of a pipeline conveyance system in order to avoid this impact [subject to failure in seismic events].
2009	Contra Costa Water District	Since the NOP indicates operation and maintenance of the proposed facilities will be a covered action, the EIR/EIS must evaluate the impacts associated with anticipated operation and maintenance activities, including: • aquatic weed management and the potential use of herbicides or physical clearing of vegetation that will be necessary along, and in, any canal, especially during the long winter periods in dry years when the canal is not used. • levee maintenance, and • facility security.
2009	County of Sacramento	It is vitally important that all programs or facilities implemented or constructed in the Delta, including programs or facilities implemented as part of the BDCP, be subject to local governance and not result in significant adverse environmental, economic or social impacts to Delta counties or the watersheds of origin of Delta waters.
2009	County of Sacramento	The County understands that restoration activities will require the purchase of lands within the Delta from willing sellers. Presumably, many of these habitat lands have existing water supplies and water rights. The past history of our State provides ample evidence of why these water supplies and rights should not be exported.
2009	County of Sacramento	Actions associated with the Delta ecosystem and water supply reliability for areas south of the Delta must not redirect unmitigated adverse environmental, economic or social impacts to Sacramento County.
2009	County of Sacramento	Other adverse impacts of water conveyance facilities routed through Sacramento County must be fully mitigated, Sacramento County must be fully involved in routing and operational issues of water conveyance facilities located within Sacramento County.
2009	County of Sacramento	Sacramento County will protect its ability to govern, as an elected body, from proposed usurpation through governance by a non-elected, appointed board or council. Any councils, commissions or boards established to "govern" the Delta must include voting membership for elected representatives from Sacramento County, and elected representatives from the Delta counties must be a majority on any of these bodies.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	County of Sacramento	Any solution to the problems being addressed in the Delta must account for the multiple causes of the Delta's decline and not simply focus on one or even a limited number of them.
2009	County of Solano	First, it is unclear whether the 8,000 acres required under the USFWS OCAP Biological Opinion is included in the proposed acreage or is in addition to the acreage identified. This needs to be clarified in the EIR/EIS.
2009	County of Solano	...it is not clear how the 8,000 acres identified in the USFWS OCAP Biological Opinion are addressed -whether they are in addition to or would be included in the acreage identified in the BDCP. Nor is it clear what additional areas would be needed to meet the 50,000 to 80,000 acre long-term target for tidal marsh restoration. It is also not clear as part of adaptive management if more area would be needed in the future for habitat restoration and if needed where that will occur. The EIR/EIS must clearly define the whole of the project including long term operations and the potential restoration of 50,000 to 80,000 acres to tidal marsh.
2009	County of Solano	The amount of land that would be required or disturbed as part of the West Delta Canal/Pipeline has not been identified. The EIR/EIS needs to do so.
2009	County of Solano	The BDCP incorporates the principals of adaptive management for the habitat restoration projects. A responsible agency must be identified with adequate perpetual funding for management, maintenance and monitoring of restoration areas. This should be done through an endowment. Adaptive management may also require future changes unknown at this time to management practices and/or the need for additional habitat areas which would be subject to additional environmental review. Mitigation measures must include the following: Identification of a responsible entity for monitoring and adaptive management of habitat projects and associated lands Endowment to provide perpetual funding for management, monitoring and maintenance.
2009	County of Solano	For successful implementation of the BDCP and EIR/EIS mitigation measures, a stakeholders group must be formed that will have oversight of the project implementation including evaluating the success of the restoration projects and implementation of adaptive management measures. This group must include local representatives including a representative from Solano County.
2009	County of Solano	The EIR/EIS should indeed fully identify and analyze the water conveyance alternatives. However, the EIR/EIS should also include an alternative that does not involve the establishment of a canal/pipeline system and alternatives for water sources including desalination. Water conservation programs must also be considered. Questions that should be addressed under this alternative include: will water conservation programs for agencies receiving exported Delta water be equal to or better than the water conservation programs in the Delta? Who will be responsible for enforcing water conservation programs?
2009	County of Solano	...alternatives for habitat restoration and reduction of stressors were not identified in the NOP/NOI. Alternatives must be developed and analyzed in the EIR/EIS for these components of the project as well.



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Year of Scoping	Affiliation	Comment
2009	County of Yolo	The completed Bay Delta Conservation Plan must incorporate the following, related to BDCP activities in Yolo County: Preserve tax, assessment and other revenue sources and mitigate the costs of increased public services; Mitigate economic impacts of projects and management changes; Maintain a viable agricultural economy; Protect the Yolo County Natural Heritage Program; and Protect the Vic Fazio Yolo Bypass Wildlife Area and agriculture in the Bypass.
2009	County of Yolo	The Delta Conservancy must have substantial local representation on its governing body, a dedicated funding source, and the capacity to assist local government in addressing changes in the Delta, including but not limited to economic development, recreation, tourism, conservation of agriculture and open space.
2009	County of Yolo	PARAMETERS FOR DELTA-RELATED HABITAT PROJECTS Willing sellers only; Payment in-lieu of property tax for lands changing from private to public ownership; Payment for lost business opportunity and income, including socio- economic issues; Project impacts originating in Yolo County must be discharged in Yolo County; Permanent protection/preservation of like or better quality agricultural lands for agricultural lands converted, compliance with local policies regarding conservation easements; Buffers sufficient to avoid the need for additional restrictions on farm practices on surrounding lands; Continued payment of special district assessment and fees; Mitigation of costs for increased public services (e.g. law enforcement, fire, rescue, roads); No adverse changes to flood protection for surrounding areas; Full ESA and CESA protection for neighboring lands/landowners; Full ESA and CESA protection for affected water diversions; Consistency with the Yolo Natural Heritage Program;...
2009	County of Yolo	Protection of existing high value habitat, such as in the Yolo Wildlife Area; Mitigation for loss of terrestrial habitat for special status species and other wildlife; Funding and responsible entity for monitoring and adaptive management of habitat projects and associated lands; Control program for vectors, invasive species and agricultural pests; No out of county water transfers from converted lands; No increase in mercury release or transport; Mitigation for increased organic carbon at North Bay Aqueduct; Maximize public recreational opportunities associated with habitat projects; If possible, projects will be designed to accept dredged materials from the Sacramento Deep Water Ship Channel; Permanently funded stakeholder working group for the Yolo/Solano portion of the Delta; and Opportunity for Yolo County to obtain mitigation of future impacts associated with County public works projects (e.g., roads, bridges, levee work) as part of habitat projects.
2009	County of Yolo	The January 12, 2009 draft of the BDCP contains some core elements that -- for example, proposed to inundate -- to modify the Fremont Weir it would inundate the Yolo bypass to the point where we're concerned that we're going to lose agriculture in the bypass entirely. Some of the proposals also would obviously stand to cause significant changes in the Clarksburg area. We feel this deserves direct written assurance from the BDCP Steering Committee that the full impacts of these actions will be completely addressed.
2009	County of Yolo	We would like to respectfully request that everyone remember that the Delta is more than an ecosystem problem. People live here and the proposals for fixing the Delta are going to have huge impacts on their lives. We believe that there should be a third co-equal goal to the Delta vision, which is sustaining the intrinsic values of the the Delta as a place.

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Year of Scoping	Affiliation	Comment
2009	Delta Caucus	Is there enough developed water to support the considerable investment in the Delta being proposed by the BDCP and would that investment be better used to support development of other options such as regional self-reliance?
2009	Delta Caucus	Should Delta conveyance be an interim solution while other viable options to develop a reliable water supply for the State of California are identified and developed?
2009	Delta Caucus	The design capacity of proposed conveyance facilities should be determined by the amount of export water available. Each alternative should be developed to reflect the limitation of available water for export.
2009	Delta Caucus	The EIR must explain why the BDCP isolated facility (peripheral canal) is being designed to convey 15,000 cubic feet per second. Do normal river flows justify an isolated facility capable of conveying 15,000 cubic feet per second? How much water will be conveyed "through Delta"? Will smaller capacity isolated facilities be considered?
2009	Delta Caucus	The EIR should examine alternatives in depth to determine if "Through Delta" conveyance is friendlier to the entire Delta ecosystem than removing water from the common pool in the North Delta and conveying it for export in an isolated facility.
2009	Delta Caucus	The Delta Protection Act of 1992 was passed to protect the Primary Zone of the Delta for agriculture, habitat and recreation. The EIR should determine how these Delta resources will be negatively impacted and how alternatives can be designed to be compatible with the Act and its objectives. For example, water from isolated facilities could be piped underground across reclamation districts rather than in surface canals to eliminate negative impacts to drainage, flood control and irrigation systems caused by dividing reclamation districts.
2009	Delta Caucus	The EIR must develop governance structures which will protect the Delta environment and its socio-economic interests. Governance structures must be legally required and have the authority to act swiftly to curtail and even stop water exports in order to maintain a healthy fresh water Delta and comply with all water laws, constraints and contracts.
2009	Delta Caucus	Because in the near and intermediate term, water exports must be conveyed through Delta, every effort should be made to make this alternative work for the long term and thus avoid the additional expense and considerable negative impacts of building an isolated facility.
2009	Delta Caucus	The EIR should identify in detail all factors which influence the abundance of targeted fish and only propose those actions which show a strong positive correlation to increased fish abundance.
2009	Delta Caucus	While the adaptive approach might work for small projects, large-scale conversion of agricultural lands should only be based upon sound science linking land conversion to increased fish abundance. Large scale, irreversible experiments should not be conducted and permits should not be issued without sound scientific expectations.
2009	Delta Caucus	Where sound science shows a strong positive correlation between fish abundance and habitat creation, land already owned by the public should be converted first. Eminent domain should not be used to acquire habitat restoration sites.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Delta Caucus	...the Delta Caucus suggests that the BDCP broaden its focus to include more than the Delta. California water reliability for the future should not be dependent on Delta conveyance or circumvention which will likely result in unexpected negative impacts to the Delta ecosystem and socio-economic environment. The water supply for millions of Californians will be more secure and reliable by increasing regional supplies and reducing dependence on the Delta.
2009	Delta Caucus	The draft EIR must show a correlation between tidal wetlands and wetlands and a fish abundance, if it doesn't, we're going into an adaptive process that might try one thing after another, after another and all of them may fail. How do we establish a permit that doesn't have certainty? I challenge the U.S. Fish and Wildlife Service to look at this process and this plan to determine whether it has certainty.
2009	Delta Caucus	...the draft EIR must explain why the BDCP isolated facility is designed to convey 15,000 cubic feet per second. Is that volume based upon science to support a healthy Delta? Or achieving maximum exports without regard to the health of the Delta?...If the maximum export capacity is 15,000 cubic feet per second and the preferred alternative is a dual conveyance system, why isn't the capacity of the peripheral part reduced by the conveyance capacity of the through Delta part to give you a combined capacity of 15,000 cubic feet per second -- a smaller ditch, please. Wouldn't it be more appropriate to size the peripheral part of the dual conveyance system by starting with that critical amount of water that must pass through the Delta subtract the amount that you're going convey through Delta and what is left is what you convey peripherally -- and that may be nothing. Why propose digging a big ditch that you may not even be able to use? Why do that?
2008	Delta Diablo Sanitation District	All solutions should be explored, including reoperations; decreasing water supply obligations through conservation, water transfers, and recycling; increased storage; engineered solutions to redirect flows, etc.
2008	Delta Diablo Sanitation District	One solution that should be included in the planning and environmental review of the BDCP is the development of a new water supply from the western part of the Delta. Such a water supply could help relieve the Delta of its water supply obligations, as well as allow precious upstream reservoir releases to flow through the Delta prior to diversion. Over the past three years, the District has completed feasibility level studies on locating a new fish friendly, high quality water supply project within the DDSD service area. The project would divert water out of one or more of the existing water supply intakes owned by others within the District's service area, and utilize advanced treatment to convert the brackish water from the western part of the Delta into a high quality water supply for urban or agricultural purposes.
2009	Delta Diablo Sanitation District	The concept of developing a new water supply in the western part of the Delta should be evaluated at an equal level of detail as any of the project concepts that involve moving water from the north around the Delta. A water supply project in the western part of the Delta allows the water to flow through the Delta and provide the necessary fishery benefits.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Delta Farmer	In 1856, the Arkansas Swamp and Overflow Act was enacted, giving all the swamp and overflow lands back to the state under the condition that these lands will be reclaimed for productive agricultural purposes and become economic viability for the counties and the state they were within. These lands then came to the state and under our own government resource code, had a way of selling them to us. Under conditions and under a contract that we would reclaim these lands and make them productive and agricultural lands. It is in the resource code that the common law of public trust was passed to us without it -- without reservation in commerce navigation and fisheries. I was told that the California Coastal Commission has determined that you cannot give away the public trust on tidelands...I am saying to you folks, if you go ahead with this project, you're not only in violation of federal law, state law -- but you are in breach of contract with all of us in this room.
2008	Delta Farmer	I urge you to include at the top of your Protected Species List, the California Delta Farmer.
2009	Delta Farmer	...when are these diversions supposed to occur? I've heard people say verbally from your group that this is only going to happen when we have excess flows. Okay. That's all good and well. But that means last year after spending billions and billions of dollars initially and ongoing expenses that there wouldn't be diversions made out of the river last year. This year, maybe a month, probably less than a month we had somewhat of a high water flow not really even a high water flow but more flow than usual. That is when we're going to use this? We're going to spend all this time and effort and that's when we're going to use it.
2009	Delta Farmer	There's issues with availability of funds to do these things...
2009	Delta Farmer	So if we don't have the flows to make this system work in the first place, we're spending billions upon billions upon billions on something that may or may not work and may or may not be workable, depending on the flows coming down the river in the first place...This does not pass a common sense test with me, personally. It just doesn't pass the common sense test.
2009	Delta Farmer	You've got to have water storage to put in this canal and you've got to have water storage when it leaves the canal, neither of which has been provided for. So we build a ditch and we have no water to put in it. It doesn't make sense to me.
2008	Delta Protection Commission	To minimize impacts on agricultural practices, utility lines shall follow edges of fields. Pipelines in utility corridors or existing rights-of-way shall be buried to avoid adverse impacts to terrestrial wildlife.
2008	Delta Protection Commission	A program by non-profit groups or other appropriate entities should be developed to promote acquisition of wildlife and agricultural conservation easements on private lands with the goal of protecting agriculture and wildlife habitat in the Delta.
2008	Delta Vision Blue Ribbon Task Force	The BDCP EIR/S should directly assess alternative choices by how well they serve these two co-equal goals as the primary framework for analysis....We believe that the approach should ensure that restoring these functions is a central component of the plan, and not treated merely as mitigation to offset continued water export functions..
2008	Delta Vision Blue Ribbon Task Force	..the EIR/S should include the full range of combinations of improved through Delta and alternative conveyance.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Delta Vision Blue Ribbon Task Force	The BDCP EIR/S should include clear description of near term actions which will be taken to improve ecosystem function and water system reliability and to protect human life.
2008	Delta Vision Blue Ribbon Task Force	Incorporate assumptions on water conservation to be achieved through the Governor's announced plan....of a 20% statewide reduction in per-capita use by the year 2020.
2008	Delta Vision Blue Ribbon Task Force	The BDCP should clearly state expectations on water diversion under different conditions and the decision processes and rules it would use to determine allowable diversions under a range of hydrological and climatological conditions.
2008	Delta Vision Blue Ribbon Task Force	We recommend that the BDCP include sufficient details to guarantee that the conservation measures contemplated by the final plan will be fully and properly implemented. These details should include specific implementation schedules, financing commitments and assignments of appropriate roles and responsibilities to ensure vigorous implementation.
2008	Delta Vision Blue Ribbon Task Force	It would be extremely valuable if the BDCP analysis is written in a format which allows the incorporation of its water diversions, export operational
2008	Delta Vision Blue Ribbon Task Force	Clear description of the complexity and cost all proposed changes in conveyance and storage.
2008	Delta Vision Blue Ribbon Task Force	Clear description of how the design and operation component of each alternative serves ecosystem health and resilience.
2008	Delta Vision Blue Ribbon Task Force	Clear description of effective adaptive management. Include adequate description of a comprehensive monitoring, assessment and adaptive management program, including the processes and factors which will result in decision makers actually managing adaptively.
2008	Dublin San Ramon Services District	The analysis should include a component that is focused on identifying quick, near-term projects to immediately stabilize Delta water supply reliability and water quality... such a project is a proposal to construct facilities at Frank's Tract that would reduce salinity incursions into the central Delta and simultaneously benefit Delta smelt habitat. Immediate actions that can alleviate the potential damage from levee failure should also be included in this component, in an effort to provide greater protection for public safety and for the security of drinking water supplies..
2008	Dublin San Ramon Services District	The analysis should also include projects that have the potential for providing means for diverting water from the Delta through adequately screened intakes at locations other than the existing Banks and Jones pumping plants.. such a project is the proposal to expand Los Vaqueros Reservoir and construct a pipeline from there to Bethany Reservoir..
2008	Dublin San Ramon Services District	A second example is the multi-agency desalination facility being studied for location in the brackish waters of the lower end of the Delta..
2008	Dublin San Ramon Services District	The EIR/EIS must equally and comprehensively consider water supply and conveyance, water quality (with particular emphasis on drinking water quality), and ecological restoration and management objectives and possible solutions.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Dublin San Ramon Services District	Identify the impacts and include options that encourage and provide incentives for significant statewide and/or regional improvements to local water conservation, surface water and groundwater management, water recycling and desalination.
2008	Dublin San Ramon Services District	So we need a sustainable water system for the entire State of California, and I think a critical part of that sustainable water system is a sustainable Delta. And so we need to improve the Delta.
2008	Dublin San Ramon Services District	I think of the Delta as the heart and soul of the entire California water system, and maybe bypass surgery -- maybe a canal, a pipeline, an alternative water conveyance system would be a good thing. And it would make it a sustainable Delta, which would make a sustainable water system.
2008	Dublin San Ramon Services District	We support the preparation of the conservation plan and we look forward to a more sustainable water supply for people of the state of California.
2008	East Bay Municipal Utility District	One example of a structural measure is tunneling a Through Delta Conveyance channel under the Mokelumne River into the South Fork to allow the North Fork to be used for fish migration and separated from the South Fork with a flood gate. A fish ladder would provide access to upstream migrating salmonids from the South Fork into the Mokelumne River or to the Sacramento River.
2008	East Bay Municipal Utility District	Another structural option to consider would be the construction of a fish screen and boat lock at Terminous, to prevent fish passage from the South Fork of the Mokelumne River into Little Potato Slough. This option would also facilitate the downstream migration of juvenile salmonids originating on the Mokelumne and Cosumnes rivers.
2008	East Bay Municipal Utility District	A third structural option would be to redirect the Mokelumne River into the Sacramento River upstream of the Delta Cross Channel, via Meadows Slough. This option would place the migratory Mokelumne and Cosumnes fish into the Sacramento River where they would have a better chance of avoiding entrainment in the central and southern Delta.
2009	East Bay Municipal Utility District	In considering construction and operation of an eastern alignment of the isolated conveyance facility, design and construction of tunnels under the Mokelumne River must sustain full and continual flow in the river to protect salmon migration.
2009	East Bay Municipal Utility District	The EIS/EIR alternatives examined should include physical structures to keep Mokelumne-origin salmonids from becoming entrained in the South Fork/Middle River/Victoria Canal conveyance corridor. Structural mitigation measures could include a method to route Mokelumne-origin salmonids away from the primary water supply conveyance corridor: One example of a structural measure is tunneling a Through Delta Conveyance channel under the Mokelumne River into the South Fork to allow the North Fork to be used for fish migration. The channel could be separated from the South Fork using a flood gate. A fish ladder would provide access to upstream migrating salmonids from the South Fork into the Mokelumne River or to the Sacramento River.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	East Bay Municipal Utility District	Another structural option would be construction of a fish screen and boat lock at Terminous to prevent fish passage from the South Fork of the Mokelumne River into Little Potato Slough. This option would also facilitate the downstream migration of juvenile salmonids originating in the Mokelumne and Cosumnes Rivers, Alternatively an acoustic bubble barrier should be considered at the entrance to Little Potato Slough off the Mokelumne South Fork to keep fish from being entrained in the through Delta conveyance corridor.
2009	East Bay Municipal Utility District	A third structural option would be to redirect the Mokelumne River flow into the Sacramento River upstream of the Delta Cross Channel, via Meadows Slough. This option would place the migratory Mokelumne and Cosumnes salmonids into the Sacramento River, where they would have a better chance of avoiding entrainment in the central and southern Delta.
2009	East Bay Municipal Utility District	A fourth structural option would route the Through Delta Conveyance originating from the Sacramento River into the South Fork at Beaver Slough. This option should not preclude adult salmon from homing into the Mokelumne River via the South Fork. This option would create reverse flows in the South Fork upstream of Beaver Slough which would keep downstream migrating juvenile salmon from the Mokelumne River from entering the lower South Fork and Middle River conveyance corridor and instead the reverse flows above Beaver Slough would guide them into the North Mokelumne Fork. Hydrologic modeling should be performed to determine how often this condition exists under various tidal conditions.
2009	East Bay Municipal Utility District	In addition to consideration of structural measures, operational changes should be explored to protect salmonid passage between the Bay and the Mokelumne River, including changes to operating gates and pumping rates during fish-sensitive periods. Fish-sensitive periods vary by hydrologic conditions which illustrates changes in Mokelumne salmon outmigration based on water year type.
2009	East Bay Municipal Utility District	Near term (<15 years) habitat restoration efforts should include tidal marsh restoration in the Mokelumne, Cosumnes and East Delta restoration opportunity areas.
2009	East Bay Municipal Utility District	And we hope that the plan addresses ways to improve the survival of salmon and steelhead from the Mokelumne River. Because under the current situation, we don't believe the run can be self sustained. And it has become even more important recently with the change of Fish and Game policies on egg transfers.
2009	East Bay Municipal Utility District	So we hope that you would consider some structural fixes to keep salmon steelhead from the Mokelumne River from being entrained in the conveyance corridor that would include the South Fork of the Mokelumne River, middle river to the Victorian Canal.
2008	Family in Clarksburg	What assurances are there that the creation of this "tidal marsh wetland" would have the intended outcome?
2009	Family in Clarksburg	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.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Family in Clarksburg	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...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...
2009	Family in Clarksburg	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 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.
2008	Farmer in Clarksburg	Instead of working on the symptom, You should be attacking the problem of an ailing Delta. The problem is staring you in the face! 6.5 million Acre Feet of water is contracted to export from the Delta with a Water Shed that will not support it.
2008	Farmer in Clarksburg	What broke the Delta was trying to just -- is trying to export six and a half million acre feet of water from the Delta that the water shed cannot support.
2009	Farmer in Clarksburg	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.
2009	Farmer in Clarksburg	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...there are already several available flooded islands...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...
2009	Farmer in Clarksburg	...there should have been three prong approach to this thing and everybody here knows that. There's no -- there should've been a spot for a third prong, for the social and economic wellbeing of the Delta. And should be an economic impact that goes along with it that has that same representation
2009	Farmer in Clarksburg	Any eminent domain property that gets done around here needs to be valued at a minimum of the same value of the areas that benefit instead of southern California.



Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Farmer in Clarksburg	We will not now, stand by idly, as the objects of an environmental experiment based on presumptions. We will, however, stand with you to fully utilize existing flood control infrastructure such as the Yolo Bypass to assure better flood protection for the Sacramento area.
2008	Farmer in Clarksburg	We will not now stand by idly as the objects of an environmental experiment based on presumptions. We will, however, stand with you to fully utilize existing flood control infrastructure such as Yolo Bypass to ensure better flood protection for the Sacramento Area.
2009	Farmer in Clarksburg	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.
2009	Farmer in Clarksburg	Outlined 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.
2009	Farmer in Lodi	How much is all this going to cost? Does anybody have an idea? Does anybody read the newspapers? We have record furloughs, lay offs, foreclosures, car dealerships closing, corporation closing, and our state is at a 14 billion dollar deficit. Where are you going to get this money? And how much is it going to cost? Anybody? Just throw a number out there -- ballpark figure.
2009	Farmer in Lodi	...I'd like for you to go down to southern California and tell those people, all 25 million of them that, "Hey, you chose to build homes in the desert. You chose to build businesses in the desert, now you're going to build desalinization plants."
2009	Farmer in Solano County	...where is the down-range storage capacity when we have an abundance of this high-quality water.
2009	Farmer in Suisun Valley	...why is the cost of desalination plants versus all the other kinds, reclaimed water versus a dam, and what cost...of getting a dam there and catching that water, and we can let it down...And why aren't we getting more up and down the mountain ranges north and go to L.A. and not take away from Northern California farmers and the people
2008	Farmer in the South Delta	It said people from within the Delta led by Tom Zuckerman, and by the South and Central Delta Water agencies have proposed specific alternatives which would solve any problems without the canal and all of the havoc that a canal would cost including increased longer stages during floods.
2008	Farmer in Turlock	Improving the sustainability of the Delta is the key policy priority for ACWA's 448 member throughout the State. We recognize that California cannot hope to achieve a comprehensive water solution without a plan to reverse the Delta's ecosystem decline.
2009	Farmer of Clarksburg	How does taking water from the Delta help with recovery of all these species that your so concerned about? We're in a drought right now. And before that canal and those pumps were put in down south, we were still in pretty good shape. But now it's -- the burden is on us to provide water for southern California. And my belief is that the species are very low on the totem pole and the main thing is the transfer of water from our backyard to someone else's so they can fill their swimming pools.

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Year of Scoping	Affiliation	Comment
2009	Farmers of Yolo County	The technical details of how more water will be put into the bypass needs to be looked at very carefully. It can be a very expensive process, perhaps because of the levels in the contours of the land there, and ongoing maintenance costs that need to be looked at.
2008	Friends of Clarksburg Library	FOCL is very concerned with the proposals that would either convert certain areas of the Clarksburg area into "tidal marsh wetlands" or a "Primary Habitat Restoration Zone". As presented to the community the Bay Delta Conservation Plan proposes the creation of tidal marsh wetlands where none have existed before, and the restoration of aquatic habitat that may have a negative effect on existing habitat.
2008	Fullerton Chamber of Commerce	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.
2009	Grand Island Ranch	Money would be "better spent" on desalinization technology.
2009	Grand Island Ranch	Any approach utilizing the existing "deep water channel" is preferred regardless of cost.
2008	Greene and Hemly	Have there been pilot projects demonstrating that the species intended to be benefited by the project have indeed benefited from similar projects on a smaller scale?
2008	Helix Water District	All analysis says that the delta levees will fail in the future. That will be a disaster to us as water suppliers and it's going to be a disaster to the biology of the delta. So, we strongly support a balance approach to solving the problems in the delta. We also strongly support methods that will provide reliable water conveyance around the delta so that we in Southern California and the economy that's based in Southern California will be able to continue and serve the public.
2008	Hoopa Valley Tribal Council	The goals of the Plan must explicitly include implementation in a manner that complies with applicable federal Indian trust responsibilities including legal requirements to restore and maintain Trinity River salmon populations to historic pre-dam levels.
2009	Hoopa Valley Tribal Council	We are concerned that the Federal agencies, who have a responsibility to protect our tribal interests, have been silent on how they plan on protecting Trinity River funding and water supply as the plans for addressing problems in the Delta evolve.
2009	Hoopa Valley Tribal Council	As the Administration and Congress consider solutions for the Delta crisis, they should not subordinate ongoing and prior responsibilities for Trinity River restoration.
2009	Hoopa Valley Tribal Council	because to fix Delta Smelt there has to be a funding program, to fix salmon -- ocean fisherman are completely shut down at this point. We were shut down up in the Trinity River. To fix these problems, we now have to have guaranteed funding sources, along with conveyances and all these plans, because there are other parts of the funding, which CVPIA says it's a contractor pay, user pay, but that's not in the process.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Inland Empire Economic Partnership	And, applaud your efforts to balance the different competing needs that have been discussed today in terms of water supply, reliability and quality, as well as interests between environmental needs and preserving the delta and the full range of statewide needs, particularly in regards to second (unintelligible) development.
2008	Irvine Chamber	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.
2008	Irwindale Chamber of Commerce	We need to restore the Delta ecosystem and to rebuild the conveyance system.
2008	KB Home	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.
2008	Kern County Water Agency	We believe that construction of an isolated facility, the operation of dual conveyance, is the most reasonable approach, and we expect that the BDCP process will lead to that conclusion.
2008	Kern County Water Agency	...that as you complete the BDCP, remember the co-equal role of protecting species and protecting water supplies.
2008	Kern County Water Agency	And as part of this process you've got to take a fair look at all the stressors that are affecting the health of the Delta, that's invasive species, that's toxics, that's other pumpers besides the federal and state export facilities. And again, we think that that's an important part, that you maintain a scientific objectivity that looks at all of the stressors that have been identified.
2009	Kern County Water Agency	While we recognize the importance of a governance structure that balances the various interests of the state, including those directly related to the environment. However, it is critical that California's water needs for people, farms and businesses not be ignored in the attempt to protect fish species.
2009	Kern County Water Agency	It is vitally important to avoid the tendency to focus the attention on State Water Project and Central Valley Project pumping as & cause of fish population declines. Other stressors must be included in any attempt to develop solutions intended to help the fish. Invasive species, toxics like ammonia and endocrine disrupters, predation, in-Delta diverters and legal and illegal harvesting of endangered species must all be analyzed. Otherwise, the pumps may function as the scapegoat, but fish won't be helped, and people will be hurt-severely!
2009	Kern County Water Agency	...completion of a new Delta conveyance facility must be a top priority for Californians...We are in a position to set in motion the water infrastructure that will sustain California's economic viability, in the same way our predecessors did in the 1940s with the State Water Project and Central Valley Project...It's time we stepped up to the plate and secured the future of current and future Californians.

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Year of Scoping	Affiliation	Comment
2008	La Verne Chamber of Commerce	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.
2008	Los Angeles Area Chamber of Commerce	The BDCP must stick to its stated goal of placing the needs of the future Delta ecosystem and that of the water systems on equal footing. A balanced approach is the only reasonable framework for a successful solution.
2008	Los Angeles Area Chamber of Commerce	Urban Southern California's stated goal is to maintain, and not to increase, State Water Project supplies passing through the Delta. A source that is low in bromides and organic compounds will remain necessary
2008	Los Angeles Area Chamber of Commerce	The strategy to restore the estuary should study ways to separate the natural tidal fluctuations of the ecosystem from the movements of the water system....A full analysis of conveyance alternatives is absolutely necessary in order to provide a foundation of fact necessary for historic change in the Delta.
2008	Los Angeles Area Chamber of Commerce	Specific comments on the Plan, we want to make sure that quality and quantity of water is on equal footing for exports as well as for the environment.
2008	Los Angeles Area Chamber of Commerce	...make sure that the sustainability of the delta doesn't only incorporate environmental sustainability but also economic sustainability.
2008	Los Angeles Business Council	The LABC is certainly concerned with the decline of health with the delta. We can not afford the decrease and reliability of key water resources for our economy.
2008	Los Angeles Business Council	...this plan makes a lot of sense and we certainly commend the Bay Delta Conservation Plan and the collaborative efforts between the State and water agencies, and environmental groups brought today. It is key to finding a solution for the preservation of the delta and for the current species that exist there. And, it is also key to a reliable, what is also key to a reliable water source is the healthy and restorative efforts for the ecosystem and a re-built water conveyance system.
2008	Los Angeles Business Council	...we support the BDCP, EIR process today because again, we think that this plan is absolutely vital to the health of Southern California's economy as it takes in the consideration the additional, the, pardon me, indigenous multi-species and finding a solution for a sustainable water source.
2009	Marshall Ranch	The route is dominated by unwilling sellers who's livelihood and heritage come from the proposed land. Without willing sellers, what will the state do to obtain this land?
2009	Marshall Ranch	The estimated costs are \$5 billion for this project. In light of the present economic blight of the State's economy, where will the money come from?
2009	Marshall Ranch	Has any engineer made a cross section of the proposed levee to see how disproportionately large the levee will need to be to gravity flow water from the east to the west across the district [RD307]?

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Marshall Ranch	...it has been estimated between 5 million to 10 million cubic yards of suitable fill will be needed to build the required levees. My 25 years of experience shows that the native material in these areas, once considered satisfactory for construction material, is now considered by State and Federal geotechnical engineers to be unsuitable for construction of flood control, or in this case, water conveyance facilities. Where does the State of California propose to excavate this material? How do the planners justify economically transporting and placing this material to build these facilities?
2009	Marshall Ranch	When the Westerly Conveyance (proposed) is constructed to the east of the Sacramento-Yolo Ship Channel, a very expensive inverted siphon will need to be constructed to continue the flow of water and move it over to the west of the Ship Channel.
2009	Marshall Ranch	Proposal A. The State of California already has in place upgraded and improved levees on the left bank of the Yolo Bypass. At the base of this levee as constructed in 1964 is the borrow pit, now the toe drain. This drain runs from the Sacramento River to north of Rio Vista and always has water in it. 1. Wouldn't it make incredible sense, cost vastly less money and quick track the project to completion to move the proposed diversion point to the Sacramento Weir? 2. If the State were to widen the weir at the same time it would increase the flood protection for the Sacramento Area Flood Control Agency levees which includes the City of Sacramento. 3. Using the Yolo Bypass for conveyance, an infinitesimally smaller amount of productive farm land would need be taken out of production. 4. Water already runs along the proposed route south.
2009	Marshall Ranch	Proposal B: 1. The Sacramento-Yolo Ship Channel has a diversion point at the locks into the Sacramento River. These locks could be renovated and used as control structures for diversions. 2. The rights of way and easements are already in place. 3. Diversion pumps could be put in place at the south end near Egbert Tract and begin the cross-Delta conveyance. High volume low head pumps could be used to lift the water into a surface channel moving the water further south and could be designed to lift the water to an adequate head to ensure flows to Clifton Court fore bay. These structures in comparison to the RD 999 structure will cost much, much less and fast track the project.
2009	Meeting attendee at Chico Scoping Meeting	I think some of it was answered in the meeting next door, that there is some desalination plants being proposed. I haven't heard anything about them, but it's probably been down south, so again the people of the State should know this stuff..
2009	Meeting attendee at Chico Scoping Meeting	Reservoirs, I believe we need more reservoirs.
2009	Meeting attendee at Chico Scoping Meeting	Where are they going to get the water?...So in this whole project, everything I see in here, when you talk to these people, is coming from the farmers, all the water. It's not coming from the people any place. It's all coming from the farmers.
2009	Meeting Attendee at Clarksburg	How can you possibly think fish are far more important than people to flood my home of 56 years to save 3 or 4 smelt seems ridiculous to me.
2009	Meeting attendee at Fairfield Scoping Meeting	I didn't hear anything about taking saltwater and making freshwater.

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Year of Scoping	Affiliation	Comment
2008	Metropolitan Water District of Southern California	The BDCP Draft EIR/EIS must reflect the stated goals of balancing water supply and ecological restoration in a comprehensive Delta solution.
2008	Metropolitan Water District of Southern California	The crafting of alternatives for the BDCP needs to be consistent with the water supply and reliability goals of the BDCP as defined in the October 6, 2006 BDCP Planning Agreement.
2008	Metropolitan Water District of Southern California	The Proposed Action is the development and implementation of a Habitat Conservation Plan and associated Endangered Species Act permits. BDCP alternatives to be analyzed in the Draft EIR/EIS should reflect that action and be designed to reduce potentially significant adverse impacts associated with the Proposed Action.
2008	Metropolitan Water District of Southern California	Since WUE programs already are built into water need assumptions they will not fulfill the stated purpose and objectives of the BDCP nor will they avoid or reduce any of the potentially significant impacts of the proposed action. They are therefore not suitable for inclusion as alternatives to the proposed action in the Draft EIR/EIS.
2008	Metropolitan Water District of Southern California	New and improved conveyance should be part of all conservation alternatives in order to maximize opportunities for Delta ecosystem restoration and to meet water supply and reliability goals of the CVP and SWP.
2008	Metropolitan Water District of Southern California	The success of this process though, the BDCP is essential in order to create a sustainable eco- system in the delta and a reliable water system in California. Now, the objective of the BDCP is not solely about eco- system restoration or improvements to water quality, or improvement to water reliability or, protections against unique seismic risks in the delta. A successful plan has to address all of these collectively.
2008	Metropolitan Water District of Southern California	The new water for growth will come from water use efficiency efforts such as conservation, voluntary water transfers and new local supplies such as recycling. However, the delta will remain a baseline source of supply.
2008	Metropolitan Water District of Southern California	A healthy delta eco-system is essential for water supply reliability and for the state economy...
2008	Metropolitan Water District of Southern California	The success of this process is absolutely essential in order to create a sustainable eco-system in the delta and a reliable water supply system for California.
2008	Metropolitan Water District of Southern California	The objective of the BDCP is not solely about eco-system restoration or improvements in water quality, or improvements in water supply reliability, or protections against the unique seismic risks in the delta. A successful plan has to address all of these.
2008	Metropolitan Water District of Southern California	A healthy delta eco-system is essential for water supply reliability and for the state economy...
2008	Montebello Chamber of Commerce	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.

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Year of Scoping	Affiliation	Comment
2008	Morada Area Association	Morada stands with our San Joaquin County Board of Supervisors and related water agencies in opposition to any plan that calls for more water being removed from the natural flush of our Delta and the construction of a dual conveyance, remote facility or anything that equates to a "peripheral canal" that will take more water from our watershed and send it to the South state
2008	Morada Area Association	There is a plan by Dr. Russ T. Brown, Jones and Stokes dated March 23, 2007 titled "Proposed to Reconnect the San Joaquin River to the Estuary - Delta Corridors Project" which deserves your consideration before you simply commit to a politically expedient solution.
2008	Municipal Water District of Orange County	MWDOC supports the effort to develop a comprehensive Bay Delta conservation plan. The fragile delta levee (unintelligible) island system is vulnerable to catastrophic failure due to earthquake or flood, or other unknown disaster. This is not new information. We have been told this for several years now. We must act on this information whether than waiting for a Katrina like disaster to strike California and cripple our state, ruin our economy and jeopardize our future. It is in the best interest of California to find a way to deliver water and protect the delta eco-system. This is what the Delta Vision Task Force also concluded. Therefore, we support the efforts to find ways to reconfigure the delta and our water deliver system to promote reliable water delivers and a healthy eco-system.
2009	Natural Desalination	100% of LA's drinking water can easily and more cheaply obtained from the sea, but yet it is not on the plans for study or consideration. If LA & SF Bay area received its water from the sea, then the issues in the BDCP would not exist. 2 plants off the cost of California can supply most if not all of our drinking water using the simple Patent Pending Natural Desalination principles. Zero energy required for desalination or transportation of drinking water to distribution points.
2009	Natural Desalination	So natural desalination is the process of being able to utilize the water's own weight in the sea to be able to desalinate that water without the energy usage that is required today...If you do a pipeline or horizontal pipeline to the shore, you have natural flow of water from the plant at sea to the shore. That allows everybody to have the water that they need, and that saves the Delta because you don't have the water needing to be diverted anymore. I really would have loved to see more thought into that.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	It is clear that some proposed actions will be better at achieving some of these objectives, and worse at achieving others [based on stated objectives in NOP of "the conservation of covered species, the restoration and protection of water supply reliability, protection of certain drinking water quality parameters, and the restoration of ecosystem health to proceed within a stable regulatory framework"]. The EIS/EIR must clearly identify and segregate actions that are proposed to achieve each of these objectives, and how each action affects the remaining objectives, to allow decisionmakers and the public to identify the optimal suite of actions for restoring the Bay-Delta.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	With the BDCP's stated co-equal goals of fish and wildlife conservation and water supply reliability, we urge the federal agencies to structure the EIS/EIR in a manner that does not subjugate the BDCP's conservation goal to the water supply reliability goal...Therefore, we urge the agencies to conduct the EIR/EIS analysis in a manner that makes it clear that the BDCP is designed to meet both the conservation and water supply reliability goals.

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Year of Scoping	Affiliation	Comment
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	Key actions to help meet water supply reliability and improve the Bay-Delta ecosystem in a cost-effective and environmentally sound manner include increased water conservation, recycling, and conjunctive use of groundwater and surface water....there is no clear commitment to include these alternative water supply actions as a central component of the EIS/EIR. The EIS/EIR must include analysis of the impacts of this option....Water users statewide, including those involved in the BDCP, have considerable untapped capacity to improve the efficiency of their water use, reduce their demand through improved groundwater management, water recycling, stormwater capture, and other methods.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	The EIS/EIR must clarify that the BDCP will not provide any assurances or take permits without a firm commitment to and demonstrable progress in achieving recovery of the Bay-Delta ecosystem. To date, many of the BDCP Steering Committee members have not fully committed that the BDCP will meet the recovery requirements of the California Natural Community Conservation Planning Act ("NCCPA"). However, the federal Endangered Species Act requires that any lawful BDCP must not only prevent the extinction, but must also bring about the recovery of threatened and endangered species.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	...we urge the agencies to broaden the list of species considered for conservation to include terrestrial wildlife and plants.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	...the EIS/EIR should make clear that recovery is a fundamental and necessary goal of any acceptable alternative.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	NRDC believes that total Delta diversions must be reduced from the unsustainable record levels in recent years. We are working with other members of the environmental community to develop a science-based target for that reduction, which we will provide to the Task Force in the near future. Urban water use efficiency and other tools discussed below can provide the State with near-term and cost-effective supplies to offset any impacts from a reduction in Delta supplies...Urban water use efficiency could yield up to 3,500,000 acre-feet of water per year according to the Pacific Institute's most recent projections. (This estimate is close to DWR's estimate of 3.1 million acre-foot high estimate of the potential of urban conservation at \$230-522 per acre-foot.)...Recycling urban wastewater (also known as reclamation or re-use) is an important strategy to increase water supply. Recycled water is most frequently used for agricultural or landscape irrigation or groundwater recharge.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	DWR estimates water recycling can generate up to 1,500,000 acre-feet a year by 2030 at average cost of \$600 per acre-foot...The Department of Water Resources estimates that improved groundwater management, such as the conjunctive use of surface and underground storage, has the potential to provide between 500,000 and 2 million acre-feet at costs ranging from \$10-600. The average cost in a recent round of applications received by DWR for conjunctive use projects was \$110 per acre-foot...The California Bay-Delta Authority's Year Four report estimates up to 620,000 acre-feet of water can be saved through agricultural water use efficiency, which includes installing micro-irrigation technology or other water management improvements, at a cost of \$242 per acre-foot...DWR estimates brackish groundwater desalination costs \$250-500 per acre-foot, with a potential of yielding up to 290,000 acre-feet per year



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Year of Scoping	Affiliation	Comment
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	...NRDC's preliminary estimate of the water savings from implementation of LID practices [low impact development techniques to divert and capture stormwater and dry-weather runoff] suggests that if LID were used in just 50% of all residential and commercial properties in Los Angeles, Riverside, and San Diego Counties, 377,000 acre-feet annually could be infiltrated or otherwise reused...Transfers and Land Retirement...must be carefully designed in order to avoid impacts to third parties.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The BDCP should utilize an ecosystem approach under the Natural Community Conservation Planning Act
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The BDCP should adopt measurable goals and objectives for the species (e.g., population abundance targets, where possible) and habitats covered by the Plan, should include effective monitoring to determine progress towards these goals, and should adapt management of the CVP and SWP over time to meet these goals;
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The BDCP should include operational criteria to respond to a broad range of water years and other foreseeable circumstances, such as poor ocean conditions, in order to operate the CVP and SWP to meet conservation goals and ensure that the regulatory assurances provided in the Habitat Conservation Plan / Natural Community Conservation Plan...
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	..the HCP/NCCP must minimize the take of covered species, must provide guaranteed funding for implementation over the life of the permits, must not jeopardize either the survival or recovery of listed species, and must be consistent with existing legal requirements applicable to the CVP and SWP...
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR should analyze alternatives that would increase outflow and reduce exports as compared to current conditions, and analyze water conservation, efficiency, and additional demand reduction measures, as well as water recycling, groundwater and conjunctive use programs, urban stormwater capture and other tools to achieve the BDCP's water supply reliability goal
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR must adequately analyze the effectiveness of proposed mitigation and conservation measures over the term of the BDCP..
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The BDCP must utilize the ecosystem approach of the NCCPA, rather than relying on an incidental take permit under CESA, to ensure that the plan will provide long-term conservation in the Delta.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The BDCP Points of Agreement and the NOP both emphasize the use of adaptive management to meet the BDCP's goals. We support the use of adaptive management in the BDCP, and we note that both the NCCPA and ESA require the use of adaptive management in an HCP/NCCP.

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Year of Scoping	Affiliation	Comment
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...in order for adaptive management to be effective, the HCP/NCCP must have clear, measurable biological goals and objectives. The BDCP's goals must be consistent with the coequal goals of ecosystem health and water supplies...The BDCP Points of Agreement recognizes that biological goals and objectives for each covered species should be adopted as part of the BDCP, but those goals have not yet been developed.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...given the Delta species and habitat information available to the agencies, we believe that many species and habitat goals can be quantified, providing the best possible method of measurability. The Bay Institute, EDF, NRDC, Defenders of Wildlife, and Sierra Club California recently submitted joint comments to the Delta Vision Blue Ribbon Task Force which include ecosystem goals and targets that should be analyzed as potential goals for the BDCP.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...we recommend that the EIS/EIR analyze operational criteria to respond to a range of water years and other foreseeable circumstances that will affect covered species, including: (1) poor ocean conditions that affect ocean-going covered species including salmon; (2) continuing toxic pollutants in the Delta, which affect numerous covered species; (3) increased levels of take from non-covered activities; (4) failure of one or more levees in the Delta; (5) changes to hatchery policies; (6) increased upstream diversions; (7) further declines in the populations of listed species; (8) impacts from ongoing development in the Delta; and (9) the arrival or spread of invasive species. The operational criteria must alter the timing and/or amount of water exports through the CVP and SWP as necessary to protect covered species and the Delta ecosystem due to such foreseeable circumstances
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...there must be clear criteria for triggering and guiding the adaptive operating criteria.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	As a matter of policy, California should not provide regulatory assurances for reliable water supplies that fail to contribute to the recovery of these species and of the entire ecosystem. Instead, the BDCP must retain sufficient flexibility to respond to changed conditions and continue to conserve and restore listed species and the health of the Delta ecosystem.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Changes to the operations of the water projects that significantly reduce take of these species over the term of the permit must be implemented as part of the final approved HCP/NCCP
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Second, the HCP/NCCP must provide guaranteed funding for its implementation over the life of the permits.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...in order to comply with the NCCPA, the approved plan must not only avoid jeopardy to the survival of the species...but it must also promote the recovery of covered species, and prevent the listing of other species.

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Year of Scoping	Affiliation	Comment
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR should analyze the conveyance alternatives identified in the Notice of Preparation ("NOP"), however, alternative export regimes must also be analyzed....the EIS/EIR must consider a reasonable range of outflow and export levels from the Delta, including several alternatives that increase the level of freshwater outflow and reduce the amount of water diverted and exported from the Delta, as compared with current conditions.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	With respect to increased outflow/reduced export alternatives analyzed in the EIS/EIR, demand reduction, water conservation, and water efficiency measures can be used to meet the water supply reliability goal of the BDCP. Likewise, water recycling, conjunctives use, urban stormwater capture, improved groundwater management, desalination, water transfers and similar programs can also provide additional water supply reliability
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...the BDCP should analyze land retirement, including land retirement on the west side of the San Joaquin Valley, as one measure to help achieve increased freshwater outflow and reduced exports/diversions...
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The document must clearly distinguish between increased average diversions and increased reliability. The two terms are not identical.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	We also note that the inclusion of fall-run Chinook salmon on the list of covered species...raises significant concerns. Although not currently listed under either the ESA or CESA, the fall run's population has declined precipitously in recent years...Inclusion of this species provides an unwelcome suggestion that DWR and the Bureau of Reclamation will manage the water projects in a manner that fails to prevent the listing of the species during the life of the permits...a goal of the BDCP must be to maintain healthy sport and commercial fisheries, and the BDCP must include conservation measures to conserve, restore and sustain the fall-run Chinook population.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...the EIS/EIR must analyze the effectiveness of the proposed conservation and mitigation measures in the BDCP.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	To the extent that the BDCP relies on similar conservation measures, the EIS/EIR must analyze the EWA and the likelihood that the BDCP could suffer from similar problems.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The BDCP Points of Agreement asserts that other conservation actions outside of the habitat restoration program should be developed to address other stressors on the Delta, such as exposure to contaminants and toxics, entrainment in non-CVP/SWP intake facilities, and invasive species...However, the NOP does not include these activities within the scope of the BDCP.

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Year of Scoping	Affiliation	Comment
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	If the Mirant Delta power plants are included in the BDCP, particular attention should be paid to the following issues related to operation of the plants and their environmental effects: Analysis and minimization of the impacts of the entrainment of fish, effects of thermally heated discharges, and other impacts on covered species and other fish and wildlife species, including operational and structural changes such as: o Requiring more effective screening of the plants' cooling water intakes; o Changes to existing cooling water intakes and intake flow velocities; o Monitoring and reporting the plants' take of covered species; o Temporal and/or other restrictions on water withdrawals; and o Elimination of the existing once-through cooling systems for the plants, and replacement with dry cooling or recirculating cooling systems; Operational changes or other actions to reduce greenhouse gas emissions from plant operations; and, Establishing strict and enforceable numeric limits on the take of covered species.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...the EIS/EIR should compare the cost effectiveness of water conservation and efficiency, and a full range of water supply alternatives with the construction, maintenance and operation of Delta conveyance facilities and other water supply components identified in the BDCP.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	KEY ELEMENTS OF A STRATEGIC PLAN TO IMPLEMENT THE DELTA VISION: Nine clear, measurable and enforceable targets for the Delta ecosystem, to maintain resident fish populations at levels greater than the 1967 - 1991 period before the ecosystem collapse; restore 325,000 acres of four habitat types in the Delta, Suisun Marsh and adjacent areas; increase Delta outflow to about 65% of spring runoff and to higher levels in the fall as well; and provide other environmental benefits. Enough dedicated environmental water to meet the targets. A new Delta Water Master to oversee use of the environmental water. A new Delta State Park and National Heritage Area, along with stronger oversight of land use in all areas of the Delta. A new water use fee, and specific criteria for financing future projects
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Target 1. Restore abundance of estuarine fish species to greater than 104% of average levels measured during the 1967-1991 period. This performance target measures the combined abundance of three estuarine fish species (delta smelt, longfin smelt, and splittail) relative to their average combined abundance measured for the 1967-1 991 period...
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Target 2. Restore 80,000 acres of tidal marsh habitat in the Delta and 50,000 acres of tidal marsh habitat in Suisun Marsh.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Target 3. Restore 130,000 acres of terrestrial grasslands and seasonal wetland complexes in the Delta and 5000 acres in Suisun Marsh.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Target 4. Restore 60,000 acres of floodplain habitat to seasonal inundation for a minimum of 45 consecutive days at least once every two years.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Target 5. Restore spring Delta outflow to provide low salinity habitat in Suisun Bay, with average February-June X2 values ranging from less than or equal to 70 km from the Golden Gate in critically dry years to less than or equal to 58 km in wet years.

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Year of Scoping	Affiliation	Comment
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Target 6. Restore fall Delta outflow to provide low salinity habitat downstream of the Sacramento-San Joaquin River confluence, with September-November average X2 values less than 80 km in all years except critically dry years.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Target 7. Limit annual entrainment losses of estuarine fish species to less than 5% of the population and to less than 2% for migratory fish species.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Target 8. Limit total ammonia concentration to <0.07 mg/L and unionized ammonia concentration to <0.01 mg/L in Delta waters.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Target 9. Reduce discharge of contaminants into Delta waterways and tributary rivers so that <5% of estuarine and anadromous fish populations exhibit evidence of toxic exposure and there are zero incidents of fish kills.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Securing and Managing Additional Water for the Environment, Including a New Environmental Water Right...Other arrangements should also be made to secure additional environmental control over existing and new water supply infrastructure...A share of water stored and conveyed throughout the Delta watershed sufficient to achieve ecosystem targets...This environmental water should not be reliant on purchased water, since funding and purchase prices fluctuate from year to year, and longterm voluntary agreements are difficult to arrange...The new environmental water should be managed by a new Delta Water Master
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The creation of a new entity to act as a Delta Water Master (DWM) to manage a new environmental water right and oversee water operations in the Delta and interbasin transfers would correct this imbalance and elevate the place of the Delta ecosystem as a co-equal value in water management...The DWM would have the authority to impose new fees and/or would administer fees collected by the State Board, which already has the authority to impose fees. These fees would be imposed in the following areas: Ecosystem Restoration...Delta Flood Management...Science...DWM Management...
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...we proposed the creation of a Delta Conservation and Development Commission with authority to regulate land use, protect and restore habitat, and address water quality, on the pattern of the existing Bay Conservation and Development Commission.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The state should, working with Delta communities, create a Delta State Park.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The federal government should, working with Delta communities, designate the Delta as a National Heritage Area.

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Year of Scoping	Affiliation	Comment
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	An integrated approach to economics and financing should be developed as early as possible...A meaningful "beneficiary pays" approach is key...The focus should be on cost-effectiveness, including the full cost of protecting environmental resources...Public funds should be dedicated to achieving well defined public benefits...Designing a "beneficiary pays" financing approach for large infrastructure projects...The Delta Vision Task Force should consider the approach to economics and finance in California's energy and climate programs...A water user fee should be primarily based on volume and applied to all water diverted within the Bay-Delta watershed for consumptive use on farms and in cities. It may also be appropriate to incorporate diversions for hydropower as part of the water user fee...Similar user fees could be developed to provide support for Delta flood management from the export water users who depend on Delta levees. Likewise, a user fee could be designed to support an ongoing science program for the Bay-Delta ecosystem...Look for opportunities to reduce water subsidies that increase pressure for diversions in the Bay-Delta watershed.
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The BDCP should incorporate and implement the Delta Vision Strategic Plan's recommendations, including, in particular: addressing unresolved issues before making decisions regarding conveyance...improving habitat and flows for fish in the Delta and upstream investing in water efficiency and alternative water supply sources to reduce reliance on the Delta and increase regional self-sufficiency...and reforming governance and financing of the agencies in the Delta...
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...operation of the CVP must comply with the CVPIA, and BDCP should incorporate and implement the CVPIA's anadromous fish doubling goal, which is also a requirement of State law....BDCP must also be consistent with and advance the CVP's water supply obligations with respect to state and federal wildlife refuges under the CVPIA...
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...we strongly encourage BDCP to also consider changes to reservoir operations in order to achieve the BDCP's goals, as well as to meet other legal requirements applicable to the CVP and SWP...
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...the coordinated operations of the CVP and SWP and its infrastructure (including any modifications proposed by BDCP) must undergo a section 7 consultation under the ESA...That consultation must consider the coordinated operations of the projects as a whole, not merely any changes proposed by BDCP, and the consultation must consider all federal, state, private and other actions that may affect listed species, including nondiscretionary actions, to ensure that the proposed project will not cause jeopardy to the survival and recovery of the species or adversely modify its critical habitat.
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...climate change is likely to result in changes to the range of many avian, terrestrial, and aquatic species. The EIS/EIR should incorporate the best available science with respect to changed species' ranges as a result of climate change, and the BDCP adaptive management framework should address such range changes as foreseeable circumstances.
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...we also encourage BDCP to be consistent with existing HCPs and other legal requirements relating to birds, including but not limited to the Central Valley Joint Venture bird conservation plans

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Year of Scoping	Affiliation	Comment
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...we strongly encourage BDCP to analyze and address impacts to terrestrial species under the legal framework of the NCCPA, which we understand is currently the intent of the parties in BDCP.
2008	North Delta CARES	What evidence is there that any part of Yolo County within the Delta was ever a tidal marsh wetland?
2008	North Delta CARES	What are the alternatives to, relocating over to the Yolo Bypass of any and all proposed primary habitat restoration areas from the geographical area bounded by the southern West Sacramento City limit on the north, the Sacramento River on the east, southern West Sacramento City limit on the north, the Sacramento River on the east, the deep water channel on the west, and the Solano County-Yolo County common.
2008	North Delta CARES	What are the alternatives to relocating over to the Yolo Bypass of any and all proposed tidal marsh wetlands from the geographical area bounded by the southern West Sacramento City limit on the north, the Sacramento River on the east, the deep water channel on the west, and the Solano County-Yolo County common boundary on the south?
2008	North Delta CARES	Why is the State considering turning an area which has never been a tidal wetland into a tidal wetland?
2008	North Delta CARES	Build the Auburn Dam.....would not only provide flood protection, but hydroelectric power (environmentally sustainable) and additional drinking water (allowing more to flow to Southern California).
2008	North Delta CARES	If the issue truly is habitat protection, stop diverting water into the California Aqueduct....the money being spent on North Delta "habitat restoration" could be diverted and better spent studying desalinization efforts in Southern California.
2009	North Delta CARES	We support only export of water from Northern California and the Sacramento-San Joaquin Delta which is in excess of the present and future human and environmental needs of these areas.
2009	North Delta CARES	We support expanded, additional water storage in Northern California for wet-year capture of run-off water to provide for safe and reliable through-Delta export.
2009	North Delta CARES	We firmly support conveying export water using the present through-the-Delta route, i.e. the Sacramento River and Delta channels southward, to the state and federal water project pumps, as the most ecologically and economically sound choice. We encourage modifications to this conveyance that: a) make water delivery more reliable; b) make Delta levee systems structurally more sound; c) protect listed fish species from endangerment from the project pumps; and d) continue to preserve and defend present in-Delta water quantity and quality standards.
2009	North Delta CARES	We support aggressive and continuing statewide water conservation efforts.

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Year of Scoping	Affiliation	Comment
2009	North Delta CARES	We oppose a "Delta Vision" that seeks the return of Delta lands and hydrologic features to their natural state. We support construction of fish habitat restoration projects and other ecological improvements, provided they are based on sound science and situated on lands currently in public ownership, or on privately-owned lands only with the willing consent of the individual property owners.
2009	North Delta CARES	We cannot support new Delta regional governance structures with the "coequal goals" of improving the Delta ecosystem and reliability of water supply unless persons living in the Primary Zone of the Delta, elected by Primary Zone residents, have seats at each decision-making level. We strongly oppose any governance structure comprised of an appointed and unaccountable body of members whose principal mission is to advance the above-mentioned coequal goals without due consideration of the effects of its actions on the lives and livelihoods of the thousands who call the Delta "home".
2009	North Delta CARES	We support a third tri-equal goal to protect and enhance the social, economic, and physical viability of the Delta, including: a) Delta agriculture, and its supporting businesses; b) Delta reclamation districts; c) Delta natural gas industry; d) Delta tourism, recreation, boating, and fishing industries; e) Delta community infrastructure and services, including civic organizations; fire districts, school systems, and communities of faith; and f) The present Delta levee system in its entirety.
2009	North Delta CARES	...we cannot support efforts, whether intentional or otherwise, that lead to de-population of the Delta, or large-scale transfer of Delta lands from private to public hands.
2009	North Delta CARES	We do not support any plan that takes away our region's economic base and destroys our livelihood and that of our neighbors.
2008	North Delta Water Agency	Therefore, it is appropriate that the EIR/EIS provide at least one alternative that includes a reduction in water exports water as part of a multi-factored approach to mitigating the effects of the Projects. Preferably, the EIR/EIS should analyze the environmental effects of a range of reductions upon all identified alternatives to properly inform decision-makers and the public of the approach that would have the greatest promise of reducing the environmental impacts of the Projects. It is not appropriate to simply bypass this analysis under the guise of a conclusory statement that any reduction in exports is infeasible when demand management, desalination projects, conjunctive use, xeroscaping, and zero net water developments have not been fully developed in the service areas where the water is being exported.
2008	North Delta Water Agency	The EIR/EIS should address the environmental effects of lining such a facility to reduce conveyance losses to the greatest extent possible. High conveyance losses would require greater quantities of water to be removed from the Delta, with commensurate impacts on aquatic species.
2008	North Delta Water Agency	The EIR/EIS must also evaluate the size/capacity of any isolated conveyance facility.



Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	North Delta Water Agency	To mitigate for the environmental effects of habitat enhancement, the EIR/EIS must address the need to install fish screens and to undertake other measures to protect aquatic and terrestrial species that are being introduced into new locations within the Delta or whose existing populations are being enhanced. Without appropriate mitigation measures in place, existing landowners engaged in longstanding land uses may inadvertently be said to "take" these listed species under the Federal and State Endangered Species Acts, even though the species would not exist in those locations were it not for the BDCP.
2008	North Delta Water Agency	To reduce these impacts to the greatest extent possible, project proponents should not seek to acquire new areas for habitat creation through eminent domain. Instead, any new habitat should be located on lands that are already in public hands or are subject to existing conservation or flood control easements, or else are purchased as a result of willing transactions by local landowners.
2008	North Delta Water Agency	Mitigation measures should include eliminating physical barriers to upstream and downstream fish passage on these river systems, building fish ladders, and ensuring that migration flows are available during all critical life phases, possibly by execution of funding arrangements with districts that maintain local reservoirs. Additional projects could focus on alternative transportation for smolts, and increased funding for smolt trap and hydroacoustic studies to better evaluate stressors on smolt mortality within the Delta.
2009	North Delta Water Agency	In order to provide the baseline data referenced above and to analyze the impacts from all projects and operational actions identified in a final EIR/EIS, the proposed project EIR/EIS must include the installation of salinity and hydrodynamic monitoring stations in the Yolo Bypass and Cache Slough as well as other sloughs and canals throughout the North Delta to guide future adaptive management of BDCP actions that may result in violating the provisions of the 1981 Contract.
2009	North Delta Water Agency	...the discussion of alternatives in the EIR/EIS must focus on alternatives that are potentially feasible in light of the requirements of the 1981 Contract. Inclusion of an alternative in the EIR/EIS that would result in a violation of the 1981 Contract's water quality, Article 6 or other obligations would violate the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).
2009	North Delta Water Agency	...any project must include adequate, reliable, and permanent financing mechanisms (i.e. an endowment, annuity, or dedicated stream of revenue), especially for maintaining project-related properties and habitat so that they do not impact neighboring land uses and land values.
2009	North Delta Water Agency	The EIR/EIS may not, consistent with applicable law, presume benefits to migratory or pelagic fish species based on assumptions regarding underlying biological mechanisms that are untested or poorly supported.
2009	North Delta Water Agency	The EIR/EIS must avoid the tendency, evident in other BDCP planning documents, to assume that the populations of covered species are limited principally by food resources available in the Delta. There is no support for this assumption.
2009	North Delta Water Agency	The EIR/EIS must contain a comprehensive discussion of the various options regarding size and configuration of Delta conveyance facilities and the impacts associated with each option. Size of facilities cannot be properly evaluated without some range of operating parameters.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	North Delta Water Agency	The EIR/EIS must avoid the tendency, evident in other BDCP planning documents, to assume that the historic reclamation of much of the Delta for agriculture and ongoing agricultural operations within the Delta amount to a "stressor" on covered species. This is not the case and there is no scientific evidence supporting this assumption. The operation of the export facilities cause or exacerbate nearly every problem impacting the covered species in the Delta and the EIS/EIR should so state.
2009	North Delta Water Agency	It is unclear from a scientific standpoint whether diverting water from locations north of the Delta will improve overall ecosystem functioning. The new North Delta diversion facilities may in fact result in harm to pelagic and anadromous fish species due to entrainment or predation...Based on the limited scientific support validating species benefits from new North Delta diversions, all assumptions regarding the ecosystem benefits of north of Delta diversions should be removed from BDCP draft documents and not included in the EIR/EIS if they cannot be clearly identified and supported by published scientific data or peer-reviewed scientific research and reports.
2009	North Delta Water Agency	The adaptive management process proposed in BDCP draft documents fails to describe how monitoring will be designed to establish cause and effect relationships between implementation of specific conservation measures or operation of new conveyance facilities and the type and magnitude of human impacts from those measures such as economic and public safety.
2009	North Delta Water Agency	Due to the significant scientific uncertainties regarding the impacts from the construction and operation of new conveyance facilities and the implementation of habitat conservation measures in the Delta, the EIR/EIS must include an adaptive management process that includes modification of any conveyance or habitat project that result in violating the provisions of the 1981 Contract and the human consequences...Just as there is an adaptive management process for responses by covered species to the Plan's implementation, there also needs to be an adaptive management process to respond to negative human impacts caused by the Plan's implementation. Otherwise, this is not a complete adaptive management plan.
2008	Northern California Water Association	To the extent that the BDCP includes proposed voluntary agreements with upstream water users that would address issues in the Delta, the scope of those agreements must be well-defined in the EIR/EIS project description. Similarly, any voluntary arrangements outside of the Statutory Delta must not interfere with numerous fish and wildlife conservation efforts already underway outside the Statutory Delta.
2008	Northern California Water Association	I look forward to get into the formal evaluation that we think will appropriately identify needs for conservation in the delta water supply for export.
2008	Orange County Business Council	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.
2008	Orange County Taxpayer's Association	OC Tax thinks BDCP can be scoped to identify conservation projects and principles that are good for everyone.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Pardee Homes	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.
2008	Pico River Chamber of Commerce	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.
2008	Planning and Conservation League	While engineering alternatives that compare different structural or routing solutions for improvements or additions to Delta conveyance infrastructure are certainly appropriate to consider...
2008	Planning and Conservation League	[the reasonable project alternatives should also include:] INCREASED RELIABILITY THROUGH DECREASED DEMAND ON DELTA WATER SUPPLIES* #1: An alternative that includes reduced Delta exports and aggressive implementation of water conservation, water recycling, and groundwater treatment to fully meet water demand.
2008	Planning and Conservation League	[the reasonable project alternatives should also include:] INCREASED RELIABILITY THROUGH DECREASED DEMAND ON DELTA WATER SUPPLIES* #2: An alternative that considers the retirement of drainage-impaired lands in the San Joaquin Valley, consistent with the EIR on San Joaquin Valley Drainage.
2008	Planning and Conservation League	All alternatives should include full implementation of species conservation measures necessary to comply with federal and state endangered species laws.
2008	Planning and Conservation League	A comprehensive presentation of evidence in support of any conclusion that the water supply and reliability measures in each project alternative are compatible with the species recovery goals necessary for compliance under endangered species laws.
2008	Planning and Conservation League	A comprehensive presentation of the decision process used to set biological goals and objectives.
2008	Planning and Conservation League	A comprehensive presentation of the decision process used to select conservation measures that are expected to attain the biological goals and objectives.
2008	Planning and Conservation League	A comprehensive presentation of the scientific rationale behind selected conservation measures, including discussion of how the impacts of each measure differ by species, life history stages, or geographic area.
2008	Planning and Conservation League	A comprehensive presentation of other considerations (e.g. economic, social, political, engineering) that influenced the selection of conservation measures.
2008	Planning and Conservation League	Upstream impacts that should be considered in development of the EIR/EIS on the BDCP include: The potential for changed operations at upstream reservoirs..

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Year of Scoping	Affiliation	Comment
2008	Planning and Conservation League	...we recommend an approach that aims to increase water supply reliability by reducing supply expectations.
2008	Planning and Conservation League	...the conservation goals of the BDCP must be supported by an effective governance structure and a strong adaptive management program. We recommend that the BDCP condition regulatory assurances on satisfaction of the conservation objectives. The environmental review document must explicitly describe the conditionality of regulatory assurances, including the timing of review and permitting periods.
2008	Planning and Conservation League	What bypass flows would be required for the fish screens to work effectively and how can those estimates be tested?
2008	Planning and Conservation League	How much water could be diverted through screens meeting the necessary standards? Given the uncertainties as to how alternative facilities will impact aquatic species, what options are available for reversible experiments that would be put into place prior to making permanent commitments?
2008	Planning and Conservation League	What are the advantages and disadvantages of pipeline(s) versus a canal, including impacts on aquatic and terrestrial species?
2008	Planning and Conservation League	What are the advantages and disadvantages of building a lined vs. unlined canal, including impacts on aquatic and terrestrial species?
2008	Planning and Conservation League	What are the advantages and disadvantages of different alignments for the various options, including impacts on aquatic and terrestrial species?
2008	Planning and Conservation League	What are the advantages and disadvantages of different capacities for a canal or pipeline(s), including impacts on aquatic and terrestrial species?
2008	Planning and Conservation League	What are the advantages and disadvantages of freshwater turnouts from a canal or pipeline(s) that would discharge fresher water at various locations in the Delta, including impacts on aquatic and terrestrial species?
2008	Planning and Conservation League	What flows are required for: a. Hydrologic conditions that promote recovery of covered species; b. Effective fish screening?; c. Support of an adequate food web in the Delta?; d. Management of invasive species?; e. Maintenance of water quality for other Delta beneficial uses, including drinking water, ecosystem, and agriculture?
2008	Planning and Conservation League	How would alternative in-Delta operations change upstream operations, including effects on upstream flows, temperature, water quality and aquatic and terrestrial species?
2008	Planning and Conservation League	What amounts of water could be diverted in different water years, by season, and on average while meeting the planning goals of species recovery?
2008	Planning and Conservation League	How would aquatic and terrestrial species have water of acceptable quality?
2008	Planning and Conservation League	How would in-Delta agriculture have water of acceptable quality?

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Planning and Conservation League	How would the fish facilities (including both screening and handling) at the existing diversion locations in the South Delta be improved to minimize loss of fish?
2008	Planning and Conservation League	What operational management conditions are necessary to avoid impacts to pelagic fish and other species at the South Delta pumps under the various conveyance options?
2008	Planning and Conservation League	What would be the costs for different conveyance configurations, including full mitigation and monitoring costs?
2008	Planning and Conservation League	The first is that recovery should be the first objective. We are somewhat disturbed in seeing initial work by BDCP starting off with attempts to in essence maximize how much water can you take from the delta, export from the delta and still have an okay environment.
2008	Planning and Conservation League	...what you would need to do the same as if you were doing any other HCP, is first determine the environmental requirements of the eco system. Specifically, what flow regimens are needed in terms of water quantity, water quality, temperature, flow direction, annually, inter-annually, intra-annually to restore those species.
2008	Planning and Conservation League	...is that upstream actions should be part of the area that you look at. Not only because it's fairly obvious that anadromous fish go upstream, but that several of the potentially regulated entities, DWR and the Bureau of Reclamation have projects upstream that effect the flows going into the river and then, into the delta.
2008	Planning and Conservation League	Under your list of conservation activities I did not see a reference to water conservation, water recycling, storm water capture, groundwater clean up, in areas served by exports from the delta as well as upstream areas. And, we believe that those will be key to any successful restoration plan.
2009	Planning and Conservation League	An alternative that includes reduced Delta exports and aggressive implementation of water conservation, water recycling, and groundwater treatment to fully meet water demand.
2009	Planning and Conservation League	An alternative that considers the retirement of drainage-impaired lands in the San Joaquin Valley, consistent with the EIR on San Joaquin Valley Drainage.
2009	Planning and Conservation League	All alternatives should include full implementation of species conservation measures necessary to comply with federal and state endangered species laws.
2009	Planning and Conservation League	A comprehensive presentation of the decision process used to select conservation measures that are expected to attain the biological goals and objectives.
2009	Planning and Conservation League	A comprehensive presentation of the scientific rationale behind selected conservation measures, including discussion of how the impacts of each measure differ by species, life history stages, or geographic area.
2009	Planning and Conservation League	A comprehensive presentation of other considerations (e.g. economic, social, political, engineering) that influenced the selection of conservation measures.

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Year of Scoping	Affiliation	Comment
2009	Planning and Conservation League	the potential for water supply reliability to be improved through local investments in water use efficiency, water recycling, and other programs that do not rely on Delta water supplies.
2009	Planning and Conservation League	The current focus of the BDCP seems to be on finding a way to increase water supply reliability by increasing the probability of high-export years...we recommend an approach that aims to increase water supply reliability by reducing supply expectations.
2009	Planning and Conservation League	For any conservation measure or water operations measure that is expressed as a range of values...we recommend that the Precautionary Principle be applied. That is, we recommend that measures be implemented at the level that is most protective of the ecosystem and that the implementation of those measures be modified to a less stringent level of protection only if the response of covered species or new information suggests that a different level of protection would be appropriate.
2009	Planning and Conservation League	Are some conveyance configurations more resilient to climate change?
2009	Planning and Conservation League	...what options are available for reversible experiments that would be put into place prior to making permanent commitments?
2009	Planning and Conservation League	What are the advantages and disadvantages of pipeline(s) versus a canal, including impacts on aquatic and terrestrial species?
2009	Planning and Conservation League	What are the advantages and disadvantages of building a lined vs. unlined canal, including impacts on aquatic and terrestrial species?
2009	Planning and Conservation League	What are the advantages and disadvantages of different alignments for the various options, including impacts on aquatic and terrestrial species?
2009	Planning and Conservation League	What are the advantages and disadvantages of different capacities for a canal or pipeline(s), including impacts on aquatic and terrestrial species?
2009	Planning and Conservation League	What are the advantages and disadvantages of freshwater turnouts from a canal or pipeline(s) that would discharge fresher water at various locations in the Delta, including impacts on aquatic and terrestrial species?
2009	Planning and Conservation League	What flows are required for: a. Hydrologic conditions that promote recovery of covered species? b. Effective fish screening? c. Support of an adequate food web in the Delta? d. Management of invasive species?
2009	Planning and Conservation League	What flows are required for: Maintenance of water quality for other Delta beneficial uses, including drinking water, ecosystem, and agriculture?
2009	Planning and Conservation League	How would ecosystem water quality be monitored, managed, and protected?
2009	Planning and Conservation League	How would the fish facilities (including both screening and handling) at the existing diversion locations in the South Delta be improved to minimize loss of fish?
2009	Planning and Conservation League	What operational management conditions are necessary to avoid impacts to pelagic fish and other species at the South Delta pumps under the various conveyance options?

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Planning and Conservation League	What would be the costs for different conveyance configurations, including full mitigation and monitoring costs?
2009	Planning and Conservation League	Who would pay the costs, and (e.g., if funded according to the beneficiary-pays principle) would different conveyance configurations and operations indicate different cost-sharing partners?
2009	Planning and Conservation League	Policies for a sustainable Delta must be built on a comprehensive understanding of what flow regimes (e.g., quantity, flow direction, seasonal, annual and inter-annual variability) and water quality conditions (e.g., temperature, salinity, turbidity, contaminant load) are required under a variety of conditions (e.g., water year types, potential climate change impacts, different points of diversions) to provide for a healthy and sustainable Bay Delta Estuary (e.g., healthy, self sustaining populations of pelagic fish, anadromous fish, wildlife, terrestrial species and all elements of their food webs).
2009	Planning and Conservation League	CALFED's Environmental Water Account is just one example of how "changes in patterns and timing" of diversions have failed to adequately protect the Delta ecosystem. While the patterns and timing of diversions are certainly important components of any operation plan, we have seen no plausible evidence that the Delta ecosystem can be recovered simply by "tuning" the Delta.
2009	Planning and Conservation League	Policies to restore the Delta must provide sufficient protections to allow for species recovery. Importantly, the needs for ecosystem restoration should be defined by science, not by what is feasible under current export levels.
2009	Planning and Conservation League	It is necessary and appropriate that any plan to restore and protect a healthy Delta include long-term planning on policies or projects that will be implemented on the scale of decades. However, it is crucial that protective policies be implemented in the near-term as well.
2009	Planning and Conservation League	Options for near-term actions should be screened for feasibility and, if promising, should be implemented on a reversible, experimental, basis, with real time monitoring and adaptive management.
2009	Planning and Conservation League	Improvements in regional water efficiency and regional water supplies are key components of a successful revival of the Delta by reducing demand on Delta water supplies.
2009	Planning and Conservation League	Restoring habitat and flow conditions upstream of the Delta will contribute to a sustainable Delta by improving spawning and rearing conditions for salmon and other Delta species.
2009	Planning and Conservation League	Policies that manage water demand on the Delta should not simply displace the negative impacts of water delivery, but should reduce the environmental impacts of water delivery statewide.
2009	Planning and Conservation League	Besides the usual disagreements over reasonable and beneficial uses of water, some significant barriers to implementing successful policy solutions are: • the disinclination to reduce exports from the Delta, • the reluctance to embrace out-of-Delta solutions, and • the unprecedented challenge of dealing with the coming effects of climate change.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Planning and Conservation League	One of the themes in the policy guidelines recommended above is "living within California's water means". Policies that shape California's water demand within the limitations of the state's water supply are more likely to be sustained over the long-term than policies that focus on investment in marginal gains in traditional supplies.
2009	Planning and Conservation League	Our policy recommendations recognize the need for water management strategies to adapt to the changing conditions in the Delta. New policies must clearly identify their resilience to a changing environment.
2009	Reclamation District 2068	Approach to Tidal Marsh Restoration Targets presented to the BDCP Steering Committee Meeting on March 27, 2009, anywhere from 55,000 to 80,000 acres of tidal marsh restoration have been targeted over the 50 year BDCP plan term...We assume that the targets presented DO NOT include acreage incidental to restoration areas, such as buffers and excess lands acquired as part of a property transaction. These incidental land acquisitions need to be estimated and included in the analysis of impacts. The EIR/EIS must fully analyze the impacts of the whole of the project including long term restoration targets on the conversion or idling of agricultural land in the Solano and Yolo Counties.
2009	Reclamation District 2068	There is no discussion in the BDCP of how much land would be needed to provide adequate buffers for water quality and/or invasive species protection between habitat restoration areas and adjoining agricultural lands. All buffer areas should be incorporated as part of the habitat conservation area and maintained as part of the conservation area and in a fashion that does not further impact adjoining agricultural lands. Realistic estimations of the acreage of these indirect losses need to be provided and the impacts identified.
2009	Reclamation District 2068	The EIR/EIS should fully identify the water conveyance alternatives including an alternative that does not include the establishment of a canal/pipeline system and alternatives for water sources including desalination as an alternative.
2009	Reclamation District 2068	Alternatives for habitat restoration and reduction of stressors were not identified in the NOP. Alternatives must be developed and analyzed in the EIR/EIS for these components of the project as well.
2009	Reclamation District 2068	As part of the EIR/EIS alternative analyses, there should be an identification of alternative water supplies for agencies receiving exported Delta water..
2008	Reclamation District 999	We are concerned with the habit restoration that would convert agricultural lands into tidal wet lands. The district early history is an area of Swamp and Overflow lands. This is very different than tidal wet land for the benefit of endanger fish.
2009	Reclamation District 999	The BDCP project description must be developed based on these underlying ESA principles, which provides more emphasis on avoidance of take in the first place, especially where compensation or mitigation for a given impact will lead to take of additional species and new environmental effects.



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Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	With respect to the Project objectives/statement of purpose and need...participation of public entities with statutory responsibilities to the public, along with the far-reaching scope and effects of the project dictates a more careful inspection of foundational assumptions underlying the selection of Project components. The ongoing and probable future public financing of development and implementation of the BDCP also creates a heightened responsibility for development of objectives that also serve a broader public interest beyond the interests of the PREs.
2009	Reclamation District 999	The adaptive management component of the BDCP must be carefully developed and articulated with enough specific details to understand what it means to the District.
2009	Reclamation District 999	Had the District had an opportunity to participate in the development of the Project, the District would have urged that components be selected based both on established biological goals and objectives, with major consideration being given to minimization of disturbance to existing communities within the Delta. Though this did not occur during project development, the EIR/EIS must, as a minimum, consider alternatives that would address special status species requirements avoid or minimize impacts on Delta ecosystems and communities.
2009	Reclamation District 999	...alternatives that would reduce water exports should be given primary consideration as a means to conserve special status species. Specifically, serious consideration of the ability of water use efficiency and conservation, and development of alternative supplies to meet water supply objectives of the PREs, must be provided in the EIR/EIS. Such alternatives include but are not limited to: desalinization, wastewater re-use, rainwater collection, groundwater banking, conjunctive use, and additional storage.
2009	Reclamation District 999	...water use efficiency and related options must also focus on the San Joaquin agricultural sector...Agriculture served by Delta water can and must move forward on measures that use water more efficiently, while continuing to provide essential foods and agricultural products. These measures must be included in the EIR/EIS.
2009	Reclamation District 999	...emphasis should be placed on options that avoid a situation where the "solution" creates significant (and perhaps unanticipated) consequences, such as the current SWP/CVP pumping configuration....With a growing state population that is removed from our largest fresh water supplies, simply continuing to transfer more and more water from one part of the state to another is not a viable long term plan.
2009	Reclamation District 999	Adaptive management...requires at the minimum: I. A management structure- Who is assessing the effectiveness of the management structure and system? What are the qualifications of the people in the management structure? Who is included and who is excluded? Is there effective stakeholder participation, as identified in the Department of the Interior's (DOI) adaptive management process (Williams et al., 2007)?
2009	Reclamation District 999	Adaptive management...requires at the minimum: II. A management process- Where is the feedback loop in the decision making? How does the management team identify the appropriateness of tools, effectiveness of decisions, applicability of methods, outcome metrics? How is funding associated with management metrics or success criteria? How is funding (and projects) adjusted to meet evolving conditions? What types of questions/uncertainties require new science?

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	Adaptive management...requires at the minimum: III. Within the structure and process, the appropriate management tools- What is the spatial resolution (granularity) of the monitoring tools vs. the scale of effect for the management tools? What is the temporal scale for monitoring vs. management vs. outcome? What statistics are they using to define states or outcomes? What statistical significance is appropriate for decision-making?
2009	Reclamation District 999	It would do the BDCP process well to adopt the DOI's adaptive management process in its entirety to supplement the proposed NCCP/Habitat Conservation Plan (HCP), and add the PRBO adaptive conservation planning element.
2009	Reclamation District 999	...external scientific peer review should not be discretionary. External scientific peer review is a critical element in ensuring that the process is scientifically valid and that the iterative process is actually followed.
2009	Reclamation District 999	An adaptive management team for smelt-associated actions then needs to have experts in conservation biology, aquatic ecology, fish biology, fish ecology, aquatic toxicology, Delta water management, local stakeholders, Regional water supply and delivery agencies, and State and Federal Agency managers with the authority to authorize immediate implementation of control strategies, and control over water management facilities.
2009	Reclamation District 999	Clearly, the key structures and potential control over the ecological functions are related to the control of the quantity and quality of the water. It does not appear that there are sufficient control mechanisms in either the short- or long-term to achieve the necessary adaptive management of this species. Adaptive management is a useful process to manage these direct control systems and guide the specific needs for the long-term control systems. Adaptive management is still useful for the indirect benefits, but as the management metrics are secondary and tertiary effects, spread over long time scales for both implementation and for effects measures, the management process becomes more traditional and takes the form of best guess.
2009	Reclamation District 999	Given that the adult smelt feeds almost exclusively on zooplankton, and that plankton is declining, we can hypothesize that some portion of the smelt decline is correlated to the decline in food. In order to manage the food resources to maximize smelt, we might want to attempt to improve not just "nutrients" or a coarse metric such as TOC, but the specific suite of plankton that are the actual prey for the smelt.
2009	Reclamation District 999	...it is critical that any attempt to increase the available food resources for the smelt succeed in providing not just more plankton (or worse still maximizing a secondary metric associated indirectly with plankton), but more of the specific plankton size and food quality that the smelt requires. Plankton of the right size, but lower quality can lead to worsening fish body condition and make them more susceptible to other stressors (Allen et al. 2006; Mitra and Flynn, 2006). Plankton of the right quality, but smaller size can lead to the same problem because of the greater effort required to consume the same relative diet (loss of feeding efficiency). Rolke, 2000, gives an indication of how adaptive management might achieve the proposed combination of nutrients and ideal prey size.
2009	Reclamation District 999	Clarksburg does not want to exchange its existing terrestrial habitat for a proposed future aquatic landscape. What patch sizes, in what geometry, at what time scales?

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Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	From the District's perspective, it is critical that Conservation Measure FL002.1 (aka WOCM3:Deep water Ship Channel Bypass; and, "flooding any ROA") is intended to provide additional seasonal wetland habitat and primary production-associated nutrients, (and occasionally and ironically flood benefits) is removed, and that any proposed new flooding be re-assessed for its value as a Conservation Measure.
2009	Reclamation District 999	The Conservation Measure focus has apparently changed to the potential risks associated with the exposure of MeHg to fish as a stressor (OSCM3). As many fish are robust to observable effects from MeHg at the typical watershed concentrations, it is likely that MeHg is not a significant "other Stressor" but is likely, as described above, a contaminant exacerbated by direct and indirect effects of the BDCP, as well as other "Conservation Measures." Given the challenges of field concentration measurements and effects measurements, the potential for a false negative on effects is quite high. A thorough power analysis and sampling and analysis plan would be required to even attempt this question. Further, the "Conservation Measure" inappropriately places the burden for the implementation and monitoring on the CVRWQCB, they regulatory agency.
2009	Reclamation District 999	The BDCP's proposed efforts to reduce mercury are a valuable first step in the right direction, and certainly prioritization of efforts to reduce Delta mercury loads and methylation in general would be beneficial. But these efforts must be done in concert with local and regional experts and existing programs.
2009	Reclamation District 999	These documented and undocumented impacts of this plan directly and indirectly affect the people of the Clarksburg area, yet the people of Clarksburg carry the burdens, but get none of the benefits of this project...The admirable goal or "fixing the delta" is meaningless if it, at the end of the day just 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.
2009	Reclamation District 999	Water transfers should be delinked from this process and the health of the watershed should be the primary focus of these efforts, if the species that use the delta can be managed sustainably is proven, over droughts, then we begin discussing water transfer.
2009	Reclamation District 999	What are the ecological criteria used to set the geographic boundaries, and what are the independent studies that support these rationale?
2009	Reclamation District 999	Why is the emphasis on the upper delta providing the most habitat and the lower and middle delta providing less, given the existing communities and land values in the upper delta.
2009	Reclamation District 999	What is the targeted percentage of take of Delta smelt at the pumping plants? And, why?
2009	Reclamation District 999	Water use efficiency is not discussed in any substantive way.
2009	Reclamation District 999	What is the technical basis for proposing a flood bypass downstream/below the City of Sacramento? How is this not accomplished by using the existing ship channel? What is the difference in cost between improving the ship channel and creating a new bypass?

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	To realistically achieve what is being described would require an engineering feat equivalent to the Netherlands efforts at reclamation and a management system beyond the capabilities of BOR and DWR. Instead the engineering and water management is being treated simply as a conveyance problem needed to maximize water transfer.
2009	Reclamation District 999	In addition to the water routing alternative why are there the same habitat scenarios for each alternative? There should be upper and lower delta habitat alternatives for each water routing alternative. The co-equal goal should at least get some (thought) range of options
2008	Regional Legislative Alliance	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.
2009	Resident of Bakersfield	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.
2009	Resident of Bakersfield	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.
2009	Resident of Bakersfield	Californians should be told that the state has a water shortage and that increasing our population worsens the water shortage.
2009	Resident of Bakersfield	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.
2009	Resident of Bakersfield	Domestic users should conserve water; this means losing 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.
2009	Resident of Bakersfield	Farmers should continue to use water more efficiently. This includes much more use of subsurface drip irrigation
2009	Resident of Bakersfield	California needs to determine how much water should be directed to certain thirsty crops.
2009	Resident of Bakersfield	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.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of Bakersfield	Can America's cotton and rice be grown in the southeast? We should not use federally subsidized water to flood rice and cotton fields.
2009	Resident of Bakersfield	Consider using gray water for non food crops and for domestic use.
2009	Resident of Bakersfield	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.
2009	Resident of Bakersfield	Placing notices in water bills would be a good way to inform water users of concerns numbered one and three above [water shortage and urban water conservation].
2009	Resident of Bakersfield	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.
2009	Resident of Bakersfield	Give Sherman to USFWS - Funding Stream is constant + In Lieu fees paid
2009	Resident of Bakersfield	Eliminate as much as possible invasives - Mainly aquatic. Tumbleweeds only terrestrial so it clogs canals + pumps...stop tumbleweeds by funding bio controls of UC - no burning
2009	Resident of Bakersfield	...solar pump storage for more assured water supply
2009	Resident of Bethel Island	Conservation of our water resources must begin immediately! Water allocation must not be increased to any users in the state.
2009	Resident of Bethel Island	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 runoff 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.
2009	Resident of Bethel Island	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.
2009	Resident of Bethel Island	Permanent conservation design can include recycling water for landscape irrigation, desalinization, and improved methods of farming.
2009	Resident of Bethel Island	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.
2009	Resident of Bethel Island	How much money is this department going to pay Contra Costa County to put this pipeline in? How much money?
2009	Resident of Chico	Know history of old Delta problem. Why wasn't it created then? Will new canal invoke eminent domain on farmers?

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of Chico	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.
2009	Resident of Clarksburg	Fertile productive lands should not be 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 do not hurry the process.
2008	Resident of Clarksburg	This admirable goal or "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.
2008	Resident of Clarksburg	Water transfer should be delinked 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.
2008	Resident of Clarksburg	...this admirable goal for quote, "fixing the Delta" is meaningless if at the end of the day it ends up creating just enough smoke to keep transferring more water to Southern California.
2008	Resident of Clarksburg	...water transfer should be deleted from this process and the health of the water shed should be the primary focus of these efforts. If it could be proven that the species that use the Delta can be managed sustainably over droughts, then you'd begin discussing water transfer.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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?
2009	Resident of Clarksburg	...the admirable 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 delinked 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 drought, before we begin discussing water transfer.
2009	Resident of Clarksburg	...what is the technical basis for proposing the 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 one difference -- I'm sorry -- what is the difference in cost between using the ship channel and creating new bypass?

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	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?!
2009	Resident of Clarksburg	In what ethical society -- what democracy is it okay to take any number of homes and any number of livelihoods from people for an experiment about fish.
2009	Resident of Clarksburg	...there's no stronger evidence in science today and in state public policy then what's going to happen as a result of climate change if the scientists are right in what happens to snow pack and that's crying out for storage. It ain't necessarily crying out for a canal. But it is absolutely crying out for storage. So I would submit to you that that is somewhere for DWR to go and look at that report.
2009	Resident of Clarksburg	Something's wrong with the Delta. And it needs to be fixed. And I don't think transferring water from this area without thinking about the human part of the Delta, of people of the Delta, and you can see very, very clearly that the people of the Delta are very concerned. That has to be in your EIR.
2009	Resident of Clarksburg	We are all interested in the fish, but we must put our priorities in the right place.
2009	Resident of Clarksburg	Why would we be so focused on the fish and not on feeding our people.
2009	Resident of Clarksburg	Every Federal Action Environmental Impact Statement must clearly 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.
2009	Resident of Clarksburg	What is the estimated cost of completing the BDCP's proposed action ? How does that compare to the cost of Ocean water desalinization 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 ?
2009	Resident of Clarksburg	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.
2008	Resident of Clarksburg	The range of the alternatives seems limited to variations on a single theme. To better meet legal and regulatory requirements for an EIS/EIR these alternatives should be expanded to include other actions to meet the same goals.
2008	Resident of Clarksburg	These [alternatives] should include at a minimum the greater regulation of land use in Southern Cal...the greater resolution of water usage, including establishment of water markets, metering, monitoring and .... both of fines and denial for over use...
2008	Resident of Clarksburg	The extent of the action items limited: it fails to include technological alternatives that could achieve the same end perhaps at lower cost in the long-run. These alternatives to be included should include desalinization using the variety of methods currently existing and proposed....
2008	Resident of Clarksburg	All sources including wastewater treatment, sewage treatment and reuse, and the establishment of dual water systems should be included.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	We're not stupid. Don't even begin to talk to us about habitat restoration solely for enhancement of endangered species. This is utterly and entirely about mitigation of diversion of water for export from the Delta. I predict that if that stopped, the Delta would miraculously improve with no further action. I know that's not realistic. But what is most exasperating to me are the convoluted and equally fixes that are being proposed instead.
2009	Resident of Clarksburg	And this deals with a mitigation issue that I found as FL00.2. It's more unaffectionately called the deep water ship channel bypass. Is that still a possibility? Is that still in play? As I understand it that committee is under the BDCP leadership. It's a habitat restoration committee. And I want to know if that's still in play. It's not on that map...Which gets back to the 100,000 acres that this fellow would like to see restored and that the Delta vision process recommends doing in our Delta -- 100,000 acres. I guess the 20 or 30,000 acres in the Yolo County bypass aren't adequate. They're already there. The Sacramento -- where it exists it could be reengineered to handle additional flood flows. You don't need to build an additional bypass. Let me get real specific about this, not only am I a Clarksburg resident. I happen to live on the deep water ship channel east levee.
2009	Resident of Clarksburg	Thank you by the way for putting a bridge in on my driveway, in your drawings. There's a bridge proposed for the eastern -- the western alignment of the peripheral canal.
2009	Resident of Clarksburg	That fifth conveyance that I was talking about...put it down the deep water ship channel. It already exists it has the most robust levees in the entire Delta...finance locks down at the bottom. Increase the storage capacity five feet. The port doesn't have to deepen its ship channel. They get 8700 acre feet of storage right in the Delta. And they can have multiple diversions...there's already water there. It's a man-made waterway. I was told in the June meeting last year at Walnut Grove, "No, we can't do that there's Delta smelt there." What an idiotic thing is that to say. It's a man-made waterway. Put the lock in down at the bottom of it. And the Delta smelt, they live what a year and then they're gone. Put that in your take permit.
2008	Resident of Clarksburg	It's almost like this whole -- everything is about diversion. Protect the fish, get a judge off your back, and convey water.
2009	Resident of Clarksburg	Why is the deep water channel not being considered as a conveyance?
2009	Resident of Clarksburg	What about Southern California Storage systems. How can water be sent in excess time without SoCal Storage
2009	Resident of Clarksburg	So where are the assurances for those of us who own private land in the Delta? The water contractors are going to get their share. The fish are going to be taken care of, but what about the people who own the land in the Delta, what assurances do they have that this plan won't grow or it won't change, or it won't take on all kinds of ramifications under adaptive management, because that's what adaptive management is all about, changing to -- (inaudible) -- until it gets better, because we don't know really what the things are going to do? So that's my question, and my next question is sort of based on that.



Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	The BDCP is dealing primarily with water reliability and habitat restoration - you said that -- every single one of the physical measures you are contemplating will, by itself, result in multiple impacts to the integrity of the present Delta; the levee system, the hydrology, the economic environment, the existing habitat, the social fabric, who is responsible for seeing that the integrity of the Delta, as a whole, is maintained throughout and after the measures have been implemented? In other words, who is overseeing the -- you guys have your focuses -- the way it looks to us is that your implementing entities are going to have jurisdiction over our Delta protection commission, over our local land use, everything is going to come under those goals. They will be subject to them and there will be no way in which they can deviate from them, so the whole Delta will be made to serve this plan. So that was my question; who is overseeing the rest of it, again, where we live, and where we work and where people recreate, etcetera, etcetera?
2008	Resident of Clarksburg	...if this is just another futile way to get water to L.A., why don't we just bypass all of this and you just tell us that that's really the way it is?
2009	Resident of Clarksburg	I know that it would be a better idea for this community, if this whole project were moved further south into the deep water channel.
2009	Resident of Clarksburg	And I urge you to take a second look in moving this south and pulling this from our community.
2009	Resident of Clarksburg	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...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.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	"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...are not conservation measures under the BDCP, and 2) will be implemented if necessary through the exercise of eminent domain power.

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Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	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...
2009	Resident of Clarksburg	I was reading the Notice Of Preparation. And the project area part says, "Any conservation actions outside the statutory Delta will be implemented pursuant to cooperative agreements or similar mechanism with local agencies, interested nongovernmental organizations, landowners and others. Okay. So that sounds like that would be willing participants outside the statutory Delta. Does that mean -- is the opposite true that inside the statutory Delta it's not going to be willing participants?
2009	Resident of Clarksburg	My first question is about this diagram here that's the second page of your handout. The proposed action is the BDCP. Then it lists some other alternative projects. What are those? Have they already been discarded, or are they going to be evaluated
2009	Resident of Clarksburg	Was one of the alternatives the one that was proposed by Tom Zuckerman early in the Delta process? Was that considered an alternative?...Was proposed by Tom Zuckerman from down here in this area early in the Delta vision process. A whole alternative to this idea was called -- he focused on self-sufficiency. Regional self-sufficiency and conservation.
2009	Resident of Clarksburg	I'm looking at the adaptive management section of chapter 3, conservation strategy. And here it says that conservation measures can be discarded if they're found not to work. My question is -- now, they can be revised. They can be added to...So what happens to that land that is -- that is not going to be used for a conservation measure anymore?
2009	Resident of Clarksburg	...when does this process stop? We live here. We're trying to make livings here. We're trying to make a, quote, viable or vigorous agricultural economy here. And if you're just -- if there's no end to this adaptive management...And by the way, are the water contractors paying for all of this? Is that part of this too? Or are they off the hook for this once they get their permits?
2008	Resident of Clarksburg	What are the projected labor requirements and projected costs, with and without overhead costs included, for the management of the new habitat that is proposed? What formulas and assumptions will be used in calculating these costs?
2008	Resident of Clarksburg	What is the financing structure going to be for all phases of the proposed physical and management changes for the <b>BCDC</b> plan?
2008	Resident of Clarksburg	How do we make sure that conflicting assumptions at various federal and state agencies will in fact not just be perpetuating things that don't work, by their own admission.
2008	Resident of Clarksburg	...there's a big focus on the diversion of water for Southern California. And it sounded like it's -- you know -- the system is broken and so we must fix it. Okay, that's great. But are we gonna fix it where all the fix is required to come out of reducing the water rights and everything of folks here, versus saying that the Southern California water is inviolate?

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Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	But we drive right by the Freeport intake for the East Bay MUD facility. So I just threw out one thought, "Wow. There's obviously going to be a pathway for water" -- which when they showed me, it's going to get right down to the south part of the Delta. Why couldn't we piggy back on a route that's already established that doesn't destroy the Delta.
2009	Resident of Clarksburg	If we are talking about something as complex as this and we have agencies that don't agree amongst themselves. How are we going to say that this is nothing but a grand experiment where each one is going to do in their side pocket what they want to do, hope it comes together in a document that makes everybody happy.
2009	Resident of Clarksburg	I can't believe we spent billions and billions of dollars to do all of this -- and maybe it's been thought of just as the gentleman aid earlier -- but why can't we do something with modern technology to put things -- to keep the fish out of the pumps out of there
2009	Resident of Clarksburg	And finally, assuming this all goes through, I'm very concerned that if we wind up losing and having to lose our properties that we're going to have happen what happened to my grandparents. When they had the interstate systems take their property. They had them sold at eminent domain based upon the values after years of depression knowing that the properties were going to be eminent domain. So who's going to buy property that's -- as it's already been said here in town, if we look at value of what people will pay for 2, 3 years from now then that will be just flat out confiscation of property.
2009	Resident of Clarksburg	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?
2009	Resident of Clarksburg	...what about pipelines rather than a canal? I'm not an engineer, but it seem 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.
2009	Resident of Clarksburg	Where does the \$ come from?
2009	Resident of Clarksburg	How do you know that your experiment will work?
2009	Resident of Clarksburg	How much will you buy my land for with so I can live + my children live the rest of my life.
2009	Resident of Clarksburg	Build Salt Removal Plants all along the Coast. LEAVE the Delta ALONE.
2009	Resident of Colusa	How much water does the estuary require to maintain ecosystem integrity? How much surplus water is available for export?
2009	Resident of Colusa	What are the economic and environmental consequences of various reduced export scenarios?

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Year of Scoping	Affiliation	Comment
2009	Resident of Colusa	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.
2009	Resident of Colusa	Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a preconceived plan looking for a rubber stamp.
2009	Resident of Courtland	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.
2009	Resident of Courtland	Why are we being asked (or told or threatened) to accept a life style change that cannot be justified morally, economically, or healthily?
2008	Resident of Courtland	What is the cost difference between conveying export water through the Delta vs. A peripheral aqueduct?
2008	Resident of Courtland	Won't it be necessary to convey water through the Delta for an extended period of time even if a peripheral aqueduct is considered, so why do both?
2008	Resident of Courtland	In order to export water from Delta channels will the State develop new upstream water?
2008	Resident of Courtland	Who will pay for reconfiguration of Reclamation Districts and how much will it cost for levee and drainage infrastructure?
2008	Resident of Courtland	How will the BDCP acquire property for conversion to wetlands and how much will it cost to include permanent crops such as grapes, pears, and cherries?
2008	Resident of Courtland	...wouldn't it be more productive to develop and finance projects which help create regional self sufficiency?
2008	Resident of Courtland	I would encourage you to use boundaries that are known. Boundaries that exist today. And not cut across reclamation districts and create new boundaries. New boundaries bring all kinds of very unusual impacts. We have reclamation districts that operate for flood control and drainage that operate as a unit and they may not operate very well all split up.
2008	Resident of Courtland	There are -- I believe -- opportunities in the Western Delta. You have a large area of public ownership in the bypass. You have an area that has flood easements already. It has water. And I think those are the areas that you should concentrate in the North Delta as your plan is developed.
2008	Resident of Courtland	...I don't know and you don't know -- the scientists don't know if what you're proposing here is going to work. So number one, it has to be reversible. It has to be an experiment or a test spot that's reversible. When you remove pear trees, you remove wineries, and you remove trees, that's not reversible. So, I'm going to say to you what I said to the Isenberg committee. Number one, has to be reversible.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Resident of Courtland	...you're always going to go to publicly owned property first with an experiment. And that's federal or state owned property. If you can't find federally or state owned property, you go to where property has a cloud on the title. The cloud is already there via some sort of easement or a flood easement is the perfect example. If that map number four, if this project were moved just a few miles to the west, and if it was in the middle of the Yolo Bypass, you'd have a handful of people in this room. So, maybe somebody is not really familiar with the lay of the land. The other issue that I want to point out to you, the State of California bought 12,000 acres a few miles west of us. The Glide Ranch, owned by the Department of Fish and Game. So I would like to direct you to that parcel to do your experimentation and just remember that we're all concerned about flood control. And so you can do your experimentation there, the way the Vic Fazio Refuge -- if you go and look at that refuge, there's water moving through that refuge, but you have to conduct anything in the bypass so that it's flood neutral.
2009	Resident of Davis	As a non-Delta resident and with no personal financial stake in Delta farming and "integrity" as a place, what responsibility do I (as a tax-payer and resident of the state) have to maintain the Delta levees that protect below sea-level private property? Especially if there is a periferal canal, or if the SWP & CVP can't pump due to endangered species issues.
2009	Resident of Davis	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.
2009	Resident of Davis	The program [Adaptive Management and Monitoring Program, BDCP Jan 12, 2009] will be inadequate to conserve covered species and habitats for several reasons...it is impossible to evaluate the program in the absence of reviewing the final incidental take permit...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...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.
2009	Resident of Davis	But the Section 10, take recovery conservation plan decisions that are going to be made first, those are strictly related to take and mitigation willing to take. But there was reference to recovery goals, and so I'd be interested to find out if you're actually pursuing a Section 4 recovery plan as well, or if you're taking the novel path of using HCP as a recovery plan, because that's generally not done, and it would probably be the first example of it. So I wanted to find out, is this just a Section 10 HCP, or is this a Section 4 recovery plan?
2009	Resident of Davis	So I want to find out if this HCP is going to have -- and NCCP -- is going to have a typical assurances clause, in which case you'd have a permit for a take, say for 30, 50 or 100 years, or if it's actually going to not use assurances and no surprises and have adapted management plan? And I put those things in context to each other, because assurances doesn't allow you to do adaptive management.
2009	Resident of Davis	I had a question about the role of the Natural Resources Agency. You're currently both the lead and the mother agency for the permitting department under the NCCP Act, so how do you resolve the potential conflict between both the proponent for the permit and the permit signer?

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Year of Scoping	Affiliation	Comment
2009	Resident of Davis	...under Section 10, there's no requirement for code and there's no requirement for using (inaudible) so what's the impetus for motivation to actually modify water conveyances (inaudible) activities in response to the information about the ecosystem; what's going to contractually obligate the permittee to do that, as opposed to a good faith effort?
2009	Resident of Discovery Bay	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.
2009	Resident of Discovery Bay	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.
2009	Resident of Discovery Bay	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.
2009	Resident of Discovery Bay	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.
2009	Resident of Dixon	I would like to see a central 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.
2009	Resident of Dixon	Where is the Down Range Storage
2009	Resident of Fountain Valley	...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.
2009	Resident of Fountain Valley	...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 withdrawals.
2009	Resident of Fountain Valley	...construction of a series of low-head darns 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.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of Fountain Valley	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...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.
2009	Resident of Fountain Valley	...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...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 withdrawals from the Sacramento River and its Delta?"
2009	Resident of Grizzly Island	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 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 ways short for everyone to receive their allotted 100% of water delivered....Have we covered all the aquaducts to prevent water evaporation? Were any swimming pool permit 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?
2009	Resident of Grizzly Island	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.
2009	Resident of Grizzly Island	Maybe part of the cost of taking water from an environmentally sensitive area will be to have desalination pumps available on Grizzly Island to support the fresh water needs of the Elk, ducks, and plant life on the Island.
2009	Resident of Hood	Who is the Delta Habitat + Conservation Program paying for what?
2009	Resident of Irvine Water District	I was not aware right up front that the EIR/EIS process has selected a preferred alternative for the Delta, and yet you appear to be most certainly planning on the east side diversion, and it shows in your printed material. And I'm wondering if you got a little bit in front of the cart, or the cart a little in front of the horses, in doing so, and if you are, you know, coming up with a BDCP that's predicated on an east side alignment, assuming that the people who divert water want to drink the sewage, you know, basically from the Sac Regional Plant, because the intake is right below it. I'm just wondering, so has the EIR/EIS process, you know, come up with a preferred alternative that I'm not aware of.
2009	Resident of Irvine Water District	So the original peripheral canal that I worked on back in the early '80s had the points where they released water into each of the tributaries; that is no longer in the planning?

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Resident of Merrit Island	Under eminent domain: Cost of buying land planted in vineyard and other permanent crops; and Cost of buying long-term contracts with wineries, some for as many as twenty years
2009	Resident of Point Reyes Station	How much water does the estuary require to maintain ecosystem integrity? How much surplus water is available for export?
2009	Resident of Point Reyes Station	What are the economic and environmental consequences of various reduced export scenarios?
2009	Resident of Point Reyes Station	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.
2009	Resident of Point Reyes Station	Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a preconceived plan looking for a rubber stamp.
2009	Resident of Sacramento	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.
2009	Resident of Sacramento	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.
2009	Resident of Sacramento	How much water does the estuary require to maintain ecosystem integrity? How much surplus water is available for export?
2009	Resident of Sacramento	What are the economic and environmental consequences of various reduced export scenarios?
2009	Resident of Sacramento	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.
2009	Resident of Sacramento	Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a preconceived plan looking for a rubber stamp.
2009	Resident of Sacramento	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 least 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.



Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of Sacramento	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.
2009	Resident of Sacramento	Please consider intakes that are not across from the Pocket Area
2009	Resident of Sacramento	...determine how the beauty of the river can be maintained without turning the area across from the Pocket into an industrial looking area, determine how to maintain the Delta without destroying the river area through Sacramento
2009	Resident of Sacramento	...will alternatives that include reducing flows @ the CVP pumps be considered
2009	Resident of Sacramento	...will flood protection be part of the process
2009	Resident of Sacramento	Develop & analyze alternatives that do not involve intakes across from the Pocket area...find alternatives in rural areas
2009	Resident of Sacramento	Can the intakes be located somewhere less people populated?
2009	Resident of Sacramento	Until more storage is created there is no more water that can be sent south
2009	Resident of Sacramento	But everyone of the proposals had a peripheral canal, every one of them. There wasn't a proposal without a peripheral canal in it.
2009	Resident of Sacramento	Now, Bay Delta Conservation Plan. There's no conservation happening here. I don't see any conservation. I see the creation of salt water marshes, where there used to be fresh water marshes. So the fresh water marshes aren't being conserved. The agricultural land is not being conserved. It's going to be inundated by salt water. The communities and the way of life here isn't being conserved. It's going to have to make way for a canal. And then, I mean, conservation. There's no conservation. Again, no conservation. This is the Bay Delta Canal Plan. Please be honest.
2009	Resident of Sacramento	We can't be improving flows, which should help alleviate salt water intrusion. And then later on say, "Well, we're going to have salt water intrusion where we haven't seen it before." So we're going to have to plan to mitigate that, which is it?...So here is my question. How do we have improved flows that reduce salt water intrusion, when at the same time we know have salt water intrusion problem that has to be mitigated?
2009	Resident of Sacramento	I looked at some of proposals. And some of the proposals include building gates where there haven't, I mean, gates to prevent salt water intrusion where there hasn't been a problem before. Actually along the Sacramento River there's a proposal that shows gates being built there...All right. So with that firmly established we're talking about salt water intrusion up at 3-mile slough. We're not talking improved flows coming all the way down through to Pittsburg.
2009	Resident of Sacramento	...I urge you to build these facilities (if they must be built) in a less populated area.
2009	Resident of Sacramento	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.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of Sacramento	Why is this being built in a residential area? [Pocket Area]
2009	Resident of Sacramento	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.
2009	Resident of Sacramento	If this is a good project, why can't it be built further south on farmland that has no residents nearby.
2009	Resident of Sacramento	Has anyone ever thought of a bigger project to build canals across the country to alleviate flooding throughout the country?
2009	Resident of Sacramento	If pumping stations are required, they should, like the Redding facility, be placed away from urban areas, having the least negative impact on humans.
2009	Resident of San Jose	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.
2009	Resident of Stockton	How much water does the estuary require to maintain ecosystem integrity? How much surplus water is available for export?
2009	Resident of Stockton	What are the economic and environmental consequences of various reduced export scenarios?
2009	Resident of Stockton	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.
2009	Resident of Stockton	Proposals such as the BDCP must consider viable alternatives or else it is not a proposal, simply a preconceived plan looking for a rubber stamp.
2009	Resident of Stockton	...we can say that it's -- we're doing this for conservation. But conservation and exports have never been in conjunction with each other. It's either exports or it is conservation. So please take this into consideration.
2009	Resident of Stockton	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?
2009	Resident of Stockton	...adhere to the promise made years ago, pumps convey only water that is excess to the needs of the people of Northern California.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of Stockton	...enforce the current laws/statutes/regulations and policies to assure a healthy Delta
2009	Resident of Stockton	...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!
2009	Resident of Stockton	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 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
2009	Resident of Stockton	...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 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 Sherman Islands, extend a rock berm across the Sacramento River toward the shipping lane, divert river water into the slough. These three actions would feed fresh water into the delta.
2009	Resident of Stockton	...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.
2009	Resident of Stockton	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 LA Basin with minimal amounts to others.
2009	Resident of Stockton	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.
2009	Resident of Stockton	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...One solution is to place the screens at locations away from the pump intakes.
2009	Resident of Stockton	Salt water intrusion in the various channels can be controlled with gates...it's done all over the world.
2009	Resident of Stockton	...I would like to know what the cost and the benefit is, to see if this is a sustainable project to keep watering the desert.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of Stockton	And as far as the water that's going to come up north, how do you keep the fish out of there? Because once you get them in your tube, they're pretty much stuck, it looks like. And what happens to them when they come out the end of the tube if they make it?
2009	Resident of Suisun	When I first came here, I was against the diversion of water. I still am.
2009	Resident of Sutter Island	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...
2009	Resident of Sutter Island	There are real solutions to fixing California's ailing water system, Storage- haven't built any substantial storage in the state since 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 dams, 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?
2009	Resident of Sutter Island	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...
2009	Resident of Sutter Island	I would like to support the concept of regional self-sufficiency
2009	Resident of Sutter Island	I would hope that you folks stop and take time to ask yourselves one crucial question. Is this project beneficial in the long term for California's economy and ecosystem? 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 had 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're shaping the implementation and development of the Federal and State Endangered Species Acts and CEQA and NEPA....

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of Sutter Island	There are real solutions to fixing California's ailing water systems. Storage, you haven't build any substantial storage in the state since 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 design to have 5.5 million acre -- a million acre feet of additional storage than what we have today. And you squabble over three dams sites, Sites reservoir, Los Vaqueros and an addition to the Millerton reservoir complex. What about building Shasta dam to their original design capacity? And rest-in-peace Auburn dam. Why don't you finish the project you started over 50 years ago?
2009	Resident of Sutter Island	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 in southern California. How much water could have been recycled with the dollars spent on the sham of a process. The public will soon have to get over their problem with recycled water. Honestly, how much kidneys do you think the water has gone through from the time it leaves Redding until it arrives in Tracy? Our focus should be 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 State Water Project over the Grapevine...
2009	Resident of Sutter Island	I would like to support the concept of regional self-sufficiency
2009	Resident of Sutter Island/Hood	Who is Delta Habitat and Conservation Program? And what are they paying for?
2009	Resident of Sutter Island/Hood	How are you building a canal that is bigger than the river that exists now? And how does that make any sense?
2009	Resident of the Delta	...I don't understand how taking water out of one area and shipping it to another area is going to help the Delta in any way. The -- I just look at the track record of the state and federal governments. And anyplace you've done this, be it Mono Lake, Owen's Valley, et cetera, your track record is dismal.
2008	Resident of the Delta	The BDCP planners appear to have in mind a fairly extensive transfer of private land to public ownership and/or management. The wisdom of this land transfer alone...must be thoroughly studied to determine whether government, State or Federal, has either the financial means or political will to serve as a successful long-term steward of such a complex and vital resource.
2008	Resident of the Delta	BDCP should treat the Delta north of Walnut Grove differently from lands to the south. North Delta lands, for example, are higher, have much less history of flooding, have mineral soils instead of peat, and tend to have a higher population density than lands to the south.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of the Delta	But if the government structure -- the folks that are going to be making the real decisions down the road -- if, would you be in favor of the department, would the department be in favor of allowing one or more people from the Delta itself -- the people who have the most skin in the game -- to have a voice directly in the process, not in meetings like this where we give comment and then somebody goes into a back room and says, "Well, we just heard a comment but we're going to do what we want to do any way." But actually of direct voice, a voting voice and we think and hope a strong voice in the government structure. Is that something the department would support?
2009	Resident of the Delta	I think you could see from people here that we're asking for a third leg in the process, not just conveyance, not just habitat. But also the people in the place because for the people that are here it's not just live and -- it's a data point on sheet of paper or spreadsheet. It's about lives and history...And state will lose something, if the big project rolled through and we were depopulated. We lose a base to have schools, we lose a base to have fire department. We will suffer. And the state will suffer.
2009	Resident of the Delta	They could put screens on the intakes or that flow that comes into the Byron fore bay. That's possible. They don't want to do it.
2009	Resident of Vacaville	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.
2009	Resident of Vacaville	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
2009	Resident of Walnut Creek	Please consider the nuclear desalination process that is cost effective, safe and already being used in other countries.
2008	Resident of Walnut Grove	If you want to eliminate all of the negative results listed above, then flood the Yolo Bypass where it is designed to handle the overflow of water during heavy rains and high river/slough waters.
2009	Resident of Walnut Grove	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...
2009	Resident of Walnut Grove	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.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Resident of Walnut Grove	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.
2009	Resident of Walnut Grove	Will the Proposed conveyance system be an open-ditch canal or more of a pipeline. The largest loss of water in CAs water system is evaporation, an open-ditch canal will only continue that, also what will be the capacity + the control on water diversions
2008	Restore Hetch Hetchy	Improving the reliability of water supply for EBMUD and SFPUC customers is within the domain of the BDCP, given the broad scope of the Department of Water Resources legal responsibilities for ensuring reliable water for all Californians. Note that both EBMUD and the SFPUC have received Delta supplies in the past during times of need. It is likely that relatively little supply would actually be provided through improved Delta facilities to these customers, but it is very important that the capability exist in case that additional supply is needed.
2008	Restore Hetch Hetchy	An additional source of water for the San Francisco Public Utilities Commission, even if seldom used, could also replace the small amount of supply that would be lost if Hetch Hetchy Valley in Yosemite National Park were to be restored. While the BDCP has not heretofore considered restoration of Hetch Hetchy Valley in Yosemite National Park, it is evident from the valley's proximity to the Delta and the actual crisscrossing of conveyance systems, that a Delta solution has the potential to be part of a Hetch Hetchy solution. We believe that analysis of the potential is legally required as part of the BDCP EIR/EIS.
2008	Restore Hetch Hetchy	The federal Raker Act, which authorized the construction of O'Shaughnessy Dam, states that Tuolumne diversions to San Francisco and its customers must conform to the laws of California Therefore federal aspects of the BDCP analysis must address the reasonableness of the existing diversion, given available alternatives. In addition, the Raker Act (Section 9, paragraph h) limits diversion of Tuolumne supplies to those that are supplemental to other supplies that either were existing at the time of the Act's passage or that the "grantee ... may hereafter acquire". Delta supplies were not available in 1913 but are available today and many Bay Area agencies depend on them. Given the Raker Act's express limitation on Tuolumne diversions to the Bay Area, compliance with the Raker Act must include consideration of the availability of Delta supplies.
2009	Restore The Delta	We have no confidence in your intention to provide for water quality for any except export purposes, even though a multi-billion dollar economy of farming and recreational and commercial fishing, with the jobs that economy provides, depends on ample clean water in the Delta. We have no confidence in the state's ability to plumb this intricate system in ways that sustain Delta habitat and human communities. We question the science on which you have based many of your decisions
2009	Restore The Delta	The state should be putting these resources into efforts toward regional self-sufficiency and the most flexible, resilient systems possible in order to confront unknown conditions in the future.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Restore The Delta	We have no confidence in your intention to provide for water quality for any except export purposes, even though a multi-billion dollar economy of farming and recreational and commercial fishing, with the jobs that economy provides, depends on ample clean water in the Delta. We have no confidence in the state's ability to plumb this intricate system in ways that sustain Delta habitat and human communities. We question the science on which you have based many of your decisions
2009	Restore The Delta	The state should be putting these resources into efforts toward regional self-sufficiency and the most flexible, resilient systems possible in order to confront unknown conditions in the future.
2009	River Delta Unified School District	...you'd be doing a great disservice to then if we wouldn't be able to keep our schools.
2008	Sacramento County Farm Bureau	Farm Bureau emphatically opposes an isolated facility (peripheral canal).
2008	Sacramento County Farm Bureau	In order to execute a successful BDCP, conversion should occur where acquisition is possible and affordable.
2008	Sacramento County Farm Bureau	...because the North Delta will be affected the least by the drivers of change, and because the State of California's Delta Protection Act of 1992 has already reserved the North Delta for agriculture, recreation and habitat, this area should not be considered for conversion to marsh.
2008	Sacramento County Farm Bureau	As alternatives are developed for further study during the EIR/EIS process, we urge you to remove the North Delta east of the Sacramento River Deep Water Ship Channel for consideration as "primary habitat restoration zone" and concentrate your efforts on the Yolo Bypass, Prospect Island, Liberty Island and the Lower Bypass.
2009	Sacramento County Farm Bureau	Isolated conveyance proposals with multiple outlets and large surface canals will negatively impact the northern Sacramento County Delta far beyond the footprint of the project.
2008	Sacramento Regional County Sanitation District	The EIR/EIS should state that an objective of the selected project will be to avoid unintended impacts on third parties...The beneficiaries of water diversions from the Delta should be accountable for funding any necessary mitigation.
2008	Sacramento Regional County Sanitation District	A fifth BDCP alternative should be evaluated in the EIR/EIS in which non-structural approaches for achieving water supply reliability are considered. Nonstructural alternatives should include water conservation, water reclamation, localized desalination, increased capture and storage of localized rainfall or other forms of water procurement in lieu of continued or increased Delta deliveries.
2009	Sacramento Regional County Sanitation District	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.



Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	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.
2009	Sacramento Regional County Sanitation District	The cost estimates and funding mechanisms for the alternatives should be clearly presented in the EIR/EIS, with separate cost-benefit analyses and environmental review for all restoration projects, such as notching the weir to the Yolo By-pass, or creating flood plains in the eastern Delta.
2009	Sacramento Regional County Sanitation District	The planning goals must ensure that covered activities are implemented in compliance with all applicable water quality protection laws, including the federal Clean Water Act and California Water Code, to provide reasonable protection of beneficial uses.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should carefully evaluate whether the positive effects of habitat restoration projects inside the Delta will outweigh negative effects of diversion of high-quality Sacramento River water. Technical details should be provided about the number, locations, and types of restoration projects that are necessary to provide known biological benefits. The feasibility and sustainability of the restoration projects should be covered in the EIR/EIS, and the responsible parties for implementation identified.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should clearly explain how entities that are not a part of the BDCP, nor governed by any participant on the BDCP, will implement conservation measure under the BDCP.
2009	Sacramento Regional County Sanitation District	Alternatives should be evaluated in the EIR/EIS in which non-structural approaches for achieving water supply reliability are considered at the point of use. Non-structural alternatives should include water conservation, water recycling, localized desalination, increased capture and storage of localized rainfall or other forms of water procurement in lieu of continued or increased Delta deliveries.
2009	Sacramento Regional County Sanitation District	The approaches recommended in these conservation measures do not take into consideration existing regulatory authority of other State agencies, and ignores established legal authority in the Clean Water Act that establishes water quality objectives and beneficial uses to determine permitted activities...it appears as if the Workgroup may be removing or re-writing the references to uncertainties related to the state of the science on ammonia and endocrine disruptor issues that were pointed out in the "Main Points Evaluation" Section. It is imperative that this scientific uncertainty be included in the discussion so that public policy decisions do not move forward based on unproven and inaccurate scientific speculation.
2009	Sacramento Regional County Sanitation District	SRCSA continues to call for sound science as the basis of decisions, not only for the Delta protection, but in making public policy choices that affect the local community, as well as the State.
2009	Sacramento Regional County Sanitation District	The approaches recommended as conservation measures should avoid unintended and inequitable impacts on third parties...Any mitigation measures recommended through this workgroup [Other Stressors] process will have to consider evaluating the environmental costs and benefits, and beneficiaries of water diversions from the Delta should be accountable for funding any necessary mitigation.

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Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	Understanding the Delta Regional Ecosystem Restoration Implementation Plan (DRERIP) analysis would be helpful to comprehend how this conservation measure [Wastewater Treatment Modifications] is ranked as "Conservation Measure No. 1." The benefits identified for the action and the approaches do not have proven scientific backing, and the expected specific benefits achieved as environmental outcomes do not relate back to the action and approach...
2009	Sacramento Regional County Sanitation District	The main points identified in this coarse level evaluation do not support the outcomes, and generally do not capture the current level of scientific understanding of the effects of ammonia and endocrine disruptors on the Delta ecosystem.
2009	Sacramento Regional County Sanitation District	What is the scientific rationale for requiring these reductions [Reduce loads of ammonia and endocrine disruptors]? What are the targeted compounds and concentrations? What are the removal efficiencies, and the expected effluent quality?...What studies exist to support the actions of reducing ammonia loads and endocrine disruptors by 50-60% will improve the health of the ecosystem? There is little or no monitoring for endocrine disruptors and there are no targets for risk reduction.
2009	Sacramento Regional County Sanitation District	The constructed wetland approach shows a lack of understanding of the SRCSD treatment plant and processes, and a lack of consideration of concept feasibility. It is infeasible to construct a 3000 acre wetland in a highly urbanized area, regardless of the level of wastewater treatment. Even though SRCSD owns 3,550 acres at its treatment plant site, 900 acres are used for the treatment plant processes... and 2650 acres are managed as open space, and is known as the "Bufferlands". The Bufferlands provides over 2000 acres of open space for riparian and habitat restoration....
2009	Sacramento Regional County Sanitation District	The responsibility for control of contaminants should be determined in accordance with the Clean Water Act, California Water Code and Central Valley Basin, as implemented by the Central Valley Regional Water Quality Control Board, SWRCB, and USEPA.
2009	Sacramento Regional County Sanitation District	Conservation measures to benefit Delta water diverters or water purveyors should be funded by those beneficiaries. The cost and energy to treat water supplies taken from the Delta must be evaluated in comparison to the costs and benefits to remove contaminants through watershed management and treatment at the source...Water supply agencies benefiting from the use of Delta supplies should fund treatment at the source consistent with a "beneficiary pays" theme.
2009	Sacramento Regional County Sanitation District	The need for advanced wastewater treatment at individual treatment facilities is based on specific discharge conditions, dilution characteristics, and water quality-based requirements as determined under the Clean Water Act and California Water Code regulatory programs. BDCP, or their consultants, should not be overriding these programs and/or oversimplifying the analysis and mandating treatment levels, or types of treatment, at any treatment plants in California without substantial justification and site-specific analysis.

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Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	Detailed impact analysis of the WWTP's discharge in the receiving water has shown no significant impact and does not exceed USEPA criteria outside the mixing zone. Additionally, studies being conducted by the University of California, Davis, under Regional Water Board direction, show that the direct mortality of covered species by ammonia is not occurring, making this outcome incorrect. The statement that thermal stress is occurring near the outfall is also incorrect based on the District's Environmental Impact Report thermal study...in March 2005. The Department of Fish and Game and NOAA supported the concept that there is no significant thermal impact related to the District's discharge.
2009	Sacramento Regional County Sanitation District	What are the specific "issues" connected to the SRCS D discharge and endocrine disrupters? Have risk levels to human health or aquatic habitats been determined? If so, please provide the specific studies on which these statements are based. What is the basis for the statement regarding reduced "direct mortality" or "sublethal effects" caused by <i>Microcystis</i> , and what is the clear linkage between ammonia to <i>Microcystis</i> ? Outcomes should have referenced materials that any reader could refer to in understanding how the outcome relates back to the approach recommended for any conservation measures.
2009	Sacramento Regional County Sanitation District	The approach to improve trapping efficiency of the CCSB [Cache Creek Settling Basin] is not a simple task and will likely result in significant ecosystem impacts from excavation, hauling, noise, dust, and general construction disturbance.
2009	Sacramento Regional County Sanitation District	The additional negative outcomes [settling basins located downstream of Cache Creek Settling Basin] fail to recognize the length of the construction disturbance during times when the basin is accessible (not flooded) and the study necessary to determine HOW to improve the trapping efficiency by 50%.
2009	Sacramento Regional County Sanitation District	There is no reason to not look upstream of the Delta for mercury sources. The constant influx of total mercury in sediment transported to the Delta via the Sacramento and San Joaquin rivers is what methylates in the Delta. If these sources are not reduced, the narrow definition of wetlands that do not methylate mercury will be the only acceptable habitat allowed to be constructed in the Delta and the resulting monoculture may not be consistent with a healthy ecosystem.
2009	Sacramento Regional County Sanitation District	SRCS D strongly opposes the concept of installing intake facilities at any of the following locations: A-A, B-B, C-C, D-D and E-E. Diversions at A-A and B-B would significantly reduce flow in the Sacramento River at the SRWTP point of discharge and would seriously impact the design and operation of the existing SRWTP facility. Diversion at C-C would result in the diversion of partially diluted SRWTP effluent, would produce enormous public perception issues and would not gain the approval of the Department of Public Health. Diversion at D-D and E-E would similarly create significant public perception issues due to the proximity of the intakes to the SRWTP discharge and also would not be expected to gain the approval of DPH. SRCS D requests that these alternative diversion locations be eliminated from further consideration by the BDCP Conveyance Workgroup.

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Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	In general, SRCSD is very concerned with the impact that the proposed intake volumes would have on the flow conditions in the Sacramento River. The concern is that the magnitude and timing of withdrawals from the proposed intake locations would increase the frequency of river reversals and low flow conditions at the SRWTP diffuser. The SRWTP is required to cease discharge to the Sacramento River during flow reversal and low flow conditions. An increase in frequency of reversals and low flow conditions could significantly impact the design and operation of the SRWTP.
2009	Sacramento Regional County Sanitation District	...the Other Stressors Workgroup is addressing ammonia as a mitigation measure...studies must be completed before an evaluation of the benefits of control measures can be performed and before definitive recommendations for ammonia source control action could be formulated.
2009	Sacramento Regional County Sanitation District	The BDCP should not be basing its work or conclusions on unpublished correlations without scientific evidence linking to a causal relationship. Again, this topic [relationship abundance and contaminant concentrations (e.g. ammonia) and water temperature] has been adequately considered and described in the Other Stressors work group as a working hypothesis which will be examined through independent studies. The assertion of a relationship in the subject draft document is inconsistent and unfounded.
2009	Sacramento Regional County Sanitation District	SRCSD is aware of several different studies relative to the issue of ammonia impacts in the Delta, including but not limited to studies by Dr. Richard Dugdale and Dr. Inge Werner. In the case of Dr. Dugdale's work, the studies deal with possible ammonia inhibition of the Delta food web rather than ammonia toxicity. The ammonia inhibition of the Delta food web studies are yet to be performed in the Delta. It is not yet known if Dr. Dugdale's hypothesis...would apply to the freshwater portions of the Delta, or whether such effects would have any significance to Delta fish populations...With regard to Dr. Werner's work, the most recent study report indicates that the results from 2006 may not be valid for determining if Delta smelt are in fact highly sensitive to unionized ammonia...Toxicity testing in 2007 found that "turbidity and EC/salinity were the two most important factors affecting delta smelt survival overall."
2009	Sacramento Regional County Sanitation District	Because of the variable results, the Central Valley Regional Water Quality Control Board, Dr. Werner, and Sacramento Regional County Sanitation District have entered into a working relationship to conduct a study on The Effects of Wastewater Treatment Effluent-Associated Contaminants on Delta Smelt...Until this study and others in progress are completed and verified, it is premature for the BDCP to rely on preliminary results from early studies to imply that ammonia discharges from wastewater are negatively impacting aquatic life in the Delta. Although it should be noted that preliminary results indicate that over 4 times the maximum ambient ammonia concentrations, and over 5 times the average amount of effluent discharged to the Sacramento River, did not cause significant adverse effects to Delta smelt.
2009	Sacramento Regional County Sanitation District	We have repeatedly enumerated in public forums and comments letters that BDCP documentation about the impact of toxic contaminants, in general, and research results of recent ammonia studies, specifically, should be properly stated. Where references are made to "recent research", statements should be properly limited and qualified until the results are shared in proper technical forums to allow opportunity for technical evaluation and peer review.

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Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	SRCS D is aware of several different studies relative to the issue of ammonia impacts in the Delta, including but not limited to studies by Dr. Richard Dugdale and Dr. Inge Werner performed in coordination with the Central Valley Regional Water Board and SRCS D. In the case of Dr. Dugdale's work, the studies deal with possible ammonia inhibition of the Delta food web and have only recently been initiated. Preliminary results in the Sacramento River have not supported Dr. Dugdale's hypothesis that ammonia concentrations inhibit phytoplankton growth. Initial results also do not support other hypotheses that smaller, less valuable algal species are produced in areas where ammonium concentrations exceed Dr. Dugdale's inhibition threshold
2009	Sacramento Regional County Sanitation District	...The Central Valley Regional Water Quality Control Board, UCD (Dr. Werner) and Sacramento Regional County Sanitation District have entered into a working relationship to conduct a study on The Effects of Wastewater Treatment Effluent-Associated Contaminants on Delta Smelt...This study, which began in March 2008, is intended to identify the potential for adverse effects of wastewater effluent, in particular ammonia, on Delta Smelt larvae....Preliminary results...indicate no evidence of ammonia toxicity to Delta smelt in the Sacramento River near the SRCS D discharge.
2009	Sacramento Regional County Sanitation District	It is premature to even propose a performance metric for ammonia. This latest document appears to establish a performance metric prior to understanding if ammonia is even impacting the Delta in environmentally relevant concentrations....Clearly, studies must be completed before an evaluation of the benefits of control measures can be performed and before definitive recommendations for ammonia source control action could be formulated and a performance matrix established.
2009	Sacramento Regional County Sanitation District	Environmental relevant ammonia concentrations in the river should be considered as a performance measure, not arbitrary treatment plant loadings...The Clean Water Act and California Water Code require a regulatory process be followed in establishing appropriate water quality beneficial uses and water quality criteria. The target then would be a water quality criteria that is established under existing Clean Water Act and California Water Code. Targets should not be set arbitrarily for treatment plant loadings, without regard for the actual effect on the ecosystem.
2009	Sacramento Regional County Sanitation District	...if you are including a performance metric for this conservation measures [ammonia reduction], it should be narrative rather than numeric.
2009	Sacramento Regional County Sanitation District	Assurance that all impacts to the Sacramento Region caused by the proposed plan must be fully mitigated
2009	Sacramento Regional County Sanitation District	...I want to point out that there's no scientific evidence that proves the discharge from our wastewater plant is having a detrimental effect in the Delta. We currently meet U.S. EPA guidelines for acute toxicity with ammonia, and, also, we are below chronic toxicity effects for ammonia, according to the U.S. EPA guidelines.
2008	San Diego County Water Authority	...it's critically important for the BDCP to keep water system reliability an equal priority with restoring the eco-systems as it moves forward.

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Year of Scoping	Affiliation	Comment
2009	San Francisco Bay Conservation and Development Commission	The Commission staff supports the BDCP's goal of enhancing and restoring ecosystem processes and functions, including seasonal floodplain habitat, subtidal and intertidal habitat, hydrologic conditions, and salinity within the Delta estuary, as well as reducing direct losses of fish and other aquatic organisms. The staff also supports the BDCP's purpose of providing for the conservation of threatened and endangered species in the Delta and improving the reliability of the water supply within a stable regulatory framework
2009	San Francisco Bay Conservation and Development Commission	The Delta Vision Strategic Plan (October 2008) included recommendations regarding adequate flows for the Bay-Delta ecosystem. Strategy 3.4 calls for restoring Delta flows and channels to support a healthy Delta estuary, including: Flows to produce sufficient volumes of open water habitat of the appropriate water quality, including salinity, temperature, and concentrations of dissolved oxygen and contaminants, e.g., adequate low salinity fall habitat for the Delta smelt; Flows to reduce fish entrainment in pumps and other water facilities; and Flows to provide adequate fish migration cues, e.g., high flows that trigger migration of salmonids. The EIR/ EIS should analyze the flow recommendations in the Delta Vision Strategic Plan and other recent publications in order to determine the appropriate flows needed support ecosystem processes as well as the recovery of individual species in the Bay and Suisun Marsh.
2009	San Francisco Bay Conservation and Development Commission	Our staff urges the BDCP agencies to incorporate Marsh Plan and Bay Plan policies, as well as the information in the Commission's draft staff report on climate change, as it develops the BDCP in order to ensure that wetland restoration in the Bay and Delta are coordinated to maximize public benefits.
2008	San Gabriel Valley Economic Partnership	There needs to be a reliable water system for our ever increasing California population. We need a restored delta eco-system and a reliable conveyance system. As an economic development organization in the State of California the partnership supports ideas and projects that enhance and revive an economic viability of our region.
2008	San Joaquin County	Peripheral Canal in San Joaquin County as the supervisors recently developed an additional resolution in 2007 where they again opposed the idea of a peripheral canal being constructed, as well as any isolated conveyance facility -- or dual conveyance facility in the Delta.
2008	San Joaquin County and San Joaquin County Flood Control and Water Conservation District	If the goal is to conserve covered species, then that should be evaluated and considered without regard to improving water supply exports from the Delta. In addition, given the current extremely precarious condition of covered species within the Delta and the inability of current experts to identify the reasons for the demise of certain covered species, it is not reasonable for the resources agencies to be contemplating a multi-year habitat conservation plan...
2008	San Joaquin County and San Joaquin County Flood Control and Water Conservation District	The County is aware that the current water conveyance alternatives do not include the comprehensive "Delta Corridors" plan...presented by the South Delta Water Agency and the Central Delta Water Agency based in part on work performed by Dr. Russ T. Brown, Jones & Stokes....The environmental document for the BDCP must include meaningful analyses of this alternative and the BDCP decision makers must give meaningful consideration to implementing the Delta Corridors alternative.
2008	San Joaquin County and San Joaquin County Flood Control and Water Conservation District	...the Central Delta Water Agency has advanced a water supply alternative of "Regional Self- Sufficiency." This alternative... needs to be considered in the environmental analysis for the BDCP.

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Year of Scoping	Affiliation	Comment
2009	San Joaquin Farm Bureau	Temporary entry permits was brought up. And there are 40 to 60 of them in court right now because that is part of the process. Because landowners were required to be a part of this process whether they liked it or not...So that tells us right now that you've already had that predetermined outcome.
2009	San Joaquin Farm Bureau	...we have not seen a system that has been operated the way the law requires.
2008	San Joaquin Farm Bureau Federation	In other words, are claims that the plan will protect the Delta while operating a canal, fraudulent claims?
2008	San Joaquin Farm Bureau Federation	The process should give full consideration to a much improved through Delta plan without a canal. Specifically, the BDCP and the EIR/EIS process should consider the South and Central Delta's Comprehensive Management Plan on an equal footing with the BDCP proposal.
2009	San Joaquin Farm Bureau Federation	Is there enough developed water to support the considerable investment in the Delta being proposed by the BDCP and would that investment be better used to support development of other options such as regional self-reliance?
2009	San Joaquin Farm Bureau Federation	Should Delta conveyance be an interim solution while other viable options to develop a reliable water supply for the State of California are identified and developed?
2009	San Joaquin Farm Bureau Federation	Why is it that an insufficient range of alternatives been considered in this proposal. To date, there has only been one alternative, a Peripheral or other "conveyance" facility.
2009	San Joaquin Farm Bureau Federation	The EIR must explain why the BDCP isolated facility (peripheral canal) is being designed to convey 15,000 cubic feet per second. Do normal river flows justify an isolated facility capable of conveying 15,000 cubic feet per second? How much water will be conveyed "through Delta"? Will smaller capacity isolated facilities be considered? Why build a very expensive, disruptive facility if it is not needed, if it may be used only occasionally, if it could divert substantially all of the Sacramento River summer flow, and if it has the potential to devastate the Delta.
2009	San Joaquin Farm Bureau Federation	The EIR MUST INCLUDE A FULL RANGE OF ALTERNATIVES THAT COULD BE ALLOWED INCLUDING INTERIM MEASURES THAT WOULD ENSURE A SUBSTANTIAL AMOUNT OF WATER CONVEYED (THROUGH THE DELTA) CAN BE UTILIZED BY ALL RESIDENTS WITH MINIMAL DISRUPTION OF ONGOING DELTA OPEPERATIONS. AS THERE ARE MANY PROPSECTS HERE THAT HAVE NEVER BEEN CONSIDERED, WE HAVE BEEN LIMITED BY THE AGENCIES SUPPORTING THIS ONE AND ONLY PROPOSAL FROM HAVING MEANIGFUL INPUT INTO THIS PROCESS. FURTHER, THIS PROCESS HAS PRECLUDED THE INPUT OF LOCAL INTERESTS THAT STAND TO BE IMPACTED THE MOST.
2009	San Joaquin Farm Bureau Federation	The EIR should examine alternatives in depth to determine if "Through Delta" conveyance is more friendly to the entire Delta ecosystem than removing water from the common pool in the North Delta and conveying it for export in an isolated facility.

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Year of Scoping	Affiliation	Comment
2009	San Joaquin Farm Bureau Federation	The Delta Protection Act of 1992 was passed to protect the Primary Zone of the Delta for agriculture, habitat and recreation. The EIR should determine how these Delta resources will be negatively impacted and how alternatives can be designed to be compatible with the Act and its objectives. For example, water from isolated facilities could be piped underground across reclamation districts rather than in surface canals to eliminate negative impacts to drainage, flood control and irrigation systems caused by dividing reclamation districts.
2009	San Joaquin Farm Bureau Federation	The EIR must develop governance structures which will protect the Delta environment and its socio-economic interests while allowing all economic interests the ability to survive should water concerns over endangered species need to be addressed. In this process, we should not undermine the rights of existing water rights holders.
2009	San Joaquin Farm Bureau Federation	Because in the near and intermediate term, water exports must be conveyed through Delta, every effort should be made to make this alternative work for the long term and thus avoid the additional expense and considerable negative impacts of building an isolated facility.
2009	San Joaquin Farm Bureau Federation	Where sound science shows a strong positive correlation between fish abundance and habitat creation, land already owned by the public should be utilized to meet this objective. Eminent domain should not be used to acquire habitat restoration sites.
2008	San Jose Water Company	We highly support the Bay Delta Conservation Plan because we believe it is the best opportunity to establish a plan that can stabilize both water supplies and fisheries in the Delta.
2008	San Juan Water District	...develop a range of alternatives that will avoid any of these redirected impacts, and that all potential impacts within these areas of concern be fully identified and mitigated in each alternative.
2008	San Juan Water District	Actions to address the ecosystem and water supply reliability crisis in the Bay Delta must include adequate assurances that Delta solutions: are based on sound science; are part of a comprehensive water management approach that includes both conveyance and water supply; are protective of watershed of origin rights; are based on beneficiary pays principles; avoid redirected impacts and costs to upstream areas, including reduction in reliability of water supplies or water quality and increased stream temperatures in upstream tributaries; and include water quality standards for the Bay Delta that take into account the potential for failure of Delta levees and that do not require significant unscheduled water releases from Folsom Reservoir
2008	San Juan Water District	The solutions must include actions to insure the environmental sustainability of the delta, that's reached that day where even the water agencies are saying that we have to be environmentally sustained.
2008	San Juan Water District	The solutions need assurances that adequate and reliable water supplies are available for all beneficial uses up stream and down stream of the delta.
2008	San Juan Water District	The solutions must be based on best science which is becoming rapidly available and changing consistently. Solutions that do not reflect the most recent science will result in money and time spent with ultimate failure. A one size fits all conservation target for urban agencies will not work.



Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	San Juan Water District	Development and operation of delta conveyance infrastructure must provide environmental protection and water supply reliability in a manner that does not affect upstream water suppliers and the same may not benefit one stakeholder at the expense of another stakeholder.
2008	San Juan Water District	Development of additional surface water storage supplies is a necessary component of any delta solution for both environmental and urban water supply and Ag supply uses.
2008	San Juan Water District	Investment is necessary in conjunctive use programs and coordination among regulatory agencies must be sufficient to allow such programs to be implemented.
2009	San Luis & Delta-Mendota Water Authority	The Alternatives Analyzed In The BDCP EIR/EIS Must Reflect The Co-Equal Goals Of Restoring and Protecting Water Supply And Providing For The Conservation and Management Of Covered Species
2009	San Luis & Delta-Mendota Water Authority	The challenge facing the BDCP is to propose measures that are designed to minimize and mitigate the effects of the actions proposed for implementation (those actions that will protect and restore water supply), in a manner that not only meets the legal requirements necessary for the authorization to implement the plan, but exceeds those requirements to provide for the conservation of covered species.
2009	San Luis & Delta-Mendota Water Authority	The BDCP is not a process that would protect and restore water supply by taking Delta water." The BDCP is intended to protect and restore to those south of the Delta the intended benefit of the Central Valley Project and State Water Project. It will allow the Central Valley Project and State Water Project to maximize the beneficial use of water that results from significant investment in the construction, operation, and maintenance of storage and conveyance facilities. In fact, much of the water in the central and south Delta is foreign. Either it is water of the Sacramento River watershed, which is conveyed through the central and south Delta because of the Central Valley Project's Delta cross-channel...or, it is water that was previously appropriated to storage in Central Valley Project and State Water Project facilities or diverted as "unregulated" or surplus flow.
2009	San Luis & Delta-Mendota Water Authority	Therefore, even if the water would have reached the central and south Delta in a state of nature, it would have been present at times of excess; not when the water could have been put to beneficial use. Clearly, the Delta water users have received a benefit from the use of the Delta channels by Central Valley Project and State Water Project to convey water. Some may now argue the Delta water users were "entitled" to that uncompensated benefit. However, the Courts have been clear: Delta water users may not legally claim any benefit from the Central Valley Project or State Water Project.
2009	San Luis & Delta-Mendota Water Authority	Essential elements of the BDCP are conservation measures intended to address other stressors. The reason for this is simple; multiple factors are adversely affecting the BDCP covered species. In order for the plan to succeed, it must address these other stressors in a manner heretofore ignored. As noted above, a goal of the BDCP is to allow for implementation of actions in a manner that will not only meet the legal requirements necessary to satisfy the federal Endangered Species Act and the state Endangered Species Act and/or Natural Community Conservation Planning Act, but will exceed it. To provide the best opportunity for achieving this lofty goal, the BDCP must address factors that affect the covered species beyond just impacts related to operation of the Central Valley Project and State Water Project.

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Year of Scoping	Affiliation	Comment
2009	Save Our Delta's Future	While we recognize that the Delta and Delta waters can be improved, and we support that, we are not prepared to see the Delta completely rearranged so as to return it to its natural state, as some uncompromising environmentalist organizations clamor for. The time has long since passed for restoring the Delta to what is was before the several hundred invasive species made the Delta their home.
2009	Save Our Delta's Future	We are not prepared to see the public trust doctrine expanded so as to alter or abolish presently held water rights.
2009	Save Our Delta's Future	We are not prepared to have a governance structure imposed on our Delta region that is composed of appointed and unaccountable political appointees, such as the California Coastal Commission, with no elective local elected representatives with equal voice in Delta affairs.
2009	Save Our Delta's Future	We support a third "tri-equal" goal added to the two co-equal goals put forward by the Delta Vision Plan - namely, to protect and enhance the social, economic, and physical viability of the Delta as home. This includes: Delta agriculture and supporting businesses; Delta non-agricultural businesses; Delta reclamation districts; Delta natural gas; Delta tourism, recreation, boating, and fishing industries; Delta community and infrastructure and services, including schools, churches, and civic organizations; and The Delta levee system.
2009	Save Our Delta's Future	While we recognize that the Delta and Delta waters can be improved, and we support that, we're not prepared to see the Delta completely rearranged so as to return it to its natural state. As some hardcore environmentalist groups clamor for. The time has long since passed for restoring the Delta to what is was before the hundreds invasive species made the Delta their home.
2009	Save Our Delta's Future	We're not prepared to see the public trust doctrine expand it so as to alter or abolish presently held water rights.
2009	Save Our Delta's Future	We're not prepared to see a government structure imposed on our Delta region that's made up of appointed and unaccountable political appointees, similar to the coastal commission with no effective locally elected representatives with equal voice in Delta affairs.
2009	Save Our Delta's Future	We support that third tri-equal goal to protect and enhance the social, economic and physical viability of the Delta as home for the sake of maintaining good relation of all regions and people of the State of California.
2008	SH Merwin & Sons, Inc	The problem California is faced with is not that the Delta is broken and needs to be altered; the true problem is that we have too many people in this state, living mostly in areas that lack the local water they need (and should have been required to prove they had before the land was developed)....California does indeed have a serious problem, but it is far better to address the true issue: overpopulation, rather than chasing the symptoms.
2008	SH Merwin & Sons, Inc	...an alternative water supply for Southern California through desalinization might prove to be the most cost effective solution in the end, but that is currently outside the scope of the BDCP..

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Year of Scoping	Affiliation	Comment
2008	SH Merwin & Sons, Inc	The levee system that is in place now, and that South state water users currently have a vested interest in helping to maintain, needs to have a mechanism built in that ensures continued funding for maintenance if an isolated conveyance option of any kind is implemented. Perhaps an endowment large enough to annually fund levee enhancement or protection / maintenance should be funded by water exporters who would benefit from the isolated conveyance.
2008	SH Merwin & Sons, Inc	...there would need to be clearly defined limits on the extent to which the isolated conveyance may be used, in other words, it cannot be used to take water more aggressively than in the past.
2008	SH Merwin & Sons, Inc	...a significant portion of what would have been the Peripheral Canal was dug to provide fill dirt for I-5 in the 1970's. Is that factored into an eastern alignment option? If not, why not?
2008	SH Merwin & Sons, Inc	I live on the East berm (Right bank) of the Sacramento Deep Water Ship Channel, and I would prefer to see any "western conveyance" be located within the channel, and not across my farmland.
2008	SH Merwin & Sons, Inc	Why not consider a diversion from the channel above, or near Rio Vista, on the west side of the Sacramento River or Cache Slough, then digging one siphon somewhere nearer to Collinsville?
2008	SH Merwin & Sons, Inc	Regarding agricultural diversions within the Delta, in addition to studying the costly installation of fish screens at all such diversions, perhaps the use of shallow wells on the land side of the levees that would tap natural seepage under the levees might be a viable solution in some cases.
2008	SH Merwin & Sons, Inc	Habitat restoration or enhancement projects, specifically tidal wetlands or projects that require at or near sea level land, should be initiated on a very small scale and studied intensively for their effectiveness.
2008	SH Merwin & Sons, Inc	The economic realities and intensive use of current farm land in that "zone" of the Delta dictate that such projects should occur primarily where flood easements or other such encumbrances already exist. The primary purpose of the Yolo Bypass network needs to be incorporated in any project...
2008	SH Merwin & Sons, Inc	Are there any opportunities in harvesting as a way of controlling invasive pests such as aquatic primrose or milfoil for biomass or fertilizer or mulch?
2009	SH Merwin & Sons, Inc	The BDCP is utterly and entirely about mitigating diversion of water for export from the delta. I predict that if that stopped, the delta would miraculously improve with no further action.
2009	SH Merwin & Sons, Inc	...one BDCP "conservation measure" that would have the most significant impact on the Clarksburg area is completely missing from any of tonight's maps, and has had absolutely no public discussion by your team in this community: Conservation measure FL002 -1 or the Deepwater Ship Channel Flood Bypass. This has been discussed at several different BDCP meetings...Based on tonight's presentations, I would be led to believe that conservation measure FL002.1 is no longer a part of the BDCP. Is FL002.1 still in play, or not? If it isn't dead, then why are you not telling us about it?

**Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts**

Year of Scoping	Affiliation	Comment
2009	SH Merwin & Sons, Inc	Let's go back to the DWSC peripheral canal option. Why are you not seriously discussing that alternative? It is already built, it has the most robust levees in the entire delta, and it would be considerably less intrusive on delta landowners (the government already owns Sherman Island, across which the southern portion of a western alignment might travel). Further, if you constructed locks at the Rio Vista end, you could isolate it and raise the water level 5 feet, which would provide 8500 acre feet of in delta storage, while at the same time solving the Port of Sacramento's channel depth problems, and additionally remove a potential flood threat to West Sacramento. While I agree with most of the people in this room that a peripheral canal will likely do nothing but further harm the delta, if this is what is being forced upon us, then at least choose the least obtrusive routing.
2008	Shasta County Water Agency	One important lesson from CalFed is the need for a strong governing body or governance plan. BDCP is a body comprised of many contributing agencies and some of those agencies wield more power than BDCP. If all the agencies cannot be made to work in unison, the BDCP will fail.
2009	Shasta County Water Agency	The inclusion of the "Isolated Conveyance" is worrisome. We acknowledge the management benefits for the Delta, and the water quality benefits for export. But it adds another "straw" from which to draw water from Northern California without providing additional storage. This can only increase demands on this scarce resource.
2009	Shasta County Water Agency	Out-of-Delta storage may be beyond the scope of the BDCP. If so, then BDCP should acknowledge and adhere to Area of Origin protections during the environmental process and implementation.
2008	Sheriff of San Joaquin County	...possibly a study to decide whether or not it would be better to spend the money to develop and maintain the levees as they currently are instead of putting additional monies into an alternative.
2008	South Delta Water Agency	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.
2008	South Delta Water Agency	...an alternative not presented by BDCP is an increased outflow scenario which should improve fisheries. Such an option must be considered in the review.
2008	South Delta Water Agency	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.
2008	South Delta Water Agency	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.
2008	South Delta Water Agency	Ongoing investigations, speculation and analysis in the POD process indicates that the solution or solutions to the radical decline in certain 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.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	South Delta Water Agency	...it doesn't seem appropriate to have a co-equal goal and a habitat conservation plan that includes exports. The protection of any level of exports cannot be determined until you determine what it takes to protect the habitat about which the conservation plan is developed. So as soon as you put that in there you've got conflicting goals...
2009	South Delta Water Agency	The underlying purpose of the project appears to be in conflict with existing law. First, the process equates protection of the environment with an undefined "reliable" water supply." Such a purpose or goal is directly in conflict with existing ESA, and CESA statutes which do not allow for governmental action to limit the protection of endangered species. This is especially true if the government action itself (exports from the Delta and decreases in flows needed for fisheries) is one of the causes of the species being endangered.
2009	South Delta Water Agency	...defining and requiring a minimum amount of exports as "reliable," constitutes a concept which is contrary to the statutory obligations of the SWP and CVP (the "projects") and to current permit restrictions, all of which make non-export obligations of the projects conditions precedent to any exports at all. Until it is determined what are the minimum amounts of water needed for fisheries, public trust uses, superior rights, area of origin rights, prevention of saltwater intrusion, etc., one cannot determine what (or when) there is a "reliable supply."
2009	South Delta Water Agency	Various parties including SDWA have suggested an alternative to the project commonly known as the Delta Corridors proposal.
2009	South Delta Water Agency	The major problem with the BDCP process is that rather than seeking to develop habitat conservation plans to protect fisheries or the environment, it's an effort to protect species and the environment and having minimum amount of exports.
2009	South Delta Water Agency	...the fact that the fishery agencies would be involved in a process that has as a starting point a minimum amount of exports before they have determined how much water is available in the system...is just inexcusable. Because the result of the process by which you determine what is protective of fish may result in you saying there's only 2-million acre feet available average annual. So if you have a starting process that is to protect exports in a habitat conservation plan, we believe you're in violation of the law.
2009	South Pocket Homeowners Association	Consideration of such alternatives as ocean water desalination and tertiary treatment of reclaimed water are absent from the entire scoping process.
2009	South Pocket Homeowners Association	We urge the designers and planners of the Delta Dual Conveyance to locate all intake facilities where their construction and operation will not disrupt the quality of life in ours and other residential developments. Additional large water pumping plants in this vicinity will significantly compromise its residential esthetics and create the appearance of an industrial area
2008	Southern California Water Committee	...I'm going to use the word comprehensive again because we need a comprehensive solution. It needs to improve the sustainability of the delta by improving environmental integrity in the delta. But, as some of the other speakers have mentioned, we think we need to be able to provide reliable, high quality water for our economy here in Southern California and for the state.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Southern California Water Committee	What we're looking for instead is for you to identify a flexible alternative that will provide as we have said, the needed environmental protections as well as a reliable high quality water supply.
2008	Speaker at Chico Preliminary Scoping Meeting	Finally the alternative analysis should look at whether regulation of water party impacts could be doing and not by disallowing surface diversions but, by managing of the toxic inputs at the source.
2008	Speaker at Clarksburg Preliminary Scoping Meeting	I don't want to see that there's going to be eminent domain.
2008	Speaker at San Jose Preliminary Scoping Meeting	Are you referring to another resurgence of the peripheral canal, and could you explain how some of the newer convergence approaches are going to affect us?
2008	Speaker at Stockton Preliminary Scoping Meeting	It is not clear under any of the scenarios that we've experienced so far that it's possible to protect the Delta, the fish and wildlife environment, and the uses with the prospect of level of exports. We have been strongly advocating for years that people who evaluate the environmental impact of facilities on the Delta must look at the level of exports. We may very well have to reduce exports to zero except in surplus water years.
2008	Speaker at Stockton Preliminary Scoping Meeting	So I would ask that you broaden that to make it a more comprehensive review of what is needed to protect the Delta and it would appear that it may very well be zero exports if the 5 million acre feet was supposed to come in by the year 2000.
2008	Speaker at Stockton Preliminary Scoping Meeting	Wilkerson, landfill, fallow, (in summer-fill). One parcel, ("Island"). Fill with water allowing free flow of fresh water, dam preventing back flow from tide, in late winter, after no chance of flood. To be used as a flood control if needed. Let water stand for one year. Repeat the same with another parcel.
2008	Speaker at Stockton Preliminary Scoping Meeting	To raise up the land in the Delta, that would benefit everything. It's got to benefit everything. The levees and so forth and so on.
2008	Speaker at Stockton Preliminary Scoping Meeting	You could either mix this biomass in the soil or you could separate a certain amount of the soil, put it in the biomass and then recover it with the existing peat dirt -- peat soil or what have you. And this could be done in stages. And then there could -- that could be flooded so that everything settled down and drained just before the bad winter so we could use as possible a flood control. And have a dam so that at high tide the salt water doesn't come back in. So it would be natural flushing out of the salt water. And this would take a lot of thought, a lot of product, probably a lot of money, and a lot of people working together.
2009	Speaker at Stockton Scoping Meeting	And it was regarding the fish screen project that the department undertook around the year 2000 to move the screens out of the dead-end portion of the Clifton Court fore bay. Up on Byron Tract, we went through a very similar process....we were well into schematic design for a fish screen on a live river...the Reclamation District and the local landowners were told the reason that project failed was the contractors were not going to pay for it, because it was a very expensive screen, unless they got certain assurances out of the project...Does anyone have an explanation why that project isn't being considered or doesn't work? Because it's a screen on a live channel similar to what's being designed on the Sacramento River.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Sportsmen's Yacht Club	Alternative conveyance, Peripheral Canal, or Love Canal, it's wrong. California voters approved a \$4 billion dollar bond issue to repair and improve the levees. This is what the public warrants.
2008	State Water Contractors	...we're very much supporting this conservation plan which we hope will lead to a much more (unintelligible) water and a conservation plan that will address a lot of the other problems that are affecting those species so that we aren't doing the knob to turn in response to their problems.
2008	State Water Contractors	We have a comprehensive conservation plan under way. This is what we need to do to fix the problem. We can't just keep ratcheting down the pumps; we need to find some other knobs. We need to find a comprehensive plan for making the ecosystem and the water supplies that so many people in this state depend on, have co-equal importance. I believe very much in this plan. It is a conservation plan. The benefit of a conservation plan is that there will be a sustaining funding source to carry it out so the species actually can recover. It's the way to go for a smart growth state like California. We need to do this.
2009	Stockton East Water District	We agree with numerous comments that have been made that the BDCP process should be consistent with existing laws and regulations including the Clean Water Act, Endangered Species Act, California Endangered Species Act, Central Valley Project Improvements Act, and Delta Protection Act. We would also include other specific laws that would control any actions undertaken through the BDCP, including, but not limited to: • Watershed Protection Statute Water Code section 11460 • San Joaquin River Protection Act Water Code sections 22000 et seq. • Public Law 108-361 Section 103d(2)(D)(vii)...
2009	Stockton East Water District	The purpose of the BDCP cannot be limited to restoring water supplies that are conveyed through the Bay Delta, it must also include the purpose of protecting and restoring all water supplies provided by the federal and state projects.
2009	Stockton East Water District	We agree with comments made that the EIR/EIS must specifically identify and mitigate any redirected impacts from the BDCP projects.
2009	Stockton East Water District	Governance Suggestion: Federal Watermaster approach may be more successful than any other alternatives; similar to Gary Stone at the Truckee River Outlet in Tahoe City, CA. Criteria is reached by agreement of all interests/stakeholders and Gary implements.
2009	Stockton East Water District	Canal Sizing Suggestion: Rather than the apparent conclusion to build to maximize flow, why not consider alternative that matches expected allocations. Clearly, pump when water is available makes sense, but downsizing will go a long way to attracting some allies.
2009	Stockton East Water District	Eastside Canal: Please look @ extending Folsom South Canal to move some of the water. A diversion at Nimbus makes sense & can assist Sac. County & S.J. County w/ critical GW overdraft condition (existing).
2008	Stone Lakes National Wildlife Refuge Association	A project objective relating specifically to the protection of sensitive publicly owned biological resources within the Delta should be included in the EIS/EIR.
2008	Stone Lakes National Wildlife Refuge Association	Clearly Delineate the Proposed Location of Project Alternatives Involving Conveyance Systems. The impacts analysis should be based on a specific location for the alternatives involving freshwater conveyance systems.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Stone Lakes National Wildlife Refuge Association	...Association urges that selection of each Project component be underlain by a strong scientific foundation. The Association questions...whether an isolated canal actually is a "conservation measure" at all, given the wide-reaching effects that construction and operation of such a canal would have, not just on Stone Lakes NWR, but on the entire route of the massive Project.
2009	Stone Lakes National Wildlife Refuge Association	A comprehensive strategy incorporating agricultural and urban water conservation; alternative sources such as desalinization and tertiary-treated wastewater; and storage strategies, including groundwater banking, conjunctive use and additional storage must be described and evaluated as a project alternative to Delta export.
2009	Stone Lakes National Wildlife Refuge Association	The environmental analysis also must consider alternative canal design to reduce impacts on the Stone Lakes National Wildlife Refuge. These alternatives should include: (1) diversions originating south of Hood as identified in the alternative identified by the Public Policy Institute of California in their report: "Beyond the Peripheral Canal: Envisioning Futures for the Sacramento-San Joaquin Delta", (2) a smaller overall design flow for the canal involving fewer diversion points from the Sacramento River, (3) underground construction of the canal where it passes through and adjacent to the Stone Lakes NWR, and (4) a combination of all of the above.
2009	Stone Lakes National Wildlife Refuge Association	If the primary purpose of the canal is to protect the Delta fisheries and improve the ecological functioning of the Delta estuary, then more southerly diversions from the Sacramento River should also be considered.
2009	Stone Lakes National Wildlife Refuge Association	...the environmental analysis should consider an alternative that diverts Sacramento Regional Sanitation District's Regional Treatment Plant wastewater flows directly into a canal or pipeline.
2009	Suisun Resource Conservation District	SRCD requests that all project alternatives be consistent with the Suisun Marsh Preservation Act, RSMMPA, Suisun Marsh Plan, and regulations of BDCD and Solano County, including the Suisun Marsh Local Plan of Protection.
2009	Suisun Resource Conservation District	When I look at your list of species -- my first question is: Why is Suisun unique that it's considered a conservation area; yet, all the river systems in the Sacramento Valley are excluded? Because the list of species which you've listed here, four runs of salmon, steelhead, green sturgeon, are using these areas up river; yet, they're excluded. Yet Suisun is included. I would like to know why, how that is legally binding being as you're going to be identifying conservation strategies that are actually outside the scope of your legal planning boundary?
2009	Suisun Resource Conservation District	As for the Suisun Marsh plan, I think it should be more clearly explicit that there is an EIR/EIS ongoing with a public draft that's going to be out. It's looking at a range of alternatives. I think the draft that I've seen has selectively only picked the highest range as the target of 97,000 acres.
2009	Suisun Resource Conservation District	How do you implement conservation strategies to enhance remaining habitats that remain?
2008	Tuolumne County	All of California hydrologic regions should manage resources to achieve an increased degree of self-sustainability and to avoid increasing inter-regional allocation of resources.



Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Tuolumne County	How will the BDCP Project planning process evaluate greater water use efficiency efforts in Southern California that will reduce the dependency for imported water?
2009	U.S. Army Corp of Engineers	In developing alternatives, we encourage you to consider an appropriate range. With a range of alternatives, we are able to use them in subsequent NEPA document(s) that evaluate compliance with the Clean Water Act Section 404(b)(1) Guidelines. Please note that the Corps may only authorize the least environmentally damaging alternative (LEDPA).
2009	U.S. Army Corp of Engineers	Under both Section 10 and Section 404, the Corps performs a public interest review. We expect that the NEPA process will provide adequate information for us to undertake our review in subsequent document(s), but encourage you to continue to keep us informed of the development of alternatives and impact analyses.
2009	U.S. Environmental Protection Agency	... we believe that the integrity of the structural design for the below-sea-level Delta conveyance component is an important consideration in the Section 404 public interest determination.
2009	U.S. Environmental Protection Agency	... EPA believes that reduced inflow and reduced export scenarios are not just reasonable alternatives to evaluate, but represent a likely future for the Bay Delta basin that needs to be reflected in the EIS/EIR.
2009	U.S. Environmental Protection Agency	Under NEPA, action agencies must examine a reasonable set of alternatives to the proposed action. The range of alternatives will generally mirror the range of the proposed actions. At present, the proposed set of actions is extremely ambitious, and we are concerned that the NEPA evaluation of alternatives could overwhelm the proposed schedule.
2008	Valley Industry and Commerce Association	I think everyone in this room and in Southern California would like to see a balance between what is right for the environment but also to maintain a safe and reliable supply of adequate water.
2008	Western Carwash Association	We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.
2008	Western Growers	Western Growers believes that any 'fix' implemented must be comprehensive in nature and utilize all of the water supply management tools at our disposal including water use efficiency, water recycling, surface and groundwater storage, desalination, and other strategies.
2008	Western Growers	However, in order for these tools to work effectively, a comprehensive solution must also include a Delta fix that improves ecosystem conditions and water conveyance for the economy.
2008	Wheeler Ridge-Maricopa Water Storage District	My assumption is that there will be no project alternative. In some sense there will be a reduced or multiple reduced export alternatives, as well as what I understand is the preferred alternative for a dual system.
2008	Wilderness Society	...but I truly believe that we also need to preserve the fish that use these waters and the animals who live on the land and need it to.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Wilson Farms	...how does pumping water out of the Delta improve the habitat? I submit that survival of these species is much lower priority than taking our water and sending it down south or the bay area.
2009	Wilson Farms	So how does pumping fresh water out of the Delta to send down south help the fish? I commented that I felt that their concern was bogus and that their main concern was shipping water down south so that the folks down there could fill their swimming pools.
2008	Wilson Farms and Vineyards	What are the projected labor requirements and projected costs with and without overhead costs included for the management of the new habitat that is proposed? What formulas and assumptions will be used in calculating these costs?
2009	Works in Santa Clara	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.
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would have serious impacts to current land use in the Yolo Bypass Wildlife Area by: compromising the floodway function of the Yolo Bypass
2009	Yolo Basin Foundation	Yolo Basin Foundation asks that the Committee incorporate the five actions that are described in "Yolo Bypass Conceptual Aquatic Restoration Opportunities" approved by the Yolo Bypass Interagency Working Group in 2006.
2009	Yolo Basin Foundation	Any alternative under consideration for the Bypass should protect the Yolo Bypass Wildlife Area...including: protection of the floodway function of the Yolo Bypass as mandated in agreements between the Department of Fish and Game and the US Army Corps of Engineers and MOUs with other agencies, implementation of wildlife and botanical surveys to specifically document areas that have not yet been surveyed...and preservation of agriculture at the Wildlife Area.
2009	Yolo Basin Foundation	The Foundation believes that a certain scale of spring inundation of the Yolo Bypass is possible without sacrificing all that is being accomplished at the Yolo Bypass Wildlife Area.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Yolo Basin Foundation	The YBIWG has identified the following potential restoration opportunities for further evaluation : Putah Creek - Lower Putah Creek stream realignment and floodplain restoration for fish passage improvement and multi-species habitat development on existing public lands. Lisbon Weir - Modify or replace the weir to Improve the agriculture and habit water control structure for fish, wildlife, and agriculture; reduce maintenance. Additional multi-species habitat development - Provide for controlled localized seasonal inundation on more frequent, intervals; identify areas of opportunity only on: the Wildlife Area; other existing public lands; and private lands where cooperative agreements with willing land owners provide mutual benefits.
2009	Yolo Basin Foundation	Tule Canal connectivity - Identify passage impediments (e.g . road crossings and impoundments); work with land owners to develop the best options for improving fish passage and ensuring water diversion capability. Multi-species fish passage structure - Investigate the redesign of the existing fish ladder; evaluate the feasibility of constructing a new fish passage structure, operated to ensure: continued maintenance of flood capacity; no substantial changes in timing, volume, and/or duration of flow; and minimal disturbance to existing land use and agricultural practices
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would seriously affect the ability of Fish and Game personnel to manage the Wildlife Area in accordance with the Yolo Bypass Wildlife Area Land Management Plan adopted in 2008 and other foundational agreements, including the US Army Corps of Engineers Operation and Maintenance Manual and MOUs signed by flood control and wildlife agencies in 1994.
2009	Yolo Basin Foundation	The Yolo Basin Foundation proposes an alternative that would create a Yolo Bypass Conservation measure in place of the proposed Fremont Weir modification. This new measure would incorporate the five actions that are described in "Yolo Bypass Conceptual Aquatic Restoration Opportunities" approved by the Yolo Bypass Interagency Working Group in 2006. Known as the "Five Step Proposal,"...Putah Creek—Implement Lower Putah Creek stream realignment and floodplain restoration for fish passage improvement and multi-species habitat development on existing public lands. Lisbon Weir—Modify or replace the weir to improve the agriculture and habitat water control structure for fish, wildlife, and agriculture. Additional Multi-species Habitat Development—Provide for controlled, localized seasonal inundation on more frequent intervals; identify areas of opportunity only on: the Yolo Wildlife Area, other existing public lands, and private lands where cooperative agreements with willing landowners provide mutual benefits.
2009	Yolo Basin Foundation	Tule Canal Connectivity—Identify passage impediments (e.g. road crossings and impoundments), work with landowners to develop the best options for improving fish passage and insuring water diversion capability. Multi-species Fish Passage Structure on the Fremont Weir—Investigate the redesign of the existing fish ladder, evaluate the feasibility of constructing a new fish passage structure operated to insure continued maintenance of flood capacity, no substantial changes in timing, volume, and/or duration of flow and minimal disturbance to existing land use and agricultural practices.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2009	Yolo Basin Foundation	While this proposed measure [to construct a notch in the Fremont Weir in order to prolong spring flooding] may improve the survival chances for some young salmon in a few more years than currently happens, it is only one among many actions that need to be completed to improve salmon survival throughout their life cycle to the ocean and back. The Yolo Bypass Wildlife Area Land Management Plan contains five other actions to improve conditions for salmon and other native fish without notching the Fremont Weir.
2008	Yolo Natural Heritage Program	The Yolo JPA recommends consideration of reasonable alternatives beyond the four options identified in the "Options Evaluations Report" that may be discovered through the scoping sessions.
2008	Yolo Natural Heritage Program	The EIR/EIS should contain full disclosure and discussion of possible funding, implementation and monitoring commitments for BDCP.
2008	Yolo Natural Heritage Program	The BDCP should expand the list of covered activities to include known water conveyance projects (planned or in place) undertaken by local governments within the BDCP planning area.
2009	Yolo Natural Heritage Program	The JPA requests that the following projects be added to the BDCP covered activities list. These projects are proximate to Delta waters and would benefit from regulatory permitting anticipated in the BDCP that cannot be achieved in the YNHP. We can provide detailed information on the scope of these activities upon request. Davis/Woodland/UCD surface water project, Davis/Woodland wastewater discharge project, Port of Sacramento, Restoration and habitat enhancements undertaken in the YNHP that have the potential to impact BDCP target species
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	The analysis should use best available and accepted/tested science wherever possible. Scientific uncertainties should be documented and disclosed to the public.
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	The EIR/EIS must equally and comprehensively consider water supply and conveyance, water quality, ecological restoration and management, and flood protection.
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	The BDCP should consider a wide range of possible restoration and conservation activities aimed at improving ecological conditions, including those resulting from the Delta pumps as well as from other non SWP-related and CVP-related activities (e.g., agricultural and municipal discharges that can adversely impact Delta water quality, especially related to drinking water uses).
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	The EIR/EIS should recognize that the historic Delta estuary cannot be recreated - millions of acres of agriculture, housing, recreational areas, wildlife areas, and water supply facilities are now well established. A full "restoration" is not realistic.
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	We are highly supportive of, and as you heard active participants in the bay delta conservation plan because we believe it is the best opportunity to establish a plan that can stabilize both water supplies, and fish species in the delta.

Table E-5. 2008 and 2009 Scoping Comments Related to Development of BDCP Concepts

Year of Scoping	Affiliation	Comment
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	In evaluating the BDCP, I want to make sure that I've recognized that the BDCP will not address all the stressors of the ecosystem in the Delta, but I think it's important to recognize that there are many stressors and that the impacts of those stressors can be significant. The BDCP will not answer all of those. The overall benefits of the BDCP for water supply reliability, water management, flexibility, Delta water quality, and Delta fishes warrant the development and implementation of the BDCP.

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Table E-6. 2008 and 2009 Scoping Comments Related to the Study Area Concepts

Year of Scoping	Affiliation	Comment
2008	Butte Environmental Council	...I would hope that as you look at creating a project description that you will consider the terrestrial and aquatic species and, habitat that is outside of your study area. Clearly the tributaries are crucial to what happens in the delta and so, I don't think that you can only consider a project area...
2008	California Department of Public Health	...the area that could potentially be affected by decisions from the BDCP would inevitably include water systems regulated by other CDPH Districts that overlay the State Water Project and the Central Valley Project areas of effect.
2008	Central Contra Costa Sanitary District	We urge the Department of Water Resources to expand the project area to include Suisun Bay and San Pablo Bay due to the potential environmental impacts that could result from any actions of the BDCP.
2009	Central Delta Water Agency	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.
2008	City of Livermore	Given the complex ecosystem and water supply infrastructure of the Delta region, the Project Area in the EIR/EIS may necessarily include areas outside of the legal Delta boundary in order to minimize impacts and maximize results of the BDCP.
2008	Commenter during Scoping Process	I am concerned with any plan that has a time line of 50 to 100 years. No one knows the future.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	The scoping notice states that the geographic scope of the BDCP is generally limited to the legal Delta. However, whatever the geographic scope of the BDCP itself, NEPA and CEQA require the consideration and analysis of connected actions. It is clear that water use beyond the scope of the legal Delta will affect conservation actions and water supply considerations that are within the scope of the BDCP's goals.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR should consider broadening the Project Area and scope to include all parts of the CVP and SWP, including reservoirs upstream of the Delta, as well as other activities that impact covered species
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	A holistic approach to managing the Delta requires that these upstream and downstream facilities and habitats be included in the BDCP. Even if such facilities and habitats are not included in the EIS/EIR, impacts outside of the Project Area must be analyzed and mitigated to a less than significant level.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The BDCP has proposed a fifty-year permit term. In light of the changing nature of the Delta and scientific uncertainty over causes of species declines, we encourage the BDCP to consider shorter permit terms, such as 5-10 years, rather than a fifty-year permit....The EIS/EIR should consider including alternative permit durations among the range of reasonable alternatives.
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...we strongly encourage BDCP to take a holistic approach that analyzes coordinated CVP/SWP operations from upstream reservoirs to the Delta, rather than limiting its planning process to the legal Delta.

Table E-6. 2008 and 2009 Scoping Comments Related to the Study Area Concepts

Year of Scoping	Affiliation	Comment
2008	Planning and Conservation League	...the EIR/EIS must describe the impacts of the BDCP both within and beyond the Statutory Delta.
2009	Resident of Clarksburg	Except for the map at the end of the hall, it's the first map I've seen in all the year that I've been looking at Delta maps that lists this area, the names of the two districts that are here, the Netherlands district, which is District 999 and the Lisbon District, which is to the north. Those names are left off -- I'll tell you which maps they're not in. They're not in any of the Delta Vision documents. They're not in your Notice Of Preparation. They're not in the Delta overview document that the DWR has put out. Let's see. They're not -- they're not in either of the two PPIC reports, which lists 70 some Delta islands but not these two. There's a blank space on almost every map you have. Could you guys do something about fixing that? This map down here does. I couldn't believe it when I saw it. Because it looks like nobody lives there. It's a blank -- that -- out of courtesy and out of justice to the people in this area, can't you give us the same courtesy that the people in all these other islands, which most of them are no bigger or smaller than where we live.
2009	Suisun Resource Conservation District	I would strongly encourage you throughout your environmental document that you clearly explain why, when the majority of the species that you're identifying, spawning habitat is upstream of your focused area, yet they are directly affected by your take off, why you've segregated those areas outside of your planning area.
2008	Wilson Farms	You'll also need to study adjacent lands to this project, because this project will have an enormous impact on these lands as well. We want to see a very detailed report before any of this begins.
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	...the Project Area in the EIR/EIS may necessarily include areas outside of the legal Delta boundary in order to minimize impacts and maximize results of the BDCP.

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Table E-7. 2008 and 2009 Scoping Comments Related to Future Conditions without BDCP

Year of Scoping	Affiliation	Comment
2008	Association of California Water Agencies	...no action alternative carries some significant impacts including serious implications for interests outside the delta. Water pressure on other supply sources such as groundwater will increase, and we know about the over draft groundwater in the state. These impacts must be assessed as part of the review.
2009	Attendee at Stockton Scoping Meeting	How can you talk about conservation measures and apply them if we don't know what the baseline is to which we want to apply them to?...Because you've never followed and operated the Delta according to existing law...You've done it under existing. But we haven't applied water quality standard law to the extent that they should be applied. We haven't governed exports under existing law with respect to surplus waters. If we use -- if we had employed those standards, and if those were the operating conditions, what would be the result, versus taking what has been the operations of the -- the actual operations of the past? I mean, that's a hypothesis of what it would be like if we had applied what we were statutorily obligated to do, in the same way that you're saying, "I'm going to apply these methods to try to address the problem as it exists today." What you're saying is you haven't done that. And so you have assumed an arbitrary baseline based on current operations, not on what would it be if we had --
2008	California Farm Bureau	With the prospect of dual or isolated conveyance in the future, it is possible that instream flow augmentation and water quality mitigation could become express objectives of a future EWA or successor program, along with fisheries protection and direct avoidance of adverse effects from exports
2008	California Farm Bureau	Similarly, separate "pots" of current and potential future environmental water could be managed in some integrated fashion to achieve multiple objectives, including salinity control in the Delta, as well as fish protection and enhanced in-stream flows. Potential options here include (b)(2) and (b)(3) water under section 3406 of the Central Valley Project Improvement Act (CVPIA), VAMP flows, and potential flows deriving from long-term implementation of the Phase 8 Settlement of the State Water Resources Control Board's Bay-Delta Proceedings on the 1995 Water Quality Control Plan.
2008	California State Water Resources Control Board	The EIR/EIS analyses also should consider water quality activities that have been initiated by the State and Regional Water Boards, but are not yet complete. Specifically, the State Water Board has begun a review of the southern Delta salinity and San Joaquin River flow objectives included in the Bay-Delta Plan. As a result of that review, the State Water Board may modify the southern Delta salinity or San Joaquin River flow objectives. The EIR/EIS should consider the information developed in this process and the potential future changes in these boundary conditions in its analyses.
2008	California State Water Resources Control Board	In addition, the EIR/EIS analyses should consider other known and foreseeable projects by the State and Regional Water Boards, including those discussed in the Strategic Workplan for the Bay-Delta (Workplan) which describes activities the State and Regional Water Boards intend to take in the Bay-Delta over the next five years.



Table E-7. 2008 and 2009 Scoping Comments Related to Future Conditions without BDCP

Year of Scoping	Affiliation	Comment
2009	Central Contra Costa Sanitary District	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.
2009	Central Contra Costa Sanitary District	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.
2008	Central Delta Water Agency	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.
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	...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.
2009	Central Delta Water Agency	You talked about the through-Delta system not working. In 2000, Cal Fed tried to solve these same problems. And it said they were going to put state of the art fish screens on the export pumps. And my understanding is, they were supposed to be in place, operational by 2006. And I've never heard a good answer. So I'd like to ask, why aren't those fish screens in place?
2008	City of Livermore	DWR should actively engage Delta land and water users (individuals and organizations) as a source of information about past and future Delta water use, levees, and ecology.
2009	Contra Costa Water District	Inasmuch as exports and San Joaquin River flow are independent (physically and mathematically) variables, impacts should be analyzed against unscreened export levels and San Joaquin River flows.

**Table E-7. 2008 and 2009 Scoping Comments Related to Future Conditions without BDCP**

Year of Scoping	Affiliation	Comment
2008	El Dorado County Water Agency	Two currently pending processes that will result in additional water diversions for use within El Dorado County should be considered in constructing the baseline. First, Public Law 101-514 directs the United States Bureau of Reclamation to provide the El Dorado County Water Agency (EDCWA) with 15,000 acre-feet per year of water from Folsom Lake. EDCWA and the Bureau are currently negotiating a contract ("Fazio Contract") for this supply. Additionally, the El Dorado County Water & Power Authority, a Joint Powers Authority comprising the County of El Dorado, EDCWA, the El Dorado Irrigation District and the Georgetown Divide Public Utility District, has filed an application ("Supplemental Water Rights Application") with the California State Water Resources Control Board for an additional 40,000 acre-feet per year of water to be diverted in the watershed tributary to Folsom Lake ("Supplemental Water Rights Application").
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	The EIR/EIS must include a meaningful regulatory baseline for current Delta operations, against which potential impacts would be measured. That baseline must include the existing protective measures required to protect delta smelt, pursuant to the federal court's decision in NRDC v. Kempthorne....It must also include any requirements that may be imposed to protect crashing salmonid populations in the Sacramento and San Joaquin River systems in the companion case of Pacific Coast Federation of Fishermen's Associations v. Gutierrez.... Clearly, court orders required to limit exports and diversions to protect imperiled fisheries provide evidence that the diversion levels of recent years are not sustainable and cannot serve as a reasonable baseline.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The baseline for analysis in the EIS/EIR must be based on the existing operational and legal constraints for the CVP and SWP
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR must analyze the BDCP's impacts, with particular focus on:...(4) cumulative impacts...
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	In order to meet CEQA and NEPA's informational goals, the environmental baseline must be based on actual conditions on the ground, rather than the maximum exports that the CVP and SWP are operationally capable of or the full extent of the Projects' paper water rights.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...the ESA requires that the baseline for the section 7 jeopardy analysis include the effects of existing human activities, even if those activities are outside of the scope of the federal action currently contemplated.
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...the environmental baseline for BDCP should include the biological opinions of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on the Operations Criteria and Plan (OCAP) for coordinated operations of the CVP and SWP.
2008	Northern California Chapter of the Federation of Fly Fishers	The problem as far as I'm concerned is Westlands Irrigation District and other large irrigation districts that want water, and they want lots of water, and they want it cheap, and you guys want to give it to them.

Table E-7. 2008 and 2009 Scoping Comments Related to Future Conditions without BDCP

Year of Scoping	Affiliation	Comment
2008	Northern California Water Association	it's very important that you recognize baseline conditions as it relates to the environment. The Sacramento Valley is distinct from the delta, and yet I think the Sacramento Valley has established over the last 10 years that they will make contributions to the recovery of species.
2008	Planning and Conservation League	NO PROJECT: An alternative that fully complies with current regulatory standards, including all water quality objectives...Modeling of the no project alternative must include operations that are consistent with regulatory standards.
2009	Planning and Conservation League	NO PROJECT: An alternative that fully complies with current regulatory standards, including all water quality objectives. In the recent past, water quality objectives and endangered species laws have been violated. Modeling of the no project alternative must include operations that are consistent with regulatory standards.
2009	Reclamation District 999	...the baseline for the EIR/EIS must account for current export levels (as modified by recent ESA and CESA litigation and related regulatory actions). It may not be assumed that SWP and CVP contract water amounts are already being fulfilled. Thus, current export levels are the appropriate environmental baseline against which to measure impacts of the Project.
2009	Reclamation District 999	Why are the model baselines for water use (hydrology and ecological distribution of water) using the existing unsustainable (and un-permitted take)? This approach is biased towards the failed pumping strategy and does not provide a baseline compared to historic conditions. A much more reasonable approach is to set the baseline for before the pumping, without pumping under current delta conditions, current with pumping, pumping with a suitably sized canal, and a canal emphasis with elimination of the lower delta withdrawals.
2008	Sacramento Regional County Sanitation District	The Existing Condition for the EIR/EIS should be the legal and regulatory constraints existing at the time of issuance of the NOP. As such, the Existing Condition for this project should include the legal determinations and operational constraints embodied in the Wanger decision and other recent legal decisions.
2009	Sacramento Regional County Sanitation District	...the Existing Condition for this project should include the legal determinations and operational constraints embodied in the Wanger decision and other recent legal decisions impacting the operation of the State and federal water projects.
2008	San Francisco Bay Conservation and Development Commission	It should also analyze cumulative impacts, including the potential impacts of other projects being planned for the Delta, including habitat restoration in Suisun Marsh and the deepening of the Stockton and Sacramento Ship Channels.
2009	San Joaquin Farm Bureau	You were supposed to be giving us some promises here. To be stewards of our land here and our water system. And those promises have been broken.
2008	San Joaquin Farm Bureau Federation	The BDCP should make public an analysis of how we got into a situation where we can neither protect the Delta nor provide an adequate developed water supply, and should explain how the BDCP proposal will address these causal factors.

Table E-7. 2008 and 2009 Scoping Comments Related to Future Conditions without BDCP

Year of Scoping	Affiliation	Comment
2009	South Delta Water Agency	...the project must predict those area of origin needs and subtract those amounts from future export planning (unless additional upstream supply is developed). The analysis of the project must include this calculation. For example, if the recent questions regarding in-Delta water rights are resolved against some Delta users, then those users will be entitled to and demand supply contracts from DWR and/or USBR.
2009	South Delta Water Agency	The base case scenario must include the numerous ongoing violations of DWR and USBR permit conditions, the lack of any "take" permit by the DWR under CESA, and the projects repeated requests to the SWRCB to relieve them from their permit obligations.
2008	Southern California Water Committee	In the opinion of the SCWC, no action in the Delta is not acceptable.
2008	Southern California Water Committee	In our opinion that no action alternative will not even preserve the status quo. That no action alternative will actually result in a continuation of the degradation -- degrade -- oops, will continue to degrade..the delta.
2009	U.S. Environmental Protection Agency	EPA suggests that the action agencies establish a workgroup to draft and secure agency agreement on a "baseline report" so that baseline issues can be identified and, if necessary, elevated for resolution. This approach was successfully employed in developing a common baseline for NEPA and ESA evaluation purposes when the Department of the Interior prepared the Central Valley Project Improvement Act Programmatic Environmental Impact Statement.
2008	Western Growers	...we believe it is critical that the BDCP EIR/EIS scoping process fully disclose the impacts to agriculture, the state's economy and environmental quality under the 'no action" alternative.
2008	Wheeler Ridge-Maricopa Water Storage District	For instance, in the no-project or reduced export alternatives, we would expect exports to be reduced into Kern County, and that reduction has direct affects on farmland, resulting in less farmland being in production and less food being produced. A loss of farmland under CEQA is a significant environmental affect that would need to be analyzed as part of your alternatives. In addition, the impacts on groundwater banking projects, of which Kern County has a major role in the state in supplying groundwater banking facilities, those impacts are necessary for analysis in reduced exports or no-project alternatives.
2008	Young, Woolridge Law Firm - represent San Joaquin Valley districts	...I think it's very important that the right no-project alternative and baseline be identified.

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Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Arceo Ranch	Creating new conveyances that would remove our water would impose a negative balance on the environment and agriculture.
2009	Attendee at Davis Scoping Meeting	And has anybody ever done any studies to see how much fish species go through those pumps [agricultural diversions] during the course of the irrigation cycle?
2009	Attendee at Stockton Scoping Meeting	The water in the Delta, the quality of the water in the Delta for the fish, the wildlife, and for the humans cannot be improved by taking it out at a higher spot and making the Delta more of a cesspool.
2009	Attendee at Stockton Scoping Meeting	What about the striped bass, which may be an invasive species, but I don't think you're going to get rid of them. Are you planning to eradicate them totally? I think they're here to stay. When do they become native? In essence, they are native. They're here.
2009	Attendee at Stockton Scoping Meeting	So what about the catfish? What about the hawks? What about the owls? What about the otters? What about -- I mean, go on and on and on with other species that are in the Delta.
2009	Attendee at Stockton Scoping Meeting	But wouldn't you guys be concerned about the saltwater intrusion when you guys are pumping out of the Delta? I mean, you guys are saying it's like perfect leverage and everything. The perfect level. But when you're pumping out of the Delta, it's going to suck seawater into the Delta. Wouldn't that hurt the fish? Wouldn't that hurt our community? Our farmlands?
2009	California Central Valley Flood Control Association	If listed species successfully propagate in these new habitat areas, as planned, the existing levee maintaining agencies in the area will experience increased maintenance costs due to the existence of listed species in the area. These impacts should be evaluated and mitigated in the EIR/EIS.
2009	California Central Valley Flood Control Association	This change [more frequent inundation of the bypass] could also significantly change the vegetation regime in the Yolo Bypass; which could therefore, reduce the flood carrying capacity if a riparian forest is allowed to grow in the Bypass as has previously occurred in the Sutter and Tisdale Bypasses. Lack of vegetation maintenance for as little as one year could effectively create thick stands of habitat that would act to increase the coefficient of friction within the Yolo Bypass and change the flood carrying capacity. The BDCP EIR/EIS must describe in detail how this capacity will be maintained or improved.
2009	California Central Valley Flood Control Association	The bypass is already incapable of passing the design flow at the design stage up stream of Liberty Island. New impacts due to additional capacity impairments will affect agricultural land and their attendant habitat values, increase erosion on existing levees, create additional road flooding, reduce local drainage capacity, and potentially allow flood flows to outflank the federal project levee at the northern end of the bypass. Rigorous modeling and monitoring criteria needs to be funded and implemented as a component of any project.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	California Central Valley Flood Control Association	The EIR/EIS should evaluate the change in Delta hydraulics and fish migration under several scenarios of flooded islands. Flooded islands will cause increased water loss through evaporation. This loss of water would be greater than the current consumptive use of the agricultural islands. The EIR/EIS should address where water will be obtained to offset this loss in order to meet water quality objectives. It is possible that additional control structures may be required to meet water quality objectives if multiple flooded islands are not reclaimed.
2009	California Central Valley Flood Control Association	The BDCP document should address how this existing habitat will fare in the future, especially if levees should fail and islands are not reclaimed.
2009	California Central Valley Flood Control Association	The Corps of Engineers has recently restated its National Levee Inspection Standard and vegetation management guidelines, ETL 1110-2-571. These requirements reinforce its requirements that vegetation (habitat) be removed from certain levees...The BDCP EIR/EIS should address how this will affect its plans. Habitat creation in the floodway can impact flood carrying capacity and other flood control benefits that currently exist. Successful habitat development in areas adjacent to levees and other water control features bring increased regulatory compliance costs and restrictions. It is essential to evaluate and compensate for these impacts. The inability to maintain habitat development in the future could cause additional problems. Under the topic of adaptive management, the BDCP should require habitat removal should it prove to negatively affect flood control, or have impacts to human health and safety.
2009	California Central Valley Flood Control Association	Due to the significant scientific uncertainties regarding the impacts from the construction and operation of new conveyance facilities and the implementation of habitat conservation measures in the Delta, the EIR/EIS must include an adaptive management process that includes modification of any conveyance or habitat project that results in human consequences, including reducing flood protection. For instance, if the Fremont Weir project mentioned earlier is implemented and funding for vegetation maintenance in the Yolo Bypass is not available and a riparian forest starts growing in the Bypass, the Plan needs to adaptively manage the habitat measure to assure flood capacity is returned. Just as there is an adaptive management process for responses by covered species to the Plan's implementation, there also needs to be an adaptive management process to respond to negative human impacts caused by the Plan's implementation.
2009	California Delta Chambers & Visitor's Bureau	The peripheral canal diverting water around the Delta has the potential to cause an ecological disaster of monumental proportions, killing wildlife and allowing invasive species to prosper...Can you provide a few examples where a diversion of this type has actually helped the ecology of a waterway?
2009	California Department of Parks and Recreation	Delta Meadows is a 470-acre property adjacent to the Town of Locke and along portions of Snodgrass and Meadows Sloughs. State Parks acquired and manages the property primarily to preserve and protect one of the last remaining areas of the northern Sacramento-San Joaquin River Delta that exhibits remnants of the natural conditions that existed prior to Euro-American Settlement. The property contains important riparian and oak woodland habitat....State Parks is concerned with the potential impacts of BDCP project construction and operation on the natural resources of the Delta Meadows property.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	California Department of Parks and Recreation	State Parks requests that the potential impacts to the natural and cultural resources of any affected State Park units are addressed in the environmental analysis.
2009	California Department of Parks and Recreation	Potentially significant effects, to recreation or resources, would need to be mitigated.
2009	California Department of Parks and Recreation	Excerpt from Comment on NOP for Franks Tract Project: ...The construction of the gate facility at either Site 1 or 2 may involve impacts to vegetation within Brannan Island SRA, including elderberry which is the host of the federally listed Valley Elderberry Longhorn Beetle.
2009	California Farm Bureau	As currently proposed, the BDCP project alternatives will convert agricultural lands to other uses, including land for habitat restoration, conveyance facilities, and levee improvements. This conversion would add to the existing statewide conversion of substantial amounts of agricultural lands to other uses, and may conflict with adopted plans of many local governments, including cities and counties, and existing HCPs.
2009	California Farm Bureau	California Farm Bureau urges the Agencies to consider the following mitigation measures for full evaluation within the EIS/EIR: Siting and aligning Project features to avoid or minimize impacts on agriculture. Examining structural and nonstructural alternatives to achieving project goals in order to avoid impacts on agricultural lands. Implementing features that are consistent with local and regional land use plans. Supporting the California Farmland Conservancy Project in acquiring easements on agricultural lands in order to prevent its conversion and increase farm viability. Restoring existing degraded habitat as a priority before converting agricultural lands.
2009	California Farm Bureau	Providing water quality reliability benefits to agricultural water users. Maintaining water quality standards for all beneficial uses, including agricultural use. Focusing habitat restoration efforts on developing new habitat on public lands before converting agricultural land. If public lands are not available for restoration efforts, focusing restoration efforts on acquiring lands that can meet ecosystem restoration goals from willing sellers. Using farmer-initiated and developed restoration and conservation projects as a means of reaching Program goals.
2008	California Native Plant Society Santa Clara Valley	It is essential that full CEQA review is routine, and that mitigation for impacts to one species does not compound habitat loss at expense of other species. Appropriate public hearings and review can identify data discrepancies that a resource scientist may miss.
2009	California Native Plant Society Santa Clara Valley	One of the basic resource components of river systems in the Bay Delta is the sediment carrying capacity of their flows. This sediment not only replenishes riverbank vegetation, floodplain and intertidal marsh, but is essential for migratory fisheries in providing benthic nutrients as well as cover from predators...The data on Delta river flows...is essential for any modeling of delta diversions and for assessment of minimum flows that are necessary to sustain beneficial in-delta resources, as well as carry sufficient sediment loads through San Francisco Bay and out to the Pacific Ocean.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	California Native Plant Society Santa Clara Valley	A formula needs to be scientifically arrived at that will define minimum flows needed to retain the integrity of the rivers that flow through the delta marshes and provide critical spawning and rearing habitat for resident and migratory fish, and birds, as well as sustain habitat biodiversity by overflow into marshes and wetlands. The Uplands Habitat Goals report and studies such as the 1985-86 Interagency Ecological Studies Program for the Sacramento-San Joaquin Estuary should provide sufficient data without commissioning new research. Elements of shallow benches, overhanging shade and instream woody materials will have top consideration, while entrainment and water diversion operations which contribute to such critical loss of fish and organisms need an entirely new design, preferably making most of gravity flow. Clifton Court pumps are rather medieval.
2008	California Sport Fishing Protection Alliance	Specifically at a minimum the ERA, EIS must incorporate a comprehensive ecological analysis.
2008	California Sport Fishing Protection Alliance	Must identify the areas and species that it is attempting to cover. Evaluate the impacts of meeting the existing proposed water demand to each species covered by the HCP.
2008	California Sport Fishing Protection Alliance	Explain how levee improvements, flood plain management, and changes in water circulation and quality will affect each of the targeted species of proposed structural modifications.
2009	California Sport Fishing Protection Alliance	How much water does the estuary require to maintain ecosystem integrity?
2009	California Sport Fishing Protection Alliance	What are the economic and environmental consequences of various reduced or no export scenarios?
2009	California Sport Fishing Protection Alliance	We still don't have quantifiable biological targets, objectives, and consequences.
2009	California Sport Fishing Protection Alliance	New habitat cannot replace identified existing critical habitat. The recent U.S. Fish and Wildlife Service of Delta biop for Delta smelt identifies outflow as critical habitat. The proposed and speculative habitat cannot replace the certainty of existing habitat.
2009	California Sport Fishing Protection Alliance	Adaptive management, by definition, does not allow for export assurances, given the history of mitigation. Failures in this estuary, no project can provide for export reliability. Water operations management team decisions must be driven by biological constraints.
2008	California Sportsfishing Protection Alliance	Incorporate a comprehensive ecological analysis.
2008	California Sportsfishing Protection Alliance	Identify the area and species the HCP is attempting to cover and evaluate the impacts of meeting existing and proposed water demand to each species covered by the HCP.
2008	California Sportsfishing Protection Alliance	Explain how levy improvements, flood plain management and changes in water circulation and water quality will affect each of the targeted species and proposed structural modifications.



Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2008	California Sportsfishing Protection Alliance	Reveal, analyze and discuss how the new facilities and changes in points of diversion for conveyance and storage are likely to affect all of the species and habitat the HCP is supposed to protect..
2008	California State Water Resources Control Board	...the EIR/EIS must analyze...beneficial uses (including fish and wildlife resources) associated with BDCP-covered activities
2009	California State Water Resources Control Board	Uncertainty remains concerning the amount of water that can be diverted from the estuary without significantly impacting fish and wildlife beneficial uses. These impacts must be analyzed under CEQA before significant changes are made to the plumbing and hydrology of the Delta. In addition, independent of CEQA, the State Water Board has an obligation to consider the effect of the proposed project on public trust resources and to protect those resources.
2008	California Striped Bass Association	Taking Sacramento River water with one of four options will further threaten our fisheries which primarily use the river for propagating (spawning) where approximately 60 percent of the remaining Chinook salmon, American shad, striped bass, sturgeon, and steelhead spend time each spring in the Sacramento River between Verona and Colusa.
2008	California Striped Bass Association	I have noticed a drastic decline in all of our endogenous sport fish. One that hasn't been mentioned is the American Chad on the San Joaquin River side of the Delta. Nobody talks about that species.
2009	California Striped Bass Association, West Delta Chapter	Don't beat arown the Buch and Blame the Striped Bass for your Failure to Save the Salmon in the Pumps and all the other fish to.
2008	California Water Impact Network	The impacts on upstream ecosystems and species, such as the Trinity River and its listed coho salmon must be examined in detail.
2009	California Waterfowl Association	...we strongly support additional wetland restoration in the Delta. However, as a general principal, we caution planners to fully recognize and protect the existing ecological values of the region. We believe that there is the potential to reverse much of the wetland benefit we have painstakingly accomplished (and at great public and private expense) unless conservation measures promoted are done in a manner sensitive to needs of the entire ecosystem. The potential for restoring ecological conditions favorable for native fish species is great, but should be additive to, rather than at the expense of, existing avian and other terrestrial values.
2009	California Waterfowl Association	...it is important that the BDCP EIR/EIS consider the goals and objectives of the CVJV Implementation Plan. The BDCP could impact, either positively or negatively, both past accomplishments and future progress towards CVJV Plan goals. Furthermore, this analysis should address impacts on the goals and objectives of the CVJV, not just those specific to the planning basins in the Delta region. This recommendation is justified, because the BDCP has far-reaching implications for water availability and management, and subsequent land use changes throughout the Sacramento and San Joaquin River watersheds.
2009	California Waterfowl Association	Analyze the potential change in food availability for waterfowl resulting from conversion of managed wetlands to tidal wetlands in the project area and Suisun Marsh.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	California Waterfowl Association	Analyze the potential change in breeding habitat for waterfowl resulting from the conversion of managed wetlands to tidal wetlands in the project area
2009	California Waterfowl Association	Analyze the potential change in food availability and breeding habitat for waterfowl resulting from temporary loss (or changes in management) of managed wetlands and agriculture due to either prolonged floodplain inundation or conversion to floodplain habitat, especially in the Yolo Bypass.
2009	California Waterfowl Association	Analyze the potential changes in food availability for wetland-dependent migratory birds resulting from conversion of certain farmlands or change in agricultural crop type. Especially in the Yolo Bypass, where proposed actions for fish habitat restoration may preclude the ability to plant a rice crop.
2009	California Waterfowl Association	Analyze how improved water conveyance may simplify and perhaps increase transfers of water south of the Delta, potentially reducing the amount of rice farmed in the Sacramento Valley. More specifically, analyze: <ul style="list-style-type: none"> <li>o The impacts of potentially reduced rice acreage on foraging habitat for wintering and breeding waterfowl</li> <li>o The impact of potentially reduced winter flooding of harvested ricefields on energy supply for waterfowl and other wildlife in the Sacramento Valley.</li> <li>o The impact of reduced spring/summer flooded rice habitat, and potentially increased fallow cropland, on breeding habitat for waterfowl and other birds.</li> <li>o The potential to establish cover crops to reduce erosion and provide habitat (e.g., nesting cover) for breeding waterfowl and other wildlife if cropland becomes idle/fallow as a result of BDCP actions,</li> </ul>
2009	California Waterfowl Association	Analyze whether and to what extent the project alternatives are consistent with the existing legal requirements regarding refuge water supply requirements of the CVPIA.
2009	California Waterfowl Association	Analyze how water supply and reliability to wetlands and agricultural habitats for migratory birds will change within the BDCP planning region, and in other potentially impacted regions of the Central Valley, given the different project alternatives.
2008	Central Contra Costa Sanitary District	The ecosystem of Suisun and San Pablo Bays depends primarily on the volume and quality of Delta outflows. Any changes to Delta outflows will affect the ecosystem of these two important water bodies.
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	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.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	Conservation Plans Must Address both Aquatic and Terrestrial Species and Must Not Transfer Adverse Impacts to Other Species.
2009	Central Delta Water Agency	More locally, the transmission lines in the Delta greatly interfere with bird life and in particular waterfowl.
2009	Central Delta Water Agency	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.
2009	Central Valley Joint Venture	We strongly support additional wetland restoration in the Delta. However, as a general principal, we caution planners to fully recognize and protect the existing ecological values of the region. We believe that there is a sizable potential to undo much of the good work we have painstakingly and at great public and private expense accomplished to date unless this new work is done in a manner sensitive to needs of the entire ecosystem. The potential for restoring ecological conditions favorable for native fish species is great, but should be additive to, rather than at the expense of, existing avian and other terrestrial values.
2009	Central Valley Joint Venture	it is important that the architects of the BDCP EIR/EIS consider the goals and objectives of the CVJV Plan. The BDCP could impact, either positively or negatively, both past accomplishments and future progress towards CVJV Plan goals. Furthermore, this evaluation should address impacts on all the goals and objectives of the CVJV, not just those specific to our planning basins in the Delta region. This request is justified, because the BDCP has far-reaching implications for water availability and management, and subsequent land use changes throughout the Sacramento and San Joaquin River watersheds.
2009	Central Valley Joint Venture	Analyze the potential change in food availability for wetland-dependent migratory birds resulting from conversion of managed wetlands to tidal wetlands in the project area and Suisun Marsh.
2009	Central Valley Joint Venture	Analyze the potential change in breeding habitat for wetland-dependent migratory birds resulting from the conversion of managed wetlands to tidal wetlands in the project area.
2009	Central Valley Joint Venture	Analyze the potential change in food availability and breeding habitat for wetland-dependent birds resulting from temporary loss (or changes in management) of managed wetlands due to either prolonged floodplain inundation or conversion to floodplain habitat, especially in the Yolo Bypass.
2009	Central Valley Joint Venture	Analyze the potential changes in food availability for wetland-dependent migratory birds resulting from conversion of certain farmlands or change in agricultural crop type.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Central Valley Joint Venture	Analyze how improved water conveyance may simplify and perhaps increase transfers of water south of the Delta, potentially reducing the amount of rice farmed in the Sacramento Valley. More specifically, analyze: <ul style="list-style-type: none"> <li>o The impacts of potentially reduced rice acreage on foraging habitat for wintering and breeding migratory birds (and other wildlife, e.g., giant garter snake).</li> <li>o The impact of potentially reduced winter flooding of harvested ricefields on energy supply for waterfowl and other wildlife in the Sacramento Valley.</li> <li>o The impact of reduced spring/summer flooded rice habitat, and potentially increased fallow cropland, on breeding habitat for waterfowl and other birds. The potential to establish cover crops to reduce erosion and provide habitat (e.g., nesting cover) for breeding migratory birds if cropland becomes idle/fallow as a result of BDCP actions,</li> </ul>
2009	Central Valley Joint Venture	Analyze whether and to what extent the project alternatives are consistent with the existing legal requirements regarding refuge water supply requirements of the CVPIA.
2009	Central Valley Joint Venture	Analyze how water supply and reliability to wetlands and agricultural habitats for migratory birds will change within the BDCP planning region, and in other potentially impacted regions of the Central Valley, given the different project alternatives.
2009	Chair of Delta Caucus	The draft EIR must identify how much Delta outflow is needed to maintain a healthy estuary and how each alternative will be designed in order to maintain the appropriate outflow and Delta water quality. The EIR should compare and contrast water flow and water quality from the two major rivers (the Sacramento and San Joaquin) which enter the Delta and determine what factors contribute to the major difference in water quality.
2009	Chair of Delta Caucus	The draft EIR must show a correlation between Delta smelt abundance and creation of tidal and seasonal wetland habitat.
2008	City of Antioch	While the term "conservation action" is not specifically defined in the Endangered Species Act, it appears that the reference relates to the ability of such a system to reduce or mitigate impacts of the projects on special status species. To the extent such a "mitigation measure" would also create its own environmental impacts...those impacts must also be disclosed and mitigated.
2008	City of Antioch	Impacts to all special status species and other natural communities must be fully analyzed.
2009	City of Antioch	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.
2009	City of Antioch	...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.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2008	City of Livermore	The analysis should use best available and accepted/tested science wherever possible. Scientific uncertainties should be documented and disclosed to the public.
2008	City of Livermore	The EIR/EIS should comprehensively address ecological issues, including pelagic organism decline, salmon decline, invasive species, and toxic pollutants.
2008	City of Stockton	The EIR/EIS need to evaluate the effects of the BDCP on special status species within San Joaquin County..
2008	City of Stockton	...how those effects may impact the [San Joaquin] County's Multi-Species Habitat Conservation and Open-Space Plan..
2009	Clark Farms	Is it true that no one knows if your proposed project will meet its objectives and that not all aspects of the conservation of threatened and endangered fish species in the Delta have been studied adequately?
2009	Clark Farms	What experiments have been conducted that show this project to be beneficial to Delta Smelt, Sacramento Splittail, Longfin Smelt, Chinook Salmon, Steelhead, Green Sturgeon, and White Sturgeon?
2009	Clark Farms	Adequate experiments and studies need to be conducted to provide assurance that the conservation objectives of the BDCP with regard to threatened and endangered fish species will be obtained.
2009	Clark Farms	How will predator populations be controlled? Striped bass, a well known Delta fish predator, will benefit from many of the changes being implemented as part of the BDCP...how will fish predation issues be addressed?...Isn't it true that striped bass populations will probably increase with the implementation of the BDCP? If more predation occurs as a result of the BDCP, will not Delta smelt populations decrease due to the increase in predation?
2009	Clark Farms	What studies and experiments have been done to determine how much the contaminants being dumped into water supplies north of the Delta are impacting threatened and endangered fish species in the Delta?
2009	Clark Farms	How will the BDCP prevent the spread of nonnative organisms in the Northern Delta?
2009	Clark Farms	Who will be fiscally responsible if nonnative organisms and/or water born pathogens become established in the north Delta?
2008	Coalition for Environmental Protection Restoration and Development	To the extent that you will be considering a variety of options for obtaining your scientific analysis, we would urge you to spend as much time as possible working with your stakeholder groups and with those who you will be coming in contact with through the course of this scoping process to understand as clearly as possible, what the fundamental issues are and most importantly how those issues can best be articulated through a scientific process. I don't know if in the context of your efforts you have the ability or have made contact with, or given thought to the development of an independent 3rd party agreed upon scientific body that could work with you in the formulation of the criteria that you will be developing here. In one of the areas of our involvement over the years, that pertaining to water quality, we found here locally an organization called the Southern California Coastal Research Project.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Commenter during Scoping Process	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.
2009	Commenter during Scoping Process	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?
2009	Commenter during Scoping Process	...the environmental review must include:...The impact of these facilities on the river, riverbanks, and habitat in the area where they will be located.
2009	Commenter during Scoping Process	...the environmental review must include:...Impact of new towers and power lines.
2009	Commenter during Scoping Process	...the environmental review must include:...Impact on the eco-system in the areas of the facilities.
2009	Commenter during Scoping Process	Just who is going to pay for this? Even if the Southern water interests assume the payments..., 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.
2009	Commenter during Scoping Process	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?
2009	Commenter during Scoping Process	What are the economic and environmental consequences of various reduced export scenarios?
2008	Commenter during Scoping Process	What happens to these birds when the hawk loses its forage and the owl is flooded from its home?
2009	Commenter during Scoping Process	What are the economic and environmental consequences of various reduced export scenarios?
2009	Commenter during Scoping Process	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
2009	Commenter during Scoping Process	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 Sacramento 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 spawning areas.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Contra Costa County Water Agency	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?
2009	Contra Costa County Water Agency	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?
2009	Contra Costa County Water Agency	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?
2009	Contra Costa County Water Agency	How can impacts of a new facility on such a decimated existing system realistically be measured?
2009	Contra Costa County Water Agency	Will the effects of pumping on the existing Delta be identified and incorporated in some way in the EIR/S?
2009	Contra Costa County Water Agency	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.
2008	Contra Costa Water District	Plant growth within earthen canals inhibits flow and contributes to levee instability. However, the use of chemical herbicides is increasingly problematic due to regulatory constraints.
2008	Contra Costa Water District	Canals, in general, create a migration corridor barrier for terrestrial species.
2008	Contra Costa Water District	[winter exports and salvage levels]..impacts should be analyzed against unscreened export levels and San Joaquin River flows.
2008	Contra Costa Water District	... the plan should examine the benefits of installing positive barrier fish screens on reducing salvage and potentially increasing FMWT indices, and their benefits on through-Delta flows, fisheries and water quality levels. The EIR/EIS should examine using positive barrier fish screens on all export facilities.
2008	Contra Costa Water District	The canal will sever property, disrupt island drainage, and create a barrier to migration corridors. Additionally, the existing irrigation and drainage ditches that the canal will sever may be considered as habitat for various special status species.
2008	Contra Costa Water District	New facilities may alter flows in the Delta, and could disrupt aquatic migration corridors for resident and migrating fish. All impacts of changed flows must be thoroughly evaluated and disclosed.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2008	Contra Costa Water District	...the EIR/EIS must evaluate the impacts associated with anticipated operation and maintenance activities, including: aquatic weed management and the potential use of herbicides or physical clearing of vegetation that will be necessary along, and in, any canal; levee maintenance; and facility security. The potential impact of maintenance activities on the habitat within the canal as well as downstream beneficial uses, such as recreational use in reservoirs, agricultural irrigation, and drinking water must be considered.
2008	Contra Costa Water District	...the EIR/EIS must fully analyze and disclose project impacts concerning issues that have been identified as factors in the recent pelagic organism decline in the Delta, including unscreened water diversions, invasive species, and toxicity.
2009	Contra Costa Water District	Canals, in general, create a migration corridor barrier for terrestrial species.
2009	Contra Costa Water District	...the larger facility will reduce Delta inflow by a larger amount, causing larger impacts on Delta water quality and fisheries...
2009	Contra Costa Water District	...the EIR/EIS should analyze the impacts to X2, listing the average monthly value and maximum daily change in X2 from the baseline conditions. If the EIR/EIS proposes changes to the existing X2 standards, the EIR/EIS must demonstrate that the changes benefit the fish populations for which the standards were developed, including the new X2 requirement imposed by USFWS for implementation in the fall months following wet and above normal water years.
2009	Contra Costa Water District	...The Bay Institute has developed a Delta flow index that shows strong correlations to a composite Delta fish abundance index. The Delta flow index should also be used to evaluate impacts of alternatives....
2009	Contra Costa Water District	...analysis by CCWD shows that the abundance of juvenile delta smelt in summer (as measured by the Summer Towntnet Survey, TNS) is significantly correlated with the salinity in the Western Delta during the previous fall...This relationship is strengthened further when the analysis is expanded to account for the number of adult delta smelt available to reproduce (as measured by the Fall Midwater Trawl survey, FMWT)....the EIR/EIS should assess the project's effect on salinity at multiple locations in Suisun Bay and within the Delta. The salinity regime under project conditions should be compared to the salinity regime under current conditions and compared to the observed salinity regime at different time periods in history (e.g. 1910's, 1960's, 1970's, 1980's). The impact of changes in salinity should be discussed in terms of the potential impact to the covered species resulting from direct changes to habitat environmental quality and resulting from indirect changes due to the likely effect on distribution of invasive species...
2009	Contra Costa Water District	The EIR/EIS should analyze any potential changes to algal growth, including the frequency and location of large, toxic algal blooms and the effects of such algal blooms on migratory and resident species should be examined in the EIR/EIS.
2009	Contra Costa Water District	...existing irrigation and drainage ditches that the canal will sever may be considered as habitat for various special status species. The EIR/EIS should fully evaluate and disclose these potential impacts.



Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Contra Costa Water District	New facilities and operations may alter flows in the Delta, and could disrupt aquatic migration corridors for resident and migrating fish. All impacts of changed flows must be thoroughly evaluated and disclosed.
2009	Contra Costa Water District	Recent studies within the Delta indicate that certain life stages of sensitive fish species respond to the local tidal velocity (including secondary currents at river bends) the amount of daylight, and local turbidity and salinity gradients. The EIR/EIS should rely on the best available science, including the behavioral models discussed below, to evaluate the potential impacts of changes in tidal velocity, turbidity, and salinity.
2009	Contra Costa Water District	The EIR/EIS must fully evaluate the increased indirect mortality of juvenile salmonids as a result of North Delta diversions.
2009	Contra Costa Water District	The DSM2-PTM model assumed the particles were neutrally buoyant and did not exhibit any swimming behavior. However, a study in the North Delta revealed that secondary circulation patterns influenced the spatial distribution of fish near a bend in the Sacramento River near Clarksburg. Additionally, research by Blake and Horn has shown that juvenile salmon approaching channel junctions are not split into each of the channels at the same ratio as the net flow split. These results indicate that juvenile salmon should not be modeled as neutrally buoyant particles; rather, a model of salmon behavior must be utilized to effectively assess the potential impacts to outmigrating salmonids.
2009	Contra Costa Water District	The overall survival of juvenile salmonids emigrating from the Sacramento River is determined by the probability of route selection at each river junction combined with the probability of survival through each individual river reach - the North/Central Delta Salmon Out-migration Study is designed to estimate these probabilities in response to a range of river flows and DCC operations. The EIR/EIS should incorporate results from this study to evaluate impacts on juvenile salmonids.
2009	Contra Costa Water District	Gartrell and Herbold (2009)29 discusses the difference between average flow and tidal velocity, and how the "net flow model" leads to incorrect conclusions; the paper also presents a tidal perspective of salinity gradients to provide an explanation of observations. The EIR/EIS should consider the effects of project alternatives on salinity gradients in the Delta and the subsequent effect on aquatic species.
2009	Contra Costa Water District	Resource Management Associates, Inc. (RMA) has developed a particle tracking model that incorporates behavior related to turbidity and salinity gradients to simulate the distribution of adult delta smelt and entrainment by export pumps. Model results compare favorably with the timing of historical salvage at the South Delta export facilities; additionally, the author hypothesizes that reductions in South Delta exports may actually increase salvage during certain time periods due to the potential collapse of the low turbidity zone in the Central Delta. The EIR/EIS should evaluate potential impacts to direct mortality of adult delta smelt at the South Delta export facilities using the best available scientific tools and provide for mitigation, including the use of positive barrier fish screens, where appropriate.
2009	Contra Costa Water District	The potential impact of maintenance activities on the habitat within the canal as well as downstream beneficial uses, such as recreational use in reservoirs, agricultural irrigation, and drinking water must be considered.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Contra Costa Water District	Oversizing the canal may lead to additional operating expenses and maintenance-related impacts. For instance, vegetation is likely to establish within the open canal during low flows. The vegetation would need to be cleared before the canal can carry high flows during the peak diversion periods. The EIR/EIS must fully evaluate the additional aquatic weed management activities associated with sub-optimal flows within the canal.
2009	County of Sacramento	BDCP proposes to alter the flood control operations criteria of upstream reservoirs to inundate the Bypass more frequently and for longer periods. This action will, obviously, destroy the wetlands that currently exist in the Bypass. It will also have significant adverse effects on terrestrial species that rely on the existing habitat...Likewise, this action has the potential to disrupt food supplies for migratory birds that use the Bypass.
2009	County of Sacramento	BDCP also has the potential to conflict with the County's South Sacramento Habitat Conservation Plan (SSHCP), which is expected to be adopted well before BDCP is. The SSHCP has been carefully designed to balance development and conservation of natural lands. If BDCP acquires land within the County for conservation, and precludes the SSHCP from assembling that land into its preserves, BDCP may cause the SSHCP to be unable to fulfill its conservation plan.
2009	County of Sacramento	The BDCP cannot have precedence over what Sacramento may itself develop in its SSHCP. Moreover, land use decisions within Sacramento County, including associated Endangered Species Act "permitting," cannot be based upon criteria that include compliance with the BDCP or that use the BDCP as a baseline.
2009	County of Solano	Because of the importance of agriculture to Solano County within the Delta area, the following impacts should be thoroughly reviewed and analyzed in the EIR/EIS and fully mitigated. Impact: Restrictions on Adjoining Agricultural Practices. The establishment of habitat conservation areas will potentially impact adjoining agricultural operations and activities. Such impacts may include increased vector impacts; introduction of invasive species and agricultural pests; avian impacts on agricultural crops and operations; increased potential for take of listed species as a result of proximity to adjoining conservation habitat areas; and restrictions on pesticide/herbicide usage and discharge limits that are more restrictive than normal agricultural practices due to adjacent wetlands and aquatic habitat area protection requirements. These impacts may limit the types of crops, pesticide use and other agricultural practices and must be fully analyzed in the EIR/EIS.
2009	County of Solano	Mitigation measures must include the following: Establishment of buffer areas incorporated into the project sufficient to avoid the need for additional restrictions on farm practices. Establish water quality objectives for any potential discharges that may impact buffer areas and designated areas and the State commit to taking responsibility for any increase regulatory requirements from upstream point and non-point discharges due to existence of new BDCP habitat. Establish "good neighbor" programs to deal with vectors, invasive species and agricultural pests to be incorporated and funded as part of conservation management plans. Full federal Endangered Species Act (ESA) and California Endangered Species Act (CESA) protection for neighboring lands/landowners.
2009	County of Solano	The restoration of intertidal marsh would address impacts associated with the [Suisun Marsh Habitat] Restoration and Management Plan and also contribute to the recovery of tidal marsh-dependent sensitive species. These should be credited towards the BDCP activities.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	County of Solano	The BDCP process must coordinate closely with the [Suisun Marsh] Habitat Restoration and Management Plan process while analyzing the impacts of the BDCP activities on the Suisun Marsh as part of the EIR/EIS.
2009	County of Solano	The EIR/EIS must also analyze the impacts of the BDCP activities on the Montezuma Wetlands project, a dredging sediment re-use and wetland restoration facility located at the eastern edge of the Suisun Marsh near Collinsville. Mitigation measures must include the following: Buffers incorporated into the project that are sufficient to avoid the need for additional restrictions on public agency and private activities on surrounding lands. Restoration activities in the Suisun Marsh under the BDCP must include consideration for local activities and projects under the Suisun Marsh Habitat Restoration Management Plan. Measures to protect on going wetland restoration projects including the Montezuma Wetlands project.
2009	County of Solano	Increased frequency of flows through the Yolo Bypass and conversion of agricultural land for wetland restoration in both the Cache Slough and Suisun Marsh areas will result in impact to existing wildlife communities and terrestrial species including special status species. The EIR/EIS must fully analyze these potential impacts. Mitigation measures must include the following: Mitigation for loss of terrestrial habitat for special status species and other wildlife...Protection of existing high value terrestrial habitat such as the Yolo Bypass and the Grizzly Island Wildlife Area Complex.
2009	County of Solano	Impacts to existing wildlife communities and terrestrial species may also result from County and other agency public works projects necessary to service and support the habitat restoration and recreation projects. These must also be fully analyzed and mitigated. Mitigation measures must include the following: Mitigation for loss of terrestrial habitat for special status species and other wildlife...Credits for the County and other agencies to obtain mitigation of future impacts associated with County and other agency public works projects (e.g . roads, bridges, levee work) necessary to serve BDCP habitat and recreation projects. Protection of existing high value terrestrial habitat such as the Yolo Bypass and the Grizzly Island Wildlife Area Complex.
2009	County of Solano	SCWA is preparing a habitat conservation plan (HCP) as required under the March 19, 1999 Solano Project Contract Renewal Biological Opinion between USFWS and Reclamation. The HCP includes federally-listed fish species, species listed as threatened or endangered under the Federal and State Endangered Species Acts, and other species of concern that have been identified as having declining or vulnerable populations but not officially listed as threatened or endangered. The BDCP must be consistent with the Solano HCP. Any BDCP future tidal habitat restoration projects should be credited towards the conservation goals in the Solano HCP. Mitigation measures must include the following: Mitigation for loss of terrestrial habitat for special status species and other wildlife...Protection of existing high value terrestrial habitat such as the Yolo Bypass and the Grizzly Island Wildlife Area Complex.
2009	County of Solano	Maintenance of levee systems is also impacted by endangered species issues which can limit and sometimes prohibit the maintaining entity from performing needed work in a cost-effective way. ESA take authority and reasonable "safe harbor" protections that apply to all parties' maintenance levee systems must be a part of the BDCP and included in the mitigation measures.

**Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources**

Year of Scoping	Affiliation	Comment
2009	County of Solano	Habitat restoration may require the construction of new levees and flood control systems in addition to fortification of existing levees. The EIR/EIS must analyze the impacts of construction of new levee and flood control systems including impacts under the ESA, the cost of operating and maintaining these new facilities and identification of the responsible entity who will be responsible for their operations and maintenance.
2009	County of Solano	The change in water conveyance and creation of habitat areas in the Cache Slough and Suisun Marsh will result in changes in salinity levels in the Delta and Suisun Marsh. Increased levels of salinity can impact drinking water, agricultural production and certain types of natural habitats...The EIR/EIS must fully analyze the potential impacts of increased salinity...Mitigation measures must include the following: Mitigation for changes in salinity in the north Delta and Suisun Marsh. Protection of Suisun Marsh salinity standards to protect existing wetland and wildlife habitat and the beneficial uses. Financial Assurances for any potential corrective action to reduce salinity resulting from a post project condition. The financial assurances should cover the cost to construct desalination plants or water treatment facility to restore the salinity in the Delta and the county water users to the pre-project levels.
2009	County of Solano	Restoration in the Cache Slough complex may have adverse effects on operation of the North NBA, Reclamation District 2068 and private agricultural water intakes related to entrainment of enhanced populations of covered species. Construction of habitat restoration projects could disrupt irrigation and drainage systems essential to agricultural production on land bisected by these projects. The EIR/EIS must fully analyze these impacts and provide mitigation measures that provide protections to enhanced populations of covered species, provide for the relocation of the NBA intake, and protect urban and agricultural water supplies. Mitigation Measures must include the following: Provisions of an alternate intake for the North Bay Aqueduct. Full Federal and State Endangered Species Act protection for affected water diversions within the project regions, including funding for installation and operating fish screens or other diversion modification requirements
2008	County of Yolo	What are the potential effects of the BDCP on existing wildlife - including but not limited to the "covered species" identified in the NOP - that are found in the Delta ecosystem, particularly those that may have adapted to the "new natural condition" resulting from the SWP, CVP, and related influences?
2008	County of Yolo	How could the BDCP impact known populations of the "covered species" in particular locations, whether by modifying existing habitat or otherwise? What sort of monitoring, if any, will be implemented as part of the BDCP to evaluate its effect on these populations?
2008	County of Yolo	What is the potential for implementation of the BDCP to result in any influx, territorial expansion, or rise in population of undesirable or invasive species, whether due to a salinity gradient that differs from expectations or for other reasons?
2008	County of Yolo	To the extent the BDCP may result, directly or indirectly, in the conversion of farmland to habitat or other uses, how will the Swainson's hawk and other species that rely on agriculture be affected? In particular, could the BDCP cause a significant effect on the Swainson's hawk, Giant Garter Snake, or other species that rely (to various degrees) on agriculture by modifying existing farming practices that serve to provide habitat or forage for these species?

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2008	County of Yolo	To what extent could the BDCP interfere with the HCP/NCCP presently under preparation by the Yolo County Habitat Joint Powers Authority?
2009	County of Yolo	Flood management, habitat protection and restoration, preservation of agriculture, recreation, and land use decisions in the Delta must be consistent with adopted policies for Yolo County
2009	County of Yolo	The value of the Yolo Bypass for flood management and existing habitat must not be compromised;
2009	County of Yolo	Economic, habitat, water resources, and flood management impacts must be recognized by the Central Valley Regional Water Quality Control Board (CVVRWQCB) in developing the Delta mercury TMDL
2009	County of Yolo	Public and private financial support should be secured for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat
2009	County of Yolo	The Yolo County Natural Heritage Program must be recognized and activities in the Delta must support and be integrated with it
2009	County of Yolo	Provide new municipal water for the City of Davis, City of Woodland, and UC Davis, including expediting permits and providing habitat mitigation necessary for implementation.
2009	County of Yolo	Ensure that habitat restoration is consistent and integrated with and the Yolo County Natural Heritage Program
2009	County of Yolo	Expedite permitting and provide habitat mitigation for any County or Reclamation District improvements within the Clarksburg region and Yolo Bypass, including but not limited to the construction and maintenance of roads, bridges, levees, and irrigation facilities.
2009	County of Yolo	The Bay Delta Conservation Plan (BDCP) must provide permitting and regulatory assurances for actions that the County, the Cities of West Sacramento, Winters, Woodland and Davis, special districts, other public agencies, and local nonprofits in the County undertake that have the potential to result in the regulatory take of any of the BDCP target species.
2009	County of Yolo	Obtain funding for conservation easements in Yolo County
2009	County of Yolo	PARAMETERS FOR DELTA-RELATED HABITAT PROJECTS Willing sellers only; Payment in-lieu of property tax for lands changing from private to public ownership; Payment for lost business opportunity and income, including socio- economic issues; Project impacts originating in Yolo County must be discharged in Yolo County; Permanent protection/preservation of like or better quality agricultural lands for agricultural lands converted, compliance with local policies regarding conservation easements; Buffers sufficient to avoid the need for additional restrictions on farm practices on surrounding lands; Continued payment of special district assessment and fees; Mitigation of costs for increased public services (e.g. law enforcement, fire, rescue, roads); No adverse changes to flood protection for surrounding areas; Full ESA and CESA protection for neighboring lands/landowners; Full ESA and CESA protection for affected water diversions; Consistency with the Yolo Natural Heritage Program;...

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	County of Yolo	Protection of existing high value habitat, such as in the Yolo Wildlife Area; Mitigation for loss of terrestrial habitat for special status species and other wildlife; Funding and responsible entity for monitoring and adaptive management of habitat projects and associated lands; Control program for vectors, invasive species and agricultural pests; No out of county water transfers from converted lands; No increase in mercury release or transport; Mitigation for increased organic carbon at North Bay Aqueduct; Maximize public recreational opportunities associated with habitat projects; If possible, projects will be designed to accept dredged materials from the Sacramento Deep Water Ship Channel; Permanently funded stakeholder working group for the Yolo/Solano portion of the Delta; and Opportunity for Yolo County to obtain mitigation of future impacts associated with County public works projects (e.g., roads, bridges, levee work) as part of habitat projects.
2009	County of Yolo	In particular, both letters express significant concern about proposed Floodplain Habitat Restoration Conservation Measure (FLOO 1.1)...If implemented, this measure could convert thousands of acres of high-quality farmland and wildlife habitat in the Vic Fazio Wildlife Area and the Bypass to man-made aquatic habitat. The value of this artificial habitat is unknown...
2009	Delta Caucus	Has exporting water from the Delta damaged the environment and socioeconomic health of the Delta?
2009	Delta Caucus	Will increased reliance and investment to move water from North to South through the Delta institutionalize, perpetuate, and accelerate damage in the Delta?
2009	Delta Caucus	Will species-specific restoration damage the ecosystem and diminish abundance of other sensitive species?
2009	Delta Caucus	The EIR must quantify how much Delta outflow is needed to maintain a healthy fresh water Delta (see attached study by Dr. Jeff Hart). This information is critical to determine how much water is available for export, the appropriate size of conveyance facilities, and the overall evaluation of each alternative.
2009	Delta Caucus	The EIR must identify all negative impacts to the Delta economy and ecosystem caused by each of the alternatives, must quantify the cost of the impacts, and must define in detail mitigation actions which will be required. For example, how will the BDCP mitigate for loss of farmland and loss of Swainson's Hawk foraging habitat?
2009	Delta Caucus	The EIR should identify in detail all factors which influence the abundance of targeted fish and only propose those actions which show a strong positive correlation to increased fish abundance.
2009	Delta Caucus	While the adaptive approach might work for small projects, large-scale conversion of agricultural lands should only be based upon sound science linking land conversion to increased fish abundance. Large scale, irreversible experiments should not be conducted and permits should not be issued without sound scientific expectations.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Delta Caucus	Redirected impacts caused by moving targeted fish from one area of the Delta to another must be identified and mitigated. For example, if the Delta Smelt population increases due to BDCP projects, water users should not be restricted from pumping water from the channels where this occurs.
2009	Delta Caucus	...the EIR must identify all negative impacts to the Delta economy and ecosystem caused by water quality changes and conversion of land from agricultural production. It must clearly articulate how the BDCP will mitigate for loss of farmland and habitat such as Swainson's Hawk foraging habitat.
2009	Delta Caucus	The EIR should identify in depth all plant communities and avian and terrestrial species which will be adversely impacted by creation of fish habitat. The analysis should include impacts caused by changes in water quality as well as large-scale conversion of both agricultural and wildlife habitat to fish habitat.
2009	Delta Caucus	The California Delta is located at the terminus of the Sacramento and San Joaquin Rivers in the Central Valley, immediately east of the San Francisco Bay Estuary complex. The Delta is a relatively young environment, having been formed since the last Ice Age less than 10,000 years ago...At the time of European contact, it was a large wetland, but has since been "reclaimed" as a highly productive farming region...Of scientific and policy interest is the extent to which salt water/brackish conditions extended eastward of the Bay-Estuary and into the Delta in pre-European contact times. For purposes of discussion, the border between the Delta and the Estuary is herein defined as a transition zone encompassing the mid to lower portion of Sherman Island; the Delta is found eastward, the Estuary westward.
2009	Delta Caucus	...the Draft EIR must identify...how much Delta outflow is needed to maintain a healthy estuary and how each alternative will be designed in order to maintain the appropriate outflow and Delta water quality. That's an absolute must and before you can go forward with any alternative, you must know that.
2009	Delta Caucus	...you need to answer what flow needs to be maintained in the Delta to maintain a healthy estuary? Export alternatives cannot be developed or evaluated without this critical information. The appropriate size of facilities cannot be evaluated without this information. Export quantities cannot be determined without this critical information. And finally, how are even these conceptual ideas being evaluated without this critical information.
2009	Delta Caucus	The draft EIR must show a correlation between tidal wetlands and wetlands and a fish abundance, if it doesn't, we're going into an adaptive process that might try one thing after another, after another and all of them may fail. How do we establish a permit that doesn't have certainty? I challenge the U.S. Fish and Wildlife Service to look at this process and this plan to determine whether it has certainty.
2009	Delta Diablo Sanitation District	The concept of developing a new water supply in the western part of the Delta should be evaluated at an equal level of detail as any of the project concepts that involve moving water from the north around the Delta. A water supply project in the western part of the Delta allows the water to flow through the Delta and provide the necessary fishery benefits.
2008	Delta Farmer	In my lifetime, I have seen a tremendous increase in the diversity of wildlife on my farm.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Delta Farmer	What about other parameters that are not in this scoping? What about the impact of the Sacramento municipal intake that's taking water of the Delta. What about the impact of the sewer treatment plant that's putting high and very excessive and detrimental amounts of ammonia into the system, which is messing up with the food chain in the Delta already.
2009	Delta Farmer	What about habitat conflicts? We have agencies who are promoting such as you stated in your presentation about restoring habitat. We have other agencies that say, "No, you can't do that." "We don't want any trees on the levees. We don't want anything on there. Spray it. Burn it. Do whatever." "You know, we have to have a clean levee site." I don't know how those two things get resolved when you've got the left not knowing what the right hand is going. It's a contradiction in terms.
2009	Delta Farmer	You talk about salmon, you talk about steelhead, and sturgeon, and splittails. What about the other species that are out there we've got striped bass, which is a huge sport fish?
2009	Delta Farmer	Not to mention the thousands of vegetative species hawks, egrets, loons, owls, otters beavers, ducks. We are on a Pacific fly away and they prefer fresh water not salt water.
2009	Delta Farmer	How does the Sacramento -- Sacramento River expect to survive and the northern Delta expect to survive and to improve, if we're pulling that much water out of the top and trying to put around on the the bottom to make up for water that the San Joaquin river no longer can supply?
2009	Delta Farmer	So if we're going to alter hydrologically the water flows that are already going through the Delta, how is that going to be a positive in regards to fish species, or wildlife species, bird species, or anything else, not to mention the people who live there and work there in the agriculture element of the Delta?
2008	Delta Protection Commission	Lands managed primarily for wildlife habitat shall be managed to provide several inter-related habitats...Appropriate programs, such as "Coordinated Resource Management and Planning" [Public Resources Code Section 9408(c)] and "Natural Community Conservation Planning" (Fish and Game Code Section 2800 et seq.) should ensure full participation by local government and property owner representatives.
2008	Delta Protection Commission	Wildlife habitat on the islands should be of adequate size and configuration to provide significant wildlife habitat for birds, small mammals, and other Delta wildlife
2008	Delta Protection Commission	Undeveloped channel islands provide unique opportunities for permanent wildlife habitat in the Primary Zone. A strategy should be developed to encourage permanent protection and management of the channel islands.
2008	Delta Protection Commission	Feasible steps to protect and enhance aquatic habitat should be implemented as may be determined by resource agencies consistent with balancing other beneficial uses of Delta resources.
2008	Delta Protection Commission	Publicly-owned land should incorporate, to the maximum extent feasible, suitable and appropriate wildlife protection, restoration and enhancement...
2008	Delta Protection Commission	Management of suitable agricultural lands to maximize habitat values for migratory birds and other wildlife should be encouraged.



Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2008	Delta Protection Commission	Lands currently managed for wildlife habitat, such as private duck clubs or publicly-owned wildlife areas, should be preserved and protected, particularly from destruction from inundation.
2008	Delta Protection Commission	Impacts to wildlife caused by storage of dredged materials should be mitigated.
2008	Delta Protection Commission	Public agencies and non-profit groups have or propose to purchase thousands of acres of agricultural lands to restore to wildlife habitat. The amount, type, and location of land identified to be enhanced for wildlife habitat should be studied by wildlife experts to determine goals for future acquisition and restoration.
2008	Delta Protection Commission	To protect rare and endangered fish species from adverse impacts of poaching, the Department of Fish and Game (DFG) should study the feasibility and value of banning night fishing in the Delta.
2008	Delta Vision Blue Ribbon Task Force	..the EIR/S should clearly assess the extent to which these actions will contribute to overall ecosystem health and resilience.
2008	Dublin San Ramon Services District	The analysis should use best available and accepted tested science. Scientific uncertainties should be documented and fully disclosed to the public.
2008	East Bay Municipal Utility District	Based on the request by the lead agencies for ideas on mitigation during the public scoping process, the District recommends that you consider operational measures and/or structural measures to avoid or minimize effects on Mokelumne River salmonids for all alternatives that affect the species. Operational measures could include changes to operable gates and pumping rates during fish sensitive periods. Structural mitigation measures could include a method to route Mokelumne origin salmonids away from the primary water supply conveyance corridor.
2009	East Bay Municipal Utility District	EBMUD is also particularly concerned with potential adverse impacts on the Mokelumne River salmonid fishery from operations of the proposed Two-Gate Project on Old River and Connection Slough. While we support the objectives of this project, now identified as a near-term project in the BDCP, impacts on the Mokelumne fisheries must be identified and mitigated
2009	East Bay Municipal Utility District	Evaluation of conveyance facilities and operations, as well as conveyance construction, must include protection of Mokelumne-origin salmonids. The EIS/EIR should consider the sustainability of salmon and steelhead from the Mokelumne River, which may be affected by hatchery reform measures being envisioned by the state and federal fisheries management agencies. These measures are aimed at increasing the genetic integrity and diversity of Central Valley fall-run Chinook salmon and steelhead by developing locally adapted populations. Impacts to Mokelumne origin salmonids should be analyzed separately in the EIS/EIR because the loss of life history diversity will reduce the viability of Central Valley salmonid populations

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	East Bay Municipal Utility District	...Monitoring data has shown that the Mokelumne fall-run population is distinct from the San Joaquin population in timing of both downstream outmigration and phase of cyclical abundance of adult escapement. The development of genetic diversity among Central Valley populations will help guard against the extreme fluctuations in salmon escapements seen in recent years. EBMUD requests active participation from the beginning in DWR's efforts to examine the potential impact of BDCP conveyance alternatives on the Mokelumne salmon population and to identify potential mitigation measures
2009	East Bay Municipal Utility District	The BDCP will need to increase survival of salmon and steelhead populations in each river system by not only creating Delta rearing habitat, but by creating more direct migratory pathways to the Bay. This is especially important for Mokelumne origin salmonids where the current Through Delta Conveyance delays the outmigration of juvenile fish, subjects them to increased predation and loss at the export pumps and causes significant straying of adult salmon migrating upstream because of Delta Cross Channel flows. The environmental assessment of Through Delta Conveyance needs to determine the impacts to Mokelumne origin salmonids separately from San Joaquin origin salmonids since measures that improve the survival and migration of San Joaquin salmonids may impact Mokelumne origin salmonids. This is especially true for actions like the isolation of the Old River corridor which might benefit San Joaquin salmonids at the expense of Mokelumne salmonids since the corridor would make it more difficult for Mokelumne fish to migrate out of the Middle River conveyance corridor.
2009	East Bay Municipal Utility District	In considering construction and operation of an eastern alignment of the isolated conveyance facility, design and construction of tunnels under the Mokelumne River must sustain full and continual flow in the river to protect salmon migration.
2009	East Bay Municipal Utility District	And we hope that the plan addresses ways to improve the survival of salmon and steelhead from the Mokelumne River. Because under the current situation, we don't believe the run can be self sustained. And it has become even more important recently with the change of Fish and Game policies on egg transfers.
2009	East Bay Municipal Utility District	So we hope that you would consider some structural fixes to keep salmon steelhead from the Mokelumne River from being entrained in the conveyance corridor that would include the South Fork of the Mokelumne River, middle river to the Victorian Canal.
2008	Family in Clarksburg	How would this "tidal marsh wetland" be managed to avoid the encroachment of non-native weed species? What would be the cost in terms of personnel and materials, and to the environment, to keep such weeds under control?
2008	Family in Clarksburg	How would the "tidal marsh wetland" function to assure that the species of endangered fish would thrive?
2008	Farmer in Clarksburg	The historical fact is this was never a tidal wetland. This area was seasonal swamp and overflow land that only flooded during the wettest of years. Even on wet years This area dried up at the end of Spring.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Farmer in Solano County	When I was looking at a USGS, I believe it is, document, they're saying that when you do flood inundation of a Delta levee, that you create an anaerobic environment. I'm trying to understand how a fish can survive, that we are trying to protect, in an anaerobic environment because of the peat soils we have out there.
2008	Farmer in the South Delta	And I'm not a fishing expert, but I notice that there are no endangered fish that are in the San Francisco Bay. And if you turn the Delta into equivalent kind of a thing, the same thing would happen to the fish here.
2008	Farmer in Turlock	If the State doesn't take action to restore and protect the Delta, the repercussions on the environment and the economy will be disastrous.
2009	Farmers of Yolo County	The Knights Landing is the outlet of the Colusa drain. One of the items that is mentioned as an issue is effect on other terrestrial species. I feel that this has not been thoroughly discussed in the draft. There are listed species, such as Swainson's hawk, that will be affected by the changes in the bypass and the surrounding lands. In fact, some of the mitigation areas for Swainson's Hawk will be destroyed, perhaps, by additional water in the bypass. So I feel that they are looking at increasing habitat for one type of species that's listed, but, by the same token, they are harming habitat for other listed species, and that needs to be addressed.
2009	Flood Planner in the Delta	...one thing that we discovered at the last meeting is that the Army Corps of Engineers believes that levees should not have vegetation on them. There's a whole movement opposing that, et cetera. But how does that affect your habitat, how does that affect the runoff? I think all the projects need to intercommunicate.
2008	Friends of Clarksburg Library	Our community has a rich agricultural background and many of the land use practices provide valuable habitat for wildlife, the proposal envisioned in the BDCP Scoping Plan endanger both the agricultural and habitat values that currently exist.
2008	Greene and Hemly	We wonder what species in the increased habitat area are to be benefited? Why are these species deemed valuable? What is their value and to whom?
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR must analyze the BDCP's impacts, with particular focus on: ... (3) biological resources, including all species that may be impacted by the CVP and SWP, as well as upland habitats that may be affected...
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...the ecosystem goals and objectives being developed by the CalFed Ecosystem Restoration Program and the Delta Vision Ecosystem Working Group may provide useful models in this regard...the BDCP's biological goals and objectives should be consistent with the numeric recovery plan goals for salmon, smelt and other listed species that have been or are being prepared by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR therefore must analyze the impacts of the Project on listed and covered species, as well as the full range of plants, birds, fish, and wildlife that live in the Delta and are affected by the CVP and SWP. This includes upland habitats and species, including grasslands and wetlands in the South Delta, Suisun Bay, and state and federal protected areas, including wildlife refuges such as the San Luis National Wildlife Refuge.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR should also analyze the BDCP's consistency with existing HCPs in the Delta, as well as HCPs that are in development now.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	In particular, the analysis of potential impacts to salmonids and natural resources upstream of the Delta should include, but not be limited to, the following potential impacts: entrainment in any new conveyance facility; entrainment or interrupted downstream migration as a result of, continued Delta pumping; increased predation; degraded water quality; reduced carry-over storage...; reduced cold-water pools, increased in-stream temperatures; and changes in river flows upstream of the Delta.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...the EIS/EIR must analyze impacts to the entire Bay-Delta ecosystem as a whole. For example, a species-by-species approach is likely to fail to address fundamental issues related to ecosystem function.
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...the coordinated operations of the CVP and SWP and its infrastructure (including any modifications proposed by BDCP) must undergo a section 7 consultation under the ESA...That consultation must consider the coordinated operations of the projects as a whole, not merely any changes proposed by BDCP, and the consultation must consider all federal, state, private and other actions that may affect listed species, including nondiscretionary actions, to ensure that the proposed project will not cause jeopardy to the survival and recovery of the species or adversely modify its critical habitat.
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...climate change is likely to result in changes to the range of many avian, terrestrial, and aquatic species. The EIS/EIR should incorporate the best available science with respect to changed species' ranges as a result of climate change, and the BDCP adaptive management framework should address such range changes as foreseeable circumstances.
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...we also encourage BDCP to be consistent with existing HCPs and other legal requirements relating to birds, including but not limited to the Central Valley Joint Venture bird conservation plans
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...we strongly encourage BDCP to analyze and address impacts to terrestrial species under the legal framework of the NCCPA, which we understand is currently the intent of the parties in BDCP.
2008	North Delta CARES	In the Delta region, what is the impact of shallow water on the methylation of Mercury (Hg) on all species of fish population in any proposed primary habitat restoration area(s) in the ecosystem in which the shallow water area is a part?
2008	North Delta CARES	In the Delta region, what is the impact of shallow water on the methylation of Mercury (Hg) on plant-life in the ecosystem in which the shallow water area is a part?
2008	North Delta CARES	What is the impact on the food chains in the Delta of the discharge of ammonia and other substances by the Sacramento regional sewage treatment plant into the Sacramento River?

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2008	North Delta CARES	What is the impact on each of species of fish living in the Delta of the discharge of ammonia and other substances by the Sacramento regional sewage treatment plant into the Sacramento River?
2008	North Delta CARES	What impact will flooding the North Delta have on land-based endangered species, such as the Swainson's Hawk? While flooding the North Delta would benefit water-borne species, has the committee considered the impact on other species? Is it not possible that by solving one problem, you would be creating many others?
2009	North Delta CARES	It has always been in our best interest to protect the ecological health of the North Delta. Placer mining and several dams that control water flow have been largely responsible for the present damage.
2009	North Delta CARES	You have published no proof that any of your plans will preserve the ecology of our area.
2008	North Delta Water Agency	In addition, the EIR/EIS must evaluate the terrestrial effects of constructing the facility itself. A smaller, deeper facility will have a smaller terrestrial environmental footprint than a larger, shallower facility, which should be reflected in the analysis.
2008	North Delta Water Agency	...introducing man-made marshes along the banks of the Delta islands will not restore a natural habitat, but will create a new type of habitat as a means of trying to approximate aquatic conditions...the EIR/EIS should identify all potential environmental impacts on hydrology, biological species, and soils resulting from this new form of habitat creation....
2009	North Delta Water Agency	Landowners and water users within NDWA should be protected from short-term and long-term "collateral damage" arising from BDCP habitat restoration efforts. This includes, but is not limited to, regulatory actions that may affect the right to divert (i.e. fish screen requirements) and the timing of diversions. Any Delta solution must include robust and secure "take" authorization for existing, in-Delta covered activities. Assurances must be flexible and open-ended, and must not shift the risk for changed conditions away from the State of California.
2009	North Delta Water Agency	The EIR/EIS must be based on the best available science. Given the accelerated BDCP schedule, it is perhaps not surprising that the best available science has not always been adequately considered during the course of the BDCP process. However, NEPA and CEQA require that the best available science be considered and incorporated into the analysis contained in the EIR/EIS.
2009	North Delta Water Agency	It is unclear from a scientific standpoint whether diverting water from locations north of the Delta will improve overall ecosystem functioning. The new North Delta diversion facilities may in fact result in harm to pelagic and anadromous fish species due to entrainment or predation...Based on the limited scientific support validating species benefits from new North Delta diversions, all assumptions regarding the ecosystem benefits of north of Delta diversions should be removed from BDCP draft documents and not included in the EIR/EIS if they cannot be clearly identified and supported by published scientific data or peer-reviewed scientific research and reports.
2008	Northern California Water Association	...there is a concern that recovery of species has an assignment done on effective science as it relates to flows and diversions.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2008	Northern California Water Association	The delta is critical to the Sacramento Valley from the standpoint that any conservation actions we undertake from with the aquatic species, their success is dependent upon a healthy delta.
2008	Planning and Conservation League	Upstream impacts that should be considered in development of the EIR/EIS on the BDCP include:...resulting change in the availability of cold water pools for fisheries (e.g. Shasta Dam, Oroville Dam)
2008	Planning and Conservation League	How will fish screens impact Delta smelt, salmon, green sturgeon, longfin smelt, splittail and other Delta-dependent species?
2008	Planning and Conservation League	What standards exist or need to be developed for screening delta smelt, green sturgeon and other fish?
2008	Planning and Conservation League	How would ecosystem water quality be monitored, managed, and protected?
2008	Planning and Conservation League	...that as part of the NCCP process scientific input is required. And again, we urge the BDCP process, which is the basis for the EIR-EIS, to fully incorporate scientific input, not just scientific review. So, as we understand it the requirement is that scientific independent experts are asked for their views as options are being formulated, not just to review them after they are presented.
2009	Planning and Conservation League	Given the stated intent to develop the plan as an NCCP/HCP, and the independent scientific input provided to the BDCP process as required under the NCCP/HCP laws, the EIR/EIS must include an evaluation of that independent scientific input.
2009	Planning and Conservation League	A comprehensive presentation of evidence in support of any conclusion that the water supply and reliability measures in each project alternative are compatible with the species recovery goals necessary for compliance under endangered species laws.
2009	Planning and Conservation League	A comprehensive presentation of the decision process used to set biological goals and objectives. A key component of the description of biological goals and objectives for aquatic species that spend all or a part of the life cycle in the Bay Delta Estuary should be the identification of the flow regimes (quantity, direction, temperature, turbidity, and other water quality parameters) that are needed in different locations at different times of the year in different types of water year in order to contribute to the restoration of these species. The effects of alternate flow regimes and water quality must also be considered in terms of their impacts on terrestrial (but riparian or wetland association) communities in the Delta region.
2009	Planning and Conservation League	A comprehensive presentation of the scientific rationale behind selected conservation measures, including discussion of how the impacts of each measure differ by species, life history stages, or geographic area.
2009	Planning and Conservation League	The potential for changed operations at upstream reservoirs and any resulting change in the availability of cold water pools for fisheries (e.g. Shasta Dam, Oroville Dam)
2009	Planning and Conservation League	The potential for changed operations to impact needed flows and water quality for in-delta species

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Planning and Conservation League	The EIS/EIR on the BDCP should clearly explain how the BDCP is consistent with recommended conservation measures in the FWS Biological Opinion released in December of 2008 and the NMFS Biological Opinion that will be released in June of 2009.
2009	Planning and Conservation League	What are the necessary flows including bypass and other flows, and diversion amounts consistent with ecosystem protection under various climate change scenarios, including differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
2009	Planning and Conservation League	How will each conveyance option impact the ability of California's aquatic species to adapt to and recover under climate change?
2009	Planning and Conservation League	How will fish screens impact Delta smelt, salmon, green sturgeon, longfin smelt, splittail and other Delta-dependent species?
2009	Planning and Conservation League	What standards exist or need to be developed for screening delta smelt, green sturgeon and other fish?
2009	Planning and Conservation League	What bypass flows would be required for the fish screens to work effectively and how can those estimates be tested?
2009	Planning and Conservation League	How much water could be diverted through screens meeting the necessary standards?
2009	Planning and Conservation League	What are the advantages and disadvantages of pipeline(s) versus a canal, including impacts on aquatic and terrestrial species?
2009	Planning and Conservation League	What are the advantages and disadvantages of building a lined vs. unlined canal, including impacts on aquatic and terrestrial species?
2009	Planning and Conservation League	What are the advantages and disadvantages of different alignments for the various options, including impacts on aquatic and terrestrial species?
2009	Planning and Conservation League	What are the advantages and disadvantages of different capacities for a canal or pipeline(s), including impacts on aquatic and terrestrial species?
2009	Planning and Conservation League	What are the advantages and disadvantages of freshwater turnouts from a canal or pipeline(s) that would discharge fresher water at various locations in the Delta, including impacts on aquatic and terrestrial species?
2009	Planning and Conservation League	What flows are required for: a. Hydrologic conditions that promote recovery of covered species? b. Effective fish screening? c. Support of an adequate food web in the Delta? d. Management of invasive species?
2009	Planning and Conservation League	What flows are required for: Maintenance of water quality for other Delta beneficial uses, including drinking water, ecosystem, and agriculture?
2009	Planning and Conservation League	How would alternative in-Delta operations change upstream operations, including effects on upstream flows, temperature, water quality and aquatic and terrestrial species?
2009	Planning and Conservation League	What amounts of water could be diverted in different water years, by season, and on average while meeting the planning goals of species recovery?

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Planning and Conservation League	How would aquatic and terrestrial species have water of acceptable quality?
2009	Planning and Conservation League	How would ecosystem water quality be monitored, managed, and protected?
2009	Planning and Conservation League	How would the fish facilities (including both screening and handling) at the existing diversion locations in the South Delta be improved to minimize loss of fish?
2009	Planning and Conservation League	What operational management conditions are necessary to avoid impacts to pelagic fish and other species at the South Delta pumps under the various conveyance options?
2008	Rancher in Fresno	No one is arguing with the plight of the Delta smelt, which is native to the Delta estuary. But its demise cannot be laid solely at the feet of the pumps, which take water from the Delta and deposit in the California Aqueduct. A myriad of scientific reports reveal that 185 non-native species now occupy the Delta, several prey upon the Delta smelt itself, and also vie for zoo plankton, it's main source of food.
2009	Reclamation District 2068	The BDCP should describe more specifically how additional flooding will be accomplished and evaluate any impacts that this will cause on adjacent levee systems, changes to farming activity, changes to hydraulic capacity, changes to vegetation types and patterns and enhancement or introduction of special status species. The Bypass levees are designed for short term, infrequent flooding; and are typically not armored, nor are they designed to prevent seepage for extended periods of time.
2009	Reclamation District 2068	The inability to maintain habitat development in the future could cause additional problems. Under the topic of adaptive management, will BDCP needs to consider habitat removal should it prove to negatively affect flood control, or have impacts to human health and safety.
2009	Reclamation District 2068	RD2068 and our cooperating agencies, operate and maintain flood management and drainage facilities that drain into the Cache Slough/Lower Yolo Bypass area. The EIR/EIS must evaluate the impacts of point and non-point runoff from sources upstream of this area on new habitats that are created. If there are impacts to habitats and the species using these habitats, there could be increased regulation of point and non-point discharges upstream of these areas. These increased regulations may have operational, financial and socio-economic impacts that need to be analyzed in the EIR/EIS.
2009	Reclamation District 2068	Successful habitat development in areas adjacent to levees and other water control features bring increased regulatory compliance costs and restrictions. It is essential to evaluate and compensate for these impacts.
2009	Reclamation District 2068	The EIR/EIS must analyze the impacts of the take of covered species as a result of these habitat modifications in the vicinity of existing facilities. RD2068 is concerned that potential increased take will result in restrictions on the use of these intakes. The EIR/EIS must also examine the impacts of providing alternative sources of water supply or protective equipment if the use of existing pumping facilities is restricted.



Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Reclamation District 2068	The establishment of habitat conservation areas will potentially impact adjoining or regionally imbedded agricultural facilities, operations and activities. Such impacts may include alterations to water management, increased vector impacts, introduction of invasive species and agricultural pests; avian impacts on agricultural crops and operations; increased potential for take of listed species as a result of existing activities approximate to restored habitat areas, and restrictions on pesticide/herbicide usage and discharge limits that are more restrictive than normal agricultural practices due to adjacent wetlands and aquatic habitat area protection requirements. These impacts may limit the types of crops, pesticide use and other agricultural practices and must be fully analyzed in the EIR/EIS.
2008	Reclamation District 999	And if you create any kind of wetlands, and you don't have a solution to the invasive weeds that are coming from Asia and all around the world, you won't get what you think you're going to get.
2009	Reclamation District 999	Given the far-reaching effects of the Project under consideration as well as the underlying statutory mandates associated with development of Habitat Conservation Plans, one would expect that a sound scientific basis would support the currently proposed components of the BDCP. This scientific basis is, however, completely lacking in many respects. For example, biological goals and objectives for the BDCP still have not been established, and certainly had not been established prior to selection of the project components. Without such objectives, the process of weighing the efficacy of proposed components to meet ESA requirements is not well grounded.
2009	Reclamation District 999	The District recommends consideration of the following impacts associated with the potential western alignment of an isolated conveyance facility: Impacts from conversion of farmland to canal and associated facilities...conversion of farmland leads to other indirect environmental and social effects that also must be disclosed, and to the extent required by law, mitigated.
2009	Reclamation District 999	The District recommends consideration of the following impacts associated with the potential western alignment of an isolated conveyance facility: Impacts from destruction of habitat for riparian and terrestrial species.
2009	Reclamation District 999	The District also urges analysis of impacts of all Project components on the availability of water within the Delta for beneficial uses...Potential results of changes in water quality on the environment, special status species, and beneficial in-Delta uses of water must be carefully analyzed.
2009	Reclamation District 999	...there is no indication that the addition of more nutrients (eutrophication) or primary producers in the system would benefit fish. Eutrophication can have significant negative site-specific and regional impacts, which can vary both in space and time. The proposed management of the Delta does not have any mechanism for fine-tuning, managing, or otherwise controlling the degree and transformation of nutrients in this system. This well-intentioned, but undeveloped idea could by itself lead to extinction of rare aquatic species, the potential for which must be analyzed in the EIR/EIS.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	The EIR/EIS must fully analyze the impacts of mercury releases that would occur as a result of soil disturbance from restoration activities on human and natural communities. This analysis should recognize the use of Delta waterways for subsistence fishing as well as the potential for contamination of drinking water supplies for use within and outside of the Delta.
2009	Reclamation District 999	The deliberate eutrophication of the Delta as a proposed seasonally flooding regime, "conservation measure" is at best an indirect means of increasing plankton, which may increase smelt numbers or body condition. A much likelier condition, given the ecological history of the Delta, is that increased eutrophication will result in more and healthier clams, and not translate to detectible smelt improvements. This supposition needs to be tested through adaptive management.
2009	Reclamation District 999	Management action as simple as creating preferential flows for Delta smelt spawning, can potentially induce hybridization with longfin smelt.
2009	Reclamation District 999	When your own scientists warn that your "conservation measure" may be a small improvement, hard to measure, on a vast scale, with uncertain effect, why would you flood a vibrant community with productive farms and valuable intact terrestrial and riparian habitat?
2009	Reclamation District 999	RD 999 has significant concerns that the BDCP process has failed to adequately: assess the current ecological conditions, base its proposal on the available science, develop realistic alternatives, assess likely project impacts, and avoid before it mitigates for foreseeable impacts, or identify, cumulative impacts. A thorough scientific analysis is required to understand site specific, watershed and cumulative impacts of the BDCP and its various alternatives before those actions take place, not after. It is our hope that the BDCP rely more on its technical advisors and its consultants, and specifically that the BDCP legitimize its efforts by following a developed framework, such as the DOI's Adaptive Management (2007), including the public participation component; and, learn from existing, mature processes including PRBO's Adaptive Conservation Planning.
2009	Reclamation District 999	Clarksburg does not want to exchange its existing terrestrial habitat for a proposed future aquatic landscape. a. Where is the analysis that demonstrates that there will be equally functional terrestrial habitats to replace those lost in the proposed flooding?
2009	Reclamation District 999	Clarksburg does not want to exchange its existing terrestrial habitat for a proposed future aquatic landscape. b. How is it reasonable or legal to trade off one threatened ecosystem, lowland riparian forest, for seasonally flooded weeds, as is found in the upper Yolo Bypass?
2009	Reclamation District 999	Clarksburg does not want to exchange its existing terrestrial habitat for a proposed future aquatic landscape. c. How is it reasonable to fragment riparian forest for the hope that a new wetland will help the Delta smelt? Given the very mixed history of restorations of similar sites in the San Joaquin watershed, or Prospect Island for that matter, there is far more evidence that this hope will never be met.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	Clarksburg does not want to exchange its existing terrestrial habitat for a proposed future aquatic landscape. d. Where is the supporting science that a fully functional aquatic ecosystem can be/will be created in these locations? What sizes of restoration projects of both riparian forest which will be lost and seasonal floodplain have been demonstrated to function in this region, and by which metrics?
2009	Reclamation District 999	There has been no systematic effort to identify rare terrestrial plant species which may occur in the proposed restoration areas. Indeed Westlands and its consultant identified that they had specific plans to convert areas that are currently uplands to tidal marsh without having first completed rare plant surveys. a. What systematic, watershed level analysis of listed plant and animal species has been completed for the proposed "restorations"?
2009	Reclamation District 999	What were the historic uses for the site, which chemicals were used at the site, how were they tested for, and what concentrations to they have currently? This is important for both fills brought to raise restoration elevations, and for material taken off the site and used to create uplands at another location. Specifically, what are the arsenic, lead, and mercury levels of fill materials?
2009	Reclamation District 999	Seasonally flooded soils in the area have been identified as significant sources of elevated mercury and have been associated with creating significantly elevated levels of methyl mercury. The projects have the very real potential to create new methyl mercury sources that jeopardize reproductive success and neurological development of both aquatic and terrestrial species...How will methyl mercury formation be assessed (Which species, when, how?), and how will it be managed?
2009	Reclamation District 999	What are the fragmentation effects for piecemeal habitat type conversions of the proposed locations?
2009	Reclamation District 999	What are the cumulative effects of the loss of the existing habitats, given their landscape position and patch size?
2009	Reclamation District 999	What are the cumulative effects of the fragmentation of the existing terrestrial habitat through the proposed actions?
2009	Reclamation District 999	There is also no recognition by the BDCP of the incremental and cumulative effects on the basin's TMDL, which is already excessive and a major challenge; already impacted wildlife, such as the California least tern and bank swallow, as well as other higher trophic order species such as the California clapper rail, giant garter snake, and Swainson's hawk.
2009	Reclamation District 999	...it is critical for the health of the Delta that the BDCP's well-intentioned restoration efforts do not themselves create a scenario similar to the Kesterson Reservoir on a vast scale for a variety of listed and non-listed species, and the people who rely on the Delta for subsistence.
2009	Reclamation District 999	With the likely percentage of take of Delta smelt at the pumping plants so high, is the peripheral canal really sufficient to reduce impacts to this species?
2009	Reclamation District 999	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?

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	How many acres of rare vernal wetland habitat are jeopardized by the proposed canal construction?
2009	Reclamation District 999	...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?
2009	Reclamation District 999	Enhancing primary productivity is treated as a cure-all under each scenario....Managing primary productivity for positive benefits is difficult at best and compounded by the urbanization of the watershed.
2009	Reclamation District 999	If West Nile Virus increases in this area, it is expected to have significant impacts on native birds, how are these impacts analyzed and mitigated for?
2009	Reclamation District 999	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?
2009	Reclamation District 999	By improving habitat for delta smelt, other listed species could begin using the area, and potentially 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).
2009	Resident of Bethel Island	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....
2009	Resident of Bethel Island	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.
2009	Resident of Bethel Island	When you see jelly fish, when you see flounder, when you have seals living near your island on a continual basis, salt water intrusion is already there.
2009	Resident of Bethel Island	There won't be any black bass left. The salt intrusion was bad enough this year, you couldn't find a blue gill with a search warrant. We did not see them except for a two-week period that's from the salt. I have seals swimming up and down past my harbor. That's salt.
2008	Resident of Clarksburg	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? Consider this a request for a Clarksburg Safe Harbor Agreement.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2008	Resident of Clarksburg	If West Nile Virus increases in this area, it is expected to have significant impacts on native birds. How are these impacts analyzed and mitigated for?
2008	Resident of Clarksburg	Converting freshwater habitat to brackish water habitat will have negative influences on the ecosystems that have adapted to the upper delta
2008	Resident of Clarksburg	With regards to the restoration of these tidal marsh wetlands, Clarksburg has never had this type of wetland. We are too far north, so it would be impossible to restore what we have never had.
2008	Resident of Clarksburg	...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? Consider this a request for a Clarksburg safe harbor agreement.
2008	Resident of Clarksburg	...if West Nile Virus increases in this area, it is expected to have significant impacts on native birds. How were these impacts analyzed and mitigated for?
2008	Resident of Clarksburg	...converting fresh water habitat to brackish water habitat will have negative influences on the ecosystems that have adapted to the upper Delta...
2009	Resident of Clarksburg	With regards to the comments made by the Independent Science Advisors, in the BDCP Independent Science Advisors Report ,where are their comments addressed?
2009	Resident of Clarksburg	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?
2009	Resident of Clarksburg	How many acres of rare vernal wetland habitat are jeopardized by the proposed canal construction? And, how many acres of this land have been surveyed?
2009	Resident of Clarksburg	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?
2009	Resident of Clarksburg	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?
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	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)
2009	Resident of Clarksburg	This key element of adaptive management is largely missing from BDCP documents we reviewed.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	The documents reviewed by the Advisors [BDCP Independent Science Advisors Report, February 2009] 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
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	...with regard to the comment made by the independent science advisors and the BDCP independent science advisors report, where are their comments addressed?
2009	Resident of Clarksburg	...what are the impacts on rare terrestrial plants such as San Joaquin Shats scale(Phonetic). And how will this project not lead to fragmentation or possible extirpation of these species?
2009	Resident of Clarksburg	...how many acres of rare wetland habitat are jeopardized by the proposed canal construction? And how many acres of this land have been surveyed
2009	Resident of Clarksburg	...anyone who has work 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 or 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.
2009	Resident of Clarksburg	...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?
2009	Resident of Clarksburg	...converting fresh water 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...

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	...the project minimizes the engineering requirements to achieve and maintain water quality in the Delta and ignore the considerable engineering required to establish new flood routing and manage tidal influence wetlands.
2009	Resident of Clarksburg	...by improving habitat for Delta smelt other listed species could be 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?
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	I don't believe this project is to protect the smelt unless we're talking about the smelt that live in southern California. But even if it were -- and we use the processes that we're using now to eradicate the mosquitos that process also kills the phantom midge, which is the main food source of the smelt. So we'd be basically breeding fish to watch them starve to death.
2009	Resident of Clarksburg	If water and power can be met with the above-mentioned alternatives [desalination, wind, and/or solar power], it would appear to alleviate the adverse impacts to the existing Delta species.
2008	Resident of Clarksburg	I believe here in the Sacramento Region that -- that the gopher snake and the Swainson's Hawk are both on the highest part of the endangered species list....I'd like to know with you folks if the endangered species list - - if one species trumps another? ...I don't believe that these things could survive in a marsh wetlands.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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).
2008	Resident of Clarksburg	How will invasive species be reliably excluded from new tidal wetlands and shallow water habitat?
2008	Resident of Clarksburg	What mitigation measures will be taken for each of the known invasive species that already inhabit the Delta if they become established in any new tidal wetlands or shallow water habitat? '

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2008	Resident of Clarksburg	Considering the increase in the amount of habitat recommended and the desired connectivity of the various habitat types, how will invasive species be reliably excluded from the tributaries to the Delta?
2008	Resident of Clarksburg	What mitigation measures will be taken for each of the known invasive species that already inhabit the Delta if they become established in any of the tributaries of the Delta?
2009	Resident of Clarksburg	Health..? What diseases do animals and insects carry? How will you protect people?
2009	Resident of Clarksburg	I have never heard so much about saving fish
2009	Resident of Colusa	What are the economic and environmental consequences of various reduced export scenarios?
2008	Resident of Courtland	How will removing fresh water from the North Delta impact the ecosystem and water supply in the balance of the Delta?
2008	Resident of Courtland	Is it feasible to create wetlands within the borders of reclamation districts where water is the common enemy?
2008	Resident of Courtland	Will the BDCP mitigate for loss of Swainson's hawk habitat and what will it cost?
2008	Resident of Courtland	What other terrestrial and avian species will be adversely affected, will the BDCP mitigate and what will it cost?
2008	Resident of Courtland	When you introduce species or create habitat that moves species around in the Delta you -- all you're doing is moving the impacts around from different people. If you move species away from the water purveyors and you move them up into the Northern or the Western Delta, you create the same impacts for people who are using that water. You need to prepare and provide for mitigation for those impacts that you create for them.
2009	Resident of Davis	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?
2009	Resident of Davis	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?
2009	Resident of Davis	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?
2009	Resident of Davis	How will the BDCP implementation assure that enhancing, protecting, and restoring natural 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.
2009	Resident of Davis	How will the unnatural rates and sources of mortality [for covered fish] be determined? How will abundance be measured so that this can be effectively determined?



Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Davis	How will viability [delta smelt in Delta and Suisun Bay] be determined? How will linkages be determined between "created conditions" and viability in these areas?
2009	Resident of Davis	How will be viability [longfin smelt in the Delta and Suisun Bay] be determined so that the sample represents the population? How will linkages be determined between "created condition" and viability in these areas?
2009	Resident of Davis	How will survival [juvenile Chinook salmon passing through the Delta] be determined so that the sample represents the population? How will linkages be determined between management actions and increased survival?
2009	Resident of Davis	How will growth [juvenile Chinook salmon passing through the Delta] 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?
2009	Resident of Davis	How will the link be made between management actions and diversity of runs [Chinook salmon]?
2009	Resident of Davis	How will migration [adult Chinook salmon] be determined? How will linkages be determined between management actions and increased migration? How will upstream spawning habitats be protected for the migrating fish?
2009	Resident of Davis	How will survival [juvenile steelhead passing through Delta] be determined so that the sample represents the population? How will linkages be determined between management actions and increased survival?
2009	Resident of Davis	How will growth [juvenile steelhead passing through Delta] 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?
2009	Resident of Davis	How will the link be made between management actions and diversity of runs [Central Valley steelhead]?
2009	Resident of Davis	How will migration [Central Valley steelhead] be determined? How will linkages be determined between management actions and increased migration? How will upstream spawning habitats be protected for the migrating fish?
2009	Resident of Davis	How will viability [Sacramento splittail in the Delta] be determined? How will linkages be determined between "conservation actions" and viability in this area?
2009	Resident of Davis	How will migration [green sturgeon] be determined? How will linkages be determined between management actions and increased migration? How will upstream spawning habitats be protected for the migrating fish?
2009	Resident of Davis	How will habitat [green sturgeon] be determined to be available? How will links be made between management actions and habitat availability?

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Davis	How will the link be made between management actions and the diversity of runs [green sturgeon]?
2009	Resident of Davis	How will migration [white sturgeon] be determined? How will linkages be determined between management actions and increased migration? How will upstream spawning habitats be protected for the migrating fish?
2009	Resident of Davis	How will habitat [white sturgeon] be determined to be available? How will links be made between management actions and habitat availability?
2009	Resident of Davis	How will link be made between management actions and diversity of runs [white sturgeon]?
2009	Resident of Discovery Bay	...more and more water has been re-routed to the southern part of the state...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 weeds today are unbelievable...has caused significant eutrophication...lower oxygen levels and severe reductions in water quality, fish, and other animal populations are occurring.
2009	Resident of Discovery Bay	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.
2009	Resident of Fountain Valley	...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.
2009	Resident of Grizzly Island	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.
2009	Resident of Grizzly Island	Will the Tuly Elk be hurt by the increased salinity in the water? What effect will higher salinity have on the plant life needed to support the abundance of wild life? I have found out since the meeting that baby ducklings will die if they do not have fresh water.
2009	Resident of Grizzly Island	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?
2009	Resident of Grizzly Island	Maybe part of the cost of taking water from an environmentally 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.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Irvine Water District	...yet you know, the east side thing, is -- takes it all. And if that's the case, and you're doing the planning, I want to know that you're looking at the impacts of introducing that amount of ammonia, in all the east side tributaries, you know, into the structure that you're planning on doing the analysis of what that will do, what the endocrine disrupters and all the other, you know, things would be to all the fish and wildlife on the east side of the Delta that don't necessarily get that flow at this point in time; is that being taken into consideration?
2009	Resident of Los Altos	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?
2009	Resident of Los Altos	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 of 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?
2008	Resident of Merrit Island	Decreased habitat for the Swainson's Hawk, an endangered species
2009	Resident of Point Reyes Station	What are the economic and environmental consequences of various reduced export scenarios?
2009	Resident of Sacramento	What are the economic and environmental consequences of various reduced export scenarios?
2009	Resident of Sacramento	Taking more & more water out of the Delta has had more adverse impact on fish than anything else.
2009	Resident of Sacramento	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.
2009	Resident of Sacramento	Now, Bay Delta Conservation Plan. There's no conservation happening here. I don't see any conservation. I see the creation of salt water marshes, where there used to be fresh water marshes. So the fresh water marshes aren't being conserved. The agricultural land is not being conserved. It's going to be inundated by salt water. The communities and the way of life here isn't being conserved. It's going to have to make way for a canal. And then, I mean, conservation. There's no conservation. Again, no conservation. This is the Bay Delta Canal Plan. Please be honest.
2009	Resident of Stockton	What are the economic and environmental consequences of various reduced export scenarios?

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Stockton	And some of these non-native species like they talked about wanting to eliminate, like the striper. That's a viable income for us. It's one of the only fish we can eat out of the Delta after you've destroyed it the way you have, you know, because it doesn't live here and doesn't get all the contaminants.
2009	Resident of Stockton	And as far as the water that's going to come up north, how do you keep the fish out of there? Because once you get them in your tube, they're pretty much stuck, it looks like. And what happens to them when they come out the end of the tube if they make it?
2009	Resident of Suisun	If you don't start cleaning up these areas -- that was supposed to be cleaned up, the Solano Garbage Company...People have asked that it go back to its natural environment and stop the toxins. The sportsmen filed a lawsuit that they've been hauling toxins into the Suisun Marsh for 23 years. It's a blessing that these lawsuits have come...So until these issues are addressed, how are you going to keep the fish alive when you continue to dump toxins that are killing the water?
2009	Resident of Sutter Island	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.
2009	Resident of Sutter Island	There has never been enough upstream diversion in the history of this 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.
2009	Resident of the Delta	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.
2009	Resident of the Delta	All of our native birds, animals, plants would be gone and never recover.
2009	Resident of the Delta	...there was 7 million striped bass in the system before they put these pumps southern California. There was salmon. The numbers were untold. Okay. They put the pumps in the fish crashed. Crash and crash and crash. And here we go again.
2009	Resident of the Delta	Sherman Island. October. Week before duck season. Jellyfish in Sherman Island. How about that? That's a saltwater species. Okay. Walnut Grove. December. No water coming into the Delta. Everybody who lives on the water knows that. Flounders. Two days, three days of three and four-pound flounders at Walnut Grove. Another saltwater species. These are all environmental little guys that aren't supposed to be here. That's how bad the water is in the Delta right now.
2009	Resident of the West Delta	The EIR should provide an evaluation of historic water quality, agriculture production, and fish populations in the west Delta, prior to construction of the cross-channel and increases in State/Federal water project exports.
2009	Resident of Vacaville	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.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Vacaville	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
2009	Resident of Vacaville	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.
2009	Resident of Vacaville	I strongly recommend that you consult Dr. Peter B. Moyle (Dr. Fish) re: native fish
2008	Resident of Walnut Grove	Flooding our Clarksburg land will be devastating to both us and the environment: Downing the cotton tails, jack rabbits which are finally making a come back from extinction, thus playing a domino eliminating the food supply of other rodents for the red tail, white tail and Swainson's hawks, barn owls and horned owls.
2008	Resident of Walnut Grove	Flooding our Clarksburg land will be devastating to both us and the environment:...Killing our very, very old oak trees which have been homes to the owls and hawks for years.
2008	Resident of Walnut Grove	And, once you nave flooded it, you will find out as a result from your other flooded conservation areas, the birds, fish, and wildlife will not go/survive there and will end up like another half partially dried swamp.
2009	Residents of Sacramento	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.
2008	Sacramento County Farm Bureau	Where will the sandhill cranes go when there are no corn, wheat, safflower and alfalfa fields for foraging? Will the BDCP provide mitigation for Swainson's hawk,
2009	Sacramento County Farm Bureau	Undefined habitat restoration projects in the vicinity of the Cosumnes River Preserve and McCormack Williamson Tract will negatively impact the environment, flood control operations and farming.
2009	Sacramento County Farm Bureau	BDCP environmental projects which convert or destroy agricultural lands will harm the local and regional economies as well as avian and terrestrial species.
2009	Sacramento County Farm Bureau	The BDCP will reduce or destroy habitat easement values.
2009	Sacramento County Farm Bureau	The BDCP will redirect species impacts and create operational limitations.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Sacramento County Farm Bureau	...Sacramento County agricultural land in the path of the BDCP provides critical foraging habitat for species such as the Swainson's Hawk and Greater and Lesser Sandhill Cranes. Because of the complementary habitat values and the scarcity of adequate and appropriate alternative foraging sites in close proximity to sanctuaries such as Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve, loss of Sacramento County Delta agricultural land will also have a very destructive impact on local and migratory species.
2009	Sacramento County Farm Bureau	The EIR/EIS must determine how each alternative will impact regional flood control, land use, land values, the local and regional economies, and other species.
2008	Sacramento Regional County Sanitation District	The EIR/EIS must address how each alternative impacts Delta fisheries and how the project will remedy, rather than prolong or exacerbate, the POD.
2008	Sacramento Regional County Sanitation District	The EIR/EIS should carefully evaluate whether the positive effects of habitat restoration projects inside the Delta will outweigh negative effects of diversion of high-quality Sacramento River water. Technical details should be provided about the number, locations, and types of restoration projects that are necessary to provide the biological benefits ascribed to the Options.
2008	Sacramento Regional County Sanitation District	The feasibility and sustainability of the restoration projects should be covered in the EIR/EIS, and the responsible parties for implementation identified.
2009	Sacramento Regional County Sanitation District	The District is concerned that discussion of the potential effects of "Other Stressors" repeatedly and conclusively identifies the SRWTP discharge as a contributor to the ecosystem decline. In fact, any role of the SRWTP discharge, along with many other potential causes, is an area currently undergoing thorough scientific study by many interested parties. Where, as in the case of multiple other stressors, it may not be possible to reach a definitive conclusion about the effects, the EIR/EIS should resist the temptation to reach a speculative determination that is not supported by substantial evidence.
2009	Sacramento Regional County Sanitation District	The EIR/EIS must address and quantify the level of take that the Delta can withstand that will allow the recovery and sustainable fish populations. In this regard, the EIR/EIS must address the limits on volume and timing of exports necessary to ensure sustainable fish populations and a sustainable Delta ecosystem.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should carefully evaluate whether the positive effects of habitat restoration projects inside the Delta will outweigh negative effects of diversion of high-quality Sacramento River water. Technical details should be provided about the number, locations, and types of restoration projects that are necessary to provide known biological benefits. The feasibility and sustainability of the restoration projects should be covered in the EIR/EIS, and the responsible parties for implementation identified.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should evaluate whether and to what degree any proposed wetlands in the Delta associated with the BDCP project will increase methyl mercury production in the Delta. The EIR/EIS should quantify any anticipated methylmercury increase in fish and determine the need for mitigation or offsets to reduce significant increases.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	The EIR/EIS should evaluate whether and to what degree any proposed wetlands associated with the BDCP project will increase nutrient inputs. The EIR/EIS should determine whether these increased inputs will significantly increase nutrient levels in ambient Delta waters and whether such increases will impact beneficial uses.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should evaluate whether and to what degree the BDCP project will increase salinity levels in the Delta. The EIR/EIS should quantify and mitigate the associated potential impacts of expanding the habitat of <i>Corbula amurensis</i> , an invasive clam species that significantly impacts phytoplankton levels in the saline/brackish habitats of the Delta and negatively impacts on the Delta food web.
2009	Sacramento Regional County Sanitation District	Current information in federal biological opinions indicates that the operation of the State and federal projects significantly impacts several endangered fish species in the Delta and is a contributor to the POD. The EIR/EIS should clearly address all impacts, adverse as well as potentially beneficial, that the BDCP project will have on the currently impacted fish species.
2009	Sacramento Regional County Sanitation District	The EIR/EIS must address the cumulative impact of the proposed project on water supply, the Delta ecosystem, Delta water quality and the surrounding Delta communities. Third party impacts of the proposed project should be addressed.
2009	Sacramento Regional County Sanitation District	...the environmental impacts of the project and all alternatives on invasive species and nutrient effects on the food web must be evaluated.
2009	Sacramento Regional County Sanitation District	Studies performed by SRCSD using sophisticated, validated mathematical models indicate that ammonia mortality is not occurring as a result of the SRCSD's discharge. This result has been confirmed on a preliminary basis by special studies performed in 2008 looking specifically at Delta smelt toxicity.
2009	Sacramento Regional County Sanitation District	The ability of constructed wetlands to seasonally reduce water temperature downstream from the District's discharge would not be expected to produce a significant benefit, since the detailed evaluation of the thermal impacts of SRCSD's discharge performed to date using sophisticated modeling tools indicates that the SRCSD's discharge is not currently producing an adverse impact.
2009	Sacramento Regional County Sanitation District	There is no definitive information linking SRCSD's discharge to significant adverse impacts on fish. Therefore, this statement and statements regarding the benefits of wetlands in this area are speculative and uncertain based on available information.
2009	Sacramento Regional County Sanitation District	The constructed wetland approach shows a lack of understanding of the SRCSD treatment plant and processes, and a lack of consideration of concept feasibility. It is infeasible to construct a 3000 acre wetland in a highly urbanized area, regardless of the level of wastewater treatment. Even though SRCSD owns 3,550 acres at its treatment plant site, 900 acres are used for the treatment plant processes... and 2650 acres are managed as open space, and is known as the "Bufferlands". The Bufferlands provides over 2000 acres of open space for riparian and habitat restoration....

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	Detailed impact analysis of the WWTP's discharge in the receiving water has shown no significant impact and does not exceed USEPA criteria outside the mixing zone. Additionally, studies being conducted by the University of California, Davis, under Regional Water Board direction, show that the direct mortality of covered species by ammonia is not occurring, making this outcome incorrect. The statement that thermal stress is occurring near the outfall is also incorrect based on the District's Environmental Impact Report thermal study...in March 2005. The Department of Fish and Game and NOAA supported the concept that there is no significant thermal impact related to the District's discharge.
2009	Sacramento Regional County Sanitation District	What are the specific "issues" connected to the SRCSD discharge and endocrine disrupters? Have risk levels to human health or aquatic habitats been determined? If so, please provide the specific studies on which these statements are based. What is the basis for the statement regarding reduced "direct mortality" or "sublethal effects" caused by <i>Microcystis</i> , and what is the clear linkage between ammonia to <i>Microcystis</i> ? Outcomes should have referenced materials that any reader could refer to in understanding how the outcome relates back to the approach recommended for any conservation measures.
2009	Sacramento Regional County Sanitation District	There is no evidence of Delta fish dying from mercury consumption, nor any reason to believe that mortality would be expected from activity in the basin, therefore these outcomes do not make sense.
2009	Sacramento Regional County Sanitation District	Explicitly human health and ecosystem benefits from methylmercury load reductions should be provided.
2009	Sacramento Regional County Sanitation District	The most effective tool developed to date to identify hot spots [for methyl mercury] is regional monitoring of small fish with high site fidelity.
2009	Sacramento Regional County Sanitation District	The concerns expressed to date in various public forums regarding the potential adverse impacts of ammonia on Delta fish species are unconfirmed by scientific study. Two areas of concern have been expressed: (1) that ammonia toxicity is impacting Delta smelt and (2) that ammonia levels are inhibiting the Delta food web for fish species, resulting in population level impacts. The Central Valley Regional Water Board is managing studies that are intended to address each of these concerns. The ammonia toxicity studies have been performed and preliminary information indicates that ammonia levels in the Delta are not at levels that would produce toxicity to Delta smelt or other sensitive fish species...The initial screening study to begin to address the potential impact of ammonia on Delta food web has not been completed and will not likely be completed until mid to late 2009.
2009	Sacramento Regional County Sanitation District	...the Other Stressors Workgroup is addressing ammonia as a mitigation measure...studies must be completed before an evaluation of the benefits of control measures can be performed and before definitive recommendations for ammonia source control action could be formulated.



Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	SRCSO is aware of several different studies relative to the issue of ammonia impacts in the Delta, including but not limited to studies by Dr. Richard Dugdale and Dr. Inge Werner. In the case of Dr. Dugdale's work, the studies deal with possible ammonia inhibition of the Delta food web rather than ammonia toxicity. The ammonia inhibition of the Delta food web studies are yet to be performed in the Delta. It is not yet known if Dr. Dugdale's hypothesis...would apply to the freshwater portions of the Delta, or whether such effects would have any significance to Delta fish populations...With regard to Dr. Werner's work, the most recent study report indicates that the results from 2006 may not be valid for determining if Delta smelt are in fact highly sensitive to unionized ammonia...Toxicity testing in 2007 found that "turbidity and EC/salinity were the two most important factors affecting delta smelt survival overall."
2009	Sacramento Regional County Sanitation District	Because of the variable results, the Central Valley Regional Water Quality Control Board, Dr. Werner, and Sacramento Regional County Sanitation District have entered into a working relationship to conduct a study on The Effects of Wastewater Treatment Effluent-Associated Contaminants on Delta Smelt...Until this study and others in progress are completed and verified, it is premature for the BDCP to rely on preliminary results from early studies to imply that ammonia discharges from wastewater are negatively impacting aquatic life in the Delta. Although it should be noted that preliminary results indicate that over 4 times the maximum ambient ammonia concentrations, and over 5 times the average amount of effluent discharged to the Sacramento River, did not cause significant adverse effects to Delta smelt.
2009	Sacramento Regional County Sanitation District	SRCSO is aware of several different studies relative to the issue of ammonia impacts in the Delta, including but not limited to studies by Dr. Richard Dugdale and Dr. Inge Werner performed in coordination with the Central Valley Regional Water Board and SRCSO. In the case of Dr. Dugdale's work, the studies deal with possible ammonia inhibition of the Delta food web and have only recently been initiated. Preliminary results in the Sacramento River have not supported Dr. Dugdale's hypothesis that ammonia concentrations inhibit phytoplankton growth. Initial results also do not support other hypotheses that smaller, less valuable algal species are produced in areas where ammonium concentrations exceed Dr. Dugdale's inhibition threshold
2009	Sacramento Regional County Sanitation District	...The Central Valley Regional Water Quality Control Board, UCD (Dr. Werner) and Sacramento Regional County Sanitation District have entered into a working relationship to conduct a study on The Effects of Wastewater Treatment Effluent-Associated Contaminants on Delta Smelt...This study, which began in March 2008, is intended to identify the potential for adverse effects of wastewater effluent, in particular ammonia, on Delta Smelt larvae....Preliminary results...indicate no evidence of ammonia toxicity to Delta smelt in the Sacramento River near the SRCSO discharge.
2009	Sacramento Regional County Sanitation District	In addition to ammonia, SRCSO is not aware of any studies that have been performed in the Delta to definitively link toxic contaminants to reductions in Delta fish species populations.
2009	San Francisco Bay Conservation and Development Commission	Our staff urges the BDCP agencies to incorporate Marsh Plan and Bay Plan policies, as well as the information in the Commission's draft staff report on climate change, as it develops the BDCP in order to ensure that wetland restoration in the Bay and Delta are coordinated to maximize public benefits.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	San Francisco Bay Conservation and Development Commission	The EIR/ EIS should analyze how the entire project, not just the portion within the Commission's permit jurisdiction, will affect the hydrology, sediment dynamics, water quality and biological resources of the Bay.
2009	San Francisco Bay Conservation and Development Commission	...the EIR/EIS should: (1) clearly show the location of any proposed new power lines in relation to the boundary of the Suisun Marsh; (2) identify any potential project-related impacts to wetlands in the Marsh and measures for mitigating these effects; and (3) provide a construction schedule for any work affecting wetland area in the Marsh.
2009	San Joaquin Farm Bureau	...I heard tonight in terms of talking about the two-thirds of the water from the Sacramento River going through the canal, or the proposed canal, and leaving one-third of it in the Delta, that tells me that there's not going to be enough water in there for both habitat and for agriculture for the end use Delta users. And that's a very blatant point that was just glossed over. And that needs to be addressed.
2009	San Joaquin Farm Bureau	But we don't know how much water we need in the Delta yet to sustain.
2009	San Joaquin Farm Bureau	What type of mitigation are you going to do for your habitat conservation that's going to go out there?
2009	San Joaquin Farm Bureau Federation	Has exporting water from the Delta damaged the environment and socioeconomic health of the Delta?
2009	San Joaquin Farm Bureau Federation	Will increased reliance and investment to move water from North to South through the Delta institutionalize, perpetuate, and accelerate damage in the Delta [previous question related to the environment and socio-economic health]?
2009	San Joaquin Farm Bureau Federation	Will species-specific restoration damage the ecosystem and diminish abundance of other sensitive species?
2009	San Joaquin Farm Bureau Federation	The EIR must quantify how much Delta outflow is needed to maintain a healthy fresh water Delta. This information is critical to determine how much water is available for export and will aid in the overall evaluation of each alternative.
2009	San Joaquin Farm Bureau Federation	The Delta Protection Act of 1992 was passed to protect the Primary Zone of the Delta for agriculture, habitat and recreation. The EIR should determine how these Delta resources will be negatively impacted and how alternatives can be designed to be compatible with the Act and its objectives. For example, water from isolated facilities could be piped underground across reclamation districts rather than in surface canals to eliminate negative impacts to drainage, flood control and irrigation systems caused by dividing reclamation districts.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	San Joaquin Farm Bureau Federation	The EIR must identify all negative impacts to the Delta economy and ecosystem caused by each of the alternatives, must quantify the cost of the impacts, and must define in detail mitigation actions which will be required. For example, how will the BDCP mitigate for loss of farmland and loss of Swainson's Hawk foraging habitat? Further, how will this process comply with the Agricultural mitigation ordinance that requires that ANY conversion of agricultural resources be addressed? Our expectation is that for every acre converted under this plan to public land, that 5 acres of new farm land be created in our jurisdiction (county) where the conversion took place. Meaning, if you convert 50,000 acres of farmland in our county to habitat and the canal, that you would need to create 250,000 acres of NEW FARMLAND in our county.
2009	San Joaquin Farm Bureau Federation	The EIR should identify in detail all factors which influence the abundance of targeted fish and only propose those actions which show a strong positive correlation to increased fish abundance.
2009	San Joaquin Farm Bureau Federation	The EIR must analyze the implications of creating wetlands within the borders of reclamation districts. How will flood control, drainage, and irrigation systems be impacted within reclamation districts where fish habitat is created? Redirected impacts caused by moving targeted fish from one area of the Delta to another must be identified and further analyzed. For example, if fish populations do not increase, how much additional land from the region must be converted (subject to mitigation) to maintain the water quality that needs to exist to protect these species, and where will the agency acquire that water?
2009	San Joaquin Farm Bureau Federation	...the EIR must identify all negative impacts to the Delta economy and ecosystem caused by water quality changes and conversion of land from agricultural production. It must clearly articulate how the BDCP will mitigate for loss of farmland and habitat such as Swainson's Hawk foraging habitat and countless others species that depend on Delta lands. As most species spend most, if not all of their lives on private ground, how will this process ensure that only private working landscapes are utilized to preserve sensitive resources?
2009	San Joaquin Farm Bureau Federation	The EIR should identify in depth all plant communities and avian and terrestrial species which will be adversely impacted by creation of fish habitat within the Delta and the catastrophic conversion of a fresh water habitat system into a salt water dominated system. The analysis should include impacts caused by changes in water quality as well as large-scale conversion of both agricultural and wildlife habitat to habitat. These conversions too, would be subject to the agricultural mitigation ordinance.
2009	Save Our Delta's Future	Assuming that the activities...will cause "pollution" of waters and wetlands as defined in the Clean Water Act and its regulations, will the DWR seek, or will the Army Corps of Engineers require, a section 404 permit for the total BDCP implementation, or multiple section 404 permits for different locations and phases of the BDCP implementation?
2009	Save Our Delta's Future	Assuming the presence of a wide variety of invasive (nonnative) species of plants and wildlife in Delta waters, wetlands, and surrounding lands...please address the environmental impact of extirpating those invasive species that are directly and indirectly contributing to the decline of the Delta's eco-system, including whether and how it is possible to eliminate those species without doing harm to the wide variety of native species that BDCP is seeking to recover and preserve.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Solano County Water Agency	One of the purposes of the BDCP is increasing the populations of various aquatic species that are listed or candidate species for the Federal and state Endangered Species Act. One method to increase populations that is part of the BDCP is the creation of tidal marsh habitat in the Cache Slough/Lower Yolo Bypass area This area is where the intake to the NBA is located as well as numerous agricultural water supply intakes... specifically, the EIR/EIS must analyze the potential that increasing the population of aquatic species in the vicinity of these intakes may result in restrictions on the use of these intakes. Any impacts identified must be adequately mitigated The EIR/EIS must also examine the environmental impacts of using alternative sources of water supply if existing pumping facilities are restricted, and how these impacts will be mitigated.
2009	Solano County Water Agency	SCWA, and our member agencies, operate and maintain flood management and drainage facilities that drain into the Cache Slough/Lower Yolo Bypass area The EIR/EIS must evaluate the impacts of point and non-point runoff from sources upstream of this area on new habitats that are created. If there are impacts to habitats and the species using these habitats, there could be increased regulation of point and non-point discharges upstream of these areas. These increased regulations may have socio-economic impacts that need to be analyzed in the EIR/EIS. Any impacts identified must be adequately mitigated.
2008	South Delta Water Agency	The environmental documents must fully examine the various optional scenarios and the consequent effects on fisheries and other beneficial uses.
2008	South Delta Water Agency	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.
2009	South Delta Water Agency	The environmental review must include an analysis of how the project relates to the mandatory obligations placed on the CVP under CVPIA. These obligations include the doubling of anadromous fish (defined in the statutes).
2009	South Delta Water Agency	The environmental review must first include a determination of what flows are necessary to both protect and increase fishery populations, especially endangered species. Both the CVP and the SWP are required to fully mitigate their impacts, including their impacts to fisheries. Hence, and conservation plan must first determine what flows (both inflow and Delta outflow) are necessary to mitigate project impacts. The project must then determine what additional flows are necessary to recover declining populations (or meet fish doubling obligations). Those calculations will then allow a determination of what water is in the system under different year types (after superior rights are met). Only then can one determine how much water can be exported. The BDCP goal of a minimum average annual export level is unrealistic until these calculations are made.
2008	Speaker at Chico Preliminary Scoping Meeting	...I read more and more about the exotic species in the delta, things like the mussel, they have no treatment that may help collapse into things that may, in and of themselves make certain (unintelligible) recovery goes, impact going along one, and the, that brings to mind what kind of risks are you going to impose in the source areas that might provide you alternative solutions for your adaptive management projects..

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2008	Speaker at Clarksburg Preliminary Scoping Meeting	...the first thing that came to mind was really about this conveyance. And about mitigation ratios associated with that conveyance.
2008	Speaker at Clarksburg Preliminary Scoping Meeting	...where are the burrowing owls going to go, and where are the Swainson's Hawk going to go if we flood all the area where we now have relocated the burrowing owl and the Swainson's Hawk?
2009	Stockton East Water District	We agree with numerous comments that have been made that the BDCP process should be consistent with existing laws and regulations including the Clean Water Act, Endangered Species Act, California Endangered Species Act, Central Valley Project Improvements Act, and Delta Protection Act. We would also include other specific laws that would control any actions undertaken through the BDCP, including, but not limited to: <ul style="list-style-type: none"> <li>• Watershed Protection Statute Water Code section 11460</li> <li>• San Joaquin River Protection Act Water Code sections 22000 et seq.</li> <li>• Public Law 108-361 Section 103d(2)(D)(vii)...</li> </ul>
2008	Stone Lakes National Wildlife Refuge Association	Specifically, impacts of alternative conservation actions including improved water conveyance infrastructure in the Delta must be considered. It is the Association's understanding that the dual and isolated conveyance system routes being considered as part of improved conveyance infrastructure would traverse Stone Lakes NOR lands. This could have very significant impacts on the habitat values of the Stone Lakes NWR
2008	Stone Lakes National Wildlife Refuge Association	The Association has also reviewed a Habitat and Operations Technical Team handout that mentions possible inundation of Stone Lakes Bypass for 45 days or more as a possible long term scenario. The environmental impacts of this or other possible uses of Stones Lakes NWR must be carefully evaluated.
2008	Stone Lakes National Wildlife Refuge Association	The environmental setting in the EIR/EIS must include a detailed description of Stone Lakes NWR and other similar resources within the Delta.
2008	Stone Lakes National Wildlife Refuge Association	Impacts analysis in the EIR/EIS should examine how each alternative would affect the resources of Stone Lakes NWR. Also, specialized biological expertise should be engaged to assess impacts on Refuge biota.
2008	Stone Lakes National Wildlife Refuge Association	To the extent significant impacts to the resources of Stone Lakes NWR are identified feasible mitigation measures and alternatives must be identified and adopted to reduce those impacts.
2009	Stone Lakes National Wildlife Refuge Association	The Association requests that the proponents of the BDCP carefully consider impacts of implementing the BDCP on the resources of Stone Lakes NWR in the EIS/EIR...Project components that would threaten the ability of the Refuge to continue to serve the purposes for which it was created should not be pursued.
2009	Stone Lakes National Wildlife Refuge Association	...the Association is concerned that while a new diversion point may lessen impacts on aquatic organisms at the pumps, it may do so at an unacceptable cost to habitat and viability of terrestrial species as well as other aquatic species on the Sacramento River.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Stone Lakes National Wildlife Refuge Association	The environmental setting in the EIR/EIS must include a detailed description of Stone Lakes NWR and other similar resources within the Delta. This description should be made with reference to the Comprehensive Conservation Plan and other available research materials.
2009	Stone Lakes National Wildlife Refuge Association	The Association is primarily concerned about the impacts a massive canal and associated facilities would have on the existing and planned uses of Stone Lakes NWR...Construction of a massive canal on even part of Stone Lakes NWR would interfere with the ability to implement many of these plans, including the ability to effectively manage lands for conservation purposes that are bisected by the canal. The EIR/EIS must fully analyze these conflicts.
2009	Stone Lakes National Wildlife Refuge Association	Because Stone Lakes NWR cooperates with agricultural activities in the area to provide habitat benefits, the Association is also concerned about the fragmenting impacts of canal construction on the continued viability of existing agricultural uses.
2009	Stone Lakes National Wildlife Refuge Association	Moreover, construction and operation of the canal would create traffic, noise, air pollution and other disturbances to sensitive wildlife.
2009	Stone Lakes National Wildlife Refuge Association	Stone Lakes NWR provides important wintering habitat for migratory birds such as the greater sandhill crane. Availability of habitat for these birds in the region has already been severely diminished by urbanization. The further impact caused by location of a large canal in Stone Lakes NWR and other nearby habitat areas must be fully analyzed.
2009	Stone Lakes National Wildlife Refuge Association	Stone Lakes NWR has been designated as one of the six most threatened refuges in the nation...This designation was primarily based on impacts from surrounding urbanization. The insertion of significant infrastructure such as the canal and TANC would even further threaten the continuing viability of Stone Lakes NWR. These impacts must be carefully studied and mitigated.
2009	Stone Lakes National Wildlife Refuge Association	The Association is also concerned that the new northern diversion point, combined with other BDCP components could alter habitat conditions within the Delta in a manner that would negatively impact wildlife that use Stone Lakes NWR. For example, changes in water quality in the Sacramento River and the Delta waterways may affect the availability of food for species that also rely on Stone Lakes NWR for habitat. Each proposed change to the ecosystem may have ripple effects through the food chain that must be carefully studied to weigh costs and benefits of any proposed changes to the system.
2009	Stone Lakes National Wildlife Refuge Association	As a fundamental matter, the BDCP must provide mitigation for impacts to resources at Stone Lakes NWR occur within Stone Lakes NWR... the BDCP may seriously interfere with the ability of Stone Lakes NWR to attain its statutory goals, threatening its continued viability as a refuge.
2009	Suisun Resource Conservation District	SRCD is concerned about enormous estimates being discussed of how many acres within the Suisun Marsh may be converted from managed wetlands to tidal marsh. Doing so would alter, most likely permanently, the waterfowl habitat that is declared so important by the Legislature in the Suisun Marsh Preservation Act, and would be totally inconsistent with more than thirty years of Suisun Marsh preservation efforts.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Suisun Resource Conservation District	The NOP fails to provide a reasonable description of the project's probable environmental effects. The fact that a primary objective of the BDCP is to address existing CVP and SWP operations means that it should be reasonably straightforward to at least explain the environmental effects from operation of those projects...Of particular concern to SRCD are the vaguely discussed plans to convert tens of thousands of acres of managed wetlands to tidal marsh. These types of conversions while benefitting certain species, are detrimental to others. The Suisun Marsh is an area where tidal restoration is contemplated. The NOP fails to reasonably describe where and in what acreages tidal restoration will occur, or to discuss probable environmental effects associated with such tidal restoration.
2009	Suisun Resource Conservation District	The NOP indicates that the BDCP is focused on habitat and conservation measures aimed at restoring certain fish populations. Yet, the project area...appears limited to the Delta and Suisun Marsh areas. Why have other areas, such as upstream in the Central Valley river systems, been excluded from the BDCP's fish restoration efforts?
2009	Suisun Resource Conservation District	How will the BDCP relate to the SMPA and the Suisun Marsh Plan? Will they be consistent?
2009	Suisun Resource Conservation District	But there's also, there's other components than just tidal restoration of the Suisun Marsh plan. I would focus those direct effects that, in Suisun, you have existing seasonal wetlands, resource values and functions that tidal restoration are going to either result in direct loss of or degradation.
2009	Suisun Resource Conservation District	And we're starting to now balance one wetland subtidal fish habitat against seasonal wetlands that are supporting other native species, migratory species. And your conservation strategies have not been clear to me how integration of terrestrial species -- those offsets because you're trading now. We're going to trade. We're going to say that water fowl, neotropic migrant shore birds, resident mammals are not as important as fish because they're affecting pumps so we're going to reduce their habitat.
2009	Suisun Resource Conservation District	I don't see anywhere in here the acknowledgment that as you move forward in your near and your long-term that all those lands are protected by levees; yet, there is no discussion of the need for the levee maintenance. In Suisun, the majority of those levees are all privately maintained or publicly maintained through Fish & Game.
2009	The Nature Conservancy	The EIR/EIS should address both the short term (construction) and long term (operations) impacts on TNC lands associated with the peripheral canal. Attention should be paid to disturbance during construction, and hydrological, water quality and related impacts during operation. All potential benefits to these lands should be identified as well. TNC is willing to work with project proponents to identify potential mitigation and other aspects that might be beneficial to both parties.
2008	US Fish and Wildlife Service	I am concerned about the potential impacts of this project to important Refuge habitats, and request that the EIR/EIS specifically analyze any foreseeable direct, indirect and cumulative effects to the Refuge. Refuge staff will be reviewing and commenting on the various alternatives as they are developed and we receive additional details.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	US Fish and Wildlife Service	I believe there are a number of issues that have not been adequately addressed in the scoping process including impacts to terrestrial biological resources, potential changes in local hydrology and water quality, and impacts to local agricultural operations.
2009	US Fish and Wildlife Service	Our primary concern regarding the potential environmental impacts is the loss of habitats for a variety of species that would result from this project, particularly the eastern alignment, including some state and federal special status species and the loss of agricultural lands in the region.
2009	US Fish and Wildlife Service	The scoping process needs to address the potential impacts the eastern alignment of the project could have on over 75 bird species that are currently found on the Refuge, including the following state and federal listed or species of concern: greater sandhill crane, Swainson's hawk, white faced ibis, long billed curlew and western meadowlark. The project could also potentially affect vernal pool species located in the proposed alignments including the federally listed vernal pool fairy shrimp and vernal pool tadpole shrimp, the giant garter snake and the valley elderberry long homed beetle.
2009	US Fish and Wildlife Service	Furthermore, over one million birds winter in the Central Valley, and the loss of agricultural lands and open space and associated activities with the construction and operation of the canal would likely impact populations and migratory patterns of waterfowl and waterbirds in southern Sacramento County.
2009	US Fish and Wildlife Service	Specifically in the case of the sandhill crane, the refuge and surrounding agricultural fields are critically important. Greater sandhill cranes have a wintering range of as little as one to three square miles, do not tolerate disturbance and require shallow wetlands for night roosting and loafing sites and a mix of agricultural fields such as alfalfa, corn and irrigated and dry pastures and wetlands for foraging. ... I am concerned the construction and maintenance activities of the canal could cause major changes in the migratory patterns of these birds pushing them into less suitable habitat, and believe the scoping process has not adequately addressed potential impacts the eastern alignment would have on this species.
2009	US Fish and Wildlife Service	Mitigation efforts should remain in the general area of impact. For example, mitigation and conservation efforts to protect greater sandhill crane habitat should remain within the current footprint of sandhill crane habitat and not be placed elsewhere in the Delta. This area would include the Stone Lakes Project Boundary as well as Cosumnes River Preserve, Woodbridge Crane Reserve and the privately owned properties between the two conservation areas.
2009	US Fish and Wildlife Service	Establishing a canal and tidal marsh conservation measures could displace several migratory bird species that rely on conservation and agricultural lands in the Central Valley. Several of the sites being considered as Restoration Opportunity Areas include conservation areas in addition to the Refuge such as the Yolo Bypass Wildlife Area, Cosumnes River Preserve and Woodbridge/Isenberg Sandhill Crane Preserve which provide habitat for waterfowl, shorebirds, raptors and other grassland and shallow wetland dependent birds. The BDCP must incorporate existing plans and goals and obligations these various conservation areas have already developed in the planning process.



Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	US Fish and Wildlife Service	Lastly, the impact of upstream diversions coupled with continued salt water intrusion and less run-off as a result of climate change will change the current Delta hydrology and salinity thereby affecting farming and the available waste crop in Delta used by cranes and other migratory birds.
2008	Wilson Farms	You must have a very extensive EIR on every single species that's out here that might be affected. We need to know of any and all endangered species.
2009	Wilson Farms	...how does pumping water out of the Delta improve the habitat? I submit that survival of these species is much lower priority than taking our water and sending it down south or the bay area.
2009	Wilson Farms	So how does pumping fresh water out of the Delta to send down south help the fish? I commented that I felt that their concern was bogus and that their main concern was shipping water down south so that the folks down there could fill their swimming pools.
2008	Wilson Farms and Vineyards	How will invasive species be reliably excluded from new tidal wetlands and shallow water habitat?
2008	Wilson Farms and Vineyards	What mitigation measures will be taken for each of the known invasive species that already inhabit the Delta if they become established in any new tidal wetlands or shallow water habitat?
2008	Wilson Farms and Vineyards	Considering the increase in the amount of habitat recommended, and the desired current activity of the various habitat types, how will invasive species be reliably excluded from the tributaries to the Delta?
2008	Wilson Farms and Vineyards	What mitigation measures will be taken for each of the known invasive species that already inhabit the Delta if they become established in any of the tributaries of the Delta?
2009	Yolo Basin Foundation	The Yolo Bypass Wildlife Area depends on agricultural leases to pay a significant portion its operations and maintenance costs....It is the activity of farming that keeps Bypass vegetation under control, thus allowing flood waters to pass through quickly and unobstructed.
2009	Yolo Basin Foundation	Any alternative under consideration for the Bypass should protect the Yolo Bypass Wildlife Area...including: protection of the floodway function of the Yolo Bypass as mandated in agreements between the Department of Fish and Game and the US Army Corps of Engineers and MOUs with other agencies, implementation of wildlife and botanical surveys to specifically document areas that have not yet been surveyed...and preservation of agriculture at the Wildlife Area.
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would seriously affect the ability of Fish and Game personnel to manage the Wildlife Area in accordance with the Yolo Bypass Wildlife Area Land Management Plan adopted in 2008 and other foundational agreements, including the US Army Corps of Engineers Operation and Maintenance Manual and MOUs signed by flood control and wildlife agencies in 1994.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would...effectively eliminate the current agricultural activities in the Wildlife Area which provide thousands of acres of wintering waterfowl habitat while generating an important income stream for the management of the Wildlife Area
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would...prevent the wetland management practices that maintain the Wildlife Area in a flood neutral state.
2009	Yolo Basin Foundation	...any change in inundation patterns in the Yolo Bypass would have to protect the Yolo Bypass Wildlife Area and be developed in conjunction with the Central Valley Flood Protection Board.
2009	Yolo Basin Foundation	While this proposed measure [to construct a notch in the Fremont Weir in order to prolong spring flooding] may improve the survival chances for some young salmon in a few more years than currently happens, it is only one among many actions that need to be completed to improve salmon survival throughout their life cycle to the ocean and back. The Yolo Bypass Wildlife Area Land Management Plan contains five other actions to improve conditions for salmon and other native fish without notching the Fremont Weir.
2009	Yolo Basin Foundation	Increased frequency and duration of spring flooding will have a serious impact on agriculture and habitat management in the Yolo Bypass, tipping the balance toward inviability.
2009	Yolo Basin Foundation	Rice farmers need to start preparing the ground and planting rice starting in March. There are already years in which spring flooding prevents this field work and the rice acreage decreases significantly. Increased spring flooding makes nearly every year a bad year for Bypass farmers and the habitat benefits they provide.
2009	Yolo Basin Foundation	Spring flooding is problematic in other ways. Floodwaters that linger into spring encourage the growth of tules, cattails, and willows which left unmanaged will slow down the movement of floodwaters. This proliferation of emergent vegetation reduces the ability of the Yolo Bypass to move floodwaters away from urban areas as designed. Late spring flooding also adversely affects the success of ground nesting birds because the growth of grasses that provide cover is delayed.
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Public Use (All public use activities cease when the Bypass floods.) o Wildlife Viewing: It is estimated that 30,000 people a year visit the Wildlife Area to view the large variety and number of birds, which peak in the winter and spring months
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Wildlife o Spring Nesting: This activity will be nearly eliminated. Ground nesting birds such as waterfowl, harriers, kites and shorebirds are especially vulnerable to spring flooding. o Rodent Presence: Fewer rodents, due to flooding, results in a reduction in food for wintering raptors. o Threatened and Endangered Terrestrial and Wetland Species: There will be adverse impacts to numerous protected species.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Yolo Basin Foundation	Existing Obligations Impacted by FLOO1.1 [to construct a notch in the Fremont Weir in order to prolong spring flooding]: • Legal requirements of federal and state easement programs including federal Wetland Reserve Program, Presley Program and others on both public and private lands require a set management regime. Use of NAWCA funds to restore wetlands obligated DFG to manage the constructed wetlands for the benefit of migratory waterfowl and shorebirds in perpetuity. • Increased spring inundation compromises the long established goals of the Central Valley Joint Venture and violates the DFG's commitment to manage these wetlands for waterfowl and shorebirds. • Increased spring inundation affects the International Waterfowl Management Plan...• The Wildlife Area provides important habitat for several listed species...
2008	Yolo County Board Supervisor	Certainly we have concerns about the compatibility or lack thereof of a habitat plan that you all are working on or the one that Yolo County has been working on for a long time. And I think we have different goals in those plans.
2008	Yolo County Habitat/Natural Community Conservation Plan	Yolo County is working on its own NCCP (known as the Yolo Natural Heritage Program) that will provide for the needs of many of the upland species the other speaker mentioned (hawks, snakes, turtles, etc.) as well as being a vehicle for preserving Yolo County's agricultural heritage.
2009	Yolo Land Trust	From the maps presented, it appears that the western route for the project would traverse properties owned by Linda Elliot in the area between West Sacramento and Clarksburg the Sacramento River and the Deepwater Ship Chanel in Yolo County for which YLT holds conservation easements. This letter is to inform the BDCP that YLT intends to vehemently uphold the terms of the conservation easements that are potentially affected by the BDCP and recommends that these impacts be specifically addressed in the NEPA and CEQA documents.
2008	Yolo Natural Heritage Program	Impact on local policies or ordinances protecting biological resources
2008	Yolo Natural Heritage Program	Impact on the developing Yolo County Habitat Conservation Plan/Natural Communities Conservation Plan.
2008	Yolo Natural Heritage Program	Adverse effects on candidate, sensitive or special status species and their habitats
2008	Yolo Natural Heritage Program	Effect of BDCP Actions on Yolo Bypass Wildlife Area
2008	Yolo Natural Heritage Program	Actions and outcomes related to BDCP have the potential to increase water transfers in the Delta. These transfers will likely have a significant cumulative environmental effect on several species of concern including Giant Garter Snake and Swainson's hawk .
2008	Yolo Natural Heritage Program	...we're running a parallel process, another HCP and NCCP in Yolo County that the county has been working on for many, many years, and I just wanted to remind some of the folks in the panel and the folks that are working in the BDCP that we are here, that we are interested in the same footprint that you all are working on, and that we look forward to collaborating and cooperating in the future on both of those efforts.

Table E-8. 2008 and 2009 Scoping Comments Related to Biological Resources

Year of Scoping	Affiliation	Comment
2009	Yolo Natural Heritage Program	To ensure compatibility between the two plans we recommend that BDCP conservation objectives be coordinated early with the YNHP where we share common species needs....Unavoidable habitat conversions resulting from BDCP actions must be fully mitigated. This includes mitigation for impacts to terrestrial species as well as for the loss of agricultural resources. BDCP and YNHP should each apply standardized mitigation ratios in the overlap area to ensure that equitable outcomes and benefits are realized. BDCP and YNHP implementing strategies should be coordinated as both planning efforts continue to evolve so that neither plan overshadows the other. We request that BDCP support our efforts to retain vegetated levees within the YNHP planning area boundary. The JPA supports the continued viability of the Vic Fazio Wildlife Area and requests that BDCP avoid impacts to this important habitat resource.
2009	Yolo Natural Heritage Program	The production of rice within and outside of the Yolo Bypass is essential to the successful implementation of the YNHP because it provides habitat benefits to several YNHP species..
2009	Yolo Natural Heritage Program	We ask that BDCP carefully evaluate proposals in the Bypass and where practical avoid sensitive biological resources and agricultural operations that provide species benefits. BDCP must provide regulatory assurances for landowners adjacent to BDCP habitat project areas. County revenue losses and increased public cost burdens associated with BDCP actions must be fully accounted for and mitigated.
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	The EIR/EIS should comprehensively address ecological issues, including pelagic organism decline, salmon decline, invasive species, and pollutants (both toxics and nutrients).
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	The BDCP approach to environmental management is much more comprehensive than the piecemeal approach that's been used in the past with regard to Delta habitat protection, and it can stabilize both the water supply and the fish species in the Delta.

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**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

Year of Scoping	Affiliation	Comment
2008	American River Water User Group	Actions to address the ecosystem and water supply reliability crisis in the Bay Delta must include adequate assurances that Delta solutions: - are based on sound science; - are part of a comprehensive water management approach that includes both conveyance and water supply; - are protective of watershed of origin rights; - are based on beneficiary pays principles; - avoid redirected impacts and costs to upstream areas, including reduction in reliability of water supplies or water quality and increased stream temperatures in upstream tributaries; - include water quality standards for the Bay Delta that take into account the potential for failure of Delta levees and that do not require significant unscheduled water releases from Folsom Reservoir
2008	American River Water User Group	Actions to implement the BDCP must avoid these types of impacts. The BDCP EIR/EIS should analyze all impacts to upstream water supplies (including storage under upstream water rights and the frequency with which the State Water Resources Control Board's Term 91 is triggered), water quality and lower American River flows (including water released from Folsom Reservoir). The evaluation of impacts on Folsom Reservoir water availability and quality is especially critical because this reservoir is the only source of CVP water physically available to CVP contractors in the American River Division.
2008	Association of California Water Agencies	Solutions must respect existing water rights in areas of origin interests
2009	Attendee at Davis Scoping Meeting	...the conveyance, the eastern conveyance, is to carry between 15,000 and 25,000 cubic feet a second of water. I haven't checked the Sacramento River flows in the last few days, but I suspect it's running about 15,000 cubic feet a second at the moment. So if we're taking that much water out of the system and taking it all the way around, I don't understand how you're going to change anything to the better, as so far as altered hydrodynamics is concerned
2009	Attendee at Davis Scoping Meeting	...I've lived down there all my life and abundant flows only happen about two months out of the year, depending on the year we have. And it hasn't happened much in the last three years, so if we're going to build all of this -- all of these facilities, and it's only going to be used two months out of the year, and the rest of the time it's going to be used -- the function we have now, is going to be in place, I don't see the point in doing this in the first place. It doesn't make sense to me.
2009	Attendee at Sacramento Scoping Meeting	I understand that the State Water Resources Control Board is responsible for the regulatory for all service diversions in the State. What possible recommendations or guidelines or suggestions are you planning to make through this EIR/EIS process, with respect to operational criteria or sustainable flood levels, as well as timing of those exports with operation of that facility
2009	Attendee at Stockton Scoping Meeting	And if we're taking that much water out of the north, what happens with the rest of the north Delta? What happens to the flow from there?

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

Year of Scoping	Affiliation	Comment
2009	Attendee at Stockton Scoping Meeting	But wouldn't you guys be concerned about the saltwater intrusion when you guys are pumping out of the Delta? I mean, you guys are saying it's like perfect leverage and everything. The perfect level. But when you're pumping out of the Delta, it's going to suck seawater into the Delta. Wouldn't that hurt the fish? Wouldn't that hurt our community? Our farmlands?
2009	Attendee at Stockton Scoping Meeting	You guys are going across the main channel, as I can see that. What are you guys going to do? Put locks in to stop the flow or what? You guys are flooding over by where I live.
2008	BIOCOM	Over the years BIOCOM has strongly advocated for sound water policies and programs. These include programs that enhance regional water conservation efforts and expand the use of reclaimed water. Many of our member companies have embraced conservation and the use of reclaimed water for years, and many more are taking similar steps now.
2009	Butte Environmental Council	Increasing demands on the hydrology of the Sacramento Valley to meet the demands of the BDCP must be analyzed.
2009	Cal/West Seeds	Have you considered or studied changes to the Clarksburg region hydrology that would result from proposed conveyance or habitat restoration projects?
2009	Cal/West Seeds	...have you considered or studied the changes to the Clarksburg region hydrology that would result from proposed conveyance or habitat restoration projects?
2009	California Central Valley Flood Control Association	Breaching adjacent levees increases the potential for erosion, surface water elevation changes, and water quality changes, all to the detriment of local public and private operations and must be properly analyzed and mitigated in the EIR/EIS.
2009	California Central Valley Flood Control Association	BDCP draft documents acknowledge that more frequent inundation of the bypass may accelerate the erosion of bypass and downstream levees without appropriate protections. The BDCP EIR/EIS should describe this project in more detail, including how this will be accomplished and evaluate any impacts, such as seepage, erosion, and wave fetch damage to adjacent levees, that this will cause on neighboring levee systems due to increased flooding of the Bypass. The Bypass levees are designed for short term, infrequent flooding; and are typically not armored by riprap, nor are they designed to prevent seepage for a long period of time.
2009	California Central Valley Flood Control Association	The bypass is already incapable of passing the design flow at the design stage up stream of Liberty Island. New impacts due to additional capacity impairments will affect agricultural land and their attendant habitat values, increase erosion on existing levees, create additional road flooding, reduce local drainage capacity, and potentially allow flood flows to outflank the federal project levee at the northern end of the bypass. Rigorous modeling and monitoring criteria needs to be funded and implemented as a component of any project.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	California Central Valley Flood Control Association	The EIR/EIS should evaluate the change in Delta hydraulics and fish migration under several scenarios of flooded islands. Flooded islands will cause increased water loss through evaporation. This loss of water would be greater than the current consumptive use of the agricultural islands. The EIR/EIS should address where water will be obtained to offset this loss in order to meet water quality objectives. It is possible that additional control structures may be required to meet water quality objectives if multiple flooded islands are not reclaimed.
2009	California Central Valley Flood Control Association	Due to the significant scientific uncertainties regarding the impacts from the construction and operation of new conveyance facilities and the implementation of habitat conservation measures in the Delta, the EIR/EIS must include an adaptive management process that includes modification of any conveyance or habitat project that results in human consequences, including reducing flood protection. For instance, if the Fremont Weir project mentioned earlier is implemented and funding for vegetation maintenance in the Yolo Bypass is not available and a riparian forest starts growing in the Bypass, the Plan needs to adaptively manage the habitat measure to assure flood capacity is returned. Just as there is an adaptive management process for responses by covered species to the Plan's implementation, there also needs to be an adaptive management process to respond to negative human impacts caused by the Plan's implementation.
2009	California Delta Chambers & Visitor's Bureau	Does Resource Secretary Mike Chrisman's family business Chrisman Ranches in Visalia receive any water that is diverted from the Delta and or the San Joaquin River?
2008	California Department of Public Health	We also request that the scope of the analysis include the affects of water transfers (from one water right holder to another), changes in water use (i.e., from irrigation to potable water supply), points of diversion, rates of diversion, and seasons of diversion.
2008	California Farm Bureau	At the same time, new water marketing opportunities could help to increase water supply reliability statewide, reduce or avoid groundwater overdraft conditions in areas South of the Delta, and potentially create new opportunities for more effective ecosystem protection. The BDCP EIR/EIS should examine both potential adverse effects and benefits of increased water transfers as a possible consequence or outcome of improved conveyance.
2009	California Farm Bureau	The EIS/EIR must also analyze the direct and indirect impacts of this project on water quality, including the indirect conversion of existing farmland for want of adequate and reliable water supply of sufficient quality, especially in areas within the Delta. Water quality impacts, both direct and indirect, resulting from the conversion of agricultural land to non-agricultural uses must be analyzed and mitigated. Such analysis should include water supply and water quality and should involve an examination of water supply impacts the project may have, and how that might impact the water supply otherwise available for production agriculture.
2009	California Farm Bureau	Of particular concern to Delta interests-and to the California Farm Bureau...are the potential, adverse water quality and water supply and water rights impacts of the proposed project on agricultural water users and agricultural land, both within the Delta itself and in areas of upstream of the Delta.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	California Farm Bureau	It is therefore essential that, in the design, construction, and operation of any new Delta conveyance system or other facilities in the Delta, the BDCP must strictly adhere to established water rights and water quality requirements under applicable state and federal law.
2009	California Farm Bureau	For the BDCP's consideration in scoping, project development, and eventual project implementation, a number of the more significant constraints and requirements in the area of water rights and water quality are listed below as follows: 1. California's dual riparian and appropriative water rights system...2. The Water Code's Area-, Watershed- and County-of-Origin statutes...3. Water Quality, Water Supply, and Water Rights Protections in the Delta Protection Statutes...4. The so-called "No Injury Rule," allowing a petitioned change in point of diversion, place, or purpose of use only upon approval of the State Water Resources Control Board, subject to protest by any interested person(s) and such conditions as the Board may impose, and upon a finding, following a public process, that the proposed change "will not operate to the injury of any legal user"...5. The effect of state and federal antidegradation laws and policies on the proposed action, in terms of potential adverse water quality effects in the absence of feasible and effective measures or actions to avoid or mitigate such adverse effects
2009	California Farm Bureau	...6. Duly established water quality objectives in any existing or future water quality control plan applicable to waters and existing beneficial uses of the Sacramento-San Joaquin Bay-Delta...7. Water quality control planning requirements of the California Porter-Cologne Act...8. The State and Regional Water Quality Control Boards' further responsibilities to establish an effective "program of implementation," in connection with an water objectives in any water quality control plan...9. The State Water Board's joint "adjudicatory and regulatory functions" in the area of the water quality and water rights, as well the reserved adjudicatory powers of the courts and of the State Water Board, including the Board's latent powers and procedures described with respect to water rights adjudications...as well as the ability of affected persons to bring actions to enforce compliance with established water quality standards through the courts, and the State Board's powers to compel compliance with past orders and decisions of the board by means of its water rights permitting authorities
2009	California Farm Bureau	...10. The policies of NEPA, as these pertain to water quality, water rights, and water supply...11. The policies and requirements of the CEQA as these relate, specifically, to water quality...12. CEQA Guidelines Appendix G ("Environmental Checklist"), as that guidance document relates, without limitation, to potential adverse water quality- and water supply-related impacts of the proposed project or required consideration of alternatives, impacts, mitigation measures, and specific findings in the areas of "Agricultural Resources," "Hydrology/Water Quality," and any necessary "Mandatory Findings of Significance,"
2008	California Native Plant Society Santa Clara Valley	Can this EIR/EIS review projected consumer use data provided by water retailers and districts in sufficient detail as to be credible?
2008	California Native Plant Society Santa Clara Valley	Studies of Delta water transfers and resource management should include ways to manage water loss due to evaporation.



Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	California Native Plant Society Santa Clara Valley	One of the basic resource components of river systems in the Bay Delta is the sediment carrying capacity of their flows. This sediment not only replenishes riverbank vegetation, floodplain and intertidal marsh, but is essential for migratory fisheries in providing benthic nutrients as well as cover from predators...The data on Delta river flows...is essential for any modeling of delta diversions and for assessment of minimum flows that are necessary to sustain beneficial in-delta resources, as well as carry sufficient sediment loads through San Francisco Bay and out to the Pacific Ocean.
2009	California Native Plant Society Santa Clara Valley	In reviewing the range of flows that are recorded for the Sacramento River it appears that a diversion of 15,000 cfs. as is proposed is unsustainable in consideration of flows that are diverted just upstream for the Yolo Bypass, or shipping channel...A modeling of historic flows is essential to this plan.
2008	California Sport Fishing Protection Alliance	...describe in detail how the reductions of Delta exports identified in Delta Vision will be accomplished within the California Water Rights Process and
2009	California Sport Fishing Protection Alliance	How much surplus water is available for exports?
2009	California Sport Fishing Protection Alliance	How can a diversion point for junior water rights be legally changed when it will harm senior water rights users?
2009	California Sport Fishing Protection Alliance	Evaluate the whole of the project, including upstream reservoir operation and in-stream water quality and flow.
2009	California Sport Fishing Protection Alliance	...we still don't have a realistic evaluation of the effects of water supply on water supply reliability from levee failure due to earthquakes. I mean, all Delta levees have failed, and they will fail again. Levees can be raised and strengthened. Water supply was only disrupted several days following the Jones Track failure. Foundations of levees protecting Delta islands are largely on compacted soils from 150 years of compaction. And certain -- California certainly has sufficient storage to enable them to survive until salinity stabilizes and repairs are made following a breach of multiple islands.
2008	California Sportsfishing Protection Alliance	...consideration of increased or guaranteed water delivery or new diversions of fresh water from the delta that would result in increased degradation of water quality are impermissible under the federal Clean Water Act.
2008	California Sportsfishing Protection Alliance	We note that the California Department of Water Resources, in Bulletin No. 76, estimated that, while full demands on the State Water Project system could be met with surplus water until 1981, any future increases would have to be met through additional diversions of water from the Eel, Trinity, Mad-Van Duzen and Klamath Rivers.
2008	California State Water Resources Control Board	...if the proposed project will involve any changes in water rights, the EIR/EIS should fully analyze and propose mitigation for any potential impacts of the project on other legal users of water (and on public trust resources to the extent not already addressed). While CEQA does not specifically require analysis of impacts to other legal users of water, there may be direct or indirect environmental impacts associated with the project that would require analysis under CEQA.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2008	California State Water Resources Control Board	...the State Water Board must consider the full range of impacts associated with the BDCP in order to fulfill its responsibilities under the public trust doctrine. The State Water Board has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible, and to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water.
2008	California State Water Resources Control Board	...the NOP states that the BDCP is being developed to set out near- and long-term approaches to meet the objectives of the BDCP. Any near-term actions that involve activities within the State or Regional Water Boards' regulatory purview should be coordinated with the appropriate agency as soon as possible to assure that adequate analyses are conducted to satisfy the State and Regional Water Boards' regulatory requirements.
2008	California State Water Resources Control Board	...the EIR/EIS must address the State and Regional Water Boards' regulatory requirements related to these issues. It must identify any impacts to beneficial uses of water that may result from these activities, and propose alternative measures or mitigation measures to reduce or avoid any impacts.
2008	California Striped Bass Association	Federally subsidized water contracts should be reviewed, where some cases farmers are selling their water for a profit rather than growing crops....Upon reviewing all of the four proposals, I find myself in the position of rejecting this method of water conveyance. There has to be another way to fulfill California's water needs.
2008	California Striped Bass Association	Water was originally diverted to support farms and communities basically in Southern California that didn't have enough water for their activities. Now so much water is being diverted that it has become another cash crop for the farmers at the south of our normal watersheds.
2008	California Striped Bass Association, Stockton Chapter	But subsidized water going to agribusiness in the south area is an issue that has to be addressed. I think it has to be looked at how important that water is, what the use is, where it's going, what it's being used for, what good that water is doing for society, and then the other issue that really needs to be addressed, is in terms of municipal use.
2009	California Waterfowl Association	Analyze how improved water conveyance may simplify and perhaps increase transfers of water south of the Delta, potentially reducing the amount of rice farmed in the Sacramento Valley. More specifically, analyze: <ul style="list-style-type: none"> <li>o The impacts of potentially reduced rice acreage on foraging habitat for wintering and breeding waterfowl</li> <li>o The impact of potentially reduced winter flooding of harvested ricefields on energy supply for waterfowl and other wildlife in the Sacramento Valley.</li> <li>o The impact of reduced spring/summer flooded rice habitat, and potentially increased fallow cropland, on breeding habitat for waterfowl and other birds.</li> <li>o The potential to establish cover crops to reduce erosion and provide habitat (e.g., nesting cover) for breeding waterfowl and other wildlife if cropland becomes idle/fallow as a result of BDCP actions,</li> </ul>
2009	California Waterfowl Association	Analyze whether and to what extent the project alternatives are consistent with the existing legal requirements regarding refuge water supply requirements of the CVPIA.

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

Year of Scoping	Affiliation	Comment
2009	California Waterfowl Association	Analyze how water supply and reliability to wetlands and agricultural habitats for migratory birds will change within the BDCP planning region, and in other potentially impacted regions of the Central Valley, given the different project alternatives.
2008	Central Delta and South Delta Water Agencies	...the following effect/topics should be thoroughly analyzed...Evaporative water losses from any proposed creation of wetlands.
2008	Central Delta and South Delta Water Agencies	...the following effect/topics should be thoroughly analyzed...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.
2008	Central Delta Water Agency	Any fair environmental evaluation must evaluate the range of tolerable exports from the watershed if any at all
2008	Central Delta Water Agency	I would just like to say the common pool, whoever thought of that was a genius to have the projects depend on the same water quality as the Delta fisheries, the Delta farmers, the Delta commercial folks -- to have everybody draw out of the same pool was genius.
2009	Central Delta Water Agency	...the following impacts should be fully analyzed and discussed: .... Evaporation losses 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.
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	I think your studies ought to deeply investigate the availability of water...you should make a realistic determination of how much surplus water there is available for export.
2009	Central Delta Water Agency	You talked about the through-Delta system not working. In 2000, Cal Fed tried to solve these same problems. And it said they were going to put state of the art fish screens on the export pumps. And my understanding is, they were supposed to be in place, operational by 2006. And I've never heard a good answer. So I'd like to ask, why aren't those fish screens in place?

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

Year of Scoping	Affiliation	Comment
2009	Central Delta Water Agency	The Delta Pool Delta Protection Act of 1959 says that water shall be taken out of a common pool and given to exporters...Because that means everybody who pulls water out of the Delta depends on the quality of that water in the Delta. So when you comes time to think about how are we going to give assurance that the Delta is going to stay healthy, the best assurance is to make sure everybody who feeds off it has a stake in that health. And my question to you is, how is the Delta going to be protected in an emergency situation...How are we going to be protected if you folks get a peripheral canal and there's an emergency? Are you telling me that they're going to let sufficient water flow through the Delta? Or are they going to overrule whatever water quality standards are in place?...let's say there are standards in the Delta that preserve a certain level of water quality. You build your peripheral canal. We have an emergency. What assurance do we have that you're not going to ignore those standards and bypass the water around us?
2009	Central Delta Water Agency	A drought like we just had where the governor said, "Forget about water quality." In that situation, what assurance do we have that you're going to honor the water standards in the Delta? With the common pool, you have to keep the Delta fresh. Otherwise, you get bad water quality. But with the canal, you can let the Delta go to hell, and you can take your water from up north. So in an emergency drought situation, what can you say to us to say that that water won't be bypassed around us? That we'll get the water?
2009	Central Valley Joint Venture	Analyze how improved water conveyance may simplify and perhaps increase transfers of water south of the Delta, potentially reducing the amount of rice farmed in the Sacramento Valley. More specifically, analyze: <ul style="list-style-type: none"> <li>o The impacts of potentially reduced rice acreage on foraging habitat for wintering and breeding migratory birds (and other wildlife, e.g., giant garter snake).</li> <li>o The impact of potentially reduced winter flooding of harvested ricefields on energy supply for waterfowl and other wildlife in the Sacramento Valley.</li> <li>o The impact of reduced spring/summer flooded rice habitat, and potentially increased fallow cropland, on breeding habitat for waterfowl and other birds. The potential to establish cover crops to reduce erosion and provide habitat (e.g., nesting cover) for breeding migratory birds if cropland becomes idle/fallow as a result of BDCP actions,</li> </ul>
2009	Central Valley Joint Venture	Analyze whether and to what extent the project alternatives are consistent with the existing legal requirements regarding refuge water supply requirements of the CVPIA.
2009	Central Valley Joint Venture	Analyze how water supply and reliability to wetlands and agricultural habitats for migratory birds will change within the BDCP planning region, and in other potentially impacted regions of the Central Valley, given the different project alternatives.
2009	Chair of Delta Caucus	The draft EIR must clearly show how each proposed alternative is designed to operate within the multitude of legal restrictions, water quality requirements, and contractual constraints such as: The North Delta Water Agency contract with the State of California. Area of origin priorities. Delta salinity standards.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	Chair of Delta Caucus	The draft EIR must identify how much Delta outflow is needed to maintain a healthy estuary and how each alternative will be designed in order to maintain the appropriate outflow and Delta water quality. The EIR should compare and contrast water flow and water quality from the two major rivers (the Sacramento and San Joaquin) which enter the Delta and determine what factors contribute to the major difference in water quality.
2008	City of Antioch	As a result of the City's reliance on in-basin use of Delta water, the City's primary concern with the BDCP is how any changes in operation of the SWP and CVP ("the Projects") could affect the City's ability to continue meeting the needs of its customers.
2008	City of Antioch	Specific modeling should be conducted to determine how various options would affect the number of days in which water quality conditions would constrain Antioch's ability to exercise its senior water rights.
2009	City of Antioch	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.
2009	City of Antioch	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.
2009	City of Antioch	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
2009	City of Antioch	...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.
2009	City of Antioch	...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.
2009	City of Antioch	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).
2009	City of Antioch	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.

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	City of Sacramento	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.
2008	City of Stockton	The EIR/EIS needs to evaluate the effects of the BDCP on the proposed Delta Water Supply Project (DWSP). The DWSP is a project proposed by the City of Stockton to divert water from the San Joaquin River at a location near the southwestern corner of Empire Tract, a raw water pipeline from the diversion site to a treatment plant to be located north of Eight Mile Road and east of Lower Sacramento Road, a treatment plant with an initial capacity of treating 30 million gallons per day, and a treated water pipeline to connect to existing city water mains.
2008	City of Stockton	The various conveyance alternatives could cross the City's raw water pipeline. This needs to be addressed in the evaluation.
2008	City of Stockton	How would the BDCP affect the amount of water potentially available to the City under the state's watershed or area of origin protection statutes...? Later phases of the DWSP may be designed to take advantage of this water supply source.
2008	City of Stockton	Efforts are now underway to restore flows in the lower San Joaquin River above the mouth of the Merced River. The EIR/EIS needs to recognize this in its analysis of the BDCP.
2009	City of Stockton	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.
2009	Clark Farms	...how will I be compensated for my lost water rights? Taking water out upstream will reduce our water quality.
2009	Clark Farms	How will our drinking water supply and drinking water quality change as a result of this project?
2009	Clark Farms	Will additional upstream water storage be required as part of the BDCP project to meet salinity standards and maintain current salinity levels without further salinity increases?
2009	Commenter during Scoping Process	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.
2009	Commenter during Scoping Process	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)
2009	Commenter during Scoping Process	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?

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	Commenter during Scoping Process	We believe well established long term Delta water rights are a priority Reverse flow issues speaks to the issue of not enough flow later
2009	Commenter during Scoping Process	...the environmental review must include:...The impact of these facilities on the river, riverbanks, and habitat in the area where they will be located.
2009	Commenter during Scoping Process	Just who is going to pay for this? Even if the Southern water interests assume the payments..., 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.
2009	Commenter during Scoping Process	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.
2008	Contra Costa County Public Works Department	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.
2009	Contra Costa County Water Agency	How will outflow quantity and quality change under the BDCP
2009	Contra Costa County Water Agency	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?
2008	Contra Costa Water District	Canals will sever many large tracts of agricultural land, and create severe drainage issues that will be very expensive to mitigate, if mitigation is at all possible.
2008	Contra Costa Water District	The canal will sever property, disrupt island drainage, and create a barrier to migration corridors. Additionally, the existing irrigation and drainage ditches that the canal will sever may be considered as habitat for various special status species.
2009	Contra Costa Water District	Given the potential risk, it is difficult to justify building another 80 miles of levees associated with an unlined canal (the embankments) on top of liquefiable soils. Removal, replacement, and compaction of those soils, along with the cost of damage to existing drainages and associated land uses are likely to make a pipeline cost-effective compared to a properly designed canal capable of providing a secure water supply.
2009	Contra Costa Water District	Canals will sever many large tracts of agricultural land, and create severe drainage issues that will be very expensive to mitigate, if mitigation is at all possible.

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	Contra Costa Water District	These projects [ecosystem habitat improvements] can increase evapo-transpiration over existing levels, and can affect water supplies and water quality. Such projects should be included in the EIR/EIS, with full evaluation and disclosure of potential impacts, including impacts to water supplies and water quality so that adequate mitigation measures can be developed to reduce any impacts to insignificance.
2009	Contra Costa Water District	The project effect on Delta water quality and water supply must be fully evaluated and disclosed and mitigation measures proposed and adopted to reduce significant impacts to insignificance.
2009	Contra Costa Water District	The EIR/EIS should analyze the effect of increased algal growth on drinking water beneficial uses.
2009	Contra Costa Water District	Therefore, the EIR/EIS must fully analyze and disclose the changes to Delta water quality, including chloride, bromide, and organic carbon concentrations on a daily basis, and the timing of Delta surplus to allow a complete evaluation on the potential economic impacts to CCWD operations.
2009	Contra Costa Water District	New facilities and operations may alter flows in the Delta, and could disrupt aquatic migration corridors for resident and migrating fish. All impacts of changed flows must be thoroughly evaluated and disclosed.
2009	Contra Costa Water District	...there may be a reduction in supplies available for export while, at the same time, those changes result in water quality degradation in other areas of the Delta. These potential impacts should be fully evaluated and disclosed.
2009	Contra Costa Water District	The potential impact of maintenance activities on the habitat within the canal as well as downstream beneficial uses, such as recreational use in reservoirs, agricultural irrigation, and drinking water must be considered.
2009	County of Sacramento	BDCP proposes dramatic changes to the hydrology of the Sacramento River...This diversion will necessarily have impacts on water quality as well, and both hydrology and water quality impacts must be disclosed in a manner that is comprehensible to average citizens.
2009	County of Sacramento	The impacts of BDCP on existing drainage and flow patterns, and the potential for the project to result in flooding, siltation, or erosion, must also be evaluated.
2009	County of Sacramento	BDCP's proposed diversion facilities have the potential to interfere with the Freeport Diversion Project, which has already been permitted by the State Board and is currently under construction. As such, BDCP threatens to undermine the adequacy of the water supplies on which the County and its residents rely. This impact to County water supplies must be addressed in the EIR.
2009	County of Sacramento	The County understands that restoration activities will require the purchase of lands within the Delta from willing sellers. Presumably, many of these habitat lands have existing water supplies and water rights. The past history of our State provides ample evidence of why these water supplies and rights should not be exported.



Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	County of Sacramento	Actions and activities associated with the Delta must honor and adhere to water rights priorities and area-of-origin protections. Sacramento County opposes water user fee that would tax water users in the areas of origin for the cost of mitigation efforts in the Delta or to provide a water supply for those south of the Delta.
2009	County of Solano	Restoration in the Cache Slough complex may have adverse effects on operation of the North NBA, Reclamation District 2068 and private agricultural water intakes related to entrainment of enhanced populations of covered species. Construction of habitat restoration projects could disrupt irrigation and drainage systems essential to agricultural production on land bisected by these projects. The EIR/EIS must fully analyze these impacts and provide mitigation measures that provide protections to enhanced populations of covered species, provide for the relocation of the NBA intake, and protect urban and agricultural water supplies. Mitigation Measures must include the following: Provisions of an alternate intake for the North Bay Aqueduct. Full Federal and State Endangered Species Act protection for affected water diversions within the project regions, including funding for installation and operating fish screens or other diversion modification requirements
2009	County of Solano	Solano County...has certain statutory, contractual and constitutional water rights, including area of origin rights under Water Code section 10550 and the Watershed Protection Act (Water Code sections 11460 et seq.). The purchasers of lands within the County for habitat restoration purposes may seek to transfer water rights associated with these lands out of county. The project should not result in any infringement of, or change to, area of origin laws. The project should not impact the existing water rights priority system. The North Delta Water Agency contracts shall continue to be honored. The EIR/EIS should also analyze extreme hydrological conditions, such as a dry season or series of dry seasons and how existing water rights in Solano County will be protected under these circumstances. Mitigation measures must include the following: No out of county water transfers from converted lands.
2008	County of Yolo	How will water move through (and into) the Delta following implementation of the BDCP? Will this be in compliance with all applicable laws and court orders?
2008	County of Yolo	Once the BDCP is adopted and all required incidental take permits are issued, the Department will have an obligation to implement the BDCP in a manner that is consistent with the permits. This may require adjustments to water deliveries that will jeopardize both the amount and reliability of fresh water exports...This could cause an array of significant environmental and economic impacts that do not seem to have been disclosed to date. These potential impacts should be accurately reflected in all BDCP planning documents and in future public comments.
2008	County of Yolo	Because many of the Reclamation Districts in the Clarksburg region rely on riparian water rights, it is important to clearly evaluate and describe the potential impacts of a major upstream water export facility on the expected delivery and yield of downstream riparian rights and the continued viability of irrigated farmland that depends on those rights. Also, there needs to be assurances that all senior water rights and all rights to water within the area of origin will not be affected.
2009	County of Yolo	Area of origin and existing water rights relative to Yolo County must be protected

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

Year of Scoping	Affiliation	Comment
2009	County of Yolo	Economic, habitat, water resources, and flood management impacts must be recognized by the Central Valley Regional Water Quality Control Board (CVVRWQCB) in developing the Delta mercury TMDL.
2009	County of Yolo	Public and private financial support should be secured for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat.
2009	County of Yolo	Provide new municipal water for the City of Davis, City of Woodland, and UC Davis, including expediting permits and providing habitat mitigation necessary for implementation.
2009	County of Yolo	Protect area of origin water rights and water quality in the Delta and ensure water supplies for Yolo agriculture.
2009	County of Yolo	Protect riparian water rights downstream of any conveyance intake.
2009	County of Yolo	Implement high priority projects in Yolo County's Integrated Regional Water Management Plan.
2009	County of Yolo	PARAMETERS FOR DELTA-RELATED HABITAT PROJECTS Willing sellers only; Payment in-lieu of property tax for lands changing from private to public ownership; Payment for lost business opportunity and income, including socio-economic issues; Project impacts originating in Yolo County must be discharged in Yolo County; Permanent protection/preservation of like or better quality agricultural lands for agricultural lands converted, compliance with local policies regarding conservation easements; Buffers sufficient to avoid the need for additional restrictions on farm practices on surrounding lands; Continued payment of special district assessment and fees; Mitigation of costs for increased public services (e.g. law enforcement, fire, rescue, roads); No adverse changes to flood protection for surrounding areas; Full ESA and CESA protection for neighboring lands/landowners; Full ESA and CESA protection for affected water diversions; Consistency with the Yolo Natural Heritage Program;...
2009	County of Yolo	Protection of existing high value habitat, such as in the Yolo Wildlife Area; Mitigation for loss of terrestrial habitat for special status species and other wildlife; Funding and responsible entity for monitoring and adaptive management of habitat projects and associated lands; Control program for vectors, invasive species and agricultural pests; No out of county water transfers from converted lands; No increase in mercury release or transport; Mitigation for increased organic carbon at North Bay Aqueduct; Maximize public recreational opportunities associated with habitat projects; If possible, projects will be designed to accept dredged materials from the Sacramento Deep Water Ship Channel; Permanently funded stakeholder working group for the Yolo/Solano portion of the Delta; and Opportunity for Yolo County to obtain mitigation of future impacts associated with County public works projects (e.g., roads, bridges, levee work) as part of habitat projects.
2009	Delta Caucus	Is there enough developed water to support the considerable investment in the Delta being proposed by the BDCP and would that investment be better used to support development of other options such as regional self-reliance?

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

Year of Scoping	Affiliation	Comment
2009	Delta Caucus	The EIR must clearly show how each proposed alternative is designed to operate within the multitude of existing legal restrictions, water quality requirements, and contractual constraints such as but not limited to the North Delta Water Agency contract with the State of California, area of origin priorities, and Delta salinity standards.
2009	Delta Caucus	The EIR must include a detailed analysis of all legal constraints on water exports and a thorough explanation detailing how each alternative will comply with them.
2009	Delta Caucus	The EIR must quantify how much Delta outflow is needed to maintain a healthy fresh water Delta (see attached study by Dr. Jeff Hart). This information is critical to determine how much water is available for export, the appropriate size of conveyance facilities, and the overall evaluation of each alternative.
2009	Delta Caucus	The EIR should compare and contrast upstream diversions and their effects on water quality entering the Delta from the Sacramento and San Joaquin Rivers. This information should be used to evaluate the effects of BDCP alternatives which divert water from the Sacramento River before entering or traveling through the Delta.
2009	Delta Caucus	The Delta Protection Act of 1992 was passed to protect the Primary Zone of the Delta for agriculture, habitat and recreation. The EIR should determine how these Delta resources will be negatively impacted and how alternatives can be designed to be compatible with the Act and its objectives. For example, water from isolated facilities could be piped underground across reclamation districts rather than in surface canals to eliminate negative impacts to drainage, flood control and irrigation systems caused by dividing reclamation districts.
2009	Delta Caucus	The EIR must identify how facilities and changes in river elevations will impact ground water elevations. Plans must be developed to mitigate for seepage and other negative impacts associated with changes in ground water elevation.
2009	Delta Caucus	The EIR must analyze the implications of creating wetlands within the borders of reclamation districts. Is it feasible to create wetlands within the borders of reclamation districts where at certain times water is the common enemy? How will flood control, drainage, and irrigation systems be impacted within reclamation districts where fish habitat is created?
2009	Delta Caucus	Redirected impacts caused by moving targeted fish from one area of the Delta to another must be identified and mitigated. For example, if the Delta Smelt population increases due to BDCP projects, water users should not be restricted from pumping water from the channels where this occurs.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	Delta Caucus	The California Delta is located at the terminus of the Sacramento and San Joaquin Rivers in the Central Valley, immediately east of the San Francisco Bay Estuary complex. The Delta is a relatively young environment, having been formed since the last Ice Age less than 10,000 years ago...At the time of European contact, it was a large wetland, but has since been "reclaimed" as a highly productive farming region...Of scientific and policy interest is the extent to which salt water/brackish conditions extended eastward of the Bay-Estuary and into the Delta in pre-European contact times. For purposes of discussion, the border between the Delta and the Estuary is herein defined as a transition zone encompassing the mid to lower portion of Sherman Island; the Delta is found eastward, the Estuary westward.
2009	Delta Caucus	The draft EIR must clearly show how each proposed alternative is designed to operate within the multitude of existing legal restrictions, water quality requirements, and contractual constraints such as the North Delta Water Agency Contract with the State of California, area of origin priorities, Delta salinity standards just to name a few.
2009	Delta Caucus	...the Draft EIR must identify...how much Delta outflow is needed to maintain a healthy estuary and how each alternative will be designed in order to maintain the appropriate outflow and Delta water quality. That's an absolute must and before you can go forward with any alternative, you must know that.
2009	Delta Caucus	The EIR should compare and contrast water flow and water quality from the two main rivers -- the Sacramento and the San Joaquin -- and compare why the qualities are different.
2009	Delta Caucus	...you need to answer what flow needs to be maintained in the Delta to maintain a healthy estuary? Export alternatives cannot be developed or evaluated without this critical information. The appropriate size of facilities cannot be evaluated without this information. Export quantities cannot be determined without this critical information. And finally, how are even these conceptual ideas being evaluated without this critical information.
2009	Delta Farmer	What about other parameters that are not in this scoping? What about the impact of the Sacramento municipal intake that's taking water of the Delta. What about the impact of the sewer treatment plant that's putting high and very excessive and detrimental amounts of ammonia into the system, which is messing up with the food chain in the Delta already.
2009	Delta Farmer	How does the Sacramento -- Sacramento River expect to survive and the northern Delta expect to survive and to improve, if we're pulling that much water out of the top and trying to put around on the the bottom to make up for water that the San Joaquin river no longer can supply?
2009	Delta Farmer	...if we're going to take that much water out of the top of the Delta and take it around and shove it down at the bottom, where is all this water coming from?

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	Delta Farmer	We've got other issues with takes from the river, as far as these valleys are concerned. Sacramento has just installed a new take system. We have issues with the sewage treatment plant, discharging water that is not of the quality it is supposed to be in the first place, as it relates to ammonia is the big issue these days. And the more water we take out of the Delta, the more depleted and the more undiluted it becomes. The Delta is a very precious ecological resource that has a lot more to do with than just fish, and I understand we're after the fish. Okay. Fine. But we've got flora and fauna. We have bird species. We have all kinds of things in the Delta that relate to the Delta.
2008	Delta Protection Commission	Water for flooding to provide seasonal and year-round wildlife habitat should be provided as part of State and federal programs to provide water for wildlife habitat.
2009	Delta Wetlands Project	If BDCP does not coordinate with Delta Wetlands Properties and the Delta Wetlands Project, BDCP's proposed activities could interfere with current agricultural operations as well as the development and operation of the Delta Wetlands Project. For example, modification to the flow regime in the Delta could reduce flows and/or impair water quality in a manner that injures Delta Wetlands' existing irrigation water right licenses and Delta Wetlands Project water rights.
2009	East Bay Municipal Utility District	Any BDCP conveyance facility must protect EBMUD's primary raw water conveyance infrastructure, particularly the Mokelumne Aqueducts. a. EBMUD's existing Mokelumne Aqueducts cross the route east to west of all alternative conveyance alignments...EBMUD's primary requirements are that the Aqueduct pipelines, once relocated, must have: - Forward design life of 75 years, which is standard for contemporary pipeline design and construction. - Seismic performance needed to ensure reliable operations for this critical water supply facility. - Flow capacity no smaller and operating head losses no larger than the existing pipelines - Vehicular, crane and personnel accessibility for maintenance acceptable to EBMUD - Associated appurtenances such as air valves, blow offs and interconnections. - No additional maintenance burden over the existing operations. Furthermore, provision for EBMUD's undiminished supply from its Mokelumne source must be ensured during construction.
2009	East Bay Municipal Utility District	Any BDCP intake facilities upstream of the Freeport Regional Water Authority's intake on the Sacramento River must be constructed and operated without impact to Freeport project operations...Locating the intakes for CVP/SWP water upstream of FRWP is likely to have adverse impacts on Freeport operations due to increasing the frequency and duration of reverse river flows, during which time FRWP intake operations will be curtailed to avoid taking in discharged treated water from the Sacramento Regional County Sanitation District. EBMUD requests active participation from the beginning in DWR's modeling efforts to quantify this impact and identify potential mitigation measures. b. To the extent that the conveyance's northerly intakes are to be located in very close proximity to the FRWP intake, CVP/SWP diversions may influence river bed scour and/or create deposits detrimentally to the FRWP intake.
2009	East Bay Municipal Utility District	In considering construction and operation of an eastern alignment of the isolated conveyance facility, design and construction of tunnels under the Mokelumne River must sustain full and continual flow in the river to protect salmon migration.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	East Bay Municipal Utility District, Sacramento County Water Agency, Sacramento Regional County Sanitation District	These impacts include (1) more frequent shutdowns of the FRWA system when reverse river flows brings diluted treated wastewater effluent in the vicinity of its intake, and (2) increased diversions of SRWTP treated effluent and potential need to increase the capacity of on-site storage facilities due to reduced flows in the river. EBMUD, SCWA, and SRCSD have concerns about the consequences of increased reverse flow events in the region of the Sacramento River near SRWTP and FRWA facilities...when average daily flows drop below 10,000 cfs reverse flow conditions tend to occur and that these conditions may occur more frequently and be more sustained with BDCP operations. Even if the planned operating regime would restrict BDCP diversion to the ebb tide, we are convinced that the potential impacts upon SRWTP and FRWA operations should be studied under all plausible operating regimes at the appropriate resolution so that the full range of possible impacts is well understood.
2009	East Contra Costa Irrigation District	The impact of various alternatives being considered under the Bay Delta Conservation Plan on ECCID's rights under the DWR-ECCID contract should be analyzed, in particular as relates to the water quality assurances provided therein to ECCID.
2009	East Contra Costa Irrigation District	Additionally, the impact of various proposed alignments in the Bay Delta Conservation Plan on ECCID's main canal running from Indian Slough and on the various laterals utilized for delivery of ECCID water, and in particular the western alignments, should also be carefully analyzed.
2009	Farmer in Clarksburg	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.
2009	Farmer in Clarksburg	As north Delta water agency constituents we have paid contractual fees for almost three decades to the State of California for specific water quality and water quantity parameters. Outlined in the EIR/EIS how these quality and quantity parameters will continue to be met under your various BDC plan options. As our north Delta contract has no sunset date and we will fight for proper performance of its provisions.
2008	Farmer in Clarksburg	I happen to live on a large lake in the area. Lake Winchester. And I selected that as my permanent home site. In fact, I have a foundation for a home going up there now. We work very closely with the people that are managing the water through a rec district. The landowners chip in. We have recreational activity that goes on in that lake through a water ski club. They chip in and maintain the banks on that. We work to keep the reeds and the other problems down jointly.
2008	Farmer in Turlock	As Delta's solutions take shape, we have to make sure that we protect the interest of those who currently use water in the Delta.
2009	Farmers of Yolo County	Another point is in the issues and concerns. There is no mention of the Knights Landing Ridge Cut Canal, which flows into the Yolo Bypass just below Fremont Weir. Additional water in the bypass may have significant impacts on the water flows in the canal and cause backup. That needs to be addressed, also, in the EIR.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	Farmers of Yolo County	...I would like to mention, in talking about increased inundation of the bypass, the availability of water really needs to be addressed because, even if they are talking about winter flows, that water has to come from somewhere. The existing flows are probably deficient to provide the kind of water that they're talking about over the duration of time.
2008	Metropolitan Water District of Southern California	The Draft EIR/EIS should be consistent with Metropolitan's long-term plan for water sustainability, its Integrated Resources Plan (or IRP), and with statewide water demand projections.
2008	Metropolitan Water District of Southern California	The new water for growth will come from water use efficiency efforts such as conservation, voluntary water transfers and new local supplies such as recycling. However, the delta will remain a baseline source of supply.
2008	Morada Area Association	We are all mandated to protect, preserve, and restore our God-given water resources public trust.
2008	Morada Area Association	Our obligation and responsibility is to protect, preserve, and restore our God-given water resource...a precious public trust.
2009	North Delta CARES	We firmly oppose the use of an expanded "public trust" doctrine to alter or abolish presently-held water rights of any type.
2008	North Delta Water Agency	...introducing man-made marshes along the banks of the Delta islands will not restore a natural habitat, but will create a new type of habitat as a means of trying to approximate aquatic conditions...the EIR/EIS should identify all potential environmental impacts on hydrology, biological species, and soils resulting from this new form of habitat creation....
2008	North Delta Water Agency	Any habitat creation or wetland projects depending on application of water from the Delta channels will also require a water right, which the project proponent will have to acquire.
2009	North Delta Water Agency	NDWA will take all steps necessary to ensure that the protections embodied in Article 6 and the other provisions of the 1981 Contract are adhered to in connection with the BDCP process and any subsequent processes, proceedings or activities undertaken by the State of California.
2009	North Delta Water Agency	Any Delta solution must include guarantees that lands within NDWA will continue to receive both the quantity and quality of water guaranteed under the 1981 Contract and under other applicable law, including but not limited to the Delta Protection Act, Cal. Water Code §§ 12201-12204 and the area of origin laws, Cal. Water Code §§ 11460-11465. Accordingly, the EIR/EIS must: (A) include a comprehensive description of the 1981 Contract including but not limited to its water quality requirements and the Article 6 protections quoted above..
2009	North Delta Water Agency	Accordingly, the EIR/EIS must: (B) identify the 1981 Contract as a significant legal constraint on the discretion of the State to implement any project involving the modification of SWP water conveyance infrastructure within the northern Delta; and
2009	North Delta Water Agency	Accordingly, the EIR/EIS must: (C) identify in the EIR/EIS how all BDCP projects and actions will assure water supply reliability, availability, and quality for all North Delta water users.

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	North Delta Water Agency	...all hydrologic and hydraulic modeling undertaken as part of the BDCP process must assume, as the "baseline" condition, that the terms and conditions of the 1981 Contract, including but not limited to its water quality requirements, will remain in full force and effect.
2009	North Delta Water Agency	...changes in the water surface elevations, natural flows and flow directions within the NDWA would potentially result in violation of Article 6 of the 1981 Contract. All hydrologic and hydraulic modeling should include an analysis of the changes identified in the preceding sentence as well as the potential for seepage and erosion within the NDWA related to any isolated water conveyance facility and associated diversion facilities, proposed changes in water operations and new habitat measures.
2009	North Delta Water Agency	The EIR/EIS should address not only the potential impacts to water surface elevations, flows and flow direction, increased seepage and erosion resulting from various alternatives, but also the costs associated with these changes including but not limited to repairs, modifications, or replacement of existing diversion facilities and levees and added operating costs, as required under Article 6 of the 1981 Contract.
2008	Northern California Water Association	The NOP suggests that the BDCP will involve operational changes to the Central Valley Project (CVP) and State Water Project (SWP). These operational changes will result in environmental and water supply impacts related to the Sacramento and Feather Rivers that must be addressed in the EIR/EIS....The BDCP EIR/EIS must contain mitigation measures and alternatives that minimize any such impacts.
2008	Northern California Water Association	...it's really important that there be recognition of the area of origin and the water right system, assuming water rights that exist in this state...
2008	Northern California Water Association	We look forward to facilitate formal comments about once again issues with respect to the senior water rights or the issues of area erosion need to be considered as a step one in looking at those assignments.
2008	Planning and Conservation League	In order to fully analyze the impacts of reducing exports from the Delta, models such as CALSIM II and CALSIM Lite must have the capacity to simulate reduced export scenarios in meaningful ways.
2008	Planning and Conservation League	The environmental review document must include clear identification of both the strengths and limitations of the analytical tools (e.g. CALSIM II) used for analysis.
2008	Planning and Conservation League	The EIR/EIS on the BDCP should clearly explain how the BDCP will be coordinated with the OCAP reconsultation process.
2008	Planning and Conservation League	How do the various options, including a canal, affect local drainage and the permits necessary for that drainage within and into the Delta?
2008	Planning and Conservation League	How would other water users (e.g. Contra Costa Water District and City of Rio Vista) have water of acceptable quality?
2008	Planning and Conservation League	..the work must include clear identification of both the strengths and limitations of the available tools.



Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	Planning and Conservation League	The potential for changed operations at upstream reservoirs and any resulting change in the availability of cold water pools for fisheries (e.g. Shasta Dam, Oroville Dam)
2009	Planning and Conservation League	The potential for changed operations to impact needed flows and water quality for in-delta species
2009	Planning and Conservation League	The potential for changed operations and other plan measures to impact in-delta water quality and availability for existing uses in the Delta.
2009	Planning and Conservation League	the potential for continued water quality degradation caused by delivery of Delta waters to drainage impaired lands in the San Joaquin valley
2009	Planning and Conservation League	the potential for water supply reliability to be improved through local investments in water use efficiency, water recycling, and other programs that do not rely on Delta water supplies.
2009	Planning and Conservation League	In order to fully analyze the impacts of reducing exports from the Delta, models such as CALSIM II and CALSIM Lite must have the capacity to simulate reduced export scenarios in meaningful ways. Modeling reduced demand in a way that does not change the timing or level of pumping is unlikely to fully capture the potential ecosystem gains of reduced demand on the Delta.
2009	Planning and Conservation League	The current focus of the BDCP seems to be on finding a way to increase water supply reliability by increasing the probability of high-export years...we recommend an approach that aims to increase water supply reliability by reducing supply expectations.
2009	Planning and Conservation League	The environmental review document must include clear identification of both the strengths and limitations of the analytical tools (e.g. CALSIM II) used for analysis, including the extent to which the tool has been validated and calibrated under (a) past hydrologic variability and (b) under likely future hydrologic variability.
2009	Planning and Conservation League	The environmental review document must explicitly describe the conditionality of regulatory assurances, including the timing of review and permitting periods.
2009	Planning and Conservation League	How will various conveyance options reduce or exacerbate the impact of climate change on the water quality, timing and freshwater flow needs of aquatic species?
2009	Planning and Conservation League	What are the necessary flows including bypass and other flows, and diversion amounts consistent with ecosystem protection under various climate change scenarios, including differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
2009	Planning and Conservation League	How do the various options, including a canal, affect local drainage and the permits necessary for that drainage within and into the Delta?
2009	Planning and Conservation League	What flows are required for: Maintenance of water quality for other Delta beneficial uses, including drinking water, ecosystem, and agriculture?

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	Planning and Conservation League	How would alternative in-Delta operations change upstream operations, including effects on upstream flows, temperature, water quality and aquatic and terrestrial species?
2009	Planning and Conservation League	What amounts of water could be diverted in different water years, by season, and on average while meeting the planning goals of species recovery?
2009	Planning and Conservation League	How would those diversion amounts differ under different climate change scenarios including differing levels of sea level rise, changed hydrology, and the possible loss of multiple Delta islands?
2009	Planning and Conservation League	How would other water users (e.g. Contra Costa Water District and City of Rio Vista) have water of acceptable quality?
2009	Planning and Conservation League	How would different climate change scenarios affect functionality of pumps in the southern Delta?
2009	Planning and Conservation League	...the analytical tools used to evaluate these questions (for example, CALSIM Lite) must be made available to all stakeholders.
2009	Port of West Sacramento	While details of the exact type and location of the project conveyance structures are still being refined, potential project impacts of both the location and operation of all water conveyance structures on navigation, channel depth maintenance operations, levee maintenance and channel depth improvement must be considered in the alternatives analysis.
2008	Rancher in Fresno	So we must depend on the SWP for our water. Now the cost of water, as everything else, is going out of sight.
2009	Reclamation District 2025 (Holland Tract)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:... • impairment of the quality and quantity of the District's water rights
2009	Reclamation District 2026 (Webb Tract)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:... • impairment of the quality and quantity of the District's water rights
2009	Reclamation District 2028 (Bacon Island)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:... • impairment of the quality and quantity of the District's water rights
2009	Reclamation District 2068	The BDCP should describe more specifically how additional flooding will be accomplished and evaluate any impacts that this will cause on adjacent levee systems, changes to farming activity, changes to hydraulic capacity, changes to vegetation types and patterns and enhancement or introduction of special status species. The Bypass levees are designed for short term, infrequent flooding; and are typically not armored, nor are they designed to prevent seepage for extended periods of time.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	Reclamation District 2068	Breaching of levees in areas adjacent to Cache Slough in RD2098 would have effects in both RD 2098 and RD2068 potentially extending northward to the area south of Putah Creek. Substantial public and private investments in water conveyance for irrigation and drainage are potentially at risk by seasonal flooding of levee protected areas. Construction of cross or cutoff levees could limit the extent of damage or stranded investment, however, that land base to support maintenance of such a facility will not exist. RD2068 District will not accept maintenance for such new levees. These possibilities and their physical and financial impacts must be addressed. Breaching adjacent levees increase the potential for erosion, surface water elevation changes, and water quality changes, all to the detriment of local public and private operations.
2009	Reclamation District 2068	RD2068 and our cooperating agencies, operate and maintain flood management and drainage facilities that drain into the Cache Slough/Lower Yolo Bypass area. The EIR/EIS must evaluate the impacts of point and non-point runoff from sources upstream of this area on new habitats that are created. If there are impacts to habitats and the species using these habitats, there could be increased regulation of point and non-point discharges upstream of these areas. These increased regulations may have operational, financial and socio-economic impacts that need to be analyzed in the EIR/EIS.
2009	Reclamation District 2068	RD2068 operates an extensive recapture and reuse system in its agricultural water supply system. Irrigation reuse can supply some or all the water demand by direct application of up 30% of District lands. Increased salinity reduces the opportunity for recapture and reuse of water supplies once diverted. The result is an increased direct diversion from the Cache Slough region along with increased release of agricultural return flows. The EIR/EIS must evaluate these water quality, diversion and financial impacts.
2009	Reclamation District 2068	The EIR/EIS must analyze the impacts of the take of covered species as a result of these habitat modifications in the vicinity of existing facilities. RD2068 is concerned that potential increased take will result in restrictions on the use of these intakes. The EIR/EIS must also examine the impacts of providing alternative sources of water supply or protective equipment if the use of existing pumping facilities is restricted.
2009	Reclamation District 2068	Water consumption for certain types of wetland may be higher on a per-acre basis than for a comparable acreage of irrigated pasture or cropland. It is necessary to address the consumptive water demands of proposed wetland development, identify the source of the water used, and determination that wetland development will not lead to a decrease in water availability or quality for existing regional water users. The document does not indicate how this might be done nor whether such increased water use will be taken from current local supplies, SWP or Bureau of Reclamation supplies or by reduced usage on adjacent restoration lands.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	Reclamation District 2068	The establishment of habitat conservation areas will potentially impact adjoining or regionally imbedded agricultural facilities, operations and activities. Such impacts may include alterations to water management, increased vector impacts, introduction of invasive species and agricultural pests; avian impacts on agricultural crops and operations; increased potential for take of listed species as a result of existing activities approximate to restored habitat areas, and restrictions on pesticide/herbicide usage and discharge limits that are more restrictive than normal agricultural practices due to adjacent wetlands and aquatic habitat area protection requirements. These impacts may limit the types of crops, pesticide use and other agricultural practices and must be fully analyzed in the EIR/EIS.
2009	Reclamation District 756 (Bouldin Island)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:... • impairment of the quality and quantity of the District's water rights
2008	Reclamation District 999	The restoration of Tidal wetlands will require the diversion of water. We request that the EIR process evaluate the current water rights laws and their application to the Bay Delta conservation Plan.
2008	Reclamation District 999	The beneficial use of water within the Delta, at the confluence of the State's two largest river systems, warrants a higher priority than the use of that water in distant locations, as recognized in the Water Code's protections for watersheds of origin.
2008	Reclamation District 999	We would ask when you do your EIR process, and your -- as you do your plan, that you carefully consider that you're in compliance with all the federal and state reclamation law.
2008	Reclamation District 999	And that you also when you use water for a wetlands, you're gonna be using water, and we ask that you carefully evaluate the current water rights law, and how your plan effects water rights of the people in the Delta.
2009	Reclamation District 999	The District also urges analysis of impacts of all Project components on the availability of water within the Delta for beneficial uses...Potential results of changes in water quality on the environment, special status species, and beneficial in-Delta uses of water must be carefully analyzed.
2009	Reclamation District 999	The EIR/EIS must fully analyze the impacts of mercury releases that would occur as a result of soil disturbance from restoration activities on human and natural communities. This analysis should recognize the use of Delta waterways for subsistence fishing as well as the potential for contamination of drinking water supplies for use within and outside of the Delta.
2009	Reclamation District 999	Mitigation Measures to Address Significant Impacts Associated with Project: Measures to reduce water losses during transport.
2009	Reclamation District 999	How much of the total San Joaquin flow will be taken under dry and under wet years?
2009	Reclamation District 999	What is the basis for the design flows for the peripheral canal?

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	Creating new bypasses and flooding areas within time existing Reclamation Districts will constrain or eliminate existing water management through water elevation/level changes and underseepage. This will require redesign and operational changes throughout the region, causing tens of millions of dollars of infrastructure modifications and loss of agricultural use.
2009	Reclamation District 999	This area west & north of the sloughs is all ready of flood threat! This area has high levels of under seepage, boils and subsidences. Please coordinate and plan with myself and Gil Cosio of MBK Engineering!
2008	Regional Council of Rural Counties	The BDCP must acknowledge California's water rights priority system, and state and federal law relating to the areas of origin, county of origin, and watersheds of origin.
2008	Regional Council of Rural Counties	...the BDCP must include assurances that water rights and water supplies of upstream communities will not be adversely impacted by the construction, operation, or management of new and/or improved water conveyance facilities.
2009	Resident of Clarksburg	How much of the total San Joaquin flow will be taken under dry years and how much will be taken under wet years?
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	...creating a new bypass in flood areas -- flooding areas within the existing reclamation districts will constrain or eliminate existing water management through water elevation changes and underseepage. This will require redesign and operation changes throughout the region causing tens of millions of dollars of infrastructure modifications and loss of agricultural use.
2008	Resident of Clarksburg	How much water will this plan consume month-by-month on an annual basis?
2009	Resident of Clarksburg	Dams are not being operated properly now except to send water south.
2009	Resident of Clarksburg	I want my water rights, they've been pd for by my ancestors
2008	Resident of Courtland	..will the state mitigate for seepage damage and repair any erosion damage caused by SWP flows?
2008	Resident of Courtland	Will exports of water from Delta Channels be conducted in accordance with the law of the State of California, which requires protection of the areas within which water originates and the watersheds in which water is developed?
2008	Resident of Courtland	If upstream water is not developed, is the supply adequate to meet the area of origin needs to include the ecosystem and continue exporting from Delta channels?

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

Year of Scoping	Affiliation	Comment
2008	Resident of Courtland	How will damages be determined and financed for any breach of the contract between the State of California Department of Water Resources and North Delta Water Agency dated January 8, 1981?
2008	Resident of Courtland	What will the damages be and how much will they cost for each of the four options under consideration?
2008	Resident of Courtland	How will removing fresh water from the North Delta impact the ecosystem and water supply in the balance of the Delta?
2008	Resident of Courtland	You need to understand that when you put water in the Delta it doesn't stay where you put it. You can put it behind the levee and it pops up on the next island. So as you change -- as you plan to change the hydrology of the area, you need to be very careful about where you put water.
2009	Resident of Davis	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?
2009	Resident of Discovery Bay	...more and more water has been re-routed to the southern part of the state...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 weeds today are unbelievable...has caused significant eutrophication...lower oxygen levels and severe reductions in water quality, fish, and other animal populations are occurring.
2009	Resident of Discovery Bay	Now they are proposing to stop up the natural tidal flow of water into our town by constructing two gates...With the blockage of tidal water into the region, there will be a significant increase in stagnant water, resulting in a prime breeding ground for mosquitoes carrying the West Nile Virus.
2009	Resident of Fountain Valley	...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.
2009	Resident of Hood	Why do South State water districts have the right to take North State Water? How do you address existing water Rights contracts? How do you address existing water Rights?
2009	Resident of Irvine Water District	And in your earlier comments you mentioned that the two big diverters from -- and there's no argument that there's two big diverters, but there's also, you know, three others that are in that area and then there's the Delta itself, and I'm sure all of those in there -- discharges are being considered in the BDCP?

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Los Altos	The 1992 San Francisco 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 sediment loads through the Estuary...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.
2009	Resident of Los Altos	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?
2009	Resident of Los Altos	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 of 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?
2009	Resident of Sacramento	Current laws are currently being ignored to ship water south. These laws should be honored
2009	Resident of Solano County	The other thing we have is water rights which are superior to those that are pumped from the south Delta. And that entire concept that the areas where there's natural scarcity waters, ability to draw water is inferior to those whose living communities where water naturally is is something that we, Napa, Yuba City and Butte County and a few others are already in litigation to protect.
2009	Resident of Sutter Island/Hood	Why should we trust the south state water districts when the north state has certain water rights that aren't being addressed? How do you address the existing contracts? And how do you address existing water rights for the people here? All these need to be addressed when your project has not yet been defined.
2009	Resident of the Delta	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.

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

Year of Scoping	Affiliation	Comment
2009	Resident of the Delta	I have some numbers and these are questions that people have asked. How much water? How much water is -- how many gallons are in a cubic foot? Anybody know? I do. That was a question asked from Brentwood. Nobody had the answer. How about 54.7 gallons per cubic foot. That's a lot -- that doesn't sound like much water, until you times that times -- this is based on 11,000 cubic feet a second. How about 55,000 gallons per second is going to go down the canal times that per minute 3,300,000 gallons in one minute times that per hour 190,000,000 gallon in one hour going down to southern California. In a 24-hour period how about 475,200,0000 gallons going down to southern California every hour.
2009	Resident of the Delta	No flow coming into the Delta. Zero. Behind our docks, I have a harbor. We saw three feet of water of no water. We still see two feet of no water.
2009	Resident of the Delta	The east bay, East Contra Water District is moving their pumps to beyond Disco Bay. The water coming into Rock Slough is bad. They know it. And they supply a lot of water to -- East Contra County, Diablo Water, East Contra Costa Water District, these all are impacted by this bad flow of water. And they're going to be taking the water out of the Sacramento River before it even gets to the Delta.
2009	Resident of the Delta	Water is going to -- the pipeline is going to be underground that we're never going to see how much water is going down. It's going to go by the Deepwater Channel, come across Twitchell, come across Three-Mile Slough, come across Bradford, come across Bethel Island, come across Jersey Island, and go all the way to the Byron pump without us ever seeing that water that's in that pipe.
2009	Resident of the Delta	They've already got this plan worked out. But when they start taking that water out of the Sacramento River before it even gets to us, before it gets to you -- you guys don't see that water. We do.
2009	Resident of Walnut Creek	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.
2008	Resident of Walnut Grove	Northern California is in a drought situation. The water level in our slough is becoming very low which is beginning to affect our irrigation pumps for sand/mud is getting sucked up along with the river water for field irrigation. The Sacramento River's low water table also affects our ground water.
2009	Residents of Sacramento	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.
2008	Restore The Delta	...we are concerned about the quantity of exports, and to a lesser degree about the timing of those exports.
2008	Restore The Delta	No one has determined the water needs of the Delta, and already we are 5 million acre feet short of promised water from North Coast rivers that was eliminated from the supply equation. Exports in the same time frame exports have continued to increase. Supply has not. Exports were supposed to be surplus water, those waters not needed to maintain the Delta.



**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

Year of Scoping	Affiliation	Comment
2008	Restore The Delta	In the big picture we feel that all diversions need to be evaluated. All diversions that -- diversions that used to flow into the Delta, back to the original. How can you improve the system of the Delta by taking fresh water -- more fresh water -- Sacramento River water away from the Delta. The Delta needs more water, not less water in the system flowing through it. We're opposed to any type of isolated facility, and there are other alternatives in our opinion that would work better. We ask that you read and understand the original contracts of water exports. They are very specific about what water was to be used for export.
2008	Rio Vista City Council	I want to know what studies will be done to determine the impact of the moving of significant amounts of water from the ... from the Upper River near Hood.
2009	Sacramento County Farm Bureau	The BDCP will destroy and make infeasible provision of essential reclamation district services such as flood control, drainage and delivery or irrigation water.
2009	Sacramento Regional County Sanitation District	The planning goals must ensure that covered activities are implemented in compliance with all applicable water quality protection laws, including the federal Clean Water Act and California Water Code, to provide reasonable protection of beneficial uses.
2009	Sacramento Regional County Sanitation District	The EIR/EIS must address and quantify the level of take that the Delta can withstand that will allow the recovery and sustainable fish populations. In this regard, the EIR/EIS must address the limits on volume and timing of exports necessary to ensure sustainable fish populations and a sustainable Delta ecosystem.
2009	Sacramento Regional County Sanitation District	The EIR/EIS must address the cumulative impact of the proposed project on water supply, the Delta ecosystem, Delta water quality and the surrounding Delta communities. Third party impacts of the proposed project should be addressed.
2008	San Diego County Farm Bureau	Somewhere today in San Diego County avocado trees were stumped. In some places citrus trees were cut down and some place else nurseries cut back production in order to comply with the current mandatory 30% reduction in irrigation water use by farmers. Those will serve as short term methods for meeting the reduction in water supplies. But, if long term solutions are not found, the farmers will not be able to sustain their livelihoods.
2008	San Francisco Bay Conservation and Development Commission	...we recommend that the EIR/EIS include analysis of the fresh water flow needs of the entire estuary, not just the Delta. The EIR/ EIS should analyze the flow targets in the Delta Vision Strategic Plan when they become available in order to determine the appropriate flows needed support ecosystem processes as well as the recovery of individual species.
2009	San Francisco Bay Conservation and Development Commission	...we recommend that the EIR/ EIS include analysis of the fresh water flow needs of the entire estuary, not just the Delta. This includes the need for peak flows that transport sediment and nutrients to the Bay, increase mixing of Bay waters, and create low salinity habitat in Suisun Bay, San Pablo Bay and the upper part of central San Francisco Bay.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	San Francisco Bay Conservation and Development Commission	The EIR/ EIS should analyze how the entire project, not just the portion within the Commission's permit jurisdiction, will affect the hydrology, sediment dynamics, water quality and biological resources of the Bay.
2008	San Joaquin County	Part of the resolution that was recently passed in 2007 brought forth the issue that the state water project has failed to develop the \$5 million acre feet necessary that was promised during the state water project as it was developed from north coast to watersheds. And we feel that that is a very key issue regarding the issues in the Delta primarily due to lack of supply. Conveyance of a new Peripheral Canal does nothing to provide additional supply for the State of California.
2008	San Joaquin County	It would adversely affect water rights from water users in San Joaquin County and would circumvent the Delta common pool, and will seriously impair Delta water quality and adequate supply for all beneficial uses here in San Joaquin County.
2008	San Joaquin County and San Joaquin County Flood Control and Water Conservation District	The BDCP and its environmental document need to meaningfully consider water supply reliability for all users of water supply from the Sacramento-San Joaquin River watersheds.
2008	San Joaquin County and San Joaquin County Flood Control and Water Conservation District	The BDCP and its environmental document must be developed consistent with the requirements and protections of the Delta Protection Act.
2009	San Joaquin Farm Bureau	...I heard tonight in terms of talking about the two-thirds of the water from the Sacramento River going through the canal, or the proposed canal, and leaving one-third of it in the Delta, that tells me that there's not going to be enough water in there for both habitat and for agriculture for the end use Delta users. And that's a very blatant point that was just glossed over. And that needs to be addressed.
2009	San Joaquin Farm Bureau Federation	Is there enough developed water to support the considerable investment in the Delta being proposed by the BDCP and would that investment be better used to support development of other options such as regional self-reliance?
2009	San Joaquin Farm Bureau Federation	The EIR must clearly show how each proposed alternative is designed to operate within the multitude of existing legal restrictions, water quality requirements, and contractual constraints such as but not limited to the North Delta Water Agency contract with the State of California, area of origin priorities, and Delta salinity standards. The EIR must include a detailed analysis of all legal constraints on water exports and a thorough explanation detailing how each alternative will comply with them.
2009	San Joaquin Farm Bureau Federation	The EIR must quantify how much Delta outflow is needed to maintain a healthy fresh water Delta. This information is critical to determine how much water is available for export and will aid in the overall evaluation of each alternative.
2009	San Joaquin Farm Bureau Federation	The EIR should compare and contrast upstream diversions and their effects on water quality entering the Delta from the Sacramento and San Joaquin Rivers. This information should be used to evaluate the effects of BDCP alternatives which divert water from the Sacramento River before entering or traveling through the Delta.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	San Joaquin Farm Bureau Federation	The EIR must develop governance structures which will protect the Delta environment and its socio-economic interests while allowing all economic interests the ability to survive should water concerns over endangered species need to be addressed. In this process, we should not undermine the rights of existing water rights holders.
2009	San Joaquin Farm Bureau Federation	The EIR must analyze the implications of creating wetlands within the borders of reclamation districts. How will flood control, drainage, and irrigation systems be impacted within reclamation districts where fish habitat is created? Redirected impacts caused by moving targeted fish from one area of the Delta to another must be identified and further analyzed. For example, if fish populations do not increase, how much additional land from the region must be converted (subject to mitigation) to maintain the water quality that needs to exist to protect these species, and where will the agency acquire that water?
2008	San Jose Water Company	In the absence of dependable, imported water supplies, overuse of the basins will ultimately result in basin overdraft, land subsidence, and water shortages, and some of these effects, we think, could be seen after just a few years of over pumping. Although our distribution system is built with considerable flexibility relative to source of supply, San Jose Water Company and several of our fellow retailers here in the Valley, have portions of our service areas that are directly reliant on Delta water supply provided by the district through their three treatment plants. And there's really no alternative supply for these parts of our systems if there were long-term Delta interruptions.
2008	San Juan Water District	The BDCP EIR/EIS should analyze all impacts to upstream water supplies (including storage under upstream water rights and the frequency with which the State Water Resources Control Board's Term 91 is triggered), water quality and lower American River flows (including water released from Folsom Reservoir).
2009	Save Our Delta's Future	Assuming that the activities...will cause "pollution" of waters and wetlands as defined in the Clean Water Act and its regulations, will the DWR seek, or will the Army Corps of Engineers require, a section 404 permit for the total BDCP implementation, or multiple section 404 permits for different locations and phases of the BDCP implementation?
2009	Save Our Delta's Future	We are not prepared to see the public trust doctrine expanded so as to alter or abolish presently held water rights.
2009	Save Our Delta's Future	We're not prepared to see the public trust doctrine expand it so as to alter or abolish presently held water rights.
2008	Shasta County Water Agency	We are anxious for an improvement, but we cannot tolerate gains at the expense of Area of Origin protections, or other protections of our existing water rights.
2009	Shasta County Water Agency	One of the aims of BDCP is to meet SWRCB Decision 1641 water quality objectives. D 1641 also resulted in successor agreements to resolve Phase 8 issues related to water quality. Because the reach of D 1641 is far beyond the Delta, BDCP should explicitly support and adhere to successor agreements...We look forward to the inclusion of Area of Origin and the 2001 "Resolution of Phase 8 Issues" language in the forthcoming environmental document.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	Solano County Water Agency	The EIR/EIS must analyze the water quality impacts of all the projects and programs associated with the BDCP on the North Bay Aqueduct (NBA)...Implementation of the BDCP may cause adverse changes in water quality at the intake of the NBA from habitat restoration projects and changes in Delta hydrodynamics. We are particularly concerned about increases in organic carbon from new tidal marsh habitat projects. The impact of the proposed project(s) on water quality at the NBA intake must be specifically evaluated in the EIR/EIS for the BDCP, and any potential impacts adequately mitigated.
2009	Solano County Water Agency	One of the purposes of the BDCP is increasing the populations of various aquatic species that are listed or candidate species for the Federal and state Endangered Species Act. One method to increase populations that is part of the BDCP is the creation of tidal marsh habitat in the Cache Slough/Lower Yolo Bypass area This area is where the intake to the NBA is located as well as numerous agricultural water supply intakes... specifically, the EIR/EIS must analyze the potential that increasing the population of aquatic species in the vicinity of these intakes may result in restrictions on the use of these intakes. Any impacts identified must be adequately mitigated The EIR/EIS must also examine the environmental impacts of using alternative sources of water supply if existing pumping facilities are restricted, and how these impacts will be mitigated.
2008	South Delta Water Agency	The project purpose must include compliance with all permit terms and conditions, as well as other legal limitations and requirements on the projects.
2008	South Delta Water Agency	The environmental documents must examine how an isolated facility would be operated to insure no adverse impacts to other and superior water right holders.
2008	South Delta Water Agency	...the Delta Protection Act...places certain burdens on the export projects...the environmental documents must include a review of the BDCP alternatives with these statutory/operational limitations.
2009	South Delta Water Agency	...Water Code Section 12205 requires that DWR and USBR maximize reservoir releases to fulfill the goals of the Delta Protection statutes, which include prevention of salinity intrusion and an adequate supply (including future supply) for in-Delta uses. Building a conveyance facility which diminishes water entering the Delta is directly contrary to this statute. Similarly, federal law specifies a water quality standard at Rock Slough. Use of a peripheral canal would likely make compliance impossible at some times.
2009	South Delta Water Agency	The environmental review must include an analysis of how the project relates to the mandatory obligations placed on the CVP under CVPIA. These obligations include the doubling of anadromous fish (defined in the statutes).
2009	South Delta Water Agency	The environmental review must include an analysis of how the project relates to the mandatory obligations placed on the CVP in HR 2828 (Public Law 361-108). These obligations include the development and implementation of a plan by which the CVP will meet all of its obligations for water quality requirements on the San Joaquin River. They also include the requirement to decrease the CVP's reliance on New Melones for such water quality requirements, and the purchase of water and recirculation of water to assist in meeting these obligations.

Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources

Year of Scoping	Affiliation	Comment
2009	South Delta Water Agency	The environmental review must first include a determination of what flows are necessary to both protect and increase fishery populations, especially endangered species. Both the CVP and the SWP are required to fully mitigate their impacts, including their impacts to fisheries. Hence, and conservation plan must first determine what flows (both inflow and Delta outflow) are necessary to mitigate project impacts. The project must then determine what additional flows are necessary to recover declining populations (or meet fish doubling obligations). Those calculations will then allow a determination of what water is in the system under different year types (after superior rights are met). Only then can one determine how much water can be exported. The BDCP goal of a minimum average annual export level is unrealistic until these calculations are made.
2009	South Delta Water Agency	...the project must predict those area of origin needs and subtract those amounts from future export planning (unless additional upstream supply is developed). The analysis of the project must include this calculation. For example, if the recent questions regarding in-Delta water rights are resolved against some Delta users, then those users will be entitled to and demand supply contracts from DWR and/or USBR.
2009	South Delta Water Agency	So how do you model future operations if current operations are choices contrary to permit conditions and not even enforced by the State Water Resources Control Board?
2009	South Delta Water Agency	...let me just remind you that 15,000 CFS canal assumes that you can use 15,000 CFS of the export pumps at the state and federal project. That's not permitted now. And federal law says you can only -- once you go up, increase in exports, the bureau has to have figured out how it's going to meet all of its water quality obligations on the San Joaquin River, and decrease its use of new Melones. (phonetic) that's entirely absent from this.
2008	Speaker at Chico Preliminary Scoping Meeting	In doing conveyance improvements by installing the peripheral canal what sort of capacity changes will occur, and the ability to convey water if we increase the ability to convey water, where is that water gonna come from, and what would be the impacts of those changes?
2008	Speaker at Los Angeles Preliminary Scoping Meeting	They'll bypass that category and not mitigate it at all, and that emphasis needs to go from land use into the housing element. There are general plans and housing elements being done right now. You don't see water mentioned other than we'll conserve water, at least in the one year in LA, and you didn't see it in the report that's going out for the last few years that they have to report to the state. It's just an element missing.
2008	Speaker at San Jose Preliminary Scoping Meeting	...we have more water being consumed for alfalfa than all of Los Angeles, all of San Diego, all of San Diego County, all of San Francisco, times two, and that's just fundamentally wrong.
2008	Speaker at San Jose Preliminary Scoping Meeting	And you have to look this water coming down through the Delta and adjust what is going on the level of salinity as your progress, whether you call it a peripheral canal, or whatever, you will have stages or steps in flood control and tide basins that you're going to have to look at.

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

Year of Scoping	Affiliation	Comment
2008	Speaker at Stockton Preliminary Scoping Meeting	My concern is with regard to your duty as public officials to protect the public interest and the public trust which you've put up for us is an equivalent of water supply with protection and conservation of the environmental values of the Delta. That in my opinion constitutes a violation of your public trust responsibility. The export of water from the Delta was supposed to be surplus. You've heard speakers talk about in particular the 5 million acre feet that was supposed to be brought in by the State Water Project to not only provide additional water to meet shortages within the watershed, but to make available the water for the 4-1/4 million acre feet of export.
2008	State Water Contractors	I think that land that this plan will do; it will put a lot less pressure on the water resources here in the north if we're able to move the water that's in the reservoirs and that won't be ratcheted down so severely as we are right now.
2008	Stockton East Water District	Analysis of environmental impacts depends upon the mechanism identified to provide adequate water quality and quantity within the Delta...Water users within protected areas are entitled to water to meet their demands before water may be exported from the Delta. This issue must be addressed in any EIR/EIS prepared for the BDCP.
2009	Stockton East Water District	Stockton East Water District is entitled to protection pursuant to Water Code Section 11460 from any impacts of operation of the State Water Project and the Central Valley Project. To the extent that portion of the project propose to re-operate either of both of these projects, the EIR/EIS must evaluate any potential impacts on rights under section 11460 and insure that any adverse impacts are fully mitigated.
2009	Stockton East Water District	We agree with numerous comments that have been made that the BDCP process should be consistent with existing laws and regulations including the Clean Water Act, Endangered Species Act, California Endangered Species Act, Central Valley Project Improvements Act, and Delta Protection Act. We would also include other specific laws that would control any actions undertaken through the BDCP, including, but not limited to: • Watershed Protection Statute Water Code section 11460 • San Joaquin River Protection Act Water Code sections 22000 et seq. • Public Law 108-361 Section 103d(2)(D)(vii)...
2009	Suisun Resource Conservation District	The NOP fails to reasonably discuss possible impacts to downstream water rights holders associated with the BDCP. Again, if part of the BDCP project is to change the point where the SWP and CVP divert water from the south Delta to the north Delta, then the NOP should address how this will affect downstream water rights holders - including specifically those water users in the Suisun Marsh.
2009	The Nature Conservancy	The EIR/EIS should address both the short term (construction) and long term (operations) impacts on TNC lands associated with the peripheral canal. Attention should be paid to disturbance during construction, and hydrological, water quality and related impacts during operation. All potential benefits to these lands should be identified as well. TNC is willing to work with project proponents to identify potential mitigation and other aspects that might be beneficial to both parties.
2008	Tuolumne County	Counties and watersheds of origin must have assurances that their rights to water resources will be protected and programs to resolve conflicts in the Delta will not result in redirected negative impacts to the counties and watersheds of origin.

**Table E-9. 2008 and 2009 Scoping Comments Related to Water Supply and Surface Water Resources**

Year of Scoping	Affiliation	Comment
2008	Tuolumne County	As the County of Origin of the Stanislaus and Tuolumne Watersheds, the County believes it is necessary for DWR to consider circumstances that will not negatively impact and will protect the County's area of origin rights.
2009	U.S. Environmental Protection Agency	This issue was discussed in depth at the June 27,2008 Delta Vision Blue Ribbon Task Force meeting. A number of issues were raised by the Task Force about this design, including seismic safety, excess evaporation from a wide, shallow canal, export water quality problems caused by infiltration, environmental impacts of a large structure in the sensitive areas of the Delta, and the overall issue of construction of a major critical facility below sea level.
2009	US Fish and Wildlife Service	I believe there are a number of issues that have not been adequately addressed in the scoping process including impacts to terrestrial biological resources, potential changes in local hydrology and water quality, and impacts to local agricultural operations.
2008	Wilson Farms and Vineyards	How much water will this plan consume month by month on an annual basis?
2008	Yolo County Board Supervisor	...I for one am concerned about the impact of additional flows from around -- more flows for a longer period of time along the -- uh -- in the bypass, down the deep water channel, and what those impacts would have in the surrounding jurisdictions, especially here in this particular area. But also for West Sacramento as well.
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	We depend on the State Water Project to provide a reliable high quality supply. But we recognize that in taking deliveries that that delivery must be done in a responsible manner. That is in a manner that protects and maintains the quality and habitat values of the Delta, as well as being able to convey a water supply reliably.

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Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Attendee at Fairfield Scoping Meeting	Will there still be guarantees for the Suisun Marsh in regards to water quality, specifically in the spring and the fall?
2009	Attendee at Stockton Scoping Meeting	The water in the Delta, the quality of the water in the Delta for the fish, the wildlife, and for the humans cannot be improved by taking it out at a higher spot and making the Delta more of a cesspool.
2009	Attendee at Stockton Scoping Meeting	Our large rivers, San Joaquin and the Sacramento, which you plan on diverting, have -- have an intrusion of saltwater that is rarely mentioned. This is due to the fact that you're stealing nature's fresh water and shipping it to Southern California. Nature uses fresh water to hold back the saltwater.
2009	Attendee at Stockton Scoping Meeting	But wouldn't you guys be concerned about the saltwater intrusion when you guys are pumping out of the Delta? I mean, you guys are saying it's like perfect leverage and everything. The perfect level. But when you're pumping out of the Delta, it's going to suck seawater into the Delta. Wouldn't that hurt the fish? Wouldn't that hurt our community? Our farmlands?
2008	Building Industry Association of Southern California	A source that is low in bromides and organic compounds will remain necessary in order to successfully blend delta water with other supplies.
2009	Cal/West Seeds	What will be the effects on water quality in the North Delta on a year round basis from the proposed conveyance or habitat restoration projects? Will salt water intrusion ultimately make the North Delta a region where agriculture will no longer survive?
2009	Cal/West Seeds	...what will be the effects to water quality in the Delta on a year-round basis from the proposed conveyance or habitat restoration projects? Will the salt water intrusion ultimately make the north Delta a region where agriculture will no longer survive?
2009	California Central Valley Flood Control Association	Breaching adjacent levees increases the potential for erosion, surface water elevation changes, and water quality changes, all to the detriment of local public and private operations and must be properly analyzed and mitigated in the EIR/EIS.
2009	California Central Valley Flood Control Association	The EIR/EIS should evaluate the change in Delta hydraulics and fish migration under several scenarios of flooded islands. Flooded islands will cause increased water loss through evaporation. This loss of water would be greater than the current consumptive use of the agricultural islands. The EIR/EIS should address where water will be obtained to offset this loss in order to meet water quality objectives. It is possible that additional control structures may be required to meet water quality objectives if multiple flooded islands are not reclaimed.
2008	California Farm Bureau	Consideration of Deliberate Water Quality Mitigation Measures Both In BDCP EIR/EIS And As Part of On-Going; HCP/NCCP Planning That Currently Assume Dual Conveyance



Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	California Farm Bureau	California Farm Bureau is concerned that the Fish & Wildlife Service, Bureau of Reclamation, National Marine Fisheries Service, and the Department of Water Resources (hereinafter "Agencies") may fail to recognize that agricultural land and water quality resources are a part of the physical environment, thus consideration of impacts to agricultural resources must be included as part of a proper National Environmental Policy Act ("NEPA") and California Environmental Quality Act ("CEQA") environmental review.
2009	California Farm Bureau	The EIS/EIR must also analyze the direct and indirect impacts of this project on water quality, including the indirect conversion of existing farmland for want of adequate and reliable water supply of sufficient quality, especially in areas within the Delta. Water quality impacts, both direct and indirect, resulting from the conversion of agricultural land to non-agricultural uses must be analyzed and mitigated. Such analysis should include water supply and water quality and should involve an examination of water supply impacts the project may have, and how that might impact the water supply otherwise available for production agriculture.
2009	California Farm Bureau	California Farm Bureau urges the Agencies to consider the following mitigation measures for full evaluation within the EIS/EIR: Siting and aligning Project features to avoid or minimize impacts on agriculture. Examining structural and nonstructural alternatives to achieving project goals in order to avoid impacts on agricultural lands. Implementing features that are consistent with local and regional land use plans. Supporting the California Farmland Conservancy Project in acquiring easements on agricultural lands in order to prevent its conversion and increase farm viability. Restoring existing degraded habitat as a priority before converting agricultural lands.
2009	California Farm Bureau	Providing water quality reliability benefits to agricultural water users. Maintaining water quality standards for all beneficial uses, including agricultural use. Focusing habitat restoration efforts on developing new habitat on public lands before converting agricultural land. If public lands are not available for restoration efforts, focusing restoration efforts on acquiring lands that can meet ecosystem restoration goals from willing sellers. Using farmer-initiated and developed restoration and conservation projects as a means of reaching Program goals.
2009	California Farm Bureau	It is therefore essential that, in the design, construction, and operation of any new Delta conveyance system or other facilities in the Delta, the BDCP must strictly adhere to established water rights and water quality requirements under applicable state and federal law.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	California Farm Bureau	For the BDCP's consideration in scoping, project development, and eventual project implementation, a number of the more significant constraints and requirements in the area of water rights and water quality are listed below as follows: 1. California's dual riparian and appropriative water rights system...2. The Water Code's Area-, Watershed- and County-of-Origin statutes...3. Water Quality, Water Supply, and Water Rights Protections in the Delta Protection Statutes...4. The so-called "No Injury Rule," allowing a petitioned change in point of diversion, place, or purpose of use only upon approval of the State Water Resources Control Board, subject to protest by any interested person(s) and such conditions as the Board may impose, and upon a finding, following a public process, that the proposed change "will not operate to the injury of any legal user"...5. The effect of state and federal antidegradation laws and policies on the proposed action, in terms of potential adverse water quality effects in the absence of feasible and effective measures or actions to avoid or mitigate such adverse effects
2009	California Farm Bureau	...6. Duly established water quality objectives in any existing or future water quality control plan applicable to waters and existing beneficial uses of the Sacramento-San Joaquin Bay-Delta...7. Water quality control planning requirements of the California Porter-Cologne Act...8. The State and Regional Water Quality Control Boards' further responsibilities to establish an effective "program of implementation," in connection with an water objectives in any water quality control plan...9. The State Water Board's joint "adjudicatory and regulatory functions" in the area of the water quality and water rights, as well the reserved adjudicatory powers of the courts and of the State Water Board, including the Board's latent powers and procedures described with respect to water rights adjudications...as well as the ability of affected persons to bring actions to enforce compliance with established water quality standards through the courts, and the State Board's powers to compel compliance with past orders and decisions of the board by means of its water rights permitting authorities
2009	California Farm Bureau	...10. The policies of NEPA, as these pertain to water quality, water rights, and water supply...11. The policies and requirements of the CEQA as these relate, specifically, to water quality...12. CEQA Guidelines Appendix G ("Environmental Checklist"), as that guidance document relates, without limitation, to potential adverse water quality- and water supply-related impacts of the proposed project or required consideration of alternatives, impacts, mitigation measures, and specific findings in the areas of "Agricultural Resources," "Hydrology/Water Quality," and any necessary "Mandatory Findings of Significance,"
2008	California Native Plant Society Santa Clara Valley	...seek technical assessment of where mixing zone will reestablish as saltwater intrusion extends further up into Delta and review wetlands habitat impacts as well as hydrology impacts that can be expected.
2008	California Sport Fishing Protection Alliance	We note that consideration of increased guaranteed water delivery or new water diversion to fresh water from the Delta, that would result in increased degradation of water quality are impermissible under the Federal Clean Water Act, and that economic considerations have been found by the courts to be illegal pursuant to Section 10 of the Federal Endangered Species Act.
2008	California Sport Fishing Protection Alliance	Provide a detailed analysis of how expansion of wetland habitat and changes in hydrology will affect mercury methylization, and the bio availability and/or bio concentration of mercury, selenium, and other toxic pollutants on the food chain.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2008	California Sport Fishing Protection Alliance	...the elimination of a similar capacity and the increase in residence time in the Eastern Delta will have enormous and serious water quality implications and they've been pushed under the rug too long.
2009	California Sport Fishing Protection Alliance	Evaluate the whole of the project, including upstream reservoir operation and in-stream water quality and flow.
2009	California Sport Fishing Protection Alliance	Adaptive management, by definition, does not allow for export assurances, given the history of mitigation. Failures in this estuary, no project can provide for export reliability. Water operations management team decisions must be driven by biological constraints. We still don't have an assessment of likely water quality impacts. Salt is an extremely conservative constituent. It's certainly an inappropriate surrogate for evaluating hydrology changes on the fate and transport of impairing pollutants. And I'm almost finished. Certainly diversion of low salinity Sacramento water in the Delta would increase salinity in the Delta, reducing yields of farmlands. I know that they suggested that outflow remain the same. But you won't require the carriage flows and whatnot.
2009	California Sport Fishing Protection Alliance	...we still don't have a realistic evaluation of the effects of water supply on water supply reliability from levee failure due to earthquakes. I mean, all Delta levees have failed, and they will fail again. Levees can be raised and strengthened. Water supply was only disrupted several days following the Jones Track failure. Foundations of levees protecting Delta islands are largely on compacted soils from 150 years of compaction. And certain -- California certainly has sufficient storage to enable them to survive until salinity stabilizes and repairs are made following a breach of multiple islands.
2008	California Sportsfishing Protection Alliance	...the San Joaquin River is legally defined, under the federal Clean Water Act, as impaired because of selenium and boron.
2008	California Sportsfishing Protection Alliance	Provide a detailed analysis of how expansion of wetland habitat and changes in hydrology will affect mercury methylation and the bioavailability and/or bioconcentration of mercury, selenium and other toxic pollutants to the food web.
2008	California Sportsfishing Protection Alliance	The transfer of relatively good quality Sacramento River water around or through the Delta via an isolated or dual facility will inevitably reduce assimilative capacity throughout the Delta and increase residence time of water in the eastern Delta.
2008	California State Water Resources Control Board	...the EIR/EIS must analyze the impacts to water quality...
2008	California State Water Resources Control Board	...BDCP alternatives could have impacts on water and sediment quality in the Delta including: salinity, mercury, nutrients, dissolved oxygen, dissolved organic carbons, turbidity, temperature, and other constituents within the State and Regional Water Boards' purview
2008	California State Water Resources Control Board	...the NOP states that the BDCP is anticipated to include a comprehensive monitoring, assessment, and adaptive management program. Development this program should be coordinated with the water quality compliance and baseline monitoring required by the State Water Board pursuant to Decision 1641 and the Regional Monitoring Program currently being developed by the Central Valley Regional Water Board.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	California State Water Resources Control Board	BDCP environmental review will need to address any southern Delta salinity or other issues associated with the BDCP project that are not addressed by the State Water Board in its water quality control planning review.
2008	California Striped Bass Association	A couple of the reasons -- other reasons that I am against either a single isolated or dual conveyance -- whatever nomenclature you want to put on it, I am afraid that it will increase salinity in our area of the Delta, and we are continually fighting salinity right now, and we don't need more water diversions or water re-routing to lessen the flow and the flushing actions of our natural tides. There will be increased pollution because of the same reasons. There won't be enough water coming down from either direction, north or south, to wash the pollutants out to sea. Or to dilute them. And it will badly impact our natural tidal actions, which traditionally in a watershed have a cleansing and diluting action twice a day.
2009	California Striped Bass Association, West Delta Chapter	Water Salinity have To Meet Levels for fish. So if Levels are high you can't pump.
2008	California Water Impact Network	The EIS/EIR should specifically identify how well each of the alternatives meets water quality and quantity objectives for all affected water bodies that are contained in the various Basin Plans for the Sacramento River, Delta and Trinity River...This would include sediment, temperature, salinity, selenium, mercury, boron and any other water quality constituents which impair beneficial uses...
2008	California Water Impact Network	Water quality must be implemented, seriously implemented.
2008	Central Contra Costa Sanitary District	CCCSO discharges our treated wastewater effluent into Suisun Bay. As such, we are especially concerned with the water quality and health of the ecosystem in the Suisun Bay.
2009	Central Contra Costa Sanitary District	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.
2008	Central Delta and South Delta Water Agencies	...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...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 ...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 desalinate that water, or better allow for the blending of that water with other higher quality supplies, etc., and the costs of the construction and operation of such facilities.
2009	Central Delta Water Agency	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.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	...the following impacts should be fully analyzed and discussed: .... Salt water intrusion into groundwater basins as a result of the various alternatives.
2009	Central Delta Water Agency	The Delta Pool Delta Protection Act of 1959 says that water shall be taken out of a common pool and given to exporters...Because that means everybody who pulls water out of the Delta depends on the quality of that water in the Delta. So when you comes time to think about how are we going to give assurance that the Delta is going to stay healthy, the best assurance is to make sure everybody who feeds off it has a stake in that health. And my question to you is, how is the Delta going to be protected in an emergency situation...How are we going to be protected if you folks get a peripheral canal and there's an emergency? Are you telling me that they're going to let sufficient water flow through the Delta? Or are they going to overrule whatever water quality standards are in place?...let's say there are standards in the Delta that preserve a certain level of water quality. You build your peripheral canal. We have an emergency. What assurance do we have that you're not going to ignore those standards and bypass the water around us?
2009	Central Delta Water Agency	A drought like we just had where the governor said, "Forget about water quality." In that situation, what assurance do we have that you're going to honor the water standards in the Delta? With the common pool, you have to keep the Delta fresh. Otherwise, you get bad water quality. But with the canal, you can let the Delta go to hell, and you can take your water from up north. So in an emergency drought situation, what can you say to us to say that that water won't be bypassed around us? That we'll get the water?
2009	Chair of Delta Caucus	The draft EIR must clearly show how each proposed alternative is designed to operate within the multitude of legal restrictions, water quality requirements, and contractual constraints such as: The North Delta Water Agency contract with the State of California. Area of origin priorities. Delta salinity standards.
2009	Chair of Delta Caucus	The draft EIR must identify how much Delta outflow is needed to maintain a healthy estuary and how each alternative will be designed in order to maintain the appropriate outflow and Delta water quality. The EIR should compare and contrast water flow and water quality from the two major rivers (the Sacramento and San Joaquin) which enter the Delta and determine what factors contribute to the major difference in water quality. Export alternatives can not be developed and evaluated without this critical information. The appropriate size of facilities can not be determined without this critical information. Export quantities can not be determined without this critical information. And finally, how were BDCP alternatives developed without this critical information?
2008	City of Antioch	Specific modeling should be conducted to determine how various options would affect the number of days in which water quality conditions would constrain Antioch's ability to exercise its senior water rights.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	City of Antioch	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.
2009	City of Antioch	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."
2009	City of Antioch	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....we understand that certain project components (e.g., size of habitat in the Cache Slough area) may change in subsequent project evaluations.
2009	City of Antioch	...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.
2009	City of Antioch	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
2009	City of Sacramento	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.
2008	City of Stockton	How would the BDCP affect water quality at the proposed diversion site?
2008	City of Stockton	The EIR/EIS needs to evaluate what effects the BDCP will have on water quality in the San Joaquin River. Specifically, the EIR/S should evaluate what changes may result in the assimilative capacity of the river and how that might affect discharge permits..
2009	Clark Farms	How will increased salinity in Elk Slough, as a result of your project affect our grape vines? Who will compensate me for lost or reduced production of my wine grapes when water quality is reduced as a part of this BDCP project? How will that compensation be determined?
2009	Clark Farms	...how will I be compensated for my lost water rights? Taking water out upstream will reduce our water quality.
2009	Clark Farms	How will our drinking water supply and drinking water quality change as a result of this project?
2009	Clark Farms	What studies and experiments have been done to determine how much the contaminants being dumped into water supplies north of the Delta are impacting threatened and endangered fish species in the Delta?

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Clark Farms	I am concerned that the BDCP will result in increased salinity in Elk Slough which is the source of our farm's irrigation water. Increased salinity in Elk Slough will adversely affect our grape vines and may make farming impossible.
2009	Clark Farms	What will the BDCP include to prevent increased salinity in Elk Slough?
2009	Clark Farms	Will additional upstream water storage be required as part of the BDCP project to meet salinity standards and maintain current salinity levels without further salinity increases?
2009	Commenter during Scoping Process	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.
2009	Commenter during Scoping Process	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 fines) begin?
2009	Commenter during Scoping Process	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?
2009	Commenter during Scoping Process	Just who is going to pay for this? Even if the Southern water interests assume the payments..., 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.
2009	Commenter during Scoping Process	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
2008	Conaway Preservation Group	The BDCP Should Consider Improving The Water Quality Of Flows From Yolo County.
2008	Contra Costa County Public Works Department	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.
2008	Contra Costa County Public Works Department	The likelihood of increased salt water intrusion into the Delta needs to be analyzed and mitigated.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Contra Costa County Water Agency	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?
2009	Contra Costa County Water Agency	How will outflow quantity and quality change under the BDCP
2009	Contra Costa County Water Agency	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?
2009	Contra Costa County Water Agency	How will the project ensure improved water quality for the Central and Western Delta?
2009	Contra Costa County Water Agency	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.
2009	Contra Costa County Water Agency	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.
2009	Contra Costa County Water Agency	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?
2009	Contra Costa County Water Agency	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.
2009	Contra Costa County Water Agency	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.
2008	Contra Costa Water District	The project effect on Delta water quality and water supply must be fully evaluated and disclosed and mitigation measures proposed and adopted to reduce significant impacts to insignificance.
2008	Contra Costa Water District	...the EIR/EIS should analyze the impacts to X2, listing the average monthly value and maximum daily change in X2 from the baseline conditions.
2008	Contra Costa Water District	... The Bay Institute has developed a Delta flow index that shows strong correlations to a composite Delta fish abundance index. The Delta flow index should also be used to evaluate impacts of alternatives.



Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2008	Contra Costa Water District	...the EIR/EIS should assess the project's effect on salinity at multiple locations in Suisun Bay and within the Delta. The salinity regime under project conditions should be compared to the salinity regime under current conditions and compared to the observed salinity regime at different time periods in history (e.g. 1910 's, 1960's, 1970's, 1980's). The impact of changes in salinity should be discussed in terms of the potential impact to the covered species resulting from direct changes to habitat environmental quality and resulting from indirect changes due to the likely effect on distribution of invasive species, such as..Corbula anzurensis and ... Egeria densa..
2008	Contra Costa Water District	In addition to salinity, the BDCP has the potential to change the residence times in the Delta in significant ways, thus impacting temperature, turbidity, and contaminant concentrations.
2008	Contra Costa Water District	Assumptions regarding contaminant loads from the San Joaquin River must be realistic and cover a range of future scenarios, and disclose the potential impacts of any long residence times in the South Delta that could adversely affect sensitive species.
2008	Contra Costa Water District	Any assumptions regarding efficacy of existing contaminant source control programs must recognize the risk that if those programs do not meet targets...the project should analyze impacts of contaminant residence times (such as selenium) at current and future levels, without always assuming the contaminant is removed by other projects.
2008	Contra Costa Water District	The EIR/EIS should analyze the environmental impacts on chloride, bromide, and organic carbon concentrations at all existing and planned drinking water intakes in the Delta and provide for mitigation where appropriate.
2008	Contra Costa Water District	Any proposals to change current water quality standards must be thoroughly evaluated and the impacts on all beneficial uses of Delta water must be disclosed.
2008	Contra Costa Water District	By diverting a large fraction of the flow on the Sacramento River, the canal will remove a similar fraction of the sediment and nutrient load, potentially effecting turbidity and nutrients within the Delta....Any changes to turbidity and nutrients should be fully evaluated and disclosed, with proposed mitigation measures...
2008	Contra Costa Water District	...the EIR/EIS must evaluate the impacts associated with anticipated operation and maintenance activities, including: aquatic weed management and the potential use of herbicides or physical clearing of vegetation that will be necessary along, and in, any canal; levee maintenance; and facility security. The potential impact of maintenance activities on the habitat within the canal as well as downstream beneficial uses, such as recreational use in reservoirs, agricultural irrigation, and drinking water must be considered.
2008	Contra Costa Water District	The effect of the proposed project on these water quality parameters [salinity, temperature, and turbidity] should be fully explored and discussed in the context of the effect on invasive species [Corbula amurensis and Egeria densa.]

**Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions**

Year of Scoping	Affiliation	Comment
2008	Contra Costa Water District	Project conveyance options may alter hydrodynamics within the Delta and lead to accumulation of contaminants such as selenium, potentially increasing toxicity. If the EIR/EIS assumes contaminant levels are controlled by other mechanisms, those mechanisms must be a pre-condition for implementation of the proposed project.
2008	Contra Costa Water District	The EIR/EIS should analyze the environmental impacts on chloride, bromide, and organic carbon concentrations at all existing and planned drinking water intakes in the Delta and provide for mitigation where appropriate.
2009	Contra Costa Water District	Plant growth within earthen canals inhibits flow and contributes to levee instability. However, the use of chemical herbicides is increasingly problematic due to regulatory constraints.
2009	Contra Costa Water District	Open canals are vulnerable to contamination from runoff, spills, and intentional acts.
2009	Contra Costa Water District	...the larger facility will reduce Delta inflow by a larger amount, causing larger impacts on Delta water quality and fisheries...
2009	Contra Costa Water District	These projects [ecosystem habitat improvements] can increase evapo-transpiration over existing levels, and can affect water supplies and water quality. Such projects should be included in the EIR/EIS, with full evaluation and disclosure of potential impacts, including impacts to water supplies and water quality so that adequate mitigation measures can be developed to reduce any impacts to insignificance.
2009	Contra Costa Water District	The project effect on Delta water quality and water supply must be fully evaluated and disclosed and mitigation measures proposed and adopted to reduce significant impacts to insignificance.
2009	Contra Costa Water District	...analysis by CCWD shows that the abundance of juvenile delta smelt in summer (as measured by the Summer Townt Survey, TNS) is significantly correlated with the salinity in the Western Delta during the previous fall...This relationship is strengthened further when the analysis is expanded to account for the number of adult delta smelt available to reproduce (as measured by the Fall Midwater Trawl survey, FMWT)...the EIR/EIS should assess the project's effect on salinity at multiple locations in Suisun Bay and within the Delta. The salinity regime under project conditions should be compared to the salinity regime under current conditions and compared to the observed salinity regime at different time periods in history (e.g. 1910's, 1960's, 1970's, 1980's). The impact of changes in salinity should be discussed in terms of the potential impact to the covered species resulting from direct changes to habitat environmental quality and resulting from indirect changes due to the likely effect on distribution of invasive species...
2009	Contra Costa Water District	Assumptions regarding contaminant loads from the San Joaquin River must be realistic and cover a range of future scenarios, and disclose the potential impacts of any long residence times in the South Delta that could adversely affect sensitive species. Any assumptions regarding efficacy of existing contaminant source control programs must recognize the risk that if those programs do not meet targets then the project analysis may be flawed, and may fail to meet conservation goals. Therefore, the project should analyze impacts of contaminant residence times (such as selenium) at current and future levels, without always assuming the contaminant is removed by other projects.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Contra Costa Water District	The proposed project alternatives can affect Delta temperatures in significant and adverse ways, increasing residence times and raising temperatures. The effects of alternatives on temperatures and the effects of temperature on migratory and resident species should be examined in the EIR/EIS.
2009	Contra Costa Water District	The EIR/EIS should analyze the effect of increased algal growth on drinking water beneficial uses.
2009	Contra Costa Water District	The EIR/EIS should analyze the changes caused by the project on a daily basis for chloride, bromide, and organic carbon concentrations at all existing and planned drinking water intakes in the Delta and provide for mitigation where appropriate.
2009	Contra Costa Water District	Therefore, the EIR/EIS must fully analyze and disclose the changes to Delta water quality, including chloride, bromide, and organic carbon concentrations on a daily basis, and the timing of Delta surplus to allow a complete evaluation on the potential economic impacts to CCWD operations.
2009	Contra Costa Water District	...there may be a reduction in supplies available for export while, at the same time, those changes result in water quality degradation in other areas of the Delta. These potential impacts should be fully evaluated and disclosed.
2009	Contra Costa Water District	Recent studies within the Delta indicate that certain life stages of sensitive fish species respond to the local tidal velocity (including secondary currents at river bends) the amount of daylight, and local turbidity and salinity gradients. The EIR/EIS should rely on the best available science, including the behavioral models discussed below, to evaluate the potential impacts of changes in tidal velocity, turbidity, and salinity.
2009	Contra Costa Water District	Gartrell and Herbold (2009) <sup>29</sup> discusses the difference between average flow and tidal velocity, and how the "net flow model" leads to incorrect conclusions; the paper also presents a tidal perspective of salinity gradients to provide an explanation of observations. The EIR/EIS should consider the effects of project alternatives on salinity gradients in the Delta and the subsequent effect on aquatic species.
2009	Contra Costa Water District	Resource Management Associates, Inc. (RMA) has developed a particle tracking model that incorporates behavior related to turbidity and salinity gradients to simulate the distribution of adult delta smelt and entrainment by export pumps. Model results compare favorably with the timing of historical salvage at the South Delta export facilities; additionally, the author hypothesizes that reductions in South Delta exports may actually increase salvage during certain time periods due to the potential collapse of the low turbidity zone in the Central Delta. The EIR/EIS should evaluate potential impacts to direct mortality of adult delta smelt at the South Delta export facilities using the best available scientific tools and provide for mitigation, including the use of positive barrier fish screens, where appropriate.
2009	Contra Costa Water District	Any changes to turbidity and nutrients should be fully evaluated and disclosed, with proposed mitigation measures, where appropriate.
2009	Contra Costa Water District	The potential impact of maintenance activities on the habitat within the canal as well as downstream beneficial uses, such as recreational use in reservoirs, agricultural irrigation, and drinking water must be considered.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Contra Costa Water District	Oversizing the canal may lead to additional operating expenses and maintenance-related impacts. For instance, vegetation is likely to establish within the open canal during low flows. The vegetation would need to be cleared before the canal can carry high flows during the peak diversion periods. The EIR/EIS must fully evaluate the additional aquatic weed management activities associated with sub-optimal flows within the canal.
2009	County of Sacramento	BDCP proposes dramatic changes to the hydrology of the Sacramento River...This diversion will necessarily have impacts on water quality as well, and both hydrology and water quality impacts must be disclosed in a manner that is comprehensible to average citizens.
2009	County of Solano	The EIR/EIS must fully analyze project impacts that would increase levels of methylation of mercury and other contaminants and the impacts from the increased levels of methylation of mercury on fish and wildlife. This would require the establishment of baseline levels. The BDCP must fully mitigate the impacts above baseline levels...Mitigation measures must include the following: No increase in heavy metals, pesticides, or other constituents of concern above the water quality objectives for aquatic habitat for areas within and surrounding the proposed restoration areas.
2009	County of Solano	...Removal of levees and creating wetland habitat on lands that were not historically required to have stringent restrictions to meet aquatic habitat WQO [Water Quality Objectives] may cause additional water quality impacts to sensitive areas. Particular concerns include heavy metals (aluminum, arsenic, boron, chromium VI, copper, lead, manganese, mercury, and zinc); salt; nutrients (nitrate, phosphate, and ammonia); pesticides/herbicides (including bioaccumulative historically banned pesticides and herbicides that may still be in residual soils); petroleum hydrocarbons (oil, grease, and other hydrocarbons from pipelines, fuel tanks, and infrastructure); and increased turbidity, reduced dissolved oxygen and fecal coliform associated with agricultural practices and septic systems. Mitigation measures must include the following: Establishment of buffer zones surrounding the restoration areas to provide mitigation of surface water discharges prior to reaching the restoration areas from upland uses. Financial assurances that address any potential adverse impacts that must be mitigated after the project is constructed.
2009	County of Solano	Independent peer review must be conducted on all environmental analysis involving mercury and other contaminants in the Delta and proposed restoration areas. All data used in the EIR/EIS analysis must be validated. A risk assessment should be performed to quantify the risk due to any variability of the data and any variability of the analysis. All possible adverse impacts must be identified.
2009	County of Solano	Creation of tidal wetland habitat will increase organic carbon levels in the Cache Slough area...Increases in organic carbon will result in an increased cost of water treatment and may result in reduced use of the NBA if organic carbon levels increase to the point that the water supply is not treatable....Mitigation measures must include the following: Mitigation for increased organic carbon at NBA and any areas or activities where total organic carbon may originate. Financial assurances that address any potential adverse impacts that must be mitigated after the project is constructed.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	County of Solano	Creation of new freshwater tidal wetlands and sub-tidal habitat in the Cache Slough area may lead to requirements to improve upstream water quality from agricultural and urban point and non-point discharges above normal requirements. This may include discharge requirements from upstream wastewater treatment facilities and agricultural operation. EIR/EIS needs to establish base-line levels and to analyze these potential impacts and include mitigation measures to address and fund any improvements needed beyond baseline levels and normal requirements or provide safe harbor agricultural and urban point and non-point discharges above normal requirements due to new freshwater tidal wetlands and sub-tidal habitat areas and meeting more stringent guidance or WQO.
2009	County of Solano	Mitigations may include providing adaptive management tools, incentive programs and educational outreach for owners of agricultural areas that potentially discharge to the buffer zones and restoration areas to help assist in meeting WQO for discharge and reducing non-point source impacts. The project should not result in any changes to agriculture NDWA above normal requirements. Mitigation measures must include the following: Projects shall not result in increased point and non-point discharge requirement for agricultural and urban activities. Safe Harbor for agricultural and urban point and non-point discharges so that local runoff is not required to be improvised above normal requirements due to creation of new habitat areas.
2009	County of Solano	The change in water conveyance and creation of habitat areas in the Cache Slough and Suisun Marsh will result in changes in salinity levels in the Delta and Suisun Marsh. Increased levels of salinity can impact drinking water, agricultural production and certain types of natural habitats...The EIR/EIS must fully analyze the potential impacts of increased salinity...Mitigation measures must include the following: Mitigation for changes in salinity in the north Delta and Suisun Marsh. Protection of Suisun Marsh salinity standards to protect existing wetland and wildlife habitat and the beneficial uses. Financial Assurances for any potential corrective action to reduce salinity resulting from a post project condition. The financial assurances should cover the cost to construct desalination plants or water treatment facility to restore the salinity in the Delta and the county water users to the pre-project levels.
2009	County of Solano	Restoration in the Cache Slough complex may have adverse effects on operation of the North NBA, Reclamation District 2068 and private agricultural water intakes related to entrainment of enhanced populations of covered species. Construction of habitat restoration projects could disrupt irrigation and drainage systems essential to agricultural production on land bisected by these projects. The EIR/EIS must fully analyze these impacts and provide mitigation measures that provide protections to enhanced populations of covered species, provide for the relocation of the NBA intake, and protect urban and agricultural water supplies. Mitigation Measures must include the following: Provisions of an alternate intake for the North Bay Aqueduct. Full Federal and State Endangered Species Act protection for affected water diversions within the project regions, including funding for installation and operating fish screens or other diversion modification requirements
2008	County of Yolo	What is the potential for the diversion of freshwater flows to increase the concentration of pollutants in the Delta, including but not limited to pesticides and methylmercury? How would increased pollutant concentrations affect both the "covered species" and other species in the Delta?

**Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions**

Year of Scoping	Affiliation	Comment
2009	County of Yolo	Economic, habitat, water resources, and flood management impacts must be recognized by the Central Valley Regional Water Quality Control Board (CVVRWQCB) in developing the Delta mercury TMDL.
2009	County of Yolo	Protect area of origin water rights and water quality in the Delta and ensure water supplies for Yolo agriculture.
2009	County of Yolo	Remediate mercury in the Cache Creek watershed at its sources: Design and develop habitat restoration projects so as not to increase existing levels of mercury bio-methylization within the Yolo Bypass and Delta; and Remediate mercury accumulation within the Cache Creek Settling Basin.
2009	County of Yolo	PARAMETERS FOR DELTA-RELATED HABITAT PROJECTS Willing sellers only; Payment in-lieu of property tax for lands changing from private to public ownership; Payment for lost business opportunity and income, including socio-economic issues; Project impacts originating in Yolo County must be discharged in Yolo County; Permanent protection/preservation of like or better quality agricultural lands for agricultural lands converted, compliance with local policies regarding conservation easements; Buffers sufficient to avoid the need for additional restrictions on farm practices on surrounding lands; Continued payment of special district assessment and fees; Mitigation of costs for increased public services (e.g. law enforcement, fire, rescue, roads); No adverse changes to flood protection for surrounding areas; Full ESA and CESA protection for neighboring lands/landowners; Full ESA and CESA protection for affected water diversions; Consistency with the Yolo Natural Heritage Program;...
2009	County of Yolo	Protection of existing high value habitat, such as in the Yolo Wildlife Area; Mitigation for loss of terrestrial habitat for special status species and other wildlife; Funding and responsible entity for monitoring and adaptive management of habitat projects and associated lands; Control program for vectors, invasive species and agricultural pests; No out of county water transfers from converted lands; No increase in mercury release or transport; Mitigation for increased organic carbon at North Bay Aqueduct; Maximize public recreational opportunities associated with habitat projects; If possible, projects will be designed to accept dredged materials from the Sacramento Deep Water Ship Channel; Permanently funded stakeholder working group for the Yolo/Solano portion of the Delta; and Opportunity for Yolo County to obtain mitigation of future impacts associated with County public works projects (e.g., roads, bridges, levee work) as part of habitat projects.
2009	Delta Caucus	The EIR must clearly show how each proposed alternative is designed to operate within the multitude of existing legal restrictions, water quality requirements, and contractual constraints such as but not limited to the North Delta Water Agency contract with the State of California, area of origin priorities, and Delta salinity standards.
2009	Delta Caucus	The EIR must quantify how much Delta outflow is needed to maintain a healthy fresh water Delta (see attached study by Dr. Jeff Hart). This information is critical to determine how much water is available for export, the appropriate size of conveyance facilities, and the overall evaluation of each alternative.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Delta Caucus	The EIR should compare and contrast upstream diversions and their effects on water quality entering the Delta from the Sacramento and San Joaquin Rivers. This information should be used to evaluate the effects of BDCP alternatives which divert water from the Sacramento River before entering or traveling through the Delta.
2009	Delta Caucus	...the EIR must identify all negative impacts to the Delta economy and ecosystem caused by water quality changes and conversion of land from agricultural production. It must clearly articulate how the BDCP will mitigate for loss of farmland and habitat such as Swainson's Hawk foraging habitat.
2009	Delta Caucus	The EIR should identify in depth all plant communities and avian and terrestrial species which will be adversely impacted by creation of fish habitat. The analysis should include impacts caused by changes in water quality as well as large-scale conversion of both agricultural and wildlife habitat to fish habitat.
2009	Delta Caucus	The California Delta is located at the terminus of the Sacramento and San Joaquin Rivers in the Central Valley, immediately east of the San Francisco Bay Estuary complex. The Delta is a relatively young environment, having been formed since the last Ice Age less than 10,000 years ago...At the time of European contact, it was a large wetland, but has since been "reclaimed" as a highly productive farming region...Of scientific and policy interest is the extent to which salt water/brackish conditions extended eastward of the Bay-Estuary and into the Delta in pre-European contact times. For purposes of discussion, the border between the Delta and the Estuary is herein defined as a transition zone encompassing the mid to lower portion of Sherman Island; the Delta is found eastward, the Estuary westward.
2009	Delta Caucus	The draft EIR must clearly show how each proposed alternative is designed to operate within the multitude of existing legal restrictions, water quality requirements, and contractual constraints such as the North Delta Water Agency Contract with the State of California, area of origin priorities, Delta salinity standards just to name a few.
2009	Delta Caucus	...the Draft EIR must identify...how much Delta outflow is needed to maintain a healthy estuary and how each alternative will be designed in order to maintain the appropriate outflow and Delta water quality. That's an absolute must and before you can go forward with any alternative, you must know that.
2009	Delta Caucus	The EIR should compare and contrast water flow and water quality from the two main rivers -- the Sacramento and the San Joaquin -- and compare why the qualities are different.
2009	Delta Caucus	...you need to answer what flow needs to be maintained in the Delta to maintain a healthy estuary? Export alternatives cannot be developed or evaluated without this critical information. The appropriate size of facilities cannot be evaluated without this information. Export quantities cannot be determined without this critical information. And finally, how are even these conceptual ideas being evaluated without this critical information.
2009	Delta Farmer	What about other parameters that are not in this scoping? What about the impact of the Sacramento municipal intake that's taking water of the Delta. What about the impact of the sewer treatment plant that's putting high and very excessive and detrimental amounts of ammonia into the system, which is messing up with the food chain in the Delta already.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Delta Farmer	How does the Sacramento -- Sacramento River expect to survive and the northern Delta expect to survive and to improve, if we're pulling that much water out of the top and trying to put around on the the bottom to make up for water that the San Joaquin river no longer can supply?
2009	Delta Farmer	We've got other issues with takes from the river, as far as these valleys are concerned. Sacramento has just installed a new take system. We have issues with the sewage treatment plant, discharging water that is not of the quality it is supposed to be in the first place, as it relates to ammonia is the big issue these days. And the more water we take out of the Delta, the more depleted and the more undiluted it becomes. The Delta is a very precious ecological resource that has a lot more to do with than just fish, and I understand we're after the fish. Okay. Fine. But we've got flora and fauna. We have bird species. We have all kinds of things in the Delta that relate to the Delta.
2008	Delta Protection Commission	Local governments shall ensure that salinity in Delta waters allows full agricultural use of Delta agricultural lands, provide habitat for aquatic life, and meet requirements for drinking water and industrial uses.
2008	Delta Protection Commission	Programs to enhance the natural values of the State's aquatic habitats and water quality will benefit the Delta and should be supported.
2008	Delta Vision Blue Ribbon Task Force	We recommend that the BDCP clearly evaluate the implications of alternative approaches to conveyance and to ecological restoration on existing (and potentially modified) water quality objectives for the Delta, and how these objectives will be affected by the various alternatives under development. Those water quality levels should address both ecosystem and human needs.
2009	Delta Wetlands Project	If BDCP does not coordinate with Delta Wetlands Properties and the Delta Wetlands Project, BDCP's proposed activities could interfere with current agricultural operations as well as the development and operation of the Delta Wetlands Project. For example, modification to the flow regime in the Delta could reduce flows and/or impair water quality in a manner that injures Delta Wetlands' existing irrigation water right licenses and Delta Wetlands Project water rights.
2009	East Bay Municipal Utility District, Sacramento County Water Agency, Sacramento Regional County Sanitation District	These impacts include (1) more frequent shutdowns of the FRWA system when reverse river flows brings diluted treated wastewater effluent in the vicinity of its intake, and (2) increased diversions of SRWTP treated effluent and potential need to increase the capacity of on-site storage facilities due to reduced flows in the river. EBMUD, SCWA, and SRCSD have concerns about the consequences of increased reverse flow events in the region of the Sacramento River near SRWTP and FRWA facilities...when average daily flows drop below 10,000 cfs reverse flow conditions tend to occur and that these conditions may occur more frequently and be more sustained with BDCP operations. Even if the planned operating regime would restrict BDCP diversion to the ebb tide, we are convinced that the potential impacts upon SRWTP and FRWA operations should be studied under all plausible operating regimes at the appropriate resolution so that the full range of possible impacts is well understood.
2009	East Contra Costa Irrigation District	The impact of various alternatives being considered under the Bay Delta Conservation Plan on ECCID's rights under the DWR-ECCID contract should be analyzed, in particular as relates to the water quality assurances provided therein to ECCID.



Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2008	Family in Clarksburg	The area to be flooded is referred to as a "tidal marsh wetland." In the northern delta, near Sacramento, would the tide action be sufficient to create the intended effect, or would the marsh become a gigantic pool of stagnant water?
2009	Farmer in Clarksburg	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.
2009	Farmer in Clarksburg	As north Delta water agency constituents we have paid contractual fees for almost three decades to the State of California for specific water quality and water quantity parameters. Outlined in the EIR/EIS how these quality and quantity parameters will continue to be met under your various BDC plan options. As our north Delta contract has no sunset date and we will fight for proper performance of its provisions.
2009	Farmer in Solano County	When I was looking at a USGS, I believe it is, document, they're saying that when you do flood inundation of a Delta levee, that you create an anaerobic environment. I'm trying to understand how a fish can survive, that we are trying to protect, in an anaerobic environment because of the peat soils we have out there.
2009	Farmer in Solano County	The other thing that I have is with this raceway off to the east there taking a lot of that northern Delta water down to the south, it's bypassing the Solano County water intakes. I have grave concerns that that's going to do to my water quality. I see we'll have some sea water intrusion
2008	Farmer in the South Delta	...it is clear that the -- there has been no analysis -- independent analysis obtained and made public of the increase in salinity in the Delta that would necessarily happen if you build a canal in the Delta.
2009	Farmers of Yolo County	Another point that needs to be addressed in the EIR/EIS process that is not mentioned is the increased sedimentation that will occur in the bypass with additional water flows. There is no mention of this. It periodically does have to be cleaned out and sediment removed. And if more water is put in, particularly at lower flows, it will cause increased sedimentation. And much of this sedimentation is laden with mercury, so the mercury issue does need to be looked at.
2008	Metropolitan Water District of Southern California	The Draft EIR/EIS should address impacts as they relate to future salinity changes in the Delta and the relevance to existing and potential water intake locations, conveyance and ecosystem restoration strategies.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR must analyze the BDCP's impacts, with particular focus on:...(2) water quality, including salinity, toxic hot spots, pesticides, mercury, and other pollutants...
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR must analyze the Projects' effects on water quality, including indirect effects to covered species and other wildlife, and those effects must be mitigated to a less than significant level.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	...the EIS/EIR must analyze and minimize the cumulative impacts of the covered activities in conjunction with other reasonably foreseeable projects and activities, including urban and agricultural runoff, in-Delta diversions, upstream diversions, continued and reasonably foreseeable increases in these diversions, and implementation of the San Joaquin River settlement.
2008	North Delta CARES	How is the impact of the discharge of ammonia and other substances by the Sacramento regional sewage treatment plant into the Sacramento River accounted for in the BDCP?
2008	North Delta CARES	In the Delta region, what is the impact of shallow water on the methylation of Mercury (Hg) on all species of fish population in any proposed primary habitat restoration area(s) in the ecosystem in which the shallow water area is a part?
2008	North Delta CARES	In the Delta region, what is the impact of shallow water on the methylation of Mercury (Hg) on plant-life in the ecosystem in which the shallow water area is a part?
2008	North Delta CARES	In the Delta region, what is the impact of shallow water on the methylation of Mercury (Hg) on all species of fish population in any proposed tidal marsh wetlands in the ecosystem in which the shallow water area is a part?
2009	North Delta Water Agency	NDWA will take all steps necessary to ensure that the protections embodied in Article 6 and the other provisions of the 1981 Contract are adhered to in connection with the BDCP process and any subsequent processes, proceedings or activities undertaken by the State of California.
2009	North Delta Water Agency	Any Delta solution must include guarantees that lands within NDWA will continue to receive both the quantity and quality of water guaranteed under the 1981 Contract and under other applicable law, including but not limited to the Delta Protection Act, Cal. Water Code §§ 12201-12204 and the area of origin laws, Cal. Water Code §§ 11460-11465. Accordingly, the EIR/EIS must: (A) include a comprehensive description of the 1981 Contract including but not limited to its water quality requirements and the Article 6 protections quoted above..
2009	North Delta Water Agency	Accordingly, the EIR/EIS must: (B) identify the 1981 Contract as a significant legal constraint on the discretion of the State to implement any project involving the modification of SWP water conveyance infrastructure within the northern Delta; and
2009	North Delta Water Agency	Accordingly, the EIR/EIS must: (C) identify in the EIR/EIS how all BDCP projects and actions will assure water supply reliability, availability, and quality for all North Delta water users.
2009	North Delta Water Agency	...all hydrologic and hydraulic modeling undertaken as part of the BDCP process must assume, as the "baseline" condition, that the terms and conditions of the 1981 Contract, including but not limited to its water quality requirements, will remain in full force and effect.
2009	North Delta Water Agency	...the hydrologic and hydraulic modeling undertaken as part of the BDCP process should fully analyze all water quality impacts relating to the proposed creation of fishery habitat areas within the Yolo Bypass and Cache Slough areas.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	North Delta Water Agency	The EIR/EIS must include a comprehensive discussion of water quality, hydrodynamics and the water quality impacts associated with the various project alternatives. As noted above, the EIR/EIS should evaluate such impacts in light of, among other things, the water quality requirements of the 1981 NDWA-DWR Contract.
2008	Planning and Conservation League	What would be the water quality at different locations in the Delta under different operations?
2009	Planning and Conservation League	The potential for changed operations at upstream reservoirs and any resulting change in the availability of cold water pools for fisheries (e.g. Shasta Dam, Oroville Dam)
2009	Planning and Conservation League	The potential for changed operations to impact needed flows and water quality for in-delta species
2009	Planning and Conservation League	The potential for changed operations and other plan measures to impact in-delta water quality and availability for existing uses in the Delta.
2009	Planning and Conservation League	the potential for continued water quality degradation caused by delivery of Delta waters to drainage impaired lands in the San Joaquin valley
2009	Planning and Conservation League	The environmental review document must include clear identification of both the strengths and limitations of the analytical tools (e.g. CALSIM II) used for analysis, including the extent to which the tool has been validated and calibrated under (a) past hydrologic variability and (b) under likely future hydrologic variability.
2009	Planning and Conservation League	How will various conveyance options reduce or exacerbate the impact of climate change on the water quality, timing and freshwater flow needs of aquatic species?
2009	Planning and Conservation League	How will water quality at the various proposed intake locations, including an intake on the Sacramento River, be affected by differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
2009	Planning and Conservation League	What are the necessary flows including bypass and other flows, and diversion amounts consistent with ecosystem protection under various climate change scenarios, including differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
2009	Planning and Conservation League	What flows are required for: Maintenance of water quality for other Delta beneficial uses, including drinking water, ecosystem, and agriculture?
2009	Planning and Conservation League	How would alternative in-Delta operations change upstream operations, including effects on upstream flows, temperature, water quality and aquatic and terrestrial species?
2009	Planning and Conservation League	What would be the water quality at different locations in the Delta under different operations?
2009	Planning and Conservation League	How would aquatic and terrestrial species have water of acceptable quality?
2009	Planning and Conservation League	How would in-Delta agriculture have water of acceptable quality?

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Planning and Conservation League	How would other water users (e.g. Contra Costa Water District and City of Rio Vista) have water of acceptable quality?
2009	Planning and Conservation League	How would ecosystem water quality be monitored, managed, and protected?
2009	Poseidon Water	Question related to effects of alternatives on salinity levels at area on the edge of delta (Pittsburg)
2009	Reclamation District 2068	Breaching of levees in areas adjacent to Cache Slough in RD2098 would have effects in both RD 2098 and RD2068 potentially extending northward to the area south of Putah Creek. Substantial public and private investments in water conveyance for irrigation and drainage are potentially at risk by seasonal flooding of levee protected areas. Construction of cross or cutoff levees could limit the extent of damage or stranded investment, however, that land base to support maintenance of such a facility will not exist. RD2068 District will not accept maintenance for such new levees. These possibilities and their physical and financial impacts must be addressed. Breaching adjacent levees increase the potential for erosion, surface water elevation changes, and water quality changes, all to the detriment of local public and private operations.
2009	Reclamation District 2068	The EIR/EIS must analyze the water quality impacts of all the projects and programs associated with the BDCP on the Cache Slough region. Implementation of the BDCP may cause adverse changes in water quality at the intakes of agricultural and urban water users from habitat restoration projects and changes in Delta hydrodynamics.
2009	Reclamation District 2068	RD2068 is particularly concerned about increases in salinity from new tidal marsh habitat projects. Higher salinity directly correlates with reduced agricultural crop choices and production yield. This agricultural and economic impact requires evaluation.
2009	Reclamation District 2068	The lands within and adjacent to RD2068 are covered by the protections of the NDWA Agreement. That agreement's water quality requirement is the controlling standard in the north delta during portions of the year...Proposed north delta intakes have the capacity to decrease flows in the Sacramento River and downstream distributaries. This capability has significant potential to alter fresh water supplies flowing into the Cache Slough/Yolo Bypass region. This modeling using the contractually required water quality standard is an essential component of a defensible EIR/EIS.
2009	Reclamation District 2068	RD2068 operates an extensive recapture and reuse system in its agricultural water supply system. Irrigation reuse can supply some or all the water demand by direct application of up 30% of District lands. Increased salinity reduces the opportunity for recapture and reuse of water supplies once diverted. The result is an increased direct diversion from the Cache Slough region along with increased release of agricultural return flows. The EIR/EIS must evaluate these water quality, diversion and financial impacts.
2009	Reclamation District 2068	A clear and accurate understanding of issues related to methylation of mercury and mercury transport throughout the Cache Slough/Yolo Bypass region is essential prior to implementation of any wetland development.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	The District also urges analysis of impacts of all Project components on the availability of water within the Delta for beneficial uses...Potential results of changes in water quality on the environment, special status species, and beneficial in-Delta uses of water must be carefully analyzed.
2009	Reclamation District 999	The EIR/EIS must fully analyze the impacts of mercury releases that would occur as a result of soil disturbance from restoration activities on human and natural communities. This analysis should recognize the use of Delta waterways for subsistence fishing as well as the potential for contamination of drinking water supplies for use within and outside of the Delta.
2009	Reclamation District 999	Mitigation Measures to Address Significant Impacts Associated with Project: Measures that would protect local soils and water from mercury contamination resulting from conversion of any upland areas within or upstream of the District to tidal or seasonal wetland habitat.
2009	Reclamation District 999	Seasonally flooded soils in the area have been identified as significant sources of elevated mercury and have been associated with creating significantly elevated levels of methyl mercury. The projects have the very real potential to create new methyl mercury sources that jeopardize reproductive success and neurological development of both aquatic and terrestrial species...How will methyl mercury formation be assessed (Which species, when, how?), and how will it be managed?
2009	Reclamation District 999	The District believes that the BDCP's own documentation, as well as that from independent scientific experts, identifies that the proposed seasonal flooding would lead to a significant new threat, mercury methylation, to terrestrial and aquatic wildlife, and exacerbates a well-documented human health threat.
2009	Reclamation District 999	BDCP has failed to engage the groups already working on and directly associated with the science and management of both mercury and the proposed primary actions.
2009	Reclamation District 999	BDCP fails entirely to identify that its proposed Conservation Measure FL002.1, flooding the Clarksburg Bypass and lower reaches of the District, would directly contribute to violating the proposed Water Board guidance for MeHg, and would likely reverse the benefits of this positive Conservation Measure (TOC03).
2009	Reclamation District 999	The Delta Tributaries Mercury Council has scientific representation from state and federal agencies, local watershed groups, and consulting scientists. This group has identified that seasonal flooding of the existing bypass and BDCP proposed flooding of new bypass(es) and restoration areas, may exacerbate MeHg production and pose new threats for Delta wildlife exposure. Members of the Council have also discussed how the Cache Creek settling basin may in fact not be an effective sediment trap for mercury-impacted sediment size classes. To date the BDCP has not asked for counsel from or engaged this group.
2009	Reclamation District 999	This independent assessment [by Moss Landing Marine Laboratories?] clearly identifies that when the Yolo Bypass is used for flood conveyance, the MeHg concentration increases 180% over the non-flood condition flow. The Yolo Bypass data is a good starting point, although the statistical issues associated with the sampling, and the possibility of non-linear interactions at moderately low flows (0-35,000 cubic feet per second [cfs]) require more analysis.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	Using "first-cut" estimations, given the historic exposure of the District from both Yolo Bypass and Sacramento River flows, the area proposed for flooding by the BDCP is in the 4-10% range for the Yolo Bypass, or 0.08-2.8g day MeHg for the 2,000 acre proposed bypass and 2-7g/day MeHg for the proposed 10,000 acre bypass, which also coincides closely to the approximately 8 g/day MeHg extrapolated from Figure 32 for the Yolo Bypass at 10,000 cfs.
2009	Reclamation District 999	There is also no recognition by the BDCP of the incremental and cumulative effects on the basin's TMDL, which is already excessive and a major challenge; already impacted wildlife, such as the California least tern and bank swallow, as well as other higher trophic order species such as the California clapper rail, giant garter snake, and Swainson's hawk.
2009	Reclamation District 999	The Conservation Measure focus has apparently changed to the potential risks associated with the exposure of MeHg to fish as a stressor (OSCM3). As many fish are robust to observable effects from MeHg at the typical watershed concentrations, it is likely that MeHg is not a significant "other Stressor" but is likely, as described above, a contaminant exacerbated by direct and indirect effects of the BDCP, as well as other "Conservation Measures." Given the challenges of field concentration measurements and effects measurements, the potential for a false negative on effects is quite high. A thorough power analysis and sampling and analysis plan would be required to even attempt this question. Further, the "Conservation Measure" inappropriately places the burden for the implementation and monitoring on the CVRWQCB, they regulatory agency.
2009	Reclamation District 999	...it is critical for the health of the Delta that the BDCP's well-intentioned restoration efforts do not themselves create a scenario similar to the Kesterson Reservoir on a vast scale for a variety of listed and non-listed species, and the people who rely on the Delta for subsistence.
2009	Reclamation District 999	On several levels this project could lead to significantly worsening water quality, negating any positive ecological values. The only logical means of identifying and adjusting for that would require a system of continuous water quality monitors (publicly available on the web in real-time), a water master, and some ability to control water sources and routing. A monthly lag management scheme and haphazard monitoring will only lead to algal (such as <i>Mycrocystis</i> ) blooms and anoxic conditions.
2009	Reclamation District 999	The entire issue of agricultural chemical release during project activities is unexplored and can be a significant impact to the ecological success of this project.
2009	Resident of Bethel Island	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....
2009	Resident of Bethel Island	When you see jelly fish, when you see flounder, when you have seals living near your island on a continual basis, salt water intrusion is already there.
2009	Resident of Bethel Island	...it's going to ruin the boats that are in my little eight slip harbor that's what I have as my retirement income. It's going to ruin the salt water intrusion is going to destroy the fishing.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Resident of Bethel Island	There won't be any black bass left. The salt intrusion was bad enough this year, you couldn't find a blue gill with a search warrant. We did not see them except for a two-week period that's from the salt. I have seals swimming up and down past my harbor. That's salt.
2009	Resident of Bethel Island	What you're proposing to do is remove so much more water that I'm a little concern that I may have to tell the kids whose parents have boats in my harbor, "Can't swim today, honey, great white is out." Don't do this.
2009	Resident of Chico	Know how irrigation runoff will affect new system?
2009	Resident of Clarksburg	We are concerned, on several levels that this project could lead to significantly worsening water quality, negating any positive ecological values.
2009	Resident of Clarksburg	...we are concern on several levels that this project would lead to significantly worsening water quality negating any positive ecological values.
2009	Resident of Clarksburg	Salt water will kill us if you taking our water doesn't
2008	Resident of Courtland	How will removal of water from the Delta Common Pool affect water quality downstream from the peripheral aqueduct?
2008	Resident of Courtland	Will water quality down stream from the peripheral aqueduct conform with the requirements of the contract between the State of California Department of Water Resources and North Delta Water Agency (for the assurance of a dependable water supply of suitable quality) dated January 28, 1981?
2008	Resident of Courtland	Will the State cease all exports from Delta channels when water quality in the North Delta does not meet contractual requirements?
2008	Resident of Courtland	Will the aqueduct and any other export from Delta channels be conducted in accordance with recital (g) of the above referenced contract? (i.e. will exports be conducted in a manner to conform with part 4.5 of Division 6 of the California Water Code...
2009	Resident of Davis	That's in the summer, you know, when under draft conditions you might want to withdraw from that water, so why would you choose to have a drinking water facility downstream of a secondary treatment discharge?
2009	Resident of Discovery Bay	...more and more water has been re-routed to the southern part of the state...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 weeds today are unbelievable...has caused significant eutrophication...lower oxygen levels and severe reductions in water quality, fish, and other animal populations are occurring.
2009	Resident of Discovery Bay	Now they are proposing to stop up the natural tidal flow of water into our town by constructing two gates...With the blockage of tidal water into the region, there will be a significant increase in stagnant water, resulting in a prime breeding ground for mosquitoes carrying the West Nile Virus.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Resident of Discovery Bay	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.
2009	Resident of Discovery Bay	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.
2009	Resident of Dixon	Issues of Concern Anarobic Condition From Flood of Delta Islands
2009	Resident of Grizzly Island	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.
2009	Resident of Grizzly Island	Maybe part of the cost of taking water from an environmentally 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.
2009	Resident of Irvine Water District	I was not aware right up front that the EIR/EIS process has selected a preferred alternative for the Delta, and yet you appear to be most certainly planning on the east side diversion, and it shows in your printed material. And I'm wondering if you got a little bit in front of the cart, or the cart a little in front of the horses, in doing so, and if you are, you know, coming up with a BDCP that's predicated on an east side alignment, assuming that the people who divert water want to drink the sewage, you know, basically from the Sac Regional Plant, because the intake is right below it. I'm just wondering, so has the EIR/EIS process, you know, come up with a preferred alternative that I'm not aware of.
2009	Resident of Irvine Water District	...yet you know, the east side thing, is -- takes it all. And if that's the case, and you're doing the planning, I want to know that you're looking at the impacts of introducing that amount of ammonia, in all the east side tributaries, you know, into the structure that you're planning on doing the analysis of what that will do, what the endocrine disrupters and all the other, you know, things would be to all the fish and wildlife on the east side of the Delta that don't necessarily get that flow at this point in time; is that being taken into consideration?
2009	Resident of Los Altos	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 of 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?
2009	Resident of Sacramento	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.



Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Resident of Sacramento	Now, Bay Delta Conservation Plan. There's no conservation happening here. I don't see any conservation. I see the creation of salt water marshes, where there used to be fresh water marshes. So the fresh water marshes aren't being conserved. The agricultural land is not being conserved. It's going to be inundated by salt water. The communities and the way of life here isn't being conserved. It's going to have to make way for a canal. And then, I mean, conservation. There's no conservation. Again, no conservation. This is the Bay Delta Canal Plan. Please be honest.
2009	Resident of Sacramento	We can't be improving flows, which should help alleviate salt water intrusion. And then later on say, "Well, we're going to have salt water intrusion where we haven't seen it before." So we're going to have to plan to mitigate that, which is it?...So here is my question. How do we have improved flows that reduce salt water intrusion, when at the same time we know have salt water intrusion problem that has to be mitigated?
2009	Resident of Sacramento	Well, and in closing, if you get all these farmers and all these people out of this area and remove them and inundate this area, water quality doesn't so much matter for the agriculture any more. It doesn't matter if we have salt water flows all the way to right here, if there's no one affected by it.
2009	Resident of Solano County	Our pumps are up here in the Cache Slough that supplies Solano and Napa County. There is an impact of them creating more high saline and more high carbon water next to our water intakes, which hasn't been explained clearly how that's going to be mitigated.
2009	Resident of Solano County	One of the things missing from this plan is a current plan that's going on with -- the old Reclamation Board is now called Central Valley Flood Protection Board. They're coming up with a plan for the levees in the Delta. Not just the project levees, but the other levees. Unfortunately much of their focus is to identify which levees to not resuscitate if they fail. For our communities, what provides the protection for the water quality that we use for agricultural in our municipalities is the levees that provides the displacement to keep the freshwater in the area. As we lose those levees, as Frank's Tract (phonetic) is a classic example, the X2 moved inward when that happened.
2009	Resident of Solano County	We have to come to some understanding of how you're going to maintain the X2 and provide the Suisun Marsh with the saline you can control on the Montezuma Slough which is part of the State water project, how are you going to keep that freshwater to maintain the functions of that 10 percent of the remaining wetlands in California?
2009	Resident of Stockton	And some of these non-native species like they talked about wanting to eliminate, like the striper. That's a viable income for us. It's one of the only fish we can eat out of the Delta after you've destroyed it the way you have, you know, because it doesn't live here and doesn't get all the contaminants.
2009	Resident of Suisun	If you don't start cleaning up these areas -- that was supposed to be cleaned up, the Solano Garbage Company...People have asked that it go back to its natural environment and stop the toxins. The sportsmen filed a lawsuit that they've been hauling toxins into the Suisun Marsh for 23 years. It's a blessing that these lawsuits have come...So until these issues are addressed, how are you going to keep the fish alive when you continue to dump toxins that are killing the water?

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Resident of the Delta	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.
2009	Resident of the Delta	Our sloughs would silt up and close up.
2009	Resident of the Delta	The gates proposed would push salt water even farther into our system.
2009	Resident of the Delta	They're going to be pumping water out of the good water, clean water from you guys out of the Sacramento River going south. They can't pump any more water out of the Delta. It's dirty. It's bad. Everybody knows. Salt intrusion. No joke jelly fish. You guys, Walnut Grove, flounders last year. What's wrong with this picture? Salt coming in because they're pumping too much water out. There was no water coming into the Delta this year.
2009	Resident of the Delta	There was no water coming into the Delta this year. We saw dirt. We see dirt 3 feet down from the sides of the channels that they've never seen before because there's no water.
2009	Resident of the Delta	I have some numbers and these are questions that people have asked. How much water? How much water is -- how many gallons are in a cubic foot? Anybody know? I do. That was a question asked from Brentwood. Nobody had the answer. How about 54.7 gallons per cubic foot. That's a lot -- that doesn't sound like much water, until you times that times -- this is based on 11,000 cubic feet a second. How about 55,000 gallons per second is going to go down the canal times that per minute 3,300,000 gallons in one minute times that per hour 190,000,000 gallon in one hour going down to southern California. In a 24-hour period how about 475,200,0000 gallons going down to southern California every hour.
2009	Resident of the Delta	Sherman Island. October. Week before duck season. Jellyfish in Sherman Island. How about that? That's a saltwater species. Okay. Walnut Grove. December. No water coming into the Delta. Everybody who lives on the water knows that. Flounders. Two days, three days of three and four-pound flounders at Walnut Grove. Another saltwater species. These are all environmental little guys that aren't supposed to be here. That's how bad the water is in the Delta right now.
2009	Resident of the Delta	The east bay, East Contra Water District is moving their pumps to beyond Disco Bay. The water coming into Rock Slough is bad. They know it. And they supply a lot of water to -- East Contra County, Diablo Water, East Contra Costa Water District, these all are impacted by this bad flow of water. And they're going to be taking the water out of the Sacramento River before it even gets to the Delta.
2009	Resident of the West Delta	The EIR should provide an evaluation of historic water quality, agriculture production, and fish populations in the west Delta, prior to construction of the cross-channel and increases in State/Federal water project exports.
2009	Resident of the West Delta	Enforcement of the established delta outflow standards is critical to sustain the historically beneficial irrigation supply that has been documented by past generations of farmers in the west Delta.
2008	Rio Vista City Council	What will the extent of the salinity intrusion into the Suisun Marsh, the Sacramento, and San Joaquin Rivers.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2008	Sacramento Regional County Sanitation District	The EIR/EIS must fully evaluate the alternative BDCP projects for consistency with State and Federal antidegradation policies under the Clean Water Act and the California Water Code.
2009	Sacramento Regional County Sanitation District	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. An immediate effect on the operation of the SRWTP will be an increase in the frequency and magnitude of tidal reversals, which will impact the District's ability to release effluent into the Sacramento River. The magnitude of this impact depends greatly on the location, timing, and volume of water withdrawn from the river. Water taken from the Sacramento River above or below Freeport, would significantly impact the District's operations and could impact its National Pollution Discharge Elimination System (NPDES) permit requirements.
2009	Sacramento Regional County Sanitation District	Construction of tidal wetlands is projected to increase the levels of methylmercury, organic carbon and nutrients in the Delta. These impacts must be addressed in the EIR/EIS.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should evaluate whether and to what degree the proposed project will lead to increased salinity due to the influence of higher salinity San Joaquin River and SF Bay intrusion over larger portions of the Delta. The EIR/EIS should quantify any increase and determine the need for mitigation to address potentially significant impacts on agricultural and municipal users in the Delta.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should evaluate whether and to what degree any proposed wetlands in the Delta associated with the BDCP project will increase methyl mercury production in the Delta. The EIR/EIS should quantify any anticipated methylmercury increase in fish and determine the need for mitigation or offsets to reduce significant increases.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should evaluate whether and to what degree any proposed wetlands associated with the BDCP project will increase organic carbon inputs. The EIR/EIS should determine whether these increased inputs will significantly increase organic carbon levels in ambient Delta waters and whether such increases will impact drinking water suppliers or dissolved oxygen conditions in the Stockton Ship Channel.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should evaluate whether and to what degree any proposed wetlands associated with the BDCP project will increase nutrient inputs. The EIR/EIS should determine whether these increased inputs will significantly increase nutrient levels in ambient Delta waters and whether such increases will impact beneficial uses.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should evaluate whether and to what degree the BDCP project will increase salinity levels in the Delta. The EIR/EIS should quantify and mitigate the associated potential impacts of expanding the habitat of <i>Corbula amurensis</i> , an invasive clam species that significantly impacts phytoplankton levels in the saline/brackish habitats of the Delta and negatively impacts on the Delta food web.
2009	Sacramento Regional County Sanitation District	The EIR/EIS must address the cumulative impact of the proposed project on water supply, the Delta ecosystem, Delta water quality and the surrounding Delta communities. Third party impacts of the proposed project should be addressed.

**Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions**

Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	The water quality impact analysis should identify and assess the frequency, magnitude, duration and significance of all incremental changes over current ambient conditions for all water quality parameters of concern in the Delta, including salinity, organic carbon, nutrients and mercury.
2009	Sacramento Regional County Sanitation District	In evaluating potential impacts to water quality and beneficial uses, the EIR/EIS must consider not only the project's potential to exceed water quality standards (both numeric and narrative) but also whether the project or its alternatives has the potential to substantially degrade water quality individually or cumulatively.
2009	Sacramento Regional County Sanitation District	Studies performed by SRCSD using sophisticated, validated mathematical models indicate that ammonia mortality is not occurring as a result of the SRCSD's discharge. This result has been confirmed on a preliminary basis by special studies performed in 2008 looking specifically at Delta smelt toxicity.
2009	Sacramento Regional County Sanitation District	The ability of constructed wetlands to seasonally reduce water temperature downstream from the District's discharge would not be expected to produce a significant benefit, since the detailed evaluation of the thermal impacts of SRCSD's discharge performed to date using sophisticated modeling tools indicates that the SRCSD's discharge is not currently producing an adverse impact.
2009	Sacramento Regional County Sanitation District	There is no definitive information linking SRCSD's discharge to significant adverse impacts on fish. Therefore, this statement and statements regarding the benefits of wetlands in this area are speculative and uncertain based on available information.
2009	Sacramento Regional County Sanitation District	The constructed wetland approach shows a lack of understanding of the SRCSD treatment plant and processes, and a lack of consideration of concept feasibility. It is infeasible to construct a 3000 acre wetland in a highly urbanized area, regardless of the level of wastewater treatment. Even though SRCSD owns 3,550 acres at its treatment plant site, 900 acres are used for the treatment plant processes... and 2650 acres are managed as open space, and is known as the "Bufferlands". The Bufferlands provides over 2000 acres of open space for riparian and habitat restoration....
2009	Sacramento Regional County Sanitation District	The responsibility for control of contaminants should be determined in accordance with the Clean Water Act, California Water Code and Central Valley Basin, as implemented by the Central Valley Regional Water Quality Control Board, SWRCB, and USEPA.
2009	Sacramento Regional County Sanitation District	Detailed impact analysis of the WWTP's discharge in the receiving water has shown no significant impact and does not exceed USEPA criteria outside the mixing zone. Additionally, studies being conducted by the University of California, Davis, under Regional Water Board direction, show that the direct mortality of covered species by ammonia is not occurring, making this outcome incorrect. The statement that thermal stress is occurring near the outfall is also incorrect based on the District's Environmental Impact Report thermal study...in March 2005. The Department of Fish and Game and NOAA supported the concept that there is no significant thermal impact related to the District's discharge.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	What are the specific "issues" connected to the SRCSD discharge and endocrine disrupters? Have risk levels to human health or aquatic habitats been determined? If so, please provide the specific studies on which these statements are based. What is the basis for the statement regarding reduced "direct mortality" or "sublethal effects" caused by <i>Microcystis</i> , and what is the clear linkage between ammonia to <i>Microcystis</i> ? Outcomes should have referenced materials that any reader could refer to in understanding how the outcome relates back to the approach recommended for any conservation measures.
2009	Sacramento Regional County Sanitation District	Wetlands have been documented to increase methylation of mercury, not reduce it, and metals are not known to be an issue for the Delta. Increases in total organic carbon that are associated with wetlands is not a positive outcome for drinking water, and may or may not be good for the aquatic environment, depending on the quality of the organic carbon.
2009	Sacramento Regional County Sanitation District	What are the toxins that wildlife would be attracted to in a wetland?
2009	Sacramento Regional County Sanitation District	There is no evidence of Delta fish dying from mercury consumption, nor any reason to believe that mortality would be expected from activity in the basin, therefore these outcomes do not make sense.
2009	Sacramento Regional County Sanitation District	Explicitly human health and ecosystem benefits from methylmercury load reductions should be provided.
2009	Sacramento Regional County Sanitation District	The most effective tool developed to date to identify hot spots [for methyl mercury] is regional monitoring of small fish with high site fidelity.
2009	Sacramento Regional County Sanitation District	SRCSO strongly opposes the concept of installing intake facilities at any of the following locations: A-A, B-B, C-C, D-D and E-E. Diversions at A-A and B-B would significantly reduce flow in the Sacramento River at the SRWTP point of discharge and would seriously impact the design and operation of the existing SRWTP facility. Diversion at C-C would result in the diversion of partially diluted SRWTP effluent, would produce enormous public perception issues and would not gain the approval of the Department of Public Health. Diversion at D-D and E-E would similarly create significant public perception issues due to the proximity of the intakes to the SRWTP discharge and also would not be expected to gain the approval of DPH. SRCSD requests that these alternative diversion locations be eliminated from further consideration by the BDCP Conveyance Workgroup.
2009	Sacramento Regional County Sanitation District	In general, SRCSD is very concerned with the impact that the proposed intake volumes would have on the flow conditions in the Sacramento River. The concern is that the magnitude and timing of withdrawals from the proposed intake locations would increase the frequency of river reversals and low flow conditions at the SRWTP diffuser. The SRWTP is required to cease discharge to the Sacramento River during flow reversal and low flow conditions. An increase in frequency of reversals and low flow conditions could significantly impact the design and operation of the SRWTP.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	The concerns expressed to date in various public forums regarding the potential adverse impacts of ammonia on Delta fish species are unconfirmed by scientific study. Two areas of concern have been expressed: (1) that ammonia toxicity is impacting Delta smelt and (2) that ammonia levels are inhibiting the Delta food web for fish species, resulting in population level impacts. The Central Valley Regional Water Board is managing studies that are intended to address each of these concerns. The ammonia toxicity studies have been performed and preliminary information indicates that ammonia levels in the Delta are not at levels that would produce toxicity to Delta smelt or other sensitive fish species...The initial screening study to begin to address the potential impact of ammonia on Delta food web has not been completed and will not likely be completed until mid to late 2009.
2009	Sacramento Regional County Sanitation District	...the Other Stressors Workgroup is addressing ammonia as a mitigation measure...studies must be completed before an evaluation of the benefits of control measures can be performed and before definitive recommendations for ammonia source control action could be formulated.
2009	Sacramento Regional County Sanitation District	SRCS D is aware of several different studies relative to the issue of ammonia impacts in the Delta, including but not limited to studies by Dr. Richard Dugdale and Dr. Inge Werner. In the case of Dr. Dugdale's work, the studies deal with possible ammonia inhibition the Delta food web rather than ammonia toxicity. The ammonia inhibition of the Delta food web studies are yet to be performed in the Delta. It is not yet known if Dr. Dugdale's hypothesis...would apply to the freshwater portions of the Delta, or whether such effects would have any significance to Delta fish populations...With regard to Dr. Werner's work, the most recent study report indicates that the results from 2006 may not be valid for determining if Delta smelt are in fact highly sensitive to unionized ammonia...Toxicity testing in 2007 found that "turbidity and EC/salinity were the two most important factors affecting delta smelt survival overall."
2009	Sacramento Regional County Sanitation District	Because of the variable results, the Central Valley Regional Water Quality Control Board, Dr. Werner, and Sacramento Regional County Sanitation District have entered into a working relationship to conduct a study on The Effects of Wastewater Treatment Effluent-Associated Contaminants on Delta Smelt...Until this study and others in progress are completed and verified, it is premature for the BDCP to rely on preliminary results from early studies to imply that ammonia discharges from wastewater are negatively impacting aquatic life in the Delta. Although it should be noted that preliminary results indicate that over 4 times the maximum ambient ammonia concentrations, and over 5 times the average amount of effluent discharged to the Sacramento River, did not cause significant adverse effects to Delta smelt.
2009	Sacramento Regional County Sanitation District	We have repeatedly enumerated in public forums and comments letters that BDCP documentation about the impact of toxic contaminants, in general, and research results of recent ammonia studies, specifically, should be properly stated. Where references are made to "recent research", statements should be properly limited and qualified until the results are shared in proper technical forums to allow opportunity for technical evaluation and peer review.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	SRCSO is aware of several different studies relative to the issue of ammonia impacts in the Delta, including but not limited to studies by Dr. Richard Dugdale and Dr. Inge Werner performed in coordination with the Central Valley Regional Water Board and SRCSO. In the case of Dr. Dugdale's work, the studies deal with possible ammonia inhibition of the Delta food web and have only recently been initiated. Preliminary results in the Sacramento River have not supported Dr. Dugdale's hypothesis that ammonia concentrations inhibit phytoplankton growth. Initial results also do not support other hypotheses that smaller, less valuable algal species are produced in areas where ammonium concentrations exceed Dr. Dugdale's inhibition threshold
2009	Sacramento Regional County Sanitation District	...The Central Valley Regional Water Quality Control Board, UCD (Dr. Werner) and Sacramento Regional County Sanitation District have entered into a working relationship to conduct a study on The Effects of Wastewater Treatment Effluent-Associated Contaminants on Delta Smelt...This study, which began in March 2008, is intended to identify the potential for adverse effects of wastewater effluent, in particular ammonia, on Delta Smelt larvae....Preliminary results...indicate no evidence of ammonia toxicity to Delta smelt in the Sacramento River near the SRCSO discharge.
2009	Sacramento Regional County Sanitation District	In addition to ammonia, SRCSO is not aware of any studies that have been performed in the Delta to definitively link toxic contaminants to reductions in Delta fish species populations.
2009	Sacramento Regional County Sanitation District	...I want to point out that there's no scientific evidence that proves the discharge from our wastewater plant is having a detrimental effect in the Delta. We currently meet U.S. EPA guidelines for acute toxicity with ammonia, and, also, we are below chronic toxicity effects for ammonia, according to the U.S. EPA guidelines.
2009	Sacramento Regional County Sanitation District	...a few comments have been made about the ammonia discharge, and I just want to be clear that it has not been proven scientifically that that has an impact. I know it's been portrayed publicly that it does. And we are currently working with CALFED and the Regional Water Quality Control Board to determine if there are impacts to the ecosystem from our discharge.
2008	San Francisco Bay Conservation and Development Commission	The EIR/EIS should analyze the impacts of the project on salinity, temperature and concentrations of dissolved oxygen and contaminants in the Bay.
2009	San Francisco Bay Conservation and Development Commission	...we recommend that the EIR/ EIS include analysis of the fresh water flow needs of the entire estuary, not just the Delta. This includes the need for peak flows that transport sediment and nutrients to the Bay, increase mixing of Bay waters, and create low salinity habitat in Suisun Bay, San Pablo Bay and the upper part of central San Francisco Bay.
2009	San Francisco Bay Conservation and Development Commission	The EIR/ EIS should analyze how the entire project, not just the portion within the Commission's permit jurisdiction, will affect the hydrology, sediment dynamics, water quality and biological resources of the Bay.
2009	San Francisco Bay Conservation and Development Commission	The EIR/EIS should analyze the impacts of the project on salinity, temperature and concentrations of dissolved oxygen and contaminants in the Bay.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2008	San Joaquin County and San Joaquin County Flood Control and Water Conservation District	Any EIR/EIS prepared for the BDCP must fully analyze the impacts on water quality and possible, viable alternatives to meet water quality standards.
2009	San Joaquin Farm Bureau	...I heard tonight in terms of talking about the two-thirds of the water from the Sacramento River going through the canal, or the proposed canal, and leaving one-third of it in the Delta, that tells me that there's not going to be enough water in there for both habitat and for agriculture for the end use Delta users. And that's a very blatant point that was just glossed over. And that needs to be addressed.
2008	San Joaquin Farm Bureau Federation	The BDCP should obtain and make public a competent, independent analysis of the salinity that would occur under its plan during months and years of low river flow in Delta channels south of the Sacramento channel
2009	San Joaquin Farm Bureau Federation	The EIR must clearly show how each proposed alternative is designed to operate within the multitude of existing legal restrictions, water quality requirements, and contractual constraints such as but not limited to the North Delta Water Agency contract with the State of California, area of origin priorities, and Delta salinity standards. The EIR must include a detailed analysis of all legal constraints on water exports and a thorough explanation detailing how each alternative will comply with them.
2009	San Joaquin Farm Bureau Federation	The EIR must quantify how much Delta outflow is needed to maintain a healthy fresh water Delta. This information is critical to determine how much water is available for export and will aid in the overall evaluation of each alternative.
2009	San Joaquin Farm Bureau Federation	The EIR should compare and contrast upstream diversions and their effects on water quality entering the Delta from the Sacramento and San Joaquin Rivers. This information should be used to evaluate the effects of BDCP alternatives which divert water from the Sacramento River before entering or traveling through the Delta.
2009	San Joaquin Farm Bureau Federation	...the EIR must identify all negative impacts to the Delta economy and ecosystem caused by water quality changes and conversion of land from agricultural production. It must clearly articulate how the BDCP will mitigate for loss of farmland and habitat such as Swainson's Hawk foraging habitat and countless others species that depend on Delta lands. As most species spend most, if not all of their lives on private ground, how will this process ensure that only private working landscapes are utilized to preserve sensitive resources?
2009	San Joaquin Farm Bureau Federation	The EIR should identify in depth all plant communities and avian and terrestrial species which will be adversely impacted by creation of fish habitat within the Delta and the catastrophic conversion of a fresh water habitat system into a salt water dominated system. The analysis should include impacts caused by changes in water quality as well as large-scale conversion of both agricultural and wildlife habitat to habitat. These conversions too, would be subject to the agricultural mitigation ordinance.
2009	Save Our Delta's Future	Assuming that the activities...will cause "pollution" of waters and wetlands as defined in the Clean Water Act and its regulations, will the DWR seek, or will the Army Corps of Engineers require, a section 404 permit for the total BDCP implementation, or multiple section 404 permits for different locations and phases of the BDCP implementation?



Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	Solano County Water Agency	The EIR/EIS must analyze the water quality impacts of all the projects and programs associated with the BDCP on the North Bay Aqueduct (NBA)...Implementation of the BDCP may cause adverse changes in water quality at the intake of the NBA from habitat restoration projects and changes in Delta hydrodynamics. We are particularly concerned about increases in organic carbon from new tidal marsh habitat projects. The impact of the proposed project(s) on water quality at the NBA intake must be specifically evaluated in the EIR/EIS for the BDCP, and any potential impacts adequately mitigated.
2009	Solano County Water Agency	SCWA, and our member agencies, operate and maintain flood management and drainage facilities that drain into the Cache Slough/Lower Yolo Bypass area. The EIR/EIS must evaluate the impacts of point and non-point runoff from sources upstream of this area on new habitats that are created. If there are impacts to habitats and the species using these habitats, there could be increased regulation of point and non-point discharges upstream of these areas. These increased regulations may have socio-economic impacts that need to be analyzed in the EIR/EIS. Any impacts identified must be adequately mitigated.
2008	South Delta Water Agency	The environmental review must fully analyze the alternative's impacts to water quality, especially in the South Delta.
2008	South Delta Water Agency	...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....
2008	South Delta Water Agency	Case law, statutes, 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.
2008	South Delta Water Agency	I'd also like to encourage the process to divulge its preliminary modeling results with regards to the effects of an isolated facility or a dual facility on water quality in the Delta.
2009	South Delta Water Agency	...Water Code Section 12205 requires that DWR and USBR maximize reservoir releases to fulfill the goals of the Delta Protection statutes, which include prevention of salinity intrusion and an adequate supply (including future supply) for in-Delta uses. Building a conveyance facility which diminishes water entering the Delta is directly contrary to this statute. Similarly, federal law specifies a water quality standard at Rock Slough. Use of a peripheral canal would likely make compliance impossible at some times.
2009	South Delta Water Agency	The environmental review must include an analysis of how the project relates to the mandatory obligations placed on the CVP in HR 2828 (Public Law 361-108). These obligations include the development and implementation of a plan by which the CVP will meet all of its obligations for water quality requirements on the San Joaquin River. They also include the requirement to decrease the CVP's reliance on New Melones for such water quality requirements, and the purchase of water and recirculation of water to assist in meeting these obligations.
2009	South Delta Water Agency	The environmental review must include an analysis of how the project will affect salinity levels in the southern Delta.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	South Delta Water Agency	The current "preferred alternative" as stated by BDCP representatives at the previous public meetings, is a peripheral canal. The analysis of the operation of such a facility must include how it will affect the salts in the southern Delta.
2008	Speaker at San Jose Preliminary Scoping Meeting	And so my issue here is that, one of the problems that we have is that water quality, first of all, is so poor that we have an issue with trihelamethanes, as I'm sure you know, and so we still have to improve the quality of water so that we can reduce trihelamethanes, which are a carcinogen and may become a legal issue certainly in this area.
2008	Sportsmen's Yacht Club	Canal will make Contra Costa water unable to drink -- unsuitable to drink. We can't take more water. It's public trust.
2008	Stockton East Water District	Evaluation of environmental impacts from any alternative must closely evaluate: Potential impact on water quality throughout the Delta, · How any changes in water quality would be addressed or mitigated, · The environmental impact of any required mitigation.
2009	Stockton East Water District	Any adverse impact on the ability to meet water quality requirements at Vernalis and in the southern and central Delta must be fully evaluated and mitigated.
2009	Stockton East Water District	We agree with numerous comments that have been made that the BDCP process should be consistent with existing laws and regulations including the Clean Water Act, Endangered Species Act, California Endangered Species Act, Central Valley Project Improvements Act, and Delta Protection Act. We would also include other specific laws that would control any actions undertaken through the BDCP, including, but not limited to: · Watershed Protection Statute Water Code section 11460 · San Joaquin River Protection Act Water Code sections 22000 et seq. · Public Law 108-361 Section 103d(2)(D)(vii)...
2009	Suisun Resource Conservation District	The RSMPA [Revised Suisun Marsh Preservation Agreement] contains several contractual commitments on the part of DWR and the USBR related to Suisun Marsh water quality. As set forth below, SRCD seeks assurance from DWR that the BDCP will not conflict with DWR's obligations under the SMPA [Suisun Marsh Preservation Agreement].
2009	Suisun Resource Conservation District	SRCD will not, however, support a BDCP that degrades Suisun Marsh water quality in any significant manner.
2009	Suisun Resource Conservation District	Of equal interest is how the change in point of diversion will affect downstream water quality? Will the BDCP project increase salinities in the Suisun Marsh?
2009	Suisun Resource Conservation District	Will tidal restoration efforts in the Suisun Marsh increase salinity in remaining managed wetlands?
2009	The Nature Conservancy	The EIR/EIS should address both the short term (construction) and long term (operations) impacts on TNC lands associated with the peripheral canal. Attention should be paid to disturbance during construction, and hydrological, water quality and related impacts during operation. All potential benefits to these lands should be identified as well. TNC is willing to work with project proponents to identify potential mitigation and other aspects that might be beneficial to both parties.

Table E-10. 2008 and 2009 Scoping Comments Related to Water Quality Conditions

Year of Scoping	Affiliation	Comment
2009	U.S. Environmental Protection Agency	As a consequence, export and in-Delta water quality would be affected. We understand that the EIS/EIR analysis will evaluate the effects of alternatives on the salinity regime in the system ("X2"). Salinity is a valid parameter for water quality analysis, but it is insufficient to assess all potentially significant water quality issues. For example, the CALFED Programmatic Record of Decision identified several water quality constituents for evaluation, including--in addition to salinity--boron, total organic carbon, dissolved oxygen, pesticides, mercury, selenium, and toxicity of unknown origin.
2009	U.S. Environmental Protection Agency	For additional parameters, EPA suggests that the EIS/EIR team build upon the approach to water quality indicators begun in the CALFED Program, adding contaminant topics where appropriate (e.g., ammonia). The CALFED Water Quality Program, in 2008, suggested using organic carbon, bromide, and methylmercury as primary indicators.
2009	U.S. Environmental Protection Agency	With respect to sources of drinking water, the Regional Board is developing a Drinking Water Policy. Both the Drinking Water Policy process and the Delta Regional Ecosystem Restoration Implementation program (DRERIP), a multi-agency effort, have developed conceptual models for water quality constituents that should serve as useful tools in the BDCP EIS/EIR analyses.
2009	U.S. Environmental Protection Agency	We note that these broad indicators may still be insufficient to capture particular, localized water quality issues of interest. Ammonia and dissolved oxygen, for example, are site-specific water quality problems that should also be evaluated in the EIS/EIR.
2009	U.S. Environmental Protection Agency	Where a proposed alternative (or operations associated with that alternative) may affect water quality, the alternative should incorporate appropriate plans for monitoring, assessment, and reporting those effects. Monitoring should be coordinated with the Regional Board's efforts to establish a Delta Regional Monitoring Program. In some cases, an adaptive approach to implementation may be included in the alternative - for example, in design and management of wetland habitats (associated with conservation measures) that have potential for methylmercury production. EPA recommends that the EIS/EIR analysis rely on the protocols, metrics, and targets already included in programs and policies of the state and regional boards, so that the interested public has a consistent frame of reference for understanding the water quality discussion.
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Methylmercury o Best Management Practices: Current BMPs developed as part of a Total Maximum Daily Load for the Delta, will reduce the creation of methylmercury in wetlands that is subsequently transported to the Delta. These BMPs will not be applicable with increased flooding. The result could be a net increase in the levels of methylmercury being transported to the Delta.
2008	Zone 7 of Alameda County Flood Control and Water Conservation District	...prudent coordination with other Delta planning efforts is imperative for the long-term success of the BDCP...Central Valley Regional Water Quality Control Board concerning a basin plan amendment for methyl and total mercury in the Sacramento-San Joaquin Delta.

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Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	Attendee at Clarksburg Scoping Meeting	But the state doesn't have the money to reinforce the levees we have now. According to you, these are faulty levees. There's going to be an earthquake and they're going to flood. So what happens to Clarksburg and the other small communities -- little islands. Is this part of the plan?
2009	Attendee at Sacramento Scoping Meeting	I understand that the State Water Resources Control Board is responsible for the regulatory for all service diversions in the State. What possible recommendations or guidelines or suggestions are you planning to make through this EIR/EIS process, with respect to operational criteria or sustainable flood levels, as well as timing of those exports with operation of that facility
2009	Attendee at Stockton Scoping Meeting	...we were told that, you know, we have to fix all these levees, and we have to do all this work because look what happened in Louisiana and Katrina. Well, guess what? We don't have hurricanes in California. We don't have 20-foot storm surges in California, and neither do we have a U.S. Corps of Engineers built -- engineered and built wall that failed.
2009	Attendee at Stockton Scoping Meeting	You guys are going across the main channel, as I can see that. What are you guys going to do? Put locks in to stop the flow or what? You guys are flooding over by where I live.
2008	Building Industry Association of Southern California	...reliability can not be achieved without the BDCP addressing rising sea levels in the delta and the rising risk of catastrophic levee failures due to flooding or seismic events.
2009	California Central Valley Flood Control Association	The main concern of the Association is that the BDCP needs to comply with the CVFPP by making sure that flood protection and flood capacity of the System is a priority.
2009	California Central Valley Flood Control Association	This document must be consistent with the ongoing California Central Valley Flood Protection Plan. The Yolo Bypass is a critical component of the Sacramento Valley Flood Control Project. Any anticipated work within the Yolo Bypass, including the conveyance or restoration, must coordinate with and accommodate the recommendations of the CVFPP as well as future flood control improvements. It is our assertion that no BDCP projects should be allowed to preempt the paramount public safety function of the flood protection components of the System. There is no acceptable balancing or trade-offs to the flood control function in the Yolo Bypass, or anywhere else in the System, as currently operated or as required in the future.
2009	California Central Valley Flood Control Association	If listed species successfully propagate in these new habitat areas, as planned, the existing levee maintaining agencies in the area will experience increased maintenance costs due to the existence of listed species in the area. These impacts should be evaluated and mitigated in the EIR/EIS.
2009	California Central Valley Flood Control Association	It is imperative that the EIR/EIS evaluate impacts to flood protection when developing habitat or additional floodplains under its plan. The EIR/EIS must avoid reducing current flood capacity throughout the whole Central Valley flood control system.

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	California Central Valley Flood Control Association	Evaluation of flooding in the Sacramento and San Joaquin systems requires flood modeling from the Delta all the way up to the highest reaches of the levee systems. The State is currently developing models to perform this type of operation. The BDCP EIR/EIS must utilize these models in order to adequately evaluate the impacts that any habitat or other changes within the flood system under BDCP.
2009	California Central Valley Flood Control Association	The BDCP draft documents indicate that levees may be removed in order to flood certain areas that are currently being farmed. The BDCP EIR/EIS must evaluate the process by which this could occur, and related impacts, especially for levee systems that are under the jurisdiction of the U.S. Army Corps of Engineers.
2009	California Central Valley Flood Control Association	Substantial public and private investments in water conveyance for irrigation and drainage are potentially at risk by seasonal flooding of levee protected areas. Construction of cross or cutoff levees could limit the extent of damage or stranded investment; however, that land base to support maintenance of such a facility will not exist. Local levee districts will not accept maintenance for such new levees. These possibilities and their physical and financial impacts must be addressed in the EIR/EIS.
2009	California Central Valley Flood Control Association	Breaching adjacent levees increases the potential for erosion, surface water elevation changes, and water quality changes, all to the detriment of local public and private operations and must be properly analyzed and mitigated in the EIR/EIS.
2009	California Central Valley Flood Control Association	BDCP draft documents acknowledge that more frequent inundation of the bypass may accelerate the erosion of bypass and downstream levees without appropriate protections. The BDCP EIR/EIS should describe this project in more detail, including how this will be accomplished and evaluate any impacts, such as seepage, erosion, and wave fetch damage to adjacent levees, that this will cause on neighboring levee systems due to increased flooding of the Bypass. The Bypass levees are designed for short term, infrequent flooding; and are typically not armored by riprap, nor are they designed to prevent seepage for a long period of time.
2009	California Central Valley Flood Control Association	This change [more frequent inundation of the bypass] could also significantly change the vegetation regime in the Yolo Bypass; which could therefore, reduce the flood carrying capacity if a riparian forest is allowed to grow in the Bypass as has previously occurred in the Sutter and Tisdale Bypasses. Lack of vegetation maintenance for as little as one year could effectively create thick stands of habitat that would act to increase the coefficient of friction within the Yolo Bypass and change the flood carrying capacity. The BDCP EIR/EIS must describe in detail how this capacity will be maintained or improved.
2009	California Central Valley Flood Control Association	The bypass is already incapable of passing the design flow at the design stage up stream of Liberty Island. New impacts due to additional capacity impairments will affect agricultural land and their attendant habitat values, increase erosion on existing levees, create additional road flooding, reduce local drainage capacity, and potentially allow flood flows to outflank the federal project levee at the northern end of the bypass. Rigorous modeling and monitoring criteria needs to be funded and implemented as a component of any project.

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	California Central Valley Flood Control Association	BDCP should firmly commit to flood control primacy in the Yolo Bypass and clearly and unequivocally condition any BDCP action in the floodway as being secondary to the flood control function, and further assert that flood control operations, maintenance and repairs are the foremost and primary activity on the structural section of levees and any permanent establishment of habitat must be consistent with those primary activities within the BDCP study area. An agreement should be reached with the Central Valley Flood Protection Board and the U. S. Army Corps of Engineers which specifically provides for such flood control primacy under present and future conditions.
2009	California Central Valley Flood Control Association	BDCP must assure flood control interests that flood control activities in and adjacent to BDCP projects, including improvements and maintenance, will not be subject to mitigation requirements as a result of the establishment of the BDCP projects or their operation. BDCP must also provide mitigation credits for the use of lands within the Yolo Bypass that would be allocated to the Sacramento River Flood Control Project, with specific reservations for those facilities in or adjacent to the Cache Slough/Yolo Bypass Restoration Opportunity Areas.
2009	California Central Valley Flood Control Association	...non-Project levees that are going to be deemed part of the through-Delta corridor should be identified. In addition, the document should describe the kind of rehabilitation would be accomplished on these levees to ensure that the failure risk is reduced due to Project levels. In the San Joaquin side of the Delta, of particular concern is expansion of existing floodways in the Paradise Cut area. The modification to this area will cause flows that have historically continued in the San Joaquin River towards Stockton to be diverted west and north along the non-Project levees of the south and central Delta.
2009	California Central Valley Flood Control Association	...the EIR/EIS should address other levees in the Delta that provide benefit to the through-Delta portion of the dual conveyance facility; in particular, the levees that provide water quality benefits. The "domino effect" should be addressed in regard to levees that may, or may not, be maintained in the future.
2009	California Central Valley Flood Control Association	The eastern canal alignment will be within the 100-year floodplain for its entire 49 miles. Although the entire reach is protected by existing levees, these levees do not provide 100-year protection. The EIR/EIS should address the maintenance and rehabilitation of these levees to a level of 100-year protection.
2009	California Central Valley Flood Control Association	The BDCP document should address the future of reclamation districts once a canal is built through their boundaries. The canal will affect both the operation and maintenance of existing levees, possibly cause seepage problems that would hinder the structural stability of these levees, and would also create a separation of landowners that would change the ability to drain the lands.

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	California Central Valley Flood Control Association	The Corps of Engineers has recently restated its National Levee Inspection Standard and vegetation management guidelines, ETL 1110-2-571. These requirements reinforce its requirements that vegetation (habitat) be removed from certain levees...The BDCP EIR/EIS should address how this will affect its plans. Habitat creation in the floodway can impact flood carrying capacity and other flood control benefits that currently exist. Successful habitat development in areas adjacent to levees and other water control features bring increased regulatory compliance costs and restrictions. It is essential to evaluate and compensate for these impacts. The inability to maintain habitat development in the future could cause additional problems. Under the topic of adaptive management, the BDCP should require habitat removal should it prove to negatively affect flood control, or have impacts to human health and safety.
2009	California Central Valley Flood Control Association	Due to the significant scientific uncertainties regarding the impacts from the construction and operation of new conveyance facilities and the implementation of habitat conservation measures in the Delta, the EIR/EIS must include an adaptive management process that includes modification of any conveyance or habitat project that results in human consequences, including reducing flood protection. For instance, if the Fremont Weir project mentioned earlier is implemented and funding for vegetation maintenance in the Yolo Bypass is not available and a riparian forest starts growing in the Bypass, the Plan needs to adaptively manage the habitat measure to assure flood capacity is returned. Just as there is an adaptive management process for responses by covered species to the Plan's implementation, there also needs to be an adaptive management process to respond to negative human impacts caused by the Plan's implementation.
2008	California Farm Bureau	In addition, the BDCP EIR/EIS should also consider and address potential adverse seepage and downstream flooding effects associated with potential restoration of Delta lands for habitat use.
2009	California Sport Fishing Protection Alliance	...we still don't have a realistic evaluation of the effects of water supply on water supply reliability from levee failure due to earthquakes. I mean, all Delta levees have failed, and they will fail again. Levees can be raised and strengthened. Water supply was only disrupted several days following the Jones Track failure. Foundations of levees protecting Delta islands are largely on compacted soils from 150 years of compaction. And certain -- California certainly has sufficient storage to enable them to survive until salinity stabilizes and repairs are made following a breach of multiple islands.
2008	Central Delta and South Delta Water Agencies	...the following effect/topics should be thoroughly analyzed...Impacts on the integrity of existing levees within the Delta from the construction and operation of any isolated facility or other facilities.
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	...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.
2008	City of Stockton	The isolated conveyance facility would intersect several eastern streams and rivers which could impact their ability to handle flood flows.

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2008	City of Stockton	Money needed for the Delta conveyance facility could be diverted from existing programs, leaving fewer funds available for levee maintenance and repairs.
2008	Contra Costa County Public Works Department	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.
2009	Contra Costa County Water Agency	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.
2009	Contra Costa County Water Agency	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?
2008	Contra Costa Water District	Canal levees are also subject to erosion from wind waves....Using rip-rap or other means to resist the action of wind waves will increase head losses along the canal, resulting in larger cross-sections and larger environmental impacts.
2008	Contra Costa Water District	Flooding of an island upon which a canal is constructed will subject the external canal levees to wave action, erosion and seepage. A levee break on a river near a canal will subject the canal to potential failure from the erosive forces of the floodwaters filling the island. Either situation will potentially disable all supplies through the canal for an extended period.
2009	Contra Costa Water District	Flooding of an island upon which a canal is constructed will subject the external canal levees to wave action, erosion and seepage. A levee break on a river near a canal will subject the canal to potential failure from the erosive forces of the floodwaters filling the island. Either situation will potentially disable all supplies through the canal for an extended period.
2008	County of Sacramento	It will be imperative that any analysis of alternatives for the Bay Delta Conservation Plan include specific attention to the potential impacts locally to water surface elevations and flood protection to these Delta areas and communities resulting from the project....Alternatives which may include strengthening of existing levees or construction of new levees or conveyance structures must consider and incorporate measures to ensure that such improvements do not result in the creation of "weak points" in a system in other levees as the project facilities are improved.
2008	County of Sacramento	The project alternatives must consider the dual function of the Delta as both a water supply and flood control system which has local as well as regional importance and ensure that both the functions and integrity of both systems are not compromised.



Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	County of Sacramento	The impacts of BDCP on existing drainage and flow patterns, and the potential for the project to result in flooding, siltation, or erosion, must also be evaluated.
2009	County of Sacramento	...since BDCP proposes to breach or remove certain levees and to construct gates to control flows and operations in certain waterways, the EIR must carefully analyze the risks that BDCP will expose people or structures to significant loss, injury or death due to flooding.
2009	County of Sacramento	Habitat restoration proposals must be undertaken in a manner that does not sacrifice public safety (in the form of adequate flood protection) or local agriculture.
2009	County of Sacramento	Financial resources must be committed to maintain and enhance vital transportation and flood control infrastructure within those areas of the Delta that are within Sacramento County. Financial resources also need to be committed to improved emergency response within the Delta.
2009	County of Solano	Changes in Yolo Bypass operations could affect existing flood capacity of the bypass and may impact downstream levees, Increased tidal action associated with restoration may adversely affect levees in Cache Slough complex and the Suisun Marsh. The project may also increase potential flooding impacts to the City of Rio Vista. The physical impacts on existing levee systems must be fully analyzed in the EIR/EIS. If the project includes the removal of primary levees, then potential impacts on secondary interior levees and surrounding lands that were previously protected from flood water by the levee systems must be evaluated and mitigated including the creation of new exterior levee or additional fortification of existing interior levee systems.
2009	County of Solano	These physical impacts will also have impacts on the cost to local communities and Reclamation Districts to maintain and operate levee and flood protection systems. This directly correlates to the financial capability of local communities and Reclamation Districts based on local tax and assessments to fund the required work and to leverage State and Federal funds for maintenance and improvements. The EIR/EIS must analyze and fully mitigate the increased costs for levee and flood control operations and maintenance as a result of the project including long term funding for maintenance and improvements to the levee system.
2009	County of Solano	Maintenance of levee systems is also impacted by endangered species issues which can limit and sometimes prohibit the maintaining entity from performing needed work in a cost-effective way. ESA take authority and reasonable "safe harbor" protections that apply to all parties' maintenance levee systems must be a part of the BDCP and included in the mitigation measures.
2009	County of Solano	Small storage reservoirs, or "detention basins," strategically located throughout the County can help level off high stream flows during storm events to reduce flooding...Some municipalities are in the process of building or have already built these types of facilities. If the BDCP projects have identified flooding impacts, consideration should be given to mitigating these impacts by funding local flood control projects.

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	County of Solano	Habitat restoration may require the construction of new levees and flood control systems in addition to fortification of existing levees. The EIR/EIS must analyze the impacts of construction of new levee and flood control systems including impacts under the ESA, the cost of operating and maintaining these new facilities and identification of the responsible entity who will be responsible for their operations and maintenance.
2009	County of Solano	In evaluating project impacts to the existing and new levee systems, consideration must be made to improving emergency response to flood threats and potential levees failures...Mitigation measures must include the following: No adverse changes including increase costs for O&M and regulatory compliance to flood protection for surrounding areas. Recognition that the Yolo Bypass is primarily a flood control feature of the Sacramento Flood Control Project and that all other uses shall be compatible without hydraulic impact to the current and future needs of the Sacramento River Flood Control Project. Emergency Levee Response - develop and fund comprehensive program.
2009	County of Solano	Roads, highways and shipping channels are essential to inter-County mobility, public safety, a healthy business climate, recreation, and agricultural vitality throughout the County. Highway 12, Highway 84, Highway 113, Interstate 80 and the Sacramento Ship Channel are key routes within and adjacent to the Delta which serve Solano and Yolo Counties. They are important for not only economic and emergency preparedness but also key in providing service to Travis Air Force Base. Wetland restoration may also impact local county roads. Impacts could include loss of roads due to restoration projects, relocation of roads, impacts on roads from construction and increased traffic for new recreational uses. The EIR/EIS should analyze the impacts of the project on the major transportation corridor and local roads. Mitigation measures must include the following: Protect Delta transportation corridors like Highway 12 and Highway 84. Determine funding for protection from levee breaks. Fully mitigate impacts to local county roads.
2008	County of Yolo	To what extent will habitat restoration projects require the changes to existing levee systems, potentially reducing the level of flood protection enjoyed by residents, businesses, and agricultural lands?
2008	County of Yolo	How will the BDCP be integrated with the preparation of the Central Valley Flood Protection Plan? To what extent could it impair the timely completion of the plan or conflict with other public and private efforts to increase (or restore) the level of flood protection afforded by Delta levees?
2008	County of Yolo	As noted above, the EIR/EIS should review the extent to which existing levees and related infrastructure may need to be altered to accommodate habitat restoration projects and other components of the BDCP. In particular, to the extent such changes reduce the level of protection afforded to residents, businesses, and agricultural land in the Delta (or elsewhere), the EIS/EIR should document these potential impacts and thoroughly explore all feasible mitigation measures.
2009	County of Yolo	Flood management, habitat protection and restoration, preservation of agriculture, recreation, and land use decisions in the Delta must be consistent with adopted policies for Yolo County
2009	County of Yolo	The value of the Yolo Bypass for flood management and existing habitat must not be compromised;

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	County of Yolo	Economic, habitat, water resources, and flood management impacts must be recognized by the Central Valley Regional Water Quality Control Board (CVVRWQCB) in developing the Delta mercury TMDL.
2009	County of Yolo	Public and private financial support should be secured for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat.
2009	County of Yolo	Provide a solution to flood issues on Cache Creek and flood protection for our small communities.
2009	County of Yolo	Improve flood protection along the Sacramento River and for the Yolo Bypass.
2009	County of Yolo	PARAMETERS FOR DELTA-RELATED HABITAT PROJECTS Willing sellers only; Payment in-lieu of property tax for lands changing from private to public ownership; Payment for lost business opportunity and income, including socio-economic issues; Project impacts originating in Yolo County must be discharged in Yolo County; Permanent protection/preservation of like or better quality agricultural lands for agricultural lands converted, compliance with local policies regarding conservation easements; Buffers sufficient to avoid the need for additional restrictions on farm practices on surrounding lands; Continued payment of special district assessment and fees; Mitigation of costs for increased public services (e.g. law enforcement, fire, rescue, roads); No adverse changes to flood protection for surrounding areas; Full ESA and CESA protection for neighboring lands/landowners; Full ESA and CESA protection for affected water diversions; Consistency with the Yolo Natural Heritage Program;...
2009	County of Yolo	Protection of existing high value habitat, such as in the Yolo Wildlife Area; Mitigation for loss of terrestrial habitat for special status species and other wildlife; Funding and responsible entity for monitoring and adaptive management of habitat projects and associated lands; Control program for vectors, invasive species and agricultural pests; No out of county water transfers from converted lands; No increase in mercury release or transport; Mitigation for increased organic carbon at North Bay Aqueduct; Maximize public recreational opportunities associated with habitat projects; If possible, projects will be designed to accept dredged materials from the Sacramento Deep Water Ship Channel; Permanently funded stakeholder working group for the Yolo/Solano portion of the Delta; and Opportunity for Yolo County to obtain mitigation of future impacts associated with County public works projects (e.g., roads, bridges, levee work) as part of habitat projects.
2009	County of Yolo	This is only one set of the significant environmental issues that must be carefully evaluated in the EIS/EIR with respect to proposals affecting the Yolo Bypass. Other issues of great concern to the County include potential effects on agricultural production within the Bypass, impacts to levees, and the deterioration of its floodway function.
2009	Delta Caucus	The Delta Protection Act of 1992 was passed to protect the Primary Zone of the Delta for agriculture, habitat and recreation. The EIR should determine how these Delta resources will be negatively impacted and how alternatives can be designed to be compatible with the Act and its objectives. For example, water from isolated facilities could be piped underground across reclamation districts rather than in surface canals to eliminate negative impacts to drainage, flood control and irrigation systems caused by dividing reclamation districts.

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	Delta Caucus	The EIR must determine how each conveyance alternative will affect flood control and especially how each alternative will impact flood plains such as the McCormack Williamson Tract, and the Hood-Franklin pool. BDCP projects must not adversely impact flood safety in the Delta.
2009	Delta Caucus	The EIR must analyze the implications of creating wetlands within the borders of reclamation districts. Is it feasible to create wetlands within the borders of reclamation districts where at certain times water is the common enemy? How will flood control, drainage, and irrigation systems be impacted within reclamation districts where fish habitat is created?
2009	Delta Farmer	What about habitat conflicts? We have agencies who are promoting such as you stated in your presentation about restoring habitat. We have other agencies that say, "No, you can't do that." "We don't want any trees on the levees. We don't want anything on there. Spray it. Burn it. Do whatever." "You know, we have to have a clean levee site." I don't know how those two things get resolved when you've got the left not knowing what the right hand is going. It's a contradiction in terms.
2008	Delta Protection Commission	Materials dredged from Delta channels should, if feasible, be stored at upland sites for reuse for levee maintenance and repair, and other feasible uses in the Delta.
2008	Delta Protection Commission	Local governments shall ensure that Delta levees are maintained to protect human life, to provide flood protection, to protect private and public property, to protect historic structures and communities, to protect riparian and upland habitat, to promote interstate and intrastate commerce, to protect water quality in the State and federal water projects, and to protect recreational use of the Delta area.
2008	Delta Protection Commission	Levee maintenance, rehabilitation, and upgrading should be established as the first and highest priority of use of the levee.
2008	Delta Protection Commission	Levee maintaining agencies and fish and wildlife agencies should continue to cooperate to establish appropriate vegetation guidelines.
2008	Delta Vision Blue Ribbon Task Force	The BDCP should explicitly address the level of flood protection required for ecosystem protection, for the protection of water conveyance systems, and assess how its projects impact non-ecosystem levees and human uses of the Delta.
2009	Farmer in Solano County	...as residents of these five counties our tax base is going to get eroded, and we've got to make up those funds somewhere else. I think that needs to be considered to where those funds are going to come from.
2008	Farmer in the South Delta	...if Delta agriculture goes out of business, and the primary maintainers of Delta levees, and that would have to cease then and the levees would become abandoned.
2009	Farmers of Yolo County	Another point is in the issues and concerns. There is no mention of the Knights Landing Ridge Cut Canal, which flows into the Yolo Bypass just below Fremont Weir. Additional water in the bypass may have significant impacts on the water flows in the canal and cause backup. That needs to be addressed, also, in the EIR.
2009	Flood Planner in the Delta	What we really can't get a handle on is how your project, river levee projects, all of the projects are going to affect the river level in the Sacramento River.

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	Flood Planner in the Delta	What we really can't get a handle on is how your project, river levee projects, all of the projects are going to affect the river level in the Sacramento River.
2009	Flood Planner in the Delta	What's this Yolo Bypass going to do to the City of Rio Vista? It appears to end just about on our doorstep. You see Isleton makes the corner, comes around. There's the bridge. That's always been farmland. It's been highly productive farmland. Rio Vista has an airport. That looks like the airport may be part of the Yolo Bypass. Has a housing development out there.
2009	Flood Planner in the Delta	...one thing that we discovered at the last meeting is that the Army Corps of Engineers believes that levees should not have vegetation on them. There's a whole movement opposing that, et cetera. But how does that affect your habitat, how does that affect the runoff? I think all the projects need to intercommunicate.
2008	Los Angeles Area Chamber of Commerce	Reliability cannot be achieved without the BDCP addressing rising sea levels in the Delta and the rising risk of catastrophic levee failures due to flooding or seismic events.
2008	North Delta CARES	What is the impact of the project envisioned by the BDCP on current flood protection measures throughout the Delta?
2008	North Delta CARES	If the issue following Hurricane Katrina is flood protection, dredge and rebuild the existing Yolo Bypass.
2008	North Delta Water Agency	The BDCP should place a stronger focus on measures to protect and improve Delta levees, including a greater role in flood management planning.
2009	North Delta Water Agency	...current BDCP proposals would, in effect, dissect certain of the reclamation districts within the northern Delta that provide flood protection to Delta lands and communities, potentially eliminating vital flood protection.
2009	North Delta Water Agency	The EIR/EIS must consider public health and safety effects associated with the proposed project including (i) mosquito-borne diseases such as malaria or West Nile virus associated with new water impoundments, and (ii) flood risks.
2009	Planning and Conservation League	What would it take to protect each conveyance option (including either a canal or pipeline) from the effects of differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
2009	Planning and Conservation League	What are the necessary flows including bypass and other flows, and diversion amounts consistent with ecosystem protection under various climate change scenarios, including differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
2009	Planning and Conservation League	How do the various options, including a canal, affect local drainage and the permits necessary for that drainage within and into the Delta?
2009	Port of West Sacramento	While details of the exact type and location of the project conveyance structures are still being refined, potential project impacts of both the location and operation of all water conveyance structures on navigation, channel depth maintenance operations, levee maintenance and channel depth improvement must be considered in the alternatives analysis.

**Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management**

Year of Scoping	Affiliation	Comment
2009	Reclamation District 2025 (Holland Tract)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:... • decreased stability of the District's levees; and • increased costs of maintaining District levees.
2009	Reclamation District 2025 (Holland Tract)	Many of the measures proposed by BDCP, including the Draft Habitat Restoration Conservation Measures, rely on the existence and benefits provided by current levees. Therefore, it is imperative that BDCP consider how the levees will continue to be maintained and improved. Without the continued success and survival of the District and other entities which maintain the levees, BDCP's conservation plans will fail.
2009	Reclamation District 2026 (Webb Tract)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:... • decreased stability of the District's levees; and • increased costs of maintaining District levees.
2009	Reclamation District 2026 (Webb Tract)	Many of the measures proposed by BDCP, including the Draft Habitat Restoration Conservation Measures, rely on the existence and benefits provided by current levees. Therefore, it is imperative that BDCP consider how the levees will continue to be maintained and improved. Without the continued success and survival of the District and other entities which maintain the levees, BDCP's conservation plans will fail.
2009	Reclamation District 2028 (Bacon Island)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:... • decreased stability of the District's levees; and • increased costs of maintaining District levees.
2009	Reclamation District 2028 (Bacon Island)	Many of the measures proposed by BDCP, including the Draft Habitat Restoration Conservation Measures, rely on the existence and benefits provided by current levees. Therefore, it is imperative that BDCP consider how the levees will continue to be maintained and improved. Without the continued success and survival of the District and other entities which maintain the levees, BDCP's conservation plans will fail.
2009	Reclamation District 2068	The BDCP EIR/EIS needs to address the incorporation of the Central Valley Flood Protection Plan into the proposed action of the BDCP.
2009	Reclamation District 2068	During the scoping sessions, very little detail was given in regards to the notching or gating of the Fremont Weir in order to provide flows in the Yolo Bypass during nonflood conditions. It was indicated during the scoping sessions that flooding could extend 45 days, up to May 1. This change to the Yolo Bypass operation would essentially render farming infeasible in the bypass due to the uncertainty, or inability, to adequately work the soil in time to plant crops. This change in land use could significantly change the vegetation regime in the Yolo Bypass, which could thereby, affect the bypass flood carrying capacity. BDCP documents also acknowledge that more frequent inundation of the bypass may accelerate the erosion of bypass and downstream levees without appropriate protections. These concerns require consideration.

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	Reclamation District 2068	Previous flood flows in the Bypass, particularly 1986, demonstrated that flood flows at the design condition for the lower reaches of the Bypass is both higher than design stage and encroached into areas not covered by flowage easement. The bypass is already incapable of passing the design flow at the design stage up-stream of Liberty Island. New impacts due to capacity impairments will affect agricultural land and their attendant habitat values, increase erosion on existing levees, create additional road flooding, reduce local drainage capacity, and potentially allow flood flows to outflank the federal project levee at the northern end of the bypass right levee in Reclamation District No. 2068, Unit 109, Mile 0.00 to 0.5, West Levee of Yolo Bypass. Rigorous modeling and monitoring criteria needs to be funded and implemented as a component of any project.
2009	Reclamation District 2068	The BDCP EIR/EIS must describe in detail how this capacity will be maintained, or improved if flood capacity improvement is part of the Central Valley Flood Protection Plan.
2009	Reclamation District 2068	BDCP should firmly commit to flood control primacy in the Yolo Bypass and clearly and unequivocally condition any BDCP action in the floodway as being secondary to the flood control function, and further assert that flood control operations, maintenance and repairs are the foremost and primary activity on the structural section of levees and any permanent establishment of habitat must be consistent with those primary activities within the BDCP study area. An agreement should be reached with the Central Valley Flood Protection Board and the U. S. Army Corps of Engineers which specifically provides for such flood control primacy under present and future conditions.
2009	Reclamation District 2068	BDCP must assure flood control interests that flood control activities in and adjacent to BDCP projects, including improvements and maintenance, will not be subject to mitigation requirements as a result of the establishment of the BDCP projects or their operation. BDCP must provide mitigation credits for the use of lands within the Yolo Bypass that would be allocated to the Sacramento River Flood Control Project, with specific reservations for those facilities in or adjacent to the Cache Slough/Yolo Bypass ROA.
2009	Reclamation District 2068	The BDCP should describe more specifically how additional flooding will be accomplished and evaluate any impacts that this will cause on adjacent levee systems, changes to farming activity, changes to hydraulic capacity, changes to vegetation types and patterns and enhancement or introduction of special status species. The Bypass levees are designed for short term, infrequent flooding; and are typically not armored, nor are they designed to prevent seepage for extended periods of time.
2009	Reclamation District 2068	This document must be consistent with the ongoing California Central Valley Flood Protection Plan.
2009	Reclamation District 2068	It is our assertion that no projects should be allowed to preempt the paramount public safety function of the components of the SRFCP. There is no acceptable balancing or trade-offs to the flood control function in the Yolo Bypass as currently operated or as required in the future.
2009	Reclamation District 2068	Additionally, adaptive management requirements should be included that require BDCP project modifications in the event of increases in flood risk to SRFCP operations and facilities, both inside and outside the Bypass, and public safety.

**Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management**

Year of Scoping	Affiliation	Comment
2009	Reclamation District 2068	The BDCP plans indicate that levees may be removed in order to flood certain areas that are currently being farmed. The BDCP must evaluate the process by which this could occur, and related impacts, especially for levee systems that are under the jurisdiction of the U.S. Army Corps of Engineers.
2009	Reclamation District 2068	Breaching of levees in areas adjacent to Cache Slough in RD2098 would have effects in both RD 2098 and RD2068 potentially extending northward to the area south of Putah Creek. Substantial public and private investments in water conveyance for irrigation and drainage are potentially at risk by seasonal flooding of levee protected areas. Construction of cross or cutoff levees could limit the extent of damage or stranded investment, however, that land base to support maintenance of such a facility will not exist. RD2068 District will not accept maintenance for such new levees. These possibilities and their physical and financial impacts must be addressed. Breaching adjacent levees increase the potential for erosion, surface water elevation changes, and water quality changes, all to the detriment of local public and private operations.
2009	Reclamation District 2068	The Corps of Engineers has recently restated its National Levee Inspection Standard and vegetation management guidelines, ETL 1110-2-571. These requirements reinforce its requirements that vegetation (habitat) be removed from certain levees. The BDCP should address how this will affect its plans. Habitat creation in the floodway can impact flood carrying capacity and other flood control benefits that currently exist.
2009	Reclamation District 2068	The inability to maintain habitat development in the future could cause additional problems. Under the topic of adaptive management, will BDCP needs to consider habitat removal should it prove to negatively affect flood control, or have impacts to human health and safety.
2009	Reclamation District 2068	RD2068 and our cooperating agencies, operate and maintain flood management and drainage facilities that drain into the Cache Slough/Lower Yolo Bypass area. The EIR/EIS must evaluate the impacts of point and non-point runoff from sources upstream of this area on new habitats that are created. If there are impacts to habitats and the species using these habitats, there could be increased regulation of point and non-point discharges upstream of these areas. These increased regulations may have operational, financial and socio-economic impacts that need to be analyzed in the EIR/EIS.
2009	Reclamation District 756 (Bouldin Island)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:... • decreased stability of the District's levees; and • increased costs of maintaining District levees.
2009	Reclamation District 756 (Bouldin Island)	Many of the measures proposed by BDCP, including the Draft Habitat Restoration Conservation Measures, rely on the existence and benefits provided by current levees. Therefore, it is imperative that BDCP consider how the levees will continue to be maintained and improved. Without the continued success and survival of the District and other entities which maintain the levees, BDCP's conservation plans will fail.
2008	Reclamation District 999	Instead, the BDCP should focus on other, more measured alternatives to improving passage of northern Delta floodwaters and enhancing habitat. One less invasive approach to controlling floods would be to improve the efficiency of the Yolo Bypass.



Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2008	Reclamation District 999	If any additional seasonal floodways in the north Delta are deemed of critical importance, they should be located in narrow, targeted areas away from acreage that is planted in high-value permanent crops, such as grape vines.
2009	Reclamation District 999	What is the technical basis for proposing a flood bypass downstream/below the City of Sacramento? How is this not accomplished by using the existing ship channel? What is the difference in cost between improving the ship channel and creating a new bypass?
2009	Reclamation District 999	Creating new bypasses and flooding areas within time existing Reclamation Districts will constrain or eliminate existing water management through water elevation/level changes and underseepage. This will require redesign and operational changes throughout the region, causing tens of millions of dollars of infrastructure modifications and loss of agricultural use.
2009	Resident of Bethel Island	We're a bit concerned about our levees. And we do not accept the latest scare tactic about earthquakes. Those levees have been there for close to 100 years. The earthquake thing, all of us that live on levees it's like, "Yeah and so." It's a scare tactic. It's not going to work.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	...the project minimizes the engineering requirements to achieve and maintain water quality in the Delta and ignore the considerable engineering required to establish new flood routing and manage tidal influence wetlands.
2008	Resident of Clarksburg	Since a stated results of the proposed action is to create "tidal" wetlands where there were none, the potential impact on present flood zones and flood protection measures (levees, drainage, bypass basins, etc.). The shift of tidal waters upriver to where there were none would be expected to significantly raise the risk of flooding for such communities as Davis, West Sacramento and Stockton plus a host of smaller communities.
2009	Resident of Clarksburg	All I'm saying is, the levees will be affected by what you do.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	...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.

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2008	Resident of Clarksburg	How will the increase in number and concentration of tunneling and burrowing animal species that will derive from the increased available habitat effect infrastructure in and around the edges of the Delta?
2008	Resident of Clarksburg	...I didn't see anything about levees, which sort of tie into preserving the farmland and the people's homes, and sort of what goes on around here. And -- and I'm concerned, because I live on the levee, and I really appreciate the efforts of those folks from State Water Resources Board to drive around trying to take care of our levees.
2008	Resident of Courtland	How will flood control and drainage be impacted within Reclamation Districts where wetlands are created?
2009	Resident of Solano County	One of the things missing from this plan is a current plan that's going on with -- the old Reclamation Board is now called Central Valley Flood Protection Board. They're coming up with a plan for the levees in the Delta. Not just the project levees, but the other levees. Unfortunately much of their focus is to identify which levees to not resuscitate if they fail. For our communities, what provides the protection for the water quality that we use for agricultural in our municipalities is the levees that provides the displacement to keep the freshwater in the area. As we lose those levees, as Frank's Tract (phonetic) is a classic example, the X2 moved inward when that happened.
2009	Sacramento County Farm Bureau	Undefined habitat restoration projects in the vicinity of the Cosumnes River Preserve and McCormack Williamson Tract will negatively impact the environment, flood control operations and farming.
2009	Sacramento County Farm Bureau	The BDCP will destroy and make infeasible provision of essential reclamation district services such as flood control, drainage and delivery or irrigation water.
2009	Sacramento County Farm Bureau	The BDCP will interfere with regional flood control in the Delta, the Franklin area ns the Cosumnes and Mokelumne Rivers by redirecting normal and historical flow of floodwaters.
2009	Sacramento County Farm Bureau	The BDCP will interfere with historical flood flows or change those flows in a manner which is detrimental to the region.
2009	Sacramento County Farm Bureau	The BDCP will include redesigned levee systems which will increase flood risk for neighboring reclamation districts and the entire region.
2009	Sacramento County Farm Bureau	The EIR/EIS must determine how each alternative will impact regional flood control, land use, land values, the local and regional economies, and other species.
2009	San Francisco Bay Conservation and Development Commission	The EIR/EIS should address the potential impacts of multiple levee failures on the ecosystems of Suisun Marsh and the Bay and how those impacts might vary in different conveyance and water project operations scenarios.
2008	San Joaquin County	A facility....would create significant flood dangers to agricultural
2008	San Joaquin Farm Bureau Federation	When farmers can no longer be the primary maintainers of non-urban levees will the BDCP proposal provide levee maintenance by some other designated entity, or will those levees be abandoned so that the Delta channel system converts to an open water bay?

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	San Joaquin Farm Bureau Federation	The EIR must determine how each conveyance alternative will affect flood control and especially how each alternative will impact flood plains such as the McCormack Williamson Tract, and the Hood-Franklin pool. BDCP projects must not adversely impact flood safety in the Delta.
2009	San Joaquin Farm Bureau Federation	The EIR must analyze the implications of creating wetlands within the borders of reclamation districts. How will flood control, drainage, and irrigation systems be impacted within reclamation districts where fish habitat is created? Redirected impacts caused by moving targeted fish from one area of the Delta to another must be identified and further analyzed. For example, if fish populations do not increase, how much additional land from the region must be converted (subject to mitigation) to maintain the water quality that needs to exist to protect these species, and where will the agency acquire that water?
2009	Save Our Delta's Future	Assuming some levees on Grand Island will be demolished, some portion of Grand Island will be inundated, and that 'king levees' will be constructed to protect Walnut Grove and the surrounding land...please state: (a) the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, within the area affected...demolishing existing levees, the inundation process, how this will/might affect the adjacent land.. constructing levees in locations where none previously existed, of the construction process itself, of the materials to be utilized in the new levees that are seismically sound)...physical changes ...on residents, homes, businesses, churches, schools, agricultural operations, natural gas extraction, and tourism, within the community of Walnut Grove and immediate surrounding area, within the ring levees.
2009	Save Our Delta's Future	Assuming that the activities...will cause "pollution" of waters and wetlands as defined in the Clean Water Act and its regulations, will the DWR seek, or will the Army Corps of Engineers require, a section 404 permit for the total BDCP implementation, or multiple section 404 permits for different locations and phases of the BDCP implementation?
2009	Save Our Delta's Future	Assuming some/all levees on Sutter Island will be demolished, and some/all of Sutter Island will be inundated...please state:...the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, on Sutter Island...demolishing the island's existing levees, of inundating the island, and how this major physical change to Sutter Island will/might affect the levees on neighboring islands.
2008	Sheriff of San Joaquin County	..how this will affect our ability to...responsible when there is levee failures.
2009	Solano County Water Agency	SCWA, and our member agencies, operate and maintain flood management and drainage facilities that drain into the Cache Slough/Lower Yolo Bypass area The EIR/EIS must evaluate the impacts of point and non-point runoff from sources upstream of this area on new habitats that are created. If there are impacts to habitats and the species using these habitats, there could be increased regulation of point and non-point discharges upstream of these areas. These increased regulations may have socio-economic impacts that need to be analyzed in the EIR/EIS. Any impacts identified must be adequately mitigated.
2009	Stone Lakes National Wildlife Refuge Association	There is a concern that construction of a canal and associated facilities would further interfere with the hydrology of the area to create even worse flooding of Stone Lakes NWR. The EIR/EIS must fully analyze these impacts.

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	Suisun Resource Conservation District	What impact will the Suisun Marsh tidal restoration efforts have on remaining interior levees of the managed wetlands? In other words, if exterior levees are breached to effect tidal restoration, what impacts will occur to the interior levees that will then be subject to direct tidal action? Will BDCP be paying for and performing upgrades to affected levees?
2009	Suisun Resource Conservation District	I don't see anywhere in here the acknowledgment that as you move forward in your near and your long-term that all those lands are protected by levees; yet, there is no discussion of the need for the levee maintenance. In Suisun, the majority of those levees are all privately maintained or publicly maintained through Fish & Game.
2009	U.S. Army Corp of Engineers	Any changes or modification to the flood risk reduction system and its operation must be analyzed and may require reauthorization by Congress. Actions and impacts on the levee system will also need to be consistent with the CA Levee Roundtable Framework (Flood System Improvement Framework)
2009	US Fish and Wildlife Service	The scoping process does not adequately address potential increases in flooding caused by the construction of a large canal and levee system. An increase in flooding could affect the Refuge's infrastructure and its' ability to meet goals and objectives, including the restoration and management of wildlife habitat, public uses including hunting, fishing, environmental education, interpretation, photography and wildlife observation, and maintaining agricultural activities.
2008	Wilson Farms and Vineyards	How will the increase in number and concentration of tunneling and burrowing animal species that will derive from the increased available habitat affect infrastructure in and around the edges of the Delta?
2009	Yolo Basin Foundation	The Yolo Bypass Wildlife Area depends on agricultural leases to pay a significant portion its operations and maintenance costs....It is the activity of farming that keeps Bypass vegetation under control, thus allowing flood waters to pass through quickly and unobstructed.
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would have serious impacts to current land use in the Yolo Bypass Wildlife Area by: compromising the floodway function of the Yolo Bypass
2009	Yolo Basin Foundation	Any alternative under consideration for the Bypass should protect the Yolo Bypass Wildlife Area...including: protection of the floodway function of the Yolo Bypass as mandated in agreements between the Department of Fish and Game and the US Army Corps of Engineers and MOUs with other agencies, implementation of wildlife and botanical surveys to specifically document areas that have not yet been surveyed...and preservation of agriculture at the Wildlife Area.
2009	Yolo Basin Foundation	...any change in inundation patterns in the Yolo Bypass would have to protect the Yolo Bypass Wildlife Area and be developed in conjunction with the Central Valley Flood Protection Board.

Table E-11. 2008 and 2009 Scoping Comments Related to Flood Management

Year of Scoping	Affiliation	Comment
2009	Yolo Basin Foundation	Spring flooding is problematic in other ways. Floodwaters that linger into spring encourage the growth of tules, cattails, and willows which left unmanaged will slow down the movement of floodwaters. This proliferation of emergent vegetation reduces the ability of the Yolo Bypass to move floodwaters away from urban areas as designed. Late spring flooding also adversely affects the success of ground nesting birds because the growth of grasses that provide cover is delayed.
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Flood Control o Agreed upon vegetation densities will not be manageable with increased spring flooding, which encourages uncontrolled growth of tules, cattails and willows. This will make the Wildlife Area non compliant with the flood control function of the Yolo Bypass.
2009	Yolo Basin Foundation	Existing Obligations Impacted by FLOO1.1 [to construct a notch in the Fremont Weir in order to prolong spring flooding]: • Agreements signed by DFG to manage habitat that is compatible with flood control: Project Modification Report, USACOE and DFG 1992; Other MOUs signed in 1994.

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Table E-12. 2008 and 2009 Scoping Comments Related to Groundwater Resources

Year of Scoping	Affiliation	Comment
2009	Butte Environmental Council	Acknowledgements of potential impacts on the Sacramento Valley economy that is dependent on a balanced groundwater supply must be considered. Municipalities and orchards located on the up-gradient portion of the Eastern Sacramento Valley aquifer system are totally dependent on groundwater.
2009	California Central Valley Flood Control Association	Substantial public and private investments in water conveyance for irrigation and drainage are potentially at risk by seasonal flooding of levee protected areas. Construction of cross or cutoff levees could limit the extent of damage or stranded investment; however, that land base to support maintenance of such a facility will not exist. Local levee districts will not accept maintenance for such new levees. These possibilities and their physical and financial impacts must be addressed in the EIR/EIS.
2009	California Central Valley Flood Control Association	BDCP draft documents acknowledge that more frequent inundation of the bypass may accelerate the erosion of bypass and downstream levees without appropriate protections. The BDCP EIR/EIS should describe this project in more detail, including how this will be accomplished and evaluate any impacts, such as seepage, erosion, and wave fetch damage to adjacent levees, that this will cause on neighboring levee systems due to increased flooding of the Bypass. The Bypass levees are designed for short term, infrequent flooding; and are typically not armored by riprap, nor are they designed to prevent seepage for a long period of time.
2009	California Central Valley Flood Control Association	The bypass is already incapable of passing the design flow at the design stage up stream of Liberty Island. New impacts due to additional capacity impairments will affect agricultural land and their attendant habitat values, increase erosion on existing levees, create additional road flooding, reduce local drainage capacity, and potentially allow flood flows to outflank the federal project levee at the northern end of the bypass. Rigorous modeling and monitoring criteria needs to be funded and implemented as a component of any project.
2008	California Farm Bureau	In addition, the BDCP EIR/EIS should also consider and address potential adverse seepage and downstream flooding effects associated with potential restoration of Delta lands for habitat use.
2008	California Native Plant Society Santa Clara Valley	Will loss of underflow increase island subsidence?
2008	Central Delta and South Delta Water Agencies	...the following effect/topics should be thoroughly analyzed...Seepage impacts on lands within the Delta from the construction and operation of any isolated facility or other facilities.
2009	Central Delta Water Agency	The foundations for towers have created paths for critical underseepage.
2009	Clark Farms	How will your project affect ground water supply in the Delta?
2009	Commenter during Scoping Process	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.
2009	Contra Costa County Water Agency	How will increased salinity (and perhaps changed flow patterns) in the western Delta affect groundwater in the communities that depend on it?

Table E-12. 2008 and 2009 Scoping Comments Related to Groundwater Resources

Year of Scoping	Affiliation	Comment
2009	Contra Costa County Water Agency	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?
2008	Contra Costa Water District	Earthen canals leak, both into and out of the canal.
2009	Contra Costa Water District	Earthen canals leak, both into and out of the canal.
2009	Contra Costa Water District	If the water level in the isolated canal is expected to be above the surrounding land surface elevation for large sections of the canal route, the seepage from the unlined canal would impact land use adjacent to the canal as well as water quality in adjacent channels. The EIR/EIS should fully evaluate and disclose impacts associated with seepage and provide for mitigation where appropriate.
2009	County of Solano	Restoration in the Cache Slough complex may have adverse effects on operation of the North NBA, Reclamation District 2068 and private agricultural water intakes related to entrainment of enhanced populations of covered species. Construction of habitat restoration projects could disrupt irrigation and drainage systems essential to agricultural production on land bisected by these projects. The EIR/EIS must fully analyze these impacts and provide mitigation measures that provide protections to enhanced populations of covered species, provide for the relocation of the NBA intake, and protect urban and agricultural water supplies. Mitigation Measures must include the following: Provisions of an alternate intake for the North Bay Aqueduct. Full Federal and State Endangered Species Act protection for affected water diversions within the project regions, including funding for installation and operating fish screens or other diversion modification requirements
2009	Delta Caucus	The EIR must identify how facilities and changes in river elevations will impact ground water elevations. Plans must be developed to mitigate for seepage and other negative impacts associated with changes in ground water elevation.
2009	Delta Caucus	The EIR must analyze the implications of creating wetlands within the borders of reclamation districts. Is it feasible to create wetlands within the borders of reclamation districts where at certain times water is the common enemy? How will flood control, drainage, and irrigation systems be impacted within reclamation districts where fish habitat is created?
2009	Delta Caucus	The EIR must examine seepage impacts and other changes in ground water elevation caused by creating fish habitat. It must provide detailed and meaningful mitigation when negative impacts restrict owners' use of their property.
2009	Farmers of Yolo County	The No. 1 item that I see as a significant effect of this proposal [increased flows in Yolo Bypass] is seepage water that will be coming from the bypass levees and affecting adjoining farmlands. This is not mentioned, and we know now that when water is in the bypass there is significant seepage that comes through the levees and ends up on neighboring farmland. This needs to be addressed in the EIR process.
2008	Morada Area Association	Our area overlays a large cone of depression under the Northeastern San Joaquin Groundwater Basin. We all rely on wells...

Table E-12. 2008 and 2009 Scoping Comments Related to Groundwater Resources

Year of Scoping	Affiliation	Comment
2008	Morada Area Association	Such a plan [dual conveyance] will facilitate the eventual destruction of our groundwater basin by salt and heavy metal/arsenic contamination.
2008	North Delta CARES	What is the impact of the proposed primary habitat restoration area(s) on the ground water levels in the town of Clarksburg?
2008	North Delta CARES	What is the impact of the proposed primary habitat restoration area(s) on the existing domestic water wells in the town of Clarksburg?
2009	North Delta Water Agency	...changes in the water surface elevations, natural flows and flow directions within the NDWA would potentially result in violation of Article 6 of the 1981 Contract. All hydrologic and hydraulic modeling should include an analysis of the changes identified in the preceding sentence as well as the potential for seepage and erosion within the NDWA related to any isolated water conveyance facility and associated diversion facilities, proposed changes in water operations and new habitat measures.
2009	North Delta Water Agency	The EIR/EIS should address not only the potential impacts to water surface elevations, flows and flow direction, increased seepage and erosion resulting from various alternatives, but also the costs associated with these changes including but not limited to repairs, modifications, or replacement of existing diversion facilities and levees and added operating costs, as required under Article 6 of the 1981 Contract.
2008	Planning and Conservation League	Upstream impacts that should be considered in development of the EIR/EIS on the BDCP include: The potential for changed management of groundwater resources (e.g. the Tuscan Aquifer)
2009	Planning and Conservation League	The potential for changed management of [upstream] groundwater resources (e.g. the Tuscan Aquifer)
2009	Planning and Conservation League	the potential for continued water quality degradation caused by delivery of Delta waters to drainage impaired lands in the San Joaquin valley
2009	Planning and Conservation League	How do the various options, including a canal, affect local drainage and the permits necessary for that drainage within and into the Delta?
2009	Reclamation District 2025 (Holland Tract)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:...• additional seepage within the District
2009	Reclamation District 2026 (Webb Tract)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:...• additional seepage within the District
2009	Reclamation District 2028 (Bacon Island)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:...• additional seepage within the District
2009	Reclamation District 756 (Bouldin Island)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:...• additional seepage within the District



Table E-12. 2008 and 2009 Scoping Comments Related to Groundwater Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	...creating a new bypass in flood areas -- flooding areas within the existing reclamation districts will constrain or eliminate existing water management through water elevation changes and underseepage. This will require redesign and operation changes throughout the region causing tens of millions of dollars of infrastructure modifications and loss of agricultural use.
2008	Resident of Clarksburg	Also analyzed should be the specific impact of this flooding on adjacent groundwater hydrology with specific attention to residential and fire source water.
2008	Resident of Courtland	How will seepage from the new channel be evaluated and mitigated?
2008	Resident of Courtland	What will be the cost for seepage mitigation?
2008	Resident of Courtland	What will be the seepage impacts where wetlands are created and what will it cost for mitigation?
2008	Resident of Walnut Grove	Northern California is in a drought situation. The water level in our slough is becoming very low which is beginning to affect our irrigation pumps for sand/mud is getting sucked up along with the river water for field irrigation. The Sacramento River's low water table also affects our ground water.
2009	Sacramento County Farm Bureau	The BDCP will create new avenues of seepage limiting crop choices and productivity and destroying permanent crops such as cherries, pears and grapes.
2009	Sacramento County Farm Bureau	The BDCP will destroy and make infeasible provision of essential reclamation district services such as flood control, drainage and delivery or irrigation water.
2009	Sacramento County Farm Bureau	The BDCP will cause seepage impacts which will limit the ability to farm surrounding land.
2009	San Joaquin Farm Bureau Federation	The EIR must identify how facilities and changes in river elevations will impact ground water elevations. Plans must be developed to mitigate for seepage and other negative impacts associated with changes in ground water elevation.
2009	San Joaquin Farm Bureau Federation	The EIR must analyze the implications of creating wetlands within the borders of reclamation districts. How will flood control, drainage, and irrigation systems be impacted within reclamation districts where fish habitat is created? Redirected impacts caused by moving targeted fish from one area of the Delta to another must be identified and further analyzed. For example, if fish populations do not increase, how much additional land from the region must be converted (subject to mitigation) to maintain the water quality that needs to exist to protect these species, and where will the agency acquire that water?

Table E-12. 2008 and 2009 Scoping Comments Related to Groundwater Resources

Year of Scoping	Affiliation	Comment
2009	San Joaquin Farm Bureau Federation	The EIR must examine seepage impacts and other changes in ground water elevation caused by creating habitat. It must provide detailed and meaningful mitigation when negative impacts restrict owners' use of their property.
2008	Speaker at Chico Preliminary Scoping Meeting	...especially because we have unknowns up here with our aquifer, with our water supplies, with the potential direction of our economy up here and, you know, what kind of out sources we're going to need to respond to our future demands. How would you fund or (unintelligible) this project fund, the research that will be needed to assure us that more solutions aren't coming at the risk...
2008	Speaker at Chico Preliminary Scoping Meeting	If more state ground waters become a portion of this statewide water supply then either three increased conveyance capacity or as a substitute for un-devoted surface water, then we need to look at what would be the impacts on the ground water systems up here.
2008	Speaker at Chico Preliminary Scoping Meeting	We have growing ground water depressions under the city of Chico and under Durham in 2006 they noticed for the first time. So this is a stressed community system, and if this ground water source which is going to affect spring run salmon streams is intended to be used as a substitute for service water that can no longer be devoted, that's really inputting impact.
2009	U.S. Environmental Protection Agency	This issue was discussed in depth at the June 27,2008 Delta Vision Blue Ribbon Task Force meeting. A number of issues were raised by the Task Force about this design, including seismic safety, excess evaporation from a wide, shallow canal, export water quality problems caused by infiltration, environmental impacts of a large structure in the sensitive areas of the Delta, and the overall issue of construction of a major critical facility below sea level.
2008	Yolo Natural Heritage Program	Surface water transfers have the added potential to adversely impact local groundwater basins.

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Table E-13. 2008 and 2009 Scoping Comments Related to Sediment Resources

Year of Scoping	Affiliation	Comment
2009	California Central Valley Flood Control Association	Breaching adjacent levees increases the potential for erosion, surface water elevation changes, and water quality changes, all to the detriment of local public and private operations and must be properly analyzed and mitigated in the EIR/EIS.
2009	California Central Valley Flood Control Association	BDCP draft documents acknowledge that more frequent inundation of the bypass may accelerate the erosion of bypass and downstream levees without appropriate protections. The BDCP EIR/EIS should describe this project in more detail, including how this will be accomplished and evaluate any impacts, such as seepage, erosion, and wave fetch damage to adjacent levees, that this will cause on neighboring levee systems due to increased flooding of the Bypass. The Bypass levees are designed for short term, infrequent flooding; and are typically not armored by riprap, nor are they designed to prevent seepage for a long period of time.
2009	California Central Valley Flood Control Association	The bypass is already incapable of passing the design flow at the design stage up stream of Liberty Island. New impacts due to additional capacity impairments will affect agricultural land and their attendant habitat values, increase erosion on existing levees, create additional road flooding, reduce local drainage capacity, and potentially allow flood flows to outflank the federal project levee at the northern end of the bypass. Rigorous modeling and monitoring criteria needs to be funded and implemented as a component of any project.
2009	California Delta Chambers & Visitor's Bureau	The proposed dam or barrier on Three Mile Slough possibly will cause a major silting problem on the San Joaquin River side of the slough. Has DWR researched and found a solution for this potential problem?
2008	California Native Plant Society Santa Clara Valley	If a Bay Delta bypass conduit is designed to accommodate the requested 15,000 cfs by water user agencies a modeling of estuary needs to be done in order to assess extent of impacts on historic estuary functions. ie An analysis of capability of diminished winter flows to carry Delta sediment through Bay and out Golden Gate would be an essential study, and please use research by U.C. Davis's Professor Krone, as South Bay Salt Pond Restoration scientific sediment transfer studies do not seem to be holding up under actual conditions. To what degree will sedimentation of Bay be accelerated?
2009	California Native Plant Society Santa Clara Valley	One of the basic resource components of river systems in the Bay Delta is the sediment carrying capacity of their flows. This sediment not only replenishes riverbank vegetation, floodplain and intertidal marsh, but is essential for migratory fisheries in providing benthic nutrients as well as cover from predators...The data on Delta river flows...is essential for any modeling of delta diversions and for assessment of minimum flows that are necessary to sustain beneficial in-delta resources, as well as carry sufficient sediment loads through San Francisco Bay and out to the Pacific Ocean.
2009	California Native Plant Society Santa Clara Valley	...the de-sedimentation plant planned at the diversion point from the Sacramento River mainstem is a poor concept. Might I suggest that a Colorado hydrologist and sediment specialist, Dave Rosgen, be consulted before any such plant is built.

Table E-13. 2008 and 2009 Scoping Comments Related to Sediment Resources

Year of Scoping	Affiliation	Comment
2008	Contra Costa County Public Works Department	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.
2009	Contra Costa County Water Agency	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?
2008	Contra Costa Water District	By diverting a large fraction of the flow on the Sacramento River, the canal will remove a similar fraction of the sediment and nutrient load, potentially effecting turbidity and nutrients within the Delta....Any changes to turbidity and nutrients should be fully evaluated and disclosed, with proposed mitigation measures...
2009	County of Sacramento	The impacts of BDCP on existing drainage and flow patterns, and the potential for the project to result in flooding, siltation, or erosion, must also be evaluated.
2009	Farmers of Yolo County	Another point that needs to be addressed in the EIR/EIS process that is not mentioned is the increased sedimentation that will occur in the bypass with additional water flows. There is no mention of this. It periodically does have to be cleaned out and sediment removed. And if more water is put in, particularly at lower flows, it will cause increased sedimentation. And much of this sedimentation is laden with mercury, so the mercury issue does need to be looked at.
2009	Reclamation District 999	Mitigation Measures to Address Significant Impacts Associated with Project: Measures that would protect local soils and water from mercury contamination resulting from conversion of any upland areas within or upstream of the District to tidal or seasonal wetland habitat.
2009	Resident of Los Altos	The 1992 San Francisco 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 sediment loads through the Estuary...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.
2009	Resident of the Delta	Our sloughs would silt up and close up.
2009	Resident of the Delta	There was no water coming into the Delta this year. We saw dirt. We see dirt 3 feet down from the sides of the channels that they've never seen before because there's no water.
2008	San Francisco Bay Conservation and Development Commission	We request that the EIR/ EIS include analysis of sediment dynamics throughout the whole system, including potential impacts on the Bay.

Table E-13. 2008 and 2009 Scoping Comments Related to Sediment Resources

Year of Scoping	Affiliation	Comment
2009	San Francisco Bay Conservation and Development Commission	...we recommend that the EIR/ EIS include analysis of the fresh water flow needs of the entire estuary, not just the Delta. This includes the need for peak flows that transport sediment and nutrients to the Bay, increase mixing of Bay waters, and create low salinity habitat in Suisun Bay, San Pablo Bay and the upper part of central San Francisco Bay.
2009	San Francisco Bay Conservation and Development Commission	We request that the EIR/EIS include analysis of sediment dynamics throughout the whole system, including potential impacts on the Bay.
2009	San Francisco Bay Conservation and Development Commission	We suggest that the BDCP agencies encourage the coordination of use of dredged material in the Bay and Delta as part of a regional sediment management strategy.
2009	San Francisco Bay Conservation and Development Commission	The EIR/ EIS should analyze how the entire project, not just the portion within the Commission's permit jurisdiction, will affect the hydrology, sediment dynamics, water quality and biological resources of the Bay.

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Table E-14. 2008 and 2009 Scoping Comments Related to Seismic Conditions

Year of Scoping	Affiliation	Comment
2009	Attendee at Stockton Scoping Meeting	In almost 100 years of Delta levees, there's not been one levee that has failed due to an earthquake.
2009	Attendee at Stockton Scoping Meeting	...if we -- when we have this catastrophic earthquake, all the levees, or 50 levees or whatever it is in the Delta, are going to fail...there's never been a levee failure due to an earthquake in the Delta ever, historically...If we have an earthquake of such a magnitude that the levees are going to collapse in the Delta, you're going to have city problems and you're going to have freeway problems. You're going to have problems beyond anything that even remotely applies to the Delta.
2008	Central Delta and South Delta Water Agencies	...the EIS/EIR's analysis should thoroughly examine the likelihood of such a magnitude earthquake near all of the Project's major export facilities...
2009	Central Delta Water Agency	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.
2009	Central Delta Water Agency	The earthquake scenario that's been set up in your dream study, in my opinion, is not valid. It's an overstatement of what actually is the risk. The problem with it, it's only one part of the earthquake threat to your water facilities. You should recognize the aqueducts, the pumping plants, the pipelines are all more vulnerable to earthquake than the Delta.
2009	Commenter during Scoping Process	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?
2009	Commenter during Scoping Process	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?
2009	Contra Costa County Water Agency	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?
2008	Contra Costa Water District	Since the conveyance facility will likely be crossing liquefiable soils in a seismically active region, seismic stability is a key issue. A pipeline, or a series of pipelines, would reduce risk of failure and shorten the time period the facility would be out-of-service for repair following a seismic failure in comparison to an open canal built of earthen levees.
2008	Contra Costa Water District	The existing Delta levees are currently being evaluated for risk to seismic events as part of the Delta Risk Management Strategy. Given the potential risk, it is difficult to justify building another 80 miles of levees associated with an unlined canal (the embankments) on top of liquefiable soils. Removal, replacement, and compaction of those soils, along with the cost of damage to existing drainages and associated land uses are likely to make a pipeline cost-effective compared to a properly designed canal capable of providing a secure water supply.
2008	Contra Costa Water District	An unlined canal crossing liquefiable soils will be subject to failure in seismic events and allow disruption of vital water supplies for long periods. The EIR/EIS must fully evaluate and disclose these impacts..

Table E-14. 2008 and 2009 Scoping Comments Related to Seismic Conditions

Year of Scoping	Affiliation	Comment
2009	Contra Costa Water District	Since the conveyance facility will likely be crossing liquefiable soils in a seismically active region, seismic stability is a key issue. A pipeline, or a series of pipelines, would reduce risk of failure and shorten the time period the facility would be out-of-service for repair following a seismic failure in comparison to an open canal built of earthen levees.
2009	Contra Costa Water District	Given the potential risk, it is difficult to justify building another 80 miles of levees associated with an unlined canal (the embankments) on top of liquefiable soils. Removal, replacement, and compaction of those soils, along with the cost of damage to existing drainages and associated land uses are likely to make a pipeline cost-effective compared to a properly designed canal capable of providing a secure water supply.
2009	Contra Costa Water District	An unlined canal crossing liquefiable soils will be subject to failure in seismic events and allow disruption of vital water supplies for long periods. The EIR/EIS must fully evaluate and disclose these impacts of using an unlined canal for transport of water supplies.
2008	Los Angeles Area Chamber of Commerce	One of the issues that we want to make sure gets addressed is the issue of seismic stability in the delta
2008	Metropolitan Water District of Southern California	BDCP alternatives should address the seismic safety of Delta levees and the potential for seismically-induced levee failures and associated flooding impacts.
2009	Resident of Bethel Island	We're a bit concerned about our levees. And we do not accept the latest scare tactic about earthquakes. Those levees have been there for close to 100 years. The earthquake thing, all of us that live on levees it's like, "Yeah and so." It's a scare tactic. It's not going to work.
2008	Resident of Clarksburg	...the other question I understood tonight by listening, that the concerns of a seismic event were almost imperative. The fact of the matter is I don't believe there's ever been a seismic event here in the Delta, and I would like to know where that information comes from.
2009	Resident of Clarksburg	...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.
2009	Resident of Sacramento	In nearly 100 years of Delta levees, no levee has failed because of earthquake
2009	Save Our Delta's Future	Assuming some levees on Grand Island will be demolished, some portion of Grand Island will be inundated, and that "king levees" will be constructed to protect Walnut Grove and the surrounding land...please state: (a) the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, within the area affected...demolishing existing levees, the inundation process, how this will/might affect the adjacent land.. constructing levees in locations where none previously existed, of the construction process itself, of the materials to be utilized in the new levees that are seismically sound)...physical changes ...on residents, homes, businesses, churches, schools, agricultural operations, natural gas extraction, and tourism, within the community of Walnut Grove and immediate surrounding area, within the ring levees.

**Table E-14. 2008 and 2009 Scoping Comments Related to Seismic Conditions**

Year of Scoping	Affiliation	Comment
2009	Save Our Delta's Future	Assuming some/all levees on Sutter Island will be demolished, and some/all of Sutter Island will be inundated...please state:...the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, on Sutter Island...demolishing the island's existing levees, of inundating the island, and how this major physical change to Sutter Island will/might affect the levees on neighboring islands.
2009	U.S. Environmental Protection Agency	This issue was discussed in depth at the June 27,2008 Delta Vision Blue Ribbon Task Force meeting. A number of issues were raised by the Task Force about this design, including seismic safety, excess evaporation from a wide, shallow canal, export water quality problems caused by infiltration, environmental impacts of a large structure in the sensitive areas of the Delta, and the overall issue of construction of a major critical facility below sea level.

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Table E-15. 2008 and 2009 Scoping Comments Related to Soils Resources

Year of Scoping	Affiliation	Comment
2009	County of Sacramento	BDCP proposes to take thousands of acres of land out of agricultural production. The soils impacts associated with this proposal must be studied.
2009	County of Solano	...Removal of levees and creating wetland habitat on lands that were not historically required to have stringent restrictions to meet aquatic habitat WQO [Water Quality Objectives] may cause additional water quality impacts to sensitive areas. Particular concerns include heavy metals (aluminum, arsenic, boron, chromium VI, copper, lead, manganese, mercury, and zinc); salt; nutrients (nitrate, phosphate, and ammonia); pesticides/herbicides (including bioaccumulative historically banned pesticides and herbicides that may still be in residual soils); petroleum hydrocarbons (oil, grease, and other hydrocarbons from pipelines, fuel tanks, and infrastructure); and increased turbidity, reduced dissolved oxygen and fecal coliform associated with agricultural practices and septic systems. Mitigation measures must include the following: Establishment of buffer zones surrounding the restoration areas to provide mitigation of surface water discharges prior to reaching the restoration areas from upland uses. Financial assurances that address any potential adverse impacts that must be mitigated after the project is constructed.
2009	Delta Caucus	The California Delta is located at the terminus of the Sacramento and San Joaquin Rivers in the Central Valley, immediately east of the San Francisco Bay Estuary complex. The Delta is a relatively young environment, having been formed since the last Ice Age less than 10,000 years ago...At the time of European contact, it was a large wetland, but has since been "reclaimed" as a highly productive farming region...Of scientific and policy interest is the extent to which salt water/brackish conditions extended eastward of the Bay-Estuary and into the Delta in pre-European contact times. For purposes of discussion, the border between the Delta and the Estuary is herein defined as a transition zone encompassing the mid to lower portion of Sherman Island; the Delta is found eastward, the Estuary westward.
2009	Delta Protection Commission	Additionally, please consider the Commission's comments provided to the Delta Vision Blue Ribbon Task Force on September 29,2008 (cited below) relative to characteristics that should be taken into consideration when proposing to convert lands to habitat. Programs proposing the conversion of lands to habitat should take into consideration characteristics of highly productive agricultural lands and compatible uses, such as: nationally recognized wine growing regions; islands mapped out of the 100-year flood zone; lands with well/deep well drained soils; areas where permanent trees and vines are planted; levees maintained with state-of-the-art systems; areas of highly maintained water quality; outstanding crop yields regionally recognized; and lands supporting existing homes, shops and value added ag components.
2009	Family in Clarksburg	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.
2009	Farmer in Clarksburg	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?

Table E-15. 2008 and 2009 Scoping Comments Related to Soils Resources

Year of Scoping	Affiliation	Comment
2009	Farmer in Clarksburg	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 western conveyance project?
2009	Marshall Ranch	...it has been estimated between 5 million to 10 million cubic yards of suitable fill will be needed to build the required levees. My 25 years of experience shows that the native material in these areas, once considered satisfactory for construction material, is now considered by State and Federal geotechnical engineers to be unsuitable for construction of flood control, or in this case, water conveyance facilities. Where does the State of California propose to excavate this material? How do the planners justify economically transporting and placing this material to build these facilities?
2008	North Delta Water Agency	...introducing man-made marshes along the banks of the Delta islands will not restore a natural habitat, but will create a new type of habitat as a means of trying to approximate aquatic conditions...the EIR/EIS should identify all potential environmental impacts on hydrology, biological species, and soils resulting from this new form of habitat creation....
2009	North Delta Water Agency	...changes in the water surface elevations, natural flows and flow directions within the NDWA would potentially result in violation of Article 6 of the 1981 Contract. All hydrologic and hydraulic modeling should include an analysis of the changes identified in the preceding sentence as well as the potential for seepage and erosion within the NDWA related to any isolated water conveyance facility and associated diversion facilities, proposed changes in water operations and new habitat measures.
2009	North Delta Water Agency	The EIR/EIS should address not only the potential impacts to water surface elevations, flows and flow direction, increased seepage and erosion resulting from various alternatives, but also the costs associated with these changes including but not limited to repairs, modifications, or replacement of existing diversion facilities and levees and added operating costs, as required under Article 6 of the 1981 Contract.
2009	Reclamation District 2068	During the scoping sessions, very little detail was given in regards to the notching or gating of the Fremont Weir in order to provide flows in the Yolo Bypass during nonflood conditions. It was indicated during the scoping sessions that flooding could extend 45 days, up to May 1. This change to the Yolo Bypass operation would essentially render farming infeasible in the bypass due to the uncertainty, or inability, to adequately work the soil in time to plant crops. This change in land use could significantly change the vegetation regime in the Yolo Bypass, which could thereby, affect the bypass flood carrying capacity. BDCP documents also acknowledge that more frequent inundation of the bypass may accelerate the erosion of bypass and downstream levees without appropriate protections. These concerns require consideration.
2009	Reclamation District 999	Mitigation Measures to Address Significant Impacts Associated with Project: Measures that would protect local soils and water from mercury contamination resulting from conversion of any upland areas within or upstream of the District to tidal or seasonal wetland habitat.
2009	Reclamation District 999	What were the historic uses for the site, which chemicals were used at the site, how were they tested for, and what concentrations to they have currently? This is important for both fills brought to raise restoration elevations, and for material taken off the site and used to create uplands at another location. Specifically, what are the arsenic, lead, and mercury levels of fill materials?

Table E-15. 2008 and 2009 Scoping Comments Related to Soils Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	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)...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.
2009	Resident of Clarksburg	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.
2009	Resident of Sacramento	All the levees (and islands) in the Delta are NOT peat. None of the levees nor islands north of Rio Vista are peat.
2009	Resident of Suisun	If you don't start cleaning up these areas -- that was supposed to be cleaned up, the Solano Garbage Company...People have asked that it go back to its natural environment and stop the toxins. The sportsmen filed a lawsuit that they've been hauling toxins into the Suisun Marsh for 23 years. It's a blessing that these lawsuits have come...So until these issues are addressed, how are you going to keep the fish alive when you continue to dump toxins that are killing the water?
2009	Resident of the West Delta	The BDCP and EIR should address the significance of croplands in the Delta, in particular the peat islands of the west Delta, which have contributed significantly to the State's corn, asparagus, tomato, alfalfa, and pear economies since the 1800s and are a valuable resource contributing to the \$3 billion worth of crops produced annually
2009	Save Our Delta's Future	Assuming some levees on Grand Island will be demolished, some portion of Grand Island will be inundated, and that "king levees" will be constructed to protect Walnut Grove and the surrounding land...please state: (a) the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, within the area affected...demolishing existing levees, the inundation process, how this will/might affect the adjacent land.. constructing levees in locations where none previously existed, of the construction process itself, of the materials to be utilized in the new levees that are seismically sound)...physical changes ...on residents, homes, businesses, churches, schools, agricultural operations, natural gas extraction, and tourism, within the community of Walnut Grove and immediate surrounding area, within the ring levees.
2009	Save Our Delta's Future	Assuming some/all levees on Sutter Island will be demolished, and some/all of Sutter Island will be inundated...please state:...the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, on Sutter Island...demolishing the island's existing levees, of inundating the island, and how this major physical change to Sutter Island will/might affect the levees on neighboring islands.

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Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	Arceo Ranch	The concept of exporting Delta water down South could jeopardize the stability of existing ecosystem and productivity of valuable crops.
2009	Arceo Ranch	Creating new conveyances that would remove our water would impose a negative balance on the environment and agriculture.
2009	Attendee at Clarksburg Scoping Meeting	I worry about the future farmers of America. Across the United States farms are dying. They're not here on the Delta. We have prime Delta property. Prime Delta soil. Let's flood it? That doesn't make sense.
2009	Attendee at Stockton Scoping Meeting	But wouldn't you guys be concerned about the saltwater intrusion when you guys are pumping out of the Delta? I mean, you guys are saying it's like perfect leverage and everything. The perfect level. But when you're pumping out of the Delta, it's going to suck seawater into the Delta. Wouldn't that hurt the fish? Wouldn't that hurt our community? Our farmlands?
2008	Barsoom Inc	Most if not all of the Clarksburg area is under the Williamson Act
2008	Barsoom Inc	Clarksburg has rich, highly productive agriculture
2009	Cal/West Seeds	Cal/West and its growers fear that plans being developed by the BDCP and Delta Vision committees will destroy this region of the Delta and its grower's way of life.
2009	Cal/West Seeds	What will be the effects on water quality in the North Delta on a year round basis from the proposed conveyance or habitat restoration projects? Will salt water intrusion ultimately make the North Delta a region where agriculture will no longer survive?
2009	Cal/West Seeds	Cal/West and its growers fear that plans may be developed by the BDCP and the Delta Vision Committees will destroy this region of the Delta and its growers way of life.
2009	Cal/West Seeds	...what will be the effects to water quality in the Delta on a year-round basis from the proposed conveyance or habitat restoration projects? Will the salt water intrusion ultimately make the north Delta a region where agriculture will no longer survive?
2009	California Central Valley Flood Control Association	Substantial public and private investments in water conveyance for irrigation and drainage are potentially at risk by seasonal flooding of levee protected areas. Construction of cross or cutoff levees could limit the extent of damage or stranded investment; however, that land base to support maintenance of such a facility will not exist. Local levee districts will not accept maintenance for such new levees. These possibilities and their physical and financial impacts must be addressed in the EIR/EIS.
2009	California Central Valley Flood Control Association	Breaching adjacent levees increases the potential for erosion, surface water elevation changes, and water quality changes, all to the detriment of local public and private operations and must be properly analyzed and mitigated in the EIR/EIS.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	California Central Valley Flood Control Association	The bypass is already incapable of passing the design flow at the design stage up stream of Liberty Island. New impacts due to additional capacity impairments will affect agricultural land and their attendant habitat values, increase erosion on existing levees, create additional road flooding, reduce local drainage capacity, and potentially allow flood flows to outflank the federal project levee at the northern end of the bypass. Rigorous modeling and monitoring criteria needs to be funded and implemented as a component of any project.
2008	California Department of Food and Agriculture	We recommend that, at a minimum, the following attributes be described: Acreage and classification of the agricultural lands of the project area using the Department of Conservation's Farmland Mapping and Monitoring Program's classification system
2008	California Department of Food and Agriculture	We recommend that, at a minimum, the following attributes be described: Acreage and gross production value of crops grown in the Delta using county agricultural commissioner crop reports and recent DWR land use map of the Delta
2008	California Department of Food and Agriculture	We recommend that, at a minimum, the following attributes be described: State and local agricultural land conservation policies that apply to Delta agricultural lands, including county general plan and zoning designations, Williamson Act agricultural preserve and contracted lands (including Farmland Security Zone contracts), and conservation easements intended to protect lands for agricultural purposes
2008	California Department of Food and Agriculture	We recommend that, at a minimum, the following attributes be described: The unique attributes of the Delta that distinguish it from other growing regions of the state and the advantages that these growing conditions give Delta agriculture
2008	California Department of Food and Agriculture	We recommend that, at a minimum, the following attributes be described: Unique obstacles to Delta agriculture, information that could be important in distinguishing between lands when minimization of project impacts on agriculture can be achieved by avoiding the best farmland in favor of marginal farmlands. This information may also be useful where land or agriculture infrastructural improvements can be made to remove obstacles as a form of compensatory mitigation.
2008	California Department of Food and Agriculture	We recommend that because agriculture is the predominant land use in the Delta, and the only land use listed whose productivity is dependent on the Delta's unique natural soil, water and climate conditions, it be given separate focus as recommended in the CEQA Guidelines.
2008	California Department of Food and Agriculture	We recommend that the following impacts be addressed in the EIR/EIS: Direct loss of agricultural land to other, non-agricultural land uses
2008	California Department of Food and Agriculture	We recommend that the following impacts be addressed in the EIR/EIS: Indirect loss of agricultural land due to the loss of infrastructure needed to support farming in the Delta, such as transportation access to agricultural islands; and, loss or impairment of agricultural land as a result of the loss of water supply or water quality.
2008	California Department of Food and Agriculture	We recommend that the following impacts be addressed in the EIR/EIS: Indirect Impacts on Delta agricultural land.
2008	California Department of Food and Agriculture	We recommend that the following impacts be addressed in the EIR/EIS: The cumulative loss of agricultural land

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2008	California Department of Food and Agriculture	Though not required explicitly by CEQA, we suggest that a second, perhaps less detailed, level of cumulative impact analysis of agricultural land be conducted on the Delta-dependent region.
2008	California Department of Food and Agriculture	The CALFED Bay-Delta Program's Record of Decision adopted more than 30 mitigation measures to address the direct and indirect impacts on agricultural land. We recommend your consideration of these mitigation measures to address both programmatic and project-specific impacts of BDCP implementation on agriculture.
2008	California Department of Food and Agriculture	In lieu of direct mitigation using conservation easements, we suggest considering an agricultural mitigation bank. Mitigation fees to compensate for the loss of agricultural resources could be deposited into an account managed by a Delta governance entity
2008	California Department of Food and Agriculture	..we recommend that the EIR/EIS consider the use of a modified version of the state (Department of Conservation) or federal (USDA) Land Evaluation and Site Assessment (LESA) model to determine the significance of agricultural land impacts.
2008	California Farm Bureau	Removing or reducing current impediments to conveyance across the Delta could greatly facilitate water transfers from agricultural uses in Northern California to other uses in Southern California. However, these actions could negatively result in a significant reallocation of water supplies, leading to potential fallowing or permanent loss of agricultural land, rising prices for agricultural water, significant socioeconomic impacts in communities and regions of the state that currently depend on agriculture as a source of income, new growth in export-dependent areas of the State, and other potential, adverse, environmental impacts. The BDCP EIR/EIS should consider such impacts, including potential sources and volumes of transferred water and ways in which such impacts could be avoided or reduced.
2008	California Farm Bureau	BDCP actions that would potentially remove private lands from local tax rolls and levee assessment districts, or that reduce the economic viability of Delta agriculture overall by increasing Delta salinity, could lead to a decline in local investment and capacity to maintain and improve levees. This could lead to the unplanned loss of numerous Delta islands, with potential widespread adverse impacts on water quality, water supply, species conservation, and habitat restoration. The BDCP EIR/EIS should consider the potential for such impacts and adopt appropriate mitigation measures, including measures to reduce and avoid adverse large-scale water quality and farmland conversion impacts, in order to provide the conditions for an economically viable agricultural economy that will continue to maintain and improve Delta levees over time.
2008	California Farm Bureau	Preserving existing agricultural land at a 1: 1 or greater ratio, including in particular lands on the periphery of the Delta that could serve both presently and in the future as a 'bulwark' against urban encroachment, cumulative farmland loss, long-term subsidence and potential loss of lower elevation lands, future sea level rise, etc.
2008	California Farm Bureau	Allotting buffers to avoid adverse impacts to adjacent lands.
2008	California Farm Bureau	Working with private landowners and adopting specific mitigation measures to address impacts to adjacent lands, increased flood risks, incompatible timing of floodplain inundation, etc.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2008	California Farm Bureau	Fully compensating farmers for truly unavoidable, adverse impacts.
2008	California Farm Bureau	The BDCP EIR/EIS should analyze potential statewide farmland conversion and growth inducing impacts from new conveyance. Agricultural land that might be lost to water quality impairments or habitat restoration in the Delta, to induced urban growth in the San Joaquin Valley or Southern California, or to water transfers and flowing to the North should all be considered in EIR/EIS. Furthermore, when considering the environmental and economic impacts of Delta farmland conversion it is relevant to consider impacts to the human food supply, the implications for long-term food security, domestic versus foreign production, and cumulative and indirect impacts from farmland conversion both nationally and throughout the State of California.
2009	California Farm Bureau	California Farm Bureau is concerned that the Fish & Wildlife Service, Bureau of Reclamation, National Marine Fisheries Service, and the Department of Water Resources (hereinafter "Agencies") may fail to recognize that agricultural land and water quality resources are a part of the physical environment, thus consideration of impacts to agricultural resources must be included as part of a proper National Environmental Policy Act ("NEPA") and California Environmental Quality Act ("CEQA") environmental review.
2009	California Farm Bureau	Given the national and statewide importance of agriculture and the legal requirements of environmental review, California Farm Bureau urges the Agencies to properly assess all direct and indirect effects on the agricultural environment resulting from the proposed BDCP project in the EIS/EIR.
2009	California Farm Bureau	Projects are subject to FPPA [Farmland Protection Policy Act] requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.
2009	California Farm Bureau	...the Agencies must consider agricultural resources as part of the physical environment when undertaking its NEPA analysis of alternatives, direct and indirect impacts, cumulative impacts, and mitigation alternatives for the BDCP EIS/EIR.
2009	California Farm Bureau	As currently proposed, the BDCP project alternatives will convert agricultural lands to other uses, including land for habitat restoration, conveyance facilities, and levee improvements. This conversion would add to the existing statewide conversion of substantial amounts of agricultural lands to other uses, and may conflict with adopted plans of many local governments, including cities and counties, and existing HCPs.
2009	California Farm Bureau	Any and all adverse environmental effects on agricultural resources resulting from the BDCP project, as well as cumulative impacts that will occur over time, must be fully assessed and disclosed under CEQA, as well as avoided or mitigated as required by CEQA.
2009	California Farm Bureau	The agricultural lands surrounding the BDCP Project must be accurately and completely depicted...The EIS/EIR must incorporate the FMMP [Farmland Mapping and Monitoring Program] Maps as a basis for its analysis. The acreage of farmland that will be converted and/or impacted from this project must be included in the EIR/EIS. Additionally, any other changes in the existing environment due to the project which, due to their location or nature, could result in conversion of agricultural to nonagricultural use must also be examined.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	California Farm Bureau	California Farm Bureau also recommends that any agricultural impact discussion for areas outside existing Important Farmland Map boundaries be based on the agricultural land definition in the Williamson Act. This would also be in accordance with the definition of "agricultural land in CEQA.
2009	California Farm Bureau	All feasible mitigation measures proposed in the EIS/EIR to address the impacts to agricultural resources must be fully described and must mitigate for the impacts. A project of this magnitude has the potential to convert significant amounts of agricultural land to nonagricultural use. To address this, sufficient funding should be allocated for mitigation of agricultural land loss on a per acre basis. (The Agencies should consult with applicable county and local governments to assess local agricultural mitigation measures.
2009	California Farm Bureau	A project such as this would not be compatible with the Williamson Act...Any discussions regarding mitigation for this project must include a discussion of the Williamson Act's policies regarding public acquisition of and public improvements within, agricultural preserves and on lands under Williamson Act contract.
2009	California Farm Bureau	At a minimum, the EIS/EIR must include the following specific information on the agricultural preserves and Williamson Act contracts in the project area: (1) a map detailing the location of agricultural preserves and Williamson Act contracted land with each preserve. The document must also calculate the total amount of acreage under contract, according to land type (prime or non-prime), that could be either directly or indirectly impacted by this project; and (2) the impacts that public acquisition of areas under Williamson Act contracts would have on nearby properties also under contract.
2009	California Farm Bureau	It is unclear at this time how much private property will have to be acquired for this project. The least environmentally damaging and practicable alternative must maximize the use of property already owned by the government before acquiring private land. For land under Williamson Act contract, Government Code Section 5 129 1 (c) spells out the requirements for government acquisition of land under contract (see also Gov. Code, § 5 1292 for the findings to be made before acquisition). These requirements must be strictly adhered to whenever any property under contract is acquired for this project.
2009	California Farm Bureau	The EIS/EIR must also analyze the direct and indirect impacts of this project on water quality, including the indirect conversion of existing farmland for want of adequate and reliable water supply of sufficient quality, especially in areas within the Delta. Water quality impacts, both direct and indirect, resulting from the conversion of agricultural land to non-agricultural uses must be analyzed and mitigated. Such analysis should include water supply and water quality and should involve an examination of water supply impacts the project may have, and how that might impact the water supply otherwise available for production agriculture.
2009	California Farm Bureau	The siting of the BDCP Project through agricultural lands will greatly impact the agricultural industry as a whole, as well as local rural communities. These impacts can be far-reaching and include a loss of jobs, a loss of sales tax revenue which leads to a loss of social services, and a loss of agriculturally-related businesses. Such socio-economic impacts are interrelated with the proposed effects on the physical environment and thus, must be evaluated in the EIS/EIR.



Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	California Farm Bureau	California Farm Bureau urges the Agencies to consider the following mitigation measures for full evaluation within the EIS/EIR: Siting and aligning Project features to avoid or minimize impacts on agriculture. Examining structural and nonstructural alternatives to achieving project goals in order to avoid impacts on agricultural lands. Implementing features that are consistent with local and regional land use plans. Supporting the California Farmland Conservancy Project in acquiring easements on agricultural lands in order to prevent its conversion and increase farm viability. Restoring existing degraded habitat as a priority before converting agricultural lands.
2009	California Farm Bureau	Providing water quality reliability benefits to agricultural water users. Maintaining water quality standards for all beneficial uses, including agricultural use. Focusing habitat restoration efforts on developing new habitat on public lands before converting agricultural land. If public lands are not available for restoration efforts, focusing restoration efforts on acquiring lands that can meet ecosystem restoration goals from willing sellers. Using farmer-initiated and developed restoration and conservation projects as a means of reaching Program goals.
2009	California Farm Bureau	Of particular concern to Delta interests-and to the California Farm Bureau...are the potential, adverse water quality and water supply and water rights impacts of the proposed project on agricultural water users and agricultural land, both within the Delta itself and in areas of upstream of the Delta.
2009	California Farm Bureau	For the BDCP's consideration in scoping, project development, and eventual project implementation, a number of the more significant constraints and requirements in the area of water rights and water quality are listed below as follows: 1. California's dual riparian and appropriative water rights system...2. The Water Code's Area-, Watershed- and County-of-Origin statutes...3. Water Quality, Water Supply, and Water Rights Protections in the Delta Protection Statutes...4. The so-called "No Injury Rule," allowing a petitioned change in point of diversion, place, or purpose of use only upon approval of the State Water Resources Control Board, subject to protest by any interested person(s) and such conditions as the Board may impose, and upon a finding, following a public process, that the proposed change "will not operate to the injury of any legal user"...5. The effect of state and federal antidegradation laws and policies on the proposed action, in terms of potential adverse water quality effects in the absence of feasible and effective measures or actions to avoid or mitigate such adverse effects
2009	California Farm Bureau	...6. Duly established water quality objectives in any existing or future water quality control plan applicable to waters and existing beneficial uses of the Sacramento-San Joaquin Bay-Delta...7. Water quality control planning requirements of the California Porter-Cologne Act...8. The State and Regional Water Quality Control Boards' further responsibilities to establish an effective "program of implementation," in connection with an water objectives in any water quality control plan...9. The State Water Board's joint "adjudicatory and regulatory functions" in the area of the water quality and water rights, as well the reserved adjudicatory powers of the courts and of the State Water Board, including the Board's latent powers and procedures described with respect to water rights adjudications...as well as the ability of affected persons to bring actions to enforce compliance with established water quality standards through the courts, and the State Board's powers to compel compliance with past orders and decisions of the board by means of its water rights permitting authorities

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	California Farm Bureau	...10. The policies of NEPA, as these pertain to water quality, water rights, and water supply...11. The policies and requirements of the CEQA as these relate, specifically, to water quality...12. CEQA Guidelines Appendix G ("Environmental Checklist"), as that guidance document relates, without limitation, to potential adverse water quality- and water supply-related impacts of the proposed project or required consideration of alternatives, impacts, mitigation measures, and specific findings in the areas of "Agricultural Resources," "Hydrology/Water Quality," and any necessary "Mandatory Findings of Significance,"
2009	California Waterfowl Association	Analyze the potential change in food availability and breeding habitat for waterfowl resulting from temporary loss (or changes in management) of managed wetlands and agriculture due to either prolonged floodplain inundation or conversion to floodplain habitat, especially in the Yolo Bypass.
2009	California Waterfowl Association	Analyze the potential changes in food availability for wetland-dependent migratory birds resulting from conversion of certain farmlands or change in agricultural crop type. Especially in the Yolo Bypass, where proposed actions for fish habitat restoration may preclude the ability to plant a rice crop.
2009	California Waterfowl Association	Analyze how improved water conveyance may simplify and perhaps increase transfers of water south of the Delta, potentially reducing the amount of rice farmed in the Sacramento Valley. More specifically, analyze: <ul style="list-style-type: none"> <li>o The impacts of potentially reduced rice acreage on foraging habitat for wintering and breeding waterfowl</li> <li>o The impact of potentially reduced winter flooding of harvested ricefields on energy supply for waterfowl and other wildlife in the Sacramento Valley.</li> <li>o The impact of reduced spring/summer flooded rice habitat, and potentially increased fallow cropland, on breeding habitat for waterfowl and other birds.</li> <li>o The potential to establish cover crops to reduce erosion and provide habitat (e.g., nesting cover) for breeding waterfowl and other wildlife if cropland becomes idle/fallow as a result of BDCP actions,</li> </ul>
2009	California Waterfowl Association	Analyze how water supply and reliability to wetlands and agricultural habitats for migratory birds will change within the BDCP planning region, and in other potentially impacted regions of the Central Valley, given the different project alternatives.
2009	Central Valley Joint Venture	Analyze the potential change in food availability and breeding habitat for wetland-dependent birds resulting from temporary loss (or changes in management) of managed wetlands due to either prolonged floodplain inundation or conversion to floodplain habitat, especially in the Yolo Bypass.
2009	Central Valley Joint Venture	Analyze the potential changes in food availability for wetland-dependent migratory birds resulting from conversion of certain farmlands or change in agricultural crop type.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	Central Valley Joint Venture	Analyze how improved water conveyance may simplify and perhaps increase transfers of water south of the Delta, potentially reducing the amount of rice farmed in the Sacramento Valley. More specifically, analyze: <ul style="list-style-type: none"> <li>o The impacts of potentially reduced rice acreage on foraging habitat for wintering and breeding migratory birds (and other wildlife, e.g., giant garter snake).</li> <li>o The impact of potentially reduced winter flooding of harvested ricefields on energy supply for waterfowl and other wildlife in the Sacramento Valley.</li> <li>o The impact of reduced spring/summer flooded rice habitat, and potentially increased fallow cropland, on breeding habitat for waterfowl and other birds. The potential to establish cover crops to reduce erosion and provide habitat (e.g., nesting cover) for breeding migratory birds if cropland becomes idle/fallow as a result of BDCP actions,</li> </ul>
2009	Central Valley Joint Venture	Analyze how water supply and reliability to wetlands and agricultural habitats for migratory birds will change within the BDCP planning region, and in other potentially impacted regions of the Central Valley, given the different project alternatives.
2008	City of Stockton	With less water available for in-Delta uses, agriculture could suffer. Significant amounts of agricultural land would be taken out of production for the canal rights-of-way. Local Stockton businesses that support agriculture would suffer.
2009	Clark Farms	How will increased salinity in Elk Slough, as a result of your project affect our grape vines? Who will compensate me for lost or reduced production of my wine grapes when water quality is reduced as a part of this BDCP project? How will that compensation be determined?
2009	Clark Farms	I am concerned that the BDCP will result in increased salinity in Elk Slough which is the source of our farm's irrigation water. Increased salinity in Elk Slough will adversely affect our grape vines and may make farming impossible.
2009	Clarksburg Wine Growers & Vintners	The destruction of vineyards as proposed by the 3 options would cause significant negative economic impact to the state.
2009	Commenter during Scoping Process	...the environmental review must include:...Loss of local farmland and crops.
2009	Commenter during Scoping Process	Just who is going to pay for this? Even if the Southern water interests assume the payments..., 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.
2009	Commenter during Scoping Process	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.
2008	Contra Costa County Public Works Department	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.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	Contra Costa Water District	Canals will sever many large tracts of agricultural land, and create severe drainage issues that will be very expensive to mitigate, if mitigation is at all possible.
2009	County of Sacramento	BDCP proposes to convert thousands of acres of existing designated Farmland to non-agricultural use. The width and size of the Peripheral Canal (now known as the Isolated Conveyance Facility) that the BDCP proposes to construct will also bisect many existing farmlands, resulting in parcel sizes that are too small to be viable for farming operations. It is not clear to the County how BDCP proposes to avoid the use restrictions imposed by the Williamson Act on the many farmlands that are subject to those contracts.
2009	County of Sacramento	BDCP proposes to take thousands of acres of land out of agricultural production. The soils impacts associated with this proposal must be studied.
2009	County of Sacramento	The physical impacts of BDCP will also lead to social and economic impacts that must be examined. For example, the BDCP seeks to conserve thousands of acres of Delta property, which will render that property unavailable for any future development. The impacts of this program on the economic viability and vitality of existing Delta businesses and communities, including but not limited to agricultural operations, must be analyzed. For example, if the BDCP requires a regulating reservoir close in proximity to the intake facilities, as engineering experts suggest, BDCP will have to acquire hundreds of acres close to the river, most likely in areas where Delta businesses are located. The removal of these businesses to flood the area for a regulating reservoir may diminish the customer base of the remaining businesses to the point where they are not able to survive. For these and other reasons, the potential for BDCP to cause the failure of Delta businesses and result in blight must also be studied.
2009	County of Sacramento	Habitat restoration proposals must be undertaken in a manner that does not sacrifice public safety (in the form of adequate flood protection) or local agriculture.
2009	County of Sacramento	Sacramento County will protect its governmental prerogatives in the areas of its local land use authority, tax and related revenues, public health and safety, economic development and agricultural stability.
2009	County of Sacramento	Sacramento County will work with the BDCP's efforts to insure that it does not conflict with County land use planning, economic development, including agriculture, and that it is consistent and compatible with the SSHCP.
2009	County of Solano	Because of the importance of agriculture to Solano County within the Delta area, the following impacts should be thoroughly reviewed and analyzed in the EIR/EIS and fully mitigated. Impact: Direct loss of Agricultural Land in Solano County from conversion to habitat and construction of water conveyance facilities....The EIR/EIS must fully analyze the impacts of the whole of the project including long-term restoration targets on the conversion of agricultural land in Solano County. Of the approximately 23,000 acres identified in the Draft Conservation Strategy in the Cache Slough area, approximately 14,500 acres are currently in agricultural production producing agricultural crops and commodities worth \$7.5 million. Lands within this conservation area not currently flooded consist of approximately 9,600 acres of "Prime Farmland" and 3,100 acres of "Farmland of Statewide Importance" as identified under the California Department of Conservation Farmland Mapping and Monitoring program.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	County of Solano	Additional loss of agricultural land will occur if the western alignment for the water conveyance improvements is constructed. The precise location and amount of land that would be impacted by the construction of the western alignment is unknown at this time and needs to be analyzed. Any loss of agricultural land from either conversion to habitat or construction of water conveyance facilities must be analyzed in the EIR/EIS and fully mitigated. Mitigation measures must include the following: Permanent protection/preservation of like or better quality agricultural lands for agricultural land converted based on a 1 to 1.5 ratio as identified in the 2008 Solano County General Plan. Priority for agricultural mitigation should be given to the Agricultural overlay areas as identified in the 2008 Solano County General Plan. Land acquisitions for habitat restoration must be from willing sellers only.
2009	County of Solano	Because of the importance of agriculture to Solano County within the Delta area, the following impacts should be thoroughly reviewed and analyzed in the EIR/EIS and fully mitigated. Impact: Indirect loss of Agricultural Land Habitat restoration activities will result in indirect impacts on adjoining and upland agricultural lands and must be analyzed in the EIR/EIS. This will include the loss of agricultural land that may not be converted to habitat within a habitat area or to create buffer areas between restored habitat areas and continued agricultural operations other land uses. There is no discussion in the BDCP of how much land would be needed to provide adequate buffers for water quality and/or invasive species protection between habitat restoration areas and adjoining agricultural lands.
2009	County of Solano	All buffer areas should be incorporated as part of the habitat conservation area and maintained as part of the conservation area and in a fashion that does not further impact adjoining agricultural lands. Mitigation measures must include the following: Permanent protection/preservation of like or better quality agricultural lands for agricultural land converted based on a 1 to 1.5 ratio as identified in the 2008 Solano County General Plan. Priority for agricultural mitigation should be given to the Agricultural overlay areas as identified in the 2008 Solano County General Plan. Land acquisitions for habitat restoration must be from willing sellers only.
2009	County of Solano	Because of the importance of agriculture to Solano County within the Delta area, the following impacts should be thoroughly reviewed and analyzed in the EIR/EIS and fully mitigated. Impact: Restrictions on Adjoining Agricultural Practices. The establishment of habitat conservation areas will potentially impact adjoining agricultural operations and activities. Such impacts may include increased vector impacts; introduction of invasive species and agricultural pests; avian impacts on agricultural crops and operations; increased potential for take of listed species as a result of proximity to adjoining conservation habitat areas; and restrictions on pesticide/herbicide usage and discharge limits that are more restrictive than normal agricultural practices due to adjacent wetlands and aquatic habitat area protection requirements. These impacts may limit the types of crops, pesticide use and other agricultural practices and must be fully analyzed in the EIR/EIS.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	County of Solano	Mitigation measures must include the following: Establishment of buffer areas incorporated into the project sufficient to avoid the need for additional restrictions on farm practices. Establish water quality objectives for any potential discharges that may impact buffer areas and designated areas and the State commit to taking responsibility for any increase regulatory requirements from upstream point and non-point discharges due to existence of new BDCP habitat. Establish "good neighbor" programs to deal with vectors, invasive species and agricultural pests to be incorporated and funded as part of conservation management plans. Full federal Endangered Species Act (ESA) and California Endangered Species Act (CESA) protection for neighboring lands/landowners.
2009	County of Solano	Because of the importance of agriculture to Solano County within the Delta area, the following impacts should be thoroughly reviewed and analyzed in the EIR/EIS and fully mitigated. Impact: Loss of Lands under Williamson Act ...The EIR/EIS must analyze how the implementation of the BDCP will affect the existing Williamson Act contracts. Much of the lands in Suisun Marsh proposed for restoration is also under Williamson Act contract. Mitigation measures must include the following: Mitigation ratios for the loss of Williamson Act contracted land which should be higher than the loss on non-contract agricultural land. Alternatives to removing "prime" agricultural land.
2009	County of Solano	Because of the importance of agriculture to Solano County within the Delta area, the following impacts should be thoroughly reviewed and analyzed in the EIR/EIS and fully mitigated. Impact: Sustainable Agricultural Economy in Solano County The EIR/EIS must also analyze the impact of the loss of agricultural land and agricultural production on the county's overall agricultural economy including direct, indirect and induced impacts. This includes the impact to agricultural support activities and industries from the loss of agricultural production to habitat conversion.
2009	County of Solano	Mitigation measures must include the following: Payment for lost business opportunity and income based on Solano County Water Agency (SWCA) report "The Economic Impact to Solano County from Converting Agricultural Land to Wetlands Habitat" (January 2009), already provided to BDCP representatives, payable to the County to administer programs to help mitigate third party impacts of conversion. Fund improvements to agricultural support facilities to maintain a sustainable agricultural infrastructure.
2009	County of Solano	Creation of new freshwater tidal wetlands and sub-tidal habitat in the Cache Slough area may lead to requirements to improve upstream water quality from agricultural and urban point and non-point discharges above normal requirements. This may include discharge requirements from upstream wastewater treatment facilities and agricultural operation. EIR/EIS needs to establish base-line levels and to analyze these potential impacts and include mitigation measures to address and fund any improvements needed beyond baseline levels and normal requirements or provide safe harbor agricultural and urban point and non-point discharges above normal requirements due to new freshwater tidal wetlands and sub-tidal habitat areas and meeting more stringent guidance or WQO.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	County of Solano	Mitigations may include providing adaptive management tools, incentive programs and educational outreach for owners of agricultural areas that potentially discharge to the buffer zones and restoration areas to help assist in meeting WQO for discharge and reducing non-point source impacts. The project should not result in any changes to agriculture NDWA above normal requirements. Mitigation measures must include the following: Projects shall not result in increased point and non-point discharge requirement for agricultural and urban activities. Safe Harbor for agricultural and urban point and non-point discharges so that local runoff is not required to be improvised above normal requirements due to creation of new habitat areas.
2009	County of Solano	The change in water conveyance and creation of habitat areas in the Cache Slough and Suisun Marsh will result in changes in salinity levels in the Delta and Suisun Marsh. Increased levels of salinity can impact drinking water, agricultural production and certain types of natural habitats...The EIR/EIS must fully analyze the potential impacts of increased salinity...Mitigation measures must include the following: Mitigation for changes in salinity in the north Delta and Suisun Marsh. Protection of Suisun Marsh salinity standards to protect existing wetland and wildlife habitat and the beneficial uses. Financial Assurances for any potential corrective action to reduce salinity resulting from a post project condition. The financial assurances should cover the cost to construct desalination plants or water treatment facility to restore the salinity in the Delta and the county water users to the pre-project levels.
2009	County of Solano	Restoration in the Cache Slough complex may have adverse effects on operation of the North NBA, Reclamation District 2068 and private agricultural water intakes related to entrainment of enhanced populations of covered species. Construction of habitat restoration projects could disrupt irrigation and drainage systems essential to agricultural production on land bisected by these projects. The EIR/EIS must fully analyze these impacts and provide mitigation measures that provide protections to enhanced populations of covered species, provide for the relocation of the NBA intake, and protect urban and agricultural water supplies. Mitigation Measures must include the following: Provisions of an alternate intake for the North Bay Aqueduct. Full Federal and State Endangered Species Act protection for affected water diversions within the project regions, including funding for installation and operating fish screens or other diversion modification requirements
2008	County of Yolo	How much farmland will be converted to water supply infrastructure, habitat, or other non-agricultural uses as part of the BDCP? Will mitigation - such as agricultural conservation easements in accordance with local requirements - be provided?
2008	County of Yolo	Will implementation of the BDCP and related projects result indirectly in the conversion of additional farmland to other uses, or simply the cessation of agricultural uses? How will such indirect conversions be mitigated?
2008	County of Yolo	To what extent will implementation of the BDCP result in additional restrictions on agricultural practices - including both current and reasonably foreseeable future practices? Can the impact of these restrictions be lessened or avoided through the implementation of buffers or similar measures?
2009	County of Yolo	Flood management, habitat protection and restoration, preservation of agriculture, recreation, and land use decisions in the Delta must be consistent with adopted policies for Yolo County

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	County of Yolo	Public and private financial support should be secured for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat
2009	County of Yolo	Develop appropriate agricultural industrial uses and infrastructure within the Clarksburg Agricultural District, and assist the Clarksburg region to provide agricultural tourism-related activities and "Delta gateway" facilities
2009	County of Yolo	Provide farmers with safe harbor agreements, fish screens, and buffers related to habitat areas or conveyance facilities
2009	County of Yolo	Protect area of origin water rights and water quality in the Delta and ensure water supplies for Yolo agriculture
2009	County of Yolo	PARAMETERS FOR DELTA-RELATED HABITAT PROJECTS Willing sellers only; Payment in-lieu of property tax for lands changing from private to public ownership; Payment for lost business opportunity and income, including socio- economic issues; Project impacts originating in Yolo County must be discharged in Yolo County; Permanent protection/preservation of like or better quality agricultural lands for agricultural lands converted, compliance with local policies regarding conservation easements; Buffers sufficient to avoid the need for additional restrictions on farm practices on surrounding lands; Continued payment of special district assessment and fees; Mitigation of costs for increased public services (e.g. law enforcement, fire, rescue, roads); No adverse changes to flood protection for surrounding areas; Full ESA and CESA protection for neighboring lands/landowners; Full ESA and CESA protection for affected water diversions; Consistency with the Yolo Natural Heritage Program;...
2009	County of Yolo	Protection of existing high value habitat, such as in the Yolo Wildlife Area; Mitigation for loss of terrestrial habitat for special status species and other wildlife; Funding and responsible entity for monitoring and adaptive management of habitat projects and associated lands; Control program for vectors, invasive species and agricultural pests; No out of county water transfers from converted lands; No increase in mercury release or transport; Mitigation for increased organic carbon at North Bay Aqueduct; Maximize public recreational opportunities associated with habitat projects; If possible, projects will be designed to accept dredged materials from the Sacramento Deep Water Ship Channel; Permanently funded stakeholder working group for the Yolo/Solano portion of the Delta; and Opportunity for Yolo County to obtain mitigation of future impacts associated with County public works projects (e.g., roads, bridges, levee work) as part of habitat projects.
2009	County of Yolo	In particular, both letters express significant concern about proposed Floodplain Habitat Restoration Conservation Measure (FLOO 1.1)...If implemented, this measure could convert thousands of acres of high-quality farmland and wildlife habitat in the Vic Fazio Wildlife Area and the Bypass to man-made aquatic habitat. The value of this artificial habitat is unknown...
2009	County of Yolo	This is only one set of the significant environmental issues that must carefully evaluated in the EIS/EIR with respect to proposals affecting the Yolo Bypass. Other issues of great concern to the County include potential effects on agricultural production within the Bypass, impacts to levees, and the deterioration of its floodway function.



Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	Delta Caucus	The EIR must identify all negative impacts to the Delta economy and ecosystem caused by each of the alternatives, must quantify the cost of the impacts, and must define in detail mitigation actions which will be required. For example, how will the BDCP mitigate for loss of farmland and loss of Swainson's Hawk foraging habitat?
2009	Delta Caucus	The EIR must analyze the implications of creating wetlands within the borders of reclamation districts. Is it feasible to create wetlands within the borders of reclamation districts where at certain times water is the common enemy? How will flood control, drainage, and irrigation systems be impacted within reclamation districts where fish habitat is created?
2009	Delta Caucus	Redirected impacts caused by moving targeted fish from one area of the Delta to another must be identified and mitigated. For example, if the Delta Smelt population increases due to BDCP projects, water users should not be restricted from pumping water from the channels where this occurs.
2009	Delta Caucus	...the EIR must identify all negative impacts to the Delta economy and ecosystem caused by water quality changes and conversion of land from agricultural production. It must clearly articulate how the BDCP will mitigate for loss of farmland and habitat such as Swainson's Hawk foraging habitat.
2009	Delta Caucus	The EIR should identify in depth all plant communities and avian and terrestrial species which will be adversely impacted by creation of fish habitat. The analysis should include impacts caused by changes in water quality as well as large-scale conversion of both agricultural and wildlife habitat to fish habitat.
2009	Delta Farmer	So if we're going to alter hydrologically the water flows that are already going through the Delta, how is that going to be a positive in regards to fish species, or wildlife species, bird species, or anything else, not to mention the people who live there and work there in the agriculture element of the Delta?
2008	Delta Protection Commission	Habitat restoration projects should not adversely impact surrounding agricultural practices
2008	Delta Protection Commission	Local governments shall encourage acquisition of agricultural conservation easements as mitigation for projects within each county, or through public or private funds obtained to protect agricultural and open space values, and habitat value that is associated with agricultural operations
2008	Delta Protection Commission	Promote use of environmental mitigation in agricultural areas only when it is consistent and compatible with ongoing agricultural operations and when developed in appropriate locations designated on a countywide or Delta-wide habitat management plan.
2008	Delta Protection Commission	Local governments shall encourage management of agricultural lands which maximize wildlife habitat seasonally and year-round, through techniques such as sequential flooding in fall and winter, leaving crop residue, creation of mosaic of small grains and flooded areas, controlling predators, controlling poaching, controlling public access, and others.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	Delta Wetlands Project	If BDCP does not coordinate with Delta Wetlands Properties and the Delta Wetlands Project, BDCP's proposed activities could interfere with current agricultural operations as well as the development and operation of the Delta Wetlands Project. For example, modification to the flow regime in the Delta could reduce flows and/or impair water quality in a manner that injures Delta Wetlands' existing irrigation water right licenses and Delta Wetlands Project water rights.
2008	Family in Clarksburg	Would permanently removing this land from agricultural production impact the future availability of locally grown produce for the people of Sacramento?
2008	Family in Clarksburg	If adopted, literally thousands of acres of prime farm land would be flooded. What would be the impact to those families currently farming this land? Of what strategic importance is this farm land to the security of the United States and this country's ability to feed its citizens?
2009	Family in Clarksburg	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.
2009	Family in Clarksburg	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.
2008	Farmer in Clarksburg	During the last four decades, growers have planted over 17,000 acres of our upper Delta region into premium wine grapes...We have invested heavily in vineyards which have a life expectancy of 25 to 30 years..
2008	Farmer in Clarksburg	Extrapolating those economic impacts to just our 17,000 acres of wine grapes, we create in excess of 11,000 full time equivalent jobs in California and an additional 13,500 jobs nationwide. This generates \$357 million in California wages and almost \$900 million in wages throughout the USA. Taxes generated from our winegrape acres exceed \$107 million to the State of California and an additional \$64 million nationally. In excess of 700,000 visitors with tourism expenditures exceeding \$71 million are attributable to our 17,000 acres of grapes.
2008	Farmer in Clarksburg	During the last four decades the growers have planted over 17,000 acres of our Upper Delta Region in premium wine grapes. Our crops have proliferated in quality and yield, and the Clarksburg Delta has earned the reputation of being the Banana Belt for premium wine grapes among California wineries. We have invested heavily in vineyards which have a life expectancy of 25 to 30 years.
2008	Farmer in Clarksburg	Extrapolating those economic impacts to just our 17,000 acres of wine grapes, we create in excess of 11,000 full time equivalent jobs in California, and an additional 13,500 jobs nationwide. This generates \$357 million dollars in California wages and almost \$900 million dollars in wages throughout the U.S.A. Taxes generated from our wine grape acreage exceed \$107 million dollars to the State of California, and an additional \$64 million dollars nationally. In excess of 700,000 visitors with tourism expenditures exceeding \$71 million dollars are attributable to our 17,000 acres of grapes.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	Farmer in Clarksburg	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.
2009	Farmer in Clarksburg	At the Clarksburg meeting one year ago I requested economic analysis intended environmental mitigation cross projections and intended economic mitigation on the following issues of immediate concern to residents in the north Delta. To summarize, we have 17,000 acres of premium wine grapes in the Clarksburg appellation. Vineyard establishment costs are in the range of 16 to \$20,000 per acre. Vineyard infrastructure costs alone exceed \$340 million in just our appellation. There are 11,000 local and 13,500 nationwide jobs created by these wine grape acres. There is 357 million in statewide taxes and 900 -- I'm sorry -- in wages. And 900 million in annual wages are paid by these acres. Taxes generated statewide are 107 million. 64 million additional nationwide. 17,000 agri-tourism visitors spend \$70 million annually in the Delta. Please complete the requested analysis for the EIR/EIS.
2008	Farmer in the South Delta	...there is no understanding of the fact that the increase in salinity that the canal would cost would clearly put most of agriculture in the Delta out of business.
2009	Flood Planner in the Delta	What's this Yolo Bypass going to do to the City of Rio Vista? It appears to end just about on our doorstep. You see Isleton makes the corner, comes around. There's the bridge. That's always been farmland. It's been highly productive farmland. Rio Vista has an airport. That looks like the airport may be part of the Yolo Bypass. Has a housing development out there.
2008	Friends of Clarksburg Library	Our community has a rich agricultural background and many of the land use practices provide valuable habitat for wildlife, the proposal envisioned in the BDCP Scoping Plan endanger both the agricultural and habitat values that currently exist.
2008	Greene and Hemly	When areas are removed from agricultural production many people are affected. Service providers such as fertilizer suppliers, farm equipment mechanics, and local food markets will all lose customers. How will the BDCP Costs Benefit Analysis calculate how many businesses will lose customers and what the financial impact on these service providers will be? Obviously local service companies will lose efficiencies of scale from the smaller market size thereby becoming more expensive to operate. How will this be calculated? These higher costs will be passed onto remaining customers, how will it affect them?
2008	Greene and Hemly	When farm workers are displaced from the project areas they will not be able to find other positions without losing seniority. What is the economic impact on these workers and how will it be measured?
2008	Greene and Hemly	Changing the ecology of the area will alter the pest species mix in farms adjacent to the project. Are the increased pest control and mitigation costs for pest such as Stink Bug, Box Elder Bugs, and Coyotes to be included as costs of the project? How would these estimated costs be figured?

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2008	North Delta CARES	How is the agriculture which is an integral part of the historic Delta town of Clarksburg protected by the installation of a tidal marsh wetlands or primary habitat restoration area(s) anywhere in the area within 15 miles of the town of Clarksburg?
2008	North Delta CARES	What are the impacts on the "Farmland of Local Importance identified by SACOG, the Sacramento Area Council of Governments, caused by the project envisioned by the BDCP?
2008	North Delta CARES	What are the impacts on the "Unique Farmland identified by SACOG, the Sacramento Area Council of Governments, caused by the project envisioned by the BDCP?
2008	North Delta CARES	What are the impacts on the "Prime Farmland identified by SACOG, the Sacramento Area Council of Governments, caused by the project envisioned by the BDCP?
2008	North Delta CARES	What are the impacts on the "Farmland of Statewide Importance" identified by SACOG, the Sacramento Area Council of Governments, caused by the project envisioned by the BDCP?
2008	North Delta CARES	Has the economic impact of destroying multi-generational agricultural land been considered?...Why is the State considering drowning these vineyards for "habitat restoration?"...
2008	North Delta Water Agency	The EIR/EIS must also include an assessment of the conversion of productive agricultural land... the agencies will need to establish appropriate thresholds of significance for the potential loss of these productive lands, and establish mitigation measures that may include funding the creation of additional agriculture lands, possibly in the Delta uplands that are currently not subject to agriculture.
2009	North Delta Water Agency	To the extent that any of the project alternatives analyzed in the EIR/EIS would cause productive agricultural land within NDWA to be taken out of production, or would cause environmental problems to be re-directed into the NDWA, CEQA and NEPA impose an obligation to analyze the effects (direct and indirect) associated with such changes, and to mitigate for significant effects.
2009	North Delta Water Agency	NDWA is concerned that the massive new water conveyance infrastructure being considered by BDCP for the northern Delta will not only have the obvious effect of taking large tracts of agricultural land out of production; it will also have the more insidious, long-term effect of eroding the economic viability of the agricultural economy of the north Delta region and the social and economic viability of north Delta communities.
2009	North Delta Water Agency	The core principle which BDCP should apply and follow throughout its process is that landowners and residents within NDWA must be made whole for all harm (direct and indirect) associated with the implementation of any particular Delta infrastructure project.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	North Delta Water Agency	Landowners and water users within NDWA should be protected from short-term and long-term "collateral damage" arising from BDCP habitat restoration efforts. This includes, but is not limited to, regulatory actions that may affect the right to divert (i.e. fish screen requirements) and the timing of diversions. Any Delta solution must include robust and secure "take" authorization for existing, in-Delta covered activities. Assurances must be flexible and open-ended, and must not shift the risk for changed conditions away from the State of California.
2009	Planning and Conservation League	What flows are required for: Maintenance of water quality for other Delta beneficial uses, including drinking water, ecosystem, and agriculture?
2009	Planning and Conservation League	How would in-Delta agriculture have water of acceptable quality?
2008	Rancher in Fresno	At risk is drinking water to 25 million people and the bread basket of the world, over 9 million acres of rich farmland, comprising 350 different species of productive plants...So you're talking about close to 400 million plants, versus that little fish. Now that to me is a little out of proportion.
2009	Reclamation District 2068	During the scoping sessions, very little detail was given in regards to the notching or gating of the Fremont Weir in order to provide flows in the Yolo Bypass during nonflood conditions. It was indicated during the scoping sessions that flooding could extend 45 days, up to May 1. This change to the Yolo Bypass operation would essentially render farming infeasible in the bypass due to the uncertainty, or inability, to adequately work the soil in time to plant crops. This change in land use could significantly change the vegetation regime in the Yolo Bypass, which could thereby, affect the bypass flood carrying capacity. BDCP documents also acknowledge that more frequent inundation of the bypass may accelerate the erosion of bypass and downstream levees without appropriate protections. These concerns require consideration.
2009	Reclamation District 2068	The BDCP should describe more specifically how additional flooding will be accomplished and evaluate any impacts that this will cause on adjacent levee systems, changes to farming activity, changes to hydraulic capacity, changes to vegetation types and patterns and enhancement or introduction of special status species. The Bypass levees are designed for short term, infrequent flooding; and are typically not armored, nor are they designed to prevent seepage for extended periods of time.
2009	Reclamation District 2068	RD2068 is particularly concerned about increases in salinity from new tidal marsh habitat projects. Higher salinity directly correlates with reduced agricultural crop choices and production yield. This agricultural and economic impact requires evaluation.
2009	Reclamation District 2068	RD2068 operates an extensive recapture and reuse system in its agricultural water supply system. Irrigation reuse can supply some or all the water demand by direct application of up 30% of District lands. Increased salinity reduces the opportunity for recapture and reuse of water supplies once diverted. The result is an increased direct diversion from the Cache Slough region along with increased release of agricultural return flows. The EIR/EIS must evaluate these water quality, diversion and financial impacts.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	Reclamation District 2068	Approach to Tidal Marsh Restoration Targets presented to the BDCP Steering Committee Meeting on March 27, 2009, anywhere from 55,000 to 80,000 acres of tidal marsh restoration have been targeted over the 50 year BDCP plan term...We assume that the targets presented DO NOT include acreage incidental to restoration areas, such as buffers and excess lands acquired as part of a property transaction. These incidental land acquisitions need to be estimated and included in the analysis of impacts. The EIR/EIS must fully analyze the impacts of the whole of the project including long term restoration targets on the conversion or idling of agricultural land in the Solano and Yolo Counties.
2009	Reclamation District 2068	Any loss of agricultural land from either conversion to habitat, construction of water conveyance facilities or taken incidental to those activities must be analyzed in the EIR/EIS and fully mitigated.
2009	Reclamation District 2068	There is no discussion in the BDCP of how much land would be needed to provide adequate buffers for water quality and/or invasive species protection between habitat restoration areas and adjoining agricultural lands. All buffer areas should be incorporated as part of the habitat conservation area and maintained as part of the conservation area and in a fashion that does not further impact adjoining agricultural lands. Realistic estimations of the acreage of these indirect losses need to be provided and the impacts identified.
2009	Reclamation District 2068	The establishment of habitat conservation areas will potentially impact adjoining or regionally imbedded agricultural facilities, operations and activities. Such impacts may include alterations to water management, increased vector impacts, introduction of invasive species and agricultural pests; avian impacts on agricultural crops and operations; increased potential for take of listed species as a result of existing activities approximate to restored habitat areas, and restrictions on pesticide/herbicide usage and discharge limits that are more restrictive than normal agricultural practices due to adjacent wetlands and aquatic habitat area protection requirements. These impacts may limit the types of crops, pesticide use and other agricultural practices and must be fully analyzed in the EIR/EIS.
2009	Reclamation District 2068	The EIR/EIS must also analyze the impact of the loss of agricultural land and agricultural production on the county's overall agricultural economy including direct, indirect and induced impacts. This includes the impact to third party activity such as agricultural support activities, processing and industries from the loss of agricultural production to BDCP actions.
2009	Reclamation District 999	The District recommends consideration of the following impacts associated with the potential western alignment of an isolated conveyance facility: Impacts from conversion of farmland to canal and associated facilities...conversion of farmland leads to other indirect environmental and social effects that also must be disclosed, and to the extent required by law, mitigated.
2009	Reclamation District 999	Mitigation Measures to Address Significant Impacts Associated with Project: Measures to compensate for direct and indirect loss of agricultural productivity in the area, such as programs to develop markets for agricultural products that are grown within the region.
2009	Reclamation District 999	When your own scientists warn that your "conservation measure" may be a small improvement, hard to measure, on a vast scale, with uncertain effect, why would you flood a vibrant community with productive farms and valuable intact terrestrial and riparian habitat?

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	Reclamation District 999	By improving habitat for delta smelt, other listed species could begin using the area, and potentially 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).
2009	Reclamation District 999	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?
2008	Resident of Clarksburg	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?
2008	Resident of Clarksburg	...loss of farmland in the Delta will have ripple effects with ag equipment suppliers, truck dealers, seed suppliers, etcetera, where good paying stable jobs will be directly impacted and lost. How will this plan mitigate the losses of those jobs?
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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)
2009	Resident of Clarksburg	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?
2009	Resident of Clarksburg	...creating a new bypass in flood areas -- flooding areas within the existing reclamation districts will constrain or eliminate existing water management through water elevation changes and underseepage. This will require redesign and operation changes throughout the region causing tens of millions of dollars of infrastructure modifications and loss of agricultural use.
2009	Resident of Clarksburg	...by improving habitat for Delta smelt other listed species could be 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?
2009	Resident of Clarksburg	...loss of farmland in the Delta will have ripple effects with Ag equipment, suppliers, truck dealers and etc., where good paying, stable jobs will be directly impacted and lost. How will this plan mitigate for the loss of those jobs?
2009	Resident of Clarksburg	If we have no farms, we will have no food.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	...there must also be an adequate analysis of the potential socio-economic impacts to the residents of the Delta...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 ?
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	Many more people -- or many people who are being affected are landowners. Far more people who live and work here do not own land. Our farming operation alone has 35 employees, 15 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.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	...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
2009	Resident of Clarksburg	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).
2009	Resident of Clarksburg	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.



Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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.
2008	Resident of Clarksburg	Under state law, Clarksburg is an agriculturally protected area. The Delta Protection Act of 1992 fathers the Agricultural Uses.
2008	Resident of Clarksburg	...the question that I ask you to answer when you do your EIR, are you planning to do a cost benefit analysis of these 30 to 40,000 acres taken out of food production for world markets and human consumption if a tidal marsh should be implemented here.
2009	Resident of Clarksburg	I would like to know impacts to the farmers forced out from their business, land and their homes? Social impacts Monetary impacts
2008	Resident of Courtland	Also, the impact on our agro business would be devastating.
2008	Resident of Courtland	How will the BDCP mitigate for loss of very productive farmland in the North Delta to include negative impacts on the wine and Bartlett pear industries and what will it cost?
2008	Resident of Courtland	You need to look at where -- what uses are on the property now. If it's intense farming, I would -- you know -- I think you should go some place else. There are opportunities in the North Delta to do what you want to do and to put together a good plan without making it very difficult for the intensive farming that occurs.
2009	Resident of Grizzly Island	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.
2008	Resident of Merrit Island	Unique micro-climate for growing grapes: Fertile land; Access to water; and Western breeze that cools grapes
2009	Resident of Suisun	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.
2008	Resident of the Delta	Farming in the area of these marshes could also be hampered by humidity changes, invasive species, disruption of the essential movement of farm equipment, and new seepage issues.
2008	Resident of the Delta	The big danger I see in the BDCP process is that once again, in our zeal to, in this case, return large areas of the Delta to their former state, people will lose sight of what will now be lost - some of the richest, most productive farmland anywhere.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2008	Resident of the Delta	Another issue concerns me, which is the promotion of wildlife-friendly farming practices....Today, there are wheat-fields all over the place because of the great need on the world market for this commodity. If a farmer has as his partner in a conservation easement a government entity, how quickly will he be able to make such decisions, given that government has the reputation of taking years to get things done?
2008	Resident of the Delta	It sounds like we want to go back to the way things were, and yet, I don't think people are thinking much about what might be lost, namely the farming land that was produced in the beginning.
2008	Resident of the Delta	..if you drive around this area this year -- right now -- you will see acres, and acres, and acres of wheat. Two years ago you didn't see hardly any. Now how did that happen? Well, there's a need for wheat. But if the government was involved in deciding whether to farm wheat this year, it might even take 10 years before they could come to that decision.
2008	Resident of the Delta	...as soon as you have an ag conservation easement or wildlife habitat easement on your land, then you have a silent partner that isn't going to be so silent. And I think that the farming industry will be affected by that.
2009	Resident of the West Delta	The BDCP and EIR should address the significance of croplands in the Delta, in particular the peat islands of the west Delta, which have contributed significantly to the State's corn, asparagus, tomato, alfalfa, and pear economies since the 1800s and are a valuable resource contributing to the \$3 billion worth of crops produced annually
2009	Resident of the West Delta	The EIR should provide an evaluation of historic water quality, agriculture production, and fish populations in the west Delta, prior to construction of the cross-channel and increases in State/Federal water project exports.
2008	Resident of Walnut Grove	Flooding our Clarksburg land will be devastating to both us and the environment:...Killing our prime grape vineyard which is our only income for survival.
2009	Resident of Walnut Grove	Habitat does not drive the economy, after the influx of funds to purchase credits, the Delta economy will dry up. With this plan the long term economic value will not be enhanced.
2009	Resident of Walnut Grove	Perhaps a fund could be established to ensure long term funding for habitat credits to offset farming loss.
2009	Resident of Walnut Grove	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...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...Although small, it is very fertile with high value crops such as pears, cherries and grapes...Sutter Island is as important a place as any other.
2009	Resident of Walnut Grove	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?
2008	Rio Vista City Council	This [salt water intrusion] will impact our agricultural resources and every user of Delta water.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2008	Sacramento County Farm Bureau	With the exception of Prospect Island, we are opposed to designating any farmland located in the North Delta and east of the Sacramento River Deep Water Ship Channel for conversion to marshland for the following reasons: 1. This part of the North Delta is organized into reclamation districts; 2. This part of the North Delta is devoted to intensive, high value agricultural production to include pear orchards, apple orchards, wine grape vineyards, and cherry orchards; 3. This part of the North Delta provides a significant amount of habitat for terrestrial animals and is important nesting and foraging habitat for the Swainson's hawk and other avian species; 4. This part of the North Delta does not include large tracts of land in public ownership; 5. This part of the North Delta will be the most resistant to the drivers of change being considered by the Blue Ribbon Task Force and should be preserved for agricultural production, recreation, and terrestrial habitat.
2008	Sacramento County Farm Bureau	Will the BDCP provide mitigation for...loss of farmland, and for all the other negative impacts? This will add tremendously to the cost of acquisition and conversion and because the loss of farmland, jobs and economic activity cannot be replaced, the North Delta should not be considered for habitat restoration...
2009	Sacramento County Farm Bureau	Undefined habitat restoration projects in the vicinity of the Cosumnes River Preserve and McCormack Williamson Tract will negatively impact the environment, flood control operations and farming.
2009	Sacramento County Farm Bureau	The BDCP has reduced and will further reduce land values.
2009	Sacramento County Farm Bureau	BDCP environmental projects which convert or destroy agricultural lands will harm the local and regional economies as well as avian and terrestrial species.
2009	Sacramento County Farm Bureau	The BDCP will create new avenues of seepage limiting crop choices and productivity and destroying permanent crops such as cherries, pears and grapes.
2009	Sacramento County Farm Bureau	The BDCP will destroy and make infeasible provision of essential reclamation district services such as flood control, drainage and delivery or irrigation water.
2009	Sacramento County Farm Bureau	The BDCP will destroy special status, highly productive farmland both in the footprint of the project and in the areas where infrastructure is destroyed.
2009	Sacramento County Farm Bureau	The BDCP will violate one of the primary goals of the Delta Protection Act of 1992; the promotion and protection of Delta agriculture in the Primary Zone.
2009	Sacramento County Farm Bureau	The BDCP will redirect impacts from the State and Federal pumping facilities to pumping facilities in close proximity to the habitat protects, causing controls and restrictions on Sacramento County Delta farmers; ability to operate their pumping facilities.
2009	Sacramento County Farm Bureau	The BDCP will cause seepage impacts which will limit the ability to farm surrounding land.
2009	Sacramento County Farm Bureau	The BDCP will reduce or destroy habitat easement values.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	Sacramento County Farm Bureau	The BDCP will destroy agricultural land and production and eliminate or restrict crop choices.
2009	Sacramento County Farm Bureau	The BDCP will redirect species impacts and create operational limitations.
2009	Sacramento County Farm Bureau	...Sacramento County farmland that is in the direct path of the BDCP highly productive and capable of producing high value crops such as wine grapes, pears, apples and cherries. The Sacramento River District is the largest Bartlett pear growing region in the United States. The BDCP will also destroy vineyards in the emerging Clarksburg Appellation. The loss of Sacramento County farmland and production will negatively impact the regional economy and employment patterns. Job losses in labor-intensive vineyards and orchards will cause extreme hardship for populations least able to adjust.
2009	Sacramento County Farm Bureau	...Sacramento County agricultural land in the path of the BDCP provides critical foraging habitat for species such as the Swainson's Hawk and Greater and Lesser Sandhill Cranes. Because of the complementary habitat values and the scarcity of adequate and appropriate alternative foraging sites in close proximity to sanctuaries such as Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve, loss of Sacramento County Delta agricultural land will also have a very destructive impact on local and migratory species.
2009	Sacramento County Farm Bureau	The EIR/EIS must determine how each alternative will impact regional flood control, land use, land values, the local and regional economies, and other species.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should evaluate whether and to what degree the proposed project will lead to increased salinity due to the influence of higher salinity San Joaquin River and SF Bay intrusion over larger portions of the Delta. The EIR/EIS should quantify any increase and determine the need for mitigation to address potentially significant impacts on agricultural and municipal users in the Delta.
2008	San Diego County Farm Bureau	San Diego County probably boasts the 12 largest farm economies amongst all counties in the United States.
2008	San Diego County Farm Bureau	For our farmers to continue to be a part of San Diego County, we require the continuance of a dependable source of imported water.
2008	San Diego County Farm Bureau	Somewhere today in San Diego County avocado trees were stumped. In some places citrus trees were cut down and some place else nurseries cut back production in order to comply with the current mandatory 30% reduction in irrigation water use by farmers. Those will serve as short term methods for meeting the reduction in water supplies. But, if long term solutions are not found, the farmers will not be able to sustain their livelihoods.
2008	San Joaquin County	A facility would require the taking of primary agricultural land and possibly urban areas for the construction of a itself based on its current alignments and the loss of additional acreage from seepage from the canal could cause some severe damage to additional prime agricultural land...
2008	San Joaquin County and San Joaquin County Flood Control and Water Conservation District	The County contends that the NOP is lacking in that it does not describe or contemplate that the BDCP will affect agricultural and the conditions necessarily associated with agricultural production within the Delta.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	San Joaquin Farm Bureau	...I heard tonight in terms of talking about the two-thirds of the water from the Sacramento River going through the canal, or the proposed canal, and leaving one-third of it in the Delta, that tells me that there's not going to be enough water in there for both habitat and for agriculture for the end use Delta users. And that's a very blatant point that was just glossed over. And that needs to be addressed.
2009	San Joaquin Farm Bureau	...one of your little posters back here kind of glossed over a question, Williamson Act lands. We had a nice conversation with the Department of Conservation. There are quite a few lands that are going to be affected by that program there. And what kind of mitigation is going to take place for that?
2009	San Joaquin Farm Bureau	For agriculture? One of the few places in the world, you know, that we have unique soils, such as the Delta, and one of the few places that we can actually build is in the Delta. That's a primary place for agriculture to take place. And not all agriculture is depleting, you know, the soils, as it's stated, out there grossly. We have rice production out there. You know. We have blueberries. We have asparagus. We have things that are vital across this nation that come right out of that pocket and need to be considered. And there are other programs going on, whether it be USDA's environmental quality assurance programs and things like that, that you're going to be affecting as you go through there.
2008	San Joaquin Farm Bureau Federation	The BDCP should reveal what lands would be converted from agriculture to marshes or open water by its plan either overtly or because increases in salinity causes farming to be economically infeasible. The latter should be determined by qualified agricultural advisors rather than by economists.
2009	San Joaquin Farm Bureau Federation	Has the BDCP determined how it will mitigate for the massive amounts of farmland in the Delta will be REPLACED within our geographic regions? To date, there has been no conversation regarding the mitigation for the loss of farmland and HOW THIS WILL IMPACT OUR FOOD SECURITY, let alone where the BDCP process will create NEW FARMLAND that will be preserved in perpetuity to ensure our food supply locally and for export abroad.
2009	San Joaquin Farm Bureau Federation	The Delta Protection Act of 1992 was passed to protect the Primary Zone of the Delta for agriculture, habitat and recreation. The EIR should determine how these Delta resources will be negatively impacted and how alternatives can be designed to be compatible with the Act and its objectives. For example, water from isolated facilities could be piped underground across reclamation districts rather than in surface canals to eliminate negative impacts to drainage, flood control and irrigation systems caused by dividing reclamation districts.
2009	San Joaquin Farm Bureau Federation	The EIR must identify all negative impacts to the Delta economy and ecosystem caused by each of the alternatives, must quantify the cost of the impacts, and must define in detail mitigation actions which will be required. For example, how will the BDCP mitigate for loss of farmland and loss of Swainson's Hawk foraging habitat? Further, how will this process comply with the Agricultural mitigation ordinance that requires that ANY conversion of agricultural resources be addressed? Our expectation is that for every acre converted under this plan to public land, that 5 acres of new farm land be created in our jurisdiction (county) where the conversion took place. Meaning, if you convert 50,000 acres of farmland in our county to habitat and the canal, that you would need to create 250,000 acres of NEW FARMLAND in our county.

**Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources**

Year of Scoping	Affiliation	Comment
2009	San Joaquin Farm Bureau Federation	While the adaptive approach might work for small projects, large-scale conversion of agricultural lands should be avoided at all costs as they lead to the permanent devastation of our food security potential.
2009	San Joaquin Farm Bureau Federation	The EIR must analyze the implications of creating wetlands within the borders of reclamation districts. How will flood control, drainage, and irrigation systems be impacted within reclamation districts where fish habitat is created? Redirected impacts caused by moving targeted fish from one area of the Delta to another must be identified and further analyzed. For example, if fish populations do not increase, how much additional land from the region must be converted (subject to mitigation) to maintain the water quality that needs to exist to protect these species, and where will the agency acquire that water?
2009	San Joaquin Farm Bureau Federation	...the EIR must identify all negative impacts to the Delta economy and ecosystem caused by water quality changes and conversion of land from agricultural production. It must clearly articulate how the BDCP will mitigate for loss of farmland and habitat such as Swainson's Hawk foraging habitat and countless others species that depend on Delta lands. As most species spend most, if not all of their lives on private ground, how will this process ensure that only private working landscapes are utilized to preserve sensitive resources?
2009	San Joaquin Farm Bureau Federation	The EIR should identify in depth all plant communities and avian and terrestrial species which will be adversely impacted by creation of fish habitat within the Delta and the catastrophic conversion of a fresh water habitat system into a salt water dominated system. The analysis should include impacts caused by changes in water quality as well as large-scale conversion of both agricultural and wildlife habitat to habitat. These conversions too, would be subject to the agricultural mitigation ordinance.
2009	Save Our Delta's Future	Assuming some levees on Grand Island will be demolished, some portion of Grand Island will be inundated, and that "king levees" will be constructed to protect Walnut Grove and the surrounding land...please state: (a) the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, within the area affected...demolishing existing levees, the inundation process, how this will/might affect the adjacent land.. constructing levees in locations where none previously existed, of the construction process itself, of the materials to be utilized in the new levees that are seismically sound)...physical changes ...on residents, homes, businesses, churches, schools, agricultural operations, natural gas extraction, and tourism, within the community of Walnut Grove and immediate surrounding area, within the ring levees.
2009	Save Our Delta's Future	Assuming some/all levees on Sutter Island will be demolished, and some/all of Sutter Island will be inundated...please state:...the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, on Sutter Island...demolishing the island's existing levees, of inundating the island, and how this major physical change to Sutter Island will/might affect the levees on neighboring islands.
2008	SH Merwin & Sons, Inc	Clarksburg produces virtually the entire world's supply of dichondra seed....Yolo County is the fifth largest agricultural county in the leading agricultural state in the nation. Even though just 5% of Yolo County farmland in lies in the Delta, it generates more than 20% of that county's agricultural revenue.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2008	SH Merwin & Sons, Inc	Detrimental impacts to neighbors such as increased insect or disease pressures, and seasonal odors need to be assessed. Also the economic impacts to agriculture adjacent to a project, such as spray buffers, potential hydrologic impacts such as increased seepage, and losses due to increased waterfowl feeding, need to be assessed and mitigated.
2009	Solano County Water Agency	SCWA, and our member agencies, operate and maintain flood management and drainage facilities that drain into the Cache Slough/Lower Yolo Bypass area. The EIR/EIS must evaluate the impacts of point and non-point runoff from sources upstream of this area on new habitats that are created. If there are impacts to habitats and the species using these habitats, there could be increased regulation of point and non-point discharges upstream of these areas. These increased regulations may have socio-economic impacts that need to be analyzed in the EIR/EIS. Any impacts identified must be adequately mitigated.
2008	Speaker at Clarksburg Preliminary Scoping Meeting	...if you're going to take land...Where are you going to get the land? Because that's the big concern that I see -- is -- that land is there, but it's being farmed.
2008	Speaker at Clarksburg Preliminary Scoping Meeting	This is fabulous farmland that if they don't have anywhere else and it needs to be protected.
2009	Stone Lakes National Wildlife Refuge Association	Because Stone Lakes NWR cooperates with agricultural activities in the area to provide habitat benefits, the Association is also concerned about the fragmenting impacts of canal construction on the continued viability of existing agricultural uses.
2009	US Fish and Wildlife Service	I believe there are a number of issues that have not been adequately addressed in the scoping process including impacts to terrestrial biological resources, potential changes in local hydrology and water quality, and impacts to local agricultural operations.
2009	US Fish and Wildlife Service	Our primary concern regarding the potential environmental impacts is the loss of habitats for a variety of species that would result from this project, particularly the eastern alignment, including some state and federal special status species and the loss of agricultural lands in the region.
2009	US Fish and Wildlife Service	Lastly, the impact of upstream diversions coupled with continued salt water intrusion and less run-off as a result of climate change will change the current Delta hydrology and salinity thereby affecting farming and the available waste crop in Delta used by cranes and other migratory birds.
2008	Wheeler Ridge-Maricopa Water Storage District	For instance, in the no-project or reduced export alternatives, we would expect exports to be reduced into Kern County, and that reduction has direct effects on farmland, resulting in less farmland being in production and less food being produced. A loss of farmland under CEQA is a significant environmental affect that would need to be analyzed as part of your alternatives.
2008	Wheeler Ridge-Maricopa Water Storage District	These impacts are real to the farmers, as you well know. And they understand dealing with the Delta, and the environmental situation, and making sure the environmental side is equally balanced with the agricultural need. And we have contracts for water that comes through the Delta. And with our reliability shrinking, and Judge Wanger type rules, and these kinds of things, it's crushing the small farmer, and it's putting a heavy burden on the larger farmers.

Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2008	Wheeler Ridge-Maricopa Water Storage District	And it won't be long when the larger farmer cannot afford the cutbacks, the costs, and some of these burdens that are put on them, not to mention the other input costs that are going through the ceiling.
2009	Yolo Basin Foundation	The Yolo Bypass Wildlife Area depends on agricultural leases to pay a significant portion its operations and maintenance costs....It is the activity of farming that keeps Bypass vegetation under control, thus allowing flood waters to pass through quickly and unobstructed.
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would have serious impacts to current land use in the Yolo Bypass Wildlife Area by: effectively eliminating the current agricultural activities in the Wildlife Area and thus seriously impacting its income stream
2009	Yolo Basin Foundation	Any alternative under consideration for the Bypass should protect the Yolo Bypass Wildlife Area...including: protection of the floodway function of the Yolo Bypass as mandated in agreements between the Department of Fish and Game and the US Army Corps of Engineers and MOUs with other agencies, implementation of wildlife and botanical surveys to specifically document areas that have not yet been surveyed...and preservation of agriculture at the Wildlife Area.
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would...effectively eliminate the current agricultural activities in the Wildlife Area which provide thousands of acres of wintering waterfowl habitat while generating an important income stream for the management of the Wildlife Area
2009	Yolo Basin Foundation	Increased frequency and duration of spring flooding will have a serious impact on agriculture and habitat management in the Yolo Bypass, tipping the balance toward inviability.
2009	Yolo Basin Foundation	Rice farmers need to start preparing the ground and planting rice starting in March. There are already years in which spring flooding prevents this field work and the rice acreage decreases significantly. Increased spring flooding makes nearly every year a bad year for Bypass farmers and the habitat benefits they provide.
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Agricultural Activities: There will be an inability to plant fields until they have dried out enough to begin ground tillage. Delaying this initiation of farming activity severely limits what can be grown here. White rice production will be severely impacted. o Forage value of uplands: Prolonged flooding results in the introduction of unwanted plant species, such as cocklebur, in the uplands. This will lead to a reduction in grazing lease fees and subsequent reduction in operating funds.



Table E-16. 2008 and 2009 Scoping Comments Related to Agricultural Resources

Year of Scoping	Affiliation	Comment
2009	Yolo Natural Heritage Program	To ensure compatibility between the two plans we recommend that BDCP conservation objectives be coordinated early with the YNHP where we share common species needs....Unavoidable habitat conversions resulting from BDCP actions must be fully mitigated. This includes mitigation for impacts to terrestrial species as well as for the loss of agricultural resources. BDCP and YNHP should each apply standardized mitigation ratios in the overlap area to ensure that equitable outcomes and benefits are realized. BDCP and YNHP implementing strategies should be coordinated as both planning efforts continue to evolve so that neither plan overshadows the other. We request that BDCP support our efforts to retain vegetated levees within the YNHP planning area boundary. The JPA supports the continued viability of the Vic Fazio Wildlife Area and requests that BDCP avoid impacts to this important habitat resource.
2009	Yolo Natural Heritage Program	The production of rice within and outside of the Yolo Bypass is essential to the successful implementation of the YNHP because it provides habitat benefits to several YNHP species..
2009	Yolo Natural Heritage Program	We ask that BDCP carefully evaluate proposals in the Bypass and where practical avoid sensitive biological resources and agricultural operations that provide species benefits. BDCP must provide regulatory assurances for landowners adjacent to BDCP habitat project areas. County revenue losses and increased public cost burdens associated with BDCP actions must be fully accounted for and mitigated.

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**Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	Attendee at Clarksburg Scoping Meeting	The tax revenue that is generated here in this community is great. With a state that has a horrendous deficit. It's amazing that you want to flood it and send that water down south. Not only are you receiving the tax dollar from the farms, from the vineyards that are making wine -- bottling that wine and selling it. It's being taxed again. You're going to lose that. I want to know if all of that is taken into consideration.
2009	Attendee at Stockton Scoping Meeting	The water in the Delta, the quality of the water in the Delta for the fish, the wildlife, and for the humans cannot be improved by taking it out at a higher spot and making the Delta more of a cesspool.
2009	Attendee at Stockton Scoping Meeting	But wouldn't you guys be concerned about the saltwater intrusion when you guys are pumping out of the Delta? I mean, you guys are saying it's like perfect leverage and everything. The perfect level. But when you're pumping out of the Delta, it's going to suck seawater into the Delta. Wouldn't that hurt the fish? Wouldn't that hurt our community? Our farmlands?
2008	Barsoom Inc	How do you plan to mitigate for loss of jobs, housing, infrastructure, livelihood for those who have lived in the area for generations
2008	Bogle Vineyards	I want to talk about the community. Living in Clarksburg my whole life, except for the years I left for College, it is a very special place. There are not many places left in California where everybody knows everybody else, where the crime rate is pretty much zero, and where neighbors actually care and help each with only a phone call. These are the values that are getting lost in society today and with this project you will lose a community that doesn't really exist in very many places anymore...
2009	Cal/West Seeds	Cal/West and its growers fear that plans being developed by the BDCP and Delta Vision committees will destroy this region of the Delta and its grower's way of life.
2009	Cal/West Seeds	Cal/West and its growers fear that plans may be developed by the BDCP and the Delta Vision Committees will destroy this region of the Delta and its growers way of life.
2009	California Central Valley Flood Control Association	Breaching adjacent levees increases the potential for erosion, surface water elevation changes, and water quality changes, all to the detriment of local public and private operations and must be properly analyzed and mitigated in the EIR/EIS.
2009	California Farm Bureau	As currently proposed, the BDCP project alternatives will convert agricultural lands to other uses, including land for habitat restoration, conveyance facilities, and levee improvements. This conversion would add to the existing statewide conversion of substantial amounts of agricultural lands to other uses, and may conflict with adopted plans of many local governments, including cities and counties, and existing HCPs.

**Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources**

Year of Scoping	Affiliation	Comment
2009	California Farm Bureau	The impact analysis in the EIS/EIR must not be limited to the amount of area that would be physically occupied by the BDCP Project. The analysis should consider the construction of ancillary facilities and supporting infrastructure, mitigation areas, as well as growth-inducing impacts and social and economic impacts...the permanent and temporary disturbances caused directly by construction activities must be fully analyzed in the EIS/EIR.
2009	California Farm Bureau	A project such as this would not be compatible with the Williamson Act...Any discussions regarding mitigation for this project must include a discussion of the Williamson Act's policies regarding public acquisition of and public improvements within, agricultural preserves and on lands under Williamson Act contract.
2009	California Farm Bureau	At a minimum, the EIS/EIR must include the following specific information on the agricultural preserves and Williamson Act contracts in the project area: (1) a map detailing the location of agricultural preserves and Williamson Act contracted land with each preserve. The document must also calculate the total amount of acreage under contract, according to land type (prime or non-prime), that could be either directly or indirectly impacted by this project; and (2) the impacts that public acquisition of areas under Williamson Act contracts would have on nearby properties also under contract.
2009	California Farm Bureau	It is unclear at this time how much private property will have to be acquired for this project. The least environmentally damaging and practicable alternative must maximize the use of property already owned by the government before acquiring private land. For land under Williamson Act contract, Government Code Section 5 129 1 (c) spells out the requirements for government acquisition of land under contract (see also Gov. Code, § 5 1292 for the findings to be made before acquisition). These requirements must be strictly adhered to whenever any property under contract is acquired for this project.
2009	California Farm Bureau	The EIS/EIR must also analyze the direct and indirect impacts of this project on water quality, including the indirect conversion of existing farmland for want of adequate and reliable water supply of sufficient quality, especially in areas within the Delta. Water quality impacts, both direct and indirect, resulting from the conversion of agricultural land to non-agricultural uses must be analyzed and mitigated. Such analysis should include water supply and water quality and should involve an examination of water supply impacts the project may have, and how that might impact the water supply otherwise available for production agriculture.
2009	California Farm Bureau	The siting of the BDCP Project through agricultural lands will greatly impact the agricultural industry as a whole, as well as local rural communities. These impacts can be far-reaching and include a loss of jobs, a loss of sales tax revenue which leads to a loss of social services, and a loss of agriculturally-related businesses. Such socio-economic impacts are interrelated with the proposed effects on the physical environment and thus, must be evaluated in the EIS/EIR.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	California Farm Bureau	California Farm Bureau urges the Agencies to consider the following mitigation measures for full evaluation within the EIS/EIR: Siting and aligning Project features to avoid or minimize impacts on agriculture. Examining structural and nonstructural alternatives to achieving project goals in order to avoid impacts on agricultural lands. Implementing features that are consistent with local and regional land use plans. Supporting the California Farmland Conservancy Project in acquiring easements on agricultural lands in order to prevent its conversion and increase farm viability. Restoring existing degraded habitat as a priority before converting agricultural lands.
2009	California Farm Bureau	Providing water quality reliability benefits to agricultural water users. Maintaining water quality standards for all beneficial uses, including agricultural use. Focusing habitat restoration efforts on developing new habitat on public lands before converting agricultural land. If public lands are not available for restoration efforts, focusing restoration efforts on acquiring lands that can meet ecosystem restoration goals from willing sellers. Using farmer-initiated and developed restoration and conservation projects as a means of reaching Program goals.
2008	California Farm Water Coalition	When we lose that supply of water that goes out, then our economy suffers.
2008	California Farm Water Coalition	We've seen hundreds of jobs on the farms have already been lost, hundreds of thousands of acres have not been planted, and these job losses are year-round employment.
2008	California Farm Water Coalition	We believe that agriculture creates a very important part of our economy. The ripple affect to the transportation, processing, retail industry, people are losing their jobs. More importantly, families are losing opportunities to live in a lot of these rural communities because of the economic impacts that they've encountered.
2009	California Striped Bass Association	Real Estate is important in the Northern part of the State. We can't cover the top of the half of the state with water storage so people can Live in the Southern Desert.
2009	California Waterfowl Association	Analyze the costs and benefits of various project alternatives associated with the socio-economic values of seasonal wetland-related recreational opportunities, like hunting, fishing, and birding.
2008	Central Delta and South Delta Water Agencies	...the following effect/topics should be thoroughly analyzed...Economic impacts which have the potential to result in adverse changes to the environment,
2009	Central Delta Water Agency	...the following impacts should be fully analyzed and discussed: .... All economic and socio-economic impacts associated with the proposed project and all alternatives.
2009	Central Valley Joint Venture	Analyze the costs and benefits of various project alternatives associated with the socio-economic values of seasonal wetland-related recreational opportunities, like hunting, fishing, and birding.

**Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources**

Year of Scoping	Affiliation	Comment
2009	City of Sacramento	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.
2009	City of Sacramento	...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.
2008	City of Stockton	Private property would be taken for canal rights-of-way resulting in a loss of local property taxes.
2009	Clark Farms	How will increased salinity in Elk Slough, as a result of your project affect our grape vines? Who will compensate me for lost or reduced production of my wine grapes when water quality is reduced as a part of this BDCP project? How will that compensation be determined?
2009	Clark Farms	...how will I be compensated for my lost water rights? Taking water out upstream will reduce our water quality.
2009	Clark Farms	How will the BDCP meet the regulations and requirements of the Yolo County General Plan?
2008	Clarksburg Fire Protection District	What is impact of the project and all alternatives on the financial viability of the Clarksburg Fire Protection District?
2009	Clarksburg Wine Growers & Vintners	We believe that any system developed to remove additional water from the Delta will result in a disaster to the Delta and its inhabitants, as well as cost billions of dollars to the taxpayers.
2009	Clarksburg Wine Growers & Vintners	The destruction of vineyards as proposed by the 3 options would cause significant negative economic impact to the state.
2009	Clarksburg Wine Growers & Vintners	The plans that have been presented today would make it very difficult for the average grower to survive by chopping up our lands, putting canals and diversion systems and all this stuff, you know, right in our way essentially, not to mention what it would take out of production by having these thing there. So we're very concerned about that. The difference between wine grapes and open ground type crops is that it's very expensive to put them in and it's a very long process to get paid back...You got a long time that you have to, you know, show the cost one way or the other. And, you know, borrowing money is typically one part of that. And so with all of these rumors and plans that are going on, it makes it very difficult for us to move forward. Yet, inspite of that, our area is considered one of the best places in the entire state to develop vineyards, even at this point. So we got a lot of interest here in this economically, socially.

**Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	Clarksburg Wine Growers & Vintners	Lastly, I'd like to just mention, you know, I have a ranch just down the street here on Willow Point, you know, I've developed 140 acres of wine grapes significant cost there. I built my house, which is also down there. And you know, all of that was done with the proper permits and government okays. And you know, looks like a canal -- if the eastern option is chosen, well, basically go right through that new development. And you know, somehow there's something about that that didn't seem quite fair to me and I would like you to consider those kinds of the issues in addition to the fish and the other sorts of things that seem to be so important to you.
2009	Commenter during Scoping Process	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.
2009	Commenter during Scoping Process	Contra Costa County's concern about current activities to get authority to have access to land (DHCCP)
2009	Commenter during Scoping Process	...the environmental review must include:...Loss of property values in the community.
2009	Commenter during Scoping Process	...the environmental review must include:...Impact of new towers and power lines.
2009	Commenter during Scoping Process	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.
2008	Commenter during Scoping Process	If relocated, who will pay the cost?
2008	Commenter during Scoping Process	The report fails to address or mention the "human inhabitant?" of the Delta.
2008	Commenter during Scoping Process	I am concerned with the; Taking of Species, the Taking of Land and the Taking of a way of Life.
2008	Contra Costa County Public Works Department	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.
2009	Contra Costa County Water Agency	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.
2009	Contra Costa County Water Agency	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.

**Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources**

Year of Scoping	Affiliation	Comment
2009	County of Sacramento	This canal will bisect existing lands and divide existing communities, yet BDCP has made no provision for any bridges to ensure adequate movement over the canal. As a result, if a fire were to occur, people and structures in the Delta may be trapped due to the construction of these inaccessible facilities.
2009	County of Sacramento	...the canal BDCP proposes to build will physically divide existing communities within the Delta. BDCP also has the potential to conflict with the County's land use plan designations and the SSHCP...
2009	County of Sacramento	The physical impacts of BDCP will also lead to social and economic impacts that must be examined. For example, the BDCP seeks to conserve thousands of acres of Delta property, which will render that property unavailable for any future development. The impacts of this program on the economic viability and vitality of existing Delta businesses and communities, including but not limited to agricultural operations, must be analyzed. For example, if the BDCP requires a regulating reservoir close in proximity to the intake facilities, as engineering experts suggest, BDCP will have to acquire hundreds of acres close to the river, most likely in areas where Delta businesses are located. The removal of these businesses to flood the area for a regulating reservoir may diminish the customer base of the remaining businesses to the point where they are not able to survive. For these and other reasons, the potential for BDCP to cause the failure of Delta businesses and result in blight must also be studied.
2009	County of Sacramento	...the Delta community is a special place. BDCP has the potential to disrupt severely - if not altogether destroy - that community. The project's substantial adverse effects on the people of the Delta must be analyzed in the EIR.
2009	County of Sacramento	The BDCP cannot have precedence over what Sacramento may itself develop in its SSHCP. Moreover, land use decisions within Sacramento County, including associated Endangered Species Act "permitting," cannot be based upon criteria that include compliance with the BDCP or that use the BDCP as a baseline.
2009	County of Sacramento	The County also draws your attention to its Resolution No. 2008-1171, Sacramento County Policy Positions With Respect To Delta Actions And Activities Including The Delta Vision and The Bay Delta Conservation Plan, which the Board of Supervisors adopted on November 18, 3008.
2009	County of Sacramento	Sacramento County will protect its governmental prerogatives in the areas of its local land use authority, tax and related revenues, public health and safety, economic development and agricultural stability.
2009	County of Sacramento	Sacramento County will work with the BDCP's efforts to insure that it does not conflict with County land use planning, economic development, including agriculture, and that it is consistent and compatible with the SSHCP.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	County of Solano	..the EIR/EIS must review the project for consistency with the 2008 Solano County General Plan, in particular the County's Land Use policies; Agricultural policies; Resource policies including Biological Resources, Marsh and Delta Areas, Scenic Resources, Cultural Resources, Recreational Resources, Water Resources and Quality; Public Health and Safety policies including Flood Control, Disaster Preparedness, and Climate Change; Economic Development policies, Transportation and Circulation policies; and Public Facilities and Services policies including Water Facilities and Service, Drainage, Fire Protection and Emergency Services, Law Enforcements, and Utilities.
2009	County of Solano	The project should be consistent with the County General Plan policies and not result in any direct or indirect adverse environmental, economic or social impacts to the County. Any inconsistencies between the proposed project and the General Plan must be fully discussed and analyzed.
2009	County of Solano	Because of the importance of agriculture to Solano County within the Delta area, the following impacts should be thoroughly reviewed and analyzed in the EIR/EIS and fully mitigated. Impact: Direct loss of Agricultural Land in Solano County from conversion to habitat and construction of water conveyance facilities....The EIR/EIS must fully analyze the impacts of the whole of the project including long-term restoration targets on the conversion of agricultural land in Solano County. Of the approximately 23,000 acres identified in the Draft Conservation Strategy in the Cache Slough area, approximately 14,500 acres are currently in agricultural production producing agricultural crops and commodities worth \$7.5 million. Lands within this conservation area not currently flooded consist of approximately 9,600 acres of "Prime Farmland" and 3,100 acres of "Farmland of Statewide Importance" as identified under the California Department of Conservation Farmland Mapping and Monitoring program.
2009	County of Solano	Additional loss of agricultural land will occur if the western alignment for the water conveyance improvements is constructed. The precise location and amount of land that would be impacted by the construction of the western alignment is unknown at this time and needs to be analyzed. Any loss of agricultural land from either conversion to habitat or construction of water conveyance facilities must be analyzed in the EIR/EIS and fully mitigated. Mitigation measures must include the following: Permanent protection/preservation of like or better quality agricultural lands for agricultural land converted based on a 1 to 1.5 ratio as identified in the 2008 Solano County General Plan. Priority for agricultural mitigation should be given to the Agricultural overlay areas as identified in the 2008 Solano County General Plan. Land acquisitions for habitat restoration must be from willing sellers only.
2009	County of Solano	Because of the importance of agriculture to Solano County within the Delta area, the following impacts should be thoroughly reviewed and analyzed in the EIR/EIS and fully mitigated. Impact: Indirect loss of Agricultural Land Habitat restoration activities will result in indirect impacts on adjoining and upland agricultural lands and must be analyzed in the EIR/EIS. This will include the loss of agricultural land that may not be converted to habitat within a habitat area or to create buffer areas between restored habitat areas and continued agricultural operations other land uses. There is no discussion in the BDCP of how much land would be needed to provide adequate buffers for water quality and/or invasive species protection between habitat restoration areas and adjoining agricultural lands.



**Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources**

Year of Scoping	Affiliation	Comment
2009	County of Solano	All buffer areas should be incorporated as part of the habitat conservation area and maintained as part of the conservation area and in a fashion that does not further impact adjoining agricultural lands. Mitigation measures must include the following: Permanent protection/preservation of like or better quality agricultural lands for agricultural land converted based on a 1 to 1.5 ratio as identified in the 2008 Solano County General Plan. Priority for agricultural mitigation should be given to the Agricultural overlay areas as identified in the 2008 Solano County General Plan. Land acquisitions for habitat restoration must be from willing sellers only.
2009	County of Solano	Because of the importance of agriculture to Solano County within the Delta area, the following impacts should be thoroughly reviewed and analyzed in the EIR/EIS and fully mitigated. Impact: Loss of Lands under Williamson Act ...The EIR/EIS must analyze how the implementation of the BDCP will affect the existing Williamson Act contracts. Much of the lands in Suisun Marsh proposed for restoration is also under Williamson Act contract. Mitigation measures must include the following: Mitigation ratios for the loss of Williamson Act contracted land which should be higher than the loss on non-contract agricultural land. Alternatives to removing "prime" agricultural land.
2009	County of Solano	Because of the importance of agriculture to Solano County within the Delta area, the following impacts should be thoroughly reviewed and analyzed in the EIR/EIS and fully mitigated. Impact: Sustainable Agricultural Economy in Solano County The EIR/EIS must also analyze the impact of the loss of agricultural land and agricultural production on the county's overall agricultural economy including direct, indirect and induced impacts. This includes the impact to agricultural support activities and industries from the loss of agricultural production to habitat conversion.
2009	County of Solano	Mitigation measures must include the following: Payment for lost business opportunity and income based on Solano County Water Agency (SWCA) report "The Economic Impact to Solano County from Converting Agricultural Land to Wetlands Habitat" (January 2009), already provided to BDCP representatives, payable to the County to administer programs to help mitigate third party impacts of conversion. Fund improvements to agricultural support facilities to maintain a sustainable agricultural infrastructure.
2009	County of Solano	Increased frequency of flows through the Yolo Bypass and conversion of agricultural land for wetland restoration in both the Cache Slough and Suisun Marsh areas will result in impact to existing wildlife communities and terrestrial species including special status species. The EIR/EIS must fully analyze these potential impacts. Mitigation measures must include the following: Mitigation for loss of terrestrial habitat for special status species and other wildlife...Protection of existing high value terrestrial habitat such as the Yolo Bypass and the Grizzly Island Wildlife Area Complex.

**Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources**

Year of Scoping	Affiliation	Comment
2009	County of Solano	SCWA is preparing a habitat conservation plan (HCP) as required under the March 19, 1999 Solano Project Contract Renewal Biological Opinion between USFWS and Reclamation. The HCP includes federally-listed fish species, species listed as threatened or endangered under the Federal and State Endangered Species Acts, and other species of concern that have been identified as having declining or vulnerable populations but not officially listed as threatened or endangered. The BDCP must be consistent with the Solano HCP. Any BDCP future tidal habitat restoration projects should be credited towards the conservation goals in the Solano HCP. Mitigation measures must include the following: Mitigation for loss of terrestrial habitat for special status species and other wildlife...Protection of existing high value terrestrial habitat such as the Yolo Bypass and the Grizzly Island Wildlife Area Complex.
2008	County of Yolo	To what extent could the direct and indirect loss of farmland following implementation of the BDCP cause environmental effects - such as urban blight and similar deterioration - in Clarksburg and other legacy towns in the Delta?
2008	County of Yolo	To what extent could the direct and indirect loss of farmland and related revenues following implementation of the BDCP displace farm workers, disrupt social institutions such as schools, churches, and fire departments, and otherwise undermine the economic and cultural vitality of Clarksburg and other legacy towns in the Delta? This should include consideration of whether the charter school that recently opened in Clarksburg (following an extensive efforts by local residents) would remain viable.
2009	County of Yolo	Flood management, habitat protection and restoration, preservation of agriculture, recreation, and land use decisions in the Delta must be consistent with adopted policies for Yolo County
2009	County of Yolo	Communities in the Delta should be accorded special recognition and their economic vitality advanced
2009	County of Yolo	Any changes to the boundaries of the Delta must be supported by clearly evidenced public benefit
2009	County of Yolo	Develop appropriate agricultural industrial uses and infrastructure within the Clarksburg Agricultural District, and assist the Clarksburg region to provide agricultural tourism-related activities and "Delta gateway" facilities
2009	County of Yolo	Replace and expand any displaced farm labor camps
2009	County of Yolo	Ensure that changes to the operation of the Fremont Weir, Yolo Bypass toe drain, or other proposals do not adversely affect planned development of the future Elkhorn Specific Plan
2009	County of Yolo	Establish Yolo County gateways to the Delta region for ecotourism and recreation focusing on legacy communities including Clarksburg
2009	County of Yolo	Include legacy communities in the Secondary Zone of the Delta

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	County of Yolo	...concerns that underlie this opposition...These matters remain of significant importance to the County and its residents, and the County intends to take all reasonable steps to protect its interests as the BDCP process moves ahead. We therefore urge DWR to closely scrutinize all environmental issues in the EIR/EIS process, including but not limited to those issues previously raised by the County and its residents, which relate to the potential implementation of any component of the BDCP near Clarksburg.
2009	County of Yolo	We would like to respectfully request that everyone remember that the Delta is more than an ecosystem problem. People live here and the proposals for fixing the Delta are going to have huge impacts on their lives. We believe that there should be a third co-equal goal to the Delta vision, which is sustaining the intrinsic values of the the Delta as a place.
2009	Delta Caucus	Has exporting water from the Delta damaged the environment and socioeconomic health of the Delta?
2009	Delta Caucus	Will increased reliance and investment to move water from North to South through the Delta institutionalize, perpetuate, and accelerate damage in the Delta?
2009	Delta Caucus	The EIR must identify all negative impacts to the Delta economy and ecosystem caused by each of the alternatives, must quantify the cost of the impacts, and must define in detail mitigation actions which will be required. For example, how will the BDCP mitigate for loss of farmland and loss of Swainson's Hawk foraging habitat?
2009	Delta Caucus	Loss of income to special districts and counties must be considered. A mechanism must be developed to ensure that tax revenue is not lost due to public acquisition of property for conveyance facilities.
2009	Delta Caucus	...the EIR must identify all negative impacts to the Delta economy and ecosystem caused by water quality changes and conversion of land from agricultural production. It must clearly articulate how the BDCP will mitigate for loss of farmland and habitat such as Swainson's Hawk foraging habitat.
2009	Delta Caucus	The EIR should identify in depth all plant communities and avian and terrestrial species which will be adversely impacted by creation of fish habitat. The analysis should include impacts caused by changes in water quality as well as large-scale conversion of both agricultural and wildlife habitat to fish habitat.
2008	Delta Farmer	Even though just 5% of Yolo County farming lies in the Delta, it generates more than 20% of this community's agricultural revenue. Not only are we helping to feed people, but we also pay property taxes in assessments on our farm land. So as tax and inputs in personal and corporate income taxes, too. We hire services and buy supplies from companies that help us fertilize, protect, harvest, and haul our crops. The people that help us grow our crops live on our farms. Many with their families. These farms are what make the Delta communities function.
2009	Delta Farmer	What about human species? Why are we not all on this more of inclusive species list?

**Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources**

Year of Scoping	Affiliation	Comment
2009	Delta Farmer	So if we're going to alter hydrologically the water flows that are already going through the Delta, how is that going to be a positive in regards to fish species, or wildlife species, bird species, or anything else, not to mention the people who live there and work there in the agriculture element of the Delta?
2009	Delta Protection Commission	As cited in the May 30, 2008 letter from staff of the Commission to you, the proposed project site is in the Primary and Secondary Zones of the Legal Delta. Therefore, the project is subject to consistency with the policies of the Delta Protection Act, and the Land Use and Resource Management Plan for the Primary Zone of the Delta.
2009	Delta Protection Commission	Additionally, please consider the Commission's comments provided to the Delta Vision Blue Ribbon Task Force on September 29, 2008 (cited below) relative to characteristics that should be taken into consideration when proposing to convert lands to habitat. Programs proposing the conversion of lands to habitat should take into consideration characteristics of highly productive agricultural lands and compatible uses, such as: nationally recognized wine growing regions; islands mapped out of the 100-year flood zone; lands with well/deep well drained soils; areas where permanent trees and vines are planted; levees maintained with state-of-the-art systems; areas of highly maintained water quality; outstanding crop yields regionally recognized; and lands supporting existing homes, shops and value added ag components.
2008	District Representative for Congressman Mike Thompson	The process needs to be not just about the fish and the water, but about the land and the people who live here and who have farmed it through generations. So the sooner that the planning effort can become proactive and collaborative, I think that would be a win-win for all concerned.
2009	Farmer in Clarksburg	...there should have been three prong approach to this thing and everybody here knows that. There's no -- there should've been a spot for a third prong, for the social and economic wellbeing of the Delta. And should be an economic impact that goes along with it that has that same representation
2009	Farmer in Clarksburg	...there needs to be EIR needs to include the impact of building more homes in southern California with increased water supplies from the Delta.
2008	Farmer in Clarksburg	Extrapolating those economic impacts to just our 17,000 acres of wine grapes, we create in excess of 11,000 full time equivalent jobs in California and an additional 13,500 jobs nationwide. This generates \$357 million in California wages and almost \$900 million in wages throughout the USA. Taxes generated from our winegrape acres exceed \$107 million to the State of California and an additional \$64 million nationally. In excess of 700,000 visitors with tourism expenditures exceeding \$71 million are attributable to our 17,000 acres of grapes.
2008	Farmer in Clarksburg	Extrapolating those economic impacts to just our 17,000 acres of wine grapes, we create in excess of 11,000 full time equivalent jobs in California, and an additional 13,500 jobs nationwide. This generates \$357 million dollars in California wages and almost \$900 million dollars in wages throughout the U.S.A. Taxes generated from our wine grape acreage exceed \$107 million dollars to the State of California, and an additional \$64 million dollars nationally. In excess of 700,000 visitors with tourism expenditures exceeding \$71 million dollars are attributable to our 17,000 acres of grapes.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	Farmer in Clarksburg	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.
2009	Farmer in Clarksburg	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.
2009	Farmer in Clarksburg	At the Clarksburg meeting one year ago I requested economic analysis intended environmental mitigation cross projections and intended economic mitigation on the following issues of immediate concern to residents in the north Delta. To summarize, we have 17,000 acres of premium wine grapes in the Clarksburg appellation. Vineyard establishment costs are in the range of 16 to \$20,000 per acre. Vineyard infrastructure costs alone exceed \$340 million in just our appellation. There are 11,000 local and 13,500 nationwide jobs created by these wine grape acres. There is 357 million in statewide taxes and 900 -- I'm sorry -- in wages. And 900 million in annual wages are paid by these acres. Taxes generated statewide are 107 million. 64 million additional nationwide. 17,000 agri-tourism visitors spend \$70 million annually in the Delta. Please complete the requested analysis for the EIR/EIS.
2009	Farmer in Clarksburg	Outlined in your EIR/EIS report the measures that 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 consideration of the businesses that support our family farms and ranches. And finally, the considerations of the schools that educate our children. Letters may save our towns but will not save the Delta communities.
2009	Farmer in 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. ...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!

**Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources**

Year of Scoping	Affiliation	Comment
2009	Farmer in Clarksburg	As you work your jobs or careers, you choose 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 in Clarksburg farmland. We assumed that taking caring of this land would take care of us later. My folks are aging now. And the time is now when that land needs to be liquid. ...when this fiasco about flooding our homes and farmland began, all hopes of simply selling came to a dead halt. Realtors were suddenly saying to me " Hey, who wants to buy land that's going to be under water?" For whatever reason you give for this to take place it's just not the right thing to do. You're just telling me that my family just wasted 100 years for nothing?
2008	Farmer in Clarksburg	We have homes. We have farms. We've got people spaced out far enough to where there is breathing room between. We don't want to become a subdivision. And we certainly don't want to become a flood pond.
2009	Farmer in Solano County	...as residents of these five counties our tax base is going to get eroded, and we've got to make up those funds somewhere else. I think that needs to be considered to where those funds are going to come from.
2008	Farmer in Turlock	Local economic interests must be respected along with water rights and area of origin interests. It is imperative that the BDCP process address the key issues concerning the Delta in an expedited manner.
2009	Flood Planner in the Delta	What's this Yolo Bypass going to do to the City of Rio Vista? It appears to end just about on our doorstep. You see Isleton makes the corner, comes around. There's the bridge. That's always been farmland. It's been highly productive farmland. Rio Vista has an airport. That looks like the airport may be part of the Yolo Bypass. Has a housing development out there.
2009	Grand Island Ranch	Please consider the economic impact on the residents of this area and the effect on their "constitutional rights". This property was purchased and managed in "good faith" and no government agency should have the authority to alter what the "minority group" of landowners have legally established.
2008	Greene and Hemly	What will be the impact of altered accessibility in the region, (for example: at projects completion if a farmer has to haul his crop additional miles to market, his profitability decreases) how will that cost be calculated? How will the costs of increased driving upon local citizens be calculated?
2008	Greene and Hemly	There is an intangible value to living and working in an area beyond the value of house and land which will be permanently destroyed by the project. People will need to relocate. How will that be measured
2009	Marshall Ranch	The route is dominated by unwilling sellers who's livelihood and heritage come from the proposed land. Without willing sellers, what will the state do to obtain this land?
2009	Meeting Attendee at Clarksburg	I also want to add that this area is very unique and agricultural and the beauty of what's here in the farmlands. It's a safe haven for people that want to come out and just enjoy the country. And, if we flood it, that will be gone forever.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2008	Member of Clarksburg Fire Protection District Board of Directors	Our district has a great need -- a tremendous need for a new firehouse. And we're working on that. But we're looking for a location to build it, and we need funds to build it. Funds have been a major obstacle for our Fire Protection District for many years. We cover an area of approximately 53 miles -- square miles. The Dunn and Bradstreet's Zap Database shows Clarksburg with 70 businesses, 29 of which are agricultural. These businesses provide employment for 540 employees, which represents about 41% of our population of his district, and about 44% of the income to the Fire Protection District. To provide health, welfare services and the necessary coverages for the district, we cannot allow the district to be flooded.
2008	North Delta CARES	How is the economy of the historic Delta town of Clarksburg protected by the installation of a tidal marsh wetlands anywhere in the area within 15 miles of the town of Clarksburg?
2008	North Delta CARES	How is the nature of the historic Delta town of Clarksburg protected by the installation of a tidal marsh wetlands anywhere in the area within 15 miles of the town of Clarksburg?
2008	North Delta CARES	How is the small town quality and society which is an integral part of the historic Delta town of Clarksburg protected by the installation of a tidal marsh wetlands, or primary habitat restoration area(s) anywhere in the area within 15 miles of the town of Clarksburg?
2008	North Delta Water Agency	BDCP documents have not adequately disclosed or discussed the impacts of land conversion on the human community. These impacts include reducing the size and changing the nature of the local community, depressing the local economy, eliminating family legacies in land and family farming, and forcing large-scale relocation. Historic communities may be unalterably changed or even eliminated. The EIR/EIS must address such impacts..
2008	North Delta Water Agency	Additional concerns include the erosion of the local county tax base. When productive lands are purchased by public entities and converted to habitat or open space, they do not contribute to the County tax rolls.
2009	North Delta Water Agency	...the EIR/EIS must include an analysis of the direct and indirect economic, social, public safety and health effects of the proposed action(s) on the Delta residents and economy and such effects in the Delta must be mitigated in accordance with applicable law.
2009	North Delta Water Agency	NDWA is concerned that the massive new water conveyance infrastructure being considered by BDCP for the northern Delta will not only have the obvious effect of taking large tracts of agricultural land out of production; it will also have the more insidious, long-term effect of eroding the economic viability of the agricultural economy of the north Delta region and the social and economic viability of north Delta communities.
2009	North Delta Water Agency	The core principle which BDCP should apply and follow throughout its process is that landowners and residents within NDWA must be made whole for all harm (direct and indirect) associated with the implementation of any particular Delta infrastructure project.
2009	Planning and Conservation League	A comprehensive presentation of other considerations (e.g. economic, social, political, engineering) that influenced the selection of conservation measures.

**Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2008	Rancher in Fresno	Our government is designed to be a republic, where the rights of the individual are sovereign and always protected. The remedies being executed under the Endangered Species Act, in an attempt to save the Delta smelt, are placing millions of people and hundreds of plant species in extreme danger.
2009	Reclamation District 2025 (Holland Tract)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District: • incompatibility with existing and future land use within the District; • impairment of the quality and quantity of the District's water rights; • additional seepage within the District; • decreased stability of the District's levees; and • increased costs of maintaining District levees.
2009	Reclamation District 2025 (Holland Tract)	For any action that may affect the District, BDCP must obtain an encroachment agreement from the District. Additionally, BDCP should consider that any conflicting actions between BDCP and the District could be avoided or mitigated by coordinating with the District and the landowners within the District during the creation of the BDCP conservation measures and operations.
2009	Reclamation District 2026 (Webb Tract)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District: • incompatibility with existing and future land use within the District; • impairment of the quality and quantity of the District's water rights; • additional seepage within the District; • decreased stability of the District's levees; and • increased costs of maintaining District levees.
2009	Reclamation District 2026 (Webb Tract)	For any action that may affect the District, BDCP must obtain an encroachment agreement from the District. Additionally, BDCP should consider that any conflicting actions between BDCP and the District could be avoided or mitigated by coordinating with the District and the landowners within the District during the creation of the BDCP conservation measures and operations.
2009	Reclamation District 2028 (Bacon Island)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District: • incompatibility with existing and future land use within the District; • impairment of the quality and quantity of the District's water rights; • additional seepage within the District; • decreased stability of the District's levees; and • increased costs of maintaining District levees.
2009	Reclamation District 2028 (Bacon Island)	For any action that may affect the District, BDCP must obtain an encroachment agreement from the District. Additionally, BDCP should consider that any conflicting actions between BDCP and the District could be avoided or mitigated by coordinating with the District and the landowners within the District during the creation of the BDCP conservation measures and operations.



Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	Reclamation District 2068	RD2068 and our cooperating agencies, operate and maintain flood management and drainage facilities that drain into the Cache Slough/Lower Yolo Bypass area. The EIR/EIS must evaluate the impacts of point and non-point runoff from sources upstream of this area on new habitats that are created. If there are impacts to habitats and the species using these habitats, there could be increased regulation of point and non-point discharges upstream of these areas. These increased regulations may have operational, financial and socio-economic impacts that need to be analyzed in the EIR/EIS.
2009	Reclamation District 2068	The conversion of large tracks of private land from agriculture to permanent habitat under State or Federal ownership resulting in the loss of local property tax and assessments will significantly impact the ability of RD2068 and RD2098 to continue providing mutual flood protection, necessary public safety services, and water related services. This impacts not only affect the Districts but also local school and special districts such as fire protection districts, Dixon Resource Conservation District and the two regional Mosquito Abatement Districts, and the North Delta Water Agency. In rural areas general purpose and special purpose government are co-dependent in providing a robust mix of essential public services. Fiscal impacts to either the County or local agencies have clear consequences to other agencies, these impacts should be thoroughly analyzed in the environmental document and fully mitigated.
2009	Reclamation District 2068	The EIR/EIS must also analyze the impact of the loss of agricultural land and agricultural production on the county's overall agricultural economy including direct, indirect and induced impacts. This includes the impact to third party activity such as agricultural support activities, processing and industries from the loss of agricultural production to BDCP actions.
2009	Reclamation District 756 (Bouldin Island)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District: • incompatibility with existing and future land use within the District; • impairment of the quality and quantity of the District's water rights; • additional seepage within the District; • decreased stability of the District's levees; and • increased costs of maintaining District levees.
2009	Reclamation District 756 (Bouldin Island)	For any action that may affect the District, BDCP must obtain an encroachment agreement from the District. Additionally, BDCP should consider that any conflicting actions between BDCP and the District could be avoided or mitigated by coordinating with the District and the landowners within the District during the creation of the BDCP conservation measures and operations.
2008	Reclamation District 999	In preparing its final recommendations for the resource management of the Delta, the BDCP should give due weight to the needs and importance of our community and its people, and fashion a comprehensive program that provides for a healthily functioning ecosystem while ensuring the ongoing reasonable and beneficial use of water within the Delta.

**Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2008	Reclamation District 999	...one of the many recent proposals presented to the BDCP is a plan for the State to take most or all of the lands within the District and surrounding areas by negotiated sale or eminent domain, and to convert our lands from a community into a seasonal floodway and marsh. The BDCP should dismiss this approach outright. Such a plan would destroy our homes, our farms and our family legacies, hamstringing the Clarksburg wine appellation, and eliminate a large, increasingly productive swath of the Yolo County tax base.
2008	Reclamation District 999	The BDCP's Final Report must implicitly recognize that places like the District must be preserved.
2009	Reclamation District 999	The District recommends consideration of the following impacts associated with the potential western alignment of an isolated conveyance facility: Impacts from conversion of farmland to canal and associated facilities...conversion of farmland leads to other indirect environmental and social effects that also must be disclosed, and to the extent required by law, mitigated.
2009	Reclamation District 999	The District recommends consideration of the following impacts associated with the potential western alignment of an isolated conveyance facility: Impacts from incompatibilities of canal and associated facilities with existing local land use plans.
2009	Reclamation District 999	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.
2009	Resident of Bethel Island	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.
2009	Resident of Bethel Island	This processed plan is going to probably ruin all the small harbors on Bethel Island.
2009	Resident of Bethel Island	...it's going to ruin the boats that are in my little eight slip harbor that's what I have as my retirement income. It's going to ruin the salt water intrusion is going to destroy the fishing.
2008	Resident of Clarksburg	The documented and undocumented impacts of this plan directly and indirectly affect the people of Clarksburg, yet the people of Clarksburg carry the burdens, but get none of the benefits of this project.
2008	Resident of Clarksburg	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.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2008	Resident of Clarksburg	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?
2008	Resident of Clarksburg	...the documented and undocumented impacts of this plan directly and indirectly affect the people of Clarksburg. Yet, the people of Clarksburg carry the burdens but get none of the benefits of this project.
2008	Resident of Clarksburg	...the nature and character of the Delta today is recognized as valuable in this document, yet our redevelopment interests are specifically rejected by this document, replaced with the unbridled growth of Southern California.
2008	Resident of Clarksburg	...loss of farmland in the Delta will have ripple effects with ag equipment suppliers, truck dealers, seed suppliers, etcetera, where good paying stable jobs will be directly impacted and lost. How will this plan mitigate the losses of those jobs?
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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?
2009	Resident of Clarksburg	...the document 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.
2009	Resident of Clarksburg	...the nature and character of the Delta today is recognized as valuable in this document. Yet, our redevelopment interest 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 themselves not able to development.
2009	Resident of Clarksburg	...loss of farmland in the Delta will have ripple effects with Ag equipment, suppliers, truck dealers and etc., where good paying, stable jobs will be directly impacted and lost. How will this plan mitigate for the loss of those jobs?
2009	Resident of Clarksburg	...I not as concerned for the delta smelt as I am for the Clarksburg community and its citizens. In my opinion the State has made up it's mind at how they want to precede. I realize that Calif is one state don't sacrifice one community for another.
2009	Resident of Clarksburg	And so what I would ask the resources agency and the Department of Water Resources and all the people who deliberate over this is please take a look at the economics of this particular part of Yolo County and what it means to the county and region.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	Because we as people through our representative elected representatives made a decision for open space and agricultural preservation, we don't have a lot of development opportunities here and my great concern is no matter what we do in terms of facilities, however that turns out happens is that metropolitan and the other large sponsors of the BDCP and those desires of the canal will wash their hands of the actual consequences that come from those facilities and not think about the long term viability of the communities in the Delta and sustainability of these communities. I think that's a very real threat to the communities in the Delta.
2008	Resident of Clarksburg	THE EIR MUST STUDY THE IMPACTS ON A MYRIAD OF COMMUNITY ISSUES----INCLUDING, BUT NOT LIMITED TO---- SUCH ISSUES AS DECLINING POPULATION----THE EFFECT OF SUCH A PLAN ON SCHOOLS, THE EXISTING COMMUNITY HABITATS, HEALTH, THE EXISTING ENVIRONMENT, SOCIAL ACTIVITIES----INCLUDING CHURCHES, SCOUTING, FIRE SERVICES, LIBRARIES, POLICE PROTECTION AS WELL AS COMMUNITY SOCIAL ACTIVITIES.
2008	Resident of Clarksburg	THESE EXISTING DELTA COMMUNITIES CANNOT BE DISCOUNTED. THEY ARE AN IMPORTANT ASSET TO THE STATE. YOUR EIR MUST ADDRESS THESE AND OTHER COMMUNITY CONCERNS.
2008	Resident of Clarksburg	It's home to a large number of people who have made their homes here. Have made their living here. Have raised their children here. And who have worked hard to make the Delta a wonderful place to live. A wonderful place to raise their children.
2008	Resident of Clarksburg	....the Delta is a location of a number of small historical towns that have survived the difficulties of being in a flood plain. All of the citizens of the Delta have contributed to the preservation of a way of life that has developed into a strong society. Any plan to change these historic places -- these historic towns just appall me. And when I speak of the towns, I'm also speaking of the surrounding farm areas. Those people who farm out there around the little towns are also members of the town. This kind of plan that I see here actually stops any kind of growth and progress that is necessary to maintain the character of these small towns. The plan that I see being presented will destroy the character of the Delta towns.
2008	Resident of Clarksburg	The EIR must study the impacts of a myriad of community issues, including but not limited to such issues as declining population, the effect of such plan on schools. The existing community habitats. Health, the existing environment. Social activities including churches, scouting, fire services, libraries, police protection, as well as regular community social activities. These existing Delta communities cannot be discounted.
2009	Resident of Clarksburg	The human habitat has actually been forgotten around here, not only in Clarksburg but clear down the river...I really encourage you to work very, very hard to including in the EIR long term effects on the social, political, and human resources here in the Delta.
2009	Resident of Clarksburg	What are you going to do with all the families that are unemployed. Where are people going to move to + work?
2009	Resident of Clarksburg	...there must also be an adequate analysis of the potential socio-economic impacts to the residents of the Delta...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 ?

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2008	Resident of Clarksburg	I'm concerned about the taking of land, the taking of water, and the taking of a way of life.
2008	Resident of Clarksburg	My comments center on the environmental impact of moving all of these people out of their homes. It has been stated by members of your committee and in writing that a ring levee would be built around the towns up and down the Delta. By doing so, you create a situation where the towns will eventually die. The schools, which in many cases are the centerpiece of these Delta towns, will be fatally impacted by such a move.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	Many more people -- or many people who are being affected are landowners. Far more people who live and work here do not own land. Our farming operation alone has 35 employees, 15 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.
2009	Resident of Clarksburg	In addition, there are many support businesses which will be gravely affected by the destruction of area farming. For example, equipment sales, repair companies, fuel delivery companies, seed companies, and the list goes on from there.
2009	Resident of Clarksburg	Please consider the socio-economic impacts of this plan
2009	Resident of Clarksburg	Clarksburg is the largest contributor to the economy of Yolo County
2009	Resident of Clarksburg	Land value should be consider at a pre-canal talk level.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	What happens when you -- first of all, what happens when you abandon something? In other words, you have measure, maybe you took somebody's land or somebody gave you their land, or they sold it to you, or whatever, now do they get their land back if it doesn't work, or is it left a lot -- kind of like -- (inaudible) -- sitting for a while then, you know, what happens there? The Delta is an entity. It has integrity as it is now. It's degraded, everybody says that. But if you make small changes in the Delta, as I believe some of the early modeling was reported on when I went to one of the other steering committee meetings, they found out to their surprise big changes happened in remote areas they didn't expect. So my question is, what happens when adaptive management measures are found not to work?
2009	Resident of Clarksburg	Well, we know the Delta counties are worried about their money essentially. The counties, they are worried about their money that they are going to lose from the habitat, but other than that -- (inaudible) -- but other than that, I'm not so sure that they, you know, those Delta survivors who all live in the Delta. In fact -- (inaudible).
2009	Resident of Clarksburg	The economy will be affected by what you do.
2009	Resident of Clarksburg	Some of the problems here are that the local fire department, which I'm a part of is losing a portion of their operating expenses. They keep this community safe. And also keeping our insurance down on a personal level.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	...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
2009	Resident of Clarksburg	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...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"
2009	Resident of Clarksburg	...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.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	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).
2009	Resident of Clarksburg	...power lines [to serve intakes] 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..These residences lie in the direct path of your lines.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	I would like to know impacts to the farmers forced out from their business, land and their homes? Social impacts Monetary impacts
2009	Resident of Clarksburg	Impacts to the remaining residents, Schools, businesses, churches, health?
2009	Resident of Clarksburg	...one of the things that hasn't been said about Clarksburg is it's the home of one of the oldest Boy Scout Troops in America.
2009	Resident of Clarksburg	And so one of my themes here is consistency. Just simple things like when I go to the County Planning Department and want to find out if I can put something up on my property, "Well, as long as you don't place it within eyeshot of route 160 on the levee because we don't want to ruin the visual impact." And I'm going -- I'm looking at all these maps we're talking about we're going to put thousand foot wide canals.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	And finally, assuming this all goes through, I'm very concerned that if we wind up losing and having to lose our properties that we're going to have happen what happened to my grandparents. When they had the interstate systems take their property. They had them sold at eminent domain based upon the values after years of depression knowing that the properties were going to be eminent domain. So who's going to buy property that's -- as it's already been said here in town, if we look at value of what people will pay for 2, 3 years from now then that will be just flat out confiscation of property.
2008	Resident of Courtland	What will be the indirect cost of wetland conversion to the Delta economy, Delta employment and Delta communities?
2008	Resident of Courtland	Is it appropriate to establish wetland and tidal wetland zones based on elevation and not consider how the land is presently being used?
2008	Resident of Courtland	Finally, as you develop this plan, understand that we have many, many -- um -- many, many special districts that are dependent upon tax revenue. Yolo County -- if you make this a dedicated towards public ownership, you will destroy tax base for reclamation districts, mosquito districts, North Delta Water Agency, and Yolo County. So provide for that.
2009	Resident of Discovery Bay	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.
2009	Resident of Dixon	Issues of concern Erosion of Tax Base in Solano Due To Mitigation
2008	Resident of Merritt Island	Livelihood of residents: Bogle Winery, internationally known, first winery in Yolo County; and Vineyards are only means of making a living for many residents - thousands of dollars invested in grapes and drip irrigation
2008	Resident of Merritt Island	History of Merritt Island: Land bought from state as early as 1859 (I'm fifth generation to own my land); and Some family homes well over a hundred years old
2008	Resident of Merritt Island	Impact on town of Clarksburg: If also flooded, there would be more eminent domain implications; If not flooded, economic impact of neighboring area under water - a ghost town?; and Impact on local school district - where would students need to be transported?
2009	Resident of Sacramento	...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.
2009	Resident of Sacramento	...the environmental impact study should be/must evaluate the quality of life for long-established homeowners in the Pocket area.
2009	Resident of Sacramento	How will the resale market of our be affected?
2009	Resident of Sacramento	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.



Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Sacramento	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 environmental effects of locating such facilities on surrounding land uses.
2009	Resident of Sacramento	Well, and in closing, if you get all these farmers and all these people out of this area and remove them and inundate this area, water quality doesn't so much matter for the agriculture any more. It doesn't matter if we have salt water flows all the way to right here, if there's no one affected by it.
2009	Resident of Sacramento	...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.
2009	Resident of Sacramento	...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.
2009	Resident of Sacramento	From where I live...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...
2009	Resident of Sacramento	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.
2009	Resident of Solano County	There is reason why we have these opportunities for shallow water habitat restoration on the swamp when they overflow is because this county has, like the Suisun Marsh, a history of preserving these areas for their intrinsic values and their production act. What we are talking about is damaging the economic underpinnings of many of the communities in the Delta without a clear mitigation strategy for how they're going to do that.
2009	Resident of Solano County	...we have a long and sad experience with government and nongovernment entities operating or owning land that they do a poor job in operating and maintaining because they don't have an assured source of funding to do such.
2009	Resident of Stockton	Your slide presentation was all about protecting fish species; I guess the human species isn't important.
2009	Resident of Stockton	And some of these non-native species like they talked about wanting to eliminate, like the striper. That's a viable income for us. It's one of the only fish we can eat out of the Delta after you've destroyed it the way you have, you know, because it doesn't live here and doesn't get all the contaminants.
2009	Resident of Suisun	Because of Solano County Board of Supervisors, because of the general plan, I have an overlay over my property that I brought you letters that the attorney has wrote that you cannot mitigate private property. You cannot mitigate my parcel because you don't own it, and the County has it for mitigation.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2008	Resident of the Delta	The delta entity as itself still exists, that people raise families, they do business, they live their lives there in the delta yet there's no mention of the impact, and it will be, I know it will be mitigated and it will be mentioned. But, there's no mention of the impact to people's lives that depend upon the delta for their businesses, their recreation, that the delta as the entity pre-described in previous Cal-Fed statements still exists.
2008	Resident of the Delta	Please assure that the EIR/EIS process study in depth and breadth impacts to existing and future agricultural activities and economies, and the impacts on the Delta riverfront farming communities - their existing and continued economic vitality and historical/cultural/social/recreational value to those who live in the Delta and to urban dwellers in the State at large.
2008	Resident of the Delta	A close reading of many documents produced to date by Delta planners yields the strong impression that Delta farmers will be asked to do many things with/on their land alongside or instead of producing crops (i.e. protecting wildlife, reducing subsidence, sequestering greenhouse gasses, and providing recreation and "scenic green open space" for the urban population, etc.). The EIR/EIS must examine the extent to which these "working landscape" requirements could inhibit the optimum production of agricultural product, any diminishing of which might in this era of global food shortages be considered a national security issue as well as detrimental to the agricultural economy of the State.
2008	Resident of the Delta	Other impacts of private-to-public land transfer, such as those on funding for and operations of local reclamation districts, County services, fire districts, water agencies, State water quality and water rights programs, local school districts, etc. must be carefully looked at both for each individual entity and for the social/economic/cultural impacts on the fabric of Delta community life.
2008	Resident of the Delta	Most of the Delta legacy towns are to the north. The building of large "tidal" marshes might eventually depopulate these areas due to health and aesthetic effects as well as physically disrupting existing social interconnections.
2009	Resident of the Delta	But if the government structure -- the folks that are going to be making the real decisions down the road -- if, would you be in favor of the department, would the department be in favor of allowing one or more people from the Delta itself -- the people who have the most skin in the game -- to have a voice directly in the process, not in meetings like this where we give comment and then somebody goes into a back room and says, "Well, we just heard a comment but we're going to do what we want to do any way." But actually of direct voice, a voting voice and we think and hope a strong voice in the government structure. Is that something the department would support?
2009	Resident of the Delta	I think you could see from people here that we're asking for a third leg in the process, not just conveyance, not just habitat. But also the people in the place because for the people that are here it's not just live and -- it's a data point on sheet of paper or spreadsheet. It's about lives and history... And state will lose something, if the big project rolled through and we were depopulated. We lose a base to have schools, we lose a base to have fire department. We will suffer. And the state will suffer.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	Resident of the West Delta	The BDCP and EIR should address the significance of croplands in the Delta, in particular the peat islands of the west Delta, which have contributed significantly to the State's corn, asparagus, tomato, alfalfa, and pear economies since the 1800s and are a valuable resource contributing to the \$3 billion worth of crops produced annually
2008	Resident of Walnut Grove	Flooding our Clarksburg land will be devastating to both us and the environment:...Destroying our over 100-year home.
2008	Resident of Walnut Grove	Flooding our Clarksburg land will be devastating to both us and the environment:...Creating job losses for our field personnel and family members.
2008	Resident of Walnut Grove	You can help the Clarksburg people and the environment by stop taking over land that you cannot even legally prove or even have proven in the past will benefit the area/environment.
2009	Resident of Walnut Grove	Perhaps a fund could be established to ensure long term funding for habitat credits to offset farming loss.
2009	Resident of Walnut Grove	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
2009	Resident of Walnut Grove	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.
2009	Resident of Walnut Grove	And I want to reiterate the comments of my superintendent and also fellow community members Mr. Demare and also Mr. Heringer in the beginning about how this will impact the ability of our communities to educate our children when so much land will be taken away and land brings job, families, people living in our community.
2009	Sacramento County Farm Bureau	The BDCP has reduced and will further reduce land values.
2009	Sacramento County Farm Bureau	BDCP environmental projects which convert or destroy agricultural lands will harm the local and regional economies as well as avian and terrestrial species.
2009	Sacramento County Farm Bureau	The BDCP will reduce or destroy habitat easement values.
2009	Sacramento County Farm Bureau	...Sacramento County farmland that is in the direct path of the BDCP highly productive and capable of producing high value crops such as wine grapes, pears, apples and cherries. The Sacramento River District is the largest Bartlett pear growing region in the United States. The BDCP will also destroy vineyards in the emerging Clarksburg Appellation. The loss of Sacramento County farmland and production will negatively impact the regional economy and employment patters. Job losses in labor-intensive vineyards and orchards will cause extreme hardship for populations least able to adjust.

**Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	Sacramento County Farm Bureau	The EIR/EIS must determine how each alternative will impact regional flood control, land use, land values, the local and regional economies, and other species.
2009	Sacramento Regional County Sanitation District	The EIR/EIS must address the cumulative impact of the proposed project on water supply, the Delta ecosystem, Delta water quality and the surrounding Delta communities. Third party impacts of the proposed project should be addressed.
2009	Sacramento Regional County Sanitation District	The constructed wetland approach shows a lack of understanding of the SRCSD treatment plant and processes, and a lack of consideration of concept feasibility. It is infeasible to construct a 3000 acre wetland in a highly urbanized area, regardless of the level of wastewater treatment. Even though SRCSD owns 3,550 acres at its treatment plant site, 900 acres are used for the treatment plant processes... and 2650 acres are managed as open space, and is known as the "Bufferlands". The Bufferlands provides over 2000 acres of open space for riparian and habitat restoration....
2009	Sacramento Regional County Sanitation District	Explicitly human health and ecosystem benefits from methylmercury load reductions should be provided.
2009	San Joaquin Farm Bureau	You're affecting more families than you know by taking a program and saying, "We may want to acquire this piece of land." That's part of their management plan. That's part of their longevity and sustainability of their business. And that needs to be considered as well.
2009	San Joaquin Farm Bureau Federation	Has exporting water from the Delta damaged the environment and socioeconomic health of the Delta?
2009	San Joaquin Farm Bureau Federation	Will increased reliance and investment to move water from North to South through the Delta institutionalize, perpetuate, and accelerate damage in the Delta [previous question related to the environment and socio-economic health]?
2009	San Joaquin Farm Bureau Federation	The EIR must identify all negative impacts to the Delta economy and ecosystem caused by each of the alternatives, must quantify the cost of the impacts, and must define in detail mitigation actions which will be required. For example, how will the BDCP mitigate for loss of farmland and loss of Swainson's Hawk foraging habitat? Further, how will this process comply with the Agricultural mitigation ordinance that requires that ANY conversion of agricultural resources be addressed? Our expectation is that for every acre converted under this plan to public land, that 5 acres of new farm land be created in our jurisdiction (county) where the conversion took place. Meaning, if you convert 50,000 acres of farmland in our county to habitat and the canal, that you would need to create 250,000 acres of NEW FARMLAND in our county.
2009	San Joaquin Farm Bureau Federation	Loss of income to special districts and counties must be considered. A mechanism must be developed to ensure that tax revenue is not lost due to public acquisition of property for conveyance facilities.
2009	San Joaquin Farm Bureau Federation	Loss of income to special districts and counties must be considered. A mechanism must be developed to prevent loss of tax revenue as a result of the creation of wetland/fish habitat.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	Save Our Delta's Future	Assuming some levees on Grand Island will be demolished, some portion of Grand Island will be inundated, and that "king levees" will be constructed to protect Walnut Grove and the surrounding land...please state: (a) the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, within the area affected...demolishing existing levees, the inundation process, how this will/might affect the adjacent land.. constructing levees in locations where none previously existed, of the construction process itself, of the materials to be utilized in the new levees that are seismically sound)...physical changes ...on residents, homes, businesses, churches, schools, agricultural operations, natural gas extraction, and tourism, within the community of Walnut Grove and immediate surrounding area, within the ring levees.
2009	Save Our Delta's Future	Assuming some/all levees on Sutter Island will be demolished, and some/all of Sutter Island will be inundated...please state:...the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, on Sutter Island...demolishing the island's existing levees, of inundating the island, and how this major physical change to Sutter Island will/might affect the levees on neighboring islands.
2008	SH Merwin & Sons, Inc	Eliminate agriculture to restore native habitat, and you will create the following problems adjacent to and upwind from metropolitan areas: no property tax revenue, no economic production, increased mosquito pressure (West Nile, bird flu, Malaria, etc.) and other insect pressures (the Minute Pirate Bug has become particularly obnoxious to our quality of life in last few years), putrid odors borne on the cooling Delta breeze that arise from lowlands as they dry out seasonally.
2009	Solano County Water Agency	SCWA, and our member agencies, operate and maintain flood management and drainage facilities that drain into the Cache Slough/Lower Yolo Bypass area The EIR/EIS must evaluate the impacts of point and non-point runoff from sources upstream of this area on new habitats that are created. If there are impacts to habitats and the species using these habitats, there could be increased regulation of point and non-point discharges upstream of these areas. These increased regulations may have socio-economic impacts that need to be analyzed in the EIR/EIS. Any impacts identified must be adequately mitigated.
2009	South Pocket Homeowners Association	The Board of Directors and the 380 households of the South Pocket Homeowners Association strongly urge that the Delta Dual Conveyance pumping intakes not be located adjacent to residential developments on either side of the Sacramento River. Both the East and West reaches of the project currently under consideration, situate pumping plants directly across the river from our homes or the homes of neighborhoods close to ours.
2009	South Pocket Homeowners Association	Our current experience is that the noise, dust, property damage, unsightly appearance and general disruption caused by the construction and eventual operation of the FRWA project has been a serious detriment to our quality of life. Construction and operation of the currently planned Dual Conveyance intakes, each of which is TEN times the capacity of the entire FRWA plant,

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	South Pocket Homeowners Association	We urge the designers and planners of the Delta Dual Conveyance to locate all intake facilities where their construction and operation will not disrupt the quality of life in ours and other residential developments. Additional large water pumping plants in this vicinity will significantly compromise its residential esthetics and create the appearance of an industrial area
2008	Speaker at Clarksburg Preliminary Scoping Meeting	I'm worried about our livelihood here in the Delta, about our fabulous farmers, about economic growth.
2008	Speaker at Los Angeles Preliminary Scoping Meeting	Land use is king here, but everyone's forgotten that land use is part of the Health and Safety Code.
2008	Speaker at Los Angeles Preliminary Scoping Meeting	I would really like, here we have an emphasis on population so that when we have the demand, we control the water.
2009	Stockton East Water District	We agree with numerous comments that have been made that the BDCP process should be consistent with existing laws and regulations including the Clean Water Act, Endangered Species Act, California Endangered Species Act, Central Valley Project Improvements Act, and Delta Protection Act. We would also include other specific laws that would control any actions undertaken through the BDCP, including, but not limited to: • Watershed Protection Statute Water Code section 11460 • San Joaquin River Protection Act Water Code sections 22000 et seq. • Public Law 108-361 Section 103d(2)(D)(vii)...
2009	Stone Lakes National Wildlife Refuge Association	The environmental setting in the EIR/EIS must include a detailed description of Stone Lakes NWR and other similar resources within the Delta. This description should be made with reference to the Comprehensive Conservation Plan and other available research materials.
2009	Stone Lakes National Wildlife Refuge Association	The Association is primarily concerned about the impacts a massive canal and associated facilities would have on the existing and planned uses of Stone Lakes NWR...Construction of a massive canal on even part of Stone Lakes NWR would interfere with the ability to implement many of these plans, including the ability to effectively manage lands for conservation purposes that are bisected by the canal. The EIR/EIS must fully analyze these conflicts.
2009	Stone Lakes National Wildlife Refuge Association	Stone Lakes NWR has been designated as one of the six most threatened refuges in the nation...This designation was primarily based on impacts from surrounding urbanization. The insertion of significant infrastructure such as the canal and TANC would even further threaten the continuing viability of Stone Lakes NWR. These impacts must be carefully studied and mitigated.
2008	Wallace Chan Farms	It's our home, our work, our past, our future. We know how important the delta is - to ourselves and to the others - every day.
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would have serious impacts to current land use in the Yolo Bypass Wildlife Area by: making the Wildlife Area unusable for the thousands of school children who annually participate in the Yolo Basin Foundation's Discover the Flyway school program.

Table E-17. 2008 and 2009 Scoping Comments Related to Socioeconomics, Population, and Land Use Resources

Year of Scoping	Affiliation	Comment
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would seriously affect the ability of Fish and Game personnel to manage the Wildlife Area in accordance with the Yolo Bypass Wildlife Area Land Management Plan adopted in 2008 and other foundational agreements, including the US Army Corps of Engineers Operation and Maintenance Manual and MOUs signed by flood control and wildlife agencies in 1994.
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would...curtail all public use on the Wildlife Area when the Fremont Weir is spilling, including the elimination of access for the thousands of school children in the spring who annually participate in the Yolo Basin Foundation's Discover the Flyway school program
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Public Use (All public use activities cease when the Bypass floods.) o School Program: Approximately 4,000 students annually visit the Wildlife Area annually as part of the "Discover the Flyway" program. The program attracts students from over 100 schools in 5 counties.
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Public Use (All public use activities cease when the Bypass floods.) o Hunting Activity: Over 4,000 hunters utilize the area from throughout northern California. Hunter dollars provide the largest component of the operating budget at Yolo.
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Public Use (All public use activities cease when the Bypass floods.) o Wildlife Viewing: It is estimated that 30,000 people a year visit the Wildlife Area to view the large variety and number of birds, which peak in the winter and spring months
2009	Yolo Natural Heritage Program	We ask that BDCP carefully evaluate proposals in the Bypass and where practical avoid sensitive biological resources and agricultural operations that provide species benefits. BDCP must provide regulatory assurances for landowners adjacent to BDCP habitat project areas. County revenue losses and increased public cost burdens associated with BDCP actions must be fully accounted for and mitigated.

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Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2008	Association of California Water Agencies	Without a comprehensive delta fix, shortages will continue to ripple through the south lands economy causing water rates to rise, and effecting jobs, agriculture, construction and other economic activity.
2009	Attendee at Clarksburg Scoping Meeting	The tax revenue that is generateed here in this community is great. With a state that has a horrendous deficit. It's amazing that you want to flood it and send that water down south. Not only are you receiving the tax dollar from the farms, from the vineyards that are making wine -- bottling that wine and selling it. It's being taxed again. You're going to loose that. I want to know if all of that is taken into consideration.
2008	Barsoom Inc	How do you plan to mitigate for loss of jobs, housing, infrastructure, livelyhood for those who have lived in the area for generations
2008	Bell Gardens Chamber of Commerce	The Bell Garden's Chamber of Commerce realizes the importance of the bay delta to be continued, to the continued economic vitality of the state and our community, and the preservation of the bay delta is upmost important to our region.
2008	Bell Gardens Chamber of Commerce	Additional water supply shortage as a result of seismic activity, climate change, Court Order restrictions and environment needs would impose economic constraints on the already stressed businesses and residents of Bell Garden's.
2008	Building Industry Association of Southern California	The states future and economic vitality is linked to a reliable high quality water system. That would require a sustainable plan in the delta that restores the eco-system and improves the water system now and into the future.
2008	Building Industry Association of Southern California	Time is of the essence. The Department of Water Resources Bay Delta Conservation Plan must stick to its schedules so that a comprehensive plan is in place by the end of 2010. Without it we risk the states economy and the welfare of residents throughout California.
2009	Butte Environmental Council	Acknowledgements of potential impacts on the Sacramento Valley economy that is dependent on a balanced groundwater supply must be considered. Municipalities and orchards located on the up-gradient portion of the Eastern Sacramento Valley aquifer system are totally dependent on groundwater.
2009	Cal/West Seeds	Cal/West and its growers fear that plans being developed by the BDCP and Delta Vision committees will destroy this region of the Delta and its grower's way of life.
2009	Cal/West Seeds	Cal/West and its growers fear that plans may be developed by the BDCP and the Delta Vision Committees will destroy this region of the Delta and its growers way of life.
2009	California Central Valley Flood Control Association	If listed species successfully propagate in these new habitat areas, as planned, the existing levee maintaining agencies in the area will experience increased maintenance costs due to the existence of listed species in the area. These impacts should be evaluated and mitigated in the EIR/EIS.



Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	California Central Valley Flood Control Association	Substantial public and private investments in water conveyance for irrigation and drainage are potentially at risk by seasonal flooding of levee protected areas. Construction of cross or cutoff levees could limit the extent of damage or stranded investment; however, that land base to support maintenance of such a facility will not exist. Local levee districts will not accept maintenance for such new levees. These possibilities and their physical and financial impacts must be addressed in the EIR/EIS.
2009	California Central Valley Flood Control Association	Breaching adjacent levees increases the potential for erosion, surface water elevation changes, and water quality changes, all to the detriment of local public and private operations and must be properly analyzed and mitigated in the EIR/EIS.
2009	California Central Valley Flood Control Association	The bypass is already incapable of passing the design flow at the design stage up stream of Liberty Island. New impacts due to additional capacity impairments will affect agricultural land and their attendant habitat values, increase erosion on existing levees, create additional road flooding, reduce local drainage capacity, and potentially allow flood flows to outflank the federal project levee at the northern end of the bypass. Rigorous modeling and monitoring criteria needs to be funded and implemented as a component of any project.
2008	California Farm Bureau	Providing payments in lieu of taxes or local tax offsets to compensate losses of local tax revenues resulting in significant public acquisition of private owned lands.
2009	California Farm Bureau	The impact analysis in the EIS/EIR must not be limited to the amount of area that would be physically occupied by the BDCP Project. The analysis should consider the construction of ancillary facilities and supporting infrastructure, mitigation areas, as well as growth-inducing impacts and social and economic impacts...the permanent and temporary disturbances caused directly by construction activities must be fully analyzed in the EIS/EIR.
2009	California Farm Bureau	A project such as this would not be compatible with the Williamson Act...Any discussions regarding mitigation for this project must include a discussion of the Williamson Act's policies regarding public acquisition of and public improvements within, agricultural preserves and on lands under Williamson Act contract.
2009	California Farm Bureau	At a minimum, the EIS/EIR must include the following specific information on the agricultural preserves and Williamson Act contracts in the project area: (1) a map detailing the location of agricultural preserves and Williamson Act contracted land with each preserve. The document must also calculate the total amount of acreage under contract, according to land type (prime or non-prime), that could be either directly or indirectly impacted by this project; and (2) the impacts that public acquisition of areas under Williamson Act contracts would have on nearby properties also under contract.
2009	California Farm Bureau	The siting of the BDCP Project through agricultural lands will greatly impact the agricultural industry as a whole, as well as local rural communities. These impacts can be far-reaching and include a loss of jobs, a loss of sales tax revenue which leads to a loss of social services, and a loss of agriculturally-related businesses. Such socio-economic impacts are interrelated with the proposed effects on the physical environment and thus, must be evaluated in the EIS/EIR.
2008	California Farm Water Coalition	When we lose that supply of water that goes out, then our economy suffers.

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2008	California Farm Water Coalition	We've seen hundreds of jobs on the farms have already been lost, hundreds of thousands of acres have not been planted, and these job losses are year-round employment.
2008	California Farm Water Coalition	We believe that agriculture creates a very important part of our economy. The ripple affect to the transportation, processing, retail industry, people are losing their jobs. More importantly, families are losing opportunities to live in a lot of these rural communities because of the economic impacts that they've encountered.
2009	California Sport Fishing Protection Alliance	What are the economic and environmental consequences of various reduced or no export scenarios?
2008	California Sportsfishing Protection Alliance	Economic considerations have been found by the courts to be illegal pursuant to Section 10 of the federal Endangered Species Act.
2008	Central Delta and South Delta Water Agencies	...the following effect/topics should be thoroughly analyzed...Economic impacts which have the potential to result in adverse changes to the environment,
2009	Central Delta Water Agency	...the following impacts should be fully analyzed and discussed: .... All economic and socio-economic impacts associated with the proposed project and all alternatives.
2009	City of Sacramento	...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.
2008	City of Stockton	Private property would be taken for canal rights-of-way resulting in a loss of local property taxes.
2009	Clark Farms	How will increased salinity in Elk Slough, as a result of your project affect our grape vines? Who will compensate me for lost or reduced production of my wine grapes when water quality is reduced as a part of this BDCP project? How will that compensation be determined?
2009	Clark Farms	...how will I be compensated for my lost water rights? Taking water out upstream will reduce our water quality.
2009	Clark Farms	Who will be fiscally responsible if nonnative organisms and/or water born pathogens become established in the north Delta?
2008	Clarksburg Fire Protection District	What is impact of the project and all alternatives on the financial viability of the Clarksburg Fire Protection District?
2009	Clarksburg Wine Growers & Vintners	We believe that any system developed to remove additional water from the Delta will result in a disaster to the Delta and its inhabitants, as well as cost billions of dollars to the taxpayers.
2009	Clarksburg Wine Growers & Vintners	The destruction of vineyards as proposed by the 3 options would cause significant negative economic impact to the state.

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Commenter during Scoping Process	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.
2009	Commenter during Scoping Process	...the environmental review must include:...Loss of property values in the community.
2009	Commenter during Scoping Process	What are the economic and environmental consequences of various reduced export scenarios?
2008	Commenter during Scoping Process	If relocated, who will pay the cost?
2009	Commenter during Scoping Process	What are the economic and environmental consequences of various reduced export scenarios?
2008	Contra Costa County Water Agency	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.
2009	Contra Costa County Water Agency	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.
2009	Contra Costa County Water Agency	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?
2009	Contra Costa County Water Agency	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.
2009	Contra Costa County Water Agency	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.
2009	Contra Costa County Water Agency	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.
2009	Contra Costa Water District	Therefore, the EIR/EIS must fully analyze and disclose the changes to Delta water quality, including chloride, bromide, and organic carbon concentrations on a daily basis, and the timing of Delta surplus to allow a complete evaluation on the potential economic impacts to CCWD operations.

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Contra Costa Water District	Oversizing the canal may lead to additional operating expenses and maintenance-related impacts. For instance, vegetation is likely to establish within the open canal during low flows. The vegetation would need to be cleared before the canal can carry high flows during the peak diversion periods. The EIR/EIS must fully evaluate the additional aquatic weed management activities associated with sub-optimal flows within the canal.
2009	County of Sacramento	The physical impacts of BDCP will also lead to social and economic impacts that must be examined. For example, the BDCP seeks to conserve thousands of acres of Delta property, which will render that property unavailable for any future development. The impacts of this program on the economic viability and vitality of existing Delta businesses and communities, including but not limited to agricultural operations, must be analyzed. For example, if the BDCP requires a regulating reservoir close in proximity to the intake facilities, as engineering experts suggest, BDCP will have to acquire hundreds of acres close to the river, most likely in areas where Delta businesses are located. The removal of these businesses to flood the area for a regulating reservoir may diminish the customer base of the remaining businesses to the point where they are not able to survive. For these and other reasons, the potential for BDCP to cause the failure of Delta businesses and result in blight must also be studied.
2009	County of Sacramento	The County of Sacramento and other local jurisdictions cannot be forced to bear the financial burdens associated with Delta ecosystem restoration and water supply reliability. The planning effort must also identify how the Plan participants will ensure that the County and other local governments with jurisdiction over the planning area will be kept whole if lands are being dedicated to environmental restoration. Specifically, the Steering Committee needs to consider the tax revenue implications of its habitat acquisitions and determine a means of protecting the local governments.
2009	County of Sacramento	Sacramento County will protect its governmental prerogatives in the areas of its local land use authority, tax and related revenues, public health and safety, economic development and agricultural stability.
2009	County of Solano	The project should be consistent with the County General Plan policies and not result in any direct or indirect adverse environmental, economic or social impacts to the County. Any inconsistencies between the proposed project and the General Plan must be fully discussed and analyzed.
2009	County of Solano	Because of the importance of agriculture to Solano County within the Delta area, the following impacts should be thoroughly reviewed and analyzed in the EIR/EIS and fully mitigated. Impact: Sustainable Agricultural Economy in Solano County The EIR/EIS must also analyze the impact of the loss of agricultural land and agricultural production on the county's overall agricultural economy including direct, indirect and induced impacts. This includes the impact to agricultural support activities and industries from the loss of agricultural production to habitat conversion.
2009	County of Solano	Mitigation measures must include the following: Payment for lost business opportunity and income based on Solano County Water Agency (SWCA) report "The Economic Impact to Solano County from Converting Agricultural Land to Wetlands Habitat" (January 2009), already provided to BDCP representatives, payable to the County to administer programs to help mitigate third party impacts of conversion. Fund improvements to agricultural support facilities to maintain a sustainable agricultural infrastructure.

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	County of Solano	These physical impacts will also have impacts on the cost to local communities and Reclamation Districts to maintain and operate levee and flood protection systems. This directly correlates to the financial capability of local communities and Reclamation Districts based on local tax and assessments to fund the required work and to leverage State and Federal funds for maintenance and improvements. The EIR/EIS must analyze and fully mitigate the increased costs for levee and flood control operations and maintenance as a result of the project including long term funding for maintenance and improvements to the levee system.
2009	County of Solano	In evaluating project impacts to the existing and new levee systems, consideration must be made to improving emergency response to flood threats and potential levees failures...Mitigation measures must include the following: No adverse changes including increase costs for O&M and regulatory compliance to flood protection for surrounding areas. Recognition that the Yolo Bypass is primarily a flood control feature of the Sacramento Flood Control Project and that all other uses shall be compatible without hydraulic impact to the current and future needs of the Sacramento River Flood Control Project. Emergency Levee Response - develop and fund comprehensive program.
2009	County of Solano	Appropriate financial assurances must also be identified to address any potential adverse impacts that must be mitigated after the project is constructed.
2009	County of Solano	Creation of new freshwater tidal wetlands and sub-tidal habitat in the Cache Slough area may lead to requirements to improve upstream water quality from agricultural and urban point and non-point discharges above normal requirements. This may include discharge requirements from upstream wastewater treatment facilities and agricultural operation. EIR/EIS needs to establish base-line levels and to analyze these potential impacts and include mitigation measures to address and fund any improvements needed beyond baseline levels and normal requirements or provide safe harbor agricultural and urban point and non-point discharges above normal requirements due to new freshwater tidal wetlands and sub-tidal habitat areas and meeting more stringent guidance or WQO.
2009	County of Solano	Mitigations may include providing adaptive management tools, incentive programs and educational outreach for owners of agricultural areas that potentially discharge to the buffer zones and restoration areas to help assist in meeting WQO for discharge and reducing non-point source impacts. The project should not result in any changes to agriculture NDWA above normal requirements. Mitigation measures must include the following: Projects shall not result in increased point and non-point discharge requirement for agricultural and urban activities. Safe Harbor for agricultural and urban point and non-point discharges so that local runoff is not required to be improvised above normal requirements due to creation of new habitat areas.

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	County of Solano	The change in water conveyance and creation of habitat areas in the Cache Slough and Suisun Marsh will result in changes in salinity levels in the Delta and Suisun Marsh. Increased levels of salinity can impact drinking water, agricultural production and certain types of natural habitats...The EIR/EIS must fully analyze the potential impacts of increased salinity...Mitigation measures must include the following: Mitigation for changes in salinity in the north Delta and Suisun Marsh. Protection of Suisun Marsh salinity standards to protect existing wetland and wildlife habitat and the beneficial uses. Financial Assurances for any potential corrective action to reduce salinity resulting from a post project condition. The financial assurances should cover the cost to construct desalination plants or water treatment facility to restore the salinity in the Delta and the county water users to the pre-project levels.
2009	County of Solano	Restoration in the Cache Slough complex may have adverse effects on operation of the North NBA, Reclamation District 2068 and private agricultural water intakes related to entrainment of enhanced populations of covered species. Construction of habitat restoration projects could disrupt irrigation and drainage systems essential to agricultural production on land bisected by these projects. The EIR/EIS must fully analyze these impacts and provide mitigation measures that provide protections to enhanced populations of covered species, provide for the relocation of the NBA intake, and protect urban and agricultural water supplies. Mitigation Measures must include the following: Provisions of an alternate intake for the North Bay Aqueduct. Full Federal and State Endangered Species Act protection for affected water diversions within the project regions, including funding for installation and operating fish screens or other diversion modification requirements
2009	County of Solano	The establishment of habitat conservation areas will provide new recreational opportunities with increased public access to areas of the county not previously accessible to the public. This will increase demand for local public services including fire protection, law enforcement, emergency and rescue services, and mosquito control. The construction of new habitat restoration areas may require new, relocated or improved road facilities, water conveyance and irrigation facilities, drainage facilities, and flood control facilities resulting in increased operations, maintenance, improvement costs to the County and local agencies. These costs should be thoroughly analyzed in the environmental document and fully mitigated. Mitigation measures must include the following: Reimbursement for increased costs of County and districts' public services including but not limited to law enforcement, fire, rescue, mosquito control, roads maintenance, drainage, and flood protection.
2009	County of Solano	Reimbursement for increased infrastructure improvement cost of County and districts including but not limited to road drainage and levee and flood control improvements. Opportunity for the County to obtain mitigation of future impacts associated with County and District public works projects as part of habitat projects. All activities that require funding, such funding must be guaranteed to Solano County in perpetuity and allocated outside the state's budget process.

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	County of Solano	The conversion of large tracts of private land from agriculture to permanent habitat under State or Federal ownership resulting in the loss of local property tax and assessments will significantly impact the ability of the County and local agencies to continue to provide necessary public services...This impact not only affects the County but also local school and special districts such as fire protection districts, reclamation districts, Suisun Resource Conservation District and the Solano County Mosquito Abatement District, levee districts, and water districts in the area. Fiscal impacts to the County and local agencies should be thoroughly analyzed in the environmental document and fully mitigated.
2009	County of Solano	Mitigation measures must include the following: Payment in-lieu of property tax for lands changing from private to public ownership guaranteed to Solano County and applicable special districts in perpetuity and allocated outside the State's budget process. Continued payment of special district assessments and fees guaranteed to special districts in perpetuity and allocated outside the State's budget process. All activities that require funding must provide guaranteed funding to Solano County in perpetuity and allocated outside the state's budget process.
2009	County of Solano	Roads, highways and shipping channels are essential to inter-County mobility, public safety, a healthy business climate, recreation, and agricultural vitality throughout the County. Highway 12, Highway 84, Highway 113, Interstate 80 and the Sacramento Ship Channel are key routes within and adjacent to the Delta which serve Solano and Yolo Counties. They are important for not only economic and emergency preparedness but also key in providing service to Travis Air Force Base. Wetland restoration may also impact local county roads. Impacts could include loss of roads due to restoration projects, relocation of roads, impacts on roads from construction and increased traffic for new recreational uses. The EIR/EIS should analyze the impacts of the project on the major transportation corridor and local roads. Mitigation measures must include the following: Protect Delta transportation corridors like Highway 12 and Highway 84. Determine funding for protection from levee breaks. Fully mitigate impacts to local county roads.
2008	County of Yolo	If large tracts of existing farmland are purchased by the State or Federal governments and converted into permanent habitat, there will be a significant effect on the ability of local agencies to continue to deliver services to the public. For Yolo County, the resulting loss of property tax would compound existing structural inequities such as the shift in Educational Revenue Augmentation Funds. These effects would be particularly acute at a time when local government is already facing grim challenges as the economy slows, in the wake of declining real estate values and growing unemployment and social service demands. Similarly, a reduction in local property taxes as the result of state land acquisition for habitat restoration would adversely impact special districts such as fire protection and reclamation districts, making it increasingly difficult for them to perform critical functions.
2009	County of Yolo	The economic effects on Yolo County of changes to management and governance of the Delta should be recognized, analyzed and compensated for
2009	County of Yolo	Economic, habitat, water resources, and flood management impacts must be recognized by the Central Valley Regional Water Quality Control Board (CVVRWQCB) in developing the Delta mercury TMDL

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	County of Yolo	Public and private financial support should be secured for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat
2009	County of Yolo	Provide permanent funding independent of the state budget to pay in-lieu property taxes and fees on land used for habitat restoration or water conveyance, including existing state in-lieu debt for the Yolo Wildlife Area.
2009	County of Yolo	Fully mitigate costs of increased public services (such as law enforcement, fire, rescue, roads) lost business revenues and income, and socio-economic impacts of changes in governance, habitat conversions and alternative conveyance facilities
2009	County of Yolo	Obtain funding for conservation easements in Yolo County
2009	County of Yolo	PARAMETERS FOR DELTA-RELATED HABITAT PROJECTS Willing sellers only; Payment in-lieu of property tax for lands changing from private to public ownership; Payment for lost business opportunity and income, including socio- economic issues; Project impacts originating in Yolo County must be discharged in Yolo County; Permanent protection/preservation of like or better quality agricultural lands for agricultural lands converted, compliance with local policies regarding conservation easements; Buffers sufficient to avoid the need for additional restrictions on farm practices on surrounding lands; Continued payment of special district assessment and fees; Mitigation of costs for increased public services (e.g. law enforcement, fire, rescue, roads); No adverse changes to flood protection for surrounding areas; Full ESA and CESA protection for neighboring lands/landowners; Full ESA and CESA protection for affected water diversions; Consistency with the Yolo Natural Heritage Program;...
2009	County of Yolo	Protection of existing high value habitat, such as in the Yolo Wildlife Area; Mitigation for loss of terrestrial habitat for special status species and other wildlife; Funding and responsible entity for monitoring and adaptive management of habitat projects and associated lands; Control program for vectors, invasive species and agricultural pests; No out of county water transfers from converted lands; No increase in mercury release or transport; Mitigation for increased organic carbon at North Bay Aqueduct; Maximize public recreational opportunities associated with habitat projects; If possible, projects will be designed to accept dredged materials from the Sacramento Deep Water Ship Channel; Permanently funded stakeholder working group for the Yolo/Solano portion of the Delta; and Opportunity for Yolo County to obtain mitigation of future impacts associated with County public works projects (e.g., roads, bridges, levee work) as part of habitat projects.
2009	Delta Caucus	The EIR must identify all negative impacts to the Delta economy and ecosystem caused by each of the alternatives, must quantify the cost of the impacts, and must define in detail mitigation actions which will be required. For example, how will the BDCP mitigate for loss of farmland and loss of Swainson's Hawk foraging habitat?
2009	Delta Caucus	Loss of income to special districts and counties must be considered. A mechanism must be developed to ensure that tax revenue is not lost due to public acquisition of property for conveyance facilities.



Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Delta Caucus	...the EIR must identify all negative impacts to the Delta economy and ecosystem caused by water quality changes and conversion of land from agricultural production. It must clearly articulate how the BDCP will mitigate for loss of farmland and habitat such as Swainson's Hawk foraging habitat.
2009	Delta Caucus	Loss of income to special districts and counties must be considered. A mechanism must be developed to prevent loss of tax revenue as a result of the creation of wetland/fish habitat.
2008	Delta Farmer	...the Delta is a vital and an economic engine in a beautiful region to have in Northern California. All of the distinct and unique communities that exist in the Delta continue to exist to support agriculture. Eliminate agriculture to restore native habitat, and you will create the following problems adjacent to and up wind from metropolitan areas like Sacramento. No property tax revenue. No economic production.
2008	Delta Protection Commission	Public agencies shall provide funds to replace lost tax base when land is removed from private ownership,
2008	Delta Protection Commission	Multiple use of agricultural lands for commercial agriculture, wildlife habitat, and, if appropriate, recreational use, should be supported, and funding to offset management costs pursued from all possible sources. Public agencies shall provide funds to replace lost tax base when land is removed from private ownership.
2008	Delta Protection Commission	Landowners, through reclamation districts, should pay a portion of levee maintenance costs. The overall citizenry of California and the United States that benefits from the state and federal water projects, commerce and navigation, travel, production of crops, recreation, and protection of fish and wildlife habitat should also pay a substantial portion of the cost of maintaining the Delta levees
2008	Dublin San Ramon Services District	A reduction in reliable water supply will leave portions of the development plans unfinished and, more importantly, the income from that development will not be available to pay the bond debt already incurred by the communities to construct the necessary infrastructure. The result may well be a significant financial problem for these communities and hardship on their citizens.
2009	Farmer in Clarksburg	...there should have been three prong approach to this thing and everybody here knows that. There's no -- there should've been a spot for a third prong, for the social and economic wellbeing of the Delta. And should be an economic impact that goes along with it that has that same representation
2009	Farmer in Clarksburg	...there needs to be EIR needs to include the impact of building more homes in southern California with increased water supplies from the Delta.
2008	Farmer in Clarksburg	Extrapolating those economic impacts to just our 17,000 acres of wine grapes, we create in excess of 11,000 full time equivalent jobs in California and an additional 13,500 jobs nationwide. This generates \$357 million in California wages and almost \$900 million in wages throughout the USA. Taxes generated from our winegrape acres exceed \$107 million to the State of California and an additional \$64 million nationally. In excess of 700,000 visitors with tourism expenditures exceeding \$71 million are attributable to our 17,000 acres of grapes.

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2008	Farmer in Clarksburg	<p>Extrapolating those economic impacts to just our 17,000 acres of wine grapes, we create in excess of 11,000 full time equivalent jobs in California, and an additional 13,500 jobs nationwide. This generates \$357 million dollars in California wages and almost \$900 million dollars in wages throughout the U.S.A. Taxes generated from our wine grape acreage exceed \$107 million dollars to the State of California, and an additional \$64 million dollars nationally. In excess of 700,000 visitors with tourism expenditures exceeding \$71 million dollars are attributable to our 17,000 acres of grapes.</p>
2009	Farmer in Clarksburg	<p>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.</p>
2009	Farmer in Clarksburg	<p>At the Clarksburg meeting one year ago I requested economic analysis intended environmental mitigation cross projections and intended economic mitigation on the following issues of immediate concern to residents in the north Delta. To summarize, we have 17,000 acres of premium wine grapes in the Clarksburg appellation. Vineyard establishment costs are in the range of 16 to \$20,000 per acre. Vineyard infrastructure costs alone exceed \$340 million in just our appellation. There are 11,000 local and 13,500 nationwide jobs created by these wine grape acres. There is 357 million in statewide taxes and 900 -- I'm sorry -- in wages. And 900 million in annual wages are paid by these acres. Taxes generated statewide are 107 million. 64 million additional nationwide. 17,000 agri-tourism visitors spend \$70 million annually in the Delta. Please complete the requested analysis for the EIR/EIS.</p>
2009	Farmer in Clarksburg	<p>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. ...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!</p>
2009	Farmer in Clarksburg	<p>As you work your jobs or careers, you choose 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 in Clarksburg farmland. We assumed that taking caring of this land would take care of us later. My folks are aging now. And the time is now when that land needs to be liquid. ...when this fiasco about flooding our homes and farmland began, all hopes of simply selling came to a dead halt. Realtors were suddenly saying to me " Hey, who wants to buy land that's going to be under water?" For whatever reason you give for this to take place it's just not the right thing to do. You're just telling me that my family just wasted 100 years for nothing?</p>

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Farmer in Solano County	...as residents of these five counties our tax base is going to get eroded, and we've got to make up those funds somewhere else. I think that needs to be considered to where those funds are going to come from.
2008	Farmer in Turlock	If the State doesn't take action to restore and protect the Delta, the repercussions on the environment and the economy will be disastrous.
2009	Grand Island Ranch	Please consider the economic impact on the residents of this area and the effect on their "constitutional rights". This property was purchased and managed in "good faith" and no government agency should have the authority to alter what the "minority group" of landowners have legally established.
2008	Greene and Hemly	Our concerns are generally economic and focused on what would be included in the BDCP Cost Benefit Analysis.
2008	Greene and Hemly	Will the uncertainty of the projects anticipated benefits be included in the project's Cost Benefit Analysis?
2008	Greene and Hemly	What will be the County and State costs for the additional wear and tear on the roads? Who will bear the costs for these additional repairs?
2008	Greene and Hemly	What will be the impact of altered accessibility in the region, (for example: at projects completion if a farmer has to haul his crop additional miles to market, his profitability decreases) how will that cost be calculated? How will the costs of increased driving upon local citizens be calculated?
2008	Greene and Hemly	The Peripheral Canal portion of the BDCP will require lots of rock, cement trucks and labor. Increased demand for these people and goods will affect their availability. What will that do to their market price? How will it affect companies using these goods not directly affiliated with the project?
2008	Greene and Hemly	Will the inflationary price for these goods be considered as a cost of the project in the Cost Benefit Analysis?
2008	Greene and Hemly	What would the inflationary pressure of the project be to the local economy?
2008	Helix Water District	The economy of California is dependent on the reliable water supply from Northern California, and we can no longer continue to believe that the delta will work in the future.
2008	Inland Empire Economic Partnership	...we will continue to out perform the State economy as a whole, and Southern California's economy as a whole contributing quite a bit to the state in terms of tax revenues and general economic returns. And, water certainly given our climate, is a major concern to us and we look forward to your successes.
2008	Los Angeles Area Chamber of Commerce	Our mission is to preserve the economic prosperity, and quality of life in Southern California. And, clearly water is a key to that.
2008	Los Angeles Business Council	Considering the current affordability of affordable housing crisis in Los Angeles and the housing market as it stands right now, it's disconcerting to us that a multitude of current housing projects in Los Angeles County have been put on hold because there can not be a guarantee in water resources and water supply.

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2008	Member of Clarksburg Fire Protection District Board of Directors	Obtaining funds to build our firehouse has been a major obstacle. We cover an area of approximately 53 square miles. Dun & Bradstreet's Zapdata Database shows Clarksburg with 70 businesses; 29 of which are or support agriculture. These businesses provide employment for 540 employees or 41% of our population and about 44% of our income.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR should analyze the economic costs and benefits of water conservation and efficiency improvements to meet water supply needs, as well as identifying reasonable sources of funding to implement the BDCP..
2009	North Delta Water Agency	...the EIR/EIS must include an analysis of the direct and indirect economic, social, public safety and health effects of the proposed action(s) on the Delta residents and economy and such effects in the Delta must be mitigated in accordance with applicable law.
2009	North Delta Water Agency	Moreover, to the extent that implementation of a Delta project causes harm within NDWA in the form of a diminution in the value of land or business assets, the State of California will be subject to liability under state and federal law for inverse condemnation damages.
2009	North Delta Water Agency	The core principle which BDCP should apply and follow throughout its process is that landowners and residents within NDWA must be made whole for all harm (direct and indirect) associated with the implementation of any particular Delta infrastructure project.
2009	North Delta Water Agency	...existing local taxes and assessments must be maintained so that northern Delta cities, counties and special districts (including reclamation districts, fire protection districts and NDWA) will remain economically viable. Removing even a small part of the local funding for these agencies would compromise their ability to execute critical roles in community governance. NDWA is concerned that BDCP's proposals to convert massive tracts of land within NDWA from private ownership to public ownership for water conveyance and habitat purposes may seriously erode NDWA's assessment base.
2008	Planning and Conservation League	Who would pay the costs, and (e.g., if funded according to the beneficiary-pays principle) would different conveyance configurations and operations indicate different cost-sharing partners?
2009	Planning and Conservation League	A comprehensive presentation of other considerations (e.g. economic, social, political, engineering) that influenced the selection of conservation measures.
2009	Port of West Sacramento	Any project aspects that effect navigation and/or have economic impacts on shipping, channel operations and maintenance and therefore the Port of West Sacramento must be considered.
2009	Reclamation District 2025 (Holland Tract)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:... • decreased stability of the District's levees; and • increased costs of maintaining District levees.

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Reclamation District 2025 (Holland Tract)	Many of the measures proposed by BDCP, including the Draft Habitat Restoration Conservation Measures, rely on the existence and benefits provided by current levees. Therefore, it is imperative that BDCP consider how the levees will continue to be maintained and improved. Without the continued success and survival of the District and other entities which maintain the levees, BDCP's conservation plans will fail.
2009	Reclamation District 2026 (Webb Tract)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:... • decreased stability of the District's levees; and • increased costs of maintaining District levees.
2009	Reclamation District 2026 (Webb Tract)	Many of the measures proposed by BDCP, including the Draft Habitat Restoration Conservation Measures, rely on the existence and benefits provided by current levees. Therefore, it is imperative that BDCP consider how the levees will continue to be maintained and improved. Without the continued success and survival of the District and other entities which maintain the levees, BDCP's conservation plans will fail.
2009	Reclamation District 2028 (Bacon Island)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:... • decreased stability of the District's levees; and • increased costs of maintaining District levees.
2009	Reclamation District 2028 (Bacon Island)	Many of the measures proposed by BDCP, including the Draft Habitat Restoration Conservation Measures, rely on the existence and benefits provided by current levees. Therefore, it is imperative that BDCP consider how the levees will continue to be maintained and improved. Without the continued success and survival of the District and other entities which maintain the levees, BDCP's conservation plans will fail.
2009	Reclamation District 2068	RD2068 and our cooperating agencies, operate and maintain flood management and drainage facilities that drain into the Cache Slough/Lower Yolo Bypass area. The EIR/EIS must evaluate the impacts of point and non-point runoff from sources upstream of this area on new habitats that are created. If there are impacts to habitats and the species using these habitats, there could be increased regulation of point and non-point discharges upstream of these areas. These increased regulations may have operational, financial and socio-economic impacts that need to be analyzed in the EIR/EIS.
2009	Reclamation District 2068	Successful habitat development in areas adjacent to levees and other water control features bring increased regulatory compliance costs and restrictions. It is essential to evaluate and compensate for these impacts.
2009	Reclamation District 2068	RD2068 is particularly concerned about increases in salinity from new tidal marsh habitat projects. Higher salinity directly correlates with reduced agricultural crop choices and production yield. This agricultural and economic impact requires evaluation.
2009	Reclamation District 2068	RD2068 operates an extensive recapture and reuse system in its agricultural water supply system. Irrigation reuse can supply some or all the water demand by direct application of up 30% of District lands. Increased salinity reduces the opportunity for recapture and reuse of water supplies once diverted. The result is an increased direct diversion from the Cache Slough region along with increased release of agricultural return flows. The EIR/EIS must evaluate these water quality, diversion and financial impacts.

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Reclamation District 2068	The conversion of large tracks of private land from agriculture to permanent habitat under State or Federal ownership resulting in the loss of local property tax and assessments will significantly impact the ability of RD2068 and RD2098 to continue providing mutual flood protection, necessary public safety services, and water related services. This impacts not only affect the Districts but also local school and special districts such as fire protection districts, Dixon Resource Conservation District and the two regional Mosquito Abatement Districts, and the North Delta Water Agency. In rural areas general purpose and special purpose government are co-dependent in providing a robust mix of essential public services. Fiscal impacts to either the County or local agencies have clear consequences to other agencies, these impacts should be thoroughly analyzed in the environmental document and fully mitigated.
2009	Reclamation District 2068	The EIR/EIS must also analyze the impact of the loss of agricultural land and agricultural production on the county's overall agricultural economy including direct, indirect and induced impacts. This includes the impact to third party activity such as agricultural support activities, processing and industries from the loss of agricultural production to BDCP actions.
2009	Reclamation District 756 (Bouldin Island)	Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:... • decreased stability of the District's levees; and • increased costs of maintaining District levees.
2009	Reclamation District 756 (Bouldin Island)	Many of the measures proposed by BDCP, including the Draft Habitat Restoration Conservation Measures, rely on the existence and benefits provided by current levees. Therefore, it is imperative that BDCP consider how the levees will continue to be maintained and improved. Without the continued success and survival of the District and other entities which maintain the levees, BDCP's conservation plans will fail.
2009	Reclamation District 999	...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?
2009	Reclamation District 999	DWR has just indefinitely cancelled its Delta research grant program, a rare & cost-effective opportunity to collect independent science. This is a clear indication of the agency's lack of commitment to the understanding of the Delta and the ecological impacts of this project. The scientific grants should be no less than 5% of the total project budget or it will remain a water exploitation effort.
2009	Reclamation District 999	Creating new bypasses and flooding areas within time existing Reclamation Districts will constrain or eliminate existing water management through water elevation/level changes and underseepage. This will require redesign and operational changes throughout the region, causing tens of millions of dollars of infrastructure modifications and loss of agricultural use.
2009	Reclamation District 999	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?
2009	Reclamation District 999	Who is running the economic analysis? On what basis will the analysis be completed, which models, and why? What are the model criteria, multipliers, and scientific basis?

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Bethel Island	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.
2008	Resident of Clarksburg	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?
2008	Resident of Clarksburg	...loss of farmland in the Delta will have ripple effects with ag equipment suppliers, truck dealers, seed suppliers, etcetera, where good paying stable jobs will be directly impacted and lost. How will this plan mitigate the losses of those jobs?
2009	Resident of Clarksburg	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?
2009	Resident of Clarksburg	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?
2009	Resident of Clarksburg	Who is running the economic analysis? On what basis will the analysis be completed, which models will be used, and why?
2009	Resident of Clarksburg	...anyone who has work 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 or 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.
2009	Resident of Clarksburg	...loss of farmland in the Delta will have ripple effects with Ag equipment, suppliers, truck dealers and etc., where good paying, stable jobs will be directly impacted and lost. How will this plan mitigate for the loss of those jobs?
2009	Resident of Clarksburg	...who is running the economic analysis? On what basis will the analysis be completed? Which models will be used and why?
2009	Resident of Clarksburg	And so what I would ask the resources agency and the Department of Water Resources and all the people who deliberate over this is please take a look at the economics of this particular part of Yolo County and what it means to the county and region.
2009	Resident of Clarksburg	What are you going to do with all the families that are unemployed. Where are people going to move to + work?

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	...there must also be an adequate analysis of the potential socio-economic impacts to the residents of the Delta...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 ?
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	Many more people -- or many people who are being affected are landowners. Far more people who live and work here do not own land. Our farming operation alone has 35 employees, 15 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.
2009	Resident of Clarksburg	In addition, there are many support businesses which will be gravely affected by the destruction of area farming. For example, equipment sales, repair companies, fuel delivery companies, seed companies, and the list goes on from there.
2009	Resident of Clarksburg	Clarksburg is the largest contributor to the economy of Yolo County
2009	Resident of Clarksburg	Land value should be consider at a pre-canal talk level.
2009	Resident of Clarksburg	The economy will be affected by what you do.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	...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



Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	...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.
2009	Resident of Clarksburg	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).
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	I would like to know impacts to the farmers forced out from their business, land and their homes? Social impacts Monetary impacts
2009	Resident of Colusa	What are the economic and environmental consequences of various reduced export scenarios?
2009	Resident of Discovery Bay	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.
2009	Resident of Dixon	Issues of concern Erosion of Tax Base in Solano Due To Mitigation
2009	Resident of Point Reyes Station	What are the economic and environmental consequences of various reduced export scenarios?
2009	Resident of Sacramento	What are the economic and environmental consequences of various reduced export scenarios?
2009	Resident of Sacramento	...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.
2009	Resident of Sacramento	How will the resale market of our be affected?

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Solano County	There is reason why we have these opportunities for shallow water habitat restoration on the swamp when they overflow is because this county has, like the Suisun Marsh, a history of preserving these areas for their intrinsic values and their production act. What we are talking about is damaging the economic underpinnings of many of the communities in the Delta without a clear mitigation strategy for how they're going to do that.
2009	Resident of Solano County	...we have a long and sad experience with government and nongovernment entities operating or owning land that they do a poor job in operating and maintaining because they don't have an assured source of funding to do such.
2009	Resident of Stockton	What are the economic and environmental consequences of various reduced export scenarios?
2009	Resident of Stockton	And some of these non-native species like they talked about wanting to eliminate, like the striped. That's a viable income for us. It's one of the only fish we can eat out of the Delta after you've destroyed it the way you have, you know, because it doesn't live here and doesn't get all the contaminants.
2009	Resident of the West Delta	The BDCP and EIR should address the significance of croplands in the Delta, in particular the peat islands of the west Delta, which have contributed significantly to the State's corn, asparagus, tomato, alfalfa, and pear economies since the 1800s and are a valuable resource contributing to the \$3 billion worth of crops produced annually
2009	Resident of Walnut Grove	Perhaps a fund could be established to ensure long term funding for habitat credits to offset farming loss.
2009	Sacramento County Farm Bureau	The BDCP has reduced and will further reduce land values.
2009	Sacramento County Farm Bureau	BDCP environmental projects which convert or destroy agricultural lands will harm the local and regional economies as well as avian and terrestrial species.
2009	Sacramento County Farm Bureau	The BDCP will reduce or destroy habitat easement values.
2009	Sacramento County Farm Bureau	...Sacramento County farmland that is in the direct path of the BDCP highly productive and capable of producing high value crops such as wine grapes, pears, apples and cherries. The Sacramento River District is the largest Bartlett pear growing region in the United States. The BDCP will also destroy vineyards in the emerging Clarksburg Appellation. The loss of Sacramento County farmland and production will negatively impact the regional economy and employment patters. Job losses in labor-intensive vineyards and orchards will cause extreme hardship for populations least able to adjust.
2009	Sacramento County Farm Bureau	The EIR/EIS must determine how each alternative will impact regional flood control, land use, land values, the local and regional economies, and other species.
2009	Sacramento Regional County Sanitation District	The responsibility for control of contaminants should be determined in accordance with the Clean Water Act, California Water Code and Central Valley Basin, as implemented by the Central Valley Regional Water Quality Control Board, SWRCB, and USEPA.

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	Conservation measures to benefit Delta water diverters or water purveyors should be funded by those beneficiaries. The cost and energy to treat water supplies taken from the Delta must be evaluated in comparison to the costs and benefits to remove contaminants through watershed management and treatment at the source...Water supply agencies benefiting from the use of Delta supplies should fund treatment at the source consistent with a "beneficiary pays" theme.
2008	San Diego Economic Corporation	Reduced bay delta water reliability will take a toll on San Diego's economy and competitiveness. It will also take a toll on the economy and competitiveness of the entire state. If that is allowed to happen, reduced tax revenues will further strain already strapped state and local government resources and services.
2008	San Diego Regional Chamber of Commerce	We know it's critical to addressing environmental issues, but at the same time please don't lose fact that water reliability is critical for San Diego. Not just our economy but for the people that live here.
2008	San Gabriel Valley Economic Partnership	Economic impacts resulting from our water shortage would be enormous on businesses and residents of the valley.
2009	San Joaquin Farm Bureau Federation	The EIR must identify all negative impacts to the Delta economy and ecosystem caused by each of the alternatives, must quantify the cost of the impacts, and must define in detail mitigation actions which will be required. For example, how will the BDCP mitigate for loss of farmland and loss of Swainson's Hawk foraging habitat? Further, how will this process comply with the Agricultural mitigation ordinance that requires that ANY conversion of agricultural resources be addressed? Our expectation is that for every acre converted under this plan to public land, that 5 acres of new farm land be created in our jurisdiction (county) where the conversion took place. Meaning, if you convert 50,000 acres of farmland in our county to habitat and the canal, that you would need to create 250,000 acres of NEW FARMLAND in our county.
2009	San Joaquin Farm Bureau Federation	Loss of income to special districts and counties must be considered. A mechanism must be developed to ensure that tax revenue is not lost due to public acquisition of property for conveyance facilities.
2009	San Joaquin Farm Bureau Federation	...the EIR must identify all negative impacts to the Delta economy and ecosystem caused by water quality changes and conversion of land from agricultural production. It must clearly articulate how the BDCP will mitigate for loss of farmland and habitat such as Swainson's Hawk foraging habitat and countless others species that depend on Delta lands. As most species spend most, if not all of their lives on private ground, how will this process ensure that only private working landscapes are utilized to preserve sensitive resources?
2009	San Joaquin Farm Bureau Federation	Loss of income to special districts and counties must be considered. A mechanism must be developed to prevent loss of tax revenue as a result of the creation of wetland/fish habitat.

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Solano County Water Agency	SCWA, and our member agencies, operate and maintain flood management and drainage facilities that drain into the Cache Slough/Lower Yolo Bypass area. The EIR/EIS must evaluate the impacts of point and non-point runoff from sources upstream of this area on new habitats that are created. If there are impacts to habitats and the species using these habitats, there could be increased regulation of point and non-point discharges upstream of these areas. These increased regulations may have socio-economic impacts that need to be analyzed in the EIR/EIS. Any impacts identified must be adequately mitigated.
2008	Speaker at Los Angeles Preliminary Scoping Meeting	And what was striking was the loss of about, to the economy that region represents 30% and I think that needs to be brought out in this study.
2008	Speaker at Los Angeles Preliminary Scoping Meeting	But, we'll settle for eco-regions, something the public can identify with. With this climate change going on and it is an eco-region thing, it's an international eco-region, it's from forest to ocean and I think this needs to be brought into that category. There are groups that are conscious of this but on an end for this particular project was just so critical to California they're not. You need to start lumping water and energy together so I think you can get some public support in this.
2008	Speaker at San Jose Preliminary Scoping Meeting	When you look at that agriculture consuming 85% of the water produces about 3% of the state GDP, when you're looking at this valley here that is driving the economy of the state that is the sixth largest economy in the world, there's just something wrong.
2008	Valley Industry and Commerce Association	VICA would also suggest that you consider economic impacts as we move forward.
2008	Wilson Farms and Vineyards	What is the financing structure going to be for all phases of the proposed physical and management changes from the BDCP Plan?
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would have serious impacts to current land use in the Yolo Bypass Wildlife Area by: effectively eliminating the current agricultural activities in the Wildlife Area and thus seriously impacting its income stream
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would...effectively eliminate the current agricultural activities in the Wildlife Area which provide thousands of acres of wintering waterfowl habitat while generating an important income stream for the management of the Wildlife Area
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Public Use (All public use activities cease when the Bypass floods.) o Hunting Activity: Over 4,000 hunters utilize the area from throughout northern California. Hunter dollars provide the largest component of the operating budget at Yolo.
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Public Use (All public use activities cease when the Bypass floods.) o Wildlife Viewing: It is estimated that 30,000 people a year visit the Wildlife Area to view the large variety and number of birds, which peak in the winter and spring months

Table E-18. 2008 and 2009 Scoping Comments Related to Regional Economic Resources

Year of Scoping	Affiliation	Comment
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Agricultural Activities: There will be an inability to plant fields until they have dried out enough to begin ground tillage. Delaying this initiation of farming activity severely limits what can be grown here. White rice production will be severely impacted. o Forage value of uplands: Prolonged flooding results in the introduction of unwanted plant species, such as cocklebur, in the uplands. This will lead to a reduction in grazing lease fees and subsequent reduction in operating funds.
2009	Yolo Natural Heritage Program	We ask that BDCP carefully evaluate proposals in the Bypass and where practical avoid sensitive biological resources and agricultural operations that provide species benefits. BDCP must provide regulatory assurances for landowners adjacent to BDCP habitat project areas. County revenue losses and increased public cost burdens associated with BDCP actions must be fully accounted for and mitigated.

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**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	Attendee at Stockton Scoping Meeting	But wouldn't you guys be concerned about the saltwater intrusion when you guys are pumping out of the Delta? I mean, you guys are saying it's like perfect leverage and everything. The perfect level. But when you're pumping out of the Delta, it's going to suck seawater into the Delta. Wouldn't that hurt the fish? Wouldn't that hurt our community? Our farmlands?
2008	Barsoom Inc	There are natural gas lines, state hwy's, utility lines, etc
2009	California Central Valley Flood Control Association	Substantial public and private investments in water conveyance for irrigation and drainage are potentially at risk by seasonal flooding of levee protected areas. Construction of cross or cutoff levees could limit the extent of damage or stranded investment; however, that land base to support maintenance of such a facility will not exist. Local levee districts will not accept maintenance for such new levees. These possibilities and their physical and financial impacts must be addressed in the EIR/EIS.
2009	California Central Valley Flood Control Association	The EIR/EIS should address the other effects of breached levees and non-reclaimed islands. Emergency response to islands critical to the BDCP will be compromised by flooding of islands through which emergency access is required.
2008	California Department of Public Health	The list of the "Potentially Regulated Entities (POEs) includes only a few of the public water systems currently regulated by CDPH that would potentially be affected by the proposed project. We request that the scope of the process and the final document consider the universe of all public water systems currently regulated by CDPH.
2009	Central Delta Water Agency	Incorporation of Power Transmission Lines in the Project Requires Analysis of the Impacts Throughout the Interconnected System.
2009	City of Antioch	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.
2008	City of Stockton	The EIR/EIS needs to evaluate the effects of the BDCP on the proposed Delta Water Supply Project (DWSP). The DWSP is a project proposed by the City of Stockton to divert water from the San Joaquin River at a location near the southwestern corner of Empire Tract, a raw water pipeline from the diversion site to a treatment plant to be located north of Eight Mile Road and east of Lower Sacramento Road, a treatment plant with an initial capacity of treating 30 million gallons per day, and a treated water pipeline to connect to existing city water mains.
2009	Clark Farms	How will our drinking water supply and drinking water quality change as a result of this project?
2008	Clarksburg Fire Protection District	What is impact of the project and all alternatives on the ability of the Clarksburg Fire Protection District to provide an adequate level of fire protection to the geographical area known as the "Clarksburg Fire Protection District"?

**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2008	Clarksburg Fire Protection District	What is impact of the project and all alternatives on the door-to-door response time of emergency personnel from the firehouse of the Clarksburg Fire Protection District to points of possible need in all areas beyond the town and out into the geographical area known as the "Clarksburg Fire Protection District"?
2008	Clarksburg Fire Protection District	What is impact of the project and all alternatives on the ability of the Clarksburg Fire Protection District to meet each of the objectives in its mission?
2009	Clarksburg Fire Protection District	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.
2009	Clarksburg Fire Protection District	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.
2009	Commenter during Scoping Process	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)
2009	Commenter during Scoping Process	What impacts will the BDCP have on water supply to Contra Costa County and water providers within the County?
2009	Commenter during Scoping Process	...the environmental review must include:...Impact of new towers and power lines.
2009	Contra Costa County Office of the Sheriff	...as the Bay Delta Conservation Plan to construct new, permanent barriers and gates, in and through Delta waterways...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 our 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.
2008	Contra Costa County Public Works Department	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.
2009	Contra Costa County Water Agency	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?
2008	Contra Costa Water District	The EIR/EIS should analyze the environmental impacts on chloride, bromide, and organic carbon concentrations at all existing and planned drinking water intakes in the Delta and provide for mitigation where appropriate.

**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2008	Contra Costa Water District	The EIR/EIS should analyze the environmental impacts on chloride, bromide, and organic carbon concentrations at all existing and planned drinking water intakes in the Delta and provide for mitigation where appropriate.
2009	Contra Costa Water District	The EIR/EIS should analyze the effect of increased algal growth on drinking water beneficial uses.
2009	Contra Costa Water District	Therefore, the EIR/EIS must fully analyze and disclose the changes to Delta water quality, including chloride, bromide, and organic carbon concentrations on a daily basis, and the timing of Delta surplus to allow a complete evaluation on the potential economic impacts to CCWD operations.
2009	Contra Costa Water District	The potential impact of maintenance activities on the habitat within the canal as well as downstream beneficial uses, such as recreational use in reservoirs, agricultural irrigation, and drinking water must be considered.
2009	County of Sacramento	This canal will bisect existing lands and divide existing communities, yet BDCP has made no provision for any bridges to ensure adequate movement over the canal. As a result, if a fire were to occur, people and structures in the Delta may be trapped due to the construction of these inaccessible facilities.
2009	County of Sacramento	BDCP's proposed diversion facilities have the potential to interfere with the Freeport Diversion Project, which has already been permitted by the State Board and is currently under construction. As such, BDCP threatens to undermine the adequacy of the water supplies on which the County and its residents rely. This impact to County water supplies must be addressed in the EIR.
2009	County of Sacramento	Water conveyance facilities routed through Sacramento County must have no adverse effect on the existing and future operation of the Sacramento Regional County Sanitation District facilities or on the Freeport Regional Water Project.
2009	County of Sacramento	Sacramento County will protect its governmental prerogatives in the areas of its local land use authority, tax and related revenues, public health and safety, economic development and agricultural stability.
2009	County of Sacramento	Financial resources must be committed to maintain and enhance vital transportation and flood control infrastructure within those areas of the Delta that are within Sacramento County. Financial resources also need to be committed to improved emergency response within the Delta.
2009	County of Solano	Creation of tidal wetland habitat will increase organic carbon levels in the Cache Slough area...Increases in organic carbon will result in an increased cost of water treatment and may result in reduced use of the NBA if organic carbon levels increase to the point that the water supply is not treatable....Mitigation measures must include the following: Mitigation for increased organic carbon at NBA and any areas or activities where total organic carbon may originate. Financial assurances that address any potential adverse impacts that must be mitigated after the project is constructed.



**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

Year of Scoping	Affiliation	Comment
2009	County of Solano	The change in water conveyance and creation of habitat areas in the Cache Slough and Suisun Marsh will result in changes in salinity levels in the Delta and Suisun Marsh. Increased levels of salinity can impact drinking water, agricultural production and certain types of natural habitats...The EIR/EIS must fully analyze the potential impacts of increased salinity...Mitigation measures must include the following: Mitigation for changes in salinity in the north Delta and Suisun Marsh. Protection of Suisun Marsh salinity standards to protect existing wetland and wildlife habitat and the beneficial uses. Financial Assurances for any potential corrective action to reduce salinity resulting from a post project condition. The financial assurances should cover the cost to construct desalination plants or water treatment facility to restore the salinity in the Delta and the county water users to the pre-project levels.
2009	County of Solano	Restoration in the Cache Slough complex may have adverse effects on operation of the North NBA, Reclamation District 2068 and private agricultural water intakes related to entrainment of enhanced populations of covered species. Construction of habitat restoration projects could disrupt irrigation and drainage systems essential to agricultural production on land bisected by these projects. The EIR/EIS must fully analyze these impacts and provide mitigation measures that provide protections to enhanced populations of covered species, provide for the relocation of the NBA intake, and protect urban and agricultural water supplies. Mitigation Measures must include the following: Provisions of an alternate intake for the North Bay Aqueduct. Full Federal and State Endangered Species Act protection for affected water diversions within the project regions, including funding for installation and operating fish screens or other diversion modification requirements
2009	County of Solano	The establishment of habitat conservation areas will provide new recreational opportunities with increased public access to areas of the county not previously accessible to the public. This will increase demand for local public services including fire protection, law enforcement, emergency and rescue services, and mosquito control. The construction of new habitat restoration areas may require new, relocated or improved road facilities, water conveyance and irrigation facilities, drainage facilities, and flood control facilities resulting in increased operations, maintenance, improvement costs to the County and local agencies. These costs should be thoroughly analyzed in the environmental document and fully mitigated. Mitigation measures must include the following: Reimbursement for increased costs of County and districts' public services including but not limited to law enforcement, fire, rescue, mosquito control, roads maintenance, drainage, and flood protection.
2009	County of Solano	Reimbursement for increased infrastructure improvement cost of County and districts including but not limited to road drainage and levee and flood control improvements. Opportunity for the County to obtain mitigation of future impacts associated with County and District public works projects as part of habitat projects. All activities that require funding, such funding must be guaranteed to Solano County in perpetuity and allocated outside the state's budget process.

**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	County of Solano	The conversion of large tracks of private land from agriculture to permanent habitat under State or Federal ownership resulting in the loss of local property tax and assessments will significantly impact the ability of the County and local agencies to continue to provide necessary public services...This impact not only affects the County but also local school and special districts such as fire protection districts, reclamation districts, Suisun Resource Conservation District and the Solano County Mosquito Abatement District, levee districts, and water districts in the area. Fiscal impacts to the County and local agencies should be thoroughly analyzed in the environmental document and fully mitigated.
2009	County of Solano	Mitigation measures must include the following: Payment in-lieu of property tax for lands changing from private to public ownership guaranteed to Solano County and applicable special districts in perpetuity and allocated outside the State's budget process. Continued payment of special district assessments and fees guaranteed to special districts in perpetuity and allocated outside the State's budget process. All activities that require funding must provide guaranteed funding to Solano County in perpetuity and allocated outside the state's budget process.
2009	County of Solano	The proposed east water conveyance alternative would impact a number of utility corridors including both above ground transmission facilities as well as below ground pipelines. The creation of new habitat areas may also impact existing utilities. The EIR/EIS should fully analyze the impacts of the project on existing and future utility corridors.
2008	County of Yolo	To what extent could the direct and indirect loss of farmland following implementation of the BDCP cause environmental effects - such as urban blight and similar deterioration - in Clarksburg and other legacy towns in the Delta?
2008	County of Yolo	To what extent could the direct and indirect loss of farmland and related revenues following implementation of the BDCP displace farm workers, disrupt social institutions such as schools, churches, and fire departments, and otherwise undermine the economic and cultural vitality of Clarksburg and other legacy towns in the Delta? This should include consideration of whether the charter school that recently opened in Clarksburg (following an extensive efforts by local residents) would remain viable.
2009	County of Yolo	Public and private financial support should be secured for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat
2009	County of Yolo	Fully mitigate costs of increased public services (such as law enforcement, fire, rescue, roads) lost business revenues and income, and socio-economic impacts of changes in governance, habitat conversions and alternative conveyance facilities
2009	County of Yolo	Provide new municipal water for the City of Davis, City of Woodland, and UC Davis, including expediting permits and providing habitat mitigation necessary for implementation.
2009	County of Yolo	Expedite permitting and provide habitat mitigation for any County or Reclamation District improvements within the Clarksburg region and Yolo Bypass, including but not limited to the construction and maintenance of roads, bridges, levees, and irrigation facilities.

Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources

Year of Scoping	Affiliation	Comment
2009	County of Yolo	PARAMETERS FOR DELTA-RELATED HABITAT PROJECTS Willing sellers only; Payment in-lieu of property tax for lands changing from private to public ownership; Payment for lost business opportunity and income, including socio- economic issues; Project impacts originating in Yolo County must be discharged in Yolo County; Permanent protection/preservation of like or better quality agricultural lands for agricultural lands converted, compliance with local policies regarding conservation easements; Buffers sufficient to avoid the need for additional restrictions on farm practices on surrounding lands; Continued payment of special district assessment and fees; Mitigation of costs for increased public services (e.g. law enforcement, fire, rescue, roads); No adverse changes to flood protection for surrounding areas; Full ESA and CESA protection for neighboring lands/landowners; Full ESA and CESA protection for affected water diversions; Consistency with the Yolo Natural Heritage Program;...
2009	County of Yolo	Protection of existing high value habitat, such as in the Yolo Wildlife Area; Mitigation for loss of terrestrial habitat for special status species and other wildlife; Funding and responsible entity for monitoring and adaptive management of habitat projects and associated lands; Control program for vectors, invasive species and agricultural pests; No out of county water transfers from converted lands; No increase in mercury release or transport; Mitigation for increased organic carbon at North Bay Aqueduct; Maximize public recreational opportunities associated with habitat projects; If possible, projects will be designed to accept dredged materials from the Sacramento Deep Water Ship Channel; Permanently funded stakeholder working group for the Yolo/Solano portion of the Delta; and Opportunity for Yolo County to obtain mitigation of future impacts associated with County public works projects (e.g., roads, bridges, levee work) as part of habitat projects.
2009	Delta Caucus	The Delta Protection Act of 1992 was passed to protect the Primary Zone of the Delta for agriculture, habitat and recreation. The EIR should determine how these Delta resources will be negatively impacted and how alternatives can be designed to be compatible with the Act and its objectives. For example, water from isolated facilities could be piped underground across reclamation districts rather than in surface canals to eliminate negative impacts to drainage, flood control and irrigation systems caused by dividing reclamation districts.
2009	Delta Farmer	We've got other issues with takes from the river, as far as these valleys are concerned. Sacramento has just installed a new take system. We have issues with the sewage treatment plant, discharging water that is not of the quality it is supposed to be in the first place, as it relates to ammonia is the big issue these days. And the more water we take out of the Delta, the more depleted and the more undiluted it becomes. The Delta is a very precious ecological resource that has a lot more to do with than just fish, and I understand we're after the fish. Okay. Fine. But we've got flora and fauna. We have bird species. We have all kinds of things in the Delta that relate to the Delta.
2008	Delta Protection Commission	Natural gas production will continue to be an important use of Delta resources. Structures needed for gas extraction should be consolidated to minimize displacement of agriculture and wildlife habitat.
2008	Delta Protection Commission	Impacts associated with construction of transmission lines and utilities can be mitigated by locating new construction in existing utility or transportation corridors, or along property lines, and by minimizing construction impacts.

**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2008	Delta Protection Commission	To minimize impacts on agricultural practices, utility lines shall follow edges of fields. Pipelines in utility corridors or existing rights-of-way shall be buried to avoid adverse impacts to terrestrial wildlife.
2008	Delta Protection Commission	Pipelines crossing agricultural areas shall be buried deep enough to avoid conflicts with normal agricultural or construction activities.
2008	Delta Protection Commission	Local governments shall ensure that salinity in Delta waters allows full agricultural use of Delta agricultural lands, provide habitat for aquatic life, and meet requirements for drinking water and industrial uses.
2008	Dublin San Ramon Services District	The analysis should include a component that is focused on identifying quick, near-term projects to immediately stabilize Delta water supply reliability and water quality... such a project is a proposal to construct facilities at Frank's Tract that would reduce salinity incursions into the central Delta and simultaneously benefit Delta smelt habitat. Immediate actions that can alleviate the potential damage from levee failure should also be included in this component, in an effort to provide greater protection for public safety and for the security of drinking water supplies..
2009	East Bay Municipal Utility District	Any BDCP conveyance facility must protect EBMUD's primary raw water conveyance infrastructure, particularly the Mokelumne Aqueducts. a. EBMUD's existing Mokelumne Aqueducts cross the route east to west of all alternative conveyance alignments...EBMUD's primary requirements are that the Aqueduct pipelines, once relocated, must have: - Forward design life of 75 years, which is standard for contemporary pipeline design and construction. - Seismic performance needed to ensure reliable operations for this critical water supply facility. - Flow capacity no smaller and operating head losses no larger than the existing pipelines - Vehicular, crane and personnel accessibility for maintenance acceptable to EBMUD - Associated appurtenances such as air valves, blow offs and interconnections. - No additional maintenance burden over the existing operations. Furthermore, provision for EBMUD's undiminished supply from its Mokelumne source must be ensured during construction.
2009	East Bay Municipal Utility District	Any BDCP intake facilities upstream of the Freeport Regional Water Authority's intake on the Sacramento River must be constructed and operated without impact to Freeport project operations...Locating the intakes for CVP/SWP water upstream of FRWP is likely to have adverse impacts on Freeport operations due to increasing the frequency and duration of reverse river flows, during which time FRWP intake operations will be curtailed to avoid taking in discharged treated water from the Sacramento Regional County Sanitation District. EBMUD requests active participation from the beginning in DWR's modeling efforts to quantify this impact and identify potential mitigation measures. b. To the extent that the conveyance's northerly intakes are to be located in very close proximity to the FRWP intake, CVP/SWP diversions may influence river bed scour and/or create deposits detrimentally to the FRWP intake.

**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

Year of Scoping	Affiliation	Comment
2009	East Bay Municipal Utility District, Sacramento County Water Agency, Sacramento Regional County Sanitation District	These impacts include (1) more frequent shutdowns of the FRWA system when reverse river flows brings diluted treated wastewater effluent in the vicinity of its intake, and (2) increased diversions of SRWTP treated effluent and potential need to increase the capacity of on-site storage facilities due to reduced flows in the river. EBMUD, SCWA, and SRCSD have concerns about the consequences of increased reverse flow events in the region of the Sacramento River near SRWTP and FRWA facilities...when average daily flows drop below 10,000 cfs reverse flow conditions tend to occur and that these conditions may occur more frequently and be more sustained with BDCP operations. Even if the planned operating regime would restrict BDCP diversion to the ebb tide, we are convinced that the potential impacts upon SRWTP and FRWA operations should be studied under all plausible operating regimes at the appropriate resolution so that the full range of possible impacts is well understood.
2009	East Contra Costa Irrigation District	Additionally, the impact of various proposed alignments in the Bay Delta Conservation Plan on ECCID's main canal running from Indian Slough and on the various laterals utilized for delivery of ECCID water, and in particular the western alignments, should also be carefully analyzed.
2009	Farmer in Clarksburg	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.
2009	Farmer in Clarksburg	Outlined in your EIR/EIS report the measures that 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 consideration of the businesses that support our family farms and ranches. And finally, the considerations of the schools that educate our children. Letters may save our towns but will not save the Delta communities.
2009	Farmer in Solano County	...as residents of these five counties our tax base is going to get eroded, and we've got to make up those funds somewhere else. I think that needs to be considered to where those funds are going to come from.
2009	Farmer in Solano County	The other thing that I have is with this raceway off to the east there taking a lot of that northern Delta water down to the south, it's bypassing the Solano County water intakes. I have grave concerns that that's going to do to my water quality. I see we'll have some sea water intrusion
2008	Greene and Hemly	Increased traffic will make the roads more dangerous thereby increasing the numbers of accidents on these roads. How will the value of public safety and the value of local citizen's lives be calculated?
2008	Member of Clarksburg Fire Protection District Board of Directors	Options 1 through 4, I have some major concerns relative to the negative impact they would have on the ability of the Clarksburg Fire Protection District to perform its function. Any flooding of our farm land that would prevent access for our emergency vehicles would be detrimental to the health and welfare of our citizens.

**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2008	Member of Clarksburg Fire Protection District Board of Directors	...any flooding that would prevent access to our emergency vehicles anywhere in the Clarksburg District would be very detrimental to the folks who live here. We need access and we can't allow in any way flooding of the farmlands around that area. We have 331 farm units in the Clarksburg District. 243 of those are small farms, 50 acres or less, and quite a few of them are 20 acre farms. We owe these folks -- these farmers a duty of protection, and that's the Fire Protection District's job -- is to provide emergency access to medical care and fire prevention. We have on average 52 medical aid calls a year. About 26 vehicle related calls that's either accidents or fires of vehicles.
2008	North Delta CARES	What is the impact of the proposed tidal marsh wetlands on the existing septic systems in the town of Clarksburg?
2008	North Delta CARES	What is the impact of the proposed primary habitat restoration area(s) on the existing septic systems in the town of Clarksburg?
2008	North Delta CARES	How are the schools which are an integral part of the historic Delta town of Clarksburg protected by the installation of a tidal marsh wetlands or primary habitat restoration area(s) anywhere in the area within 15 miles of the town of Clarksburg?
2009	North Delta Water Agency	...the EIR/EIS must include an analysis of the direct and indirect economic, social, public safety and health effects of the proposed action(s) on the Delta residents and economy and such effects in the Delta must be mitigated in accordance with applicable law.
2009	Planning and Conservation League	the potential for water supply reliability to be improved through local investments in water use efficiency, water recycling, and other programs that do not rely on Delta water supplies.
2009	Planning and Conservation League	What flows are required for: Maintenance of water quality for other Delta beneficial uses, including drinking water, ecosystem, and agriculture?
2009	Planning and Conservation League	How would other water users (e.g. Contra Costa Water District and City of Rio Vista) have water of acceptable quality?
2008	Rancher in Fresno	At risk is drinking water to 25 million people and the bread basket of the world, over 9 million acres of rich farmland, comprising 350 different species of productive plants...So you're talking about close to 400 million plants, versus that little fish. Now that to me is a little out of proportion.
2009	Reclamation District 999	The District recommends consideration of the following impacts associated with the potential western alignment of an isolated conveyance facility: Impacts associated with ancillary facilities for the canal, such as power supply and access roads.
2009	Reclamation District 999	The EIR/EIS must fully analyze the impacts of mercury releases that would occur as a result of soil disturbance from restoration activities on human and natural communities. This analysis should recognize the use of Delta waterways for subsistence fishing as well as the potential for contamination of drinking water supplies for use within and outside of the Delta.

**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

Year of Scoping	Affiliation	Comment
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	...creating a new bypass in flood areas -- flooding areas within the existing reclamation districts will constrain or eliminate existing water management through water elevation changes and underseepage. This will require redesign and operation changes throughout the region causing tens of millions of dollars of infrastructure modifications and loss of agricultural use.
2008	Resident of Clarksburg	THE EIR MUST STUDY THE IMPACTS ON A MYRIAD OF COMMUNITY ISSUES----INCLUDING, BUT NOT LIMITED TO---- SUCH ISSUES AS DECLINING POPULATION----THE EFFECT OF SUCH A PLAN ON SCHOOLS, THE EXISTING COMMUNITY HABITATS, HEALTH, THE EXISTING ENVIRONMENT, SOCIAL ACTIVITIES----INCLUDING CHURCHES, SCOUTING, FIRE SERVICES, LIBRARIES, POLICE PROTECTION AS WELL AS COMMUNITY SOCIAL ACTIVITIES.
2009	Resident of Clarksburg	Some of the problems here are that the local fire department, which I'm a part of is losing a portion of their operating expenses. They keep this community safe. And also keeping our insurance down on a personal level.
2009	Resident of Clarksburg	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).
2009	Resident of Clarksburg	...power lines [to serve intakes] 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..These residences lie in the direct path of your lines.
2009	Resident of Clarksburg	Impacts to the remaining residents, Schools, businesses, churches, health?
2009	Resident of Courtland	And it really irritated me because for two years I was a spokesperson for Vector Control. And they have been absolutely wonderful. But their resources are stretched to the limit. They simply do not have the trained personnel to take on anything like these areas that we're discussing having flooded.
2009	Resident of Dixon	Issues of concern Erosion of Tax Base in Solano Due To Mitigation

**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

Year of Scoping	Affiliation	Comment
2009	Resident of Irvine Water District	I was not aware right up front that the EIR/EIS process has selected a preferred alternative for the Delta, and yet you appear to be most certainly planning on the east side diversion, and it shows in your printed material. And I'm wondering if you got a little bit in front of the cart, or the cart a little in front of the horses, in doing so, and if you are, you know, coming up with a BDCP that's predicated on an east side alignment, assuming that the people who divert water want to drink the sewage, you know, basically from the Sac Regional Plant, because the intake is right below it. I'm just wondering, so has the EIR/EIS process, you know, come up with a preferred alternative that I'm not aware of.
2009	Resident of Irvine Water District	And in your earlier comments you mentioned that the two big diverters from -- and there's no argument that there's two big diverters, but there's also, you know, three others that are in that area and then there's the Delta itself, and I'm sure all of those in there -- discharges are being considered in the BDCP?
2009	Resident of Solano County	Our pumps are up here in the Cache Slough that supplies Solano and Napa County. There is an impact of them creating more high saline and more high carbon water next to our water intakes, which hasn't been explained clearly how that's going to be mitigated.
2009	Resident of Solano County	...we have a long and sad experience with government and nongovernment entities operating or owning land that they do a poor job in operating and maintaining because they don't have an assured source of funding to do such.
2008	Resident of the Delta	If ring levees were built around these towns, there could also be disruption to traffic circulation, essential public safety services, degradation of air quality, etc., resulting in further depopulation.
2009	Resident of the Delta	The east bay, East Contra Water District is moving their pumps to beyond Disco Bay. The water coming into Rock Slough is bad. They know it. And they supply a lot of water to -- East Contra County, Diablo Water, East Contra Costa Water District, these all are impacted by this bad flow of water. And they're going to be taking the water out of the Sacramento River before it even gets to the Delta.
2009	Resident of Walnut Grove	And I want to reiterate the comments of my superintendent and also fellow community members Mr. Demare and also Mr. Heringer in the beginning about how this will impact the ability of our communities to educate our children when so much land will be taken away and land brings job, families, people living in our community.
2008	Rio Vista City Council	...what is the impact [of the conveyance canal] on ...the gas lines and the electrical lines
2009	Sacramento County Farm Bureau	The BDCP will destroy and make infeasible provision of essential reclamation district services such as flood control, drainage and delivery or irrigation water.



**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	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.
2009	Sacramento Regional County Sanitation District	...if the BDCP results in a need to increased wastewater 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.
2009	Sacramento Regional County Sanitation District	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. An immediate effect on the operation of the SRWTP will be an increase in the frequency and magnitude of tidal reversals, which will impact the District's ability to release effluent into the Sacramento River. The magnitude of this impact depends greatly on the location, timing, and volume of water withdrawn from the river. Water taken from the Sacramento River above or below Freeport, would significantly impact the District's operations and could impact its National Pollution Discharge Elimination System (NPDES) permit requirements.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should evaluate whether and to what degree the proposed project will lead to increased salinity due to the influence of higher salinity San Joaquin River and SF Bay intrusion over larger portions of the Delta. The EIR/EIS should quantify any increase and determine the need for mitigation to address potentially significant impacts on agricultural and municipal users in the Delta.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should evaluate whether and to what degree any proposed wetlands associated with the BDCP project will increase organic carbon inputs. The EIR/EIS should determine whether these increased inputs will significantly increase organic carbon levels in ambient Delta waters and whether such increases will impact drinking water suppliers or dissolved oxygen conditions in the Stockton Ship Channel.
2009	Sacramento Regional County Sanitation District	The EIR/EIS should evaluate whether and to what degree any proposed wetlands associated with the BDCP project will increase nutrient inputs. The EIR/EIS should determine whether these increased inputs will significantly increase nutrient levels in ambient Delta waters and whether such increases will impact beneficial uses.
2009	Sacramento Regional County Sanitation District	The constructed wetland approach shows a lack of understanding of the SRCSD treatment plant and processes, and a lack of consideration of concept feasibility. It is infeasible to construct a 3000 acre wetland in a highly urbanized area, regardless of the level of wastewater treatment. Even though SRCSD owns 3,550 acres at its treatment plant site, 900 acres are used for the treatment plant processes... and 2650 acres are managed as open space, and is known as the "Bufferlands". The Bufferlands provides over 2000 acres of open space for riparian and habitat restoration....

Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources

Year of Scoping	Affiliation	Comment
2009	Sacramento Regional County Sanitation District	The need for advanced wastewater treatment at individual treatment facilities is based on specific discharge conditions, dilution characteristics, and water quality-based requirements as determined under the Clean Water Act and California Water Code regulatory programs. BDCP, or their consultants, should not be overriding these programs and/or oversimplifying the analysis and mandating treatment levels, or types of treatment, at any treatment plants in California without substantial justification and site-specific analysis.
2009	Sacramento Regional County Sanitation District	Detailed impact analysis of the WWTP's discharge in the receiving water has shown no significant impact and does not exceed USEPA criteria outside the mixing zone. Additionally, studies being conducted by the University of California, Davis, under Regional Water Board direction, show that the direct mortality of covered species by ammonia is not occurring, making this outcome incorrect. The statement that thermal stress is occurring near the outfall is also incorrect based on the District's Environmental Impact Report thermal study...in March 2005. The Department of Fish and Game and NOAA supported the concept that there is no significant thermal impact related to the District's discharge.
2009	Sacramento Regional County Sanitation District	What are the specific "issues" connected to the SRCSD discharge and endocrine disrupters? Have risk levels to human health or aquatic habitats been determined? If so, please provide the specific studies on which these statements are based. What is the basis for the statement regarding reduced "direct mortality" or "sublethal effects" caused by <i>Microcystis</i> , and what is the clear linkage between ammonia to <i>Microcystis</i> ? Outcomes should have referenced materials that any reader could refer to in understanding how the outcome relates back to the approach recommended for any conservation measures.
2009	Sacramento Regional County Sanitation District	SRCSD strongly opposes the concept of installing intake facilities at any of the following locations: A-A, B-B, C-C, D-D and E-E. Diversions at A-A and B-B would significantly reduce flow in the Sacramento River at the SRWTP point of discharge and would seriously impact the design and operation of the existing SRWTP facility. Diversion at C-C would result in the diversion of partially diluted SRWTP effluent, would produce enormous public perception issues and would not gain the approval of the Department of Public Health. Diversion at D-D and E-E would similarly create significant public perception issues due to the proximity of the intakes to the SRWTP discharge and also would not be expected to gain the approval of DPH. SRCSD requests that these alternative diversion locations be eliminated from further consideration by the BDCP Conveyance Workgroup.
2009	Sacramento Regional County Sanitation District	In general, SRCSD is very concerned with the impact that the proposed intake volumes would have on the flow conditions in the Sacramento River. The concern is that the magnitude and timing of withdrawals from the proposed intake locations would increase the frequency of river reversals and low flow conditions at the SRWTP diffuser. The SRWTP is required to cease discharge to the Sacramento River during flow reversal and low flow conditions. An increase in frequency of reversals and low flow conditions could significantly impact the design and operation of the SRWTP.
2008	San Francisco Bay Conservation and Development Commission	...the EIR/EIS should: (1) clearly show the location of any proposed new power lines in relation to the boundary of the Suisun Marsh; (2) identify any potential project-related impacts to wetlands in the Marsh and measures for mitigating these effects; and (3) provide a construction schedule for any work affecting wetland area in the Marsh.

**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

Year of Scoping	Affiliation	Comment
2008	San Joaquin County	A facility would....sever the impaired utilities...
2009	Save Our Delta's Future	Assuming some levees on Grand Island will be demolished, some portion of Grand Island will be inundated, and that "king levees" will be constructed to protect Walnut Grove and the surrounding land...please state: (a) the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, within the area affected...demolishing existing levees, the inundation process, how this will/might affect the adjacent land.. constructing levees in locations where none previously existed, of the construction process itself, of the materials to be utilized in the new levees that are seismically sound)...physical changes ...on residents, homes, businesses, churches, schools, agricultural operations, natural gas extraction, and tourism, within the community of Walnut Grove and immediate surrounding area, within the ring levees.
2009	Save Our Delta's Future	Assuming some/all levees on Sutter Island will be demolished, and some/all of Sutter Island will be inundated...please state:...the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, on Sutter Island...demolishing the island's existing levees, of inundating the island, and how this major physical change to Sutter Island will/might affect the levees on neighboring islands.
2008	Sheriff of San Joaquin County	...how this will affect our ability to enforce the laws, not only on the waterways, which there are quite a bit here in San Joaquin County...
2008	Sheriff of San Joaquin County	I would like to see an evaluation of possibly how law enforcement is going to be able to continue its original mission. But if you are going to add additional responsibilities to this, how are we going to be able to meet those needs. Currently funding will not be available to do that in some needs.
2009	Solano County Water Agency	The EIR/EIS must analyze the water quality impacts of all the projects and programs associated with the BDCP on the North Bay Aqueduct (NBA)...Implementation of the BDCP may cause adverse changes in water quality at the intake of the NBA from habitat restoration projects and changes in Delta hydrodynamics. We are particularly concerned about increases in organic carbon from new tidal marsh habitat projects. The impact of the proposed project(s) on water quality at the NBA intake must be specifically evaluated in the EIR/EIS for the BDCP, and any potential impacts adequately mitigated.
2009	Solano County Water Agency	One of the purposes of the BDCP is increasing the populations of various aquatic species that are listed or candidate species for the Federal and state Endangered Species Act. One method to increase populations that is part of the BDCP is the creation of tidal marsh habitat in the Cache Slough/Lower Yolo Bypass area This area is where the intake to the NBA is located as well as numerous agricultural water supply intakes... specifically, the EIR/EIS must analyze the potential that increasing the population of aquatic species in the vicinity of these intakes may result in restrictions on the use of these intakes. Any impacts identified must be adequately mitigated The EIR/EIS must also examine the environmental impacts of using alternative sources of water supply if existing pumping facilities are restricted, and how these impacts will be mitigated.
2009	South Pocket Homeowners Association	In addition, we are very concerned as to what would be the electrical power source for a project of this magnitude, and what the location and physical configuration would be for power facilities that could meet such a significant demand.

**Table E-19. 2008 and 2009 Scoping Comments Related to Utilities and Public Services Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	Stone Lakes National Wildlife Refuge Association	TANC, in combination with the canal and associated facilities, would result in cumulative environmental impacts on sensitive species that must be carefully considered. Moreover, given the need for power along any new conveyance route, these projects may be interrelated and interdependent, making it necessary to review the projects in tandem.
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would have serious impacts to current land use in the Yolo Bypass Wildlife Area by: making the Wildlife Area unusable for the thousands of school children who annually participate in the Yolo Basin Foundation's Discover the Flyway school program.
2009	Yolo Basin Foundation	This measure [Floodplain Habitat Restoration Conservation Measure (FL00 1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation."] would...curtail all public use on the Wildlife Area when the Fremont Weir is spilling, including the elimination of access for the thousands of school children in the spring who annually participate in the Yolo Basin Foundation's Discover the Flyway school program
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Public Use (All public use activities cease when the Bypass floods.) o School Program: Approximately 4,000 students annually visit the Wildlife Area annually as part of the "Discover the Flyway" program. The program attracts students from over 100 schools in 5 counties.

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Table E-20. 2008 and 2009 Scoping Comments Related to Recreation Resources

Year of Scoping	Affiliation	Comment
2009	Attendee at Clarksburg Scoping Meeting	The loss of tourism here in the Delta will be horrendous should this canal go through.
2009	California Central Valley Flood Control Association	Levees form the channels which are a great benefit to recreation. The document should also evaluate the impacts to recreation due to unreclaimed flooded islands.
2009	California Department of Parks and Recreation	The Gold Fields District of California State Parks owns and/or manages five State Park units or properties within the BDCP project area. These park properties include Delta Meadows, the Locke Boarding House, Brannan Island State Recreation Area (SRA), Franks Tract State Recreation Area and State Park property within the Stone Lakes Wildlife Refuge which is managed by the U.S. Fish and Wildlife Service. All of these park properties could be affected directly or indirectly by the BDCP project. Additionally, the Gold Fields District manages Folsom Lake State Recreation Area, which could be affected by the BDCP Project if the BDCP Project results in changes to the operation of the Folsom Dam and Reservoir which is part of the Central Valley Project (CVP).
2009	California Department of Parks and Recreation	The Locke Boarding House is an historic structure within the Town of Locke which was acquired by State Parks in 2005. State Parks has restored the Boarding House and it now serves as a visitor and interpretive center in the Town of Locke. State Parks is concerned with the potential impacts to access to the Locke Boarding House due to traffic and circulation impacts during the construction phase of BDCP Project facilities.
2009	California Department of Parks and Recreation	Brannan Island is an important recreation amenity in the Delta region. State Parks is concerned that the BDCP Project could impact recreation use and facilities at Brannan Island SRA either directly or indirectly, both during construction of BDCP facilities and during operation.
2009	California Department of Parks and Recreation	If the BDCP project is now encompassing the proposals made in the Franks Tract Project, please consider November 20, 2008 letter sent to DWR regarding the Franks Tract Project as part of our comments for this NOP.
2009	California Department of Parks and Recreation	State Parks is concerned how the BDCP may impact recreation use at Franks Tract. It is our understanding that tidal gates or other types of operable barriers across some of the sloughs connected to Franks Tract may be considered as part of the BDCP Project.
2009	California Department of Parks and Recreation	To the extent that the BDCP Project could result in changes in CVP operations which would affect Folsom Lake levels, State Parks is extremely concerned about potential impacts on recreation and revenues.
2009	California Department of Parks and Recreation	California State Parks requests that the lead agencies, DWR and Reclamation, consider both the direct and indirect impacts to recreation to all of the State Park units potentially affected by the BDCP, both during construction and operation. This could include direct use of State Park lands for BDCP facilities, temporary and permanent impacts to recreation use resulting from changes to traffic routes and circulation, impacts to recreation use and water access due to operable barriers or other facilities on waterways connected to State Park units.
2009	California Department of Parks and Recreation	Potentially significant effects, to recreation or resources, would need to be mitigated.

Table E-20. 2008 and 2009 Scoping Comments Related to Recreation Resources

Year of Scoping	Affiliation	Comment
2009	California Department of Parks and Recreation	Excerpt from Comment on NOP for Franks Tract Project: ...two of the proposed flow gate locations would involve lands within Brannan Island SRA along Three Mile Slough and would have impacts to existing and future facilities and uses. Site 2 in the Franks Tract NOP would have impacts to the existing campground at Brannan Island SRA. Site 1 would impact an existing dirt service road which is used as an informal trail. Fishing and other informal use of the Three Mile Slough shoreline occurs in the area of both Sites 1 and 2. Use of Site 1 may have impacts to potential future facilities and use of this area for group camping area or trails. In addition to the potential direct impacts to facilities and future use of these areas for the purposes of the SRA, the construction of the flow gate facility may have impacts on public access to and recreation use of Brannan I SRA.
2009	California Department of Parks and Recreation	Excerpt from Comment on NOP for Franks Tract Project: ...State Parks understanding of the operation of the flow gates is that they may be closed on a daily basis for periods of hours depending upon tides and season. We also understand that the gates would include a lock system to allow boating traffic to pass through the gate when closed. The operation of the gates, including the delays involved in use of the lock, has the potential to have substantial impact to recreational boating traffic along Three Mile Slough and the use of Brannan Island SRA as a launching point. This could have long term impact to the recreation use of Brannan Island SRA which in turn would impact revenues generated from park user fees. A gate facility at Sites 1 or 2 may affect the quality of the camping and other upland recreation experiences at Brannan Island SRA, including noise, lighting and other issues associated with the facility. The operation of the flow gates could also impact boating access to and use of Franks Tract SRA, particularly if a gate were constructed at the False River site.
2009	California Department of Parks and Recreation	Excerpt from Comment on NOP for Franks Tract Project: ...State Parks believes there may be options to mitigate the impacts to recreation use resulting from project construction and operation. This could include development of new recreation facilities or improvements to existing facilities at Brannan Island SRA such as assistance with the development of a new small visitor center or other improvements to the existing day use or overnight facilities....Another option is to provide improved facilities for boating, such as improvements to the boat launch or marina which may help mitigate impacts to boating use.
2009	California Department of Parks and Recreation	State Park units that may be affected by potential changes in CVP or SWP operations that may result from the BDCP. These include these units at SWP or CVP reservoirs: Bethany Reservoir SRA...Castaic Lake SRA...Lake Del Valle SRA...Lake Oroville SRA...Lake Perris SRA ...Millerton Lake SRA ...San Luis Reservoir SRA ...Silverwood Lake SRA ...
2009	California Department of Parks and Recreation	Other State Park units are located on rivers that may be affected by potential changes in CVP or SWP operations that may result from the BDCP. These include William B. Ide State Historic Park, Woodson Bridge SRA, Bidwell-Sacramento State Park (SP), the state park property at Butte City, Colusa-Sacramento SRA, and Great Valley Grasslands SP.

Table E-20. 2008 and 2009 Scoping Comments Related to Recreation Resources

Year of Scoping	Affiliation	Comment
2009	California Department of Parks and Recreation	California State Parks is completing its Central Valley Vision Implementation Plan, a 20-year plan for improving the State Park System in the Central Valley. The plan outlines potential projects to improve recreation and resource protection at existing State Park units in the Central Valley and identifies areas potentially suitable for addition to the State Park system. ...Opportunities should be considered for synergies between the Central Valley Vision Implementation Plan's recommendations and the habitat restoration or other projects recommended in the BDCP. The implementation plan's recommendations may include some actions that might offset impacts to recreation or other park resources attributable to the BDCP.
2009	California Department of Parks and Recreation	California State Parks requests that the lead agencies, DWR and Reclamation, consider both the direct and indirect impacts to recreation to all of the State Park units potentially affected by the BDCP, both during construction and operation. This could include direct use of State Park lands for BDCP facilities, temporary and permanent impacts to recreation use resulting from changes to traffic routes and circulation, or impacts to recreation use and water access due to new water management facilities on waterways connected to State Park units.
2009	California Department of Parks and Recreation	State Parks requests that the potential impacts to the natural and cultural resources of any affected State Park units are addressed in the environmental analysis.
2009	California Department of Parks and Recreation	Potentially significant effects to recreation or resources would need to be mitigated.
2009	California Waterfowl Association	Analyze the costs and benefits of various project alternatives associated with the socio-economic values of seasonal wetland-related recreational opportunities, like hunting, fishing, and birding.
2009	Central Valley Joint Venture	Analyze the costs and benefits of various project alternatives associated with the socio-economic values of seasonal wetland-related recreational opportunities, like hunting, fishing, and birding.
2008	City of Stockton	Activities such as recreational boating, fishing, and bird watching could suffer as a result of changes in Delta water quality and quantity. Tourism could decline as well resulting in a loss of revenue to the City.
2009	Commenter during Scoping Process	...the environmental review must include:...Loss of aesthetic quality of river and levees to people that live in the area and those that use the area for recreational purposes.
2009	Commenter during Scoping Process	...the environmental review must include:...Loss of recreational use of the river in the area.
2008	Contra Costa County Public Works Department	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.
2008	Contra Costa County Public Works Department	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.

Table E-20. 2008 and 2009 Scoping Comments Related to Recreation Resources

Year of Scoping	Affiliation	Comment
2009	Contra Costa Water District	The potential impact of maintenance activities on the habitat within the canal as well as downstream beneficial uses, such as recreational use in reservoirs, agricultural irrigation, and drinking water must be considered.
2009	County of Sacramento	BDCP will limit the movement and threaten the safety of boaters, swimmers, fishers, and others who use this reach of the Sacramento River for recreation. The project will also cause substantial physical deterioration of the existing recreational facilities (i.e., the river). The EIR must analyze these impacts.
2009	County of Solano	Impact: Existing Recreational Uses A number of recreation uses and infrastructure exist within the Cache Slough and Suisun Marsh areas. These include hunting clubs, boating facilities (notably, the Dixon Boat Club), fishing, public access and wildlife viewing areas...Within the Cache Slough area, the loss from hunters' visits is estimated at approximately \$3.1 million annually just from this activity based on the SCWA report "The Economic Impact to Solano County from Converting Agricultural Land to Wetlands Habitat," noted above. The EIR/EIS should fully analyze both the direct and indirect impacts of the project on existing recreational uses. Mitigation measures must include the following:
2009	County of Solano	Impact: Future Recreational Uses Habitat restoration may provide new and expanded recreational opportunities within the project area. The County supports maximizing such public recreational opportunities associated with habitat projects. These new or expanded uses should be identified and analyzed in the EIR/EIS and the impacts associated with these new uses fully mitigated.
2009	County of Solano	Roads, highways and shipping channels are essential to inter-County mobility, public safety, a healthy business climate, recreation, and agricultural vitality throughout the County. Highway 12, Highway 84, Highway 113, Interstate 80 and the Sacramento Ship Channel are key routes within and adjacent to the Delta which serve Solano and Yolo Counties. They are important for not only economic and emergency preparedness but also key in providing service to Travis Air Force Base. Wetland restoration may also impact local county roads. Impacts could include loss of roads due to restoration projects, relocation of roads, impacts on roads from construction and increased traffic for new recreational uses. The EIR/EIS should analyze the impacts of the project on the major transportation corridor and local roads. Mitigation measures must include the following: Protect Delta transportation corridors like Highway 12 and Highway 84. Determine funding for protection from levee breaks. Fully mitigate impacts to local county roads.
2009	County of Yolo	Flood management, habitat protection and restoration, preservation of agriculture, recreation, and land use decisions in the Delta must be consistent with adopted policies for Yolo County
2009	County of Yolo	Develop appropriate agricultural industrial uses and infrastructure within the Clarksburg Agricultural District, and assist the Clarksburg region to provide agricultural tourism-related activities and "Delta gateway" facilities
2009	County of Yolo	Fund construction and operation of the Pacific Flyway Center next to the Yolo Bypass.
2009	County of Yolo	Establish Yolo County gateways to the Delta region for ecotourism and recreation focusing on legacy communities including Clarksburg



Table E-20. 2008 and 2009 Scoping Comments Related to Recreation Resources

Year of Scoping	Affiliation	Comment
2009	County of Yolo	PARAMETERS FOR DELTA-RELATED HABITAT PROJECTS Willing sellers only; Payment in-lieu of property tax for lands changing from private to public ownership; Payment for lost business opportunity and income, including socio- economic issues; Project impacts originating in Yolo County must be discharged in Yolo County; Permanent protection/preservation of like or better quality agricultural lands for agricultural lands converted, compliance with local policies regarding conservation easements; Buffers sufficient to avoid the need for additional restrictions on farm practices on surrounding lands; Continued payment of special district assessment and fees; Mitigation of costs for increased public services (e.g. law enforcement, fire, rescue, roads); No adverse changes to flood protection for surrounding areas; Full ESA and CESA protection for neighboring lands/landowners; Full ESA and CESA protection for affected water diversions; Consistency with the Yolo Natural Heritage Program;...
2009	County of Yolo	Protection of existing high value habitat, such as in the Yolo Wildlife Area; Mitigation for loss of terrestrial habitat for special status species and other wildlife; Funding and responsible entity for monitoring and adaptive management of habitat projects and associated lands; Control program for vectors, invasive species and agricultural pests; No out of county water transfers from converted lands; No increase in mercury release or transport; Mitigation for increased organic carbon at North Bay Aqueduct; Maximize public recreational opportunities associated with habitat projects; If possible, projects will be designed to accept dredged materials from the Sacramento Deep Water Ship Channel; Permanently funded stakeholder working group for the Yolo/Solano portion of the Delta; and Opportunity for Yolo County to obtain mitigation of future impacts associated with County public works projects (e.g., roads, bridges, levee work) as part of habitat projects.
2008	Delta Protection Commission	Support a scientifically-valid study of the carrying capacity of the Delta waterways for recreation activities without degradation of habitat values which minimize impacts to agriculture or levees.
2009	Recreational Boaters of California	This is a follow-up to our previous communications [attached] in which RBOC advocates the installation of operable boat locks, and further advocates that such control structures and boat locks be installed, maintained and operated without cost or expense to recreational boaters.
2009	Recreational Boaters of California	Recreational Boaters of California [RBOC] urges that access for continued navigation by recreational boats of the waters of the Delta be assured wherever any control structure is planned for placement across a navigable Delta waterway. Our Policy Statement on Access to navigable Delta Waterways is enclosed here. It is critical to the recreational boating community that navigation be preserved as efforts are made to achieve a sustainable Delta.
2009	Recreational Boaters of California	Recreational Boaters of California [RBOC] urges that access for continued navigation by recreational boats of the waters of the Delta be assured wherever any control structure is planned for placement across a navigable Delta waterway. Our Policy Statement on Access to navigable Delta Waterways is enclosed here.

Table E-20. 2008 and 2009 Scoping Comments Related to Recreation Resources

Year of Scoping	Affiliation	Comment
2009	Recreational Boaters of California	RBOC Policy Statement: Recreational Boaters of California (RBOC) will advocate to protect the rights of recreational boaters to assure access for continued navigation by recreational boats the waters of the California Delta where ever any "control structure" (such as, but not limited to gates or barriers whether temporary or permanent) is planned for placement across a navigable Delta waterway. RBOC will seek assurances that as any changes are contemplated which further alter Delta navigable waterways that alternatives are identified and implemented to the satisfaction of RBOC that will best preserve and sustain recreational boat passage at each location. RBOC will seek to have operable boat locks installed as an integral design component to mitigate for the placement of any control structure across any navigable Delta waterway. All control structures and boat locks or other alternatives satisfactory to RBOC for recreational boat passage are to be installed, maintained and operated without cost or expense to recreational boaters.
2009	Recreational Boaters of California	The boater advocacy organization Recreational Boaters of California is encouraged by and applauds the California Department of Water Resources statement that it will be considering important boater policies regarding access to navigable waterways as the department develops projects for the Sacramento-San Joaquin Delta.
2009	Recreational Boaters of California	I'll talk about first the proposed barriers, the gates at Three Mile Slough, and the ones I've decided, Bacon Island, or an assortment of others. We would be looking to have assurances on both (inaudible) that are installed and constructed, maintained and operated at no cost to the boaters for being able to continue to use and enjoy the waters of the United States from a mitigation perspective.
2009	Recreational Boaters of California	And although, not shown on the peripheral canal is here, (inaudible) the Delta conveyance facility, which would come down another -- same intake down through -- what we call the meadows area into the North Fork of the Mokelumne by going past Tower Park and then down along Little Potato Slough, and then crosses over the deep water channel and continues to head south. Looking at the maps this evening, I would again, want to have the same assurances we would be looking at some follow-up meetings, that as those levees were put in place, enhanced, and possibly changed surveying the water ways and exactly how boating is going to be accommodated so that folks who now transit those gray areas, I just described, can do that, as the new flows are shunted, if you will, from north to south and how that's going to be affecting boaters, I think is a critically important item. And I'd like to have that addressed and also like to have some follow-up meetings
2009	Recreational Boaters of California	Our issue is looking to sustain accessibility for recreational boats to the waters of the United States in the Delta as changes are proposed.
2009	Recreational Boaters of California	A couple of examples where we would very much like to have further discussion: Wherever any gates or barriers are placed across waterways, such as Three-Mile Slough, Bacon Island, and other locations, is that boat locks also be installed and operated at times when the boating public wants to travel through the Delta and that the locks be built and operated at no expense to boaters since they're being placed across waters of the United States.

Table E-20. 2008 and 2009 Scoping Comments Related to Recreation Resources

Year of Scoping	Affiliation	Comment
2009	Recreational Boaters of California	The second example we would give relates to the proposed Through Delta Conveyance facility, which basically would be along alignment of existing eastern Delta waterways. And our concern, again, would be that as new levees or barriers are installed across existing waterways, that accommodation for recreational boats, again, be provided and operated at no expense to boaters.
2009	Resident of Bethel Island	I asked what they expected me to tell clients when their fresh water boats started getting ruined by the constant state of salt water.
2009	Resident of Bethel Island	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.
2009	Resident of Bethel Island	...it's going to ruin the boats that are in my little eight slip harbor that's what I have as my retirement income. It's going to ruin the salt water intrusion is going to destroy the fishing.
2009	Resident of Bethel Island	There won't be any black bass left. The salt intrusion was bad enough this year, you couldn't find a blue gill with a search warrant. We did not see them except for a two-week period that's from the salt. I have seals swimming up and down past my harbor. That's salt.
2009	Resident of Bethel Island	What you're proposing to do is remove so much more water that I'm a little concern that I may have to tell the kids whose parents have boats in my harbor, "Can't swim today, honey, great white is out." Don't do this.
2009	Resident of Clarksburg	...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
2009	Resident of Clarksburg	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).
2009	Resident of Clarksburg	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.
2009	Resident of Discovery Bay	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.

Table E-20. 2008 and 2009 Scoping Comments Related to Recreation Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Sacramento	How will the existing water sports enjoyed by many be affected?
2009	Resident of Sacramento	...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.
2009	Resident of Stockton	...I'd like to know if there's been a study where you want to make these conveyance dams that, you know, how much recreational boat traffic goes through those areas and how that's going to affect the boating.
2009	Resident of Stockton	And some of these non-native species like they talked about wanting to eliminate, like the striped. That's a viable income for us. It's one of the only fish we can eat out of the Delta after you've destroyed it the way you have, you know, because it doesn't live here and doesn't get all the contaminants.
2009	San Joaquin Farm Bureau Federation	The Delta Protection Act of 1992 was passed to protect the Primary Zone of the Delta for agriculture, habitat and recreation. The EIR should determine how these Delta resources will be negatively impacted and how alternatives can be designed to be compatible with the Act and its objectives. For example, water from isolated facilities could be piped underground across reclamation districts rather than in surface canals to eliminate negative impacts to drainage, flood control and irrigation systems caused by dividing reclamation districts.
2009	Save Our Delta's Future	Assuming some levees on Grand Island will be demolished, some portion of Grand Island will be inundated, and that "king levees" will be constructed to protect Walnut Grove and the surrounding land...please state: (a) the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, within the area affected...demolishing existing levees, the inundation process, how this will/might affect the adjacent land.. constructing levees in locations where none previously existed, of the construction process itself, of the materials to be utilized in the new levees that are seismically sound)...physical changes ...on residents, homes, businesses, churches, schools, agricultural operations, natural gas extraction, and tourism, within the community of Walnut Grove and immediate surrounding area, within the ring levees.
2009	Save Our Delta's Future	Assuming some/all levees on Sutter Island will be demolished, and some/all of Sutter Island will be inundated...please state:...the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, on Sutter Island...demolishing the island's existing levees, of inundating the island, and how this major physical change to Sutter Island will/might affect the levees on neighboring islands.
2008	Sheriff of San Joaquin County	...how this will...continue to make sure that the resort type recreational things are continued in the Delta...
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Public Use (All public use activities cease when the Bypass floods.) o Hunting Activity: Over 4,000 hunters utilize the area from throughout northern California. Hunter dollars provide the largest component of the operating budget at Yolo.

Table E-20. 2008 and 2009 Scoping Comments Related to Recreation Resources

Year of Scoping	Affiliation	Comment
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Public Use (All public use activities cease when the Bypass floods.) o Wildlife Viewing: It is estimated that 30,000 people a year visit the Wildlife Area to view the large variety and number of birds, which peak in the winter and spring months

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Table E-21. 2008 and 2009 Scoping Comments Related to Transportation Resources

Year of Scoping	Affiliation	Comment
2009	Attendee at Stockton Scoping Meeting	...being that Stockton is an inland seaport how could or would they propose a solution to the ship traffic via the canal if a peripheral canal was built cutting off the ship channel -- shipping channel.
2009	California Central Valley Flood Control Association	The bypass is already incapable of passing the design flow at the design stage up stream of Liberty Island. New impacts due to additional capacity impairments will affect agricultural land and their attendant habitat values, increase erosion on existing levees, create additional road flooding, reduce local drainage capacity, and potentially allow flood flows to outflank the federal project levee at the northern end of the bypass. Rigorous modeling and monitoring criteria needs to be funded and implemented as a component of any project.
2009	California Central Valley Flood Control Association	The EIR/EIS should address the other effects of breached levees and non-reclaimed islands. Emergency response to islands critical to the BDCP will be compromised by flooding of islands through which emergency access is required.
2008	California Department of Transportation	There are numerous State Highway System (SHS) facilities within the proposed BDCP planning area boundary. Caltrans' foreseeable project plans within the area boundary include improvements to State Route 4 in Contra Costa and San Joaquin Counties, State Route 12 in San Joaquin County, and State Route 84 in Solano County. As our agencies' plans progress, Caltrans will welcome any appropriate coordination of projects.
2008	California State Lands Commission	The EIR/EIS should analyze the effect of the proposed project on the navigational easement right of the public.
2008	Central Delta and South Delta Water Agencies	...the following effect/topics should be thoroughly analyzed...Navigation impacts.
2008	City of Stockton	The effect of the BDCP on traffic circulation within Stockton needs to be evaluated.
2009	Contra Costa County Office of the Sheriff	...as the Bay Delta Conservation Plan to construct new, permanent barriers and gates, in and through Delta waterways...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 our 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.
2008	Contra Costa County Public Works Department	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.
2009	County of Sacramento	This canal will bisect existing lands and divide existing communities, yet BDCP has made no provision for any bridges to ensure adequate movement over the canal. As a result, if a fire were to occur, people and structures in the Delta may be trapped due to the construction of these inaccessible facilities.

Table E-21. 2008 and 2009 Scoping Comments Related to Transportation Resources

Year of Scoping	Affiliation	Comment
2009	County of Sacramento	BDCP proposes to construct a large, impassable canal that will physically divide existing Delta communities. The traffic impacts of this impassable facility must be studied.
2009	County of Sacramento	Financial resources must be committed to maintain and enhance vital transportation and flood control infrastructure within those areas of the Delta that are within Sacramento County. Financial resources also need to be committed to improved emergency response within the Delta.
2009	County of Solano	Impact: Rio Vista Airport The establishment of a wetland habitat in the Egbert Island (Little Egbert Tract) area east of the Rio Vista airport will increase avian activities east of the Rio Vista Airport. This may create potential conflicts with airport operations. The EIR/EIS must fully analyze the impacts of the project on the Rio Vista Airport and airport operations.
2009	County of Solano	Impacts to existing wildlife communities and terrestrial species may also result from County and other agency public works projects necessary to service and support the habitat restoration and recreation projects. These must also be fully analyzed and mitigated. Mitigation measures must include the following: Mitigation for loss of terrestrial habitat for special status species and other wildlife...Credits for the County and other agencies to obtain mitigation of future impacts associated with County and other agency public works projects (e.g . roads, bridges, levee work) necessary to serve BDCP habitat and recreation projects. Protection of existing high value terrestrial habitat such as the Yolo Bypass and the Grizzly Island Wildlife Area Complex.
2009	County of Solano	Roads, highways and shipping channels are essential to inter-County mobility, public safety, a healthy business climate, recreation, and agricultural vitality throughout the County. Highway 12, Highway 84, Highway 113, Interstate 80 and the Sacramento Ship Channel are key routes within and adjacent to the Delta which serve Solano and Yolo Counties. They are important for not only economic and emergency preparedness but also key in providing service to Travis Air Force Base. Wetland restoration may also impact local county roads. Impacts could include loss of roads due to restoration projects, relocation of roads, impacts on roads from construction and increased traffic for new recreational uses. The EIR/EIS should analyze the impacts of the project on the major transportation corridor and local roads. Mitigation measures must include the following: Protect Delta transportation corridors like Highway 12 and Highway 84. Determine funding for protection from levee breaks. Fully mitigate impacts to local county roads.
2009	County of Yolo	Expedite permitting and provide habitat mitigation for any County or Reclamation District improvements within the Clarksburg region and Yolo Bypass, including but not limited to the construction and maintenance of roads, bridges, levees, and irrigation facilities.
2009	County of Yolo	Protect the existing and future operations of the Port of Sacramento as an industrial and transport hub for the region, including its levees
2009	County of Yolo	Expedite permitting and reserve land for spoils necessary to deepen the ship channel 35 feet so that it can accommodate larger freighters
2009	County of Yolo	Protect the continued operation of State Route 84 as a major truck route for the transportation of agricultural products out of the Clarksburg region

Table E-21. 2008 and 2009 Scoping Comments Related to Transportation Resources

Year of Scoping	Affiliation	Comment
2009	County of Yolo	Ensure that the future expansion of Interstate 80 across the Yolo Bypass and improvements to the Union Pacific Railroad are not precluded or impaired
2009	County of Yolo	Ensure that any changes to the operation of the Sacramento Weir do not adversely affect Old River Road (County Road 22)
2009	County of Yolo	PARAMETERS FOR DELTA-RELATED HABITAT PROJECTS Willing sellers only; Payment in-lieu of property tax for lands changing from private to public ownership; Payment for lost business opportunity and income, including socio- economic issues; Project impacts originating in Yolo County must be discharged in Yolo County; Permanent protection/preservation of like or better quality agricultural lands for agricultural lands converted, compliance with local policies regarding conservation easements; Buffers sufficient to avoid the need for additional restrictions on farm practices on surrounding lands; Continued payment of special district assessment and fees; Mitigation of costs for increased public services (e.g. law enforcement, fire, rescue, roads); No adverse changes to flood protection for surrounding areas; Full ESA and CESA protection for neighboring lands/landowners; Full ESA and CESA protection for affected water diversions; Consistency with the Yolo Natural Heritage Program;
2009	County of Yolo	Protection of existing high value habitat, such as in the Yolo Wildlife Area; Mitigation for loss of terrestrial habitat for special status species and other wildlife; Funding and responsible entity for monitoring and adaptive management of habitat projects and associated lands; Control program for vectors, invasive species and agricultural pests; No out of county water transfers from converted lands; No increase in mercury release or transport; Mitigation for increased organic carbon at North Bay Aqueduct; Maximize public recreational opportunities associated with habitat projects; If possible, projects will be designed to accept dredged materials from the Sacramento Deep Water Ship Channel; Permanently funded stakeholder working group for the Yolo/Solano portion of the Delta; and Opportunity for Yolo County to obtain mitigation of future impacts associated with County public works projects (e.g., roads, bridges, levee work) as part of habitat projects.
2009	Farmer in Clarksburg	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?
2009	Farmer in Clarksburg	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 western conveyance project?
2009	Flood Planner in the Delta	What's this Yolo Bypass going to do to the City of Rio Vista? It appears to end just about on our doorstep. You see Isleton makes the corner, comes around. There's the bridge. That's always been farmland. It's been highly productive farmland. Rio Vista has an airport. That looks like the airport may be part of the Yolo Bypass. Has a housing development out there.
2008	Greene and Hemly	How will construction of the project affect traffic immediately adjacent to the project and to surrounding areas?
2008	Greene and Hemly	How will traffic flows in the projects area be affected?



Table E-21. 2008 and 2009 Scoping Comments Related to Transportation Resources

Year of Scoping	Affiliation	Comment
2009	Marshall Ranch	...it has been estimated between 5 million to 10 million cubic yards of suitable fill will be needed to build the required levees. My 25 years of experience shows that the native material in these areas, once considered satisfactory for construction material, is now considered by State and Federal geotechnical engineers to be unsuitable for construction of flood control, or in this case, water conveyance facilities. Where does the State of California propose to excavate this material? How do the planners justify economically transporting and placing this material to build these facilities?
2008	North Delta CARES	What is the impact of the Metropolitan Transportation Plan for 2035, adopted by SACOG, the Sacramento Area Council of Governments, on the project envisioned by the BDCP?
2009	Port of West Sacramento	Safety and operational effects of induced flows or other project aspects on ship navigation must be considered
2009	Port of West Sacramento	Any project aspects that effect navigation and/or have economic impacts on shipping, channel operations and maintenance and therefore the Port of West Sacramento must be considered.
2009	Reclamation District 999	The District recommends consideration of the following impacts associated with the potential western alignment of an isolated conveyance facility: Impacts associated with ancillary facilities for the canal, such as power supply and access roads.
2009	Resident of Bethel Island	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.
2009	Resident of Clarksburg	...there must also be an adequate analysis of the potential socio-economic impacts to the residents of the Delta...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 ?
2009	Resident of Clarksburg	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).
2009	Resident of Clarksburg	Air Traffic: Sacramento is second in bird strikes effecting major airlines in the United States. What impact will this have on safety?
2009	Resident of Discovery Bay	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.

**Table E-21. 2008 and 2009 Scoping Comments Related to Transportation Resources**

Year of Scoping	Affiliation	Comment
2009	Resident of Hood	...where are the bridges
2009	Resident of Sutter Island/Hood	Where are the bridges in any of those documents that are showing essentially a canal that is bigger than the Sacramento River that exists.
2008	Rio Vista City Council	...what is the impact [of the conveyance canal] on the cross Delta transportation
2009	Sacramento Regional County Sanitation District	The approach to improve trapping efficiency of the CCSB [Cache Creek Settling Basin] is not a simple task and will likely result in significant ecosystem impacts from excavation, hauling, noise, dust, and general construction disturbance.
2008	San Joaquin County	A facility would....sever ...local road systems
2009	Save Our Delta's Future	Assuming some levees on Grand Island will be demolished, some portion of Grand Island will be inundated, and that 'king levees' will be constructed to protect Walnut Grove and the surrounding land...please state: (a) the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, within the area affected...demolishing existing levees, the inundation process, how this will/might affect the adjacent land.. constructing levees in locations where none previously existed, of the construction process itself, of the materials to be utilized in the new levees that are seismically sound)...physical changes ...on residents, homes, businesses, churches, schools, agricultural operations, natural gas extraction, and tourism, within the community of Walnut Grove and immediate surrounding area, within the ring levees.
2009	Save Our Delta's Future	Assuming some/all levees on Sutter Island will be demolished, and some/all of Sutter Island will be inundated...please state:...the environmental impact on people, homes, agricultural operations, natural gas extraction, roads, school transportation, and the like, on Sutter Island...demolishing the island's existing levees, of inundating the island, and how this major physical change to Sutter Island will/might affect the levees on neighboring islands.
2009	Stone Lakes National Wildlife Refuge Association	Moreover, construction and operation of the canal would create traffic, noise, air pollution and other disturbances to sensitive wildlife.

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**Table E-22. 2008 and 2009 Scoping Comments Related to Potential Risk from Mosquitos and Other Hazards**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	Attendee at Stockton Scoping Meeting	And how are you guys going to control the mosquitoes? There's going to be tons of them. Everyone's worried about West Nile and all this.
2009	Cal/West Seeds	Have you considered or studied changes to the Clarksburg region hydrology that would result from proposed conveyance or habitat restoration projects?
2009	Cal/West Seeds	...have you considered or studied the changes to the Clarksburg region hydrology that would result from proposed conveyance or habitat restoration projects?
2009	Clark Farms	Will the BDCP result in increased mosquito populations in the Delta? Does the BDCP include plans for controlling mosquito populations? How will mosquito populations and methods of controlling mosquito populations affect the residents of the Delta? How will methods of controlling mosquito populations affect threatened and endangered fish species in the Delta? Will there be an increase of West Nile Disease because of the BDCP? What experiments and studies have been done with respect to mosquito populations and the BDCP?
2009	County of Solano	Because of the importance of agriculture to Solano County within the Delta area, the following impacts should be thoroughly reviewed and analyzed in the EIR/EIS and fully mitigated. Impact: Restrictions on Adjoining Agricultural Practices. The establishment of habitat conservation areas will potentially impact adjoining agricultural operations and activities. Such impacts may include increased vector impacts; introduction of invasive species and agricultural pests; avian impacts on agricultural crops and operations; increased potential for take of listed species as a result of proximity to adjoining conservation habitat areas; and restrictions on pesticide/herbicide usage and discharge limits that are more restrictive than normal agricultural practices due to adjacent wetlands and aquatic habitat area protection requirements. These impacts may limit the types of crops, pesticide use and other agricultural practices and must be fully analyzed in the EIR/EIS.
2009	County of Solano	Mitigation measures must include the following: Establishment of buffer areas incorporated into the project sufficient to avoid the need for additional restrictions on farm practices. Establish water quality objectives for any potential discharges that may impact buffer areas and designated areas and the State commit to taking responsibility for any increase regulatory requirements from upstream point and non-point discharges due to existence of new BDCP habitat. Establish "good neighbor" programs to deal with vectors, invasive species and agricultural pests to be incorporated and funded as part of conservation management plans. Full federal Endangered Species Act (ESA) and California Endangered Species Act (CESA) protection for neighboring lands/landowners.
2008	County of Yolo	The EIR/EIS should also consider potential human health effects, including but not limited to increased incidence of the West Nile Virus, which could result from the introduction of significant new wetlands habitat near Clarksburg and other urban areas.

Table E-22. 2008 and 2009 Scoping Comments Related to Potential Risk from Mosquitos and Other Hazards

Year of Scoping	Affiliation	Comment
2009	County of Yolo	PARAMETERS FOR DELTA-RELATED HABITAT PROJECTS Willing sellers only; Payment in-lieu of property tax for lands changing from private to public ownership; Payment for lost business opportunity and income, including socio- economic issues; Project impacts originating in Yolo County must be discharged in Yolo County; Permanent protection/preservation of like or better quality agricultural lands for agricultural lands converted, compliance with local policies regarding conservation easements; Buffers sufficient to avoid the need for additional restrictions on farm practices on surrounding lands; Continued payment of special district assessment and fees; Mitigation of costs for increased public services (e.g. law enforcement, fire, rescue, roads); No adverse changes to flood protection for surrounding areas; Full ESA and CESA protection for neighboring lands/landowners; Full ESA and CESA protection for affected water diversions; Consistency with the Yolo Natural Heritage Program;...
2009	County of Yolo	Protection of existing high value habitat, such as in the Yolo Wildlife Area; Mitigation for loss of terrestrial habitat for special status species and other wildlife; Funding and responsible entity for monitoring and adaptive management of habitat projects and associated lands; Control program for vectors, invasive species and agricultural pests; No out of county water transfers from converted lands; No increase in mercury release or transport; Mitigation for increased organic carbon at North Bay Aqueduct; Maximize public recreational opportunities associated with habitat projects; If possible, projects will be designed to accept dredged materials from the Sacramento Deep Water Ship Channel; Permanently funded stakeholder working group for the Yolo/Solano portion of the Delta; and Opportunity for Yolo County to obtain mitigation of future impacts associated with County public works projects (e.g., roads, bridges, levee work) as part of habitat projects.
2008	Delta Farmer	Increased mosquito pressure, what is now Bird Flu, and virulent encephalitis, malaria, and other insect pressures...pirate bug has become particularly obnoxious to our quality of life. Spore a grain of rice and it fills every nook and cranny when it flies.
2008	Delta Protection Commission	Seasonal flooding should be carried out in a manner so as to minimize mosquito production.
2008	Family in Clarksburg	What would happen to the mosquito population if this gigantic marsh was created? Would there be enough fish to eat the mosquito larvae? Would the incidence of West Nile Virus increase in the Sacramento area? What threshold of the incidence of West Nile Virus must be met before spraying the marsh would begin? What impact would such spraying have on the environment and the people still living in the delta?
2009	Meeting Attendee at Clarksburg	One of the biggest concerns that I have -- and I hear repeated in this community -- is that there will be a lot more mosquitos and that that will increase our risk for West Nile...There's just a very big concern and a fear that our quality of life will change. And those that remain will be subjected to having to live in their homes, they're always wearing DEET, not being able to enjoy the outdoors because of the increased risk of the mosquitos as a result of the tidal marsh areas that we believe are going to be a part of the conservation plan.
2008	North Delta CARES	Will there be an increase in mosquito population because of the installation of a tidal marsh wetlands or primary habitat restoration area(s) anywhere in the area within 15 miles of the town of Clarksburg?

Table E-22. 2008 and 2009 Scoping Comments Related to Potential Risk from Mosquitos and Other Hazards

Year of Scoping	Affiliation	Comment
2008	North Delta Water Agency	The EIR/EIS should address potential impacts to human health. The habitat creation projects that have been proposed during the BDCP process include the creation of artificial marsh areas. Marshes frequently make productive breeding areas for mosquitoes and, as a result, may increase the potential for diseases including the West Nile virus..
2009	North Delta Water Agency	The EIR/EIS must consider public health and safety effects associated with the proposed project including (i) mosquito-borne diseases such as malaria or West Nile virus associated with new water impoundments, and (ii) flood risks.
2009	Reclamation District 2068	The establishment of habitat conservation areas will potentially impact adjoining or regionally imbedded agricultural facilities, operations and activities. Such impacts may include alterations to water management, increased vector impacts, introduction of invasive species and agricultural pests; avian impacts on agricultural crops and operations; increased potential for take of listed species as a result of existing activities approximate to restored habitat areas, and restrictions on pesticide/herbicide usage and discharge limits that are more restrictive than normal agricultural practices due to adjacent wetlands and aquatic habitat area protection requirements. These impacts may limit the types of crops, pesticide use and other agricultural practices and must be fully analyzed in the EIR/EIS.
2009	Reclamation District 999	If West Nile Virus increases in this area, it is expected to have significant impacts on native birds, how are these impacts analyzed and mitigated for?
2009	Reclamation District 999	Tidal marsh wetlands have significant odor and mosquito problems, as anyone who has driven by one, which create objectionable and nuisance odors for the community. How will these be mitigated?
2008	Resident of Clarksburg	If West Nile Virus increases in this area, it is expected to have significant impacts on native birds. How are these impacts analyzed and mitigated for?
2009	Resident of Clarksburg	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?
2009	Resident of Clarksburg	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?
2009	Resident of Clarksburg	...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?
2008	Resident of Clarksburg	Creating a shallow water refuge in our area would be tantamount to creating a West Nile Virus incubator, affecting the entire Sacramento Valley, not just Clarksburg. If you propose to eradicate the anticipated mosquito population with 'Evergreen Crop Protection EC 60-6', the current broad spectrum pesticide being used by the vector control agencies, then you will be killing all of the insects in the 'refuge,' beneficial or otherwise; and that would eliminate the food source of the purported reason for the project, the Smelt.

**Table E-22. 2008 and 2009 Scoping Comments Related to Potential Risk from Mosquitos and Other Hazards**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2008	Resident of Clarksburg	Building a shallow water refuge here is paramount to creating an incubator for West Nile Virus. And that would infect the entire Sacramento Valley, not just little Clarksburg. Um -- if the proposal is to eradicate the mosquitoes that will come with that water, using the -- uh -- what is it the Evergreen 60-C that we're using now, that will also kill all the other insects, beneficial and otherwise. And the fish that we're trying to save, will die with no food. I urge you to reconsider using our area.
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	...creating any sort of a water refuge in our area would not only affect us but the Sacramento Valley entirely by creating a West Nile Virus incubator.
2009	Resident of Clarksburg	...if the canal is built, it will in time become the primary conduit for the majority of the water moving south to supply evergrowing populations, please examine the risk and impacts of intentional sabotage/destruction of the canal by terrorist act.
2008	Resident of Clarksburg	How will public health and nuisances from increased insect populations be dealt with, especially considering prevailing wind patterns and proximity to small and large population centers?
2009	Resident of Clarksburg	Health...? What diseases do animals and insects carry? How will you protect people?
2009	Resident of Clarksburg	The very thought of "returning the Delta to it's 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 Thursday's mtg. We, the people who live, farm and love the Delta are the indangered. We are more valuable to the State of Ca. than the smelt!
2008	Resident of Courtland	As a spokesperson for the Sacramento-Yolo Vector Control District I am all too aware of the dangers lurking in standing water and flooded areas. The idea that limitless acres would deliberately be made breeding grounds for disease is unthinkable.
2008	Resident of Courtland	I am in this wheelchair and have been since 2005 because of one mosquito bite. I contracted West Nile Virus. I will be paralyzed partially for the rest of my life. I can deal with that. What I can't deal with is having other people suffer the same fate.
2008	Resident of Courtland	I spoke today with Vector Control. They have absolutely no idea of this entire project.
2009	Resident of Courtland	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.
2009	Resident of Courtland	Why are we being asked (or told or threatened) to accept a life style change that cannot be justified morally, economically, or healthily?

**Table E-22. 2008 and 2009 Scoping Comments Related to Potential Risk from Mosquitos and Other Hazards**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	Resident of Courtland	And it really irritated me because for two years I was a spokesperson for Vector Control. And they have been absolutely wonderful. But their resources are stretched to the limit. They simply do not have the trained personnel to take on anything like these areas that we're discussing having flooded.
2009	Resident of Discovery Bay	Now they are proposing to stop up the natural tidal flow of water into our town by constructing two gates...With the blockage of tidal water into the region, there will be a significant increase in stagnant water, resulting in a prime breeding ground for mosquitoes carrying the West Nile Virus.
2008	Resident of Walnut Grove	Flooding our Clarksburg land will be devastating to both us and the environment:...Harming or even possibly killing humans due to the West Nile and other mosquito infestations.
2009	Sacramento Regional County Sanitation District	Explicitly human health and ecosystem benefits from methylmercury load reductions should be provided.
2008	SH Merwin & Sons, Inc	Eliminate agriculture to restore native habitat, and you will create the following problems adjacent to and upwind from metropolitan areas: no property tax revenue, no economic production, increased mosquito pressure (West Nile, bird flu, Malaria, etc.) and other insect pressures (the Minute Pirate Bug has become particularly obnoxious to our quality of life in last few years), putrid odors borne on the cooling Delta breeze that arise from lowlands as they dry out seasonally.
2008	Wilson Farms and Vineyards	How will public health and nuisances from increased insect populations be dealt with, especially considering prevailing wind patterns and proximity to small and large population centers.
2009	Yolo Basin Foundation	The immediate adverse impacts of more frequent inundation of the Yolo Bypass include but are not limited to: Vector Control o Best Management Practices: Established BMPs for wetland management under controlled conditions will not apply, resulting in increased mosquito production. The BMPs are the basis for our working relationship with Sacramento Yolo Mosquito and Vector Control District.
2008	Yolo Natural Heritage Program	Effect of West Nile Vectors on human and avian populations

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**Table E-23. 2008 and 2009 Scoping Comments Related to Air Quality Resources and Potential for Odors**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	County of Sacramento	...BDCP will also create indirect impacts by taking thousands of agricultural lands out of production, thereby increasing greenhouse gas emissions by removing plants and causing releases of particulate matter.
2008	Delta Farmer	Putrid odors born on the cooling Delta breeze would arise from lowlands since they dry out seasonally. I know exactly what you have to expect and look forward to. I live 200 yards from the Yolo Bypass, and I live downwind from government owned, managed wetlands.
2009	Reclamation District 999	Tidal marsh wetlands have significant odor and mosquito problems, as anyone who has driven by one, which create objectionable and nuisance odors for the community. How will these be mitigated?
2008	Resident of Clarksburg	Tidal marsh wetlands have significant odor problems, as anyone who has driven by one knows, which create objectionable and nuisance odors for the community. How will these be mitigated?
2008	Resident of Clarksburg	...tidal marsh wetlands have significant odor problems as anyone who has driven by one knows. Thus create objectionable and nuisance odors for the community. How will these be mitigated?
2009	Resident of Clarksburg	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).
2009	Resident of Dixon	Issues of Concern Anarobic Condition From Flood of Delta Islands
2009	Resident of Sacramento	...the impact on the Pocket Area regarding noise, quality of life, aesthetics, light & pollution
2008	Resident of the Delta	What might be the effects of higher humidity caused by manufactured tidal marshes on local weather patterns, including for nearby urban areas? Please see Sacramento Bee, October 7, 2007 "No guarantees on Delta breeze - earthquake, flood could turn off our air conditioner, experts say" for the effect of new large bodies of water in the Delta on cooling breezes in the Sacramento area. This loss of cooling would increase A/C energy costs and have unforeseen impacts on public health, agricultural production, and terrestrial species in and near the Delta.
2009	Sacramento Regional County Sanitation District	...if the BDCP results in a need to increased wastewater 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.



**Table E-23. 2008 and 2009 Scoping Comments Related to Air Quality Resources and Potential for Odors**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	Sacramento Regional County Sanitation District	The approach to improve trapping efficiency of the CCSB [Cache Creek Settling Basin] is not a simple task and will likely result in significant ecosystem impacts from excavation, hauling, noise, dust, and general construction disturbance.
2008	SH Merwin & Sons, Inc	Eliminate agriculture to restore native habitat, and you will create the following problems adjacent to and upwind from metropolitan areas: no property tax revenue, no economic production, increased mosquito pressure (West Nile, bird flu, Malaria, etc.) and other insect pressures (the Minute Pirate Bug has become particularly obnoxious to our quality of life in last few years), putrid odors borne on the cooling Delta breeze that arise from lowlands as they dry out seasonally.
2008	SH Merwin & Sons, Inc	Detrimental impacts to neighbors such as increased insect or disease pressures, and seasonal odors need to be assessed. Also the economic impacts to agriculture adjacent to a project, such as spray buffers, potential hydrologic impacts such as increased seepage, and losses due to increased waterfowl feeding, need to be assessed and mitigated.
2009	South Pocket Homeowners Association	Our current experience is that the noise, dust, property damage, unsightly appearance and general disruption caused by the construction and eventual operation of the FRWA project has been a serious detriment to our quality of life. Construction and operation of the currently planned Dual Conveyance intakes, each of which is TEN times the capacity of the entire FRWA plant,
2008	Speaker at Chico Preliminary Scoping Meeting	It would possibly include increased emissions if we have to pump more to draw ground water for agricultural, municipal and industrial supply.
2009	Stone Lakes National Wildlife Refuge Association	Moreover, construction and operation of the canal would create traffic, noise, air pollution and other disturbances to sensitive wildlife.

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Table E-24. 2008 and 2009 Scoping Comments Related to Aesthetic Resources

Year of Scoping	Affiliation	Comment
2009	California Department of Transportation	Work with CalTrans on the visual impacts of your proposal as you will be impacting a scenic highway Rt 160.
2009	Commenter during Scoping Process	...the environmental review must include:...Noise pollution caused by the facilities and its impact on humans living nearby.
2009	Commenter during Scoping Process	...the environmental review must include:...Construction noise and disruption and its impact on humans..
2009	Commenter during Scoping Process	...the environmental review must include:...Loss of aesthetic quality of river and levees to people that live in the area and those that use the area for recreational purposes.
2009	County of Sacramento	...the construction of facilities of this magnitude - grossly out-of-scale and incongruous with the existing natural environment - will have significant impacts on scenic vistas and scenic resources and will substantially degrade the existing visual character of the affected sites.
2009	County of Sacramento	BDCP proposes to place pumps to divert up to 15,000 cfs of water in neighborhoods in Sacramento County that are already developed with existing residential, commercial, and other uses. The project will cause a significant permanent increase in ambient noise levels in this area, which must be evaluated in the EIR and mitigated.
2009	Resident of Clarksburg	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?
2009	Resident of Clarksburg	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).
2009	Resident of Clarksburg	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.
2009	Resident of Clarksburg	And so one of my themes here is consistency. Just simple things like when I go to the County Planning Department and want to find out if I can put something up on my property, "Well, as long as you don't place it within eyeshot of route 160 on the levee because we don't want to ruin the visual impact." And I'm going -- I'm looking at all these maps we're talking about we're going to put thousand foot wide canals.
2009	Resident of Clarksburg	The architectural drawing with thousand foot canal. And it's like crazy to think that that's going to be a good thing for continuing what's going on here in this Delta.

Table E-24. 2008 and 2009 Scoping Comments Related to Aesthetic Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Sacramento	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.
2009	Resident of Sacramento	...there will be an ongoing impact on lifestyle in the Pocket due to the potential noise generated by the facility.
2009	Resident of Sacramento	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 least 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.
2009	Resident of Sacramento	...the impact on the Pocket Area regarding noise, quality of life, aesthetics, light & pollution
2009	Resident of Sacramento	How will the noise from proposed intake pumps affect homeowner's right to a peaceful existence?
2009	Resident of Sacramento	How will the visual impact alter and impact the community's stability?
2009	Resident of Sacramento	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 environmental effects of locating such facilities on surrounding land uses.
2009	Resident of Sacramento	...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.
2009	Resident of Sacramento	...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.
2009	Resident of Sacramento	From where I live...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...
2009	Resident of Sacramento	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.

Table E-24. 2008 and 2009 Scoping Comments Related to Aesthetic Resources

Year of Scoping	Affiliation	Comment
2009	Resident of Sacramento	I hope your EIR includes how this project will impact humans, and our quality of life, not to mention our property values. From my bedroom window, I can hear the farmer's 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
2009	Residents of Sacramento	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.
2009	Sacramento Regional County Sanitation District	The approach to improve trapping efficiency of the CCSB [Cache Creek Settling Basin] is not a simple task and will likely result in significant ecosystem impacts from excavation, hauling, noise, dust, and general construction disturbance.
2009	South Pocket Homeowners Association	Our current experience is that the noise, dust, property damage, unsightly appearance and general disruption caused by the construction and eventual operation of the FRWA project has been a serious detriment to our quality of life. Construction and operation of the currently planned Dual Conveyance intakes, each of which is TEN times the capacity of the entire FRWA plant,
2009	South Pocket Homeowners Association	We urge the designers and planners of the Delta Dual Conveyance to locate all intake facilities where their construction and operation will not disrupt the quality of life in ours and other residential developments. Additional large water pumping plants in this vicinity will significantly compromise its residential esthetics and create the appearance of an industrial area
2009	South Pocket Homeowners Association	...any intake station, even remotely adjacent to a residential area, should be designed with a visual and operational profile that is minimally invasive and disruptive to its surroundings
2009	Stone Lakes National Wildlife Refuge Association	Moreover, construction and operation of the canal would create traffic, noise, air pollution and other disturbances to sensitive wildlife.
2009	U.S. Environmental Protection Agency	This issue was discussed in depth at the June 27, 2008 Delta Vision Blue Ribbon Task Force meeting. A number of issues were raised by the Task Force about this design, including seismic safety, excess evaporation from a wide, shallow canal, export water quality problems caused by infiltration, environmental impacts of a large structure in the sensitive areas of the Delta, and the overall issue of construction of a major critical facility below sea level.

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**Table E-25. 2008 and 2009 Scoping Comments Related to Natural, Historical, and Cultural Resources**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	California Department of Parks and Recreation	State Parks requests that the potential impacts to the natural and cultural resources of any affected State Park units are addressed in the environmental analysis.
2009	California Department of Parks and Recreation	Potentially significant effects, to recreation or resources, would need to be mitigated.
2009	County of Sacramento	BDCP proposes to construct facilities in areas of the Delta that have significant historical buildings and other resources. The impact of the project on these resources must be addressed.

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Table E-26. 2008 and 2009 Scoping Comments Related to Climate Change Concepts

Year of Scoping	Affiliation	Comment
2009	Attendee at Fairfield Scoping Meeting	Are you aggressively studying the interface of -- we're going to have rising tidal from the earth warming? Are you addressing the concerns there, and how that's going to affect the whole ---
2008	Building Industry Association of Southern California	...reliability can not be achieved without the BDCP addressing rising sea levels in the delta and the rising risk of catastrophic levee failures due to flooding or seismic events.
2008	California Sportsfishing Protection Alliance	Explain how the HCP will protect species from increased temperatures, salinity and sea level rises caused by global warming over the existence of the BDCP spanning the next fifty years.
2008	California State Lands Commission	The EIR/EIS will consider alternatives for water conveyance through the Delta, and as part of the analyzes the EIR/EIS should identify desirable aquatic habitat sites and examine, for each alternative, how increased water flows, levels, and temperatures expected from recent climate change models may affect these sites.
2008	Central Delta and South Delta Water Agencies	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.
2008	Central Delta and South Delta Water Agencies	...the following effect/topics should be thoroughly analyzed...Impacts on all aquatic and terrestrial species must be examined, not just the BDCP covered species or other "listed" species.
2009	Central Delta Water Agency	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.
2008	Commenter during Scoping Process	The study cites the DWR model for potential sea level elevations. There are multiple models each stating different levels.
2009	County of Solano	In analyzing the project impacts to the Delta and Suisun Marsh levee systems, the analysis must also consider the effect of climate change on the project...This will have significant impacts on the Delta and Suisun Marsh levee and flood protection systems that must be fully analyzed in the EIR/EIS.
2009	County of Solano	Changes in Delta and Suisun Marsh salinity must account for global warming which will result in a sea level rise which will result in an increase in salinity intrusion. A global warming analysis must be included in the possible in the analysis of potential adverse impacts.
2008	County of Yolo	What will the be the effect of global warming - and in particular, the potential for increased salinity levels in the Delta due to the rise of sea levels - on the Delta ecosystem if, among other things, freshwater flows are diverted....Could a sea level rise resulting from global warming, by itself, produce the same (or similar) degree of salinity fluctuations that are anticipated as a result of the BDCP? If so, could the combined effect of both global warming and implementation of a peripheral canal (or similar) option have serious environmental consequences?
2008	Delta Vision Blue Ribbon Task Force	The BDCP should clearly state its assumptions regarding sea level rise and evaluate how it will address and respond to the enormous challenges of climate change and sea level rise over the course of plan implementation.

Table E-26. 2008 and 2009 Scoping Comments Related to Climate Change Concepts

Year of Scoping	Affiliation	Comment
2008	Los Angeles Area Chamber of Commerce	Reliability cannot be achieved without the BDCP addressing rising sea levels in the Delta and the rising risk of catastrophic levee failures due to flooding or seismic events.
2008	Los Angeles Area Chamber of Commerce	One of the issues that we want to make sure gets addressed is... rising sea levels as it's related to climate change.
2009	Meeting attendee at Fairfield Scoping Meeting	What happens if global warming is here, and they say it is here, and we have 10 or 15 feet increase in the water. That might be excessive. Maybe five to 10 feet. Have you guys considered that at all?
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	The EIS/EIR must analyze the BDCP's impacts, with particular focus on: (1) global climate change...
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	DWR's analysis of climate change indicates that climate change is likely to increase water evaporation and could reduce total stream flows, and may make it difficult for the CVP and SWP to meet existing demands for water....Given the 50 year permit term under consideration in the BDCP, the EIS/EIR must anticipate reductions in the amount of stream flow available for export and delivery.
2009	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Recently, the California Department of Water Resources released a new analysis of climate change impacts on water supplies...the EIS/EIR, should utilize this information in analyzing the long term impacts and benefits of the proposed project and alternatives.
2008	North Delta CARES	How are the analysis, data, and conclusions of scientists who believe world and sea surface temperatures (e.g., Loehle & McCulloch, 2008) naturally change up and down over time consistent with the assumption that sea levels will rise thereby prompting a need for further flood protection in the Delta?
2008	Planning and Conservation League	The EIS/EIR on the BDCP should include a comprehensive analysis of how conservation objectives can be met by project alternatives given the expected impacts of climate change, including: • changes in hydrology; • sea level rise; • the possible failure of multiple Delta islands; • changes in the extent and quality of important aquatic habitats (including level and frequency of inundation, water temperature, salinity, productivity, and food web dynamics); • changes in the extent and quality of important terrestrial habitats; • potential impacts on vital rates of Delta species (aquatic and terrestrial); and • potential shifts in species ranges of Delta species (aquatic and terrestrial)
2008	Planning and Conservation League	How will various conveyance options reduce or exacerbate the impact of climate change on the water quality, timing and freshwater flow needs of aquatic species?
2008	Planning and Conservation League	How will water quality at the various proposed intake locations, including an intake on the Sacramento River, be affected by differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
2008	Planning and Conservation League	What would it take to protect each conveyance option (including either a canal or pipeline) from the effects of differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?

Table E-26. 2008 and 2009 Scoping Comments Related to Climate Change Concepts

Year of Scoping	Affiliation	Comment
2008	Planning and Conservation League	What are the necessary flows including bypass and other flows, and diversion amounts consistent with ecosystem protection under various climate change scenarios, including differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
2008	Planning and Conservation League	To what degree are the answers to the questions below sensitive to future climate change scenarios? Are some conveyance configurations more resilient to climate change? How will each conveyance option impact the ability of California's aquatic change? How will each conveyance option impact the ability of California's aquatic species to adapt to and recover under climate change?
2008	Planning and Conservation League	How would those diversion amounts differ under different climate change scenarios including differing levels of sea level rise, changed hydrology, and the possible loss of multiple Delta islands?
2008	Planning and Conservation League	How would different climate change scenarios affect functionality of pumps in the southern Delta?
2009	Planning and Conservation League	For those alternatives which propose changes to water conveyance through the Delta, the EIS/EIR should fully compare performance of these conveyance alternatives under different climate change scenarios.
2009	Planning and Conservation League	How will various conveyance options reduce or exacerbate the impact of climate change on the water quality, timing and freshwater flow needs of aquatic species?
2009	Planning and Conservation League	How will water quality at the various proposed intake locations, including an intake on the Sacramento River, be affected by differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
2009	Planning and Conservation League	What would it take to protect each conveyance option (including either a canal or pipeline) from the effects of differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
2009	Planning and Conservation League	What are the necessary flows including bypass and other flows, and diversion amounts consistent with ecosystem protection under various climate change scenarios, including differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
2009	Planning and Conservation League	How would those diversion amounts differ under different climate change scenarios including differing levels of sea level rise, changed hydrology, and the possible loss of multiple Delta islands?
2009	Planning and Conservation League	How would different climate change scenarios affect functionality of pumps in the southern Delta?
2008	Resident of Clarksburg	The analysis of the above [flooding] should/must include sea water levels under current scientific review due to climate change over next 50-250 years; the worst case scenario should be used to assure public safety as such levels fluctuate over time.
2008	Resident of Clarksburg	And, since the proposed flooding will - you state - lead to prime agricultural land being flooded, the impact on the creation of "greenhouse gases" should be analyzed since such a land use change is the 2nd largest source of these gases throughout the world.



Table E-26. 2008 and 2009 Scoping Comments Related to Climate Change Concepts

Year of Scoping	Affiliation	Comment
2008	Resident of Clarksburg	Are these the same model assumptions that they're using elsewhere throughout the state? There's several of them. Which one is the right one? DWR has about a 16-inch model assumption if the earth continues to warm. And even that model is suspect. There's a lot of folks that say that it's not warming. So here we are fixing to create a policy that is going to go and stretch out 50 years beyond, out to 100 years? When I was in high school, I remember one of my teachers telling us that the best thing we could do for mankind is figure out how to stop global cooling.
2008	Resident of Clarksburg	...I'm just concerned, sort of with the notion of, well, it's all about global warming, or is it global cooling, or -- you know -- what's the flavor of the decade.
2008	San Francisco Bay Conservation and Development Commission	It should include analysis of climate change impacts, including the potential impact of sea level rise.
2009	San Francisco Bay Conservation and Development Commission	Our staff urges the BDCP agencies to incorporate Marsh Plan and Bay Plan policies, as well as the information in the Commission's draft staff report on climate change, as it develops the BDCP in order to ensure that wetland restoration in the Bay and Delta are coordinated to maximize public benefits.
2009	San Francisco Bay Conservation and Development Commission	We therefore request that the EIR/ EIS evaluate the proposed project in relation to potential climate change impacts on the Bay and Delta, particularly on the brackish wetlands of the Suisun Marsh.
2009	San Francisco Bay Conservation and Development Commission	...it should include analysis of climate change impacts, including the potential impacts of sea level rise, precipitation patterns, and changes in air and water temperature.
2008	Speaker at San Jose Preliminary Scoping Meeting	...the biggest problem that you're going to run into is what we call exigent circumstances, not just political, but weather induced by global warming.
2008	Tuolumne County	How will advancing BDCP goals and objectives impact the statewide hydroelectric generation infrastructure?

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**Table E-27. 2008 and 2009 Scoping Comments Related to Energy Use and Greenhouse Gas Emission Concepts**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2008	California State Lands Commission	Greenhouse gas emissions information consistent with the California Global Warming Solutions Act (AB 32) should be included in the EIR/EIS.
2009	Commenter during Scoping Process	...the environmental review must include:...Impact of new towers and power lines.
2008	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	Reducing exports from the Delta may significantly reduce the amount of energy used by the CVP and SWP, and thereby reduce the Projects' greenhouse gas emissions. The BDCP should analyze other actions that can be included in the BDCP to reduce greenhouse gas emissions and/or sequester carbon, such as the planting of tules and wetlands restoration.
2009	Reclamation District 999	Mitigation Measures to Address Significant Impacts Associated with Project: Measures to decrease the energy use and related carbon footprint associated with the Project.
2009	Resident of Clarksburg	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).
2009	Resident of Clarksburg	...power lines [to serve intakes] 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..These residences lie in the direct path of your lines.
2008	Sacramento Regional County Sanitation District	The energy and greenhouse gas impacts of pumping from the Delta and subsequent pumping along the conveyance alignment must be evaluated, along with all energy and greenhouse gas impacts of all aspects of the BDCP alternatives
2009	Sacramento Regional County Sanitation District	...if the BDCP results in a need to increased wastewater 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.
2009	Sacramento Regional County Sanitation District	The energy and greenhouse gas impacts of pumping from the Delta and subsequent pumping along the conveyance alignment must be evaluated, along with all energy and greenhouse gas impacts of all aspects of the BDCP alternatives

**Table E-27. 2008 and 2009 Scoping Comments Related to Energy Use and Greenhouse Gas Emission Concepts**

<b>Year of Scoping</b>	<b>Affiliation</b>	<b>Comment</b>
2009	Sacramento Regional County Sanitation District	Conservation measures to benefit Delta water diverters or water purveyors should be funded by those beneficiaries. The cost and energy to treat water supplies taken from the Delta must be evaluated in comparison to the costs and benefits to remove contaminants through watershed management and treatment at the source...Water supply agencies benefiting from the use of Delta supplies should fund treatment at the source consistent with a "beneficiary pays" theme.
2008	SH Merwin & Sons, Inc	With the increasing desire for alternative fuels, perhaps there are some potential scenarios that could prove to be mutually beneficial to farmers and the ecosystem. Has anybody studied the possibility of using Tules for biomass (cellulosic ethanol production, for instance)? Perhaps a rotational system of growing and harvesting tules might be established that would be economically viable for farmers, while producing desired benefits for the water. This is one of very few scenarios that I could envision any serious "reversion" of farmland outside of the bypass.
2009	South Pocket Homeowners Association	In addition, we are very concerned as to what would be the electrical power source for a project of this magnitude, and what the location and physical configuration would be for power facilities that could meet such a significant demand.
2009	Stone Lakes National Wildlife Refuge Association	TANC, in combination with the canal and associated facilities, would result in cumulative environmental impacts on sensitive species that must be carefully considered. Moreover, given the need for power along any new conveyance route, these projects may be interrelated and interdependent, making it necessary to review the projects in tandem.
2008	Tuolumne County	With regard to the Tuolumne Public Power Agency (TPPA), it is imperative that the draft EIR/EIS take into consideration the County of Tuolumne's First Preference Power allocation stemming from New Melones Dam, and that any continued or new management strategies must have no negative impact on the County's power allocation or cost of power to our citizens.

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Table E-28. 2008 and 2009 Scoping Comments Related to Secondary Growth Concepts

Year of Scoping	Affiliation	Comment
2009	California Farm Bureau	The impact analysis in the EIS/EIR must not be limited to the amount of area that would be physically occupied by the BDCP Project. The analysis should consider the construction of ancillary facilities and supporting infrastructure, mitigation areas, as well as growth-inducing impacts and social and economic impacts...the permanent and temporary disturbances caused directly by construction activities must be fully analyzed in the EIS/EIR.
2009	California Striped Bass Association	If you are worried about LA being a city of 25 or 30 million people stop shipping water to the M.C.D Metropolitan Water District of Southern Cal. If they have no water they will not come. The people that is.
2008	California Water Impact Network	the EIS/EIR should identify growth-inducing impacts from continued and ever-increasing Delta exports to central and southern California, including the possibility of agriculture to urban water transfers,
2008	Central Delta and South Delta Water Agencies	...the following effect/topics should be thoroughly analyzed...Growth-inducing impacts.
2009	City of Sacramento	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.
2009	County of Sacramento	BDCP will induce substantial population growth in areas that rely on water exports from the Delta. As such, it is a growth-inducing project. The impacts of the growth that will be facilitated by this project must be evaluated in the EIR.
2009	Farmer in Clarksburg	...there needs to be EIR needs to include the impact of building more homes in southern California with increased water supplies from the Delta.
2008	North Delta Water Agency	The EIR/EIS should also review the numerous secondary environmental effects that will be caused by the conversion of agricultural land. As one example, to the extent that the proposed projects will convert agricultural land, they will also reduce the amount of food grown and consumed locally within and adjacent to the Delta. As a substitute supply, more food will need to be transported into neighboring communities...More fossil fuels will be consumed in transporting food, which will in turn increase air emissions in areas that are already in nonattainment.
2008	North Delta Water Agency	Exported water from the Projects will be used by CVP and SWP contractors to supply water for new development ...The Supplemental EIR must disclose and evaluate the impacts, direct, indirect and cumulative, of growth induced by Project exports.

Table E-28. 2008 and 2009 Scoping Comments Related to Secondary Growth Concepts

Year of Scoping	Affiliation	Comment
2008	Speaker at Chico Preliminary Scoping Meeting	I just want to dovetail a little bit on, in the part of the project as it goes forward that it has to do with establishing a water reliability and the movement of water, you know, south. That the growth inducing impact creating environments or communities that are going to be dependent on this water is going to create a never dependent need. And I really want to make sure that that's taken into account because that available water might not always be possible, and then there's, we've created this expectancy that this is going to be moving down there and not necessarily gonna be feasible.
2008	Speaker at Chico Preliminary Scoping Meeting	What would be the growth inducing impacts of those increases in water supply?

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## 1 **APPENDIX F: LIST OF COMMENTERS**

2 The list of agencies, stakeholders, and individuals that provided written and verbal comments used in this  
3 Scoping Report is presented in Table F-1 alphabetically by affiliation. Individuals that indicated an  
4 association with an agency or stakeholder group were identified with that affiliation in Table F-1.

5 Some individuals provided comments without an indication of a specific affiliation. If those commenters  
6 identified themselves in the comment with a specific association, such as "farmer in the Delta," that  
7 representation was included in Table F-1. If the commenter only provided an address, such as  
8 Sacramento, without any association or affiliation, the commenter was identified in Table F-1 as a  
9 "resident of Sacramento." Several commenters provided comments affiliated with an agency, multiple  
10 agencies, or stakeholders, and comments without an indication of specific affiliations. Some commenters  
11 did not provide names and were identified by the location of the meeting if possible.

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Table F-1. List of Commenters

Commenter	Affiliation	Year of Scoping
Walt Wadlow	Alameda County Water District	2008
Shauna Lorance	American River Water User Group	2008
Annette Arceo	Arceo Ranch	2009
Mark Weston	Association of California Water Agencies	2008
Charles Anderson	Association of California Water Agencies	2008
Glen Peterson	Association of California Water Agencies	2008
Dave Kopp	Attendee at Clarksburg Scoping Meeting	2009
George Daly	Attendee at Clarksburg Scoping Meeting	2009
Mary Paula Carvalho	Attendee at Clarksburg Scoping Meeting	2009
Peggy Bohl	Attendee at Clarksburg Scoping Meeting	2009
Tim Newharth	Attendee at Davis Scoping Meeting	2009
Frank Johnson	Attendee at Fairfield Scoping Meeting	2009
Richard Brann	Attendee at Fairfield Scoping Meeting	2009
Rick Baker	Attendee at Sacramento Scoping Meeting	2009
George Hartmann	Attendee at Stockton Scoping Meeting	2009
John Studarus	Attendee at Stockton Scoping Meeting	2009
Mike Machado	Attendee at Stockton Scoping Meeting	2009
Richard Slezak	Attendee at Stockton Scoping Meeting	2009
Tim Neuharth	Attendee at Stockton Scoping Meeting	2009
Tony Silva, Jr	Attendee at Stockton Scoping Meeting	2009
Woody Alspaugh	Attendee at Stockton Scoping Meeting	2009
Wesley Vierra	Attendee at Stockton Scoping Meeting	2009
Ed Coffin	Attendee of Chico Scoping Meeting	2009
Stephen Haupt	Attendee of Clarksburg Scoping Meeting	2009
Stephen Barsoom	Barsoom Inc	2008
Dennis R. Grizzle	Bell Gardens Chamber of Commerce	2008
Faith Picking	BIOCOM	2008
Unknown	Biohaven	2009
Warren Bogle	Bogle Vineyards	2008



Table F-1. List of Commenters

July Center	Building Industry Association of Southern California	2008
Jim Brobeck	Butte Environmental Council	2009
Barbara Valmis	Butte Environmental Council	2008
Peter Hunn	Cal/West Seeds	2009
Peter Hunn	Cal/West Seeds	2009
Melinda Terry	California Central Valley Flood Control Association	2009
Sam Olivito	California Contract Cities Association	2008
Bill Wells	California Delta Chambers & Visitor's Bureau	2009
Steve Shaffer	California Department of Food and Agriculture	2008
Scott Nakaji	California Department of Parks and Recreation	2009
Dan Ray	California Department of Parks and Recreation	2009
Mike Zanoli	California Department of Public Health	2008
Betty Miller	California Department of Transportation	2008
Jack Broadbent	California Department of Transportation	2009
Justin E. Fredrickson	California Farm Bureau	2008
Karie E. Fisher and Justin E. Fredrickson	California Farm Bureau	2009
Mike Henry	California Farm Water Coalition	2008
Libby Lucas	California Native Plant Society Santa Clara Valley	2008
Libby Lucas	California Native Plant Society Santa Clara Valley	2009
Bill Jennings	California Sport Fishing Protection Alliance	2008
Bill Jennings	California Sport Fishing Protection Alliance	2009
Gail Newton	California State Lands Commission	2008
Dorothy Rice	California State Water Resources Control Board	2008
Dorothy Rice	California State Water Resources Control Board	2009
Jay R. Sorensen	California Striped Bass Association	2008
Josheph Horn	California Striped Bass Association	2009
Hugh Chamberlin	California Striped Bass Association	2009
John Banks	California Striped Bass Association	2008
Jay Sorensen	California Striped Bass Association	2008
Dave Hurley	California Striped Bass Association, Stockton Chapter	2008
J. Horn	California Striped Bass Association, West Delta Chapter	2009
Dorothy Green	California Water Impact Network	2008

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Carolee Krieger	California Water Impact Network	2008
Dorothy Green	California Water Impact Network	2008
Gregory S. Yarris	California Waterfowl Association	2009
Donald R. Kendall	Calleguas Municipal Water District	2008
Curtis W Swanson	Central Contra Costa Sanitary District	2008
Ann Farrell	Central Contra Costa Sanitary District	2009
Dante John Nomellini Jr.	Central Delta and South Delta Water Agencies	2008
Dante John Nomellini Jr.	Central Delta Water Agency	2008
Dante John Nomellini Jr.	Central Delta Water Agency	2009
Dante John Nomellini	Central Delta Water Agency	2009
Kim Delfino	Central Valley Joint Venture	2009
Russell E. van Loben Sels	Chair of Delta Caucus	2009
Phillip L. Harrington	City of Antioch	2008
Phillip L. Harrington	City of Antioch	2009
Sam Pedroza	City of Claremont	2008
Randy Werner	City of Livermore	2008
Marty Hanneman	City of Sacramento	2009
Mark J. Madison	City of Stockton	2008
Robert Englent	City of Stockton	2009
Earleen Clark	Clark Farms	2009
Mark Pruner	Clarksburg Fire Protection District	2008
Mark Pruner	Clarksburg Fire Protection District	2009
Timothy W. Waits	Clarksburg Wine Growers & Vintners	2009
Chris Campbell	Coalition for Environmental Protection Restoration and Development	2008
Anonymous	Commenter during Scoping Process	2009
Craig Cory	Commenter during Scoping Process	2009
Curtis Damion	Commenter during Scoping Process	2009
Charles	Commenter during Scoping Process	2009
Gregory Pilkington	Commenter during Scoping Process	2009
James J. Hannan	Commenter during Scoping Process	2009
Jane Klotz	Commenter during Scoping Process	2008

Table F-1. List of Commenters

Jerry Spain	Commenter during Scoping Process	2008
Kent Wisecarver	Commenter during Scoping Process	2009
Richard Enderlein	Commenter during Scoping Process	2009
Thomas E. Lindemuth	Commenter during Scoping Process	2009
Woody Alspaugh	Commenter during Scoping Process	2009
Amanda Beck	Commenter during Scoping Process	2008
Tovey Giezentanner	Conaway Preservation Group	2008
Warren E. Rupf	Contra Costa County Office of the Sheriff	2009
Julia R. Bueren	Contra Costa County Public Works Department	2008
Roberta Goulart	Contra Costa County Water Agency	2008
Roberta Goulart	Contra Costa County Water Agency	2009
Greg Gartrell	Contra Costa Water District	2008
Greg Gartrell	Contra Costa Water District	2009
Michael L. Peterson	County of Sacramento	2008
Paul Hahn	County of Sacramento	2009
Michael Johnson	County of Solano	2009
D Chamberlain & M McGowan	County of Yolo	2008
Mike McGowan	County of Yolo	2009
Julia McKiver	County of Yolo	2008
Julia McKeever	County of Yolo	2009
Russell van Loben Sels	Delta Caucus	2009
Gary W. Darling	Delta Diablo Sanitation District	2008
Gary W. Darling	Delta Diablo Sanitation District	2009
Bob Kirtlan	Delta Farmer	2009
Jeff Merwyn	Delta Farmer	2008
Tim Newharth	Delta Farmer	2009
Linda Fiack	Delta Protection Commission	2008
Linda Fiack	Delta Protection Commission	2009
Phillip L. Isenberg	Delta Vision Blue Ribbon Task Force	2008
Anson B. Moran	Delta Wetlands Project	2008
Anson B. Moran	Delta Wetlands Project	2009
Unknown	District Representative for Congressman Mike Thompson	2008

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Bert Michalczyk	Dublin San Ramon Services District	2008
Sue Stevenson	Dublin San Ramon Services District	2008
Dan Gallagher	Dublin San Ramon Services District	2008
Jon A. Myers	East Bay Municipal Utility District	2008
Alexander R. Coate	East Bay Municipal Utility District	2009
Joe Miamoto	East Bay Municipal Utility District	2009
Michael T. Tognolini, Herb Niederberger, Stan R. Dean	East Bay Municipal Utility District, Sacramento County Water Agency, Sacramento Regional County Sanitation District	2009
James M Day, Jr	East Contra Costa Irrigation District	2009
William T. Hetland	El Dorado County Water Agency	2008
Laura Schneider	Family in Clarksburg	2008
Laura Schneider	Family in Clarksburg	2009
Gary Merwin	Farmer in Clarksburg	2008
Gary Merwin	Farmer in Clarksburg	2009
Stephen F Heringer	Farmer in Clarksburg	2008
Stephen F Heringer	Farmer in Clarksburg	2009
Stephen Hiromoto	Farmer in Clarksburg	2009
Gary Merwin	Farmer in Clarksburg	2008
Gary Merwin	Farmer in Clarksburg	2009
Stephen F Heringer	Farmer in Clarksburg	2008
Stephen F Heringer	Farmer in Clarksburg	2009
Stephen Hiromoto	Farmer in Clarksburg	2009
Tim Waites	Farmer in Clarksburg	2008
Tony Silva	Farmer in Lodi	2009
Jon Fadhl	Farmer in Solano County	2009
Neil ____	Farmer in Suisun Valley	2009
Alex Hildebrand	Farmer in the South Delta	2008
Randy Theorini	Farmer in Turlock	2008
Ken Wilson	Farmer of Clarksburg	2009
Lynnel Pollock	Farmers of Yolo County	2009
Jan Rogala	Flood Planner in the Delta	2009
Rini Venturini DiMare	Friends of Clarksburg Library	2008

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Theresa Harvey	Fullerton Chamber of Commerce	2008
Warren Teteak	Grand Island Ranch	2009
Eril Gil	Grass Farm	2009
Matthew Hemly	Greene and Hemly	2008
Mark Weston	Helix Water District	2008
Mike Orcutt	Hoopa Valley Tribal Council	2008
Daniel Jordan	Hoopa Valley Tribal Council	2009
Gregory Wright	Inland Empire Economic Partnership	2008
Jacque Ellis	Irvine Chamber	2008
Lisa Bailey	Irwindale Chamber of Commerce	2008
Kate Klimow	KB Home	2008
Gene Lundquist	Kern County Water Agency	2009
Jim Beck	Kern County Water Agency	2008
Gary Howarth	La Verne Chamber of Commerce	2008
Gary Toebben	Los Angeles Area Chamber of Commerce	2008
Alex Pugh	Los Angeles Area Chamber of Commerce	2008
Michelle Garakian	Los Angeles Business Council	2008
Richard E. Marshall	Marshall Ranch	2009
Bob Vanella	Meeting attendee at Chico Scoping Meeting	2009
Anonymous	Meeting Attendee at Clarksburg	2009
Anonymous	Meeting Attendee at Clarksburg	2009
Bud Tonnesen	Meeting attendee at Fairfield Scoping Meeting	2009
Harold C. Shipley	Member of Clarksburg Fire Protection District Board of Directors	2008
Delaine W. Shane	Metropolitan Water District of Southern California	2008
Dennis Majors	Metropolitan Water District of Southern California	2008
Steve Arakawa	Metropolitan Water District of Southern California	2008
Andrea Wagg	Montebello Chamber of Commerce	2008
William Van Amber Fields	Morada Area Association	2008
Darcy Burke	Municipal Water District of Orange County	2008
Joseph Rizzi	Natural Desalination	2009
Katherine Poole, Kim Delfino, Ann Hayden	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund	2008

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Dough Obegi, Kim Delfino, Ann Hayden, Gary Bobker	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	2008
The Bay Institute et al	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	2008
Dough Obegi, Kim Delfino, Ann Hayden, Gary Bobker	Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, The Bay Institute	2009
Mark Pruner	North Delta CARES	2008
Adam Marshall	North Delta CARES	2008
North Delta CARES	North Delta CARES	2009
Charlyn Connor	North Delta CARES	2009
Kevin M. O'Brien	North Delta Water Agency	2008
Melinda Terry	North Delta Water Agency	2009
Scott Miller	Northern California Chapter of the Federation of Fly Fishers	2008
L. Ryan Broddrick	Northern California Water Association	2008
Sue Varty	Olivenhain Municipal Water District	2008
Lucy Dunn	Orange County Business Council	2008
Bob Mueller	Orange County Taxpayer's Association	2008
Amy L. Glad	Pardee Homes	2008
Roger Hartter	Pico River Chamber of Commerce	2008
Barbara Byrne	Planning and Conservation League	2008
Jonas Minton	Planning and Conservation League	2008
Barb Byrne	Planning and Conservation League	2009
Jonas Minton	Planning and Conservation League	2008
Thomas Scheeler	Port of West Sacramento	2009
Stan Williams	Poseidon Water	2009
Joyce Pylman	Pylman Vineyards	2008
Unknown	Rancher in Fresno	2008
David A. Forkel	Reclamation District 2025 (Holland Tract)	2008
David A. Forkel	Reclamation District 2025 (Holland Tract)	2009
David A. Forkel	Reclamation District 2026 (Webb Tract)	2008
David A. Forkel	Reclamation District 2026 (Webb Tract)	2009
David A. Forkel	Reclamation District 2028 (Bacon Island)	2008
David A. Forkel	Reclamation District 2028 (Bacon Island)	2009

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Clifford Detar	Reclamation District 2068	2009
David A. Forkel	Reclamation District 756 (Bouldin Island)	2008
David A. Forkel	Reclamation District 756 (Bouldin Island)	2009
Bob Webber	Reclamation District 999	2008
Stephen Heringer	Reclamation District 999	2008
Osha R. Meserve	Reclamation District 999	2009
Scoping Mtg Attendee	Reclamation District 999	2009
John Webber	Reclamation District 999	2009
Bob Webber	Reclamation District 999	2008
David Breninger	Recreational Boaters of California	2009
Kathy Mannion	Regional Council of Rural Counties	2008
Lisa Rivas	Regional Legislative Alliance	2008
Arthur Unger	Resident of Bakersfield	2009
Dennis Fox	Resident of Bakersfield	2009
H. Jack Hanna	Resident of Bethel Island	2009
Linda Morse-Robertson	Resident of Bethel Island	2009
Linda Robertson	Resident of Bethel Island	2009
Guy Hopes	Resident of Chico	2009
Andrew Wallace	Resident of Clarksburg	2008
Andrew Wallace	Resident of Clarksburg	2009
DJ Andriessen	Resident of Clarksburg	2008
DJ Andriessen	Resident of Clarksburg	2009
Don Fenocchio	Resident of Clarksburg	2008
David Nelson	Resident of Clarksburg	2009
Father Dan Madigan	Resident of Clarksburg	2008
Kathy Hunn	Resident of Clarksburg	2008
Kathy Hunn	Resident of Clarksburg	2009
Ken Hoernlein	Resident of Clarksburg	2009
Mary McTaggart	Resident of Clarksburg	2009
Mark Wilson	Resident of Clarksburg	2008
Phyllis Dutra	Resident of Clarksburg	2009
(Jayne Alchorn?)	Resident of Clarksburg	2009

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Robin Withrow-Wong	Resident of Clarksburg	2009
Wally Baringartner	Resident of Clarksburg	2009
Amy Alotri-Nishi	Resident of Clarksburg	2009
Cheryl Rose	Resident of Clarksburg	2009
Derrell W. Kelso Sr	Resident of Clarksburg	2009
Herbert F. Heffner	Resident of Clarksburg	2008
Sandra Wilson	Resident of Clarksburg	2009
Andrew Wallace	Resident of Clarksburg	2008
Andrew Wallace	Resident of Clarksburg	2009
DJ Andriessen	Resident of Clarksburg	2008
DJ Andriessen	Resident of Clarksburg	2009
Dominic Dimare	Resident of Clarksburg	2009
Don Fenocchio	Resident of Clarksburg	2008
Don Fenocchio	Resident of Clarksburg	2009
Jeff Merwyn	Resident of Clarksburg	2009
Jerry Spain	Resident of Clarksburg	2008
Kathy Hunn	Resident of Clarksburg	2009
Martin Hill	Resident of Clarksburg	2008
Martin Hill	Resident of Clarksburg	2009
Mary McTaggart	Resident of Clarksburg	2009
Peggy Boehl	Resident of Clarksburg	2008
Peter Stone	Resident of Clarksburg	2008
Peter Stone	Resident of Clarksburg	2009
Dustin King	Resident of Colusa	2009
Jayne Alchorn	Resident of Courtland	2008
Jayne Alchorn	Resident of Courtland	2009
Russell E. van Loben Sels	Resident of Courtland	2008
Jayne Alchorn	Resident of Courtland	2008
Jayne Alchorn	Resident of Courtland	2009
Russell E. van Loben Sels	Resident of Courtland	2008
Topper van Loben Sels	Resident of Courtland	2008
Fraser Shilling	Resident of Davis	2009



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Erika Kegel	Resident of Davis	2009
Frazier Shelly	Resident of Davis	2009
Dana A. Lee	Resident of Discovery Bay	2009
Frank Middleton	Resident of Discovery Bay	2009
Gregg Taylor	Resident of Discovery Bay	2009
Jon Fadhl	Resident of Dixon	2009
Jon Fadhl	Resident of Dixon	2009
Irwin Haydock	Resident of Fountain Valley	2009
Daniel Whiteley	Resident of Grizzly Island	2009
Dan Whaley	Resident of Hood	2009
Pierce Swan	Resident of Irvine Water District	2009
Dale Meyers	Resident of Livermore	2008
Libby Lucas	Resident of Los Altos	2009
Jeanne Turner	Resident of Merrit Island	2008
Peter Valconesi	Resident of Point Reyes Station	2009
Bill Bonner	Resident of Sacramento	2009
Guy Brown	Resident of Sacramento	2009
Gary L. Schmidt	Resident of Sacramento	2009
John M. Taylor	Resident of Sacramento	2009
Robert Horst	Resident of Sacramento	2009
Robert Pecora	Resident of Sacramento	2009
Unknown	Resident of Sacramento	2009
William Gravert	Resident of Sacramento	2009
Harriet Steiner	Resident of Sacramento	2009
Joseph Corry Wilkerson	Resident of Sacramento	2009
John Studarus	Resident of Sacramento	2009
Peter Finn	Resident of Sacramento	2009
Chuck Long	Resident of San Jose	2009
Mike Reagan	Resident of Solano County	2009
Dave Hurley	Resident of Stockton	2009
David Scatena	Resident of Stockton	2009
Glen H. Mortensen	Resident of Stockton	2009

Table F-1. List of Commenters

Ronald J. Ferramo	Resident of Stockton	2009
Dave Hurley	Resident of Stockton	2009
Roger Kelly	Resident of Stockton	2009
June Guidotti	Resident of Suisun	2009
Brett Baker	Resident of Sutter Island	2009
Dan Whaley	Resident of Sutter Island/Hood	2009
Mary McTaggart	Resident of the Delta	2008
Richard Robertson	Resident of the Delta	2009
Blair Hake	Resident of the Delta	2009
Jackie Collins	Resident of the Delta	2008
Mark Pruner	Resident of the Delta	2009
Richard Robertson	Resident of the Delta	2009
Anonymous	Resident of the West Delta	2009
Roberto Valdez	Resident of Vacaville	2009
John Erman	Resident of Walnut Creek	2009
Emily Pappalardo	Resident of Walnut Grove	2009
Debbie Kuhagen	Resident of Walnut Grove	2008
Sally Christie	Resident of Walnut Grove	2009
Les and Maureen Johnson	Residents of Sacramento	2009
Spreck Rosekrans	Restore Hetch Hetchy	2008
Jane Wagner-Tyack	Restore The Delta	2009
Mike Robinson	Restore The Delta	2008
Jan Vicki	Rio Vista City Council	2008
Rick Hennes	River Delta Unified School District	2009
Russell van Loben Sels	Sacramento County Farm Bureau	2008
Russell van Loben Sels	Sacramento County Farm Bureau	2009
Wendell Kido	Sacramento Regional County Sanitation District	2008
Mary K. Snyder	Sacramento Regional County Sanitation District	2009
Linda Dorn	Sacramento Regional County Sanitation District	2009
Linda Dorn	Sacramento Regional County Sanitation District	2009
Eric Larson	San Diego County Farm Bureau	2008
Fern Steiner	San Diego County Water Authority	2008

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Tom Warnum	San Diego Economic Corporation	2008
Ruben Barrales	San Diego Regional Chamber of Commerce	2008
Jessica Hamburger	San Francisco Bay Conservation and Development Commission	2008
Jessica Hamburger	San Francisco Bay Conservation and Development Commission	2009
Katie Gagnon	San Gabriel Valley Economic Partnership	2008
Mel Lidel	San Joaquin County	2008
Deeanne M. Gillick	San Joaquin County and San Joaquin County Flood Control and Water Conservation District	2008
Katie Patterson	San Joaquin Farm Bureau	2009
Joe Valente	San Joaquin Farm Bureau Federation	2008
Bruce Blodgett	San Joaquin Farm Bureau Federation	2009
Andrew Gear	San Jose Water Company	2008
Shauna Lorance	San Juan Water District	2008
Ara Azhderian	San Luis & Delta-Mendota Water Authority	2009
M. David Stirling	Save Our Delta's Future	2009
Jeff Merwin	SH Merwin & Sons, Inc	2008
Jeffrey Merwin	SH Merwin & Sons, Inc	2009
Eric Wedemeyer	Shasta County Water Agency	2008
Eric Wedemeyer	Shasta County Water Agency	2009
Steve Moore	Sheriff of San Joaquin County	2008
David Okita	Solano County Water Agency	2009
Alex Hildebrand	South Delta Water Agency	2008
John Herrick	South Delta Water Agency	2008
John Herrick	South Delta Water Agency	2009
David Bryant	South Pocket Homeowners Association	2009
Joan Anderson Dym	Southern California Water Committee	2008
Joan Dym	Southern California Water Committee	2008
Anonymous	Speaker at Chico Preliminary Scoping Meeting	2008
Marty Dunlap	Speaker at Chico Preliminary Scoping Meeting	2008
Susan Strong	Speaker at Chico Preliminary Scoping Meeting	2008
Amanda Beck	Speaker at Clarksburg Preliminary Scoping Meeting	2008

Table F-1. List of Commenters

Jane Klotz	Speaker at Clarksburg Preliminary Scoping Meeting	2008
MP Albertini	Speaker at Clarksburg Preliminary Scoping Meeting	2008
Joyce Dillard	Speaker at Los Angeles Preliminary Scoping Meeting	2008
Ben Swan	Speaker at Sacramento Scoping Meeting	2009
Bruce Lechevsi	Speaker at San Jose Preliminary Scoping Meeting	2008
Chuck Long	Speaker at San Jose Preliminary Scoping Meeting	2008
William Garbet	Speaker at San Jose Preliminary Scoping Meeting	2008
Woody Alspaugh	Speaker at Stockton Preliminary Scoping Meeting	2008
Dante John Nomellini	Speaker at Stockton Preliminary Scoping Meeting	2008
Woody Alspaugh	Speaker at Stockton Preliminary Scoping Meeting	2008
Chris Neudeck	Speaker at Stockton Scoping Meeting	2009
Bill Worrell	Sportsmen's Yacht Club	2008
Frances Mathews	Stakeholder	2008
Laura King Moon	State Water Contractors	2008
Jeanne M. Zolezzi	Stockton East Water District	2008
Jeanne M. Zolezzi	Stockton East Water District	2009
Kevin Kauffmann	Stockton East Water District	2009
Robert Burness	Stone Lakes National Wildlife Refuge Association	2008
Liz Zainasheff	Stone Lakes National Wildlife Refuge Association	2009
Steven Chappell	Suisun Resource Conservation District	2009
Leo Winternitz	The Nature Conservancy	2009
Richard H. Pland	Tuolumne County	2008
Andrew Constantaras	U.S. Army Corp of Engineers	2009
Nova Blazej	U.S. Environmental Protection Agency	2008
Kathleen Goforth and Karen Schwinn	U.S. Environmental Protection Agency	2009
Beatrix Treiterer	US Fish and Wildlife Service	2008
Bart McDermott	US Fish and Wildlife Service	2009
Brendon Huffman	Valley Industry and Commerce Association	2008
Debra Chan	Wallace Chan Farms	2008
Sam Olivito	Western Carwash Association	2008
Erin Field	Western Growers	2008
Robert Cundie	Wheeler Ridge-Maricopa Water Storage District	2008

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George Capello	Wheeler Ridge-Maricopa Water Storage District	2008
Judy Roland	Wilderness Society	2008
Kenneth Wilson	Wilson Farms	2008
Kenneth Wilson	Wilson Farms	2009
Mark Wilson	Wilson Farms and Vineyards	2008
Marian Fricano	Works in Santa Clara	2009
Robin Kulakow	Yolo Basin Foundation	2009
Mike McGowan	Yolo County Board Supervisor	2008
Maria Wong	Yolo County Habitat/Natural Community Conservation Plan	2008
Judy Boshoven	Yolo Land Trust	2009
Helen M Thomson	Yolo Natural Heritage Program	2008
Helen M Thomson	Yolo Natural Heritage Program	2009
Maria Wong	Yolo Natural Heritage Program	2008
Ernest Connant	Young, Woolridge Law Firm - represent San Joaquin Valley districts	2008
G F Duerig	Zone 7 of Alameda County Flood Control and Water Conservation District	2008
Jill Duerig	Zone 7 of Alameda County Flood Control and Water Conservation District	2008
Vincent Wong	Zone 7 of Alameda County Flood Control and Water Conservation District	2008

1 **APPENDIX G: COPIES OF COMMENTS, LETTERS, EMAILS, AND**  
2 **COMMENT CARDS FROM 2008 PRELIMINARY SCOPING PROCESS**

3

1 **APPENDIX G1: 2008 FEDERAL AGENCIES PRELIMINARY SCOPING**  
2 **COMMENTS**



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
**75 Hawthorne Street**  
**San Francisco, CA 94105-3901**

March 17, 2008

Rosalie Del Rosario  
National Marine Fisheries Service  
650 Capitol Mall  
Suite 8-300  
Sacramento, CA 95819

**Subject:** Scoping Comments for the Bay Delta Conservation Plan for the Sacramento-San Joaquin Delta, CA.

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published January 24, 2008 requesting comments on the National Marine Fisheries Service (NMFS) and Fish and Wildlife Service (FWS) (Services) decision to prepare an Environmental Impact Statement (EIS) for the above action. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Bay Delta Conservation Plan (BDCP) is being prepared through a collaboration between a number of State and Federal agencies, nongovernmental entities, and "Potentially Regulated Entities" (primarily Delta water diverters) to meet the requirements of the Federal Endangered Species Act (Federal ESA) and California Natural Community Conservation Planning Act. The BDCP may or may not include a Habitat Conservation Plan (HCP) under the Federal ESA. The California Department of Water Resources intends to apply for Incidental Take Permits from the Services based upon the BDCP. These incidental take authorizations would allow the incidental take of threatened and endangered species resulting from covered activities, including those associated with water conveyance and the operations of the California State Water Project and Federal Central Valley Project.

The Points of Agreement (November 16, 2007) of the participants in the BDCP process appear to organize the BDCP process around the question of conveyance in the Delta (existing conveyance, isolated facility, or dual conveyance). To meet the requirements of the Federal ESA, the BDCP EIS would presumably address construction, operations, and species protection measures for each of the possible conveyance alternatives, and would also make provisions for species protection during the multi-year "interim period" prior to the implementation of an alternative conveyance, if any.



Our staff has discussed the Notice of Intent (NOI) with several staff at the Department of the Interior and at NMFS. We understand that there is some discussion of issuing a revised NOI as the planning for environmental compliance for the BDCP advances. EPA believes that a revised NOI is desirable. The project purpose and need statement, proposed federal action, and intended covered activities need significantly greater definition before the interested public can meaningfully comment on the scope of the environmental analysis. We believe the federal action agencies should, at a minimum, discuss the following issues within the context of a revised NOI:

***(1) What are the proposed federal actions?***

The revised scoping notice should clarify the description of the proposed federal action(s) and the broader project purpose. Although the FWS and NMFS action is, literally, signing a permit, the environmental analysis and review will be of the permitted activities. The revised scoping notice should provide more specificity as to what activities (construction and operation of the existing or new facilities) are intended to be covered by the federal permit.

***(2) Who are the appropriate lead agencies?***

Given the substantial emphasis on new conveyance alternatives in the Points of Agreement, we believe the BDCP participants should consider whether additional or alternative federal lead agencies are necessary. Most observers of Delta conveyance alternatives believe that the US Bureau of Reclamation (or, potentially, the US Army Corps of Engineers (Corps)) will need to be involved in the construction and operation of at least some part of any new conveyance alternative. To streamline the environmental review process, these agencies should be included as lead agencies in this and any subsequent environmental reviews.

***(3) What is the purpose of the document?***

Construction of any new conveyance alternatives, as well as significant modification of operations of existing facilities, may trigger the need for a number of federal permits. In particular, Corps permits under Clean Water Act (CWA) Section 404 and Section 10 of the Rivers and Harbors Act will likely be required for implementation of either conveyance changes or many projects under the BDCP. In addition, depending on the configuration of new conveyance alternatives, a CWA Section 401 certification may be necessary. Similar permitting issues under state law may confront state agencies proposing to take action under the BDCP. To avoid unnecessary duplication and delay, EPA recommends that the lead agencies coordinate with the potential regulatory agencies to assure that the proposed EIS meets the needs of regulatory agency NEPA/California Environmental Quality Act (CEQA) compliance.

***(4) What is the intended level of review of the proposed EIS?***

The revised NOI should clarify the proposed level of review of this document. Typically, large projects include some kind of programmatic review with subsequent documents tiering from the programmatic review to deal with site-specific issues or particular problems. The lead agencies should clarify whether this EIS is intended to serve as a single environmental review covering both programmatic decisions (such as, what form of conveyance will be used, at what size) and site specific issues (actual alignment, rights of way, site specific mitigation). If a tiered or supporting document approach is intended, the lead agencies should discuss their proposed division of issues between the programmatic and the site-specific documents.

EPA appreciates the leadership and significant resources being invested in this effort by the BDCP participants. It is clear that the current condition and uses of the Sacramento-San Joaquin River Delta are unsustainable. We recognize that developing a response to the multiple environmental and water supply problems facing the Delta is a massive undertaking, and that the environmental review process will be similarly complex. EPA believes that "re-scoping" the project to clarify the issues raised above will enable the process to move forward more defensibly and expeditiously.

We appreciate the opportunity to provide comments on the preparation of the EIS. We look forward to continued participation in this process as more information becomes available. Please send subsequent scoping notices and three copies of the Draft EIS to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3846 or Laura Fujii, the lead reviewer for this project. Laura can be reached at (415) 972-3852 or [fujii.laura@epa.gov](mailto:fujii.laura@epa.gov).

Sincerely,



Nova Blazej, Manager  
Environmental Review Office  
Communities and Ecosystems Division

Cc: Lori Rinek, US Fish and Wildlife Service  
Agency Coordination Team



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Stone Lakes National Wildlife Refuge  
1624 Hood-Franklin Road, Elk Grove California 95757

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

**SUBJECT: Comment on Notice of Preparation for Proposed Environmental Impact Report and Environmental Impact Statement For The Bay Delta Conservation Plan**

Dear Ms. Brown,

I am writing in regards to the Department of Water Resources Notice of Preparation of an environmental impact report and statement (EIR/EIS) for the Bay Delta Conservation Plan (BDCP). The Stone Lakes National Wildlife Refuge (Refuge) was established by the U.S. Fish and Wildlife Service (Service) in 1994 to protect 18,000 acres of valuable agricultural lands and natural habitats for the benefit of a wide variety of migratory birds and wildlife including many state and federal species of concern. The Refuge project area lies east of the former Southern Pacific Railroad line and extends from approximately Freeport, straddling Interstate 5 south to below Twin Cities Road (see attached map).

I am concerned about the potential impacts of this project to important Refuge habitats, and request that the EIR/EIS specifically analyze any foreseeable direct, indirect and cumulative effects to the Refuge. Refuge staff will be reviewing and commenting on the various alternatives as they are developed and we receive additional details.

The Stone Lakes National Wildlife Refuge is the 505th refuge in the National Wildlife Refuge System and one of the few urban wildlife refuges in the nation. Furthermore, it was designated as one of the six most threatened refuges in the nation in 2005 by the National Wildlife Refuge Association, primarily due to urban encroachment. This Refuge provides crucial wintering and breeding habitat for a variety of migratory and resident species, including species of concern such as Swainson's hawk, greater sandhill crane and giant garter snake, as well as important outdoor recreational and environmental education opportunities for the public.

Thank you for the opportunity to review and comment on a project of such regional importance. If you need additional information, please contact me at (916) 775-4421 or [beatrice\\_treiterer@fws.gov](mailto:beatrice_treiterer@fws.gov).

Sincerely,

Beatrix Treiterer  
Acting Refuge Manager





1 **APPENDIX G2: 2008 TRIBAL NATIONS PRELIMINARY SCOPING**  
2 **COMMENTS**



**Hoopa Valley Tribal Council  
Natural Resources Division  
Fisheries Department**  
Post Office Box 417 • Hoopa, California 95546  
(530) 625-4267 • FAX (530) 625-4995



May 29, 2008

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

**Comments of the Hoopa Valley Tribal Fisheries Department in regards to the Bay Delta  
Conservation Plan Notice of Preparation**

Dear Ms. Brown:

I am writing today to provide comments in regards to the Bay Delta Conservation Plan Notice of Preparation. The Hoopa Valley Tribe is a native sovereign nation with Reservation lands located along the Klamath and Trinity Rivers in northwestern California. The Fisheries Department of the Hoopa Valley Tribe was formed to protect and restore fisheries depended upon for millennia by tribal members. The Fisheries Department is writing today to communicate that the scope of the Bay Delta Conservation Plan (Plan) must be broadened to explicitly address potential impacts to tribal trust assets including Trinity fish populations.

The Tribe has vested property rights in the Trinity River fishery that the United States holds in trust. Section 2 of the legislation authorizing the Trinity River Division (Act of August 12, 1955, ch. 872, 69 Stat. 719) makes Trinity River diversions and operations of the CVP subject to the needs of our fishery. See also Memorandum to Assistant Secretary, Land and Water Resources from Solicitor, Subject: Proposed contract with the Grasslands Water District at pp. 3-4 (December 7, 1979). In 2000, The Secretary of the Interior and the Tribe concurred in a record of decision (ROD) that includes a plan to restore the Trinity River fishery. That concurrence triggered a statutory mandate for the Secretary to implement and fund the ROD according to its terms.



PACIFIC LAMPREY



STEELHEAD



GREEN STURGEON

The Plan contemplates actions with potential impacts to the Trinity River, its fishery resources, and the Tribe's vested property rights. The goals of the Plan must explicitly include implementation in a manner that complies with applicable federal Indian trust responsibilities including legal requirements to restore and maintain Trinity River salmon populations to historic pre-dam levels. Considering the Tribe's authority under the Trinity ROD, we request an opportunity to directly participate in the development of the subject EIS to ensure protection of Trinity River resources.

Sincerely,

*GEORGE KAITSKY*  
*for,*

Mike Orcutt, Director

1 **APPENDIX G3: 2008 STATE AGENCIES PRELIMINARY SCOPING**  
2 **COMMENTS**





June 2, 2008

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

RE: Bay-Delta Conservation Plan Notice of Preparation (NOP) – NEPA/CEQA  
Scoping Comments

Dear Ms. Brown:

Thank you for the opportunity to provide early scoping comments for the preparation of the Bay-Delta Conservation Plan's (BDCP) Environmental Impact Report/Statement. The Department of Food and Agriculture's mission is to "...ensure delivery of safe food and fiber through responsible environmental stewardship in a fair marketplace for all Californians." This mission derives from one of the major principles of the state's policy on agricultural sustainability, the Thurman Agricultural Policy Act, which calls on the Department:

(c) To sustain the long-term productivity of the state's farms by conserving and protecting the soil, water, and air, which are agriculture's basic resources. (Food and Agriculture Code Section 821)

It is based on our mission and this state legislative policy that we offer the following scoping comments in response to your Notice of Preparation.

### The Project

In short, the BDCP project's purpose is to develop a plan for the conservation of specified state and federal Endangered Species Act-listed species and their habitat. Once approved by the state and federal wildlife and fisheries agencies, compliance with the plan will enable the operation of state and federal water projects to provide a reliable source of water to more than 20 million Californians and several million acres of farmland in California's agricultural heartland and beyond. The BDCP Planning Agreement stipulates that the conservation plan will be bounded by the "Statutory Delta...including, as appropriate, conservation actions in the Suisun Marsh, Suisun Bay and areas upstream of the Delta."



This plan is important to California agriculture, not just within the Delta, but in many ways, statewide. To sustain the internationally important food production that California's farmers and ranchers have achieved, depends on satisfying both the legal and moral imperatives to maintain and enhance California's unique and diverse biodiversity. It is in this spirit that we offer our comments.

#### General Comments

In our comments we have endeavored to be consistent with the recommendations of the Governor's Delta Vision Blue Ribbon Task Force's January 29, 2008 Delta Vision Report. The Report envisions a future Delta whose:

*"...land use pattern must enhance both the region's unique values and the overall resilience of the system. To preserve the Delta's place values, the region's landscape should continue to be dominated by agriculture, wildlife habitat, and recreation, with mutually beneficial mixtures of these wherever possible. Specialized forms of agriculture that are particularly well suited to the Delta must be encouraged, such as subsidence-reversing crops, carbon-sequestering crops, and wildlife-friendly farming practices."*

This policy statement cannot be taken out of context of the Task Force's complete vision, whose first, over-arching, recommendation is that "[t]he Delta ecosystem and a reliable water supply for California are the primary, co-equal goals for sustainable management of the Delta."

Taken together, it is our understanding that implementation of the Task Force's forthcoming Delta Strategic Plan, will likely result in adverse impacts on agriculture in the Delta to achieve the co-equal goals and satisfy the requirements of state and federal Endangered Species Acts. We also expect from state policy and the Vision Report that, consistent with CEQA and NEPA, every attempt will be made to avoid, reduce, minimize or compensate for adverse impacts to agricultural resources.

We recommend that where significant adverse impacts to agricultural resources cannot be avoided, the record of decision adopting the final EIR/S include a statement of overriding considerations that includes a documentation of the net watershed-wide benefits to agriculture that implementation of the BDCP will hopefully achieve.

#### Project Setting

The EIR/EIS should describe the agricultural setting in which the BDCP will be implemented. We recommend that, at a minimum, the following attributes be described:

1. Acreage and classification of the agricultural lands of the project area using the Department of Conservation's Farmland Mapping and Monitoring Program's classification system;

2. Acreage and gross production value of crops grown in the Delta using county agricultural commissioner crop reports and recent DWR land use map of the Delta;
3. State and local agricultural land conservation policies that apply to Delta agricultural lands, including county general plan and zoning designations, Williamson Act agricultural preserve and contracted lands (including Farmland Security Zone contracts), and conservation easements intended to protect lands for agricultural purposes;
4. The unique attributes of the Delta that distinguish it from other growing regions of the state and the advantages that these growing conditions give Delta agriculture; and,
5. Unique obstacles to Delta agriculture, information that could be important in distinguishing between lands when minimization of project impacts on agriculture can be achieved by avoiding the best farmland in favor of marginal farmlands. This information may also be useful where land or agriculture infrastructural improvements can be made to remove obstacles as a form of compensatory mitigation.

#### Agricultural Resource Impacts

The NOP recognizes agriculture as one resource that will be potentially impacted. As listed in the NOP, agriculture is lumped under "Land Use." We recommend that because agriculture is the predominant land use in the Delta, and the only land use listed whose productivity is dependent on the Delta's unique natural soil, water and climate conditions, it be given separate focus as recommended in the CEQA Guidelines.

We recommend that the following impacts be addressed in the EIR/EIS.

**Direct loss of agricultural land** to other, non-agricultural land uses including: land needed for infrastructure (e.g., new levees and levee improvements, new or widened water conveyance facilities); new, or expanded use of existing floodwater conveyance (e.g. increased flood frequency of the Yolo By-pass) or storage; and, wildlife habitat.

**Indirect loss of agricultural land** due to the loss of infrastructure needed to support farming in the Delta, such as transportation access to agricultural islands; and, loss or impairment of agricultural land as a result of the loss of water supply or water quality.

While the loss of water quality or supply may not eliminate all agricultural uses of impacted lands, it should nevertheless be considered as a potential adverse impact on agriculture. One of California agriculture's keys to success is in its ability to grow an immense variety of crops to fill a large variety of market niches throughout the year. Delta agriculture is one of the growing niches that supports this ability and is a microcosm of the state's crop diversity. A loss of crop selection flexibility needed to

respond to international and domestic markets can make the difference in a farm's sustainability.

**Indirect Impacts** on Delta agricultural land. These impacts can include: seepage and levee endangerment of agricultural islands from the conversion of adjacent islands to open water or other forms of wetland habitat; creation of terrestrial or wetland habitat on portions of agricultural islands, which could impair agricultural use of remaining lands by imposing restrictions on agricultural practices that pose the potential for "take" of ESA listed species; depredation of crops by wildlife from adjacent habitat restoration or creation; and, the spread of noxious weeds and pest diseases from unmanaged lands set aside for future habitat restoration or other uses.

**The cumulative loss of agricultural land.** Because this EIR/EIS is addressing a distinct agricultural region, the cumulative loss of agricultural land in this region can lead to a tipping point where the remaining lands in production are insufficient to support the services (i.e., supplies, technical assistance, shipping, processing, etc.) needed for the region's agriculture to remain competitive. This critical mass of agriculture, once lost, would have impacts not only on jobs, income, tax revenues and communities, but on the ability of landowners to pay reclamation fees that contribute to the maintenance of levees that are not only important to agriculture, but ecosystems and water quality.

The cumulative impacts of the loss or impairment of agricultural resources should be documented. This analysis should focus on impacts resulting from the kinds of actions that the BDCP contemplates, but also include other causes, such as urbanization. The Department of Conservation's Farmland Conversion Reports document land use changes going back to 1984 and can be a source of information on retrospective conversions of agricultural land. The Department of Water Resource's land use maps could also be used to document changes in crop patterns as a result of public acquisitions of private farmland. Finally, the Delta Protection Commission has kept track of public acquisitions and development projects in the Primary Zone of the Delta, a record that could inform this analysis.

Though not required explicitly by CEQA, we suggest that a second, perhaps less detailed, level of cumulative impact analysis of agricultural land be conducted on the Delta-dependent region. Such an analysis would help to create a context for the analysis of cumulative agriculture impacts in the Delta.

The actions contemplated by the BDCP are just one of a large number of actions occurring statewide that are removing lands from agricultural production. The Department of Conservation reported that irrigated farmland decreased by a record amount during its last (2002-2004) mapping cycle, with the San Joaquin Valley leading the way in farmland lost. Statewide, nearly 140,000 acres were lost during the two-year period. (This compares to a decline of approximately 70,000 acres of irrigated cropland ten years earlier, according to the Department of Conservation.)

While urbanization is the primary cause of the loss of farmland, land idling and conversion to public open spaces (including habitat restoration), are also significant causes. Also contributing to agricultural land losses are land retirement on the west side of the San Joaquin Valley as a strategy to manage saline drainage water, as well as long-term land idling for water transfers to urban or environmental uses in Imperial and Palo Verde Valleys. The loss of agricultural growing regions as Los Angeles County (California's number one agricultural county as late as 1950) and the Santa Clara Valley, are a few examples of how the cumulative, incremental loss of agricultural land can lead to the loss of entire, unique growing regions. These losses, as noted earlier, erode an important attribute of California agriculture, its diversity of unique growing niches.

Because the BDCP has the potential to directly and indirectly impact agricultural land throughout the Delta and its watershed (and in other Delta-dependent counties) both adversely, as enumerated above, and positively by increasing water supply reliability and quality, the analysis of impacts on agricultural resources should be broad. We suggested such a net analysis in our opening comments (as part of findings of overriding consideration to address unavoidable impacts), but this kind of analysis could be embedded in the impact section of the EIR/EIS, as well.

### Project Alternatives

We recommend that the primary approach to mitigation of agricultural resource impacts be through the selection of project alternatives and conservation measures that avoid or minimize impacts.

For example, the creation of flood by-passes have been contemplated for the creation of floodplain habitat and managing flood flow pressures on levees. Some would have greater impacts on agricultural land than others.

Another example is Cache Slough as a prime target for tidal marsh and floodplain habitat. A recent analysis by the UC-Davis Agricultural Issues Center, "The Potential Impact of the Delta and Suisun Marsh Habitat Restoration Plans on Agricultural Production in Solano County" (March 14, 2008), illustrated an approach that would gain the desired acreage of restored habitat while avoiding converting from farmland use the islands in the complex that provide the greatest levels of agricultural production for Solano County.

Another approach to building in mitigation to the BDCP is a "working lands" approach, as suggested by the Delta Vision Report. Where already degraded agricultural lands, such as Liberty and Prospect Islands, or public lands, will not serve the purposes of the BDCP, we recommend the next best approach to avoidance or minimizing impacts is to engage landowners in collaborative approaches to achieve BDCP objectives through the creation of multi-functional landscapes that keep as much agricultural land in production as possible.

Agricultural/conservation easements can be used to secure durable public improvements, such as restoration and flood setbacks, while allowing wildlife and floodplain compatible agricultural uses to continue. Staten Island is an example where migratory waterfowl habitat was protected and enhanced by keeping the land in a wildlife compatible agricultural use, as well as through changes in land management that benefit wildlife and agricultural profitability.

We recommend that water conveyance and management alternatives analyzed be broad, consistent with the Governor's recent letter on water management. Not only should through-Delta alternatives be given thorough analysis, but the use of water transfers among the various water agencies that use Delta import and export flows to create flexibility for maintaining in-Delta water quality, should also be considered.

The BDCP Planning Agreement defines the planning area as the statutory Delta, but acknowledges that it may be necessary to include conservation measures outside of the Statutory Delta that advance the goals of the BDCP within the Delta. We recommend that as part of the Conservation Plan consideration be given to providing incentives and technical assistance to upstream agricultural landowners in the San Joaquin Valley to manage salt-laden drainage on-farm pursuant to The San Joaquin Valley Drainage Management Program. Similar incentives, perhaps in cooperation with local resource conservation districts in order to leverage USDA Farm Bill Conservation Title program funding, could be provided to growers throughout the watershed to increase Delta flows through an agricultural water account program similar to the Environmental Water Account.

#### Mitigation Measures

The CALFED Bay-Delta Program's Record of Decision adopted more than 30 mitigation measures to address the direct and indirect impacts on agricultural land. We recommend your consideration of these mitigation measures to address both programmatic and project-specific impacts of BDCP implementation on agriculture.

In particular, we recommend the purchase of agricultural conservation easements to protect Delta agricultural lands whose protection also protects Conservation Plan investments in ecosystem restoration from incompatible uses such as urbanization. While a 1:1 mitigation ratio is common among many local governments in California, Fresno County recently required a 3:1 mitigation ratio for each acre of agricultural land converted to a non-agricultural use. The Delta Protection Commission has formed a committee to work on an agricultural conservation strategy for the Delta, a strategy that involves existing land trusts that operate within the Delta. This strategy could serve as a guide for BDCP mitigation of agricultural land impacts using easements.

In lieu of direct mitigation using conservation easements, we suggest considering an agricultural mitigation bank. Mitigation fees to compensate for the loss of agricultural resources could be deposited into an account managed by a Delta governance entity

to not only support the acquisition of conservation easements, but also agricultural land enhancement and conservation practices. Such practices could include not only water conservation and the creation of farm-compatible habitat, but help protect farmland from soil loss through transition to conservation tillage, increased use of cover cropping, post-harvest flooding, and wetland agriculture. Funds from the account could also help with improving water quality by supporting the installation of agricultural drainage treatment practices, such as wetlands, and sediment and tail-water ponds. The account could also support research and experimentation with alternative crops that reverse subsidence and help farmers participate in carbon markets.

The definition of Prime Agricultural Land includes a secure and adequate irrigation water supply. Potential actions to mitigate for the conversion of such lands therefore could include actions that improve water supply and reliability of that supply for other agricultural lands dependant on the Delta for irrigation water supplies. These improvements would be in addition to the water supply reliability improvements of the BDCP, and would be mitigated at a level of 1:1 to 3:1.

Finally, we recommend that the EIR/EIS consider the use of a modified version of the state (Department of Conservation) or federal (USDA) Land Evaluation and Site Assessment (LESA) model to determine the significance of agricultural land impacts. Through an interagency agreement with this Department and the Department of Conservation, a modified version of LESA could be developed that takes into account factors important to the productivity of agriculture that are unique to the Delta, such as levee condition, depth of subsidence, water quality and access to suppliers, and buyers and processors.

Thank you for the opportunity to provide scoping comments on the Bay-Delta Conservation Plan's NOP. For the sake of California's agriculture, its economy as a whole, and the health of the Delta watershed ecosystems, the work being done on this Conservation Plan is as important to California's future as any other endeavor in which the state is now involved. It is my hope that our comments will contribute positively to the achievement of a successful Plan. If you should have questions, please call me at (916) 657-4956.

Sincerely,

*Original signed by*

Steve Shaffer, Director  
Office of Agricultural and Environmental Stewardship

cc: Secretary A.G. Kawamura  
California Department of Food and Agriculture



Dr. Mark Horton  
Director

State of California—Health and Human Services Agency  
Department of Public Health



ARNOLD SCHWARZENEGGER  
Governor

May 30, 2008

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

Dear Ms. Brown:

COMMENTS ON THE NOTICE OF PREPARATION FOR THE ENVIRONMENTAL  
IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT FOR THE BAY  
DELTA CONSERVATION PLAN (SCH# 2008032062)

The California Department of Public Health (CDPH) received the Notice of Preparation (NOP) for the joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Sacramento-San Joaquin Bay Delta Conservation Plan (BDCP). As a "Responsible Agency" pursuant to the California Environmental Quality Act (CEQA), we appreciate the opportunity to comment.

As outlined in the NOP, the BDCP is being developed to set out near and long-term approaches to meet the objectives of conserving covered species and their habitats, addressing the requirements of the federal and State endangered species law, and improving water supply reliability.

CDPH is responsible for issuing water supply permits (WSPs) for the operation of public drinking water systems in accordance with applicable state and federal regulations to assure safe drinking water supplies for residential and commercial users. There are four CDPH District offices that regulate water systems in the Sacramento-San Joaquin Bay Delta area - Sacramento, San Francisco, Stockton, and Santa Clara. However, the area that could potentially be affected by decisions from the BDCP would inevitably include water systems regulated by other CDPH Districts that overlay the State Water Project and the Central Valley Project areas of effect.

We applaud the efforts of the Department of Water Resources' attempt to meet the Executive Order 2-17-06 issued by Governor Arnold Schwarzenegger on September 28, 2006. In reviewing the document, CDPH has two areas of concern for the water systems that we regulate.



The list of the "Potentially Regulated Entities (POEs) includes only a few of the public water systems currently regulated by CDPH that would potentially be affected by the proposed project. We request that the scope of the process and the final document consider the universe of all public water systems currently regulated by CDPH.

We also request that the scope of the analysis include the affects of water transfers (from one water right holder to another), changes in water use (i.e., from irrigation to potable water supply), points of diversion, rates of diversion, and seasons of diversion. These concerns would remain unaddressed if the scope of the EIR/EIS was limited to regulatory authorizations for the PREs.

Finally, please add CDPH to your mailing and/or email lists for notification of future events and documents.

Sincerely,



Mike Zanolli  
Environmental Review Unit

cc: Office of Planning and Research  
State Clearinghouse  
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Sacramento, CA 95812-3044

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San Francisco District  
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Richmond, CA 94704

Eric Lacy, District Engineer  
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Sacramento District  
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Sacramento, CA 95899-7413



Making San Francisco Bay Better

May 30, 2008

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

**SUBJECT:** Notice of Preparation of an Environmental Impact Report and Environmental Impact Statement for the Bay-Delta Conservation Plan

Dear Ms. Brown:

On March 17, 2008, the San Francisco Bay Conservation and Development Commission (Commission) staff received the Notice of Preparation (NOP) of an Environmental Impact Report and Environmental Impact Statement (EIR/EIS) for the Sacramento-San Joaquin Bay-Delta Conservation Plan (BDCP). In accordance with the California Environmental Quality Act (CEQA), the California Department of Water Resources (DWR) is preparing an EIR/EIS 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. DWR will serve as the State lead agency and the California Department of Fish and Game will be a responsible and trustee agency under CEQA. Pursuant to the National Environmental Policy Act (NEPA), the U.S. Bureau of Reclamation (USBR), the U.S. Fish and Wildlife Service (FWS), and the National Marine Fisheries Service (NMFS) may serve as co-lead federal agencies.

Although the Commission itself has not reviewed the NOP, the staff comments discussed below are based on the McAteer-Petris Act, the Suisun Marsh Preservation Act, the Commission's *San Francisco Bay Plan* (Bay Plan), the *Suisun Marsh Protection Plan* (Marsh Plan), the Commission's federally-approved coastal management plan for the San Francisco Bay, and the federal Coastal Zone Management Act (CZMA).

**Jurisdiction.** The Commission's permit jurisdiction includes all tidal areas of the Bay up to the line of mean high tide or, in areas of tidal wetlands, up to five feet above Mean Sea Level or the extent of tidal wetland vegetation; all areas formerly subject to tidal action that have been filled since September 17, 1965; and the shoreline band that extends 100 feet inland from and parallel to the Bay jurisdiction. The Commission also has jurisdiction over certain managed wetlands adjacent to the Bay, salt ponds, and certain waterways, and the Suisun Marsh.

The proposed project would cross the eastern limit of the Commission's Bay jurisdiction, which is defined by a line across the Sacramento River between Stake Point and Simmons Point, extending northeast to the mouth of Marshall Cut. A section of the proposed project would be located in portions of the Suisun Marsh and Suisun Bay within Solano County and, thus, also in the Commission's primary management jurisdiction of the Suisun Marsh.

Commission permits are required for placement of fill, construction, dredging, and substantial changes in use within its jurisdiction. Permits are issued when the Commission finds proposed activities to be consistent with its laws and policies. In addition to any needed permits under its state authority, federal actions, permits, licenses and grants affecting the Commission's coastal jurisdiction are subject to review by the Commission, pursuant to the federal CZMA, for their consistency with the Commission's federally-approved coastal management program for the Bay.

From reviewing the NOP, it appears that the proposed project may include the following activities within the Commission's Bay and Marsh jurisdictions: (1) maintenance, improvement or changes in operation of water management facilities, such as the Suisun Marsh Salinity Control Gates; (2) habitat restoration; and (3) new power lines and rights of way. In addition, new water conveyance facilities and changes in operation of existing facilities outside the Commission's jurisdiction in the Delta have the potential to alter circulation patterns, affect water quality, or result in other impacts in the Commission's Bay and Marsh jurisdictions.

**Fresh Water Inflow.** The Bay Plan and Marsh Plan policies call for adequate freshwater inflow to the Bay and Suisun Marsh and provide additional guidance regarding legal requirements promulgated by the State Water Resources Control Board.

The Bay Plan recognizes the importance of fresh water inflows to the ecosystem of the Bay. Bay Plan findings state that "conserving fish, other aquatic organisms and wildlife depends, among other things, upon availability of ...proper fresh water inflows, temperature, salt content, water quality, and velocity of the water."

The Bay Plan's Fresh Water Inflow policies state, in part:

Diversions of fresh water should not reduce the inflow into the Bay to the point of damaging the oxygen content of the Bay, the flushing of the Bay, or the ability of the Bay to support existing wildlife....

High priority should be given to the preservation of Suisun Marsh through adequate protective measures including maintenance of freshwater inflows....

The impact of diversions of fresh water inflow into the Bay should be monitored by the State Water Resources Control Board, which should set standards to restore historical levels (1922-1967) of fish and wildlife resources. The Bay Commission should cooperate with the State Board and others to ensure that adequate fresh water inflows to protect the Bay are made available.

The Marsh Plan recognizes that the Suisun Marsh, located where salt water and fresh water meet and mix, contains "the unique diversity of fish and wildlife habitats characteristic of a brackish marsh."

Marsh Plan policies state, in part:

There should be no increase in diversions by State or Federal Governments that would cause violations of existing Delta Decision or Basin Plan standards....

Water quality standards in the Marsh should be met by maintaining adequate inflows from the Delta.

To address these policies, we recommend that the EIR/EIS include analysis of the fresh water flow needs of the entire estuary, not just the Delta. This includes the need for peak flows that transport sediment and nutrients to the Bay, increase mixing of Bay waters, and create low salinity habitat in Suisun Bay, San Pablo Bay and the upper part of central San Francisco Bay.

The Delta Vision Ecosystem Work Group is currently developing recommendations regarding adequate flows for the Bay-Delta ecosystem. Flow considerations include:

- Flows to produce sufficient volumes of open water habitat of the appropriate water quality, including salinity, temperature, and concentrations of dissolved oxygen and contaminants;
- Adequate flows for restoration of key habitats that support the food web, including floodplains, brackish tidal marsh, and seasonal wetlands;
- Flows to reduce fish entrainment in pumps and other water facilities; and
- Salinity variability that benefits native species and helps to control harmful invasive species.

The EIR/EIS should analyze the flow targets in the Delta Vision Strategic Plan when they become available in order to determine the appropriate flows needed support ecosystem processes as well as the recovery of individual species.

**Wetland Restoration.** Much of the Bay's historic tidal wetlands have been lost, including 80 percent of tidal marshes and 40 percent of tidal flats. The Bay Plan and Marsh Plan encourage wetland restoration and enhancement.

The Bay Plan's policies state, in part:

Where and whenever possible, former tidal marshes and tidal flats that have been diked from the Bay should be restored to tidal action in order to replace lost historic wetlands or should be managed to provide important Bay habitat functions, such as resting, foraging and breeding habitat for fish, other aquatic organisms and wildlife. As recommended in the *Baylands Ecosystem Habitat Goals* report, around 65,000 acres of area diked from the Bay should be restored to tidal action....

If the owner of any managed wetland withdraws any of the wetlands from their present use, the public should make every effort to buy these lands and restore to tidal or subtidal habitat, or retain, enhance and manage these areas as diked wetland habitat for the benefit of multiple species. This type of purchase should have a high priority for any public funds available.

Ongoing large-scale efforts to restore Bay wetlands have great potential to benefit the entire estuary, including species of concern, yet these projects could inadvertently be adversely affected if Delta management actions, such as restoring Delta islands, result in the capture of sediments that would otherwise flow to the Bay. We request that the EIR/EIS include analysis of sediment dynamics throughout the whole system, including potential impacts on the Bay.

The Bay Plan's dredging policies encourage the reuse of dredged material in wetland restoration projects, as appropriate, and support efforts to fund the additional costs associated with transporting dredged material to project sites. We suggest that the BDCP agencies encourage the coordination of use of dredged material in the Bay and Delta as part of a regional sediment management strategy.

The Commission has a long and successful history of managing natural resources in the Suisun Marsh. The Commission is currently participating in the Suisun Marsh Charter Group to develop a new Habitat Management, Preservation and Restoration Plan for Suisun Marsh. Our priorities for the new plan include enhancing seasonal and managed wetlands that provide essential wintering habitat for waterfowl of the Pacific Flyway, supporting tidal restoration, and supporting maintenance of Suisun Marsh levees.

*Suisun Marsh Protection Plan* policies state, in part:

The diversity of habitats in the Suisun Marsh and surrounding upland areas should be preserved and enhanced wherever possible to maintain the unique wildlife resource....

Where feasible, historic marshes should be returned to wetland status, either as tidal marshes or managed wetlands. If, in the future, some of the managed wetlands are no longer needed for private waterfowl hunting, they should be restored to tidal or subtidal habitat, or retained as diked wetland habitat and enhanced and managed for the benefit of multiple species....

The Suisun Resource Conservation District should be empowered to improve and maintain exterior levee systems as well as other water control facilities on the privately owned managed wetlands within the primary management area.

Our staff urges the BDCP agencies to incorporate Marsh Plan and Bay Plan policies as it develops the BDCP in order to ensure that wetland restoration in the Bay and Delta are coordinated to maximize public benefits.

**Minimize Harmful Effects to the Bay.** The proposed project would need to be consistent with all applicable Bay Plan policies. Therefore, the EIR/EIS should address other applicable Bay Plan policies, including a discussion about the Commission's regulatory requirements governing the protection of the Bay's natural resources, including fish, other aquatic organisms, and wildlife, and certain habitat needed for their protection, including tidal flats and marshes and subtidal areas. The Bay Plan policies on fish, other aquatic organisms, and wildlife, state that marshes, mudflats, and subtidal habitat should be "conserved, restored, and increased." Furthermore, the Commission must consult with and give appropriate consideration to the state and federal resource agencies, and not authorize any project resulting in a "taking" of a listed species unless the appropriate authorization has been issued by the resource agencies. According to the Bay Plan policies on tidal marshes and tidal flats, and subtidal areas, all projects subject to Commission consideration should also be sited and designed to minimize or avoid adverse resource impacts at these areas.

The EIR/EIS should analyze how the entire project, not just the portion within the Commission's permit jurisdiction, will affect the hydrology, sediment dynamics, water quality and biological resources of the Bay. It should include analysis of climate change impacts, including the potential impact of sea level rise. It should also analyze cumulative impacts, including the potential impacts of other projects being planned for the Delta, including habitat restoration in Suisun Marsh and the deepening of the Stockton and Sacramento Ship Channels. The EIR/EIS should discuss the Commission's regulatory authority governing the protection of the Bay's and the Marsh's natural resources and habitats.

**Water Quality.** Pursuant to the Commission's water quality policies in the Bay Plan, pollution in the Bay's water "should be prevented to the greatest extent feasible." Further, in considering this project, the Commission would need to consult with and base its decision on the San Francisco Bay Regional Water Quality Board's evaluation of and advice on the proposed project and any potential water quality impacts. Therefore, it is advisable that the project proponents conduct early consultation with and obtain all necessary authorization from the Regional Board to aid the Commission in determining whether the project would adversely impact the Bay's water quality. The EIR/EIS should analyze the impacts of the project on salinity, temperature and concentrations of dissolved oxygen and contaminants in the Bay.

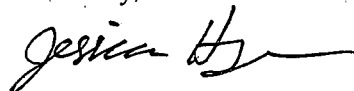
**Utilities and Improvements.** The Marsh Plan policies on utilities, facilities and transportation state, in part, that "New electric power transmission utility corridors should be located at least one-half mile from the edge of the Marsh." In light of this policy, the EIR/EIS should: (1) clearly show the location of any proposed new power lines in relation to the boundary of the Suisun Marsh; (2) identify any potential project-related impacts to wetlands in the Marsh and measures for mitigating these effects; and (3) provide a construction schedule for any work affecting wetland area in the Marsh.

**Mitigation.** In the event that the proposed project would result in adverse environmental impacts that cannot be avoided, the EIR/EIS should discuss mitigation measures. The Commission's policies regarding mitigation state, in part, that "projects should be designed to avoid adverse environmental impacts to [the] Bay" and, further, that "[w]henver adverse impacts cannot be avoided, they should be minimized to the greatest extent practicable....[and] measures to compensate for...impacts should be required."

**Coastal Zone Management Act.** We request that the EIR/EIS indicate that under CZMA (16 USC 1456(c) and (d)) the Commission is authorized to review any federal actions, permits, licenses and grants affecting any land or water use or natural resources within the Commission's coastal jurisdiction (i.e., San Francisco Bay and Suisun Marsh) for consistency with the Commission's laws and regulations.

Thank you for the opportunity to comment on this NOP. If you have any questions regarding this letter or the Commission's policies, please call me at (415) 352-3660 or email me at [jessicah@bcdca.gov](mailto:jessicah@bcdca.gov).

Sincerely,



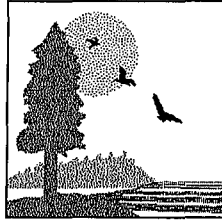
JESSICA HAMBURGER  
Coastal Program Analyst

JH/rca

By U.S. Mail and e-mail ([delores@water.ca.gov](mailto:delores@water.ca.gov))

**CALIFORNIA STATE LANDS COMMISSION**

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April 16, 2008

File Ref: SCH# 2008032062

Delores Brown  
Department of Water Resources  
PO Box 942836  
Sacramento, CA 94236

**Subject: Comments on the NOP for a joint EIR/EIS (California Department of Water Resources and the Bureau of Reclamation) for the Bay Delta Conservation Plan**

Dear Ms. Brown:

The purpose of this letter is to provide you with preliminary comments on the Notice of Preparation (NOP) for the Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Sacramento-San Joaquin Bay Delta (Delta) Conservation Plan (BDCCP). We will provide additional comments, as the scoping process continues until the end of May. For this project, the California State Lands Commission (Commission) is both a trustee agency and a responsible agency under the California Environmental Quality Act (CEQA).

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests in areas that are subject to tidal action are generally based upon the ordinary high water marks of these waterways as they last naturally existed. In non-tidal navigable waterways, the State holds a fee ownership in the bed of the waterway between the two ordinary low water marks as they last naturally existed. The entire non-tidal navigable waterway between the ordinary high water marks is subject to the Public Trust Easement. Both the easement and fee-owned lands are under the jurisdiction of the Commission. The locations of the ordinary high and low water marks are often related to the last natural conditions of the river, and may not be apparent from a present day site inspection.

To the extent the proposed project involves State-owned sovereign lands, a lease may be required. However, Public Resources Code (PRC) section 6327 provides that if a facility is for the "procurement of fresh-water from and construction of drainage facilities into navigable rivers, streams, lakes and bays," and if the applicant obtains a permit from the local reclamation district, State Reclamation Board, the U.S. Army Corps of Engineers, or the Department of Water Resources, then an application shall not be required by the Commission. Until the BDCP is fully reviewed, we will not be able to determine whether the project in whole, or in part, falls under PRC section 6327, or if leases will be required for implementation of various alternatives and their mitigation measures. It is likely that some of the mitigation measures would entail the use of lands under the Commission's jurisdiction. The EIR/EIS should analyze the effect of the implementation of mitigation measures on State-owned sovereign lands, and if those measures would preclude future uses of these Public Trust lands.

The proposed project lies in an area that is subject to the public navigational easement. This easement provides that members of the public have the right to navigate and exercise the incidences of navigation in a lawful manner on State waters that are capable of being physically navigated by oar or motor-propelled small craft. Such uses may include, but not be limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses. The EIR/EIS should analyze the effect of the proposed project on the navigational easement right of the public.

The EIR/EIS will consider alternatives for water conveyance through the Delta, and as part of the analyzes the EIR/EIS should identify desirable aquatic habitat sites and examine, for each alternative, how increased water flows, levels, and temperatures expected from recent climate change models may affect these sites.

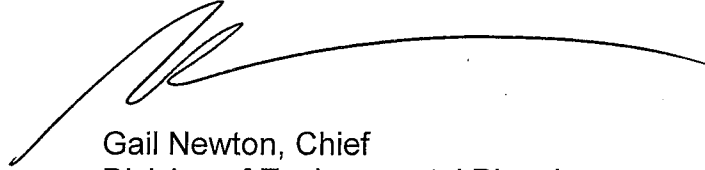
One of the major stressors of the Delta is introduced species. Therefore, the EIR/EIS should consider a range of alternatives for prevention programs for aquatic invasive species (including quarantine, early detection and early response) to slow the introduction of invasive species, such as the quagga mussel, into high demand and sensitive areas. The programs considered should include adequate detail to determine if their effectiveness will exceed that currently in place in the Delta. As part of the alternative analysis, the design of new conveyance routes should take into consideration the current and proposed aquatic invasive species prevention programs. In addition, in light of the recent decline of pelagic organisms and in order to protect at-risk fish species, the EIR/EIS should re-examine the objectives of maintaining certain non-native fisheries within the Delta.

Greenhouse gas emissions information consistent with the California Global Warming Solutions Act (AB 32) should be included in the EIR/EIS. This would include a determination of the greenhouse gases that will be emitted as a result of construction and ongoing operations and maintenance, a determination of the significance of the impact, and mitigation measures to reduce that impact.



If you have any questions concerning leasing, please contact Diane Jones, Public Land Manager, at (916) 574-1843 or by e-mail at [jonesd@slc.ca.gov](mailto:jonesd@slc.ca.gov). If you have any question on comments on the environmental review, please contact Valerie VanWay at (916) 574-2274 or by e-mail at [vanwayv@slc.ca.gov](mailto:vanwayv@slc.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Gail Newton', with a long, sweeping horizontal line extending to the right.

Gail Newton, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
State Clearinghouse

D. Jones, CSLC  
V. VanWay, CSLC



# State Water Resources Control Board



**Linda S. Adams**  
Secretary for  
Environmental Protection

**Executive Office**  
**Tam M. Doduc, Board Chair**  
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**Arnold Schwarzenegger**  
Governor

May 30, 2008

VIA ELECTRONIC MAIL

Delores Brown, Chief  
Office of Environmental Compliance  
Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 95236  
[delores@water.ca.gov](mailto:delores@water.ca.gov)

Dear Ms. Brown:

## COMMENTS ON PREPARATION OF A JOINT DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR THE BAY DELTA CONSERVATION PLAN

This letter responds to the California Department of Water Resources' (DWR) March 17, 2008 Notice of Preparation (NOP) for a joint draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Bay Delta Conservation Plan (BDCP). The State Water Board appreciates the opportunity to contribute information regarding the development of reasonable alternatives and potential environmental impacts to be addressed in the EIR/EIS for the BDCP.

According to the NOP, the BDCP process is intended to provide the basis for DWR, State Water Project (SWP) and federal Central Valley Project (CVP) water contractors, and Mirant Delta to apply for incidental take permits pursuant to section 10 of the Federal Endangered Species Act (FESA) and California Fish and Game Code section 2835 and/or 2081. The BDCP is also intended to provide the U.S. Bureau of Reclamation (USBR) the ability to obtain Biological Opinions and incidental take statements pursuant to section 7 of FESA. Additional core purposes of the BDCP identified in the NOP include conserving, protecting, and restoring at risk species and their habitats and providing for water supplies and ecosystem health within a stable regulatory framework.

The NOP states that the BDCP will likely consist of several major elements, including new capital improvements to the water supply conveyance system (e.g., dual or isolated conveyance systems<sup>1</sup>) in the Delta, a restoration program in order to improve the ecological productivity and sustainability of the Delta, and a monitoring and adaptive management plan for the restoration program. The plan will also likely include operational improvements for the water supply system in the near-term and for the long-term once any capital improvements have been completed and put into operation.

<sup>1</sup> New dual or isolated conveyance systems would require a canal from the Sacramento River to the SWP's Harvey O. Banks and the CVP's C.W. Jones pumping plants near Tracy which would likely require approval by the State Water Board of petitions to change the SWP's and CVP's authorized points of diversions.



### General Comments

The mission of the State Water Board and the Regional Water Quality Control Boards (Regional Water Boards) is to preserve, enhance, and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations. The State Water Board administers water rights in California, including those of the SWP and CVP. The State and Regional Water Boards also have primary authority over the protection of the State's water quality. While the BDCP planning effort is still in the preliminary stages, and details regarding this project are as yet unclear, it appears that the State and Regional Water Boards will have discretionary approvals over water right and water quality aspects of the project and are responsible agencies for this project under the California Environmental Quality Act (CEQA). As responsible agencies under CEQA, the State and Regional Water Boards must review and consider the environmental effects of the project identified in the EIR/EIS that are within their purview and reach their own conclusions on whether and how to approve the project involved. (Cal. Code Regs., tit. 14, § 15096, subd. (a).)

Specifically, activities that may require approval by the State and Regional Water Boards include: changes to the SWP's and CVP's points of diversions of water or to other provisions of their water rights to accommodate dual or isolated conveyance options, water quality certifications pursuant to Clean Water Act section 401, National Pollutant Discharge Elimination System Permitting for the Mirant Delta power plants, and potentially other activities. In addition, any changes to conveyance of water in the Delta and other possible components of the BDCP could result in changes to flow paths in the Delta that may affect the ability of the SWP, CVP, and other responsible parties to meet water right permit/license and other requirements to implement water quality objectives included in the Bay-Delta Water Quality Control Plan (Bay-Delta Plan).

To address the above issues, the EIR/EIS must analyze the impacts to water quality and beneficial uses (including fish and wildlife resources) associated with BDCP-covered activities and identify feasible alternatives or mitigation measures that would mitigate or avoid any significant impacts of the project on water quality or beneficial uses. For example, BDCP alternatives could have impacts on water and sediment quality in the Delta including: salinity, mercury, nutrients, dissolved oxygen, dissolved organic carbons, turbidity, temperature, and other constituents within the State and Regional Water Boards' purview.<sup>2</sup>

In addition, to achieve BDCP's project objectives to assure protection and restoration of fish and wildlife resources, the EIR/EIS should analyze a broad range of alternate water quality objectives and operational strategies, including reductions in exports, that may be more protective of fish and wildlife beneficial uses. The State Water Board may use this and other information to consider potential changes to the Bay-Delta Plan and its implementation to

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<sup>2</sup> The Bay-Delta is listed as impaired pursuant to Clean Water Act section 303(d) for a variety of toxic contaminants including group A pesticides, Diazinon, Chlorpyrifos, DDT, PCB's, Dioxin, Furan, metals, selenium, nickel, mercury, toxicity, exotic species, nutrients, pathogens, and oxygen demanding substances that cause critically low dissolved oxygen. In addition, there is concern that a number of emerging contaminants could affect beneficial uses such as heavy metals and other naturally occurring elements, pharmaceuticals and endocrine disrupting compounds, blue-green algal blooms, organic carbon and bromide.



protect fish and wildlife and other beneficial uses of water in the Bay-Delta. Accordingly, the State Water Board requests analysis of a broad range of alternatives under the following scenarios: (1) potential interim changes to the Bay-Delta Plan; (2) long-term changes to the Bay-Delta Plan with new conveyance facilities; and (3) long-term changes to the Bay-Delta Plan without new conveyance facilities. Specifically, the State Water Board requests analysis of a broad range of conveyance alternatives, flows (including changes to Delta outflow objectives), and diversions by the SWP and CVP (including reduced diversions or a cap on diversions) for providing open water habitat under the above scenarios.

The EIR/EIS analyses also should consider water quality activities that have been initiated by the State and Regional Water Boards, but are not yet complete. Specifically, the State Water Board has begun a review of the southern Delta salinity and San Joaquin River flow objectives included in the Bay-Delta Plan. As a result of that review, the State Water Board may modify the southern Delta salinity or San Joaquin River flow objectives. The EIR/EIS should consider the information developed in this process and the potential future changes in these boundary conditions in its analyses. In addition, the EIR/EIS analyses should consider other known and foreseeable projects by the State and Regional Water Boards, including those discussed in the Strategic Workplan for the Bay-Delta (Workplan) which describes activities the State and Regional Water Boards intend to take in the Bay-Delta over the next five years. A draft Workplan is planned for release for public comment in the beginning of June and is expected to be considered by the State Water Board for approval at its July 15, 2008 Board meeting, followed by consideration by the Central Valley and San Francisco Bay Regional Water Boards later this year.

Moreover, before the State Water Board may approve a change in a water right permit or license, it must find that the change will not injure any legal user of water. (Wat. Code, § 1702.) Accordingly, if the proposed project will involve any changes in water rights, the EIR/EIS should fully analyze and propose mitigation for any potential impacts of the project on other legal users of water (and on public trust resources to the extent not already addressed). While CEQA does not specifically require analysis of impacts to other legal users of water, there may be direct or indirect environmental impacts associated with the project that would require analysis under CEQA.

Further, regardless of its responsibilities under CEQA, the State Water Board must consider the full range of impacts associated with the BDCP in order to fulfill its responsibilities under the public trust doctrine. The State Water Board has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible, and to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346]; Cal.Const., art. X, § 2; Wat. Code, § 275.)

Pursuant to its authority under the Water Code, the State Water Board may request additional information outside of the CEQA process in order to meet the State Water Board's public trust and other obligations. Accordingly, while BDCP parties may determine that CEQA does not require an analysis of all of the issues discussed herein (including impacts to other legal users of water and public trust resources), it would further the State Water Board's consideration of



the BDCP if the draft EIR/EIS discussed these issues. Given the similarity of the scope of analyses, it would be expeditious to address these issues in one document.

#### Specific Comments on the NOP

In addition to the above general comments, the State Water Board provides additional specific comments on the NOP, as follows:

At the top of page 4, the NOP states that formal preparation of the EIR/EIS will commence once the BDCP has been further developed. The State Water Board reserves the right to provide additional comments once additional information becomes available. This information may be provided in writing or through participation in the BDCP Steering Committee, technical teams, or workgroups.

In the third paragraph on page 4, the NOP states that the BDCP is being developed to set out near- and long-term approaches to meet the objectives of the BDCP. Any near-term actions that involve activities within the State or Regional Water Boards' regulatory purview should be coordinated with the appropriate agency as soon as possible to assure that adequate analyses are conducted to satisfy the State and Regional Water Boards' regulatory requirements.

In the first paragraph on page 5, the NOP states that the BDCP is anticipated to include a comprehensive monitoring, assessment, and adaptive management program. Development of this program should be coordinated with the water quality compliance and baseline monitoring required by the State Water Board pursuant to Decision 1641 and the Regional Monitoring Program currently being developed by the Central Valley Regional Water Board.

The last paragraph on page 5 lists activities that may be included in the BDCP, including, among others: (1) existing Delta conveyance elements and operations of the SWP and CVP; (2) new Delta conveyance facilities; (3) operational activities in the Delta related to water transfers involving water contractors or to serve environmental programs; (4) projects designed to improve Delta salinity conditions; and (5) existing power generation operations of the Mirant Delta power plants, among other activities. As discussed above, the EIR/EIS must address the State and Regional Water Boards' regulatory requirements related to these issues. It must identify any impacts to beneficial uses of water that may result from these activities, and propose alternative measures or mitigation measures to reduce or avoid any impacts.

On page 7 under the project area discussion, the NOP states that the BDCP may include conservation actions in Suisun Marsh and Suisun Bay. Any such actions should be coordinated with the State and Regional Water Boards and the development of the Suisun Marsh Habitat Management, Preservation, and Restoration Plan.

#### Role of the State Water Board in the BDCP Process

In the second paragraph on page 4, the NOP states that the BDCP is being prepared with the participation of the State Water Board and other agencies. To clarify, the State Water Board is participating in the BDCP planning process for the limited purposes of advising the BDCP parties of the State Water Board's regulatory requirements and providing technical information.



The State Water Board is neither a party to the BDCP planning agreement nor a decision-making member of the Steering Committee. By participating in the process in an advisory capacity, the State Water Board hopes to ensure that a broad range of alternatives is evaluated, and the potential impacts of all the alternatives are fully disclosed.

While the State Water Board can provide information that will help guide the BDCP parties toward a successful completion of the BDCP process, the State Water Board cannot make a prior commitment to the outcome of any regulatory approval that must be issued by the State Water Board. The State Water Board acts in an adjudicative capacity when it acts on a request for water right application, change petition, or other water right approval that may be required for or requested in connection with a proposed project. The State Water Board must be an impartial decision-maker, avoiding bias, prejudice or interest, in any adjudicative proceedings conducted in accordance with the State Water Board's regulatory approvals. Accordingly, State Water Board staff will not act as advocates for any alternatives considered during the BDCP process.

In closing, the State Water Board will continue to participate in the BDCP Steering Committee and working groups and technical teams to advise BDCP regarding the State Water Board's regulatory and informational requirements. Thank you for the opportunity to comment. If you have any questions, please contact Diane Riddle, Staff Environmental Scientist with the Division of Water Rights at (916) 341-5297, or at [driddle@waterboards.ca.gov](mailto:driddle@waterboards.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Dorothy Rice". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dorothy Rice  
Executive Director

cc: See next page.

Ms. Delores Brown  
Department of Water Resources

- 6 -

May 30, 2008

cc: Pamela Creedon  
Central Valley Regional Water Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

Karen Larsen  
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Thomas Mumley  
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**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF TRANSPORTATION PLANNING, MS-32  
1120 N STREET  
P. O. BOX 942874  
SACRAMENTO, CA 94274-0001  
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*Flex your power!  
Be energy efficient!*

May 29, 2008

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

Patti Idlof  
Bureau of Reclamation  
2800 Cottage Way, MP-150  
Sacramento, CA 95825

**SCH2008032062, Notice of Preparation of Environmental Impact Report and  
Environmental Impact Statement for the Bay Delta Conservation Plan**

Dear Mesdames Brown and Idlof:

The California Department of Transportation (Caltrans) appreciates the opportunity to respond to the Notice of Preparation for the Bay Delta Conservation Plan (BDCP).

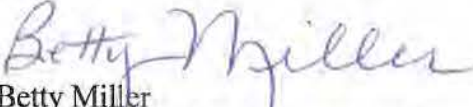
There are numerous State Highway System (SHS) facilities within the proposed BDCP planning area boundary. Caltrans' foreseeable project plans within the area boundary include improvements to State Route 4 in Contra Costa and San Joaquin Counties, State Route 12 in San Joaquin County, and State Route 84 in Solano County. As our agencies' plans progress, Caltrans will welcome any appropriate coordination of projects.

It appears that the proposed project may require access to the SHS during project activities, thus requiring an encroachment permit. The following link connects to our Encroachment Permit website, providing an application and instructions, should access be needed:  
<http://dot.ca.gov/hq/traffops/developserv/permits/>. Attached is a copy of the Caltrans *District Encroachment Permit Offices* map, with contact addresses and phone numbers.

Further, movement of vehicles/loads exceeding statutory limitations on the size, weight, and loading of vehicles on the SHS would require issuance of a transportation permit. Please refer to the next link for applicable information: <http://dot.ca.gov/hq/traffops/permits/>.

Please contact me via telephone at 916-653-0808 or e-mail: [betty\\_l\\_miller@dot.ca.gov](mailto:betty_l_miller@dot.ca.gov) if you have any questions regarding our comments or if you wish to contact our districts for more specific proposed project information.

Sincerely,

  
Betty Miller  
Statewide Local Development-Intergovernmental Review Coordinator  
Office of Community Planning



California Department of Water Resources  
United States Bureau of Reclamation  
SCH#2008032062  
May 29, 2008  
Page 2

Attachment

cc: L. Carboni, Chief, Transit & Community Planning, District 4  
C. Bushong, LD-IGR Coordinator, District 4  
T. Dumas, Chief Metropolitan Planning, District 10  
B. Hempstead, LD-IGR Coordinator, District 10



## District Encroachment Permit Offices



**District 01**  
 1656 Union Street (95501)  
 P. O. Box 3700  
 Eureka, CA 95502-3700  
 (707) 445-6385  
 (707) 445-6317 FAX

**D01- Satellite Office**  
 90 W. Lake Mendocino Dr.  
 Ukiah, CA 95482  
 (707) 463-4743  
 (707) 463-4736 FAX

**District 02**  
 1657 Riverside Drive (96001)  
 P. O. Box 496073  
 Redding, CA 96049-6073  
 (530) 225-3400  
 (530) 225-3097 FAX

**District 03**  
 720 Yuba St  
 P.O. Box 911  
 Marysville, CA 95901  
 (530) 741-4403  
 (530) 741-4236 FAX

**District 04**  
 111 Grand Avenue, 6th Floor  
 P. O. Box 23660  
 Oakland, CA 94623-0660  
 (510) 622-0724  
 (510) 286-4712 FAX

**District 05**  
 50 Higuera Street  
 San Luis Obispo, CA 93401-5415  
 (805) 549-3152  
 (805) 549-3062 FAX

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 855 "M" Street, Suite 200  
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 (559) 488-4058  
 (559) 445-6510 FAX

**District 07**  
 100 South Main Street, Suite 100  
 Los Angeles, CA 90012  
 (213) 897-3631  
 (213) 897-0420 FAX

**D07 - Satellite Office**  
 950 County Square Drive, Suite 112  
 Ventura, CA 93003  
 (805) 650-7179  
 (805) 650-7552 FAX

**District 08**  
 464 W 4th Street MS 619  
 San Bernardino, CA 92401-1400  
 (909) 383-4536  
 (909) 383-4224 FAX

**District 09**  
 500 South Main Street  
 Bishop, CA 93514  
 (760) 872-0674  
 (760) 872-5215 FAX

**District 10**  
 1976 E. Charter Way/MLK Jr Blvd (95205)  
 P. O. Box 2048  
 Stockton, CA 95201  
 (209) 948-7891  
 (209) 948-7232 FAX

**District 11**  
 4050 Taylor St MS 110  
 San Diego, CA 92110  
 (619) 688-6158  
 (619) 688-6157 FAX

**District 12**  
 3337 Michelson Dr. Suite 100  
 Irvine, CA 92612-1692  
 (949) 724-2445  
 (949) 724-2265 FAX

\* Eastern Kern County and Northern San Bernardino County fall under D09's jurisdiction. Please contact the office if you have any questions.

*ateh*

**DELTA PROTECTION COMMISSION**

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May 30, 2008

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

Dear Ms. Brown,

**SUBJECT: Notice of Preparation of Joint ERI/EIS for the Bay Delta Conservation Plan (BDCP)**

The staff of the Delta Protection Commission (Commission) has reviewed the Notice of Preparation document dated March 17, 2008 in relation to the Commission's Land use and Resource Management Plan for the Primary Zone of the Delta (Management Plan). The following information and comments are provided for your consideration in the environmental review process for the subject project.

The Delta Protection Act (Act) was enacted in 1992 in recognition of the increasing threats to the resources of the Primary Zone of the Delta from urban and suburban encroachment having the potential to impact agriculture, wildlife habitat, and recreation uses. Pursuant to the Act, a Management Plan was completed and adopted by the Commission in 1995.

The Management Plan sets out findings, policies, and recommendations resulting from background studies in the areas of environment, utilities and infrastructure, land use, agriculture, water, recreation and access, levees, and marine patrol/boater education/safety programs.

The goals, findings, policies, and recommendations from the Management Plan that are relevant to this project include, but are not limited to, the following:

Environment

- **Finding 1:** The physical environment which existed prior to 1850 has been permanently and irretrievably modified through levee construction, drainage of wetlands, and introduction of agriculture.
- **Finding 5:** While over 95% of all wetlands in the Delta have been lost, the Delta area is used by 10% of the wintering waterfowl traveling within the Pacific Flyway.
- **Finding 7:** The value to wildlife of levee habitat and habitat within the levees is lessened by on-going human impacts such as levee maintenance, farm practices, human habitation, and recreational use of the levees and waterways. Activities such as water transport and boating use have eroded Delta channel islands, berms, and levees destroying habitat areas. Without levee maintenance, the habitat on the levees and within the islands will be lost.

- Finding 8: The native population of fish and other aquatic species has been modified by hydromodification including water diversion, etc., through introduction of exotic species and other causes. Numbers of both native and of some introduced fish have dropped dramatically since the late 1960's; numbers have dropped so low that winter-run Chinook salmon and Delta smelt have been listed as endangered and threatened, respectively. However, the population of some introduced species of fish and other introduced aquatic species throughout the aquatic food chain has substantially increased.
- Finding 9: There is no Delta regionwide management plan for wildlife resources.
- Finding 13: Delta channel islands and levees serve as habitat for several burrowing species, including beaver and muskrat. Some species have created burrows large enough to endanger levee stability.
- Policy 3: Lands managed primarily for wildlife habitat shall be managed to provide several inter-related habitats. Deltawide habitat needs should be addressed in development of any wildlife habitat plan. Appropriate programs, such as "Coordinated Resource Management and Planning" [Public Resources Code Section 9408(c)] and "Natural Community Conservation Planning" (Fish and Game Code Section 2800 et seq.) should ensure full participation by local government and property owner representatives.
- Recommendation 1: Seasonal flooding should be carried out in a manner so as to minimize mosquito production. Deltawide guidelines outlining "best management practices" should be prepared and distributed to land managers.
- Recommendation 2: Wildlife habitat on the islands should be of adequate size and configuration to provide significant wildlife habitat for birds, small mammals, and other Delta wildlife.
- Recommendation 3: Undeveloped channel islands provide unique opportunities for permanent wildlife habitat in the Primary Zone. A strategy should be developed to encourage permanent protection and management of the channel islands. Protection may include: acquisition, conservation easements, or memoranda of understanding. Management may include: protection from erosion, controlling human access, or habitat management, such as planting native plants and removing exotic plants. Some larger, reclaimed channel islands may be suitable for mixed uses, such as recreation and habitat. Any development on channel islands must ensure long-term protection of the wildlife habitat.
- Recommendation 4: Feasible steps to protect and enhance aquatic habitat should be implemented as may be determined by resource agencies consistent with balancing other beneficial uses of Delta resources.
- Recommendation 5: Publicly-owned land should incorporate, to the maximum extent feasible, suitable and appropriate wildlife protection, restoration and enhancement as part of a Deltawide plan for habitat management.

- Recommendation 6: Management of suitable agricultural lands to maximize habitat values for migratory birds and other wildlife should be encouraged. Appropriate incentives, such as conservation easements, should be provided by nonprofits or other entities to protect this seasonal habitat through donation or through purchase.
- Recommendation 7: Lands currently managed for wildlife habitat, such as private duck clubs or publicly-owned wildlife areas, should be preserved and protected, particularly from destruction from inundation.
- Policy 3: Lands managed primarily for wildlife habitat shall be managed to provide several inter-related habitats. Delta-wide habitat needs should be addressed in development of any wildlife habitat plan. Appropriate programs, such as "Coordinated Resource Management and Planning" [Public Resources Code Section 9408(c)] and "Natural Community Conservation Planning" (Fish and Game Code Section 2800 et seq.) should ensure full participation by local government and property owner representatives.

#### Utilities and Infrastructure

- Finding 2: High voltage transmission lines have disrupted wildlife use patterns and resulted in the loss of birds due to collision with those lines.
- Recommendation 4: Materials dredged from Delta channels should, if feasible, be stored at upland sites for reuse for levee maintenance and repair, and other feasible uses in the Delta. Impacts to wildlife caused by storage of dredged materials should be mitigated.
- Recommendation 7: Natural gas production will continue to be an important use of Delta resources. Structures needed for gas extraction should be consolidated to minimize displacement of agriculture and wildlife habitat. In compliance with existing laws, facilities no longer needed for gas extraction should be completely removed to allow restoration of agriculture or wildlife habitat uses. Counties should ensure that there are appropriate buffers between gas processing and storage facilities and residential and recreational uses to protect lives and property.
- Policy 1: Impacts associated with construction of transmission lines and utilities can be mitigated by locating new construction in existing utility or transportation corridors, or along property lines, and by minimizing construction impacts. Before new transmission lines are constructed, the utility should determine if an existing line has available capacity. To minimize impacts on agricultural practices, utility lines shall follow edges of fields. Pipelines in utility corridors or existing rights-of-way shall be buried to avoid adverse impacts to terrestrial wildlife. Pipelines crossing agricultural areas shall be buried deep enough to avoid conflicts with normal agricultural or construction activities. Utilities shall be designed and constructed to minimize any detrimental effect on levee integrity or maintenance.

#### Land Use

- Recommendation 1: A program by non-profit groups or other appropriate entities should be developed to promote acquisition of wildlife and agricultural conservation easements on private lands with the goal of protecting agriculture and wildlife habitat in the Delta.

- Recommendation 2: Public agencies and non-profit groups have or propose to purchase thousands of acres of agricultural lands to restore to wildlife habitat. The amount, type, and location of land identified to be enhanced for wildlife habitat should be studied by wildlife experts to determine goals for future acquisition and restoration. Lands acquired for wildlife habitat should also be evaluated for recreation, access, research and other needed uses in the Delta. Habitat restoration projects should not adversely impact surrounding agricultural practices. Public-private partnerships in management of public lands should be encouraged. Public agencies shall provide funds to replace lost tax base when land is removed from private ownership.
- Recommendation 3: Multiple use of agricultural lands for commercial agriculture, wildlife habitat, and, if appropriate, recreational use, should be supported, and funding to offset management costs pursued from all possible sources. Public agencies shall provide funds to replace lost tax base when land is removed from private ownership.
- Policy 2: Local government general plans, as defined in Government Code Section 65300 et seq., and zoning codes shall continue to strongly promote agriculture as the primary land use in the Primary Zone; recreation land uses shall be supported in appropriate locations and where the recreation uses do not conflict with agricultural land uses or other beneficial uses, such as waterside habitat. County plans and ordinances may support transfer of development rights, lot splits with no increase in density, and clustering to support long-term agricultural viability and open space values of the Primary Zone. Clustering is intended to support efficient use of agricultural lands, not to support new urban development in the Primary Zone. Local governments shall specifically indicate when, how, and why these options would be allowed in the Primary Zone.

#### Agriculture

- Finding 11: Programs at State and federal level support land management to enhance habitat values on private agricultural lands. Some programs will result in permanent conversion of agricultural land. Examples include: creation of wetlands on agricultural lands; seasonal flooding of agricultural lands; deferred tillage; deferred harvesting of grains; enhancement of field edges as habitat; and planting native plants along roadways and between fields. However, many of the existing programs do not reflect the unique Delta resources and opportunities.
- Policy 7: Local governments shall encourage acquisition of agricultural conservation easements as mitigation for projects within each county, or through public or private funds obtained to protect agricultural and open space values, and habitat value that is associated with agricultural operations. Encourage transfer of development rights within land holdings, from parcel to parcel within the Delta, and where appropriate, to sites outside the Delta. Promote use of environmental mitigation in agricultural areas only when it is consistent and compatible with ongoing agricultural operations and when developed in appropriate locations designated on a countywide or Delta-wide habitat management plan.

- Policy 8: Local governments shall encourage management of agricultural lands which maximize wildlife habitat seasonally and year-round, through techniques such as sequential flooding in fall and winter, leaving crop residue, creation of mosaic of small grains and flooded areas, controlling predators, controlling poaching, controlling public access, and others.

#### Water

- Goal: Protect long-term water quality in the Delta for agriculture, municipal, industrial, water-contact recreation, and fish and wildlife habitat uses, as well as all other designated beneficial uses.
- Finding 13: Water is needed to enhance seasonal and year-round wildlife habitat in the Delta such as flooding agricultural fields in fall and winter. Seasonal flooding is of particular value to migratory waterfowl.
- Finding 17: Transport of State and federal project water through the Delta does result in levee erosion and reverse flows and may detrimentally affect some fish species.
- Policy 1: Local governments shall ensure that salinity in Delta waters allows full agricultural use of Delta agricultural lands, provide habitat for aquatic life, and meet requirements for drinking water and industrial uses.
- Recommendation 3: Programs to enhance the natural values of the State's aquatic habitats and water quality will benefit the Delta and should be supported.
- Recommendation 5: Water for flooding to provide seasonal and year-round wildlife habitat should be provided as part of State and federal programs to provide water for wildlife habitat.

#### Recreation and Access

- Finding 5: The Delta waterways are recognized as valuable habitat for resident and migratory species, including fish, amphibians, birds, and mammals.
- Finding 6: Some recreational activities are detrimental to habitat values; such as those that create loud noises, create waves or wakes; or disturb sediments. Recreational boating adversely impacts the stability of some levees through creation of wakes increasing costs of maintenance. Wake erosion also adversely impacts wildlife habitat areas, such as channel islands.
- Finding 10: The marina permit application process is long, expensive and difficult due to: difficulty in obtaining upland sites and leases for underwater lands, land ownership issues, possible impacts to the environment including rare and endangered fish and plant species, limitations on dredging, and protection of riparian vegetation.
- Policy 2: To minimize impacts to agriculture and to wildlife habitat, local governments shall encourage expansion of existing private water-oriented commercial recreational facilities over construction of new facilities. Local governments shall ensure any new recreational facilities will be adequately supervised and maintained.
- Recommendation 2: Support a scientifically-valid study of the carrying capacity of the Delta waterways for recreation activities without degradation of habitat values which minimize impacts to agriculture or levees.



Ms. Delores Brown

May 28, 2008

Page Six

- Recommendation 5: To protect rare and endangered fish species from adverse impacts of poaching, the Department of Fish and Game (DFG) should study the feasibility and value of banning night fishing in the Delta.
- Recommendation 10: New, expanded, or renovated marinas should minimize toxic discharges (including paint, paint chips, chemicals, heavy metals, tributyltin, oil, grease, and fuel) and prohibit discharges of untreated sewage as required under local, State, and federal laws and regulations.
- Policy 2: To minimize impacts to agriculture and to wildlife habitat, local governments shall encourage expansion of existing private water-oriented commercial recreational facilities over construction of new facilities. Local governments shall ensure any new recreational facilities will be adequately supervised and maintained.
- Policy 3: Local governments shall develop siting criteria for recreation projects which will ensure minimal adverse impacts on: agricultural land uses, levees, and public drinking water supply intakes, and identified sensitive wetland and habitat areas.

#### Levees

- Finding 8: Materials for levee construction and repair have routinely been dredged from adjacent waterways. Environmental regulations to protect endangered fish and other restrictions have limited access to this traditional source of material. Historically lower costs of using dredged material have been offset by increased regulatory costs. Other sources of levee maintenance material include: on-island deposits; quarries; construction projects, including habitat enhancement projects; and spoils from authorized maintenance dredging projects by ports or flood control districts.
- Finding 13: Loss of Delta levees could result in loss of life; lowered water quality for water diverted by local water systems and for export through the State and federal water systems; loss of freshwater due to increased evaporation; loss of property, including crops and structures; and loss of habitat. Rodent dens and tunnels, particularly those created by beaver and muskrat, can adversely affect levee stability and are thought to have been the cause of numerous levee failures.
- Policy 1: Local governments shall ensure that Delta levees are maintained to protect human life, to provide flood protection, to protect private and public property, to protect historic structures and communities, to protect riparian and upland habitat, to promote interstate and intrastate commerce, to protect water quality in the State and federal water projects, and to protect recreational use of the Delta area. Delta levee maintenance and rehabilitation shall be given priority over other uses of the levee areas. To the extent levee integrity is not jeopardized, other uses, including support of vegetation for wildlife habitat, shall be allowed.
- Recommendation 1: Levee maintenance, rehabilitation, and upgrading should be established as the first and highest priority of use of the levee. No other use whether for habitat, trails, recreational facilities, or roads should be allowed to unreasonably adversely impact levee integrity or maintenance.



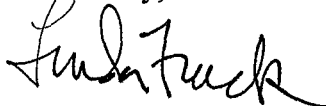
Ms. Delores Brown  
May 28, 2008  
Page Seven

- Recommendation 2: Landowners, through reclamation districts, should pay a portion of levee maintenance costs. The overall citizenry of California and the United States that benefits from the state and federal water projects, commerce and navigation, travel, production of crops, recreation, and protection of fish and wildlife habitat should also pay a substantial portion of the cost of maintaining the Delta levees. New programs of determining assessments on mineral leases and other beneficiaries should be evaluated by reclamation districts.
- Recommendation 8: To lower levee maintenance costs, streamlined permitting systems for authorization of dredging for levee maintenance and rehabilitation work, including the improvement of wildlife habitat and habitat mitigation sites, and for levee upgrading to mandated standards to protect public health and safety, should be instituted, with one state agency designated as lead agency and one federal agency designated as lead agency. Federal agency concurrence in such designations should be obtained.
- Recommendation 12: Levee maintaining agencies and fish and wildlife agencies should continue to cooperate to establish appropriate vegetation guidelines. Continuation of the SB 34 Program with its incentive funding for mitigation should be supported as the best way to accomplish the goals of levee maintenance with no net long term loss of habitat.

It is also worth noting, relative to the Commission's Management Plan that pursuant to the Commission's adopted 2006-2011 Strategic Plan and in response to the Governor's recommendation in February of 2008, the process for updating the Management plan has been initiated with anticipated completion by the end of the year. Delta initiatives and processes underway (including DBCP and Delta Vision) that may be of relevance to the Commission's policies and mandates are being taken into consideration in this process.

A copy of the Management Plan and the Act are available at the Commission's web site [www.delta.ca.gov](http://www.delta.ca.gov) for your reference. Please contact me at (916) 776-2292 or [lindadpc@citlink.net](mailto:lindadpc@citlink.net) if you have any questions regarding the Commission or the comments provided herein.

Sincerely,



Linda Fiack  
Executive Director

May 29, 2008

Ms. Delores Brown  
Chief, Office of Environmental Compliance  
Department of Water Resources

via email: [delores@water.ca.gov](mailto:delores@water.ca.gov)

Dear Ms. Brown:

Advisory Letter Regarding BDCP EIS/EIR Scope

Executive Order S-17-6 directed us to “develop a durable vision for sustainable management of the Delta” with the goal of “...managing the Delta over the long term to restore and maintain indentified functions and values that are determined to be important to the environmental quality of the Delta and the economic and social well being of the people of the state.” This charge to make decisions about the Delta within a broad context is echoed in Governor Schwarzenegger’s statements on a comprehensive approach to water in July 2007, and in his letter to Senators Perata, Machado and Steinberg of February 28, 2008. Executive Order S-17-6 also directed Delta Vision to “Inform and be informed by current and future Delta planning processes such as those pertaining to the CALFED Bay-Delta Program, Bay Delta Conservation Plan, Suisun Marsh Plan, Water Plan...”

The vision for the California Delta we adopted in November 2007 makes twelve interrelated and linked recommendations and also seven near term action recommendations. As required under Executive Order S-17-06, in October 2008, we will adopt a strategic plan to implement the vision.

The charge to Delta Vision and our recommended vision are the basis from which we offer these advisory comments regarding the scope of the Environmental Impact Review/Statement now being launched.

Success of the BDCP process will play an important role in achieving important components of Delta Vision’s plan for a resilient and regenerated California Delta ecosystem and increased reliability of water supply. The Notice of Preparation for the BDCP EIR/S provides a broad framework within which to work and many important activities are listed, but the level of commitment to them needs to be strengthened as the planning process matures. We believe that bold and strong measures are needed if we are to change course, and both our Vision and our Strategic Plan have and will call for such measures comprehensively. We offer our recommendations, below, out of our desire to assist the BDCP in

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steering its efforts towards a comprehensive approach to achieving the twin objectives of improved water supply reliability and ecosystem health.

We believe that there are several elements that must be included in the BDCP EIR/S to ensure that success in BDCP also contributes to our vision of co-equal priorities of reliable water supplies for Californians and protecting and improving the Delta ecosystem. Specifically, we recommend:

**The BDCP EIR/S should directly assess alternative choices by how well they serve these two co-equal goals as the primary framework for analysis.** The BDCP process aims to develop a state Natural Communities Conservation Plan and a federal Habitat Conservation Plan which will allow issuing permits for the continued export of water from the Delta and for an array of measures directed at factors limiting essential ecological processes and functions within the Delta. We believe that the approach should ensure that restoring these functions is a central component of the plan, and not treated merely as mitigation to offset continued water export functions -- an approach which has failed to break through the political deadlock on water and the ecosystem for the past 40 years. Moreover, the EIR/S should include the full range of combinations of improved through Delta and alternative conveyance.

**The BDCP EIR/S should include clear description of near term actions which will be taken to improve ecosystem function and water system reliability and to protect human life.** Large scale projects will take years to reach completion. We therefore wish to stress the importance of identifying, evaluating and implementing an aggressive suite of "near-term" measures to improve Delta ecosystem function and water system reliability and to protect human life pending the completion of major new capital facilities associated with realizing the dual conveyance capabilities which appear to hold such promise over the longer-term. These near term improvements in through Delta conveyance should be incorporated in analyses of how improvements in through Delta conveyance can achieve the two important goals of (a) increased conveyance capacity and (b) reducing risk of catastrophic failure, including the value of repairable through Delta conveyance capacity. This is consistent with our Vision recommendations 7, 8 and 9.

**The BDCP EIR/S should expand its consideration of issues to include important new policy initiatives announced by the Governor and the major elements we identified in our Vision of last year. Specifically, BDCP should:**

a. Incorporate assumptions on water conservation to be achieved through the Governor's announced plan. A major element missing from BDCP in its current configuration is any assumption about levels of conservation throughout California, consistent with the Governor's goal of a 20% statewide reduction in per-capita use by the year 2020. Since the health of the Delta ecosystem cannot be achieved without substantial conservation by California --- and a reasonable supply of water for Californians must also be produced by actions which include conservation --- BDCP should build those levels of contribution into its planning and analysis.

b. Integrate sustainable water supply. Our adopted vision acknowledges that all water demands cannot be met at all times and expects reduced diversions from the Delta and/or its watershed at some times and in some places. The BDCP should clearly

state expectations on water diversion under different conditions and the decision processes and rules it would use to determine allowable diversions under a range of hydrological and climatological conditions. If a reliable water supply is the primary goal of water contractors --- and they tell us that is the case --- then the actual amount of water to be exported from the Delta, under diverse conditions, must be clearly stated. Projecting diversions for water supply first requires establishing quantified thresholds for water required in the Delta (in volume, timing and quality at various locations) for effective functioning of the estuarine ecosystem under different conditions.

c. Address seismic and flood durability. The BDCP should explicitly address the level of flood protection required for ecosystem protection, for the protection of water conveyance systems, and assess how its projects impact non-ecosystem levees and human uses of the Delta.

d. Incorporate ecosystem health and resilience. While the NCCP or HCP processes of BDCP are focused on providing a basis for issuing permits for large diversions, the EIR/S should clearly assess the extent to which these actions will contribute to overall ecosystem health and resilience. For example, while the majority of scientific opinion appears to believe that a properly operated isolated or dual conveyance facility would achieve substantial benefits to water reliability, and would reduce the damage to fish species by use of the existing pumps, the EIR/S should also analyze a full range of through-Delta flows on in-Delta ecological processes and functions, in addition to how reduced pumping operations may reduce entrainment of certain fish species. Similarly, the full range of impacts of any new capital facilities, such as an isolated facility, should be analyzed, including impacts on the ecosystem, flood management and water supply reliability.

e. Incorporate water quality. We recommend that the BDCP clearly evaluate the implications of alternative approaches to conveyance and to ecological restoration on existing (and potentially modified) water quality objectives for the Delta, and how these objectives will be affected by the various alternatives under development. Those water quality levels should address both ecosystem and human needs. The establishment of water quality levels in the Delta should be achieved concurrently with any facility improvements.

f. Specify projected schedules for construction, the cost of the activities and the source of funding for such activities. We recommend that the BDCP include sufficient details to guarantee that the conservation measures contemplated by the final plan will be fully and properly implemented. These details should include specific implementation schedules, financing commitments and assignments of appropriate roles and responsibilities to ensure vigorous implementation. The absence of detailed information on these items would otherwise jeopardize achievement of the goals.

g. State a specific assumption about projected sea level rise and the implications of that for all of the elements of BDCP. The BDCP should clearly state its assumptions regarding sea level rise and evaluate how it will address and respond to the enormous challenges of climate change and sea level rise over the course of plan implementation.

h. Devise assurances that the actions included in the final BDCP EIR/EIS will be implemented, including, for example, directly incorporating actions into any and all state water contracts, and as conditions for receipt of bond funds, either for facility development or for ecosystem purposes. It would be extremely valuable if the BDCP analysis is written in a format which allows the incorporation of its water diversions, export operational

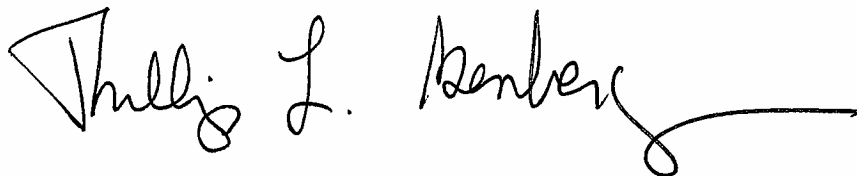
parameters and conservation measures, including ecosystem enhancement activities, into the relevant water contracts, general obligation or revenue bonds, and other legally binding instruments (e.g., JPAs, etc.) which may be developed to implement the desired Delta Vision.

i. Seize any opportunities for positive coordination with other infrastructure or ecosystem improvements. Without diverting focus from achieving the goals and objectives of BDCP, the EIR/S process and subsequent implementation should look for opportunities for positive coordination with other public policy efforts.

**In addition to these major recommendations for scoping the BDCP EIR/S, we recommend meeting the following standards:**

- Easily comparable information about all options. Provide pre-construction (e.g., land purchase), construction, operation and maintenance, and mitigation costs for all alternatives. Similarly, provide comparable information about expected impacts on the ecosystem and water available for human use under various standardized scenarios.
- Clear description of the complexity and cost all proposed changes in conveyance and storage. For the example of a proposed improvements to the Middle River, does the option involve (1) inexpensive interim upgrading, (2) improvements with semi-permanent features which would be lost to an earthquake, or (3) a permanent design that after catastrophe is reclaimed and re-operated? Similarly, the costs and complexity of any proposed isolated conveyance facility need to be clearly described.
- Clear description of how the design and operation component of each alternative serves ecosystem health and resilience. This is consistent with our Vision recommendation 1.
- Clear description of effective adaptive management. Include adequate description of a comprehensive monitoring, assessment and adaptive management program, including the processes and factors which will result in decision makers actually managing adaptively.
- Transparent and consistent modeling assumptions. Major assumptions could include: (1) expected Delta fish protection actions, (2) projected reductions in per capita water use, (3) expected CVP and SWP operations, (4) regional self-sufficiency actions, (5) major agreements and settlements (e.g., San Joaquin River settlement), and (6) changed demand and supply from climate change.

Sincerely,

A handwritten signature in black ink that reads "Phillip L. Isenberg". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Phillip L. Isenberg, Chair  
Delta Vision Blue Ribbon Task Force

1 **APPENDIX G4: 2008 LOCAL AGENCIES PRELIMINARY SCOPING**  
2 **COMMENTS**



# San Juan Water District

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▲  
*General Manager*  
Shauna Lorange

May 29, 2008

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

**Re: Comments of the American River Water Users Group on the Notice of Preparation of Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan ("BDCP EIR/EIS")**

Dear Ms. Brown:

Thank you for the opportunity to provide comments in response to the March 17, 2008 notice of preparation of the BDCP EIR/EIS. The American River Water Users Group comprises Placer County Water Agency, the City of Roseville, El Dorado County Water Agency, El Dorado Irrigation District, Sacramento County Water Agency, the City of Folsom, San Juan Water District, Sacramento Suburban Water District, Carmichael Water District, Orange Vale Water Company and Citrus Heights Water District. All of our agencies receive water supplies from the American River and are responsible for providing water service to hundreds of thousands of customers.

The BDCP accurately recognizes the dual problems of water supply reliability and environmental health faced by the Delta today. Proposals to solve these problems have included the construction of new conveyance facilities and the implementation of improved habitat management and conservation measures with the goal to improve both water supply reliability and the environmental health of the Delta. Our group recognizes that, to implement these proposals, changes in the operations of the State Water Project and Central Valley Project may be considered in the BDCP. Such changes, however, have the potential to result in adverse impacts to water supplies or to the environment outside the BDCP study area. We ask that you develop a range of alternatives that will avoid any of these redirected impacts, and that all potential impacts within these areas of concern be fully identified and mitigated in each alternative. The BDCP EIR/EIS should not, however, analyze alternatives that would involve involuntary reallocations of water supplies from upstream uses to Delta uses, for example, through regulatory actions.

Actions to address the ecosystem and water supply reliability crisis in the Bay Delta must include adequate assurances that Delta solutions:

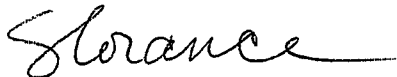
- are based on sound science

- are part of a comprehensive water management approach that includes both conveyance and water supply
- are protective of watershed of origin rights
- are based on beneficiary pays principles
- avoid redirected impacts and costs to upstream areas, including reduction in reliability of water supplies or water quality and increased stream temperatures in upstream tributaries
- include water quality standards for the Bay Delta that take into account the potential for failure of Delta levees and that do not require significant unscheduled water releases from Folsom Reservoir

Due to its proximity to the Delta, unscheduled water releases from Folsom Reservoir have often been made to provide water supplies to address changing conditions in the Delta. Such releases have caused adverse impacts to the quantity and quality of water available for lower American River flows and deliveries from Folsom Reservoir within this region, as well as adverse impacts to implementation of the January 2000 Water Forum Agreement's proposed Flow Management Standard for the lower American River below Nimbus Reservoir. Actions to implement the BDCP must avoid these types of impacts. The BDCP EIR/EIS should analyze all impacts to upstream water supplies (including storage under upstream water rights and the frequency with which the State Water Resources Control Board's Term 91 is triggered), water quality and lower American River flows (including water released from Folsom Reservoir). The evaluation of impacts on Folsom Reservoir water availability and quality is especially critical because this reservoir is the only source of CVP water physically available to CVP contractors in the American River Division.

Thank you for the opportunity to provide these comments. Please add the following to the contact list for this process on behalf of the American River Water Users Group: Ms. Shauna Lorance, General Manager, San Juan Water District, P.O. Box 2157, Granite Bay, CA 95746-2157 ([slorance@sjwd.org](mailto:slorance@sjwd.org)).

Sincerely yours,



Shauna Lorance, General Manager,  
San Juan Water District, for the American River Water User Group

cc: Placer County Water Agency  
City of Roseville  
El Dorado County Water Agency  
El Dorado Irrigation District  
Sacramento County Water Agency  
City of Folsom  
Sacramento Suburban Water District  
Carmichael Water District  
Citrus Heights Water District  
Orange Vale Water Company



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May 30<sup>th</sup>, 2008

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

**RE: Environmental Impact Report and Environmental Impact Statement for the Sacramento – San Joaquin Bay Delta Conservation Plan**

Dear Ms. Brown:

On behalf of Calleguas Municipal Water District (Calleguas), I want to thank you for providing us the opportunity to comment on the development of the Sacramento – San Joaquin Bay Delta Conservation Plan. As the Northern-most member agency of Metropolitan Water District of Southern California, and a wholesale water district which relies 100% on the State Water Project to supply over 600,000 people, Calleguas is keenly interested in the successful development and adoption of a Bay Delta Conservation Plan (BDCP).

Calleguas strongly supports the intent of the BDCP, as stated in the Notice of Preparation of the Environmental Impact Report and Environmental Impact Statement (EIR/EIS), to “secure authorizations that would allow the conservation of covered species, the restoration and protection of water supply reliability, protection of certain drinking water quality parameters and the restoration of ecosystem health to proceed within a stable regulatory framework.”

**Reliability, Not Increased Exports**

First and foremost, Calleguas is interested in assuring its customers a reliable supply of quality, affordable water. When Calleguas formed in 1953 to secure water for Southern Ventura County, imported supplies from the Colorado River, and subsequently from the State Water Project, offered dependability and a quality that the region’s overdrafted and unusable groundwater basins could not supply. Today, however, threats to State Water significantly undermine the District’s confidence in its imported supply and threaten the District’s reliability.

Ms. Delores Brown  
May 30<sup>th</sup>, 2008  
Page 2

Seismic risks, increased flooding and sea level rise threaten to disrupt State Water Project deliveries, due to the vulnerability of Delta levees. Additionally, worsening environmental conditions in the Bay-Delta environment require protections for endangered and threaten species that have caused regulatory cut backs in exports, further restricting water supplies. These issues must be addressed in order for the State Water Project to meet its contract obligations.

Currently, Calleguas imports roughly 130,000 acre feet annually from the State Water Project. The District's long-term resource plan, however, is to reduce its imported demand to 100,000 acre feet through investments in conservation, recycling and brackish groundwater recovery. The reliability of this base (100,000 acre feet) supply is more important to Calleguas than maintaining or increasing its current exports.

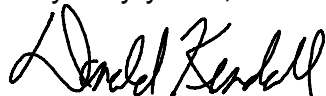
### **Operating with the Environment in Mind**

A better understanding of aquatic species' life-cycle and migration patterns suggest that state water contractors will need to adjust current pumping cycles to more carefully protect the marine environment. Certain times of the year, pumping may be prohibited or significantly curtailed. In order to provide for both the fish and the public we serve, the State's conveyance system must accommodate these fluctuations. Whether supplies are directed through the Delta or around it, conveyance must be adequately sized to move water safely, responsibly and efficiently, when it's plentiful. Alternatively, when water is scarce, operational criteria must ensure species protection, or water managers run the continued risk of having Judges regulate their water supplies.

Agencies that depend on the State Water Project require certainty in order to effectively plan for the customers they serve. Calleguas encourages the State to move forward with the EIS/EIR on the Bay Delta Conservation Plan, and begin work on a comprehensive program to meet California's water needs in a manner that respects the ecological values of the Delta.

Thank you for your consideration of our comments.

Very truly yours,



Donald R. Kendall, Ph.D., P.E.  
General Manager

cc: Calleguas Board of Directors



# Central Contra Costa Sanitary District

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General Manager

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Counsel for the District  
(510) 808-2000

ELAINE R. BOEHME  
Secretary of the District

May 30, 2008

Ms. Dolores Brown, Chief  
Office of Environmental Compliance  
Department of Water Resources  
Division of Environmental Services  
901 P Street, P.O. Box 942836  
Sacramento, CA 95814-6424

Dear Ms. Brown:

## NOTICE OF PREPARATION OF BDCP EIR/EIS; PROPOSAL TO EXPAND PROJECT AREA

Central Contra Costa Sanitary District (CCCSD) is the wastewater treatment agency for more than 448,000 residents of Central Contra Costa County. CCCSD has received your Notice of Preparation for an Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan (BDCP). The project area, as depicted in Figure 1 of the Notice of Preparation, is the Statutory Delta. We urge the Department of Water Resources to expand the project area to include Suisun Bay and San Pablo Bay due to the potential environmental impacts that could result from any actions of the BDCP.

CCCSD discharges our treated wastewater effluent into Suisun Bay. As such, we are especially concerned with the water quality and health of the ecosystem in the Suisun Bay. The ecosystem of Suisun and San Pablo Bays depends primarily on the volume and quality of Delta outflows. Any changes to Delta outflows will affect the ecosystem of these two important water bodies. There is a significant fish population that occupies Suisun Bay and uses the area as breeding and feeding ground. The Delta smelt fish population is just one example of the decreasing fish population in the Suisun Bay that has been occurring over the past two decades.

CCCSD believes that the expansion of the project area of the EIR/EIS would advance the goals and objectives of the BDCP. Thank you for your consideration.

Sincerely,

Curtis W. Swanson

Environmental Services Division Manager

EQ/CWS/nap



## CENTRAL DELTA WATER AGENCY

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### COUNSEL

*Dante John Nomellini  
Dante John Nomellini, Jr.*

March 24, 2008

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Lori Rinek, Chief  
Conservation Planning & Recovery Division  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, W-2605  
Sacramento, California 95825

[BDCP-NEPA.SWR@noaa.gov](mailto:BDCP-NEPA.SWR@noaa.gov)

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 contaminants 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 recurrence 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

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4

March 24, 2008

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,

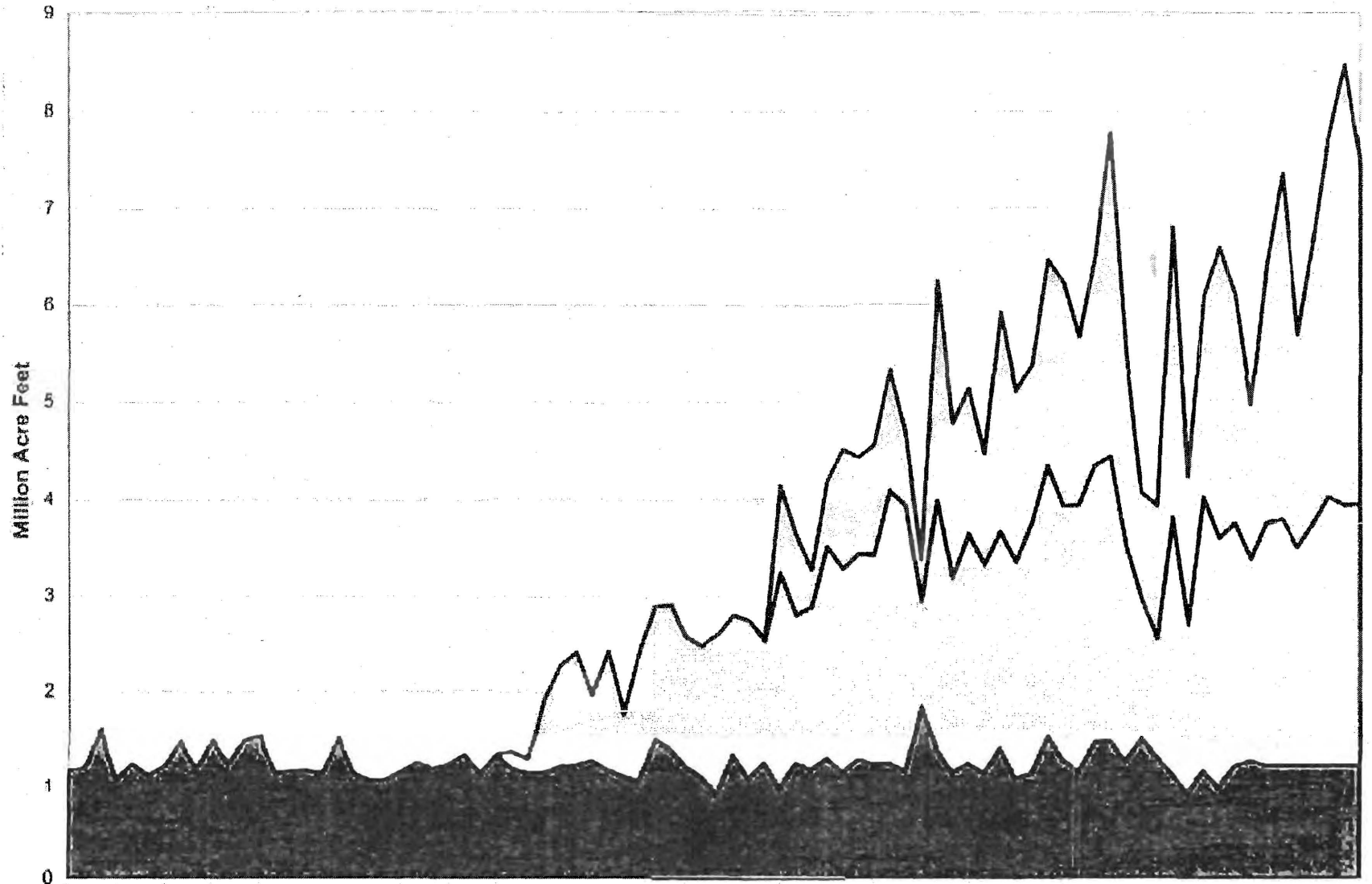


DANTE JOHN NOMEILLINI  
Manager and Co-Counsel

DJN:ju  
Enclosures

■ In-Delta Diversions ■ Tracy Exports ■ Banks Exports

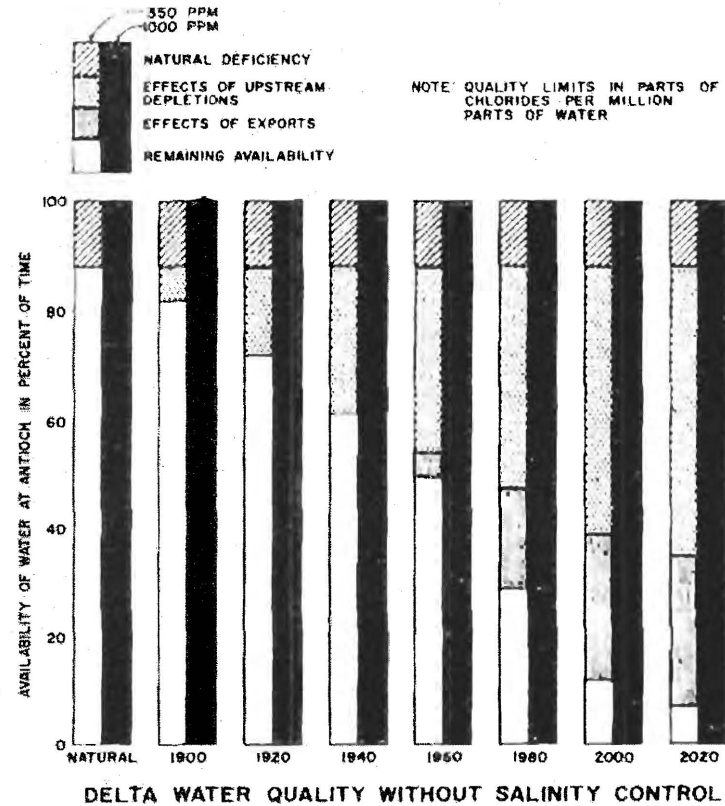
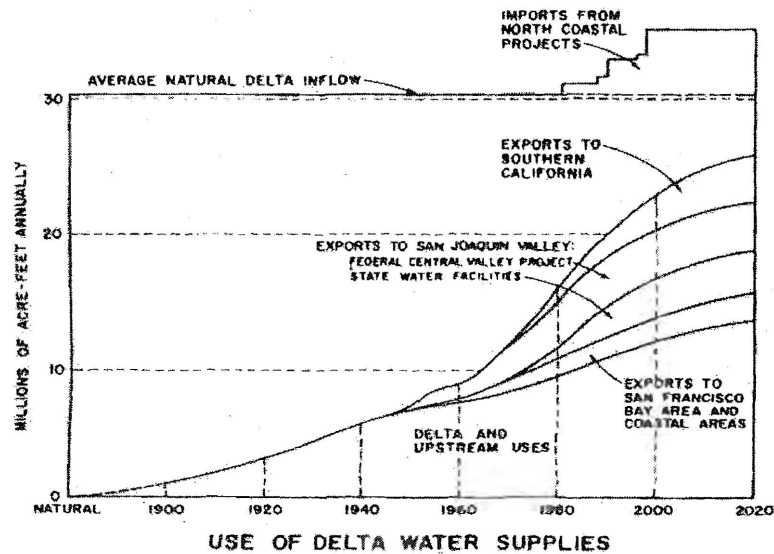
Figure 6



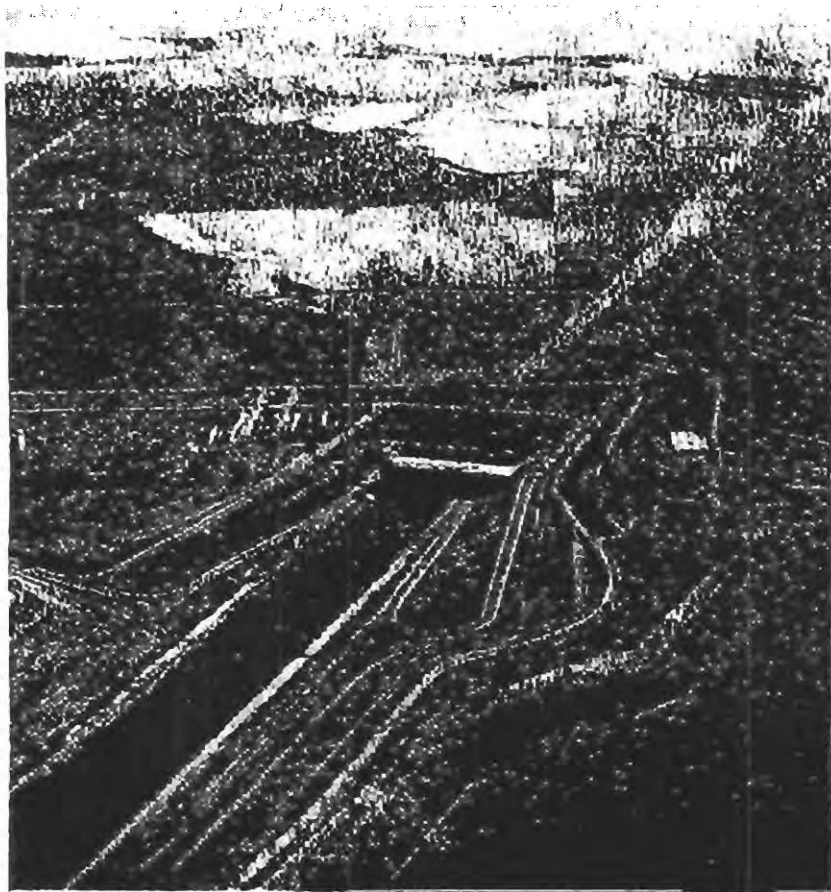
1923 1926 1929 1932 1935 1938 1941 1944 1947 1950 1953 1956 1959 1962 1965 1968 1971 1974 1977 1980 1983 1986 1989 1992 1995 1998 2001 2004



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.



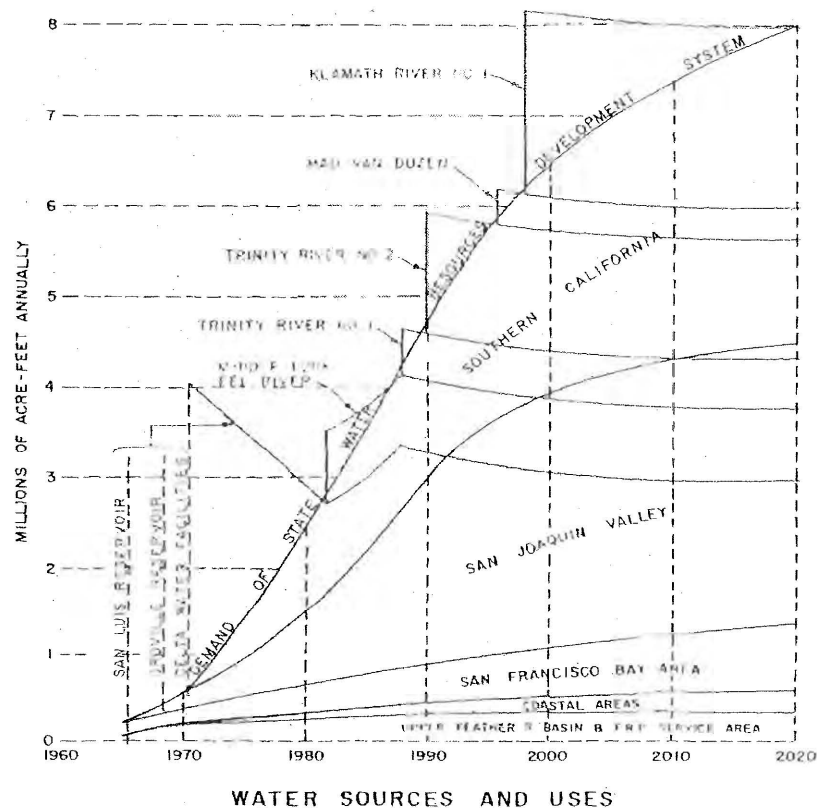
The magnitude of the past and anticipated future uses of water in areas tributary to the Delta, except the Tulare Lake Basin, is indicated in the diagram to the left. It may be noted that, while the present upstream use accounts for reduction of natural inflow to the Delta by almost 25 percent, upstream 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.



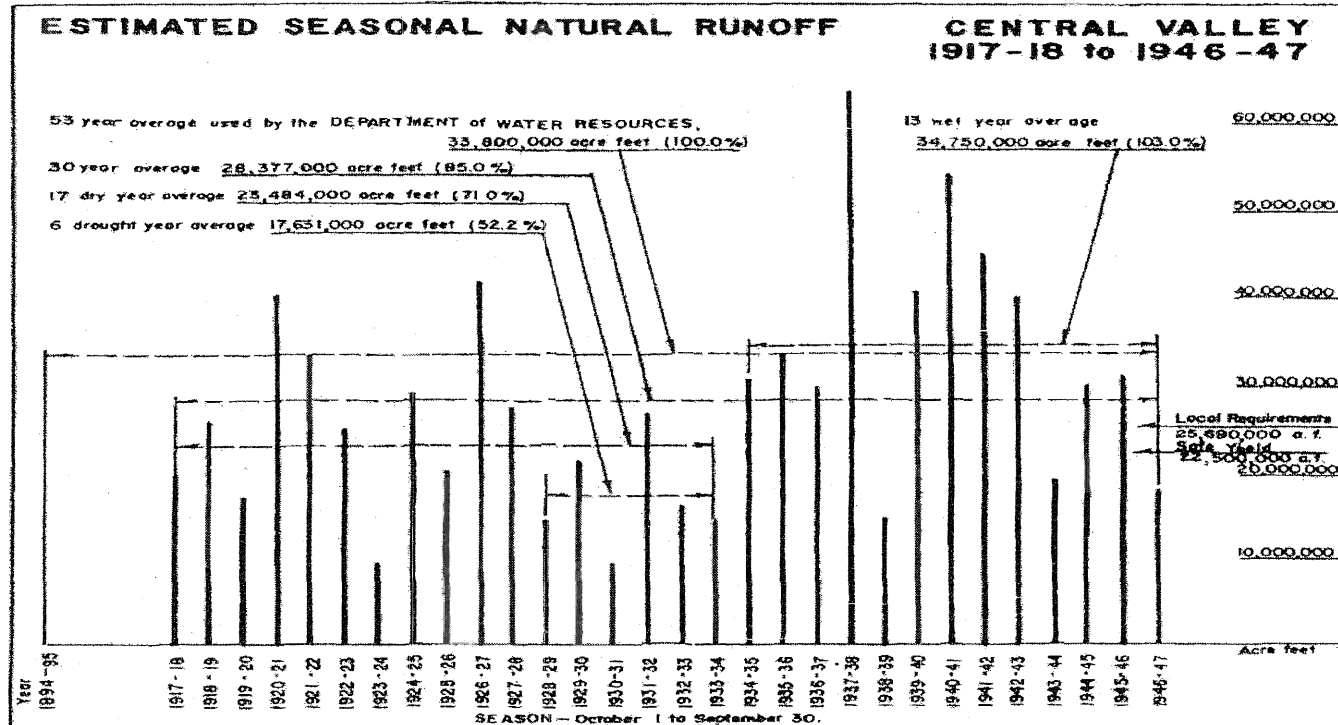
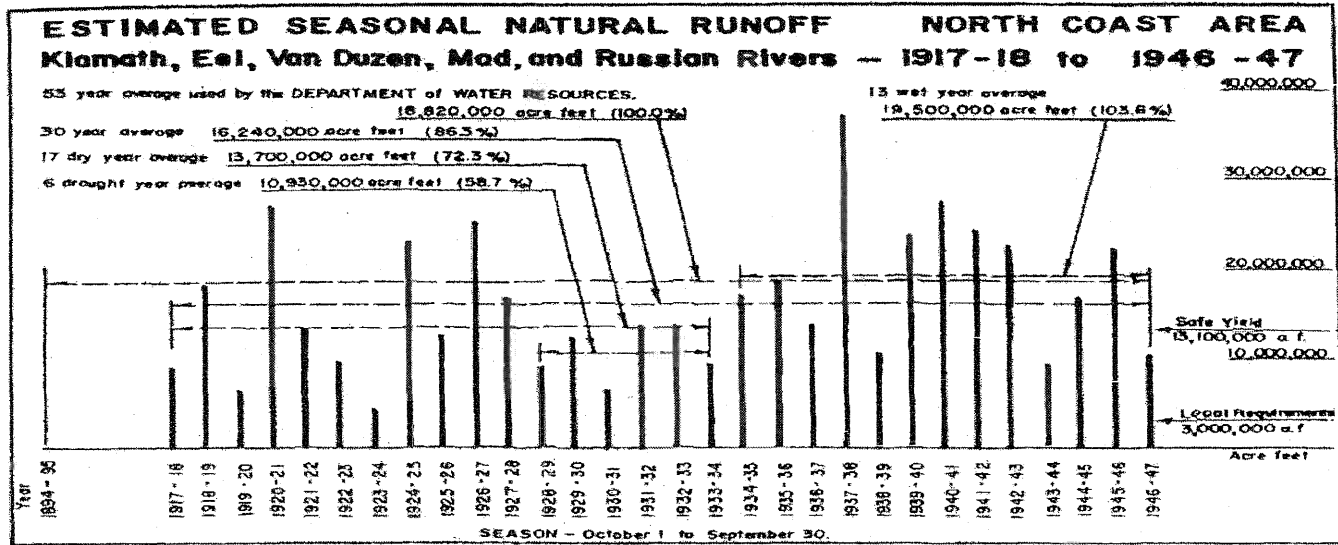
Tracy Pumping Plant

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.



WEBER FOUNDATION STUDIES





## CENTRAL DELTA WATER AGENCY

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### COUNSEL

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Dante John Nomellini, Jr.

May 30, 2008

Via Email at [delores@water.ca.gov](mailto: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 feasible, 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 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 avoided 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 considered 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 Delta (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 non-Delta watershed water and/or make better use of existing non-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 desalinate that water, or better allow for the blending of that water with 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 thoroughly 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



May 30, 2008

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

**Re:** NOP Comments on BDCP EIR/EIS

Dear Ms. Brown:

This letter provides the City of Antioch's ("City") comments on the Notice of Preparation ("NOP") for the joint Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") on the Sacramento-San Joaquin Bay Delta Conservation Plan ("BDCP").

## **I. INTRODUCTION**

### **A. Antioch's Beneficial Uses of Delta Water**

Antioch is Contra Costa County's oldest incorporated City. Antioch began diverting water from the Delta prior to December 19, 1914, the date the Water Commission Act became effective. As a result, the City holds some of the highest priority water rights in the Delta.

The City's water rights are protected by law. As a municipality, the City's rights to the use of Delta water are protected "to the fullest extent necessary for existing and future uses." (Water Code, § 106.5.) The City's right to water of suitable quality is also protected. Additionally, Antioch has "Delta priority" under Water Code section 12202, which states that the SWP shall provide "salinity control and an adequate water supply for the users of water in the Sacramento-San Joaquin Delta." Watershed of origin protections also apply to ensure the beneficial needs of the City's in-watershed uses are met. (See, e.g., Water Code, § 11460.)

As a result of the City's reliance on in-basin use of Delta water, the City's primary concern with the BDCP is how any changes in operation of the SWP and CVP ("the Projects") could affect the City's ability to continue meeting the needs of its customers.

## **B. Input on BDCP Process**

Representatives of the City have attended the BDCP Steering Committee meetings as well as Work Group and Technical Team meetings. The City offers the following feedback on the process thus far for the consideration of DWR and other involved entities:

1. Accessibility of Information. The ability of interested parties to understand and meaningfully participate in the development of the BDCP could be enhanced by improving accessibility of written and other materials being considered in the planning process. DWR may wish to consider hosting a FTP site where information may be organized and posted expeditiously for public viewing and comment. While the City recognizes that the documents involved are drafts, the public's interest in having the ability to understand and participate in the BDCP process outweighs any legitimate state interest served by precluding release of such information. Moreover, creating greater online accessibility to the relevant documents would eliminate the need for interested parties to physically travel to Sacramento for meetings, thus conserving resources and preventing pollution.

2. Stakeholder Involvement. The City understands that the need for the Projects' compliance with federal and state mandates pertaining to protection of special status species is the driver for development of the BDCP. The options under consideration by the BDCP to address these issues, however, may have far reaching effects on many other legal users of water within the Delta. Because in-Delta water users such as the City have such a crucial stake in how the BDCP is designed and implemented, the BDCP will need to specifically address in-Delta concerns to succeed. The City understands that inclusion of one or more in-Delta representatives on the Steering Committee may be under consideration; though the City believes that in-Delta interests should have been included from the outset of the process, the City supports the Steering Committee's work toward fuller inclusion of in-Delta interests in the process.

3. Peripheral Canal. The NOP characterizes a dual or isolated conveyance system as a possible conservation action. While the term "conservation action" is not specifically defined in the Endangered Species Act, it appears that the

reference relates to the ability of such a system to reduce or mitigate impacts of the projects on special status species. To the extent such a "mitigation measure" would also create its own environmental impacts -- which would prevent much of the water currently flowing into the Delta from ever reaching the Central and South Delta -- those impacts must also be disclosed and mitigated. The City urges DWR to remain open to consideration of alternatives that would address special status species needs without construction of such a massive and irreversible infrastructure project.

## II. NOP COMMENTS

### A. Project Definition

1. Clearly Defined Project. The NOP is very vague with respect to what project the involved entities actually propose to analyze and implement. The City understands that several alternatives will be considered at an equal degree of detail, consistent with NEPA. To properly facilitate public comment, the Draft EIR/EIS should clearly identify the preferred project. Otherwise, interested observers will be required to assess and comment on alternatives that may have already internally been rejected.
2. Adequate Water Supply. One of the planning criteria for selection of the suite of options under consideration for the BDCP includes meeting water supply goals. Though not stated in the materials, this goal appears to include only meeting the water supply goals of water exporters. To the extent this goal is converted to an objective of the BDCP project guiding the environmental review process, the objective should also include meeting in-Delta water demands. Changes in operation requiring approval of change in use or point of diversion by SWRCB may not be approved if that change would result in injury to any other legal user of water. (See, e.g. Water Code, §§ 1700 et seq.)
3. Document Type. Part of an adequate project description includes a clear explanation of document type. To the extent DWR intends to analyze project activities at a "project" level, a sufficient degree of detail must be provided to fully assess the impacts of that action. If further environmental review will be conducted at a later phase, a lesser degree of detail may be acceptable.
4. Discretionary Decisions To Be Covered. The Draft EIR/EIS should clearly list all discretionary decisions that are expected to rely on the document for provision of environmental analysis. Many discretionary decisions by multiple local, state and federal entities will likely be necessary to implement any of the options under consideration. Listing of those actions and initiation of consultation with responsible

agencies early in the process would assist in the development of a comprehensive environmental document.

## **B. Environmental Impacts**

1. Effects On In-Delta Natural Resources. Options under consideration have the potential to have extensive impacts on in-Delta resources that must be considered. Impacts to all special status species and other natural communities must be fully analyzed. Changes in operation of the Projects, particularly flow and resulting water quality changes, could have ripple effects to species that are not yet been at issue in federal court litigation. For instance, while conveyance around the Delta may reduce impacts relating to fish entrapment at the Projects' pumps, the resulting lack of flows within certain areas of the Delta may be detrimental to fish and other aquatic organisms.

2. Existing Water Rights, Including Municipal Uses. Options under consideration have the potential to have extensive impacts on in-Delta resources that must be considered. For instance, changes to operation of the Projects, particularly out of Delta conveyance options, have the potential to dramatically change the level of salts and other pollutants found within the Delta. Specific modeling should be conducted to determine how various options would affect the number of days in which water quality conditions would constrain Antioch's ability to exercise its senior water rights. SWRCB cannot approve changes to Project appropriative rights that would harm any other legal user of water.

## **C. Mitigation Measures/Alternatives**

1. Reductions in Exports. Existing project-related exports would be a covered activity under the Incidental Take Permit. Reductions in water exports, especially during times when water resources are needed within the Delta for beneficial instream uses and consumptive uses by senior water rights holders, should be considered as a possible alternative/mitigation measure to lessen the Project's impact on special status species. Exports of water currently put a tremendous strain on the Delta and its tributaries; addressing these difficult species issues equitably may require changes to the volume of water diverted by the Projects in addition to the other possible measures listed in the NOP. Through land retirement, conservation and other measures, the demand for exported water could be reduced while continuing to serve existing out of Delta beneficial uses. Consideration of reductions in exports is consistent with the requirements of Water

Ms. Delores Brown

May 30, 2008

Page 5

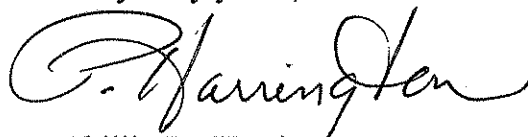
Code section 12204 that water shall not be exported that is necessary to maintain control of salinity (Water Code, § 12202) and protect in-Delta water rights (Water Code, § 12203).

2. Water Conservation. Antioch has made great strides over the years in conserving water, most recently by upgrading its water treatment system to have the capacity to recycle up to a million gallons of water per day. Implementation of additional water conservation measures by Delta water users – especially those uses that remove water from the watershed completely -- are potentially feasible means to lessen significant impacts associated with operation of the Projects. Inclusion of such mitigation measures in the Draft EIR/EIS would help ensure that the burdens of protecting special status species in the Delta from impacts relating to diversions are shared equitably.

## V. CONCLUSION

The City hopes that the significant public and private investment dedicated thus far to addressing the special issues of the Delta, through the BDCP and other processes, yields tangible improvements to the challenged Delta system. Because the Delta is the central water hub of California, decision making based on a full consideration of all environmental impacts is essential. The City looks forward to participating in the BDCP process to ensure that the City's longstanding beneficial uses of Delta water are protected. Please feel free to contact me with any questions about the information contained in this letter.

Very truly yours,



Phillip L. Harrington  
Director of Capital Improvements/Water  
Rights

C: Jim Jakel, City Manager  
Arlene Mornick, Assistant City Manager  
Lynn Tracy Nerland, City Attorney  
Matt Emrick, Soluri Emrick & Meserve



## CITY OF CLAREMONT

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City Council • (909) 399-5444  
*Corey Calaycay*  
*Linda Elderkin*  
*Sam Pedroza*  
*Ellen Taylor*  
*Peter Yao*

May 9, 2008

Delores Brown  
Chief Office of Environmental Compliance  
California Department of Water Resources  
P.O. 942836  
Sacramento, CA 94236  
Via Email: [bdcp@water.ca.gov](mailto:bdcp@water.ca.gov)

Dear Ms. Brown:

The City of Claremont has grown increasingly concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all of California's residents, as well as for half of the nation's produce.

We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, state and federal agencies. The Plan is key to mapping out a comprehensive conservation plan—and, a solution—for the Delta. And, the key to a reliable water system is a restored Delta ecosystem and a rebuilt water conveyance system.

The City of Claremont supports the BDCP's environmental review process, an essential component to the success of the ultimate plan. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable water supply. We need sufficient quantity in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability must be a cornerstone of the Bay Delta Conservation Plan.

The success of the BDCP is essential to the continued economic health of California. Thank you for the opportunity to provide input during this important scoping process.

Sincerely,

Sam Pedroza  
Council Member



Via Electronic Mail & U.S. Mail

May 30, 2008

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

**Subject: City of Livermore's Comments on NOP and NOI for the Bay Delta Conservation Plan EIR/EIS**

Dear Ms. Brown:

The City of Livermore operates a retail water agency in the Livermore Amador Valley. Our wholesale water agency is Zone 7 of the Alameda County Flood Control and Water Conservation District. We are submitting this letter in response to the March 17, 2008 Notice of Preparation and Notice of Intent to prepare an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Bay Delta Conservation Plan (BDCP). Our water wholesaler, Zone 7, has been intimately involved with a number of Delta related issues for quite some time. We would like to have them continue to be involved on behalf of all the water retailers.

### **Livermore Amador Valley Water Supply**

The Livermore Amador Valley relies on Zone 7 for its water supply. Zone 7 is one of the 29 State Water Project (SWP) "contractors" in California, and is one of the Bay Area water agencies receiving SWP water from the same Delta pumps that serve Southern California and the Central Valley. Zone 7 imports 80 percent of its water supplies from the SWP through the South Bay Aqueduct for treatment, storage, and recharge. Zone 7 supplies treated drinking water to four retail water agencies in the Livermore Amador Valley: Dublin San Ramon Services District, the City of Pleasanton, California Water Service Co., and the City of Livermore. In total these water retailers serve a population of nearly 200,000 people. Zone 7 also supplies irrigation water for 3,500 acres of agriculture that supports a \$200 million per-year wine industry in the valley. The future of the Livermore Amador Valley communities rely on the increasingly efficient use of the SWP supply, as well as continued development and protection of local groundwater resources, other water supplies, and expanded water conservation efforts. If SWP water is lost in any fashion to this valley, portions of Livermore will be required to meet much higher levels of water conservation than anywhere else in the state.



## **A Critical Time**

California is facing a critical time for action. The backbone of California's water supply system, the Delta, is broken and in need of a fix. The existing through-Delta conveyance system has proven detrimental to fisheries and water supplies alike. Various factors are thought to play a role in the rapid decline of these fish, including ocean conditions, Delta water exports, and Bay and Delta ecological factors such as toxics and invasive species. The significant change in population of these species is a warning sign that current Delta and SWP management strategies are not working properly. Long-term fixes to the Delta have a new urgency in light of a federal ruling by Judge Wanger that reduces the Delta water supply deliveries to the East and South Bay in 2008, while state and federal agencies address the endangered Delta smelt, salmon, and other stressed species.

Given the environmental and legal stresses on water supply, in conjunction with an already fragile Delta ecosystem and infrastructure, the City of Livermore supports the intentions of the BDCP – to secure authorizations that would allow the conservation of covered species, the restoration and protection of water supply reliability, protection of certain drinking water quality parameters, and the restoration of ecosystem health to proceed within a stable regulatory framework.

## **EIR/EIS Methodology.**

The following points are specific to the forthcoming BDCP EIR/EIS. These recommendations are meant to help ensure a comprehensive and complete analysis, and a document that complies fully with the policies and intent of the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA).

- The analysis should use best available and accepted/tested science wherever possible. Scientific uncertainties should be documented and disclosed to the public.
- The EIR/EIS must equally and comprehensively consider water supply and conveyance, ecological restoration and management, and flood protection.
- Give thoughtful consideration to an appropriate "Project Area" for restoration planning and impacts analysis. Given the complex ecosystem and water supply infrastructure of the Delta region, the Project Area in the EIR/EIS may necessarily include areas outside of the legal Delta boundary in order to minimize impacts and maximize results of the BDCP.
- Include a range of project alternatives, such as an alternative that includes significant statewide and/or regional improvements to local water conservation, groundwater management, and water recycling.
- The BDCP should consider a wide range of possible restoration and conservation activities aimed at improving ecological conditions, including those resulting from the Delta pumps as well as from other non SWP-related activities (e.g., agricultural and municipal inputs).
- The EIR/EIS should comprehensively address ecological issues, including pelagic organism decline, salmon decline, invasive species, and toxic pollutants.

- DWR should actively engage Delta land and water users (individuals and organizations) as a source of information about past and future Delta water use, levees, and ecology.
- The EIR/EIS should recognize that the historic Delta estuary cannot be recreated – millions of acres of agriculture, housing, recreational areas, wildlife areas, and water supply facilities are now well established. A full “restoration” is not realistic.

### **Inter Agency Coordination is Critical**

Due to all of the interactions that are taking place in the Delta today and in light of the recent Federal Court rulings, there is no time to wait to proceed with the BDCP. However, prudent coordination with other Delta planning efforts is imperative for the long-term success of the BDCP.

City of Livermore is requesting that Zone 7 to be identified as a Responsible Agency pursuant to CEQA for the development of the BDCP EIR/EIS. We also request that Zone 7 be designated a non-federal cooperating agency under NEPA. As a SWP Contractor with facilities located near the Harvey O. Banks Delta Pumping Plant, Zone 7 is able to provide expertise in the areas of identifying reasonable alternatives and evaluating significant impacts.

Thank you for this opportunity to comment on the BCDP EIR/EIS process. We are encouraged by the level of cooperation seen so far, and are excited about the prospects for a long term solution for all the Livermore Amador Valley water retailers, Zone 7 and California.

Yours truly,

Randy Werner, Water Supervisor  
Livermore Municipal Water  
City of Livermore

925-960-8100  
925-960-8105 Fax

cc: Darren Greenwood  
Zone 7 Water Agency  
Tri-Valley Water Retailers



# CITY OF STOCKTON

DEPARTMENT OF MUNICIPAL UTILITIES

2500 Navy Drive • Stockton, CA 95206-1191 • 209/937-8750 • Fax 209/937-8708  
www.stocktongov.com

May 30, 2008

VIA EMAIL (delores@water.ca.gov) and U.S. MAIL

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

## CITY OF STOCKTON COMMENTS ON THE NOTICE OF PREPARATION OF AN EIR/S FOR THE BAY DELTA CONSERVATION PLAN

Dear Ms. Brown:

The following comments are submitted on behalf of the City of Stockton pursuant to the Notice of Preparation dated March 17, 2008, regarding the preparation of an Environmental Impact Report and Environmental Impact Statement (EIR/S) for the Sacramento-San Joaquin Bay Delta Conservation Plan (BDCP).

1. The EIR/S needs to evaluate the effects of the BDCP on the proposed Delta Water Supply Project (DWSP). The DWSP is a project proposed by the City of Stockton to divert water from the San Joaquin River at a location near the southwestern corner of Empire Tract, a raw water pipeline from the diversion site to a treatment plant to be located north of Eight Mile Road and east of Lower Sacramento Road, a treatment plant with an initial capacity of treating 30 million gallons per day, and a treated water pipeline to connect to existing city water mains. The water right permit for the first phase of the DWSP was issued by the State Water Resources Control Board (SWRCB), and the City is now undergoing design and obtaining the remaining permits. The effects that need to be evaluated include, but are not limited to:
  - a. How would the BDCP affect water quality at the proposed diversion site? The diversion site was chosen because of water quality considerations and other factors and cannot be easily relocated.
  - b. The various conveyance alternatives could cross the City's raw water pipeline. This needs to be addressed in the evaluation.



- c. How would the BDCP affect the amount of water potentially available to the City under the state's watershed or area of origin protection statutes (Water Code section 11460 et seq.)? Later phases of the DWSP may be designed to take advantage of this water supply source.
2. The EIR/S needs to evaluate how the BDCP will affect land uses under the City's recently updated General Plan.
3. The EIR/S needs to evaluate what effects the BDCP will have on water quality in the San Joaquin River. Specifically, the EIR/S should evaluate what changes may result in the assimilative capacity of the river and how that might affect discharge permits issued by the Central Valley Regional Water Quality Control Board pursuant to the federal Clean Water Act and the state Porter-Cologne Water Quality Control Act.
4. The EIR/S need to evaluate the effects of the BDCP on special status species within San Joaquin County and how those effects may impact the County's Multi-Species Habitat Conservation and Open-Space Plan.
5. Figure 1 of the Notice of Preparation shows the boundaries of the statutory Delta which cuts through the center of Stockton. According to the Notice of Preparation, the planning area for the BDCP is the statutory Delta. The BDCP is likely to have impacts beyond these artificial boundaries, especially within Stockton. It is important that the EIR/S evaluate the impacts of the BDCP that extend beyond the statutory Delta boundaries shown on Figure 1.
6. Efforts are now underway to restore flows in the lower San Joaquin River above the mouth of the Merced River. The EIR/S needs to recognize this in its analysis of the BDCP.
7. Agriculture: With less water available for in-Delta uses, agriculture could suffer. Significant amounts of agricultural land would be taken out of production for the canal rights-of-way. Local Stockton businesses that support agriculture would suffer.
8. Flood control: The isolated conveyance facility would intersect several eastern streams and rivers which could impact their ability to handle flood flows. This in turn could require residents and business owners to purchase flood insurance.
9. Levees: Money needed for the Delta conveyance facility could be diverted from existing programs, leaving fewer funds available for levee maintenance and repairs. This could affect the City by exposing residents to additional risk in the event of a levee failure.

Ms. Delores Brown  
Chief, Office of Environmental Compliance  
May 30, 2008  
Page 3

10. Recreation: Activities such as recreational boating, fishing, and bird watching could suffer as a result of changes in Delta water quality and quantity. Tourism could decline as well resulting in a loss of revenue to the City.
11. Property taxes: Private property would be taken for canal rights-of-way resulting in a loss of local property taxes. The loss of local property taxes needs to be reimbursed by the state.
12. Land use: The Delta conveyance facility would have the potential to divide the City of Stockton and require changes to the City's General Plan.
13. Traffic: The effect of the BDCP on traffic circulation within Stockton needs to be evaluated.

Again, we appreciated the opportunity to provide comments on the EIR/S document.

If you have any questions, feel free to contact me at (209) 937-8700.



MARK J. MADISON  
DIRECTOR OF MUNICIPAL UTILITIES

MJM:RLG:pd

cc: Mike Niblock, Director of Community Development  
John Luebberke, Assistant City Attorney

**Clarksburg Fire Protection District**

52902 Clarksburg Avenue  
P.O. Box 513  
Clarksburg, CA 95612  
(916) 744-1700

MS. DELORES BROWN  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P. O. Box 942836  
Sacramento, CA 94236

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS:

What is impact of the project and all alternatives on the ability of the Clarksburg Fire Protection District to provide an adequate level of fire protection to the geographical area known as the "Clarksburg Fire Protection District"?

Very truly yours,

Clarksburg Fire Protection District

By: 

Mark Pruner, Chair

**Clarksburg Fire Protection District**

52902 Clarksburg Avenue  
P.O. Box 513  
Clarksburg, CA 95612  
(916) 744-1700

MS. DELORES BROWN  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P. O. Box 942836  
Sacramento, CA 94236

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS:

What is impact of the project and all alternatives on the door-to-door response time of emergency personnel from the firehouse of the Clarksburg Fire Protection District to points of possible need in all areas beyond the town and out into the geographical area known as the "Clarksburg Fire Protection District"?

Very truly yours,

Clarksburg Fire Protection District

By: 

Mark Pruner, Chair

**Clarksburg Fire Protection District**

52902 Clarksburg Avenue  
P.O. Box 513  
Clarksburg, CA 95612  
(916) 744-1700

MS. DELORES BROWN  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P. O. Box 942836  
Sacramento, CA 94236

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS:

What is impact of the project and all alternatives on the financial viability of the Clarksburg Fire Protection District?

Very truly yours,

Clarksburg Fire Protection District

By: 

Mark Pruner, Chair



Clarksburg Fire Protection District

52902 Clarksburg Avenue  
P.O. Box 513  
Clarksburg, CA 95612  
(916) 744-1700

MS. DELORES BROWN  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P. O. Box 942836  
Sacramento, CA 94236

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

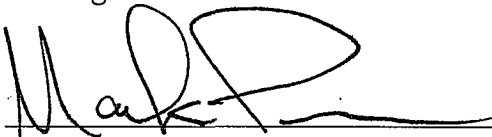
Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS:

What is impact of the project and all alternatives on the ability of the Clarksburg Fire Protection District to meet each of the objectives in its mission?

Very truly yours,

Clarksburg Fire Protection District

By:   
Mark Pruner, Chair

BAY DELTA CONSERVATION PLAN  
Public Scoping Meeting  
Clarksburg Middle School  
April 30, 2008

SUBJECT: Concerns of the Clarksburg Fire Protection District (CFPD)

FROM: Harold C. (Hal) Shipley – Member of Board of Directors (CFPD)

CONCERNS:

After reviewing the Draft of the Conservation Strategy – Options 1 through 4, I have some major concerns relative to the negative impact they would have on the ability of the Clarksburg Fire Protection District to perform its function. Any flooding of our farm land that would prevent access for our emergency vehicles would be detrimental to the health and welfare of our citizens.

We have 331 Farm Units in our district covering approximately 33,000 acres, 243 of which are small farms of less than 50 acres, many of which are only 20 acres. We owe these families a duty of emergency care for fire protection and for medical aid. Our Firefighters and Emergency Medical Technicians average 52 Medical Aid Calls a year and 26 Vehicle related calls for accidents and vehicle fires. These numbers may appear small but if just one of the emergencies involves your parent, your child or yourself, our ability to respond could be the most important moment of your life.

Our district has a great need for a new Firehouse. We have long outgrown our existing site and are in the process of locating property for a new station that will enable us to house our existing equipment in one location.

Obtaining funds to build our firehouse has been a major obstacle. We cover an area of approximately 53 square miles. Dun & Bradstreet's Zapdata Database shows Clarksburg with 70 businesses; 29 of which are or support agriculture. These businesses provide employment for 540 employees or 41% of our population and about 44% of our income.

To provide health and welfare services necessary for our district, we cannot allow our district to be flooded.



Contra Costa County  
**Public Works**  
D e p a r t m e n t

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 (BDCCP) 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.

---

*"Accredited by the American Public Works Association"*

255 Glacier Drive Martinez, CA 94553-4825

TEL: (925) 313-2000 • FAX: (925) 313-2333

[www.cccpublicworks.org](http://www.cccpublicworks.org)

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.

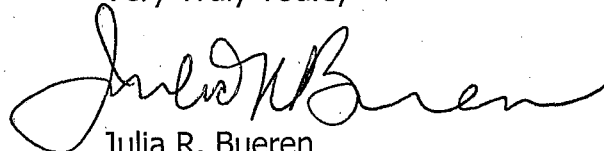
**Decrease in Flows and Resulting Increase in Salt Water Intrusion:**

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 24<sup>th</sup>, 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](mailto:rlier@pw.cccounty.us).

Very Truly Yours,



Julia R. Bueren  
Public Works Director  
Contra Costa County

RL:jj:lz  
G:\FidCt\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

# Water Agency

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

# Contra Costa County



**John Gioia**  
District I  
**Gayle B. Uilkema**  
District II  
**Mary N. Piepho**  
District III  
**Susan A. Bonilla**  
District IV  
**Federal D. Glover**  
District V

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 CONSERVATION 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,

A handwritten signature in black ink, appearing to read "Roberta Goulart", written in a cursive style.

Roberta Goulart,  
Executive Officer  
County Water Agency



**CONTRA COSTA  
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May 30, 2008

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2800 Cottage Way, MP-150  
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**Subject: Notice of Intent (April 15, 2008) and Notice of Preparation (March 17, 2008)  
of the Environmental Impact Report/Environmental Impact Statement  
(EIR/EIS) for the Bay Delta Conservation Plan (BDCP)**

Dear Ms. Brown and Ms. Idlof:

Contra Costa Water District (CCWD) appreciates this opportunity to provide input in response to the Notice of Intent (NOI) and Notice of Preparation (NOP) of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Bay Delta Conservation Plan (BDCP). CCWD supports the efforts of the BDCP to develop a Habitat Conservation Plan and a Natural Communities Conservation Plan to resolve many long-standing and mounting technical and policy issues regarding water quality, the ecosystem, and water supply reliability associated with the Bay-Delta.

As requested in the NOP and NOI, we hereby submit the enclosed comments on (1) the development of reasonable alternatives and (2) potential environmental impacts.

Additionally, as Attachment 1, I have included a copy of CCWD's March 24, 2008, comments to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service submitted in response to the first NOI (published January 24, 2008).

If you have any questions regarding CCWD's comments, please call me at (925) 688-8100.

Sincerely,

Greg Gartrell  
Assistant General Manager

GG/DS:wec



Ms. Delores Brown  
Ms. Patti Idlof  
BDCP Notice of Intent and Notice of Preparation  
May 30, 2008  
Page 2

Attachments:

1. Letter to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (March 24, 2008) submitted in response to the first NOI
2. CCWD Facilities and Operations
3. Letter to the State Water Resources Control Board (Feb 13, 2007) regarding relaxation of water quality standards and anti-degradation policies

cc: Ms. Lori Rinek, FWS  
Ms. Rosalie del Rosario, NMFS

Contra Costa Water District (CCWD) provides the following comments in response to the Notice of Intent (NOI) and Notice of Preparation (NOP) for the Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for the Bay Delta Conservation Plan (BDCP), concerning (1) the development of reasonable alternatives and (2) potential environmental impacts.

## **1. Development of Reasonable Alternatives**

Alternatives in the EIR/EIS, should (1) consist of a comprehensive set of actions, including projects proposed during the Delta Vision process, (2) include a broad range of conveyance facility options to ensure that potential solutions with reduced impacts are not overlooked, and (3) incorporate interim and near-term actions.

### **1.1. Comprehensive Alternative Development**

A number of proposals have been developed that do not require relocation of intakes to the north Delta, nor require construction of pipelines or canals. These alternatives, which have been presented to the Delta Vision Blue Ribbon Task Force, must be fully considered and evaluated or the document could be significantly and fatally flawed.

The NOP and NOI appear to have restricted the EIR/EIS to a limited set of solutions and alternatives that are likely to result in a fatally flawed plan and set of environmental documents. Failure to include alternatives that examine the benefits and impacts of increased flows or changed reservoir operations on the system appear to have been arbitrarily excluded in a way that appears to conflict with CEQA, the CEQA Guidelines, and NEPA. The adverse effects of reduced inflow to the Delta on Delta water quality (especially for drinking water uses) and fisheries are indisputable, yet the BDCP and the EIR/EIS have excluded alternatives that would meet the BDCP goals with potentially fewer impacts. Such exclusion is ultimately likely to result in a flawed environmental document and in vulnerability of any project decisions based on those documents.

Failure to consider the full range of reasonable alternatives will also affect the ability of lead agencies to approve and of responsible agencies to permit any projects, potentially resulting in delays and even failure of the process to meet its goals and schedule. The full range of reasonable alternatives that could feasibly attain all or most of the BDCP's basic objectives (including but not limited to those which could avoid and/or substantially lessen significant effects of the proposed action or actions) should be considered and evaluated.

### **1.2. Conveyance Facilities**

The NOP indicates the EIR/EIS will analyze the impacts of new water conveyance infrastructure, including a "canal from the Sacramento River to the SWP Harvey O. Banks and the CVP C.W. Jones pumping plants near Tracy." Project alternatives should be developed to evaluate a broad range of conveyance capacity and configuration alternatives for this new facility, including but not limited to continued use of screened

south Delta diversions and modifications to channels, that will reduce fish impacts and improve water quality in the Central and South Delta.

A recent study<sup>1</sup> by the Department of Water Resources (DWR) indicates essentially no water supply benefit of a larger capacity facility diverting from the Sacramento River (10,000 or 15,000 cubic feet per second (cfs)) relative to a smaller capacity (5,000 cfs), when operated in a dual conveyance scenario. Although DWR did not examine anything below 5,000 cfs, an earlier evaluation by CCWD found that a 2,500 cfs facility would provide similar water supply. While meeting water supply reliability goals, the smaller capacity facility would leave more water in the river system to benefit the environment and maintain or improve water quality (see environmental impacts section below). Additionally, a smaller capacity facility could be constructed as a pipeline, which has a number of benefits over an open canal for each of the following issues:

Issue	Discussion
<b>Seismic Stability</b>	<p>Since the conveyance facility will likely be crossing liquefiable soils in a seismically active region, seismic stability is a key issue. A pipeline, or a series of pipelines, would reduce risk of failure and shorten the time period the facility would be out-of-service for repair following a seismic failure in comparison to an open canal built of earthen levees.</p> <p>The existing Delta levees are currently being evaluated for risk to seismic events as part of the Delta Risk Management Strategy. Given the potential risk, it is difficult to justify building another 80 miles of levees associated with an unlined canal (the embankments) on top of liquefiable soils. Removal, replacement, and compaction of those soils, along with the cost of damage to existing drainages and associated land uses are likely to make a pipeline cost-effective compared to a properly designed canal capable of providing a secure water supply.</p>
<b>Maintenance</b>	<p>Plant growth within earthen canals inhibits flow and contributes to levee instability. However, the use of chemical herbicides is increasingly problematic due to regulatory constraints.</p> <p>Earthen canals leak, both into and out of the canal.</p> <p>Canal levees are also subject to erosion from wind waves. For certain storm events, the proposed canal alignments will have very long fetch, which would produce large wind waves within the canal, potentially causing significant erosion and</p>

<sup>1</sup> California Department of Water Resources. 2008. An Initial Assessment of Dual Delta Water Conveyance.

	<p>overtopping. Using rip-rap or other means to resist the action of wind waves will increase head losses along the canal, resulting in larger cross-sections and larger environmental impacts.</p> <p>Flooding of an island upon which a canal is constructed will subject the external canal levees to wave action, erosion and seepage. A levee break on a river near a canal will subject the canal to potential failure from the erosive forces of the floodwaters filling the island. Either situation will potentially disable all supplies through the canal for an extended period.</p>
<p><b>Physical Barrier</b></p>	<p>Canals, in general, create a migration corridor barrier for terrestrial species.</p> <p>Canals will sever many large tracts of agricultural land, and create severe drainage issues that will be very expensive to mitigate, if mitigation is at all possible.</p>

CCWD's experience with a much smaller and shorter unlined canal has led CCWD to a decision to replace it with a pipeline. It is likely that a complete evaluation of the benefits of a small pipeline will show it to be a better alternative than an unlined, vulnerable canal. The EIR/EIS should include an alternative consisting of a screened intake and pipeline of approximately 2,000 to 3,000 cfs that would provide a reliable water supply primarily to urban areas now exporting water from the SWP and CVP export pumps near Tracy.

The EIR/EIS should examine fully screening all intakes, including the existing export intakes in the South Delta, with positive barrier fish screens for the export facilities. An examination of the salvage and fish population data shows strong correlations between winter salvage at the existing SWP facilities and reduced Fall Mid-Water Trawl population numbers for several species, including delta smelt. Screening these facilities to eliminate salvage and loss of adult delta smelt would improve fish population numbers and avoid a number of significant impacts associated with large canals.

### 1.3. Interim and Near-term Actions

The project alternatives should include interim and near-term actions that will allow critical issues to be addressed in a timely manner and lay a foundation for any long-term projects. Interim and near-term actions should be structured to include monitoring, thus expanding the scientific knowledge base of how various projects and management actions affect the environment. The following near-term actions are suggested for inclusion in the BDCP EIR/EIS.

#### *Central Delta Pilot Projects*

A number of potential pilot projects, with goals similar to the BDCP effort, have been proposed in the central Delta. The projects could provide protection to Delta fish by

impeding migration toward the south delta export facilities and improve water quality by reducing salinity intrusion in the fall. For instance, Metropolitan Water District of Southern California, a potentially regulated entity of the BDCP, has proposed various barrier configurations and operational modifications to provide for protection of delta smelt equivalent to the current interim operational restrictions mandated by Judge Oliver Wanger's December 2007 Decision<sup>2</sup>, while reducing the water supply impacts and Delta water quality degradation resulting from implementation of the same Decision.

The BDCP should incorporate similar near-term actions, designed with an integral monitoring component to evaluate the effects of these barriers on multiple species of concern. Such projects could have immediate benefits and provide valuable data to assist in the operation of a dual conveyance facility. These potential immediate and near-term projects should be fully evaluated for implementation on an accelerated schedule, with project level documentation done separately on an accelerated schedule where necessary to allow immediate implementation.

### ***Fish protection screens at Clifton Court Forebay***

Implementation of pilot screens at or near Clifton Court Forebay could immediately reduce the loss of fish by predation in the Clifton Court Forebay and through salvage operations. Bond funding is already available for this project. This should be examined and environmental documentation completed on its own accelerated schedule. Information from such a pilot project will provide valuable information for the BDCP EIR/EIS.

### ***Ecosystem Habitat Improvements***

A number of ecosystem habitat improvements could be incorporated into the near-term actions of the BDCP. Many projects have been proposed and advanced to various levels, but have not yet produced environmental documents. By incorporating these habitat improvement projects into the BDCP EIR/EIS, the projects would contribute to species recovery in the near-term and provide additional information for subsequent habitat improvement projects. Examples of such projects include:

- Restoration of floodplain habitat and salmon migration through the Yolo Bypass;
- Brackish tidal marsh habitat development in Meins Landing in Suisun Marsh; and
- Freshwater tidal marsh habitat development on Decker Island or Liberty Island.

These projects can increase evapo-transpiration over existing levels, and can affect water supplies and water quality. Such projects should be included in the EIR/EIS, with full evaluation and disclosure of potential impacts, including impacts to water supplies and water quality so that adequate mitigation measures can be developed to reduce any impacts to insignificance.

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<sup>2</sup> NRDC et al. v. Kempthorne et al. (No. 05-CV-1207-OWW) Interim Remedy Order (Dec. 2007).

## 2. Potential Environmental Impacts to be addressed

CCWD comments on potential environmental impacts focus primarily on the quality of water necessary to support existing beneficial uses and the regulatory and legal framework that prohibits degradation of water quality and on water supplies. This section is concluded with some additional comments concerning the potential impacts of a new conveyance facility.

### 2.1. Water quality and water supply

Delta waters support multiple beneficial uses, and Delta water quality and water supply is protected by regulatory policies and federal and state laws. The project effect on Delta water quality and water supply must be fully evaluated and disclosed and mitigation measures proposed and adopted to reduce significant impacts to insignificance.

#### *Fisheries Impacts*

Scientific research concerning the current pelagic organism decline (POD) has highlighted the importance of water quality in ecosystem function. The basic conceptual model<sup>3</sup> for the POD identifies the following relevant physical and chemical water quality parameters that determine the habitat suitability: salinity, temperature, turbidity, contaminants, disease, and toxic algae.

The salinity gradient as indexed by the position of X2<sup>4</sup> is correlated to the abundance of numerous species<sup>5</sup>, indicating that population levels increase as the salinity gradient is pushed seaward. Although the relationships between populations and X2 have changed with the introduction of the invasive clam *Corbula amurensis* and, more recently, for certain species during the POD years, freshwater flow continues to be an important requirement for a healthy ecosystem. Therefore, the EIR/EIS should analyze the impacts to X2, listing the average monthly value and maximum daily change in X2 from the baseline conditions.

Similarly, The Bay Institute has developed a Delta flow index that shows strong correlations to a composite Delta fish abundance index<sup>6</sup>. The Delta flow index should also be used to evaluate impacts of alternatives.

Additionally, analysis by CCWD shows that the abundance of juvenile delta smelt in summer (as measured by the Summer Townet Survey, TNS) is significantly correlated

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<sup>3</sup> Interagency Ecological Program for the San Francisco Estuary (IEP). January 2008. Pelagic Organism Decline Progress Report: 2007 Synthesis of Results. Available at [http://www.science.calwater.ca.gov/pdf/workshops/POD/IEP\\_POD\\_2007\\_synthesis\\_report\\_031408.pdf](http://www.science.calwater.ca.gov/pdf/workshops/POD/IEP_POD_2007_synthesis_report_031408.pdf).

<sup>4</sup> X2 is the distance from the Golden Gate to the location of the 2 psu isohaline measured near the bottom of the water column.

<sup>5</sup> Jassby, A. D., W. J. Kimmerer, S. G. Monismith, C. Armor, J. E. Cloern, T. M. Powell, J. R. Schubel, and T. J. Vendliniski. 1995. Isohaline position as a habitat indicator for estuarine populations. *Ecological Applications* 5: 272-289.

<sup>6</sup> The Bay Institute. June 19, 2007. Presentation to the State Water Resources Control Board: Recommendations to Improve Fishery Resources, Slow or Stop the Decline of Delta Smelt, and Improve Water Quality Conditions in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. Available at: [http://www.waterrights.ca.gov/baydelta/docs/pelagicorganism/tbi\\_swanson\\_ppt\\_061907.pdf](http://www.waterrights.ca.gov/baydelta/docs/pelagicorganism/tbi_swanson_ppt_061907.pdf)

with the salinity in the Western Delta during the previous fall, a finding that has been confirmed by peer review<sup>7</sup>. This relationship is strengthened further when the analysis is expanded to account for the number of adult delta smelt available to reproduce (as measured by the Fall Midwater Trawl survey, FMWT). A multiple regression analysis of fall salinity, FMWT, and TNS for the following summer yields one of the strongest predictors for delta smelt abundance.<sup>8</sup> The POD years appear as anomalies in this relationship likely due to the exceptionally low population levels and a significant stock-recruitment relationship.

This research is consistent with analysis of habitat environmental quality by the DWR<sup>9</sup>, which found a long-term environmental quality decline for delta smelt characterized by increases in fall salinity and decreases in fall turbidity. The recent synthesis of POD research<sup>10</sup> suggests the decline in environmental quality has had "population-level consequences for delta smelt".

Due to this evidence that salinity is an important indicator of population abundance for a number of species, and fall salinity is particularly important for delta smelt, the EIR/EIS should assess the project's effect on salinity at multiple locations in Suisun Bay and within the Delta. The salinity regime under project conditions should be compared to the salinity regime under current conditions and compared to the observed salinity regime at different time periods in history (e.g. 1910's, 1960's, 1970's, 1980's). The impact of changes in salinity should be discussed in terms of the potential impact to the covered species resulting from direct changes to habitat environmental quality and resulting from indirect changes due to the likely effect on distribution of invasive species, such as the overbite clam *Corbula amurensis* and aquatic water weed *Egeria densa*, which could have a subsequent impact to fisheries.

In addition to salinity, the BDCP has the potential to change the residence times in the Delta in significant ways, thus impacting temperature, turbidity, and contaminant concentrations. Assumptions regarding contaminant loads from the San Joaquin River must be realistic and cover a range of future scenarios, and disclose the potential impacts of any long residence times in the South Delta that could adversely affect sensitive species.

Any assumptions regarding efficacy of existing contaminant source control programs must recognize the risk that if those programs do not meet targets then the project

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<sup>7</sup> Manly, Bryan F. J. 2006. Review of Analyses Presented at the Environmental Water Account Meeting, December 7-8, 2005.

<sup>8</sup> The Bay Institute, 2007. Petition to the State of California Fish and Game Commission and supporting information for listing the delta smelt (*Hypomesus transpacificus*) as an endangered species under the California Endangered Species Act. Available online at: <http://www.bay.org/delta.smelt.petition.pdf>. Equation 3 (p = 0.004; p < 0.05 is significant).

<sup>9</sup> Feyrer, F., M. Nobriga, and T. Sommer. 2007. Multi-decadal trends for three declining fish species: habitat patterns and mechanisms in the San Francisco Estuary, California, U.S.A. Canadian Journal of Fisheries and Aquatic Sciences 64:723-734

<sup>10</sup> Interagency Ecological Program for the San Francisco Estuary (IEP). Pelagic Organism Decline Progress Report: 2007 Synthesis of Results. January 2008. Available at [http://www.science.calwater.ca.gov/pdf/workshops/POD/IEP\\_POD\\_2007\\_synthesis\\_report\\_031408.pdf](http://www.science.calwater.ca.gov/pdf/workshops/POD/IEP_POD_2007_synthesis_report_031408.pdf).

analysis may be fatally flawed, and may fail to meet conservation goals. Therefore, the project should analyze impacts of contaminant residence times (such as selenium) at current and future levels, without always assuming the contaminant is removed by other projects.

### ***Drinking Water Impacts***

CCWD has relied on the Delta as a drinking water source since 1940 (see Attachment 2). Delta water is subject to large variations in salinity and mineral concentrations, which may be altered by project operations.

The EIR/EIS should analyze the environmental impacts on chloride, bromide, and organic carbon concentrations at all existing and planned drinking water intakes in the Delta and provide for mitigation where appropriate. Bromide and organic carbon are precursors that can result in production of bromate, trihalomethanes, and other disinfection byproducts with potential public health impacts.

### ***Regulatory and Legal Constraints***

A recent report by DWR prepared for the Delta Vision Blue Ribbon Task Force indicates the BDCP Steering Committee may propose relaxing one or more water quality standards.<sup>11</sup> However, numerous regulatory policies and federal and state laws are intended to prevent degradation of water quality. This section is only a brief summary of some relevant regulatory and legal constraints.

CCWD has observed that federal and state anti-degradation policies seriously constrain, if not outright prohibit, the relaxation of water quality standards. At the request of the State Water Resources Control Board, CCWD prepared a letter summarizing the legal obstacles to relaxation of the southern Delta salinity standards, which is applicable to the relaxation of any water quality standards. This February 13, 2007 letter is enclosed and herein incorporated into CCWD's scoping comments (see Attachment 3).

Regardless of action by the State Water Resources Control Board, federal law (P.L. 99-546) requires that the CVP be operated to meet water quality standards at the intake of the Contra Costa Canal on Rock Slough, as established in 1978 in Water Right Decision 1485.

“The Secretary is further directed to operate the Central Valley Project, in conjunction with the State Water project, so that water supplied at the intake of the Contra Costa Canal is of a quality equal to the water quality standards contained in the Water Right Decision 1485 of the State of California Water Resources Control Board, dated August 16, 1978, except under drought emergency water conditions pursuant to a declaration by the Governor of California. Nothing in

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<sup>11</sup> California Department of Water Resources. 2008. An Initial Assessment of Dual Delta Water Conveyance. p. 34.



the previous sentence shall authorize or require the relocation of the Contra Costa Canal intake.”<sup>12</sup>

Furthermore, the Delta Protection Act requires that substituting a water supply in lieu of meeting the required salinity and water supply requirements of Delta water users be done without imposition of any financial burden on said Delta water users.

“If it is determined to be in the public interest to provide a substitute water supply to the users in said Delta in lieu of that which would be provided as a result of salinity control no added financial burden shall be placed upon said Delta water users solely by virtue of such substitution.”<sup>13</sup>

Any proposals to change current water quality standards must be thoroughly evaluated and the impacts on all beneficial uses of Delta water must be disclosed.

## **2.2. Direct fish mortality due to entrainment**

Previous research<sup>14</sup> showed correlations between winter exports and salvage levels at the export pumps, although the authors used Old and Middle River flows as a surrogate for the effect of export pumping. More recent work by CCWD confirms a stronger correlation between winter salvage at the export pumps and the quantity: exports minus one-half of the San Joaquin River flow. CCWD has also found that winter exports, as well as winter salvage at the SWP intake, are both strongly correlated with subsequent Fall Mid Water Trawl indices (increased salvage correlates with decreased FMWT).

Inasmuch as exports and San Joaquin flow are independent (physically and mathematically) variables<sup>15</sup>, impacts should be analyzed against unscreened export levels and San Joaquin River flows. Furthermore, the plan should examine the benefits of installing positive barrier fish screens on reducing salvage and potentially increasing FMWT indices, and their benefits on through-Delta flows, fisheries and water quality levels. The EIR/EIS should examine using positive barrier fish screens on all export facilities.

## **2.3. Additional potential impacts associated with proposed new conveyance facilities**

The EIR/EIS should fully evaluate and disclose potential impacts, and propose mitigation measures where appropriate, of new conveyance facilities, including, but not limited to, the following:

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<sup>12</sup> Public Law 99-546, enacted October 27, 1986. This Federal legislation approved the Coordinated Operations Agreement between the Bureau of Reclamation and the Department of Water Resources.

<sup>13</sup> California Water Code, Section 12202.

<sup>14</sup> Smith, P., J. Simi, C. Ruhl, and J. Donovan. October 24, 2006. Presentation at CALFED Science Conference. Hydrodynamic Influence on Historical Patterns in Delta Smelt Salvage.

<sup>15</sup> Conversely, Old and Middle River flows are dependent variables and influenced by a number of factors totally unrelated to salvage at the export pumps.

### ***Landscape and Drainage Obstruction***

The canal will sever property, disrupt island drainage, and create a barrier to migration corridors. Additionally, the existing irrigation and drainage ditches that the canal will sever may be considered as habitat for various special status species. The EIR/EIS should fully evaluate and disclose these potential impacts.

### ***Water flows***

New facilities may alter flows in the Delta, and could disrupt aquatic migration corridors for resident and migrating fish. All impacts of changed flows must be thoroughly evaluated and disclosed.

Bypass flows near intakes are important to adequately protect fisheries. At the same time, relocating existing intakes and diverting water at new locations may limit diversion of flows that are needed for bypass flows or preclude diversion of flows that come from other parts of the system and are not available at the new intakes. Consequently, there may be a reduction in supplies available for export while, at the same time, those changes result in water quality degradation in other areas of the Delta. These potential impacts should be fully evaluated and disclosed.

### ***Sediment and Nutrient Load Reduction***

By diverting a large fraction of the flow on the Sacramento River, the canal will remove a similar fraction of the sediment and nutrient load, potentially effecting turbidity and nutrients within the Delta. As discussed above, turbidity has been identified as an important factor in the environmental quality for delta smelt. Any changes to turbidity and nutrients should be fully evaluated and disclosed, with proposed mitigation measures, where appropriate.

### ***Flood Risk***

An unlined canal will create new flood risks. An unlined canal crossing liquefiable soils will be subject to failure in seismic events and allow disruption of vital water supplies for long periods. The EIR/EIS must fully evaluate and disclose these impacts of using an unlined canal for transport of water supplies.

### ***Operation and Maintenance practices***

Since the NOP indicates operation and maintenance of the proposed facilities will be a covered action, the EIR/EIS must evaluate the impacts associated with anticipated operation and maintenance activities, including:

- aquatic weed management and the potential use of herbicides or physical clearing of vegetation that will be necessary along, and in, any canal.
- levee maintenance, and
- facility security.

The potential impact of maintenance activities on the habitat within the canal as well as downstream beneficial uses, such as recreational use in reservoirs, agricultural irrigation, and drinking water must be considered.



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Attachment 1

March 24, 2008

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Attn: Rosalie del Rosario

Fish and Wildlife Service  
Conservation Planning and Recovery Division  
Sacramento Fish and Wildlife Office  
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Attn: Lori Rinek, Chief

**Subject: BDCP Notice of Intent, Issued January 24, 2008**

Dear Ms. del Rosario and Ms. Rinek:

Contra Costa Water District (CCWD) appreciates this opportunity to comment on the Notice of Intent (NOI) to Conduct Public Scoping and Prepare an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) Regarding the Bay Delta Conservation Plan (BDCP) for the Sacramento-San Joaquin Delta, California. We offer the following comments:

First, the NOI should be corrected to accurately reflect participation and regulation. Although CCWD is actively participating in the BDCP planning process as an interested party, CCWD is not a Potentially Regulated Entity (PRE). CCWD operations are governed by independent biological opinions.

Second, the EIR/EIS must fully analyze and disclose project impacts concerning issues that have been identified as factors in the recent pelagic organism decline in the Delta, including unscreened water diversions, invasive species, and toxicity.

- Positive barrier fish screens should be considered at water intake locations covered by the proposed project. CCWD installed a positive barrier fish screen over ten years ago at our intake on Old River; monitoring has proven this fish screen is highly effective at preventing entrainment.
- Growth of invasive species, such as the overbite clam *Corbula amurensis* and aquatic water weed *Egeria densa*, may be impacted by salinity, temperature, and turbidity. The effect of the proposed project on these water quality parameters should be fully explored and discussed in the context of the effect on invasive species

distribution and subsequent impact to fisheries.

- Project conveyance options may alter hydrodynamics within the Delta and lead to accumulation of contaminants such as selenium, potentially increasing toxicity. If the EIR/EIS assumes contaminant levels are controlled by other mechanisms, those mechanisms must be a pre-condition for implementation of the proposed project.

Third, the EIR/EIS should evaluate a full range of conveyance alternatives. For instance, the peripheral aqueduct described in the BDCP Conservation Strategy Options Evaluation Report (dated September 17, 2007) appears to be the same for both Option 3 (Dual Conveyance) and Option 4 (Peripheral Aqueduct). The EIR/EIS should analyze a wider variety of parameters for this facility, evaluating lower conveyance capacity and alternative configurations. Preliminary modeling indicates a 2,500 cfs peripheral pipeline, operated in combination with through Delta conveyance, will meet the water supply goals of the BDCP. A smaller conveyance pipeline alternative has the additional benefit of better seismic stability than an open canal, which would have the same vulnerabilities as existing Delta levees.

Finally, CCWD is particularly concerned about the impacts to drinking water quality. The EIR/EIS should analyze the environmental impacts on chloride, bromide, and organic carbon concentrations at all existing and planned drinking water intakes in the Delta and provide for mitigation where appropriate. Bromide and organic carbon are precursors that can result in production of bromate, trihalomethanes, and other disinfection byproducts with potential public health impacts.

If you have any questions regarding CCWD's comments, please call me at (925) 688-8100.

Sincerely,



Greg Gartrell  
Assistant General Manager

LO/DS

### **Additional Background Information Regarding Contra Costa Water District Facilities and Operations**

The Contra Costa Water District (CCWD) serves water to approximately 550,000 people throughout north, central and eastern Contra Costa County. Formed in 1936 to provide water for irrigation and industry, CCWD is now one of the largest urban water districts in California and a leader in drinking-water treatment technology and source water protection. CCWD's customers also include 10 major industries, and 12 smaller industries and businesses. The mission of the Contra Costa Water District is to strategically provide a reliable supply of high quality water at the lowest cost possible, in an environmentally responsible manner.

CCWD operates untreated water distribution facilities, water treatment plants, and treated water distribution facilities. CCWD provides retail treated water service to the Cities of Clayton, Clyde, Concord, Pacheco, Port Costa and parts of Martinez, Pleasant Hill and Walnut Creek, provides wholesale treated water to Diablo Water District and the Cities of Antioch and Brentwood, and, under an agreement, provides treated water to the Golden State Water Company in Bay Point. CCWD operates two water treatment facilities, the 75 Million Gallons per Day (MGD) Bollman Water Treatment Plant in Concord and the 40 MGD Randall-Bold Water Treatment Plant in Oakley. The Bollman plant primarily serves CCWD's treated water customers in Central Costa Contra County, while the Randall-Bold plant primarily provides wholesale treated water to customers in Eastern Contra Costa County. CCWD's Multi-Purpose Pipeline, constructed in 2003, connects the two treatment plants, providing operational flexibility such that either plant can distribute to the entire service area. Both the Bollman and Randall-Bold Treatment Plants are designed to provide a high quality drinking water to the District's customers, using sedimentation, ozonation and granulated activated carbon filtration.

CCWD also sells untreated water to the cities of Antioch, Martinez, and Pittsburg, and the Golden State Water Company in Bay Point, as well as industrial and irrigation customers. Antioch, Martinez, Pittsburg and Golden State Water Company all have their own treatment plants and retail treated water distribution systems.

The 48-mile Contra Costa Canal and the Los Vaqueros Project (completed in 1998) make up CCWD's principal water supply and delivery system. CCWD diverts unregulated flows and regulated flows from storage releases from Shasta, Folsom, and Clair Engle reservoirs into the Sacramento River and storage releases from New Melones reservoir into the San Joaquin River as a contractor of the United States Bureau of Reclamation's (Reclamation) Central Valley Project (CVP). Under Water Service Contract I75r-3401A-LTR1 (executed May 10, 2005) with Reclamation, CCWD can divert and re-divert up to 195,000 acre-feet annually (AFA) of water from its Rock Slough and Old River intakes. Currently, CCWD uses between 125,000 and 140,000 AFA. CCWD can also divert up to 14,880 AFA of water from its Mallard Slough intake under its own water rights (Water Rights License No. 10514). Some CCWD customers have additional sources of water. The City of Antioch has a water right permit to divert water from the lower San Joaquin

River, Pittsburg, Brentwood, and Diablo Water District all have wells that can provide a portion of their needs.

CCWD has obtained water from the Delta since 1940. Delta water is subject to large variations in salinity and mineral concentrations. The Delta is also vulnerable to many anthropogenic and natural sources of water quality degradation. Degradation in water quality is objectionable to many CCWD customers, costly to all residential and industrial users, and a health risk for some individuals. Federal drinking water regulations impose stringent limits on disinfection by-products in treated water, making it difficult to achieve the required pathogen inactivation while minimizing disinfection by-product formation. Bromide and Total Organic Carbon (TOC) are the significant constituents in Delta water that affect CCWD's requirement to meet disinfection by-product standards. Currently, CCWD's primary means of ensuring that disinfection by-product standards are met in the treated water are to ensure that bromide and TOC levels in the source water from the Delta are maintained below certain levels. Chlorides are monitored as an indicator of bromide levels, while TOC is monitored directly. CCWD adjusts operations daily to meet water quality goals in water delivered by CCWD to its customers. Bromide and TOC are not the only constituents of concern. Pathogens, nutrients, and other constituents contribute to the challenges of meeting regulations for treated water using Delta water as the source.

Contra Costa Water District is committed to supplying its customers with the highest quality water practicable and providing all reasonable protection of the supply from any known or potential source of contamination. CCWD Resolution No. 88-45 states in part that:

“CCWD is committed to reducing the concentration of sodium and chloride in the District's water, thereby reducing household and landscape irrigation concerns and industrial and manufacturing costs caused by the fluctuating sodium and chloride level of CCWD's Delta source.”

CCWD's Board of Directors has adopted water quality objectives for water distributed within its service area. The acceptable concentration level for chloride is established at 65 milligrams per Liter (mg/L).

The Los Vaqueros Project provides the District with the operational flexibility to meet these water quality goals and improves the reliability of emergency water supply available to CCWD. Approved by the voter-constituents of CCWD in 1988 and completed in January 1998, the Los Vaqueros Project consists of a reservoir with 100,000 acre-feet of storage, a new point of diversion at Old River, south of the Highway 4 crossing, which operates in conjunction with the Rock Slough and Mallard Slough intakes, plus associated water conveyance and delivery facilities, pumping plants, and other facilities. Diversion from the Old River intake for delivery to CCWD's service area began in the summer of 1997. The first filling of Los Vaqueros Reservoir to 100,000 acre-feet was completed on January 28, 1999.

Under State Water Resources Control Board Decision 1629 (June 2, 1994), CCWD holds water rights to divert and store water for beneficial uses, defined in Water Rights Permits No. 20749 and 20750 that provide for filling Los Vaqueros Reservoir from the new intake at Old River and diversion and storage of the water of Kellogg Creek. These rights are in addition to the contractual rights to divert and store water furnished through the CVP. Up to 95,850 AFA may be diverted for storage from November 1 of each year to June 30 of the succeeding year under Water Rights Permit No. 20749.

A key to successful performance of the Los Vaqueros Project is the District's ability to fill the reservoir from Old River with high quality water at times when it is available, typically late winter through early summer, and to use that water for blending when salinity at the District's Delta intakes exceeds the 65 mg/L chloride goal, generally late summer through early winter. Any increase in Delta salinity caused by new upstream diversion projects or increased exports in the South Delta will increase the demand on blending water from the Reservoir and affect the availability of high quality water for refilling. The District and its 550,000 customers will be impacted through higher pumping costs to replace the extra blending water that is released and through the health effects, increased corrosion, and additional treatment costs of delivering higher salinity water. This also reduces the water supply available to CCWD in the reservoir in case of an emergency, thereby eroding the \$450 million investment CCWD's customers have made in the Los Vaqueros Project.

CCWD is currently constructing its Alternative Intake Project (AIP), a water quality project that will enable the District to divert higher quality water from Victoria Canal, when it is available, reducing diversions at the Rock Slough intake. CCWD would operate the new intake and pipeline together with its existing facilities to better meet the goal of delivering water with chloride concentrations of 65 mg/L or less. The choice of which intakes to use at a given time would be based in large part upon salinity; salinity at the Victoria Canal intake site is, at times, lower than salinity at the existing intakes. Similar to the Old River intake, the new intake on Victoria Canal will have state-of-the-art positive barrier fish screens to prevent entrainment. In addition, the new Victoria Canal intake will make it possible to shift some pumping from the unscreened Rock Slough Intake to the screened Old River and Victoria Canal intakes and to shift the timing of some diversions away from the sensitive fish periods, for an increased benefit to Delta fisheries.

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February 13, 2007

Ms. Gita Kapahi, Chief  
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 State Water Resources Control Board  
 P.O. Box 2000  
 Sacramento, CA 95812-2000

Re: *Consideration of the Southern Delta Water Quality Objectives for Salinity in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary*

Dear Ms. Kapahi:

Contra Costa Water District (CCWD) appreciates the opportunity to provide this supplementary letter following up on the comments presented orally on January 19, 2007, the second day of the Workshop on the above subject.

As previously noted, CCWD does not support the relaxation of the southern Delta agricultural objectives. CCWD believes, first and foremost, that any additional studies that are to be undertaken concerning the southern Delta agricultural objectives should be coordinated with other studies currently on-going in the Delta and must evaluate the water quality impacts elsewhere in the Delta that would result from each proposed alternative to the water quality objective or implementation measures.

Second, CCWD observes that federal and state anti-degradation policies seriously constrain, if not outright prohibit, the relaxation of the southern Delta water quality objectives.

Third, CCWD cautions the Board not to accept the arguments presented by Kern County Water Agency that suggest that a philosophical construct such as "naturally occurring water quality" or "natural flow" as a limitation on water quality objectives or that the project's obligations are solely to mitigate adverse water quality impacts proximately caused by the projects.

1. **Although the scope of the Workshop is relatively narrow, the Board should coordinate its consideration of the Southern Delta Water Quality Objectives with other ongoing studies, and evaluate whether revisions in the Southern Delta Water Quality Objectives impact water quality elsewhere in the estuary.**

The current Workshop was noticed as a proceeding to "develop and manage a thorough study of studies of salinity issues in the southern Delta." CCWD agrees with Board staff that the evidence presented during periodic review – primarily during Issue 10 – did not provide a sufficient scientific or technical basis to relax these objectives and agrees with stakeholders who suggested that what is needed is "an independent scientific investigation (similar to the investigation on which the objectives are based) ... to review the issues raised." (Appendix 1 to the Revised Draft Water Quality Control Plan dated November 29, 2006 approved by SWRCB Resolution No. 2006-98 last month, p. 71.)

If new studies are chartered, they should

- recognize that recirculation of salts occurs on the San Joaquin River, particularly under low river flow conditions, and suitably address the further concentration of salts that will occur if water higher in salinity is exported and subsequently returned



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to the Delta via the San Joaquin River after consumptive use, with even higher salt loading;

- consider Best Management Practices such as reducing loading by reducing return flow quantities, by reducing salt concentrations in return flows, or both;
- evaluate relocation of agricultural drains in key areas of the southern Delta, particularly in channels with stagnant or near stagnant conditions, where significant water quality improvements may be achieved without simply re-directing impacts.<sup>1</sup>

Such studies should also be closely coordinated with existing regional efforts, not only those of the Central Valley and Delta Salinity Management Plan, the San Joaquin River Water Quality Management Group, and other similar efforts, to achieve a robust and comprehensive salinity management strategy, that considers multiple methods of implementation. CCWD supports those efforts as an effective way to improve water quality in the southern Delta. In this regard, CCWD recommends funding for the Westside Regional Drainage Plan.

Such studies should also be coordinated with the Pelagic Organism Decline studies – for, as set forth in the second attachment to CCWD’s January 5, 2007 letter – there are indications that increased salinity may play a significant role in the declining fisheries.

Such studies must be coordinated with the information developed through the CALFED Water Quality Program and the Central Valley Drinking Water Policy. It is not hard to imagine that a relaxation of the southern Delta agricultural objectives would work at cross purposes with contemplated new water quality objectives for bromides, total organic carbon and other precursors of disinfection by products.

Furthermore, any studies conducted in connection with the possible degradation of the of the southern Delta agricultural objectives must, as a matter of both federal and state law, examine the impacts on other beneficial uses throughout the Delta.

The federal antidegradation policy – discussed at greater length under the next heading – specifically requires the Board to “assure water quality adequate to protect existing uses fully” “[i]n allowing ... degradation or lower water quality.” (40 CFR § 131.12, subd. (a)(2).)

As the Supreme Court noted in a different context:<sup>2</sup>

In setting standards, the State must comply with the following broad requirements: [¶] “Such standards shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this chapter. Such standards shall be established *taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational [and other purposes.]*” *Ibid.* [¶] See also § 1251(a)(2).

<sup>1</sup> In cooperation with dischargers, CCWD has successfully re-located an agricultural drain from Rock Slough and a municipal discharge near Old River, both of which resulted in immediate improvements in water quality at CCWD intakes.

<sup>2</sup> In a case involving a water quality certification (required by section 401 of the Clean Water Act for the approval of a hydropower project), the United States Supreme Court explained that “§ 401 of the Act requires States to provide a water quality certification before a federal license or permit can be issued for activities that may result in any discharge into intrastate navigable waters. 33 U.S.C. § 1341. .... The limitations included in the certification become a condition on any federal license.” (*PUD No. 1 of Jefferson County v. Washington Dept. of Ecology* (1994) 511 U.S. 700, 707.)

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*(PUD No. 1 of Jefferson County v. Washington Dept. of Ecology (1994) 511 U.S. 700, 704-705 (emphasis added.)*

Similarly, under state law, the state antidegradation policy currently embodied in SWRCB Resolution No. 68-16 – discussed in greater length under the next heading – provides for the maintenance of “existing high quality water ... until it has been demonstrated to the State that any change ... will not unreasonably affect present and anticipated beneficial use of such water....” The plain effect of this language is to require an examination of the effects on other beneficial uses within the Delta.

CCWD further asserts that, in order to provide the “hard look” at possible environmental effects that CEQA requires, even in the certified regulatory program context, such studies must review the impacts of relaxed objectives on salinity elsewhere in the Delta. As noted on pages 3 and 4 of its January 5, 2007 letter, CCWD believes certain modeling activities are necessary to properly review these impacts, and that the results of these modeling runs should include water quality impacts at the location of municipal intakes and other key long-term monitoring stations within the Delta, with discussion of the maximum and minimum daily values.

**2. Federal and state anti-degradation policies seriously constrain, if not outright prohibit the relaxation of the Southern Delta Water Quality Objectives**

As a matter of federal law, the State antidegradation policy must be interpreted – and implemented – in a manner consistent with the federal antidegradation policy, which prohibits degradation of water quality in “Outstanding National Resource Waters” (Tier III waters), or where water quality is “just adequate” (Tier I waters); the federal antidegradation policy only allows degradation of Tier II waters, waters “in which water quality exceeds that necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water.” Assuming that it can reasonably be concluded that Delta water quality “exceeds that necessary to support propagation of fish” – notwithstanding the growing body of evidence that higher fall salinities are closely associated with the rapid decline of the pelagic fishery in the Delta – the deferral antidegradation policy requires existing water quality to “be maintained and protected unless the State finds... that allowing lower water quality is necessary to accommodate important economic or social development *in the area in which the waters are located.*” (Emphasis added.) Although the “*area in which the waters are located*” in this particular proceeding could be construed to be the southern portion of the statutory Delta, the requirement that impacts on other beneficial uses be evaluated effectively mandates that the entire Delta (and areas immediately adjacent thereto) be deemed to be the “*area in which the waters are located.*” Finally, the analysis of water quality impacts must look not only at the incremental effect of the relaxation of the objectives at issue but must also examine the cumulative impacts of other water-degrading activities.

**a. Antidegradation policies were required before the NPDES system was adopted and were never intended to apply only to waste discharges.**

It has long been a substantive requirement of federal law that the water quality standards of each state contain antidegradation provisions. In fact, these antidegradation provisions preceded the Clean Water Act, which first introduced the concept of permitting pollution through the National Pollution Discharge Elimination System upon its enactment in 1972:

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When the Clean Water Act was enacted in 1972, the water quality standards of all 50 States had antidegradation provisions. These provisions were required by federal law. See U.S. Dept. of Interior, Federal Water Pollution Control Administration, Compendium of Department of Interior Statements on Non-degradation of Interstate Waters 1-2 (Aug. 1968); see also Hines, *A Decade of Nondegradation Policy in Congress and the Courts: The Erratic Pursuit of Clean Air and Clean Water*, 62 IOWA L.REV. 643, 658-660 (1977). By providing in 1972 that existing state water quality standards would remain in force until revised, the Clean Water Act ensured that the States would continue their antidegradation programs. See 33 U.S.C. § 1313(a). EPA has consistently required that revised state standards incorporate an antidegradation policy. And, in 1987, Congress explicitly recognized the existence of an "antidegradation policy established under [§ 303]." § 1313(d)(4)(B).

(*PUD No. 1 of Jefferson County, supra*, 511 U.S. at 718.)

The California antidegradation provisions were adopted as SWRCB Resolution 68-16 on October 28, 1968, entitled "Statement of Policy with Respect to Maintaining High Quality of Waters in California."<sup>3</sup> The resolution begins by declaring that "it is the policy of the State that ... the waters of the State shall be so regulated as to achieve [the] *highest water quality consistent with maximum benefit* to the people of the State and shall be controlled so as to promote the peace, health, safety and welfare of the people of the State."<sup>4</sup> (State Board Resolution 68-16 (emphasis added).)

In this context, the State Board resolved that "[w]henver the existing quality of water is better than the quality established in policies [now objectives]..., 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." (SWRCB Res. 68-16, first resolved clause, item 1 (emphasis added).) Similarly, numbered item 2 – which, unlike item 1, is principally concerned with discharges – concludes by stating "the highest water quality consistent with maximum benefit to the people of the State will be maintained."

The following year, the Legislature enacted the Porter-Cologne Act, and therein provided the following further direction to the State Board: "the state must be prepared to exercise its full power and jurisdiction to protect the quality of waters in the state from degradation...." In Water Code section 13241, the Legislature reiterated that the "water quality objectives" established under the Porter-Cologne Act must "ensure the reasonable protection of beneficial uses," but "recognized that it *may* be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses." (Emphasis added.)

In 1972, there were two significant developments in the law applicable to water quality. First, in April the Supreme Court ruled in *Illinois v. City of Milwaukee* (1972) 406 U.S. 91, 102 that "it is federal, not state, law that in the end controls the pollution of . . . navigable waters."

<sup>3</sup> The title of Resolution 68-16 is the antithesis of the sort of degradation under consideration.

<sup>4</sup> The resolution attributes this policy to the Legislature, which the year before enacted Water Code section 174 stating its intention "to provide for consideration of water pollution and water quality, and availability of unappropriated water whenever ... water quality objectives are established."

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Second, in October, Congress enacted the Federal Water Pollution Control Amendments of 1972,<sup>5</sup> which upon enactment of the 1977 amendments, became the Clean Water Act. Nine years later, the United States Supreme Court confirmed that the Clean Water Act supplanted the federal common law of nuisance. (*Middlesex County Sewerage Auth. v. Sea Clammers* (1981) 453 U.S. 1, 21-22.)

In 1983, the federal antidegradation policy was promulgated by the EPA as section 131.12 of title 40 of the Code of Federal Regulations. The federal antidegradation policy directs states to "develop and adopt a statewide antidegradation policy and identify the methods for implementing such policy ... consistent with the following:

- (1) Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.
- (2) Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected....<sup>6</sup>
- (3) Where high quality waters constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected."

In 1987, Region 9 of the EPA issued a document entitled *Guidance on Implementing the Antidegradation Provisions of 40 CFR 131.12* to "provide[] ... guidance for the States of Region 9 on the development of procedures for implementing State anti degradation policies." (*Guidance on Implementing the Antidegradation Provisions of 40 CFR 131.12* (1987) p. 1)<sup>7</sup> Section 303(c) of the Clean Water Act (33 U.S.C. §1313) confirms that the EPA has the power to veto any relaxation of water quality standards in violation of the federal policy discussed in the text.

The *Region 9 Guidance* document identifies three types of water, each corresponding to the first three subdivisions of the federal antidegradation policy quoted above:

Tier III waters, which have been designated as Outstanding National Resource Waters (40 CFR 131.12(a) (3)),

Tier I waters, where the water quality is "just adequate to support the propagation of fish, shell fish and wildlife in and on the water,"

Tier II waters, waters "in which water quality exceeds that necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water."

(*Region 9 Guidance, supra*, p. 2.) The *Region 9 Guidance* document goes on to unequivocally state that "actions which would lower water quality in [either Tier I or Tier III] waters are prohibited." (*Region 9 Guidance, supra*, p. 4.)

It seems highly doubtful that it could reasonably be concluded in light of the difficulties

<sup>5</sup> As explained by the United States Supreme Court, the original Federal Water Pollution Control Act, which relied primarily upon state enforcement of water quality standards, "proved ineffective." (*Middlesex County Sewerage Auth. v. Sea Clammers* (1981) 453 U.S. 1, 11.)

<sup>6</sup> As discussed below, there is a provision for allowing degradation of so-called "Tier 2" waters in limited circumstances.

<sup>7</sup> This document will be cited as "*Region 9 Guidance*."

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encountered by Delta fisheries in the past few years that the waters of the Delta are Tier II waters "in which water quality exceeds that necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water."

**b. The Board is required to apply federal and state antidegradation policies in considering the Southern Delta Water Quality Objectives.**

The Clean Water Act plainly requires the Board to apply the federal and state antidegradation policies when evaluating whether to replace a more stringent objective (the term "standard" is used in the Clean Water Act) with a less stringent one.<sup>8</sup> As the Supreme Court noted in the context of a water quality certification<sup>9</sup> required for the approval of a hydropower project:

A 1987 amendment to the Clean Water Act makes clear that § 303 also contains an "antidegradation policy" – that is, a policy requiring that state standards be sufficient to maintain existing beneficial uses of navigable waters, preventing their further degradation. Specifically, the Act permits the revision of certain effluent limitations or water quality standards "only if such revision is subject to and consistent with the antidegradation policy established under this section." § 1313(d)(4)(B). Accordingly, EPA's regulations implementing the Act require that state water quality standards include "a statewide antidegradation policy" to ensure that "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." 40 CFR § 131.12 (1993). At a minimum, state water quality standards must satisfy these conditions.

(*PUD No. 1 of Jefferson County v. Washington Dept. of Ecology* (1994) 511 U.S. 700, 705.) That case also makes clear that states must implement their antidegradation policies:

EPA has promulgated regulations implementing § 303's antidegradation policy, a phrase that is not defined elsewhere in the Act. These regulations require States to "develop and adopt a statewide antidegradation policy and identify the methods for implementing such policy." 40 CFR § 131.12 (1993). These "implementation methods shall, at a minimum, be consistent with the ... [e]xisting instream water

<sup>8</sup> There has been discussion about the propriety of an agricultural objective that varies by water year type, perhaps being more lenient in drier years and more stringent in wetter years. CCWD's position is that the propriety of such an objective would depend upon the anticipated flows, pumping rates, the degree and timing of the changes, and how that all of these factors balance out. However, the Board needs to keep in mind that averaging water quality may not adequately protect the beneficial use. Averaging water quality does not work for drinking water quality or for the protection of fish and wildlife. Where people and fish are concerned, it is the months of poor quality water that is the problem. People drink water every day, dry year or wet year, and fish must live in the water. Studies suggest that it is the dry period, high salinity that is the problem for the pelagic fisheries that are now crashing.

<sup>9</sup> As explained by the United States Supreme Court, "§ 401 of the Act requires States to provide a water quality certification before a federal license or permit can be issued for activities that may result in any discharge into intrastate navigable waters. 33 U.S.C. § 1341. .... The limitations included in the certification become a condition on any federal license." (*PUD No. 1 of Jefferson County v. Washington Dept. of Ecology* (1994) 511 U.S. 700, 707.)

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uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.” *Ibid.* EPA has explained that under its antidegradation regulation, “no activity is allowable ... which could partially or completely eliminate any existing use.” EPA, Questions and Answers on Antidegradation 3 (Aug. 1985). Thus, States must implement their antidegradation policy in a manner “consistent” with existing uses of the stream. .... The Solicitor General, representing EPA, asserts, Brief for United States as Amicus Curiae 18-21, and we agree, that the State’s minimum stream flow condition is a proper application of the state and federal antidegradation regulations, as it ensures that an “existing instream water us[e]” will be “maintained and protected.” 40 CFR § 131.12(a)(1) (1993).

(*PUD No. 1 of Jefferson County, supra*, 511 U.S. at 718-719.)

The *Region 9 Guidance* document explains the first step of any analysis of whether to relax water quality objectives as follows: “If the action could or will lower water quality, and the affected water is not a Tier I or Tier III water, then the steps to be followed to determine whether or not 40 CFR 131.12 is satisfied are described in the following sections of this guidance.” (*Region 9 Guidance, supra*, p. 4.)<sup>10</sup>

The federal antidegradation policy is very specific about what the Board may lawfully consider in determining whether to allow the possible degradation of Tier II waters: “that quality [i.e., quality in excess of that “necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water “] shall be maintained and protected *unless the State finds ... that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located.*” (40 CFR § 131.12, subd. (a)(2) (emphasis added).)<sup>11</sup>

In the current context, “the area in which the waters are located” must, at a minimum, comprise the southern Delta area protected by the objectives at issue. Conversely, the phrase “the area in which the waters are located” does *not* encompass any of the areas to which water is exported.<sup>12</sup> Of course, as noted above the further condition upon the relaxation of objectives in

<sup>10</sup> The “sections” referenced in the quotation in the text describe 4 tasks in deciding whether to allow degradation of Tier II waters: “Task A – Identify Actions that Require Detailed Water Quality and Economic Impact Analyses; Task B – Determine that Lower Water Quality will Fully Protect Designated Uses; Task C – Determine That Lower Water Quality is Necessary to Accommodate Important Economic or Social Development in the Area in which the Waters are Located; and Task D – Complete Intergovernmental Coordination and Public Participation.” (*Region 9 Guidance, supra*, pp. 5-12.)

<sup>11</sup> The omitted phrase requires the Board to “full[y] satisf[y] the intergovernmental coordination and public participation provisions of the State’s continuing planning process.”

<sup>12</sup> Of course, by law “the area in which the waters are located” includes the “area immediately adjacent [to the Delta] which can conveniently be supplied with water therefrom,” which area is protected by the Watershed of Origin statutes and the Delta Protection Act. See e.g., Water Code §§ 11460 (projects are not allowed to deprive locals of the “prior right to ... the water reasonably required to adequately supply the beneficial needs of the ... area”), 12201 (“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 ... is necessary to the peace, health, safety and welfare”), 12931 (“the Sacramento-San Joaquin Delta [vis-à-vis the State Water Project] shall be deemed to be within the watershed of the Sacramento River”); 12220 (defining the statutory Delta.).

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Tier II waters – that “[i]n allowing such degradation or lower water quality, the State shall assure water quality adequate to protect existing uses fully.” – effectively requires that the Board evaluate the water quality impacts of relaxation throughout the Delta. This means that – assuming that it properly concludes that the waters of the southern Delta are Tier II waters – that the Board must maintain the existing objectives “unless the State finds ... that allowing lower water quality is necessary to accommodate important economic or social development” in (and immediately adjacent to) the Delta.

Finally, as noted above, the antidegradation policy is not merely a federal regulation; it has been incorporated as a substantive requirement of the Clean Water Act. (*PUD No. 1 of Jefferson County*, supra, 511 U.S. at 705; *Region 9 Guidance*, supra, p. 1 (“Section 303(a) (4) of the Clean Water Act explicitly refers to satisfaction of the antidegradation requirements of 40 CFR 131.12 prior to taking various actions which would lower water quality.”).)

- c. **The Board has previously recognized that the regional boards are required to apply federal and state antidegradation policies in considering relaxation of the Southern Delta Water Quality Objectives.**

In Water Quality Order 86-17<sup>13</sup> the Board described the process of applying the antidegradation policies as follows:

The State Water Resources Control Board and the Environmental Protection Agency have adopted similar policies intended to protect the high quality of state and federal waters. The State Board has adopted Resolution No. 68-16, the “Statement of Policy with Respect to Maintaining High Quality of Waters in California,” as part of state policy for water quality control. See Cal. Water Code §13140 et seq. Resolution No. 68-16 has also been adopted, as a general water quality objective, in all sixteen regional water quality control plans. The Environmental Protection Agency has adopted a federal anti degradation policy as part of the agency’s water quality standards regulations. 40 C.F.R. §131.12. Before approving any reduction in water quality, or any activity that would result in a reduction in water quality, the Regional Board must first determine that the change in water quality would not be in violation of State Board Resolution No. 68-16 or the federal anti degradation policy. Because the Regional Board did not make the required determination, as part of waste discharge requirements permitting a significant increase in receiving water pollutant levels, the Regional Board’s action was improper.

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<sup>13</sup> SWRCB Order WQ 86-17 was cited in Order WRO 2004-0043-EXEC (addressing potential water quality degradation resulting from Joint Point of Diversion) for the following proposition: “The requirement in SWRCB Resolution No. 68-16 to maintain the existing high quality of water unless a change (1) is consistent with maximum benefit to the people of the state, (2) will not unreasonably affect the beneficial use of the water, and (3) will meet the water quality objectives is itself a water quality objective.” (SWRCB Order WRO 2004-0043-EXEC, p. 7, fn. 6.)

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State Board Resolution No. 68-16 requires that:

“ ... the existing quality of water ... will be maintained until it is demonstrated to the State that any change will be consistent with the maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of water and will not result in water quality less than that prescribed [by other applicable water quality objectives] .. “

In determining whether changes in water quality will be consistent with “the maximum benefit to the people of the State,” the State and Regional Boards are guided by the policies of the Porter-Cologne Act. The Porter-Cologne Act evinces a policy of ensuring consistency with federal Clean Water Act requirements. To take maximum advantage of federal programs, and to avoid direct regulation by the Environmental Protection Agency of activities already subject to regulation by the State and Regional Boards, the state’s standard setting and waste discharge control programs must ensure that, at a minimum, all applicable Clean Water Act requirements are satisfied. See Cal. Water Code §§ 13160, 13170, 13370; recommended Changes in Water Quality Control, Final Report of the Study Panel to the California State Water Resources Control Board, Study Project: Water Quality Control Program 31 (1969).

Clearly, it is in the maximum benefit of the people of the State that the State and Regional Boards ensure that the State’s water quality programs are consistent with the federal antidegradation policy. The State and Regional Boards have routinely followed the federal antidegradation policy. See, e.g., State Water Resources Control Board, Lake Tahoe Basin Water Quality Plan 37 (1980).

[¶¶]

Where this test is applicable under federal law, State Board Resolution No. 68-16 incorporates this test in determining whether changes in water quality are consistent with the maximum benefit to the people of the State. [¶].... State Board Resolution No. 68-16 incorporates the test set forth in the federal antidegradation policy ... where the federal anti degradation policy is applicable. .... [¶] On its face, the federal anti degradation policy is applicable. It is clearly intended to apply to ... changes in water quality control plan objectives. See 40 C.F.R. §131.12; Environmental Protection Agency, Questions and Answers on: Antidegradation 2, 6. ....

(SWRCB Order WQ 86-17, 16-19.)

In 2004, the Board reiterated that the antidegradation policy is itself a water quality objective. (See Order 04-43, fn. 6 (“The requirement in SWRCB Resolution No. 68-16 to maintain the existing high quality of water ... is itself a water quality objective. (See SWRCB Order WQ 86-17 at 17 [‘Resolution 68-16 has been adopted, as a general water quality objective, in all ... regional water quality control plans.’].)”



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- d. In examining the water quality impacts of the relaxation of the Southern Delta Water Quality Objectives, the federal antidegradation policy requires an examination of the cumulative impacts of other water-degrading activities.**

The *Region 9 Guidance* document describes the necessary analysis as follows:

Repeated or multiple small changes in water quality (such as those resulting from actions which do not require detailed analyses) can result in significant water quality degradation. To prevent such cumulative adverse impacts, a baseline of water quality must be established for each potentially affected water body, prior to allowing any action which would lower the quality of that water. This baseline should remain fixed unless some action improves water quality. At such time, the baseline should be adjusted accordingly.

Proposed actions to lower water quality should then be evaluated with respect to the baseline and the resultant water quality change should be determined. This determination should include the cumulative impacts of all previous and proposed actions and reasonably foreseeable actions which would lower water quality below the established baseline.

(*Region 9 Guidance* document, *supra*, p. 6.)

3. **The opinions in the *State Water Resources Control Board cases* and in the *El Dorado Irrigation District* case do not limit the Board's discretion to either set water quality objectives that may exceed the quality naturally available or to impose on the projects salinity control in excess of what might be required to mitigate the project's adverse impacts.**

Kern County Water Agency would have this Board – in conducting an analysis of “the highest water quality which is reasonable” (Water Code § 13000) – instead set less stringent objectives because they are “capable ... of being fully met by imposing terms and conditions on water rights permits.” This proposition is evidently based on a misreading of the lengthy opinion penned by Justice Robie in *State Water Resources Control Board cases* (2006) 136 Cal.App. 4<sup>th</sup> 674.<sup>14</sup>

Contrary to Kern County's apparent misreading, the opinion in *State Water Resources*

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<sup>14</sup> In the *State Water Resources Control Board cases*, the State Water Contractors argued that the trial court's decision wrongly “rest[ed] on ‘the assumption that water right decisions adopted by the Board must provide for full and immediate implementation of the water quality objectives set forth in any applicable water quality control plan.’” (*State Water Resources Control Board cases*, 136 Cal.App. 4th, at 729.) The appellate opinion expressly rejected the argument, concluding instead that “[t]he guiding principle is that the Board's power to act in a water rights proceeding commenced to implement a water quality control plan is constrained by the terms of the plan it is implementing.” (*Ibid.*) The opinion noted in footnote 21 that “we see no reason the Board could not have commenced a regulatory proceeding to amend the 1995 Bay-Delta Plan to modify the flow objectives in the plan for the purpose of authorizing the San Joaquin River Agreement and the Vernalis Adaptive Management Plan” (*ibid.*), and went on to conclude that “the Board cannot – as it attempted to do here – make a de facto amendment to a water quality objective in a water quality control plan by simply refusing to take the action that it has identified as necessary to achieve that objective” (*id.*, at 732).

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*Control Board cases* confirmed the prior holding in *United States v. State Water Resources Control Bd.* (“*Racanelli*”) (1986) 182 Cal.App.3d 82, which explained that in the proceedings leading up to D-1485, “the Board compromised its important water quality role by defining its scope too narrowly in terms of enforceable water rights.” (*Id.* [*Racanelli*,] at p. 120....)” (*State Water Resources Control Board cases, supra*, at 699.) That is precisely what Kern County Water Agency is arguing here: that the Board should set objectives based on what can be enforced against the projects’ water rights. As *Racanelli* definitively put it, “nothing in the federal act or California’s Porter-Cologne Act allows the Board to limit the scope of its basin-planning function to such water quality standards as are enforceable under the Board’s water rights authority.” (*Racanelli, supra*, 182 Cal.App.3d, at 120.)<sup>15</sup>

Kern County Water Agency’s further argument that conditions on water rights cannot exceed the obligations of the water right holder to mitigate is likewise flatly contradicted by *Racanelli*. As *Racanelli* stated on pages 141 to 142:

Under its reserved jurisdiction to modify the permits (§ 1394), the Board was authorized to impose upon the projects water quality standards at whatever level of protection the Board found reasonable (§ 13241), whether “without project” or greater. [footnote omitted] By the very nature of the reserved jurisdiction, the Board was empowered to impose such terms and conditions upon the project permits as would in its judgment best serve “the public interest.” (§§ 1253, 1257, 1258; *Johnson Rancho County Water Dist. v. State Water Rights Board, supra*, 235 Cal.App.2d 863, 45 Cal. Rptr. 589; *Bank of America v. State Water Resources Control Bd., supra*, 42 Cal.App.3d 198, 212, 116 Cal.Rptr. 770.) ... Nothing in the statutory scheme limits the Board’s supervisory authority over appropriation permits to provide a level of water quality protection which exceeds the quality afforded by water rights.”

(*Racanelli, supra*, 182 Cal.App.3d, at 141-142.) As was noted in *State Water Resources Control Board cases* (quoting from *Racanelli*):

“But as fresh water was increasingly diverted from the Delta for agricultural, industrial and municipal development, salinity intrusion intensified, particularly during the dry summer months and in years of low precipitation and runoff into the river systems. One of the major purposes of the projects was containment of maximum salinity intrusion into the Delta. By storing waters during periods of heavy flow and releasing water during times of low flow, the freshwater barrier could be maintained at a constant level.” (*United States v. State Water Resources Control Bd., supra*, 182 Cal.App.3d at p. 107, 227 Cal.Rptr. 161.)

(*State Water Resources Control Board cases, supra*, 136 Cal.App. 4<sup>th</sup> at 694.)

The reliance on the recent opinions in *El Dorado Irrigation District v. SWRCB* (2006) 142 Cal.App. 4th 937 and the *State Water Resources Control Board cases, supra*, for the proposition that “Delta water users ... do not have the right to demand that the [projects] provide water quality enhancements through stored water releases” is misplaced where the water is released to meet water quality objective, not for the purpose of direct diversion.

<sup>15</sup> In a subsequent portion of the opinion, the court stated, “at the risk of tedious repetition, we reiterate that the Board’s obligation, when setting water quality standards, is not to protect water rights but to provide “reasonable protection of beneficial uses.” (§ 13241.)” (*Racanelli, supra*, 182 Cal.App.3d, at 144.)

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In *El Dorado Irrigation District*, the primary issue was whether Term 91 – requiring the El Dorado Irrigation District (“El Dorado”) to bypass water when water was being released from storage by the projects to meet Delta water quality objectives – could lawfully be applied to El Dorado when it was not applied against users junior to its rights with a 1927 priority date. (*El Dorado Irrigation District, supra*, at 942-943.) The appellate court “agree[d] with the trial court that the Board abused its discretion when it included term No. 91 in El Dorado’s permit without including that term in the licenses and permits of junior appropriators, because the imposition of term No. 91 in these circumstances subverted the rule of priority without adequate justification.” (*El Dorado Irrigation District, supra*, at 972.)

The portion of the *El Dorado Irrigation District* opinion quoted in Kern County Water Agency’s statement was in response to the trial court’s additional ruling that “the preference in Water Code sections 11460 and 11128 for El Dorado’s use of water within the watershed of origin to meet El Dorado’s increasing development needs was intended to trump the Projects’ use of that water-including previously stored water-for project operations outside the watershed.” The appellate decision rejected that argument, ruling that “although El Dorado may be entitled to assert a priority under section 11460 over the Bureau and the Department to the diversion of water originating in the watershed of the South Fork American River, that priority does not extend to water the projects have properly diverted to storage at an earlier date. If El Dorado wants water properly stored by the projects, it must pay for it.” (*Id* at 976.) This language makes clear that what was at issue was the direct diversion by El Dorado of the very water released from storage by the projects.

Similarly, the selective quotation from the opinion in the *State Water Resources Control Board* cases proves little. Immediately following the second sentence quoted by Kern County Water Agency, the court draws a distinction between water released for diversion by Delta users and water released for water quality purposes:

Nothing in the Delta Protection Act purports to grant any kind of water right to any particular party. The Delta Protection Act does preclude the diversion of water from the Delta that is necessary for salinity control or to provide an adequate water supply for users within the Delta; however, it is for the Board to decide, in the exercise of its judgment, what level of salinity control should be provided and what is an adequate supply of water for users in the Delta.

(*Id.*, at 771-772.) Plainly, neither opinion is authority for the existence of an obligation of Delta users to pay for stored water release to meet water quality objectives, a proposition not considered in either case. (See *State Water Resources Control Board cases*, 136 Cal.App.4<sup>th</sup> at 758.)

As noted above, one of the key criticisms of the Board actions in adopted D-1485 as set forth in the *Racanelli* decision was that the Board confused its water quality and water right responsibilities. (E.g., *Racanelli, supra*, 182 Cal.App.3d, at 116 (basing objectives on “water flows necessary to protect the existing water rights in the Delta against impairment by the projects ... is fundamentally defective”); at 117-118 (“the Board’s ... approach to that task [taking action necessary to protect the consumptive uses (agricultural, industrial and municipal) in the Delta] was seriously flawed by equating its water quality planning function with protection of existing water rights”); at 118 “Board erroneously based its water quality objectives upon the unjustified premise that upstream users retained unlimited access to upstream waters, while the projects and Delta parties were entitled only to share the remaining water flows”); 119-120 (“combining the water quality and water rights functions in a single proceeding ... was unwise”

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and “compromised [the Board’s] important water quality role”).)

Unlike the opinions in the *State Resources Control Board* cases and *El Dorado Irrigation District*, the *Racanelli* opinion squarely faced the question of whether compensation was required for water released to meet a water quality objective:

The U.S. Bureau, together with the state and federal contractors, argued below that the Board had no authority to compel the projects to provide extra water in order to protect the quality of canal waters because the District has no vested water rights. Any additional water, it is argued, must be purchased by the District.

The trial court agreed and held the drinking water standards for the Contra Costa Canal invalid. The court reasoned that since the District had neither riparian, appropriative nor perfected watershed rights, the District was limited to its contractual rights, and it had “bargained away” its right to water of a specified quality.

The question thus presented is troublesome. Yet, a careful analysis impels the conclusion that the court’s basic premise – that water quality protection hinges on ownership of water rights – is faulty.

As discussed earlier, in performing its planning function, the Board is authorized to establish water quality objectives which in its judgment will ensure “the reasonable protection of beneficial uses ...” (§ 13241, emphasis added), a concept embracing a wide spectrum of consumptive and nonconsumptive, instream uses. (§ 13050, subd. (f).) Thus, the Board’s authority in setting water quality standards is not limited to the protection of water rights but extends to the protection of all beneficial uses from degradation of water quality, even if the resulting level of water quality exceeds that provided by water rights. Accordingly, we conclude that the Board acted within its broad water quality planning authority to set standards to protect municipal or domestic supplies.

Enforcement of the standards, however, presents an entirely different issue. Succinctly stated, the question is whether the Board has authority to compel the projects to comply with such water quality standards. *The purpose of the trial court’s ruling, it seems apparent, was not to invalidate the standards themselves but rather to deny the Board’s attempt to compel compliance by the projects to supply salinity control water free of charge. We think the court’s ruling was incorrect.*

Under its reserved jurisdiction to modify the permits (§ 1394), the Board was authorized to impose upon the projects water quality standards *at whatever level of protection the Board found reasonable* (§ 13241), *whether “without project” or greater.* [footnote omitted.] By the very nature of the reserved jurisdiction, the Board was empowered to impose such terms and conditions upon the project permits as would in its judgment best serve “the public interest.” (§§ 1253, 1257, 1258; *Johnson Rancho County Water Dist. v. State Water Rights Board*, *supra*, 235 Cal.App.2d 863, 45 Cal.Rptr. 589; *Bank of America v. State Water Resources Control Bd.*, *supra*, 42 Cal.App.3d 198, 212, 116 Cal.Rptr. 770.) While the scope of that duty requires consideration of the public benefits derived from the projects (§ 1256), it also requires that water quality needs be taken into account. (§§

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1243.5, 1257, 1258, 13000.) *Nothing in the statutory scheme limits the Board's supervisory authority over appropriation permits to provide a level of water quality protection which exceeds the quality afforded by water rights.*

(*Racanelli, supra*, 186 Cal.App.3d, at 140-142 (emphasis added).)

Finally, the time has long past for reliance on the case of *Town of Antioch v. Williams Irrigation District* (1922) 188 Cal. 451 for the proposition that a Delta user is bound to accept whatever level of salinity intrusion that may result from upstream diversions is wholly misplaced. Since 1922, the State adopted a constitutional prohibition on unreasonable use, which arguably is triggered now if not enough water flows down through the Delta into the Bay, the two massive water projects were constructed, each with a primary purpose of controlling the very same salinity intrusion of which the Town of Antioch spoke, the Clean Water Act was adopted to protect and enhance water quality as a national objective, Porter Cologne was enacted to protect and enhance water quality as a state objective, and the state and federal Endangered Species Acts were adopted, which have radically affected how the projects and other diverters operate.<sup>16</sup>

In conclusion, no longer is a reasonable argument available that water quality protection is constrained by water rights. Moreover, the fact that it is now beyond doubt that "[o]ne of the major purposes of the projects was containment of maximum salinity intrusion into the Delta ... [b]y storing waters during periods of heavy flow and releasing water during times of low flow," (*Racanelli, supra*, 182 Cal.App.3d, at 107),<sup>17</sup> necessarily means that water quality objectives are not limited to the quality that would be available from "natural flows." The fact that the projects store and release water to meet water quality objectives does not "trigger" an obligation for someone directly or indirectly benefited thereby to compensate the projects.

For the reasons set forth above, CCWD respectfully asserts, first, that additional studies concerning the southern Delta agricultural objectives, if any are undertaken, should be closely coordinated with other on-going studies and should analyze and present the water quality impacts elsewhere in the Delta that would result from each proposed alternative. Second, as explained in detail above, federal and state anti-degradation policies seriously constrain, if not outright prohibit, the relaxation of the southern Delta water quality objectives. Third, the Board should reject the arguments presented by Kern County Water Agency that "naturally occurring water quality" or "natural flow" limit permissible water quality objectives and that each project's obligations cannot exceed "mitigating their impacts"; as was explained above, existing caselaw precludes each of these arguments.

Yours Very Truly,



Carl P. A. Nelson

<sup>16</sup> See e.g., *Racanelli supra*, 182 Cal.App.3d, at 117 (notwithstanding the *Antioch* case, "existing constitutional and legislative authorities encompass the Board's obligation to protect the quality of the Delta waters from saltwater intrusion").

<sup>17</sup> See also *Racanelli, supra*, 182 Cal.App.3d, at 135-136 (rejecting the United States' argument that salinity control was merely "incidental" and concluding instead that that "salinity control was an integral part of the announced congressional purposes possessing a priority at least equal to that of transport to water-deficient areas").



# Delta Diablo Sanitation District

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May 30, 2008 (corrected date)

Via Facsimile No. (916) 651-9563

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

Via Facsimile No. (916) 978-5528

Ms. Patti Idlof  
Bureau of Reclamation  
2800 Cottage Way, MP-150  
Sacramento, CA 95825

**SUBJECT: COMMENTS ON NOTICE OF PREPARATION AND NOTICE OF INTENT FOR  
THE BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT  
REPORT/ENVIRONMENTAL IMPACT STATEMENT**

Dear Ms. Brown and Ms. Idlof:

The Delta Diablo Sanitation District (DDSD) submits this letter in response to the March 17, 2008 Notice of Preparation and Notice of Intent to prepare an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Bay Delta Conservation Plan (BDCP).

DDSD is located at the western edge of the statutory Delta and provides sewage treatment services to a population of approximately 200,000, as well as provides recycled water service to two major power plants that have a capacity to serve over 1 million homes. DDSD's Strategic Plan gives priority to the development of long term sustainable resource development projects that further the District's commitment to progressive environmental stewardship. To that end, the District has taken a leadership role in securing a federal partnership for seven new recycle water projects in the Bay Area. The recent authorization signed by the President includes two projects in the District's service area that will deliver recycled water to two golf courses and seven city parks. In addition, the District is taking a lead role in the development of a biosolids to energy project that is envisioned to provide an alternative biosolids disposal option that will process biosolids into a green renewable energy supply for the Bay Area.

DDSD recognizes that there likely is not one individual solution that will adequately address the environmental challenges that the Delta faces. All solutions should be explored, including re-operations; decreasing water supply obligations through conservation, water transfers, and recycling;

Ms. Delores Brown and Ms. Patti Idlof

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COMMENTS ON NOTICE OF PREPARATION AND NOTICE OF INTENT FOR THE BAY  
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increased storage; engineered solutions to redirect flows, etc. One solution that should be included in the planning and environmental review of the BDCP is the development of a new water supply from the western part of the Delta. Such a water supply could help relieve the Delta of its water supply obligations, as well as allow precious upstream reservoir releases to flow through the Delta prior to diversion.

Over the past three years, the District has completed feasibility level studies on locating a new fish friendly, high quality water supply project within the DDS D service area. The project would divert water out of one or more of the existing water supply intakes owned by others within the District's service area, and utilize advanced treatment to convert the brackish water from the western part of the Delta into a high quality water supply for urban or agricultural purposes. The District is located within an industrial corridor and has several publicly owned assets that could be utilized in the development of a new water supply project, including land and outfall capacity. The studies are in the process of being shared with the local water agencies. DDS D understands that at least one of the agencies, Dublin San Ramon Services District (DSRSD), has sent a scoping letter in with a request to include a western Delta brackish water supply in BDCP planning and environmental review process. This letter outlines the conclusions of the studies completed to date, and invites further exploration of a new water supply project that could provide direct relief of the Delta water supply obligations shared by the state and federal projects.

The feasibility level studies the District has completed include a fisheries study and a technical feasibility study that includes cost estimates (copies are available upon request). The studies provide the following conclusions:

- 1) Location of a brackish desalination plant in the western portion of the Delta costs only a third in terms of energy and dollar costs compared to developing a desalination project in the San Francisco Bay or the Pacific Ocean. The main reason this is true is because the salinity fluctuations are a third or less than the other two water sources (i.e., the TDS in the western Delta ranges from 500 mg/l to 14,000 mg/l, while the Bay and Ocean TDS are 30,000 mg/l). Depending on the partners investing in the project, the cost to construct and operate a project varies from approximately \$500/ acre-foot to \$900/ acre-foot.
- 2) The water from a brackish water desalination facility can be treated to any level desired, from bottled water quality for human consumption to a very much improved low salinity water supply for agricultural purposes. Generating and utilizing a high quality, low salinity water source helps to decrease the salinity levels in outfalls and/or runoff.
- 3) A new intake in the western part of the Delta can be operated in a fish friendly way by installing state-of-the-art fish screens, and avoiding pumping periods when protected aquatic species cannot be adequately screened (i.e., during the egg and larvae stage).
- 4) Brine disposal is feasible in the western portion of the Delta by exporting the brine further to the west where salinity levels raise dramatically as the Delta empties into the Bay (i.e., a desalination project does not add mass, but does increase concentration).

Ms. Delores Brown and Ms. Patti Idlof

May 30, 2008

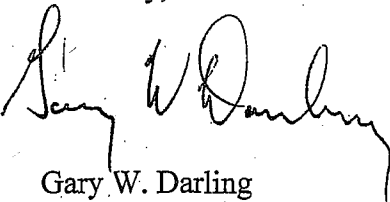
COMMENTS ON NOTICE OF PREPARATION AND NOTICE OF INTENT FOR THE BAY  
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- 5) A brackish desalination project is scalable in the western portion of the Delta and could be considered as a supplemental water supply for the Bay Area, or a water supply component for other water users of the State and Federal water projects. Preliminary capital cost estimates (completed in 2006) indicate that a five million gallon per day (MGD) project could be constructed for approximately \$25 million, a 50 MGD project for \$250 million, up to a million acre-foot/year project for \$3.5 billion. A major benefit of a brackish desalination project in the western Delta is that it is drought proof, and requires no new storage.
- 6) While Bay or ocean desalination projects are considered energy intensive, brackish desalination projects use much less energy. For example, the energy required to treat brackish waters in the western Delta, plus the pumping required to deliver the water to Southern California is less than an ocean desalination and delivery project located in Southern California.
- 7) A brackish desalination project located in the western portion of the Delta is in close proximity to major water conveyance facilities owned by Bay Area water utilities (approximately one mile), and could be used to deliver water to over five million Bay Area residents. In addition, the western Delta water supply is located approximately 20 miles from the state and federal pumping facilities.

Thank you for this opportunity to comment on the BCDP EIR/EIS process. DDSB will continue to monitor the process and encourages a local, state, and/or federal partnership to develop a new water supply from the western Delta. Please do not hesitate to call me at (925) 756-1920.

Sincerely,



Gary W. Darling  
General Manager

GWD:dj

cc: DDSB Board of Directors  
Bert Michalczyk, Dublin San Ramon Services District  
Jill Duerig, Zone 7  
Terry Erlewine, State Water Contractors  
William Rohwer, Mid Pacific Region, USBR  
District File No. RWF.CORRES-9  
Chron File



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May 29, 2008

Ms. Delores Brown  
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Natural Resource Specialist  
Bureau of Reclamation  
2800 Cottage Way, MP-150  
Sacramento, CA 95825,

***Subject: Comments on NOP and NOI for the Bay Delta Conservation Plan EIR/EIS***

Dear Ms. Brown and Ms. Idlof,

The Dublin Dan Ramon Services District (DSRSD) submits this letter in response to the March 17, 2008 Notice of Preparation and Notice of Intent to prepare an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Bay Delta Conservation Plan (BDCP).

DSRSD provides retail water service to 15,522 accounts and an estimated 54,300 residents in the City of Dublin in Alameda County and the eastern portion of San Ramon in Contra Costa County. DSRSD has a contract with Zone 7 of Alameda County Flood Control and Water Conservation District (Zone 7) to provide 100 percent of the DSRSD retail treated water supply. Zone 7 is one of 29 State Water Project (SWP) contractors and currently imports approximately 80 percent of its water supplies from the SWP through the South Bay Aqueduct for treatment, storage, and recharge.

The Delta crisis is a critical issue facing California and needs to be addressed and corrected as soon as feasible. While many water agencies in California are impacted by the Delta crisis, the real pain is being felt by the citizens and communities that indirectly receive their water supply through the Delta, like those DSRSD serves. Uncertainty about the reliability of water supply has thrown the hard work of cities and other land use planning agencies into chaos, and is creating tremendous confusion and financial risk. Cities that have completed orderly and

financially sustaining development plans based upon adequate water supply are now placing those plans on hold pending a resolution of the crisis. A reduction in reliable water supply will leave portions of the development plans unfinished and, more importantly, the income from that development will not be available to pay the bond debt already incurred by the communities to construct the necessary infrastructure. The result may well be a significant financial problem for these communities and hardship on their citizens. The final irony is that very few of the impacted communities are directly represented in the many activities under way to address the Delta crisis. The voices of these cities and of millions of water ratepayers – the ultimate water consumers of Delta water – are generally not heard. The BDCP must make a special effort to reach those a step removed from the traditional water industry and actively engage those communities and citizens in this important process.

DSRSD fully supports the intentions of the BDCP – to secure authorizations that would allow the conservation of covered species, the restoration and protection of water supply reliability, protection of certain drinking water quality parameters, and the restoration of ecosystem health to proceed within a stable regulatory framework. However, BDCP is limited in scope only to actions within the legal Delta boundary, so it will not result in a long-term solution to the total California water supply crisis. Timely completion and implementation of the BDCP is critical to stabilize the available Delta supply for water users, land use planning agencies, conservation of listed species and their habitat, and to provide a sound scientific basis for comprehensive long-term California water supply solutions.

DSRSD believes that the following points are specific considerations that should be included in the forthcoming BDCP EIR/EIS:

- The analysis should include a component that is focused on identifying quick, near-term projects to immediately stabilize Delta water supply reliability and water quality, even if the projects are temporary in nature. One non-BDCP example of such a project is a proposal to construct facilities at Frank's Tract that would reduce salinity incursions into the central Delta and simultaneously benefit Delta smelt habitat. Projects of that nature will also provide valuable scientific data to support the long-term and permanent solutions that the analysis will cover. Immediate actions that can alleviate the potential damage from levee failure should also be included in this component, in an effort to provide greater protection for public safety and for the security of drinking water supplies as soon as possible.
- The analysis should also include projects that have the potential for providing means for diverting water from the Delta through adequately screened intakes at locations other than the existing Banks and Jones pumping plants; a non-BDCP example of such a project is the proposal to expand Los Vaqueros Reservoir and construct a pipeline from there to Bethany Reservoir, thereby adding a second manner of delivering water to the South Bay Aqueduct and simultaneously providing a fisheries benefit. A second example is the multi-agency desalination facility being studied for location in the brackish waters

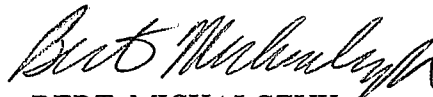
of the lower end of the Delta that could provide an alternative source of high-quality water for both M&I use as well as lower salinity water supply for agriculture that could result in a reduction in demand on the existing Central Valley Project and SWP Delta diversion facilities. A fisheries study is being finalized that validates that a "fish friendly" water supply is available in the brackish zone. In addition, two independent technical studies have been completed that estimate the cost and energy requirements of the brackish desalination to be only a third the cost of the ocean water desalination.

- The analysis should use best available and accepted/tested science. Scientific uncertainties should be documented and fully disclosed to the public.
- The EIR/EIS must equally and comprehensively consider water supply and conveyance, water quality (with particular emphasis on drinking water quality), and ecological restoration and management objectives and possible solutions.
- Identify the impacts and include options that encourage and provide incentives for significant statewide and/or regional improvements to local water conservation, surface water and groundwater management, water recycling and desalination.

Time is of the essence in proceeding with and completing and implementing the BDCP. Prudent coordination with other Delta planning efforts is imperative to ensure the BDCP is comprehensive and complete. However, stabilization of the Delta ecology while obtaining a firm and reliable near-term water supply, assuring safe drinking water quality, and providing a structured basis for evaluating the effect of improvements outside the Delta has to be accomplished as quickly as possible.

Thank you for this opportunity to comment on the BCDP EIR/EIS process.

Sincerely,



BERT MICHALCZYK  
General Manager

DAR/gl

cc: J. Duerig – General Manager, Zone 7 Water Agency



ALEXANDER R. COATE  
DIRECTOR OF WATER AND NATURAL RESOURCES  
(510) 287-1663  
acoate@ebmud.com

JON A. MYERS  
MANAGER OF NATURAL RESOURCES  
(510) 287-1121  
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May 23, 2008

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

SUBJECT: Public Scoping – Proposed Bay Delta Conservation Plan

Dear Ms. Brown:

The East Bay Municipal Utility District provided comments by letter dated March 21, 2008 on the scoping process to prepare an Environmental Impact Report/Environmental Impact Statement (EIR/S) for the Bay Delta Conservation Plan (BDCP). The letter identified key issues and described the potential impacts on Mokelumne origin salmonids (fall-run Chinook salmon, *Oncorhynchus tshawytscha* and steelhead, *O. mykiss*) based upon the geographic location of where the Mokelumne River enters the Delta and the primary conveyance route for through Delta conveyance. BDCP Option 3 shows the placement of operable barriers to isolate Middle River with the conveyance intake at the DCC or Snodgrass Slough into the Mokelumne South Fork. The South Fork is one of the primary migratory pathways for Mokelumne origin fall-run Chinook salmon and steelhead which are both covered species under the proposed BDCP.

Based on the request by the lead agencies for ideas on mitigation during the public scoping process, the District recommends that you consider operational measures and/or structural measures to avoid or minimize effects on Mokelumne River salmonids for all alternatives that affect the species. Operational measures could include changes to operable gates and pumping rates during fish sensitive periods. Structural mitigation measures could include a method to route Mokelumne origin salmonids away from the primary water supply conveyance corridor.

One example of a structural measure is tunneling a Through Delta Conveyance channel under the Mokelumne River into the South Fork to allow the North Fork to be used for fish migration and separated from the South Fork with a flood gate. A fish ladder would provide access to upstream migrating salmonids from the South Fork into the Mokelumne River or to the Sacramento River. This action would convey juvenile salmonids migrating downstream from the Mokelumne and Cosumnes rivers into the North Fork where they would have a greater chance of locating the San Joaquin River and avoiding entrainment at the export pumps. Research funded by the CVPIA conducted in 2002 showed survival of coded wire tagged yearling Chinook salmon appeared to be higher for fish released in the North Fork, especially with the DCC gates open (Brandes P. and C. Hanson 2003. Unpublished Report. Evaluation of the effects of the operation of the Delta Cross Channel and proposed Through Delta Facility on the survival of yearling fall-run Chinook salmon migrating through the Central Delta).

Another structural option to consider would be the construction of a fish screen and boat lock at Terminous, to prevent fish passage from the South Fork of the Mokelumne River into Little Potato Slough. This option would also facilitate the downstream migration of juvenile salmonids originating on the Mokelumne and Cosumnes rivers. A third structural option would be to redirect the Mokelumne

River into the Sacramento River upstream of the Delta Cross Channel, via Meadows Slough. This option would place the migratory Mokelumne and Cosumnes fish into the Sacramento River where they would have a better chance of avoiding entrainment in the central and southern Delta.

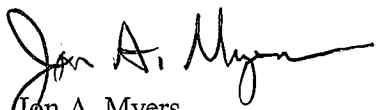
Under the option of dual conveyance, the scoping document needs to identify measures to reduce the impact of operating a Through Delta Facility. If the Mokelumne River is not routed into the North Fork and isolated from the South Fork, or other appropriate structural mitigations are not implemented, then avoidance measures need to be taken by reducing the project exports to provide positive San Joaquin River flows during juvenile salmonid emigration. Key migration periods for Mokelumne River origin salmonids are summarized in the table below. The data is based on captures in rotary screw traps and bypass traps below Woodbridge Dam for downstream migration and video counts and carcass surveys for upstream migration.

<b>Key migration periods for Mokelumne origin salmonids</b>		
<b>Steelhead</b>	<b>Migration Period</b>	<b>Peak Migration Period</b>
Adult immigration	October – March	December -- January
Fry emigration	March – June	April – May
Smolt emigration	April – July	June
Yearling emigration	January -- May	
<b>Fall-run Chinook</b>	<b>Migration Period</b>	<b>Peak Migration Period</b>
Adult immigration	September – January	October – November
Fry emigration	February – April	February – March
Smolt emigration	April – June	April – May
Yearling emigration	March – April	April

Based on the summary table, the critical months for protecting steelhead outmigrants would be April through June and February through May for Chinook salmon outmigrants. In addition to protecting juvenile salmonids, upstream migrating adult salmon and steelhead need to have access to the lower Mokelumne River if gated structures or bladder dams are placed on Three Mile Slough or False River. These structures need to provide access during key upstream migration periods. Improved monitoring within the Delta and near major pumping locations should be part of the study methodology to assess impacts and design mitigation measures.

We hope that you find these comments useful in your impact analysis and identification of mitigation and avoidance measures. If you have any questions, please contact Joe Miyamoto at (510) 287-2021 or email [miyamoto@ebmud.com](mailto:miyamoto@ebmud.com).

Sincerely,

  
Jon A. Myers  
Manager of Natural Resources

JJM:dec



## El Dorado County Water Agency

Helen K. Baumann  
*Board of Supervisors*

John P. Fraser  
*El Dorado Irrigation District*

James R. Jones  
*South Tahoe P.U.D.*

Norma Santiago  
*Board of Supervisors*

James R. "Jack" Sweeney  
*Board of Supervisors*

William T. Hetland, P.E.  
*General Manager*

May 29, 2008

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

Re: Comments of the El Dorado County Water Agency on the Notice of Preparation of Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan ("BDCP EIR/EIS")

Dear Ms. Brown:

The El Dorado County Water agency supports the comments raised by the American River Water Users Group. In addition to those comments, we would like to add the following:

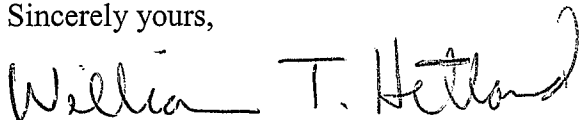
The EIR/EIS is intended to analyze the effects of the BDCP. In conducting such analysis, it is important to define the baseline from which those effects will be measured. Critical to the definition of the baseline are the assumptions as to diversions of water within the watersheds tributary to the Project Area and the impacts of those diversions on flows contributed to the Project Area by the watersheds. Two currently pending processes that will result in additional water diversions for use within El Dorado County should be considered in constructing the baseline.

First, Public Law 101-514 directs the United States Bureau of Reclamation to provide the El Dorado County Water Agency (EDCWA) with 15,000 acre-feet per year of water from Folsom Lake. EDCWA and the Bureau are currently negotiating a contract ("Fazio Contract") for this supply.

Additionally, the El Dorado County Water & Power Authority, a Joint Powers Authority comprising the County of El Dorado, EDCWA, the El Dorado Irrigation District and the Georgetown Divide Public Utility District, has filed an application ("Supplemental Water Rights Application") with the California State Water Resources Control Board for an additional 40,000 acre-feet per year of water to be diverted in the watershed tributary to Folsom Lake ("Supplemental Water Rights Application").

This application relies on protections for the County of El Dorado as the watershed within which the waters sought originate. Water diversions for use within El Dorado County pursuant to the Fazio Contract and the Supplemental Water Rights Application should be included in the baseline from which the EIR/EIS analyzes the impacts of the BDCP.

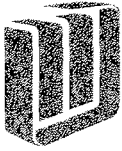
Sincerely yours,

A handwritten signature in black ink that reads "William T. Hetland". The signature is written in a cursive style with a large, looping initial "W".

William T. Hetland P.E.

General Manager

El Dorado County Water Agency



**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

May 29, 2008

**Via E-Mail and Mail**

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

Dear Ms. Brown:

Notice of Preparation (NOP) -- Draft Environmental Impact Report and  
Impact Statement (Draft EIR/EIS) for the Bay Delta Conservation Plan (BDCP)

The Metropolitan Water District of Southern California (Metropolitan) has received a copy of the Notice of Preparation for the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Bay Delta Conservation Plan (BDCP) project (Project). The California Department of Water Resources (DWR) is initiating preparation of a joint EIR/EIS for the Project 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. DWR proposes to evaluate the impacts associated with certain covered activities that will be identified through the planning process, including those associated with the operations of the State Water Project (SWP), as operated by DWR, and the Central Valley Project (CVP), as operated by the U.S. Bureau of Reclamation (Reclamation). This letter contains Metropolitan's response to the NOP as a Responsible Agency pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15096 and one of the Potentially Regulated Entities (PREs) in this process.

Metropolitan imports water to a six-county, 5,200 square-mile service area that extends from Ventura County to the Mexican border, containing a population of about 18 million residents. Metropolitan imports approximately 60 percent of all water used in the region. Metropolitan imports water from the Colorado River and the Sacramento-San Joaquin Delta, transported from the Delta through the State Water Project (SWP). Due to the critical importance of reliable SWP supplies to our service area, Metropolitan has a strong interest in matters affecting Delta's water supply reliability, water quality, and overall environmental health. The BDCP Draft EIR/EIS must reflect the stated goals of balancing water supply and ecological restoration in a comprehensive Delta solution.

Specific comments on potential environmental issues for the Agencies' consideration and incorporation into the Draft EIR/EIS are listed below.

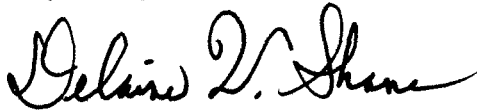


- The crafting of alternatives for the BDCP needs to be consistent with the water supply and reliability goals of the BDCP as defined in the October 6, 2006 BDCP Planning Agreement.
- The Proposed Action is the development and implementation of a Habitat Conservation Plan and associated Endangered Species Act permits. BDCP alternatives to be analyzed in the Draft EIR/EIS should reflect that action and be designed to reduce potentially significant adverse impacts associated with the Proposed Action.
- Metropolitan has been a leader in promoting water use efficiency (WUE) programs throughout its service area. While Metropolitan supports the Governor's directive to increase WUE throughout the state, Metropolitan considers such programs as separate from the BDCP project definition and goals. As with most of the urban water users in the state, Metropolitan has built implementation of these programs into its future water need assumptions, significantly reducing the anticipated needs. Since WUE programs already are built into water need assumptions they will not fulfill the stated purpose and objectives of the BDCP nor will they avoid or reduce any of the potentially significant impacts of the proposed action. They are therefore not suitable for inclusion as alternatives to the proposed action in the Draft EIR/EIS. WUE goals are being considered in other forums that are focused on strategic statewide water planning.
- The Draft EIR/EIS should be consistent with Metropolitan's long-term plan for water sustainability, its Integrated Resources Plan (or IRP), and with statewide water demand projections.
- One of the potential key components to ensuring a sustainable Delta is a new conveyance facility. New and improved conveyance should be part of all conservation alternatives in order to maximize opportunities for Delta ecosystem restoration and to meet water supply and reliability goals of the CVP and SWP.
- The Draft EIR/EIS should address impacts as they relate to future salinity changes in the Delta and the relevance to existing and potential water intake locations, conveyance and ecosystem restoration strategies. BDCP alternatives should address the seismic safety of Delta levees and the potential for seismically-induced levee failures and associated flooding impacts to ecological resources and on water supplies in light of existing infrastructure and the proposed isolated conveyance facilities.

Ms. Delores Brown  
Page 3  
May 29, 2008

We appreciate the opportunity to provide input to your planning process as a Responsible Agency under CEQA and as a Potentially Regulated Entity in the BDCP process. We look forward to receiving future environmental documentation and the Draft EIR/EIS on this Project. If we can be of further assistance, please contact Laura Simonek at (916) 650-2600.

Very truly yours,

A handwritten signature in black ink, appearing to read "Delaine W. Shane". The signature is written in a cursive, flowing style.

Delaine W. Shane  
Manager, Environmental Planning Team

MAM/DWS/dws

May 30, 2008

**VIA EMAIL (DELORES@WATER.CA.GOV)**

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

**SUBJECT: Comments on Bay Delta Conservation Plan Notice of Preparation of an Environmental Impact Report and Environmental Impact Statement (EIR/EIS) for the Bay Delta Conservation Plan**

Dear Ms. Brown:

On behalf of the North Delta Water Agency ("North Delta"), we appreciate this opportunity to comment on the above-referenced Notice of Preparation of an Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan ("NOP") posted by the Department of Water Resources on March 17, 2008 with comments accepted until May 30, 2008.

### **Background**

Pursuant to a special act of the California Legislature (North Delta Water Agency Act, Chapter 283, Statutes of 1973), North Delta was formed in 1973 to help address the impacts of the Central Valley and State Water Projects (Projects) upon agricultural interests within the northern part of the Sacramento-San Joaquin Delta. Beginning approximately 160 years ago, farmers in this area began reclaiming lands from flooding, appropriating water to beneficial use and establishing vibrant agricultural communities. The Bureau of Reclamation (Bureau) began constructing the Central Valley Project (CVP) began in the late 1930s, damming the major tributaries on the Sacramento River and holding back substantial quantities of the Delta water supply. As it did with landowners along the length of the Sacramento River, the United States conducted extensive studies and negotiations to ensure a sufficient supply for water right holders in the northern Delta. Discussions with Delta landowners were protracted, however, due to the complex issues of both water quantity and quality, and the issues only intensified with the commencement of the State Water Project under the Department of Water Resources (DWR).

Against this backdrop, North Delta was formed to represent northern Delta interests in negotiating a contract with both the Bureau and DWR in order to mitigate the water rights impacts of the Projects.<sup>1</sup> From 1974 to 1979, North Delta, the Bureau and DWR determined the outflow necessary to meet water quality standards for irrigated agriculture and generally reviewed the paramount water rights of landowners within North Delta's boundaries. The agencies also evaluated the Delta channels' historical function as natural seasonal storage. Before the Projects began withholding much of the Sacramento River system's high winter flows, the Delta channels stored sufficient fresh water to sustain water quality in the northern Delta throughout and often beyond the irrigation season. Since the Projects commenced, however, the Delta functions more like a flowing stream and, as a result, relatively minor decreases in outflow can have a serious impact on northern Delta water quality.

In 1981, DWR and NDWA executed a permanent settlement agreement that would prevent much of the Projects' detrimental effect on North Delta right holders.<sup>2</sup> The 1981 Contract for the Assurance of a Dependable Water Supply of Suitable Quality (1981 Contract) represents a guarantee by the State of California that, on an ongoing basis, it will ensure that suitable water will be available in the northern Delta for agriculture and other beneficial uses. The 1981 Contract requires DWR to operate the State Water Project to meet water quality criteria within the Delta channels while providing enough water to satisfy all reasonable and beneficial uses of water within North Delta's boundaries. In return, North Delta makes an annual payment to DWR. Although the two signatories are public agencies, the 1981 Contract also extends to individual landowners who, under the terms of the Contract, have executed Subcontracts guaranteeing that their lands will receive all the benefits and protections of the 1981 Contract. Many of these Subcontracts have been signed and recorded, enabling the subcontractors to enforce the terms of the 1981 Contract.

Serving as both a Habitat Conservation Plan and a Natural Community Conservation Plan, the Bay Delta Conservation Plan (BDCP) is a multi-participant strategy for mitigating the effects of the Projects (and other projects) on Delta species and the Delta ecosystem, just as the 1981 Contract mitigates for the Projects' effects on the landowners within the boundaries of North Delta. North Delta recognizes the importance of extending species protections and restoring the environmental health of the Delta while assuring a reliable water supply, and intends to play an active role in formulating appropriate comprehensive solutions to the environmental impacts caused by the Projects. At the same time, in moving ahead with the BDCP it will be critical to formulate an approach that respects and accommodates the State's commitment to ensure a permanent water supply of suitable quality to landowners within North Delta. It will also be

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<sup>1</sup> Section 4.1 of the Agency Act states: The general purposes of the agency shall be to negotiate, enter into, executed, amend, administer, perform and enforce one or more agreements with the United States and with the State of California . . . To protect the water supply of the lands within the agency against intrusion of ocean salinity; and . . . To assure the lands within the agency of a dependable supply of water of suitable quality sufficient to meet present and future needs."

<sup>2</sup> By that time, the Bureau had decided against contracting with individual parties to meet water quality standards.

critical to recognize, as the Delta Vision Task Force has, that the Delta itself is a unique place, not just a source of water supply or a species habitat. The people who live, work and play in the Delta, and who have been stewards of the Delta for generations, understand and appreciate these unique characteristics, and deserve to have their legacy continue for many future generations.

### **Composition of the Steering Committee**

As an initial matter, the BDCP Steering Committee is composed almost exclusively of State regulatory agencies, environmental groups, and entities with contracts for water from the Projects. The habitat creation projects and mitigation measures identified during the BDCP process thus far occur exclusively within the Delta and immediately adjacent areas, yet no local districts, municipalities, or counties are on the Steering Committee and, to our knowledge, none has received an invitation to join the Steering Committee. To ensure that the BDCP process and the resulting EIR/EIS reflects the interests of the people of the Delta, the Steering Committee should be expanded as quickly as possible to include significant interests within the Delta.

### **Alternatives Should Evaluate the Environmental Effect of Targeted Reductions in Exports in Conjunction with Other Approaches**

The NOP and previous BDCP documents strongly suggest that none of the alternatives analyzed in the EIR/EIS will include any level of reduction in Delta exports, and as a result, the EIR/EIS will not specifically evaluate the potential environmental benefits of making targeted reductions in exports. This omission is a serious error under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) and jeopardizes the validity of the EIR/EIS. The Delta ecosystem thrived even after the commencement of the CVP; serious environmental impacts began to occur only after exports substantially increased when the SWP came online. Environmental evaluations have repeatedly shown that Delta smelt and other species are more abundant during periods of greater outflow, which is reduced when exports are high. Mark and recapture data show that the survival rates of juvenile late fall-run Chinook salmon in the central Delta also decrease as exports increase. Export-related increases in salinity potentially affect not only species, but may also reduce the quality of water for agriculture within the Delta, which DWR is contractually obligated to protect under the 1981 Contract.

Therefore, it is appropriate that the EIR/EIS provide at least one alternative that includes a reduction in water exports water as part of a multi-factored approach to mitigating the effects of the Projects. Preferably, the EIR/EIS should analyze the environmental effects of a range of reductions upon all identified alternatives to properly inform decision-makers and the public of the approach that would have the greatest promise of reducing the environmental impacts of the Projects. It is not appropriate to simply bypass this analysis under the guise of a conclusory statement that any reduction in exports is infeasible when demand management, desalination projects, conjunctive use, xeroscaping, and zero net water developments have not been fully developed in the service areas where the water is being exported.

## **Water Conveyance Design**

Two of the four alternatives explored in prior BDCP documents rely on construction of an isolated conveyance facility as a means of exporting water from the Delta. The EIR/EIS should address the environmental effects of lining such a facility to reduce conveyance losses to the greatest extent possible. High conveyance losses would require greater quantities of water to be removed from the Delta, with commensurate impacts on aquatic species.

The EIR/EIS must also evaluate the size/capacity of any isolated conveyance facility. The capacity should be based on the minimum amount of water necessary to serve the reasonable, beneficial needs of the south-of-Delta water contractors, particularly in light of the need for water to serve the landowners within the Delta itself and to satisfy the developing needs of the northern counties where the water originates. In addition, the EIR/EIS must evaluate the terrestrial effects of constructing the facility itself. A smaller, deeper facility will have a smaller terrestrial environmental footprint than a larger, shallower facility, which should be reflected in the analysis.

## **Impacts of Fostering Listed Species in Expanded Areas of the Delta**

Every alternative that has been identified throughout the BDCP planning process proposes extensive construction and enhancement of habitat areas to benefit aquatic and terrestrial species within and adjacent to the Delta. Examples include introducing shallow flooding into northern and western Delta lands to serve as spawning habitat and to promote growth of organisms that serve as a food source for the threatened Delta and longfin smelt and other native fish. Much like the southern Delta export pumps, a network of private and public siphons, pumping plants, and other intake facilities are used to deliver the water supply for users within the Delta. Mitigation measures that foster threatened and endangered fish species in the vicinity of these water intakes will lead to entrainment, particularly for intakes that are not currently outfitted with positive fish screen barriers.

To mitigate for the environmental effects of habitat enhancement, the EIR/EIS must address the need to install fish screens and to undertake other measures to protect aquatic and terrestrial species that are being introduced into new locations within the Delta or whose existing populations are being enhanced. Without appropriate mitigation measures in place, existing landowners engaged in longstanding land uses may inadvertently be said to "take" these listed species under the Federal and State Endangered Species Acts, even though the species would not exist in those locations were it not for the BDCP. These measures to protect introduced and enhanced listed species must be enforceable and should include requirements that those entities proposing projects under the BDCP fund the construction, operation, maintenance, repair and replacement of these measures, in perpetuity. Local landowners within the Delta should not have to pay to implement mitigation measures that are necessitated by proposed projects that will primarily benefit water service contractors south of the Delta.

### **The Uncertain Effects of Habitat Creation**

The BDCP documents frequently refer to habitat “restoration” in the context of creating tidal marshes. The creation of tidal marshes on the Delta islands cannot be properly characterized as “restoration.” It is our understanding that historically the Delta islands, just like the lands bordering the Sacramento River, had natural banks created by periodic flooding. When a river overtops its banks during a flood, the receding floodwaters deposit coarser grained suspended sediment along the banks, eventually building up a raised area resembling a natural levee. Although these natural levees would not be sufficient to prevent floods, they would have prevented overflow by the influence of the tides, and prevented the natural formation of tidal marshes along the Delta islands.

Thus, introducing man-made marshes along the banks of the Delta islands will not restore a natural habitat, but will create a new type of habitat as a means of trying to approximate aquatic conditions preferred by target species within the Delta. It is unclear what the effects might be of creating this new type of habitat. However, the EIR/EIS should identify all potential environmental impacts on hydrology, biological species, and soils resulting from this new form of habitat creation, and identify mitigation measures to reduce any impacts to below the level of significance.

### **Acquisition of Property Within the Delta for Installation of Habitat Improvements**

The beneficial use of water in the Delta is crucial to the continued success of Delta agriculture, which is the backbone of the region’s economy and history, and is fundamental to its continued vitality as a community as well as its municipal water supply. The BDCP process has identified vast areas in the Delta, and in adjacent areas, for habitat creation projects to offset the impacts of water exports and other projects. Some of these projects are expected to occur on property currently devoted to agriculture. To date, BDCP documents have not adequately disclosed or discussed the impacts of land conversion on the human community. These impacts include reducing the size and changing the nature of the local community, depressing the local economy, eliminating family legacies in land and family farming, and forcing large-scale relocation. Historic communities may be unalterably changed or even eliminated. The EIR/EIS must address such impacts when evaluating each identified alternative, and perform CEQA’s critical function of informing the general public of the impacts of proposed projects.

To reduce these impacts to the greatest extent possible, project proponents should not seek to acquire new areas for habitat creation through eminent domain. Instead, any new habitat should be located on lands that are already in public hands or are subject to existing conservation or flood control easements, or else are purchased as a result of willing transactions by local landowners. It is in the public’s best interest to avoid protracted and expensive eminent domain proceedings over the compensation to be paid to landowners in exchange for their property, which would include the land itself as well as the associated water rights. Any habitat creation or wetland projects depending on application of water from the Delta channels will also require a

water right, which the project proponent will have to acquire. The 1981 Contract does not provide for the diversion or use of water for environmental purposes.

### **Effects of Agricultural Conversion**

The EIR/EIS must also include an assessment of the conversion of productive agricultural land, which is being cumulatively lost throughout the State at an alarming rate. In preparing the EIR/EIS, the agencies will need to establish appropriate thresholds of significance for the potential loss of these productive lands, and establish mitigation measures that may include funding the creation of additional agriculture lands, possibly in the Delta uplands that are currently not subject to agriculture.

The EIR/EIS should also review the numerous secondary environmental effects that will be caused by the conversion of agricultural land. As one example, to the extent that the proposed projects will convert agricultural land, they will also reduce the amount of food grown and consumed locally within and adjacent to the Delta. As a substitute supply, more food will need to be transported into neighboring communities including small municipalities as well as the cities of Sacramento and Stockton. More fossil fuels will be consumed in transporting food, which will in turn increase air emissions in areas that are already in nonattainment. The EIR/EIS should find that the proposed projects will cause a significant environmental effect if they result in a cumulatively considerable net increase of any criteria pollutant for which the affected region is considered to be in nonattainment under applicable federal or state ambient air quality standards.

Additional concerns include the erosion of the local county tax base. When productive lands are purchased by public entities and converted to habitat or open space, they do not contribute to the County tax rolls. Less money will be available to the Delta counties and special districts, including reclamation districts with responsibility for operation and maintenance of local levees. To the extent that these losses of public revenue may lead to a significant environmental effect, possibly through cutting back of funds for levee maintenance, vector control or park and recreation programs, they should be replaced by the project proponents in the form of mitigation. Furthermore, when lands are acquired by public entities for open space or habitat, they tend not to be as actively managed as agricultural lands, and can become more vulnerable to invasion by exotic species and noxious weeds. Because invasive species are often a major threat to listed species, the EIR/EIS should evaluate this possibility for potential significant environmental effects and propose mitigation accordingly.

### **Habitat and Species Improvement Projects Outside the Delta**

The BDCP documents refer to species mitigation measures that will occur in areas outside the Delta, including the Suisun Marsh. But the location of additional measures should focus on a much broader area than just the Bay Delta. Impacts to salmon and steelhead occur throughout the greater Sacramento and San Joaquin River systems. Mitigation measures should include



eliminating physical barriers to upstream and downstream fish passage on these river systems, building fish ladders, and ensuring that migration flows are available during all critical life phases, possibly by execution of funding arrangements with districts that maintain local reservoirs. Additional projects could focus on alternative transportation for smolts, and increased funding for smolt trap and hydroacoustic studies to better evaluate stressors on smolt mortality within the Delta.

### **Focus on Strengthening Delta Levees**

The BDCP should place a stronger focus on measures to protect and improve Delta levees, including a greater role in flood management planning. The levees help protect the water quality within the Delta, which is of grave concern to aquatic and terrestrial species, local landowners and water exporters alike. Any improved system of through-Delta conveyance will depend on the reliability of local levees. Stockpiling rock at strategic locations throughout the Delta will better enable local maintaining agencies to respond to emergency levee breaks.

### **Human Health and Pesticide Application**

The EIR/EIS should address potential impacts to human health. The habitat creation projects that have been proposed during the BDCP process include the creation of artificial marsh areas. Marshes frequently make productive breeding areas for mosquitoes and, as a result, may increase the potential for diseases including the West Nile virus to spread to communities within and adjacent to the Delta. This impact will be felt most strongly by children and the elderly. Local mosquito and vector control districts will also likely need to resort to chemical pesticides to address increases in the mosquito population, and residual pesticides may have an effect on people who are exposed through incidental contact and on listed aquatic and terrestrial species.

### **Growth Inducement**

The EIR/EIS is required to discuss the ways in which the proposed projects could foster economic or population growth, either directly or indirectly, in the affected environment. A growth-inducing impact may occur where the proposed project would remove an obstacle to population growth or would encourage facilities or other activities that could significantly affect the environment, either individually or cumulatively.

Exported water from the Projects will be used by CVP and SWP contractors to supply water for new development in vast areas south of the Delta. Numerous water purveyors with water service contracts rely on projected Delta exports for their SB 610 Water Supply Assessments and SB 221 Written Verifications of Water Supply, which are required prior to approval of a 500-unit residential development or a project that would increase the number of the public water system's existing service connections by 10%. The Supplemental EIR must disclose and evaluate the impacts, direct, indirect and cumulative, of growth induced by Project exports.

## Public Participation

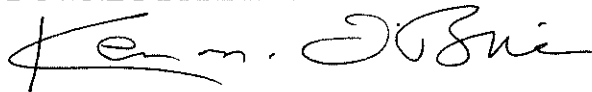
The BDCP should make a more concerted effort to reach out to local agencies and landowners, and solicit their feedback during the planning process. Many local landowners within the Delta are not accustomed to tracking public notices for large-scale environmental planning processes. During the local public scoping meetings held since publication of the NOP, many people learned about the existence of the BDCP planning process for the first time, and many more are still unaware of the process. Public meetings should be held within the Delta during each significant phase of the planning process, and in particular to get feedback regarding all lands and locations that may be identified as habitat creation or mitigation lands, and for any modifications to flood control plans and local levees. To ensure public understanding of each proposed action and appropriate feedback, the notices and meetings should include maps with clearly recognizable boundaries, and these meetings should be held *prior* to any final decisions on the location of such measures. The BDCP is a unique process with a tremendous scope, and warrants a more creative and expansive approach to soliciting public input.

## Conclusion

We appreciate the opportunity to comment on the NOP. Thank you in advance for your attention to these comments.

Respectfully submitted,

DOWNEY BRAND LLP



Kevin M. O'Brien

cc: Board of Directors  
North Delta Water Agency

Melinda Terry

**RECLAMATION DISTRICT NO. 756  
(BOULDIN ISLAND)**

311 East Main Street, Suite 504  
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**District Engineer**  
GILBERT COSIO, MBK Engineers  
**Secretary**  
AL WARREN HOSLETT

May 30, 2008

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

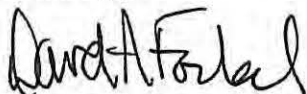
Dear Ms. Brown:

Subject: Notice of Preparation of Bay Delta Conservation Plan EIR/EIS

Reclamation District No. 756 (District) appreciates the opportunity to comment on the Notice of Preparation dated March 17, 2008. The District is a quasi-public agency responsible for the construction, maintenance and operation of the reclamation facilities, including pumps, siphons and levees, on Bouldin Island within the Sacramento-San Joaquin River Delta. The District is an interested party and responsible agency with respect to Bay Delta Conservation Plan (BDCP) activities that may affect the island and its levee protection system.

The District acknowledges and concurs with the need for improved water conveyance infrastructure and other habitat conservation measures in the Delta. The District encourages BDCP to keep it apprised of further developments regarding BDCP. Once the BDCP project purpose and scope are better defined, the District may provide more specific comments.

Sincerely,



David A. Forkel  
Chairman

1. Clarksburg , Ca, BDCP scoping meeting 4/30/2008.
2. Good Evening I am Bob Webber a long resident of Clarksburg and the Manager of Reclamation District 999. The District was formed on August 10, 1913 under the Reclamation Act of 1868. The District provides levee maintenance and operations for 33 miles of Federal project levees and Irrigation water to more than 25,000 acres ag lands. I have a history of Reclamation District 999 to be included in our public comments.
3. The District is very proactive in our use of environmentally friendly levee erosion control projects with the use of Brush Boxes, planting tuelles grasses and willows along the waters edge. We installed a fish screen on our Sacramento river water diversion for protection of both delta smelt and salmon.
4. We are concerned with the habit restoration that would convert agricultural lands into tidal wet lands. The district early history is an area of Swamp and Overflow lands. This is very different than tidal wet land for the benefit of endanger fish.
5. We request that your EIR process clearly show your compliance with Federal and State Reclamation Law.
6. The restoration of Tidal wetlands will require the diversion of water. We request that the EIR process evaluate the current water rights laws and their application to the Bay Delta conservation Plan.

Thank you,

Bob Webber  
Reclamation District 999, Manager  
916-775-2144  
recdist999@sprintmail.com

**MEMORANDUM RE DIFFERENCE BETWEEN SWAMP  
AND OVERFLOWED LANDS AND TIDE LANDS**

This is a Memo to differentiate between Swamp and Overflowed Lands, herein called S & O Lands, and Tide Lands. The essential difference is that Tidelands are subject to being washed by the daily tides. S&O Lands are subjected to overflow only at flood stages, not at high tides.

This Memo is prompted by the impression, incorrectly held by some, that the Sacramento-San Joaquin Delta, at the time of the original settlers, was a marsh which was subject to daily tidal overflow until the settlers began to construct levees to reclaim it and presumably to "create" islands. As shown below, that was not the case. Each island had a natural bank, like that of the Sacramento River, which kept out the tides, but were subject to overflow at high water stages. The tides were always against these banks, but the banks were high enough to keep out the high tides, but not the flood waters. Since they were "overflowed" they were no doubt generally "marshy", but were, as shown, subject to being reclaimed and cultivated.

Pieces of the natural banks of several of the Delta islands can be seen today and are referred to as "Channel islands." These are isolated pieces of the original island bank which were cut off at the time of reclamation where the original island came to a point which was too narrow to justify reclamation. The dredge then simply cut off this point and left a channel resulting from the dredge cutting through it. These "Channel islands" (remnants of the original island banks) are not covered by high tides, but only by flood flows.

**SWAMP AND OVERFLOWED LANDS**

The source of the S&O Lands is in the Congressional Act of Sept. 28, 1860. This is called the "Arkansas Act" as it specifically involves land in the State of Arkansas. It was adopted to enable Arkansas to construct "the necessary levees and drains to reclaim the swamp and overflowed lands therein" which had been "made unfit thereby for cultivation." Section 4 of this Act, however, extends the provisions and benefits of the Act to "each of the other States of the Union", hence California.

The Secretary of the Interior is directed in the Arkansas Act to "make out an accurate list and plats of the lands" referred to as S&O lands, and transmit the list and plats to the governor and "cause a patent to be issued to the State therefor" to vest the land in the State of Arkansas subject to disposal by the legislature, provided that "the proceeds of said lands shall be applied, exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains."

The California Legislature quickly picked up on this opportunity to acquire ownership from the federal government of all S&O lands and to apply the proceeds from their sale to reclaiming these lands "by means of levees and drains." The first such act was adopted by the California Legislature on May 13, 1861. It provided for the "Reclamation and Segregation of Swamp and Overflowed, and Salt Marsh and Tide Lands, donated to the State of California by Act of Congress." The Arkansas Act does not refer to Marsh Lands or Tide Lands. Clearly, however, the reclaiming of the lands along the Sacramento River and in the Delta was made possible by this Congressional Act and the Legislative Acts which followed it.

Several Acts of the California Legislature followed, on May 14, 1861, April 25, 1863, April 27, 1863, March 24, 1864 and April 2, 1868. It is of interest that the Act of April 27, 1863 refers to the S&O Lands "granted to the State by Act of Congress of September 28, 1850" and to the "Tide Lands belonging to the State by virtue of her sovereignty." This provides the distinction between Tide Lands and S&O Lands. Where the "sovereign" title of the State to the Tide Lands is derived is not defined, but the distinction is clear.

These Acts of the Legislature provide for the sale of the S&O Lands and the formation of a Board of Swamp Land Commissioners to oversee the use of the funds for reclamation. In 1868 this was all succeeded by the Reclamation District Act which authorizes the Counties to approve the

formation of local districts to receive the funds from the sale of the S&O Lands, through the Office of the State Treasurer, and to apply them to the construction of the necessary levees and drains. That is how the reclamation of the Delta was accomplished through the elevation of the natural banks of the islands to attempt (not always successfully) to protect them from the periodic overflow from high water.

The surveying of the S&O Lands was done by the State Surveyor General, predecessor of the State Lands Commission, in conjunction with the US Surveyor - General for California. Such a survey of Delta lands was completed and dated February 14, 1872. A copy is available from the California State Lands Commission. The 1872 survey of "Notoriously Swampy and Overflowed" lands shows the Delta configuration of sloughs and islands essentially as it remains today.

Deeds to lands within the Delta invariably contain descriptions which show the parcel to be a portion of Swamp and Overflowed Survey No. \_\_\_\_\_. These would have been individual surveys, with individual numbers, prepared by State surveyors after the 1872 federal map was approved.

There should therefore be no question as to the condition of the Delta islands when California became a State. They existed essentially as they do now, but at that time with natural banks which held out the daily tides but were able to be overtopped by periodic seasonal high flows.

Unfortunately, the recent Report of the Corps of Engineers to Congress regarding Delta levees refers to the islands as having originally been "tidal marshlands." This could imply that they were "marshlands" subject to the daily tides. That clearly does not provide an accurate impression as to the condition of the Delta islands as of 1850 or now. The tides obviously rose and fell on the outside of the islands against the islands' natural banks. The islands' interiors, however, were no doubt marshy to a great extent, and probably filled with tules, but were not subject to daily tides as are "Tide Lands."

#### TIDE LANDS

Tide Lands, which are subject to daily tides, are not generally able to be conveyed into private ownership and even when this occurs are subject to an easement for navigation by the public. This occurred when Frank's Tract was flooded in 1938. The levees have never been repaired. The land within the island, covered by tidewater, is still owned privately, but is subject to a "navigation easement" for the public. See *Bohn vs. Albertson*, 107 Cal. App. 2d 738 (1951).

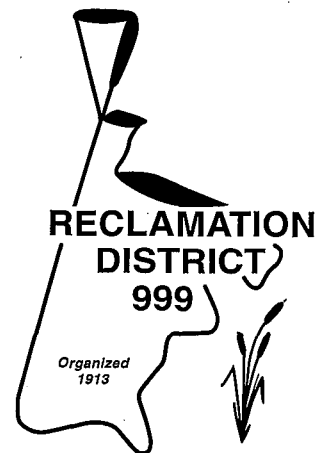
The first case analyzing the distinction between S&O Lands and Tide Lands is *The People of California v. Morrill*, 26 Cal 336 (1864). This case discusses the source of the State's title to the S&O Lands through the Arkansas Act. It points out that Arkansas had many such lands subject to periodic overflow, but due to its distance from the sea, no "tidelands." The court points out that California has a large quantity of swamp and overflowed lands "upon the Sacramento and San Joaquin Rivers." It also has a quantity of other lands which are overflowed in part by the ordinary high tides and therefore, as to that part "belong to the State by virtue of her sovereignty."

This "sovereignty" is derived, according to this 1864 case, from the English common law that the tidelands or "seashore" are "deemed to be public property for the free and common use of all" and "the king cannot divert it from this purpose." Why the "king" in this case is the State and not the federal government is not explained. It does, however, identify those lands which are subject to periodic overflow, and not daily tides, as having been acquired from the federal government under the Arkansas Act, separate and distinct from "tidelands." Those S&O lands, including the Delta islands, were subsequently conveyed by the State into private ownership for "reclamation" pursuant to the several legislative Acts referred to above.

George Basye

May 26, 2008

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



Dear Committee Members:

I write to you as President of the Board of Trustees of Reclamation District No. 999 (District). This letter is intended to provide the Bay Delta Conservation Plan with an overview of the District's lands and operations, and its status as a "special place" within the greater Sacramento-San Joaquin River Delta. In preparing its final recommendations for the resource management of the Delta, the BDCP should give due weight to the needs and importance of our community and its people, and fashion a comprehensive program that provides for a healthily functioning ecosystem while ensuring the ongoing reasonable and beneficial use of water within the Delta.

The California Legislature created the District by special act in 1919 to safeguard approximately 26,000 acres of productive agricultural lands in Yolo and Solano Counties from flooding and overflow. (Reclamation District No. 999, Chapter 161, Statutes of 1919.) This area is bordered by the Deep Water Ship Channel and the Yolo Bypass to the west, Sutter Slough to the south, Elkhorn Slough and the Sacramento River to the east, and Reclamation District No. 307 to the north. The historical township of Clarksburg is in the northern part of the District, near the Sacramento River. Today, the District has the primary responsibility for virtually all facets of water management within its jurisdiction. Not only does the District operate and maintain the levees that protect the District's lands from floods and overflow, but also delivers water for irrigation and operates extensive drainage facilities.

The thriving agricultural community within the District's boundaries is a striking example of traditional family farming successfully adapting to changing market conditions. Since the 1850s, agriculture in this area focused primarily on vegetable row crops and grains. But during the 1960s, a growing demand for California wines prompted farmers to begin planting grape vines. Today, the District's lands form the backbone of the Clarksburg wine appellation, home to more than 25 varieties of grapes and a stable of fine wineries, including Bogle. Located in Sacramento's backyard, Clarksburg's Old Sugar Mill has become a popular weekend destination and wine-tasting venue. In short, six generations of family farmers in the District have developed a pastoral legacy that we anticipate will prosper for centuries, and that exemplifies the kind of special place that Delta agricultural interests recognize as critical to the area's future.

As a steward of our water resources, the District has also taken steps to ensure the coexistence of the beneficial use of water in our community with aquatic species in the Delta channels. In 2005, the District installed a positive fish screen barrier on one of its major water intake facilities, one of the first major screening efforts in the northern Delta. The District is currently

working with State agencies to screen the rest of the District's diversions.

Yet it has come to our attention that one of the many recent proposals presented to the BDCP is a plan for the State to take most or all of the lands within the District and surrounding areas by negotiated sale or eminent domain, and to convert our lands from a community into a seasonal floodway and marsh. The BDCP should dismiss this approach outright. Such a plan would destroy our homes, our farms and our family legacies, hamstringing the Clarksburg wine appellation, and eliminate a large, increasingly productive swath of the Yolo County tax base.

Instead, the BDCP should focus on other, more measured alternatives to improving passage of northern Delta floodwaters and enhancing habitat. One less invasive approach to controlling floods would be to improve the efficiency of the Yolo Bypass. If any additional seasonal floodways in the north Delta are deemed of critical importance, they should be located in narrow, targeted areas away from acreage that is planted in high-value permanent crops, such as grape vines.

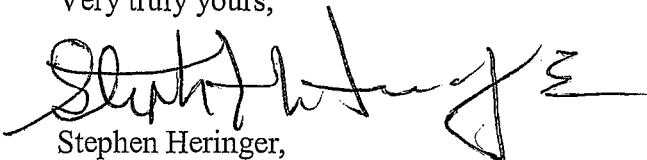
The BDCP's Final Report must implicitly recognize that places like the District must be preserved. First, the report must recognize the importance of the Delta as a special place, and historic agricultural communities such as the District are a critical component of what makes the Delta so special. Second, the BDCP must recognize the goals of water supply and ecosystem protection, underscoring the California Constitution's requirement put water resources "to beneficial use to the fullest extent" possible. The beneficial use of water within the Delta, at the confluence of the State's two largest river systems, warrants a higher priority than the use of that water in distant locations, as recognized in the Water Code's protections for watersheds of origin.

It should be remembered that the imbalances in the Delta ecosystem are primarily the consequence of the construction and operation of the Central Valley Project and the State Water Project. Along with the Delta ecosystem itself, the water users in the Delta are the most negatively affected by the operation of the Projects. The State committed itself to protecting in-Delta waters users from the effects of the Projects, not sacrificing them in order to sustain high export rates, when it executed the North Delta Water Agency contract in 1981.

On a final note, we urge the BDCP to make a more concerted effort to reach out to local landowners and solicit their feedback on the final recommendations. More than any other group of stakeholders, the residents of the Delta will most strongly feel the impact of these decisions.

We appreciate the efforts of the BDCP, and the District's Board of Trustees looks forward to working with you in laying the groundwork for a sustainable future for our Delta.

Very truly yours,



Stephen Heringer,

President, Board of Trustees, Reclamation District No. 999



**RECLAMATION DISTRICT NO. 2025  
(HOLLAND TRACT)**

311 East Main Street, Suite 504  
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**District Engineer**  
GILBERT COSIO, MBK Engineers  
**Secretary**  
AL WARREN HOSLETT

May 30, 2008

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

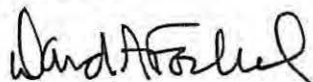
Dear Ms. Brown:

Subject: Notice of Preparation of Bay Delta Conservation Plan EIR/EIS

Reclamation District No. 2025 (District) appreciates the opportunity to comment on the Notice of Preparation dated March 17, 2008. The District is a quasi-public agency responsible for the construction, maintenance and operation of the reclamation facilities, including pumps, siphons and levees, on Holland Tract within the Sacramento-San Joaquin River Delta. The District is an interested party and responsible agency with respect to Bay Delta Conservation Plan (BDCP) activities that may affect the island and its levee protection system.

The District acknowledges and concurs with the need for improved water conveyance infrastructure and other habitat conservation measures in the Delta. The District encourages BDCP to keep it apprised of further developments regarding BDCP. Once the BDCP project purpose and scope are better defined, the District may provide more specific comments.

Sincerely,



David A. Forkel  
Chairman

**RECLAMATION DISTRICT NO. 2026  
(WEBB TRACT)**

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**District Engineer**  
GILBERT COSIO, MBK Engineers  
**Secretary**  
AL WARREN HOSLETT

May 30, 2008

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

Dear Ms. Brown:

Subject: Notice of Preparation of Bay Delta Conservation Plan EIR/EIS

Reclamation District No. 2026 (District) appreciates the opportunity to comment on the Notice of Preparation dated March 17, 2008. The District is a quasi-public agency responsible for the construction, maintenance and operation of the reclamation facilities, including pumps, siphons and levees, on Webb Tract within the Sacramento-San Joaquin River Delta. The District is an interested party and responsible agency with respect to Bay Delta Conservation Plan (BDCP) activities that may affect the island and its levee protection system.

The District acknowledges and concurs with the need for improved water conveyance infrastructure and other habitat conservation measures in the Delta. The District encourages BDCP to keep it apprised of further developments regarding BDCP. Once the BDCP project purpose and scope are better defined, the District may provide more specific comments.

Sincerely,



David A. Forkel  
Chairman

**RECLAMATION DISTRICT NO. 2028  
(BACON ISLAND)**

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**District Engineer**  
GILBERT COSIO, MBK Engineers  
**Secretary**  
AL WARREN HOSLETT

May 30, 2008

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

Dear Ms. Brown:

Subject: Notice of Preparation of Bay Delta Conservation Plan EIR/EIS

Reclamation District No. 2028 (District) appreciates the opportunity to comment on the Notice of Preparation dated March 17, 2008. The District is a quasi-public agency responsible for the construction, maintenance and operation of the reclamation facilities, including pumps, siphons and levees, on Bacon Island within the Sacramento-San Joaquin River Delta. The District is an interested party and responsible agency with respect to Bay Delta Conservation Plan (BDCP) activities that may affect the island and its levee protection system.

The District acknowledges and concurs with the need for improved water conveyance infrastructure and other habitat conservation measures in the Delta. The District encourages BDCP to keep it apprised of further developments regarding BDCP. Once the BDCP project purpose and scope are better defined, the District may provide more specific comments.

Sincerely,



David A. Forkel  
Chairman



Municipal Services Agency

Terry Schutten, County Executive

Department of Water Resources

Paul J. Hahn, Administrator

Keith DeVore, Director

## County of Sacramento

May 30, 2008

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

Attention: Ms. Delores Brown, Chief

Subject: Comments on NOP for the Bay Delta Conservation Plan (SCH No. 2008032062)

Dear Ms. Brown:

The County of Sacramento, Department of Water Resources would like to provide the following comments on the subject project.

The southern portion of the County of Sacramento includes the northern end of the Sacramento-San Joaquin Delta. This contains vast areas of agricultural land, natural preserve areas, rural farm residences and small, historic communities and well as flood storage and water supply functions which are dependent on and also vulnerable to the function of the Delta levee infrastructure.

It will be imperative that any analysis of alternatives for the Bay Delta Conservation Plan include specific attention to the potential impacts locally to water surface elevations and flood protection to these Delta areas and communities resulting from the project. Any project alternative should address the significance of such impacts and how they can be mitigated. Alternatives which may include strengthening of existing levees or construction of new levees or conveyance structures must consider and incorporate measures to ensure that such improvements do not result in the creation of "weak points" in the system in other levees as the project facilities are improved. The project alternatives must consider the dual function of the Delta as both a water supply and flood control system which has local as well as regional importance and ensure that both the functions and integrity of both systems are not compromised.

We look forward to reviewing and providing further comment as the Bay Delta Conservation Plan EIR/EIS moves forward. Please contact me if you have any questions.

Sincerely,

Michael L. Peterson  
Principal Civil Engineer  
(916) 874-8913  
petersonmi@saccounty.net

*"Managing Tomorrow's Water Today"*





**Sacramento Regional Wastewater Treatment Plant**

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**Tele: [916] 875-9000**

**Fax: [916] 875-9068**

**Website: www.srcsd.com**

May 30, 2008

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

**Board of Directors**

Representing:

County of Sacramento

County of Yolo

City of Citrus Heights

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City of Rancho Cordova

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*District Engineer*

Stan R. Dean  
*Plant Manager*

Wendell H. Kido  
*District Manager*

Marcia Maurer  
*Chief Financial Officer*

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

Dear Ms. Brown:

Sacramento Regional County Sanitation 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 BDCP and the associated environmental evaluation are of keen interest to the District.

The District provides wastewater collection and treatment services to 1.3 million residents of the greater Sacramento area. The District designed and operates its treatment system 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 District is very concerned with the pelagic organism decline (POD) in the Delta and supports the goal of the BDCP to address the decline and improve the long-term ecological productivity and sustainability of the Delta. The District believes that the restoration of the health of the Delta ecosystem should be the top priority of the BDCP and that any changes to the structure or operation of the Delta should be carefully evaluated to ensure that it does not conflict with or hinder such restoration.

Additionally, the District observes that the BDCP process has been lacking in representation by Central Valley stakeholders. The BDCP evaluation and ongoing process should address Central Valley stakeholders and other stakeholders not represented on the BDCP steering committee or other aspects of the ongoing collaboration between state and federal agencies and water agencies.

In concert with an emphasis on Delta ecosystem recovery and sustainable function, and the proper consideration of the concerns of Central Valley residents and other stakeholders, the District's comments on the scope of the EIR/EIS are as follows:

1. The EIR/EIS must address how each alternative impacts Delta fisheries and how the project will remedy, rather than prolong or exacerbate, the POD. The Notice Of Preparation (NOP, March 17, 2008) presumes that incidental take of endangered species will continue to occur in the future as part of a "conservation plan." The EIR/EIS must address and quantify the level of take that the Delta can withstand that will allow the recovery of sustainable fish populations.
2. The Existing Condition for the EIR/EIS should be the legal and regulatory constraints existing at the time of issuance of the NOP. As such, the Existing Condition for this project should include the legal determinations and operational constraints embodied in the Wanger decision and other recent legal decisions.
3. The EIR/EIS should state that an objective of the selected project will be to avoid unintended impacts on third parties. For example, the selected project should either avoid or mitigate changes in water or wastewater treatment for residents of the Central Valley or the Delta that would not otherwise occur in the absence of the projects considered in the BDCP. The impacts of any such changes must be considered in evaluating the environmental costs and benefits, if any, of the BDCP. The beneficiaries of water diversions from the Delta should be accountable for funding any necessary mitigation.
4. 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. The cost estimates and funding mechanisms for the four alternatives should be presented in the EIR/EIS.
5. The EIR/EIS must fully evaluate the alternative BDCP projects for consistency with State and Federal antidegradation policies under the Clean Water Act and the California Water Code. 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 and Central portions of the Delta. Such action would clearly trigger the need for an antidegradation analysis.
6. The proposed abilities of the four Options to meet biological goals are highly dependent on hypothetical habitat restoration activities in zones outside the pathways of through-Delta conveyance. Although general restoration opportunities are described for the four Options, specific restoration projects would certainly require local stakeholder involvement, separate cost-benefit analyses, and environmental review. 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. The EIR/EIS should carefully evaluate whether the positive effects of habitat restoration projects inside the Delta will outweigh negative effects of diversion of high-quality Sacramento River water. Technical details should be provided about the number, locations, and types of restoration projects that are necessary to provide the biological benefits ascribed to the Options. The feasibility and sustainability of the restoration projects should be covered in the EIR/EIS, and the responsible parties for implementation identified.
7. In the BDCP Options Evaluations Report of September 2007, the relative costs (infrastructure, operations, management) of implementing the Options are used as one of the performance criteria for comparing the four Options, but apparently only the costs associated with conveyance infrastructure were

considered. The costs for habitat restoration activities embodied in the Options should also be evaluated in the EIR/EIS.

8. A structural approach for achieving water supply reliability (conveyance) was one of two key components used to evaluate the original range of BDCP alternatives. A fifth BDCP alternative should be evaluated in the EIR/EIS in which non-structural approaches for achieving water supply reliability are considered. Non-structural alternatives should include water conservation, water reclamation, localized desalination, increased capture and storage of localized rainfall or other forms of water procurement in lieu of continued or increased Delta deliveries.

9. The energy and greenhouse gas impacts of pumping from the Delta and subsequent pumping along the conveyance alignment must be evaluated, along with all energy and greenhouse gas impacts of all aspects of the BDCP alternatives. This analysis is consistent with the analysis of the sustainability and reliability of continued use of the Delta as the primary water supply source for major population centers in the State.

10. The relationship of the BDCP planning and decision making effort to other ongoing planning efforts (e.g. Delta Vision and the Biological Opinion(s) being performed in response to court orders) should be clearly addressed in the EIR/EIS. The NOP describes the means by which the Governor's Delta Vision process led to the direction to initiate the BDCP California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) process. However, the NOP does not articulate the importance of the Delta Vision report, to be issued in fall 2008, on the BDCP process.

The District thanks you for 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.

Please include the District on the notice list to receive all notices concerning the BDCP including, but not limited to, notice of any workshops, meetings or hearings on the BDCP or EIR/EIS, and any CEQA Notice of Determination for the project. Please send notices to Terrie Mitchell, Sacramento Regional County Sanitation District (SRCSD), 10545 Armstrong Ave. Suite 101, Mather, CA, 95655, and if notices will be distributed by email, also to [mitchellt@sacsewer.com](mailto:mitchellt@sacsewer.com).

Sincerely,



Wendell Kido  
District Manager

Cc: Debbie Webster, Executive Officer, Central Valley Clean Water Agencies  
Delta Vision Blue Ribbon Task Force  
State Water Resources Control Board Members  
Central Valley Regional Water Quality Control Board Members  
Terrie Mitchell, Legislative and Regulatory Affairs Manager, SRCSD  
Mary Snyder, District Engineer, SRCSD



DeeAnne M. Gillick

77045-34445

509 WEST WEBER AVENUE  
FIFTH FLOOR  
STOCKTON, CA 95203

Sent via U.S. Mail and e-mail to [delores@water.ca.gov](mailto:delores@water.ca.gov)

POST OFFICE BOX 20  
STOCKTON, CA 95201-3020

May 30, 2008

(209) 948-8200  
(209) 948-4910 FAX

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

FROM MODESTO:  
(209) 577-8200  
(209) 577-4910 FAX

Re: Bay Delta Conservation Plan Notice of Preparation Comments

Dear Ms. Brown:

On behalf of the County of San Joaquin and the San Joaquin County Flood Control and Water Conservation District (collectively hereinafter "County of San Joaquin" or "County"), we submit the following comments to the Notice of Preparation: Environmental Impact Report and Environmental Impact Statement of the Bay Delta Conservation Plan dated March 17, 2008 ("NOP").

Over half of the legal Delta is located within the County of San Joaquin and the County is an interested stakeholder in the future viability of the Delta. County staff is very concerned about the Bay Delta Conservation Plan (BDCP) which is being developed and its potential impacts on the County. Based on the limited information available regarding the BDCP as set forth in the NOP, the County submits the following general comments.

1. San Joaquin County Board of Supervisors Opposes Isolated Facility.

On May 13, 2008, the San Joaquin County Board of Supervisors adopted Resolution R-08-269 a "Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta." The Board of Supervisors has taken many actions over the years opposing a Peripheral Canal or similar isolated facility. Resolution R-08-269, which is attached to this letter, provides the County's most recent position on an isolated facility based on the recommendations of the Delta Vision Blue Ribbon Task Force. The NOP provides that at least four Delta conveyance strategies will be considered as suggested by the Delta Vision Task Force. The facts, issues and concerns expressed in R-08-269 must be considered in the BDCP environmental document to the extent that the



conveyance alternatives include the recommendations contained in the Delta Vision Task Force recommendations.

2. Project Description within NOP is Inadequate.

The NOP for the BDCP in and of itself is inadequate. The California Environmental Quality Act (CEQA) requires that the NOP provide "sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response." *CEQA Guidelines* § 15802. This section requires that at a minimum the NOP include a project description, the location of the project and the probable environmental affects of the project. The NOP identifies the BDCP as the project; however, the content, parameters and description of the BDCP are unknown. There is no BDCP plan to review. There is only a "Planning Agreement" and a "Points of Agreement for Continuing the Planning Process." The BDCP is still in its planning stages and the parameters of the BDCP have not yet been identified. Therefore, the project is not adequately described in the NOP as required by CEQA.

3. Inadequate and inconsistent project objectives.

The County is concerned that the objectives of the BDCP as stated in the NOP are inadequate and inconsistent. The NOP states that the BDCP is being developed "to meet objectives of providing the conservation of covered species and their habitats, addressing the requirements of the federal and State endangered species laws and improving water supply reliability." These objectives appear inconsistent with each other. If the goal is to conserve covered species, then that should be evaluated and considered without regard to improving water supply exports from the Delta. In addition, given the current extremely precarious condition of covered species within the Delta and the inability of current experts to identify the reasons for the demise of certain covered species, it is not reasonable for the resources agencies to be contemplating a multi-year habitat conservation plan that binds the State and federal agencies would prevent required future regulation which may be found necessary.

4. Recognizing the impacts on agriculture within the Delta.

The Sacramento-San Joaquin River Delta consists of thousands of acres of productive agricultural land. Any project relating to the Delta will affect this vibrant agricultural industry; however, the NOP fails to even mention agricultural or contemplate the potential impacts on agricultural by the BDCP. This is a significant shortcoming of the NOP and the BDCP. The EIR/EIS and the BDCP must consider and address the potential impacts on agriculture within the Delta. The County contends that the NOP is lacking in that it does not describe or contemplate that the BDCP will affect agricultural and the conditions necessarily associated with agricultural production within the Delta.

5. Maintaining and improving water quality.

The objectives of the BDCP fail to recognize the important State law requirements to maintain or improve water quality within the Delta. The Sacramento-San Joaquin

River Delta is subject to water quality objectives in order to sustain the agricultural beneficial uses within the Delta and to meet fishery requirements. Any EIR/EIS prepared for the BDCP must fully analyze the impacts on water quality and possible, viable alternatives to meet water quality standards.

The County is concerned that an isolated facility for water conveyance around the Delta will remove significant Sacramento River flows within the Delta and the Delta will be satiated with San Joaquin River water which is highly saline. Under the present situation, the responsible parties for maintaining the water quality objectives within the Southern Delta fail to meet these responsibilities from time to time. With the absence of higher quality Sacramento River water, the County is concerned that it will be impossible to meaningfully meet the Southern Delta salinity objectives. The BDCP must analyze these potential adverse impacts and any alternatives to meet these salinity objectives.

6. Improving water supply reliability for all water users and properly applying California water law priorities.

The BDCP appears to be focusing on improving water supply reliability for users who export water from the Delta; however, the reliability of water supply for users within the Delta must also be considered and is of even greater importance. The BDCP and its environmental document need to meaningfully consider water supply reliability for all users of water supply from the Sacramento-San Joaquin River watersheds. In doing so, the proper application of California water laws need to be recognized and applied. California water law is based on the priority system of State water rights. Shortages are addressed by implementation of the water right priority system. The most senior water rights are protected while junior water rights suffer. Competing demands for water in and from the Bay-Delta are properly resolved by applying the priority system, not by "balancing." If there is insufficient water in a stream system to support all appropriators, then diversions diminish starting with the most junior appropriators. (*Pleasant Valley Canal Company v. Borror* (1998) 61 Cal.App.4th 742, 770.) The BDCP must recognize that shortages of water within the Bay-Delta are resolved by applying the priority system of water rights and other California water laws, such as the Delta Protection Statute (*Wat. Code* §§ 12200 et seq.), the Watershed Protection Statute (*Wat. Code* §§ 11460 et seq.) and the Area of Origin Statute (*Wat. Code* §§ 10500 et seq.).

7. The Delta Protection Act Applies.

The Delta Protection Act (*Water Code* sections 12200 et seq.) provides certain protection to users within the Sacramento-San Joaquin Delta and places certain burdens on the export projects. These provisions require "an adequate supply of water in the Delta to maintain and expand agriculture" (*Wat. Code* §12201) and no water may be exported from the Delta which is needed to meet the water supply and salinity control requirements needed within the Delta (*Wat. Code* §§12204, 12202). These protections place certain limitations on the export pumps and on an isolated facility. While the various priority statutes have been ignored by the exporters, the ignoring cannot continue. The BDCP and its environmental document must be developed consistent with the requirements and protections of the Delta Protection Act.

8. Water Conveyance Facilities Alternatives - Must Include "Delta Corridors" Alternative and "Regional Self Sufficiency" Alternative.

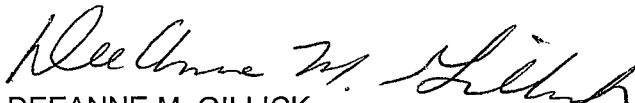
The NOP indicates that Governor Schwarzenegger by letter dated February 28, 2008 directed the Department of Water Resources to proceed with "the CEQA/NEPA process to evaluate at least four alternative Delta conveyance strategies in coordination with the BDCP efforts to better protect at-risk fish species . . ." It is unclear from the NOP if this is the environmental document requested by the Governor. If so, the NOP does not clearly describe the referenced four alternatives nor does the NOP clearly refer to any attachment or other documents that describes the referenced four alternatives. This is a severe shortcoming of the NOP.

The County is aware that the current water conveyance alternatives do not include the comprehensive "Delta Corridors" plan. The Delta Corridors plan has been presented by the South Delta Water Agency and the Central Delta Water Agency based in part on work performed by Dr. Russ T. Brown, Jones & Stokes. This proposal was presented to the Delta Vision process. It seeks to reconnect the San Joaquin River with the Bay. This proposal should have significant effects to fisheries while maintaining water quality supply and quality within the Delta. The environmental document for the BDCP must include meaningful analyses of this alternative and the BDCP decision makers must give meaningful consideration to implementing the Delta Corridors alternative.

In addition, the Central Delta Water Agency has advanced a water supply alternative of "Regional Self- Sufficiency." This alternative addresses the supply-demand problem rather than resolving the supply problem by relying on exporting more and more Delta water. This alternative for "water reliability" needs to be considered in the environmental analysis for the BDCP.

Thank you for providing this opportunity for the County of San Joaquin to submit comments to a program that will have potential significant effects within the Sacramento-San Joaquin Delta which is located in part within San Joaquin County.

Very truly yours,

  
DEEANNE M. GILLICK  
Attorney at Law

DMG:dmg

Enclosure

cc: Each Member of the Board of Supervisors  
T.R. Flinn, Director of Public Works  
Thomas Gau, Deputy Director of Public Works  
Mel Lytle, Ph.D., Water Resources Coordinator  
Dante John Nomellini, Central Delta Water Agency  
John Herrick, South Delta Water Agency

BEFORE THE BOARD OF SUPERVISORS OF THE SAN JOAQUIN COUNTY  
FLOOD CONTROL AND WATER CONSERVATION DISTRICT  
STATE OF CALIFORNIA

RESOLUTION

R-08- 269

RESOLUTION OPPOSING THE DELTA VISION  
BLUE RIBBON TASK FORCE RECOMMENDATIONS  
FOR THE SACRAMENTO-SAN JOAQUIN RIVER DELTA

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WHEREAS, on September 28, 2006 under Executive Order S-17-06, Governor Arnold Schwarzenegger established the Delta Vision Committee, a Blue Ribbon Task Force and Stakeholder Coordination Group to help develop a durable vision for sustainable management of the Delta with the goal of managing the Delta over the long term to restore and maintain identified functions and values that are determined to be important to the environmental quality of the Delta and the economic and social well being of the people of the State; and,

WHEREAS, the planning process has progressed to the point where, on November 30, 2007, the Task Force released their Delta Vision Report (Report) entitled, "Our Vision for the California Delta." In the report it describes both short- and long-term recommendations that propose changes to a wide array of issues affecting the Delta including water supply, water quality, flood control, land use, habitat, and local governance; and,

WHEREAS, while this planning effort together with the several Report recommendations has outlined ideas that may allow the Delta to meet future beneficial needs in a sustainable way, it also supports and calls for the studies, modeling, investigations, and potential development of an isolated water conveyance facility, Peripheral Canal singularly or as a part of a dual conveyance system; and,

WHEREAS, the construction and operation of a Peripheral Canal or a similar facility would require the taking of prime agricultural land and possibly urban areas for the construction of the canal itself and the loss of additional acreage from seepage from that canal, will cause severance damage to additional prime agricultural land, will sever and impair utilities and local road systems, will create significant new flood dangers to agricultural lands and urban areas within the City of Stockton and San Joaquin County, will adversely affect the water rights of water users within San Joaquin County, will circumvent the Delta common pool, and will seriously impair Delta water quality and an adequate supply for all beneficial uses, and the protection of endangered fish populations, wildlife, and other recreational resources within the County; and,

WHEREAS, given the fact that the Report acknowledges on page 13 that there is not currently sufficient information to determine whether an isolated facility, dual conveyance system or through-Delta conveyance is the best solution for the Delta, the recommendation on page 14 of the Report that an "assessment of a dual conveyance system proceed as the preferred direction" cannot be supported; and,

WHEREAS, San Joaquin County is concerned that the Seventh Principle of the Report, which provides that a "revitalized Delta ecosystem may require reduced diversions, or changes in patterns of diversion upstream, within and exported from the Delta," does not specifically consider and respect California's water right priority system and statutory protections for watershed protection areas and areas of origin; and,

WHEREAS, San Joaquin County is concerned that the Report considers upstream diversions and diversions within the Delta for local use as a problem to be addressed when these uses must be included within the Delta ecosystem that the State must strive to protect the County from the adverse impacts of Delta exports; and,

WHEREAS, San Joaquin County is concerned that the Report focuses on the Public Trust Doctrine as principles of State law to be recognized, while ignoring other equally important principles of State law, including, but not limited to, the water right priority system, and the protection of areas of origin and watershed protection areas; and,

WHEREAS, other more practical alternatives exist as outlined under a locally-supported proposal for greater regional self-sufficiency than a Peripheral Canal that can be constructed more rapidly at substantially less cost and will not create the destruction and problems that would be created by an isolated water conveyance facility; and,

WHEREAS, the State of California Water Plan has also promoted the need for more integrated and regionally-focused water resource solutions including greater efficiency in the use of available surface supplies, expansion of conjunctive use programs, better management of groundwater resources, desalination, conservation and recycling to establish greater self-sufficiency in areas of the State that rely on imported water supplies; and,

WHEREAS, the Blue Ribbon Task Force has apparently pre-supposed the need for a Peripheral Canal, isolated or dual conveyance facility in the Delta despite the lack of consideration for other more viable alternatives and without sound science and technical analysis needed for an informed decision. County representatives have worked cooperatively with Delta interests and other local water agencies to inform the Delta Vision process of other more viable alternatives with only limited success; and,

WHEREAS, on April 16, 2008, the 19-member agency San Joaquin County Flood Control and Water Conservation District Advisory Water Commission voted unanimously to recommend approval of this resolution.

**NOW THEREFORE, BE IT RESOLVED** that the San Joaquin County Board of Supervisors does not support the Blue Ribbon Task Force's Delta Vision Report recommendations and the continued strategic planning process so long as this effort supports and promotes the development of a Peripheral Canal or any other isolated water conveyance facility in the Delta; and hereby urges the following:

1. That the Sacramento-San Joaquin River Delta, not California Delta as listed in the Report, be sustained as a unique and valued area, warranting continued investment, preservation, maintenance and special legal protections wherein the State must adopt explicitly in policy that the over-arching goal is the continuous and simultaneous improvement in health of the Delta, the Bay/Delta Estuary and other Northern California tributaries through improved water supply,

reliability, water quality, and flood protection by sustaining priorities for the Delta, areas of origin and other watershed protection areas in California.

2. That the priority for meeting the needs in the Delta and Northern California tributaries from which water is exported should be acknowledged and forthrightly honored by both the Central Valley Project and State Water Project to comply with the San Joaquin River, Watershed and Delta Protection Statutes and the continuation of the Delta as a common pool to the maximum extent possible for all local beneficial uses and export as described in Water Code Section 12200 et seq.

3. That in order for the recommendations in the Report to be consistent with the technical findings acknowledged in the Report, the Task Force should also recommend assessment of Through-Delta conveyance.

4. That regardless of what Delta improvements are ultimately supported by the State, any Delta improvements must acknowledge that water users and interests within San Joaquin County are entitled to priority water use and protection from exports under existing California law, and insure that State actions are consistent with those rights and protections.

5. That the foundation for recommendations by the Report for any new water resource policy must: 1) recognize the priority for the water needs in the Delta and other areas of origin and watershed protection areas; 2) provide for the protection of California's water rights priority system; 3) provide for Delta salinity control; and 4) recognize the established fundamentals of California water law wherein the California State Constitution Article X, Section 2 prohibits waste, unreasonable use, and unreasonable method of use of water resources and it further provides that "the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare."

6. That future water supplies for the State of California be developed through greater regional self-sufficiency as prescribed by "A Water Plan for the 21<sup>st</sup> Century: Regional Self-Sufficiency" to include increased conservation, recycling, efficiency, conjunctive use, desalination, surface and groundwater storage and reclamation.

7. That the State set a priority to support self-sufficiency through improved Integrated Regional Water Management planning and implementation activities throughout the State to develop and utilize local water storage for the capture and management of available flood waters or other projects for improved conjunctive use, recharge, banking and groundwater storage in California.

8. That Delta levées be strengthened and operable gates or other facilities installed at strategic locations to improve future Delta sustainability, urban flood protection, ecosystem integrity, agricultural health and facilitate recovery from seismic or other emergency to optimize through-Delta conveyance and work in cooperation with other agencies to develop additional supplies to address the needs for the entire State.

9. That the primary and secondary boundaries of the Delta remain as established under California law and that any new governance proposal in the Report must first recognize and support: 1) the vested private property rights of land owners and the constitutionally recognized land use controls of local governments that encompass the Delta; 2) provide for

the protection of California's water rights priority system; and 3) provide for the protection of watershed protection and area of origin rights.

NOW THEREFORE, BE IT FURTHER RESOLVED that in conjunction with these declarations, the San Joaquin County Board of Supervisors further urges recognition of the following:

1. That the failure of the State Water Project to develop the promised 5 million acre-feet of supplemental water supply for California from North Coast rivers, as listed in Department of Water Resources Bulletin 76, limits the export of only surplus water from the Delta to periods and times when senior water rights, areas of origin and other beneficial uses are not adversely impacted.

2. That the San Joaquin River should also be recognized as a unique and valued watershed to be restored and protected as a vital element of a healthy Delta to provide for the reestablishment of sufficient in-stream flows for all beneficial uses and fishery habitat from the Friant Dam to the Delta.

3. That a long-term sustainable drainage solution in the San Joaquin Valley that incorporates ocean outfall must be implemented so agricultural tail water and groundwater accretions high in salinity from lands in the Westside Service Area, Grasslands and wildlife refuges does not drain into the San Joaquin River. This solution should result in the preservation of our valued agriculture economy in the Valley and in greater regional water supply, improved water quality and sustainability through the conservation of hundreds of thousands of acre-feet of water released annually from the Stanislaus River or other Eastside tributaries to comply with the Vernalis and South Delta Salinity Standards.

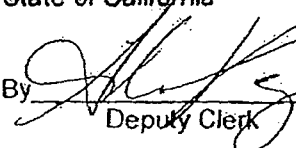

PASSED AND ADOPTED 5/13/08, by the following vote of the Board of Supervisors, to wit:

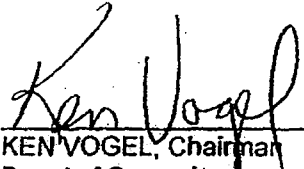
AYES: **Ruhstaller, Ornellas, Gutierrez, Mow, Vogel**

NOES: **None**

ABSENT: **None**

ATTEST: LOIS M. SAHYOUN  
Clerk of the Board of Supervisors  
of the County of San Joaquin,  
State of California

By  Deputy Clerk 

  
KEN VOGEL, Chairman  
Board of Supervisors  
of the San Joaquin County Flood Control  
and Water Conservation District,  
State of California

---

-----Original Message-----

**From:** Eric Wedemeyer [mailto:ewedemeyer@co.shasta.ca.us]

**Sent:** Wed 4/30/2008 1:37 PM

**To:** bdcpcments

**Cc:**

**Subject:** BDCP Scoping Comments

The Shasta County Water Agency appreciates this opportunity to comment during the scoping phase of the CEQA-NEPA process for the Bay-Delta Conservation Plan. We are optimistic about this program as it appears to view the Delta from a habitat viewpoint and, as such, it seems less likely to fall into the "one species at a time" trap set by the Endangered Species Act and similar laws.

The Bay Delta Conservation Plan has the benefit of the science and experience of the CalFed. One important lesson from CalFed is the need for a strong governing body or governance plan. BDCP is a body comprised of many contributing agencies and some of those agencies wield more power than BDCP. If all the agencies cannot be made to work in unison, the BDCP will fail. The people of California cannot tolerate more failures in the Delta.

BDCP contemplates an "Isolated Facility" and other unspecified actions at the habitat level. Northern Californians are surely as tired as Southern Californians of water supply reliability being held hostage to a hodge-podge of endangered species in the Delta. We are anxious for an improvement, but we cannot tolerate gains at the expense of Area of Origin protections, or other protections of our existing water rights.

We look forward to participating further in the BDCP process.

Sincerely,

Eric Wedemeyer

Shasta County Water Agency

1855 Placer Street

Redding, CA 96001

(530) 225-5181



# SOUTH DELTA WATER AGENCY

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Robert K. Ferguson, Vice-Chairman  
Natalino Bacchetti, Secretary  
Jack Alvarez  
Mary Hildebrand

Engineer:

Alex Hildebrand  
Counsel & Manager:  
John Herrick

March 26, 2008

TO: Ms. Delores Brown E-mail [delores@water.ca.gov](mailto:delores@water.ca.gov)  
Department of Water Resources

FROM: Alex Hildebrand  
Engineer, South Delta Water Agency

This letter conveys comments on the March 24 meeting which announced a series of Scoping Meetings for a Bay Delta EIR/EIS, and which discussed the approach to that process.

The suitability and timeliness of the process must be viewed as a step in a larger process for correcting the current failure to protect the Delta and to provide the water needed both in and from the Delta. The scoping process is designed to lead to implementation of a particular plan to be determined by the Bay Delta Conservation Process, BDCP. It is not designed to determine whether that plan is a viable solution, and whether there may be other more effective plans. It was clear that the scoping sessions are not intended to lead to unbiased consideration of other plans. The scoping process will merely meet a process requirement while a BDCP plan is moved toward implementation.

The BDCP process is dominated by parties who entered the process with a belief that there should be some sort of "peripheral" or Dual Facility canal. They pretended to believe that substantially improved protection of the Delta could be provided while providing more reliable exports through a canal. They did not obtain and make public an independent analysis that would reveal that it is physically impossible to operate a canal without trashing the Delta. To declare that the Delta would be protected while operating a canal is as futile as declaring that henceforth it will be full moon every night.

The proposed scoping process does not propose to examine questions of feasibility before developing an EIR/EIS for a specific plan. It does not propose to have all plans checked by an independent scientific review team. The Science Review Committee for the Vision Process is not independent (its membership overlaps with the Public Policy Institute advocacy group). It is also apparently unwilling and incompetent to address questions of hydraulics, salinity, land use, and levee design. They have proposed that levees be abandoned without regard to the consequences of converting the channel system to an open bay. The fishery agencies have apparently not been made aware of the potential for converting the Delta to a salty open bay.

For all these reasons the scoping process appears to be highly disingenuous.

# **SOUTH DELTA WATER AGENCY**

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Robert K. Ferguson, Vice-Chairman  
Natalino Bacchetti  
Jack Alvarez

**Engineer:**

Alex Hildebrand  
Counsel & Manager:  
John Herrick

March 24, 2008

Via E-Mail

[BDCP-NEPA.SWR@noaa.gov](mailto: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.

March 24, 2008

Page - 2 -

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 through 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, statutes, 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 statutes require that the Delta be kept as a "common" pool for in-Delta and export supplies. The statutes 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 statutes 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 statutes 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).

March 24, 2008

Page - 4 -

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 certain 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

  
HERUM CRABTREE BROWN  
Attorneys At Law

Jeanne M. Zolezzi  
jzolezzi@herumcrabtree.com

May 29, 2008

VIA EMAIL AND U.S. MAIL

Ms. Delores Brown  
Department of Water Resources  
Office of Environmental Compliance  
Post Office Box 942836  
Sacramento, California 94236

Re: Notice of Preparation: Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan

Dear Ms. Brown:

These comments are submitted on behalf of the Stockton East Water District on the NOP for the above referenced document.

It is very difficult to make meaningful comments on the March 17, 2008 Notice of Preparation, because the NOP does not meet the minimum requirements set forth in the CEQA Guidelines §15082(a)(1). The NOP should provide sufficient information describing the project and the potential environmental effects to allow parties to make a meaningful response. At a minimum, the information should include:

- Description of the project.
- Location of the project indicated on an attached map.
- Probable environmental affects of the project.

The March 17, 2008 NOP describes the BDCP as the Project, but at this point in time the BDCP is a planning effort. As stated in the NOP, the purpose of BDCP is to:

*“secure authorizations that would allow the conservation of covered species, the restoration and protection of water supply reliability, protection of certain drinking water quality parameters, and the restoration of ecosystem health to proceed within a stable regulatory framework.”*

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A Professional Corporation

It appears that the NOP is premature, as the project has not been identified. The NOP states that the BDCP will evaluate at least four alternative Delta conveyance strategies, but these are not identified. Because the project has not been identified, the probable environmental affects of the project cannot be identified and required by CEQA.

Nevertheless, in order to help facilitate the BDCP's future actions, we submit the following general comments:

**1. Habitat Restoration and Enhancement Programs.**

One of the types of Habitat restoration and enhancement actions that has been identified is:

Providing adequate water quality and quantity within the Delta at appropriate times to help conserve resident native fishes and improve rearing and migration habitats for salmon moving through the Delta.

Without more it is impossible to provide comments on this statement. Analysis of environmental impacts depends upon the mechanism identified to provide adequate water quality and quantity within the Delta. As an upstream water right holder, Stockton East Water District is concerned that any evaluation of water supply for the Delta must be evaluated consistent with California law, including the requirements of water right priority rules and the Watershed Protection statute (Water Code section 11460). Water users within protected areas are entitled to water to meet their demands before water may be exported from the Delta. This issue must be addressed in any EIR/EIR prepared for the BDCP.

**2. In-Delta Water Quality.**

An isolated or dual conveyance facility would drastically change water quality in the Delta. With Sacramento River water routed around the Delta the poorer quality San Joaquin River water would have a much larger influence on South Delta water quality. Evaluation of environmental impacts from any alternative must closely evaluate:

- Potential impact on water quality throughout the Delta
- How any changes in water quality would be addressed or mitigated
- The environmental impact of any required mitigation.

**3. Water Conveyance Facilities.**

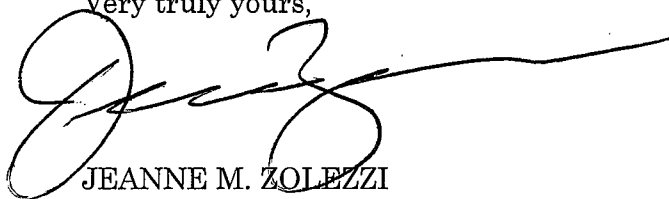
The four options being evaluated appear to focus on how to decrease impacts on and increase reliability of export CVP and SWP water supplies. However, the BDCP Planning Goals as described in the planning agreement, are broader, and do not restrict the BDCP focus on export CVP and SWP water supplies, but all Delta supplies.

For example, the BDCP Options Evaluation Report compares each of the options to *Criterion #8*, which is "Relative degree to which the Option allows covered activities to be implemented in a way that meets the goals and purposes of those activities." *Criterion #8* is then described, however, in a much more limited fashion as addressing "the ability of the Options to achieve the *water supply goals of the CVP and SWP*" focusing only on CVP/SWP export water reliability, project operational flexibility, and export water quality.

CEQA requires that the evaluation of each alternative be broader. An alternative's potential environmental impacts on all aspects of the environment, and all water users in and upstream of the Delta must be evaluated.

At this time, because of the lack of project description and other details, it is impossible to provide additional comments.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeanne M. Zolezzi', written over a horizontal line.

JEANNE M. ZOLEZZI  
Attorney-at-Law

JMZ:md

cc: Mr. Kevin Kauffman



Tuolumne County  
Administration Center  
2 South Green Street  
Sonora, California 95370

Phone (209) 533-5521  
Fax (209) 533-6549



Alicia L. Jamar  
Clerk of the Board  
of Supervisors

Elizabeth Logan  
Assistant Clerk

## BOARD OF SUPERVISORS COUNTY OF TUOLUMNE

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Mark V. Thornton, *Fourth District*

Paolo Maffei, *Second District*

Teri A. Murrison, *Third District*  
Richard H. Pland, *Fifth District*

May 20, 2008

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

Re: Scoping Comments; Bay Delta Conservation Plan (BDCP); Notice of Preparation of Environmental Impact Report (EIR) and Environmental Impact Statement (EIS)

Dear Ms. Brown:

Although the Department of Water Resources (DWR) has yet to draft the EIR/EIS with alternatives concerning the BDCP, the County requests that the DWR respond to the following when drafting the BDCP EIR/EIS:

- \* Counties and watersheds of origin must have assurances that their rights to water resources will be protected and programs to resolve conflicts in the Delta will not result in redirected negative impacts to the counties and watersheds of origin. All of California hydrologic regions should manage resources to achieve an increased degree of self-sustainability and to avoid increasing inter-regional allocation of resources.
- \* The DWR must evaluate the BDCP for consistency with local County plans and policies concerning area of origin rights.
- \* How will the BDCP Project planning process coordinate with and take into account the County's Blueprint planning process?
- \* The BDCP Project planning process must be consistent with the State Water Plan (Bulletin 160).
- \* How will advancing BDCP goals and objectives impact the statewide hydroelectric generation infrastructure?

Ms. Delores Brown, Chief,  
May 20, 2008  
Page 2

- \* How will the BDCP Project planning process evaluate greater water use efficiency efforts in Southern California that will reduce the dependency for imported water?
- \* With regard to the Tuolumne Public Power Agency (TPPA), it is imperative that the draft EIR/EIS take into consideration the County of Tuolumne's First Preference Power allocation stemming from New Melones Dam, and that any continued or new management strategies must have no negative impact on the County's power allocation or cost of power to our citizens.

As the County of Origin of the Stanislaus and Tuolumne Watersheds, the County believes it is necessary for DWR to consider circumstances that will not negatively impact and will protect the County's area of origin rights. Furthermore, this Board took action on December 4, 2007, by adopting a resolution "asserting legal standing and formally requests coordination status with all federal and state agencies maintaining jurisdiction over lands and/or resources located within Tuolumne County." The resolution is attached, and this Board formally requests that the DWR, pursuant to Sections 8125-8129 of the California Water Code, "Coordinate" with the County of Tuolumne from this point forward.

The County recommends that DWR, during the drafting of the corresponding EIS/EIR, consider the above County concerns. The County looks forward to meeting with the DWR to discuss and resolve potential impacts of the BDCP.

If you have any questions, please contact Steve Boyack, Natural Resources Analyst at (209) 533-5511.

Sincerely,



Richard H. Pland, Chairman  
Tuolumne County Board of Supervisors

c: Congressman George Radanovich  
Senator Dave Cogdill  
Assemblyman Tom Berryhill  
Bev Shane, Director, CDD  
Steve Boyack, Resources Analyst  
Kathleen Rustrum, TPPA Staff  
Santee Peebles, Western Area Power Administration  
Pete Kampa, General Manger, TUD



**RESOLUTION  
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE**

**RESOLUTION ASSERTING LEGAL STANDING AND FORMALLY REQUESTING  
COORDINATION WITH ALL FEDERAL AND STATE AGENCIES MAINTAINING  
JURISDICTION OVER LANDS AND/OR RESOURCES LOCATED WITHIN  
TUOLUMNE COUNTY**

- WHEREAS,** Tuolumne County is a public unit of local government and a 5-member elected Board of Supervisors serves as its chief governing authority; and
- WHEREAS,** Tuolumne County Board of Supervisors is charged with supervising and protecting the tax base of the county and establishing comprehensive land use plans (including, but not limited to the General Plan) outlining present and future authorized uses for all lands and resources situated within the county; and
- WHEREAS,** Tuolumne County is engaged in the land use planning process for future land uses to serve the welfare of all the citizens of Tuolumne County; and
- WHEREAS,** Tuolumne County is comprised of approximately twenty-five percent (25%) privately-held lands with the balance of lands and/or resources publicly owned, managed, and/or regulated by various federal and state agencies; and
- WHEREAS,** the citizens of Tuolumne County historically earn their livelihood from activities reliant upon natural resources and land which produces natural resources is critical to the economy of Tuolumne County; and
- WHEREAS,** the economic base and stability of Tuolumne County is largely dependent upon commercial and business activities operated on federally and state owned, managed, and/or regulated lands that include, but are not limited to recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits; and
- WHEREAS,** Tuolumne County desires to assure that federal and state agencies shall inform the Board of Supervisors of all pending or proposed actions affecting local communities and citizens within Tuolumne County and coordinate with the Board of Supervisors in the planning and implementation of those actions; and

- WHEREAS,** coordination of planning and management actions is mandated by federal laws governing land management including the Federal Land Policy and Management Act, 43 US § 1701, and 43 U.S.C. § 1712, regarding the coordinate status of a county engaging in the land use planning process, and requires that the "Secretary of the Interior [Secretary] shall...coordinate the land use inventory, planning, and management activities...with the land use planning, and management programs of other federal departments and agencies and of the state and local governments within which the lands are located"; and
- WHEREAS,** the coordination requirements of Section 1712 provide for special involvement by government officials who are engaged in the land use planning process; and
- WHEREAS,** Section 1712 sets forth the nature of the coordination required with planning efforts by government officials and subsection (f) of Section 1712 sets forth an additional requirement that the Secretary "shall allow an opportunity for public involvement" (including local government without limiting the coordination requirement of Section 1712 allowing land or resource management or regulatory agencies to simply lump local government in with special interest groups of citizens or members of the public in general); and
- WHEREAS,** Section 1712 also provides that the "Secretary shall... assist in resolving, to the extent practical, inconsistencies between federal and non-federal government plans" and gives preference to those counties which are engaging in the planning process over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program; and
- WHEREAS,** the requirement that the Secretary "coordinate" land use inventory, planning, and management activities with local governments, requires the assisting in resolving inconsistencies to mean that the resolution process takes place during the planning cycle instead of at the end of the planning cycle when the draft federal plan or proposed action is released for public review; and
- WHEREAS,** Section 1712 further requires that the "Secretary shall... provide for meaningful public involvement of state and local government officials... in the development of land use programs, land use regulations, and land use decisions for public lands"; and, when read in light of the "coordinate" requirement of Section 1712, reasonably contemplates "meaningful involvement" as referring to on-going consultations and involvement throughout the planning cycle, not merely at the end of the planning cycle; and
- WHEREAS,** Section 1712 further provides that the Secretary must assure that the federal agency's land use plan be "consistent with state and local plans" to the maximum extent possible under federal law and the purposes of the Federal Land Policy and Management Act and distinguishes local government officials from members of the general public or special interest groups of citizens; and
- WHEREAS,** the Environmental Protection Agency, charged with administration and implementation of the National Environmental Policy Act (NEPA), has issued regulations which require that federal agencies consider the economic impact of their actions and plans on local government such as Tuolumne County; and
- WHEREAS,** NEPA requires federal agencies to consider the impact of their actions on the customs of the people as shown by their beliefs, social forms, and "material traits," it reasonably follows that NEPA requires federal agencies to consider the impact of their actions on the rural, land and resource-oriented citizens of Tuolumne County who depend on the "material traits" including recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits for their economic livelihoods; and

- WHEREAS,** NEPA requires federal agencies to consider the impact of their actions on the customs, beliefs, and social forms, as well as the "material traits" of the people; and
- WHEREAS,** it is reasonable to interpret NEPA as requiring federal agencies to consider the impacts of their actions on those traditional and historical and economic practices, including commercial and business activities, which are performed or operated on federally and state managed lands (including, but not limited to recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits); and
- WHEREAS,** 42 U.S.C. § 4331 places upon federal agencies the "continuing responsibility... to use all practicable means, consistent with other considerations of national policy to... preserve important historic, culture, and natural aspects of our national heritage"; and
- WHEREAS,** Webster's New Collegiate Dictionary (at 277, 1975) defines "culture" as "customary beliefs, social forms, and material traits of a group; the integrated pattern of human behavior passed to succeeding generations"; and
- WHEREAS,** in 16 U.S.C. § 1604, the National Forest Management Act, requires the Forest Service to coordinate its planning processes with local government units such as Tuolumne County; and
- WHEREAS,** federal agencies implementing the Endangered Species Act, the Clean Water Act, the Clean Air Act, and the Outdoor Recreation Coordination Act (16 U.S.C. § 460I-1(c) and (d)) are required by Congress to consider local plans and to coordinate and cooperate directly with plans of local government such as Tuolumne County; and
- WHEREAS,** the coordinating provisions referred in the resolution require the Secretary of Interior to work directly with local government to resolve water resource issues and with regard to recreation uses of the federal lands; and
- WHEREAS,** the regulations issued by the federal agencies in this resolution are consistent with statutory requirements of coordination and direct cooperation and provide implementation processes for such coordination and direct consideration and communication; and
- WHEREAS,** the California Constitution has recognized Tuolumne County's authority to exercise its local, police and sanitary powers, and the California legislature has recognized and mandated exercise of certain of those powers in specific statutes; and
- WHEREAS,** the California legislature has mandated in Government Code § 65300 that each county shall prepare a comprehensive plan, and stated legislative intent in Section 65300.9 that the county planning shall be coordinated with federal and state program activities, and has mandated in Section 65103 that county local plans and programs must be coordinated with plans and programs of other agencies; and
- WHEREAS,** the California legislature has stated its intent in Section 65070 that preparation of state and regional transportation plans be performed in a cooperative process involving local government; and
- WHEREAS,** the California legislature has mandated in Section 65040 that the State Office of Planning and Research shall "coordinate, in conjunction with...local agencies: with regard to matters relating to the environmental quality of the state"; and

**WHEREAS,** in Water Code §§ 8125-8129 the California legislature has placed planning for non-navigable streams within the authority of county supervisors, and since such planning activities must be coordinated with natural resource planning processes of federal and state agencies; and

**WHEREAS,** in Streets and Highways Code §§ 940-941.2 the California legislature has placed the general supervision, management, and control of county roads and highways – including closing such roads (Section 901) and removing and preventing encroachment of such roads and highways, and since planning and actions with regard to such roads by any federal or state agency must be coordinated with the county; and

**WHEREAS,** in Public Resources Code § 5099.3 the California legislature has mandated coordination by the state with Tuolumne County since it is a county "having interest in the planning, development, and maintenance of outdoor recreation resources and facilities."

**NOW THEREFORE BE IT RESOLVED** that the Tuolumne County Board of Supervisors does hereby assert legal standing and formally requests coordination status with all federal and state agencies maintaining jurisdiction over lands and/or resources located within Tuolumne County.

**BE IT FURTHER RESOLVED** that the Clerk of the Board shall cause a copy of this Resolution to be transmitted to local, regional, state, and/or national offices of all federal and state agencies maintaining jurisdiction of lands and/or resources located within Tuolumne County and to all federal and state elected representatives serving Tuolumne County.

**BE IT FURTHER RESOLVED** that the Clerk of the Board is authorized and hereby directed to publish a copy of this Resolution in the Union Democrat, a newspaper of general circulation printed and published in the County of Tuolumne, State of California.

ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE ON December 4, 2007.

AYES:	1st Dist. <u>[Signature]</u>	NOES:	<u>1</u> Dist. <u>Bass</u>
	2nd Dist. <u>Maffei</u>		Dist. _____
	3rd Dist. <u>Murison</u>	ABSENT:	Dist. <u>[Signature]</u>
	4th Dist. <u>[Signature]</u>		Dist. _____
	5th Dist. <u>[Signature]</u>	ABSTAIN:	Dist. <u>[Signature]</u>

Mark V. [Signature]

CHAIR OF THE BOARD OF SUPERVISORS

ATTEST: [Signature]  
Clerk of the Board of Supervisors

No. 156-07



# County of Yolo

## BOARD OF SUPERVISORS

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May 30, 2008

### VIA ELECTRONIC MAIL AND U.S. MAIL

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

Re: Comments on the EIR/EIS for the Bay Delta Conservation Plan  
Response to March 17, 2008 Notice of Preparation

Dear Ms. Brown:

The County of Yolo ("County") submits the following initial comments in response to the Notice of Preparation ("NOP") of the EIR/EIS for the Bay Delta Conservation Plan ("BDCP").

### INTRODUCTION

Under the California Environmental Quality Act ("CEQA"), the County is a "responsible agency" with regard to the BDCP, as it may have permitting authority or approval power over aspects of the project. The County has a number of serious concerns about the potential components of the BDCP and the environmental review process. The County recognizes, however, that the BDCP is an effort to address the many complex environmental and water conveyance problems associated with the Delta. The need to address these problems is clear. The County also recognizes that the responsibility for doing so rests not only with the Department of Water Resources or other State agencies, but with the County and all other affected local jurisdictions as well.

At a minimum, the County thus intends to actively monitor the progress of the BDCP and, whenever possible, to provide thorough input regarding the content of the BDCP and related environmental review processes. The County will also participate actively in the BDCP process to ensure that the interests of its residents, businesses, and other constituents are respected. As made clear during an April 30, 2008 scoping meeting in Clarksburg, the process to date has confused and alienated many County residents. The reasons for this—including uncertainties about the components, geographic scope, and environmental and economic effects of the BDCP—are the subject of a significant portion of this letter. These uncertainties can and should be addressed in the near future, before the BDCP planning or environmental review process has

crystallized and local jurisdictions and their constituents are left without a meaningful say in matters that could forever change the Delta.

There are many reasons for taking such action in a timely manner. Of course, the legal adequacy of the BDCP and the EIR/EIS depends on whether the public review and comment process satisfies all legal requirements. The County believes that the NOP does not meet these requirements. Further scoping—following the issuance of a legally adequate NOP—is therefore both necessary and appropriate.

There is also another good reason why the Department should act quickly to clarify what the BDCP is and is not, and retrace its initial steps in the environmental review process. As with past efforts to build a “peripheral canal,” the Department undoubtedly recognizes that the BDCP and related projects cannot move forward without broad public support. The recent meeting in Clarksburg demonstrated that, without clear information about the BDCP, citizens may simply oppose it on any number of grounds. Significant concern already exists among Clarksburg area residents that the BDCP will convert their farms to habitat, send their irrigation water to southern parts of the State, and potentially expose their property to increased flood hazard. These are just a few of the many substantial concerns that must be addressed as the BDCP moves ahead.

Accordingly, the County respectfully requests that the Department advise the public that it will issue a new, revised NOP and conduct additional scoping meetings during the second half of 2008 or as soon thereafter as possible. The County’s specific concerns about the NOP and related environmental issues are as follows.

**I. THE LEGAL ADEQUACY OF THE NOP.**

**A. The NOP is Premature, and it Lacks an Adequate Project Description.**

The County’s principal concern with the NOP is that it lacks an adequate project description. This is because the NOP is premature—preceding even the development of the draft BDCP that the resulting EIR/EIS will study—and the specific details necessary to furnish an adequate project description apparently remain to be developed. This shortcoming undermines the environmental review process at the starting gate.

As explained in CEQA Guidelines § 15083(b), “[s]coping has been found to be an effective way to bring together and resolve the concerns of affected federal, state, and local agencies, the proponent of the action, and other interested persons including those who might not be in accord with the action on environmental grounds.” Similarly, the Guidelines further direct that “EIRs and negative declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design *and yet late enough to provide meaningful information for environmental assessment.*” CEQA Guidelines § 15004(b) (emphasis added); see also Guidelines § 15004(a) and (c); Pub. Resources Code § 21061.

To help achieve these aims, the CEQA Guidelines set forth certain legal requirements that apply to NOPs. Section 15082(a)(1) of the CEQA Guidelines states that an NOP must “provide the responsible and trustee agencies . . . with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a *meaningful response.*” To this end, a legally adequate NOP must include: a description of the project; its location, either by street address or on a map; and a statement of the project’s probable environmental effects. CEQA Guidelines § 15082(a)(1).



In turn, responsible agencies (like the County) must respond “with specific detail about the scope and content of the environmental information related to the responsible or trustee agency’s area of statutory responsibility that must be included in the draft EIR.” CEQA Guidelines § 15082(b). And just as an overly broad project description in an NOP is legally inadequate, so too is a response that is merely a “generalized list of concerns not related to the specific project” described in the NOP.

But under the circumstances present here, it is difficult for the County to respond with more than a “generalized list of concerns” when the NOP itself contains, at best, only a generalized description of the contemplated project. The NOP begins by stating that the EIR/EIS for the BDCP “will include analysis of improved water conveyance infrastructure and other habitat conservation measures that will be developed to advance the goals of the BDCP.” (NOP at p. 2.) And those goals, the NOP advises, are to “secure authorizations that would allow the conservation of covered species, the restoration and protection of water supply reliability, protection of certain drinking water quality parameters, and the restoration of ecosystem health to proceed within a stable regulatory framework.” (NOP at p. 2.)

This could mean virtually anything at all. But more detail simply does not appear in the NOP.

Instead, the NOP says that “[t]he planning effort for the BDCP is in the preliminary stages of development, and further information . . . may be provided to the public in subsequent public notices or in scoping meetings.” (NOP at p. 1.) The County and other interested parties are told only that “[t]he EIR/EIS will analyze the impacts of alternative conservation actions including improved water conveyance infrastructure in the Delta (e.g., dual or isolated conveyance systems) . . . [which] would require a canal from the Sacramento River to the SWP Harvey O. Banks and the CVP C.W. Jones pumping plants near Tracy.” (NOP at p. 2.) Through these and other “conservation actions”—apparently, a euphemism for the construction of billions of dollars of new water supply and delivery infrastructure—the BDCP will simultaneously restore “the Delta’s ecology and improv[e] water management.” (NOP at p. 2.)

Other potential components of the BDCP are described in similarly vague terms. For example, the NOP says that when the draft BDCP is eventually prepared and released, it may include “a number of anticipated actions” such as:

. . . habitat restoration and enhancement to increase the quality and quantity of habitat in the Delta; other conservation actions to help address a number of stressors on covered species; conveyance facilities to enhance operational flexibility and water supply reliability while providing greater opportunities for habitat improvements and fishery conservation; water operations and management actions to achieve conservation and water supply goals; and a comprehensive monitoring, assessment and adaptive management program guided by independent scientific input. (NOP at pp. 4-5.)

Once again, this could mean anything at all. And while the rest of the NOP lists various potential “covered activities,” planning goals, and similar matters, the level of detail is too vague to be of any real value to the County or other interested parties in responding to the NOP.

Altogether, these deficiencies make it impossible for the County to discharge its legal obligation to express more than simply a “generalized list of concerns” about the potential environmental effects of the BDCP. And while the NOP advises that additional information may be available on the internet, in scoping meetings, and in future public notices, the reason that Guidelines § 15082 sets out specific content requirements for an NOP is to ensure that interested parties *do not have to* gather basic information about a project by doing their own internet research, attending numerous public meetings, or waiting for the release of more information from the lead agency. Altogether, these concerns are by themselves sufficient to require reissuance of the NOP and further scoping meetings.

**B. The NOP Does Not Properly Describe the Geographic Location or Scope of the Project.**

As noted above, a legally adequate NOP must include a description of the location of the project. The NOP identifies the “project area” as the “Statutory Delta,” and possibly areas “outside of the Statutory Delta” such as the Suisun Marsh, Suisun Bay, and upstream areas. NOP at p. 7. This could include every watershed that contributes to the Delta (i.e., most of northern and central California). Of course, this degree of imprecision is probably necessary given the very early stage of preparation of the BDCP itself. It is a further example, however, of why the NOP is premature and legally inadequate.

Presumably, while the NOP does not say so directly, the BDCP will have very real impacts at least some of the areas described in the “Options Evaluations 9.17.2007” document posed on the website of the California Resources Agency. This includes the Clarksburg area, which is shown in that document as the potential location of extensive habitat restoration projects. As the Department is aware, this has caused significant concern among Clarksburg residents on many levels, with some drawing the conclusion that the BDCP even contemplates the relocation of local residents to make way for habitat.

Of course, this is not an acceptable outcome. It is also unacceptable that the scoping process has proceeded in such a way as to foster this belief in the first place. The public needs accurate information about the location of the BDCP and related projects—far beyond the vague details set forth in the “Options Evaluations 9.17.2007” document. Such information should not only *specifically* identify components that may be located in the Clarksburg area, but also address whether the BDCP will result in alterations to the Yolo Bypass or other local flood management and levee systems.

This basic information is necessary for the County and other interested parties to participate fully in the scoping process. Without it, the scoping process is legally flawed and will tend only to increase—rather than ameliorate—public concern about the BDCP.

**C. The NOP Does Not Properly Identify the Potential Environmental Effects of the Project.**

As also noted above, the NOP must include a list of the “potential environmental effects” of the Project. The included list, however, is merely a recitation of every *possible* environmental effect that could result from virtually any type of habitat restoration or water delivery infrastructure project (or combination thereof). The NOP concedes this point: “At present, sufficient information is not available to enable the Department to determine the detailed scope and significance of the effects related to the BDCP.” (NOP at p. 9.)

This begs the question of how the County and other interested parties are supposed to help the Department “identify additional environmental resources to be evaluated” during the scoping process or otherwise make a meaningful, legally adequate response to the NOP. The County looks forward to identifying environmental resources to be evaluated in the EIR/EIS for the BDCP. But before it can do so, it needs more information about the BDCP so that it can accurately identify the resources that may be impacted. Indeed, the Department must itself have such information before it can responsibly proceed with the preparation of an EIR/EIS.

## **II. SIGNIFICANT ENVIRONMENTAL ISSUES THAT SHOULD BE EXPLORED IN THE EIR/EIS.**

Although the County believes that it is premature and, for reasons stated above, impractical to provide the Department with specific advice regarding the environmental review process, the following sections attempt to provide such information based on its review of the NOP and certain other documents.

### **A. The Potential Impact of the BDCP on Agriculture and Delta Legacy Towns—Particularly in Clarksburg and Similar Places—Should Be Studied.**

The Clarksburg area (located in the First Supervisorial District of the County) is of critical importance as the premier agricultural region within Yolo County and as the site of Clarksburg, a Delta legacy town established about 150 years ago. About 78 percent of the area is currently subject to Williamson Act contracts. And while it includes only about 9 percent of the land area within the County, crops grown in the Clarksburg area account for more than 20 percent of Yolo County’s total agricultural production value (more than \$70 million annually).

Most of this revenue (about \$53 million) arises from the sale of wine grapes and grape nursery stock. Clarksburg is a federally-designated appellation, with nearly 9,000 acres planted in wine grapes, and it is home to an active and thriving winery industry, including several increasingly renowned labels such as Bogle Vineyards, Carvalho Family Wines, Heringer Estates, and Wilson Vineyards. Several Napa Valley wineries maintain vineyards within the appellation, including Korbel Champagne, Sutter Home Winery, and Silverado Winery. Not surprisingly, Clarksburg is where 64 percent of all wine grapes are grown within Yolo County.

The County has taken steps to further enhance this productive and valuable farming region. On January 29, 2008, the Board of Supervisors adopted a resolution establishing Clarksburg as the County’s first “agricultural district.” The County’s objectives for the Clarksburg Agricultural District are to increase the amount of acres planted in wine grapes, to encourage the construction of local wine production facilities (instead of shipping much of the crop out of the County for processing), and to expand tourism to the area. In these and other ways, the County intends to strengthen the ability of local farmers to compete more effectively in the global marketplace.

Obviously, the BDCP could significantly undermine agriculture in the Clarksburg area and the County’s goals for the Agricultural District. If large tracts of existing farmland are converted to tidal inundation zones, seasonal wetlands, or other permanent non-agricultural uses, it could devastate the region’s wine

industry. The ability to attract processing facilities would decline, and without wineries and related facilities, the opportunity to expand tourism in the Clarksburg area would be dealt a severe blow. Further, as fuel prices continue to increase, the cost of shipping grapes out of the area will make local crops less competitive for use as blending juice in Lodi or Napa wines. Without these contracts, vineyards may no longer be an economically feasible crop in the Clarksburg region. Finally, the restoration of habitat in agricultural areas can also result in significant crop loss to migrating waterfowl and similar impacts.

To various extents, other agricultural areas throughout the Delta could be similarly impacted by implementation of the BDCP. The EIR/EIS should therefore study all of the following potential impacts, both with respect to the Clarksburg area and similar regions in the Delta:

- **The Direct Loss of Farmland.** How much farmland will be converted to water supply infrastructure, habitat, or other non-agricultural uses as part of the BDCP? Will mitigation—such as agricultural conservation easements in accordance with local requirements—be provided?
- **The Fallowing or Indirect Loss of Farmland.** Will implementation of the BDCP and related projects result indirectly in the conversion of additional farmland to other uses, or simply the cessation of agricultural uses? How will such indirect conversions be mitigated?
- **The Williamson Act.** How will implementation of the BDCP affect existing Williamson Act contracts, farmland security zone contracts, and similar farmland preservation tools (such as conservation easements)?
- **Additional Restrictions on Agricultural Practices.** To what extent will implementation of the BDCP result in additional restrictions on agricultural practices—including both current and reasonably foreseeable future practices? Can the impact of these restrictions be lessened or avoided through the implementation of buffers or similar measures?
- **Urban Blight and Related Effects.** To what extent could the direct and indirect loss of farmland following implementation of the BDCP cause environmental effects—such as urban blight and similar deterioration—in Clarksburg and other legacy towns in the Delta?
- **The Decline of Social Institutions.** To what extent could the direct and indirect loss of farmland and related revenues following implementation of the BDCP displace farm workers, disrupt social institutions such as schools, churches, and fire departments, and otherwise undermine the economic and cultural vitality of Clarksburg and other legacy towns in the Delta? This should include consideration of whether the charter school that recently opened in Clarksburg (following an extensive effort by local residents) would remain viable.
- **Public Exposure to Increased Flood Hazard.** To what extent will habitat restoration projects require changes to existing levee systems, potentially reducing the level of flood protection enjoyed by residents, businesses, and agricultural lands?

- **Integration with the Central Valley Flood Protection Plan.** How will the BDCP be integrated with the preparation of the Central Valley Flood Protection Plan? To what extent could it impair the timely completion of the plan or conflict with other public and private efforts to increase (or restore) the level of flood protection afforded by Delta levees?
- B. All Components of the BDCP that will Alter the Delta Ecosystem Should Be Studied Intensively.**

As described in the NOP and various presentation materials available on the Resources Agency website, the BDCP appears calculated to address environmental problems created in large part by existing water conveyance infrastructure—including the State Water Project (“SWP”) and Central Valley Project (“CVP”)—by building more of it. The apparent expectation is that the addition of new water conveyance infrastructure will help restore the Delta ecosystem by allowing increased salinity intrusion and the fluctuation of water flows, as a portion of Delta fresh water flows will be diverted by a “peripheral canal” or similar “around-Delta conveyance facilities” to CVP and SWP pumping plants. The implementation of intertidal marsh, floodplain, and channel habitat restoration projects throughout the Delta also appears likely to be part of the BDCP.

By design, all of these potential components of the BDCP will fundamentally alter the Delta ecosystem. The County is not aware of any scientific certainty regarding the end result. Indeed, given the complex range of influences and the limits of our present knowledge about the ecosystem, the outcome of any effort to “restore” or otherwise alter the ecosystem is uncertain. In connection with this concern, the County thus recommends that the EIS/EIR review at least the following issues:

- **Impact on Water Flows.** How will water move through (and into) the Delta following implementation of the BDCP? Will this be in compliance with all applicable laws and court orders?
- **Impacts on Wildlife, Generally.** What are the potential effects of the BDCP on existing wildlife—including but not limited to the “covered species” identified in the NOP—that are found in the Delta ecosystem, particularly those that may have adapted to the “new natural condition” resulting from the SWP, CVP, and related influences?
- **Impacts on Known Populations of Covered Species.** How could the BDCP impact known populations of the “covered species” in particular locations, whether by modifying existing habitat or otherwise? What sort of monitoring, if any, will be implemented as part of the BDCP to evaluate its effect on these populations?
- **Potential Effects on Invasive Species.** What is the potential for implementation of the BDCP to result in an influx, territorial expansion, or rise in population of undesirable or invasive species, whether due to a salinity gradient that differs from expectations or for other reasons?

- **Water Quality Impacts.** What is the potential for the diversion of freshwater flows to increase the concentration of pollutants in the Delta, including but not limited to pesticides and methylmercury? How would increased pollutant concentrations affect both the “covered species” and other species in the Delta?
- **Global Warming.** What will be the effect of global warming—and in particular, the potential for increased salinity levels in the Delta due to the rise of sea levels—on the Delta ecosystem if, among other things, freshwater flows are diverted via a peripheral canal or similar conveyance? Could a sea level rise resulting from global warming, by itself, produce the same (or similar) degree of salinity fluctuations that are anticipated as a result of the BDCP? If so, could the combined effect of *both* global warming *and* implementation of a peripheral canal (or similar) option have serious environmental consequences?
- **Loss of Habitat.** To the extent the BDCP may result, directly or indirectly, in the conversion of farmland to habitat or other uses, how will the Swainson’s hawk and other species that rely on agriculture be affected? In particular, could the BDCP cause a significant effect on the Swainson’s hawk, Giant Garter Snake, or other species that rely (to various degrees) on agriculture by modifying existing farming practices that serve to provide habitat or forage for these species?
- **Conflicts with the Local HCP/NCCP.** To what extent could the BDCP interfere with the HCP/NCCP presently under preparation by the Yolo County Habitat Joint Powers Authority? [Specific concerns relating to this HCP/NCCP are set forth separately in a letter from the Habitat JPA, and those concerns are incorporated herein by this reference.]

These are only a handful of the potentially significant environmental effects of the BDCP. All reflect a common concern—that the possible “unintended consequences” of the BDCP and any related projects be fully explored prior to any action thereon. The apparent scale of the BDCP brings with it the potential for tremendous ecological impacts that may be difficult or impossible to reverse. These possible impacts must therefore be studied and understood to the fullest feasible extent.

Finally, the County observes that Department representatives and others associated with the BDCP process have stated that environmental and water supply objectives are “co-equal” in the BDCP process. This seems implausible, both as a legal and a practical matter. Once the BDCP is adopted and all required incidental take permits are issued, the Department will have an obligation to implement the BDCP in a manner that is consistent with the permits. This may require adjustments to water deliveries that will jeopardize both the amount and reliability of fresh water exports.

In short, something will have to give if environmental problems arise. This could cause an array of significant environmental and economic impacts that do not seem to have been disclosed to date. These potential impacts should be accurately reflected in all BDCP planning documents and in future public comments.

**C. The Potential Effect of the BDCP on Flood Protection Infrastructure and Related Risks to Public Health and Safety Should Be Studied.**

As noted above, the EIR/EIS should review the extent to which existing levees and related infrastructure may need to be altered to accommodate habitat restoration projects and other components of the BDCP. In particular, to the extent such changes reduce the level of protection afforded to residents, businesses, and agricultural land in the Delta (or elsewhere), the EIS/EIR should document these potential impacts and thoroughly explore all feasible mitigation measures. Such measures could include ring levees around existing legacy towns, the construction of new flood protection infrastructure to supplement (or replace) any existing infrastructure that is incompatible with the BDCP, or other infrastructure improvements. The EIR/EIS should also consider potential human health effects, including but not limited to increased incidence of the West Nile Virus, which could result from the introduction of significant new wetlands habitat near Clarksburg and other urban areas.

The County also urges the Department to fully address what some may see as an apparent decision to prioritize the BDCP and related projects—particularly any new water conveyance facilities—over the improvement of existing levees in the Delta that protect large cities, small towns, and everything in between. The availability of public funds for vast new infrastructure projects is necessarily finite. To some extent, the BDCP could be seen to represent a choice between habitat restoration and water supply projects, on the one hand, and flood protection projects that are presently needed to provide a basic level of safety, on the other. The laudable goals of the BDCP could easily be overlooked if the general public comes to view the BDCP in this way.

**D. The Potential Effect of the BDCP on Existing Water Rights Should Receive Close Scrutiny.**

Two of the proposed BDCP options set forth in the “Options Evaluations 9.17.2007” document call for an optional “peripheral canal” or similar intake facility located across from Clarksburg. Because many of the Reclamation Districts in the Clarksburg region rely on riparian water rights, it is important to clearly evaluate and describe the potential impacts of a major upstream water export facility on the expected delivery and yield of downstream riparian rights and the continued viability of irrigated farmland that depends on those rights. Also, there needs to be assurances that all senior water rights and all rights to water within the area of origin will not be affected.

**E. The Potential Effect of the BDCP on Local Government Services Should Be Carefully Examined.**

If large tracts of existing farmland are purchased by the State or Federal governments and converted into permanent habitat, there will be a significant effect on the ability of local agencies to continue to deliver services to the public. For Yolo County, the resulting loss of property tax would compound existing structural inequities such as the shift in Educational Revenue Augmentation Funds. These effects would be particularly acute at a time when local government is already facing grim challenges as the economy slows, in the wake of declining real estate values and growing unemployment and social service demands. Similarly, a reduction in local property taxes as the result of state land acquisition for habitat restoration

Ms. Delores Brown  
May 30, 2008  
Page 10 of 10

would adversely impact special districts such as fire protection and reclamation districts, making it increasingly difficult for them to perform critical functions.

The County raises this concern, in part, due to the longstanding failure of the California Department of Fish and Game ("CDFG") to make any payments in lieu of taxes for several years on the land it now owns in the County. The current shortfall is about \$700,000. The County has tried repeatedly to resolve this serious issue with CDFG. For this reason alone, the prospect that CDFG or other State agencies may acquire a significant amount of additional land in the County is daunting.

Altogether, these potential fiscal effects could impair the ability of the County and other local governments to provide needed services. As noted above, a declining revenue base could adversely affect schools and other institutions, reduce funding for transportation infrastructure, and otherwise have environmental effects even far away from areas directly impacted by the BDCP. The EIS/EIR should therefore review these potential impacts and consider feasible mitigation, such as an increased allocation of property tax revenues, to help ameliorate these impacts.

### CONCLUSION

For the reasons set forth above, the County requests that the Department issue a legally adequate NOP and conduct additional scoping meetings. If the Department elects not to do so, then the County nonetheless asks the Department to consider the initial comments on the BDCP included in this letter. The County appreciates the opportunity to comment on the BDCP, and looks forward to being closely involved in this process as it moves forward.

Sincerely,



Duane Chamberlain  
Chairman, Yolo County Board of Supervisors



Mike McGowan  
Supervisor, District One

cc: Congressman Mike Thompson (w/copies to Jonathan Birdsong and Elly Fairclough)  
Senator Mike Machado  
Assemblywoman Lois Wolk  
Assemblyman Doug La Malfa  
Sacramento County  
Solano County  
San Joaquin County  
Contra Costa County  
Sharon Jensen, County Administrator  
Robyn Truitt Drivon, County Counsel  
Petrea Marchand, Manager of Intergovernmental Affairs  
Julia McIver, Water and Conservation Programs Manager

All via e-mail only



**Kathy Hunn**

---

**From:** Maria Wong [Maria.Wong@yolocounty.org]  
**Sent:** Tuesday, May 27, 2008 9:41 AM  
**To:** Kathy Hunn  
**Subject:** RE: ND CARES North Delta Community Area Residents for Environmental Stability

Hi Kathy,

Mt remarks were brief – I reminded the panel that Yolo County is working on its own NCCP (known as the Yolo Natural Heritage Program) that will provide for the needs of many of the upland species the other speaker mentioned (hawks, snakes, turtles, etc.) as well as being a vehicle for preserving Yolo County’s agricultural heritage. I also mentioned that the BDCP website could be improved so that it’s easier to find useful information.

Note: the Habitat JPA is submitting its own letter of comment. I will certainly reference all of the good comments the Clarksburg folks made.

Best,

Maria

\*\*\*\*\*  
Maria Wong, AICP  
Executive Director  
Yolo County Habitat/Natural Community Conservation Plan JPA  
120 West Main Street, Suite C  
Woodland, CA 95695  
office (530) 406-4880.

direct (530) 406-4885  
fax (530) 668-1801  
mobile (916) 835-2709

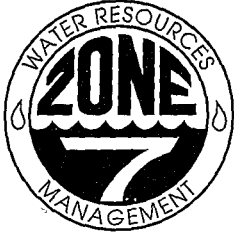
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**From:** Kathy Hunn [mailto:phunn@frontiernet.net]  
**Sent:** Friday, May 23, 2008 3:41 PM  
**To:** mikemcgowan@yolocounty.org; mike.thompson@congressnewsletter.net; Maria Wong; MSVLS@cwo.com; kenneth@wilsonvineyards.com; windycorners@calbroadband.net; altamar@att.net; tim@hps.bz; awallace@wallace-kuhl.com; wilson80@msn.com; mjmspain@frontiernet.net; cavelanding@yahoo.com; peterstone@waterford.org; dja43@frontiernet.net; sfheringer@aol.com; bohl@frontiernet.net; webberjrjr@yahoo.com; halshiple@cs.com; DNCFenoc@aol.com; lindavls@citlink.net; gwenapeg@aol.com; papuzabeck@gmail.com  
**Cc:** mark@markpruner.com; wilson80@msn.com; phunn@frontiernet.net  
**Subject:** ND CARES North Delta Community Area Residents for Environmental Stability

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Version: 7.5.524 / Virus Database: 269.24.0/1462 - Release Date: 5/23/2008 7:20 AM

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5/27/2008



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551-9486

PHONE (925) 454-5000

May 30, 2008

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

Ms. Patti Idlof  
Bureau of Reclamation  
2800 Cottage Way, MP-150  
Sacramento, CA 95825,

***Subject: Comments on NOP and NOI for the Bay Delta Conservation Plan EIR/EIS***

Ms. Brown and Ms. Idlof,

Zone 7 of the Alameda County Flood Control and Water Conservation District (Zone 7 Water Agency, or Zone 7) submits this letter in response to the March 17, 2008 Notice of Preparation and Notice of Intent to prepare an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Bay Delta Conservation Plan (BDCP).

**Zone 7 Water Agency - State Water Project Contractor.** Located in the Bay Area, Zone 7 is one of the 29 local and regional member agencies of the State Water Contractors, which was formed under the laws of the State of California for the purpose of contracting for water from the State Water Project (SWP). Collectively, the State Water Contractors deliver SWP water to 25 million people, roughly two-thirds of California's population, and more than 750,000 acres of California's most productive farmland.

Zone 7 is the regional wholesale water supplier and groundwater manager for the region's businesses and approximately 200,000 residents in eastern Alameda County. Zone 7 also provides untreated State Project water to agricultural customers. Viticulture dominates the area's agriculture and, including tourism and related benefits, is considered a \$200 million per year industry. Because 80% of our water supply is conveyed through the Delta, the future of our communities is dependent on the reliability and the increasingly efficient use of the SWP supply, on improvement of the quality of the SWP water delivered to Zone 7, as well as on continued development and protection of local groundwater resources and other water supplies, and expanded conservation efforts.

**Critical Time for Action.** California is facing a critical time for action. The backbone of California's water supply system, the Delta, is broken. The existing through-Delta conveyance system has proven detrimental to fisheries and water supplies alike. Various factors are thought to play a role in the rapid decline of these fish, including ocean conditions,

Delta water exports, and Bay and Delta ecological factors such as toxics and invasive species. The significant change in population of these species is a warning sign that current Delta and SWP management strategies are not working. Long-term fixes to the Delta have a new urgency in light of federal court rulings by Judge Wanger that reduced and may further reduce Delta water supply deliveries to the East and South Bay in 2008 and beyond, while state and federal agencies attempt to address water system operations in light of concern about the endangered Delta smelt, salmon, and other fish species.

The aging Delta levees also do not afford Californians the necessary flood protection to ensure our health and safety; a major failure of the levees would have consequences that would be felt statewide – not only could millions of acres of homes, businesses and agricultural lands be flooded, but critical water supplies for the Bay Area and southern California could be seriously affected or even eliminated.

Given the environmental and legal stressors on water supply, in conjunction with an already fragile Delta ecosystem and infrastructure, Zone 7 supports the intentions of the BDCP – to secure authorizations that would allow the conservation of covered species, the restoration and protection of water supply reliability, protection of certain drinking water quality parameters, and the restoration of ecosystem health to proceed within a stable regulatory framework.

**EIR/EIS Methodology.** The following points are specific to the forthcoming BDCP EIR/EIS. These recommendations are meant to help ensure a comprehensive and complete analysis, and a document that complies fully with the policies and intent of the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA).

- The analysis should use best available and accepted/tested science wherever possible. Scientific uncertainties should be documented and disclosed to the public.
- The EIR/EIS must equally and comprehensively consider water supply and conveyance, water quality, ecological restoration and management, and flood protection.
- Give thoughtful consideration to an appropriate “Project Area” for ecological restoration planning and impacts analysis. Given the complex ecosystem and water supply infrastructure of the Delta region, the Project Area in the EIR/EIS may necessarily include areas outside of the legal Delta boundary in order to minimize impacts and maximize results of the BDCP.
- The BDCP should consider a wide range of possible restoration and conservation activities aimed at improving ecological conditions, including those resulting from the Delta pumps as well as from other non SWP-related and CVP-related activities (e.g., agricultural and municipal discharges that can adversely impact Delta water quality, especially related to drinking water uses).
- The EIR/EIS should comprehensively address ecological issues, including pelagic organism decline, salmon decline, invasive species, and pollutants (both toxics and nutrients).

Ms. Delores Brown, Department of Water Resources  
Ms. Patti Idlof, Bureau of Reclamation  
May 30, 2008  
Page 3 of 3

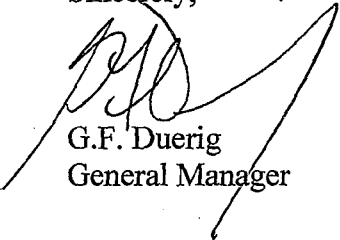
- DWR should actively engage Delta land and water users (individuals and organizations) as a source of information about past and future Delta water use, levees, and ecology.
- The EIR/EIS should recognize that the historic Delta estuary cannot be recreated – millions of acres of agriculture, housing, recreational areas, wildlife areas, and water supply facilities are now well established. A full “restoration” is not realistic.

**Coordination Between Agencies is the Prudent Approach.** There is no time to wait to proceed with the BDCP. However, prudent coordination with other Delta planning efforts is imperative for the long-term success of the BDCP. Of particular note, on April 24, a public hearing was convened by the Central Valley Regional Water Quality Control Board (CVRWQCB) concerning a basin plan amendment for methyl and total mercury in the Sacramento-San Joaquin Delta. Several agencies provided public comment, including the Department of Water Resources (DWR), and specifically identified the BDCP as a planning effort with which the CVRWQCB should coordinate because a basin plan amendment of this nature could have implications on Delta projects such as levee improvements and wetlands restoration.

**Request for Responsible Agency/Non-Federal Cooperating Agency Status.** Finally, Zone 7 is requesting to be identified as a Responsible Agency pursuant to CEQA for the development of the BDCP EIR/EIS. We also request designation as a non-federal cooperating agency under NEPA. As a SWP Contractor with facilities located near the Harvey O. Banks Delta Pumping Plant, Zone 7 can provide expertise in the areas of water supply reliability, drinking water quality, identifying reasonable alternatives and evaluating significant impacts.

Thank you for this opportunity to comment on the BDCP EIR/EIS process. We are encouraged by what we have seen thus far, and are excited about the prospects for a long term solution for Zone 7 and for California.

Sincerely,



G.F. Duerig  
General Manager

1 **APPENDIX G5: 2008 INTEREST GROUPS PRELIMINARY SCOPING**  
2 **COMMENTS**

# BDCP

## BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

### — Comment Card —

Date: May 25 08

PLEASE PRINT

Name: Stephen Barsoom Organization: Enshen Alexander @ Barsoom Inc

Telephone: (916) 417 9113 e-mail: barsoom @ citlink.net

Address: PO Box 1044

City: Walnut Grove State: CA Zip: 95690

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 30, 2008.

1) The scope should be limited to "Tide bands" & not Swamp Overflow

2) Most if not all of the Clarksburg area is under The Williamson Act

3) Area should be limited to west of Deep water channel

4) There are natural gas lines, state & utility lines, etc

5) Clarksburg has rich highly productive agriculture

6) How do you plan to mitigate for loss of jobs housing, infrastructure, livelihood for those who have lived in the area for generations

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](mailto:BDCPcomments@water.ca.gov). **Comments must be received by May 30, 2008.**

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**Susanne Sundberg**  
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**EXECUTIVE DIRECTOR**

Dennis Grizzle

# Bell Gardens Chamber of Commerce

7535 Perry Road, Bell Gardens, Ca 90201 • (562) 806-2355 • Fax (562) 806-1585  
BellGardens1@earthlink.net



May 15, 2008

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

Dear Ms. Brown,

The Bell Gardens Chamber of Commerce is concerned about the declining health of the Sacramento-San Joaquin Delta and its fading reliability of water supply for two-thirds of all California's residents as well as for half of the nation's produce.

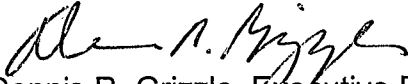
We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, state and federal agencies. BDCP is key to mapping out a comprehensive conservation plan and solution for the Delta. The key to a reliable system is a restored Delta ecosystem and rebuilt water conveyance system.

Bell Gardens Chamber of Commerce supports BDCP's goal of placing the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable water supply. We need sufficient quality in wet years to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability must be a cornerstone of the Delta Conservation Plan.

The success of the BGCP is essential to the continued economic health of California.

Sincerely yours,

  
Dennis R. Grizzle, Executive Director  
Bell Gardens Chamber of Commerce

# BDCP

## BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

### — Comment Card —

Date: 5/27/2008

**PLEASE PRINT**

Name: Faith Pickiny Organization: BIOCOM

Telephone: (858) 455-0300 x113 e-mail: fpickiny@hotmail.com

Address: 4510 Executive Drive, Plaza One

City: San Diego State: CA Zip: 92121

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 30, 2008.

BIOCOM, the association for the Southern California life science community, has more than 550 member companies in Southern California. The life science industry in San Diego County alone contributes 8-point-5 billion dollars to the economy.

Thank you for coming to San Diego to give me the chance to comment on behalf of my organization on the development of the Bay-Delta Conservation Plan.

BIOCOM was born in the early 1990s in the midst of a devastating drought. It was born because the life science industry recognized an urgent need to come together and push for actions that would enhance our region's water reliability.

Today, we again see a need for urgent action. But this time it's not only San Diego County's water reliability that's at risk – it's the reliability of California's water system.

The issues facing the Bay-Delta are tough and complex. But they need to be addressed, and addressed quickly. California's water system cannot work without a plan that creates a more stable and sustainable Delta. And if California's water system breaks down, industries such as ours are at risk of breaking down, too.

We support the Bay-Delta Conservation Plan because it maps out a comprehensive approach for solving the Delta's most critical issues. It does so in a way that puts restoring water supply reliability on equal footing with restoring habitats for fish and wildlife. It is the foundation of a long-term solution for meeting the state's future water needs.

We commend the Bay Delta Conservation Plan's collaborative effort to date among water agencies, environmental organizations, and state and federal agencies, and urge your Steering Committee to make every effort to keep the plan on track for approval by 2010.

Over the years BIOCOM has strongly advocated for sound water policies and programs. These include programs that enhance regional water conservation efforts and expand the use of reclaimed water. Many of our member companies have embraced conservation and the use of reclaimed water for years, and many more are taking similar steps now. The life science community knows that finding more efficient ways to use this precious resource is the right thing to do for our future.

In an ultra-competitive industry, one of the few true growth industries in our state, and with other states spending millions to attract our companies and research institutes, water reliability in California is essential to the survival of the life science industry here. We need your help and leadership to push forward a comprehensive Bay-Delta plan that meets the critical water needs of our industry and our state.

You may also e-mail your comments to [BDCPcomments@water.ca.gov](mailto:BDCPcomments@water.ca.gov). **Comments must be received by May 30, 2008.**



---

**From:** Warren Bogle [mailto:warren@boglewinery.com]  
**Sent:** Friday, May 30, 2008 12:11 PM  
**To:** Brown, Delores  
**Cc:** mark@markpruner.com; Jody Bogle; Ryan Bogle  
**Subject:** Bay Delta Conservation Plan

Ms. Brown,

My name is Warren Bogle, I am a sixth generation Delta Farmer and hopefully my son will be the seventh. My family and I own and operate Bogle Vineyards, Inc in Clarksburg. I am writing because of serious concern over your proposed project. Obviously, since our family and employees live, work and depend on the Clarksburg fertile farm land to make a living we are not for turning it into a title Marsh. I attended the scoping meeting in Clarksburg on April 30<sup>th</sup> and was very disturbed by the attitude of all the paid public officials. I felt their attitude was that this was no big deal but they don't live here they were just paid to be there. On so many levels turning the Delta into a swamp or whatever you want to call it is wrong. I am sure many people have talked about the economic factors and tax consequences. I want to talk about the community. Living in Clarksburg my whole life, except for the years I left for College, it is a very special place. There are not many places left in California where everybody knows everybody else, where the crime rate is pretty much zero, and where neighbors actually care and help each with only a phone call. These are the values that are getting lost in society today and with this project you will lose a community that doesn't really exist in very many places anymore. I think one of our fellow community members/farmer, Jeff Merwin, said it best at the scoping meeting when he said "What should be on the endangered species list is the Family Farmer and communities like ours".

Warren Bogle  
President  
Bogle Vineyards, Inc.  
[warren@boglewinery.com](mailto:warren@boglewinery.com)  
(916) 744-1669 (office)



# California Contract Cities Association

8119 Somerset Boulevard • Paramount, California 90723 • (562) 633-5533 • FAX (562) 633-9555  
www.contractcities.org

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May 5, 2008

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

Dear Ms. Brown.

The Western Carwash Association (WCA) has grown increasingly concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all of California's residents as well as for half of the nation's produce.

WCA is an association of car wash owners in the twelve western states, with a large membership from California. Our conveyor operators conserve precious water by using specialized high-pressure nozzles and recycling up to 85 percent of the water used per car.

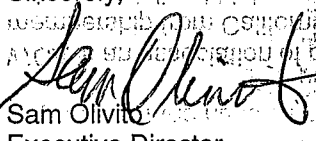
We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, state and federal agencies. The Plan is key to mapping out a comprehensive conservation plan—and, a solution—for the Delta. And, the key to a reliable water system is a restored Delta ecosystem and a rebuilt water conveyance system.

WCA supports the BDCP's environmental review process, an essential component to the success of the ultimate plan. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable water supply. We need sufficient quantity in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability must be a cornerstone of the Bay Delta Conservation Plan.

The success of the BDCP is essential to the continued economic health of California. Thank you for the opportunity to provide input during this important scoping process.

Sincerely,

  
Sam Olivito  
Executive Director



# CALIFORNIA FARM BUREAU FEDERATION

NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 • PHONE (916) 561-5665 • FAX (916) 561-5691

**SENT VIA ELECTRONIC MAIL**

delores@water.ca.gov

May 30, 2008

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

**Re: Comment Letter—Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan**

Dear Ms. Brown,

The California Farm Bureau Federation (“Farm Bureau”) is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the State of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California’s largest farm organization, comprised of 53 counties. Farm Bureau currently represents approximately 91,000 members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources.

Farm Bureau appreciates the opportunity to provide comments on the Department of Water Resources’ development of the Bay Delta Conservation Plan (“BDCP”).

Farm Bureau sees the Bay-Delta Conservation Plan (“BDCP”) as a potential way, at least partially, to resolve various heretofore insurmountable problems, relating to the reliability of exported water supplies from the Bay-Delta system on one hand, and a steady decline in key species and the Bay-Delta ecosystem on the other. The HCP/NCCP model may serve as a vehicle to overcome financing issues that have plagued past efforts to address recurring problems in the Bay-Delta and also to directly link positive actions for the benefit of listed species and the environment to water conveyance and water operations actions by way of a regulatory permitting process to achieve compliance with state and federal endangered species laws.

This promise of a potential long-term solution is the reason our organization requested and accepted a seat on the BDCP Steering Committee and it is the reason we remain at the table

and support and remain committed to the process as it moves forward. At the same time, as a statewide agricultural trade association, consistent with our overall mission and policies, we have on-going concerns related to the potential effects of some proposed BDCP actions on agriculture in the Delta region, as well as upstream areas and Northern California. Significant historic problems and tensions related to these concerns persist within our State—and, while the immediate and very real impacts of the current, largely litigation-driven crisis are playing out in the export-dependent areas of the State, we believe it is also necessary to consider and deal forthrightly with the potential long-term effects of proposed actions on other areas of the State as well. These comments are offered not to impede the progress of the BDCP planning effort, but rather to raise certain critical issues that will, in our view, inevitably require direct and deliberate attention to achieve a truly durable and acceptable outcome for the state as a whole.

Consideration of Deliberate Water Quality Mitigation Measures Both In BDCP EIR/EIS And As Part of On-Going HCP/NCCP Planning That Currently Assume Dual Conveyance:

A recent staff-level, technical submission by the Farm Bureau to the BDCP Conveyance Workgroup identifies and discusses several salinity control options; a focused technical effort by the BDCP could no doubt identify many more.<sup>1</sup> In addition to analyzing and comparing any dual and fully isolated conveyance alternatives to an improved through-Delta alternative, the BDCP EIR/EIS should immediately initiate an analytical effort to identify a range of potentially feasible mitigation options to address, significantly reduce, and avoid potential Delta salinity impacts of a potential dual or isolated conveyance facility. These efforts should begin at once in analyses for the BDCP EIR/EIS process, but should also proceed as an express part of the BDCP on-going HCP/NCCP planning activities that are currently assembling a conservation strategy on the basis of an assumed dual system of conveyance.

Inclusion in BDCP EIR/EIS of Potential Improved Through-Delta Conveyance Alternatives That Substantially Achieve BDCP Objectives, While Avoiding Adverse In-Delta Water Quality Impacts:

CEQA and NEPA require consideration of a range of alternatives (and of a statutorily required “no project” or “existing conditions” alternative) as a means, not only to assess potentially significant adverse environmental effects under each of the various alternatives, but also to evaluate the relative merits of alternatives that could avoid or reduce potentially significant adverse effects that might arise under another alternative. This analysis is required even where it such an alternative might in some degree impede full attainment of some project objectives.

Pursuant to the BDCP Points of Agreement, on-going analysis of a preferred dual-conveyance direction is to include:

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<sup>1</sup> See attached “Suggested Direction for An Analytic Effort That May Achieve BDCP Water Supply and Ecosystem Objectives While Appropriately Anticipating and Addressing Adverse Water Quality Impacts of Dual or Isolated Conveyance” and associated materials (revision dated May 29, 2008).

- consideration of potential “[m]odifications to existing south Delta facilities to [...] improve the State Water Project’s (SWP) and Central Valley Project’s (CVP) ability to convey water through the Delta while contributing to near and long-term conservation and water supply goals”;<sup>2</sup>
- evaluation of “the ability of a full range of design and operational scenarios to achieve BDCP conservation and planning objectives over the near and long term,” including the “use of the new facilities in conjunction with existing facilities,” but also scenarios potentially involving “full reliance on the new facilities to use of the new facilities in conjunction with existing facilities”;<sup>3</sup>
- identification of “issues relating to the potential effect of the conveyance system on in-Delta water quality,” and consideration of “potential actions that may help meet appropriate water quality objectives for the duration of the plan.”<sup>4</sup>

Unlike a modified through-Delta conveyance alternative that at least ensures a consistent and generally adequate level of freshwater inflow to the Delta in that the total amount of inflow would not differ significantly from current conditions, any dual conveyance alternative with a substantial around-Delta component alone will necessarily represent an overall reduction in Delta inflow (regardless of timing, operations, etc.). Because of this significant difference between an improved through-Delta and any dual conveyance or isolated conveyance alternatives, it will be absolutely necessary to develop and analyze at least one improved through-Delta alternative in the BDCP EIR/EIS at a commensurate level of detail to any dual of isolated alternative.

To meet BDCP export water supply and species conservation objectives and, at the same time, substantially avoid adverse, in-Delta water quality impacts, at least one improved through-Delta alternative should go significantly beyond the through-Delta improvements considered by the Metropolitan Water District of Southern California (MWDSC) and others, as an interim option and for a narrower set of the specific objectives, early on in the BDCP process. In addition, any improved through-Delta alternative involving an isolated Middle River conveyance corridor and siphon under Old River should examine both cost-saving measures (in terms of substantial, initial estimates on levees armoring costs, for example) and feasible measures to maximize the water supply potential of such an alternative (e.g., necessary channel dredging, low-lift pumps, etc.). In particular, the EIR/EIS should utilize useful elements from Russ Brown’s “Delta Corridors” concept as modeled, refined and supplemented by the South Delta Water Agency.<sup>5</sup>

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<sup>2</sup> See “Points of Agreement” at 3.

<sup>3</sup> See *id.* at 4.

<sup>4</sup> *Id.* at 7.

<sup>5</sup> See Russ Brown, “Delta Corridors” submission to Delta Vision Blue Ribbon Task Force, dated July 26, 2007 ([http://www.deltavision.ca.gov/docs/externalvisions/EV4\\_Delta\\_Corridors.pdf](http://www.deltavision.ca.gov/docs/externalvisions/EV4_Delta_Corridors.pdf)); South Delta Water Agency and Central Delta Water Agency “Comprehensive Water Management Plan” (CWMP), submitted to the Delta Vision Blue Task Force and dated October 15, 2007 ([http://www.deltavision.ca.gov/BlueRibbonTaskForce/Oct2007/Handouts/Item\\_7\\_Attachment\\_2.pdf](http://www.deltavision.ca.gov/BlueRibbonTaskForce/Oct2007/Handouts/Item_7_Attachment_2.pdf)); “Tidal Hydraulics Modeling (DSM2) of the Delta Corridors Plan, submitted by South Delta Water Agency to Delta Vision Blue Ribbon Task Force on November 9, 2007

Whether such an improved through-Delta alternative will be capable of substantially achieving water supply and species conservation objectives of the BDCP, while avoiding important adverse water quality effects when compared to other alternatives, is unclear at this time. Nevertheless, this is a necessary analysis and comparison that must occur in the EIR/EIS.

Water Transfers:

Removing or reducing current impediments to conveyance across the Delta could greatly facilitate water transfers from agricultural uses in Northern California to other uses in Southern California. However, these actions could negatively result in a significant reallocation of water supplies, leading to potential fallowing or permanent loss of agricultural land, rising prices for agricultural water, significant socioeconomic impacts in communities and regions of the state that currently depend on agriculture as a source of income, new growth in export-dependent areas of the State, and other potential, adverse, environmental impacts. The BDCP EIR/EIS should consider such impacts, including potential sources and volumes of transferred water and ways in which such impacts could be avoided or reduced.

At the same time, new water marketing opportunities could help to increase water supply reliability statewide, reduce or avoid groundwater overdraft conditions in areas South of the Delta, and potentially create new opportunities for more effective ecosystem protection. The BDCP EIR/EIS should examine both potential adverse effects and benefits of increased water transfers as a possible consequence or outcome of improved conveyance. Legal incentives to encourage active water markets, while avoiding adverse effects, should include retention of water rights to transferred water, mitigation for third-party effects, as well as area of origin and local groundwater basin protections.

Levees / Flood Control:

BDCP actions that would potentially remove private lands from local tax rolls and levee assessment districts, or that reduce the economic viability of Delta agriculture overall by increasing Delta salinity, could lead to a decline in local investment and capacity to maintain and improve levees. This could lead to the unplanned loss of numerous Delta islands, with potential widespread adverse impacts on water quality, water supply, species conservation, and habitat restoration. The BDCP EIR/EIS should consider the potential for such impacts and adopt appropriate mitigation measures, including measures to reduce and avoid adverse large-scale water quality and farmland conversion impacts, in order to provide the conditions for an economically viable agricultural economy that will continue to maintain and improve Delta levees over time. In addition, the BDCP EIR/EIS should also consider and address potential adverse seepage and downstream flooding effects associated with potential restoration of Delta lands for habitat use.

Farmland Conversion & Impacts on Agricultural Economy:

Future implementation of proposed habitat restoration and conveyance improvements for the BDCP has potential to convert significant amounts of important farmland and to otherwise significantly impact agricultural operations in the BDCP Planning Area. Both CEQA and NEPA require consideration of impacts to agricultural lands. Impacts to existing farmland or agricultural operations in the planning area should be clearly identified, avoided, and mitigated to the maximum extent possible. Numerous feasible options to avoid, reduce, and lessen significant impacts on agricultural land exist, including the following:

- Siting of restoration and conveyance facilities to avoid conversion of productive farmland.
- Avoiding impacts to high-value agricultural lands and instead directing proposed habitat restoration projects toward alternative marginal and flood-prone lands whenever possible
- Phasing restoration floodplain and tidal marsh habitats over time, to avoid significant impacts and allow existing uses of the land to continue in the interim.
- Maintaining agricultural water supplies of sufficient quantity and quality to enable continued farming of a wide range of crops in the Delta, including high-value, non-salt-tolerant crops.
- Adopting a willing-seller-only policy with respect to acquisition of necessary lands.
- Utilizing available public and existing conservation lands before acquiring or otherwise restricting lands in private ownership.
- Utilizing easements, as opposed to fee title acquisition, to maintain private ownership of agricultural lands and commercially viable agricultural whenever possible.
- Preserving existing agricultural land at a 1:1 or greater ratio, including in particular lands on the periphery of the Delta that could serve both presently and in the future as a 'bulwark' against urban encroachment, cumulative farmland loss, long-term subsidence and potential loss of lower elevation lands, future sea level rise, etc.
- Allotting buffers to avoid adverse impacts to adjacent lands.
- Providing payments in lieu of taxes or local tax offsets to compensate losses of local tax revenues resulting in significant public acquisition of private owned lands.

- Providing economic incentives for Delta farmers to undertake actions that benefit covered species and ecosystem health, while allowing economic uses to continue on privately held lands.
- Working with private landowners and adopting specific mitigation measures to address impacts to adjacent lands, increased flood risks, incompatible timing of floodplain inundation, etc.
- Providing significant, sustained investment in research, including financial incentives for voluntary implementation of landscape-level demonstration projects to develop practices, technologies, and methods to facilitate a potential transition to carbon farming, new crop types, and other alternative forms of agriculture for the purpose of achieving greater long-term sustainability in key areas of the Delta, as appropriate.
- Fully compensating farmers for *truly unavoidable*, adverse impacts.

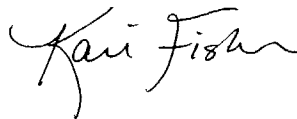
Cumulative & Indirect Impacts:

The BDCP EIR/EIS should analyze potential statewide farmland conversion and growth inducing impacts from new conveyance. Agricultural land that might be lost to water quality impairments or habitat restoration in the Delta, to induced urban growth in the San Joaquin Valley or Southern California, or to water transfers and fallowing to the North should all be considered in EIR/EIS. Furthermore, when considering the environmental and economic impacts of Delta farmland conversion it is relevant to consider impacts to the human food supply, the implications for long-term food security, domestic versus foreign production, and cumulative and indirect impacts from farmland conversion both nationally and throughout the State of California.

Closing:

Thank you for the opportunity to provide our comments and concerns. We look forward to further involvement and discussion with the Department of Water Resources on the development of the Bay Delta Conservation Plan.


Sincerely,

A handwritten signature in cursive script that reads "Kari Fisher".

Kari E. Fisher  
Associate Counsel



Letter to Delores Brown  
May 30, 2008  
Page 7

A handwritten signature in black ink, appearing to read "Justin E. Fredrickson". The signature is stylized with loops and flourishes.

Justin E. Fredrickson  
Environmental Policy Analyst

KEF/JEF:pkh

Enclosure

**SUGGESTED DIRECTION FOR AN ANALYTIC EFFORT THAT MAY ACHIEVE  
BDCP WATER SUPPLY AND ECOSYSTEM OBJECTIVES WHILE  
APPROPRIATELY ANTICIPATING AND ADDRESSING ADVERSE WATER  
QUALITY IMPACTS OF DUAL OR ISOLATED CONVEYANCE**

*REVISED*

SUBMISSION BY NGO CALIFORNIA FARM BUREAU FEDERATION FOR TIMELY  
DISCUSSION AND CONSIDERATION IN THE BDCP PROCESS

**MAY 29, 2008**

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**SUGGESTED DIRECTION FOR AN ANALYTIC EFFORT THAT MAY ACHIEVE  
BDCP WATER SUPPLY AND ECOSYSTEM OBJECTIVES WHILE  
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*REVISED*

SUBMISSION BY NGO CALIFORNIA FARM BUREAU FEDERATION FOR TIMELY  
DISCUSSION AND CONSIDERATION IN THE BDCP PROCESS

**MAY 29, 2008**

**PROBLEM STATEMENT:**

Directly or indirectly, Delta salinity is a problem that affects the whole of the State of California. It is and will remain a problem for Delta agriculture, and for urban and agricultural South-of-Delta contractors of the CVP and SWP, as well as ecosystems associated with or connected to the Delta. Some of obvious causes of this problem include saltwater intrusion from the San Francisco Bay and Pacific Ocean, tidal mixing and trapping, marine sediment formations on the west side of the San Joaquin Valley, inadequate drainage and disposal of discharge from the San Joaquin Valley, insufficient dilution and insufficient flows in the San Joaquin River, elevated salt loads in runoff to the San Joaquin River, upstream and in-Delta diversions, and exports from the South Delta by the SWP and CVP.

Elevated salinity in the Delta affects water levels for Delta diversions and impairs water quality for irrigation in the South, West and Central Delta. Elevated salinity in the South Delta is a problem for urban areas that draw on the Delta as a source of drinking water (as a source of bromides and, thus, of carcinogenic disinfection byproducts, as well as costly blending and treatment processes). Excessive salinity in imported water adversely affects drinking water quality for urban water purveyors within the State Water Project, whereas the impact of Delta salinity on the Contra Costa Water District and City of Antioch, with their intakes in the West Delta is critical. Elevated salinity is a problem for agriculture in the San Joaquin Valley, Tulare Basin, and other areas of the State where salt loads in exported water concentrate in soils and groundwater, threatening crop yields, water supplies, and long-term agricultural productivity. Finally, saltwater intrusion and high salinity can signal a lack of necessary inflow for fish, which can in turn increase contaminant loads, degrade habitat, and contribute to other problems, including low dissolved oxygen and the proliferation of invasive species such as *Corbula amurensis* and *Egeria densa*.

Without corrective measures, as demand for water supply grows and California's climate changes, problems related to saltwater intrusion and insufficient Delta inflow will predictably worsen. A more immediate concern, however, is that construction and

operation of an isolated or dual facility in the Delta, without significant mitigation, will degrade Delta water quality and, thus, greatly impact in-Delta agriculture and in-Delta water supplies for irrigation. If poor water quality makes farming in the Delta uneconomic, there will be fewer income and revenue generating uses and lower levee assessments from reclamation districts and private landowners to maintain Delta levees. Without sufficient investment and upkeep, existing levees will fail increasingly, gradually converting large areas of the Delta to poor-quality open-water habitat, greatly increasing the tidal prism, and further deteriorating water quality for remaining beneficial uses. Poor in-Delta water quality will make any through-Delta component of dual conveyance impractical, particularly during the drier part of the year that coincides with the irrigation season, if not year-round.

It is possible that dual or isolated conveyance could solve some of the water quality and water supply reliability problems of Delta exporters. This, however, assumes existing water rights, area-of-origin protections, endangered species requirements, and protection of existing beneficial uses can be surmounted without significant reductions in exports. Without continued freshwater flows into the Delta, it is not clear that this will be the case.

The BDCP process has hypothesized a number of potential advantages that could accrue from dual or isolated conveyance to fish species and the ecosystem, including substantial avoidance of entrainment risks, fewer constraints on restoration of desirable habitats, and (in theory) greater variability, more natural hydrology and enhanced functioning of the Delta ecosystem as a natural estuarine system. Here again, though, continuing freshwater flows into the Delta are the essential ingredient: Without these, no amount of physical habitat or reduced entrainment can sustain or recover flow-dependent species and processes—and bypassing the Delta by diverting a significant portion of Sacramento River flow around the Delta will quite obviously reduce the ability to provide such flows with existing water supplies, while still protecting prior water rights and existing beneficial uses.

Isolated or dual conveyance, then, without continuing freshwater flows through the Delta, may have adverse impacts on species and, given existing legal and regulatory constraints, may not ultimately achieve intended water supply reliability benefits either. Finally, the most obvious and inevitable casualty of an isolated or dual system without *significant* mitigation would be Delta agriculture—and not only agriculture in the South Delta, but quite probably agriculture in the North, Central, West and East Delta as well.

#### **SUGGESTED DIRECTION FOR INQUIRY DIRECTED TOWARD A SOLUTION:**

To explore candidly and forthrightly whether it is possible to address serious potential conflicts between conveyance and water supply on one hand and Delta agriculture and the ecosystem on the other, it is necessary to explore, as quickly as possible, the full range of potential methods to provide freshwater flows to the Delta and offset flows that would be lost to a Sacramento River diversion. If feasible means to provide adequate freshwater flows to the Delta in a dual or isolated scenario exist, an optimized suite of available mitigation methods should be made a prominent and deliberate part of BDCP planning.

Simple arithmetic forces a conclusion that mere operational measures and flexing of regulatory standards and rules will be insufficient to resolve the conflict between an isolated facility and in-Delta water quality. In order for such a system to function for the intended purpose and still accommodate other needs and priorities, rapid identification of an optimized package of physical and functional mitigation measures is a critical need that the BDCP and other planning processes must begin to address at once. To help catalyze and orient this exceedingly important evaluation as soon as possible, the remainder of this memo describes a broad menu of potential mitigation tools. An optimized combination of tools from this menu could help greatly to avoid some of the adverse impacts of alternative conveyance, while at the same time meeting critical water supply and species conservation objectives of the State as a whole.

## **MENU OF POSSIBLE MITIGATION OPTIONS REQUIRING IMMEDIATE ATTENTION IN THE BDCP AND OTHER PLANNING PROCESSES:**

### **I. THE DELTA TRIBUTARIES:**

#### **A. DELTA TRIBUTARIES, SEPARATE PROBLEM STATEMENT:**

The current water balance of the Delta is conspicuously dominated by the Sacramento River and its tributaries, including the Feather, Yuba and American Rivers. To a large extent, this is a natural consequence of the northern California's much wetter hydrology. Further contributing to this north-south imbalance, however, is the lack of inflow to the Delta from the San Joaquin River itself and from several major eastside tributaries. The Mokelumne and Hetch-Hetchy Aqueducts, for example, in the immediate upstream vicinity of the Delta, remove substantial volumes of water from the Delta watershed. This artificial removal of major tributary flows shifts much of the burden of salinity control and instream flows for fish to the Sacramento River and its tributaries to the north, the New Melones reservoir on the Stanislaus River, and the SWP and CVP export pumps in the South Delta. Linked directly or indirectly to this circumstance, one observes numerous related problems in the South Delta. Thus, (1) salinity at Vernalis and in the South Delta routinely exceeds established standards for irrigation; (2) falling water levels require rock barriers and other extraordinary measures to maintain diversions from Delta channels; (3) low dissolved oxygen in the Stockton Deep Water Ship Channel on the Lower San Joaquin and in South Delta channels impairs conditions for migrating salmon; (4) invasive, sediment-trapping aquatic weeds proliferate along with the non-native predatory fish species that thrive in them; (5) a variety of contaminants including salt, boron, and selenium enter the Delta at elevated concentrations.

An isolated conveyance structure around the Delta would significantly worsen existing water quality problems in the South Delta and adjacent areas of the Delta by shifting Delta hydrodynamics from a Sacramento River-dominated, perennial freshwater water system to a more saline and tidally influenced environment, characterized by reduced circulation and lower inflow overall, and proportionately greater poor-quality San Joaquin River inflow in particular. Without deliberate and robust mitigation, salinity and other water quality problems of the South and West Delta will be replicated and extended northward from the

South Delta and inland from the Bay. Thus, lands currently devoted to higher value crops in the Central and South Delta would see dramatic declines in productivity, significantly increased leaching requirements, and fallowing or conversion to lower value, salinity tolerant crops such as those grown currently in the Western Delta or other uses. In addition to the adverse effects on Delta agriculture, degraded water quality, higher contaminant loads, and reduced outflow would adversely affect other beneficial uses, fish species, and ecological processes.

## **B. DELTA TRIBUTARIES, POSSIBLE SOLUTIONS:**

As detailed above, there are numerous potentially deleterious consequences of an isolated facility without tributary flows and without mitigation. This dire portrait, however, presupposes that a future isolated facility would be operated exclusively or preferentially to any remaining through-Delta method of conveyance. In contrast, it is possible that an isolated facility operated non-preferentially, or an isolated facility sized and designed to facilitate permanent water exchange arrangements on one or more of the Delta's eastside tributaries, could help to reduce some adverse impacts of such conveyance, while simultaneously contributing to the conservation of covered species and reduced regulatory restrictions on exports. A less constrained future conveyance system, therefore, could potentially facilitate and enable opportunities for water exchange arrangements that would not otherwise be possible. Furthermore, benefits associated with such water exchange arrangements, in terms of unmet needs or current vulnerabilities of key partners, could serve to make such exchanges mutually advantageous and more attractive.

## **C. DELTA TRIBUTARIES, POTENTIAL WATER EXCHANGE OPTIONS:**

### **1. POTENTIAL MOKELUMNE AQUEDUCT EXCHANGE WITH THE EAST BAY MUNICIPAL UTILITY DISTRICT:**

Potential Mokelumne Aqueduct Exchange with the East Bay Municipal Utility District: In recent years, the East Bay Municipal Utility District (EBMUD) exported an average of 245,000 acre-feet annually via the Mokelumne Aqueduct to the San Francisco Bay Area,<sup>1</sup> and EBMUD holds water rights of up to 364,000 acre-feet annually from the Mokelumne, subject to streamflow and the water supply needs of senior water rights holders.<sup>2</sup> EBMUD's current supply from the Mokelumne River and growth within its service area make it vulnerable in times of drought.<sup>3</sup> In dry years and in the future, EBMUD's water supplies are also vulnerable to senior and area-of-origin water rights in the Mokelumne

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<sup>1</sup> See California Water Plan Update 2005, Volume 3, Chapter 7, at 7-8.

<sup>2</sup> See California Water Plan Update, Bulletin 160-93, "San Francisco Bay Region" summary, <http://rubicon.water.ca.gov/v2/SFR.html#urbanuse>.

<sup>3</sup> For detailed information regarding the EBMUD's existing facilities, various possibilities related to integrated regional planning and planning water supply improvements, see EBMUD's Urban Water Management Plan 2005 ([http://www.ebmud.com/water & environment/water\\_supply/urban\\_water\\_management\\_plan/default.htm](http://www.ebmud.com/water & environment/water_supply/urban_water_management_plan/default.htm)) and October 2006 Public Draft Mokelumne / Amador / Calaveras Integrated Water Management Plan ([http://www.ebmud.com/water & environment/water\\_supply/IRWMP\\_MAC/default.htm](http://www.ebmud.com/water & environment/water_supply/IRWMP_MAC/default.htm)).

River watershed. Future growth, both within EBMUD's service area and in the Mokelumne River watershed, will place further strains on EBMUD's existing water supplies. Potential reduced reliability from declining snowpack and early runoff forecast possible additional vulnerabilities related to EBMUD imported Mokelumne River supplies. Other perennial concerns of EBMUD include (1) the Mokelumne River's extremely variable hydrology, (2) periodic service interruptions related to excessive turbidity, (3) the prospect of severe rationing during multi-year droughts such as the historic 1977-78 and 1987-1991 droughts, (4) obligations to downstream users and to meet instream flow requirements, (5) seismic and flood vulnerabilities in the Delta and throughout the Bay Area, and (6) limited opportunities to participate in interregional water transfers or conjunctive use possibilities North or South of the Delta.

More reliable Sacramento River water from an isolated facility could provide an incentive for EBMUD to forego diversions from the Mokelumne River under certain conditions as a way of partially addressing water quality impacts in the Delta and, at the same time, improving conditions for fish.

Camanche and Pardee, with capacities of 417,000 acre-feet and 198,000 acre-feet, respectively,<sup>4</sup> and both controlled and operated by EBMUD, could provide flexibility in regulation and timing of releases to the Delta. Significant restoration of tributary flows in the Mokelumne River could in turn greatly lessen the adverse impact of these facilities on historic fisheries below these dams. A proposed intertie between EBMUD's Mokelumne Aqueduct and the SFPUC's Hetch-Hetchy (the SFPUC-Hayward-EMBUD Intertie) could facilitate transfers among these Bay Area water purveyors or from outside the region.<sup>5</sup> SFPUC's Hetch-Hetchy system includes an existing Milpitas Intertie and two South Bay Aqueduct interties.<sup>6</sup> Similarly, a proposed connection between EBMUD's Mokelumne Aqueduct and Freeport Regional Water Project and Contra Costa Water District's Los Vaqueros Reservoir would further enhance the potential for regional water exchanges.<sup>7</sup>

In a future scenario involving dual or isolated conveyance through the Delta, Zone 7, State Water Project and Central Valley Project contractors would benefit from a dual or isolated conveyance facility. Future interties between Delta-Mendota Canal and California Aqueduct, EBMUD's Mokelumne Aqueduct and/or SFPUC's Hetch-Hetchy Aqueduct would, in effect, connect the Bay Area to water markets North and South of the Delta. This could in turn favor water exchanges that would increase the reliability of Bay Area supplies, while reducing reliance on imported supplies from the Mokelumne and Tuolumne Rivers.

Such water exchange arrangements among Bay Area agencies and with areas North and South of the Delta could help to mitigate adverse water quality impacts from isolated or dual conveyance by replacing a portion of the Central and South Delta's lost inflow from

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<sup>4</sup> See California Water Plan Update 2005, Volume 4 at 4-647, 4-649.

<sup>5</sup> See EBMUD's 2005 UWMP, *supra*, at 2-5, 2-9.

<sup>6</sup> See SFPUC 2005 Urban Water Management Plan at 28  
([http://sfwater.org/mto\\_main.cfm/MC\\_ID/13/MSC\\_ID/165/MTO\\_ID/286](http://sfwater.org/mto_main.cfm/MC_ID/13/MSC_ID/165/MTO_ID/286)).

<sup>7</sup> See EBMUD 2005 UWMP at 2-5, 2-11.



the Sacramento River. Supplemental Mokelumne River flows could be particularly important in dry years, when water quality conditions in the Central and South Delta would be most impacted. Furthermore, increased Mokelumne River flows could help to mask potential false cuing effects from possible increased Sacramento River flows from DCC reoperation, a Through-Delta Facility, or a Middle River conveyance corridor.

## **2. POTENTIAL HETCH-HETCHY AQUEDUCT EXCHANGE WITH THE CITY OF SAN FRANCISCO:**

Hetch-Hetchy Aqueduct Exchange with the City of San Francisco: In recent years, the San Francisco Public Utilities Commission (SFPUC) diverted an average of 267,000 acre-feet a year from the Tuolumne River via the Hetch-Hetchy Aqueduct.<sup>8</sup> From SFPUC's Hetch-Hetchy / O'Shaughnessy Reservoir (360,000 acre-feet),<sup>9</sup> en route to the City of San Francisco and environs, the Hetch-Hetchy Aqueduct passes under New Don Pedro Reservoir (operated and controlled by Turlock Irrigation District and Modest Irrigation District, with a total capacity of 2,030,000 acre-feet).<sup>10</sup> Of this 2 million acre-feet of total storage capacity, SFPUC has rights to store between 570,000 and 740,000 a year for use at times when senior rights on the Tuolumne allow export of this water. Below New Don Pedro, on the Valley Floor, the SFPUC's aqueduct passes under both the federally controlled Delta-Mendota Canal (DMC) and state-controlled California Aqueduct. With some modifications to existing infrastructure, SFPUC's storage at Hetch-Hetchy, Cherry Lake, Lake Lloyd, and its "water account" in New Don Pedro reservoir could be used to both regulate releases into the Tuolumne River and maintain carryover supplies year to year. As noted above, new interties between the SFPUC's Hetch-Hetchy reservoir, the DMC, and the California Aqueduct could be used in combination with planned and existing interconnections to CCWD, the Santa Clara Valley Water District (SCVWD), Zone 7, EBMUD, and others to facilitate mutually beneficial exchanges of exported Sacramento River water, in lieu of water currently diverted by the SFPUC from the Tuolumne River. Storage in existing or potential future Bay Area reservoirs, including a possible Los Vaqueros Expansion, would supplement SFPUC's storage in the upper watershed.

In the case of the Tuolumne River and SFPUC's Hetch-Hetchy Aqueduct, as with the Mokelumne River and EBMUD's Mokelumne Aqueduct, foregone tributary water would remain in the river, augmenting freshwater flows to the South and Central Delta. Such an arrangement could potentially reduce the current burden on the CVP's facilities at New Melones to meet South Delta agricultural standards. In addition, such an option could provide a functional equivalent of recirculation from the DMC, while avoiding potential

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<sup>8</sup> See California Water Plan Update 2005, Volume 3, Chapter 7 at 7-8.

<sup>9</sup> See California Water Plan Update 2005, Volume 4 at 4-649. For a detailed information concerning SFPUC's existing facilities and current water planning activities see also the SFPUC's "2005 Urban Water Management Plan for the City and County of San Francisco ([http://sfwater.org/mto\\_main.cfm/MC\\_ID/13/MSD\\_ID/165/MTO\\_ID/286](http://sfwater.org/mto_main.cfm/MC_ID/13/MSD_ID/165/MTO_ID/286)) and June 2007 Draft Program Environmental Impacts Report for SFPUC's Water System Improvement Program ([http://www.sfgov.org/site/planning\\_index.asp?id=80530](http://www.sfgov.org/site/planning_index.asp?id=80530)).

<sup>10</sup> See id. at 4-646.

fish cuing problems associated with the latter.<sup>11</sup> In combination with potential restored flows from Friant in the Upper Reaches of the San Joaquin River, supplemental Tuolumne River flows could help restore salmon and other anadromous fish in the San Joaquin River and its tributaries. Lastly, of relevance to South Delta agriculture, particularly in dry years and late summer, these restored tributary flows could help to correct the historic problem of insufficient tributary flows to the Delta that an isolated or dual conveyance facility would significantly worsen.

### **3. SAN JOAQUIN AND SACRAMENTO COUNTY WATER USERS ON THE MOKELUMNE, CALAVERAS, AND STANISLAUS, LOWER SAN JOAQUIN RIVERS:**

#### **a) SAN JOAQUIN COUNTY AND SOUTH DELTA INSTREAM FLOW AUGMENTATION THROUGH SMALL-SCALE WATER TRANSFERS, CONJUNCTIVE MANAGEMENT OR SUBSTITUTE WATER SUPPLY:**

San Joaquin County and South Delta Instream Flow Augmentation: Local water agencies in San Joaquin County that rely currently upon variable surface water supplies and limited local groundwater might have an interest in contracting for firm, relatively high quality deliveries from an isolated facility, in lieu of water such districts might otherwise divert from the Mokelumne, Calaveras, Stanislaus, and Lower San Joaquin Rivers. While this concept would require much additional reconnaissance in terms of its actual feasibility, potential beneficiaries on the Lower Mokelumne include Woodbridge ID, Woodbridge WUCD, Lockeford CSD, North San Joaquin WCD, and the City of Lodi. Similarly, potential participants on the Calaveras River and Lower San Joaquin include Stockton East Water District, the City of Stockton, the County of San Joaquin, the California Water Service Company, the Cities of Lathrop and Manteca, and the Central San Joaquin Water Conservation District. Lastly, in the Delta itself, it may be possible to directly improve flows and future water quality in the South and Central Delta by directly delivering substitute or supplemental water from an isolated facility to agricultural users on the Lower San Joaquin.

#### **b) SOUTHEASTERN SACRAMENTO COUNTY & FOLSOM-SOUTH CANAL:**

Southeastern Sacramento County and Folsom-South Canal: The unfinished Folsom South Canal runs 27 miles, north-to-south, from Lake Natoma and Nimbus Dam to the Sacramento Municipal Utility District's (SMUD's) defunct Rancho Seco Nuclear Power Plant on the Consumnes River.<sup>12</sup> Originally, the Canal was to continue an additional 42-miles south.<sup>13</sup> Because the CVP's Auburn-Folsom South Unit was never completed, however, historically expected water supplies from Auburn Dam and the American River

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<sup>11</sup> See Section II.A.3 below.

<sup>12</sup> See USBR Mid-Pacific Region Office description of planned CVP Auburn-Folsom South Unit project (<http://www.usbr.gov/dataweb/html/auburn.html>).

<sup>13</sup> Ibid.

have never materialized for a number of agricultural and municipal water users in Sacramento and San Joaquin Counties that depend, as a result, on limited local surface and groundwater supplies.

As part of its Freeport Regional Water Plan project, EBMUD is currently constructing a pipeline from the end of the existing Canal, south to EBMUD's Mokelumne Aqueduct.<sup>14</sup> Under a negotiated agreement with the Sacramento County Water Agency (SCWA), EBMUD plans to divert up to 110 thousand acre feet from the Sacramento River in "dry" years only, via the existing section of Folsom South Canal, and by pipeline from the end of the existing FSC to the Mokelumne Aqueduct near Camanche Reservoir.<sup>15</sup> SCWA will utilize the FRWP, in all water year types, to divert up to 95 thousand acre feet from Sacramento River for service to Rancho Cordova and to the rapidly urbanizing Elk Grove, Laguna, Vineyards areas, south and east of Sacramento and north of the Consumnes River.<sup>16</sup> In addition, as a settlement of previous claims against the EBMUD, EBMUD will utilize unused capacity in its Folsom South Connection to wheel a small amount of CCWD's total CVP contract entitlement for storage at Los Vaqueros.<sup>17</sup>

South of SCWA's Zone 40, the Galt Irrigation District, Clay Water District, and Omochumne-Hartnell Water-District (on the Consumnes River above Cosumnes Preserve and South and East of Elk Grove) lie along the southern-most alignment of the existing Folsom South Canal, but rely primarily or entirely on local groundwater, local streams, and the Consumnes and Mokelumne Rivers, as opposed to surface water deliveries from Folsom-South Canal. On-going groundwater recharge, conjunctive management, and stream restoration efforts by these still largely agricultural districts, SCWA, The Nature Conservancy, and others<sup>18</sup> could be expanded with potential deliveries of purchased surface water supplies from Folsom Lake, including water supplies no longer required by SMUD for use at Rancho Seco or possible entitlements associated with historic water rights applications related to Auburn Dam. Direct deliveries from Folsom South Canal could (1) reduce pressure on local groundwater supplies, (2) improve flood control for the City of Sacramento, (3) support the local agricultural economy by increasing local water supply reliability, (4) increase instream flows for fish and wildlife and floodplain restoration purposes, and (5) potentially increase freshwater flows in the North and Central Delta.

Other water exchange possibilities in this area include the use of unassigned wet and normal year capacity in EBMUD's FRWP Folsom South Canal Connection facilities to

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<sup>14</sup> For a detailed description of this project see EBMUD's 2005 UWMP, *supra*, at 2-13 and 2-14.

<sup>15</sup> See Freeport Regional Water Project description at <http://www.freeportproject.org/nodes/project/index.php>; July 2003 FRWP Draft EIR/EIS ([http://www.freeportproject.org/nodes/project/draft\\_eir\\_eis\\_v1.php](http://www.freeportproject.org/nodes/project/draft_eir_eis_v1.php)). Note "dry" years, for purposes of the FRWP settlement, are defined as rationing years in which EBMUD's base supply fall below 500,000 acre-feet.

<sup>16</sup> *Ibid.*

<sup>17</sup> See EBMUD 2005 UWMP at 2-11.

<sup>18</sup> For information, see website of the South Sacramento Agricultural Water Authority (<http://sscawa.org/sscawa/projects.cfm>). Regarding the related Central and South Sacramento County Regional Water Partnership, see EBMUD UWMP 2005 at 2-21 and 2-22.

carry out conjunctive use projects in Central and South Sacramento County and North Eastern San Joaquin County. Similarly, while such projects would need to be sensitive to concerns relating to local groundwater, large-scale storage and conveyance capabilities in EBMUD's Mokelumne Aqueduct and at Pardee and Comanche Reservoir could combine with local needs in historically declining groundwater basins to favor additional conjunctive use and groundwater banking arrangements and, potentially, return tributary flows to the Delta.<sup>19</sup>

## **II. OTHER POTENTIAL PHYSICAL MEASURES TO MAINTAIN ACCEPTABLE WATER QUALITY IN THE DELTA:**

### **A. WATER ROUTING OPTIONS TO COUNTERACT SALINITY INTRUSION, STAGNATION, AND WATER QUALITY DEGRADATION IN THE CENTRAL AND SOUTH DELTA:**

#### **1. THROUGH-DELTA FACILITY:**

Through-Delta Facility: One or more screened diversions in the vicinity of the CVP's existing Delta-Cross Channel gates and/or Georgiana Slough could work in tandem with dual conveyance, providing freshwater flows from the Sacramento River into the interior Delta. From there, water would flow toward the export pumps, primarily, via the South Fork Mokelumne River and Middle River. Diversions through such a screened facility to meet water quality standards and improve flow and habitat conditions could occur year-round, without the current constraints on gate operations related to the outmigration of juvenile salmon in the Sacramento River.<sup>20</sup>

A screened through-Delta facility is a component of at least one concept for a through-Delta conveyance that could help to conserve species by achieving greater isolation of water conveyance from key fish migration corridors.<sup>21</sup> In addition, such a facility could work well in support of a dual conveyance alternative that maintains in-Delta water quality, while at the same time achieving water supply reliability elsewhere in the state. For example, with adequate dredging of relevant conveyance channels, increased flexibility from a screened Sacramento River diversion could be used to alter the timing and volume of exports in dry versus normal and wet years.

Investigation of a through-Delta facility was one of the through-Delta measures outlined in the CALFED ROD and EIR/EIS and to have been studied and potentially implemented in

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<sup>19</sup> See, e.g., information regarding efforts of the existing Northeastern San Joaquin Groundwater Banking Authority (<http://www.gbawater.org/>).

<sup>20</sup> One option in particular, designated "TDF Alignment 5" in DWR's December 7, 2007 "Delta Conveyance Improvement Studies Summary Report," would increase capacity of the existing DCC by 50%, while avoiding extensive dredging associated with other potential alignments. This option would necessitate significant levee improvements along a South Mokelumne-Middle River conveyance corridor—but so too would virtually any other option that seeks, meaningfully, to mitigate the substantial adverse water quality impacts of a dual or isolated conveyance alternative.

<sup>21</sup> See Russ Brown, "Delta Corridors" submission to Delta Vision Blue Ribbon Task Force, dated July 26, 2007 (<http://www.deltavision.ca.gov/DeltaVisionVisions.shtml>).

support of the CALFED ROD's preferred alternative, involving continued through-Delta conveyance, with a potential decision point on conveyance after year 7 of the CALFED program.<sup>22</sup> Unfortunately, as summarized in a recent status report,<sup>23</sup> while DWR and others have done numerous technical studies on such a facility, these studies have not produced any result, in terms of a well-developed, potentially implementable concept.

Given the significant water quality implications of the dual and isolated conveyance options currently being considered, study of a potential through-Delta facility merits much more rigorous and systematic study. Continued study of a through-Delta facility should occur on an expedited and greatly intensified basis, as a deliberate and integrated part of any studies of dual or isolated conveyance.

## **2. MODIFIED DCC OPERATIONS:**

Modified DCC Operations: Modified operations of the Delta Cross Channel gates were conceived in the CALFED ROD as a less robust means to achieve some of the water quality, improved conveyance, and water supply reliability objectives of a through-Delta facility. Studies of potential modified DCC operations were to be completed well within the first seven years of the CALFED program before any decision on a potential through-Delta facility.<sup>24</sup> To date, such studies have yet to produce any definitive result<sup>25</sup>—and remain, it seems, a barrier to serious study of a more robust alternative involving a through-Delta facility. In addition to studies of a through-Delta facility, which should proceed immediately and without delay, modified DCC operations should remain as part of the range of potential mitigation alternatives warranting deliberate and focused consideration by the BDCP at this time.

## **3. RECIRCULATION:**

Recirculation: Studies and potential implementation of possible “recirculation” of exported Sacramento River water from the Delta-Mendota Canal to the San Joaquin River are required as conditions of the State Water Quality Control Board's 1995 Water Quality Control Plan for the Sacramento-San Joaquin Bay-Delta, Water Rights Decision 1641, Public Law 108-361 (the “CALFED Bay-Delta Reauthorization Act”),<sup>26</sup> and the CALFED Record of Decision. Recirculation would serve to provide alternative means of meeting flow and salinity requirements at Vernalis and protecting downstream beneficial uses, while reducing current reliance on upstream releases from New Melones and pumping restrictions on the CVP and SWP facilities. The Bureau of Reclamation and the Department of Water Resources have completed various small-scale pilot studies, as well

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<sup>22</sup> For a comprehensive list of unrealized water quality and conveyance commitments from the CALFED program, see the August 28, 2000 CALFED ROD at 23-29, 48-52, 65-69.

<sup>23</sup> See Delta Conveyance Improvement Studies Summary Report, dated December 7, 2007.

<sup>24</sup> See CALFED ROD at 23-24, 50-51.

<sup>25</sup> See *ibid.*

<sup>26</sup> Public Law 108-361, Water Supply, Reliability, and Environmental Improvement Act [October 25, 2004; 118 Stat. 1681.

as a Plan of Study and, under the current schedule, a Draft EIS/EIR and Final Feasibility Study are expected out in late summer 2008 and spring of 2009, respectively.<sup>27</sup>

Studies to date suggest recirculation could provide a partial solution to several problems, but have, at the same time, highlighted certain barriers to implementation, as well as some potential adverse effects. Thus, on one hand, recirculation could enable several potential positive outcomes, including (1) reduced reliance on releases from New Melones and, thus, more reliable water supplies for upstream users on the Stanislaus River; (2) reduced reliance on groundwater and, thus, reduced overdraft and salinity intrusion in local groundwater basins resulting from unreliable or insufficient surface water supplies; (3) increased water supply reliability to the CVP and SWP, with a possible less frequent need for pumping curtailments; (4) improved flows and higher DO for migrating salmon; (5) improved flows, lower salinity, and higher water levels for South Delta agriculture; (6) assistance with requirements relating to San Joaquin River TMDLs for dissolved oxygen, salinity, and boron; (7) potential coordination to help meet objectives of the San Joaquin River Restoration settlement (*NRDC v. Rodgers Friant* settlement); (8) improved water quality consistent with objectives of the Regional Water Quality Control Board's Salinity Management Plan, work by the San Joaquin River Water Quality Management Group, and the West Side Region Drainage Plan. In contrast, potential barriers and problems associated with recirculation include (1) the potential for adverse fish imprinting, straying, and entrainment effects associated with higher exports and artificial re-routing of Sacramento River in the Lower San Joaquin; (2) potential interference with deliveries or reduced water supply to CVP and SWP contractors and impacts on San Joaquin River Exchange Contractors or at San Luis Reservoir.

A significant problem with the recirculation scenarios studied to date—and, thus, with any Draft EIS/EIR or Feasibility Study—is that these scenarios look only at existing conveyance. Thus, assumptions regarding entrainment impacts and water deliveries may ignore potential opportunities and the increased flexibility that could come with dual or isolated conveyance. In addition, existing studies have not considered how dual or isolated conveyance could significantly worsen, extend, and compound the existing problems recirculation is intended to address. While dual or isolated conveyance might help ensure more reliable exports, it could simultaneously ensure the need for higher upstream releases from storage—thus, not only increasing the burden on New Melones, but also extending this burden to other reservoirs, including Oroville, Shasta, Folsom and others.

While dual or isolated conveyance would likely worsen, compound, and extend existing water quality problems in the South Delta, however, it is at the same time pertinent to note that such conveyance could potentially remove some barriers to implementation of recirculation. Thus, specifically, by removing some of the current constraints on exports,

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<sup>27</sup> For detailed background on “DMC Recirculation Project,” see Initial Alternatives Information Report (IAIR), dated March 2008 ([http://www.usbr.gov/mp/dmcrecirc/docs/dmc\\_recirc\\_iair\\_03-2008.pdf](http://www.usbr.gov/mp/dmcrecirc/docs/dmc_recirc_iair_03-2008.pdf)) and/or “Plan of Study,” dated May 2006 ([http://www.usbr.gov/mp/dmcrecirc/docs/dmc\\_pos\\_fnl\\_05-26-06.pdf](http://www.usbr.gov/mp/dmcrecirc/docs/dmc_pos_fnl_05-26-06.pdf)). See also, generally, Bureau of Reclamation and Department of Water Resources websites <http://www.usbr.gov/mp/dmcrecirc/index.html> and [http://baydeltaoffice.water.ca.gov/sdb/recirc/index\\_recirc.cfm#Background](http://baydeltaoffice.water.ca.gov/sdb/recirc/index_recirc.cfm#Background).

dual or isolated conveyance could make it possible to export and recirculate additional Sacramento River water, without impacting deliveries to export contractors of the CVP and SWP, or competing with other priorities, such as water transfers and the EWA, or the wheeling of refuge water.

As for the problem of potential adverse impacts on fish from false imprinting, straying, or entrainment, it would be necessary to evaluate whether such potential, adverse impacts truly outweigh the potential benefits of increased instream flows, dilution, and higher dissolved oxygen. If such an evaluation clearly shows the impacts on fish to outweigh the benefits, it would still be necessary to weigh any potential adverse effects on fish against the corresponding benefits to water quality and water supply reliability. Lastly, if concerns relating to imprinting and straying prove overwhelming adverse it may be possible to achieve a functional equivalent of recirculation, as discussed above, through potential water exchanges to restore tributary flows on the Mokelumne and Tuolumne Rivers.<sup>28</sup> These uncertainties aside, there can be no doubt that recirculation is an important tool in the toolbox of actions to mitigate the potential adverse impacts of dual or isolated conveyance on flows and water quality.

## **B. MIDDLE & OLD RIVER CORRIDORS, SOUTH & WEST DELTA BARRIERS:**

### **1. FRANKS TRACT PROJECT AND/OR POTENTIAL NEAR-TERM BARRIERS:**

Franks Tract Project and/or Potential Near-term Barriers: Relatively simple improvements at Franks Tract in the western Delta have potential to significantly reduce salinity in the Central and South Delta and, also, provide benefits to fisheries by reducing entrainment risks at the State and Federal pumps. In particular, current analyses suggest an operable gate on Three-Mile Slough could yield significant benefits for both fisheries and water quality. Still more recent analyses for the BDCP show that a pair of operable barriers just east of Franks Tract, in Connection Slough and Old River at the upper northwest corner of Bacon Island, or on either side of Quimby Island, could allow CVP and SWP through-Delta operations to continue, while very significantly reducing entrainment risks at the state and federal facilities. Initial modeling suggests that use of these barriers in combination with an operable gate on Three-Mile Slough and potential modified operations of the Delta Cross Channel could increase the effectiveness of these barriers still further.

In relative terms, options involving in-Delta barriers, and particularly movable barriers, would be inexpensive, easily reversible, and conducive to adaptive management. Such infrastructure would have utility, both near-term and as a potential component of some longer term solution. Like the South Delta Improvements Project barriers,<sup>29</sup> Franks Tract Project and other feasible in-Delta barrier options are, essentially, ‘no regrets’ actions.

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<sup>28</sup> See “DELTA TRIBUTARIES, POTENTIAL WATER EXCHANGE OPTIONS” above.

<sup>29</sup> See further discussion below.

Along with SDIP and a potential Old River Corridor, BDCP studies of dual and isolated conveyance should take a comprehensive look at the use of in-Delta barriers to realize mutually supporting water quality, reliability, and fisheries benefits.

## **2. SOUTH DELTA IMPROVEMENTS PROJECT:**

South Delta Improvements Project: The purpose of a series of operable barriers under the proposed South Delta Improvements Project (“SDIP”) would be to improve water quality and water levels in the South Delta, while simultaneously benefiting fisheries and increasing operational flexibility and water supply reliability. The project is specifically identified in the CALFED ROD for early implementation as an element of that program’s “Conveyance” package of actions.<sup>30</sup> Furthermore, a preliminary assessment of dual conveyance recently completed by DWR’s South Delta Regional Office suggests these operable barriers would be fundamentally important to water quality management in the South Delta.<sup>31</sup> Stage I of the SDIP project would provide immediate benefits, in all of the identified areas, independent of a separate, deferred decision regarding any potential raising of current regulatory limits on pumping. At the same time, where biological impacts could be avoided or mitigated, the possibility of higher pumping limits at select times in the future could help to correct the current disconnect between timing of exports and water year type. Like Franks Tract and other potential in-Delta barrier options, SDIP is a “no-regrets” action with few unmitigable adverse impacts on one hand, and substantial water quality, water supply, and fisheries benefits to appease a whole range of varied interests on the other. Unfortunately, despite a completed EIR/EIS, implementation of the SDIP project remains elusive. Along with Middle River Conveyance and a future Franks Tract Project, useful elements of the SDIP project should be expressly incorporated in BDCP planning for alternative conveyance at this time.

## **3. MIDDLE & OLD RIVER CORRIDORS:**

Middle & Old River Corridors: In concept, the Middle River Conveyance option resembles the BDCP’s Conveyance Option 2. The concept involves use of the South Mokelumne and Middle River as a dedicated conveyance corridor to the South Delta—and “isolation” of Old River as a dedicated fish passage corridor. The concept has been preliminarily studied in various incarnations to date, by the Metropolitan Water District of Southern California (MWDSC) and the Department of Water Resources (DWR), by Jon Broun of the USGS (as the “Eco-crescent” concept) and, in the greatest detail it seems, by the concept’s originator, Russ Brown of Jones & Stokes, in a “Delta Corridor” paper, as subsequently refined with funding and conceptual input from the South and Central Delta Water Agency (SDWA and CDWA).<sup>32</sup>

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<sup>30</sup> See CALFED ROD at 48-50.

<sup>31</sup> See DWR’s April 2008 “Initial Assessment of Dual Water Conveyance” for the Delta Vision Blue Ribbon Task Force.

<sup>32</sup> See Russ Brown, “Delta Corridors” submission to Delta Vision Blue Ribbon Task Force, dated July 26, 2007 (<http://www.deltavision.ca.gov/DeltaVisionVisions.shtml>); South Delta Water Agency and Central Delta Water Agency “Comprehensive Water Management Plan” (CWMP), submitted to the Delta Vision Blue Task Force and dated October 15, 2007



Near-term or long-term, either singly or in combination with an isolated facility, a through-Delta conveyance option similar to the “Delta Corridors” concept described by Russ Brown could have various benefits, as follows: (1) By drawing exports from an isolated water supply corridor linked to the Sacramento River, such an option would avoid much of the current tidal mixing and recycling of salts from and to the South Delta via the CVP; (2) By directing the entire flow of the San Joaquin River down Old River, sediment, phytoplankton, productivity, and turbidity that is current lost to stagnant and anoxic conditions in the Stockton Deep Water Ship Channel and exports by the CVP and SWP, would instead reach the Suisun Marsh and the larger estuary below and possibly improve food availability there; (3) Sacramento River water diverted year-round through the DCC and/or Georgiana Slough would protect existing beneficial uses by maintaining the historic “Delta pool,” while at the same time leaving the isolated Old River fish passage corridor for possible experimentation with variable salinity, subject to existing water quality standards and the remaining consumptive water needs of diverters in that the portion of the Delta; (4) dredging along the South Forth Mokelumne would serve the dual purpose of increasing channel capacities and could provide a significant volume of dredge material for levee improvements, so as to relieve flood pressures on adjacent leveed farmland; (5) such dredging and flood benefits could support the objectives of proposed flood and habitat improvements on McCormack-Williamson Tract and/or the Lower Consumnes and Mokelumne Rivers;<sup>33</sup> (6) subject to possible relocation of affected diversions to the water supply corridor to the east, dead sloughs produced by barriers on lateral channels, such as Woodward Cut, Railroad Cut, and Connection Slough, could be used in experiments to establish open water pelagic fish habitat and simulated or partially constructed, but self-sustaining “dendritic channels”; (7) in contrast to a dual facility, many relatively simple and inexpensive modifications to the existing through-Delta system could be easily reversed or used for experimental adaptive management; (8) water standards establish for the protection of existing beneficial uses could go largely unchanged; (9) such an alternative could potentially combine with a dual facility, at such time as one were constructed.

The BDCP “Conservation Strategy Options Evaluation Report,” dated September 17, 2007, alluded to certain engineering constraints associated with the particular Middle River concept considered in that document. Our understanding, based in part on assertions in the report itself and in part on subsequent clarifications by the BDCP consulting team, is that some or all of these engineering constraints are surmountable. Furthermore, we have reason to believe that the cost-estimates from a “conveyance assessment” recently completed by DWR for the Delta Vision Blue Ribbon Task Force do not include possible less expensive means of constructing and protecting a through-Delta corridor. Ultimately,

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([http://www.deltavision.ca.gov/BlueRibbonTaskForce/Oct2007/Handouts/Item\\_7\\_Attachment\\_2.pdf](http://www.deltavision.ca.gov/BlueRibbonTaskForce/Oct2007/Handouts/Item_7_Attachment_2.pdf)); “Tidal Hydraulics Modeling (DSM2) of the Delta Corridors Plan, submitted by South Delta Water Agency to Delta Vision Blue Ribbon Task Force on November 9, 2007 ([http://www.deltavision.ca.gov/Correspondence/South\\_Delta\\_Water\\_Agency\\_with\\_Delta\\_Corridors\\_Plan\\_Attachment\\_11-13-07.pdf](http://www.deltavision.ca.gov/Correspondence/South_Delta_Water_Agency_with_Delta_Corridors_Plan_Attachment_11-13-07.pdf)).

<sup>33</sup> See Draft EIR for the North Delta Flood Control and Ecosystem Restoration Program at <http://www.dfm.water.ca.gov/dsmo/northdelta/documents.htm>.

whether some variant of Middle River Conveyance functions as part of a potential interim solution or as a long-term option, feasible means of removing engineering obstacles and optimizing performance should be an integral part of the BDCP and other related planning efforts.

### **C. LONG-TERM EWA OR SUCCESSOR:**

Long-term EWA or Successor: The Environmental Water Program, emerging from the CALFED program, relies on water transfers from willing sellers to establish a kind of “bank account” of dedicated environmental water. To date, the EWA has focused primarily on fish benefits associated with deliberate alterations in the timing of exports. Assets from the Environmental Water Account are expended either to enhance flows for fish or to offset water supplies lost during voluntary curtailments at the pumps.

While it is no doubt true that some incidental environmental and water quality benefits from the EWA have accrued in upstream areas and the Delta, direct augmentation of tributary flows or improvement of water quality have not been a significant focus of the EWA program to date. With the prospect of dual or isolated conveyance in the future, it is possible that instream flow augmentation and water quality mitigation could become express objectives of a future EWA or successor program, along with fisheries protection and direct avoidance of adverse effects from exports.

Similarly, separate “pots” of current and potential future environmental water could be managed in some integrated fashion to achieve multiple objectives, including salinity control in the Delta, as well as fish protection and enhanced in-stream flows. Potential options here include (b)(2) and (b)(3) water under section 3406 of the Central Valley Project Improvement Act (CVPIA), VAMP flows, and potential flows deriving from long-term implementation of the Phase 8 Settlement of the State Water Resources Control Board’s Bay-Delta Proceedings on the 1995 Water Quality Control Plan.

## **III. OTHER PERTINENT TOOLS FOR COMPREHENSIVE SOLUTIONS THAT AVOID DISPROPORTIONATE IMPACTS:**

### **A. NEW SURFACE WATER STORAGE:**

New Surface Water Storage: In addition to groundwater banking, conjunctive use, water efficiency, and water recycling, all of which should continue and expand in direct support of any long-term solution for the Bay-Delta, new surface storage will be necessary to prepare for future impacts of climate change and increase flexibility to achieve various environmental objectives. In particular, new South-of-Delta facilities will be needed to optimize future conveyance, improve the timing of water exports, and reduce hydrologic impacts on listed species and the Delta in drier years. Similarly, increased surface water storage capacity in both the Sacramento and San Joaquin River watersheds would enhance the State’s ability to achieve multiple objectives, including protection of environment, water supply, and salinity control. Thus, while new surface water storage facilities go significantly beyond the scope of the BDCP, Delta conveyance and the BDCP exist within

a larger statewide context. In recognition of this fact, BDCP strategies should expressly consider potential synergies relating to future investment in new surface water storage.

## **B. WATER EFFICIENCY / DEMAND REDUCTION:**

Water Efficiency / Demand Reduction: Water efficiency, demand reduction, and “regional self-sufficiency,” as it has been called, provide means of indirectly reducing ecological pressures on the Delta over time. Conserved water, beyond the mere movement of existing supplies around the state, is in effect “new water.” Within the context of the BDCP, water efficiency in export-dependent areas south of the Delta could be encouraged and incentivized through linkages to the ESA’s incidental take provisions. Measurable progress toward meeting economically and technically achievable efficiency goals could be tied to greater flexibility under a future Section 10 permit or set of permits, or for certain covered activities, including Delta exports and water transfers.

## **C. URBAN WATER USE EFFICIENCY, RECYCLING, AND DESALINATION:**

Urban Water Use Efficiency, Recycling, and Desalination: The California Water Update projects a potential yield from urban water use efficiency of between 1.2 and 3.1 million acre feet by 2030, and up to 1.4 million acre-feet from recycled municipal water.<sup>34</sup> Similarly, in addition to 587,200 acre-feet from desalination plants assumed to be operational by 2030, the Water Plan projects high and low annual yields of between 300,000 and 500,000 acre-feet within the same period.<sup>35</sup> Future urban water use efficiency and recycling and desalination represent large blocks of potential “new water,” with few environmental impacts. New water supplies from desalination projects, urban water use efficiency, and water recycling could significantly offset the need for imported supplies from the Sacramento-San Joaquin River Delta well within the 50-year life of the BDCP. Such options should be aggressively pursued, if not as an expressly linked component of the BDCP, then certainly in parallel regional planning efforts to supplement the BDCP itself.

## **D. UPSTREAM SALINITY MANAGEMENT / AG DRAINAGE:**

Upstream Salinity Management / Ag Drainage: Present and future efforts to address drainage issues and salinity impacts on the west side of the San Joaquin Valley have long-term relevance to the question of in-Delta water quality, particularly under potential future dual or isolated conveyance. Fully isolated or dual conveyance could help, significantly, to reduce the amount of salt currently exported to the San Joaquin Valley. While reducing contaminant loads, however, long-term efforts to reduce the amount of salt, boron, and

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<sup>34</sup> See 2005 California Water Plan Update, Volume 2, Figure 1-1. NOTE: In contrast to the large potential for dramatic gains from urban water efficiency, the range of potential gains from agricultural water efficiency during the same period is just 200,000 to 800,000 acre-feet per year.

<sup>35</sup> Whereas estimates in 2005 Water Plan Update derive from a set of pre-POD and pre-Wagner assumptions, Governor Schwarzenegger’s recent call for a 20 percent statewide *per capita* reduction in water use through urban water use efficiency may provide impetus for ever higher gains.

selenium that enters the San Joaquin River and Delta must ensure continued water service and agricultural productivity on the west side. Future conveyance must strike a balance between in-Delta water quality and the quality of exported water. At the same time, workable west-side drainage options could build toward achieving express objectives of the BDCP. Given such interrelationships, in addition to the long-term need for west-side drainage improvements in any case, it seems entirely appropriate to consider potential, future west-side drainage and salinity management actions as possible, long-term conservation or mitigation measures for the 50-year BDCP.

#### **E. RESERVOIR REOPERATION:**

Reservoir Reoperation: In addition to the other options identified above, there may be opportunities to realize multiple benefits for the ecosystem, water supply and water quality through reoperation of upstream reservoirs. Reoperation would modify existing operational rules and priorities, opportunistically, to accomplish a new set of benefits, while still meeting increasing water demands of the State. By releasing more water under certain conditions, it may be possible to reestablish greater functionality and productivity in downstream floodplains, wetlands, and open-water embayments.<sup>36</sup> Reoperation could provide more frequent peak flows, greater stochasticity and variability than exists currently, which could in turn more closely approximate a more natural hydrograph and, thus, favor native, as opposed to non-native organisms. On the supply side, as well, reoperation in combination with aggressive groundwater banking, recharge, conjunctive use, and water transfers could offset associated water supply losses and potentially even increase yield. In particular, with improved conveyance through and across the Delta, large volumes of vacated aquifer space in the San Joaquin Valley could be used to store surplus flows in wet years. Available reservoir space from one year (or from earlier in the same year) would become increased supply at a subsequent time—which is to say, new yield as opposed to water currently lost to flood control with little or no opportunity for recovery. While local and regional groundwater recharge, groundwater banking, and flood bypass solutions would need to overcome significant legal, political, institutional complexities, improved groundwater conditions to the south could ultimately provide a greater margin of local supply with which to weather dry years and prolonged drought periods. Furthermore, smarter, more integrated operation of the state's existing reservoirs,

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<sup>36</sup> For more information relating to potential opportunities related reservoir reoperation, groundwater banking and conjunctive use, and flood management management, as well as some of the challenges, complexities, and trade-offs associated with such concepts, see, Thomas, Fullerton, et al., *Feasibility Study of a Maximal Program of Groundwater Banking*, Natural Heritage Institute, December 1998 ([http://www.n-h-i.org/media/docs/9282\\_Conj\\_use.pdf](http://www.n-h-i.org/media/docs/9282_Conj_use.pdf)); Zuckerman, et al., in-Delta Delta Vision external submission, "A Water Plan for the 21<sup>st</sup> Century," July 23, 2007 ([http://www.deltavision.ca.gov/docs/externalvisions/EV2\\_A\\_Water\\_Plan\\_for\\_the\\_21st\\_Century.pdf](http://www.deltavision.ca.gov/docs/externalvisions/EV2_A_Water_Plan_for_the_21st_Century.pdf)); South Delta Water Agency and Central Delta Water Agency "Comprehensive Water Management Plan" (CWMP), submitted to the Delta Vision Blue Task Force and dated October 15, 2007 ([http://www.deltavision.ca.gov/BlueRibbonTaskForce/Oct2007/Handouts/Item\\_7\\_Attachment\\_2.pdf](http://www.deltavision.ca.gov/BlueRibbonTaskForce/Oct2007/Handouts/Item_7_Attachment_2.pdf)), Attachment 2, *San Joaquin River Flood Control Operations: Reservoir Operation Opportunities to Improve Flood Control Performance*, MBK Engineers for San Joaquin River Flood Control Association, June 2005 rev. Sept. 2007; Attachment 3, *South Delta Water Agency Plan for Flood Control: A Comprehensive Flood Conveyance & Ecosystem Restoration Plan for the South Delta*, October 15, 2007.

in combination with more aggressive groundwater banking, water transfers, and multi-use floodplain management, flood easements, new or expanded bypasses, and temporary retention basins, could help to offset adverse supply impacts of future climate change, including altered runoff patterns and declining snowpack.

#### IV. CONCLUSION:

The “Menu” of mitigation concepts above is hardly an exhaustive one and, yet, it does cover a broad range of potential options to address potential adverse flow and water quality mitigation impacts from dual or isolated conveyance. As stated previously, operational measures and amended water quality standards alone are not likely sufficient to reduce the probable significant adverse impacts of a dual or isolated conveyance system on existing beneficial uses both within and upstream of the Delta. For the BDCP to continue to develop measures to achieve the biological and water supply objectives of the BDCP in isolation from the obvious water rights, water quality, and upstream implications of such actions avoids dealing head-on with a set of very significant obstacles to the ultimate success of the program and is, thus, a gamble neither the State of California, nor any of the parties at the BDCP table cannot afford. To anticipate and address such concerns in a proactive fashion, the BDCP process should move, agilely and decisively, to broaden the range of potential actions and facilities a comprehensive Delta solution may require. Many essential elements of such a solution are beyond the capacity and responsibility of the BDCP, the SWP or the CVP, or the export contractors. This, however, may be where the BDCP might seek to complement a broader, statewide program, and *vice versa*. Thus, BDCP activities and conservation measures would contribute to broad, statewide objectives in proportion to the impacts of their activities and any non-public benefits obtained—but without assuming the entire burden of a comprehensive Delta solution, or precluding other necessary efforts related thereto. Indeed, where essential elements of a comprehensive Delta solution lie outside the immediate scope of the BDCP, it seems there will be a strong need for coordinated milestones and direct linkages to things within the narrower purview of the BDCP and from the BDCP to the broader statewide program. At a minimum, it is hoped, the foregoing list of potential mitigation concepts, water supply, water quality, and ecosystem improvements may serve to stimulate consideration of some of the broader needs of a comprehensive Delta solution and some potential ways the BDCP can pursue its express objectives, while at the same time contributing constructively to a larger statewide plan of action.

-----Original Message-----

**From:** JLucas1099@aol.com [mailto:JLucas1099@aol.com]

**Sent:** Wed 5/14/2008 10:28 PM

**To:** bdcpccomments

**Cc:**

**Subject:** Bay Delta Conservation Plan EIR/EIS scoping comments

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

Dear Ms. Delores Brown,

In regards comments on scope of the Bay Delta Conservation Plan EIR/EIS please consider the following:

~ Are the six chosen environmental organizations representative of California citizenry and user groups, or are they more backroom negotiators and lawyers. Ducks Unlimited and California Assn. of Fly Fishermen are two user groups who should definitely be at the table, and also Audubon and a representative of boaters. California Native Plant Society could contribute to considerations of habitat and water conservation criteria. The steering committee appears to be front loaded with water supply agencies and agribusiness which will likely politicize discussions and make it difficult to achieve resource protection and conservative water use.

~ Water Districts are considering how best to get Delta water delivery of 15,000 cfs when present 10,000 cfs at Clifton Court Forebay has already stressed historic fisheries into a state of collapse. How can a BDCP EIR/EIS process start off with a sound reality check before wasting millions of tax dollars on pipedreams? Can this EIR/EIS review projected consumer use data provided by water retailers and districts in sufficient detail as to be credible? ie SF PUC upgrade EIS/EIR had some inflated data from retailers rather than cities.

~ In regards agribusiness, for water allocation, can a priority point system be established whereby a crop, such as rice, that will provide food and refugia for migratory waterfowl after the crop has been harvested will rank higher, than say a crop that can not provide secondary or tertiary benefits from considerable amounts of water used? Orchards, when flooded, can return water to rivers and underground aquifers without contributing to buildup of toxins so should receive a higher priority than a crop so heavily fertilized that drainage creates another Kesterson (still to be cleaned up after 25 years). By California water law sufficient base flows need to be guaranteed in streams and rivers to support beneficial instream uses, to convey sediment and to support a continuous riparian canopy. The State fishery has stronger historic priority than agribusiness and this EIR/EIS needs to establish estuary standards that will return salmon and steelhead runs to all tributaries. (Water Districts that can prove they are restoring local coldwater fisheries by management of seasonal releases needed by anadromous fish and not diverting critical flows or causing drybacks as fish are spawning, should rank higher for water allocations, especially in drought years, than Districts that cannot.)

~ Please establish uplands habitat goals, as well as wetlands habitat goals usable for Estuary watersheds that can be easily adhered to at every stage and level of this Bay Delta Conservation Plan. HCPs can be streamlined in manner that only one or two species in development acreage are addressed which may not be indicator species for full spectrum of biodiversity found at site. It is essential that full CEQA review is routine, and that mitigation for impacts to one species does not compound habitat loss at expense of other species. Appropriate public hearings and review can identify data discrepancies that a resource scientist may miss.

~ It would be highly beneficial, in light of the Migratory Bird Act and State compliance with international law, that this EIR/EIS establish baseline for volume of forage that each resident species and migratory waterfowl needs to sustain a healthy life cycle and/or complete its commute from Latin America to Alaska. That would be the amount of forage for necessary weight gain during time of layover in San Francisco Estuary, times the approximate numbers of birds of each species, be it thousands or tens of thousands, and what acreage and calibre of crop or wetlands is necessary to accomplish this. (Would recommend Suisun Marsh RCD data.)

There are other concerns but this selection will have to do for present. Thank you for the opportunity to comment on the Bay Delta Conservation Plan EIR/EIS undertaking.

Libby Lucas, Conservation  
CNPS, Santa Clara Valley Chapter  
174 Yerba Santa Ave.  
Los Altos, CA 94022

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-----Original Message-----

**From:** JLucas1099@aol.com [mailto:JLucas1099@aol.com]

**Sent:** Thu 5/15/2008 6:18 PM

**To:** bdcpccomments

**Cc:**

**Subject:** Bay Delta Conservation Plan EIR/EIS scoping comments

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

Dear Ms. Delores Brown,

As a postscript to my submittal yesterday, May 14, in regards the scope of the Bay Delta Conservation Plan EIR/EIS I would like to add a couple of concerns.

~ If a Bay Delta bypass conduit is designed to accomodate the requested 15,000 cfs by water user agencies a modeling of estuary needs to be done in order to assess extent of impacts on historic estuary functions. ie An analysis of capability of diminished winter flows to carry Delta sediment through Bay and out Golden Gate would be an essential study, and please use research by U.C. Davis's Professor Krone, as South Bay Salt Pond Restoration scientific sediment transfer studies do not seem to be holding up under actual conditions. To what degree will sedimentation of Bay be accelerated? Will loss of underflow increase island subsidence?  
(It might be of interest to note that Venice had its rivers diverted away from the delta on which it is built and now that lack of underflow is contributing to its subsidence into the Adriatic.)

~ Secondly, seek technical assessment of where mixing zone will reestablish as saltwater intrusion extends further up into Delta and review wetlands habitat impacts as well as hydrology impacts that can be expected. As pumps at Clifton Court Forebay will be pulling in brackish water, simultaneous operation is not feasible?

~ Studies of Delta water transfers and resource management should include ways to manage water loss due to evaporation. - If San Francisco Water Department could transport Hetch Hetchy water in underground pipes a hundred years ago, why cannot Delta supplies receive the same conservative treatment? Also, some capability of gravity flow needs to be a consideration for this renovated system as power costs escalate.

Thank you again for your kind review of these concerns.

Libby Lucas  
174 Yerba Santa Ave.,  
Los Altos, CA 94022

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## California Sportfishing Protection Alliance

*"An Advocate for Fisheries, Habitat, and Water Quality"*

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30 May 2008

Ms. Barbara McDonnell  
Chief, Division of Environmental Services  
Department of Water Resources  
[delores@water.ca.gov](mailto:delores@water.ca.gov)

Via: Electronic Submission  
Hardcopy if Requested

RE: Scoping Comments for the EIR/EIS for the Sacramento-San Joaquin Bay Delta Conservation Plan

Dear Ms. McDonnell;

The California Sportfishing Protection Alliance (CSPA) appreciates the opportunity to provide scoping comment on the proposed EIR/EIS for the Sacramento-San Joaquin Bay Delta Conservation Plan (BDCP).

Generally speaking: the proposed Habitat Conservation Plan is the most ambitious and far-reaching Habitat Conservation Plan (HCP) ever envisioned coupled with a massive scheme to change the hydrology of the Central Valley. The proposed time schedule is absurdly truncated. No significantly scaled HCP has ever been completed within the proposed timeframe, let alone one coupled with a proposed massive hydrologic modification of an estuary. CSPA believes this scheme is not only internally inconsistent but also fundamentally inconsistent with the Governor's Delta Vision Plan, basic federal clean water and endangered species laws and common sense.

- a. There is a fundamental inconsistency between an HCP with a goal of protecting and restoring listed species and a conveyance plan involving a massive public works project that will change the hydrology of the estuary and tributary waterways. Indeed, the plan is little more than a Bay-Delta Conveyance Plan masquerading as an HCP.
- b. As a general principle, CSPA does not believe that any HCP should include guaranteed water delivery and/or changes in infrastructure as solutions. An HCP should focus on needed habitat improvement sufficient to enhance listed species to a point where they can be removed from endangered species lists.
- c. We note that consideration of increased or guaranteed water delivery or new diversions of fresh water from the delta that would result in increased degradation of water quality are impermissible under the federal Clean Water Act. Economic considerations have been found by the courts to be illegal pursuant to Section 10 of the federal Endangered Species Act.



- d. Long-term assurances or guarantees are fundamentally inconsistent with any defensible adaptive management program. One of the reasons the recent federal BioOp was overruled was that scientific staff decisions and science-based recommendations were routinely ignored or overridden by the Water Operations Management Team (WOMT).
- e. The envisioned HCP is fundamentally inconsistent with the governor's Delta Vision statement. For example, Principle No. 7 states that a revitalized Delta ecosystem will require reduced diversions or changes in patterns and timing of diversions and exports.
- f. We note that the California Department of Water Resources, in Bulletin No. 76, estimated that, while full demands on the State Water Project system could be met with surplus water until 1981, any future increases would have to be met through additional diversions of water from the Eel, Trinity, Mad-Van Duzen and Klamath Rivers. However, those anticipated diversion projects have never implemented and the increased level of exports has deprived the estuary of water crucial to the continued existence of pelagic and salmonid species.
- g. We also note that Congress specified that construction of the San Luis Unit of the Central Valley Project not proceed until satisfactory provision was made for adequate drainage from selenium-impaired acreage in the San Luis Unit. Many decades later, satisfactory drainage has still not been provided and, as a result, the San Joaquin River is legally defined, under the federal Clean Water Act, as impaired because of selenium and boron.

Specifically: at a minimum, the EIR/EIS must:

- a. Incorporate a comprehensive ecological analysis. No HCP plan should have goals beyond protecting and enhancing targeted species. The plan must protect the Delta and tributary waters "no matter what," regardless of costs or consequences.
- b. Identify the area and species the HCP is attempting to cover and evaluate the impacts of meeting existing and proposed water demand to each species covered by the HCP.
- c. Identify and evaluate alternative water supplies and delivery systems and prioritize those evaluations on a) ecosystem water needs, b) urban water needs and c) agricultural water needs. Clearly, an HCP's first priority must be on ecosystem needs followed by urban and agricultural needs.
- d. Analyze and quantify the Delta needs. For over a decade, DWR/Bureau and he Bureau have refused to undertake a quantification of how much water the

ecosystem actually requires. Clearly, the 4.05 and 3.5 maf that DWR exported in 05 and 06 are excessive. Significant reductions are essential. The EIR/EIS must discuss how much water is required for a healthy Delta and how various scenarios of export levels and patterns and timing of upstream diversions will affect targeted species. It must discuss and analyze the impacts to biological resources caused by the documented shortfall of water deliveries that were anticipated from North-coast Rivers. We reiterate; an EIR/EIS that fails to evaluate several reduced export alternatives will fail to comply with minimum CEQA/NEPA requirements.

- e. Explain how levy improvements, flood plain management and changes in water circulation and water quality will affect each of the targeted species and proposed structural modifications.
- f. Provide a detailed analysis of how expansion of wetland habitat and changes in hydrology will affect mercury methylation and the bioavailability and/or bioconcentration of mercury, selenium and other toxic pollutants to the food web.

The transfer of relatively good quality Sacramento River water around or through the Delta via an isolated or dual facility will inevitably reduce assimilative capacity throughout the Delta and increase residence time of water in the eastern Delta. The DWR/Bureau have failed to analyze and evaluate these changes in assimilative capacity and residence time on the full suite of chemicals and chemical processes and the potential adverse effects on numerous species in numerous previous environmental documents. They must not fail to do so in this critical EIR/EIS. We note that a conservative constituent like salt cannot be used as a surrogate to evaluate volatile, highly toxic or bioaccumulative pollutants or impacts on dissolved oxygen.

- g. Describe in detail how the reductions in Delta exports identified in the Delta Vision document will be accomplished within the California water rights process and the effects on a) senior water rights holders, b) junior holders, c) riparian diverters and d) the public trust.
- h. Propose full mitigation for “take” of species protected pursuant to the California Endangered Species Act. We note that California State Water Board Decision 1485 found that “full mitigation of project impacts on all fishery species now would require the virtual shutting down of the project export pump.” The project must not be viewed simply as a “rabbit hole” enabling exporters to escape existing, but long ignored, obligations under current endangered species laws.
- i. Reveal, analyze and discuss how the new facilities and changes in points of diversion for conveyance and storage are likely to affect all of the species and

habitat the HCP is supposed to protect; i.e., how will the changes in hydrology and diversion affect listed species.

- j. Establish and evaluate recovery goals, yardsticks, mileposts and consequences of failure within the HCP/NCCP that will assure policy makers and the general public that progress is occurring and species recovery is on track.
- k. Explain how the HCP will protect species from increased temperatures, salinity and sea level rises caused by global warming over the existence of the BDCP spanning the next fifty years.

The enormous and unprecedented scope of the proposed scheme will require the most ambitious and detailed environmental document ever assembled.

Thank you for considering these comments. We request a receipt of timely submission and that we be placed on the list to receive both electronic and hard copies the draft EIR/EIS. If you have questions or require clarification, please don't hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Jennings". The signature is fluid and cursive, with the first name "Bill" and last name "Jennings" clearly distinguishable.

Bill Jennings, Executive Director  
California Sportfishing Protection Alliance

# BDCP

## BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

### — Comment Card —

Date: May 6, 2008

**PLEASE PRINT**

Name: Jay R. Sorensen Organization: Calif. Striped Bass Assoc.

Telephone: (209) 478-6645 e-mail: \_\_\_\_\_

Address: 766 Elaine Drive

City: Stockton State: Ca. Zip: 95207-4841

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 30, 2008.

Massive diversions of water through the state and federal pumping facilities continued to be the main cause of the problems facing the Sacramento-San Joaquin Delta Region, and the idea of funneling water around the Delta is not the way to restore its ecosystem. What the it needs is more water to flush and cleanse it of harmful chemicals and other pollutants. We have witnessed the decline of many species of fish and wildlife plus many non-native exotic species that are consuming about 50 percent of the food chain our native species require. The troubles on the Delta began when they completed the construction of Friant Dam on the San Joaquin River and the entire river was diverted to provide water for Southern California. Today, sub-standard water quality exists in the South Delta. Taking Sacramento River water with one of four options will further threaten our fisheries which primarily use the river for propagating (spawning) where approximately 60 percent of the remaining Chinook salmon, American shad, striped bass, sturgeon and steelhead spend time each spring in the Sacramento River between Verona and Colusa. A Peripheral Canal is not the answer. The best bet is to begin building plants to desalt an untapped resource and thats the Pacific Ocean to fulfill the needs of the 38 million people that reside in California. The will of the people was evident in 1982 when this proposal was defeated and if placed on the ballot, it will be defeated again. Eliminating the need to pump water from the Delta is the only way that the restoration efforts will begin. If our water resources were used properly this would cause less water to be pumped out of the Delta. Water conservation is a necessity that should be mandated. Federally subsidized water contracts should be reviewed, where in some cases farmers are selling their water for a profit rather than growing crops. There are many avenues that need to be studied along with changes for correcting the serious problems we are faced with today. Cal-Fed was formed to come up with a plan to restore the Delta, and after spending over \$4 billion what did we get for our money? The answer: Nothing. Upon reviewing all of the four proposals I find myself in the position of rejecting this method of water conveyance. There has to be another way to fulfill California's water needs.

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](mailto:BDCPcomments@water.ca.gov). **Comments must be received by May 30, 2008.**



# california water impact network

June 9 2008

**Carolee K. Krieger**  
*president*

**Dorothy Green**  
*secretary*

**Jim Edmondson**  
*treasurer*

**Lloyd Carter**  
*director*

**Malinda Chouinard**  
*director*

**Yvon Chouinard**  
*director*

**Joan Hartmann**  
*director*

**Michael Jackson**  
*director*

**Huey Johnson**  
*director*

**Tom Stokely**  
*director*

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

Also sent via email to [delores@water.ca.gov](mailto:delores@water.ca.gov).

Patti Idlof  
Bureau of Reclamation  
2800 Cottage Way, MP-150  
Sacramento, CA 95825

Also via e-mail to [pidlof@mp.usbr.gov](mailto:pidlof@mp.usbr.gov)

RE: Scoping Comments for the EIR/EIS for the Sacramento-San Joaquin Bay Delta Conservation Plan

Dear Ms. Brown and Ms. Idlof:

The California Water Impact Network (C-WIN) appreciates the opportunity to provide scoping comment on the proposed EIR/EIS for the Sacramento-San Joaquin Bay Delta Conservation Plan (BDCP). We would like to add these to those submitted on May 30, 2008 on our behalf by C-WIN President, Carolee Krieger.

The BDCP, as presently constituted is fatally flawed, starting with the extremely limited delineation of the delta. By restricting the area to be considered so severely, any opportunity to increase water supply to the delta is foreclosed. For any serious habitat restoration to take place, the three causes of decline must be addressed: water exports, water quality and exotic species. And having sufficient water supply in the delta is by far the most important.

Water exports are most important because it impacts both water quality and the proliferation of exotic species. Recognizing that all of our water resources are over committed, (the State Water Board now admits that it has issues water rights permits that equal five to seven times the amount available in the state) and there is no more water to draw from, demand management is a must and holds great potential at far cheaper cost than any other solution under consideration. And it can

be accomplished in a much quicker time frame. It has the added advantage of being distributed widely all over the state.

The biggest saving in the urban sector can come from changing the plant materials used around our homes and businesses. Forty to Seventy per cent of urban water is used outside. The history of gardening is to see how many plants can be brought to California from the farthest corners of the world and grown here. And almost anything can be. It is time to promote interest in our own native plants and others from Mediterranean areas that can flourish in our climate with very little if any added water. Half to two thirds of water used for outdoor irrigation can be saved in this way.

The second biggest source of urban water savings can come from all the conservation methodologies that have been outlined by the California Urban Water Conservation Council (CWUCC). Both the Pacific Institute and DWR;s own B160-95 conclude that 30% can be saved, cost effectively and with existing technology right now.

Water reuse is finally beginning to be taken seriously. We clean up our wastewater until it is almost potable and then throw it away. The Los Angeles Hyperion Sewage Treatment Plant is the seventh largest river in the state, discharging fresh water year round to the ocean.. It makes much more sense to apply desal technology to our wastewater stream rather than to the ocean since it would need only one tenth the amount of energy to apply reverse osmosis to wastewater. Spreading this water to go through the soil until it reaches the aquifer is a good way to remove any remaining contaminants. A major public education campaign and a little money is all that stands in the way of reusing as much as 90% of our wastewater stream.

Groundwater management clearly also holds great potential. Many for our groundwater basins have been over drafted and therefore hold great potential to store wet year surpluses against dry year need. And there is growing interest in Southern California to capture rain water where it falls, and get it into the ground to augment our local water supply and reduce our need to import as much from the north. On average, about 500,000 acre feet of runoff flows to the ocean annually from the LA Basin. One tributary of the LA River, the Tujunga Wash, averages over 58,000 AFY of runoff annually.

The agricultural sector promises even more water riches. It is by far the biggest source of water quality problems to the delta especially from drainage impaired lands – land that should never have been irrigated. This land must be taken out of production, and the water rights retired as an immediate source of water to help with the delta's endangered species problems. It is the State Water Board's obligation to both allocate water in the public interest, to enforce the public trust doctrine, and to enforce water quality regulations. It has done none of them. This

must be corrected first before any serious discussion of a bay delta conservation plan can be considered.

In conclusion: To develop a real conservation plan, the delta and its watersheds must be the subject of the study so that real demand management can be implemented. Only with additional water in the delta can we begin to restore habitat and provide for a more reliable water supply.

Thank you for the opportunity to comment on this very flawed planning document.

Yours truly,

A handwritten signature in black ink that reads "Dorothy Green". The signature is written in a cursive, flowing style.

Dorothy Green, Secretary  
California Water Impact Network



**Carolee K. Krieger**  
*president*

May 30, 2008

**Dorothy Green**  
*secretary*

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

**Jim Edmondson**  
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Patti Idlof  
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**Yvon Chouinard**  
*director*

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*director*

**Michael Jackson**  
*director*

Also via e-mail to [pidlof@mp.usbr.gov](mailto:pidlof@mp.usbr.gov)

**Huey Johnson**  
*director*

Re: Scoping Comments on Bay-Delta Conservation Plan EIS/EIR (Federal NOI and State NOP)

**Tom Stokely**  
*director*

Dear Ms. Brown and Ms. Idlof:

These comments are submitted on behalf of the California Water Impact Network (C-WIN). CWIN requests that the scoping period on the EIS/EIR be extended or reopened until an actual "plan" is available to comment upon. To date, there is little specifically to comment on in terms of specific plans and alternatives. We fully intend to submit additional scoping comments as new scoping information becomes available prior to release of the Draft EIS/EIR.

CWIN hereby incorporates by reference the scoping comment letters by the California Sportfishing Protection Alliance (CSPA) and the Planning and Conservation League (PCL).

### **General Comments**

The BDCP has mutually exclusive goals of providing water supply reliability and "safe harbor" guarantees to Potentially Regulated Entities (PRE), while also protecting and restoring ecosystem health and populations of listed species. CALFED proved that this cannot be accomplished, but this plan appears to be a reinitiation of that failed attempt. The BDCP is clearly a shallow attempt to obtain authorization for a Peripheral Canal under the auspices of the federal and State Endangered Species Acts. The BDCP should make recovery of listed species



and ecosystem health its primary purpose, not increased Delta exports, regulatory assurances to the PRE's, and a Peripheral Canal.

**Alternatives**

The four alternatives presented are inadequate from a CEQA and NEPA perspective. The California Third District Court of Appeals set aside the CALFED ROD because, among other things, the PEIS for CALFED did not consider an alternative which **reduces** exports from the Delta. Similar to the CALFED PEIS, the proposed BDCP EIS/EIR does not contain an alternative which reduces Delta exports. This is a serious deficiency in the BDCP analysis and must be remedied by development of an alternative which reduces Delta exports below current levels.

Specifically, an alternative should be developed which examines a reduction in Delta exports to drainage-impaired lands in the Western San Joaquin Valley within both CVP and SWP service areas. A minimum of 2 million acre-feet of contract water has been identified as being available from those lands, as restated below from a January 2005 comment letter on the South Delta Improvement Project DEIS/EIR by the Trinity County Board of Supervisors. For the Tulare Basin, the numbers that Trinity County came up with are identical to those found in DWR Bulletin 160-05, the California Water Plan- 1.2 million AF as being available for other uses. See Tables 1 and 2 below.

Table 2

	<b>Total Irrigated croplands in 2002(acres)</b>	<b>Drainage Impaired acreage in 2000 (acres)</b>	<b>% of County Requiring Drainage Service</b>	<b>Estimated Contract Amounts (AF)</b>	<b>Estimated Water Savings (AF)</b>
<b>Tulare County</b>	652,385	291,000	44.60%	1,304,770	581,927
<b>Kern County</b>	811,672	313,000	38.56%	1,623,344	625,961
<b>Total</b>	<b>1,464,057</b>	<b>604,000</b>	<b>N/A</b>	<b>2,928,114</b>	<b>1,207,888</b>

Table 2 above portrays a very preliminary estimate of water savings in Tulare and Kern County within the SWP service area. The acres of irrigated croplands were taken from the USDA farm census statistics report in 2002. The acreage of drainage impaired acres is derived from a report by CA Dept of Water Resources, the 2000 San Joaquin Valley Drainage Monitoring Program. The acreages identified are for lands with high groundwater within 20 feet of the surface. The contract amounts were figured by estimating 2 acre-feet per acre irrigated, most likely an underestimated amount. Further investigation is needed

to verify and refine these numbers, but clearly there is adequate justification to remove these lands from irrigation due to continuing drainage problems and salinization of land, in violation of Water Code Section 100- Wasteful and Unreasonable Use of Water.

Table 1 from the Draft Trinity River Fishery Restoration Supplemental Environmental Impact Report (Trinity County 2004, as amended 1/24/05 and 2/16/05)

	Acres	Acres Requiring Drainage Service	% of District Requiring Drainage Service	Max CVP Contract Amount (AF)	Max CVP Contract Water Savings (AF)	2002 CVP Contract Deliveries (AF)	2002 CVP Water Savings (AF)
<b>Broadview Water District</b>	9,515	9,515	100.00%	27,000	27,000	18,588	18,588
<b>Panoche Water District</b>	39,292	27,000	68.72%	94,000	64,593	66,743	45,863
<b>Westlands Water District</b>	<b>604,000</b>	<b>298,000</b>	<b>49.34%</b>	<b>1,154,198</b>	<b>569,455</b>	<b>776,631</b>	<b>383,172</b>
<b>Eagle Field</b>	1,438	1,435	99.82%	4,550	4,542	2,869	2,864
<b>Mercy Springs</b>	3,589	2,417	67.35%	2,842	1,914	4,679	3,151
<b>Oro Loma</b>	1,095	,1095	100%	4,600	4,600	3,173	3,173
<b>Widren</b>	881	881	100%	2,990	2,990	2,094	2,094
<b>Firebaugh</b>	23,457	23,457	100%	85,000	85,000	85,000	85,000
<b>Cent. Cal ID</b>	149,825	4,951	3.30%	532,400	17,569	532,400	17,569
<b>Charleston Drainage District (portion of San Luis WD with drainage problems)</b>	4,314	3,000	69.54%	8,130	5,654	Not avail	Not avail
<b>Pacheco Water District</b>	5,175	5,000	96.62%	10,080	9,739	7,137	6,896
<b>Total</b>	<b>842,581</b>	<b>376,751</b>	<b>NA</b>	<b>1,925,790</b>	<b>793,056</b>	<b>1,499,314</b>	<b>568,370</b>

Table 1 above was derived by obtaining acreage information for each district through Chris Eacock at the Bureau of Reclamation (USBR) in Fresno. The number of acres requiring drainage by 2050 was taken from estimates in the San Luis Drainage Feature Evaluation, Plan Formulation Report, USBR, December 2002 (pages 2-5 and 2-6). The maximum water savings associated with the retirement of these lands was calculated by multiplying the maximum contract amounts for each district by the

percent of that district requiring drainage. Contract amounts were taken from a list of CVP contracts provided by Reclamation. Each district's total contract amount was calculated by adding all of its water contracts if more than one contract exists.

According to information we have received from the Environmental Working Group, water, power and crop subsidies to Westlands in 2002 amounted to well over \$100 million. If approximately half of Westlands, as well as those impacted lands in other drainage-problem districts such as Broadview, Widren, Mercy Springs, Panoche, Pacheco and others were retired, it would free up hundreds of thousands of acre-feet of water, as well as significantly reduce water and crop subsidies by tens of millions of dollars a year. Full analysis of such an alternative would provide meaningful disclosure to decision makers and the public about the true costs of delivering water to these problem lands.

### **Upstream and Downstream Impacts of BDCP Must Be Evaluated**

The proposed BDCP only includes areas within the Delta itself, although the Delta takes water from as far away as the Trinity River, and has impacts all the way to Southern California from development and growth. Therefore, the EIS/EIR should identify growth-inducing impacts from continued and ever-increasing Delta exports to central and southern California, including the possibility of agriculture to urban water transfers, especially from drainage impaired lands in the western San Joaquin Valley.

The impacts on upstream ecosystems and species, such as the Trinity River and its listed coho salmon must be examined in detail. Since the Trinity River has both federal and state area of origin protections, annual and decadal limitations on exports of Trinity River water must be established to ensure "preservation and propagation" of the Trinity River's fisheries, including with a minimum pool of cold water carryover storage which will meet downstream State and Tribal temperature objectives. Failure to establish specific protections for the Trinity River would violate the federal and State protections inherent to the unique status of the Trinity River Division of the CVP, and would also impact listed coho salmon and the Interior Department's Tribal Trust obligations to the Hoopa Valley and Yurok tribes.

The EIS/EIR should specifically identify how well each of the alternatives meets water quality and quantity objectives for all affected water bodies that are contained in the various Basin Plans for the Sacramento River, Delta and Trinity River. For instance, the alternatives must examine how well each alternative meets temperature objectives for the Sacramento and Trinity Rivers. Cold water carryover storage at Shasta Reservoir should be examined in great detail, and any water savings from reduced Delta exports should be considered for storage to protect salmon fisheries from extended drought. The alternatives must also identify how well the various alternatives would meet water quality objectives in the Delta for all of the various water quality parameters. Furthermore, the

alternatives analysis must identify what the water quality impacts will be in terms of meeting TMDL requirements for all affected rivers and waterbodies from the Trinity River to the southern Tulare basin. This would include sediment, temperature, salinity, selenium, mercury, boron and any other water quality constituents which impair beneficial uses of water in areas upstream, within or downstream of the Delta and its pumps.

Thank you for considering these comments. We reserve the right to submit additional scoping comments as more information becomes available.

Sincerely,

A handwritten signature in cursive script that reads "Carolee Krieger".

Carolee Krieger, President



May 30, 2008

Ms. Delores Brown  
Chief, Office of Environmental Compliance  
California Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236  
(delores@water.ca.gov)

Dear Ms. Brown:

This letter provides the Conaway Preservation Group's comments on the Notice of Preparation ("NOP") for the Bay Delta Conservation Plan ("BDCP") – Joint Environmental Impact Statement / Environmental Impact Report ("EIS/EIR").

### **Introduction**

The Conaway Preservation Group, LLC ("Conaway") owns the Conaway Ranch in Yolo County. The Conaway Ranch property covers over 17,000 acres on the west side of the Sacramento River between the cities of Davis and Woodland (See Figure 1). Conaway Ranch has been operated for many years to meet goals of agricultural production and waterfowl/wildlife habitat. Approximately 40 percent of the Ranch is located within the Yolo Bypass and the remainder lies west of the bypass. Over the past few years Conaway has sought to engage local and state agencies in an effort to develop and implement a multi-benefit project on the Ranch. Conaway has developed several proposals that could be funded in part through Propositions 1E, 84, and others<sup>1</sup> for projects to improve flood protection, improve water quality, preserve open space, and provide fish and wildlife habitat. The Conaway Ranch occupies a strategic location that makes it ideal for a wide variety of projects and programs that the EIR/EIS should evaluate and consider.

### **The EIR/EIS And The BDCP Should Include An Analysis And Consideration Of Conservation Opportunities And Mitigation Measures Upstream Of The Delta**

The NOP states that the planning area for the BDCP will consist of the aquatic ecosystems and natural communities, and potentially adjacent riparian and floodplain natural communities, within the statutory Delta. The NOP emphasizes the necessity for the BDCP to include conservation actions outside of the statutory Delta that advance the

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<sup>1</sup> The two propositions are also known as the Safe Drinking Water, Water Quality and Supply, Flood Control and Coastal Protection Bond Act of 2006, and the Disaster Preparedness and Flood Prevention Bond Act of 2006.

goals and objectives of the BDCP within the Delta, including as appropriate conservation actions in the Suisun Marsh, Suisun Bay, and areas upstream of the Delta. (NOP at 8) Conaway urges the BDCP to broadly consider upstream actions that could benefit the Delta and the species and ecosystems at the heart of the BDCP as well as many others. The comprehensive approach we recommend is consistent with numerous other findings made by scientists and resource managers.

For instance, in November 2007 the Independent Science Advisors Report (“ISA Report”) developed numerous recommendations and guidelines that it believed the BDCP must follow in order to successfully achieve its goals. One of only three over-arching principles listed in the ISA Report is that, “[t]he Delta is part of a larger river-estuarine system that is affected by both rivers and tides. The Delta is also influenced by long-distance connections, extending from the headwaters of the Sacramento and San Joaquin Rivers into the Pacific Ocean.” (ISA Report at iv) Therefore, the advisors emphasized “that the Delta is embedded within a larger environmental context and cannot be managed as an isolated system.” (ISA Report at 10) They recommended examining possible bottlenecks at other life stages of “Covered Species” of fish and wildlife, including those that occur outside the planning area, rather than only those at the life stage immediately affected by “Covered Activities”. (ISA Report at vii-viii) Conaway concurs in these recommendations and urges the BDCP and EIS/EIR to explore them.

### **The BDCP Should Specifically Consider Opportunities In The Yolo Bypass**

Conaway believes that the Yolo Bypass should be a major component of any upstream conservation measures in the BDCP, or mitigation for impacts created by various BDCP covered activities, and that the EIS/EIS should address this issue. The unique value and importance of the Yolo Bypass has been recognized by countless investigations, and the BDCP must seriously consider implementing the long-discussed restoration and enhancement opportunities that have been characterized by many as “no-regrets” actions.

For instance, the Public Policy Institute of California’s 2007 report, “Envisioning Futures for The Sacramento-San Joaquin Delta (“PPIC Report”)” included the following discussion regarding the Yolo Bypass:

The Delta doubles in size when the Yolo Bypass is flooded. The problem is that the bypass floods only erratically and not always at times optimal for fish and birds. The bypass presents some major opportunities for ecosystem manipulation (e.g., by gating the Fremont Weir), which are currently under discussion (Department of Fish and Game, 2006). It is also a major spawning and rearing area for splittail and other native fish, a rearing area for juvenile salmon, and a potential source of nutrients for Delta food webs (Sommer et al., 2001a and 2001b). This region could act as a major interface with the Delta ecosystem, especially in the Cache Slough region, a role that will likely grow in importance, both through deliberate manipulations and through the increased frequency of flooding as a result of climate change. (PPIC Report at 79)

Similarly, the Pelagic Fish Action Plan, developed by the Resources Agency, DWR, and DFG also discussed providing flows through the Yolo Bypass to improve conditions for several life stages of Delta smelt, among others. (See pages 6, 49-50)

Conaway has continually pressed for such restoration actions within the Yolo Bypass because it believes, like most other scientists and resource managers, that such efforts will aid endangered and threatened fish species, and also provide multiple benefits including additional flood protection, preserved open space, better water quality, and improved habitat for other terrestrial and aquatic species. Conaway is willing to discuss ways it can participate and assist in providing increased flows through the Yolo Bypass and in implementing other measures to provide essential habitat elements within the reaches of the Yolo Bypass it owns and other areas downstream. We also recognize that some of the comprehensive multi-benefit actions may require coordination among many landowners and managers in the Yolo Bypass, and forums exist to address this need.

### **The BDCP Should Consider Additional Species**

The NOP explains that the EIR/EIS will include an analysis of the effects of the proposed plan and other alternatives, including potential impacts to terrestrial resources that may or may not be addressed as covered species by the BDCP. (NOP at 9) Conaway agrees that the BDCP and the EIS/EIR should consider a wide range of species, habitats, and ecosystems to properly achieve its goals. As explained above, the Delta is not an isolated component, but rather one part of a highly complex and integrated system that begins in the headwaters of the Delta's major tributaries and ends in the Pacific Ocean. Therefore, in addition to the currently listed species, the BDCP and the EIS/EIR should consider the additional terrestrial species mentioned in the NOP (i.e., Giant Garter Snake, Valley Elderberry Longhorn Beetle, Swainson's Hawk, and Bank Swallow), as well as other species of plants and animals that may be affected by activities proposed in the EIS/EIR or later activities.

The BDCP EIR/EIS will, in many instances, likely be at a programmatic level, but it is at this level that comprehensive thought should be given to landscape-level and ecosystem-level processes. Within the planning horizon of 50 years, the larger Delta ecosystem will surely be affected by changes in climate, urbanization and demographics. Thus, while the BDCP should be focused on the species of most legal and biological concern, it should not be so narrowly focused that the comprehensive vision and planning necessary to achieve a Delta solution for multiple species and all stakeholders is excluded. Such an approach is consistent with the ISA Report, which explained that:

Given that regulatory assurance is a priority for the Potentially Regulated Entities (PREs), it is prudent to examine the potential effects of Covered Activities on the full range of species that are listed under federal and state endangered species acts, or are likely to be listed during the permit period. For example, plant and animal species associated with tidal marsh and riparian vegetation may be candidates for coverage by the Plan depending on the final array of Covered Activities. (ISA Report at 14)

Conaway believes that there are valuable opportunities within and adjacent to the Yolo Bypass to take actions benefitting this broader suite of species.

### **The BDCP Should Consider Improving The Water Quality Of Flows From Yolo County**

In the Governor's February 28, 2008 letter to Senators Perata, Machado, and Steinberg, he explained the major focus of his administration's Delta Vision Blue Ribbon Task Force. Water quality was among the seven major issues highlighted. The ISA Report also explained that changes in water quality have important direct and indirect effects throughout the estuarine ecosystem. (ISA Report at v) Numerous other reports have identified water quality as a factor currently placing stress on the Delta ecosystem and the listed fish species that are the focus of the BDCP.

It is well known that major sources of pollution and contaminants to the Delta originate upstream in wastewater and stormwater discharges. Therefore, the BDCP and the EIS/EIR should particularly consider ways to address the quality of water flowing through into the Delta from Woodland, Davis, and other parts of Yolo County, especially as they may relate to restoration efforts in the Yolo Bypass. Not only will this aid aquatic and terrestrial species, it will also improve the water quality of the Delta, which serves as a source of drinking water for millions of Californians. There may be similar concerns regarding discharges to the Sacramento River, although that goes beyond the scope of our concerns.

Conaway believes that there is an opportunity to implement the above-mentioned habitat and floodplain restoration efforts in the Yolo Bypass in a way that also addresses water quality. These water quality issues should be addressed now because they are and will continue to affect Delta water quality as Yolo County's population grows over the next 50 years. This is especially true in light of the unmatched potential of the Yolo Bypass to aid the BDCP effort. Thus, Conaway urges the EIS/EIR and the BDCP to integrate water quality investigations into the potential Yolo Bypass conservation and mitigation measures previously discussed.

### **Conclusion**

The NOP explains that, "[w]here appropriate, 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 as appropriate." (NOP at 8) As an area directly upstream of the Delta, and partly within the Yolo Bypass, Conaway Ranch provides many options for a wide array of those conservation actions.

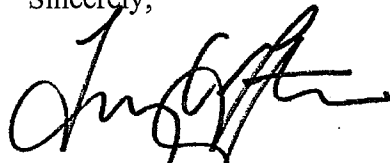
Conaway has several unique attributes that will allow rapid implementation of any conservation or mitigation projects. Of major importance for implementation is the fact that Conaway owns 17,000 contiguous acres. In addition, Conaway owns 85 percent of the land within Reclamation District 2035, a local agency that could partner with the



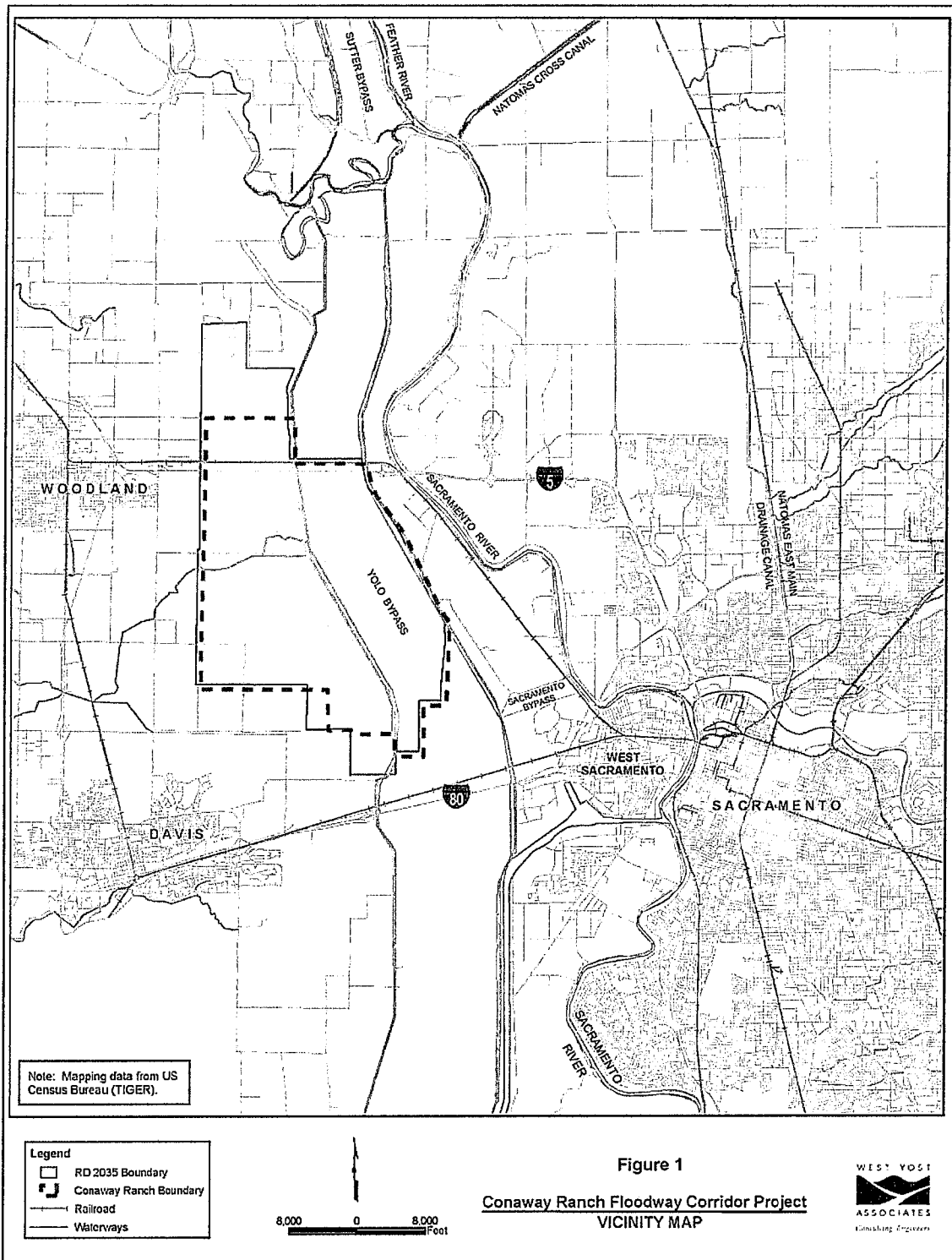
BDCP efforts. Both Reclamation District 2035 and Conaway can be cooperating partners with the BDCP agencies and entities. These circumstances greatly reduce transactional costs and delays because necessary project components such as potential flood easements, rights of way, and other permits can be obtained through negotiations with one party instead of many. Additionally, because Conaway has preserved the agricultural heritage of the Conaway Ranch, there are few infrastructure and other hurdles to delay implementation of a wide variety of conservation or mitigation measures.

In sum, this letter provides general comments regarding the necessity of the EIS/EIR to focus on upstream conservation and mitigation actions, additional terrestrial and aquatic species, and water quality improvement opportunities. However, Conaway intends this letter to be a catalyst for further discussions and detailed analysis of the specific opportunities available in the Yolo Bypass and on the Conaway Ranch property. Conaway will continue to be engaged in the BDCP process, and will gladly offer additional data, information, or insight regarding these opportunities. Please do not hesitate to contact me to discuss this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tovey Giezantanner', written in a cursive style.

TOVEY GIEZANTANNER  
President



892578.1



## DELTA WETLANDS PROJECT

May 30, 2008

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

Re: Notice of Preparation of Bay Delta Conservation Plan EIR/EIS

Dear Ms. Brown:

Delta Wetlands Properties owns 20,000 acres on four Delta islands; Webb, Bouldin, Holland and Bacon. It is responsible for the maintenance of 56 miles of levees. The largest private landowner in the Delta, Delta Wetlands Properties has initiated an in-Delta storage project known as the Delta Wetlands Project (Project). The Project will divert and store water on Webb Tract and Bacon Island and create and enhance wetlands to manage wildlife habitat on Bouldin Island and most of Holland Tract. The stored water will be provided to municipal, industrial and agricultural users within the Central Valley Water Project and State Water Project service areas. The stored water may also be released to enhance Delta outflow and water quality.

The habitat islands, designed under the direction of the California Department of Fish and Game, will be set aside permanently as wetland and wildlife habitat, providing both seasonal and permanent wetlands, riparian woodland zones, ponds and lakes, and grasslands. In addition, a significant level of farming activity will be integrated into the habitat plan, preserving much of the history and character of the area. The habitat islands will provide extremely valuable wetland and wildlife benefits to the Delta, supporting a wide variety of species, including listed and endangered plants and animals and migratory waterfowl.

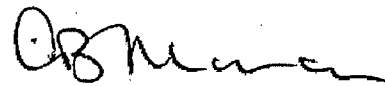
The Project will directly further the goals of the Bay Delta Conservation Plan (BDCP) of providing for the conservation and management of covered species within the planning area; and restoring and protecting water supply, water quality, ecosystem, and ecosystem health. The 9,000 acres of habitat provided by the Project will be one of the

Anson B. Moran, General Manager  
1660 Olympic Blvd., Suite 350  
Walnut Creek, CA 94596  
Telephone (415) 730-5637

largest new conservation efforts in the region and will provide numerous fish and wildlife benefits. Delta Vision and the BDCP have also long espoused the notions that surface and groundwater storage are important tools needed to capture runoff for future water supply, provide flexibility for flood management and help maintain Delta water quality and fish habitats through timed releases. Additional in-Delta storage will provide additional flexibility in the timing of pumping from the Delta, thus protecting at-risk fish species. The Project is a definitive step in the direction of achieving the BDCP's goals. As such, the BDCP should consider including the Project as a key element of the conservation plan.

Delta Wetlands Properties intends to submit further comments throughout the development of the BDCP.

Sincerely,

A handwritten signature in black ink, appearing to read "Anson B. Moran". The signature is fluid and cursive, with a large initial "A" and "B".

Anson B. Moran  
General Manager

# *Friends of the Clarksburg Library*

May 30, 2008

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

RE: Pending Clarksburg Proposals

Dear Ms. Brown:

On behalf of the Friends of the Clarksburg Library (FOCL), we would like to submit this letter to you as part of the scoping comments pertaining to the proposals being contemplated for the Clarksburg area.

FOCL is very concerned with the proposals that would either convert certain areas of the Clarksburg area into “tidal marsh wetlands” or a “Primary Habitat Restoration Zone”. As presented to the community the Bay Delta Conservation Plan proposes the creation of tidal marsh wetlands where none have existed before, and the restoration of aquatic habitat that may have a negative effect on existing habitat. Our community has a rich agricultural background and many of the land use practices provide valuable habitat for wildlife, the proposal envisioned in the BDCP Scoping Plan endanger both the agricultural and habitat values that currently exist.

We believe any of the 4 proposals currently being discussed would have do irreparable damage to the Clarksburg community and we would strongly discourage any movement forward with these proposals.

Respectfully,

Rina Venturini DiMare, *Board President*  
**Friends of the Clarksburg Library**

CC: North Delta Community Area Residents for Environmental Stability  
Senator Mike Machado  
Assemblymember Lois Wolk  
Congressman Mike Thompson



May 5, 2008

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

*Via Email: [bdcp@water.ca.gov](mailto:bdcp@water.ca.gov)*

Dear Ms. Brown,

The Fullerton Chamber of Commerce has grown increasingly concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all of California's residents as well as for half of the nation's produce.

The Fullerton Chamber of Commerce is dedicated to the economic vitality and prosperity of our members and the community. Through our membership, we represent nearly 700 employers in the North Orange County area and their more than 30,000 employees. These businesses rely on water from the California Delta for their manufacturing needs as well as that of the consumption of their employees and their families.

We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, and state and federal agencies. The Plan is instrumental to mapping out a comprehensive conservation plan, and a solution for the Delta. Additionally, the means to a reliable water system is a restored Delta ecosystem and a rebuilt water conveyance system.

Fullerton Chamber of Commerce supports the BDCP's environmental review process, an essential component to the success of the ultimate plan. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable water supply. We need sufficient quantity in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability must be a cornerstone of the Bay Delta Conservation Plan.

The success of the BDCP is essential to the continued economic health of California. Thank you for the opportunity to provide input during this important scoping process.

Sincerely,

Theresa Harvey  
Executive Director & CEO  
Fullerton Chamber of Commerce



Greene and Hemly grows pears apples cherries and kiwis in the proposed Bay Delta Conservation Plan area. We have some concerns about the effect of the proposed BDCP. It is difficult to formulate these concerns because the people who spoke at the April 30, 2008 scoping meeting like Barbra McDonald, Carl Wilcox, Sue Fry, Monica Gutierrez and Rick Sanchez insisted that there are no actual plans drawn up. All we can comment on are rumors and speculation on what might be included in this plan. Our understanding is that there is a vague idea to seize property and turn it into a wildlife habitat. Also we understand a peripheral canal is to be built to move water to Southern California from the northern part of the Delta. Our concerns are generally economic and focused on what would be included in the BDCP Cost Benefit Analysis.

Was the April 30<sup>th</sup> meeting used to comply with NEPA requirements?

We wonder what species in the increased habitat area are to be benefited? Why are these species deemed valuable? What is their value and to whom? Have there been pilot projects demonstrating that the species intended to be benefited by the project have indeed benefited from similar projects on a smaller scale? Will the uncertainty of the projects anticipated benefits be included in the project's Cost Benefit Analysis?

How will construction of the project affect traffic immediately adjacent to the project and to surrounding areas? What will be the County and State costs for the additional wear and tear on the roads? Who will bear the costs for these additional repairs? Increased traffic will make the roads more dangerous thereby increasing the numbers of accidents on these roads. How will the value of public safety and the value of local citizen's lives be calculated?

How will traffic flows in the projects area be affected? What will be the impact of altered accessibility in the region, (for example: at projects completion if a farmer has to haul his crop additional miles to market, his profitability decreases) how will that cost be calculated? How will the costs of increased driving upon local citizens be calculated?

When areas are removed from agricultural production many people are affected. Service providers such as fertilizer suppliers, farm equipment mechanics, and local food markets will all lose customers. How will the BDCP Costs Benefit Analysis calculate how many businesses will lose customers and what the financial impact on these service providers will be? Obviously local service companies will lose efficiencies of scale from the smaller market size thereby becoming more expensive to operate. How will this be calculated? These higher costs will be passed onto remaining customers, how will it affect them?

Many of the people working within the proposed site for habitat restoration are farm workers. Farm work requires site specific skills. The interaction between soil climate and equipment is very different in a place like Grand Island than even in a nearby place like Davis. When farm workers are displaced from the project areas they will not be able to find other positions without losing seniority. What is the economic impact on these workers and how will it be measured?



There is an intangible value to living and working in an area beyond the value of house and land which will be permanently destroyed by the project. People will need to relocate. How will that be measured?

Changing the ecology of the area will alter the pest species mix in farms adjacent to the project. Are the increased pest control and mitigation costs for pest such as Stink Bug, Box Elder Bugs, and Coyotes to be included as costs of the project? How would these estimated costs be figured?

The Peripheral Canal portion of the BDCP will require lots of rock, cement trucks and labor. Increased demand for these people and goods will affect their availability. What will that do to their market price? How will it affect companies using these goods not directly affiliated with the project? Will the inflationary price for these goods be considered as a cost of the project in the Cost Benefit Analysis? What would the inflationary pressure of the project be to the local economy?

Matthew Hemly, Greene and Hemly

# irvine CHAMBER

May 19, 2008

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

Dear Ms. Brown,

The Irvine Chamber of Commerce has grown increasingly concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all of California's residents as well as for half of the nation's produce.

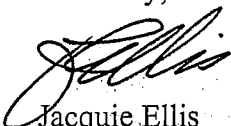
We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, state and federal agencies. The Plan is key to mapping out a comprehensive conservation plan—and, a solution—for the Delta. And, the key to a reliable water system is a restored Delta ecosystem and a rebuilt water conveyance system.

The Irvine Chamber of Commerce supports the BDCP's environmental review process, an essential component to the success of the ultimate plan. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable water supply. We need sufficient quantity in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability must be a cornerstone of the Bay Delta Conservation Plan.

The success of the BDCP is essential to the continued economic health of California. Thank you for the opportunity to provide input during this important scoping process.

Sincerely,



Jacquie Ellis  
President/CEO

JE: jw



May 14, 2008

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

Dear Ms. Brown,

The Irwindale Chamber of Commerce has grown increasingly concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all California's residents as well as for half of the nation's produce.

We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, state and federal agencies. The Plan is essential to mapping out a comprehensive conservation plan and a solution for the Delta. The key to a reliable water system is a restored Delta ecosystem and a rebuilt water conveyance system.

Irwindale Chamber of Commerce supports the BDCP's environmental review process, an essential component to the success of the ultimate plan. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable and sufficient water supply. We need to restore the Delta ecosystem and to rebuild the conveyance system. The success of the BDCP is essential to the continued economic health of California.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Bailey", is written over a faint, illegible typed name.

Lisa Bailey  
President and CEO

Irwindale Chamber of Commerce

16102 Arrow Highway • P.O. Box 2307 • Irwindale, California 91706  
(626) 960-6606 • FAX (626) 960-3868 • [www.irwindalechamber.org](http://www.irwindalechamber.org)



May 7, 2008

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

Dear Ms. Brown:

As the largest homebuilding firm headquartered in California, KB Home promotes homeownership for all Californians. We have grown increasingly concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all of California's residents, as well as for half of the nation's produce.

Despite the current market conditions for home sales, California still faces a housing crisis in terms of availability and affordability, particularly when you consider the projections for California's population growth over the next decade. Without a reliable and healthy water system, new home supply will be severely restricted. In addition to the human toll from inadequate housing, home prices will again soar out of the reach of California's families. California's economic future and environmental health will be compromised without a long-term and comprehensive solution to water storage and delivery.

We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, and state and federal agencies. The Plan is vital to mapping out a comprehensive conservation plan and a solution. The key to a reliable water system is a restored Delta ecosystem and a rebuilt water conveyance system.

KB Home supports the BDCP's environmental review process, an essential component to the success of the ultimate plan. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable water supply. We need sufficient quantity in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and Colorado River water. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability must be a cornerstone of the Bay Delta Conservation Plan.

The success of the BDCP is essential to the health of California.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kate Klimow', written over a faint, illegible background.

Kate Klimow  
Regional Director  
Government and Public Affairs



2078 Bonita Avenue • La Verne, CA 91750-4444 • (909) 593-5265

May 14, 2008

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

Dear Ms. Brown,

The La Verne Chamber of Commerce has grown increasingly concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all California's residents as well as for half of the nation's produce.

We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, state and federal agencies. The Plan is key to mapping out a comprehensive conservation plan and a solution for the Delta. The key to a reliable water system is a restored Delta ecosystem and a rebuild water conveyance system.

La Verne Chamber of Commerce supports the BDCP's environmental review process, an essential component to the success of the ultimate plan. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable water supply. We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.

The success of the BDCP is essential to the continued economic health of California.

Sincerely,

A handwritten signature in cursive script that reads "Gary Howarth".

Gary Howarth  
Chairman



Los Angeles Area  
Chamber of Commerce

May 6, 2008

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

RE: Bay Delta Conservation Plan

Dear Ms. Brown:

On behalf of the Los Angeles Area Chamber of Commerce, thank you for the opportunity to participate in this historic process to create a better future for the Sacramento-San Joaquin Delta.

The Bay Delta Conservation Plan is at a critical initial "scoping" stage that shapes the breadth of issues and alternatives that will undergo the exhaustive analysis that is required under state and federal environmental laws. This meeting marks an opportunity for interested parties in the Southern California to provide input into the scoping process.

The Chamber represents more than 1,600 members with more than 722,000 employees. Our continued economic vitality is linked to a reliable, high-quality water supply. That will require a successful plan in the Delta that results in restoration of ecosystem and improvements to the water system.

With that in mind, the Chamber wishes to reinforce some specific needs and objectives of this BDCP process:

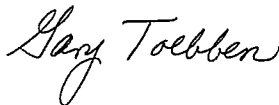
- The BDCP must stick to its stated goal of placing the needs of the future Delta ecosystem and that of the water systems on equal footing. A balanced approach is the only reasonable framework for a successful solution.
- Both quantity and quality are important needs of the future water system. Urban Southern California's stated goal is to maintain, and not to increase, State Water Project

supplies passing through the Delta. A source that is low in bromides and organic compounds will remain necessary in order to successfully blend State Water Project water with other Southern California supplies.

- Reliability cannot be achieved without the BDCP addressing rising sea levels in the Delta and the rising risk of catastrophic levee failures due to flooding or seismic events. The BDCP must address all of the major challenges to both the water system and the ecosystem.
- The strategy to restore the estuary should study ways to separate the natural tidal fluctuations of the ecosystem from the movements of the water system. The state economy and the Delta environment do not share the same clock. A full analysis of conveyance alternatives is absolutely necessary in order to provide a foundation of fact necessary for historic change in the Delta.

There is heightened acknowledgement throughout Southern California about the need to conserve and to the challenges of maintaining a reliable water system in the face of historic environmental problems in the Delta. Time is of the essence.

The Bay Delta Conservation Plan must stick to its schedule so that a comprehensive plan is in place by the end of 2010. Thank you again for holding this important meeting in Los Angeles today.



Gary Toebben  
President & CEO

Board of Directors  
2007-2008

Officers

Chairwoman  
Mary McKenrick  
Athens Services

First Vice Chairman  
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Automobile Club of  
Southern California

Second Vice Chairman  
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and Moore, Inc.

President  
Andrea Wagg

Board of Directors

Armando Arenas  
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Victor Caballero  
Mid Valley Yellow Cab

Michael Carney  
AT&T

Marissa Castro-Salvati  
Southern California  
Edison Co.

Humberto Garcia  
Pre-Paid Legal Services

Ralph E. Hansen, D.M.D.  
Whittier Palm Dentistry

Darrell Heacock  
Homer R. Heacock Realty

Lidia Kondratuk  
Century 21 -  
George Michael Realty

Albert Napoli  
Metropolitan Water District

Barbara Risher Welch  
Risher Montebello Mortuary



May 1, 2008

Delores Brown  
Chief Office of Environmental Compliance  
California Department of Water Resources  
P.O. 942836, Sacramento, CA 94236  
Via Email: [bdcpr@water.ca.gov](mailto:bdcpr@water.ca.gov)

Dear Ms. Brown,

The Montebello Chamber of Commerce has grown increasingly concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all of California's residents as well as for half of the nation's produce.

The Montebello Chamber of Commerce is an association of business people dedicated to promoting and serving the economic, civic and cultural welfare of the City of Montebello.

We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, state and federal agencies. The Plan is key to mapping out a comprehensive conservation plan—and, a solution—for the Delta. And, the key to a reliable water system is a restored Delta ecosystem and a rebuilt water conveyance system.

The Montebello Chamber of Commerce supports the BDCP's environmental review process, an essential component to the success of the ultimate plan. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable water supply. We need sufficient quantity in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability must be a cornerstone of the Bay Delta Conservation Plan.

The success of the BDCP is essential to the continued economic health of California. Thank you for the opportunity to provide input during this important scoping process.

Sincerely,

Andrea Wagg, President

Montebello Chamber of Commerce



# BDCP

## BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —  
1 Pg of 3

Date: May 5, 2008

PLEASE PRINT

Name: William Van Amber Fields Organization: Morada Area Assoc.

Telephone: 209-931-3586 e-mail: meleyco@inreach.com

Address: 6406 Mulberry Ln.

City: Morada, CA State: CA Zip: 95212-9417

Yes, I would like to be added to your e-mail list. meleyco@inreach.com

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 30, 2008.

Morada is a 150 year old farming community on the eastside of Stockton bounded by Hwy 99 on the west, Alpine Rd on the east, Bear Creek on the north, and the Calaveras River on the south. Morada is represented by the Morada Area Assoc. (M.A.A.) through the Morada Municipal Advisory Council to the S.J. County Board of Supervisors. Morada is also part of a larger coalition of Linden, Waverly and Waterloo communities called the Eastside Coalition.

Our area overlies a large cone of depression under the Northeastern San Joaquin Groundwater Basin. We all rely on wells... ag, domestic, and community for our water. Our aquifer is critically overdrafted and threatened by saline intrusion moving easterly from

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](mailto:BDCPcomments@water.ca.gov). **Comments must be received by May 30, 2008.**

# BDCP

## BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —  
2 pg of 3

Date: May 5, 2008

PLEASE PRINT

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Telephone: \_\_\_\_\_ e-mail: \_\_\_\_\_

**William Van Amber Fields  
Pa Pa 209-931-3586  
6406 Mulberry Ln.  
Morada, CA 95212-9517**

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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 30, 2008.

*under our San Joaquin Delta at the rate of 250 ft per year. Our aquifer is also threatened by arsenic contamination from under the City of Stockton - We are already in a precarious position.*

*Morada stands with our San Joaquin County Board of Supervisors and related water agencies in opposition to any plan that calls for more water being removed from the natural flush of our Delta and the construction of a dual conveyance, remote facility or anything that equates to a 'peripheral canal' that will take more water from our watershed, and send it to South-state. Such a plan will facilitate*

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](mailto:BDCPcomments@water.ca.gov). **Comments must be received by May 30, 2008.**

# BDCP

## BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —  
3 of 3

Date: May 5, 2008

PLEASE PRINT

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Telephone: \_\_\_\_\_ e-mail: \_\_\_\_\_

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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 30, 2008.

The eventual destruction of our groundwater basin by salt and heavy metal / arsenic contamination.

We are all mandated to protect, preserve, and restore our God-given water resources public trust.

Thank you for the opportunity to comment.

Sincerely,

William Van Amber Fields

M.M.A.C. chair

M.A.A. board

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](mailto:BDCPcomments@water.ca.gov). **Comments must be received by May 30, 2008.**

William Van Amber Fields  
Pa Pa 209-931-3586  
6406 Mulberry Ln.  
Morada, CA 95212-9517

# BDCP

## BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —  
1 of 3

Date: May 21, 2008

PLEASE PRINT

Name: William Van Amber Fields Organization: Morada Area Assoc.

Telephone: 209-931-3586 e-mail: meleyco@inreach.com

Address: 6406 Mulberry Ln.

City: Morada State: CA Zip: 95212-9517

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 30, 2008.

*Since this environmental review/study is under the auspices of the Bay Delta Conservation Plan (BDCP) and your preferred alternative calls for a peripheral canal, dual conveyance, remote facility or whatever else you desire to call a Sacramento River water diversion to South State Ag interests (rape of the San Joaquin Delta), and since an isolated conveyance would have unmitigatable detrimental environmental impacts on our San Joaquin Delta, you must not limit the scope of this EIR/EIS.*

*It doesn't take a lawyer or a hydrologist to see that your plans are solely about increasing exports at all costs and, in the long run, are detrimental to the entire state for many reasons at many levels.*

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](mailto:BDCPcomments@water.ca.gov). **Comments must be received by May 30, 2008.**

# BDCP

## BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —  
2 of 3

Date: May 21, 2008

PLEASE PRINT

Name: William Van Amber Fields Organization: Morada Area Assoc.

Telephone: 209-931-3586 e-mail: meleyco@inreach.com

Address: 6406 Mulberry Ln.

City: Morada State: CA Zip: 95212-9417

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 30, 2008.

But, the first glaringly obvious reason is the cost of a peripheral canal estimated in some studies to be between 5 - 10 billion dollars.

There is a plan by Dr. Russ T. Brown, Jones and Stokes dated March 23, 2007 titled "Proposal to Reconnect the San Joaquin River to the Estuary - Delta Corridors Project" which deserves your consideration before you simply commit to a politically expedient solution. Dr. Brown's plan estimates costs for the Delta Corridors Project at less than 500 million dollars ... considerably more reasonable and certainly more environmentally logical than a peripheral canal.

While not perfect, Brown's plan has merit; it is flexible and could be molded and fine tuned to accomplish

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](mailto:BDCPcomments@water.ca.gov). **Comments must be received by May 30, 2008.**

William Van Amber Fields  
Pa Pa 209-931-3586  
6406 Mulberry Ln.  
Morada, CA 95212-9517

# BDCP

## BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —  
3 of 3

Date: May 21, 2008

PLEASE PRINT

Name: William Van Amber Fields Organization: Morada Area Assoc.

Telephone: 209-931-3586 e-mail: melayco@inreach.com

Address: 6406 Mulberry Ln.

City: Morada State: CA Zip: 95212-9417

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

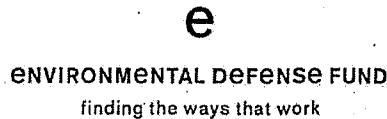
Your input on the BDCP EIR/EIS is greatly appreciated. Please write your comments below, including comments on the extent of the action, range of alternatives, methodologies for impact analysis, types of impacts to evaluate, and possible mitigation concepts. Comments will be accepted until close of business on May 30, 2008.

what we need it to do.

Our obligation and responsibility is to God and each other. Our obligation and responsibility is to protect, preserve, and restore our God-given water resource ... a precious public trust. Don't discount your importance or sell out your decision ... do your homework, study hard, put out the extra effort and do the right thing.

Sincerely,

William Van Amber Fields



May 30, 2008

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

**VIA U.S. MAIL AND EMAIL TO [delores@water.ca.gov](mailto:delores@water.ca.gov)**

RE: Scoping Comments on the BDCP EIS/EIR

Dear Ms. Brown:

We are writing on behalf of the Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, and The Bay Institute, and our hundreds of thousands of collective members and activists in California, to submit the following comments on the scope of the Environmental Impact Statement / Environmental Impact Report ("EIS/EIR") that is being prepared for the Bay Delta Conservation Plan ("BDCP"). We expect that analysis of these issues in the environmental review process for the BDCP will help lead the State and federal agencies to sustainably manage the CVP and SWP in the Delta, consistent with the co-equal goals of ecosystem health and reliable water supplies established by the Delta Vision Blue Ribbon Task Force. These comments are supplementary to our joint comments to the National Marine Fisheries Service and U.S. Fish and Wildlife Service dated March 24, 2008, which are attached hereto as Exhibit A and incorporated by this reference.

We present the following recommendations for the environmental review process of the BDCP:

- The BDCP should utilize an ecosystem approach under the Natural Community Conservation Planning Act, Cal. Fish and Game Code §§ 2800 *et seq.* ("NCCPA");
- The BDCP should adopt measurable goals and objectives for the species (e.g., population abundance targets where possible) and habitats covered by the Plan, should include effective monitoring to determine progress towards these goals, and should adapt management of the CVP and SWP over time to meet these goals;
- The BDCP should include operational criteria to respond to a broad range of water years and other foreseeable circumstances, such as poor ocean conditions, in order to operate the CVP and SWP to meet conservation goals and ensure that the regulatory assurances provided in the Habitat Conservation Plan / Natural Community Conservation Plan ("HCP/NCCP") do not adversely affect the Delta environment;
- Consistent with the requirements of the federal Endangered Species Act, 16 U.S.C. §§ 1531 *et seq.* ("ESA"), California Endangered Species Act, Cal. Fish and Game Code §§ 2080 *et*

*seq.* ("CESA"), and NCCPA, the HCP/NCCP must minimize the take of covered species, must provide guaranteed funding for implementation over the life of the permits, must not jeopardize either the survival or recovery of listed species, and must be consistent with existing legal requirements applicable to the CVP and SWP;

- The EIS/EIR should analyze alternatives that would increase outflow and reduce exports as compared to current conditions, and analyze water conservation, efficiency, and additional demand reduction measures, as well as water recycling, groundwater and conjunctive use programs, urban stormwater capture and other tools to achieve the BDCP's water supply reliability goal;
- The baseline for analysis in the EIS/EIR must be based on the existing operational and legal constraints for the CVP and SWP;
- The EIS/EIR must analyze the BDCP's impacts, with particular focus on: (1) global climate change; (2) water quality, including salinity, toxic hot spots, pesticides, mercury, and other pollutants; (3) biological resources, including all species that may be impacted by the CVP and SWP, as well as upland habitats that may be affected; and (4) cumulative impacts; and the approved HCP/NCCP must minimize the Projects' environmental impacts to a less than significant level if feasible mitigation measures exist;
- The EIS/EIR must adequately analyze the effectiveness of proposed mitigation and conservation measures over the term of the BDCP;
- The EIS/EIR must analyze consistency with and potential impacts on the Delta Vision "vision" document and strategic plan;
- The EIS/EIR should consider broadening the Project Area and scope to include all parts of the CVP and SWP, including reservoirs upstream of the Delta, as well as other activities that impact covered species;
- The EIS/EIR should analyze the economic costs and benefits of water conservation and efficiency improvements to meet water supply needs, as well as identifying reasonable sources of funding to implement the BDCP; and
- The scoping and comment period for the EIS/EIR should be reopened upon completion of the BDCP conservation strategy and adoption of the Delta Vision Strategic Plan.

On the pages that follow, we address these issues in greater depth.

**I. The BDCP Must Utilize the NCCPA, Rather Than an Incidental Take Permit under CESA, to Ensure Long-Term Conservation.**

The BDCP must utilize the ecosystem approach of the NCCPA, rather than relying on an incidental take permit under CESA, to ensure that the plan will provide long-term conservation in the Delta. The March 17, 2008 Notice of Preparation for the BDCP EIS/EIR ("NOP") reflects uncertainty as to whether a Natural Community Conservation Plan under the NCCPA, or an incidental take permit under CESA, will be utilized to comply with State law requirements. The NCCPA was designed for multi-species conservation planning, with an emphasis on habitat protection and restoration, as well as adaptive management, to meet the Act's goals. As discussed further below in part IV(C) of this letter, restoration of species and habitats is a key goal of the NCCPA, Fish & Game Code § 2801(i), and the Act requires that implementation of the approved plan will help bring about the recovery of listed species and prevent additional



listings. *See* Cal. Fish & Game Code § 2805 (definition of “conserve”). Therefore, we strongly urge that the BDCP utilize the NCCPA because it will provide a more holistic and ecosystem-based approach to conserving and managing the Delta than a species-centric approach under CESA.

**II. The BDCP Must Include Clear, Measureable Conservation Goals and Objectives, Monitor Progress towards those Goals, and Adapt Management to Meet these Goals.**

The BDCP Points of Agreement and the NOP both emphasize the use of adaptive management to meet the BDCP’s goals. We support the use of adaptive management in the BDCP, and we note that both the NCCPA and ESA require the use of adaptive management in an HCP/NCCP. Cal. Fish & Game Code § 2820(a)(2), (8), (b)(5), (f)(1)(G); *see* U.S. Fish and Wildlife Service, Habitat Conservation Plan Handbook (1996 and 2000 Addendum) (“HCP Handbook”) at 3-24. The BDCP should include a robust adaptive management program, as well as effective monitoring to determine whether program goals are being achieved and how to adapt management to better achieve those goals. The BDCP must include an effective monitoring program, *see* Fish and Game Code § 2820(a)(7); 50 C.F.R. § 17.22(b)(1)(iii)(B), (b)(3), and the EIS/EIR should include some analysis of monitoring programs, including the levels of anticipated take of covered species required for effective monitoring.

However, in order for adaptive management to be effective, the HCP/NCCP must have clear, measurable biological goals and objectives. The BDCP’s goals must be consistent with the co-equal goals of ecosystem health and water supplies established by the Delta Vision Blue Ribbon Task Force, but they must be far more specific than the general goals established in the NOP. The BDCP Points of Agreement recognizes that biological goals and objectives for each covered species should be adopted as part of the BDCP, but those goals have not yet been developed.

The BDCP should use measureable goals and objectives with respect to species and habitats, including all species covered by the plan and numerous species and habitat types affected by the plan, to ensure that the BDCP is achieving its conservation purpose. In particular, given the Delta species and habitat information available to the agencies, we believe that many species and habitat goals can be quantified, providing the best possible method of measurability. The Bay Institute, EDF, NRDC, Defenders of Wildlife, and Sierra Club California recently submitted joint comments to the Delta Vision Blue Ribbon Task Force which include ecosystem goals and targets that should be analyzed as potential goals for the BDCP. A copy of those comments are attached as Exhibit B and incorporated by this reference. Likewise, the ecosystem goals and objectives being developed by the CalFed Ecosystem Restoration Program and the Delta Vision Ecosystem Working Group may provide useful models in this regard. Lastly, the BDCP’s biological goals and objectives should be consistent with the numeric recovery plan goals for salmon, smelt and other listed species that have been or are being prepared by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

### **III. The BDCP Should Include Operational Criteria and Other Adaptive Management Measures to Respond to a Broad Range of Foreseeable Circumstances.**

As noted above, we are encouraged that the BDCP will include adaptive management as part of the actions covered under the HCP. NOP at 5-6. As both the ESA and NCCPA recognize, adaptive management is a necessary element of an ecologically sustainable HCP/NCCP. Fish & Game Code § 2820(a)(2), (8), (b)(5), (f)(1)(G); HCP Handbook at 3-24; see 50 C.F.R. § 17.22(b)(2)(C), (b)(5). This is particularly true in the Delta, where water supplies and river flows vary on daily, seasonal, annual, and decadal timelines, where global climate change will change the Delta over time, and where ocean conditions and other causes outside the control of the BDCP can significantly affect covered species. As the CALFED science program has found, because of the inherent variability in the Delta ecosystem, "any management plan for the Delta must retain or restore flexibility and variability if key species, processes, and services are to be maintained." CALFED Science Program, *The State of Bay-Delta Science 2008, Summary for Policymakers and the Public* (2008) at 8. For instance, with respect to salmon, when ocean conditions are unfavorable, it is even more critical that we conserve the existing population by managing the CVP and SWP to maximize protection of salmon.

The NCCPA requires that the level of assurances provided by a NCCP be "commensurate with long-term conservation assurances and associated implementation measures pursuant to the approved plan." Fish & Game Code § 2820(f). A critical component in determining the level of assurances is "[t]he degree to which a thorough range of foreseeable circumstances are considered and provided for under the adaptive management program." *Id.* § 2820(f)(1)(8); see also 50 C.F.R. §§ 17.22(b)(5), 222.307(g) (regulatory assurances with respect to changed and unforeseen circumstances under the ESA). In addition, we note that California law requires suspension or revocation of the NCCP if take of the species under the plan will jeopardize the continued existence of the species. See Fish & Game Code § 2823. Thus all parties have an incentive in ensuring that the HCP/NCCP achieves its goals and avoids jeopardy to any listed species.

Therefore, we recommend that the EIS/EIR analyze operational criteria to respond to a range of water years and other foreseeable circumstances that will affect covered species, including: (1) poor ocean conditions that affect ocean-going covered species including salmon; (2) continuing toxic pollutants in the Delta, which affect numerous covered species; (3) increased levels of take from non-covered activities; (4) failure of one or more levees in the Delta; (5) changes to hatchery policies; (6) increased upstream diversions (7) further declines in the populations of listed species, (8) impacts from ongoing development in the Delta, and (9) the arrival or spread of invasive species. The operational criteria must alter the timing and/or amount of water exports through the CVP and SWP as necessary to protect covered species and the Delta ecosystem due to such foreseeable circumstances.

Defining operational criteria to respond to different water years and other foreseeable circumstances may be among the most important and difficult parts of the BDCP process. The criteria must be flexible enough to respond to such changed conditions, but also provide sufficient assurances that they will be implemented in a way that protects the Delta ecosystem. And there must be clear criteria for triggering and guiding the adaptive operating criteria.

As such, the flexibility required for the BDCP to succeed precludes any inflexible guarantees or complete regulatory assurances regarding water supplies and exports. As a matter of policy, California should not provide regulatory assurances for reliable water supplies that fail to contribute to the recovery of these species and of the entire ecosystem. Instead, the BDCP must retain sufficient flexibility to respond to changed conditions and continue to conserve and restore listed species and the health of the Delta ecosystem.

#### **IV. Compliance with the Legal Requirements for an HCP/NCCP under the ESA, CESA, and NCCPA**

The ESA, CESA, and NCCPA impose several legal requirements for the adoption of an HCP/NCCP. Four of these requirements are of particular importance here.

##### **A. The HCP/NCCP Must Minimize and Fully Mitigate Take of Covered Species**

First, under the ESA the HCP must minimize the take of covered species to the "maximum extent practicable." 16 U.S.C. § 1539(a)(2)(B)(ii). However, State law provides more protection to species listed under CESA. Under CESA, the take must be "minimized and fully mitigated," and under both CESA and the NCCPA, the measures required to minimize take must be roughly proportional to the amount of take. Fish & Game Code §§ 2081(b)(2), 2820(b)(3)(b), (b)(9). There is no question that the CVP and SWP are significant sources of mortality for most of the fish species proposed to be covered by the BDCP HCP/NCCP. *See, e.g., NRDC v. Kempthorne*, 506 F.Supp.2d 322 (E.D. Cal., 2007). Significantly reducing the Projects' take of these species below existing levels is critical to the survival and recovery of these species. Changes to the operations of the water projects that significantly reduce take of these species over the term of the permit must be implemented as part of the final approved HCP/NCCP.

##### **B. The HCP/NCCP Must Provide Guaranteed Funding for Implementation Over the Life of the Permit.**

Second, the HCP/NCCP must provide guaranteed funding for its implementation over the life of the permits. 16 U.S.C. § 1539(a)(2)(B)(iii); *National Wildlife Federation v. Babbitt*, 128 F.Supp.2d 1274 (E.D. Cal. 2000); Fish & Game Code § 2820(a)(10), (b)(3)(A), (b)(8); *id.* § 2081(b)(4). Reliance on general governmental revenues is not adequate, nor is it consistent with the "beneficiary pays" principle of the CALFED Record of Decision. Rather, in exchange for the regulatory assurances that the HCP/NCCP provides, the beneficiaries of the permit should fund the majority of the implementation of the plan. Elements of the program, such as conveyance facility, which are designed solely to provide water supply benefits and mitigation for water project operations, should be paid for entirely by water users. To the extent that market mechanisms similar to the Environmental Water Account are relied on as conservation measures in the BDCP, the plan must likewise identify and ensure adequate funding to implement such market mechanisms. The NCCP/HCP must identify the user fees or other funding mechanisms that will provide the funding required over the life of the permit.

**C. The HCP/NCCP Must Ensure that the Projects do not Jeopardize the Existence or the Recovery of the Covered Species.**

Third, the HCP/NCCP must not jeopardize either the survival or recovery of listed species. See 16 U.S.C. § 1539(a)(2)(B)(iv); Fish and Game Code §§ 2081(c), 2801(i), 2805, 2823; *NWF v. NMFS*, 481 F.3d 1224, 1235-36 (9th Cir. 2005), as modified, -- F.3d --, 2008 WL 1821470 (April 24, 2008) (jeopardy analysis must consider the effects of the proposed action “within the context of other human activities that impact the listed species,” and “where existing conditions already jeopardize a species, an agency may not take action that deepens the jeopardy by causing additional harm.”). Therefore, to be consistent with the ESA and CESA, the activities authorized under the HCP/NCCP cannot jeopardize the recovery of any listed species, and they should be consistent with the recovery plans for listed species, including the recovery plan for Chinook salmon that is currently being developed.<sup>1</sup> See *NWF v. NMFS*, 481 F.3d at 1236-38, as modified, -- F.3d --, 2008 WL 1821470 (April 24, 2008) (requiring determination that the project will not jeopardize recovery of the species in the section 7 consultation process).

Furthermore, in order to comply with the NCCPA, the approved plan must not only avoid jeopardy to the survival of the species, see Fish and Game Code § 2823, but it must also promote the recovery of covered species, and prevent the listing of other species. *Id.* §§ 2801(i), 2805 (definition of “conserve”). Therefore, in order to comply with both the ESA and the NCCPA, the approved HCP/NCCP must promote the recovery of these covered species.

Merely sustaining the existence of these species is insufficient as a matter of law under the ESA and the NCCPA, and it is fundamentally wrong from a public policy perspective. California must require the CVP and SWP to do their part to recover salmon, Delta smelt, and the other species that have been adversely affected by the State and federal water projects for so many years.

**D. The Operations Authorized in the HCP/NCCP Must Comply with Other Legal Requirements Applicable to the SWP/CVP.**

Finally, the actions authorized under the HCP/NCCP must be incidental to “the carrying out of an otherwise lawful activity.” 16 U.S.C. § 1539(a)(1)(B); Fish and Game Code § 2081(b)(1); Cal. Code Regs., tit. 14, § 783.4(a)(1). Although this statutory language does not require the federal government to ensure that the Projects comply with existing law under the ESA, *Center for Biological Diversity v. U.S. Fish & Wildlife Service*, 450 F.3d 930, 941-943 (9th Cir. 2006), compliance with the incidental take statement “does not immunize its holder for violations of any other law, be it state or federal,” *id.* at 942.<sup>2</sup> If the activities authorized by the HCP/NCCP are inconsistent with the existing statutory framework applicable to the CVP and SWP, the

<sup>1</sup> See also 40 C.F.R. § 1502.16(c); CEQA Guidelines § 15125(d),(e) (requiring analysis of whether the project complies with existing plans).

<sup>2</sup> In addition, the Ninth Circuit’s analysis suggests that under CESA, the State must determine that the operations of the CVP and SWP are consistent with existing law. *Id.* at 941-43; compare Cal. Code Regs., tit. 14, § 783.4(a)(1) (requiring the DFG Director to determine that the taking is “incidental to an otherwise lawful activity”) with 16 U.S.C. § 1539(a)(2)(B)(1) (requiring the Secretary to determine that “the taking will be incidental”).

regulatory benefits of the BDCP will be illusive because the Projects' operations will violate existing law.

Operation of the CVP and SWP must be consistent with numerous environmental laws, including, but not limited to: the Central Valley Project Improvement Act (106 Stat. 4600 §§ 3401-3412 ("CVPIA")); Fish and Game Code sections 5901, 5930-31, 5937, and 6901-3; the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*, Porter-Cologne Water Quality Control Act, Cal. Water Code §§ 13000 *et seq.*, Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (2006), and Decision 1641; the public trust doctrine; and article 10, section 2 of the California Constitution (the reasonable use doctrine). In particular, State and federal law require the CVP and SWP to be managed to comply with the goal of doubling natural salmon populations. CVPIA § 3406(b)(1); Cal. Fish and Game Code § 6902. Recent language from DWR suggests that the BDCP process may seek to revise some existing legal requirements, particularly with respect to water quality.<sup>3</sup> We strongly recommend that the EIS/EIR specifically analyze whether and to what extent the alternatives analyzed in the environmental review are consistent with these existing requirements, in particular the statutory policy of doubling anadromous fish populations under the CVPIA and State law, and that the final BDCP include tools and flexibility to be consistent with all of these existing legal requirements, including the goal of doubling anadromous fish populations.

**V. The EIS/EIR Must Analyze Increased Outflow / Reduced Export Alternatives Among the Reasonable Range of Alternatives, and Analyze Water Conservation, Efficiency, and Demand Reduction Measures, as well as Water Recycling and Conjunctive Use Programs, as Alternatives to Achieve (in part) the BDCP's Water Supply Reliability Goal.**

CEQA and NEPA both require that a reasonable range of alternatives to the proposed project be considered in the environmental review process, including a no project alternative. Cal. Pub. Res. Code §§ 21002, 21061, 21100; tit. 14, Cal. Code Regs. ("CEQA Guidelines") § 15126.6; 42 U.S.C. § 4332; 40 C.F.R. §§ 1502.14, 1508.25(b). The EIS/EIR should analyze the conveyance alternatives identified in the Notice of Preparation ("NOP"), however, alternative export regimes must also be analyzed.

In particular, the NOP identifies four alternative Delta conveyance strategies to be considered in the environmental review process, per the Governor's direction. *See* NOP at 3. However, in order to meet CEQA's requirements and to adequately inform decision-making, in addition to these alternative conveyance systems, the EIS/EIR must consider a reasonable range of outflow and export levels from the Delta, including several alternatives that increase the level of freshwater outflow and reduce the amount of water diverted and exported from the Delta, as compared with current conditions. *See Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 566 (1990) (EIR must consider a reasonable range of alternatives that offer substantial environmental benefits and may feasibly be accomplished).<sup>4</sup>

<sup>3</sup> *See* note 2, *supra*, at 22, 34.

<sup>4</sup> The Supreme Court's pending decision on review of the case of *In Re Bay Delta Programmatic EIR*, 133 Cal.App.4th 154 (2005), will provide additional guidance on this question. However, even assuming, *arguendo*, that

Increasing outflow and reducing exports from the Delta is likely to have significant environmental benefits, as increased exports over the past several years have coincided with significant declines in many fish species in the Delta, including Delta smelt, Sacramento Splittail, fall run Chinook salmon, and the Pelagic Organism Decline ("POD"). Court-ordered reductions in exports to protect Delta smelt, as well as scientific evidence relating to POD, demonstrate that increased outflow and reduced diversions likely are necessary to protect the Delta ecosystem and covered species.

Increased outflow and reduced exports likely are necessary to meet the ESA/CESA requirements of reducing take to the maximum extent practicable, as demonstrated by Judge Wanger's order to protect Delta smelt from jeopardy in *NRDC v. Kempthorne*, 506 F.Supp.2d 322 (E.D. Cal., 2007). Increasing freshwater outflow by reducing water diversions is also likely to be required to recover longfin smelt, which is a candidate for listing under State and federal law. In addition, to the extent that the Project causes potentially significant environmental impacts, including impacts on unlisted species or water quality impacts, increased outflow may be necessary to minimize and mitigate those impacts to a less than significant level, as required by CEQA. Finally, increased outflow resulting from reduced diversions and exports may also be necessary to comply with other legal requirements applicable to the operation of the CVP and SWP, including the Central Valley Project Improvement Act and section 6902 of the Fish and Game Code.

Moreover, increased outflow alternatives not only are consistent with the goals of the program as stated in the NOP, but they may be necessary to achieve these goals. The NOP establishes several goals of the program, including: the conservation and management of covered species; preserving, restoring, and enhancing natural habitats and ecosystems that support covered species; and restoring and protecting water supply, water quality, and ecosystem health. See NOP at 7. The Delta Vision Blue Ribbon Task Force's document, "Our Vision for the California Delta" released in December, 2007 also found that reduced diversions may be necessary to achieve the co-equal goals of ecosystem health and water supply.

With respect to increased outflow / reduced export alternatives analyzed in the EIS/EIR, demand reduction, water conservation, and water efficiency measures can be used to meet the water supply reliability goal of the BDCP. Likewise, water recycling, conjunctive use, urban stormwater capture, improved groundwater management, desalination, water transfers and similar programs can also provide additional water supply reliability. In addition, the BDCP should analyze land retirement, including land retirement on the west side of the San Joaquin Valley, as one measure to help achieve increased freshwater outflow and reduced exports/diversions. While land retirement must be carefully designed to avoid impacts to third parties, in the past Westlands Water District has advocated a land retirement program of up to 200,000 acres. Properly designed, land retirement can yield significant conservation benefits by making more water available for fish and wildlife. As more fully discussed in our March 24,

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such a range of alternatives is not required as a matter of law by CEQA, such a range of alternatives is critical from a public policy perspective, and as noted above, may be necessary to meet other legal requirements applicable to the CVP and SWP.

2008 letter, the EIS/EIR should include an analysis of such measures to achieve the BDCP goal of water supply reliability. Delta diversions and exports should not be the only method of achieving water supply reliability analyzed in the BDCP.

The document should also analyze the water supply reliability benefits of reduced diversions. Such reductions could reduce ongoing conflicts, unexpected pumping curtailments and judicial involvement. Reduced pumping alternatives with a "buffer" to protect the ecosystem could prevent additional listings and recover listed species more rapidly. All of these factors suggest that a lower level of average diversions could be more reliable than a higher level. In fact, experience in the past several years demonstrates this. Unsustainably high levels of diversions led a federal judge to order significant pumping reductions. In short, recent record levels of pumping have proven to be unreliable. The document must clearly distinguish between increased average diversions and increased reliability. The two terms are not identical.

Therefore, we strongly encourage the EIS/EIR to analyze a range of alternative outflow and export levels, which includes several alternatives that increase outflow and reduce exports compared to existing levels, and analyze alternative measures to achieve water supply reliability. In addition, as stated in the NOP, the environmental document should analyze a range of operational alternatives to meet the Projects' goals. NOP at 2 ("The EIR/EIS will also analyze the impacts of alternative water operations and management actions to achieve conservation and water supply reliability goals.").

**VI. The Proper Environmental Baseline Is Existing Operations, Not the Maximum Exports that the System is Operationally Capable of or Permitted For.**

Both NEPA and CEQA require that the Project be analyzed against the existing environmental conditions (the "environmental baseline"), so that the Project's impacts can be meaningfully analyzed. 40 C.F.R. § 1502.15; CEQA Guidelines § 15125(a); *see County of Amador v. El Dorado County Water Agency*, 76 Cal.App.4th 931, 952 (1999). In order to meet CEQA and NEPA's informational goals, the environmental baseline must be based on actual conditions on the ground, rather than the maximum exports that the CVP and SWP are operationally capable of or the full extent of the Projects' paper water rights. Likewise, the ESA requires that the baseline for the section 7 jeopardy analysis include the effects of existing human activities, even if those activities are outside of the scope of the federal action currently contemplated. *NWF v. NMFS*, 481 F.3d at 1236-38, as modified, -- F.3d --, 2008 WL 1821470 (April 24, 2008) (rejecting use of hypothetical reference case that ignored impacts from related, nondiscretionary activities).

The requirement of using a realistic baseline takes on additional significance because of our concern that DWR's recent analysis of the potential benefits of a dual conveyance model rely on an inflated, hypothetical "reference case," rather than actual export levels.<sup>5</sup> Using an unrealistic baseline significantly skews the environmental analysis, and it likely will understate the actual environmental impacts of the Project and overstate its benefits.

<sup>5</sup> DWR, "An Initial Assessment of Dual Delta Water Conveyance," April 2008, available online at [http://deltavision.ca.gov/BlueRibbonTaskForce/April2008/Handouts/Item\\_5d\\_Report.pdf](http://deltavision.ca.gov/BlueRibbonTaskForce/April2008/Handouts/Item_5d_Report.pdf).

Therefore, the environmental baseline analyzed in the EIS/EIR must be based on current levels of exports and withdrawals, including the restrictions to protect Delta smelt pursuant to the court's order in *NRDC v. Kempthorne*, 506 F.Supp.2d 322 (E.D. Cal., 2007), limitations to comply with D-1641, and other current legal and operational constraints on the system. The impacts of the Project must be measured against this baseline, and those impacts must be minimized to a less than significant level if feasible mitigation measures exist.

## **VII. Potentially Significant Impacts to be Analyzed in the EIS/EIR**

The NOP identifies a list of potential issues to be analyzed in the EIS/EIR. NOP at 9. We offer the following recommendations for the analysis.

### **A. The EIR/EIS Must Analyze the Effects of Global Climate Change on the CVP/SWP, Minimize the Projects' Environmental Impacts in Light of Global Climate Change, and Minimize the Projects' Contributions to Global Climate Change**

As the NOP recognizes (NOP at 9), and as DWR and other stakeholders are aware, global climate change is likely to substantially affect the operation of the State and federal water projects. In terms of water supply, global climate change is likely to significantly alter the timing, amount, and form of precipitation. It is anticipated that due to global climate change, significantly less snowfall will occur, particularly in the Sierra Nevada range, and that precipitation will come in the form of more frequent, more intense storms. In addition, it is likely that earlier snowmelt and increased spring runoff will occur; indeed, the date when 50% of annual runoff has occurred is one to four weeks earlier than it was 50 years ago. The percentage of total flows on the Sacramento River that occur between April to July flows declined by nearly ten percent over the last century, and it is likely that global climate change will continue this trend, resulting in substantially reduced summer runoff and flows in the Delta.

At the same time, global climate change will continue the existing trend of sea levels rise, which threatens to inundate many low lying lands in the Delta, and it likely will increase risks of flooding in the Delta. These effects have significant implications for operation of the CVP and SWP, which rely on melting snowpack for a substantial amount of the water supply that the Projects export.

In addition to effects on water supply and flood control, global climate change will affect Delta ecosystems. Changes to the timing, magnitude and form of precipitation will affect ecosystems directly, as well as likely resulting in increased water temperatures, adversely affecting cold water species like salmon. Temperature control devices, like those installed at Shasta, may be needed in other dams to protect covered species and minimize the Projects' take of these species. Increased carry-over storage to provide larger cold water pools may also be required to provide adequate protection for salmonids.

DWR's analysis of climate change indicates that climate change is likely to increase water evaporation and could reduce total stream flows, and may make it difficult for the CVP and SWP to meet existing demands for water. *See DWR, Progress on Incorporating Climate Change into*



*Management of California's Water Resources* (July 2006) at 2-6, 2-56, 4-14 to 4-17. Given the 50 year permit term under consideration in the BDCP, the EIS/EIR must anticipate reductions in the amount of stream flow available for export and delivery.

The operation of the State and federal water projects must adapt to the changes that global climate change will bring. In order to ensure that the Projects' impacts are minimized and mitigated, and that take of covered species is minimized and fully mitigated, the EIS/EIR must analyze how the Projects will adapt to climate change and minimize the Projects' impacts on the environment in light of these expected changes.

At the same time, CEQA requires that the Projects minimize their greenhouse gas emissions and contributions to global climate change. The water projects require significant amounts of energy to export water to destinations outside of the Delta; on average, pumping one acre-foot of SWP water to Southern California requires 3,000 kWh, and the SWP as a whole consumes an average of approximately 5 billion kWh/yr, accounting for 2 to 3 percent of all electricity used in California. Reducing exports from the Delta may significantly reduce the amount of energy used by the CVP and SWP, and thereby reduce the Projects' greenhouse gas emissions. The BDCP should analyze other actions that can be included in the BDCP to reduce greenhouse gas emissions and/or sequester carbon, such as the planting of tules and wetlands restoration.

**B. The EIS/EIR Must Analyze and Minimize the Full Range of Water Quality Impacts**

The analysis of the Projects' water quality impacts in the EIS/EIR must consider the full range of pollutants in the Delta, including pesticide pollution, toxic hot spots, salinity, mercury, and algal blooms. Any reduction in fresh water inflow to the Delta and/or outflow from the Delta may exacerbate existing water quality problems, resulting in a significant impact to the environment under CEQA/NEPA. In particular, salinity may not be used as a surrogate for an analysis of all water quality impacts. For example, changes in inflow patterns could change Delta residence time, lead to dissolved oxygen problems, and change the ratio of Sacramento River inflow to San Joaquin River inflow. These water quality impacts are unlikely to be adequately analyzed by a narrow focus on salinity. While many pollution problems are not caused by the Projects, the operation of the Projects undoubtedly plays a role in the magnitude, duration, and location of these water quality impacts. In addition, these water quality impacts may have cascading effects; for instance, it has been hypothesized that altered salinity levels resulting from Delta exports has increased the habitat suitability for invasive species, such as the Asian clam, that harm covered species like Delta smelt. The EIS/EIR must analyze the Projects' effects on water quality, including indirect effects to covered species and other wildlife, and those effects must be mitigated to a less than significant level.

**C. The EIS/EIR Must Analyze and Minimize Impacts to Biological Resources and Habitats, Including Upland Habitats**

CEQA and NEPA require that the EIS/EIR's analysis of the impacts to biological resources include the full range of plant and animal species and habitats that depend on the Delta ecosystem and may be affected by the covered activities in the BDCP. Impacts to these

biological resources must be minimized and mitigated to a less than significant level. Under CEQA, a project results in a mandatory finding of a significant impact if it would "substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species." CEQA Guidelines § 15065. Such impacts must be minimized to a less than significant level if feasible mitigation measures can be implemented. Pub. Res. Code §§ 21002, 21002.1(b), 21081; CEQA Guidelines §§ 15021, 15091-93.

The EIS/EIR therefore must analyze the impacts of the Project on listed and covered species, as well as the full range of plants, birds, fish, and wildlife that live in the Delta and are affected by the CVP and SWP. This includes upland habitats and species, including grasslands and wetlands in the South Delta, Suisun Bay, and state and federal protected areas, including wildlife refuges such as the San Luis National Wildlife Refuge. The EIS/EIR should also analyze the BDCP's consistency with existing HCPs in the Delta, as well as HCPs that are in development now.

We also note that the inclusion of fall-run Chinook salmon on the list of covered species (NOP at 6) raises significant concerns. Although not currently listed under either the ESA or CESA, the fall run's population has declined precipitously in recent years, in part due to the operation of the SWP and CVP. For the first time in the State's history, the commercial and recreational fisheries for salmon were closed this year, and current data suggests that this closure may be extended to at least 2009. Inclusion of this species provides an unwelcome suggestion that DWR and the Bureau of Reclamation will manage the water projects in a manner that fails to prevent the listing of the species during the life of the permits. The analysis in the EIR/EIS must focus particular attention on this issue, and the HCP/NCCP must be designed so as to avoid the need for listing fall-run Chinook under CESA or the ESA. Fish and Game Code § 2805 (definition of "conserve"); *see* CEQA Guidelines § 15065(a)(1). But that is far from sufficient; a goal of the BDCP must be to maintain healthy sport and commercial fisheries, and the BDCP must include conservation measures to conserve, restore and sustain the fall-run Chinook population.

In particular, the analysis of potential impacts to salmonids and natural resources upstream of the Delta should include, but not be limited to, the following potential impacts: entrainment in any new conveyance facility; entrainment or interrupted downstream migration as a result of continued Delta pumping; increased predation; degraded water quality; reduced carry-over storage (particularly in light of the potential for deeper and longer droughts as a result of climate change); reduced cold-water pools, increased in-stream temperatures; and changes in river flows upstream of the Delta.

Finally, the EIS/EIR must analyze impacts to the entire Bay-Delta ecosystem as a whole. For example, a species-by-species approach is likely to fail to address fundamental issues related to ecosystem function.

#### **D. The EIS/EIR Must Analyze and Minimize Cumulative Impacts**

Finally, the EIS/EIR must analyze and minimize the cumulative impacts of the covered activities in conjunction with other reasonably foreseeable projects and activities, including urban and

agricultural runoff, in-Delta diversions, upstream diversions, continued and reasonably foreseeable increases in these diversions, and implementation of the San Joaquin River settlement. Even if the BDCP is limited to the covered activities specified in the NOP, and other impacts to the Delta ecosystem are not included, CEQA and NEPA require that the cumulative impacts of these other stressors be analyzed in conjunction with the impacts of the SWP/CVP. It is critical – and CEQA requires – that the cumulative impacts of the BDCP and other foreseeable projects on fish, wildlife and habitats be minimized to a less than significant level.

#### **VIII. Effectiveness of the BDCP's Conservation and Mitigation Measures**

Given the proposed fifty year term of the BDCP, ensuring that the conservation strategies and mitigation measures are likely to be effective is critical to the success or failure of the BDCP. As discussed above, the EIS/EIR must include a detailed analysis of impacts to all fish, wildlife, and habitats that could be affected by the BDCP. In order to do so, the EIS/EIR must analyze the effectiveness of the proposed conservation and mitigation measures in the BDCP.

In particular, to the extent that flexible operations and/or market mechanisms are relied upon in the plan, the document must include a thorough analysis of the performance of the Environmental Water Account (“EWA”). The EWA failed due to a wide range of problems, including: weakening of the regulatory baseline; the failure of operational flexibility to provide anticipated supplies; inadequate funding; the failure to trigger Tier 3 resources when needed; increases in the price of water on the market; a failure to fully implement the recommendations of the scientific community and regulatory agencies; the failure to analyze emerging problems and “adaptively manage” the EWA, and more. See Environmental Defense Fund, “Finding the Water,” (2005), available online at [http://www.edf.org/documents/4898\\_FindingWater.pdf](http://www.edf.org/documents/4898_FindingWater.pdf); Letter from K. Poole and B. Nelson to S. Cervantes dated December 10, 2007, attached hereto as Exhibit C and incorporated by this reference. To the extent that the BDCP relies on similar conservation measures, the EIS/EIR must analyze the EWA and the likelihood that the BDCP could suffer from similar problems.

#### **IX. Consistency with the Delta Vision “Vision” and Strategic Plan**

The EIR/EIS should analyze consistency with and potential impacts on the Delta Vision “vision” and strategic plan. The Delta Vision process is addressing some of the same issues as the BDCP. However, the Delta Vision process is broader in scope. It is not yet clear to what extent the BDCP and Delta Vision will have identical or complementary ecosystem restoration goals and strategies. Given the scope of the BDCP and the 50 year proposed term of permits, the BDCP could have a significant impact on the ability of the state of California to implement the Delta Vision strategic plan. The BDCP and Delta Vision may or may not reach the same conclusion regarding conveyance. The BDCP's proposals could have indirect effects on Delta resources within the scope of the Delta Vision process. We will mention here only two possible impacts. First, if the Delta Vision Strategic Plan recommends reductions in water diversions, the achievement of that goal could be affected if the BDCP provides assurances regarding an operational scenario for the water projects at a higher rate of diversion. In addition, Delta Vision recommends governance reform to allow more balanced operation of the projects, the assurances in the BDCP could interfere with the implementation of this recommendation.

**X. Scope of the BDCP**

**A. Scope of the BDCP and Project Area**

We strongly encourage the BDCP to consider expanding the geographic scope of the BDCP. The NOP identifies the Project Area as limited to the statutory Delta, NOP at 7, even though the NOP notes that other conservation actions required by the BDCP may take place outside of the Project Area, *id.*, and the BDCP includes the operation of the SWP and CVP within the covered activities, NOP at 5. In order to manage the CVP and SWP facilities in the Delta, however, changes to upstream CVP and SWP facilities may be required; for instance, maintaining water and/or salinity levels in the Delta is dependent upon releases from CVP and SWP dams and reservoirs, which are currently not included in the Project Area. The BDCP therefore should include these reservoirs within the scope of the BDCP and include an evaluation of upstream reservoir reoperation to achieve the water quality and quantity in the Delta necessary to achieve the BDCP's goals. We also note that if these upstream reservoirs are not included in the Project Area, it would appear that they must seek separate take authorization under State and federal law. Likewise, the BDCP may want to include Suisan Bay in the Project Area, as it is a key spawning area for Delta smelt and the site of proposed restoration activities under the BDCP.

A holistic approach to managing the Delta requires that these upstream and downstream facilities and habitats be included in the BDCP. Even if such facilities and habitats are not included in the EIS/EIR, impacts outside of the Project Area must be analyzed and mitigated to a less than significant level.

**B. Duration of BDCP Permits**

The BDCP has proposed a fifty-year permit term. In light of the changing nature of the Delta and scientific uncertainty over causes of species declines, we encourage the BDCP to consider shorter permit terms, such as 5-10 years, rather than a fifty-year permit. *See also* Fish and Game Code § 2820(f)(1)(D), (H) (extent of regulatory assurances depend on the duration of the permit). The EIS/EIR should consider including alternative permit durations among the range of reasonable alternatives.

**C. Other Activities to Potentially Include in the BDCP**

The BDCP Points of Agreement asserts that other conservation actions outside of the habitat restoration program should be developed to address other stressors on the Delta, such as exposure to contaminants and toxics, entrainment in non-CVP/SWP intake facilities, and invasive species. BDCP Points of Agreement (Nov. 16, 2007) at 3, 7. However, the NOP does not include these activities within the scope of the BDCP. *See* NOP at 5-6. These activities cause significant impacts on the Delta ecosystem and listed species, and excluding these activities from the BDCP compromises its ability to develop a sustainable "solution" for the Delta.

Therefore, we encourage the BDCP to work with parties involved with these activities in order to consider including these activities in the framework of the BDCP. Regardless of whether they

are included in the regulatory framework, NEPA and CEQA require that their impacts be included in the current regulatory baseline, and that the cumulative impacts of the BDCP and these activities be analyzed and mitigated to a less than significant level.

**D. Inclusion of Mirant Delta Power Plants in the BDCP HCP/NCCP**

We have some concerns about including the operations of the Mirant Delta power plants within the scope of this HCP/NCCP. While there are significant concerns with effect of the operation of these power plants on endangered species, notably Delta smelt, *see* Mike Taugher, *Mirant plants attract attention in delta crisis*, Contra Costa Times, March 15, 2006, there are also numerous other activities that cause potentially significant harm to Delta smelt and other covered species, as discussed above.

If the Mirant Delta power plants are included in the BDCP, particular attention should be paid to the following issues related to operation of the plants and their environmental effects:

- Analysis and minimization of the impacts of the entrainment of fish, effects of thermally heated discharges, and other impacts on covered species and other fish and wildlife species, including operational and structural changes such as:
  - Requiring more effective screening of the plants' cooling water intakes;
  - Changes to existing cooling water intakes and intake flow velocities;
  - Monitoring and reporting the plants' take of covered species;
  - Temporal and/or other restrictions on water withdrawals; and
  - Elimination of the existing once-through cooling systems for the plants, and replacement with dry cooling or recirculating cooling systems;
- Operational changes or other actions to reduce greenhouse gas emissions from plant operations; and,
- Establishing strict and enforceable numeric limits on the take of covered species.

As with operation of the SWP and CVP, the operations of the Mirant Delta power plants authorized by the HCP/NCCP must minimize take of covered species, minimize all environmental impacts to a less than significant level, and comply with existing legal requirements applicable to the plants.

**XI. The EIS/EIR Should Analyze the Economic Costs and Benefits of Water Conservation and Other Measures to Meet Water Supply Needs, as well as Identifying Reasonable Sources of Funding to Implement the BDCP.**

Although not required by CEQA, *see* CEQA Guidelines § 15064(e), an EIS under NEPA often includes an analysis of the economic impacts of the Project. *See also* 40 C.F.R. § 1502.23. In addition, as noted earlier, both the ESA and NCCPA require an identification of the guaranteed funding sources for implementation of the actions contemplated in the approved HCP. 16 U.S.C. § 1539(a)(2)(B)(iii); Cal. Fish and Game Code § 2820(a)(10), (b)(6), (8), (f)(1)(E).

More broadly, informed policy-making on the question of sustainably managing the Delta requires some analysis of the economic costs and benefits of each alternative, as well as an identification of funding sources that will implement the alternative plans being considered in the BDCP. While some environmental benefits are likely to be speculative and unquantifiable, and economic considerations cannot trump environmental considerations under NEPA and CEQA, economic considerations can be useful to inform decision-making.

In particular, numerous studies have demonstrated that water conservation and investments in water efficiency are far more cost effective than developing new storage facilities or otherwise expanding water supplies, including DWR's California Water Plan Update 2005. In light of the BDCP's water supply reliability goal, to the extent that the BDCP looks at how to meet the water supply needs of exporters in light of alternatives that reduce water exports over historic levels, the EIS/EIR should compare the cost effectiveness of water conservation and efficiency, and a full range of water supply alternatives with the construction, maintenance and operation of Delta conveyance facilities and other water supply components identified in the BDCP.


**XII. The Scoping and Comment Period for the EIS/EIR Should be Reopened Upon Completion of the BDCP Conservation Strategy and Adoption of the Delta Vision Strategic Plan.**

Consistent with our March 24, 2008 letter, and in order to improve informed public participation in the process, we respectfully request that the agencies re-open the scoping and comment process upon completion of the draft BDCP conservation strategy and Delta Vision Strategic Plan. Doing so will ensure that the conservation actions and alternatives that are developed through the BDCP conservation strategy are analyzed in the EIS/EIR, and it will better ensure that the BDCP is consistent with the Delta Vision Strategic Plan.

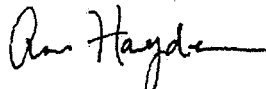
**XIII. Conclusion**

Thank you for consideration of our views. Please feel free to contact us at your convenience if you have any questions or concerns.

Sincerely,



Doug Obegi  
Natural Resources Defense Council



Ann Hayden  
Environmental Defense Fund



Kim Delfino  
Defenders of Wildlife



Gary Bobker  
The Bay Institute

*Joint Comments RE: Scoping for the BDCP EIS/EIR*

*May 30, 2008*

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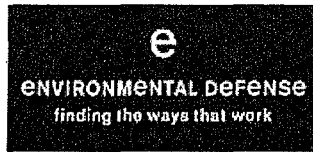
cc: Russell Strach, National Marine Fisheries Service  
Donald Koch, Department of Fish and Game  
Steve Thompson, U.S. Fish and Wildlife Service  
Donald Glaser, Bureau of Reclamation  
Karen Schwinn, Environmental Protection Agency

**Enclosures:**

**Exhibit A: Scoping Comments on BDCP EIS/EIR from NRDC, EDF and Defenders of Wildlife submitted to NMFS and USFWS dated March 24, 2008**

**Exhibit B: Key Elements of a Strategic Plan to Implement the Delta Vision (May 2008)**

**Exhibit C: NRDC Comments on the Draft Supplemental EIS/EIR for Extending the Environmental Water Account and OCAP Consultations (Dec. 10, 2007)**



March 24, 2008

**VIA EMAIL AND FIRST CLASS MAIL**

National Marine Fisheries Service  
Attn: Rosalie del Rosario  
650 Capitol Mall, Suite 8-300  
Sacramento, CA 95819

U.S. Fish and Wildlife Service  
Attn: Lori Rinek, Chief  
Conservation Planning and Recovery Division  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, W-2605  
Sacramento, CA 95825  
[BDCP-NEPA.SWR@noaa.gov](mailto:BDCP-NEPA.SWR@noaa.gov)

Re: Scoping Comments on the proposed EIS/EIR for the Bay-Delta Conservation Plan

Dear Mss. del Rosario and Rinek:

We are writing on behalf of the Natural Resources Defense Council ("NRDC"), Environmental Defense Fund ("EDF"), and Defenders of Wildlife ("Defenders") with regard to your agencies' request for input on the proposed Environmental Impact Statement/Environmental Impact Report ("EIS/EIR") for the Bay-Delta Conservation Plan ("BDCP"). See 73 Fed. Reg. 4178 (Jan. 24, 2008). Collectively, our organizations represent hundreds of thousands of members and activists in California. EDF and Defenders are participants in the BDCP planning process and members of the Steering Committee. NRDC has previously submitted comments on the BDCP process, but has not participated as a member. Despite our differing levels of participation, our organizations would like to raise the following issues regarding the scope of the proposed EIS/EIR, and urge your agencies to address these issues in order to develop a comprehensive and legally sufficient EIS/EIR.

**I. THE EIS/EIR MUST CLEARLY IDENTIFY AND SEGREGATE CONSERVATION ACTIONS FROM WATER SUPPLY RELIABILITY ACTIONS**

The BDCP has a number of laudable and potentially competing goals, which will need to be carefully considered in the development of the EIS/EIR. As described by the



California Department of Water Resources, the state lead agency for the EIS/EIR: “the BDCP is intended to secure authorizations that would allow the conservation of covered species, the restoration and protection of water supply reliability, protection of certain drinking water quality parameters, and the restoration of ecosystem health to proceed within a stable regulatory framework.” DWR, Notice of Preparation, BDCP EIS/EIR at 2 (March 17, 2008) (“DWR NOP”). It is clear that some proposed actions will be better at achieving some of these objectives, and worse at achieving others. The EIS/EIR must clearly identify and segregate actions that are proposed to achieve each of these objectives, and how each action affects the remaining objectives, to allow decisionmakers and the public to identify the optimal suite of actions for restoring the Bay-Delta.

With the BDCP’s stated co-equal goals of fish and wildlife conservation and water supply reliability, we urge the federal agencies to structure the EIS/EIR in a manner that does not subjugate the BDCP’s conservation goal to the water supply reliability goal. The NOP states DWR’s intention to “evaluate at least four alternative Delta conveyance strategies in coordination with the BDCP efforts to better protect at-risk fish species, within the context of broader habitat conservation principles...” DWR NOP at 3. In addition, the NOP states that “the collective goals of the PREs will provide the basis for the project objectives under CEQA and the purpose and need statement under NEPA.” *Id.* at 4. These statements could lead the public to believe that the focus of the analysis will be on water supply, with actions to achieve conservation goals being secondary considerations. As you know, an EIS/EIR designed to analyze and authorize new conveyance with fish, wildlife and habitat conservation actions tacked on secondarily will very likely fail to generate the level of necessary level of public support for a Delta plan, not to mention fail to meet all of the BDCP’s goals. Therefore, we urge the agencies to conduct the EIR/EIS analysis in a manner that makes it clear that the BDCP is designed to meet *both* the conservation and water supply reliability goals.

## **II. THE EIS/EIR MUST INCLUDE IN-DEPTH ANALYSIS OF THE IMPACTS OF REDUCED DELTA DIVERSIONS AND IMPROVED WATER CONSERVATION, RECYCLING AND GROUNDWATER MANAGEMENT**

Key actions to help meet water supply reliability and improve the Bay-Delta ecosystem in a cost-effective and environmentally sound manner include increased water conservation, recycling, and conjunctive use of groundwater and surface water. DWR’s most recent State Water Plan update indicates that these three tools combined could cost-effectively yield new water supply on a scale equivalent to recent exports from the Delta: approximately 6 million acre-feet. Broad application of low impact development, appropriate land retirement and transfers, agricultural conservation, water pricing reform, and other tools could generate significant additional supply. Clearly these readily available tools can help provide enough water to meet the state’s future needs while significantly reducing Delta diversions, with potential water supply reliability and ecosystem benefits. While the press release accompanying DWR’s NOP acknowledges that “[i]ncreasing water conservation is an essential element of fixing the Delta,” there is

no clear commitment to include these alternative water supply actions as a central component of the EIS/EIR. The EIS/EIR must include analysis of the impacts of this option.

As DWR explains, the water supply-related goal of the BDCP is "the restoration and protection of water supply reliability." DWR NOP at 2. Water supply reliability is a function of both supply and demand, and demand reduction measures can be just as effective at improving reliability as supply enhancement measures. Indeed, we believe that they can often be more effective in improving reliability. *See, e.g.*, DWR, Draft State Water Project Delivery Reliability Report 2007. Water users statewide, including those involved in the BDCP, have considerable untapped capacity to improve the efficiency of their water use, reduce their demand through improved groundwater management, water recycling, stormwater capture, and other methods. Realizing this untapped capacity would help reduce water demand, and subsequently reduce reliance on the Delta while improving water supply reliability. *See* NRDC, *Effective Solutions to Meet California's Water Supply Reliability Needs* (February 25, 2008), appended as Attachment 1; Testimony of Jeffrey Kightlinger, General Manager, Metropolitan Water District of Southern California before the House Committee on Natural Resources, Subcommittee on Water and Power (January 29, 2008), appended as Attachment 2; Testimony of Richard W. Atwater, General Manager, Inland Empire Utilities Agency before the House Committee on Natural Resources, Subcommittee on Water and Power (January 29, 2008), appended as Attachment 3. Indeed, Governor Schwarzenegger recently recognized the potential for this type of demand-side water management by releasing a new water plan that includes a 20 percent reduction in per capita water use statewide by 2020. *See* Letter from Governor Schwarzenegger to Senators Perata, Steinberg, and Machado (February 28, 2008), appended as Attachment 4.

The EIS/EIR should include an analysis of the impact of these demand reduction measures on water supply reliability and the other goals of the BDCP process.

### **III. THE GEOGRAPHIC SCOPE OF THE EIS/EIR SHOULD INCLUDE STATEWIDE ACTIONS AND IMPACTS**

The scoping notice states that the geographic scope of the BDCP is generally limited to the legal Delta. However, whatever the geographic scope of the BDCP itself, NEPA and CEQA require the consideration and analysis of connected actions. It is clear that water use beyond the scope of the legal Delta will affect conservation actions and water supply considerations that are within the scope of the BDCP's goals. For example, upstream water users who deprive the Bay-Delta system of inflow by diverting water upstream of the Delta or contributing polluted return flows clearly impact the downstream ecosystem and fisheries. The Delta Vision Task Force has highlighted the impacts of these upstream diversions. *See* Delta Vision Blue Ribbon Task Force, *Our Vision for the California Delta*, at 37 (November 30, 2007). These impacts and ways to address them should be included in the EIS/EIR.

#### **IV. THE EIS/R MUST ANALYZE A BDCP THAT IS DEVELOPED TO ACHIEVE RECOVERY OF THE BAY-DELTA ECOSYSTEM**

The EIS/EIR must clarify that the BDCP will not provide any assurances or take permits without a firm commitment to and demonstrable progress in achieving recovery of the Bay-Delta ecosystem. To date, many of the BDCP Steering Committee members have not fully committed that the BDCP will meet the recovery requirements of the California Natural Community Conservation Planning Act ("NCCPA"). However, the federal Endangered Species Act requires that any lawful BDCP must not only prevent the extinction, but must also bring about the recovery of threatened and endangered species. *TVA v. Hill*, 437 U.S. 153, 185 (1978). The Ninth Circuit Court of Appeals has recently rejected several plans for failing to satisfy this recovery directive of the ESA. *National Wildlife Federation v. Nat'l Marine Fisheries Serv.*, 481 F.3d 1224, 1237-38 (9th Cir. 2007); *Gifford Pinchot v. U.S. Fish & Wildlife Service*, 378 F.3d 1059, 1069 (9th Cir. 2004).

While the decision has not been made yet as to whether or not the BDCP will be a Natural Community Conservation Plan ("NCCP"), our organizations continue to work to ensure that the final plan does meet NCCP standards. As such, we urge the agencies to broaden the list of species considered for conservation to include terrestrial wildlife and plants. The various alternatives to be examined within the BDCP will all have enormous impacts on land-based birds and wildlife as well as plants. The goal of any NCCP is to develop a plan that is designed to conserve the "entire community" of species within a planning area. To date, the NOI and other BDCP documents have not yet begun to grapple with the conservation issues beyond the imperiled fish species. The time has come for the BDCP parties to expand the list of species to include terrestrial as well as aquatic species. Therefore, the EIR/EIS must analyze impacts and conservation actions for all fish, wildlife and plants within the planning area, with particular attention to declining, sensitive, threatened and endangered species.

Finally, in light of ESA and NCCP "conservation" requirements, the EIS/EIR should make clear that recovery is a fundamental and necessary goal of any acceptable alternative.

#### **V. THE EIS/R MUST INCLUDE A MEANINGFUL BASELINE FROM WHICH TO MEASURE IMPACTS**

As indicated above, the NOP states that the water supply-related goal of the BDCP is "the restoration and protection of water supply reliability." DWR NOP at 2. This statement includes significant ambiguity. Some parties are clearly seeking a "restoration" of deliveries to previous and unsustainable levels of exports. If this is the case, then BDCP could have the effect of increasing freshwater diversions, in comparison with current conditions. The EIR/EIS must include a meaningful regulatory baseline for current Delta operations, against which potential impacts would be measured. That baseline must include the existing protective measures required to protect delta smelt, pursuant to the

federal court's decision in *NRDC v. Kempthorne*. See Interim Remedial Order Following Summary Judgment and Evidentiary Hearing, *NRDC v. Kempthorne*, civ. no. 1:05-cv-1207 (Dec. 14, 2007). It must also include any requirements that may be imposed to protect crashing salmonid populations in the Sacramento and San Joaquin River systems in the companion case of *Pacific Coast Federation of Fishermen's Associations v. Gutierrez*, civ. no. 1:06-cv-0245. Clearly, court orders required to limit exports and diversions to protect imperiled fisheries provide evidence that the diversion levels of recent years are not sustainable and cannot serve as a reasonable baseline.

#### **VI. THE TIMELINE FOR THE BDCP DOCUMENT MUST REFLECT THE TIMELINE FOR THE CONSERVATION STRATEGY PROCESS**

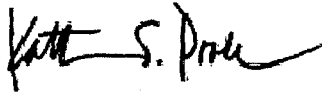
The timeline in the NOP indicates that the scoping process will be completed at the end of 2008. However, the timeline also indicates that the draft conservation strategy will not be completed for approximately another 6 months. It is inappropriate to close the scoping phase for the BDCP EIR/EIS in advance of the development of the draft plan that is the ostensible purpose of the process. Clearly, the process of developing a conservation strategy could lead to possible actions that may not be included in or anticipated by a scoping process that was completed half a year previously. This potential imbalance in the schedule could leave the public with the impression that water supply considerations, rather than conservation objectives, are driving the process. Therefore, we urge the lead agencies to adjust the scoping process as necessary to adequately incorporate the development of a conservation strategy. This adjustment would also likely provide adequate time for the BDCP to incorporate the final implementation recommendations of the Delta Vision process, which we believe would be of great benefit to the overall planning effort of both BDCP and Delta Vision.

In addition, it is possible that the schedule for the BDCP may need to be extended to adequately develop the conservation plan itself. Therefore, the lead agencies should make a provision to adjust the closure of the NEPA/CEQA scoping process in the event of any extensions in the BDCP timeline.

Thank you for considering our comments.

Comments of NRDC, EDF, and Defenders  
March 24, 2008  
Page 6 of 6

Sincerely,



Katherine Poole  
Senior Staff Attorney  
Natural Resources Defense Council



Kim Delfino  
California Program Director  
Defenders of Wildlife



Ann Hayden  
Senior Water Resource Analyst  
Environmental Defense Fund

# ATTACHMENT 1



## EFFECTIVE SOLUTIONS TO MEET CALIFORNIA'S WATER SUPPLY RELIABILITY NEEDS

The Bay-Delta Estuary is facing a crisis. Numerous species are listed as threatened or endangered, or proposed for listing. The Delta smelt is on the verge of extinction. The status quo is not sustainable for any of the Delta's users, including farmers, commercial and sport fishermen, Delta residents and the 23 million Californians who rely on the Delta for a portion of their water supply. Investments to improve water supply reliability must also improve conditions in the Delta. By directing state funds to alternative water supplies, Delta flood protection and restoring a healthy ecosystem, the State will help improve water supply reliability, meet the needs of a growing population and protect imperiled fish species.

There is a broad consensus regarding the most effective tools to meet California's future water supply needs. The 2005 California Water Plan update contains extensive, detailed estimates of the water supply potential of a range of proven water supply tools. The bar chart below presents many of those totals, ranging from low to high yield estimates. We believe that the more ambitious estimates are realistic, and that aggressive targets and ambitious programs are required to assure Californians a reliable water future. DWR estimates that the three tools with the greatest potential – urban water conservation, wastewater recycling and improved groundwater management – could, together, produce more than six million acre-feet of new water. This represents approximately as much water as the CVP and SWP have diverted from the Delta in recent years, and more than enough to reduce Delta diversions and meet future growth needs.

NRDC believes that total Delta diversions must be reduced from the unsustainable record levels in recent years. We are working with other members of the environmental community to develop a science-based target for that reduction, which we will provide to the Task Force in the near future. Urban water use efficiency and other tools discussed below can provide the State with near-term and cost-effective supplies to offset any impacts from a reduction in Delta supplies.

### Proven "Cornerstone" Water Supply Reliability Tools

**Urban Water Use Efficiency:** Currently, urban areas use over eight million acre-feet of water during a typical year. One-third or more of this water is used to irrigate urban landscapes. Urban water use efficiency could yield up to **3,500,000 acre-feet** of water per year according to the Pacific Institute's most recent projections. (This estimate is close to DWR's estimate of 3.1 million acre-foot high estimate of the potential of urban conservation at \$230-522 per acre-foot.) Significant reductions in water use can be achieved through design, installation and maintenance of water efficient landscapes, along with indoor conservation measures in the commercial, industrial and residential sectors. These savings can be realized by investing in current, off-the-shelf technologies, reducing lost and unaccounted for water through system water audits, and increasing implementation of conservation pricing. New water efficient technologies will undoubtedly continue to emerge and contribute additional savings in the future.

**Recycled Water:** Recycling urban wastewater (also known as reclamation or re-use) is an important strategy to increase water supply. Recycled water is most frequently used for agricultural or landscape irrigation or groundwater recharge. DWR estimates water recycling can generate up to **1,500,000 acre-feet a year** by 2030 at average cost of \$600 per acre-foot.

**Improved Groundwater Management:** The Department of Water Resources estimates that improved groundwater management, such as the conjunctive use of surface and underground storage, has the potential to provide between 500,000 and 2 million acre-feet at costs ranging from \$10-600. The average cost in a recent round of applications received by DWR for conjunctive use projects was \$110 per acre-foot. The appropriate target for conjunctive use will be determined in part by decisions on water management in the Delta, which will influence potential yield from groundwater storage. Such investments are likely to yield greater benefits south of the Delta, where projects may be less constrained by Delta operations and provide greater independence from the Delta. This effort could also be coordinated with floodplain and habitat restoration efforts in the Central Valley.

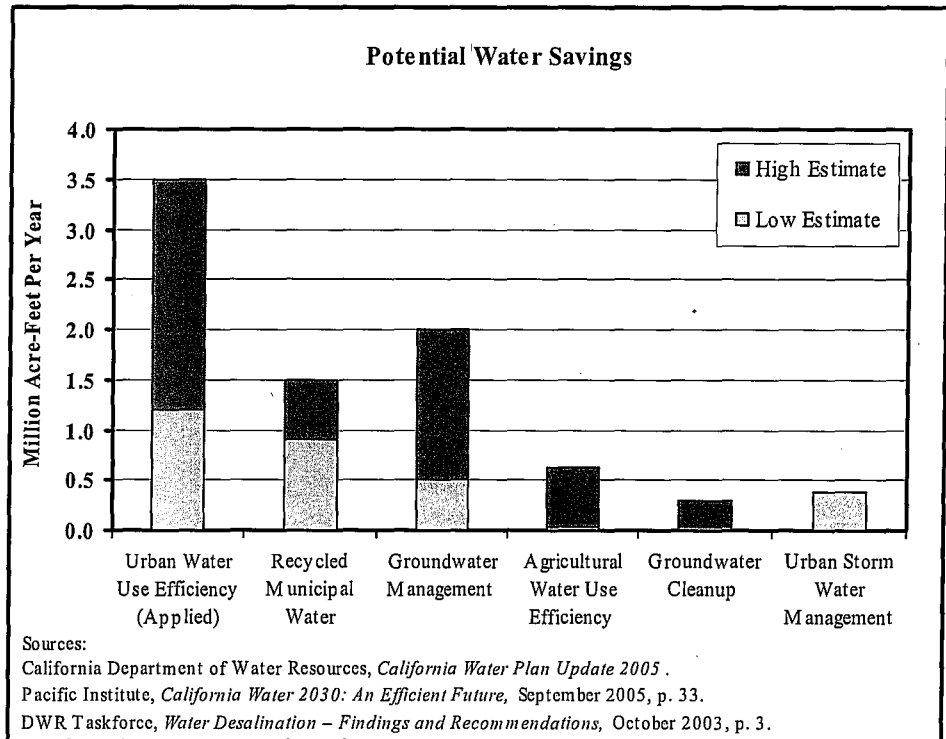
**Additional Effective Strategies**

In addition to the key tools discussed above, a number of additional water management tools can generate significant additional supplies.

**Agricultural Water Use Efficiency:** Eighty percent of California's annual water use goes to agriculture. Although in some areas considerable strides have been made in water use efficiency, farming methods are not as water-efficient as they can be. The California Bay-Delta Authority's Year Four report estimates up to **620,000 acre-feet** of water can be saved through agricultural water use efficiency, which includes installing micro-irrigation technology or other water management improvements, at a cost of \$242 per acre-foot. We believe that these estimates understate the true potential of this tool.

Additionally, agricultural water is often highly subsidized. Pricing reform that sends clear, meaningful signals to agricultural water users can be very effective in encouraging increased water use efficiency.

**Groundwater Clean-up:** Removing salts, including nitrates, from groundwater can be a cost-effective means of producing clean water supplies, recharging stressed and contaminated aquifers, and increasing groundwater storage capacity without the need to build expensive surface storage projects. DWR estimates brackish groundwater desalination costs \$250-500 per acre-foot, with a potential of yielding up to **290,000 acre-feet per year**.





**Urban Storm Water Management:** Urban water agencies, particularly in Southern California, are increasingly recognizing the potential to provide multiple benefits by capturing, treating (where necessary), storing and using urban storm water. Use of low impact development techniques (LID) results in the diversion and capture of storm water and dry-weather runoff before it flows into surface waters. This water can then be used on- or off-site as an alternative water source for irrigation of parklands, sporting fields, cluster housing groups, or for fire-fighting. Such projects can provide water supply and flood management benefits, while reducing coastal pollution from urban runoff.

Nationally, research has repeatedly shown that LID has the potential to deliver vast quantities of useable water through recharge and infiltration, and that it is the most effective and cost-efficient means of managing storm water and abating water pollution. Further, LID uses common sense and simple technology – strategically placed beds of native plants, rain barrels, “green roofs,” porous surfaces for parking lots and roads, and other tools – to retain rainfall on site or help rainfall soak into the ground, rather than polluting the nearest water body.

The Los Angeles Integrated Regional Water Management Plan indicates that proposed urban storm water management projects can generate **100,000 acre-feet** from urban storm water capture, and that the maximum potential is at least twice that amount. NRDC's preliminary estimate of the water savings from implementation of LID practices suggests that if LID were used in just 50% of all residential and commercial properties in Los Angeles, Riverside, and San Diego Counties, **377,000 acre-feet** annually could be infiltrated or otherwise reused. By offsetting energy-intensive imported water in like amounts, and after accounting for average energy requirements associated with pumping groundwater in these areas, LID could result in the reduction of up to 45,000 metric tons of CO<sub>2</sub> annually in Los Angeles County and an additional 55,000 metric tons of CO<sub>2</sub> in San Diego and Riverside Counties combined.

**Transfers and Land Retirement.** These tools must be carefully designed in order to avoid impacts to third parties. However, significant land retirement on the west side of the San Joaquin Valley is very likely and can generate significant water savings. For example, the Westlands Water District has advocated a land retirement program of up to 200,000 acres. Farming this land has historically required as much as 700,000 acre-feet of water.

### **Benefits of Alternative Water Management Strategies**

**A Healthier Bay-Delta and Other Ecosystems:** Investments in surface storage could harm the Bay-Delta ecosystem by reducing flows to the Delta or increasing diversions from the Delta. In contrast, alternative water management tools would decrease our reliance on the Delta.

**Energy Savings and Reduced Greenhouse Gas Emissions:** Almost 20% of California's electricity use, and over 30% of its non-power plant natural gas use, is associated with the use of water. Water use efficiency and recycling can generate substantial energy savings and reductions in greenhouse gas emissions, and help the State meet AB 32 implementation targets.

**Water Quality Benefits:** Investing in water efficiency and groundwater cleanup will improve water quality by reducing urban runoff from lawns and gardens. In addition, investments in these tools will also help stretch limited state and federal funds available for water and wastewater treatment facility expansions and upgrades, by delaying or reducing the size of water system expansions. These investments will also improve drinking water quality, particularly for poorer communities in the Central Valley that rely on groundwater.

**Reducing the Economic Risk from Delta Levee Failures:** A massive levee failure in the Delta could jeopardize a critical water supply for 23 million Californians. Investments in alternative water management tools will reduce reliance on Delta diversions, thereby decreasing the risk to California's economy from potential Delta levee failures.

### **Strategies to Achieve Maximum Water Savings**

This memo focuses on potential targets for a range of water management tools. The bullets below briefly outline key strategies that can maximize the water savings from these tools. We will present more details regarding these and other strategies in the future.

**A Clear Conclusion Regarding Delta Diversion Totals:** The single most effective thing the Delta Vision Task Force could do to encourage the development of alternative water supplies would be to make a clear, forceful recommendation regarding the need to reduce Delta diversions by a specified amount. Reducing Delta diversions will be a significant change from the trend over the last four decades. The likelihood that we will succeed in this transition will be greatly increased if the state has a clear goal to guide planning efforts and investments.

**Learning from California's Energy Efficiency Success:** California has emerged as a global leader in energy efficiency. We believe that the policy tools, such as a loading order and public benefits charges that have made this progress possible in the energy arena, can produce similar progress in encouraging water use efficiency. (See NRDC's white paper entitled: *Transforming Water Use: A California Water Efficiency Agenda for the 21<sup>st</sup> Century*.)

**AB 32 Implementation:** Reducing Delta diversions and investing in alternatives, such as water conservation, has the potential to significantly reduce energy use and greenhouse gas emissions. By integrating water planning with energy and climate change efforts, the state can take advantage of the synergies among these issues, including potential additional funding sources for less energy intensive alternatives to Delta diversions.

**Integrated Regional Water Management:** In recent years, IRWM has emerged as a key strategy to design water management solutions tailored to local needs, by considering local conditions, a full range of water management tools and a broad spectrum of potential benefits.

**Credible Economics and Financing:** Delta Vision should recommend that state and federal agencies carefully analyze the cost of alternative water supply strategies. Individual water agencies do this as a matter of course. However, state and federal agencies often fail to incorporate adequately basic economic analysis. For example, public funds dedicated to improving water supply reliability should be focused on the most cost-effective environmentally sound tools. The Delta Vision Task Force should develop recommendations to reduce water subsidies (e.g. by reforming renewed CVP contracts) and move toward real "beneficiary pays" financing.

# ATTACHMENT 2

Testimony

Provided By

Jeffrey Kightlinger, General Manager  
Metropolitan Water District of Southern California

On

The Immediate Federal and State Role in  
Addressing Uncertain Water Deliveries for California  
and Impacts on California Communities

Before the

Committee on Natural Resources  
Subcommittee on Water and Power  
United States House of Representatives

January 29, 2008

**House Subcommittee on Water and Power**  
**"The Immediate Federal and State Role in Addressing Uncertain Water Deliveries  
for California and Impacts on California Communities"**

**Oral Testimony by Jeffrey Kightlinger, General Manager  
Metropolitan Water District of Southern California**

Thank you Chairwoman Napolitano. I am pleased to give you and the subcommittee a brief survey of the impacts being felt throughout Southern California from the evolving water situation and Metropolitan's response. We face a new reality and new roles for Metropolitan and the state and federal governments to bringing more certainty to our water future.

At the moment we are roughly on track for an average rainfall year in both Southern California and Northern California. Traditionally this was good news. Traditionally this would mean that Metropolitan would likely receive enough water from the Sacramento-San Joaquin Delta to meet local demands and make modest additions to our storage reserves.

But not this year. Because of ongoing environmental problems in the Delta, there are court-ordered curtailments in water deliveries that started late last year and are expected to last into June. At the moment, the State Water Project has committed to delivering 25 percent of water supplies to its contractors throughout California. This percentage may increase, but Metropolitan is making preparations for a significant cutback in supplies. Metropolitan is responding by seeking to purchase additional supplies on the open market and funding a \$6 million dollar water use efficiency outreach campaign to encourage conservation throughout our service area. In addition, Metropolitan's board of directors has approved over \$30 million to aggressively implement water conservation and recycled hook-ups for public agencies and the commercial and industrial sectors. Our tracking polls suggest that nearly half of the 18 million people in our service area have gotten the message and are taking steps to lower water use. This is helpful. Along with our efforts to creatively manage our resources, Metropolitan also invested in efforts to increase our storage capacity. In fact, today we have 10 times the amount of water in storage than we did during the last drought in the late 1980s and early 1990s. This includes a \$2 billion capital investment in the building of Diamond Valley Lake, which alone nearly doubled the region's surface water storage capacity. Those reserves provide a cushion and give us some time. But, with the new restrictions in the Delta, we are now living on that borrowed time. That realization, and the uncertainties in the Delta, are beginning to create water supply impacts throughout the region.

Metropolitan, working with its member agencies, is developing a plan to equitably allocate our available State Water Project supplies from the Delta, the Colorado River Aqueduct and water stored in reserves. The primary objective of the plan is to minimize the impact on the overall regional economy. We are also striving to strike a balance recognizing needs from MWD, accounting for local supply and rewarding local districts that lower demands and increase supplies. A sterling example is Orange County. Last week it celebrated the opening of one of the largest water recycling facilities in the world. This facility will turn wastewater that used to drain into the Pacific Ocean into a reliable

high-quality drinking water supply that will help replenish the local groundwater basin. Metropolitan provided incentive funds to help make this project a reality. This is precisely the kind of strategic regional partnership that Metropolitan is working to replicate throughout our service area.

In the coming weeks and months, Metropolitan will review existing and new programs to lower demand and increase local supplies. We will be doing this despite rapidly rising costs from the State Water Project and other investments, which will likely require double-digit rate increases into the future. We continue to identify and implement new ways to lower demand and increase local supplies because we have seen the dramatic results of past efforts. And we are re-evaluating and updating our long-term water strategy, our Integrated Resources Plan, to determine if our conservation and local water supply targets should be even more ambitious.

To ensure our long-term plans are taking into account the impacts of climate change, Metropolitan has entered into a partnership with the RAND Corporation to develop appropriate planning models and protocols that would take into account long-term impacts on water supplies. The state has taken a leadership role with its energy policy, which is focused on landmark efforts to reduce greenhouse gases and working to ensure a better linkage between water and energy. Conserving water helps reduce the need to transport and treat water, which are energy-consuming activities. Metropolitan is evaluating its carbon footprint in tandem with our water supply and planning efforts. While there is much still to be done when it comes to water conservation, it is important to recognize how far Southern California has come. As an example, in the past 15 years Metropolitan has invested more than \$200 million in water-conserving devices. These conservation investments, combined with plumbing code reforms, reduce our potential demands by about a million acre-feet per year. Had we not been this successful in lowering demand and simply expected the State Water Project to solve the region's problems, our demand on the Delta would be about 50 percent larger now. Given the multiple changing conditions due to climate change, endangered species rulings and other impacts in the Delta, Metropolitan has embarked upon a comprehensive update of its long-term Integrated Resources Plan. A renewed focus on the development of local resource projects will help decrease our dependency on the Delta. But we do need a more reliable supply from the Delta than the current system is providing. And we embrace the notion that restoring the health of this ecosystem is an essential ingredient to creating a more reliable water system.

How can the federal government help? We urge the federal agencies to remain active and engaged participants in the Delta. We need a new biological opinion from the U.S. Fish and Wildlife Service that will guide the operations of the State Water Project and the Central Valley Project. Metropolitan is actively seeking operational strategies that can help reduce conflicts between pumping operations and fish migration patterns. We also need the active participation of the federal wildlife agencies in coming up with a new Bay Delta Conservation Plan, which is exploring new and better ways to separate the movement of water supplies from the natural flows in the estuary. Yes, that may mean some form of a canal as one piece of a much larger solution. We need the feasibility studies and better science to understand new ways of moving water supplies. The deliberations ahead should be based on new facts and not old fears. Metropolitan has made a commitment to seek reliability from Delta supplies, and to find the water for new

growth from within our service area, a historic difference between the emerging Delta discussion and debates of the past. Metropolitan urges the federal government – our elected officials, federal agencies and staff – to support our local resource projects including recycling and other conservation programs.

As for assistance from the state, while we recognize the challenging fiscal situation, there are ways that the state can help. Metropolitan seeks to sponsor or support state legislation that would create a standard approach for regional water boards to authorize water recycling projects that seek to store supplies in groundwater basins. There are hundreds of millions of dollars from bonds that voters have already approved that are available to address parts of the Delta problem and to help regions become more self-sufficient. Metropolitan remains a constructive and realistic participant to bring about dramatic and historic change in the Delta. We are very pleased to have the interest and involvement of both the state and federal governments to solve our problems and a collective recognition that the Delta as we know and manage it today is a broken ecosystem that needs fixing. Thank you Chairwoman for today's hearing and I would be happy to respond to any questions.

# ATTACHMENT 3



**COMMITTEE ON RESOURCES**  
Subcommittee on Water and Power

“The Immediate Federal and State Role in  
Addressing Waste Deliveries for California  
and the Impacts in California Communities”  
January 29, 2008

Testimony by  
Richard W. Atwater  
General Manager  
Inland Empire Utilities Agency

**I. Introduction**

Thank you Chairwoman Grace Napolitano and members of the Subcommittee for Water and Power for the opportunity to testify before today regarding the water problems facing California. I am the General Manager of the Inland Empire Utilities Agency. The Subcommittee has asked four important questions related to how address the critical water problems from Judge Wanger’s court decision and how we develop regional and statewide strategies with the federal government to meet the challenges of having less water available from the Delta and the related issues with developing a sustainable ecosystem. The Inland Empire Utilities Agency in partnership with many other agencies in southern California and with financial assistance from the State of California and the Bureau of Reclamation is implementing a “Drought Proofing Strategy” that is a key element of a Delta Plan. We have recognized the challenges for a long time of meeting the statewide water needs in an environmentally responsible manner have committed over \$500 million over the past seven years to implement projects that will develop new local supplies in southern California and reduce our need for Delta exports.

**A. Inland Empire Utilities Agency/Chino Groundwater Basin**

The Inland Empire Utilities Agency, a municipal water district under California law, was formed in 1950 by a popular vote of its residents. The service area of the Agency is entirely in San Bernardino County and has a current population of approximately 800,000. The IEUA service area is rapidly growing and will probably increase by 50 percent to 1.2 million within the next 20 years. The Chino Groundwater Basin was adjudicated in 1978 and is governed by a 9 member Watermaster Board. Overall water use is about 350,000 acre-feet annually, 70 percent of the supplies are from local sources within the Santa Ana Watershed. With the rapid growth, demand from MWD could increase from 70,000 acre-feet per year currently to 150,000 acre-feet in 2020 if we did business as usual! However IEUA, Chino

Basin Watermaster and in cooperation with many other agencies have developed a "Drought Proof Plan" that will develop over 100,000 acre-feet of new local supplies to minimize the need for additional imported water from MWD, thereby reduce our need for more Delta (SWP) water supplies.

### **B. History, Background and Interagency Relationships with CALFED Bay-Delta Program**

The Agency has been a member agency of the Metropolitan Water District since 1950 and distributes about 70,000 acre-feet of imported water to the cities of Chino, Chino Hills, Fontana (through the Fontana Water Company), Ontario, Upland, Montclair, Rancho Cucamonga (through the Cucamonga County Water District), and the Monte Vista Water District. The Agency also provides wastewater treatment service (four regional water recycling plants that produce about 60 million gallons per day or 67,000 acre-feet per year). Excess recycled water flows downstream into the Santa Ana River where the Orange County Water District recharges that water into the Orange County groundwater basin for drinking water.

The Agency is also a member of the Santa Ana Watershed Project Authority (SAWPA) and is an active member of the Santa Ana River Watershed Group and the Chino Basin Watermaster. As a member agency of SAWPA, the Agency's water projects are closely coordinated with the SAWPA watershed wide planning and the funding of priority projects through the Water Bond Proposition 13 and Proposition 50 grants.

### **Public and Private Partnerships to Improve the Santa Ana Watershed**

- Santa Ana Watershed Project Authority (SAWPA) has maintained an inclusive dialogue with all interested parties and is leading the update of the Santa Ana integrated regional watershed management plan through the "One Water-One Watershed" (OWOW) process;
- All local governments within the three counties (San Bernardino, Riverside and Orange) are working cooperatively together to manage growth and plan for the water/wastewater infrastructure needed to meet the needs of this rapidly urbanizing watershed;
- Partnerships with industry including dairies, manufacturing, and developers have resulted in creative solutions to local water quality problems (e.g. the Santa Ana brine sewer to the ocean) as well as producing new sources of renewable, cost effective energy;
- Industrial customers throughout the area are planning on using recycled water to reduce costs, ensure reliability, and to be excellent environmental stewards.

The Chino groundwater basin is one of the largest in Southern California. The Chino Basin Watermaster adopted an Optimum Basin Management Plan (OBMP) to protect the water

quality of the basin and to manage the local supplies effectively to the maximum benefit of the local ratepayers. A key element is the expansion of the conjunctive use operation of the Chino Basin to expand the storage and recovery by approximately 300,000 to 500,000 acre feet.

Other key components are the Inland Empire Utilities Agency regional water recycling project to develop new local supply of 100,000 acre-feet per year and the Chino Basin desalters that would develop an additional new local supply of 40,000 acre-feet per year.

The key benefits of the Chino Basin regional "OBMP" water plan are as follows:

### **Benefits**

- *Provide a more dependable local water supply and reduce the likelihood of water rationing during future droughts and the impacts of climate change;*
- *Economic benefits of reliable water supply to industry and provide incentives to attract new industry and jobs in the Inland Empire region;*
- *Environmental protection – reduce wastewater discharges into Santa Ana River by 50 percent through local water recycling and protect Orange County drinking water supplies through implementation of comprehensive lower Chino Dairy area manure management strategy;*
- *Reduce imported water use in the rapidly growing Inland Empire region (upper Santa Ana River Watershed) and thereby contribute in a significant manner to the statewide CALFED Bay-Delta and Colorado River solutions through more efficient use of existing local supplies;*
- *Assist in solving multiple Endangered Species Act problems within the Santa Ana Watershed, the CALFED Bay-Delta program, and the Colorado River/Salton Sea;*
- *Implement a sustainable long-term water resources management program that maintains the salt balance of the Santa Ana River watershed;*
- *Reduce the energy intensity of the region's water supplies, helping to conserve energy and reduce greenhouse gas emissions that are contributing to climate change.*

## **II Chino Basin "Drought Proofing Strategy"**

The IEUA Urban Water Management Plan, adopted in December 2005 and the Chino Basin Watermaster Optimum Basin Management Plan, document the overall strategy for improving the water supply reliability in the Chino Basin area.

- ✓ Water Conservation – 10% savings 35,000 AF
- ✓ Water Recycling – 100,000 AF
- ✓ Local Groundwater Storage and Conjunctive Use – 500,000 AF of new storage
- ✓ Chino Desalter 40,000 AF

- ✓ Stormwater – 25,000 acre-feet of new supplies
- ✓ Renewable Energy and Organics Recycling – Clean energy through biodigesters (using biosolids, dairy manure and food waste), solar power and wind power (goal of 15 megawatts)
- ✓ Water Quality Management – Establishment of Chino Creek Wetlands and Educational Park at IEUA and a continued partnership with Orange County Water District on Prado Wetlands implementation of the Chino Creek Integrated Watershed Plan.

**A. Water Conservation- (35,000 acre-feet per year, 10 percent of overall use)**

IEUA and its retail utilities are committed to implementing the Memorandum of Understanding (MOU) regarding Urban Water Conservation in California. IEUA is an active member of the California Urban Water Conservation Council (CUWCC). Currently, the Agency is expanding its conservation efforts to promote both water and *energy* conservation programs to our customers. IEUA's goal is to reduce water demands by 10 percent (35,000 acre-feet per year) through aggressive implementation of customer conservation programs. Innovative programs initiated by IEUA include the Inland Empire Landscape Alliance, in which elected officials from cities and water agencies within IEUA's service area are working to promote outdoor conservation including turf reduction rebates, use of California-friendly native plants and new regional model landscape ordinances that will promote water savings. Other programs include conservation rebates which are offered in partnership with the Metropolitan Water District of Southern California (ultra-low-flow toilets, weather-based irrigation controllers, synthetic turf, efficient sprinklers, water brooms X-Ray recirculation units and other water saving devices), landscape audits, and school education programs including the award-winning Garden In Every School program.

**B. Water Recycling (50,000 acre-feet by 2010)**

IEUA owns and operates four water recycling plants that produce high quality water that meets all state and federal requirements for non-potable landscape irrigation, industrial uses, and groundwater replenishment. Since 2000 the Agency has spent over \$60 million expanding its recycled water distribution system and currently recycles about 15,000 acre-feet annually. Recently the IEUA Board approved an accelerated implementation plan to increase annual recycled water use to approximately 50,000 acre-feet within the next 3 years by constructing "purple" recycled water pipeline system to hookup existing large customers (schools, golf courses, city parks, groundwater recharge). IEUA's Board has approved a \$140 million budget to expedite the construction of recycled water pipeline distribution system. The accelerated implementation plan was developed through a collaborative process with local cities, water districts, Chino Basin Watermaster and other stakeholders and represents a comprehensive evaluation of the infrastructure needed to maximize recycled water use in the region. In addition, IEUA and local cities have coordinated with developers to incorporate dual "purple" piping into new urban developments to maximize recycled water use for non-potable purposes.

The energy demands to produce and deliver recycled water are less than one third of the energy required to deliver water through the State Water Project. Additional energy savings are included in the plan by building new smaller water recycling plants in the northern part of our service area to provide recycled water to communities (Upland, Fontana, and Rancho Cucamonga) without the need to pump the water to them. The Cucamonga County Water District (CCWD) proposed satellite plant authorized by HR 2919 would be the prototype water recycling plant to reduce energy use of pumping recycled water to the higher elevations along the San Gabriel Mountains.

Approximately 25% of the recycled water will be used for groundwater replenishment within the Chino Groundwater basin to augment the potable water supply. IEUA and Chino Basin Watermaster recently got court approval to expand the artificial recharge of the Chino Basin Groundwater Basin. The plan is to blend recycled water with stormwater and imported water in a coordinated fashion with flood control district to ensure that all water sources are conserved in an optimal manner (targeted goal is an additional recharge of 80,000 acre-feet per year).

**C. Local Groundwater Storage and Conjunctive Use (500,000 acre-feet of new storage)**

The Chino Basin Watermaster is implementing an Optimum Basin Management Plan to enhance the conjunctive use storage of the Chino Basin. Today MWD has stored over 80,000 AF in the Basin and has funded \$1.5 million in engineer feasibility studies to expand the storage to 150,000 AF. The Optimum Basin Management Program developed over the past two years by the Chino Basin Watermaster would implement a comprehensive water resources management strategy to drought proof the area and enhance the yield of the groundwater basin. The Chino Basin Watermaster has developed a conjunctive use program to store 300,000 – 500,000 acre-feet of imported water in wet years for drought year withdrawal for local, regional and statewide availability. In June, 2003 IEUA, Chino Basin Watermaster, Three Valleys MWD, Western MWD and the Metropolitan Water District executed an agreement for the initial 100,000 acre-feet of storage and recovery projects (\$27.5 million funding from MWD and Calif. DWR). In June 2007 MWD agreed to fund studies to evaluate expanding this storage program.

**D. Chino Desalination Projects (40,000 acre-feet annually by 2020)**

Historically, Colorado River water (relatively high salinity) and "Route 66" agricultural practices have caused areas of the Chino Basin to have high salts that make the water unfit for domestic uses. To correct this problem and to recover this poor quality water, the Chino Basin Optimum Management Plan recommends implementation of groundwater cleanup projects to pump and treat poor quality groundwater to meet drinking water standards. Additionally, the desalination projects of the lower Chino Basin area will protect and enhance the water quality of the Santa Ana River and the downstream use by Orange County. HR 813 (passed the House on October 22, 2007) would provide authorization under the Bureau of Reclamation's Title XVI program to provide funding for the third Chino desalter and brine line improvements with the SAWPA SARI brine system

recommended in the Southern California Comprehensive Water Reclamation and Reuse Study (USBR, 2003) and the joint MWD/USBR Salinity Management Study (1999). The third phase expansion is projected to cost \$110 million and increase to approximately 40,000 AF.

**E. Stormwater (25,000 acre-feet annual average of new stormwater capture percolation)**

A critical issue facing the coastal plain of Southern California as the region continues to urbanize and hardscape our landscapes will be how to implement both small scale and larger scale projects for stormwater capture to allow percolation into our groundwater basins. IEUA in coordination with the Chino Basin Watermaster, the San Bernardino County Flood Control District and the Chino Basin Water Conservation District has developed an integrated recharge master plan to optimize the capture of stormwater with replenishment of imported water from MWD and our local recycled water to enhance the storage and recovery of water from the Chino Basin. During the past five years, IEUA has funded construction of over \$50 million in improvements on the Groundwater Recharge Basin.

IEUA is also sponsoring innovative small scale, on-site (neighborhood development) storm water management projects to enhance percolation of rainfall to minimize runoff, reduce contamination of rainwater before it percolates into the ground and to cost effectively reduce flood control requirements while helping the cities and county meet regulatory requirements. This innovative program is being funded in partnership with the CALFED Bay-Delta Program, Metropolitan Water District of southern California, and the Southern California Concrete Association.

**III. Climate Change Impacts on California Water Supplies**

In the fall of 2006 IEUA collaborated with RAND on a study of the potential affects of Climate Change on the IEUA and Chino Basin area. This work has been recently completed and a Congressional briefing will held on January 31, 2008 to explain the findings of this report. Climate change will affect water supplies in California, but few water-management agencies in the state have formally included climate change in their water-management plans. RAND researchers have worked with Southern California's Inland Empire Utilities Agency to help it identify vulnerabilities related to climate change in its long-term water plans and to evaluate its most effective options for managing those risks. But in summary the RAND research project highlights the critical need to develop more local supplies in California (e.g., water recycling, local groundwater storage and stormwater replenishment programs, implement excellent water use efficiency/conservation programs) to avoid significant water shortages and economic impacts.

**IV. Future Issues and Need for Federal Assistance**

Southern California does have enormous water problems when you consider the following trends:

- ✓ *The current population is about 18.5 million and will likely double over the 50 years;*
- ✓ *The imported water infrastructure from MWD can optimistically only deliver 2.4 million acre-feet, assuming resolution State Water Project Delta issues and the Colorado River problems are successfully resolved;*
- ✓ *Climate change is expected to impact both amount and timing of future water supplies, increasing the likelihood of shortages during critical times;*
- ✓ *Importing water to southern California requires a large amount of electrical energy, substantially more than the alternative local supplies (recycled water, capturing stormwater, and groundwater recovery of poor quality water);*
- ✓ *The region faces significant shortages unless we develop a local supply strategy.*

The issue for the region as articulated in the MWD Integrated Water Resources Plan adopted in 2004, is to develop a balanced approach to multiple sources of supplies with a clear priority to local resources management and emphasis on less energy intensive uses of water that protect water quality and the wildlife habitats of the region.

Addressing the four questions asked in the letter inviting me to testify? My response to these questions and suggestions are as follows:

The Committee should continue to examine the opportunities for State and Federal agency partnerships to promote water use efficiency programs recommended in the CALFED Bay-Delta Record of Decision (increase water conservation, water recycling and new local groundwater storage programs to reduce the need for Delta exports consistent with the California Water Plan.

The Committee has developed Views and Estimates in the past few years that strongly supports increased funding for the Bureau of Reclamation's Title XVI Program. For FY 2009 I recommend the Committee support an increase of \$100 million increase in the funding of Title XVI Program expenditures.

*A coordinated approach to regional infrastructure planning for water supply, groundwater management, stormwater, wastewater reuse and recycling needs to be integrated on a watershed and regional scale. Regional leadership in the planning of flood control, wastewater and water facilities is an opportunity that can save billions over the next 5 decades as well as help address the serious challenge facing this nation through climate change. The federal government should be a partner in this process helping both to facilitate redirection of federal programs to support local planning and providing funding for projects that contribute to the nation's goals for water security and reduction of climate*

*change impacts. EPA, Army Corps, US Bureau of Reclamation, the USDA Natural Resources and Conservation Service all have significant activities within the region.*

A historic example of a state/federal partnership was the leadership of this committee in 1996 in drafting the CALEED Bay-Delta legislation that provided the authorization.

I would recommend that your Committee hold additional hearings on these opportunities to develop new regional, state and federal partnerships that address comprehensively watershed divide problems

In closing, thank you for the opportunity to testify. If I can provide any additional information on the current and future water problems facing California, please don't hesitate to contact me.



# ATTACHMENT 4



Office of the Governor

ARNOLD SCHWARZENEGGER  
THE PEOPLE'S GOVERNOR

## PRESS RELEASE

02/29/2008 GAAS:112:08 FOR IMMEDIATE RELEASE

### **Governor Schwarzenegger Outlines Comprehensive Actions Needed to Fix Ailing Delta**

Governor Schwarzenegger sent the following letter to Senators Perata, Steinberg, and Machado in response to their unfounded concerns that his administration is "unilaterally" beginning work on a so-called "peripheral canal." Consistent with the extensive work done by his administration over the last two years to gain consensus on a bipartisan legislative solution for a comprehensive plan to upgrade California's water infrastructure, Governor Schwarzenegger detailed his agenda in the following letter:

February 28, 2008

The Honorable Don Perata The Honorable Darrell Steinberg  
President pro Tempore California State Senate  
California State Senate State Capitol  
State Capitol Room 4035  
Room 205 Sacramento, California 95814  
Sacramento, California 95814

The Honorable Mike Machado  
California State Senate  
State Capitol  
Room 5066  
Sacramento, California 95814

Dear Don, Mike and Darrell,

My administration has been working on solutions for addressing California's water supply and the environmental crisis in the Sacramento-San Joaquin Delta for more than two years. As you all have acknowledged during our negotiations on a comprehensive water infrastructure package over the last year, the heart of California's vital water supply system is in jeopardy of collapse without both immediate action and long term solutions to restore the ecosystem and protect water supplies.

I created the bipartisan Delta Vision Blue Ribbon Task Force by administrative action in 2006. The Task Force has issued its Vision and will develop a Strategic Plan to implement the Vision by the end of this year. In its recommendations, the Task Force identified a series of near-term actions that should be taken to protect the estuary, including studying the options for improving water transfer in the Delta. Far from acting unilaterally, my administration has been transparent in working with stakeholders and legislators on identifying both administrative and legislative actions that will be necessary to address the recommendations of the Task Force. As part of that effort, I will continue to negotiate in good faith with legislators on a comprehensive water infrastructure package.

To clarify the administrative actions we are considering as part of a comprehensive solution in the Delta, let me outline some of the key elements under development:

1. **A plan to achieve a 20 percent reduction in per capita water use statewide by 2020.** Conservation is one of the key ways to provide water for Californians and protect and improve the Delta ecosystem. A number of efforts are already underway to expand conservation programs, but I plan to direct state agencies to develop this more aggressive plan and implement it to the extent permitted by current law. I would welcome legislation to incorporate this goal into statute.
2. **Protection of floodplain in the Delta.** The Department of Water Resources (DWR) and other appropriate state agencies will expedite the evaluation and protection of critical floodplains. This action protects people and property, the existing water export system and the Delta ecosystem.
  - **Policy guidance on Delta land use.** The Blue Ribbon Task Force made it clear that changing land use patterns may limit our ability to address critical issues with the existing water export system and the Delta ecosystem. Accordingly, I will ask the Delta Protection Commission to update their Land Use and Resource Management Plan and direct the Governor's Office of Planning & Research and the State Architect to develop model Delta land use guidelines for distribution to local governments.
  - **Levee protection and standards.** DWR is actively involved in efforts to improve our flood protection and levee systems and, as part of this effort, should establish recommended standards for Delta levees.
3. **Multi-agency Delta disaster planning.** DWR, in coordination with the Office of Emergency Services, and other appropriate state agencies will develop and implement an emergency response plan and conduct a multi-agency disaster planning exercise in the Delta.
  - **Contract for emergency response equipment and services.** I will authorize DWR to continue its efforts to obtain equipment and services including barge services, sheet piling and other flood fighting materials to respond to disasters in the Delta. In addition to my previous orders, we must expedite the placement of materials and supplies in and near the Delta, to improve our emergency response capabilities.
4. **Expedite interim Delta actions.** The Resources Agency, DWR, Department of Fish and Game and the State Water Resources Control Board have already begun efforts to help protect and restore Delta habitat and help water users cope with supply interruptions.

I will direct the Resources Agency to expedite the completion of the Bay Delta Conservation Plan (BDCP), including the environmental review and permitting activities. Ongoing Delta actions, in conjunction with these efforts, will provide a foundation to help conserve at-risk species and improve water supply reliability.

5. **Water quality.** While additional storage and improved conveyance can allow greater control

of water flows that improve drinking water quality, more must be done. I will direct the State Water Resources Control Board to develop and implement a comprehensive program in the Delta to protect water quality.

6. **Improvements to Delta water conveyance.** DWR and other appropriate state agencies will soon begin the public process to study the alternatives available for improving the Delta water conveyance system. As part of this study, DWR must coordinate with BDCP efforts to recover at-risk species. DWR must also incorporate the issues of water supply reliability; seismic and flood durability; ecosystem health and resilience; water quality; and projected schedule, cost and funding in their options review, as suggested by the Task Force.

The Task Force recommended that we study a "dual conveyance facility" as a starting point. However I believe we must look at a full range of options for improving conveyance in the Delta.

Accordingly, I intend to direct DWR to proceed with the NEPA/CEQA analysis on at least four alternatives for Delta conveyance. They shall consider the following:

- The possibility of no new Delta conveyance facility;
  - The possibility of a dual conveyance facility, as suggested by the Task Force;
  - The possibility of an isolated facility;
  - The possibility of substantial improvements and protections of the existing water export system, most often referred to as 'armoring the Delta' or a "through-Delta" solution.
7. **Water storage.** DWR will complete the feasibility studies for the CALFED storage projects including Temperance Flat, Sites Reservoir, and the Los Vaqueros expansion. Each of these projects, depending on how they are built and operated, can provide substantial public benefits. Unlike in the past, when local entities built storage facilities for their own benefit and with little state investment, the current deteriorating condition of the Delta and the statewide water system demand public investment in exchange for the public benefit the entire state will realize.

In addition, I will direct DWR to expedite funding for groundwater storage projects throughout the state that will improve water supply reliability.

Please know that I will continue to work with the Legislature and all stakeholders to develop a comprehensive solution to the crisis in the Delta, and I will act on administrative measures in a transparent manner at the appropriate time.

California's history is filled with innovators and problem solvers. In 2006, with Democrats and Republicans working together for a common cause, we added to that legacy by building up our infrastructure. We showed leadership, not for the benefit of our own ambitions, but for the future of the state. That's something that Californians weren't used to, and they responded forcefully, approving all of the bonds. It's time for us to put the state first and add another chapter to the history books. It's time to secure a safe, clean and reliable water supply for the next generation of Californians. We have a great opportunity, and the people are counting on us. Let's not let it pass.

Sincerely,

Arnold Schwarzenegger

**KEY ELEMENTS  
OF A STRATEGIC PLAN  
TO IMPLEMENT THE DELTA VISION**

*Prepared by:*

**The Bay Institute**

**Environmental Defense Fund**

**Natural Resources Defense Council**

**Defenders of Wildlife**

**Sierra Club California**

*Submitted to:*

**Delta Vision Blue Ribbon Task Force**

May 2008

**KEY ELEMENTS OF A STRATEGIC PLAN  
TO IMPLEMENT THE DELTA VISION**

**Executive Summary**

- Nine clear, measurable and enforceable targets for the Delta ecosystem, to maintain resident fish populations at levels greater than the 1967 – 1991 period before the ecosystem collapse; restore 325,000 acres of four habitat types in the Delta, Suisun Marsh and adjacent areas; increase Delta outflow to about 65% of spring runoff, and to higher levels in the fall as well; and provide other environmental benefits.
- Enough dedicated environmental water to meet the targets.
- A new Delta Water Master to oversee use of the environmental water.
- A new Delta State Park and National Heritage Area, along with stronger oversight of land use in all areas of the Delta.
- A new water use fee, and specific criteria for financing future projects.

## INTRODUCTION

At the heart of the conflict over the fate of the Sacramento-San Joaquin Delta has been an approach to managing the Delta's resources that is intended to maximize water diversion and land conversion while limiting the protection of native species and habitats to regulatory minima and voluntary efforts. By designating the Delta ecosystem as a co-equal value that must function as an integral part of a healthy estuary, and by calling for the incorporation of the constitutional principles of reasonable use and public trust into water resource policymaking and for other improvements in institutions and policies, the Delta Vision seeks to redress the imbalance between protection of the Delta ecosystem and how the Delta is managed for water supply and land use. The Strategic Plan must first and foremost identify the steps necessary to elevate Delta ecosystem protection as a co-equal value.

The Delta Vision Blue Ribbon Task Force has invited interested parties to propose elements for its October 2008 Strategic Plan with emphasis on three areas (appropriately incorporating the principles of reasonable use and public trust in California water policy making; governance and strategic finance; and reliable water for California). Recommendations concerning the third area will be the subject of a separate document. In order to adequately address the first two areas, establish the co-equal values of the Delta ecosystem, and implement the twelve recommendations contained in the November 30, 2007, Delta Vision, the Bay Institute, the Environmental Defense Fund, the Natural Resources Defense Council, Defenders of Wildlife and Sierra Club California propose the following Strategic Plan elements:

*Key elements of a strategic plan to implement the Delta Vision*

1. Adopting clear, measurable and enforceable targets for protection of the Delta ecosystem as an integral part of a healthy estuary that address abundance of estuarine species, extent of tidally and seasonally inundated habitat, frequency and duration of Delta outflows, and limit entrainment and contaminant effects to levels that do not harm Delta species.
2. Incorporating ecosystem targets that comply with the public trust constitutional requirement, by statute, rulemaking and executive order as appropriate, in the state and local permits and licenses of all water users and land managers.
3. Securing additional water for the environment to help meet ecosystem targets, including a new state environmental water right allowing for the appropriation of water to augment minimum regulatory requirements for fish and wildlife purposes.
4. Creating a new Delta Water Master entity to manage environmental water, beyond the minimum regulatory requirements, and to oversee water operations in the Delta and interbasin transfers.
5. Strengthening regulation of land use in the Delta by creating the Delta equivalent of the Bay Conservation and Development Commission (through modification of the Delta Protection Commission or replacement with a new entity).
6. Working with Delta communities to establish a new Delta State Park and Delta National Heritage Area,



7. Implementing clearly defined “beneficiary pays” criteria within all aspects of the Delta Vision, with particular attention to costly infrastructure projects.
8. Establishing user fees based on the volumetric consumption of water, and other funding sources to support attainment of Delta ecosystem targets and other public policy purposes.

**INCORPORATING THE PUBLIC TRUST PRINCIPLE IN WATER  
POLICYMAKING: ECOSYSTEM TARGETS; PERMITS AND LICENSES; NEW  
ENVIRONMENTAL WATER**

The following section provides details on the first three steps, which are intended to incorporate the public trust constitutional requirement into decisions about resource policy and management: ecosystem targets, their incorporation into state and local permits and licenses, and a new environmental water right.

Last fall, a number of highly respected scholars correctly pointed out to the Task Force that the reasonable use and public trust doctrines are synergistic and reinforcing: "A use of water violative of elements of the public trust is not reasonable." As these scholars stated, the constitutional requirement of "reasonable use" and the even more ancient doctrine of the public trust are twin foundations of California water law. The right to use water is limited to the amount of water reasonably required for the beneficial use to be served. The right does not extend to waste, or to unreasonable methods of diversion. What constitutes reasonable

use must take into account not only the rights of other water users but the broader public interest. Under the California constitution, Art 10, sec 2, no one in this state can have a protectable interest in the unreasonable use of water.

The public trust doctrine provides that the people of California own all of its waterways and lands beneath and that the state government serves as "trustee of a public trust for the benefit of the people." *National Audubon Society v Superior Court* (1983). 658 P.2d 709 (*National Audubon*). The doctrine imposes on the state an ongoing duty to protect "trust resources" which include explicitly fish, aquatic habitats, and even scenic beauty. In practical terms, the public trust means that - as is true under the reasonable use doctrine - no one can obtain a vested right in a use of water that harms trust resources. At best, water rights are burdened with an ongoing examination of the water requirements to ensure the long-term health of trust resources.

*National Audubon*, decided a quarter century ago, remains the pre-eminent California Supreme Court case on this issue. The court held that the public trust is not simply an affirmation of the power of the state to use water for general public purposes, even the important public purpose of providing drinking water. Rather, the public trust is "an affirmation of the duty of the state to protect the people's common heritage of streams, lakes, marshlands, and tidelands, surrendering that right only in rare cases where abandonment is consistent with the purposes of the trust." Thus, as the professors pointed out, all elements of state government have the duty to protect, preserve and even restore the state's public trust resources, such as fish, habitat and wildlife.

For the purposes of the Delta Vision, the great benefit of *National Audubon* is that it provides a roadmap for integrating long-standing water rights with these concepts of ensuring environmental health. The court declined to hold that all past allocations harmful to trust resources were improper, but strongly confirmed the state's obligation to correct past mistakes regardless of the longevity of water rights. Key to this holding was the court's rejection of the argument that 'vested' water rights preclude the application of public trust or reasonable use principles to an environmental problem. Indeed, the high court reiterated eight separate times within the opinion that no one can acquire vested rights to use water in a manner harmful to trust resources.

So how does the state integrate existing water management and the public trust and reasonable use doctrines? *National Audubon* accomplishes this integration through a weighted balance. The public trust imposes a substantive duty on the State to affirmatively protect fish and other water-related resources "whenever feasible," and must "avoid or minimize any harm" to those resources.

Reasonable use and public trust principles both require that water diversions must be compatible with a healthy environment. Placing an environmental standard as the foundation for water policy is one of the most important ways that Delta Vision's Strategic Plan could incorporate these principles into water management going forward.

In the past, the State has felt constrained even when environmental harm was specifically

the anticipated result of proposed diversions. In 1940, when it issued the water rights permits to Los Angeles that would later be at issue in *National Audubon*, the State Water Resources Control Board (the State Water Board) knew that its actions were going to cause grave harm to Mono Lake. The Board characterized this result as "indeed unfortunate," but stated that "there is apparently nothing that this office can do to prevent" the diversions. *National Audubon*, 658 P.2d at 714, citing Division of Water Resources Decs. 7053 et al. (April 11, 1940).

The way to best incorporate these principles in water policy making and Delta resource management is to adopt specific ecosystem targets and then incorporate them into all relevant permits and licenses.

## Targets for protection of the Delta ecosystem as an integral part of a healthy estuary

### Viable and Resilient Populations

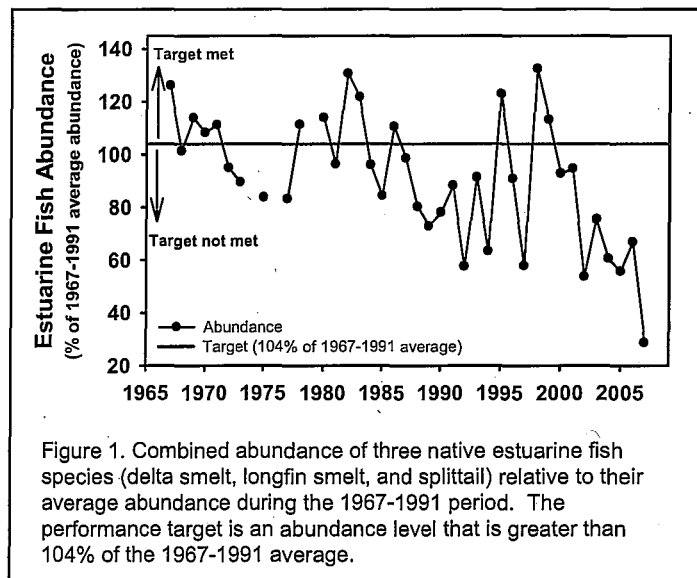
The Delta Vision's overarching goal that the Delta function as an integral part of a healthy estuary requires that it be able to support viable, resilient populations of estuarine species.

#### **Target 1. Restore abundance of estuarine fish species to greater than 104% of average levels measured during the 1967-1991 period.**

This performance target measures the combined abundance of three estuarine fish species (delta smelt, longfin smelt, and splittail) relative to their average combined abundance measured for the 1967-1991 period (Figure 1).

These species were selected

because they represent estuary-dependent aquatic organisms with a wide range of life-history requirements. The target level, greater than the average 1967-1991 abundance (or greater than the average plus one standard error, or >104%), represents an abundance level at which estuarine fish populations are viable (i.e., at low risk of extinction) and resilient (i.e., capable of responding to variations in environmental conditions without



collapsing). This target complements but does not replace existing statutory and regulatory targets for Bay-Delta species, including the federal and state requirements to double natural production of Chinook salmon and other anadromous fish species.

### Habitats

Three of the performance targets are designed to restore the extent and diversity of physical habitat types and the complexity of channel configurations by restoring specific acreages of tidal marsh, uplands and seasonal wetlands, and floodplains.

#### **Target 2. Restore 80,000 acres of tidal marsh habitat in the Delta and 50,000 acres of tidal marsh habitat in Suisun Marsh.**

This performance target measures the total area of vegetated lands with elevations ranging from mean lower low water to mean higher high water that are fully exposed to tidal action and are connected to the other tidal marshes, the Delta and/or the estuary by waterways. These habitats support estuarine and migratory species, increase primary and secondary productivity in the estuary, export of carbon and food organisms to the Delta and estuary, and improve water quality by filtering contaminants from surface runoff and tidally exchanged waters. More than 90% of historic tidal marsh habitat has been lost in the Delta and Suisun Marsh; therefore the target levels represent the total areas of land with the appropriate elevation in each region. The state already owns significant amounts of land in the Delta that could be restored as tidal marsh.

**Target 3. Restore 130,000 acres of terrestrial grasslands and seasonal wetland complexes in the Delta and 5000 acres in Suisun Marsh.**

This performance target measures the total area of lands in the Delta and Suisun Marsh with elevations above mean higher high water that support terrestrial grasslands and/or season wetland complexes. These habitats support wildlife, improve water quality by filtering contaminants in surface runoff, and provide accommodation space for sea level rise; therefore the target levels represent the total areas of land with the appropriate elevation in each region.

**Target 4. Restore 60,000 acres of floodplain habitat to seasonal inundation for a minimum of 45 consecutive days at least once every two years.**

This performance target measures the total area of lands adjacent to Delta tributary rivers with elevations above mean higher high water that are inundated by river flow during the spring (February-May). Seasonally inundated floodplains provide spawning habitat for splittail (one of the target estuarine fish species), an enhanced migration corridor for juvenile salmonids, robust primary and secondary productivity for export to the Delta, and improved flood protection in adjacent and downstream areas. The target season and acreage and duration levels are designed to support these objectives.

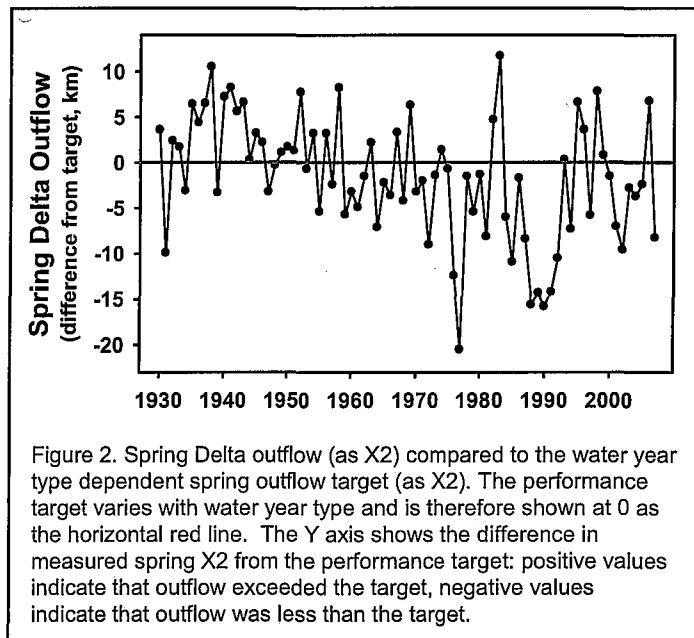
Ecological Processes

Ecological processes in the Delta include transport of materials (e.g., by flow and tidal exchange across connections between different habitat types), primary and secondary productivity, seasonal variability in environmental conditions (e.g., flow, location and

area of low salinity habitat, temperature), and disturbance (e.g., flood events). Some of these processes are provided by the natural function of specific habitat types (e.g., tidal marshes or floodplains) but others are tightly linked with water management operations that control freshwater inflows to the estuary. Two of the performance targets are designed to address seasonal freshwater inflows and the resultant estuarine open water habitat quantity and quality.

**Target 5. Restore spring Delta outflow to provide low salinity habitat in Suisun Bay, with average February-June X2 values ranging from less than or equal to 70 km from the Golden Gate in critically dry years to less than or equal to 58 km in wet years.**

This performance target measures the volume of Delta outflow (or freshwater inflow into San Francisco Bay) and the resultant location of low salinity, open water habitat during the spring (February-June; Figure 2). The ecologically important spring



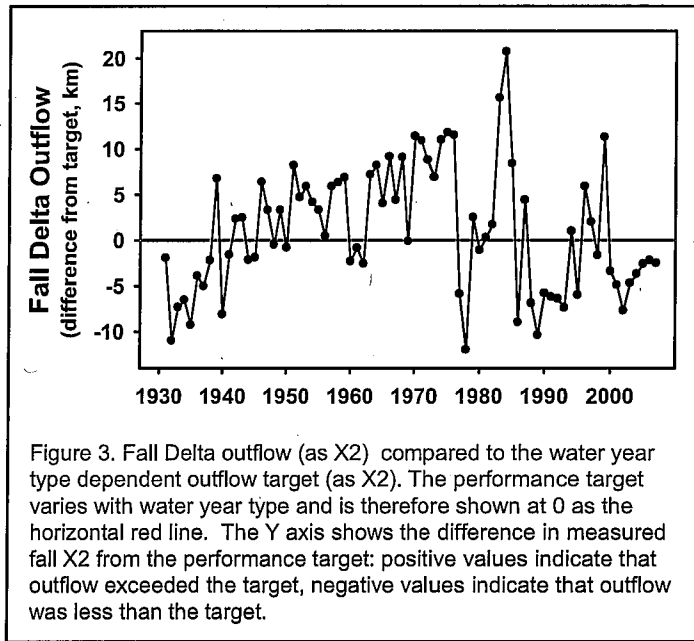
season is when upstream dam and Delta water export operations have had the greatest effects, reducing spring outflows by more than 50% in many years. The water year type dependent target levels are based on statistically significant relationships between spring



outflow and estuarine fish population abundance and designed to provide conditions that previously supported estuarine fish populations at levels that would meet Target 1 by increasing Delta outflow to about 65% of unimpaired runoff.

**Target 6. Restore fall Delta outflow to provide low salinity habitat downstream of the Sacramento-San Joaquin River confluence, with September-November average X2 values less than 80 km in all years except critically dry years.**

This performance target



measures the volume of freshwater Delta outflow (or freshwater inflow into San Francisco Bay) and the resultant quantity and quality of low salinity, open water habitat during the fall (September-November; Figure 3). Declining freshwater outflows during this season are correlated with degraded open water habitat conditions and declines in delta smelt population abundance. The water year type dependent target level is designed to provide good open water habitat quality.

### Stressors

The Delta ecosystem is adversely affected by both anthropogenic (e.g., entrainment, pollution) and biological stressors (invasive species). Entrainment and pollution are

directly responsive to management actions but the prevalence of invasive species in any ecosystem is as much an indicator of degraded habitat conditions resulting from loss of physical habitat, altered flow regimes, and impaired water quality as it is a driver of ecological problems. Therefore, carefully designed management and restoration actions to meet habitat, ecological processes, and water quality performance targets will also function to reduce the impacts of invasive species. Three performance measures address entrainment and contaminants.

**Target 7. Limit annual entrainment losses of estuarine fish species to less than 5% of the population and to less than 2% for migratory fish species.**

This performance target measures the percentage of the populations of estuarine and migratory fish species that are entrained into water diversions located in the Delta and Suisun Marsh. Entrainment of estuarine and migratory fishes at the more than 2000 water diversions in the Delta and Suisun Marsh can be a significant contributor to population declines in some years. The target levels are designed to reduce entrainment mortality to levels that are proportional to species population size and low enough to not cause the populations to decline.

**Target 8. Limit total ammonia concentration to <0.07 mg/L and unionized ammonia concentration to <0.01 mg/l in Delta waters.**

This performance target measures the concentrations of total ammonia and unionized ammonia in Delta waters. High concentrations of total ammonia can inhibit

phytoplankton production and high concentrations of unionized ammonia are directly toxic to fishes. The target levels are set at levels that eliminate these adverse effects.

**Target 9. Reduce discharge of contaminants into Delta waterways and tributary rivers so that <5% of estuarine and anadromous fish populations exhibit evidence of toxic exposure and there are zero incidents of fish kills.**

This performance target measures the prevalence of toxic contaminants in waters and sediments of the upper estuary, Delta, and tributary rivers by evaluating contaminant effects in fish species that are frequently and regularly sampled in the system. The target levels are designed to prevent incidents of direct mortality from contaminants and to reduce contaminant discharges to levels where only a small fraction of resident and migratory fish populations are exposed and/or affected.

More detail on the conceptual framework, specific rationales, and strategies for implementation of the ecosystem targets is contained in Attachment 1 (The Bay Institute, *Targets for protection of the Delta ecosystem as an integral part of a healthy estuary*).

### **Incorporating Ecosystem Targets into State and Local Permits and Licenses**

The Delta ecosystem targets must drive decision-making about water policy and land use.

To that end, the Strategic Plan should propose that:

1. The legislature should adopt these targets by statute as requirements to be incorporated in all relevant state and local permits and licenses, and as objectives for all relevant state planning and management activities.
2. The State Water Board should review and revise all relevant water rights permits, waste discharge requirements, and other relevant permits and licenses to comply with the appropriate ecosystem targets.
3. All state and local agencies with authority over land use in the Delta should review and revise all relevant general plans, permitting approval criteria, and pending permits and licenses to comply with the appropriate ecosystem targets.

### **Securing and Managing Additional Water for the Environment, Including a New Environmental Water Right**

The current allocation of water for environmental purposes has not been sufficient to prevent collapse of the Delta ecosystem. While a number of factors are implicated in this collapse, the long-term, radical alteration of hydrologic patterns and decrease in Delta outflow under most conditions has been a primary driver of habitat degradation, rendering the Delta more vulnerable to secondary factors that would not be as likely to adversely affect a healthy estuary.

The ecosystem targets proposed above include several that will provide high quality hydrological conditions for estuarine species and habitats. For a variety of reasons, however, complying with these targets must be combined with the dedication of additional water supplies for Delta ecosystem protection that can be used in a flexible,

adaptively managed fashion in order to augment baseline regulatory protections. These additional water supplies can be provided under a new environmental water right and/or agreements that ensure environmental control over existing and new water supply infrastructure.

First, changes in operations and in storage and conveyance capacity in and upstream of the Delta, and in areas exporting water from Northern California, can undermine the protections afforded by any set of regulatory requirements or other targets, as evidenced by the recent shifts in the timing and amounts of export pumping and in the capacity to store exported water, which have played a major role in the pelagic fish population collapse. New environmental water would be used to avoid or offset such shifting impacts. Second, environmental conditions in the Delta are highly volatile as a result of both the accelerating effects of global warming and depressed population levels of native species. Episodic events that are not easy to predict may have a significant impact on the viability of estuarine species. New environmental water would be used to rapidly respond to emerging problems and fill gaps in the baseline regulatory requirements and other targets. Third, the amount of water currently dedicated to flexible environmental use under the Central Valley Project Improvement Act and the Environmental Water Account has been relatively trivial compared to the amount of water extracted from the Delta ecosystem and the amount of water needed to improve habitat conditions. New environmental water, if sufficient in magnitude, would allow for large-scale improvements in hydrological conditions for estuarine species on a real-time basis. In

summary, new environmental water would serve as a buffer between baseline protections and emerging, episodic and shifting impacts on estuarine species.

For these reasons, the Strategic plan should propose that:

1. The legislature should create a new environmental water right, i.e., a water right that allows for the appropriation of water for Delta ecosystem protection in order to augment minimum regulatory requirements.
2. Other arrangements should also be made to secure additional environmental control over existing and new water supply infrastructure.
3. A share of water stored and conveyed throughout the Delta watershed sufficient to achieve ecosystem targets (in combination with regulatory requirements) and provide an adequate buffer above attainment of targets should be secured to endow the new environmental water right and/or implement other environmental water arrangements. This environmental water should not be reliant on purchased water, since funding and purchase prices fluctuate from year to year, and long-term voluntary agreements are difficult to arrange.
4. The new environmental water should be managed by a new Delta Water Master (see below).

## **GOVERNANCE AND STRATEGIC FINANCE**

This section provides greater detail on steps 4 through 8 as described on page 4.

### **Delta Water Master**

Delta water operations – in-Delta diversions and interbasin water transfers – are managed on a real-time basis by water agencies primarily concerned with maximizing water deliveries while minimizing environmental compliance obligations. Regulators and resource agencies may set the baseline terms of compliance in permits but have limited or no ability to make direct decisions on a real-time basis regarding operational changes to avoid adverse habitat conditions or provide improved habitat conditions.

The creation of a new entity to act as a Delta Water Master (DWM) to manage a new environmental water right and oversee water operations in the Delta and interbasin transfers would correct this imbalance and elevate the place of the Delta ecosystem as a co-equal value in water management. In effect, the DWM would be able to flip the switches and turn the dials, just as water project operators do to maximize project deliveries today. The proposed DWM is the “functional equivalent” of the proposed Delta Water Management Commission that was included in our July 2007 recommendations to the Delta Vision Blue Ribbon Task Force.

The DWM would have the authority to:

1. Make releases from water stored or otherwise controlled by the new environmental water right to augment regulatory requirements. These releases could be used to directly improve habitat conditions or to offset reductions in diversions.
2. Require reductions in diversions and exports within the Delta and throughout its watershed to improve inflows, outflows, and water quality as needed.
3. Approve operational decisions by water project agencies involving interbasin transfers.
4. Operational decisions made by the DWM may be made in advance or in real time in response to biological and hydrological monitoring.
5. Administer fees imposed by the State Water Resources Control Board and/or directly impose fees.
6. Coordinate the activities of state and federal agencies that have legal responsibilities for fishery and water quality protection, including but not limited to the California Department of Fish and Game, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the U.S. Environmental Protection Agency. (This coordination function is not intended to have any effect on the existing statutory obligations of these agencies).

For more ideas on how the DWM could function, see Attachment 2 (Environmental Defense Fund, *Increasing the Flexibility of Environmental Water Supply Operations in the Delta*).

There are many ways to structure the DWM. Primarily, it is critical that a streamlined entity be created that would effectively and efficiently coordinate all agencies with legal



responsibilities for protecting water quality and natural resources in the Delta. Under one potential approach, the DWM entity would be managed by an executive director with the authority to hire sufficient staff to perform the functions described above. The executive director would be appointed by the State Water Board, and all decisions of the DWM would be subject to the concurrence of the Board (or its executive director). Under an alternative approach, the DWM entity would be overseen by a board consisting of members filling specific positions with expertise in Delta agriculture; Delta communities; export water use; commercial and recreational fishing; communities downstream of the Delta; environmental justice; water quality; public interest environmental advocacy; and aquatic biology. The members would be appointed by the Governor (5), the President Pro Tem of the Senate (2) and the Speaker of the Assembly (2). Their authority would be delegated from the State Water Board, and their decisions would be subject to the oversight and concurrence of the State Board.

The DWM would have the authority to impose new fees and/or would administer fees collected by the State Board, which already has the authority to impose fees. These fees would be imposed in the following areas:

*Ecosystem Restoration:* A fee for ecosystem restoration is required to provide more complete mitigation for the system-wide impacts of water diversions in the watershed. The fee should be imposed on all water diverted from the watershed. However, this state fee should take into account the contributions made to the Central Valley Project Restoration Fund for a system-wide mitigation program. The goal of the ecosystem restoration fee is to

create an equitable, watershed-based, state Bay-Delta restoration fund parallel to that created for the Central Valley Project by the Central Valley Project Improvement Act. These funds should be awarded by the DWM to restoration program managers such as the Department of Fish and Game.

*Delta Flood Management:* A fee on water exported from the Delta should be created to provide funding for flood management efforts in the Delta that produce direct reliability benefits for the exporters. These funds should be awarded by the DWM to flood management entities such as the Department of Water Resources Division of Flood Management to implement portions of the State Plan of Flood Control (currently under development) that provide direct reliability benefits for the exporters. This fee should be designed to ensure that the flood management program is consistent with ecosystem restoration goals.

*Science:* A fee to provide ongoing, reliable support for the existing Bay-Delta science program would allow the state to better understand the impacts of water management and allow more effective management over time.

*DWM Management:* Fees should be imposed to fund the activities of the DWM. These activities will include operational costs, staffing costs, and potentially costs of storing and releasing environmental water. The DWM will not buy or sell water supplies in the normal course of business, however, so it is not expected that fees will be collected for this purpose.

### **Land Use Regulation**

In our July 2007 recommendations, we proposed the creation of a Delta Conservation and Development Commission with authority to regulate land use, protect and restore habitat, and address water quality, on the pattern of the existing Bay Conservation and Development Commission. (This entity could perhaps also be established by modifying the authority of the existing Delta Protection Commission). This element should be included in the 2008 Strategic Plan.

### **Special Status for the Delta**

In our July 2007 recommendations, we proposed state and federal designations for the Delta designed to strengthen the “sense of place” in the Delta, increase public awareness of this unique resource, and drive efforts to acquire, manage and restore habitat areas in protected zones throughout the Delta. Specifically, the Strategic Plan should propose that:

1. The state should, working with Delta communities, create a Delta State Park. This park would also serve the purpose of unifying the different state property interests in the Delta. The state is already an extensive land owner in the Delta. Over time, particularly as restoration efforts proceed, existing state land (e.g. Sherman Island) and additional lands that will be purchased by the state to facilitate ecosystem restoration should be unified as separate units in a single state park. The Sonoma Coast State Park provides an example of a state park composed of several different units, but retaining a single identity and unified management.

2. The federal government should, working with Delta communities, designate the Delta as a National Heritage Area. This designation would reflect the broad cultural, historic and natural values of the Delta. It is likely that most public purchases in the Delta in the near future would be made with state, not federal funds. This fact makes the NHA designation particularly appropriate, as the NHA model is not based on federal ownership and management. The NHA designation, however, could make a significant contribution to increasing public awareness of the Delta. See <http://www.nps.gov/history/heritageareas/FAQ/INDEX.HTM> for more information.

### **Strategic Finance**

Implementing an effective Strategic Plan that successfully addresses a full range of Delta issues will require an extremely large financial investment totaling tens of billions of dollars over the life of the plan. Securing that funding will be a major challenge. Meeting that challenge should not wait until after the plan is written.

Issues related to economics and finance have proven to be important challenges for other water policy efforts in California. The CALFED Bay-Delta Program stumbled over the task of developing a realistic financing plan. Development of a detailed financing plan was not begun until years after the CALFED Record of Decision (ROD) was finalized. The legislature pressured the CALFED Program to develop a financing plan to guide the implementation of the ROD. The CALFED Program did some good work in this area, but the plan was never finalized. As a result, key elements of the CALFED ROD, such as the levee program, were dramatically underfunded. The failure of the CALFED Program regarding

financing contributed to the legislature's loss of confidence in the program and its ultimate failure. The legislature is currently considering SB 1102 (Machado), which would disband the CALFED Program. In 2006, the Governor proposed the creation of a Resource Investment Fund (RIF) to finance water management programs. The RIF proposal failed to win approval in the legislature, in large part due to opposition from water users who did not want to pay into a RIF without knowing how those funds would be spent.

In short, the CALFED ROD was, in some ways, an investment plan without a finance plan. On the other hand, the RIF was a finance plan without an investment plan. With a price tag in the tens of billions of dollars, an effective Delta Vision implementation plan must address both what investments are needed, and how they will be financed. Economics and financing will be central to the success or failure of the Delta Vision strategic plan. Given the scope of this effort, a focus on economics is essential to ensure that the plan is as cost-effective as possible. An early focus on financing is also essential to maximize the chances that the plan will be successfully implemented, rather than merely sit on a shelf gathering dust.

These observations have led to the following initial conclusions, which have shaped our subsequent recommendations.

Businesses and water users seek the most cost-effective solutions, but agencies have not always done so. Water users are very focused on the cost-effectiveness of any benefits they might receive from an investment they are considering. However, policy discussions in the legislature and state and federal agencies regarding potential elements of a comprehensive

Delta plan frequently fail to address the issue of cost-effectiveness. Without a focus on the cost-effectiveness of key elements of a Delta Vision plan, there is a greater risk that water users will be unwilling to invest in that plan. The state does have a successful model that Delta Vision can build on. For example, the state's focus on Integrated Regional Water Management in the last several years has helped the state work collaboratively with local agencies to direct state investments to cost-effective strategies that local agencies are eager to invest in.

In the future – unlike the past - most of the funds to address issues related to the Bay-Delta, particularly to ensure adequate future water supplies, are expected to come from water users, not federal or state general funds or bonds. For example, in testimony before the Senate Committee on Natural Resources and Water on March 11, 2008, the Legislative Analyst reported that “local matches and other local direct expenditures likely outpace state funding for water conservation” and that “local funding for groundwater management far exceeds state local assistance funds by more than 2 to 1.” While it is a mark of progress that local beneficiaries are expected to pay for more than two-thirds of the cost of groundwater development, we generally believe that beneficiaries should pay for 100% of benefits received.

Economics and finance will play an important role in the transition from a focus on developing traditional water projects to a focus on improved management and efficiency.

We do not mean to suggest that there will be no significant infrastructure investments in the future. However, there is remarkable agreement around the conclusion in the California

State Water Plan Update (2005) that the new water supplies needed to meet California's future water needs will come largely from efficiency, water recycling and improved groundwater management (e.g. groundwater clean-up), not from new surface storage. Almost by definition, effective efficiency programs must focus on cost-effectiveness and financing issues. Internalizing costs are an important part of that process. The energy field has undergone this transition in the last 20 years, resulting in a much sharper focus on cost-effectiveness and user-financing. Environmental limits on the historic pattern of steadily increasing Delta diversions, along with the pressure of global warming on water systems, will, over time, increase the need to focus on economics and finance. Simply put, California is no longer in an era of cheap, abundant water.

With these conclusions in mind, we offer the following recommendations regarding finance and economics.

An integrated approach to economics and financing should be developed as early as possible.

Economics and financing are not merely implementation issues to be considered at the end of the process. They should be integrated into the planning process from the start, because they will likely shape the substance of the plan. For example, an early focus on financing will lead potential funders to focus on the cost-effectiveness of proposed projects. The result will be a more effective, less costly plan that is far more likely to be implemented.

A meaningful "beneficiary pays" approach is key. As stated above, water user funding will likely exceed state and federal funding in many areas of the Delta Vision plan. Given this

fact, and given that water users will be unwilling to pay for benefits that their neighbors would receive, it is essential that the Strategic Plan include a meaningful “beneficiary pays” approach to financing. Our remaining recommendations will focus largely on the elements of such an approach.

For example, however Delta conveyance issues are resolved, it is anticipated that levee repair will cost many billions of dollars. Repairing levees would benefit highways, railroads, power transmission, shipping, local communities, and many other interests. To ensure fairness and cost-effectiveness, the strategic plan should identify mechanisms for distributing the costs of levee repair in a rational and equitable way.

The focus should be on cost-effectiveness, including the full cost of protecting environmental resources. There are many ways to meet our future water needs (e.g. efficiency, transfers, conjunctive use, water recycling, traditional water projects.) Likewise, there are different ways to improve flood management in the Delta (e.g. land use decisions, flood bypasses, levee improvements). A focus on cost-effectiveness will help decision-makers select among alternatives and increase the willingness of water users to invest in that plan. Any public funding for water supply should be focused on cost-effective water strategies that are aligned with the priorities of water agencies for investing their own funds. A focus on cost-effectiveness necessarily requires that water strategies are designed in a process that includes a careful evaluation of competing approaches.



Public funds should be dedicated to achieving well defined public benefits. It is not enough merely to promise public benefits. The Strategic Plan should clearly define what constitutes a public benefit. For example, mitigation is not a public benefit. Increasing the reliability of supply for one set of water users is not a public benefit. This step is essential to equitably apportion costs.

Proposals to develop new storage capacity, operated to provide environmental benefits, are essentially mitigation, as they are an admission that operation of existing facilities has over-manipulated the natural hydrograph. The cost of developing any new storage capacity dedicated to the environment should appropriately be borne by user fees rather than taxpayer funds or general obligation bonds. This will ensure that the price of water will better reflect the cost of extracting it for consumptive use.

Unfortunately, there is a long history of unfulfilled promises of public benefits from water projects. Therefore, the Strategic Plan should recommend the creation of effective assurances that provide guarantees that public benefits will be achieved. Water projects have routinely written water contracts with water contractors. These contracts are intended to provide water users with some predictability regarding the allocation of water supply from a particular project. However, water projects have generally not made similar commitments regarding the public benefits that are used as justification for public funding. To the extent that state or federal funds are invested in water projects in the future, as a result of promised public benefits, new enforceable mechanisms should be required that provide some assurance that public benefits will be achieved. These assurances can take several forms:

- Enforceable regulatory commitments.
- Enforceable water efficiency and recycling targets to ensure reasonable use,
- Contracts, including private enforcement agreements and commitments in bonds.
- Governance structures, including ownership interest.

Designing a “beneficiary pays” financing approach for large infrastructure projects. A careful approach is particularly important for large infrastructure projects, because of potential environmental impacts, the large amount of funding required, and the risk of stranded investments in the planning phase if needed financing for implementation fails to appear. Specifically, the Strategic Plan should condition the consideration and selection of any large infrastructure project on the following:

- Requiring a completed finance plan as a precondition for design and construction phases of a large capital project.
- Requiring local agencies to prepare a finance plan to pay the local share of a capital project.
- Requiring participation from potential beneficiaries in funding for initial studies.
- Establishing a clear “without project” baseline from which to measure project benefits.
- Assigning cost shares proportionally to expected benefits. As stated above, public benefits of mitigating project impacts should be subsidized by water user fees.

Learning from California's pioneering energy and climate programs. The Delta Vision Task Force should consider the approach to economics and finance in California's energy and climate programs. We recommend that the Task Force consider incorporating the following concepts in the implementation plan:

- The creation of a loading order and public goods charge. These policy tools guide energy investments to cost-effective solutions and provide use-based financing. They have played a major part in California's dramatic progress on energy efficiency. (See Natural Resources Defense Council, *Transforming Water Use: A California Water Efficiency Agenda for the 21<sup>st</sup> Century*, previously submitted to the Task Force.)
- The energy benefits of water conservation and other tools that could increase regional self-sufficiency could provide a significant source of new funding.
- The carbon sequestration benefits of wetlands restoration in the Delta, particularly on subsidized Delta islands, could provide an additional source of funding.

Create a system of equitable user fees to internalize externalities. User fees are essential to ending the "free rider" syndrome and ensuring that all users address impacts to which they contribute and support programs from which they benefit. There are many examples of such fees. (e.g. California's commercial salmon fishermen purchase a salmon stamp to support the health of that fishery.) The Strategic Plan should propose a carefully designed water use fee.

A water user fee should be primarily based on volume and applied to all water diverted within the Bay-Delta watershed for consumptive use on farms and in cities. It may also be appropriate to incorporate diversions for hydropower as part of the water user fee.

For example, Delta Vision has acknowledged that all water users in the watershed contribute to the degraded state of the Delta ecosystem. Granted, some water projects are a larger cause than others. However, all water users should contribute to the effort to restore the Delta environment. The Central Valley Project does collect a user fee for a system-wide program to mitigate for the impacts of the project. Other water users in the watershed, however, contribute little or nothing to address Delta issues. User fees would be an important complement to public funding for this effort and are likely to prove to be essential to the long term success of any Delta restoration effort.

Similar user fees could be developed to provide support for Delta flood management from the export water users who depend on Delta levees. Likewise, a user fee could be designed to support an ongoing science program for the Bay-Delta ecosystem. (See recommendations above regarding the Delta Water Master).

User fees must be designed carefully to tie fees to specific impacts and benefits. Likewise, fees must be carefully designed to address the risk that the general fund deficit could result in pressure to divert revenue from these user fees to other purposes. A system of user fees must not be allowed to become a de facto tax, providing revenue for the state's general fund. (This recommendation is also discussed in our governance recommendations.)

Look for opportunities to reduce water subsidies that increase pressure for diversions in the Bay-Delta watershed. Water resources throughout the Bay-Delta watershed are substantially over-allocated. Moving away from historic water subsidies could be an important part of a Delta strategy. For example, expiring CVP water contracts provide an opportunity for the Bureau of Reclamation to move more toward realistic cost- and market-based pricing. Reducing such subsidies could provide increased incentives for users to invest in efficiency and decrease pressure on the Delta.



December 10, 2007

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**VIA ELECTRONIC AND U.S. MAIL**

Re: Comments on the Draft Supplemental EIS/EIR for Extending the Environmental Water Account and OCAP Consultations

Dear Ms. Cervantes:

We are writing on behalf of the Natural Resources Defense Council ("NRDC") and its more than 120,000 members in California with regard to the draft supplemental EIS/EIR ("DSEIS/EIR") for the Environmental Water Account ("EWA"). The DSEIS/EIR proposes to extend the existing EWA program, which is currently set to expire at the end of 2007, for another four years, through 2011. The U.S. Bureau of Reclamation and the California Department of Water Resources, the co-lead agencies for the DSEIS/EIR, propose to take this action without providing any analysis of how the EWA has functioned since its inception in 2001 or whether the EWA has succeeded in achieving its stated fish protection purposes. In fact, the EWA has *not* functioned as envisioned and, by placing artificial restraints on the amount of water ostensibly available for fish protection, has contributed to the *decline* of imperiled fish in the Delta, most of which are in worse condition today than they were in 2001. For these reasons, we urge the agencies to discontinue the failed experiment of the EWA, and to devote the taxpayer resources currently dedicated to the EWA to actions that could provide a real benefit to imperiled fish.

In previous biological opinions on the joint operations of the Central Valley Project and State Water Project (i.e., the "Operating Criteria and Plan" or "OCAP"), the agencies have considered the EWA a central feature to mitigate the harmful impacts of the projects on listed fish. The Bureau has reinitiated consultation on those OCAP biological opinions, and those consultations are ongoing. Apparently, the agencies have not yet defined the "project" for this reconsultation and it is unclear whether the agencies are contemplating including the EWA in the new project description. Because the EWA has failed to function as a fish protective measure and should not be considered an effective mitigation or conservation tool in the new biological opinions, we seek consideration of these comments in those ongoing consultations as well. Likewise, we request that this information be incorporated, by DWR and DFG, into efforts to comply with the requirements of CESA.

**I. THE EWA HAS NOT FUNCTIONED AS ENVISIONED**

There is no doubt that in past years the water promised for fish protection through both the Environmental Water Account and the CVPIA (b)(2) account has been significantly less than what was promised in the CALFED ROD. *Finding the Water: New Water Supply Opportunities to Revive the San Francisco Bay-Delta*, Environmental Defense, 2005 (appended as Exhibit 1). From 2001-2004, the EWA provided only 29% on average of the expected 195,000 acre-feet of operational assets. *Id.* at 12-13. Collectively, the EWA and b(2) have contributed as much as 500,000 acre-feet less water per year towards fish protection and restoration than anticipated in the CALFED ROD. These shortfalls have occurred while exports from the Delta have reached record high levels and the ecosystem has continued spiraling downward. Clearly, the EWA experiment has not performed as planned.

The failure of the EWA to function as envisioned is epitomized in the failure of the agencies to invoke Tier 3 this year – the intended backstop for any shortfall in EWA assets. EWA Tier 3 was supposed to ensure that if EWA was underfunded or failed to perform as anticipated (both of which have happened), sufficient water would be provided to ensure no jeopardy to listed fish. As explained in the Tier 3 Protocol, a copy of which is appended hereto as Exhibit 2:

As part of the MSCS Conservation Agreement and the FWS and NMFS biological opinions, the CALFED agencies have provided a commitment, *subject to specified conditions and legal requirements*, that for the first four years of Stage 1, there will be no reductions, beyond existing regulatory levels, in CVP or SWP Delta exports resulting from measures to protect fish under FESA and CESA. *This commitment is based on the availability of three tiers of assets:*

...

Tier 3 is based upon the commitment and ability of the CALFED Agencies to make additional water available should it be needed.

...

Tier 3 is a fail-safe device, intended to be used only when Tier 1 and Tier 2 are insufficient to avoid jeopardy to the continued existence of an endangered or threatened species.

...

The State and Federal Projects will be responsible for making preparations for the activation of Tier 3.

(Emphasis added). This language makes clear that the assurances provided under CALFED, and the ESA and CESA compliance of the EWA, were dependent upon the existence and availability of these Tier 3 assets.

Unfortunately, when the time came to call upon this Tier 3 “fail-safe”, the agencies failed to trigger it, ensuring that listed species rather than water users would suffer the consequences of the failure of the EWA to live up to its stated purpose. There can be no question that Tier 1 and Tier 2 have been and are insufficient to avoid jeopardy to the threatened delta smelt. A federal court held in May of this year that the “delta smelt is indisputably in jeopardy as to its survival and recovery.” *NRDC v. Kempthorne*, Order on Summary Judgment at 119 (May 25, 2007). This finding echoes the findings of several expert fisheries biologists, including staff of many

state and federal agencies. *See, e.g.*, DSWG Briefing Statement (May 15, 2007) (“the species has become critically imperiled and an emergency response is warranted”) (attached hereto as Exhibit 3); Statement Presented by Ryan Broddrick, Director, CDFG, to House Subcommittee on Water and Power (July 2, 2007) (“it is DFG’s position that actions must be taken to protect as many individual smelt as can be through manipulation of the water projects. Each reproducing organism is important to the survival of the species.”) (appended hereto as Exhibit 4). Despite these findings and the continued take of large numbers of delta smelt at the Project pumps this past summer, *see* delta smelt May, June and July take tables (appended hereto as Exhibit 5), the Project agencies obstinately refused to invoke Tier 3.

Inexplicably, the DSEIS/EIR makes no mention of this breakdown of the EWA’s “fail-safe”, nor does it describe or analyze the historical shortfalls of the EWA or the program’s failure to function as envisioned. These shortcomings are far more relevant to the foreseeable impacts of extending the program than any of the purely hypothetical modeled impacts contained in the DSEIS/EIR. The DSEIS/EIR must be revised to address these issues. Further, these historical realities belie the statement in DSEIS/EIR that “[i]f pumping would be likely to put at risk the continued existence of a species listed as endangered or threatened under the Endangered Species Act (ESA), the Project Agencies would curtail pumping even if purchases already totaled 600,000 acre-feet and all assets were used.” DSEIS/EIR at ES-5. This is precisely the situation that presented itself to the Project Agencies this summer, and the agencies failed to curtail pumping once EWA assets were depleted even though continued pumping threatened the continued existence of the delta smelt.

Moreover, the DSEIS/EIR seeks to utilize the ESA/CESA process for coverage of the EWA initially established in the CALFED ROD, without addressing any of these fundamental failures of the process to operate as envisioned and which were essential to the CALFED analysis. *See generally* DSEIS/EIR Appendix C.<sup>1</sup> For example, Tier 3 no longer exists as a viable “fail-safe device.” Yet, the CALFED assurances were explicitly “based on the availability of three tiers of assets.” Tier 3 Protocol. The DSEIS/EIR makes passing reference to this change, obliquely noting that “[b]ased on current circumstances, these three tiers are no longer an accurate way to describe EWA assets.” DSEIS/EIR at 2-4. But the document fails to acknowledge the implications of omitting this critical “fail-safe device” or to describe the replacement structure of the EWA going forward.

In short, the DSEIS/EIR fails to adequately describe the project to decisionmakers and the public or to disclose the environmental impacts associated with the policy choice of extending the EWA. The document should be revised to correct these shortcomings. We believe that an accurate description and assessment of the EWA will demonstrate that the program should not be extended.

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<sup>1</sup> The DSEIS/EIR also fails entirely to discuss the state court decision finding that DWR lacks the necessary CESA coverage for operation of the SWP, which also likely impacts the CESA analysis in Appendix C. It is unclear, for example, how EWA assets pumped through the SWP facilities at Clifton Court forebay and Banks pumping plant have CESA take authority when the court found that the SWP lacked any take authority for its pumping operations. The DSEIS/EIR must be revised to address this issue.



## II. THE EWA HAS LIMITED, RATHER THAN EXPANDED, THE AMOUNT OF WATER AVAILABLE FOR IMPERILED FISH

Since shortly after the first EWA ROD was signed in 2004, the program has been used as an excuse by the agencies to deny needed water to imperiled fish rather than to help protect and recover imperiled fish. For example, in February 2005, when delta smelt populations were at then-record low levels, fishery biologists recommended that exports be curtailed to reduce entrainment. However, because EWA supplies were scarce, project managers did not curtail exports as much or as long as was requested. Compare "Data Assessment Team" call notes (Feb. 1, 2005) (recommending combined exports be reduced to 1500 cfs for one week) (appended hereto as Exhibit 6, without attachments) with CVO smelt report (February 2005) (showing much higher combined export levels) (appended as Exhibit 7). Hundreds of delta smelt were taken at the pumps as a result. *Id.* The lawful and proper course of action would have been for the agencies to fully implement the recommended action, and then use non-EWA project water to meet fish needs later in the year if EWA supplies ran short. Instead, the program has been implemented to turn this requirement on its head, and to short fish without any consideration given to imposing uncompensated reductions on project contractors and other water users.

Unfortunately, the agencies have continued this pattern of using limited EWA assets to deny needed fish protection actions. In 2006, as the delta smelt continued its unparalleled decline in abundance, the Delta Smelt Working Group ("DSWG") evaluated a range of protective actions that could be taken to lessen the impacts of water project operations. One action that was evaluated was to address fall (September-December) Delta salinity levels by making releases from upstream reservoirs to increase Delta outflows. The discussions and analyses of this proposed action are reported in DSWG notes for July 10 (see also the notes from August 21, and Sept 26 (appended hereto as Exhibits 8). The DSWG determined that the fall action had a high likelihood of being successfully implemented and that the scientific basis for the action was supported by statistically significant correlations.

Ultimately, the fall action was not taken because it was determined that "the amounts of water needed to demonstrably improve fall habitat quantity/quality [were] unavailable". Based on analyses provided by DWR, the amount of water necessary for maintaining net Delta outflows at 7000 cfs for the September-December period would range from only 170-433 TAF. DSWG notes (Aug. 21, 2006). As a result of not taking this action, Delta outflows steadily declined, falling below 6000 cfs in October, and salinity levels shifted upstream of 80 km, the critical threshold identified by the DSWG for delta smelt habitat quality and subsequent abundance. Delta smelt abundance plummeted to a new record low the following year, indicating that the fisheries agencies were not sufficiently addressing adverse habitat conditions in the Delta and other stressors to ensure the delta smelt's survival and recovery.

Perceived unavailability of water assets was also the reason behind the DSWG rejecting a protective action in winter 2006 intended to set net flows in Old and Middle Rivers to zero cfs to better protect pre-spawning adults. Low San Joaquin River inflows and negative flows on Old and Middle Rivers, concurrent with high export rates, are likely creating hydrodynamic conditions that draw greater numbers of fish to the pumps and correspond to significantly higher

salvage rates. Protection of these biologically valuable spawning adult fish is essential for recovery and sustainability of this at-risk species. Despite the expected benefit of taking this action, it was rejected because "DWR staff have derived estimates of the water costs of the potential actions in the Resources Agency POD Action Matrix and found that the proposed winter action could consume all available environmental water, leaving no assets for spring actions for larvae or juveniles." DSWG notes (Dec. 11, 2006) (appended as Exhibit 9); *see also* DSWG notes (Oct. 10, 2006) ("The Working Group notes that some of the weaknesses of the DFG plan included the potential to exhaust all EWA and B2 assets in winter, leaving nothing in reserve for spring actions") (appended as Exhibit 10).

More recently, NMFS' biologists testified against taking actions to protect delta smelt based on a similar misperception that the total amount of water available to protect imperiled salmonids was limited to a pot of "environmental water" defined by EWA and b(2) assets, and that water used to protect smelt would necessarily deplete the amount of water available to protect salmon. *See* Declaration of Bruce Oppenheim in *NRDC v. Kempthorne* ((June 15, 2007) (appended as Exhibit 11). For example, Mr. Oppenheim explained that "the use of environmental water after VAMP on the San Joaquin River may have consequences later in the year on the Sacramento River." *Id.* at 3. This statement is only true if there is a limited pot of "environmental water" available to meet all fisheries needs – a position that is contrary to numerous requirements of state and federal law.

All of these decisions are based on the incorrect assumption that the amount of water available to protect listed fish species is limited to the assets of the EWA, CVPIA b(2), and other sources of water "dedicated" to the environment. The Bureau has perpetuated this fallacy, asserting that it must meet the needs of CVP contractors before meeting the needs of listed fish species. *See* Declaration of Ronald Milligan in *NRDC v. Kempthorne* (June 21, 2007) ("Reclamation operates New Melones to meet ... project needs of the East Side Division CVP contractors" which leaves "no additional water available for out of basin releases from New Melones Reservoir" even if needed to prevent jeopardy to listed delta smelt) (appended as Exhibit 12); *see also* Transcript of Hearing re Interim Remedies Day 7, *NRDC v. Kempthorne*, Testimony of Ronald Milligan at 1553-54 (Aug. 31, 2007) (explaining that the WOMT rejected some recommendations of the DSWG because of concerns regarding "the ability for the EWA to function in a manner that it could, in essence, pay back the projects for curtailments without impacting operations in the long term sense or allocations to contractors") (appended as Exhibit 13). Similarly, DWR has asserted that it has no additional water available for fish protection, while simultaneously making hundreds of thousands of acre-feet of surplus "Article 21" and "turnback pool" water available to water users and contractors.

This presumed EWA limitation on the amount of water available to protect fish is simply not correct. Numerous courts have made it abundantly clear that the Bureau and DWR must provide sufficient water to protect and recover listed fish species, whether it exceeds the amount of the water the agencies may have earmarked for that purpose or not. *See, e.g., NRDC v. Kempthorne*, Order on Summary Judgment at 61 (May 25, 2007) ("The EWA is simply a means by which the SWP and CVP can obtain water by purchasing it from willing sellers. ...If money is unavailable to fund the EWA, Defendants are nonetheless required to prevent smelt take from exceeding permissible take limits. ... [I]f all else fails, [additional] assets may be brought to bear, which

include 'additional purchased or operational assets, funding to secure additional assets if needed, or project water if funding or assets are unavailable.'") (emphasis in original).

The agencies have turned the EWA on its head and, instead of using it to supplement the resources needed *and required* for fish protection, have used it as an excuse to short the environment and avoid committing those mandatory resources. Unless the agencies make very clear that limited EWA assets cannot be used as a reason not to take an action that would help protect or restore imperiled fish, it should be discontinued.

### **III. THE ANALYSIS FAILS TO DEMONSTRATE THAT THE EWA HELPS PROTECT AT-RISK FISH SPECIES AND CONTRIBUTE TO THEIR RECOVERY**

In addition to the problems discussed above, the DSEIS/EIR fails to provide adequate support for its conclusion that extending the EWA would benefit fish protection and restoration.

First, the document recognizes in several places that a pumping "window" during which EWA assets may be pumped out of the Delta without increasing adverse impacts to listed fish no longer exists. The document explains that "[t]he EWA protects fish at the pumps by reducing pumping when it would help at-risk fish species, then transferring EWA assets across the Delta at other times to repay CVP and SWP users for water lost during pump reductions." DSEIS/EIR at 2-15. The DSEIS/EIR asserts that EWA assets should be used to reduce export pumping to protect fish from the months of December through July. DSEIS/EIR at 2-10 to 2-11. This proposal allows exports to increase to allow delivery of EWA water during the months of August through November. But several imperiled species are vulnerable to take at the pumps during this late summer/fall period. *See id.* at 2-13, 4-15. Moreover, the document notes that the alarming and continuing decline in four pelagic organisms in the Delta have corresponded to a period of "increased exports during June through December." DSEIS/EIR at 4-11. In addition, recent studies have indicated that decreased Delta inflows in late fall and winter may result in reductions in fall habitat quality and eastward movement of X2, which may result in adverse impacts to fish. DSEIS/EIR at 4-13. Thus, it is unclear when a safe pumping window exists for EWA to increase Delta exports. Instead, it is likely that an extended EWA would simply help sustain the current record high levels of exports pumped out of the Delta – export levels that have corresponded to many of the declining fish populations in the Delta. *See, e.g., id.* at B-3 to B-4 (Banks pumping would increase in July, August, and September to convey EWA assets).

Second, the DSEIS/EIR assumes with no support that "[w]hile the fish actions in ... revised biological opinions [that are currently being developed for project operations] are unknown, they would likely be less than with the EWA program." DSEIS/EIR at ES-4. This statement reflects a fundamental misunderstanding of the nature of ESA and CESA requirements, which *mandate* that project operations cause no jeopardy to the existence *or recovery* of listed species, cause no adverse modification of critical habitat for survival *or recovery* of listed species, and that the impacts of project take be minimized and fully mitigated. In addition, Section 7 also imposes an affirmative obligation on federal agencies to "utilize their authorities in furtherance of the purposes of this chapter by carrying out programs for the conservation of endangered species and threatened species listed" under the Act. 16 U.S.C. § 1536(a)(1). A program of "conservation" is one that brings the species to the point of recovery and delisting. *Id.* § 1532(3). In short, the

project agencies are obligated to protect, recover and conserve listed species, whether or not the EWA is in place.

Third, the DSEIS/EIR explicitly bases its analysis of fish actions on the invalidated, reinitiated, and discredited OCAP biological opinions, claiming that it "would be speculative to assume that the fish actions in the BO will be the same as those described by Judge Wanger because the BO will be based on a comprehensive review of all available information and science." DSEIS/EIR at 1-6. In reality, Judge Wanger's decision is based on a more comprehensive and current review of the science regarding the delta smelt than the invalidated BO, which failed even to acknowledge the precipitous decline of the delta smelt in recent years. In addition, the OCAP BO on listed salmonids has been discredited by more than three independent science reviews, including a CALFED review panel, which concluded that the BO was not based on the best available science. The DSEIS/EIR's reliance on the fish actions encompassed in these discredited BOs for the basis of its analysis lacks a reasonable basis.

Fourth, the Bureau has reinitiated consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on the OCAP. That consultation is ongoing. Until the Bureau meets the requirements of ESA §7 and, among other things, obtains a valid biological opinion at the conclusion of consultation, the ESA §7(d) prohibition on making any irreversible and irretrievable commitment of resources applies to the Bureau's actions. Regional Director Kirk Rodgers has correctly recognized that reauthorization of the EWA during the pendency of the OCAP consultations would be a violation of §7(d), and has (twice) sworn to a federal court that such authorization would not occur before completion of the new BOs. *See* Declaration of Kirk Rodgers (Oct. 18, 2006), Declaration of Kirk Rodgers (July 9, 2007) (appended hereto as Exhibit 14). Reauthorization of the EWA as proposed in the DSEIS/EIR runs afoul of the 7(d) prohibition and contradicts Mr. Rodgers sworn statements in the pending OCAP lawsuits.

Finally, the DSEIS/EIR concludes that continuation of the EWA "would have a less than significant impact on X2 location during June through December." DSEIS/EIR at ES-9. However, as the document recognizes, emerging science indicates that moving X2 westward of its recent historic location in the fall could have a significant beneficial impact on listed species and their habitat. By reducing outflow in the fall, EWA could have a significantly detrimental impact on the ability of agencies to meet this new threshold.

#### **IV. THE ANALYSIS FAILS TO EVALUATE THE EWA'S FAILURE TO ASSIST IN ECOSYSTEM RESTORATION BEYOND ESA/CESA COMPLIANCE**

To date, as discussed above, the EWA has primarily, even exclusively, been operated to limit protective ESA/CESA actions. However, the failure of the EWA extends even farther. The EWA was intended to "provide water for the protection and recovery of fish." CALFED Programmatic ROD at 54. Note that these benefits are not restricted to listed species. The ROD also states that the EWA will "acquire water for ecosystem and species recovery needs." CALFED ROD NCCP Determination at 21. Thus, the EWA was intended as a tool to provide restoration benefits beyond the requirements of ESA/CESA for listed species. These benefits were an important part of the Ecosystem Restoration Program and were the justification for

public funding for the EWA. The document does not analyze the failure of the EWA to provide these anticipated benefits.

Indeed, far from facilitating improved ecosystem health, by limiting ESA/CESA actions and by increasing diversions during the August to November period, the EWA has damaged ecosystem health. This failure is indicated by the fact that non-listed species, such as threadfin shad, are showing the same decline affecting listed species such as the delta smelt and that the Pelagic Organism Decline process has identified "water project operations" as a potential cause of the decline of Delta fishes. See Interagency Ecological Program 2006-2007 Work Plan to Evaluate the Decline of Pelagic Species in the Upper San Francisco Estuary (January 12, 2007) at 4 (appended hereto as Exhibit 15). The document does include one, inadequate mention of these impacts, by concluding that "(t)he entrainment indices for threadfin shad and American shad would be increase." DEIS/EIR at 4-36. Clearly, the EWA has undermined, rather than facilitated, the CALFED ecosystem restoration goal.

The document must be revised to fully and adequately evaluate the failure of the EWA to contribute to fisheries and ecosystem restoration beyond the requirements of ESA/CESA.

#### **V. THE ANALYSIS FAILS TO EVALUATE THE EWA'S FUTURE USEFULNESS TO FACILITATE "REAL TIME" MANAGEMENT**

The EWA was also intended to provide "real time diversion management" of Delta flows and the CVP and SWP Delta pumps. CALFED ROD NCCP Determination at 29. Such real time management assumes that the EWA has enough flexibility to modify Delta flows and the management of the projects beyond the relatively fixed prescriptive requirements of ESA/CESA compliance. The document fails to analyze the extent to which the EWA will provide such flexibility to achieve additional ecosystem or protective measures. Unless the management priorities or assets of the EWA are changed dramatically (a change that this document does not anticipate) it appears unlikely that the EWA will have much, if any, flexibility to provide additional protective measures. To the contrary, to the extent that the EWA provides real time management, this flexibility is designed to increase pumping, potentially causing additional impacts to the ecosystem, and designed solely to provide additional water supplies for South of Delta CVP and SWP contractors.

#### **VI. THE FAILURE TO ANALYZE PAST PERFORMANCE UNDERMINES A FUNDAMENTAL PURPOSE OF THE EWA -- TO FAILITATE ADAPTIVE MANAGEMENT**

The CALFED ROD was designed with science-based adaptive management as a "central feature." CALFED Programmatic ROD at 4. This document repeats this assertion that "(a)daptive management is a key component of the EWA," and that "(a)daptive management provides a process to change fish actions or asset acquisitions." DSEIS/EIR at page 2-24. The careful evaluation of the past performance of management tools is the defining feature of adaptive management, in order to allow improved, adaptive future management. Indeed, the ROD explicitly commits CALFED agencies to "assess the success of EWA operations." CALFED ROD EWA Operating Principles Agreement at 4. Without such analysis, agencies

cannot "adapt" the management of the program in a manner that builds on past successes and responds to failures. The analysis of past performance of the EWA as an adaptive management tool is critical to the central purpose of this document – extending the EWA into the future. Such analysis is also important to agencies, such as the Delta Vision Task Force, the Bay-Delta Conservation Plan process, the Department of Fish and Game, NOAA Fisheries and the Fish and Wildlife Service, which may consider the merits of incorporating the EWA into future management for the Delta. Finally, such analysis is essential to the legislature and the Administration as they consider the justification for public funding for the EWA. An analysis of the past performance of the EWA will reveal that there is no justification for such continued public funding. As discussed above, the document fails to analyze past performance, a failure that cuts to the core of the purpose of the EWA as an adaptive management tool. The document must be revised to fully and accurately analyze the effectiveness of the EWA as an adaptive management tool.

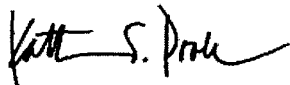
#### **VII. THE DOCUMENT FAILS TO DESCRIBE ACCURATELY THE PROJECT PURPOSE**

As discussed above, the document does not adequately analyze the EWA's failure to engage in real time management and adaptive management, to ensure ESA/CESA compliance and to contribute to broader ecosystem restoration. The document also does not include any meaningful provisions to address these failures. The document, however, largely maintains the old, inaccurate description of the purpose of the EWA. DSEIS/EIR at page 2-3. Thus, the document fails to adequately describe the purpose of the project. At the moment, the actual purpose of the EWA appears to be to limit protective actions under ESA and CESA, and to provide additional water supplies to south of Delta water contractors. The document should be revised to include an accurate description of the project.

#### **VIII. CONCLUSION**

In light of these many shortcomings in the operation of the EWA and the analysis of the DSEIS/EIR, we urge you to reject the proposal to extend the program beyond the end of 2007. In the alternative, we urge you to withdraw this document and issue a new, adequate draft that addresses the concerns outlined above.

Sincerely,



Katherine S. Poole  
Senior Attorney



Barry Nelson  
Senior Policy Analyst

Cc: Cay Goude, USFWS  
Maria Rea, NMFS  
John McCammon, DFG  
Lester Snow, DWR

---

**From:** Adam [mailto:fig\_dawg@yahoo.com]  
**Sent:** Friday, May 23, 2008 6:04 PM  
**To:** Brown, Delores  
**Cc:** mark@markpruner.com; wilson80@msn.com; FIGFARM@aol.com; jeetspdx@comcast.net  
**Subject:** EIR Scoping Comments - Clarksburg, CA (Delta Vision)

Ms. Brown,

I'm writing you as a member of North Delta CARES (North Delta Community Area Residents for Environmental Stability) regarding the State of California's plan to turn much of the North Delta into a tidal marsh wetland. Moreover, as a person who was born and raised in Clarksburg, I am heartbroken at the state's plans to destroy the area where I grew up for short-sighted gains.

Governor Schwarzenegger was right to call for a Blue Ribbon Task Force to study the myriad issues confronting the California Delta. However, I feel there are several issues which are yet to be adequately addressed. Mainly:

- Why is the State considering turning an area which has never been a tidal wetland into a tidal wetland?
- Has the economic impact of destroying multi-generational agricultural land been considered? I am the fourth generation which has cultivated the soil in the North Delta. Clarksburg has only recently benefited from its appellation certification and the wine industry is in its formative years. In 2007, America for the first time became a wine-drinking nation (defined as one glass of wine per week per capita). Why is the State considering drowning these vineyards for "habitat restoration?" Surely the livelihood of these hard-working farmers and vintners deserve some consideration prior to the elimination of their way of life!
- What impact will flooding the North Delta have on land-based endangered species, such as the Swainson's Hawk? While flooding the North Delta would benefit water-borne species, has the committee considered the impact on other species? Is it not possible that by solving one problem, you would be creating many others?

As I'm also a military man, where bringing "solutions not problems" is a daily way of life, I offer the following solutions as alternatives:

- If the issue following Hurricane Katrina is flood protection, dredge and rebuild the existing Yolo Bypass. The Bypass has served its purpose and is an effective deterrent to floods. By rebuilding the existing Bypass, the State would reclaim an added measure of flood protection and not need to flood the North Delta.
- Build the Auburn Dam. The subject of building a dam at Auburn seems missing throughout this entire debate. Holding water upstream prior to Sacramento would not only provide flood protection, but hydroelectric power (environmentally sustainable) and additional drinking water (allowing more to flow to Southern California).
- If the issue truly is habitat protection, stop diverting water into the California Aqueduct. The cessation of diversion to Southern California would adequately restore the saline levels in the South Delta as well as providing for safe travel of fish species. Surely, the money being spent on North Delta "habitat restoration" could be diverted and better spent studying desalinization efforts in Southern California. Southern California is not short on water, it is only short on DRINKABLE water.

Ma'am, as an environmentalist in my own right, I applaud your efforts to protect and restore what

Mother Nature has provided. As a fourth-generation family in the path of this well-intended, though drastically off course, proposal; I ask you to consider all options prior to taking steps which are irreversible at a later date.

Regards,

Adam J. Marshall



**North Delta Community Area Residents  
for Environmental Stability**

**"North Delta CARES"**

Post Office Box 1  
Clarksburg, CA 95612

May 30, 2008

MS. DELORES BROWN  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P. O. Box 942836  
Sacramento, CA 94236

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

Enclosed with this letter are 23 separate comments submitted by various members and entities within the Clarksburg community.

Some of these comments you may already have received through email.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
Michael Chrisman, Resources Secretary

North Delta Community Area Residents  
for Environmental Stability

"North Delta CARES"

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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

How is the impact of the discharge of ammonia and other substances by the Sacramento regional sewage treatment plant into the Sacramento River accounted for in the BDCP?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
Michael Chrisman, Resources Secretary

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P. O. Box 942836  
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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What is the impact of the proposed primary habitat restoration area(s) on the ground water levels in the town of Clarksburg?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
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Chief, Office of Environmental Compliance  
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P. O. Box 942836  
Sacramento, CA 94236

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What evidence is there that any part of Yolo County within the Delta was ever a tidal marsh wetland?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
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P. O. Box 942836  
Sacramento, CA 94236

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

In the Delta region, what is the impact of shallow water on the methylation of Mercury (Hg) on all species of fish population in any proposed primary habitat restoration area(s) in the ecosystem in which the shallow water area is a part?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By:   
Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
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Re: EIR/EIS Scoping Comment  
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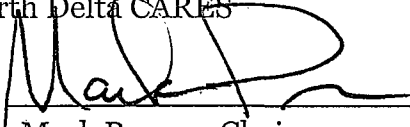
Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

In the Delta region, what is the impact of shallow water on the methylation of Mercury (Hg) on all species of fish population in any proposed tidal marsh wetlands in the ecosystem in which the shallow water area is a part?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

In the Delta region, what is the impact of shallow water on the methylation of Mercury (Hg) on plant-life in the ecosystem in which the shallow water area is a part?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By:   
Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
Michael Chrisman, Resources Secretary

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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What are the alternatives to relocating over to the Yolo Bypass of any and all proposed primary habitat restoration areas from the geographical area bounded by the southern West Sacramento City limit on the north, the Sacramento River on the east, the deep water channel on the west, and the Solano County-Yolo County common boundary on the south?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By:   
Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
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If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What, in all of its detail, was defined as the project as of the date of the Scoping Meeting of April 30, 2008 in Clarksburg, California?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

How is the economy of the historic Delta town of Clarksburg protected by the installation of a tidal marsh wetlands anywhere in the area within 15 miles of the town of Clarksburg?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What is the impact of the proposed tidal marsh wetlands on the existing septic systems in the town of Clarksburg?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

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cc: Arnold Schwarzenegger, Governor  
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Dear Ms. Brown:

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What is the impact of the proposed primary habitat restoration area(s) on the existing septic systems in the town of Clarksburg?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What is the impact of the proposed primary habitat restoration area(s) on the existing domestic water wells in the town of Clarksburg?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

How is the nature of the historic Delta town of Clarksburg protected by the installation of a tidal marsh wetlands anywhere in the area within 15 miles of the town of Clarksburg?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

How are the schools which are an integral part of the historic Delta town of Clarksburg protected by the installation of a tidal marsh wetlands or primary habitat restoration area(s) anywhere in the area within 15 miles of the town of Clarksburg?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By:   
Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
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May 30, 2008

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

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

How is the small town quality and society which is an integral part of the historic Delta town of Clarksburg protected by the installation of a tidal marsh wetlands or primary habitat restoration area(s) anywhere in the area within 15 miles of the town of Clarksburg?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
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How is the agriculture which is an integral part of the historic Delta town of Clarksburg protected by the installation of a tidal marsh wetlands or primary habitat restoration area(s) anywhere in the area within 15 miles of the town of Clarksburg?

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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

How is the BDCP tied to the Governor's Blue Ribbon Panel and Delta Vision?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

Will there be an increase in mosquito population because of the installation of a tidal marsh wetlands or primary habitat restoration area(s) anywhere in the area within 15 miles of the town of Clarksburg?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor

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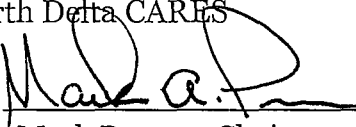
Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What is the impact on the food chains in the Delta of the discharge of ammonia and other substances by the Sacramento regional sewage treatment plant into the Sacramento River?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

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Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

This is a scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What is the impact on each of species of fish living in the Delta of the discharge of ammonia and other substances by the Sacramento regional sewage treatment plant into the Sacramento River?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
Michael Chrisman, Resources Secretary

**North Delta Community Area Residents  
for Environmental Stability  
"North Delta CARES"**

Post Office Box 1  
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June 2, 2008

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Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

In accord with my email to you on May 31<sup>st</sup>, this is a further scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What are the impacts on the "Farmland of Local Importance" identified by SACOG, the Sacramento Area Council of Governments, caused by the project envisioned by the BDCP?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By:   
Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
Michael Chrisman, Resources Secretary

North Delta Community Area Residents  
for Environmental Stability  
"North Delta CARES"

Post Office Box 1  
Clarksburg, CA 95612

June 2, 2008

MS. DELORES BROWN  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P. O. Box 942836  
Sacramento, CA 94236

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

In accord with my email to you on May 31<sup>st</sup>, this is a further scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What are the impacts on the "Unique Farmland" identified by SACOG, the Sacramento Area Council of Governments, caused by the project envisioned by the BDCP?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By:   
Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
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June 2, 2008

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

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

In accord with my email to you on May 31<sup>st</sup>, this is a further scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What are the impacts on the "Prime Farmland" identified by SACOG, the Sacramento Area Council of Governments, caused by the project envisioned by the BDCP?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By:   
Mark Pruner, Chair

MAP:m  
cc: Arnold Schwarzenegger, Governor  
Michael Chrisman, Resources Secretary

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Clarksburg, CA 95612

June 2, 2008

MS. DELORES BROWN  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P. O. Box 942836  
Sacramento, CA 94236

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

In accord with my email to you on May 31<sup>st</sup>, this is a further scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What are the impacts on the "Farmland of Statewide Importance" identified by SACOG, the Sacramento Area Council of Governments, caused by the project envisioned by the BDCP?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By:   
Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
Michael Chrisman, Resources Secretary

**North Delta Community Area Residents  
for Environmental Stability  
"North Delta CARES"**

Post Office Box 1  
Clarksburg, CA 95612

June 2, 2008

MS. DELORES BROWN  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P. O. Box 942836  
Sacramento, CA 94236

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

In accord with my email to you on May 31<sup>st</sup>, this is a further scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What is the impact of the Metropolitan Transportation Plan for 2035, adopted by SACOG, the Sacramento Area Council of Governments, on the project envisioned by the BDCP?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
Michael Chrisman, Resources Secretary

**North Delta Community Area Residents  
for Environmental Stability**

**"North Delta CARES"**

Post Office Box 1  
Clarksburg, CA 95612

June 2, 2008

MS. DELORES BROWN  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P. O. Box 942836  
Sacramento, CA 94236

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

In accord with my email to you on May 31<sup>st</sup>, this is a further scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

What is the impact of the project envisioned by the BDCP on current flood protection measures throughout the Delta?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
Michael Chrisman, Resources Secretary

**North Delta Community Area Residents  
for Environmental Stability**

**"North Delta CARES"**

Post Office Box 1  
Clarksburg, CA 95612

June 2, 2008

MS. DELORES BROWN  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P. O. Box 942836  
Sacramento, CA 94236

Re: EIR/EIS Scoping Comment  
Bay Delta Conservation Plan ("BDCP")

Dear Ms. Brown:

In accord with my email to you on May 31<sup>st</sup>, this is a further scoping comment and question submitted for analysis in connection with the BDCP EIR/EIS.

How are the analysis, data, and conclusions of scientists who believe world and sea surface temperatures (e.g., Loehle & McCulloch, 2008) naturally change up and down over time consistent with the assumption that sea levels will rise thereby prompting a need for further flood protection in the Delta?

If you have any questions, please do not hesitate to contact me. My personal cell phone is: (916) 204-9097.

Very truly yours,  
North Delta CARES

By: 

Mark Pruner, Chair

MAP:m

cc: Arnold Schwarzenegger, Governor  
Michael Chrisman, Resources Secretary



*To promote the economic, social and environmental viability of Northern California by enhancing and preserving the water rights, supplies and water quality of our members.*

May 30, 2008

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

Re: Comments on the Notice of Preparation of an Environmental Impact Report and Environmental Impact Statement (EIR/EIS) for the Bay Delta Conservation Plan (BDCP)

Dear Ms. Brown:

Thank you for the opportunity to provide comments to inform the preparation of an EIR/EIS for the BDCP. The Northern California Water Association (NCWA) and its counsel have reviewed the Notice of Preparation (NOP), as well as the BDCP Planning Agreement and Points of Agreement documents, and provide the following comments.

#### General Requirements

As an initial matter, a BDCP and the EIR/EIS must: be based on good science; respect the legal rights of the watersheds of origin; and allocate the costs of implementing the BDCP or any alternatives/mitigation measures based on a “beneficiary pays” principle.

#### Geographic Scope of BDCP

The project description within the NOP explains that the project under review is a

conservation plan covering the Statutory Delta, including new dual or isolated conveyance infrastructure for the Delta. NCWA generally supports the efforts to develop a mechanism that will protect the Bay-Delta ecosystem while providing assurances for water deliveries so long as BDCP conservation requirements are limited to the Statutory Delta. NCWA supports the notion that, where related actions outside of the Statutory Delta are deemed necessary to further the goals and objectives of the BDCP, future voluntary agreements with local agencies, non-governmental organizations, landowners, and others will be negotiated to facilitate cooperative conservation activities. (Planning Agreement, p. 11, ¶ 5; NOP, p. 7.) NCWA stresses the importance of not imposing regulatory requirements outside of the Statutory Delta through the BDCP because it is unlawful for a voluntary HCP to impose requirements on non-participating parties.

To the extent that the BDCP includes proposed voluntary agreements with upstream water users that would address issues in the Delta, the scope of those agreements must be well-defined in the EIR/EIS project description. Similarly, any voluntary arrangements outside of the Statutory Delta must not interfere with numerous fish and wildlife conservation efforts already underway outside the Statutory Delta.

#### Upstream Impacts

The NOP suggests that the BDCP will involve operational changes to the Central Valley Project (CVP) and State Water Project (SWP). These operational changes will result in environmental and water supply impacts related to the Sacramento and Feather Rivers that must be addressed in the EIR/EIS. These impacts include, but are not necessarily limited to, impacts on existing and ongoing conservation activities upstream, impacts to water supply diversions from those Rivers, impacts to agricultural and wildlife

Ms. Delores Brown  
May 30, 2008  
Page 3 of 3


refuge uses dependent upon said diversions, and impacts to regional water supply planning activities such as the Sacramento Valley Integrated Regional Water Management Plan. The BDCP EIR/EIS must contain mitigation measures and alternatives that minimize any such impacts.

Comprehensive Analysis

The EIR/EIS must provide a comprehensive environmental analysis of all of the BDCP's elements. The EIR/EIS cannot defer environmental studies of any element of the BDCP.

Thank you for the opportunity to comment. As noted in the NOP, the BDCP planning effort is in "the preliminary stages of development, and further information regarding the various features of the BDCP may be provided to the public in subsequent public notices and/or in scoping meetings." (NOP, p. 1.) Without additional information, it is impossible to anticipate all of the potential effects of the BDCP. NCWA provides these preliminary comments based on the information currently provided, but plans to supplement these comments upon receipt of more detailed information about the BDCP conservation and conveyance activities.

Sincerely,



L. Ryan Broddrick  
Executive Director



*Via Email: [bdcp@water.ca.gov](mailto:bdcp@water.ca.gov)*

May 5, 2008

Delores Brown  
Chief Office of Environmental Compliance  
California Department of Water Resources  
Sacramento, California 94236

**Subject: OCBC Support for the Bay Delta Conservation Plan**

Dear Ms. Brown,

The Orange County Business Council, representing some of the largest and most innovative companies throughout Southern California, is concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all of California's residents, in addition to its vital contribution to the state's agriculture industry which supplies half of the nation's produce.

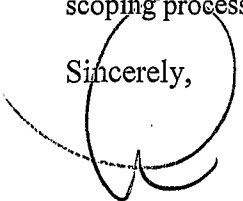
We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, state and federal agencies. The Plan is key to mapping out a comprehensive conservation plan and a solution for the Delta. The key to a reliable water system is a restored Delta ecosystem and a rebuilt water conveyance system.

The Business Council supports the BDCP's environmental review process, an essential component to the success of the ultimate plan. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable water supply. We need sufficient quantity in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability must be a cornerstone of the Bay Delta Conservation Plan.

The success of the BDCP is essential to the continued economic health of California. On behalf of the Orange County Business Council, I thank you for the opportunity to provide input during this important scoping process.

Sincerely,



Lucy Dunn  
President and CEO

LAD: KLM:k



10880 Wilshire Boulevard, Suite 1900  
Los Angeles, California 90024-4101

Phone: (310) 446-1240  
Fax: (310) 446-1292  
E-mail: amy.glad@pardeehomes.com

AMY L. GLAD  
Senior Vice President, Governmental Affairs

May 6, 2008

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

*Re: Scoping comments on Bay-Delta Conservation Plan*

Dear Ms. Brown,

Our company has grown increasingly concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all of California's residents. We are a builder of master planned communities and have been involved in water supply, delivery and conservation issues for many decades.

We commend the Bay Delta Conservation Plan's (BDCP) collaborative effort among water interests, environmental organizations, and state and federal agencies. The Plan is key to mapping out a comprehensive conservation plan for the Delta. The key to a reliable water system is a restored Delta ecosystem and a rebuilt water conveyance system.

Pardee Homes supports the BDCP's environmental review process. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable water supply. We need sufficient quantity in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability must be a cornerstone of the Bay Delta Conservation Plan.

The success of the BDCP is essential to the continued economic health of California. Thank you for the opportunity to provide input during this important scoping process.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Glad".

Amy L. Glad



May 14, 2008

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

Dear Ms. Brown,

The Pico River Chamber of Commerce has grown increasingly concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all California's residents as well as for half of the nation's produce.

We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, state and federal agencies. The Plan is key to mapping out a comprehensive conservation plan and a solution for the Delta. The key to a reliable water system is a restored Delta ecosystem and a rebuild water conveyance system:

Pico Rivera Chamber of Commerce supports the BDCP's environmental review process, an essential component to the success of the ultimate plan. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable water supply. We need sufficient quality in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability is a key concern.

The success of the BDCP is essential to the continued economic health of California.

Sincerely,

A handwritten signature in black ink that reads "Roger Hartter". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Roger Hartter  
Executive Director

*... a great place to do business!*

P.O. BOX 847 • PICO RIVERA, CA 90660

TELEPHONE: (562) 949-2473 • FAX: (562) 949-8320

e-mail: [info@picoriverachamber.org](mailto:info@picoriverachamber.org) • [www.picoriverachamber.org](http://www.picoriverachamber.org)

*President*  
Bill Center  
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Rick Hawley  
Fran Layton  
Doug Linney  
David Mogavero  
Stephanie Pincetl  
Lynn Sadler  
Teresa Villegas  
Terry Watt  
Bill Yeates

May 30, 2008

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

also via e-mail: [delores@water.ca.gov](mailto:delores@water.ca.gov)

**RE: Comments in response to the Notice of Preparation of an Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan**

Ms. Brown:

The Planning and Conservation League submits the following comments regarding preparation of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Bay Delta Conservation Plan (BDCP). Because the current scoping period concerns the environmental analysis of a plan still under development, we request that the Department of Water Resources (DWR), as lead agency, initiate additional scoping and comment periods as the BDCP progresses. At a minimum, DWR should provide the opportunity for further scoping comments upon completion of the proposed plan.

We recommend that the Department of Water Resources address the following issues in the EIR/EIS for the BDCP:

**A. THE EIR/EIS SHOULD CLEARLY STATE WHETHER OR NOT THE BDCP WILL BE IMPLEMENTED AS A HCP/NCCP**

Neither the Notice of Preparation nor the BDCP Planning Agreement commits its signatories to pursuing take authorizations by drafting the BDCP as a Natural Communities Conservation Plan (NCCP) (under the state Natural Communities Conservation Plan Act (NCCPA)) or as a Habitat Conservation Plan (HCP) (under section 10 of the Federal Endangered Species Act (FESA)). While these documents state the *intent* to develop the BDCP as an NCCP/HCP, the current ambiguity regarding this issue must be resolved. The EIR/EIS on the BDCP, if it is to provide meaningful analysis on necessary conservation objectives for Delta species and appropriate regulatory assurances, must unambiguously report the BDCP's legal basis for take authorization.

## **B. THE EIR/EIS SHOULD FULLY ANALYZE AN APPROPRIATE RANGE OF REASONABLE PROJECT ALTERNATIVES**

The EIS/EIR on the BDCP should include a comprehensive analysis of reasonable project alternatives. While engineering alternatives that compare different structural or routing solutions for improvements or additions to Delta conveyance infrastructure are certainly appropriate to consider, the reasonable project alternatives should also include:

- **NO PROJECT**: An alternative that fully complies with current regulatory standards, including all water quality objectives. In the recent past, water quality objectives and endangered species laws have been violated. Modeling of the no project alternative must include operations that are consistent with regulatory standards.
- **INCREASED RELIABILITY THROUGH DECREASED DEMAND ON DELTA WATER SUPPLIES\* #1**: An alternative that includes reduced Delta exports and aggressive implementation of water conservation, water recycling, and groundwater treatment to fully meet water demand.
- **INCREASED RELIABILITY THROUGH DECREASED DEMAND ON DELTA WATER SUPPLIES\* #2**: An alternative that considers the retirement of drainage-impaired lands in the San Joaquin Valley, consistent with the EIR on San Joaquin Valley Drainage.

All alternatives should include full implementation of species conservation measures necessary to comply with federal and state endangered species laws.

*\* For recommended analytical approaches to assess the effects of reduced demand on water supply and water reliability, see Section E.*

## **C. THE EIR/EIS SHOULD DESCRIBE HOW EACH PROJECT ALTERNATIVE MEETS NECESSARY CONSERVATION TARGETS**

The BDCP process was initiated by Potentially Regulated Entities to comply with endangered species laws. The environmental review must describe how the conservation objectives are met under alternative project scenarios. This discussion must include:

- A comprehensive presentation of evidence in support of any conclusion that the water supply and reliability measures in each project alternative are compatible with the species recovery goals necessary for compliance under endangered species laws.
- A comprehensive presentation of the decision process used to set biological goals and objectives.
- A comprehensive presentation of the decision process used to select conservation measures that are expected to attain the biological goals and objectives. Even for processes that are well-understood, selection of conservation measures may not be straightforward.

- A comprehensive presentation of the scientific rationale behind selected conservation measures, including discussion of how the impacts of each measure differ by species, life history stages, or geographic area.
- A comprehensive presentation of other considerations (e.g. economic, social, political, engineering) that influenced the selection of conservation measures.

#### **D. THE EIR/EIS SHOULD DESCRIBE THE STATEWIDE ENVIRONMENTAL IMPACTS OF EACH BDCP PROJECT ALTERNATIVE**

The BDCP Planning Agreement and Notice of Preparation identify the planning area as the Statutory Delta. Whether or not the BDCP takes a broader perspective on the full range of opportunities for BDCP participants to achieve improvements in ecosystem health and water reliability (i.e. by including more actions outside of the Statutory Delta), the EIR/EIS must describe the *impacts* of the BDCP both within and beyond the Statutory Delta.

*Upstream impacts* that should be considered in development of the EIR/EIS on the BDCP include:

- The potential for changed operations at upstream reservoirs and any resulting change in the availability of cold water pools for fisheries (e.g. Shasta Dam, Oroville Dam)
- The potential for changed management of groundwater resources (e.g. the Tuscan Aquifer)

*Downstream impacts* that should be considered in development of the EIR/EIS on the BDCP include:

- the potential for continued water quality degradation caused by delivery of Delta waters to drainage impaired lands in the San Joaquin valley

#### **E. THE EIR/EIS SHOULD FULLY ANALYZE HOW REDUCTIONS IN DEMAND ON DELTA WATER RESOURCES AFFECT THE RELIABILITY OF WATER SUPPLIES FOR USERS UPSTREAM, IN, AND DOWNSTREAM OF THE DELTA.**

##### **Recommendations for analysis of alternate demand scenarios**

In order to fully analyze the impacts of reducing exports from the Delta, models such as CALSIM II and CALSIM Lite must have the capacity to simulate reduced export scenarios in meaningful ways. Modeling reduced demand in a way that does not change the timing or level of pumping is unlikely to fully capture the potential ecosystem gains of reduced demand on the Delta.

##### **Recommendations for analysis of reliability under alternate demand scenarios**

“Exceedance charts”, which show the probability of receiving a certain level (or more) of Delta water supply, generally show that large export volumes are less probable than low export volumes.

The current focus of the BDCP seems to be on finding a way to increase water supply reliability by increasing the probability of high-export years, e.g. by changing facilities or operations in some way that changes the “shape” of the exceedance curve. We have doubts that this approach is compatible with protection of the Delta ecosystem. Instead, we recommend an approach that aims to increase water supply reliability by reducing supply expectations. Because lower exports are more probable, contractors would have more consistent delivery of their expected Delta water supplies. Additionally, it’s possible that the exceedance curve under a scenario of reduced demand on Delta water is of a different shape than the exceedance curve under a scenario of current demand, which may show

additional reliability gains. That is, reliability is almost certainly increased by demanding a lower export volume; reliability may also be increased if the probability of that lower export volume increases relative to the probability under higher demand scenarios.

### **G. THE EIR/EIS SHOULD FULLY ANALYZE HOW EACH PROJECT ALTERNATIVE PERFORMS UNDER DIFFERENT CLIMATE CHANGE SCENARIOS**

The EIS/EIR on the BDCP should include a comprehensive analysis of how conservation objectives can be met by project alternatives given the expected impacts of climate change, including:

- changes in hydrology
- sea level rise
- the possible failure of multiple Delta islands
- changes in the extent and quality of important aquatic habitats (including level and frequency of inundation, water temperature, salinity, productivity, and food web dynamics)
- changes in the extent and quality of important terrestrial habitats
- potential impacts on vital rates of Delta species (aquatic and terrestrial)
- potential shifts in species ranges of Delta species (aquatic and terrestrial)

For those alternatives which propose changes to water conveyance through the Delta, the EIR/EIS should fully compare performance of these conveyance alternatives under different climate change scenarios. The Planning and Conservation League submitted a letter (March 5, 2008) to the BDCP Conveyance Workgroup on the analyses recommended for assessing the resilience of alternate conveyance options to the expected impacts of climate change. This letter is attached (ATTACHMENT 1), and we incorporate its recommendations by reference.

### **H. THE EIR/EIS SHOULD PROVIDE BACKGROUND ON THE ANALYTICAL TOOLS USED IN ORDER TO ALLOW APPROPRIATE INTERPRETATION OF RESULTS**

The environmental review document must include clear identification of both the strengths and limitations of the analytical tools (e.g. CALSIM II) used for analysis. A tool's capacity for sensitivity analysis (i.e. comparison of outputs given changes or uncertainties in inputs) is of particular importance given that the Delta ecosystem is both naturally variable and imperfectly understood.

### **I. THE EIR/EIS SHOULD DESCRIBE THE GOVERNANCE & ADAPTIVE MANAGEMENT PROCESS ESTABLISHED TO ENSURE THAT REGULATORY ASSURANCES ARE PROVIDED ONLY IF CONSERVATION ASSURANCES ARE MET**

Given the tenuous state of the Delta ecosystem, the conservation goals of the BDCP must be supported by an effective governance structure and a strong adaptive management program. We recommend that the BDCP condition regulatory assurances on satisfaction of the conservation objectives. The environmental review document must explicitly describe the conditionality of regulatory assurances, including the timing of review and permitting periods.

PCL submitted a letter (May 12, 2008) to the Delta Vision Blue Ribbon Task Force recommending policy guidelines for improving water reliability for California. This letter is attached (ATTACHMENT 2), and we incorporate its recommendations by reference.

**J. THE EIR/EIS SHOULD FULLY ANALYZE THE EXTENT TO WHICH THE FACILITIES, OPERATING CRITERIA, GOVERNANCE, FUNDING STRUCTURE AND TIMELINE OF THE BDCP COMPLEMENT OR CONFLICT WITH OTHER PLANNING AND PERMITTING PROCESSES.**

**NCCP/HCPs already in existence or in development**

The EIR/EIS should discuss how the BDCP will be integrated with other conservation plans within and near the BDCP planning area.

**Delta Vision**

The Governor's Delta Vision Blue Ribbon Task Force is working on an "Implementation Plan" for the Delta that is scheduled to be completed by the end of 2008. The BDCP process is scheduled to have completed the Draft Plan by early 2009, such that significant planning will take place during 2008 – potentially resulting in a plan at odds with the direction of the Delta Vision Task Force.

**Reconsultation on the OCAP Biological Opinions**

With the recent release of the CVP/SWP OCAP Biological Assessment, the reconsultation on the OCAP Biological Opinions is now underway. The EIR/EIS on the BDCP should clearly explain how the BDCP will be coordinated with the OCAP reconsultation process.

Recovery of the Delta ecosystem will require conservation measures that are robust to scientific uncertainties, the natural variability of the Delta, and the impacts of climate change; it will also require changes in the way in which we depend on Delta water supplies for our urban and agricultural needs. PCL hopes the above recommendations and questions will assist in the development of a plan that can achieve the desired conservation goals.

Sincerely,



Barbara Byrne  
Water Policy Analyst

(916) 313 - 4524  
[bbyrne@pcl.org](mailto:bbyrne@pcl.org)



# ATTACHMENT 1

3-05-2008 letter submitted by PCL to the BDCP  
Conveyance Workgroup recommending needed  
analyses for changes to Delta conveyance

*President*  
John Van de Kamp

*President Emeritus*  
Sage Sweetwood

*First Vice President*  
Bill Yeates

*Senior Vice President*  
Kevin Johnson

*Secretary/Treasurer*  
Bill Center



*Regional Vice Presidents*  
Elisabeth Brown  
Jan Chatten-Brown  
Dorothy Green  
Phyllis Faber  
Rick Frank  
Rick Hawley  
Doug Linney  
David Mogavero  
Lynn Sadler  
Teresa Villegas

March 5, 2008

Ann Hayden  
Co-Chair, BDCP Conveyance Working Group  
Senior Water Resource Analyst  
Environmental Defense Fund - California Regional Office  
123 Mission Street, 28th Floor  
San Francisco, CA 94105

Jerry Johns  
Co-Chair, BDCP Conveyance Working Group  
Deputy Director, Department of Water Resources  
California Department of Water Resources  
P.O. Box 942836, Room 1115-9  
Sacramento, CA 94236-0001

*Via e-mail*

**RE: Questions recommended by the Planning and Conservation League for consideration by the Bay Delta Conservation Plan Conveyance Working Group**

Dear Ann, Jerry, and BDCP Conveyance Working Group members:

The Planning and Conservation League appreciates the opportunity to provide comments on the conveyance process now underway at the Bay Delta Conservation Plan (BDCP). PCL urges the BDCP process to gather the necessary information regarding the various conveyance options and their potential benefits and adverse impacts on the Bay Delta Estuary and its watersheds as quickly and as efficiently as possible.

However, the history of Delta policy in California demonstrates that a final decision should be made only after adequate information about the consequences of potential conveyance alternatives is available. In addition, given the likely uncertainties and information gaps that will exist even with the best of efforts, a discussion and decision



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regarding Delta governance reform must parallel and complement a final decision on the conveyance of water. As your group considers how conveyance may be a part of the plan for the recovery of covered species under the Bay Delta Conservation Plan (BDCP), we offer this initial list of important questions.

---

## **CLIMATE CHANGE**

1. How will various conveyance options reduce or exacerbate the impact of climate change on the water quality, timing and freshwater flow needs of aquatic species?
2. How will water quality at the various proposed intake locations, including an intake on the Sacramento River, be affected by differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
3. What would it take to protect each conveyance option (including either a canal or pipeline) from the effects of differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
4. What are the necessary flows including bypass and other flows, and diversion amounts consistent with ecosystem protection under various climate change scenarios, including differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
5. To what degree are the answers to the questions below sensitive to future climate change scenarios? Are some conveyance configurations more resilient to climate change? How will each conveyance option impact the ability of California's aquatic species to adapt to and recover under climate change?

## **PHYSICAL CONSIDERATIONS**

### **Fish Screens**

6. How will fish screens impact Delta smelt, salmon, green sturgeon, longfin smelt, splittail and other Delta-dependent species?
7. What standards exist or need to be developed for screening delta smelt, green sturgeon and other fish?

8. What bypass flows would be required for the fish screens to work effectively and how can those estimates be tested?

9. How much water could be diverted through screens meeting the necessary standards? Given the uncertainties as to how alternative facilities will impact aquatic species, what options are available for reversible experiments that would be put into place prior to making permanent commitments?

### **Canal or Pipeline(s)**

10. What are the advantages and disadvantages of pipeline(s) versus a canal, including impacts on aquatic and terrestrial species?

11. What are the advantages and disadvantages of building a lined vs. unlined canal, including impacts on aquatic and terrestrial species?

### **Local drainage**

12. How do the various options, including a canal, affect local drainage and the permits necessary for that drainage within and into the Delta?

### **Alignment**

13. What are the advantages and disadvantages of different alignments for the various options, including impacts on aquatic and terrestrial species?

### **Sizing**

14. What are the advantages and disadvantages of different capacities for a canal or pipeline(s), including impacts on aquatic and terrestrial species?

### **Turnouts**

15. What are the advantages and disadvantages of freshwater turnouts from a canal or pipeline(s) that would discharge fresher water at various locations in the Delta, including impacts on aquatic and terrestrial species?

## **OPERATIONAL CONSIDERATIONS**

### **Flow Objectives**

16. What flows are required for:

- a. Hydrologic conditions that promote recovery of covered species?
- b. Effective fish screening?
- c. Support of an adequate food web in the Delta?
- d. Management of invasive species?
- e. Maintenance of water quality for other Delta beneficial uses, including drinking water, ecosystem, and agriculture?

17. How would alternative in-Delta operations change upstream operations, including effects on upstream flows, temperature, water quality and aquatic and terrestrial species?

### **Water Delivery Objectives**

18. What amounts of water could be diverted in different water years, by season, and on average while meeting the planning goals of species recovery?

19. How would those diversion amounts differ under different climate change scenarios including differing levels of sea level rise, changed hydrology, and the possible loss of multiple Delta islands?

### **Water Quality Objectives**

20. What would be the water quality at different locations in the Delta under different operations?

21. How would aquatic and terrestrial species have water of acceptable quality?

22. How would in-Delta agriculture have water of acceptable quality?

23. How would other water users (e.g. Contra Costa Water District and City of Rio Vista) have water of acceptable quality?

24. How would ecosystem water quality be monitored, managed, and protected?

## **DUAL CONVEYANCE**

*In addition to the applicable questions above:*

25. How would the fish facilities (including both screening and handling) at the existing diversion locations in the South Delta be improved to minimize loss of fish?

26. How would different climate change scenarios affect functionality of pumps in the southern Delta?

27. What operational management conditions are necessary to avoid impacts to pelagic fish and other species at the South Delta pumps under the various conveyance options?

## **COSTS**

28. What would be the costs for different conveyance configurations, including full mitigation and monitoring costs?

29. Who would pay the costs, and (e.g., if funded according to the beneficiary-pays principle) would different conveyance configurations and operations indicate different cost-sharing partners?

---

## **TOOLS**

As analysis of these, and other, questions proceeds, the work must include clear identification of both the strengths and limitations of the available tools. A tool's capacity for sensitivity analysis (i.e. comparison of outputs given changes or uncertainties in inputs) is of particular importance given that the Delta ecosystem is both naturally variable and imperfectly understood.

In addition, to provide full transparency and openness of decision-making, the analytical tools used to evaluate these questions (for example, CALSIM Lite) must be made available to all stakeholders.

Finally, although your working group is focusing on conveyance questions in particular, we emphasize that similar effort must be put into finding answers to questions relating to issues such as governance (including but not limited to conditions of potential assurances), adaptive management for both ecosystem management and water supply, and funding structures (e.g. beneficiary pays).

Sincerely,

A handwritten signature in black ink that reads "Jonas Minton". The signature is written in a cursive, flowing style.

Jonas Minton  
Senior Water Policy Advisor

[jminton@pcl.org](mailto:jminton@pcl.org)

w: (916) 313 - 4516

c: (916) 719 - 4049

cc: Karen Scarborough, Undersecretary for Resources

# ATTACHMENT 2

5-12-2008 letter submitted by PCL to the Delta Vision Blue Ribbon Task Force recommending policy guidelines for improving water reliability for California



*President*  
Bill Center  
*President Emeritus*  
Sage Sweetwood  
John Van De Kamp  
*Senior Vice President*  
Kevin Johnson  
*Secretary/Treasurer*  
Bill Leimbach



*Regional Vice Presidents*  
Elisabeth Brown  
Jan Chatten-Brown  
Dorothy Green  
Phyllis Faber  
Rick Hawley  
Fran Layton  
Doug Linney  
David Mogavero  
Stephanie Pincetl  
Lynn Sadler  
Teresa Villegas  
Terry Watt  
Bill Yeates

May 12, 2008

Phil Isenberg, Chair  
Delta Blue Ribbon Task Force  
Delta Vision  
650 Capitol Mall  
Sacramento, CA 95814

via e-mail:

[dv\\_context@calwater.ca.gov](mailto:dv_context@calwater.ca.gov)  
[ullrey@calwater.ca.gov](mailto:ullrey@calwater.ca.gov)  
[sguillen@calwater.ca.gov](mailto:sguillen@calwater.ca.gov)

**RE: Comments submitted for consideration in development of Delta Vision's strategic plan – Area (2) Reliable Water for California**

Dear Mr. Isenberg:

The Planning and Conservation League submits the following recommendations for the Delta Vision strategic plan, with particular emphasis on Area (2) of your invitation: Reliable Water for California. First, we propose some general guidelines for the development of policies that support the co-equal goals of reliable water supply and a healthy Delta ecosystem. Second, we highlight several bills currently under consideration in the California Legislature which exemplify some of our key policy recommendations.

The “Water Efficiency and Security Act” (AB 2153), jointly authored by Assembly Members Krekorian and Hancock, ensures that California maintains water supply reliability while accommodating growth. In doing so, AB 2153 can maximize water availability for the Delta while ensuring water supply reliability by reducing the growth in surface water diversions upstream of the Delta, and reducing reliance on Delta water in exporter areas.



1107 9th Street, Suite 360, Sacramento, CA 95814 Phone: 916-444-8726 Fax: 916-448-1789

Website: [www.pcl.org](http://www.pcl.org) Email: [pclmail@pcl.org](mailto:pclmail@pcl.org)

This letter is printed on 60% recycled fiber, 30% post consumer waste, acid free paper.



AB 2175, co-authored by Assembly Members Laird and Feuer, establishes mechanisms for reducing per capita water use by 20%.

Our implementation suggestions are particularly relevant for the following Delta Vision recommendations:

1. *The Delta ecosystem and a reliable water supply for California are the primary, co-equal goals for sustainable management of the Delta.*
4. *California's water supply is limited and must be managed with significantly higher efficiency to be adequate for its future population, growing economy, and vital environment.*
5. *The foundation for policymaking about California water resources must be the longstanding constitutional principles of "reasonable use" and "public trust;" these principles are particularly important and applicable to the Delta.*
6. *The goals of conservation, efficiency and sustainable use must drive California water policies.*
7. *A revitalized Delta ecosystem will require reduced diversions -- or changes in patterns and timing of those diversions upstream, within the Delta, and exported from the Delta -- at critical times.*

While we strongly recommend that the Delta Vision strategic plan include recommendations for legislative solutions in 2008 and beyond, we also urge participants in the Delta Vision process to, *this year*, actively support key water legislation (such as AB 2153 and AB 2175) that is consistent with Delta Vision objectives. If supported by both the Assembly and Senate, these bills may already be on the Governor's desk by the time that the Delta Vision Strategic Plan is released. Successful passage of these bills during the current legislative session will assist the Delta Vision process by building momentum for improved management of water in California.

## **I. Proposed policy guidelines for improving water reliability for California**

PCL recommends that Delta Vision include the following policy guidelines in the Delta Vision strategic plan to be released in October 2008.

**Proposed policy guidelines:**

***Policies for a sustainable Delta must have as their foundation an understanding of how much water the Delta ecosystem needs***

The recent dramatic declines in native Delta fish populations are clear evidence that current practices in the Delta are not sustainable. Toxics, invasive species, habitat degradation, salinity and turbidity patterns, altered flows and high water exports all contribute to the Delta's ecological problems.

Policies for a sustainable Delta must be built on a comprehensive understanding of what flow regimes (e.g., quantity, flow direction, seasonal, annual and inter-annual variability) and water quality conditions (e.g., temperature, salinity, turbidity, contaminant load) are required under a variety of conditions (e.g., water year types, potential climate change impacts, different points of diversions) to provide for a healthy and sustainable Bay Delta Estuary (e.g., healthy, self sustaining populations of pelagic fish, anadromous fish, wildlife, terrestrial species and all elements of their food webs).

***Policies for a sustainable Delta must go beyond “changes in patterns and timing” of diversions***

CALFED's Environmental Water Account is just one example of how “changes in patterns and timing” of diversions have failed to adequately protect the Delta ecosystem. While the patterns and timing of diversions are certainly important components of any operation plan, we have seen no plausible evidence that the Delta ecosystem can be recovered simply by “tuning” the Delta.

***Policies for a sustainable Delta must be designed with the ecosystem end in mind***

Policies to restore the Delta must provide sufficient protections to allow for species recovery. Importantly, the needs for ecosystem restoration should be defined by science, not by what is feasible under current export levels. We are concerned that some processes, such as the Bay Delta Conservation Plan, emphasize maintenance of exports as the barometer of the type and extent of restoration possible.

***Policies for a sustainable Delta must address both near- and long-term solutions***

It is necessary and appropriate that any plan to restore and protect a healthy Delta include long-term planning on policies or projects that will be implemented on the scale of decades. However, it is crucial that protective policies be implemented in the near-term as well.

Options for near-term actions should be screened for feasibility and, if promising, should be implemented on a reversible, experimental, basis, with real time monitoring and adaptive management.

***Policies for a sustainable Delta must take advantage of opportunities throughout the state***

Delta ecosystem health and water supply reliability can be and must be addressed at least in part by solutions outside of the Delta itself.

Improvements in regional water efficiency and regional water supplies are key components of a successful revival of the Delta by reducing demand on Delta water supplies. Restoring habitat and flow conditions upstream of the Delta will contribute to a sustainable Delta by improving spawning and rearing conditions for salmon and other Delta species.

***Policies for a sustainable Delta must not impair water resources elsewhere in California***

While we encourage the development of policies that take advantage of opportunities throughout the state, too often, a solution to an existing problem creates a new problem elsewhere. Policies that manage water demand on the Delta should not simply displace the negative impacts of water delivery, but should reduce the environmental impacts of water delivery statewide.

For example, while one tool to manage demand from the Delta may be a more active management of groundwater storage, the appropriateness of any such plan for groundwater use will depend on local circumstances. Many residents in the Sacramento River Valley north of Sacramento have domestic wells which tap into the Tuscan Aquifer. Because of the region's geology, any intensification of withdrawals from this aquifer is likely to cause serious economic and environmental impacts in the region.

**How the proposed policy guidelines will contribute to achieving the vision:**

The above policy guidelines contribute to achieving the vision in that they, consistent with Delta Vision's 12 linked recommendations, provide direction for the sustainable management and use of California's limited water supply.

### **Potential barriers to successful policy solutions:**

Besides the usual disagreements over reasonable and beneficial uses of water, some significant barriers to implementing successful policy solutions are:

- the disinclination to reduce exports from the Delta,
- the reluctance to embrace out-of-Delta solutions, and
- the unprecedented challenge of dealing with the coming effects of climate change.

### **How the proposed policy guidelines will serve California through 2030 and 2070**

One of the themes in the policy guidelines recommended above is “living within California’s water means”. Policies that shape California’s water demand within the limitations of the state’s water supply are more likely to be sustained over the long-term than policies that focus on investment in marginal gains in traditional supplies.

### **How the proposed policy guidelines will address a changing Delta, including population growth, sea level rise, seismic events, and changed hydrology due to climate changes**

Our policy recommendations recognize the need for water management strategies to adapt to the changing conditions in the Delta. New policies must clearly identify their resilience to a changing environment.

## **II. Policy measures currently under consideration in the state legislature**

PCL recommends that Delta Vision actively support AB 2153 (the “Water Efficiency and Security Act”, authored by Assembly Members Krekorian and Hancock) and AB 2175 (the water conservation bill authored by Assembly Members Laird and Feuer) and encourage the Assembly, Senate, and Governor to pass these important measures.

### **Current bills:**

#### ***AB 2153 (Krekorian/Hancock)***

This critical measure (co-sponsored by the Planning and Conservation League and the Environmental Justice Coalition for Water) directs new development projects to use cost-effective water use efficiency measures and to mitigate their water demand through

investments in efficiency in existing communities or development of sustainable local water supplies.

According to the Department of Finance, by 2030 California's population will grow by 11 million. Even if those new residents conserve the 20% called for in the Governor's February letter to state senators, their annual water use will still be over two million acre-feet (of the same order of magnitude as the amount of water that the SWP can reliably deliver). While the surface storage projects currently being debated cannot meet that projected demand, AB 2153 offers a way to accommodate much of this growth.

***AB 2175 (Laird/Feuer)***

This important bill (sponsored by the Natural Resources Defense Council) directs California's Department of Water Resources to achieve a 20% reduction in urban per capita water use by 2020, and to reduce annual agricultural water use by at least 500,000 acre-feet by 2020.

**How the current bills will contribute to achieving the vision:**

Delta Vision's linked recommendations, particularly Recommendations 1, 4, 5, 6, and 7, highlight the idea of sustainability. To sustain both the Delta ecosystem and reliable water supply in the long-term, California must come to grips with the idea of limits and start to make the difficult decisions on how best to use and apportion its limited water resources.

Both AB 2153 and AB 2175 encourage the development of more water-efficient practices statewide. AB 2175 focuses on reducing per-capita water use in urban areas and on a statewide reduction in agricultural water use. AB 2153 ensures that the water demands on existing sources will not increase as we accommodate millions of new Californians.

**Potential barriers to passage of these current bills:**

One barrier to passage of these bills is a reluctance to accept that water from the Delta will not be the primary source to accommodate future growth. Delta Vision's recommendation (#7) for reduced diversions from the Delta is an important message that can help build support for needed changes to water use such as those proposed in AB 2153 and AB 2175.

### **How the current bills will serve California through 2030 and 2070**

AB 2153 manages the water footprint of residential and commercial water use in a way that allows population and economic growth without further damaging the water reliability of current residents and businesses. The water conservation targets for urban and agricultural uses called for in AB 2175 complement AB 2153, since the water needs of new development will in part be mitigated by water efficiencies in the urban and agricultural sectors.

Both AB 2153 and AB 2175 provide the flexibility to incorporate new technologies and adapt to new circumstances. The hard goal of reducing (or at least not increasing) California's water demand is accomplished by measures that can evolve over the next 20 to 50 years.

### **How the current bills will address a changing Delta, including population growth, sea level rise, seismic events, and changed hydrology due to climate changes**

Even under the expected scenario of increasing population growth and effects of climate change such as sea level rise and changing hydrology, both AB 2153 and AB 2175 promote investments in water that will "pay off" year after year. While these two bills are of course not a complete solution to California's water woes, they are an important step forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mindy McIntyre', with a long horizontal flourish extending to the right.

Mindy McIntyre  
Water Program Manager

(916) 313 - 4518  
[mmcintyre@pcl.org](mailto:mmcintyre@pcl.org)

cc: John Kirlin



**Carolee K. Krieger**  
*president*

May 30, 2008

**Dorothy Green**  
*secretary*

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

**Jim Edmondson**  
*treasurer*

**Lloyd Carter**  
*director*

Also sent via email to [delores@water.ca.gov](mailto:delores@water.ca.gov).

**Malinda Chouinard**  
*director*

Patti Idlof  
Bureau of Reclamation  
2800 Cottage Way, MP-150  
Sacramento, CA 95825

**Yvon Chouinard**  
*director*

**Joan Hartmann**  
*director*

**Michael Jackson**  
*director*

Also via e-mail to [pidlof@mp.usbr.gov](mailto:pidlof@mp.usbr.gov)

**Huey Johnson**  
*director*

Re: Scoping Comments on Bay-Delta Conservation Plan EIS/EIR (Federal NOI and State NOP)

**Tom Stokely**  
*director*

Dear Ms. Brown and Ms. Idlof:

These comments are submitted on behalf of the California Water Impact Network (C-WIN). CWIN requests that the scoping period on the EIS/EIR be extended or reopened until an actual "plan" is available to comment upon. To date, there is little specifically to comment on in terms of specific plans and alternatives. We fully intend to submit additional scoping comments as new scoping information becomes available prior to release of the Draft EIS/EIR.

CWIN hereby incorporates by reference the scoping comment letters by the California Sportfishing Protection Alliance (CSPA) and the Planning and Conservation League (PCL).

### **General Comments**

The BDCP has mutually exclusive goals of providing water supply reliability and "safe harbor" guarantees to Potentially Regulated Entities (PRE), while also protecting and restoring ecosystem health and populations of listed species. CALFED proved that this cannot be accomplished, but this plan appears to be a reinitiation of that failed attempt. The BDCP is clearly a shallow attempt to obtain authorization for a Peripheral Canal under the auspices of the federal and State Endangered Species Acts. The BDCP should make recovery of listed species



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From: Joyce Pylman [<mailto:jgpvineyards@frontiernet.net>]

Sent: Thursday, May 29, 2008 9:17 AM

To: Brown, Delores

Cc: mark@markpruner.com

Subject: Delta tidal marsh wetlands project

Ms Brown

I am urged to voice my concerns regarding turning the Sacramento delta "back" into a marsh wetland. My husband's family immigrated to the Delta from Holland in 1882 looking for a better way of life. In the intervening 125 years there is a long history of diversified crops grown in this rich, river soil. In the past 30 plus years, wine grapes began to be planted and today are probably considered the major crop. Clarksburg area received a designation, Appellation 17, in the state's recognized grape growing areas, and is an important source of grapes for many major wineries. Locally even, there are probably close to a dozen wineries, one of which, we personally have watched from the beginning to the present, listed as one of the top 20 wineries in the United States, and that winery is BOGLE.

We urge you to look at this extremely vital, important ,agricultural, scenic, recreational jewel and SAVE it. The Sacramento Delta is always on lists of scenic areas to visit and therefore an important neighbor of the Capitol City!! The economy of farming is significant to the state's coffer and the recreational value is invaluable.

We visited the Netherlands several years ago and visited their "Delta Works Project", a huge, innovative engineering project. The state of California can and must develop a solution to the south's water problem, without destroying FARMING. Where will your food come from (CHINA)?

Thank you for your consideration!

Joyce Pylman

916-744-1022

Pylman Vineyards, Inc.

P.O. Box 422

Clarksburg, Ca. 95612



CHAIR — DAVID FINIGAN, DEL NORTE COUNTY

FIRST VICE CHAIR — HARRY OVITT, SAN LUIS OBISPO COUNTY

SECOND VICE CHAIR — LARRY MUNGER, SUTTER COUNTY

PAST CHAIR — SUE HORNE, NEVADA COUNTY

PRESIDENT AND CEO — GREG NORTON

EXECUTIVE VICE PRESIDENT — PATRICIA J. MEGASON

VICE PRESIDENT OF HOUSING — JEANETTE KOPICO

May 27, 2008

Ms. Delores Brown  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 95814

Patti Idlof  
Natural Resource Specialist  
Bureau of Reclamation  
2800 Cottage Way, MP-150  
Sacramento, CA 95825

Re: Notice of Preparation – Environmental Impact Report and Environmental Impact Statement for the Bay-Delta Conservation Plan

Dear Ms. Brown and Ms. Idlof:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I appreciate the opportunity to submit the following comments relating to the Notice of Preparation (NOP) of an environmental impact statement/environmental impact report (EIS/EIR) for the Bay Delta Conservation Plan (BDCP) for the Sacramento-San Joaquin Delta.

**Project Area.** The NOP states that it may be necessary for the BDCP to include conservation actions outside of the statutory Delta that advance the goals and objectives of the BDCP within the Delta including, as appropriate, conservation actions in areas upstream of the Delta.

RCRC agrees the statement also contained in the NOP that any conservation actions outside the statutory Delta should be implemented pursuant to cooperative agreements or similar mechanisms with local agencies, interested non-governmental organizations, landowners, and others.

**Conveyance.** The NOP states that a key BDCP planning goal is to provide for the conservation and management of covered species within the planning area, and that one of the conservation actions to be analyzed is improved water conveyance infrastructure in the Delta (i.e. dual or isolated conveyance systems).

Widespread acceptance of new and/or improved water conveyance facilities will depend upon how the BDCP handles the issues of concern to the areas of origin. The BDCP must

acknowledge California's water rights priority system, and state and federal law relating to the areas of origin, county of origin, and watersheds of origin. Further, the BDCP must include assurances that water rights and water supplies of upstream communities will not be adversely impacted by the construction, operation, or management of new and/or improved water conveyance facilities.

In conclusion, RCRC appreciates the opportunity to comment on the NOP, and looks forward to participating in future opportunities as the EIR/EIS is developed.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Mannion".

Kathy Mannion  
Director of Water and Power

cc: BDCP Steering Committee

# Regional Legislative Alliance

of Ventura & Santa Barbara Counties

Representing 300,000 jobs



May 13, 2008

Delores Brown  
Chief Office of Environmental Compliance  
California Department of Water Resources  
P.O. 942836, Sacramento, CA 94236  
Via Email: [bdcp@water.ca.gov](mailto:bdcp@water.ca.gov)

**Subject: Support of Bay Delta Conservation Plan**

Dear Ms. Brown:

The Regional Legislative Alliance of Ventura and Santa Barbara Counties (RLA) has grown increasingly concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all of California's residents as well as for half of the nation's produce. We are particularly concerned with the dwindling water supplies for Southern California.

The Regional Legislative Alliance of Ventura and Santa Barbara Counties (RLA) is a cooperative council of 12 leading chambers of commerce and associations in the Santa Barbara and Ventura county region. We represent 300,000 jobs and we are a strong, unified voice for the business community working to improve and enhance the business climate.

We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, state and federal agencies. The Plan is the key to mapping out a comprehensive conservation plan—and, a solution—for the Delta. And, the key to a reliable water system is a restored Delta ecosystem and a rebuilt water conveyance system.

The RLA supports the BDCP's environmental review process, an essential component to the success of the ultimate plan. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

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**Alliance Members:**

Camarillo Chamber of Commerce, Carpinteria Valley Chamber of Commerce, Fillmore Chamber of Commerce, Gold Coast Hispanic Chamber of Commerce, Goleta Valley Chamber of Commerce, Oxnard Chamber of Commerce, Moorpark Chamber of Commerce, Port Hueneme Chamber of Commerce, Santa Paula Chamber of Commerce, Simi Valley Chamber of Commerce, Ventura Chamber of Commerce, Ventura County Economic Development Association (VCEDA), and

Capitol Circle Associates: Western States Petroleum Association (WSPA), The Boeing Company, Calleguas Water District, Metropolitan Water District of Southern California

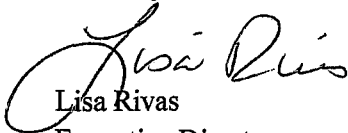
**RLA supports BDCP**

2/2/21

Ventura and Santa Barbara County residents and businesses depend on a reliable water supply. We need sufficient quantity in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability must be a cornerstone of the Bay Delta Conservation Plan.

The success of the BDCP is essential to the continued economic health of California. Thank you for the opportunity to provide input during this important scoping process.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Rivas". The signature is written in black ink and is positioned above the printed name and title.

Lisa Rivas  
Executive Director  
(805) 637-6816



May 30, 2008

Ms. Delores Brown  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P. O. Box 942836 Sacramento, CA 94236  
[delores@water.ca.gov](mailto:delores@water.ca.gov)

Re: Restore Hetch Hetchy Scoping Comments for Bay-Delta Conservation Plan

Dear: Ms. Brown

Restore Hetch Hetchy supports the effort to create a Bay-Delta Conservation Plan that will both protect estuary-dependent species and help to provide reliable water supply for much of California.

The BDCP, properly planned through the EIR/EIS process, has the potential to do more than protect estuary-dependent species and improve the supply reliability of SWP and CVP export agencies. The BDCP has the potential to improve reliability for Bay Area communities beyond those currently served by the export pumps in the south Delta. The BDCP also can help to facilitate restoration of Hetch Hetchy Valley in Yosemite National Park.

The communities served by the East Bay Municipal Utility District and the San Francisco Public Utilities Commission each rely almost entirely on a single conveyance system to move supplies from the Sierra Nevada to the Bay Area. While some new physical interconnections, along with institutional agreements, have recently been made, these Bay Area communities lack diversity of supply. Should the Mokelumne or Hetch Hetchy aqueducts fail due to earthquake, drought, flood, terrorism or other disaster, the consequences for these major urban centers would be extraordinarily disruptive and could be catastrophic.

Improving the reliability of water supply for EBMUD and SFPUC customers is within the domain of the BDCP, given the broad scope of the Department of Water Resources legal responsibilities for ensuring reliable water for all Californians. Note that both EBMUD and the SFPUC have received Delta supplies in the past during times of need<sup>1</sup>. It is likely that relatively little supply would actually be provided through improved Delta facilities to these customers, but it is very important that the capability exist in case that additional supply is needed. These supplies could be provided directly, perhaps through a new connection (and treatment plant) near the juncture of the California Aqueduct and the SFPUC's Coast Range Tunnel. Improved Delta conveyance could also assure availability of Mokelumne and Tuolumne River supplies to

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<sup>1</sup> EBMUD is expected soon to have its Freeport project online, but it will only provide limited incremental supply and little in the way of diversity as the conveyance will route supplies through the Mokelumne Aqueduct.

EBMUD and the SFPUC by exchanging Delta supplies with other agencies that also rely on those rivers.

There is little doubt that any changes in the suggested allocation of water in California has the potential to cause legitimate concern among agencies that are responsible for providing water to their own communities. The BDCP must, however, consider the broader welfare of all of Californians.

Similarly, it is likely that any changes within the Delta will cause legitimate concern among those who are dedicated to restoring the wildlife and fisheries that depend on a healthy Delta. Restore Hetch Hetchy supports Delta habitat restoration and project operating criteria that provide ample flows for ecosystem restoration, as well as assurances that the Delta environment will be protected over time.

An additional source of water for the San Francisco Public Utilities Commission, even if seldom used, could also replace the small amount of supply that would be lost if Hetch Hetchy Valley in Yosemite National Park were to be restored<sup>2</sup>. While the BDCP has not heretofore considered restoration of Hetch Hetchy Valley in Yosemite National Park, it is evident from the valley's proximity to the Delta and the actual crisscrossing of conveyance systems, that a Delta solution has the potential to be part of a Hetch Hetchy solution. We believe that analysis of the potential is legally required as part of the BDCP EIR/EIS.

Article 10, Section 2 of the California Constitution specifies that not only must all consumption of water within the State be "reasonable and beneficial", but the method of diversion must also not be unreasonable. The reasonableness of the SFPUC's diversion method must be addressed within the BDCP. Given that the BDCP is intended to guarantee a reliable Bay-Delta water supply system that dwarfs the capacity of the SFPUC system, and that only a small portion of the SFPUC capacity would need replacement were Hetch Hetchy Valley to be restored, it is only "reasonable" that the BDCP fully consider the potential restoration of Hetch Hetchy Valley in its alternative analyses.

The federal Raker Act, which authorized the construction of O'Shaughnessy Dam, states that Tuolumne diversions to San Francisco and its customers must conform to the laws of California.<sup>3</sup> Therefore federal aspects of the BDCP analysis must address the reasonableness of

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<sup>2</sup> Analysis by Environmental Defense Fund indicates that, without Hetch Hetchy Reservoir, more than 95% of the SFPUC's delivery reliability would be retained by diverting Tuolumne River flows at Early Intake outside Yosemite and by building a new connection from either Cherry Lake or Don Pedro Reservoir to its conveyance system for diversion of stored supplies. See *Paradise Regained: Solutions for Restoring Yosemite's Hetch Hetchy Valley* (2004) and *Cherry Intertie Alternative* (2005).

<sup>3</sup> Raker Act, Sec. 11. That this act is a grant upon certain express conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with the laws of said State.

Ms. Delores Brown, Chief, Office of Environmental Compliance  
Department of Water Resources  
Re: Restore Hetch Hetchy Scoping Comments for Bay-Delta Conservation Plan  
Page 3

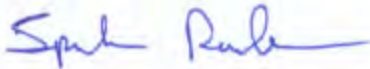
the existing diversion, given available alternatives. In addition, the Raker Act (Section 9, paragraph h) limits diversion of Tuolumne supplies to those that are supplemental to other supplies that either were existing at the time of the Act's passage or that the "grantee ... may hereafter acquire".<sup>4</sup> Delta supplies were not available in 1913 but are available today and many Bay Area agencies depend on them. Given the Raker Act's express limitation on Tuolumne diversions to the Bay Area, compliance with the Raker Act must include consideration of the availability of Delta supplies.

Restoring Hetch Hetchy Valley in Yosemite National Park would provide a spectacular mountain valley for the enjoyment of future generations. It could be managed to accommodate visitors without the degree of development that has diminished the quality of Yosemite Valley, its sister valley 15 miles to the south.

Please incorporate both the potential benefits to these Bay Area communities and the potential restoration of Hetch Hetchy Valley in Yosemite National Park in the BDCP.

Thank you for considering these suggestions. Feel free to contact me if you have any questions at spreck@hetchhetchy.org.

Sincerely,



Spreck Rosekrans  
Chair, Board of Directors

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<sup>4</sup> (h) That the said grantee shall not divert beyond the limits of the San Joaquin Valley and more of the waters from the Tuolumne watershed than, together with the waters which it now has or may hereafter acquire, shall be necessary for its beneficial use for domestic and other municipal purposes.





**SACRAMENTO COUNTY FARM BUREAU**

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May 30, 2008

Paul A. Marshall  
South Delta Improvements Program  
Bay-Delta Office  
California Department of Water Resources  
1416 Ninth Street  
Sacramento, CA 95814

**RE: BDCP EIR/EIS scoping comments**

Dear Mr. Marshall:

The purpose of the Sacramento County Farm Bureau is to protect and promote agricultural production and operations in Sacramento County. In the attached letter dated October 24, 2007, we supported executive order S-17-06 and the Blue Ribbon Task Force's objective to create a vision and plan for a durable Delta.

In that letter, we stated that water exports must pass through the Delta. Farm Bureau emphatically opposes an isolated facility (peripheral canal). Any conveyance system that removes fresh water from the Delta would result in degraded water quality and irreversible environmental damage to the Delta as well as a tremendous negative impact to agriculture. It has been brought to our attention that the Bay Delta Conservation Plan (BDCP) is being developed to address negative impacts to fish caused by water exports from the Delta. The BDCP presents four options which describe modifications to conveyance of water through and around the Delta and establish a "primary habitat restoration zone" for each. It is our understanding that the habitat restoration zones are planned to become marsh and tidal marsh. In each of the four options, significant portions of highly productive farmland in Sacramento County, Yolo County, and Solano County are designated as "primary habitat restoration zone".

With the exception of Prospect Island, we are opposed to designating any farmland located in the North Delta and east of the Sacramento River Deep Water Ship Channel for conversion to marshland for the following reasons,

1. This part of the North Delta is organized into reclamation districts.

2. This part of the North Delta is devoted to intensive, high value agricultural production to include pear orchards, apple orchards, wine grape vineyards, and cherry orchards.
3. This part of the North Delta provides a significant amount of habitat for terrestrial animals and is important nesting and foraging habitat for the Swainson's hawk and other avian species.
4. This part of the North Delta does not include large tracts of land in public ownership.
5. This part of the North Delta will be the most resistant to the drivers of change being considered by the Blue Ribbon Task Force and should be preserved for agricultural production, recreation, and terrestrial habitat.

Reclamation districts operate to provide flood protection, drainage and in some cases, water to land owners within their boundaries. These districts are successful because all landowners need the same services. During winter and early spring months, reclamation districts try to remove every drop of water they can from within their borders. Water is the common enemy. Wetlands and cropland within the boundaries of reclamation districts cannot co-exist. Not only will there be conflicts concerning drainage, but wetland areas will increase groundwater elevations for surrounding neighbors, compromising the agricultural productivity of their lands.

The North Delta east of the Sacramento River Deep Water Ship Channel includes all of the Clarksburg Wine Grape Appellation. Within the Clarksburg Appellation, there are thousands of acres of highly productive vineyards designated as "primary habitat restoration zone" for all four options. In addition, the North Delta includes the largest and most productive Bartlett pear-growing region on the West Coast and produces more than half of all Bartlett pears grown in California. Apples, cherries, vegetables, seed crops, tomatoes, alfalfa, grains and other crops are also produced in the North Delta. Because the North Delta is such a highly productive agricultural area, the cost of acquisition and conversion will be billions of dollars. This is not a good area to convert to marsh.

The North Delta provides terrestrial habitat for many species of animals, reptiles, and birds which would be displaced by marsh. Where will the sandhill cranes go when there are no corn, wheat, safflower and alfalfa fields for foraging? Will the BDCP provide mitigation for Swainson's hawk, loss of farmland, and for all the other negative impacts? This will add tremendously to the cost of acquisition and conversion and because the loss of farmland, jobs and economic activity cannot be replaced, the North Delta should not be considered for habitat restoration in the BDCP.

Because the area is broken up into many small parcels with many individual owners, acquisition will be infeasible. There will be few willing sellers. In order to execute a successful BDCP, conversion should occur where acquisition is possible and affordable. In the North Delta east of the Sacramento River Deep Water Ship Channel, it will be impossible to acquire land in

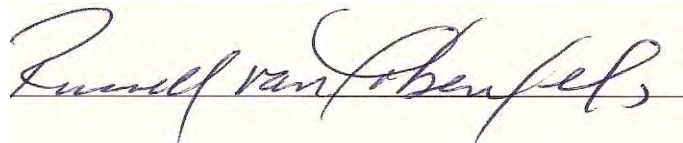
large parcels and impossible to convert any acquired land to marsh because during portions of the year, water is the common enemy in reclamation districts.

Finally, because the North Delta will be affected the least by the drivers of change, and because the State of California's Delta Protection Act of 1992 has already reserved the North Delta for agriculture, recreation and habitat, this area should not be considered for conversion to marsh. For all the reasons explained in the Delta Protection Act, this area will become increasingly important to the surrounding urban areas.

A credible BDCP will be a feasible BDCP. As alternatives are developed for further study during the EIR/EIS process, we urge you to remove the North Delta east of the Sacramento River Deep Water Ship Channel for consideration as "primary habitat restoration zone" and concentrate your efforts on the Yolo Bypass, Prospect Island, Liberty Island and the Lower Bypass. The Yolo Bypass area will require minimal infrastructure, can be connected to water north of Sacramento by using the toe drain, is subject to frequent inundation, and includes large areas of public ownership. Designating the Yolo Bypass area as the "primary habitat restoration zone" to help offset the negative impacts caused by water exports is feasible and credible for all four options under consideration.

Thank you for your consideration,

Russell van Loben Sels,

A handwritten signature in cursive script, reading "Russell van Loben Sels", written in black ink on a light yellow background.

Vice President,  
Sacramento County Farm Bureau

cc. Ms. Delores Brown, Department of Water Resources  
Honorable Dan Lungren  
Honorable Guy Houston  
Honorable Mike Machado  
Honorable Charles Poochigian  
Honorable Lois Wolk  
Honorable Dave Cox  
Honorable Alan Nakanishi  
Honorable Deborah Ortiz  
Sacramento County Board of Supervisors  
Contra Costa County Farm Bureau  
Solano County Farm Bureau  
Yolo County Farm Bureau  
San Joaquin County Farm Bureau



## SACRAMENTO COUNTY FARM BUREAU

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October 24, 2007

Phil Isenberg, Chair  
Delta Vision Blue Ribbon Task Force  
650 Capitol Mall  
Sacramento, CA 95814

Dear Mr. Isenberg:

Sacramento County Farm Bureau supports executive order S-17-06, which directs the Blue Ribbon Task Force to develop a vision for sustainable management of a durable Delta by January 2008 and supports that part of Governor Schwarzenegger's water plan which creates new surface water storage.

Sea level rise, climate change, subsidence, and potential seismic activity will negatively impact services provided by the Delta. Sacramento County Farm Bureau will only support a "Delta Fix" which includes the following elements:

1. Adequate levee maintenance and upgrades.
2. Water for exports moved through the Delta.
3. Exportation of surplus water only.
4. Reduced dependency on the Delta for water exports.

All Delta services, including flood management, transportation, utilities, ecosystem health, water supply, and land use, are dependent on a well-maintained levee system. Because these services are essential to the entire state of California and because any vision for the Delta will take many years for implementation, any plan for the Delta must provide for immediate and adequate levee maintenance and upgrades, especially in the Western Delta, where the greatest risk from seismic activity has been identified.

Water exports (State Water Project and Central Valley Project) must be rerouted in order to minimize negative environmental impacts. Any modified route for export water must pass through the Delta. Through Delta conveyance provides flexible management to protect water quality in the Delta Pool for all Delta water users. Sacramento County Farm Bureau emphatically opposes an isolated facility (peripheral canal). Any conveyance facility which removes fresh water from the Delta will result in degraded water quality for Delta water users and catastrophic and irreversible environmental damage.

When the State Water and the Central Valley Projects were built, Federal and State Governments clearly stated that only surplus water would be exported. Because water storage projects upstream from the pumps were not built as planned, there is

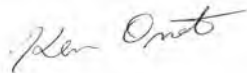
insufficient water in the Delta to support export targets and until significant new surface storage is created any Delta Vision will be severely compromised. Pumping export water from the Delta must be done on an “opportunistic” basis (only occur when there is a surplus), and cannot negatively impact either the supply or quality of area-of-origin users.

Users of export water should strive for regional self-sufficiency by using tools such as ground water storage, surface storage, conservation, reuse, and desalinization. By reducing dependence on Delta exports, the water supply for millions of Californians will be more secure in the future.

Sacramento County Farm Bureau understands that the Delta is a very complex system and that there are major gaps in scientific knowledge to support long-term changes. Therefore, within the framework outlined above, we can only support actions which are adaptive (easily modified to conform to knowledge as it develops) and are reversible in the event they do not work as intended. Actions should be incremental and subject to continuous scientific evaluation.

Thank you for your consideration.

Sincerely,



Ken Oneto, President  
Sacramento County Farm Bureau

cc Blue Ribbon Task Force  
Governor Arnold Schwarzenegger  
Honorable Barbara Boxer  
Honorable Dianne Feinstein  
Honorable Dan Lungren  
Honorable Guy Houston  
Honorable Mike Machado  
Honorable Charles Poochigian  
Honorable Lois Wolk  
Honorable Dave Cox  
Honorable Alan Nakanishi  
Honorable Deborah Ortiz  
Sacramento County Board of Supervisors  
Contra Costa County Farm Bureau  
Solano County Farm Bureau  
Yolo County Farm Bureau  
San Joaquin County Farm Bureau  
California Farm Bureau Federation



# SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

Marshall Copy

May 5, 2008

Karen Scarborough  
Chair, BDCP Committee  
C/O Paul A. Marshall  
South Delta Improvements Program  
Bay-Delta Office  
California Department of Water Resources  
1416 Ninth Street  
Sacramento, CA 95814

RE: Bay Delta Conservation Plan

Dear Ms. Scarborough:

We would like to comment on the Bay Delta Conservation Planning process as an interested party in the Delta. The Farm Bureau represents 5,000 farming families, many of who rely on the Delta for their livelihood. We recognize that you are looking at various ways to protect species; however we feel you are not fully exploring all of the options available to make a comprehensive decision that would protect species, water exports, and most importantly in Delta water users.

The San Joaquin Farm Bureau Federation is concerned about the process by which the future management of California's water is being decided. The BDCP is deciding how the Central Valley's water will be managed, and how water will be conveyed in and upstream of the Delta. On March 24, the Department of Water Resources, DWR, held a meeting to initiate an EIR/EIS scoping process preparatory to implementing the as yet not publicly defined water management plan proposed by the BDCP. It was clear at that meeting that the intent is to expedite implementation of that Plan without any serious consideration of any other plan, and without first analyzing and making public a determination of the physical feasibility of implementing the BDCP plan, or the probable unintended consequences of the plan.

In other words the State Administration through the DWR has delegated to an unelected and unaccountable group the responsibility for determining the future of the Delta and of the State's water supply. The BDCP has been exercising this responsibility through a process that is not subjected to public or independent technical scrutiny, and that can commit the State to a very expensive, irreversible course of action that could prove to be a disaster for all water interests in and beyond the Central Valley, including the Delta with its fresh water fishery, its recreation, its water and land uses, etc. There are features of that plan that could result over time in conversion of the Delta to an open salt-water bay.

The BDCP should provide credibility to its process by doing the following:

- The BDCP should make public an analysis of how we got into a situation where we can neither protect the Delta nor provide an adequate developed water supply, and should explain how the BDCP proposal will address these causal factors. The population has already outgrown the developed water supply, and the inadequacy of the water supply is

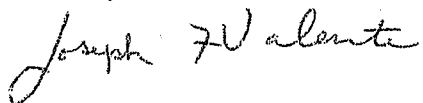
increasing as the population grows by about five million people every ten years. This growing inadequacy has resulted in almost eliminating the fresh water inflow to the Delta from the Mokelumne, Calaveras, and San Joaquin Rivers except during wet years.

- The BDCP should obtain and make public a competent, independent analysis of the salinity that would occur under its plan during months and years of low river flow in Delta channels south of the Sacramento channel.
- The BDCP should reveal what lands would be converted from agriculture to marshes or open water by its plan either overtly or because increases in salinity causes farming to be economically infeasible. The latter should be determined by qualified agricultural advisors rather than by economists.
- When farmers can no longer be the primary maintainers of non-urban levees will the BDCP proposal provide levee maintenance by some other designated entity, or will those levees be abandoned so that the Delta channel system converts to an open water bay?
- The BDCP should acknowledge that no change in Delta water conveyance can by itself increase the overall inadequate developed water supply and can therefore not solve the Delta protection versus water supply problem. The BDCP should explain how its proposal will address that problem or whether a canal would only serve to increase exports by trashing the Delta. In other words, are claims that the plan will protect the Delta while operating a canal, fraudulent claims?
- The BDCP and the DWR should revise the EIR/EIS and its scoping process so that the process is intended to determine the most effective method to protect the Delta while maximizing the average annual availability of water for export that is compatible with protection of the Delta. The process should give full consideration to a much improved through Delta plan without a canal. Specifically, the BDCP and the EIR/EIS process should consider the South and Central Delta's Comprehensive Management Plan on an equal footing with the BDCP proposal.

Ongoing processes are looking at the future of the Delta. It is imperative that we consider a through Delta approach to conveyance. Should a peripheral canal be constructed, the region will face significant devastation of increased flooding due to a barrier to the natural outflow of runoff. Residents and agriculture alike will be adversely impacted. Delta water quality must be maintained in order for species and farming to survive.

You must consider all of the options available and make a decision based on sound peer-reviewed. We encourage you to take a step back and look at real solutions, not solutions meant to serve other ongoing processes.

Sincerely,



Joe Valente  
President



## **S. H. Merwin & Sons, Inc.**

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**To: DEPARTMENT OF WATER RESOURCES**

DIVISION OF ENVIRONMENTAL SERVICES  
901 P STREET, P.O. BOX 942836  
SACRAMENTO, CA 95814-6424

**Re: Scoping for the ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL  
IMPACT STATEMENT  
FOR THE BAY DELTA CONSERVATION PLAN**

April 30, 2008

Greetings,

I am writing to offer my input to the EIR process that the proposed BDCP has initiated. My comments are specifically directed to the four Draft Conservation Strategy Options roughly outlined in the presentation to the Senate Natural Resources and Water Committee Hearing on the Governor's Delta Actions by Lester A. Snow, Director, Department of Water Resources March 11, 2008 concurrent with the initiation of the EIR process.

As a fifth generation California farmer (third generation Delta farmer), in total and grave seriousness, I urge you to include at the top of the protected species list the California Delta Farmer. Agriculture has coexisted within the Delta environment since the gold rush, and all four options proposed as a Conservation Strategy appear to significantly threaten if not completely exterminate this vital species. I was under the impression that the Delta Protection Act was created in large measure to protect Delta Agriculture. What happened to that?

I farm about 2100 acres in the Clarksburg area and one of the primary crops that I grow is alfalfa for dairy hay. My 1000 acres of alfalfa enables dairies to produce enough milk to supply 61000 people per year. My neighbor grows 1000 ac. of tomatoes, which supply about 1.5 million people per year. Clarksburg produces virtually the entire world's supply of dichondra seed. We are the tip of the iceberg. Yolo County is the fifth largest agricultural county in the leading agricultural state in the nation. Even though just 5% of Yolo County farmland in lies in the Delta, it generates more than 20% of that county's agricultural revenue. Not only are we helping to feed people, but we also pay property taxes and assessments on that farmland, sales tax on all inputs, and personal and corporate income taxes too. We hire services and buy supplies from companies that help us fertilize, protect, harvest, and haul our crops. The people that help us grow our crops live on our farms, many with their families. These farms are what make the Delta communities function. Eliminate us and the communities wither.



We are environmental stewards of our land and water. We would be foolish not to be, the land provides our livelihood, and the water is our lifeblood. We are extremely careful about how we use our water and we participate in a watershed coalition which monitors and helps improve our use of water. In my lifetime I have seen a tremendous increase in the diversity of wildlife on my farm. One day last fall I counted more than 150 Swainson's Hawks hunting in one harvested wheat field that we were disking.

The Delta is a vital economic engine and a beautiful region to have in the heart of California. All of the distinct and unique towns that exist in the Delta came into existence to support agriculture. Eliminate agriculture to restore native habitat, and you will create the following problems adjacent to and upwind from metropolitan areas: no property tax revenue, no economic production, increased mosquito pressure (West Nile, bird flu, Malaria, etc.) and other insect pressures (the Minute Pirate Bug has become particularly obnoxious to our quality of life in last few years), putrid odors borne on the cooling Delta breeze that arise from lowlands as they dry out seasonally. I know exactly what you have to look forward to; I live two hundred yards from the Yolo Bypass, and downwind from government owned "managed" wetlands.

Because of our location we benefit from relatively inexpensive and readily available water. I find it inconceivable that it would be more beneficial to the state to convert my ranch to tules in order to allow a farm 100 miles from here to exist with much more expensive imported water, or to allow even 100 more houses to be built somewhere.

The problem California is faced with is not that the Delta is broken and needs to be altered; the true problem is that we have too many people in this state, living mostly in areas that lack the local water they need (and should have been required to prove they had before the land was developed). Rather than address that inconvenient truth, California plows blindly ahead, seeking ways to accommodate ever more people in inappropriate places, while we in the Delta would be forced from our homes and livelihoods to better serve the thirsty hordes that do not have enough water where they chose to develop and live.

California does indeed have a serious problem, but it is far better to address the true issue: overpopulation, rather than chasing the symptoms.

Thank you for your time,

Jeff Merwin  
President  
S.H. Merwin & Sons, Inc.



## **S.H. Merwin & Sons Inc.**

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May 28, 2008

Department of Water Resources  
Division of Environmental Services  
P.O. Box 942836  
Sacramento, CA 95814-6424

Re: Scoping Comments for the Bay Delta Protection Plan (BDCP)

Greetings,

These comments are in addition to my previous testimony, and written comments dated April 30, 2008. As I see it, this entire process is not being driven by a need to “fix the Delta”, but rather it is being driven by a dire need to export water south, and a realization that the only way that can happen is if the health of the Delta is enhanced. Although I am not a proponent of removing water from the Delta for any reason, the realities of our day are what we have to work with, and I have reached the conclusion that doing nothing is not an option. Quite frankly, an alternative water supply for Southern California through desalinization might prove to be the most cost effective solution in the end, but that is currently outside the scope of the BDCP, so I offer the following comments.

First, The Delta area and its inhabitants need to be protected from adverse impacts that are the result of any modifications to the current system. The potential impacts are many, and obviously would differ depending on what changes are made, but specifically the long term protection of the Delta infrastructure needs to be addressed. The levee system that is in place now, and that South state water users currently have a vested interest in helping to maintain, needs to have a mechanism built in that ensures continued funding for maintenance if an isolated conveyance option of any kind is implemented. Perhaps an endowment large enough to annually fund levee enhancement or protection / maintenance should be funded by water exporters who would benefit from the isolated conveyance. Further, there would need to be clearly defined limits on the extent to which the isolated conveyance may be used, in other words, it cannot be used to take water more aggressively than in the past.

There is a very real, (and historically justified – MWD vs. Owens Valley) public perception in Northern California that a separate conveyance around the Delta, literally moving the straw further upstream, will remove incentive to maintain water quality downstream of the straw which will ruin the Delta. This cannot be allowed to happen, and would need to be specifically addressed in any agreement to allow such a conveyance. If, the agreement is done right and the entire system is managed correctly, there may indeed be a way to make a dual conveyance system improve the water quality in the Delta.

Regarding any isolated conveyance that might be a part of a dual conveyance system I offer the following comments. I have seen maps outlining “eastern” and “western” alignments of such a

conveyance. It occurs to me that a significant portion of what would have been the Peripheral Canal was dug to provide fill dirt for I-5 in the 1970's. Is that factored into an eastern alignment option? If not, why not?

I live on the East berm (Right bank) of the Sacramento Deep Water Ship Channel, and I would prefer to see any "western conveyance" be located within the channel, and not across my farmland. The western alignment options I have seen both appear to have the diversion point set on the Sacramento River below East Bay MUD's Freeport diversion, but above the Sacramento Regional Wastewater Treatment outfall, then cutting SW across established vineyard to the eastern side of the Sacramento Deep Water Ship Channel, and running parallel to the channel to Rio Vista. Why would you build such a conveyance when a better one already exists right beside it? It occurs to me that you could build locks at the Rio Vista end of the Ship Channel, which would allow the channel to be operated both as a ship channel and a reservoir for water. The intake is in West Sacramento less than a mile downstream of the American River. Increase the water level of the channel by 5 feet, and you could have significant water storage within the Delta (27 miles x 500 feet wide / 43560 sq ft/ac x 5 feet = +/- 8200 acre feet) with very little downside that I can see. The Port of Sacramento might not want to deal with locks, etc. but I know that they are trying to deepen their channel by 5 feet to allow larger ships in. West Sacramento might be interested in eliminating the potential flood threat from the "live" open channel down stream. I think there could be significant benefits to a joint use. The Ship Channel levees are perhaps the most reinforced in the entire Delta due to the 250 foot wide spoil berms on each side. The impact of higher water within the port area and Lake Washington in West Sacramento would need to be studied, as would the impacts of the increased water level on the levees (possible re-engineering of slope to prevent erosion), and seepage issues. Potentially increased maintenance of the shipping channel would need to be factored in as well.

I also have read about the high costs of creating multiple siphons under both the Sacramento and San Joaquin rivers and several sloughs. Why not consider a diversion from the channel above, or near Rio Vista, on the west side of the Sacramento River or Cache Slough, then digging one siphon somewhere nearer to Collinsville?

Regarding agricultural diversions within the Delta, in addition to studying the costly installation of fish screens at all such diversions, perhaps the use of shallow wells on the land side of the levees that would tap natural seepage under the levees might be a viable solution in some cases. Although I am not squeamish about acknowledging that under levee seepage exists and is a normal part of a dynamic levee system, such tapping into sand or gravel strata that exist 10 to 30 feet below the ground surface would need to be carefully studied for the ability to stop or control the flow when necessary, and the quality of the shallow ground water compared to river water.

Habitat restoration or enhancement projects, specifically tidal wetlands or projects that require at or near sea level land, should be initiated on a very small scale and studied intensively for their effectiveness. The economic realities and intensive use of current farm land in that "zone" of the Delta dictate that such projects should occur primarily where flood easements or other such encumbrances already exist. The primary purpose of the Yolo Bypass network needs to be incorporated in any project (e.g.: you can't plant rows of trees across the flood area and expect the system to work as flood control). Detrimental impacts to neighbors such as increased insect or disease pressures, and seasonal odors need to be assessed. Also the economic impacts to agriculture adjacent to a project, such as spray buffers, potential hydrologic impacts such as increased seepage, and losses due to increased waterfowl feeding, need to be assessed and mitigated. As a life long resident and farmer in the North Delta, I have witnessed a tremendous increase in numbers and diversity of wildlife in the past forty years, including River Otter, Mink, coyote, raccoon, opossum, turkey, raptors including Swainson's and Marsh Hawk, egrets, Herons, Wood duck, pelican,

cormorant, sandhill crane, etc. The impacts on these Delta inhabitants needs to studied too.

With the increasing desire for alternative fuels, perhaps there are some potential scenarios that could prove to be mutually beneficial to farmers and the ecosystem. Has anybody studied the possibility of using Tules for biomass (cellulosic ethanol production, for instance)? Perhaps a rotational system of growing and harvesting tules might be established that would be economically viable for farmers, while producing desired benefits for the water. This is one of very few scenarios that I could envision any serious “reversion” of farmland outside of the bypass. I would prefer to see any such system implemented without cutting or moving existing levees, but there might exist opportunities using this strategy to make setback levees a more viable option in some cases. Are there any opportunities in harvesting as a way of controlling invasive pests such as aquatic primrose or milfoil for biomass or fertilizer or mulch?

These are all things that should be looked at. Thank you for the opportunity to comment.

Sincerely,

Jeffrey Merwin  
President  
S. H. Merwin & Sons Inc.

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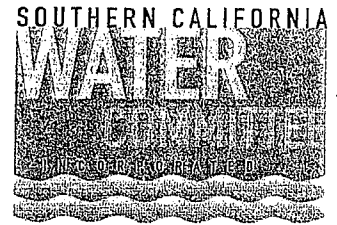
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[www.socalwater.org](http://www.socalwater.org)

May 12, 2008

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

RE: Bay Delta Conservation Plan Environmental Impact Report  
/Environment Impact Statement

Dear Ms. Brown,

The Southern California Water Committee (SCWC) was pleased to testify at the Bay Delta Conservation Plan (BDCP) public scoping meeting held in Los Angeles on May 8, 2008.


The SCWC is a broad based nonprofit, nonpartisan organization that is committed to one purpose - securing adequate, reliable, affordable, quality water supplies for California. In the last twenty-four years we have represented eight counties, Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura, and their respective cities, water agencies, agricultural entities, and businesses.

There is an urgent need for action in the Sacramento-San Joaquin Delta and the SCWC believes that the BDCP process is critical to map out a comprehensive solution that improves the sustainability of the Delta by improving the Delta's environmental integrity and providing reliable, high quality water for California's economy.

The EIR/EIS includes a 'no action' alternative. In the opinion of the SCWC, no action in the Delta is not acceptable. Without new infrastructure, the Delta will continue to degrade and without substantial improvements and protections of water exports, California's economy will decline.

California requires a reliable water supply from the Delta and a healthy Delta ecosystem. Neither is possible without addressing the challenges of the Delta's deteriorating conditions. It is our expectation that the BDCP will advance a plan to improve the sustainability of the Delta and a comprehensive water solution for California.

Very truly yours,

  
Joan Anderson Dym  
Executive Director

Enclosure: SCWC Membership Roster

# Southern California Water Committee, Inc.

## Membership

### *Benefactor*

County of Kern  
County of Los Angeles  
County of Orange  
County of Riverside  
County of San Bernardino  
County of Ventura

### *Founder*

Metropolitan Water District of Southern California

### *Sponsor*

Anheuser-Busch, Inc.  
AT&T  
City of Chino  
CP Kelco  
Newhall Land & Farming Company  
Ron Gastelum  
Southern California Edison  
The Procter & Gamble Paper Products Company

### *Patron*

Borchard Companies, Inc.	Building Industry Association of Southern California
C J Segerstrom & Sons	Calleguas Municipal Water District
Camp Dresser & McKee, Inc.	Central Basin Municipal Water District
Castaic Lake Water Agency	Chevron
City of Chino Hills	City of El Centro
City of Encinitas	City of Hemet
City of Indian Wells	City of Indio
City of Laguna Woods	City of Long Beach
City of Los Angeles	City of Los Angeles Department of Water & Power
City of Ontario	City of Riverside
Coachella Valley Water District	Hines Nurseries
Imperial Irrigation District	Independent Oil Producers Agency
Inland Empire Utilities Agency	Johnson Machinery Co.
Kennedy/Jenks Consultants, Inc.	Kern County Water Agency
Knott's Berry Farm	Krieger & Stewart
Mellano & Company	Milk Producers Council
Moulton Niguel Water District	NJD, Ltd.
Orange County Farm Bureau	RBF Consulting
Richard K. Jemison	Sea World of California
Shea Homes	Sunkist Growers, Inc.
	The Irvine Company

# SCWC Membership

Aera Energy LLC	City of Ontario	Kern County Water Agency	San Diego County Water Authority
Albert A. Webb Associates	City of Orange	Kern Delta Water District	San Luis Rey Indian Water Authority
Anheuser-Busch, Inc.	City of Pasadena	Kimberly-Clark Corporation	Sanitation District of Los Angeles County
Arlon	City of Rialto	Knott's Berry Farm	Santa Ana Watershed Project Authority
Arvin-Edison Water Storage District	City of Riverside	Krieger & Stewart	Santa Fe Irrigation District
AT&T	City of Santa Monica	LSA Associates, Inc.	Santa Margarita Water District
Biocom/San Diego	City of Thousand Oaks	Lagerlof, Senecal, Bradley, Gosney & Kruse, LLP	Sea World of California
Blue Banner Company, Inc.	Coachella Valley Water District	Lake Hemet Municipal Water District	Semitropic Improvement District of Semitropic Water Storage District
Borchard Companies, Inc.	Colombo Construction Company, Inc.	LegiSight, LLC	Serrano Water District
Boyle Engineering Corporation	Columbine Vineyards	Lewis Planned Communities	Shea Homes
Building Industry Association of Southern California	Construction Industry Coalition on Water Quality	Limoneira Company	Sony Electronics Inc.
C J Segerstrom & Sons	County of Kern	McCormick, Kidman & Behrens, LLP	South Coast Water District
California-American Water Company	County of Los Angeles	Mellano & Company	Southern California Edison
California Water Service Co.	County of Orange	Mesa Consolidated Water District	Southern California Gas Company
Calleguas Municipal Water District	County of Riverside	Metropolitan Water District of Southern California	Southern California Golf Association
Camp Dresser & McKee, Inc.	County of San Bernardino	Milk Producers Council	Stacy A. Roscoe
Camrosa Water District	County of Ventura	MJF Consulting	Suburban Water Systems
Carollo Engineers	CP Kelco	Monte Vista Water District	SunCal Companies
Castaic Lake Water Agency	Cucamonga Valley Water District	Moulton Niguel Water District	Sunkist Growers, Inc.
Castle & Cooke	DBE Psonas	Municipal Water District of Orange County	Sunrise Company
Central Basin Municipal Water District	Dee Jasper & Associates, Inc.	Newhall County Water District	Tehachapi-Cummings Water M & O.
Ch2M Hill	Desert Water Agency	Newhall Land & Farming Company	The Irvine Company
Chase Bros.	E. S. Babcock & Sons, Inc.	Newland Communities, LLC	The Koll Company
Chevron	East Valley Water District	NJD, Ltd.	The Procter & Gamble Paper Products Co.
Chino Basin Water Conservation District	Eastern Municipal Water District	Olivenhain Municipal Water District	The Shopoff Group, L.P.
Chino Basin Watermaster	El Toro Water District	Orange County Business Council	Three Valleys Municipal Water District
City of Anaheim	Elmer F. Karpe, Inc.	Orange County Farm Bureau	United States Gypsum Company
City of Bakersfield	Foothill Municipal Water District	Pacific Gas & Electric Company	Upper San Gabriel Valley Municipal Water District
City of Cerritos	Fruit Growers Laboratory, Inc.	Paramount Farming Company	Vallejos Water District
City of Chino	Germania Corporation	Pardee Homes	Valley Center Municipal Water District
City of Chino Hills	GHD LLC	Penfield & Smith Engineers, Inc.	Valley County Water District
City of Downey	Golden State Water Company	Primary Energy	Valley Industry & Commerce Association
City of El Centro	Grimmway Enterprises, Inc.	Provost & Pritchard Engineering Group, Inc.	Vista Irrigation District
City of Encinitas	H. M. Holloway, Inc.	Rancho California Water District	Vulcan Materials Company
City of Escondido	Harry Singh & Sons	Rancho Mission Viejo	Water Association of Kern County
City of Glendale	Hatch & Parent	RBF Consulting	Water Replenishment District Of Southern California
City of Glendora	Helix Water District	Redwine & Sherrill	Watson Land Company
City of Hemet	Hewlett-Packard Company - San Diego Division	Richard Bagdasarian, Inc.	West Basin Municipal Water District
City of Huntington Park	Hines Nurseries	Richard K. Jemison	West Coast Environmental and Engineering
City of Indian Wells	Hunter Industries Incorporated	Rincon Del Diablo Municipal Water District	Western Municipal Water District
City of Indio	Imperial Irrigation District	Riverside-Corona Resource Conservation District	Western States Petroleum Association
City of La Quinta	Independent Oil Producers Agency	Ron Gastelum	Weston, Benschopf, Rochefort, Rubalcalva, MacCuish LLP
City of La Verne	Inland Empire Utilities Agency	Rose Hills Company	Weyerhaeuser Companies
City of Laguna Woods	Irvine Ranch Water District	Rosedale-Rio Bravo Water Storage District	Wheeler Ridge-Maricopa Water District
City of Long Beach	J & D Star Dairy		
City of Los Angeles	Jim Burke Ford		
City of Los Angeles Department Of Water & Power	Johnson Machinery Co.		
City of Newport Beach	Kennedy/Jenks Consultants, Inc.		
City of Oceanside	Kern Co Council of Governments		
	Kern County Farm Bureau, inc.		



*Dedicated to the appreciation of wildlife*

Stone Lakes National Wildlife Refuge Association  
1624 Hood-Franklin Road  
Elk Grove, CA 95767

*Via email: [delores@water.ca.gov](mailto:delores@water.ca.gov)*

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

Dear Ms. Brown:

This letter provides the comments of the Stone Lakes National Wildlife Refuge Association (Association) on the Notice of Preparation (NOP) for the joint Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Sacramento-San Joaquin Bay Delta Conservation Plan (BDCP). The Association is a nonprofit organization dedicated to preserving and protecting the Stone Lakes National Wildlife Refuge (Stone Lakes NWR), which is located within the legal Delta. Among other activities, the Association has worked to ensure that Stone Lakes NWR is protected from adverse impacts relating to changes in flows and water quality due to surrounding development in coordination with local, state and federal agencies.

The Refuge is the single largest complex of natural wetlands, lakes and riparian areas remaining in the Sacramento-San Joaquin Delta, and provides critical habitat for waterfowl and other migratory birds of international concern, as well as a number of endangered plant and animal species. Stone Lakes NWR and its surrounding agricultural areas are home to several special status species, including the tri-colored blackbird, greater sandhill crane, white-face ibis, long-billed curlew, Swainson's hawk, burrowing owl, giant garter snake and valley elderberry longhorn beetle.

Please consult the "Draft Comprehensive Conservation Plan and Environmental Assessment for the Stone Lakes National Wildlife Refuge", available at [http://library.fws.gov/CCPs/stonelakes\\_draft.pdf](http://library.fws.gov/CCPs/stonelakes_draft.pdf) for specific information regarding Stone Lakes NWR resources and as a potential resource in developing the content of the EIR/EIS.



## Background

In 1972, the U.S. Army Corps of Engineers recommended establishing a national wildlife refuge in the Stone Lakes Basin after completing a flood control study of Morrison Creek, Sacramento County's largest creek system. In 1994, following six years of study and public meetings, the U.S. Fish & Wildlife Service ("FWS") established Stone Lakes NWR in Sacramento County, which borders the City of Elk Grove. Stone Lakes NWR is the 505th refuge in the National Wildlife Refuge System and one of the few urban wildlife refuges in the nation. Due primarily to encroaching urban uses, the Refuge has been designated as one of the six most threatened refuges in the nation. (See Exhibit A, *State of the System: An Annual Report on the Threats to the National Wildlife System*, National Wildlife Refuge Association (2005), at p. 9, available at: <http://refugenet.org/new-pdf-files/BeyondtheBoundaries.pdf> see also [http://library.fws.gov/CCPs/stonelakes\\_draft.pdf](http://library.fws.gov/CCPs/stonelakes_draft.pdf).) Changes to the manner in which state and federal water projects make water deliveries to exporters of water otherwise destined for the Delta also have the ability to adversely impact the resources of Stone Lakes NWR.

## General Comments

The Association requests that the proponents of the BDCP carefully consider impacts of implementing the BDCP on the resources of the Refuge in the EIS/EIR. Specifically, impacts of alternative conservation actions including improved water conveyance infrastructure in the Delta must be considered. It is the Association's understanding that the dual and isolated conveyance system routes being considered as part of improved conveyance infrastructure would traverse Stone Lakes NWR lands. This could have very significant impacts on the habitat values of the Stone Lakes NWR.

The Association has also reviewed a Habitat and Operations Technical Team handout that mentions possible inundation of Stone Lakes Bypass for 45 days or more as a possible long term scenario. The environmental impacts of this or other possible uses of Stone Lakes NWR must be carefully evaluated. Such an evaluation would include consideration of drainage-related impacts already occurring as a result of increasing runoff from the growing City of Elk Grove. While more water can at times create environmental benefits, prolonged flooding can also cause trees to die and cause other impacts.

The significant public investments that made the Refuge possible should be honored by providing the very highest level of protection to the resources of Stone Lakes NWR.

### Specific Suggestions

The Association recommends that the EIR/EIS address the following issues:

1. **Establish Appropriate Project Objectives.** A project objective relating specifically to the protection of sensitive publicly owned biological resources within the Delta should be included in the EIS/EIR.
2. **Include a Complete Project Setting.** The environmental setting in the EIR/EIS must include a detailed description of Stone Lakes NWR and other similar resources within the Delta.
3. **Clearly Delineate the Proposed Location of Project Alternatives Involving Conveyance Systems.** The impacts analysis should be based on a specific location for the alternatives involving freshwater conveyance systems. The Association and Stone Lakes NWR Staff are available to assist in identifying and/or refining the possible locations for the conveyance system.
4. **Analyze Impacts on Refuge Specifically.** Impacts analysis in the EIR/EIS should examine how each alternative would affect the resources of Stone Lakes NWR. Also, specialized biological expertise should be engaged to assess impacts on Refuge biota.
5. **Include Feasible Alternatives to Minimize or Avoid Significant Impacts of the Project.** To the extent significant impacts to the resources of Stone Lakes NWR are identified feasible mitigation measures and alternatives must be identified and adopted to reduce those impacts.

### Conclusion

The Association feels strongly that whatever option the BDCP ultimately pursues to address the species issues associated with Delta water exports not degrade Stone Lakes NWR, which is already a threatened resource. Please contact me if you have any questions regarding the information contained in this letter or

would like to obtain more information about Stone Lakes NWR for purposes of drafting the EIR/EIS.

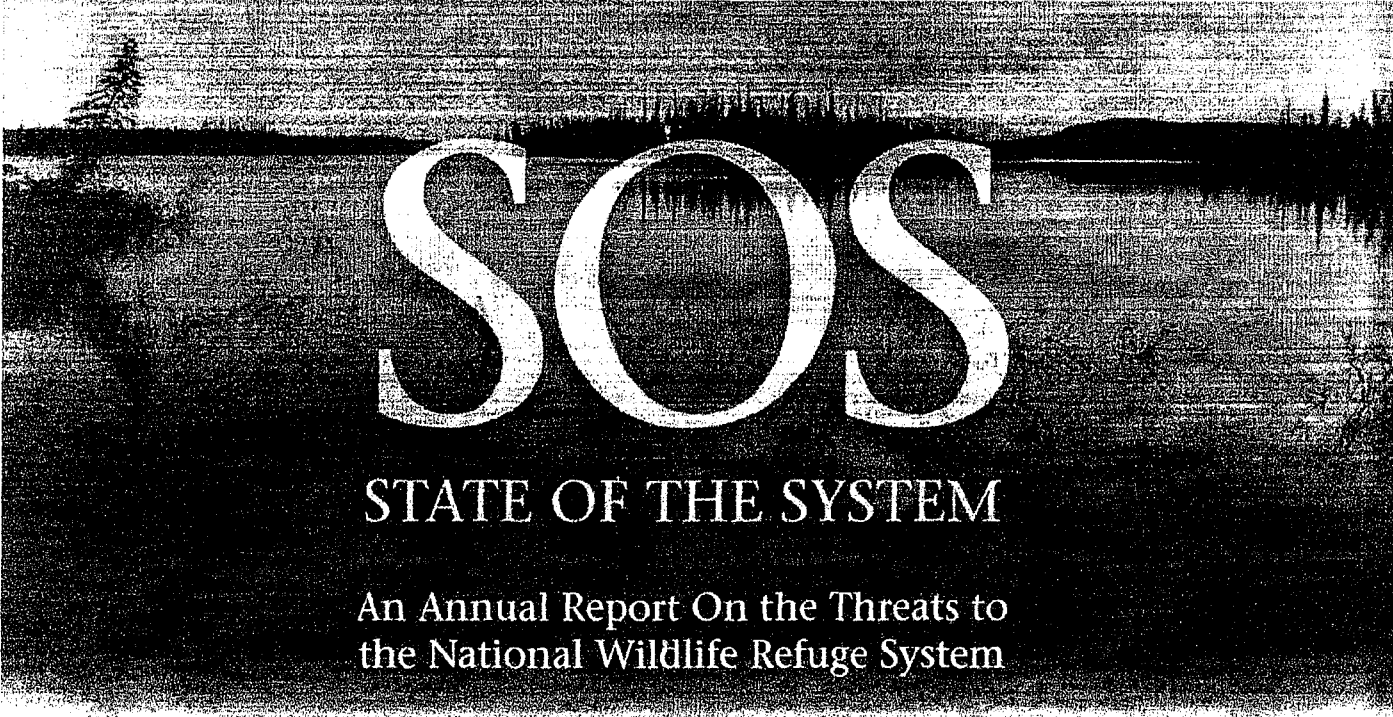
Very truly yours,



Robert Burness  
Watershed Chair

cc:

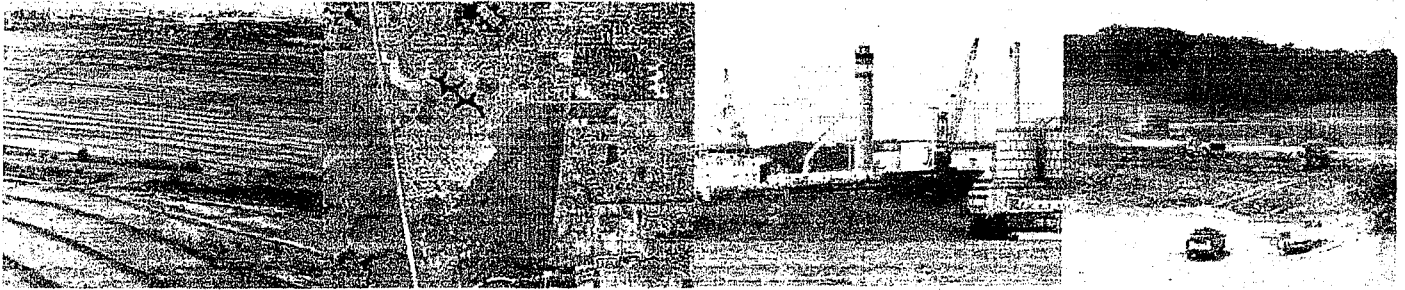
Beatrix Treiterer, Acting Refuge Manager, SLNWR, [Beatrix\\_Treiterer@fws.gov](mailto:Beatrix_Treiterer@fws.gov)  
Liz Zainasheff, President, Stone Lakes NWR Association, [lizz@surewest.net](mailto:lizz@surewest.net)  
Scott Nakaji, District Superintendent, State of California Department of Parks and Recreation, [snakaj@parks.ca.gov](mailto:snakaj@parks.ca.gov)  
Jill Ritzman, Acting Director, County of Sacramento, Department of Regional Parks, Recreation and Open Space, [Ritzmanj@saccounty.net](mailto:Ritzmanj@saccounty.net)  
Don Nottoli, Sacramento County Board of Supervisors, [nottolid@saccounty.net](mailto:nottolid@saccounty.net)  
Virginia Mahecek, Valley Mountain Consulting, [valley\\_mountainconsulting@yahoo.com](mailto:valley_mountainconsulting@yahoo.com)  
Pamela Creedon, Executive Officer CVRWQCB, [PCreedon@waterboards.ca.gov](mailto:PCreedon@waterboards.ca.gov)  
Greg Suba, Laguna Creek Watershed Council, [gsuba@surewest.net](mailto:gsuba@surewest.net)  
Barbara Washburn, Laguna Creek Watershed Council, [BWASHBURN@oehha.ca.gov](mailto:BWASHBURN@oehha.ca.gov)



# SOS

## STATE OF THE SYSTEM

An Annual Report On the Threats to  
the National Wildlife Refuge System



2005 FOCUS:

## Beyond the Boundaries

*Featuring the top six threatened and top six rescued refuges*

Unless we act now to protect lands and waters  
surrounding our nation's refuges,  
we may lose our magnificent wildlife heritage





The mission of the National Wildlife Refuge Association (NWRA) is to protect, enhance and expand the National Wildlife Refuge System, lands and waters set aside by the American people to protect our diverse wildlife heritage.

The NWRA works with decision-makers in Washington, DC, to help the Refuge System better fulfill its wildlife conservation mission. We promote community support for refuges by providing the more than 160 refuge Friends volunteer organizations with the tools, information and resources to make a difference. And we work to educate the public about the importance of protecting Teddy Roosevelt's unique conservation legacy.

Our diverse national membership includes current and retired U.S. Fish and Wildlife Service professionals, members of refuge Friends organizations, refuge volunteers and other conservation-minded citizens.

To learn more about the NWRA or become a member, please visit our website at [www.refugenet.org](http://www.refugenet.org), or write:

National Wildlife Refuge Association  
1010 Wisconsin Avenue, NW  
Suite 200  
Washington, DC 20007

COVER PHOTOS: TOP AND BOTTOM: BY EVAN HIRSCH. CENTER FROM LEFT: 1. LANICA KLEIN, 2. USFWS, 3. PAMELA HUDSON, 4. DAVID CARRUTH

# SOS

STATE OF THE SYSTEM

# Beyond the Boundaries

EVAN FRIESCH

Our National Wildlife Refuge System is under siege. While refuge professionals and tens of thousands of refuge volunteers and more than 160 Friends groups work to ensure that each of the 545 refuges across the country is managed to secure the needs of America's wildlife, threats from beyond refuge borders—inappropri-

ate development, competing water interests, mining and fossil fuels extraction, military maneuvers and other harmful activities—threaten to jeopardize the very future of these conservation gems.

This report highlights recent research that reveals the magnitude of these threats, and uses stories from six individual refuges to tell the story. In addition, we review six refuges that have turned threats into opportunity; refuges that are now better off having developed creative partnerships with adjacent landowners and galvanized the support of surrounding communities.

Finally, we offer five recommendations to Congress and the Bush Administration that, while strengthening the conservation mission of our national wildlife refuges, aid in the broader conservation of species on private, state and other federal lands, a vital requirement if we are to conserve our wildlife heritage for the benefit of future generations of Americans.

*The National Wildlife Refuge Association urges Congress and the Administration to implement or support the following measures to ensure the long-term integrity of our national wildlife refuges:*

- 1) Strengthen incentives for private landowners to practice conservation through more funding of federal programs that reward landowners for habitat protection.
- 2) In partnership with states and private landowners, conduct a thorough evaluation of habitat conservation needs on lands and waters that are adjacent to refuges and that connect refuges and other conservation areas.
- 3) Allocate adequate funding for direct land purchase to add high-priority habitat to the Refuge System.
- 4) Allocate adequate funding for state wildlife grants which will help to conserve important wildlife habitat outside refuge boundaries: at least \$85 million next year.
- 5) Implement strategies to protect fragile coastal and island refuges from the devastation of shipwrecks and oil spills.

Please see the closing section of this report for more information.

## *2005's Top 6 Threatened Refuges*

Stone Lakes NWR, CA .....	9
Alaska Maritime NWR, AK .....	10
Desert NWR Complex, NV .....	11
Pocosin Lakes NWR, NC .....	12
Horicon NWR, WI .....	13
White River NWR, AR .....	14

## *2005's Top 6 Rescued Refuges*

Sacramento NWR Complex, CA .....	16
Minnesota Valley NWR, MN .....	17
Lake Umbagog NWR, NH .....	18
Tensas River NWR, LA .....	19
Red Rock Lakes NWR, MT .....	20
Lower Rio Grande Valley NWR, TX .....	21

*Refuge at the Crossroads***Stone Lakes National Wildlife Refuge**

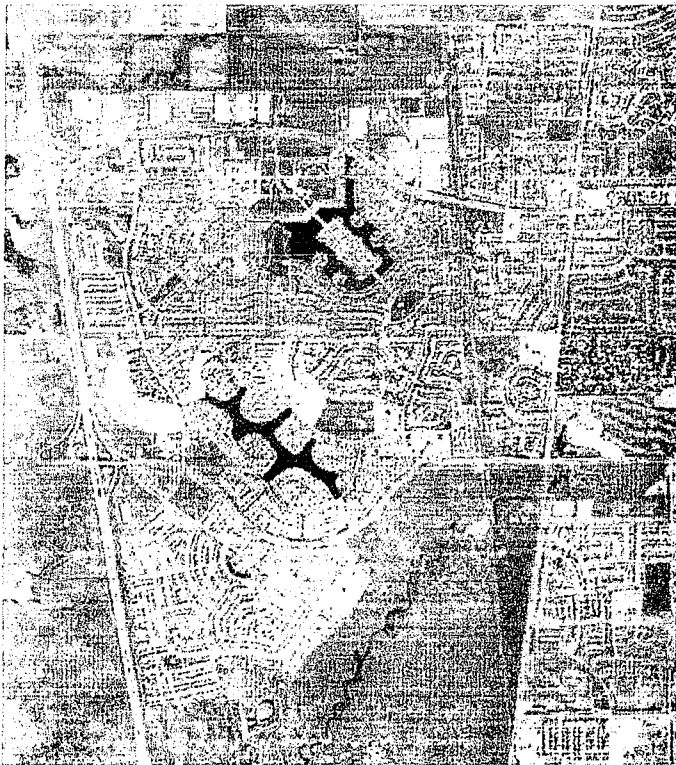
Near Sacramento, California

Current area: 6,200 acres

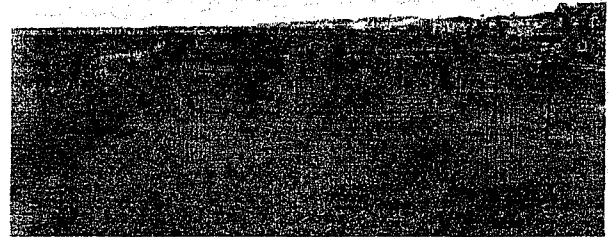
Authorized final area: 17,600 acres

6,000 visitors annually

Located in the San Joaquin-Sacramento Delta and the 100-year floodplain, the Stone Lakes NWR provides vital feeding and resting grounds for migratory birds on the Pacific Flyway and protects habitats that are rapidly disappearing in California's Central Valley: grasslands, wetlands, riparian, oak forest, and agricultural lands. In the 10 years since the refuge was established, nearby Sacramento and its surrounding counties have grown at staggering rates—up to 20 percent annually. As what was once open country around the refuge lands fills with tract houses and strip malls, Stone Lakes NWR is struggling to



Subdivisions in Elk Grove, California, encroach on Stone Lakes NWR. The development below the curved road was built within the refuge acquisition boundary. | Photo by USFWS



New housing development runs right up to the Stone Lakes NWR boundary. The land to the left of the road is the refuge. | Photo by Evan Hirsche

connect its isolated parcels and acquire its planned total acreage of 17,600 acres.

Developers have already bought up lands within the approved refuge boundaries, and one 460-acre subdivision was built within the boundary in 1999. And now this frenzied development has reached the refuge doorstep: the newly incorporated city of Elk Grove—the second-fastest growing city in the United States among cities of 100,000 people or more—directly abuts the refuge's eastern border. More development at the gates means the refuge will confront diminished water quality, invasive plants and other human-caused disturbance.

More people also means more refuge visitation. Refuge manager Tom Harvey welcomes the interest in the refuge, but the demand for access "creates a tension between restoring habitats and allowing wildlife to rediscover these new areas versus opening them to visitors." When habitats have been restored, wildlife usage has increased.

There are "glimmers of hope," says Harvey, in the onslaught of development. Some area farmers who opposed establishing the refuge now appreciate its utility as a buffer between agricultural lands and urban encroachment. (One of the most vocal opponents subsequently sold his farmland to the refuge.) In fact, traditional farming practices on the lands around the refuge benefit species such as the Swainson's hawk, greater sandhill crane, and many other migratory birds. Still, Stone Lakes has its work cut out as development closes in on this key migratory and wildlife corridor.

# BDCP

## BAY DELTA CONSERVATION PLAN ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

— Comment Card —

Date: 05-01-08

PLEASE PRINT

Name: Debra Chan Organization: Wallace Chan Farms

Telephone: 916-775-1501 e-mail: debchan916@aol.com

Address: PO Box 516

City: Courtland State: CA Zip: 95615

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 30, 2008.

Thank you for the meeting. I concur with many of the comments made by the community members. Specifically, I'd like to have an agenda that's more "meaty" in advance; more advance notice of the meetings; and local representation (elected officials, area residents) on the steering committee.

And please be mindful of this: We know that this is your job. None of you live here. You can go home at the end of a day, week, month, at retirement, and have collected your pay and forget about it. For us, it's day-to-day. It's our home, our work, our past, our future. We know how important the delta is — to ourselves and to the others — every day!

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](mailto:BDCPcomments@water.ca.gov). **Comments must be received by May 30, 2008.**

*Thanks!*





WESTERN CARWASH ASSOCIATION

State Office:  
8119 Somerset Blvd.  
Paramount, CA 90723  
(562) 633-9274 (800) 344-9274  
FAX (562) 633-9555  
www.wcwa.org

Sam Olivito  
Executive Director

May 5, 2008

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

Dear Ms. Brown.

The Western Carwash Association (WCA) has grown increasingly concerned about the decline in the health of the Sacramento-San Joaquin Delta and the deteriorating reliability of this key water supply for two-thirds of all of California's residents as well as for half of the nation's produce.

WCA is an association of car wash owners in the twelve western states, with a large membership from California. Our conveyor operators conserve precious water by using specialized high-pressure nozzles and recycling up to 85 percent of the water used per car.

We commend the Bay Delta Conservation Plan's collaborative effort among water agencies, environmental organizations, state and federal agencies. The Plan is key to mapping out a comprehensive conservation plan—and, a solution—for the Delta. And, the key to a reliable water system is a restored Delta ecosystem and a rebuilt water conveyance system.

WCA supports the BDCP's environmental review process, an essential component to the success of the ultimate plan. We applaud the goal of the plan to place the environmental health of the Delta and the reliability of our state's water system on equal footing.

All of us who live and work in California depend on a reliable water supply. We need sufficient quantity in wet years to replenish our storage systems. We need high quality water to replenish our groundwater basins and to blend with local supplies and those of the Colorado River. We need a restored Delta ecosystem and a rebuilt conveyance system. Reliability must be a cornerstone of the Bay Delta Conservation Plan.

The success of the BDCP is essential to the continued economic health of California. Thank you for the opportunity to provide input during this important scoping process.

Sincerely,

Sam Olivito  
Executive Director

SO:tbc

*President*

**JERRY NIX**  
Speedi Car Wash, Inc.  
Tacoma, WA

*Vice President*

**BILL CARBONEL**  
River City Car Wash  
West Sacramento, CA

*Secretary / Treasurer*

**COY LINDBLOM**  
The Carwasher, Inc.  
Mesa, AZ

*Directors*

**R. L. "BUD" ABRAHAM**  
Cuzzin's Car Wash  
Portland, OR

**DARRIN BAUM**  
Ecolab Vehicle Care Division  
Tucson, AZ

**CHRIS BUSCAGLIA**  
Stockton Auto Center  
Car Wash & Lube  
Stockton, CA

**DOUG CHRIST**  
Eagle Investments  
Englewood, CO

**SCOTT GRAY**  
Soapy's Auto Washes  
Idaho Falls, ID

**BRAD HOOPER**  
Rossmoor Car Wash  
Los Alamitos, CA

**KIRK KUZMANIC**  
Rancho Car Wash  
Temecula, CA

**GARY PENDLETON**  
Pro Wash Consulting  
Beverly Hills, CA

**SANDER ROMICK**  
HWB Carwash, Inc.  
Burbank, CA

**PATRICK C. SHEA**  
Beacon Bay Enterprises, Inc.  
Costa Mesa, CA

**FRANCIS TENGGARDJAJA**  
N/S Wash Systems  
Inglewood, CA

*Immediate Past President*

**RANDY CRESSALL**  
Valencia Chevron Auto Spa  
Valencia, CA

AFFILIATED WITH...

INTERNATIONAL CARWASH ASSOCIATION





*Fresh produce from our families to yours.*

May 30, 2008

Ms. Delores Brown  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236  
Submitted via e-mail to: [delores@water.ca.gov](mailto:delores@water.ca.gov)

**Re: Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan Scoping**

Dear Ms. Brown:

On behalf of the members of Western Growers, I am writing in regard to the Environmental Impact Statement (EIR/EIS) scoping process for the Bay Delta Conservation Plan (BDCP). Western Growers is an agricultural trade association whose members from Arizona and California grow, pack, and ship ninety percent of the fresh fruits, nuts and vegetables grown in California and seventy five percent of those commodities in Arizona.

As a trade association representing roughly half of the nation's fresh fruit, vegetable and tree nut production, our members are heavily dependent on a reliable water supply to grow their high quality, nutritious crops. Therefore, Western Growers have been actively engaged in working collaboratively in hopes of finding consensus on a comprehensive, long-term solution to California's water needs.

California's natural water conditions have historically resulted in frequent uncertainty for California's specialty crop growers. However, the federal court decision issued in August 2007 has heightened that level of uncertainty to a point that is no longer tolerable for the specialty crop industry. In anticipation of reduced Delta pumping as a result of the federal Wanger decision, Western Growers financed an economic impact study in attempt to quantify the potential impacts to California's \$32 billion agriculture industry. The study estimated that is 2008 is a dry water year that a temporary reduction in pumping from the Delta would result in 4,000 to 67,000 unplanted acres resulting in \$18 to \$167 million in lost agriculture production. The corresponding indirect and induced impact to the economy would result in total regional economic losses of \$30 to \$270 million in output, 200-2,400 jobs and \$15 to \$140 million in personal income.

The actual impact of unreliable water conveyance to California agriculture is still unfolding and continuously worsening for farmers and rural communities dependent upon farming activities. This dynamic further underscores that time is not on our side and the need for a more sustainable water system has never been more urgent. While we believe inaction is not a viable option, we believe it is critical that the BDCP EIR/EIS scoping process fully disclose the impacts to agriculture, the state's economy and environmental quality under the 'no action' alternative.

Species are in drastic decline and California's productive open space is in jeopardy because our water system is in crisis. Western Growers believes that any 'fix' implemented must be comprehensive in nature and utilize all of the water supply management tools at our disposal including water use efficiency, water recycling, surface and groundwater storage, desalination, and other strategies. However, in order for these tools to work effectively, a comprehensive solution must also include a Delta fix that improves ecosystem conditions and water conveyance for the economy. For these reasons, Western Growers is very supportive of considering and pursuing alternative Delta conveyance options and urges further exploration of the dual, isolated and through-Delta conveyance alternatives

Please contact me by phone at 916-446-1435 or via e-mail at [efield@wga.com](mailto:efield@wga.com) if you have any questions.

Sincerely,



Erin Field

California Government Affairs Manager

**Kathy Hunn**

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**From:** Kenneth Wilson [Kenneth@wilsonvineyards.com]  
**Sent:** Saturday, May 24, 2008 10:19 AM  
**To:** Kathy Hunn  
**Subject:** RE: ND CARES North Delta Community Area Residents for Environmental Stability

Kathy,

The points that I made were:

I found it interesting that Cal-Fed and the Delta Vision group felt so comfortable about takings of species in order to bring to our area a marsh land with both endangered as well as other animals that could simply be wiped off the map with no concern at all. Kind of like they were God with some sort of supremacy about them. Some of the animals I mentioned seeing were what appears to me to be mink, (I saw another one the other day on Jefferson), Swainsons Hawks that the environmentalist have made such a big fuss over, Cottontail rabbits that found there way back after about 30 years of almost none existance, more tree squirrels than I've ever seen, of course opossum and racoons and others including all of the animals that live underground like snakes and their prey such as gogers and mice and all things that keep our area alive. We're literally talking about tens of thousands of animals that live just in our area.

EIR's must also take place before anything happens. Just the Old Sugar Mill took about 2 years and that was just a little over 100 acres. We're talking about over 20,000 acres with this idea. They'll have to also get EIR's for annexed lands to this project because they're going to be affected as well being attached to the flooded lands. All those critters that can run for their lives will be running for the levees provided they even know which direction to run and if they can run fast enough before drowning.

We demand a full blown EIR study of all this before any action of dirt is turned over. This will take years and years.

These were my points that I felt needed to be addressed.

Ken Wilson  
 President/Wilson Farms  
 50400 Gaffney Road  
 Clarksburg, Ca. 95612

916-343-6872

[kenneth@wilsonvineyards.com](mailto:kenneth@wilsonvineyards.com)

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**From:** Kathy Hunn [mailto:phunn@frontiernet.net]  
**Sent:** Friday, May 23, 2008 3:41 PM  
**To:** mikemcgowan@yolocounty.org; mike.thompson@congressnewsletter.net; maria.wong@yolocounty.org; MSVLS@cwo.com; Kenneth Wilson; windycorners@calbroadband.net; altamar@att.net; tim@hps.bz; awallace@wallace-kuhl.com; wilson80@msn.com; mjmspain@frontiernet.net; cavelanding@yahoo.com; peterstone@waterford.org; dja43@frontiernet.net; spheringer@aol.com; bohl@frontiernet.net; webberjrjr@yahoo.com; halshiple@cs.com; DNCfenoc@aol.com; lindavis@citlink.net; gwenapeg@aol.com; papuzabeck@gmail.com  
**Cc:** mark@markpruner.com; wilson80@msn.com; phunn@frontiernet.net  
**Subject:** ND CARES North Delta Community Area Residents for Environmental Stability

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5/24/2008



Yolo Habitat/Natural Community Conservation Plan Joint Powers Agency

## YOLO NATURAL HERITAGE PROGRAM

~ Partnering for conservation ~

### VIA ELECTRONIC MAIL AND U.S. MAIL

May 23, 2008

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

**Member Agencies:**

*County of Yolo*

*City of Davis*

*City of Winters*

*City of West Sacramento*

*City of Woodland*

*University of California,  
Davis*

Regarding: Letter of Comment  
The Bay Delta Conservation Plan EIR/EIS NOP Scoping

Dear Chief Brown:

The Yolo County Habitat Conservation Plan/Natural Community Conservation Plan Joint Powers Agency ("JPA") appreciates this opportunity to provide early input into the Bay Delta Conservation Plan ("BDCP") EIR/EIS process.

The JPA, comprised of the County of Yolo, the cities of Davis, Woodland, West Sacramento and Woodland, and the University of California at Davis, was formed for the purpose of completing a multi-species habitat conservation in Yolo County. Known as the Yolo Natural Heritage Program ("YNHP"), the plan is a Habitat Conservation Plan ("HCP") under the federal Endangered Species Act and a Natural Community Conservation Plan ("NCCP") under state law. A Planning Agreement among the JPA member agencies, the California Department of Fish and Game and the US Fish and Wildlife Service was executed in August 2004. Scheduled for completion in early 2010, the YNHP will provide for the preservation, conservation and recovery needs of Yolo County's species and habitats by providing three key benefits to wildlife: 1) identify preserve areas sufficient to contribute to the recovery of multiple species, including all federally listed, proposed and candidate plant and animal species that have experienced significant decline in the County; 2) provide for the permanent protection of representative natural communities that characterize Yolo County; and 3) establish a management and monitoring program for lands set aside within the preserve.

The natural communities upon which species in Yolo County depend include riparian, woodland, wetland and grassland, all of which occur to varying degrees within the Delta. These natural communities are critical to sustaining fully functional ecosystems for the species proposed for coverage. Agriculture, a predominant landscape feature in Yolo County, is beneficial to 26 of the proposed covered species, including the Plan's

“flagship species,” the Swainson’s hawk. The initial list of species proposed for coverage includes 17 species listed by either Federal or State government as Endangered, Threatened, or Rare, as well as 60 other sensitive species (proposed, candidate, special concern or other sensitive species) known, or reasonably expected, to occur in Yolo County.

The BDCP and YNHP planning areas overlap within Yolo County. This presents unique challenges and opportunities as both conservation plans move toward completion simultaneously. For this reason, and based on uncertainties regarding eventual implementation strategies under the BDCP, these comments are submitted under the assumption that the JPA could act in the capacity of “responsible agency” as it may have limited permitting or approval power over select BDCP activities within the joint planning area.

### **ADEQUACY OF THE NOP**

In summary, the BDCP EIR/EIS Notice of Preparation (“NOP”) scoping process is deficient in that it failed to supply the public and interested agencies with sufficient detail to provide meaningful input (CEQA Guidelines § 15083(b)). The NOP states that the BDCP is “in the preliminary stages of development” and that the “overall approach” to the BDCP is still being refined. While CEQA encourages early input into the EIR process, Section 15082(a)(1) admonishes all parties to engage in a scoping process that allows for “meaningful” exchanges of information in order “to bring together and resolve the concerns of affected federal, state and local agencies, the proponent of the action, and other interested persons including those who might not be in accord with the action on environmental grounds” (CEQA Guidelines § 15083(b)). Despite this standard, and without the benefit of consistent, reliable and easily obtained information, participants in the BDCP scoping process have been asked to provide input on a conservation plan whose complexities and implications are unprecedented.

The Yolo JPA acknowledges the significant challenges facing the BDCP and the amount of work that has been undertaken to date. However, the lack of a well-defined project description and outcomes in the context of the NOP raises procedural concerns about the EIR/EIS scoping process. For example, a review of the information presented in other BDCP documentation available on the California Resources Agency website calls into question the relevance of documents released prior to the EIR/EIS scoping process but absent from its proceedings. In particular, it is unclear whether or not the “Options Evaluations Report” dated 9-17-2007 is still under consideration and whether or not the BDCP planning boundaries will or will not include tributaries to the Delta. To illustrate, the probability that BDCP actions will impact the Yolo Bypass has been discussed at more than one meeting of the BDCP Steering Committee but that information was not provided in the project description or the scoping sessions. The NOP (pg 7) acknowledges the possibility that “areas upstream of the Delta” (presumably anywhere in the San Joaquin or Sacramento River watersheds) could be included in the BDCP. Without more specific guidance as to potential impacts, reviewers are faced with the daunting task of guessing where and how BDCP might impact those watersheds. Placing the burden of discovery on the public and interested agencies is not practical and certainly not in the spirit of CEQA.

The NOP includes a statement of the project's probable environmental effects; however the exhaustive list of possible impacts presented in the NOP (pg 9) clouds the issue by diluting the impact of “reasonably expected impacts.” This degree of uncertainty after several years of BDCP deliberations reinforces the Yolo JPA’s claim that the NOP process is inadequate and/or premature. More importantly, the decision to limit communication between the BDCP panel and the public at the scoping sessions to “one way streets” sharply curtailed the public’s ability to get clarification on important issues. The decision to not answer questions at the scoping sessions was unfortunate and has fueled unnecessary speculation and innuendo about what the

BDCP is and what it is not.

Prior to moving on to specific comments below the JPA requests that DWR strongly consider refining the NOP scoping process and re-engaging the public with clearer information, improved outreach and opportunities for meaningful, productive dialogue.

## **SPECIFIC COMMENTS**

### **Impact on local policies or ordinances protecting biological resources**

Yolo County is in the process of updating its 1983 General Plan. Both the current and proposed General Plan contain policies and goals designed to preserve and enhance biological resources throughout the county, including the BDCP planning area. The BDCP EIR/EIS must assess the impact of BDCP activities on these goals and policies.

### **Impact on the developing Yolo County Habitat Conservation Plan/Natural Communities Conservation Plan**

As stated previously, Yolo County, the four incorporated cities, and the University of California at Davis, are committed to the development of a county-wide multi-species conservation plan. Significant federal, state and local monies and other resources have been advanced toward this goal. The BDCP EIR/EIS must consider the impact of BDCP activities on the goals and objectives of the Yolo HCP/NCCP ("YNHP"). Specifically, how will biological outcomes benefiting species of common interest to the BDCP and the YNHP be developed and then accounted for? Importantly, how will competing biological needs be resolved?

### **Adverse effects on candidate, sensitive or special status species and their habitats**

The BDCP EIR/EIS must consider the impact of the full range of BDCP activities (including but not limited to conveyance, water transfers, restoration, mitigation and monitoring) on species that depend on areas landward of BDCP aquatic habitats. The overlap area between BDCP and YNHP covers approximately 90,927 acres including 24,358 acres of natural vegetation and 54,395 acres of agriculture. The primary natural habitat associations in this area are annual grasslands, fresh emergent wetland, saline emergent wetland, valley foothill riparian, vernal pool complex and alkali sink. The overlap area represents a significant portion of these habitats in the YNHP planning area.

Many sensitive species are known to occur in this overlap area. Documented species localities in the YNHP GIS database include the Swainson's hawk (*Buteo swainsoni*), giant garter snake (*Thamnophis gigas*), many sensitive vernal pool plants and vernal pool invertebrates, the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and several other sensitive bird species. In addition, a large proportion of the potential habitat for many species is included in this Yolo-Delta overlap area including the California black rail (*Laterallus jamaicensis coturniculus*), black tern (*Chlidonias niger*), grasshopper sparrow (*Ammodramus savannarum*), delta tule pea (*Lathyrus jepsonii* var. *jepsonii*), Mason's lilaeopsis (*Lilaeopsis masonii*), rose mallow (*Hibiscus lasiocarpus*), Solano grass (*Tuctoria mucronata*), Colusa grass (*Neostapfia colusana*), Heckard's peppergrass (*Lepidium latipes* var. *heckardii*), Ferris' milkvetch (*Astragalus tener* var. *ferrisiae*), brittlescale (*Atriplex depressa*), Baker's navarretia (*Navarretia leucocephala* ssp. *bakeri*), alkali milk vetch (*Astragalus tener* var. *tener*), and San Joaquin spearscale (*Atriplex joaquiniana*).

This area is of critical importance to the overall success of the YNHP in meeting its open space and conservation goals, as well as meeting the NCCP/HCP regulatory requirements. At a minimum the BDCP EIR/EIS must consider the impact of aquatic restoration activities that displace habitats for the species outlined above.

### **Effect of West Nile Vectors on human and avian populations**

One of the species proposed for coverage in the YNHP, the Yellow-billed Magpie (*Pica nuttalli*), is endemic to California's Central Valley and Coast Ranges. Suitable Yellow-billed Magpie habitat exists in the BDCP planning area. This species has been severely impacted by West Nile Virus over the last few years. Aquatic habitat restoration, especially tidal inundation and the creation of new shallow wetlands in the Delta, has the potential to increase mosquito populations in the Delta which in turn will increase vectors for West Nile Virus. This has implications for human as well as avian populations. The BDCP EIR/EIS must consider the impact of this disease vector on remaining Yellow-billed Magpie populations and on human health.

### **Effect of BDCP Actions on Yolo Bypass Wildlife Area**

The Yolo Bypass Wildlife Area ("Yolo Wildlife Area") covers approximately 16,770 acres of managed wildlife habitat and agricultural land within the Yolo Bypass. A Management Plan was adopted for this area in July 2007 (available at [www.yolobasin.org/management.cfm](http://www.yolobasin.org/management.cfm)). The Yolo Wildlife Area supports two-hundred-eighty terrestrial vertebrate species, over 95 of which are known to breed there. Suitable habitat for 23 additional species exists in this area, although their presence has not been confirmed. The Yolo Wildlife Area supports 38 special status wildlife species, many of whom are locally rare. (Executive Summary, pg ES-6). The Yolo Wildlife Area is functionally critical to the success of the YNHP. The impact of BDCP actions on this biologically rich resource must be analyzed in the EIR/EIS. Years of coordinated work and energy has gone into the successful creation of this area, as well as many millions of dollars.

### **Effect of Water Transfers on Sensitive Species and Habitat , and groundwater resources**

Actions and outcomes related to BDCP have the potential to increase water transfers in the Delta. These transfers will likely have a significant cumulative environmental effect on several species of concern including Giant Garter Snake and Swainson's hawk . Giant Garter Snakes depend on flooded rice fields in the BDCP planning area, which will likely be fallowed if the transfer of water becomes more lucrative than farming. This outcome would amount to a reduction of habitat for Giant Garter Snake, and as such must be fully analyzed in the EIR/EIS.

Swainson's hawks in Yolo County forage in a dynamic mosaic of crops, most of which require irrigation. If water is sold for its market value and diverted from agricultural production, the resulting decrease in crop diversity will amount to a reduction in Swainson's hawk foraging habitat that could have a significant environmental impact on the Swainson's hawk population in Yolo County. This is a cumulative impact that must be analyzed in the EIR/EIS.

Surface water transfers have the added potential to adversely impact local groundwater basins. Over-drafting of existing groundwater reserves could occur if water is sold for its market value and growers rely too heavily on groundwater reserves. This is a cumulative impact that should be evaluated in the EIR/EIS.



**ADDITIONAL COMMENTS/CONCERNS:**

1. The Yolo JPA recommends consideration of reasonable alternatives beyond the four options identified in the "Options Evaluations Report" that may be discovered through the scoping sessions. A clear discussion of each reasonable alternative should be provided as well as the reasons for the elimination of alternatives not evaluated in detail.
2. The EIR/EIS should contain full disclosure and discussion of possible funding, implementation and monitoring commitments for BDCP.
3. The BDCP should expand the list of covered activities to include known water conveyance projects (planned or in place) undertaken by local governments within the BDCP planning area. Omitting these projects from the EIR/EIS analysis has the potential to underestimate the full impact of Delta related activities.

In conclusion the Yolo Habitat JPA appreciates this opportunity to comment and looks forward to continuing to work toward shared conservation goals and outcomes.

Respectfully,



Helen M. Thomson, Chairwoman  
Yolo County Habitat Conservation Plan/  
Natural Community Conservation Plan  
Joint Powers Agency

cc: Congressman Mike Thompson  
Senator Mike Machado  
Assemblymember Lois Wolk  
JPA Member Agencies