

**From:** silveira.m@sbcglobal.net  
**Sent:** Wednesday, June 04, 2014 1:29 PM  
**To:** bdcpc.comments@noaa.gov  
**Subject:** Proposed tunnels to divert water

Time is running out! We are told we must make our thoughts known to you by mid-June if we are to have any influence at all with regard to construction of the proposed tunnels to divert water before it goes through the delta. The proposed tunnels will do irreparable harm in so many ways. Please don't do it!

We recently spent an entire day touring CCWD's facilities and it is clear that the planned diversion will devastate local water quality as well as water supplies. What are you thinking? Why should SoCal and agriculture's needs take priority over NoCal? The correct answer is, they should not!

We are avid boaters and fishermen and have always tried to be good stewards of our precious natural resources. We also teach our children, their peers, and our grandchildren to do the same.

We conserve, plan for drought times with our landscaping. We have no lawn, planted bromeliads and cacti, and everything is on drip systems. Even our vegetables are all in containers.

It seems the more we conserve, the more we are punished with higher fees and diversion of water to the south. Why? Why? Why?

Coincidentally, when we travel south in our beautiful state, we notice that more and more of our natural desert is being planted with touchy crops like grapes, or are being turned into water-greedy golf courses.

Also why is it that you see more and larger lawns in the Los Angeles area than you do in the Bay Area? This makes no sense to us. Do we conserve only so that southerners can waste? Seems that way to us.

Another question we have is why don't we see a series of dams and reservoirs being constructed in the southern parts of our fair state? Anyone who pays attention to our weather patterns should realize that more often than not SoCal receives more precipitation than NorCal. Isn't this a no-brainer? Build dams in the southern half of our state now! That way there could be more recreation areas and more convenient places to grab water to put out wildfires too. Win-win.

Please, please hear our pleas and LEAVE THE DELTA ALONE. These drought times are tough enough on our delta's fragile ecosystems without greedy interests creating

more stress on it.

Thank you for hearing us out on this subject so near and dear to these two California natives.

Sincerely,

Manuel A Silveira

Sent from Windows Mail

Tuolumne County  
Administration Center  
2 South Green Street  
Sonora, California 95370



Alicia L. Jamar, *Chief Deputy  
Clerk of the Board of Supervisors*

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## **BOARD OF SUPERVISORS COUNTY OF TUOLUMNE**

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*June 3, 2014*

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

Re: Comments on Bay Delta Conservation Plan and EIR/EIS

Dear Mr. Wulff:

Thank you for accepting these comments from Tuolumne County on the Bay Delta Conservation Plan (BDCP, or the Plan) and related EIR/EIS. Our comments will be divided into two parts, first on the Plan itself and, second, on the EIR/EIS. Our comments are not intended to be exhaustive and do not touch on all aspects of the Plan or EIR/EIS but, rather are limited to fundamental points of primary concern to residents of Tuolumne County.

### **THE PLAN**

#### **Implementing Agreement**

Chapters 6 and 7 of the Plan deal generally with implementation of the Plan. Both chapters make reference to an "Implementing Agreement". We are unable to find in the Plan any precise definition or description of the purpose of an Implementing Agreement, but we understand that in connection with both Habitat Conservation Plans under the Federal Endangered Species Act and comparable provisions under State law, Implementing Agreements are to assure that ESA permit holders will follow through on their mitigation obligations and applicable permit conditions and requirements. In addition, it appears from Chapter 7.1.1.3 (see lines 14 and 15 on page 7-8) that the BDCP Implementing Agreement is intended to include the all-important "funding commitments" related to BDCP. We further note that Chapter 6.3.2 provides that within 30 days of receipt of the draft plan the Permit Oversight Group will review the draft plan and confirm that it is consistent with the provisions of the Implementing Agreement. The draft plan has been out since December 2013, so it would appear that there is already a serious case on non-compliance with Plan provisions.

Nowhere in the Plan is there found even a draft of a proposed Implementing Agreement. Rather, on May 5, 2014 BDCP released an announcement suggesting that drought related commitments have delayed release of the Implementing Agreement, and giving assurances that it would be released "prior to the release of the final BDCP and associated Final EIR/EIS." That suggests that the public will not see the Implementing Agreement until after the close of the comment period on the Plan and EIR/EIS on June 13, 2014. That seems to defeat the purpose of providing the public with the opportunity to comment on the details of what is probably the most ambitious (and expensive) infrastructure project in the State's history.

Finally, we find curious the May 5 announcement that the drought is responsible for the delay in releasing the Implementing Agreement. We understand that a member of the public utilized the Freedom of Information Act and has obtained a draft Implementing Agreement prepared in July 2013 by a San Francisco based law firm. We believe BDCP owes the public a more detailed explanation as to why the Implementing Agreement has not been made public, and we believe that the comment period now scheduled to close on June 13, 2014 should be extended for a minimum of 30 days following public release of the Implementing Agreement.

### **Costs and Funding Sources**

Chapter 8.2.7.1 estimates the total capital cost of BDCP to be \$24.9 billion, and we note parenthetically that this does not include interest on related debt and truly must be considered an estimate, as we understand that the engineering work for BDCP is only at the 10% level. Table 8-37 breaks down projected funding sources as being 68.4% from water contractors, 16.6% from State sources (primarily General Obligation bonds yet to be approved by the voters), and 14.3% from various Federal sources. Thus, it would appear that about \$8 billion of the estimated pre-interest capital cost is to be borne by the taxpayers of California and the United States.

Tuolumne County residents pay both State and Federal taxes. Yet, as hard as we try, we find nothing in BDCP that is of any benefit to Tuolumne County whatsoever. To the contrary, as we discuss below, it is likely that implementation of BDCP will result in the State Water Resources Control Board (SWRCB) looking at sources in Tuolumne County to provide replacement fresh water for the Delta to make up for the Sacramento River water that the Tunnels component of BDCP will route under the Delta. It is simply inequitable to ask residents of Tuolumne, or any other County that gets no benefit from BDCP, to shoulder any portion of the State and Federal funding sources of BDCP.

## THE EIR/EIS

### The Failure to acknowledge that the Tunnels will increase the pressure to take further Foothill and Sierra water supplies for the Delta

Commenting on the EIR/EIS from the point of view of Tuolumne County is somewhat like attempting to do what many say can't be done --- proving a negative. That is the case because in none of the chapters of the EIR/EIS where we would expect to see our concerns addressed is there any explicit acknowledgement of what we believe to be a serious issue. A review of chapters 5 (Water Supply), 6 (Surface Water), 8 (Water Quality) and 15 (Recreation) does not result in finding any mention of the likelihood that new sources of fresh water will be sought to replace the water that the Tunnels called for by BDCP will convey underground rather than through the Delta.

The SWRCB on August 3, 2010 by Resolution 2010-0039 found that from a fishery protection perspective significantly greater flows of fresh water are needed in the Delta. See — [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/deltaflow/docs/final\\_rpt080310.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/docs/final_rpt080310.pdf). Yet the Tunnels proposed in BDCP would further reduce fresh water flows in the Delta. It is likely, if not inevitable, that SWRCB would look for new sources of flows into the Delta. The obvious source would be up-river reservoirs in the foothills and high Sierra; specifically Don Pedro on the Tuolumne River and New Melones on the Stanislaus. Both rivers have their origins in Tuolumne County. This could amount to one of the greatest diversions of water supply and encroachment on established water rights in the State's history. Further, it would have a severe negative impact, not just on water supply and water quality in our county, but also on local recreation and tourism activities and future growth potential.

### The Failure to Consider Improved Forestry Management Practices as an Alternative

We find the alternatives included in Chapter 3 of the EIR/EIS to be little more than modest variations of the Preferred Alternative of the Tunnels. We suggest that more imaginative alternatives to the Tunnels exist for dealing with California's chronic water shortages.

It is no secret that 60% of California's developed water supply and 50% of the flow into the Delta comes from the Sierra(<http://www.sierranevadaconservancy.ca.gov/our-region/sierra-water-supply-connection/sierra-delta-connection>). And there is a growing body of research that indicates that improved forestry management practices

Ryan Wulff, NMFS  
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can materially increase water yields from our forests (for example, see <https://eng.ucmerced.edu/people/rbales/CV/Talks/1204.1>) We believe that a through analysis of the potential for significantly increasing the water yield from the Sierra should be considered and included as an alternative to the exceptionally expensive and equally controversial Preferred Alternative of the Tunnels.

Sincerely,



Evan Royce  
Chairman

cc. BDCP.Comments@noaa.gov

I hereby certify that according to the provisions of Government Code Section 25193, delivery of this document has been made.

ALICIA L. JAMAR  
Clerk of the Board

