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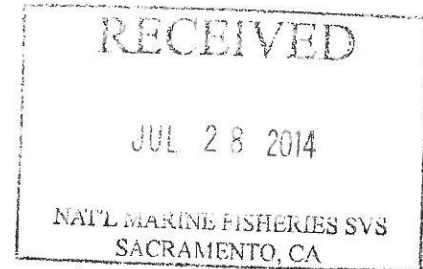
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July 22, 2014

BDCP Comments
Ryan Wulff, National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814
BDCP.comments@noaa.gov



Subject: Comments on Draft Bay Delta Conservation Plan (BDCP) and associated BDCP Draft EIR/EIS

Dear Mr. Wulff:

Thank you for providing Placer County the opportunity to comment on the BDCP and associated BDCP Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

GLOBAL COMMENT

The "Project" is purported to be a Comprehensive Conservation Plan for the Sacramento San Joaquin Delta, meeting the requirements of a Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP), and analyzed in the present EIR/EIS. However, the County is concerned that the emphasis in the analysis of the objective of a new diversion and conveyance system reveals itself as the actual "project" that is being analyzed in this EIR/EIS. This is particularly evident in the alternatives analysis that includes massive export bypass conveyance features as a common feature to all alternatives of an HCP/NCCP for the Delta. Bypass facilities to continue water exports to serve junior water rights is not a fundamental requirement for species recovery in the Delta but it is for a water bypass project. This diversion and conveyance system/bypass project, if approved, would allow the State Water Project (SWP) and Central Valley Project (CVP) to bypass the Delta for water export operations. By not identifying the true nature of the "project" within the project description of this EIR/EIS and instead characterizing it as a HCP/NCCP, the draft EIR/EIS violates the California Environmental Quality Act (CEQA) and National Environmental Protection Act (NEPA). By failing to provide and analyze: 1) an accurate purpose and need (P&N) statement, 2) a full without-project (WOP) conditions analysis, 3) a full range of alternatives, 4) disclosure of the full scope of impacts of the actual "project", and 5) identification of all feasible mitigation these documents do not fulfill the statutory obligations of CEQA or NEPA.

Placer County's recommendations for revisions to address the above deficiencies are provided as follows:

1. The P&N should be re-written to state that the true purpose of the Project is to facilitate a sustainable water supply future for export customers through a bypass system, if this is the true purpose of the proposed project.

2. The without-project (WOP) conditions should focus on water supply and habitat in the future in all of the affected physical areas: 1) each of the watersheds feeding the Delta, 2) the Delta itself, and 3) export areas. WOP conditions should be based on the present set of operating rules, regulations, agreements, and water rights, and in the presence of climate change and growth projections. As written, the WOP analysis in the public review draft ignores a number of senior and area of origin water rights, Federal Energy Regulatory Commission (FERC) permit conditions, and fisheries flow and temperature requirements on the American River, the Yuba River and Bear River where Placer County has both participatory license obligations (American) and water contracts (Yuba and Bear via Pacific Gas & Electric water rights).
3. As currently drafted, the WOP analysis is presented in such a way that it is not possible to understand the impacts of the project alternatives. A full range of project alternatives that would meet the revised P&N should be investigated. This must include one or more alternatives that would reduce exports, and one alternative that would eliminate exports, in favor of regional supply development (including ocean desalting), and right-sizing agricultural operations to their water availability. Exports are supported by junior water rights on the system, so it is not unreasonable to expect them to be cut back in shortage situations. In fact, long-standing appropriative water rights law would demand that. As presented, the range of alternatives is inadequate.
4. Impacts to *all* affected areas should be identified and analyzed. Specifically, for Placer County's interests and concerns, all potential impacts to the American River watershed and its jurisdictions including Placer County, and the cities and water agencies within Placer County, should be identified and analyzed. The public review Draft EIR/EIS currently does not analyze impacts to the American River watershed, its stakeholders, or its ecosystems. Because of the lack of an analysis and disclosure of potentially significant impacts, the County does not know the scope of impacts to Placer County. The County does know that its water rights, FERC covenants, and fisheries requirements have not been considered in the WOP analysis.

Once impacts are identified to the Placer County region, all feasible mitigation measures must be identified and implemented. These mitigation measures need to be developed for affected watersheds and affected parties.

These changes warrant a comprehensive re-write and re-circulation of the Draft EIR/EIS.

OTHER COMMENTS

If the County's assumptions of the true nature of the "project", as articulated above, are incorrect the County of Placer also provides the following comments on the proposed "HCP/NCCP" project:

1. If, upon re-formulation of this project, the Proponents still propose an HCP/NCCP for the Delta, they must not transfer habitat impacts to other regions. On the American River, for example, the document demonstrates that Folsom Reservoir will reach dead pool in 10% of the years under the BDCP operating assumptions (Appendix 29C-17a Folsom Reservoir storage). This would dry and over-warm the Lower American River and imperil salmon and steelhead runs.
2. The Folsom Reservoir dead pool issue must be addressed. It is presented in the Draft EIR/EIS as a WOP condition, which is flawed. Senior water rights, FERC permit conditions, and American River

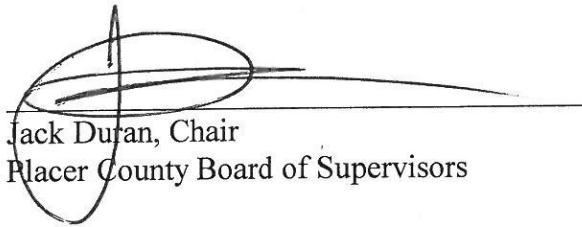
ecosystem requirements trump Delta and export requirements under both WOP and with-project conditions. Many of the water agencies reliant on those senior water rights do not have a second supply of water, so continually running Folsom Reservoir to dead pool would threaten the health and safety of a substantial population; over 500,000 in Placer County alone. Several of the agencies in Placer County are underlied by solid bedrock, so groundwater is not available or sustainable in many parts of Placer County. Long-standing area of origin water rights protections provide for increased diversions to American River stakeholders, gradually decreasing the amount available for others on the SWP and CVP systems, including exporters. That has always been the understanding under which the CVP and SWP were constructed and licensed.

3. Granting a 50-year operating and incidental take permits to the SWP would place the full burden of future changes to climate, habitats, threatened and endangered species populations, regulations, and adaptations, on the shoulders of the other water users in the watershed, nearly all of which are senior to the SWP in priority.
4. Other alternatives exist which result in a sustainable water supply for exporters. Agricultural interests can and should right size their operations to the sustainable water yield available to them. In addition, urban exporters have affordable alternatives, including recycled water, conjunctive use of local storm and floodwater, and seawater desalting. Export curtailment is a reasonable alternative and must be investigated to meet the intent of CEQA and NEPA.
5. Placer County and the incorporated cities within Placer County have approved General Plans that reflect the current conditions and projected growth that also meets the Sacramento Area Council of Governments (SACOG) Blueprint conditions as the accepted balance of growth for the region's future. Numerous legal agreements that reflect those growth plans have been executed based on the assumed accessibility of the senior water rights and capabilities to deliver water during all types of years. The BDCP objectives and the environmental analysis are inconsistent with these adopted plans and agreements. If the BDCP water conveyance facilities are built as proposed in the draft EIR/EIS, it is likely to be very detrimental to the quality of life, economic vitality, and public health conditions of Placer County.
6. The effect of draining Folsom Reservoir would place Placer County in the position of using more groundwater than expected, where it is available in the western part of the County. The County has, for decades, relied upon the use of treated surface water for urban and suburban development, even in the western portion of the County and with the County's available water rights, anticipated that the County could continue to grow by primarily relying upon surface waters. The results of more groundwater use would be to overdraft the County's basin. In addition, other adjacent regional groundwater basins would also have to pump more groundwater, which would increase the likelihood of the potential for contaminated groundwater at the former McClellan AFB site to leak into Placer's healthy basin.
7. Missing from the list of impacts is 1) the loss of the Middle Fork American River Project's (MFP) ability to generate power during times required by the California Independent System Operator, such as peak times in summer, and 2) the loss of power revenues needed to ensure operations of the MFP are stable during low water years.

The County has coordinated the scope of its comments with other Placer County and American River watershed stakeholders, who will be submitting more detailed and/or technical comments. The County specifically incorporates by reference the comments submitted by the Placer County Water Agency on the BDCP Draft EIR/EIS. The County also reserves the right to reference any and all comments submitted by other Placer County and American River watershed stakeholders in subsequent Placer County correspondence on this matter.

Once again, Placer County appreciates the opportunity to provide comments on the draft EIR/IES. The County looks forward to working cooperatively with the Proponents, stakeholders, and regulatory agencies to resolve the County's concerns stated herein.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Jack Duran, Chair
Placer County Board of Supervisors

cc. Placer County Board of Supervisors
Brett Storey, Senior Management Analyst