

Attachment A

Bay Delta Conservation Plan Draft EIR/EIS

Questions submitted by the Delta Caucus

Draft EIR/EIS comments dated July 23, 2014

1. Is the BDCP consistent with County General Plans?
2. Is the BDCP consistent with the Delta Protection Act of 1992?
3. Is the BDCP consistent with the Sacramento-San Joaquin Delta Reform Act?
4. Is the BDCP consistent with California water law?
5. Is the BDCP consistent with rules and regulations controlling salinity in the delta?
6. Is the BDCP consistent with rules and regulations controlling water flows in the delta?
7. Is the BDCP consistent with Delta Protection commission water policies?
8. Is the BDCP consistent with the contract between the State of California and the North Delta Water Agency?
9. Does the BDCP reduce reliance on the Delta as a future water source in accordance with the Delta Reform Act?
10. If the amount of water available for export has not been determined, is the BDCP consistent with the Delta Reform Act?
11. Can the BDCP be incorporated in the Delta Plan? Is the BDCP eligible for public funding if it has not complied with the studies required in the Water Code 85320(b)(2)?
12. Why does mitigation not include a commitment to operate the BDCP in a manner that maintains flow and salinity standards as to establish by the California Water Resources Control Board as currently expressed in D-1641?
13. During construction, in order to de-water construction sites, there will be large amounts of drainage water generated. According to the EIR/EIS, the drainage water will be treated if necessary and discharged into “local drainage channels or rivers” (6-58). How will drainage water be treated? Will treating drain water impact Reclamation Districts and agricultural resources? Will drainage water be discharged into Reclamation District drainage systems? How much drainage water will there be, and do Reclamation Districts have the capacity to remove the extra drainage water? How will the impacts be mitigated?
14. Will construction activities negatively impact flood control structures? While it is acknowledged that roads will suffer damage from construction activities, damage to underlying levees is not considered. What damage will occur, how could agricultural resources be affected, and what mitigation is required?
15. Will in-stream construction activities increase the risk of flood? In-stream construction is limited to June 1 to October 1 unless otherwise authorized (Appendix 3C-4)? Will Reclamation Districts be authorizing agencies? Because coffer dams will impede river flows, and increase the upstream flood elevation (6-58) flood risk will increase. How will this increased flood risk be mitigated?
16. The Yolo Bypass is a flood control structure. Is the purpose of the Yolo Bypass

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consistent with more frequent inundation? Are there any situations where the flood-flow capacity of the Yolo Bypass would be reduced by implementing CM-2? If so, what impact would reduced Yolo Bypass capacity have on Delta agricultural resources, residents and communities?

17. Studies conducted in 1967 as reported in Bulletin 125 concluded that increased river elevations will increase seepage into agricultural lands. Will increased river elevations upstream of coffer dams result in increased seepage affecting agricultural resources? How much? Where?
18. Construction and operation of CM 2-22 will result in increasing populations of endangered species and other conditions which will impact neighboring agricultural resources. How will agricultural resources be protected from limitations on activities such as but not limited to pumping water if endangered species expand due to implementation of CM2-22?
19. Water quality impacts WQ7, WQ8 and WQ11 all deal with increased salinity in Delta water downstream from the proposed northern intakes. This impact is not adequately analyzed with respect to its effect on agricultural resources. The data shows the number of days standards will be violated and the percent of days in violation (Appendix 8H). This data must be analyzed to demonstrate the magnitude of the violations and the resulting impacts on agricultural resources. How high will EC be, when, and where?
 - a. Will increased EC result in changing cropping patterns to less profitable crops or fallowing land? Will corn (an important crop for agricultural viability and migratory waterfowl) remain a profitable crop choice?
 - b. What is the effect of comparing Sacramento River E.C. data at Emmaton (existing conditions) to data as measured at Three Mile Slough for the BDCP alternatives (Appendix 8H-5)? Wouldn't it be more appropriate to compare E.C. data at the same location? Would this comparison show a greater magnitude of increased EC caused by operation of the BDCP?
 - c. Appendix 8H page 1 line 17 indicates that there may be some modeling anomalies that may have masked or distorted results. Is anomaly synonymous with error? Are modeling conclusions and results accurate? If there is one anomaly (error) could there be others? Do the project proponents know of any other anomalies? Are there errors, omissions or other factors which have distorted results from models and presented by the BDCP?
 - d. Is damage to Delta water quality consistent with California Water law, and if not, is the BDCP legal?

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20. What is the impact of the BDCP on the terms and conditions of the North Delta Water agency contract with the state of California, and how will agriculture resources within the boundaries of the North Delta Water Agency be affected?
21. The employment of the “Decision Tree” and “Adaptive Management” results in deferring major decisions about how BDCP is built and operated. Is the project clearly defined or does employment of the "Decision Tree" and "Adaptive Management" result in failure to adequately describe the project, disclose impacts, and design proper mitigation? How can the public adequately comment on the Draft EIR/EIS when the employment of the “Decision Tree” or “Adaptive Management” could result in major changes to the project or the operation of the project?
22. Does a programmatic study of CM2-22 defer comprehensive description and analysis of the major components of the BDCP and does this result in failure to adequately describe the project, disclose impacts and design proper mitigation?
23. The Implementation Agreement (IA) has not yet been released. On 5/29/14, DWR announced that a draft IA is being prepared for release, but that it does not contain operating information or financial commitments. Without that information, does the soon to be released IA meet HCP and CEQA guidelines? When will a complete IA be available for review and how will it impact the validity of already submitted comments?
24. Have all alternatives been analyzed in equal detail?
25. Have all alternatives presented by the public been analyzed in equal detail?
26. Have alternatives been proposed, but not analyzed, that could supply similar benefits without devastating the Delta economy, communities and agricultural resources?
27. What is the implication of continuing to design the twin tunnels (Alternative 4) and establish an entity to construct the project long term before the close of comments on the Draft EIR/EIS? Is the CEQA/NEPA process just a formality or is the process meant to provide meaningful public participation and input on projects that will have long-term environmental, economic, and human impacts?