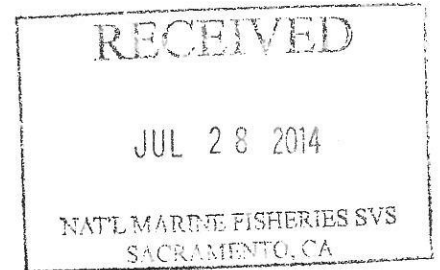




WALNUT GROVE FIRE DISTRICT

P. O. BOX 41 WALNUT GROVE, CALIFORNIA 95690

July 28, 2014



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

Re: Comments to the Bay Delta Conservation Plan Draft EIR/EIS

Dear Mr. Wulff and the BDCP Leadership and Comment Teams:

The Bay Delta Conservation Plan (Nov. 2013) (“**BDCP**”) proposes to dramatically alter the way in which the Walnut Grove Fire Protection District (the “**District**”) meets its mission and delivers emergency services within District boundaries and in accord with its mutual aid agreements. Those mutual aid agreements include agreements with other fire districts within the Sacramento-San Joaquin Delta.

The District is a unit of local government in the Sacramento-San Joaquin Delta (the “**Delta**”). The District generally covers all of the geographical area south of Lambert Road, west of Interstate Highway 5, east of Steamboat Slough, and South to Poverty Road on Grand Island. The District lies entirely within the legal boundaries of the Delta. The geographical area covered by the District lies entirely within the Plan Area (as defined in the BDCP) and includes the towns of Walnut Grove, Ryde, and Locke. The district has the only marine unit on the Sacramento River from Rio Vista to Sacramento.

The mission and purpose of the District is to provide reliable fire suppression and emergency medical response to the people, residents, structures and businesses within the boundaries of the District. In order to meet this mission and purpose the District relies upon a number of existing physical and economic facts within the District, including:

1. Reliant for the majority of its funding from agricultural land uses and operations, a system of assessments (including special assessments and a portion of general real property taxes) on real property parcels and structures, the maintenance of agricultural viability and land values, and the determination and payment of fees to meet the financial obligations of the District;

2. A system of roads and travel routes for the delivery of services both within the District and to facilitate and continue the existing deliveries of as needed mutual aid to and from other fire districts through existing agreements and, through strike teams, throughout California;

3. The on-going system of purchase and maintenance of equipment comprised of rolling stock, personal protection, fire suppression, medical aid, and supportive supplies, materials and equipment; and

4. The maintenance of existing levees and flood protection to reduce the risk of floods and the damage caused by inundation of water.

A number of State and federal entities are discussing formulating various devices, strategies, policies, habitat conservation plans, reports and other procedures (together, “**Plans**”) which appear to have the potential to significantly and seriously disrupt or even prevent the District from accomplishing its mission and purpose by alteration of the physical and economic facts listed above. The BDCP is one example of one of these Plans currently under consideration.

This letter constitutes the formal comments to the Draft Environmental Impact Report and Draft Environmental Impact Statement, issued November 2013 (the “**Draft EIR/EIS**”) for public comment.

Currently the District responds to approximately 100 fire suppression calls, and 150 medical aid/response calls, on an annual basis. Assuming choice and construction of one of the alternatives (excluding the no project alternative), the District estimates that its fire suppression calls will increase by 10%, and its requests for medical aid/response increase by 20%, on a yearly basis during the construction phase, and by 5% [fire] and 20% [medical aid/response] per year during post-construction operations.

Comments Regarding Surface Water

The District relies in part on surface waters throughout the District, and elsewhere on mutual aid calls, for fire suppression and emergency response. Chapter 6 purports to analyze the significant and serious effects and impacts because of changes in surface water as a result of the project alternatives.

Chapter 6 focuses almost exclusively on the changes in the level of surface water in and around both the Delta and the State of California as a result of the project alternatives. However, Chapter 6 fails to analyze or discuss the quality or quantity of surface water available or used by existing surface water users as either impacts or effects as a result of any of the project alternatives.

Specific to the District, various project alternatives, if not all project alternatives, fail to analyze the significant and substantial impacts or effects of lowered surface water tables, and thus failures or significant or substantial loss of access to water. The District relies heavily on water, carried in all of its rolling equipment, to fight and suppress fires. The anticipated lowering of the surface water elevations, and/or the possible degradation of surface water quality and/or quantity has the serious and very possible of additional and further deterioration of the District's ability to fight and suppress fire both within the District and in response and draw of water outside the District under mutual aid agreements.

Chapter 8 does not appear to address changes in water quality upon District operations. Poor water quality, whether in surface or ground waters, is believed to significantly and seriously deteriorate and negatively affect the efficiency of water use in fire suppression and emergency response, and is further believed to shorten the life of the equipment used by the District to perform its mission. The EIR/EIS must fully analyze serious and significant impacts and effects arising from changes in water quality upon District operations and equipment in order to be complete.

Comments Regarding Groundwater

The District relies in part on groundwater through various existing wells located in the District, for fire suppression and emergency response. Chapter 7 purports to analyze the significant and serious effects and impacts because of changes in groundwater as a result of the project alternatives.

Chapter 7 focuses almost exclusively on the changes in the level of groundwater in and around both the Delta and the State of California as a result of the project alternatives. However, Chapter 7 fails to analyze or discuss the quality or quantity of ground water available or used by existing groundwater users as either impacts or effects as a result of any of the project alternatives.

Specific to the District, various project alternatives, if not all project alternatives, fail to analyze the significant and substantial impacts or effects of lowered groundwater tables, and thus failures or significant or substantial loss of access to water. The District relies heavily on water, carried in all of its rolling equipment, to fight and suppress fires. The anticipated lowering of the ground water tables, and/or the possible degradation of groundwater quality and/or quantity has the serious and very possible of additional and further deterioration of the District's ability to fight and suppress fire both within the District and in response and draw of water outside the District under mutual aid agreements.

Comments Regarding Agricultural Resources

The District provides substantial fire and emergency response services to the persons, businesses, structures, industrial locations and improvements located out in the District which are primarily characterized by or materially support agriculture land uses. The cross-reference discussion set forth in subsection 14.1, beginning on page 14-1, line 28, through page 14-2, line 2, fails to refer to fire suppression and emergency response as related to agriculture in any other chapter. Failing this, reader expects to see analysis of the serious and significant impacts and effects of each of the proposed project alternatives on agriculture as a result of the serious and substantial impacts and effects on the District operations caused by each of the project alternatives. The lack of such analysis is a fatal and serious flaw in the Draft EIR/EIS.

The substantial and serious connection between the District's income from special assessments (determined by a schedule of fixed amounts) and a portion of general real property taxes (determined by assessed values) and related serious and substantial impacts and effects caused by the various project alternatives is not analyzed at all.

Additionally, serious and substantial impact and effect, and possible reduction in the level of fire suppression and emergency response will have a serious and substantial impact and effect on future agricultural development and per acre values. These impacts, and the serious and significant impacts and effects which may occur related to the District may limit, restrict, stop, or reduce the agricultural infrastructure required for continued existence of all of the crops and agricultural activities identified in Chapter 14.

Section 14.2.2.3, page 14-20, lines 3 to 21, with reference to the Delta Protection Commission ("**DPC**") and its work fails to mention or analyze the DPC's *Economic Sustainability Plan* ("**ESP**").¹ Cutting across a number of sections written into the Draft EIR/ESP, but with particular focus on Delta agriculture, the ESP is an important planning and legal document formally adopted by the DPC. Many of the components of the ESP have been incorporated into and made a part of the Delta Plan, formally adopted by the Delta Stewardship Council. This failure is a fatal flaw.

Additionally, the admitted lack of analysis of Williamson Act contract cancellations discussion (e.g., at page 14-75, lines 10-24) fails to include in its analysis the resulting financial impacts resulting on changes in land values, changes and

¹ The ESP is described and analyzed in subsection 16.2.2.3, beginning at page 16-32. However, the ESP also should be included in the Draft EIR/EIS analysis for Chapter 14.

restrictions in crop plantings, and changes in land uses on the income and operations of the District and the other public entities, utilities, and other organs of the Delta and the Delta communities. This failure is a fatal flaw.

Comments Regarding Socioeconomics

Chapter 16, discussing the Socioeconomics of the Delta, founds its analysis in large and significant part on the thinking and belief, without evidence of this belief, that the “rural communities” of the Delta are the towns of the Delta, the collection of improvements lying within the historic townships in the Delta. The language set out at page 16-3, lines 8-10 is an important example of this thinking.

In truth, the Delta communities are composed of both the townships *together with* their surrounding agricultural lands, each in symbiotic relationship with the other. The Walnut Grove Fire Protection District includes the historic towns of Walnut Grove, Ryde & Locke.

The District is also characterized by an important multi-cultural history. Whether it is the example of farmers who during the Second World War paid the taxes on the lands and building of their fellow Japanese farmers so they would not lose their land during internment, protection of the historic Japanese School, or the example of German POWs choosing to remain in the Delta upon their release in 1945, the Portuguese & Italians, or the large Hispanic population which participates in the life of the Delta, these facts and more demonstrate that the Delta community and its social fabric is not divided along the lines of township vs. non-township.

ECON 15, analyzed re alt 1A, and throughout, re community character damage, is deeply flawed. See page 16-72, line 3 to page 16-73, line 10.

The activities, meetings, social gatherings, parades, and other regular and annual events which provide important glue for the community and its social harmony face substantial likelihood of disruption constituting a substantial and serious negative impact and effect.

Chapter 20 of the Draft EIR/EIS claims to describe the public services and utilities in the study area which may be affected by the construction, operations and maintenance of the action alternatives in the Plan Area. (Page 20-1, lines 4 – 6.)

As part of the subsection discussing Fire Protection and Emergency Response, the Draft EIR/EIS states “Response time is broken into three components: alarm processing time (dispatch), turnout time, and travel time. The element of time for alarm processing is in the hands of the dispatch and communication system. The amount of time it takes to turnout fire apparatus is different depending on whether the station is staffed by full-time permanent or otherwise assigned personnel or whether the staffing is recalled (volunteer). Travel time is a function of speed and the availability of a road network to get to the scene of an emergency.” (Page 20-3, lines 35-40.)

Flawed Method of Analysis. Subsection 20.3.1, from page 20-29, line 16 through page 20-30, line 8, recites a “desktop” method of analysis, limited solely to review of electronic data and telephone calls, perhaps limited to one voice message, and email(s). These two methods are the only listed means attempted by the drafters and proponents of the Draft EIR/EIS to obtain information from the public agencies and utilities the drafters write about.

There is absolutely no data presented in summary, raw or other form making representation of any data collected from the telephone calls and emails. This means that no such analysis was received. The calls and emails, and all information received as a result, should be disclosed in the Draft EIR/EIS. The lack of information is not disclosed, and should be disclosed. The Draft EIR/EIS, presented without any of the information collected via the personal methods, is flawed and defective because without the information obtained by telephone calls and email the readers and reviewers of the Draft EIR/EIS cannot effectively evaluate the Draft EIR/EIS. The conclusion is that the drafters have either hidden or failed to disclose the information received, or that information was received and not disclosed.

The drafters further failed to inventory the equipment and training level of the District or any Delta public entity or utility, failed to estimate the increased service load on the District because of the construction and/or operations of the projects listed in any of the alternatives, and failed to evaluate whether the District, or any other public entity or utility is possessed, and offered no plan, to assist the District or any other public entity or utility would possess the required equipment and training to respond to the increased service demands upon the District caused by any of the projects or proposals listed in the Draft EIR/EIS.

Further Flaw in Method. As stated above, Subsection 20.3.1, from page 20-29, line 16 through page 20-30, line 8, recites a “desktop” method of analysis, limited solely to review of electronic data and telephone calls, perhaps limited to one voice message, and email(s). The drafters of the Draft EIR/EIS completely failed to collect the statements of mission, plans, purpose or any other matter from the data and information developed and stored at each public service entity, did not inspect or view

any of the facilities listed, did not learn the scope, number or type of responses handled by the District, or any public service entity, in the Delta. The District submits that these flaws are fatal and the failures listed are required in order to construct and understand the base line data points upon which the Draft EIR/EIS purports, and should be, based.

As one example, for illustration only, if such basic inquiry has been performed by the drafters of the Draft EIR/EIS, they would have learned that part of the primary mission of the District is to provide emergency medical aid, accident and other non-fire first responder services, and that the annual calls of this type typically number above 75 per year. The drafters would also have learned that many of these calls result from existing and long standing mutual aid agreements with sister Delta fire protection districts. The project, and all of the alternatives, clearly disrupt and delay the delivery of these non-fire responses. It is reasonably believed by the District, based on long experience, that loss of life, serious and permanent injury, some of a debilitating type, with corresponding catastrophic financial, social and quality of life loss.

Error. At Page 20-22, line 22, under the section entitled “Yolo County General Plan”, the Draft EIR/EIS states that the Yolo General Plan makes provision for public services and utilities within “Solano” County.

Correction. The reference should be changed so that the word “Yolo” replaces the word “Solano”. Please make this correction and change all analysis accordingly.

Error. At Table 20A-4, page 20A-13, of Appendix 20A, in the River Delta School District section, third school from the top of the page, referring to “Delta Elementary (K-6 Charter)” claims and states that the enrollment of the school, as of the date of the release of the plan (November 2013) is 123, with a capacity of 280, and states that capacity is not exceeded.

Correction. The correct numbers for the Delta Elementary (K-6 Charter) school are: 345 enrollment, with a capacity of 345, at capacity, with a wait list of 32. Please make this correction and change all analysis accordingly.

Flawed Environmental Analysis. Subsection 20.3.1.1, in reference to the Environmental Consequences as applied to Fire Protection states, that “Fire Protection entities have the potential to be affected by construction activities in the same ways as law enforcement agencies.” (Page 20-30, line 30.) The “Law Enforcement” section immediately above this quoted sentence on Page 20-30, lines identifies four potential impacts: increased number of construction personnel moving into the Plan Area, construction encroachment on station(s), road impacts, and decreased funding.

This analysis is flawed in the following ways:

1. The analysis is limited to “construction activities” (Pg. 20-30, line 30.) The effects analysis (referred to below) lists both constructions and operations activities as creating effects. The flaw here is the failure of the scope of environmental analysis limited to “construction”, whereas the effects analysis focuses on both construction and operation. The environmental analysis must focus and include operations in addition to constructions. Such expansion of analysis to include operations will require further study, additional data, and expanded outreach to understand the true environmental impacts of the BDCP operations upon public services such as Fire and Emergency Response.

2. The Environmental analysis as applied to fire protection, by simply incorporating the analysis as applied to law enforcement, fails to included emergency response and other first responder effects and activities, fails to

Flawed Effects Analysis of Both Adverse Effects (NEPA) and Significant Impacts (CEQA). Subsection 20.3.2, Determination of Effects (beginning at page 20-33, line 1) should be titled “Determination of Effects and Impacts”, to cover both NEPA and CEQA analysis.

The effects and impacts analysis on page 20-33 should include “lack of fire suppression equipment to serve the needs of substantially greater, adverse and significantly higher number of calls and events requiring fire suppression services by the District both within its boundaries and through the District’s mutual aid agreements.

The effects and impacts analysis on page 20-33 should include “lack of emergency response and medical aid equipment

The District requests that the final EIS/EIS presentation clearly identify show specifically all places where each and every one of the comments above is addressed.

Please contact me if you have any questions.

Very truly yours,
WALNUT GROVE FIRE PROTECTION DISTRICT

By: 
Mark Rogerson, Chair
Board of Directors

cc: Board Members, Fire Chief and Fire District Secretary