

# 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

Ms. Delores Brown  
Chief, Office of Environmental Compliance  
Department of Water Resources  
P.O. Box 94236  
Sacramento, CA

May 14, 2009

Dear Ms. Brown:

Thank you for the opportunity to provide comments on the Revised Notice of Preparation of the Environmental Impact Report and Environmental Impact Statement (EIR/S) documents for the Bay Delta Conservation Plan (BDCP). On separate occasions, both the Contra Costa County Water Agency (3/24/08) and the County Public Works Department have provided specific comments on earlier scoping iterations for this project (see enclosures). We request that these comments be incorporated into the current scoping process. It does not appear that the Water Agency's comments were included in your February 2009 Preliminary Scoping Report. Our latest comments are as follows;

**The Habitat Conservation Plan process makes it difficult to understand feasible conveyance alternatives appropriate for the EIR.** 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? Will the EIR/S consider reduced exports or regional self-sufficiency to attain stated goals? Environmental documentation for HCP's usually have a relatively narrow focus on species and restoration, relying on program-level environmental documents to describe the broad range of other required components (such as land use, agriculture, transportation, utilities, other infrastructure & public service systems, cultural resources, etc.) related to the project itself. How will you structure this document to enable the full range of required environmental review for the project in the larger context?

**The potential for social and economic impacts needs to be evaluated.** 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.

**The EIR should include scientific justification of the geographic scope of its environmental analysis.** The existing Delta ecosystem is a part of a much larger estuary that includes a massive watershed. The Delta today has been decimated in many different ways by a number of factors, including but not entirely limited to exports of water from the system. 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?

**Evaluation of a canal cannot be isolated from the rest of the water supply and flood control system.** 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? 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?

**Evaluation of the project's effect on outflows and the impact on fish is critical.** 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?

**Initial work should focus on answering fundamental questions on the Delta ecosystem.** 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? How can impacts of a new facility on such a decimated existing system realistically be measured? Will the effects of pumping on the existing Delta be identified and incorporated in some way in the EIR/S?

**Potential impacts of the project on the Delta Community need to be evaluated.**

- How will outflow quantity and quality change under the BDCP? 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?
- How will increased salinity (and perhaps changed flow patterns) in the western Delta affect groundwater in the communities that depend on it? How will the project ensure improved water quality for the Central and Western Delta?
- 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?
- 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.

- 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.
- 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?

**Details need to be disclosed on the dual conveyance alternative.** 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.

**Details need to be disclosed on the canal alternative.** 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? Will the EIR/S consider a more solid structure that avoids these problems, such as a pipeline?

**BDCP goals and actions need to be coordinated with local conservation programs.** 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. 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.

Thank you for the opportunity to comment on the Revised Notice of Preparation for the EIR/S for the BDCP. If you have questions, please contact me at (925) 335-1226, or [rgoul@cd.cccounty.us](mailto:rgoul@cd.cccounty.us)

Sincerely,



Roberta Goulart  
Executive Officer  
Contra Costa County Water Agency

Enclosures

# Water Agency

County Administration Building  
651 Pine Street  
4th Floor, North Wing  
Martinez, California 94553-1229

# Contra Costa County



**John Gioia**  
District I  
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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 'R. Goulart', written in a cursive style.

Roberta Goulart,  
Executive Officer  
County Water Agency



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 (BDCP) 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.

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 [rlie@pw.cccounty.us](mailto:rlie@pw.cccounty.us).

Very Truly Yours,

Julia R. Bueren  
Public Works Director  
Contra Costa County

RL:jj:lz  
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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





County of Contra Costa

Office of the Sheriff

Warren E. Rupf  
Sheriff

September 17, 2009

Dolores Brown, Chief  
Office of Environmental Compliance  
Department of Boating and Water Resources  
P.O. Box 942836  
Sacramento, CA 94236

Dear Ms. Brown:

I write you with regard to what has been described to me as the Bay Delta Conservation Plan to construct new, permanent barriers and gates, in and through Delta waterways. As a Sheriff with responsibility for on water enforcement, and search and rescue responsibilities on Delta waterways, I have some obvious concerns.

We have not been consulted, advised, or otherwise involved in, what one piece of literature describes as, a project that "...could be completed and operating by early 2010." 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 your 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.

Our needs and concerns must be considered, and I leave it to you to determine the manner and means of those considerations.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren E. Rupf", written over a large, faint circular watermark or stamp.

WARREN E. RUPF, Sheriff

WER:mw

Cc: Mike Chrisman, Secretary of Natural Resources Agency  
Lester Snow, Director Department of Water Resources  
Sheriff Clay Parker, President California State Sheriffs' Association  
David Twa, County Administrator Contra Costa County  
Lieutenant Will Duke, Marine Services