



CITY OF MANTECA

PUBLIC WORKS DEPARTMENT

July 29, 2014

SENT VIA EMAIL

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

Re: Comments on the Bay-Delta Conservation Plan (EIR/EIS)

Dear Mr. Wulff:

The City of Manteca provides the following comments on the Bay Delta Conservation Plan ("BDCP") Environmental Impact Report/Statement ("EIR/S"). The City's primary concern regarding the BDCP is the potential impacts it will have upon residents of the City and the regional economy which relies heavily on the regional water supply. As proposed the BDCP has potential to create significant negative effects on land use, flood protection, infrastructure, agriculture, recreation, wildlife, and the regional economy. Despite the volume of the EIR/S, it remains unclear how the BDCP will affect residents of Manteca and the central San Joaquin Valley. The BDCP EIR/S does not provide a sufficient description of the BDCP project or the impacts the BDCP project will have on water right holders that provide water to Manteca and adjacent communities and industry. Nor does the BDCP EIR/S provide sufficient analysis of the economic impacts that would ultimately be imposed on the City, residents and the region due to the export of significant quantities of water out of the region. We assert that the draft BDCP EIR/S inadequately analyzes the negative effects, fails to provide real and adequate mitigation for those effects and fails to consider reasonable and effective alternatives to this epic State sponsored water delivery project covertly masked as a water conservation project.

The City of Manteca requests the EIR/S be revised to address the attached comments and recirculated for public review.

Sincerely,

Mark Houghton
Director of Public Works / City Engineer
Attachments

Cc: Mayor, City Council, City Manager, City Clerk

Chapter 1 – Introduction.

The Project Area is unclear, rendering the project description inadequate. Figure 1A-4 includes a map of most of the State of California, with no boundary lines for the Project Area. It is unclear if the whole map is included, just the highlighted waterworks, or the highlighted water works and certain areas surrounding them. Furthermore, the project description does not include a written description of boundaries for the Project Area, such that a member of the public and local officials cannot understand whether they are inside or outside the Project Area with any degree of certainty. The map should be changed so that it accurately shows the Project Area, or an adequate written description should be included.

Chapter 2 – Project Objectives and Purpose and Need.

The EIR/S does not disclose which water right permits will need to be modified in order to facilitate the operation of the BDCP. In addition, the EIR/S does not analyze whether such permit changes will cause injury to other legal users of water. The EIR/S should disclose which permits will be required to be modified to operate the BDCP. The EIR/S should be revised to include the impact of the changes to water right permits, including the analysis of injury to other legal water users.

The EIR/S does not disclose what changes to water quality control objectives or other regulations would be necessary for the implementation and operation of the BDCP. To the extent the implementation or operation of the BDCP relies upon increased flows from the changes to water quality objectives, the EIR/S must analyze the impacts of these changes to the upstream water users. Without this information, the Public and local officials cannot meaningfully understand and consider the issues raised by the proposed project.

Chapter 3 – Description of Alternatives.

It is unclear from the information presented in the EIR/S how the BDCP will function after it is built and implemented. For instance, it is not disclosed as to how much additional water will be available for export, how much additional water will actually be exported, which parties will benefit from the additional water, and to what extent, if at all, the south Delta intakes will continue to be used. Without this information the Public and local officials cannot meaningfully understand and consider the issues raised by the proposed project.

Chapter 5 – Water Supply.

It is unclear whether water transfers are part of the BDCP or planned future actions, and the degree to which these transfers are considered in the environmental analysis. The EIR/S indicates that water transfers are planned after the implementation of the BDCP. The EIR/S also indicates that more water will be exported by the SWP and CVP after construction and implementation of the BDCP. However, the EIR/S states that any potential transfer will have its own separate

EIR/S. If the potential transfer of water is necessary for the implementation or operation of the BDCP, the impact of the transfers should be analyzed in the EIR/S. At a minimum, the EIR/S should make clear how the environmental analysis will be tiered from the EIR/S. Without this information the Public and local officials cannot meaningfully understand and consider the issues raised by the proposed project.

The EIR/S must be revised to analyze impacts to water users upstream of the Delta including numerous communities like Manteca and water districts that supply water to agricultural users and Cities. Construction and implementation of the BDCP will, according to the EIR/S, allow for increased exports of water. It is unclear where this increased supply will come from. Assuming it could decrease the amount of water available to upstream water right holders, the EIR/S must be modified to discuss and analyze these potential impacts to upstream water users. Without this information, the Public and local officials cannot meaningful understand and consider the issues raised by the proposed project.

Chapter 6 – Surface Water.

Neither Chapter 5 nor Chapter 6 analyzes the impact to communities like Manteca, resulting from the depletion or reduction of surface water that could occur due to the implementation of the BDCP or changes in DWR or Reclamation's water right permits. If no impact to these entities of this kind will occur, the EIR/S should state so, and explain the reason no such impact will occur. Without this information members of the Public and local officials cannot meaningfully understand and consider the issues raised by the proposed project.

Chapter 7 – Groundwater.

The City of Manteca relies upon groundwater for over half of the water supply. The increased reliance upon groundwater within the region is driving increased regulation of groundwater resources. The EIR/S does not identify or analyze potential environmental impacts of the BDCP cumulatively with groundwater regulation. In addition, the BDCP does not analyze the impacts that future groundwater legislation will have on the viability of the BDCP project. Without this analysis the Public and local officials cannot meaningfully understand and consider the issues raised by the proposed project.

Chapter 8 – Water Quality.

The EIR/S assumes that San Joaquin River outflow will increase as a result of the BDCP or concurrent with the implementation of the BDCP. **The statement that San Joaquin River flows will increase into the Delta is not explained or supported**, and the impacts of this assumption are not analyzed. Because the EIR/S does not contain an explanation for this projected increase in San Joaquin River outflow, the environmental analysis based on increased San Joaquin River outflow is not supported. Without this analysis the Public and local officials cannot meaningfully understand and consider the issues raised by the proposed project.

Chapter 11 – Fish and Aquatic Resources.

The EIR/S contains no analysis concerning the estimated effectiveness of habitat restoration. Despite the fact that the EIR/S acknowledges some reasonable possibility that habitat restoration will fail, the EIR/S does not analyze the possibility of this occurring, nor what actions will be taken if it does. Without this analysis the Public and local officials cannot meaningfully understand and consider the issues raised by the proposed project, because the Public and local officials will not know how likely the environmental analysis is to be correct, nor what actions will be taken, if it is not.

Chapter 21 – Energy.

The EIR/S is deficient because it does not analyze the impacts to energy based upon season or timing. The EIR/S's analyses impacts to energy resources based on the net energy used on a monthly or annual basis. This analysis fails to take into account the realities of California's energy grid, and patterns in the public's usage of energy. Energy usage peaks during particular times of year and during particular times of the day. The EIR/S should be modified to contain the impacts to energy resources during these peak periods. Without this analysis, the Public and local officials cannot meaningfully understand and consider the issues raised by the proposed project.

Level of Environmental Analysis is Inconsistent.

The EIR/S provides a program level analysis of some impacts, and a project level analysis to others; this inconsistency obscures the true impacts of the project. The EIR/S must be amended to analyze all impacts at a project level.

Funding Disclosure and Analysis is Deficient.

The EIR/S fails to provide any disclosure regarding how the BDCP project will be funded. The EIR/S must be amended to disclose and explain how each component of the BDCP will be funded. Included in this analysis, the EIR/S must disclose which parts of the project will be funded by the specific project proponent, the general schedule, the method of funding and which project components will be funded by bond or other public funding mechanisms.