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October 30, 2015

BDCP/WaterFix Comments
P.O. Box 1919
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SENT VIA EMAIL to bdcpcomments@icfi.com

RE: Draft Bay Delta Conservation Plan/California WaterFix and Associated Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement

Dear Lead Agencies:

These comments are submitted by the Environmental Council of Sacramento and Habitat 2020 on the proposed Bay Delta Conservation Plan (“BDCP”)/California WaterFix (“Project” or the newly conceived “Alt. 4A”) and associated public review Partially Recirculated/Supplemental Draft Environmental Impact Report/Statement (“RDEIR/S”). ECOS’ mission is to achieve regional and community sustainability and a healthy environment for existing and future residents in the Sacramento region. ECOS’ membership organizations include: 350 Sacramento, Breathe California of Sacramento-Emigrant Trails, Friends of Stone Lakes National Wildlife Refuge, International Dark-Sky Association, Los Rios College Federation of Teachers, Mutual Housing California, Physicians for Social Responsibility Sacramento Chapter, Preservation Sacramento (formerly known as Sacramento Old City Association), Resources for Independent Living, Inc. (RIL), Sacramento Audubon Society, Sacramento Housing Alliance (SHA), Sacramento Natural Foods Co-op, Sacramento Valley Chapter of the California Native Plant Society, Sacramento Vegetarian Society, Save Our Sandhill Cranes (SOS Cranes), Save the American River Association (SARA), SEIU Local 1000 (Environmental Committee), Sierra Club Sacramento Group, The Green Democratic Club of Sacramento, and the Wellstone Progressive Democrats of Sacramento.

Habitat 2020 (H2020) is a coalition of environmental organizations collaborating on common issues in and affecting, the Sacramento region. Members of Habitat 2020 include the Sacramento Audubon Society, California Native Plant Society, Friends of Swainson’s Hawk, Save the American River Association, Save Our Sandhill Cranes, Sierra Club Mother Lode chapter – Sacramento group, Friends of Stone Lakes National Wildlife Refuge and the Sacramento Area Creeks Council.

Though ECOS has not previously commented on the Tunnels project, ECOS and H2020 have been very concerned about the amount and the severity of impacts to terrestrial biological resources from this Project in our immediate region. Because of this, members of ECOS and Habitat 2020 were very active in consulting with the Friends of Stone Lakes' board and attending working group meetings with the BDCP preparers and the regulatory agencies in an effort to improve mitigation and avoidance and minimization measures for impacts from tunnel construction in and around the Stone Lakes National Wildlife Refuge area. For instance, it was a member of ECOS and H2020 that sounded an early alarm that the construction planned on Staten Island was unacceptable given the potential impacts on greater sandhill cranes in their most significant population stronghold in our region.

The separation of the tunnels project from the NCCP/HCP of the BDCP effort heightens ECOS and H2020's concerns regarding the Tunnels project. A vast amount of impacts will be sustained in our region with no discernable environmental benefits. As it stands, the tunnel project is just another large environmentally damaging project, albeit the biggest and potentially most damaging single project our region has seen in decades, if ever. ECOS and H2020 are opposed to the construction of the twin tunnels because of the severe impacts to our region's biological resources and the project's failure to provide adequate mitigations to address those impacts. And, we share many of the concerns expressed by others about what these tunnels might portend for the environmentally sustainable use of our dwindling water resources in the state.

It should be noted that one of the constant rejoinders voiced by the Project proponents was that it was important for the environmental organizations to consider the specific impacts of the tunnel project in the context of the huge conservation effort contemplated in NCCP/HCP conservation strategy of the original BDCP. So, when concern was expressed that construction activities might cause abandonment of the northernmost roost site in the Delta of the greater sandhill crane, and even though the plan preparers attempted to incorporate suggestions that might help reduce that likelihood, there was still apprehension on our part that, though the threat of abandonment was definitely real, the efforts to avoid it, despite best good faith efforts, were experimental at best. The response to this, and all other concerns of this nature, was that we needed to look at the substantial benefits to the greater sandhill crane provided in the conservation strategy whereby the crane would "gain more than 7,000 acres of preserved habitat." But, as feared, the crane will be left having to endure the impacts of the hugely destructive construction project with NONE of the promised conservation benefits because they do not survive in the frail relic that survives of the attempt of a conservation strategy conceived in the BDCP.

AGREEMENT WITH OTHER COMMENT LETTERS

ECOS and Habitat 2020 want to go on the record as agreeing with the concerns and issues brought up in the Friends of Stone Lakes letters regarding the various iterations of the EIR/S (including the DEIR/DEIS and now the RDEIR/SDEIS). We are also in agreement with the

concerns expressed in the Delta Independent Science Board letter, dated September 30, 2015, that identified scientific deficiencies in the California Water fix recirculated DEIR/DEIS.

BROAD COMMENTS ON THE CALIFORNIA WATERFIX RDEIR/SDEIS

- 1.) The mitigation measures and the avoidance and mitigation measures developed in the BDCP, and maintained in the current environmental documents for California WaterFix, for fully protected species were conceived in the context of a much broader conservation effort, and separated from that context they are not adequately protective of those species. The scale of the project, both in terms of ground disturbance and the length of that disturbance, is so huge that just mitigating for the footprint of the land that was disturbed, with some consideration for the temporary impacts, does not fully address either the size of the project and its huge direct impacts and indirect impacts, or the fact that it will last for a decade or more causing long standing additional temporary direct and indirect impacts. There are no extant environmental documents that can be referred to that address impacts from a project of this size. The loss of nearly 800 acres of jurisdictional wetlands, alone, is likely unprecedented. The fact that the mitigation and avoidance measures are largely unchanged for fully protective species in the latest documents despite the loss of the NCCP/HCP is indicative of a considerable problem. The two examples that follow are not presented as either exhaustive or complete, but merely illustrative of a common problem in the environmental documents.
 - a. As an example, the greater sandhill cranes are at risk of a range reduction in the northern end of their Delta range because of a potential for roost site abandonment. Providing a temporary surrogate roost site in advance of disturbance, combined with “super charging” food sources in the vicinity is an intelligent attempt to hedge bets against that roost abandonment. But, it is not a field tested approach; it is an experimental one. What other efforts are contemplated to recoup lost range for the sandhill crane if this effort is not successful? There is no promise of an infusion of conserved habitat for the crane anymore for plan proponents to claim that we can fall back on as insurance that there will not be a lasting deleterious effect on the species.
 - b. As another example, it was clearly stated in the Project’s 2013 analysis that the transmission lines to be erected for the project will result in “take” of greater sandhill cranes and potentially other fully protected species. There is no requirement that these lines be undergrounded. The proposed mitigation is to install flight diverters on powerlines in the Plan area in the hope that these will offset the loss of birds killed by the new powerlines. And yet birds will still be killed by the new powerlines. Fully protecting the species would necessitate undergrounding ANY new transmission lines AND providing flight diverters throughout the Plan area. The flight diverters can reasonably be seen as an important avoidance and minimization measure to protect cranes scared off of

their roost sites or their foraging grounds in the fog by construction related activities, only to fly into a transmission line they were too stressed to avoid.

2.) Provided mitigations are not adequately specific either in terms of geography or timing. These examples are not presented as either exhaustive or complete, but merely illustrative of a common problem in the environmental documents.

- a. As an example, the “take” of riparian habitat, stated as 47 acres of direct impacts and 31 acres of temporary impacts, will be mitigated by the restoration of 254 acres of riparian habitat and the preservation of 103 acres of riparian habitat (section 4.3.8 Terrestrial Biological Resource Impacts for Alternative 4.3.8). Where and exactly when this restoration work and preservation is to occur is not laid out in the environmental documents. It is not possible to analyze the adequacy of these mitigations without specific knowledge of where they are to occur, exactly when they are to occur, or exactly how they will occur. Removal of potential roost or nest sites for fully protected species would need to be replaced before they are needed by those species, but there appears to be no indication of how this important timing will play out. As well, it is stated that the new restorations will occur so that they are contiguous with extant riparian habitat such that a wider more viable stand will result, but there is no indication where this happen so there is no way to understand what other potential impacts might occur from this placement. What habitat will be removed for the increase in riparian stands and what impact will this have on the species that rely on that habitat? What contingency is there for mitigating the loss of potentially valuable habitat loss due to placement of more riparian habitat? And, will the potential cost of that additional mitigation result in a superior opportunity being avoided out of financial considerations? How will the relevant values of placement be balanced with the values of the habitat lost to allow for that placement? And since we are on the subject, what effect will much lower water tables have on the success of planting large native canopy trees that originally relied on their roots accessing year round groundwater; and can those trees survive long term after being taken off irrigation?

The fact that the majority of that riparian habitat will be taken out by the placement of the intakes along nearly a mile stretch of the east side of the Sacramento River brings up additional concerns about connectivity. Given that the intakes will be between highway 160 and the river, they will essentially cut off the east side of the river as a migration or dispersal corridor. The environmental documents state that this will have an effect on local dispersal, but that improvements in other Essential Connectivity Areas (ECA) will mitigate for this. These promised improvements are not defined for Alt. 4A. What about the effect of fracturing the riparian corridor along this stretch of river on north south migration of nonflying species as they need to adjust their range because of climate change? What is considered here as a corridor of local dispersal could

very well take on larger significance in the future as the need to seek higher ground or more northern latitudes increases with climate change. Given that the impacts on riparian habitat are largely on the east side of the river, what assurance is there that mitigations will occur on the east side of the river as well? Why is there not a plan to provide a substantial wildlife corridor on the east side of the intake facilities, and to the west of Highway 160, to maintain connectivity with the riparian habitat up and downstream of the intake facilities?

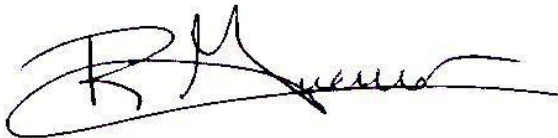
- b. And as another example, similarly, with the placement of new and or temporary roosting sites for greater sandhill cranes, what are the specific timings anticipated and how do these timings avoid additional impacts to the species, both in terms of being serviceable and available for usage in advance of their need, and in terms of the specific timing of their construction?
- 3.) Despite the huge scale of some of the impacts, there appears to be no effort to provide equivalently scaled, or for that matter even basic and adequate, analysis of the resources in question. The following example is not intended to be either exhaustive or complete, but merely illustrative of a common problem in the environmental document. The project proposes to put 15,022,645 cubic yards into jurisdictional waters of the United States. Beyond that astounding number, there will be permanent impacts to 596.3 acres and temporary impacts treated as permanent to 179 acres for a total of 775.3 acres of permanent impacts to jurisdictional wetlands, not to mention temporary impacts to another 1931 acres. Given the spectacular scale of impacts to jurisdictional waters, one would suppose that wetland delineations would be available for all wetlands to be impacted, and that the exact locations of all creation sites would be provided to allow for proper analysis of both the impacts as well as the mitigation. And for the compensatory mitigation, since there is no exact indication of where this would occur, there by definition cannot be complete analysis of the impacts of that creation, and therefore the reader does not have a full picture of the what the impacts are or how effective and appropriate the mitigations are. This kicking the can down the line is a common technique employed in private development efforts, whereby the project applicant leaves these crucial aspects unanswered until they acquire their wetland permits. We should expect more from a massive governmentally sanctioned undertaking like this project. This RDEIR/SDEIS should not be approved until the full impacts to jurisdictional wetlands are understood. This will require complete wetland delineations for all jurisdictional waters to be impacted and full impact analysis of all activity related to compensatory mitigation. Moreover, the Project should be designed to avoid wetland fill, prior to consideration of mitigation.
- 4.) Another recurring problem is that solutions are often are untested. And again, the following example is not intended to be either exhaustive or complete, but merely illustrative of a common problem in the environmental document

- a. The project proposes to use fish screens to exclude fish that are greater in size than 20 millimeters, but it is unclear if and how well these screens would work. What happens to fish or their eggs that happen to be smaller than 20 millimeters? Also, it would appear that Table 11-21 is out of date because even though some fish screens appear to have been installed, there is no specific data on how well those installed screens have worked. Despite this complete lack of evidence and data on whether the screen function as advertised, it is concluded that there will be no significant impact from using them (page 1-100 line 38). This is one example among many where measures are assumed to work as planned despite no evidence to support that assumption. This high level of certainty based on so little evidence is quite optimistic, and it is not clear if any or sufficient contingency plans are in place, or even contemplated, for an eventuality where these measures did not work out as planned. This unsupported optimism persists from the previous draft environmental documents.
- b. The surrogate roost pond/s and the “super charged” feeding for greater sandhill cranes mentioned already in this letter (section 1. a.) is another example of this optimism since this approach, though an innovative and seemingly reasonable approach, has never been field tested. Moreover, the RDEIR/S does not make clear the extent to which these measures from the Alt. 4 BDCP will be part of Alt. 4A.

IN CONCLUSION

This comment letter is not intended to be exhaustive as pertains the myriad of problems with the tunnels project now reborn as “California WaterFix,” but rather it is intended for us to officially go on the record opposing this project because of the enormous deleterious environmental impacts in our region, and because of the inadequate analysis in the RDEIR/SDEIS as well as the inadequate avoidance, mitigation and minimization measures proposed to address those impacts.

Sincerely,



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