



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



President – Chris Steele • Vice-President – Bill Pease • Director – Kevin Graves • Director – Robert Leete • Director – Mark Simon

October 8, 2015

BDCP/California WaterFix Comments
P.O. Box 1919
Sacramento, CA 9581

Subject: Town of Discovery Bay Community Services District Comments on the Recirculated Draft Environmental Impact Report/Environmental Impact Statement for the Bay Delta Conservation Plan/California WaterFix

To Whom It May Concern:

The Town of Discovery Bay appreciates the opportunity to review and comment on the Recirculated Draft Environmental Impact Report/Environmental Impact Statement for the Bay Delta Conservation Plan/California WaterFix. This letter provides the Town's comments in accordance with the provisions of the California Environmental Quality Act (CEQA), CEQA Guidelines, and the National Environmental Protection Act (NEPA).

The Town of Discovery Bay, located in eastern Contra Costa County, is the largest residential water based community on the environmentally sensitive California Delta. The Delta is the lifeblood of our community. The Delta and its ecosystem singularly sustain the largest estuary on the Pacific Coast and it is home to a myriad of fish, waterfowl, and mammals, many of them endangered. The Delta offers countless recreational opportunities as well, including boating, fishing, bird watching, hunting and many others. Most importantly, however, the Delta is also home to the farms and fields that feed America.

This revised iteration of the BDCP, proposed Alternative 4A and referred to as California WaterFix, proposes to make physical and operational improvements to the State and Federal water projects in the Delta claiming to protect reliable future water supplies and to restore and protect ecosystem health in the Delta. Unfortunately, California WaterFix fails to accomplish either of these purposes and the RDEIR/RDEIS inadequately analyses impacts to the Delta ecosystem, water quality and supply, and communities.

The Town of Discovery Bay Community Services District Board of Directors believe that implementation of the BDCP, and particularly the construction of the dual conveyance system allegedly designed to reduce the amount of fresh Sacramento River water flowing into and through the Delta, would cause additional and significant deterioration of an already sensitive Delta ecosystem. The Town submitted comments to that effect in June 2014 in response to the initial release of the BDCP and DEIR/DEIS. California WaterFix does nothing to remedy the concerns expressed therein, but rather heightens those concerns due to the removal of environmental protection and enhancement measures, and the Town readopts its comments previously submitted.

The Town submits the following additional comments regarding the proposed California WaterFix and RDEIR/RDEIS:

The proposed project would have significant negative impacts to boating and recreation in the Delta. The Town's location in the heart of the Delta makes it an ideal community to benefit from all the Delta has to offer. Town residents and visitors utilize the Delta waterways for boating and recreation year-round, and such activities are vital to the cultural and economic well-being of the Town. The operation and construction of the tunnels will obstruct and disable navigable water ways for boating, marinas and other types of leisure activities, in addition to creating conditions of low water flow that will foster

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invasive aquatic species, such as water hyacinth. Poor water quality also creates unsafe recreation. Recreation and tourism in the Delta generate \$750 million annually. The RDEIR/RDEIS fail to analyze the recreational, cultural, and economic impacts that the Town and other Delta communities will suffer due to the proposed project.

Impacts to the Town's municipal water supply and management have not been considered. The tunnels will cause increased contamination of municipal water, discharge systems, and wells for the millions of rural and urban residents living in the five Delta counties. The Town obtains all of its municipal water supply from a system of groundwater wells throughout the community. Although Town pumping occurs in the confined aquifer underlying the community, the proximity to the Delta waterways and neighboring agricultural operations which apply Delta water raises concerns that the Town's municipal supply may be impacted in the future as Delta waterways become more saline. Similarly, the Town discharges treated wastewater pursuant to an NPDES permit. The conditions included in the permit were created and are dependent on the ambient conditions of the Delta. The proposed project will alter the makeup of the Delta which may affect the ongoing viability of the permit conditions. The RDEIR/RDEIS fail to consider possible impacts to the Town's municipal water supply and treated wastewater discharge operations.

How levee failures would affect water operations, and how implementation of the proposed project would affect the economics of levee maintenance, have not been analyzed. The RDEIR/RDEIS should assess the environmental impact with respect to implementing California WaterFix and the potential of levee failure by examining the consequences each may have for the other. The RDEIR/RDEIS cites levee fragility as a reason to build an isolated conveyance for Sacramento River water. See examples at pp. 1-1, 1-7, 1-9. Levee concerns are also referenced on the California WaterFix website. However, the RDEIR/RDEIS offers no analysis of how levee failures would affect the short- and long-term water operations of the proposed project. Also lacking in the RDEIR/RDEIS, and of great import to the Town and other Delta communities, is an analysis of how implementing the project would affect the State's priorities for investing in Delta levees. This potential impact is illustrated by the fact that scoring systems of levee-project proposals for State funding award points for expected benefits to "export water supply reliability." See recent DWR Solicitation Package for Multi-Benefit Projects relating to Delta Levees Special Flood Control Projects, issued June 13, 2014. The RDEIR/RDEIS fails to analyze whether levee maintenance, and the communities and economies dependent on that maintenance, will suffer impacts from the proposed project.

Feasible alternatives exist that have not been evaluated. Far less expensive and less environmentally destructive alternatives to the dual conveyance component of the proposed BDCP have largely been ignored. The decision-making process and environmental documentation does not seriously consider any alternatives other than new upstream conveyance and has rather prioritized increasing water exports from the Delta. Tax and ratepayer dollars would be much better spent on a myriad of alternative projects that focus on storage, self-efficiency, and sustainability

- New surface water storage projects that will result in "new water" added to the State's water resources
- Statewide water efficiency programs that would apply to both urban and agricultural users
- Water recycling and groundwater recharging projects that would promote sustainability in communities in which the projects are conducted
- Retiring thousands of acres of impaired and pollution-generating farmlands in the southern San Joaquin Valley and using those lands for more sustainable and profitable uses, such as solar energy generation
- Improving Delta levees in order to address potential earthquake, flooding, and future sea level rise concerns
- Increasing freshwater flows through the Delta to reduce pollutants and restore ecosystems and wildlife
- Installing fish screens at the south Delta pumps to reduce the current salvage of marine life

The technical evaluation, public review, and regulatory approval process of the proposed project is being subverted. Recently, DWR and USBR jumped the gun to file a water rights application for new points of diversion for the tunnels with the State Water Resources Control Board, assuming that the project complies with all applicable state and federal laws and regulations. On the contrary, compliance is highly doubtful. In addition to the water rights filing, USBR petitioned the Army Corps of Engineers for permission to perform dredge and fill construction activities for the water tunnels long before the project has received other necessary approvals. This heightens the perception that DWR and USBR are trying to force the project through administrative channels without proper review and without considering realistic and prudent alternatives.

Moreover, this abridgment of the regulatory approval process effectively curbs the opportunity for public review and participation. The agencies' actions with the State Water Board and the Corps of Engineers are premature and should be withdrawn. This issue is too important, with too many significant statewide impacts, to act presumptively.

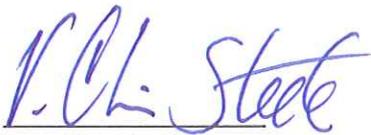
The dual conveyance system, in its present proposed alignment, crosses directly in, through and adjacent to the Town of Discovery Bay on its way to the Clifton Court Forebay. The environmental impacts that will be caused as a result of the construction and ongoing project maintenance will forever change the relationship between the Discovery Bay community, the environmental stewardship of the Delta, and the economic and significant cultural resources of the Delta region. These significant impacts are not adequately addressed in the RDEIR/RDEIS.

The proposed BDCP and California WaterFix will not resolve California's ongoing water issues. Rather, it will degrade the Delta environment, ecosystem, and communities.

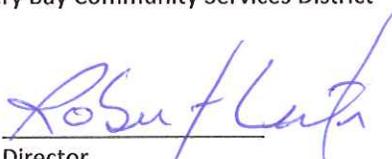
Based on the comments provided above and those of the other Delta Initiative stakeholders, the Town believes that the proposed California WaterFix and RDEIR/RDEIS are technically and legally inadequate, as they do not comply with the provisions of CEQA, CEQA Guidelines, and NEPA. Reclamation and DWR should prepare and circulate a revised BDCP and accompanying environmental documents that include alternatives that reduce water exports and increase Delta flows for consideration by the public and decision-makers.

Sincerely,

The Board of Directors of the Town of Discovery Bay Community Services District



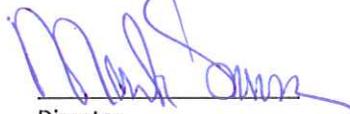
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