



Carolee K. Krieger
president

May 30, 2008

Dorothy Green
secretary

Jim Edmondson
treasurer

Lloyd Carter
director

Malinda Chouinard
director

Yvon Chouinard
director

Joan Hartmann
director

Michael Jackson
director

Huey Johnson
director

Tom Stokely
director

Ms. Delores Brown,
Chief, Office of Environmental Compliance
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236

Also sent via email to delores@water.ca.gov.

Patti Idlof
Bureau of Reclamation
2800 Cottage Way, MP-150
Sacramento, CA 95825

Also via e-mail to pidlof@mp.usbr.gov

Re: Scoping Comments on Bay-Delta Conservation Plan EIS/EIR (Federal NOI and State NOP)

Dear Ms. Brown and Ms. Idlof:

These comments are submitted on behalf of the California Water Impact Network (C-WIN). CWIN requests that the scoping period on the EIS/EIR be extended or reopened until an actual "plan" is available to comment upon. To date, there is little specifically to comment on in terms of specific plans and alternatives. We fully intend to submit additional scoping comments as new scoping information becomes available prior to release of the Draft EIS/EIR.

CWIN hereby incorporates by reference the scoping comment letters by the California Sportfishing Protection Alliance (CSPA) and the Planning and Conservation League (PCL).

General Comments

The BDCP has mutually exclusive goals of providing water supply reliability and "safe harbor" guarantees to Potentially Regulated Entities (PRE), while also protecting and restoring ecosystem health and populations of listed species. CALFED proved that this cannot be accomplished, but this plan appears to be a reinitiation of that failed attempt. The BDCP is clearly a shallow attempt to obtain authorization for a Peripheral Canal under the auspices of the federal and State Endangered Species Acts. The BDCP should make recovery of listed species

and ecosystem health its primary purpose, not increased Delta exports, regulatory assurances to the PRE's, and a Peripheral Canal.

Alternatives

The four alternatives presented are inadequate from a CEQA and NEPA perspective. The California Third District Court of Appeals set aside the CALFED ROD because, among other things, the PEIS for CALFED did not consider an alternative which **reduces** exports from the Delta. Similar to the CALFED PEIS, the proposed BDCP EIS/EIR does not contain an alternative which reduces Delta exports. This is a serious deficiency in the BDCP analysis and must be remedied by development of an alternative which reduces Delta exports below current levels.

Specifically, an alternative should be developed which examines a reduction in Delta exports to drainage-impaired lands in the Western San Joaquin Valley within both CVP and SWP service areas. A minimum of 2 million acre-feet of contract water has been identified as being available from those lands, as restated below from a January 2005 comment letter on the South Delta Improvement Project DEIS/EIR by the Trinity County Board of Supervisors. For the Tulare Basin, the numbers that Trinity County came up with are identical to those found in DWR Bulletin 160-05, the California Water Plan- 1.2 million AF as being available for other uses. See Tables 1 and 2 below.

Table 2

	Total Irrigated croplands in 2002(acres)	Drainage Impaired acreage in 2000 (acres)	% of County Requiring Drainage Service	Estimated Contract Amounts (AF)	Estimated Water Savings (AF)
Tulare County	652,385	291,000	44.60%	1,304,770	581,927
Kern County	811,672	313,000	38.56%	1,623,344	625,961
Total	1,464,057	604,000	N/A	2,928,114	1,207,888

Table 2 above portrays a very preliminary estimate of water savings in Tulare and Kern County within the SWP service area. The acres of irrigated croplands were taken from the USDA farm census statistics report in 2002. The acreage of drainage impaired acres is derived from a report by CA Dept of Water Resources, the 2000 San Joaquin Valley Drainage Monitoring Program. The acreages identified are for lands with high groundwater within 20 feet of the surface. The contract amounts were figured by estimating 2 acre-feet per acre irrigated, most likely an underestimated amount. Further investigation is needed

to verify and refine these numbers, but clearly there is adequate justification to remove these lands from irrigation due to continuing drainage problems and salinization of land, in violation of Water Code Section 100- Wasteful and Unreasonable Use of Water.

Table 1 from the Draft Trinity River Fishery Restoration Supplemental Environmental Impact Report (Trinity County 2004, as amended 1/24/05 and 2/16/05)

	Acres	Acres Requiring Drainage Service	% of District Requiring Drainage Service	Max CVP Contract Amount (AF)	Max CVP Contract Water Savings (AF)	2002 CVP Contract Deliveries (AF)	2002 CVP Water Savings (AF)
Broadview Water District	9,515	9,515	100.00%	27,000	27,000	18,588	18,588
Panoche Water District	39,292	27,000	68.72%	94,000	64,593	66,743	45,863
Westlands Water District	604,000	298,000	49.34%	1,154,198	569,455	776,631	383,172
Eagle Field	1,438	1,435	99.82%	4,550	4,542	2,869	2,864
Mercy Springs	3,589	2,417	67.35%	2,842	1,914	4,679	3,151
Oro Loma	1,095	,1095	100%	4,600	4,600	3,173	3,173
Widren	881	881	100%	2,990	2,990	2,094	2,094
Firebaugh	23,457	23,457	100%	85,000	85,000	85,000	85,000
Cent. Cal ID	149,825	4,951	3.30%	532,400	17,569	532,400	17,569
Charleston Drainage District (portion of San Luis WD with drainage problems)	4,314	3,000	69.54%	8,130	5,654	Not avail	Not avail
Pacheco Water District	5,175	5,000	96.62%	10,080	9,739	7,137	6,896
Total	842,581	376,751	NA	1,925,790	793,056	1,499,314	568,370

Table 1 above was derived by obtaining acreage information for each district through Chris Eacock at the Bureau of Reclamation (USBR) in Fresno. The number of acres requiring drainage by 2050 was taken from estimates in the San Luis Drainage Feature Evaluation, Plan Formulation Report, USBR, December 2002 (pages 2-5 and 2-6). The maximum water savings associated with the retirement of these lands was calculated by multiplying the maximum contract amounts for each district by the

percent of that district requiring drainage. Contract amounts were taken from a list of CVP contracts provided by Reclamation. Each district's total contract amount was calculated by adding all of its water contracts if more than one contract exists.

According to information we have received from the Environmental Working Group, water, power and crop subsidies to Westlands in 2002 amounted to well over \$100 million. If approximately half of Westlands, as well as those impacted lands in other drainage-problem districts such as Broadview, Widren, Mercy Springs, Panoche, Pacheco and others were retired, it would free up hundreds of thousands of acre-feet of water, as well as significantly reduce water and crop subsidies by tens of millions of dollars a year. Full analysis of such an alternative would provide meaningful disclosure to decision makers and the public about the true costs of delivering water to these problem lands.

Upstream and Downstream Impacts of BDCP Must Be Evaluated

The proposed BDCP only includes areas within the Delta itself, although the Delta takes water from as far away as the Trinity River, and has impacts all the way to Southern California from development and growth. Therefore, the EIS/EIR should identify growth-inducing impacts from continued and ever-increasing Delta exports to central and southern California, including the possibility of agriculture to urban water transfers, especially from drainage impaired lands in the western San Joaquin Valley.

The impacts on upstream ecosystems and species, such as the Trinity River and its listed coho salmon must be examined in detail. Since the Trinity River has both federal and state area of origin protections, annual and decadal limitations on exports of Trinity River water must be established to ensure "preservation and propagation" of the Trinity River's fisheries, including with a minimum pool of cold water carryover storage which will meet downstream State and Tribal temperature objectives. Failure to establish specific protections for the Trinity River would violate the federal and State protections inherent to the unique status of the Trinity River Division of the CVP, and would also impact listed coho salmon and the Interior Department's Tribal Trust obligations to the Hoopa Valley and Yurok tribes.

The EIS/EIR should specifically identify how well each of the alternatives meets water quality and quantity objectives for all affected water bodies that are contained in the various Basin Plans for the Sacramento River, Delta and Trinity River. For instance, the alternatives must examine how well each alternative meets temperature objectives for the Sacramento and Trinity Rivers. Cold water carryover storage at Shasta Reservoir should be examined in great detail, and any water savings from reduced Delta exports should be considered for storage to protect salmon fisheries from extended drought. The alternatives must also identify how well the various alternatives would meet water quality objectives in the Delta for all of the various water quality parameters. Furthermore, the

alternatives analysis must identify what the water quality impacts will be in terms of meeting TMDL requirements for all affected rivers and waterbodies from the Trinity River to the southern Tulare basin. This would include sediment, temperature, salinity, selenium, mercury, boron and any other water quality constituents which impair beneficial uses of water in areas upstream, within or downstream of the Delta and its pumps.

Thank you for considering these comments. We reserve the right to submit additional scoping comments as more information becomes available.

Sincerely,

A handwritten signature in cursive script that reads "Carolee Krieger".

Carolee Krieger, President