CITY OF STOCKTON
DEPARTMENT OF MUNICIPAL UTILITIES
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May 30, 2008

VIA EMAIL (delores@water.ca.gov) and U.S. MAIL

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

CITY OF STOCKTON COMMENTS ON THE NOTICE OF PREPARATION OF AN EIR/S FOR THE BAY DELTA CONSERVATION PLAN

Dear Ms. Brown:

The following comments are submitted on behalf of the City of Stockton pursuant to the Notice of Preparation dated March 17, 2008, regarding the preparation of an Environmental Impact Report and Environmental Impact Statement (EIR/S) for the Sacramento-San Joaquin Bay Delta Conservation Plan (BDCP).

1. The EIR/S needs to evaluate the effects of the BDCP on the proposed Delta Water Supply Project (DWSP). The DWSP is a project proposed by the City of Stockton to divert water from the San Joaquin River at a location near the southwestern corner of Empire Tract, a raw water pipeline from the diversion site to a treatment plant to be located north of Eight Mile Road and east of Lower Sacramento Road, a treatment plant with an initial capacity of treating 30 million gallons per day, and a treated water pipeline to connect to existing city water mains. The water right permit for the first phase of the DWSP was issued by the State Water Resources Control Board (SWRCB), and the City is now undergoing design and obtaining the remaining permits. The effects that need to evaluated include, but are not limited to:

    a. How would the BDCP affect water quality at the proposed diversion site? The diversion site was chosen because of water quality considerations and other factors and cannot be easily relocated.

    b. The various conveyance alternatives could cross the City's raw water pipeline. This needs to be addressed in the evaluation.

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c. How would the BDCP affect the amount of water potentially available to the City under the state's watershed or area of origin protection statutes (Water Code section 11460 et seq.)? Later phases of the DWSP may be designed to take advantage of this water supply source.

2. The EIR/S needs to evaluate how the BDCP will affect land uses under the City's recently updated General Plan.

3. The EIR/S needs to evaluate what effects the BDCP will have on water quality in the San Joaquin River. Specifically, the EIR/S should evaluate what changes may result in the assimilative capacity of the river and how that might affect discharge permits issued by the Central Valley Regional Water Quality Control Board pursuant to the federal Clean Water Act and the state Porter-Cologne Water Quality Control Act.

4. The EIR/S need to evaluate the effects of the BDCP on special status species within San Joaquin County and how those effects may impact the County's Multi-Species Habitat Conservation and Open-Space Plan.

5. Figure 1 of the Notice of Preparation shows the boundaries of the statutory Delta which cuts through the center of Stockton. According to the Notice of Preparation, the planning area for the BDCP is the statutory Delta. The BDCP is likely to have impacts beyond these artificial boundaries, especially within Stockton. It is important that the EIR/S evaluate the impacts of the BDCP that extend beyond the statutory Delta boundaries shown on Figure 1.

6. Efforts are now underway to restore flows in the lower San Joaquin River above the mouth of the Merced River. The EIR/S needs to recognize this in its analysis of the BDCP.

7. Agriculture: With less water available for in-Delta uses, agriculture could suffer. Significant amounts of agricultural land would be taken out of production for the canal rights-of-way. Local Stockton businesses that support agriculture would suffer.

8. Flood control: The isolated conveyance facility would intersect several eastern streams and rivers which could impact their ability to handle flood flows. This in turn could require residents and business owners to purchase flood insurance.

9. Levees: Money needed for the Delta conveyance facility could be diverted from existing programs, leaving fewer funds available for levee maintenance and repairs. This could affect the City by exposing residents to additional risk in the event of a levee failure.

10. Recreation: Activities such as recreational boating, fishing, and bird watching could suffer as a result of changes in Delta water quality and quantity. Tourism could decline as well resulting in a loss of revenue to the City.

11. Property taxes: Private property would be taken for canal rights-of-way resulting in a loss of local property taxes. The loss of local property taxes needs to be reimbursed by the state.

12. Land use: The Delta conveyance facility would have the potential to divide the City of Stockton and require changes to the City's General Plan.

13. Traffic: The effect of the BDCP on traffic circulation within Stockton needs to be evaluated.

Again, we appreciated the opportunity to provide comments on the EIR/S document.

If you have any questions, feel free to contact me at (209) 937-8700.

MARK J. MADISON
DIRECTOR OF MUNICIPAL UTILITIES

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cc: Mike Niblock, Director of Community Development
John Luebberke, Assistant City Attorney

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