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Thank you for the opportunity, here today, to provide Comment on the R-DPEIR of Delta Plan.

At several points in the aforementioned Plan document, there are references to so-called "improved Delta conveyance," as well as calls for implementation of the Bay Delta Conservation Plan.

In May 2009, I provided Comment on the Bay Delta Conservation Plan.

In 2012, the Admin. Draft of "revised" Bay Delta Conservation Plan EIS/EIR was, in piecemeal fashion, posted to relevant website. After review of the document, I was appalled to find that the Peripheral Canal was not only NOT purged from the Plan document, but it had become the centerpiece of the Bay Delta Conservation Plan (BDCP), as evidenced by the exceptionally high percentage of action alternatives that each called for some version of either a Peripheral Canal, a Peripheral Tunnel, or both. Needless to say, many upstream & north of the Delta area find that categorically unacceptable.

On pg. ES-4 of R-DPEIR of Delta Plan, there is the following:

Areas of Known Controversy

This Recirculated Draft PEIR addresses environmental issues associated with the Revised Project that were raised by agencies, interested parties, or individuals during the public review of the Draft PEIR.

These issues include:

The Delta Plan's applicability to actions upstream of the Delta, and its impacts on water users there.
[...]

Yet, by calling for full implementation of a Plan the centerpiece of which is the Peripheral Canal, it would certainly appear that the bullet point in the above excerpt (from pg. ES-4 of R-DPEIR of Delta Plan) stands in stark contradiction to major provisions of Delta Plan calling for the full implementation of BDCP.

From the "policies & recommendations" portion of R-DPEIR of Delta Plan is found WR-R15, an item under which there is call for State Water Resources Control Board (SWRCB) to require all water rights users to report their net (consumptive) use & methods to develop & implement water efficiency practices. **Translation?** If WR-R15 be implemented, ALL water rights users in the State would be required to participate in compulsory water monitoring & rationing schema. Is this being proffered to make even more water available to those Delta water users who stand to benefit handily from the Peripheral Canal/Tunnel? It would appear so. Yet let it be known that we, up here in the northern regions of the State are NOT to blame for water supply problems south of the Delta. Yet BDCP & Delta Plan call for what amounts to punishment of water supply regions north of Delta for water supply issues south of Delta. Were the people of Owens Valley to blame for the water supply problems of Los Angeles region, which problems served as impetus for construction of L.A. Aqueduct, which project drained Lake Owens & turned it into an alkali flat. Given what currently is being foisted on the people of Siskiyou County, as regards abridgements of THEIR water rights, the people of regions north of Delta have every reason to believe the approach taken to any implementation of WR-R15 to be similarly heavy-handed. See, also, WR R-17 from R-DPEIR of Delta Plan (Integrated Statewide Water Use Reporting (can easily lead to even more intense monitoring & tighter control)).

On § 3.4.1 of R-DPEIR of Delta Plan it was claimed that:

The Revised Project, like the Proposed Project as described in the Draft PEIR Section 2A, does not direct the construction of specific projects and would not directly result in construction or operation of projects or facilities; therefore, it would result in no direct impacts on any resources. The Revised Project could ultimately result in or encourage implementation of actions or development of projects, including construction and operations of facilities or infrastructure.

The precise magnitude and extent of project-specific impacts on the physical environment would depend on the type of action or project, its specific location, its total size, and a variety of project- and site specific factors that are undefined at the time of preparation of this program-level study. Project-specific impacts would be addressed in project-specific environmental studies conducted by the lead agency at the time the projects are proposed for implementation.

Yet, the Delta Plan unequivocally calls for full implementation of BDCP. And BDCP is, incontrovertably, at this point, a Plan whose centerpiece is the Peripheral Canal/Tunnel. See WR-R12 (Delta conveyance) of R-DPEIR of Delta Plan plan document. "[N]o direct impacts on any resources[?]" Really??? BDCP isolated facility (peripheral canal) is being designed to convey 15,000 cubic feet per second. Do normal river flows justify an isolated facility capable of conveying 15,000 cubic feet per second?

§ 3.4.1 of R-DPEIR of Delta Plan appears to show intent to punt any statement of impacts (of Peripheral Canal) to what is called "project-specific environmental analysis." Thus, environmental impacts of Delta Plan can be kept artificially low, for purposes of EIR document.

Take a look at ER-P1 from Revised Delta Plan. Under it, hydro-electric facilities (upstream & north of Delta) could be deprived of re-licensing, thus additional flows can be plundered from regions north & upstream of Delta for use by those south of Delta. Under flow objectives developed under ER-P1, wholesale opening of floodgates of major dams could be required, thus decimating water supplies north & upstream of Delta, & THAT **by design**. To describe this in terms of "unmitigated aquagreed" would be severe understatement, needless to say.

Now, according to (late July 2012) article in Record Searchlight, Governor Brown, et al, were scheduled to announce yet another link in a chain that leads to end-users north & upstream of Delta being deprived of unacceptably high (acre-ft.) quantity of water. All benefit accruing to parts south of the Delta, not to mention the L.A. Basin. All burden imposed on regions north & upstream of Delta. And let's not forget that river flush idea being bandied about in the halls of the Delta Stewardship Council. Couple those with pg. 11 of a certain (Summer 2011) AECOM Regional Climate Action Plan Potential Measures Worksheet, not to mention the idea of monitoring of literally every private well with EU-style smart meters. Our water supply is under attack!

As of July 2012, the release of the Public Draft EIR for the Bay Delta Conservation Plan was almost a month behind schedule, but the Admin. Draft version of it had, in piecemeal fashion, been posted. All the action alternatives, save for the no-action/no-project one, of course, are each different versions of the Peripheral Canal, some ground level, some under-ground. As to impact & mitigation, those responsible for this don't think reservoir drawdown is any kind of a big deal. Their reasoning? The "climate change" projections they used allegedly tell them that there will be so much drought, 20 - 30 years hence, that it will be impossible for them to ascertain the per-centum drawdown attributable to any of the action alternatives. Ergo they deem reservoir drawdown not significant enough to be considered a factor in their decision making. Aquagreed on the march!

It is well enough known that the Peripheral Canal/Tunnel is designed to divert substantial numbers of cfs away from the Sacramento River, at points north of the Delta, to benefit end users south of the Delta. San Joaquin River levels south of the Delta are expected thus to rise, benefitting urban end users south of the Delta, thus providing benefit to all So-Cal end users, including those in the L.A. Basin. Benefit accrues to So-Cal at the expense of Nor-Cal.

River levels north of the Delta will inevitably decline, owing to the Peripheral Canal/Tunnel, thus increasing demands on upstream reservoirs & aquifers. The construction of the Peripheral

Canal/Tunnel, under any circumstances, is harmful to the North State, but during a drought such as we currently suffer is categorically insane.

Some fields (north & upstream of Delta) may have to go fallow. Industries of all types will be further curtailed beyond that which otherwise would be the case. Residential end users will face some form of rationing, such as that which those in Jones Valley, Castella, & other places, narrowly avoided (a few years back). They are by no means out of the proverbial woods, yet. And what of hydro-power?

Electricity from hydro-generators depends on turbine speed. RPMs, there, result from hydraulic force brought to bear on turbine blades. Force is the product of pressure multiplied by area. And pressure, here, is a function of depth. So when depth at the dam is reduced, hydroelectric capacity is thus reduced, thereby increasing grid-dependence on the very non-renewable fuels the Air Resources Board is currently disincentivising for such use.

We would do well to remember the history of Lake Owens.

Unless & until implementation of BDCP (&/or of similar) is purged from Delta Plan, it will be inextricably linked to plans for Peripheral Canal/Tunnel!

Take a look at the following excerpt from May 2009 Comment on BDCP.:

Indeed there is a plan intended, ultimately, to plunder Northern California of her water to indeed quite an alarming extent, as I will show in the remainder of this Comment. But before I go on here, I must herenow pose the following question, "Cannot any threatened species listed for protection under the Federal ESA & / or under the California ESA by properly protected without bringing about the likely wholesale decimation of agriculture & ecosystems north & upstream of the Delta AND without imposing great hardship on agricultural & non-agricultural end-users north & upstream of the Delta?" Of course! But that is manifestly not the purpose of the BDCP, as this Comment clearly shows. Another question, "Cannot the Delta & Estuary ecosystems be properly protected without bringing about the decimation of ecosystems north & upstream of the Delta AND without imposing great hardship on agricultural & non-agricultural end-users north & upstream of the Delta?" Of course! But that is manifestly not the purpose of the BDCP, as this Comment clearly shows.

Now, looking at the Delta Vision website, et al, I found the phrase "Peripheral Canal" to have mysteriously disappeared somehow from any official discussion. Instead, what is found is a cavalcade of glowing rhetoric extolling the alleged virtues of the so-called Delta Vision, rhetoric that is almost quasi-messianic in tone. Much effort at review of the documents collected was required before the first mention of any kind of peripheral canal was found, at all. Of course, the exact phrase "Peripheral Canal" appears nowhere in the official discussion. Rather, terms such as "conveyance," "dual conveyance," & "Delta Fix" are used. Only such descriptions as are light on detail are to be found anywhere inside the avalanche of propaganda favorable to the promoters of the idea of a Peripheral Canal, there at the Delta Vision website. And that was not the only such propaganda-laden webpage.

Eventually, I came across the U.S.F.W.S. announcement of a certain comment submission deadline in re the BDCP. It came in the form of pg.s 7257 - 7260 of the Federal Register / Vol. 74, No. 29 / Friday February 13, 2009 / Notices.

The language thereof, though significantly more sober, in tone, than any portion of the Delta Vision webpage, nevertheless is more favorable to the Peripheral Canal than not. It is manifestly designed to lead the reader of it to deduce that in order to preserve the environment in one part of the State, one must

agree to the likely ecological decimation of parts north & upstream of the area in question. Remember Lake Owens!

Thereafter I came upon the BDCP webpage. It was at this point that I hoped to finally get to the proverbial heart of the matter. I was rather disappointed upon the finding of there only being a small percentage of the chapters of the actual BDCP Draft Scoping Plan posted to the website. Most of the rest of what was there consisted largely of what can only, ultimately, be described as so much propaganda. So I examined what I could, to the end that I might have a more accurate picture of the situation. Some of what I found in portions of Ch. 3 of the Draft Scoping Plan certainly gave rise to quite some concern.

For instance, there is that which is identified as the "Major Plan Element." It calls for, inter alia, "[...] new water diversion facilities [to] be designed, constructed, & operated[.]" Further on therein 'tis said, "An isolated canal facility [...] to convey water from the new diversion facilities to the South Delta[.]" At twenty-seven lines of text thence, "Various isolated canal facility routes are under consideration including routes on the east & west sides of the Delta." And at three lines thence, "The isolated canal facility would include above & below ground portions and would connect to the existing South Delta SWP & CVP facilities[.]"

On pg. 3-10, ln.s 13-15, "Completion of North Delta diversion facilities, the isolated canal facility, and associated project components would mark the beginning of the long-term implementation period of the BDCP." Behold the Peripheral Canal. Yikes! And according to the above citation, without the Peripheral Canal, there is essentially no BDCP. God forbid! Indeed, 'tis quite telling. Isn't it? Essentially what is being admitted to is that the BDCP is really nothing more than an elaborate smoke screen designed to obscure the real purpose & intent of the whole bloody enterprise.

And it's now being done in the name of protecting those species listed as endangered & / or threatened under both the Federal ESA & the California ESA. But is there substance to all the messianic promises being made in this attempt to set parts of Northern California well on their way to each potentially becoming another Lake Owens, for all practical intents & purposes? Well, there are certainly a great deal of promises & propaganda, but that certainly doesn't prove much. Couple that with the following admission of anticipated inefficacy of the proposed Peripheral Canal from pg. 3-8, "[T]he population level response of covered species to this parameter is uncertain[.]" Now, non-flow factors are there cited as reasons, but, be that as it may, 'tis apparent that the authors of the Draft Scoping Plan simply can't bring themselves to admit that the stated purpose of the Peripheral Canal may never be thereby fulfilled. Let's list a few factors: food limitation, invasive species, discharges of contaminants, temperature trends, etc. Again from pg. 3-8, "Even if construction & operation of North Delta facilities completely eliminates negative effects to covered species [...], other stressors may ultimately result in failure of these species to recover." Even if? What's this "even if" business? Is it not an admission, at least of sorts, that the Peripheral Canal likely cannot deliver on its promises? Also, from pg. 3-11, "There are also uncertainties related to how covered species will respond to various operational aspects of a North Delta facility[.]"

Going back to pg. 3-8, "Because significant infrastructure would be constructed, this 'conservation' measure is not easily reversible." Essentially, any Peripheral Canal that is constructed is permanent (& that by design).

Now, as to rationale behind the Peripheral Canal, here is something from pg. 3-4, "[W]ater has been diverted directly from the South Delta through SWP & CVP facilities to meet agricultural & urban water demands south of the Delta." What's this? Drying up Lake Owens & turning it into an alkali salt flat does not suffice for So-Cal? "Rob from Nor-Cal to give to So-Cal" seems to be the order of the day, as

regards

this issue. Indeed, waters conveyed via the Peripheral Canal to parts farther south would certainly reduce demand on Southern California water sources by Southern California end users. And that is the true purpose of the Peripheral Canal! Not any of this other business which is now being cited as reasons

& rationale. No. The real reason is that Southern California covets Northern California water. The So-Cal mentality can be best summed up in the words of the late William Mullholland where he said, at a ceremony marking the completion of the L.A. Aqueduct in Nov. 1913 (speaking of Lake Owens water) "There it is! Take it!" And, indeed, that is the purpose of the Peripheral Canal, in re Northern California water.

And from pg. 3-10, "The operation of new facilities may require modifications of the operations of upstream reservoirs. This would require modification of the various agreements & licenses governing the operation of these reservoirs. This may require changes in minimum instream flow requirements, minimum drawdown levels, flood control operations, temperature standards, & riparian & geomorphic flow requirements. Such modifications may require modification of Clean Water Act § 404 permits for these projects, as well. Additionally, hydroelectric facilities may need modification to their FERC licenses." Translation, greater demands will inevitably be imposed on upstream water supplies north of the Delta, thus jeopardizing end users north of the Delta as well as hydroelectric generation capacities severely, not to mention jeopardizing upstream ecosystems, all in the event of the construction & operation of the Peripheral Canal. Thus the purpose & intent of the Peripheral Canal is further revealed.

Now, in the course of this Comment several references have herein been made to Lake Owens. And in

the following three paragraphs is a brief history of Lake Owens & of Mono Lake, using information taken

from http://en.wikipedia.org/wiki/Owens_Lake and from

http://en.wikipedia.org/wiki/California_Water_Wars. Similar information can be found at many other places & websites, and the following is a partial listing thereof:

<http://www.gbuapcd.org/owenslake/index.htm>,

<http://www.kevinroderick.com/dust.html>, <http://www.desertusa.com/mag98/april/owens/owenslake.html>,

http://www.pbs.org/weta/thewest/people/d_h/eaton.htm,

http://www.pbs.org/weta/thewest/people/i_r/mulholland.htm, etc.

What was it like before the L.A. Aqueduct dried up Lake Owens (a progress of 11 years from completion of the aqueduct in 1913 until 1924 when the lake had finally dried up)? It was an area supporting numerous & diverse waterfowl. According to a 1917 report by Joseph Grinnell of the Museum of Vertebrate Zoology in Berkeley, "Great numbers of birds are in sight along the lake shore -- avocets, phalaropes, ducks. Large flocks of shorebirds in flight over the water in the distance, wheeling about show in mass, now silvery now dark, against the grey-blue of the water. There must be literally thousands of birds within sight of this one spot." The area was one that included several farms & ranches

& even the occasional example of heavy industry. Before that, the Paiute (a tribe of North American indians) inhabited the area, making use of the natural resources, including that done vis à vis their techniques of irrigation. However, by 1901 the irrigation systems then in use were reportedly so poorly designed that several areas of land in the north of Owens Valley became over-saturated to the point of nearly becoming unsuitable for many agricultural purposes. The south of Owens Valley, by contrast, was

more arid & less irrigated than the north, a situation that lent itself to the kind of ranching that indeed was

characteristic of south valley agriculture, then. The U.S. Bureau of Reclamation reportedly started formulating plans for an irrigation system designed for better water efficiency than the then extant systems. But then came Frederick Eaton of Los Angeles, along with William Mullholland of LADWP. Mr.

Eaton lobbied then President Theodore Roosevelt urging him to stop all such plans, so that the planned diversion of Lake Owens water toward the greater L.A. area via the then yet to be constructed L.A. Aqueduct could take place. Mr. Eaton got what he wanted. And the rest, they say, was history.

But that was not enough to satisfy L.A.'s aquagreed. In 1970, LADWP completed a second aqueduct.

Two years thence, they were diverting yet more surface water & were pumping groundwater at the rate of several hundred thousand acre-ft. / yr. Owens Valley springs & seeps dried up. Groundwater – dependent vegetation started dying off. And that isn't all. Not too many years after Lake Owens first dried up back in 1924, LADWP went about looking for additional water sources.

So they acquired water rights in Mono Valley. They did this during the Depression, when they knew many parties to be in dire monetary need. By 1941, the aqueduct extensions were complete. Water bodies that once fed Mono Lake were then feeding L.A.'s ever insatiable aquagreed. Mono Lake once served as an important ecosystem link, where gulls & migratory birds would nest. But the lake level began to fall beyond the extent that tufa formations were being exposed. Lake water salinity & alkalinity increased, threatening native brine shrimp. And the birds nesting on Negit & Paoha Islands came under increasing threat. For not only were alkalinity & salinity levels rising as lake levels declined, but a land bridge was beginning to form between the lake shore & Negit Island, much to the relish of local predators. 1979 saw the beginning of litigation against LADWP in re the situation at Mono Lake. And the rest, they say, is history.

In the preceding three paragraphs was presented a brief history of Lake Owens & of Mono Lake. Now, that is not the sum - total of So-Cal aquagreed, for entire volumes of work would need to be written to give a more full account.

In 1982, an initiative was put on the ballot, which initiative provided for the construction & operation of the Peripheral Canal. Fortunately, it was rejected by the voters.

And today, we have before us yet another Peripheral Canal proposal. So how, exactly, will the Peripheral Canal do its work? It will draw water away from the Sacramento River at points north of the Delta. The water thus diverted will then be conveyed to points south of the Delta, freeing up San Joaquin River water sources for use in supplementing So-Cal water supplies for So-Cal's exclusive benefit.

By the way, how is it that "Public Trust" gets trampled under foot by So-Cal aquagreed, all whilst being oppositely described by its proponents, in the name of conservation? Take a good, hard look at Ch. 3 of the BDCP Draft Scoping Plan, as well as at the Delta Vision!

Getting back to how the Peripheral Canal does its work, not one drop of benefit accrues to the North. Because major flows & flow rates are diverted away from the Delta thus, increased demands are imposed on upstream reservoirs to increase discharge rates, lest river levels be suffered to wane. Some upstream reservoirs were recently fitted with river temperature control devices designed to automatically increase discharge rates whenever river water temperatures start to exceed a preset number of degrees Centigrade. This was done to promote salmon spawning. But because of the mandated use of these

devices, whenever major flows are diverted away from the Delta (thus reducing river levels by the rate of diversion, less any increase in upstream reservoir discharge rates), reservoir levels drop even faster than would otherwise be the case. Thus less water is available for end-users upstream of the diversion points. Drought or not, the Peripheral Canal is an abominably bad idea. But in the midst of such a drought as we now suffer, the Peripheral Canal is not only an abominably bad idea, it is also categorically insane! And as water is diverted upstream of the North Delta, Delta salinity naturally increases, thus placing Delta & Estuary ecosystems at increased risk. To counter this, bypass flows must needs be suffered to increase. And indeed the BDCP calls for exactly that. However, bypass flow rates cannot, ultimately, be made to increase, except that upstream reservoir discharge rates likewise be made to increase. And this is because even if diversion rates are ever reduced below the upper limit of diversion capacity, under no diversion plan now being contemplated will rates ever be brought down to zero.

After all, who builds a canal who does not also intend for it to be used at all?

And the South Delta (along with reservoirs upstream of it) will continue to be exempted from any additional burdens. For this is wholly consistent with the whole idea of a Peripheral Canal. Needless to say, with the construction & operation of the Peripheral Canal, discharge rates for reservoirs upstream of the North Delta will inevitably increase, which during a drought is at the height of folly. And with higher reservoir discharge rates comes reservoir levels lower than otherwise would be the case.

On the heels of that comes reduced hydroelectric generation capacity. It's only natural for that to be. For the rotational speed of hydroelectric turbines is entirely dependent on the force exerted on each turbine blade by the water. Force, incidentally, is the product of pressure multiplied by volume, and pressure is a function of depth. Where depth is reduced, pressure is reduced. Where pressure is reduced, force (relative to volume) is reduced. Where force is reduced, the rotational speed of each hydroelectric turbine is reduced, and where that is reduced, the electrical output of a given hydroelectric generator is thus reduced. Lo, another facet of the manifest purpose of the Peripheral Canal!

And of all the several means by which electricity is generated for a given population of rate payers, which means are contemplated to be suffered to proliferate, solar, water, and wind result in lower levels of emissions of so-called greenhouse gases (GHGs) than any other such means by which such electricity is to be generated. And of these, water is in the greatest jeopardy, in the event of the construction & operation of the Peripheral Canal, & that by design. Where hydroelectric generation capacity is reduced, an electricity deficit is thus created. That deficit must be made up somehow, or else the risk of area-wide utility service failure, of one form or another, escalates considerably. Additional sources of electricity are time consuming to bring on-line, needless to say. It is so for additional sources of low carbon electricity sources as it is for additional higher carbon electricity sources. When hydroelectrical capacity is reduced, the only two ways to make up the resulting deficit, at least in the shorter term anyhow, are to: (a) allow reservoirs levels to sufficiently increase (a thing that will likely never be allowed to happen, in the event of the construction & operation of the Peripheral Canal); (b) generate more electricity from higher carbon sources; and / or (c) institute rolling blackouts. And given the policy goals

of the California Global Warming Solutions Act of 2006 (commonly identified as AB32), the Western Climate Initiative (WCI), etc., and given the emerging such policy goals of Congress & of the White House, the idea of the Peripheral Canal is especially repugnant. The Peripheral Canal is manifestly designed to increase statewide GHG emission rates, and may therefore (at least in theory, anyway) be classifiable as an indirect gross polluter. To paraphrase a popularly known anti-drug slogan "Just say no to the Peripheral Canal!"
