

I108 Hirshel Mattingly

From: thomaz@firstlockdesign.net on behalf of [Delta Stewardship Council](#)
To: comments_EIR@DeltaCouncil.com
Subject: Form submission from: Comment on Draft EIR
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Submitted values are:

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Comment:

As a Sacramento area resident, I am concerned about three items around which my comments are centered:

1. The proposed action will divert "less water" from the Delta than the status quo. I did not see that this EIR fully addressed all of the future water diversion projects from north of the Delta that have a cumulative effect on the ecosystem of the Delta. These project include but are not be limited to: Ultimate build-out of the Stockton Delta Diversion project, Proposed Woodland Davis Diversion, Solano County future diversions, Sacramento Valley IRWPM future needs, Mokelumne River Integrated Plan future diversions, and many other pending Area of Origin Right diversions off water ways serving both the CVP and SWP north of the Delta. To not include a discussion of the cumulative impacts of these projects and their impact on the co-equal goals appears to be a shortcoming in the policy making and the environmental analysis of the Plan. Yes, the diversions may be less, but they may also be those diversions that north of Delta water users have been counting on under their Area of Origin Fights to support their future growth. Or, the ecosystem will continue to decline as both north and south of Delta diverters battle for their rightful share of the available supplies irrespective of a SWRCB Delta flow standard that neither north nor south will accept without judicial ruling. Please perform a thorough analysis of the cumulative effects of Area of Origin Fights. The Federal Government is conspicuously absent from the Plan. How can this be? The CVP is a major diverter of Delta water at essentially the same withdrawal location at Clifton Court. To not have an adequate discussion of the CVP water needs that are thoroughly entangled with the water need of the Delta environment and the SWP appears to be a serious shortcoming of the Plan. Financing plans state that users will pay- where is the allocation of Federal contractor willingness to pay? For example: the Friant Exchange Contractors have no obligation, desire, or need to pay for alternative diversion facilities – they have a guaranteed future contract through DMC deliveries. To not adequately factor or disaggregate the Federal CVP diversions of water as part of the Plan appears to be serious shortcoming. A truly sustainable plan cannot be

I108-1

I108-2

Response to comment I108-1

The Stockton Delta Water Supply Project was included in the No Project Alternative. The Stockton Delta Water Supply Project and the Woodland-Davis Water Supply Project were included in the evaluation in the Draft Program EIR as example EIRs. The acknowledgement of the development of new water supply projects including the others mentioned in this comment, throughout California in combination with the Proposed Project or Alternatives 1A, 1B, 2, or 3 could result in significant adverse cumulative impacts that could degrade water quality, reduce potential water supplies, and degrade habitat, as described in Subsections 22.2.1 and 22.2.2 of the Draft Program EIR. However, because the Proposed Project or Alternatives 1A, 1B, 2, and 3 also would encourage development of water use efficiency and local and regional water supplies that would reduce reliance on the Delta, it was determined that these alternatives would have a less than cumulatively considerable impact. In particular, the Proposed Project and Revised Project would not result in more Delta diversions so would not contribute to any cumulative impact of future north of Delta diversion.

Response to comment I108-2

As described in Subsection 1.4 of the Draft Program EIR, the Delta Plan is being developed for adoption by the Delta Stewardship Council, which is a State agency, and therefore, the analysis only involves California Environmental Quality Act analysis. If the Delta Stewardship Council adopts the Delta Plan pursuant to the federal Coastal Zone Management Act of 1972, the Delta Stewardship Council will submit the Delta Plan to the Secretary of the U.S. Department of Commerce for consideration under the Coastal Zone Management Act. At this time, there is no federal lead agency because, until the Delta Plan is adopted by the Delta Stewardship Council, no federal action will be formally requested. As described in Section 1 of the EIR, the EIR is being prepared to be consistent with most of the requirements of the National Environmental Policy Act (NEPA) in anticipation that a federal agency will consider this document in preparation of a NEPA environmental analysis for the application of the Delta Plan to be considered part of the Coastal Zone Management Plan in California. This would occur in the future after adoption of the Delta Plan.

Both Section 3 of the EIR and Chapter 3 of the Delta Plan discuss the Central Valley Project and federal involvement in California's water

resources. The project analyzed in this EIR is the proposed Delta Plan, which includes Chapter 8, Funding Principles to Achieve the Coequal Goals. As stated on page 308 of the Final Draft Delta Plan, “[t]he Council proposes to initiate development of a finance plan following adopting of the Delta Plan.” The Guiding Principles of the future finance plan are described on pages 308 to 309, and three funding recommendations are stated on page 310. Please refer to Master Response 2. The Delta Plan must be reviewed at least once every five years and may be revised as the Council deems appropriate pursuant to Water Code section 85300(c).

accomplished by simply looking at the SWP diversions and casually looking at the CVP diversions. Please include a thorough analysis of the CVP and SWP effects to the Delta in the Plan. Because future Federal funds are almost certain to be used to implement this plan, full NEPA compliance should be undertaken with an identified Federal Lead Agency.

I108-2

The finance plan states that a cost benefit analysis will be performed at some time in the future. Although not required by CEQA, how can such an important decision on a Delta Plan in difficult economic times be made without such information? California taxpayers and citizens need to understand the returns on the investment along with the decision- not after-the-fact! Please commence with the CBA as part of the Plan so that the Commission has adequate information to fulfill its fiduciary responsibility to the people of California about the choices made in the Delta regarding the spending of taxpayer funds. As a Sacramento area resident, I am concerned about three items around which my comments are centered:

I108-3

1. The proposed action will divert "less water" from the Delta than the status quo. I did not see that this EIR fully addressed all of the future water diversion projects from north of the Delta that have a cumulative effect on the ecosystem of the Delta. These project include but are not be limited to: Ultimate build-out of the Stockton Delta Diversion project, Proposed Woodland Davis Diversion, Solano County future diversions, Sacramento Valley IRWPM future needs, Mokelumne River Integrated Plan future diversions, and many other pending Area of Origin Right diversions off water ways serving both the CVP and SWP north of the Delta. These projects are all cataloged as part of DWR's ongoing planning efforts. To not include a discussion of the cumulative impacts of these projects and their impact on the co-equal goals appears to be a shortcoming in the policy making and the environmental analysis of the Plan. Yes, the diversions may be less, but they may also be those same diversions that north of Delta water users have been counting on under their Area of Origin Fights to support their future growth and those of the Delta ecosystem. Or, the ecosystem will continue to decline as both north and south of Delta diverters battle for their rightful share of the available supplies irrespective of a SWRCB Delta flow standard that neither north nor south will accept without judicial ruling. Please perform a thorough analysis of the cumulative effects of Area of Origin Rights to the North of the Delta and the effect this has on available water supply for the co equal goals.

I108-4

2. The Federal Government is conspicuously absent from the Plan. How can this be? The CVP is a major diverter of Delta water at essentially the same withdrawal location at Gifton Court. To not have an adequate discussion of the CVP water needs that are thoroughly entangled with the water need of the Delta environment and the SWP appears to be a serious shortcoming of the Plan

I108-5

Response to comment I108-3

The Proposed Project and Alternatives 1A, 1B, 2, and 3, as described in Section 2A of the Draft Program EIR, were developed in accordance with the framework of the Delta Plan. The Delta Plan, and specifically these alternatives, does not direct the construction of specific projects, nor would projects be implemented under the direct authority of the Delta Stewardship Council. Rather, the Delta Plan seeks to improve water supply reliability, Delta ecosystem restoration, Delta enhancement, water quality improvement, and Delta flood risk reduction projects by encouraging various actions which, if taken by other agencies and entities, could lead to construction and/or operation of projects. The implementing agencies would consider the costs and benefits of future projects.

Response to comment I108-4

Please refer to response to Comment I108-1.

Response to comment I108-5

Please refer to response to Comment I108-2.

(surely, it's not a plan for only the SWP but covers all withdrawals?). The financing plans state that users will pay- where is the allocation of Federal contractor willingness to pay? For example: the Friant Exchange Contractors have no obligation, desire, or need to pay for alternative diversion facilities

– they have a guaranteed future contract through DMC deliveries. To not adequately factor or disaggregate the Federal CVP diversions of water as part of the financial plan appears to be serious shortcoming at the core of California's public's willingness to support the DBCP and Delta Plan and the this EIR. A truly sustainable plan cannot be accomplished by simply looking at the SWP diversions and casually looking at the CVP diversions. Please include a thorough analysis of the SWP AND CVP affects to the Delta in the Plan. Because future Federal funds are almost certain to be used to implement aspects of this Plan, full NEPA compliance should be undertaken with an identified Federal Lead Agency.

1108-5

3. The finance plan states that a cost benefit analysis will be performed at some time in the future... Although not required by CEQA, how can such an important decision on a Delta Plan in difficult economic times be made without such information? California taxpayers and citizens need to understand the return on the investment that go along with the decision- not after-the-fact! Please commence with the CBA as part of the Plan so that the Commission has adequate information to fulfill its fiduciary responsibility to the people of California about the choices made in the Delta regarding the spending of taxpayer funds to support the coequal goals. To not do so will only invite the public's outrage at a decision that is potentially not supported by future economic analysis.

1108-6

Response to comment I108-6

Please refer to response to Comment I108-3.