

# LO230 NCPA



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February 2, 2012

Delta Stewardship Council  
980 Ninth Street, Suite 1500  
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Delivered via [eircomments@deltacouncil.ca.gov](mailto:eircomments@deltacouncil.ca.gov)

Re: Draft Program Environmental Impact Report for the Delta Plan

Dear Chairman Isenberg and Council Members:

The Northern California Power Agency<sup>1</sup> appreciates the opportunity to comment on the Draft Program Environmental Impact Report (DPEIR) for the Delta Plan prepared by the Delta Stewardship Council. LO230-1

NCPA owns and operates a diverse portfolio of low-carbon resources to help meet the power supply needs of our member communities and districts. This portfolio includes hydroelectric generation plants along the North Fork of the Stanislaus River. As public agencies, our members also receive power generation from the Federal facilities in Northern California that make up the Central Valley Project (CVP). LO230-2

NCPA supports the objective of restoring California's Delta resources and protecting its vital fish and wildlife habitat. To fully achieve this goal, it is important that the state policies developed toward this end are based on a comprehensive approach that assures implementation of a sustainable and effective plan. The current DPEIR does not provide such a comprehensive approach, and as such, should be rejected in its current form to allow for a broader set of environmental, energy and other public policy impacts to be carefully examined. LO230-3

The DPEIR neglects to address the impacts of new instream flow criteria that the Delta Stewardship Council has directed the State Water Resources Control Board (SWRCB) to establish. In their current form, the flow requirements would seriously undermine other very important statewide goals in the energy arena – including carbon reduction and increased reliance on renewable energy resources. For example, the current criteria, if implemented, would result in roughly one billion additional pounds of carbon being pumped into the atmosphere annually due to the projected loss of Central Valley Project (CVP) hydroelectric generation alone. LO230-4

From the beginning of the legislative deliberations regarding the Delta Reform Act, energy related impacts of the legislation have been highlighted as a key concern. However, implementation efforts related to the Act have proceeded without any formal recognition of these issues. LO230-5

<sup>1</sup> NCPA is a nonprofit California joint powers agency established in 1968 to generate, transmit, and distribute electric power to and on behalf of its fourteen members: the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah; the San Francisco Bay Area Rapid Transit (BART), the Port of Oakland, the Truckee Donner Public Utility District, and two associate members: Placer County Water Agency, and the Plumas-Sierra Rural Electric Cooperative serving nearly 700,000 electric consumers in Central and Northern California.

## Response to comment LO230-1

Comment noted.

## Response to comment LO230-2

Comment noted.

## Response to comment LO230-3

This is a comment on the project, not on the EIR.

## Response to comment LO230-4

Please refer to Master Response 5.

## Response to comment LO230-5

As described on page 2A-39, Lines 38 through 40, of the Draft Program EIR and Master Response 5, it is anticipated that implementation of updated water quality and flow objectives by the State Water Resources Control Board (SWRCB) could increase Delta outflow, reduce current reverse flow conditions in the south Delta, increase flows in restored Delta floodplains, and result in a more “natural flow regime” in the Delta. Neither the Delta Plan nor the SWRCB’s flow objectives will affect water rights. Following the adoption of its flow objectives, the SWRCB will engage in a further public proceeding, including complete environmental review, concerning implementation of the objectives, which may include altering water rights. Please see Master Response 5 for further discussion of the EIR’s analysis of the updated flow objectives and the protections for exiting water uses and users.

The Delta Plan encourages the SWRCB to complete the updated Bay-Delta Water Quality Control Plan flow objectives. However, only the SWRCB has authority to set those objectives. The Delta Plan and the EIR therefore cannot project what those objectives will be. The Delta Plan and the sources it cites (including especially the SWRCB’s 2010 Flow Criteria Report) explains that the flow objectives that best advance the coequal goals will be those that bring about more natural functional flows within and out of the Delta. See Delta Plan, pp. 136 to 142, 155, and sources cited therein. The EIR thus assumes, consistent with CEQA, that the SWRCB will adopt updated objectives that will advance such a flow regime. The general assumption of a more natural flow regime is sufficient for the EIR’s programmatic approach. The impacts of the flow objectives are

analyzed in greater, quantitative detail, in the SWRCB's Draft Substitute Environmental Document in Support of Potential Changes to the Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary: San Joaquin River Flows and Southern Delta Water Quality (December 2012). See Master Response 5 for further discussion.

As a result, a number of California water and power agencies commissioned a study of the impacts of the SWRCB's 2010 Delta Flow Criteria on other beneficial uses and public trust resources. The impact studies use the State Water Project/CVP systems as surrogates for the types of hydropower impacts that would occur in the Central Valley.

The preliminary studies show that if the proposed criteria were implemented, CVP and state water project hydropower generation would be reduced by an average of 30 percent per year, and summertime hydropower production would be reduced by more than 50 percent. This loss of generation could threaten our state's ability to meet summer peak electric demand. Further, the loss of hydropower generation would be offset by other generation sources that are carbon producing, thus frustrating the State's efforts to lower its carbon footprint as set forth in AB32. Air quality requirements would be undermined through increased reliance on fossil fuel production because of the loss of hydroelectric generation during key summer peak periods. Hydropower has the ability to quickly respond to load and generation changes – and as a result, is a key resource for firming intermittent renewables. It plays an important role in facilitating additional investments in the wind and solar projects needed to meet our renewable portfolio standard requirements passed by the Legislature just last year.

Reducing the ability to generate lower cost electricity from hydropower during the times of greatest demand also significantly increases electricity costs for California's utilities—and the millions of residential and business customers they serve. For example, replacement of the lost hydropower needed to meet summer demand is projected to come at a price tag that would exceed the cost of CVP project power by 200 percent. This dramatic reduction in hydropower output will inflict higher costs on consumers during already difficult economic times.

In addition, the study showed that reservoir levels would be at dead pool (water levels below the lowest outlet levels) approximately 50 percent of the time in the fall. Loss of cold water pools in reservoirs upstream would be of particular concern as our ability to maintain river temperatures to protect endangered fish and wildlife would be adversely affected. There would not be enough water to meet existing standards in the water right decisions, and the temperature and water quality requirements in the Biological Opinions of the federal fishery agencies could not be met.

We have very serious concerns regarding the energy and other environmental implications of the Delta Plan that have not been addressed in the DPEIR. In the interest of sound policy for California, all environmental impacts associated with the Delta Plan need to be considered in order to achieve our shared goal of a successful plan that can achieve the state's goals and be supported and sustained in the years to come.

Sincerely,



Jane Dunn Cirrincione  
Assistant General Manager  
for Legislative and Regulatory Affairs

**No comments**

- n/a -