

RI11 Bellrose

From: cheryl bellrose [mailto:virginsnow@frontiernet.net]
Sent: Monday, January 14, 2013 12:21 PM
To: Messer, Cindy@DeltaCouncil
Subject: Comments on proposed Rule Making—Final Draft Delta Plan
Importance: High

I have reviewed many of the changes from the last draft submitted for comments. I have several concerns which I will list below. But before I begin, please note that by background includes writing and reviewing environmental impact statements and assessments, human health and biological risk assessments, and issues pertaining to water quality, as well as numerous other environmental concerns. I have a Ph.D. from UC Davis in both Biological and Human Ecology and spent several years performing research there and other field locations as well as working in environmental consulting. RI11-1

First and foremost, I am disappointed that there is almost no data to support the plans and decisions being presented. Basing environmental impacts and naming mitigation efforts on no data seems to be putting the cart before the horse. I have never seen an EIS, EIR or EA written in this manner. Suffice it to say, that without proper documentation to support the mitigation efforts that are being planned is foolish and shows a lack of forethought as to the consequences. I am concerned that in the hurry to get this document approved, that valuable studies upon which the EIR should be based, are missing. RI11-2

For example, I did notice one mitigation that I found particularly odd. There was a mitigation to move nests where animals may be affected by construction activities. This is beyond absurd. Birds and other animals choose their nest sites. These cannot be moved around at will by individuals who think the animals will follow the nest. I have never in my years as wildlife scientist seen anything like this presented as a credible mitigation option.

Now, on to some major concerns regarding water flow and delivery. Again, my primary objection to the plan is that there is no data determining how much water can be exported without causing harm to the Delta. This information needs to be included PRIOR to making decisions pertaining to water dissemination. How is it that any kind of decision can be made without feasibility studies providing essential information to determine the effects of allowing a specific amount of water to be diverted from the Delta. I would hope that any diversion would not be the result of the requirements of those who are to receive the water rather than taking appropriate measures to maintain and preserve the Delta first. In light of this, without including the peripheral canal as instrumental in the plan for the Delta, you are leaving out a major player. RI11-3

I also have a problem with the creation of the Peripheral Canal. Other options which have been presented by environmental groups seem to have been completely ignored. Also, Dr. Pyke's study has also received inadequate investigation as to being an alternative to the large tunnels. Apparently other alternatives have been disregarded without proper analysis either. RI11-4

Response to comment RI11-1

Comment noted.

Response to comment RI11-2

Please refer to Master Response 2 for a discussion of the EIR's programmatic approach to the Delta Plan's environmental impacts. As described in Section 2B of the Draft Program EIR, the Delta Stewardship Council does not propose or contemplate directly authorizing any physical activities, including but not limited to construction or operation of infrastructure. Rather, through the Delta Plan, the Delta Stewardship Council seeks to influence the actions, activities, and/or projects of other agencies, the details of which would be under the jurisdiction and authority of the agencies that will propose them in the future and conduct future environmental review. Accordingly, in the absence of specific proposed physical projects, this EIR makes a good faith effort to disclose the potentially significant environmental effects of the types of projects that may be encouraged by the Delta Plan and to identify program-level mitigation measures. Impacts on each of the potentially affected resources areas are analyzed at a program level in Sections 3 through 21 of this EIR.

No mitigation measure identified in the EIR specifically calls for moving animals' nests. Mitigation Measure 4-2 provides that agencies shall, "[w]hen appropriate, relocate special-status plant and animal species or their habitats from project sites following USFWS, NMFS, and DFG protocols (e.g., for special-status plant species or elderberry shrubs)." Because such removals would necessarily follow the guidelines of expert resource agencies, the EIR appropriately determined that, if and when applied, this measure would be effective in most cases to reduce the relevant impacts to a less than significant level. However, because of the uncertainty regarding future projects encouraged by the Delta Plan, the EIR concludes that such impacts would be significant and unavoidable.

Response to comment RI11-3

Because the Delta Stewardship Council cannot direct the construction of specific projects nor would the projects be implemented under the direct authority of the Council, it is difficult to identify specific future projects, including their location. Due to this uncertainty and the programmatic nature of the EIR, it is not appropriate to speculate regarding details of future project-specific impacts. Analyses associated with specific projects

will provide such project-level details as they become available. See also Master Response 2.

Response to comment RI11-4

The proposed BDCP is a reasonably foreseeable future project that is being evaluated by the Department of Water Resources as the CEQA lead agency. The cumulative impacts of the proposed Delta Plan, in combination with the impact of the proposed BDCP, are described in EIR Sections 22 and 23. For further discussion of the relationship between the BDCP and the Delta Plan, please see Master Response 1. Regarding the range of alternatives considered in the EIR, please see Master Response 3.

Regulatory issues also remain problematic. It is of primary concern that the contractors who support the peripheral canal are playing too much of a role in the decision making process. That you have only "contingent authority" over new conveyance facilities is of great concern. The Council should be making the determination as to the regulatory policies governing conveyance.

Regulations pertaining to this large scale effort are vague in that there is no mention as to how you will decide to approve or disapprove the adequacy of the tunnel project either.

These concerns are general in nature, but reflect a constant problem throughout the entire process. Since so much effort is being made on rectifying standard mitigation measures, almost to the point of boredom while perusing the document, without any kind of data to support exactly how each mitigation measure will be undertaken, appears to rob the document of its credibility. Simply because you have attempted to come up with every idea which may or may not be of concern, and then taking the time to classify it as a threat or not, does not make good science. Without the data, any mitigation planned or perceived as helpful at this point is moot. There are so many complexities to dealing with environmental issues that it should be clear by now that rhetorical responses are insufficient. The environment is a "gestalt", that is, the whole is greater than the sum of its parts. In any study, particularly one of this size, there are unknown complex issues which may arise, and without proper documentation utilizing data which is absolutely necessary to determine or at least look at the synergistic effects, so many things may be overlooked that may end up being more costly or being unable to "mitigate".

The very thought of attempting a project of this size without proper studies beforehand is frightening. The Delta is a fragile and essential ecosystem that has been damaged without much concern in the past. Now, we live with the result, therefore, any work to be undertaken to reestablish its vitality needs to have been thoroughly thought out with data to support it PRIOR to any efforts to correct it. In that the peripheral canal will divert water that may be important to the health of the Delta, other alternatives should be explored before any final decision is made.

The plan is lofty in its intention and looks as though all the factors pertaining to its implementation have been brought forth and resolved through mitigation efforts where necessary, but it lacks quantitative value.

In addition, some of the agencies involved, are bureaucratic with clear political intentions of their own. From my previous observations and interactions with some of the agencies involved, I am somewhat skeptical of their ability to provide the best results given the political decisions which factor in to many of their decisions. It is imperative that political motivations be put aside for the welfare of the ecosystem.

Sincerely,
Dr. Cheryl Bellrose

Response to comment RI11-5

Please see response to comments I11-2 and I11-4.

Response to comment RI11-6

Comment noted.