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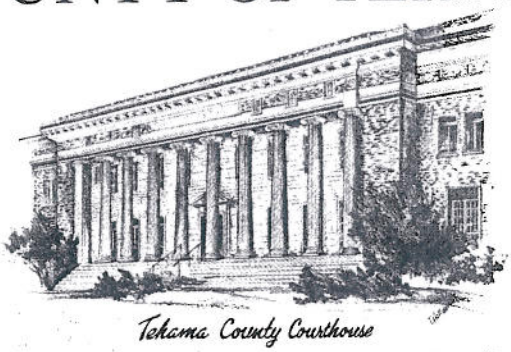

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March 6, 2012

Mr. Phil Isenberg, Chairman
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

RE: Draft Delta Plan Program Environmental Impact Report

Dear Mr. Isenberg:

The County of Tehama submits the following comments on the Draft Delta Plan Program Environmental Impact Report ("DEIR"). Although the formal California Environmental Quality Act (CEQA) comment period closed on February 2nd, comments submitted at this time can still form the basis for future legal challenge to the DEIR[1] – and the Delta Stewardship Council is consequently encouraged to give these issues its fullest attention.

Although the DEIR generally notes the possibility of impacts within the "Delta Watershed," the actual analysis of these impacts is cursory, dismissive, and non-compliant with the CEQA. For example, the proposed project (i.e., the Delta Plan) contains numerous features that will induce and increase the export of surface water from the Delta Watershed (both by facilitating future water transfers through and around the Delta, and by implementing measures that encourage and/or require increased "natural flow" of surface water into the Delta for environmental purposes). The DEIR acknowledges that such exports could result in increased groundwater usage within the Delta Watershed (DEIR § 3.4.3.1.2, Impact 3-2a, p. 3-81), but then remarkably concludes that the resulting impact on groundwater resources is less than significant.

This conclusion is not supported by substantial evidence. The DEIR briefly references one water transfer project (the Proposed Lower Yuba River Accord), with the conclusory assumption that it is "typical" of all future water transfers induced by the Plan. However, there is simply no evidence or analysis supporting the drafters' apparent belief that this one transfer, in one isolated area of the Delta Watershed, is actually representative of the future transfers induced or otherwise facilitated by the Plan. Future transfers will take place in potentially much *larger* amounts, from *other* groundwater basins (not all of which are – or will be – "well above historical lows" as the Yuba Basin supposedly is), in areas with *different* land use and irrigation patterns – all of which will drastically affect the groundwater impacts caused by such transfers. Simply assuming that one existing supposedly innocuous project is representative of all future transfers resulting from the Plan is speculation, not evidence, and utterly fails to comply with CEQA.

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[1] (Pub. Resources Code, § 21177, subd. (a); *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120–1121; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1120-1121.)

Further, this discussion includes no analysis of the effects of the "natural flow" regime demanded by the Plan, which – by demanding increased surface water flow through the Delta – will correspondingly decrease available surface water supplies for irrigation and domestic uses in the Delta Watershed and in turn vastly increase reliance on groundwater, with all of its attendant impacts. The failure to fully analyze this aspect of the Plan's impacts likewise violates CEQA.

The failure to adequately analyze groundwater impacts has collateral effects on the sufficiency of the DEIR's analysis of Agricultural Resources, Land Use, and Population and Housing. The Delta Watershed will experience significant impacts in all of these areas due to the surface water exodus induced by the Plan (which reduces available water supplies to support agriculture and housing, and affects land use patterns dependent upon water availability). Sections 6, 7, and 16 of the DEIR likewise require significant revisions to analyze these impacts and comply with CEQA.

We hope that the Council will take this opportunity to seriously consider the impacts of its proposed policies, and to fully engage stakeholders north of the Delta in order to develop a Plan that works for *all* of California. Thank you for your consideration.

Very truly yours,

Bob Williams
Chairman

cc: Joe Grindstaff, Executive Officer, Delta Stewardship Council
Governor Jerry Brown
Congressman Wally Herger
Senator Doug LaMalfa
Senator Barbara Boxer
Senator Diane Feinstein
Assemblyman Jim Nielsen
RCRC
Thaddeus Bettner, General Manager, Glenn-Colusa Irrigation Dist.