

Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County

"Working together on water and Delta issues"

December 11, 2015

To: Delta Congressional Representatives

From: Delta Counties Coalition

Subject: Comments on the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement prepared for the California WaterFix

The Sacramento-San Joaquin Delta Counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo, working together as the Delta Counties Coalition (DCC), hereby transmit to you the detailed technical comments prepared by each of the counties on the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) prepared for the "California WaterFix" (formerly the BDCP). These written comments were provided to the applicable State and Federal lead agencies on or prior to the October 30, 2015 submittal deadline.

Despite its rebranded moniker, the "WaterFix" does not "fix" the overarching scientific, environmental, and public policy problems associated with the BDCP, and the ultimate goal of the project remains unchanged: the continued siphoning of Delta water supplies for the benefit of south of Delta agricultural and urban interests. This is a source of great concern to the Delta counties and their constituents.

Like the BDCP DEIR/DEIS, the recirculated/supplemental environment documents prepared for the WaterFix are fatally flawed. Both the current and previous preferred alternatives are unacceptable policy choices because they: (1) rely on flawed hydrologic modeling and erroneous, incomplete, and biased scientific analysis; (2) impose a disproportionate burden on Delta County residents and the local environment for a project designed to benefit agricultural and urban water users south of the Delta; and (3) fail to demonstrate that such impacts will be sufficiently mitigated. With its repeated, fundamentally defective environmental review and scientific support, the WaterFix proposal remains an unjustified and deceptive strategy that will fail to achieve the Delta Reform Act's mandated coequal goals.

The DCC's September 2014 correspondence to Delta Congressional Representatives identified a number of significant flaws in the environmental analysis supporting the BDCP. The

environmental documentation prepared for the WaterFix only perpetuates these deficiencies. Specifically, the RDEIR/SDEIS still fails to:

- Meet the basic requirements of the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA) to appropriately inform the public of the direct, indirect, and cumulative environmental impacts anticipated with project implementation;
- Include a reasonable range of project alternatives;
- Rely on/use the best available science;
- Identify a viable financing strategy;
- Include sufficient project details to appropriately assess anticipated environmental impacts;
- Ensure compliance with water quality regulations and standards;
- Ensure the protection of threatened and endangered species as required by the State and federal Endangered Species Acts;
- Reduce reliance on the Delta as required by the 2009 Delta Reform Act; and
- Include a governance structure that ensures the public and those directly affected by the project in the Delta are appropriately represented in the decision making.

A single-minded pursuit of isolated conveyance constrains the WaterFix proposal from the outset. Just as troubling, the documents and analysis provided to date simply do not provide sufficient information to allow the public a meaningful opportunity to understand and comment on this project's substantial adverse impacts. Yet the project proponents have decided to compound this problem by relying on the flawed RDEIR/SDEIS as they push to obtain additional permits and authorizations for the project from a host of other Federal and State agencies, including a Clean Water Act section 404 permit from the U.S. Army Corps of Engineers, a change petition to the State Water Resources Control Board, and federal and state Endangered Species Act consultations.

It is time for the project proponents to abandon this flawed environmental review process in favor of a more comprehensive approach to water supply issues. At the very least, the RDEIR/SDEIS must be revised extensively and recirculated for public review. We strongly encourage our Congressional representatives to advocate not only for this revision and recirculation, but also for a halt to all other Federal and State permitting processes until the project proponents have provided environmental documentation for WaterFix that appropriately addresses the deficiencies identified in the attached comments.

The DCC appreciates your ongoing efforts in advocating for a workable water solution in the Delta, and we look forward to working with you to ensure that the State and federal governments

comply with the statutory requirements of NEPA and CEQA. If you have any questions regarding our comments on the WaterFix RDEIR/SDEIS, please do not hesitate to contact us.

Sincerely,



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Attachments