

SOLANO COUNTY WATER AGENCY



July 18, 2014

Ryan Wulff, NMFS
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Dear Mr. Wulff:

These are comments from the Solano County Water Agency (SCWA) on the Public Draft Bay Delta Conservation Plan (BDCP).

The SCWA is a State Water Project contractor receiving water through the North Bay Aqueduct (NBA) of the State Water Project. Our agency boundaries include all of Solano County including parts of the legal Delta. SCWA is also the lead on the Solano Multispecies Habitat Conservation Plan (Solano HCP) that is under development. We have interests in how BDCP impacts our NBA water supply, the Solano HCP, Delta agricultural diverters and local point and non-point dischargers.

We appreciate the changes made to the Public Draft from our comments on the Administrative Draft and for meetings with BDCP staff regarding NBA water quality and habitat conservation plans.

We find that the Draft BDCP is deficient and needs revisions regarding addressing adverse water quality impacts to the NBA, CM 21 (Nonproject Diversions) and CM 19 (Urban Stormwater Treatment).

A general comment pertains to how the North Bay Aqueduct Alternate Intake Project (AI) is referenced in the Draft BDCP. The AI project is independent of BDCP, but must be referenced in the BDCP documents because, if implemented, it will become part of the State Water Project and is in the same geographical area of BDCP. The AI project has its own EIR and separate permitting process. Where there is overlap with BDCP is in the operations of the AI project. Since the intake locations of the AI project and BDCP are in the same part of the Delta, the AI project will be operated in coordination with BDCP tunnels. In other words, whatever the limitations on pumping for the BDCP tunnels are, the AI project will be included in that limitation. Additionally, the BDCP documents should not take any credit for any environmental benefits of the AI project since the AI project is not a conservation measure in BDCP and we have not yet determined if we are going to fund the AI project, so its implementation is uncertain.

Another general comment pertains to how the Solano HCP relates to BDCP. We see no major conflicts between the two Plans (assuming Alternative 4). However, close

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coordination during implementation of both Plans will be necessary to ensure there are no future conflicts and to maximize environmental benefits of both Plans. We also suggest that BDCP use the most up to date environmental data that is included in the Solano HCP for the Delta area, especially our detailed vernal pool data.

A major concern is CM 21 – Non-project Diversions. This CM needs to be revised such that any non-project diverter, such as Solano County Delta irrigators, is granted incidental take authority upon request by the irrigator. Any costs for infrastructure, such as fish screens or consolidation of intakes, including operations, maintenance and replacement, must be an expense of BDCP, not the irrigators. The BDCP financial plan must include adequate funding for the revised CM.

Another major concern is CM 19 – Urban Stormwater Treatment. This CM needs to be revised and broadened to include Agricultural runoff and discharges. The CM should specify that if point or non-point water quality standards are increased for the protection of BDCP covered species in the Delta or Suisun Marsh, entities contributing to urban and agricultural runoff to the Delta and Suisun Marsh need to be held harmless for the regulation and costs associated with the increment of the standard caused by BDCP programs that enhance the populations of such species. The BDCP financial plan must include adequate funding for the revised CM.

Regarding Governance, we feel it is critical that local governments are adequately represented on decision making bodies of BDCP. The current proposed structure limits Delta local government to a relatively distant advisory role.

Attached are some additional detailed comments.

We have coordinated our review of BDCP documents with Solano County, Reclamation District No.2068 and the Suisun Resource Conservation District. Their comments raise other local concerns that we share and those comments are important to address.

If you have any questions, please contact me at 707 455-1103 or dokita@scwa2.com

Sincerely,



David Okita, General Manager

Solano County Water Agency Detailed Comments on 2013 Public Draft BDCP

Chapter 1 Introduction

Pg 1-31 Table 1-4 – take “County” out of title

Fig 1-2 take “County” out to correct Solano HCP name.

Appendix 1A – Take “County” out of name of Solano HCP in various places

Chapter 2 – Existing Ecological Conditions

Pg 2-11 Explain why Solano HCP vernal pool data base not used

2-26 line 11 – change “Water District’ to “of the State Water Project”.

Fig 2-11 Yolo Bypass (incomplete figure)

Fig 2-12 NBA Alternate Intake – incorrectly implies it is an existing facility.

Appendix 2B – use SCWA Vernal Pool data

Chapter 3 - Conservation Strategy

3-vi– Take word “County” out for Solano HCP

Pg. 3.2-13 Table 3.2.1 RPM 2 says NBA Alternate Intake Project will minimize impacts to covered fish – should not take credit for a project that is not part of a conservation measure and is uncertain.

Pg. 3.2-21 Line 11 - Take word “County” out for Solano HCP.

3.3.7.1 &2 Include current existing ESA and CESA restrictions on NBA: longfin smelt 2081 restriction and ESA BiOp Delta Smelt restriction

Pg 3.3-129 Need to characterize Solano HCP as “in progress” – all notations

Pg 3.3-147 remove word “County” in reference to Solano HCP

Pg 3.3-297 Solano HCP remove “County”

Pg 3.3-369 Solano HCP reference old – there is a later version available on SCWA web page.

Pg 3.4-6 NBA issues (i.e. existing ESA and CESA restrictions on NBA pumping) not in Problem Statement

CM1

Pg 3.4-11 - 3.4.1.4; line 42 NBA AI listed a Proposed Water Facility, but not included on next page . line 42, typo: “...intakes, ~~an alternative North Bay Aqueduct intake~~, and...”

CM2

Page 3.4-42, line 44, typo: “...and the **proposed Barker Slough Pumping Plant facilities...**” *Nothing is proposed at BSPP.*

Pg 3.4-52 – Lower Putah Creek Improvements. Should be updated to include work being done under a DFW grant to Yolo Basin Foundation.

CM3

Pg 3.4-72 overlap with local HCP’s. South Sac and San Joaquin mentioned, no Solano

CM18

3.4-324 – says conservation hatchery expected in Rio Vista – chapter 8/9 says at UCD - clarify

Chapter 4 – covered actions

Pg 4-24 4.2.1.2.4 Barker Slough Pumping Plant – seeks Section 10 and NCCPA Section 2835 permits when DHCCP becomes operational. Permits are needed for current operations so they should be issued at approval of take permits.

Pg 4-29 4.2.1.4 “Alternate” not “Alternative”

Fig 4-1- Putah South Canal of the Solano Project is not part of CVP

Chapter 5 Effects Analysis

Pg. 5.2-10 USFWS RPM2 NBA Comment says SCWA is constructing NBA AI – should be DWR

Pg 5.5.1- 29 BSPP wrong about screens protecting Delta Smelt. Clarify status of NBA AI.

Pg 5.5.1 – 35 Net effects NBA AI wrongly assumed.

Page 5.5.1-26, line 9, clarify: change ‘~~implementation~~’ to ‘**operation**’

Page 5.5.1-29, line 41, clarify: change ‘~~implementation~~’ to ‘**operation**’

Page 5.5.1-29, line 41, clarify: “...instead of Barker Slough intake **during periods of concern**, under BDCP...”

Page 5.5.1-35, line 17, clarify: change ‘~~implementation~~’ to ‘**operation**’

Page 5.5.2-21, line 19, clarify: change ‘~~implementation~~’ to ‘**operation**’

Page 5.5.2-24, line 21, clarify: “...reduced by **operation of an the** alternate intake...”

Page 5.5.7-9, line 34, clarify: “...and the ~~construction~~/operation of an alternate...”

5B-xiii – Dual conveyance of NBA with AI reduces entrainment – do not assume benefits of AI project

The assumed flow regimes shown in Table 5.B.4-1 are unrepresentative of existing BSPP operations.

5.B-9 NBA and AI –incorrectly implies AI will get implemented.

Page 5.B-xiii, line 1, clarify: change ‘~~implementation~~’ to ‘**operation**’

Page 5.B-xiii, line 3, clarify: change ‘~~implementation~~’ to ‘**operation**’

Page 5.B-xiii, line 10, clarify: change ‘~~implementation~~’ to ‘**operation**’

Page 5.B-324, line 33-34, clarify: “...Barker Slough, which would allow entrainment of delta smelt larvae to be limited by ~~removing most of the~~ **reducing** export pumping from the Barker Slough facility to the new Sacramento River facility at times when entrainment risk is greatest. Therefore the difference between EBC and ESO scenarios probably would be greater than modeled here.”

Page 5.B-331, line 34, clarify: “... by ~~removing most of the~~ **reducing** export...”

Page 5.B-388, line 1, clarify: change ‘~~implementation~~’ to ‘**operation**’

Page 5.B-388, line 3, clarify: change ‘~~implementation~~’ to ‘**operation**’

Page 5.B-388, line 10, clarify: change ‘~~implementation~~’ to ‘**operation**’