

---

**From:** Christy Krueger Frame <christy.frame@gmail.com>  
**Sent:** Monday, July 28, 2014 10:27 PM  
**To:** BDCP.Comments@noaa.gov  
**Subject:** Comments on the BDCP and BDCP EIR/EIS  
**Attachments:** BDCP\_Comments\_CFrame.pdf

[A PDF of the below text is attached as well]

BDCP Comments

Mr. Ryan Wulff, NMFS

650 Capitol Mall, Suite 5-100

Sacramento, CA 95814

July 28, 2014

Dear Mr. Wulff,

As a resident of Clarksburg, I am deeply concerned and upset about the BDCP and its Draft EIR/EIS documents. The Plan itself is inadequate, and is an ill-conceived project which is actually detrimental to the environment, wildlife, the Delta, and ultimately the people of California. Though the Plan and EIR/EIS is still in Draft stage, they are largely insufficient to their purpose and under-researched in many areas, thus failing the requirements set forth in CEQA.

I am a project manager by profession, and I also work remotely from my home in Clarksburg. Typically, when a program is this large in scope and with so many objectives, it will largely fail to complete its objectives satisfactorily. I have noted an overuse of "adaptive management;" it is often proposed for mitigations that require much more formal planning in the initiating, planning, executing, and controlling phases. This theme of "plan to make a plan" runs so thoroughly throughout the document and mitigations that this 40,000+ page Plan should probably be more like 80,000 pages in order to address all of the missing details.

This letter represents my personal comments upon the BDCP and its documentation, including the website, brochures, and other marketing materials.

A summary of the major problems of the BDCP and BDCP EIR/EIS

No water reliability. The Plan is deliberately fooling people to believe that more water can and will be obtained through the construction of the tunnels. "It is not intended to imply that increased quantities of water will be delivered under the BDCP."

(ES-10). The Fast Facts sheet makes several false claims of "water supply reliability" and "securing water supplies," yet the Plan itself admits it will do neither. Similarly, the website says: "The BDCP would secure California's water supply by building new water delivery infrastructure and operating the system to improve the ecological health of the Delta." (See <http://baydeltaconservationplan.com/AboutBDCP/WhatistheBDCP.aspx>) I would say that the Plan is completely intend to imply that the water supply will be increased and guaranteed by the BDCP as opposed to the No Action Alternative. The brochures and website are deliberately deluding the public with false statements. Any such language and false statements must be corrected or removed.

Coequal goals? From [restorethedelta.com](http://restorethedelta.com): "The 2009 Delta Reform legislation called for meeting the coequal goals of water supply reliability and ecosystem restoration while protecting the Delta as an evolving place. Specifically, this

objective is articulated in Water Code Section 85020 (b): “protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.” (Text of the water code is here: <http://codes.lp.findlaw.com/cacode/WAT/1/d35/1/2/s85020>) Note that section (f) says: “Improve the water conveyance system and expand statewide water storage.” (Water storage is not addressed in the Plan either.)

I am confused how this Plan promotes ANY beneficial goals to the Delta. It is largely designed to destroy fish and wildlife by removing water from their essential habitats, and then proposes to build new habitats elsewhere on valuable farmland. The construction will put all Delta residents at risk for diseases; chronic health problems and cancer; loss or contamination of our well water; disrupted roads, utilities, and emergency services; decreased property values; potential for levee failures; and loss of recreational activities and tourism. There is NO benefit to the Delta.

Failure to analyze other alternatives and possibilities. The BDCP clearly has an agenda and a preferred project in mind; most of the alternatives are simply variations of the preferred Alternative 4. The BDCP has focused on Delta-centric (and particularly North Delta) water intake placements, and does not look to any other locations—nor any other methods of obtaining fresh water—within the state to solve this water reliability issue. Water recycling programs, storage (dams), and desalinization are not addressed within the documentation, yet CEQA requires that a project must avoid detrimental impacts to the environment whenever possible.

Poor location of proposed tunnel intakes. I cannot find a sufficient explanation regarding the exact placement of the preferred tunnel alignment. Why are they being placed almost directly across from Clarksburg, which exposes far more “sensitive receptors” to all of the negative impacts? I understand that the water quality is better upriver, but placing it so near to Clarksburg is a more expensive location because there will be more impacts upon more people that must be mitigated, which in turn increases the chances for residents suing the State and/or BDCP.

No levee repairs. There is a serious underlying issue that is ignored throughout the entire Plan: our levee roads are already in poor condition and yet there is not a single proposal to retrofit and increase the strength and reliability of ANY existing Delta levees.

Multiple chapters acknowledge the potential for seismic activity (some of which may be caused by the tunnel boring machines, chapter 9) which could destroy levees, cause flooding, and lead to severe loss of water. Why doesn't the Plan seek to improve any levees to protect the water supply?

Comment on the Public Draft BDCP (dated 12/9/13)

Comments on Implementation Costs and Funding Sources, chapter 8

The financing portion of the plan is incomplete and lacks financial commitments. The water exporters have agreed to pay for the cost to build the tunnels, but the majority of the other funding sources are undetermined because they must be paid by the public through bonds.

The BDCP total estimates of the costs are at \$24.7 billion for construction, habitat restoration, monitoring and adaptive management

(source: BDCP Fast Facts), however, some experts believe that the actual cost will be closer to \$67 billion (source: [http://www.mercurynews.com/politics-government/ci\\_24795356/delta-tunnels-plans-true-price-tag-much-67](http://www.mercurynews.com/politics-government/ci_24795356/delta-tunnels-plans-true-price-tag-much-67)).

The Plan must identify specific sources of funding for the entire project, and provide an honest, accurate projection of the project cost to the public. And the Implementing Agreement, which was published on May 30, 2014, does not provide sufficient time for the public and various impacted agencies to make proper comments.

Comments on the Public Draft BDCP EIR/EIS (dated 12/9/13) by chapter

Comments on Groundwater, chapter 7

The BDCP must create baseline data of all private residential wells in the area so that the water quantity and quality, and also depth of the well, may be determined. The de-watering activities during construction will alter the local groundwater levels, and cause many private wells to fail. The EIR/EIS does not provide suitable mitigations for this problem; it merely states: "provide an alternate source of water" (ES-63). What does this alternate source entail? Alhambra water deliveries? Is the BDCP willing to pay to relocate these families to alternative residences during the 3-4 year construction period? Will the BDCP re-drill my well to make it deeper if the dewatering activities make it dry? More detail must be provided. Salt water intrusion, due to the removal of Delta water through the tunnel conveyance, is a very real potential impact upon our wells, and the mitigation measures fails to acknowledge this as well.

Note: the deficiencies in this chapter were acknowledged by a BDCP representative that I spoke with at the Clarksburg Open House on February 12, 2014. She agreed that further study of private residential wells was needed, since she lacked access to records and information about the depth and water quality of most wells in this area.

Comments on Water quality, chapter 8

The Draft EIR/EIS fails to properly analyze the impact upon the quantity and quality of surface water in the Delta. Impacts to the water quality are listed as increased concentrations of ammonia, boron, bromide, chloride, dissolved oxygen, mercury, nitrate, carbon, pathogens, pesticides, phosphorous, selenium, trace metals, and turbidity (ES-63 to ES-65) from the implementation of CM 2-22. For most of these impacts, there are no mitigations listed, or they are "not feasible." Mitigations must be determined for these serious impacts, which would negatively affect farming in the area, those that enjoy fishing and boating, and also fish and wildlife.

Comments on Aesthetic and visual resources, chapter 17

This chapter acknowledges permanent damage to scenic resources, and creation of a new light source or glare both during and after construction. The proposed mitigations are not detailed enough to be satisfactory; they also do not attempt to mitigate the light glare that will be produced after construction is completed. One mitigation for AES-2 is: "Apply aesthetic design treatments to all structures to the extent feasible." AES-6 references several other vague mitigations, such as: "Implement best management practices to implement a project landscaping plan," and "Implement a comprehensive visual resource management plan." No further details are given on these plans. To paraphrase, the BDCP "plans to make a plan." This is a classic example of adaptive project management being used inappropriately.

Comments on Environmental justice, chapter 28

From the EIR/EIS Impact Statement Highlights, page 59: "Translators were provided at public scoping meetings", and "The BDCP website is translated into Spanish." Both of these statements are false. There were no translators and no materials translated into Spanish at the Clarksburg Open House on Feb. 12, 2014, which I attended. Also, the BDCP website is still not translated into Spanish. Only two (short) pages are translated and the information on them is far too brief.

They also contain URL links that will take a reader to English-only web pages, which is entirely unhelpful to a non-English speaker.

More importantly, none of the 40,000+ Draft BDCP or EIR/EIS documents are translated into Spanish, nor into any other language aside from English. This is extremely unjust, as many Hispanic workers will lose their farming jobs if the BDCP goes forth (as farm land is turned into conservation habitat), and yet they have no avenues to read further information on the issue and make appropriate comment. There are only two flyers that are translated: "Breve Informativo" and "El futuro de California depende del suministro de agua de Delta". The contents of both are vastly too brief and lack substantive content, and the entire Plan must legally be translated into more languages than just English.

## Comments on Transportation, chapter 19

114 roadway segments were analyzed in 2009; of these, 60 segments were considered deficient. Section 19.3.2 (19-36) summarizes that the Plan will cause a substantial increase in traffic, a substantial deterioration of roadway surfaces, and interfere with emergency management and evacuation routes. Further study must be completed so that traffic and road conditions in the affected areas have more relevant, recent baselines (ie: the year 2014 or 2015). Also, there is no mitigation proposed for the structural integrity of the levees due to construction and the accompanying traffic.

Many of the Alternatives would undermine and disrupt the maintenance of our roads and levees by local flood agencies, which leaves the State open to future litigation if there is damage done to private property as a result of negligence. See the Paterno case (Paterno v.

State of California, (1999)), where the State was held liable for failure to properly maintain a project levee. Similarly: “when the government takes or damages property, it is strictly liable to pay compensation therefor, unless an exception to strict liability applies. (See, e.g., Bunch v. Coachella Valley Water Dist. (1997) 15 Cal. 4th 432, 439-447 [63 Cal.Rptr.2d 89, 935 P.2d 796] (Bunch).)”

(source: <http://law.justia.com/cases/california/caapp4th/74/68.html>)

## Comments on Public Services and Utilities, chapter 20

There are several potential impacts in this chapter that are listed as significant and unavoidable, which is unacceptable. UT-1 to UT-5 have no mitigations listed, yet these are critical items, such as disruption to public schools, displacement of public service facilities, and disruption to water and wastewater treatment. I would like to know more detail about UT-1: “Increased demand on law enforcement, fire protection, and emergency services from new workers...”. Does this imply that there may be more crime in the area? I could not find any further details in the documentation. Also, the plan lists all of the local public services agencies but it doesn’t appear that they will get any additional funding, even though they must serve new, additional needs within the study area. This could lead to deterioration in the quality of service and response times to residents.

## Comments on Noise, chapter 23

The only types of noise that are analyzed in this chapter are traffic-related sounds (Table 23-14). More baseline data is needed here. There has been no study to recreate any construction noise (ie: pile driving and bulldozing, as examples) to determine how far their sound carries. There is an anecdotal saying here that noise carries a long way out in the Delta; I have personally heard train horns blowing from Elk Grove (approximately 6 miles). If the commonly used construction equipment referenced in Table 23-12 will be used during daylight hours, 5 days a week, how far will those sounds travel? How many decibels will be reduced by the “noise-reducing construction practices” (NOI-2, ES-128)? When construction is completed, how noisy will the water conveyance facilities be?

The construction will cause significant groundborne noise and vibration, and 25,000+ pile drive strikes (I did the math) each day during daylight working hours (7am to 10pm). There is no research of how far this type of noise or vibration will travel, and how it will impact residents of Clarksburg and of the children attending the three schools here in town. The Plan even uses noise and vibration thresholds that are used in the city of Los Angeles, which is a vastly different environment than the Delta: “The thresholds for groundborne noise used in this analysis are based on thresholds used in the IRP 31 (Integrated Resources Plan) for the City of Los Angeles Department of Public Works, and adapted from tunnel equipment groundborne vibration data used in other tunneling projects in the city of Los Angeles (City of Los Angeles Department of Public Works 2005)” (23.3.2.2). Has it been considered that the town and schools might be uninhabitable during the period of construction due to the noise and disruption? A

.25 mile radius of influence is often mentioned, but what happens if I live at .251 miles away from the construction? Also, the daylight working hours are far too long; 8am to 5pm would impact the local residents much less.

## Comments on Air Quality and greenhouse gases, chapter 22

The construction of the tunnel intakes would put local residents into contact with significantly more toxic air pollutants and are considered to increase the likelihood of significant health risks (cancer and non-cancer chronic health),

BDCP 1926

according to the research in Appendix 22C - Health Risk Assessment. The risks are even higher for children. I live within 2 kilometers of the construction, and it is outrageous that the BDCP would expose myself and my family to such serious health risks. The mitigations to AQ-1 are insufficient, and no detail is provided on these potential mitigations plans (because they have not been developed). And how is the wildlife going to be affected by these pollutants? How many fish, birds, and other animals and plants will this impact? The study only focuses on humans, which is ironic for a "conservation" plan such as this.

#### Comments on Public health, chapter 25

Many of the conservation measures would cause a significant increase in mosquito populations and in turn increase the risk of vector-borne diseases. In 2012, 20 people in California died from West Nile virus (Center for Disease Control). And in August of 2013, two local people contracted West Nile virus (<http://patch.com/california/elkgrove/west-nile-virus-found-in-sacramento-county-resident#.U9NZV2NLO8A>).

This chapter fails to establish any baseline data of mosquito populations in Clarksburg or any other Delta towns, nor in any of the proposed conservation areas. It also does not present any mitigations at all to this serious health risk (see PH-1 and PH-5, ES-129). The EIR/EIS mentions several methods of mosquito control, and then lists the various regional agencies responsible for vector control (25.2.5).

Evidently, the responsibility to control these huge conservation areas (that are ripe mosquito breeding grounds) are entirely left to the various county vector programs. There must be a strategic, programmatic solution for controlling vectors; the county agencies are not currently equipped to treat such huge acreage of conservation land, nor is any additional State funding to be given to them. The plan must address the lack of a vector program and provide proper funding.

I think it is important to acknowledge that this area of vector control and public health is a huge exposure to the State. This State project leaves the State open to potential litigation if the public is exposed and sickened/killed because of the mismanagement of vector populations by county agencies. It is a case that I believe the citizens would win, not the State.

#### Conclusion

Because of my proximity to the proposed preferred tunnel intake (Alternative 4), this "sensitive receptor" is justifiably upset that this incomplete Draft has been allowed to progress this far. The Delta is not just a "place" to me; this is my home. This Plan threatens the community, welfare, and values of the town of Clarksburg; it is also insufficient as a conservation plan and fails the basic guidelines of CEQA. I strongly urge you to seek better alternatives that would actually create a reliable supply of water for us all, fix our levees, and would truly benefit fish and wildlife.

Sincerely,

Christy A. Frame

PO Box 251  
52852 Clarksburg Road  
Clarksburg, CA 95612

