

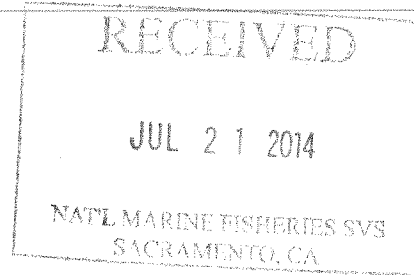
## City of Shasta Lake

P.O. Box 777 • 1650 Stanton Drive  
 Shasta Lake, CA 96019  
 Phone: 530.275.7460  
 Fax: 530.275.7406  
 Website: cityofshastalake.org



July 16, 2014

**Ryan Wulff**  
**National Marine Fisheries Services**  
 650 Capitol Mall, Suite 5-100  
 Sacramento, CA 95814



**RE: Comments on the Draft Bay Delta Conservation Plan and Associated Draft Environmental Impact Report/Environmental Impact Statement**

Dear Mr. Wulff:

The Bay Delta Conservation Plan (BDCP) is a comprehensive plan designed to improve water quality and reliability, protect threatened and endangered natural communities and species, improve the Delta ecosystem, and restore natural floodplains and tidal marshes through a series of Conservation Measures (CM's), operational changes, and river flow and diversion alterations.

The cornerstone of these flow and diversion alterations is the proposed construction of three upstream intakes and two tunnels on the Sacramento River which will bypass the existing natural channel through the Delta for the State Water Project (SWP) and Central Valley Project (CVP) south of the Delta water diversions. The project limits run from north of Sacramento south along the Sacramento River corridor through the confluence with the San Joaquin River to below the Delta pumps and west through Suisun Bay.

The BDCP's proponents are the Department of Water Resources (DWR) and six SWP and CVP water contractors. These proponents are applying for "incidental take" permits (ITP's) from the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) as required by the Endangered Species Act (ESA) and authorization from the California Department of Fish and Wildlife (DFW). ITP's are required because of the potential impact on threatened and endangered species caused by the actions of the proponent's water diversion and delivery systems. The BDCP is the required environmental document needed in order to apply for these permits.

The plan offers 15 alternative proposals for review with a number of differing operational parameters. The recommended alternative is Alternative 4 which proposes a three intake - two tunnel upstream diversion on the Sacramento River with a maximum 9,000 cubic feet per second (cfs) diversion. Additionally, there are 22 proposed CM's designed to improve the water facilities operations, habitats, natural communities, ecosystems, tidal zones and marshes and threatened and endangered species.

### Indirect Impacts / Unintended Consequences

It is proposed that the Plan be implemented and managed through a process known as "adaptive management". This process relies on the review of data and results, exploring new alternatives, predicting new outcomes, and implementing one or more of the alternatives and continuing this review as an iterative process. Many of the parties outside the project are skeptical of this approach because

it does not appear to address the impact of unintended consequences well beyond the physical boundaries of the project. An example is the loss of "carriage water" that was to be presumably made available for other uses but has been lost to other areas by adaptive management.

The river flow modeling software uses reservoir Dead Pool level as the cutoff for its computations. Dead Pool refers to water in a reservoir that cannot be drained by gravity through a dam's outlet works. Water that is in the Dead Pool cannot be considered part of the conservation pool. Dead Pool at Lake Shasta is elevation 737.75, which is below the lowest freshwater intake for the City of Shasta Lake (750 elevation), Mountain Gate Community Services District (intake at elevation 916 feet), and Jones Valley County Service Area (intake at 802 feet). There is no discussion of the impacts of this probability in the BDCP. Clearly, there are domestic water users that will be impacted at much higher water elevations, and this needs to be factored into the analysis.

### **Hydroelectric Supply**

The minimum lake level at which water can be safely taken into the penstocks for electric generation is 840 feet. Below that level, vortexing begins at the penstock intakes which can cause cavitation and damage the turbine runners. Loss of hydro-generation will have significant financial impacts on any Western Area Power Administration (WAPA) customer (including the City of Shasta Lake) that have Base Energy allocation. At "no-generation" operation at Shasta Dam, these entities will not only have to procure replacement power on the open market for their own use, they also will have to pay for any supplemental energy needed for Project Use facilities such as pumps and the like. WAPA energy allocations provide that Project Use facilities have first priority for any CVP generation. If there is no generation or not sufficient generation to serve Project Use loads, Base Resource Customers must pay for the purchase of the replacement power as a condition of their contracts. The costs and cost allocation to CVP contractors have not been sufficiently analyzed in the DEIR/DEIS.

### **Water Rights and Area of Origin Principles**

Nearly half of Shasta County's population is dependent in one way or another on the U.S. Bureau of Reclamation (BOR) for water. The City of Shasta Lake is entirely dependent on BOR surface diversions and transfers. The Plan is silent to the issue of water rights and area of origin principles. It sets requirements for river flows to meet the environmental, ecological, and natural resource goals of the plan within the plan area, without regard to the upstream consequences.

The Butte County Board of Supervisors have stated: *"We appreciate the commitment that, implementation of the BDCP will not result in any adverse effects on water rights of those in the watershed of the Delta, nor will it impose any obligations on water users upstream of the Delta to supplement flows in and through the Delta. These principles honor the importance of water rights and area of origin water rights to the northern Sacramento Valley region. Future circumstances and other considerations could undermine the commitment made to the region. We recommend the BDCP lead agencies develop an enforceable means to ensure that these principles will be honored by BDCP lead agencies. Additionally, BDCP lead agencies should aggressively promote these operational principles to other agencies that have authority over water rights including the state Water Resources Control Board."* We concur.

### **Economic Impacts**

Agriculture, recreation, and tourism are significant economic drivers in Shasta County. The plan does little to assess the economic impact of the changes in river flow patterns and reservoir levels outside the plan area caused by changes imbedded in the plan. In a 1997 analysis, CH2M Hill determined that recreational opportunities afforded by Shasta Lake add \$45 to 50 Million to the local economy. With the loss of much forest and mining-based industry, the value of recreation today is far greater, yet it apparently does not rise to a level of significance worth examination in the BDCP.

## Financing Plan

BDCP1933

In order for take permits to be issued for a habitat conservation plan, funding must be shown sufficient to pay for all proposed improvements, and all financial contributors and allocation of funds must be identified. It is the City's understanding the funding plan is based on a 10% design, which is not sufficient to develop a realistic plan. This needs to be addressed and needs to include a funding plan for long-term operations and maintenance to ensure public water agencies and ratepayers are not overburdened by this project.

## Cumulative Impacts

The cumulative impacts of the BDCP and other proposed projects, including the Shasta Lake Water Resources Investigation (enlargement of Shasta Dam and reservoir), other planned reservoir projects (Sites reservoir, Upper San Joaquin River Basin Storage), and the State Water Resources Control Board's proposed revised flow criteria for the Sacramento – San Joaquin Delta, have not been adequately analyzed in the DEIR/DEIS.

## Alternatives

Both CEQA and NEPA require that environmental review include a reasonable range of alternatives. The DEIR/DEIS should include additional alternatives such as construction of smaller conveyance systems, reduced exports from the Delta, additional storage as well as consideration of priorities for upstream beneficial water uses for power generation and recreation.

## Conclusion

Few disagree regarding the importance of having a healthy and vibrant Bay Delta. However, its return to health should not be at the expense of the north state.

Due to the extensive nature of this project, it is anticipated additional information, analysis and supporting studies and documentation will be required in response to comments on the DEIR/DEIS. For this reason, the City requests recirculation of the revised DEIR/DEIS following incorporation of the additional information to allow the public opportunity for additional review and comment.

Due to the voluminous nature of the DEIR/DEIS and anticipated outreach to other members and groups in affected disadvantaged communities in the state who may not have had an ample opportunity to review the DEIR/DEIS, the City requests the revised DEIR/DEIS be recirculated for a minimum of 90 days.

Because many of our citizens do not have access to a computer or reliable transportation, the City requests a copy of the revised DEIR/DEIS be provided to the Shasta Lake Gateway Library, 1646 Stanton Drive, Shasta Lake, CA, for public review.

If you have any questions, please feel free to contact John Duckett at **530.275.7427**.

Sincerely,

  
**Pamelyn Anne Morgan**  
Mayor

cc: Members of the Shasta Lake City Council  
John N. Duckett, Jr., City Manager  
John S. Kenny, City Attorney  
Tom Miller, Assistant City Manager  
Brian Person, Area Manager, United States Bureau of Reclamation  
Subhash Paluru, Director Sierra Nevada Region, Western Area Power Administration