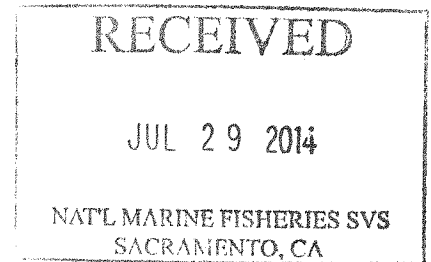


Courtland Fire Protection DistrictP.O. Box 163
Courtland, CA 95639

July 28, 2014

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

Re: Comments to the Bay Delta Conservation Plan Draft EIR/EIS

Dear Mr. Wulff and the BDCP Leadership and Comment Teams:

The Bay Delta Conservation Plan (Nov. 2013) ("**BDCP**") intends to radically alter the way the Courtland Fire Protection District (the "**District**") fulfills its mission and delivers emergency services within its District boundaries. It also places our mutual aid agreements at risk among the districts in Southern Sacramento County and eastern Yolo county.

The District is a unit of Sacramento County in the northern section of the Sacramento-San Joaquin Delta (the "**Delta**"). The District encompasses the area just south of Freeport along the eastern side of the Sacramento River to Vorden Road, as well as Sutter Island and the northern section of Grand Island. Therefore, the District lies entirely within the boundaries of the Delta as well as the BDCP Plan Area.

The purpose of the District is to provide EMS services and fire suppression to the civilians and structures within its boundaries as well as assist in holding insurance rates as low as possible. To fulfill this duty, the District relies on the following:

1. Funding almost entirely from property taxes based on property parcels and structures;
2. A system of State and County roads and private travel routes for the delivery of services within the District and the delivery of units as needed to fulfill mutual aid agreements in neighboring districts;
3. The on-going system of purchase and maintenance of equipment comprised of rolling stock, personal protection, fire suppression, medical aid, other supportive equipment; and
4. The maintenance of existing levees and flood protection to reduce the risk of floods and the damage cause by inundation by water.

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Several State and federal entities are discussing formulating various devices, strategies, policies, habitat conservation plans, reports and other procedures (together, "**Plans**") which have the potential to severely disrupt and even prevent the District from accomplishing its mission by altering the above physical and economic facts. The BDCP is one example of one of these Plans currently under consideration.

This letter constitutes the District's formal comments to the Draft Environmental Impact Report and Draft Environmental Impact Statement, issued November 2013 (the "**Draft EIR/EIS**") for public comment. The comments in this letter are provided by the District so as to protect and enhance the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving environment. (See: Water Code section 85054)

Throughout all of these comments, when impacts and/or effects are described or identified in any way, such impacts are to be deemed significant impacts for purposes of CEQA analysis, and such effects are deemed adverse effects for purposes of NEPA analysis.

The District responds to approximately 140 fire suppression and medical aid calls annually. The District expects that its call volume will increase substantially on a yearly basis during the construction phase with a minor decline during post-construction operations.

Comments Regarding Surface Water

The District relies in part on surface waters throughout the District, and elsewhere on mutual aid calls, for fire suppression and emergency response. Chapter 6 purports to analyze the significant and serious effects and impacts because of changes in surface water as a result of the project alternatives.

Chapter 6 focuses almost exclusively on the changes in the level of surface water in and around both the Delta and the State of California as a result of the project alternatives. However, Chapter 6 fails to analyze or discuss the quality or quantity of surface water available or used by existing surface water users as either impacts or effects as a result of any of the project alternatives.

Specific to the District, various project alternatives, if not all project alternatives, fail to analyze the significant and substantial impacts or effects of lowered surface water tables, and thus failures of significant or substantial loss of access to water. The District relies heavily on water, carried in all of its rolling equipment, to fight and suppress fires. Therefore, anticipated lowering of surface water elevations, quality and quantity will

threaten the Districts ability to fight and suppress fire both within the District and neighboring Districts through mutual aid agreements. The project proponents must provide for all water loss.

Chapter 8 does not appear to address changes in water quality upon District operations. Poor water quality, whether in surface or ground waters, is believed to significantly and seriously deteriorate and negatively affect the efficiency of water use in fire suppression and emergency response, and is further believed to shorten the life of the equipment used by the District to perform its mission. The EIR/EIS must fully analyze serious and significant impacts and effects arising from changes in water quality upon District operations and equipment in order to be complete.

Comments Regarding Groundwater

The District relies in part on groundwater through various existing wells located in the District, some within a mile of proposed water intake stations, for fire suppression and emergency response. Chapter 7 focuses almost exclusively on the changes in the level of groundwater in and around both the Delta and the State of California as a result of the project alternatives. It purports to analyze the significant and serious effects and impacts because of changes in groundwater as a result of the project alternatives. However, Chapter 7 fails to analyze or discuss the quality or quantity of ground water available or used by existing groundwater users as either impacts or effects as a result of any of the project alternatives.

Specific to the District, various project alternatives fail to analyze the significant and substantial impacts or effects of lowered groundwater tables, and thus significant or substantial loss of access to water is likely. The District relies heavily on water, carried in all of its rolling equipment, to fight and suppress fires. Therefore, anticipated lowering of groundwater tables, quality and quantity will threaten the Districts ability to fight and suppress fire both within the District and neighboring Districts through mutual aid agreements. The project proponents must provide for all water loss.

The District is also concerned generally that the overall lowering of the groundwater table as admitted in the Draft EIR/EIS will cause, or lead to, ground surface and underground depressions, sinkholes and lowered elevations, cracks in building foundations, and other structural damage as surface and subsurface earth subsides due to lowered groundwater tables, increasing calls for emergency assistance.

Comments Regarding Agricultural Resources

The District provides substantial fire and emergency response services to the persons, businesses, structures, industrial locations and improvements located out in

the District which are primarily characterized by or materially support agriculture land uses. The cross-reference discussion set forth in subsection 14.1, beginning on page 14-1, line 28, through page 14-2, line 2, fails to refer to fire suppression and emergency response as related to agriculture in any other chapter. Failing this, reader expects to see analysis of the serious and significant impacts and effects of each of the proposed project alternatives on agriculture as a result of the serious and substantial impacts and effects on the District operations caused by each of the project alternatives. The lack of such analysis is a fatal and serious flaw in the Draft EIR/EIS.

The substantial and serious connection between the District's income from special assessments (determined by a schedule of fixed amounts) and a portion of general real property taxes (determined by assessed values) and related serious and substantial impacts and effects caused by the various project alternatives is not analyzed at all.

Additionally, serious and substantial impact and effect, and possible reduction in the level of fire suppression and emergency response will have a serious and substantial impact and effect on future agricultural development and per acre values. These impacts, and the serious and significant impacts and effects which may occur related to the District may limit, restrict, stop, or reduce the agricultural infrastructure required for continued existence of all of the crops and agricultural activities identified in Chapter 14.

Section 14.2.2.3, page 14-20, lines 3 to 21, with reference to the Delta Protection Commission ("DPC") and its work fails to mention or analyze the DPC's *Economic Sustainability Plan* ("ESP").¹ Cutting across a number of sections written into the Draft EIR/ESP, but with particular focus on Delta agriculture, the ESP is an important planning and legal document formally adopted by the DPC. Many of the components of the ESP have been incorporated into and made a part of the Delta Plan, formally adopted by the Delta Stewardship Council. This failure is a fatal flaw.

Additionally, the admitted lack of analysis of Williamson Act contract cancellations discussion (e.g., at page 14-75, lines 10-24) fails to include in its analysis the resulting financial impacts resulting on changes in land values, changes and restrictions in crop plantings, and changes in land uses on the income and operations of the District and the other public entities, utilities, and other organs of the Delta and the Delta communities. This failure is a fatal flaw.

Comments Regarding Socioeconomics

¹ The ESP is described and analyzed in subsection 16.2.2.3, beginning at page 16-32. However, the ESP also should be included in the Draft EIR/EIS analysis for Chapter 14.

In Chapter 16, discussing the Socioeconomics of the Delta, The findings indicate, without evidence, that the “rural communities” of the Delta are simply the towns of the Delta; the collection of improvements lying within the historic townships in the Delta. The language set out at page 16-3, lines 8-10 is an important example of this thinking. In truth, the Delta communities are composed of both the townships *together with* their surrounding agricultural lands, each in symbiotic relationship with the other. In the Courtland and Hood communities, this truth is revealed in the monthly meetings of town councils and informational meetings, an annual harvest fair, community dinners and fundraisers held by the District, annual street and yard sale events, along with many events held at the school, library, church, and other community groups. Together, these events bring the residents of these communities together into a cohesive, unified community bound together with common values, traditions, and histories going back in this and for over seven generations. (“**Community Cohesion**”). Together with our multicultural heritage through our large Hispanic and Asian communities, these facts and more demonstrate that the Delta community and its social fabric is not divided along the lines of township vs. non-township.

ECON 15, analyzed in relation to Alternative 1A, and incorporated into various other Alternatives, regarding damage, impact and negative effects on community character, is deeply flawed. (See page 16-72, line 3 to page 16-73, line 10.) In addition to the failures discussed above, the NEPA portion of the analysis (page 16-72, line 5 to page 16-73, line 2) admits that serious and significant impacts would be imposed on Delta communities, while the CEQA portion of the analysis (page 16-73, lines 3-10) claims no physical impacts will occur. Either one statement or the other is true. Both statements cannot be true at the same time.

ECON 15, page 16-72, at lines 27-30 claims that CM3 (the cultivated land natural community strategy) would ensure continued agricultural production, but fails to address in any way the quality, type, values or other characteristics of that claim of continued agricultural production. It is basis and foundational to any NEPA or CEQA analysis to include the basic parameters of anticipated changes in crop quality, type, value and other fundamental characteristics when claiming that “CM3 would ensure the continuation of agricultural production on thousands of acres in the Delta.”

The continued health of agriculture in the District, and in the Delta in general, is essential to the financial health and human resources demands upon the District and its ability to continue to satisfy the demands of its mission. The activities, meetings, social gatherings, parades, and other regular and annual events which provide important cohesion for the community and its social harmony are likely to be disrupted, leading to a substantial and disastrous impact on it and its neighboring communities.

