May 12, 2009

Delores Brown  
Division of Environmental Services  
California Department of Water Resources  
901 P. Street, Bonderson BLDG, 4th Floor  
PO Box 942836  
Sacramento, CA 95814

State Clearing House  
Governor's Office of Planning and Research  
PO Box 3044  
Sacramento, CA 95812-3004

US Fish and Wildlife Service  
2800 Cottage Way  
Room W 2605  
Sacramento, CA 95825

RE: Notice of Preparation and Notice of Intent for the Bay Delta Conservation Plan EIR/EIS  
State Clearing House No. 2008 032062

Dear Ms. Brown:

The Solano County Water Agency (SCWA) has reviewed the Notice of Preparation (NOP) for the Bay Delta Conservation Plan (BCDP) Environmental Impact Report/Environmental Impact Statement (EIR/EIS) issued by the California Department of Water Resources and the Notice of Intent (NOI) for the BCDP EIR/EIS issued by the US Fish and Wildlife Service (FWS), the Bureau of Reclamation (Reclamation) and the National Marine Fisheries Service (NMFS). In response to the NOP and NOI, SCWA submits the following comments for consideration in preparation of the EIR/EIS for the BCDP.

SCWA provides a wholesale water supply to cities and districts in Solano County and has flood management authorities. The BCDP will have a direct impact on the service area of SCWA and on our operations. These impacts must be specifically identified, evaluated and mitigated in the EIR/EIS being prepared for the project(s).

1. We agree with the comments submitted by the County of Solano on the NOP/NOI and incorporate them by reference. In particular, the County has provided detailed comments on the socio economic impacts of likely tidal habitat projects in Solano County.
2. The EIR/EIS must analyze the water quality impacts of all the projects and programs associated with the BDCP on the North Bay Aqueduct (NBA). The NBA serves over 400,000 people in Napa and Solano County with a vital municipal drinking water source. Implementation of the BDCP may cause adverse changes in water quality at the intake of the NBA from habitat restoration projects and changes in Delta hydrodynamics. We are particularly concerned about increases in organic carbon from new tidal marsh habitat projects. The impact of the proposed project(s) on water quality at the NBA intake must be specifically evaluated in the EIR/EIS for the BDCP, and any potential impacts adequately mitigated.

3. One of the purposes of the BDCP is increasing the populations of various aquatic species that are listed or candidate species for the Federal and state Endangered Species Act. One method to increase populations that is part of the BDCP is the creation of tidal marsh habitat in the Cache Slough/Lower Yolo Bypass area. This area is where the intake to the NBA is located as well as numerous agricultural water supply intakes. The EIR/EIS must analyze the impacts of increased take of covered species from these intakes, specifically, the EIR/EIS must analyze the potential that increasing the population of aquatic species in the vicinity of these intakes may result in restrictions on the use of these intakes. Any impacts identified must be adequately mitigated. The EIR/EIS must also examine the environmental impacts of using alternative sources of water supply if existing pumping facilities are restricted, and how these impacts will be mitigated.

4. SCWA, and our member agencies, operate and maintain flood management and drainage facilities that drain into the Cache Slough/Lower Yolo Bypass area. The EIR/EIS must evaluate the impacts of point and non-point runoff from sources upstream of this area on new habitats that are created. If there are impacts to habitats and the species using these habitats, there could be increased regulation of point and non-point discharges upstream of these areas. These increased regulations may have socio-economic impacts that need to be analyzed in the EIR/EIS. Any impacts identified must be adequately mitigated.

5. SCWA has entered into an agreement with DWR for the permitting and design of the North Bay Aqueduct Alternate Intake Project. The Alternate Intake Project will provide a second intake to the NBA on the Sacramento River between Freeport and Courtland. DWR has selected an EIR/EIS consultant for the project. The BDCP EIR/EIS needs to consider this project.

We will be reviewing and commenting on the Draft EIR/EIS for BDCP and hope that these comments on the NOP/NOI will be used in preparing the EIR/EIS.

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

Sincerely,

David Okita
General Manager