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November 8, 2015

Michael S. Jewell
Chief, Regulatory Branch
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922

SENT VIA EMAIL (Michael.S.Jewell@usace.army.mil)

RE: Comments on Department of Water Resources' 2015 California Water Fix Project Section 404/10 Application

Dear Mr. Jewell:

This letter provides initial comments from the Environmental Council of Sacramento (ECOS) and Habitat 2020 (H2020) in response to an application for the Bay Delta Water Tunnels Plan ("BDCP/Alternative 4A") submitted by the California Department of Water. ECOS' membership organizations include: 350 Sacramento, Breathe California of Sacramento-Emigrant Trails, Friends of Stone Lakes National Wildlife Refuge, International Dark-Sky Association, Los Rios College Federation of Teachers, Mutual Housing California, Physicians for Social Responsibility Sacramento Chapter, Preservation Sacramento (formerly known as Sacramento Old City Association), Resources for Independent Living, Inc. (RIL), Sacramento Audubon Society, Sacramento Housing Alliance (SHA), Sacramento Natural Foods Co-op, Sacramento Valley Chapter of the California Native Plant Society, Sacramento Vegetarian Society, Save Our Sandhill Cranes (SOS Cranes), Save the American River Association (SARA), SEIU Local 1000 (Environmental Committee), Sierra Club Sacramento Group, The Green Democratic Club of Sacramento, and the Wellstone Progressive Democrats of Sacramento.

Habitat 2020 (H2020) is a coalition of environmental organizations collaborating on common issues in and affecting, the Sacramento region. Members of Habitat 2020 include the Sacramento Audubon Society, California Native Plant Society, Friends of the Swainson's Hawk, Save the American River Association, Save Our Sandhill Cranes, Sierra Club Sacramento Group, Friends of Stone Lakes National Wildlife Refuge and the Sacramento Area Creeks Council.

Both ECOS and H2020 are concerned that permit issuance under sections 9 and 10 of the Rivers and Harbors Act, and section 404 of the Clean Water Act, among other requirements, would be improper at this time. The issues brought up in letters like the November 4, 2015 from the Friends of the River (Re: Written Comments on California Water Fix project, Public Notice SPK-2008-00861 and Request for

Public Hearing) need to be resolved before any serious consideration can be given to wetlands permit issuance.

ECOS and H2020 touched upon concerns about the scope and the nature of the impacts to jurisdictional waters of the United States proposed as part of this tunnels project in our October 30th comment letter on the proposed Bay Delta Conservation Plan (“BDCP”)/California WaterFix (“Project” or the newly conceived “Alt. 4A”) and associated public review Partially Recirculated/Supplemental Draft Environmental Impact Report/Statement (“RDEIR/S”). Those concerns are excerpted below.

Despite the huge scale of some of the impacts, there appears to be no effort to provide equivalently scaled, or for that matter even basic and adequate, analysis of the resources in question. The following example is not intended to be either exhaustive or complete, but merely illustrative of a common problem in the environmental document. The project proposes to put 15,022,645 cubic yards into jurisdictional waters of the United States. Beyond that astounding number, there will be permanent impacts to 596.3 acres and temporary impacts treated as permanent to 179 acres for a total of 775.3 acres of permanent impacts to jurisdictional wetlands, not to mention temporary impacts to another 1931 acres. Given the spectacular scale of impacts to jurisdictional waters, one would suppose that wetland delineations would be available for all wetlands to be impacted, and that the exact locations of all creation sites would be provided to allow for proper analysis of both the impacts as well as the mitigation. And for the compensatory mitigation, since there is no exact indication of where this would occur, there by definition cannot be complete analysis of the impacts of that creation, and therefore the reader does not have a full picture of the what the impacts are or how effective and appropriate the mitigations are. This kicking the can down the line is a common technique employed in private development efforts, whereby the project applicant leaves these crucial aspects unanswered until they acquire their wetland permits. We should expect more from a massive governmentally sanctioned undertaking like this project. This RDEIR/SDEIS should not be approved until the full impacts to jurisdictional wetlands are understood. This will require complete wetland delineations for all jurisdictional waters to be impacted and full impact analysis of all activity related to compensatory mitigation. Moreover, the Project should be designed to avoid wetland fill, prior to consideration of mitigation.

ECOS and H2020 feel that it is premature to even accept the application based on the incomplete nature of both the analysis of the impacts and the explication of acceptable opportunities for the compensatory mitigation.

Thank you for the opportunity to comment at this juncture.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Guerrero', written in a cursive style.

Richard Guerrero, President, Environmental Council of Sacramento

Rob Burness, co-chair, Habitat 2020

cc (via email):

Colonel Michael J. Farrell, Sacramento District Commander (michael.j.farrell@usace.army.mil)

Zachary Simmons, Project Manager, USACE (Zachary.M.Simmons@usace.army.mil)

Congressman John Garamendi (Brandon.Minto@mail.house.gov)

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