A few comments on workplan for BDCP EIS/R – with reference to Laura's comments.
Carolyn Yale. 8/22/11

Comment 1: 3-20 contains a telling comment in the 'analysis methodology' for fish and aquatic resources:

> "*The critical path for preparing the methods and consequently the environmental consequences* *is defining the appropriate method for analyzing water quality effects, which has to be resolved with the agencies. Once a plan is determined, the methods should describe clearly how the information from these sources would be used to inform the evaluation of the alternatives analysis."*

In the water quality section a similar problem is posed (3-13):

> *"EPA and the State Water Board and Regional Water Quality Control Boards(RWQCBs) (laws and programs) are described in 8 pages. Most of these regulations are related to drinking water and aquatic species protection. A good summary of these water quality regulatory programs is given, but the linkages between these water quality regulations and water quality impact assessment details (e.g., how to interpret "compliance" with water quality criteria) are not described. "*

The work we've been doing for ANPR response has tried to work through issues that evade the work plan:
1. Beneficial use 'health' cannot be presumed guaranteed by compliance with regulations. We will need to point this out and provide/cite evidence with reference to beneficial use condition that can be linked to wquality.

2. "Water quality' in the Delta is situational: One may need to consider extent of habitat (Bruce x2) / processes governing species exposure such as food chain or wq impacts on lower trophic levels / in some cases (Hg and Se (e.g.)) hydrodynamics.

In other words, I would not accept the conclusion that the 'analytical method' is adequate in cases where the impact analysis needs to cut across topics such as water quality / biological resources, or where there is no effort to reconcile B-D species declines with the existing regulatory protections.

> Recommendation: We note the need for an integrative analytical methodology p. 3-20. We have given this issue considerable thought and would like to assist. (This will be in conjunction with State Board.)

Comment 2: With respect to the ag drainage issues that may arise from more supply to WWD (Laura's note 3-13): I would go further and state that this is a situation in which the adverse impacts and potential conflicts with State policy regarding reduced Delta exports warrant a revised alternative that avoids rather than mitigates the impacts.

> Recommendation: Revise the recommendation p. 3-13.Consider an alternative with reduced, or at best stable (past, historical), supplies to San Joaquin westside agriculture. EPA's reexamination of selenium criteria is casting doubt on the protectiveness of existing standards. Other analyses of increased irrigation in the westside show increased selenium in surface and ground water. If this condition

results from one or more BDCP alternatives, the PEIS should provide a detailed analysis of the impacts and technical, economic, and political feasibility of mitigation.

Comment 3: 3-14 and 15: With reference to water quality effects: This analysis needs to be integrated with spatial, hydrologic, and biological variables—especially, to consider effects with respect to beneficial uses under specific, relevant conditions. Understanding the implications of a change in one water quality parameter often requires 'context,' which may include parameters that have not altered as a result of BDCP. (As follow up, we can expand on selenium as an example.) Thus, it is not clear that the recommended simplification of parameters is appropriate.

Recommendation: In association with our offers to assist in analytical framework for effect (above) we will help to incorporate a more integrated interpretation of wq effects.

Comment 4: Regarding the analysis of water supply 3-6 ff. I do not understand some of the analytical issues (e.g., discussion on 3-7 under affected envir). In particular the significance of hydrologic sequence is a puzzle. Also, I do not grasp the basis for their assertion p. 3-6 that any reduction in deliveries would be a significant impact, regardless of magnitude, implying that 'any change in hydrologic conditions is considered a significant change and would require mitigation.' **<u>If other folks at EPA cannot interpret this, we should ask for clarification</u>** rather than let it pass.

I would have said that failure to meet contract demand for delta supplies is not ipso facto a significant impact (or at least an impact of uniform importance) because: 1) one must also consider implementation of the DSC / state policy is reducing demands on the Delta--e.g., stronger regional options; 2) thus, there could be better alternatives to that last increment of Delta water; and 3) cost should be a factor. (Cost of that Delta water for the contractors we're talking about (e.g., SJV ag) may not show it to be the best option.)

Recommendation: Consider requesting opportunity to examine this issue more closely (with Bruce and SB and consultant?)? At present we are unconvinced of the approach to supply quantity and impacts—an issue with ecosystem ramifications.

(Sidebar re cost and price of water, <u>not for wider distribution</u>: ... The value of WWD water is not determined by WWD demand alone. Recalling the side comment of report authors that they think there would not be sufficient export storage to warrant such high exports, I would counter that in effect WWD provides a storage function that can be 'shared' with muni water users..)

Side comment for EPA's consideration: 3-3 – The consultant states that they intend to revise the P/N statement to conform to Fed Lead Agencies 'most current version' (? EPA role). They will also be looking for a more detailed statement of project objectives for the State (CEQA). Although I seem to recall mention at the B-D team meeting of DWR

looking for something more general, the logic of greater specificity seems compelling given need to justify and evaluate (as consultant says) impact findings.