# EPA Review of the Bay Delta Conservation Plan Draft EIS

# EPA Involvement

- Scoping Comments in 2008 & 2009
- Cooperating Agency in 2008
- 404/NEPA MOU Integration Attempt in 2010
- Preliminary methods for CWA Jurisdiction 2010
- Purpose and Need comments in 2010
- Admin Draft EIS Comments in 2012 & 2013
- Draft EIS Comments August 2014

# NEPA Rating Criteria

Environmental Impact of the Action

- Lack of Objections
- Environmental Concerns
- Environmental Objections
- Environmentally Unsatisfactory

Adequacy of the Draft EIS

- I – Adequate
- II – Insufficient Information
- III – Inadequate

# NEPA Rating Criteria

(b)(5)(Deliberative)

[redacted]

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# Environmental Impact – Exceeding CWA Water Quality Standards

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[redacted]

All alternatives predicted to increase the number of days out of compliance with salinity water quality standards.

- A 12-16% increase in days out of compliance with the agricultural electrical conductivity standard at Emmaton.
- Increased water quality degradation and frequency of exceedance chloride objectives at Contra Costa Pumping Plant #1 and Antioch, interior and western Delta locations, and measureable water quality degradation relative to the 303(d) impairment in Suisun Marsh. (EIS page 8-428)

# Environmental Impac - Exceeding CWA Water Quality Standards

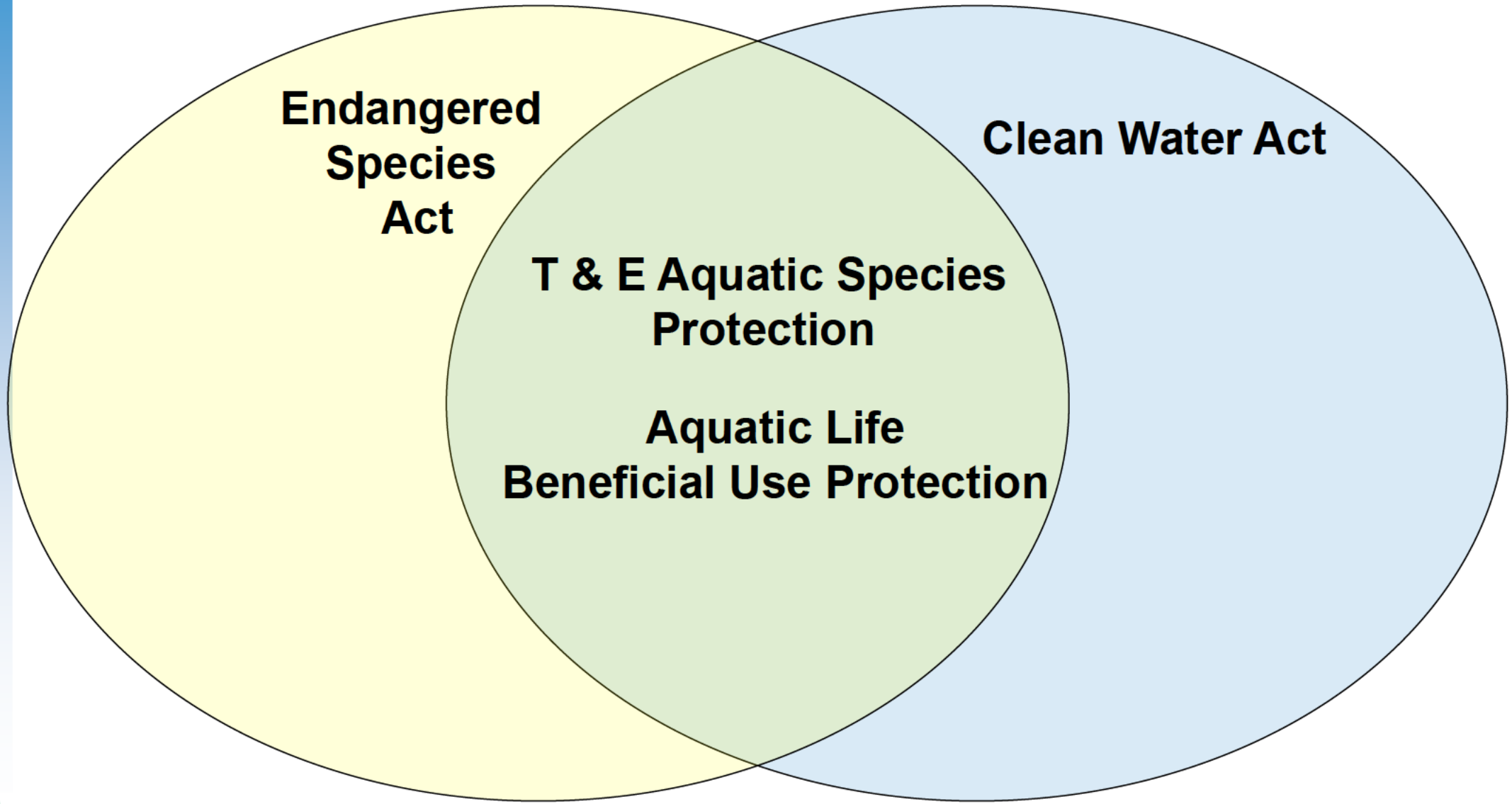
**Clean Water Act Water Quality Standard – Electrical Conductivity at Emmaton Compliance Point**

| Alternative | % Increase in days out of compliance relative to Existing Conditions Baseline | % Increase in days out of compliance relative to No Action Alternative Baseline |
|---|---|---|
| 1 | 28 | 17 |
| 2 | 14 | 13 |
| 3 | 28 | 17 |
| 4 H1 | 24 | 13 |
| 4 H2 | 26 | 15 |
| 4 H3 | 25 | 14 |
| 4 H4 | 27 | 16 |
| 5 | 24 | 13 |
| 6 | 29 | 18 |
| 7 | 15 | 4 |
| 8 | 17 | 6 |
| 9 | 17 | 6 |

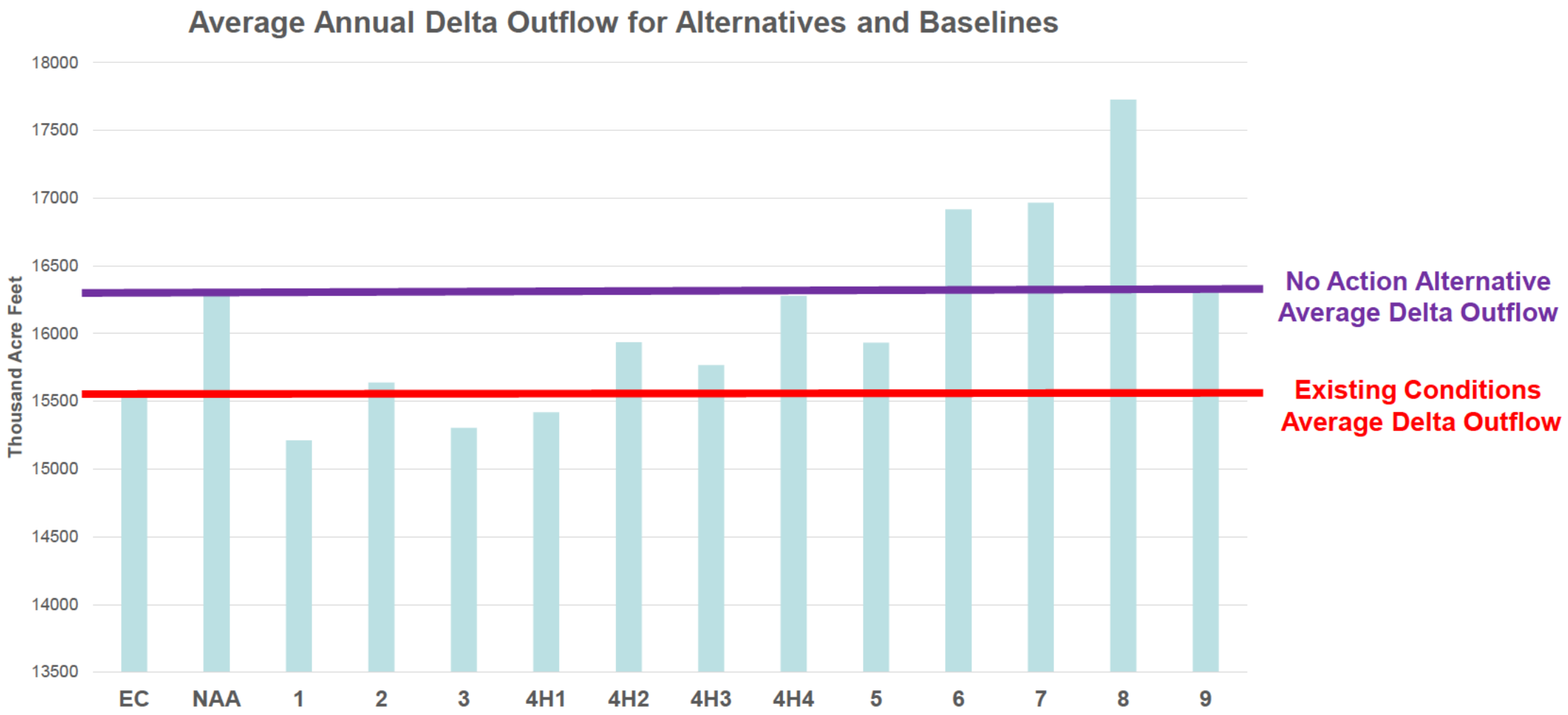
# Environmental Impact – Exceeding CWA Water Quality Standards

- Meeting Water Quality Standards appears to rely on relaxing Water Quality Standards
- Mitigation for water quality impacts is uncertain
- Increased methylmercury formation and transport

# Environmental Impact – CWA & ESA Overlap



# Environmental Impact – Insufficient Aquatic Life Beneficial Use Protection



# Environmental Impact – Insufficient Aquatic Life Beneficial Use Protection

| Migratory Fish Species | NEPA Effects Determinations for Migration Analysis for CM1 Alternatives | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Winter-run | A | A | A | ND | ND | ND | ND | A | NA |
| Spring-run | A | A | ND | ND | ND | ND | ND | A | NA |
| Fall-run/LFR | A | A | A | ND | A | ND | ND | A | NA |
| Steelhead | A | A | ND | ND | ND | ND | ND | A | NA |
| Green Sturgeon | A | A | A | ND | ND | ND | A | A | NA |
| White Sturgeon | ND | ND | ND | ND | ND | ND | ND | A | NA |

A = adverse impact, NA = not adverse impact, ND = not determined impact, B = beneficial

# Environmental Impact Summary

- Water quality standards violations are predicted for all alternatives.
- Aquatic life beneficial uses are not protected by any of the alternatives.

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# of the Document

- Inconsistency among alternatives
- Conclusions often not supported by the data
- Methods undisclosed

A = adverse impact, NA = not adverse impact,
ND = not determined impact, B = Beneficial

| Alternative | WR Entrainment NEPA Effects Determination | % Change Entrainment WR relative to NAA |
|---|---|---|
| 1 | B | - 60 |
| 2 | B | - 68 |
| 3 | B | -22 |
| 4 H3 | NA | -52 |
| 5 | NA | -9 |
| 6 | B | Eliminated |
| 7 | NA | -82 |
| 8 | NA | -82 |
| 9 | B | No numeric estimate |

EPA

(b)(5)(Deliberative) [redacted] of the Document

- The project evaluated in the DEIS does not reflect current proposal
- The DEIS does not support project-level decision-making
- Scope of impact analysis is limited
- Efficacy of restoration overly optimistic

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# of the Document – Alternatives

- The DEIS does not present the Alternatives in a clear, comparative manner
- Alternatives were not comparably analyzed
- Integrated Water Management Alternatives were not adequately evaluated

# Issues to be Addressed in the Supplemental

- The proposed project should meet all water quality standards and support improvement in species protection
- Incorporate integrated water management elements into operational alternatives
- Support DEIS conclusions with technical analyses
- Evaluate the current project proposal in the supplemental EIS
- Extend scope of project area upstream and downstream