

May 30, 2008

Walter Cotter, General Manager
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743.0445 fax

Re: 2008 Temporary One-Year Water Transfer of 3,100 Acre-Feet From Browns Valley Irrigation District to Santa Clara Valley Water District or the California Department of Water Resources

Dear Mr. Cotter:

Butte Environmental Council (BEC), a public benefit corporation representing 850 members, and the California Sportfishing Protection Alliance (CSPA) are submitting the following comments and questions for the Notice of Intent and Initial Study (NOI/IS) for the *2008 Temporary One-Year Water Transfer of 3,100 Acre-Feet From Browns Valley Irrigation District to Santa Clara Valley Water District or the California Department of Water Resources* (Project). The proposed Project is to transfer 3,100 AF of its pre-1914 North Yuba River water rights between July and November 16, 2008 to either the Santa Clara Valley Water District (SCVWD) or to the California Department of Water Resources (DWR) “in support of the CALFED Environmental Water Account or similar water reliability program.”

BEC and CSPA find that the lead agency has not provided ample evidence in the NOI/IS to demonstrate that the proposed Project will not, by itself, have a significant impact on the environment, has not considered the cumulative and growth inducing impacts of transfers in successive years, and has not considered the cumulative and growth inducing impacts in conjunction with six other northstate districts, therefore, BVID must fully analyze potential impacts in an Environmental Impact Report. We also find that BVID has not acknowledged that the proposed Project will impact the Central Valley Project (CVP) by using the Sacramento River as a conveyance facility. The NOI/IS does state that SCVWD is both a SWP and CVP contractor and therefore could attempt to move the water through either the state or federal pumps in the Delta. This necessitates National Environmental Policy Act review, which has not been done.

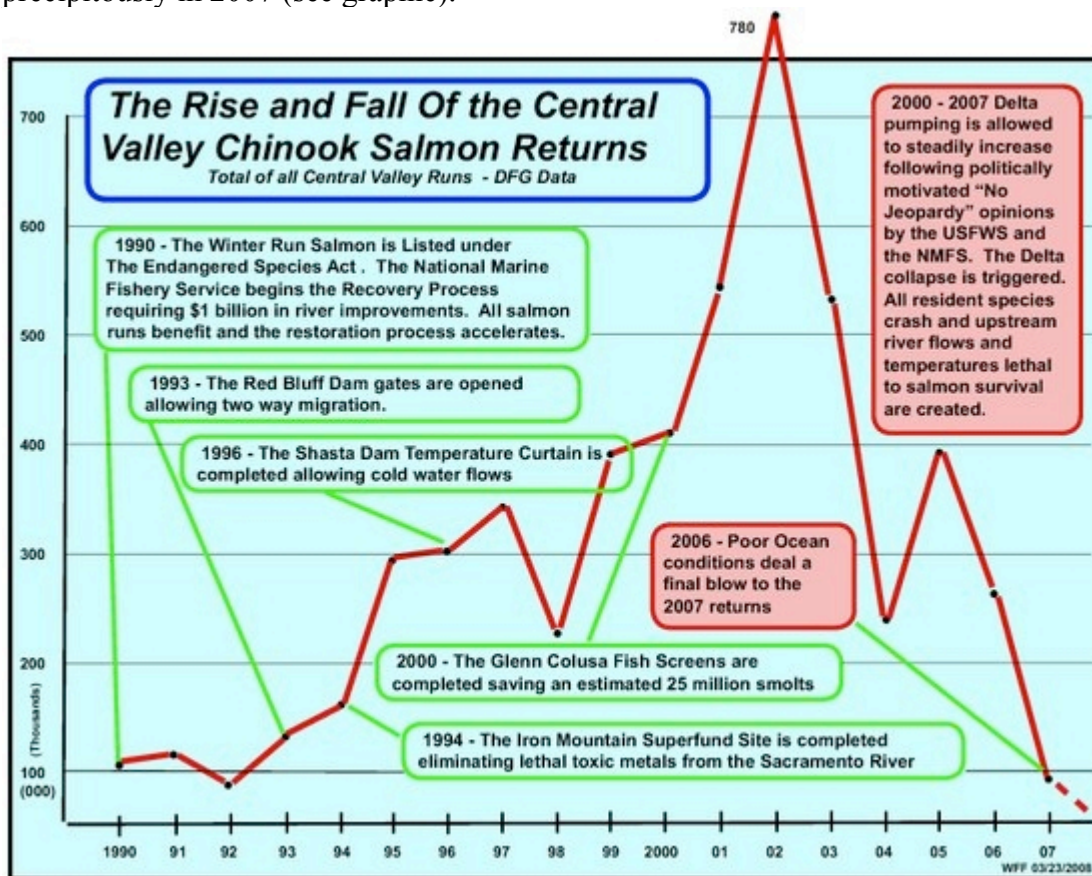
Level of Environmental Review

The NOI/IS is insufficient. As set forth below, there is a fair argument that the proposed Project may have significant impacts on the environment, therefore a Negative Declaration is not appropriate under the California Environmental Quality Act (21068). Please consider the following:

- 1) The proposed Project will sell 3,100 AF. This is only one of six projects that are proposed in 2008 in Butte, Glenn, and Yuba counties. The proposed Project, along with other 2008 projects both within and without Butte County, will create significant following and, moreover, the projects, in their entirety, have the potential to cause dramatic changes

to the northern Sacramento Valley. The NOI/IS is clearly inadequate, therefore, the impacts to air quality, biological resources, hydrology, land use, noise, cumulative and growth-inducing impacts in the area of origin, as well as the receiving area must be more thoroughly presented to the public and the BVID Board in an Environmental Impact Report (EIR) as required under CEQA.

2) Where are the multi-season biological surveys for the aquatic species within BVID's jurisdiction and transfer route? Habitat values are essential to many special status species that utilize the aquatic and/or riparian landscape including, but not limited to, giant garter snake, bank swallow, greater sandhill crane, fall and spring-run Chinook salmon, Central Valley steelhead trout, American shad, green sturgeon, etc. There is no mention of the fall-run salmon numbers in just the Yuba River despite the fact that their numbers dropped precipitously in 2007 (see graphic).



Graphic is courtesy of Dick Pool.

3) Where are the multi-season biological surveys or umbrella environmental review for the Sacramento River and the Bay Delta where the transferred water will flow? Habitat values are crucial to many special status species that utilize this area including, but not limited to, Swainson's hawk, giant garter snake, bank swallow, greater sandhill crane, salmon, Sacramento splittail, delta smelt, green sturgeon, etc. Additionally, since the Feather River flows into the Sacramento River, the federal CVP, and the CVP pumps may be used for shipping the water to SCVWD, why has BVID not completed NEPA review of the proposed Project? This must be done and circulated for public review.

4) The NOI/IS is part of a much larger project(s) that has/have not been analyzed under CEQA and NEPA. BVID has closely collaborated with the Department of Water Resources (DWR) in the development of the Sacramento Valley Integrated Regional Water Management Plan (SVIRWMP). To date there hasn't been any programmatic or tiered environmental review that would create a scientific basis upon which BVID can arrive at a justifiable conclusion that the proposed Project has no adverse environmental effect. The skeletal NOI/IS certainly doesn't provide data and analysis, just conclusory statements.

5) BVID's assurance in the NOI/IS that the Yuba County Water Authority's "...Transfer environmental analysis apply..." to this NOI/IS because it provides "...substantial information on the environmental setting and impacts for a nearly identical, but substantially larger water transfer..." does not remove the requirements for CEQA and NEPA review by BVID. The *Initial Study/Negative Declaration for YCWA's Proposed Extension Petitions for the Interim Instream Flow Requirements under State Water Resource Control Board Revised Water Rights Decision 1644* is not environmental review of *this* Project and does not serve as a programmatic document that BVID could use to tier from.

In conclusion, BEC refers BVID to language in the Public Resources code:

15064. Determining the Significance of the Environmental Effects Caused by a Project

2. (c) In determining whether an effect will be adverse or beneficial, the Lead Agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency. Before requiring the preparation of an EIR, the Lead Agency must still determine whether environmental change itself might be substantial.

(g)(h) After application of the principles set forth above in Section 15064(g), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.

The Project clearly has the potential to affect the environment, both within BVID as well as in the areas of conveyance and delivery. The public is owed full disclosure under CEQA and NEPA and the opportunity to comment on the myriad impacts not divulged in the NOI/IS.

Hydrologic Impacts

The NOI/IS asserts that there will be insignificant impacts from the proposed project, yet the conclusory statements are not supported in the NOI/IS. The following questions illustrate the holes found in the CEQA documents.

- Will the exportation of 3,100 AF of water impact creeks in and/or near to BVID?
- Will the water exports affect the local groundwater by removing a source of groundwater recharge?
- Will natural habitat on or adjacent to BVID lands be impacted by fallowing 4,437 acres?

- How will increased flows in the main stem rivers impact species, habitat, and existing conditions during the months transfers are allowed through the delta? When this project is combined with the other transfer and fallowing projects (see Cumulative Impacts), the alteration of flows will be highly significant.

These possible impacts are not disclosed, but summarily rejected without a scientific basis for the conclusions. These impacts must be scrutinized thoroughly along with other probable impacts in an EIR/EIS.

The NOI/IS fails to note the current conditions in BVID's service area. The BVID web site states:

Merle Collins Reservoir is short on supplies. If we use the same amount of water this year as we did last year, Collins Lake will be dry at the end of the irrigation season. Before that happens, the Board will be forced to institute a rationing program that will most likely include shutting down the deliveries for several days each week. Please conserve. <http://www.bvid.org/news.html#season2008>

Failure to disclose the potential drought conditions precludes informed decision-making or informed public participation. This must be presented in more robust environmental review.

Species Impacts

Terrestrial Species

Flooded rice fields and irrigation canals in the Sacramento Valley can be used by the giant garter snake for foraging, cover and dispersal purposes. The NOI/IS fails to comprehensively analyze the movements and habitat requirements for the federal and state-threatened giant garter snake. The snake gives birth from July to September, months that the Project would be implemented. If this Project proceeds without alteration or without the necessary environmental review in an EIR/EIS, the following must occur:

- Additional surveys must be conducted for the GGS prior to any alteration in water regime or landscape.
- The public must have additional data and analysis. Page 12 states that "...the proposed Project would have a less-than-significant impact to the giant garter snake within the existing farmlands due to a short-term decrease in potential cover and foraging areas for this species." What is the scientific basis for the conclusion? When will the material that is used for the conclusion be made available to the public?

Avian Species

Bank swallows are not identified in the NOI/IS. Bank swallows breed in California from April to August. With the Project planned to operate during the months allowed by the federal court (July through October), how will the river flows from the Project alone and when combined with the other projects (see Cumulative Impacts) impact the species? Since the transfers would require conveyance in the Feather and Sacramento Rivers, this is a potentially significant impact that is not disclosed in the NOI/IS.

The greater sandhill crane is a state threatened species that is not identified in the NOI/IS. They forage in the Project area and the applicant has not only failed to disclose this fact, but there is no mention of the additional projects occurring in the region during 2008 (see Cumulative Impacts). This is a serious omission that must be corrected.

Aquatic Species

The NOI/IS states on page 18 that, “No stranding, redd dewatering, re-distribution of juvenile salmon or steelhead, or water temperature effects would occur from allowing this small quantity of water to flow past its diversion point during the July through October period and possibly through November 16, 2008...” What documentation exists to support this contention? What monitoring will be done to ensure that none of the impacts occur and in coordination with what state or federal wildlife agency?

The pelagic organism declines have reached catastrophic levels in the Sacramento San Joaquin River Delta. The pumps that would move the transferred BVID water operate in the southern portion of the Delta and create reverse flows in the San Joaquin river as noted in the Delta Vision Committee summary, “Water project operations... create a reverse flow on the Old and Middle rivers that bring the Delta smelt down to the pumps, rather than pushing them away from the pumps” (July 31, 2007). The reverse flows have caused direct and indirect impacts to listed Delta fish species through direct mortality (sucking fish into the pumps), disruption of the food chain (by pumping out the food chain organisms) and by disruption of regeneration migration navigation.

Numerous proposals to sell water entitlements claimed by Sacramento Valley Water contractors will require increased export of river water through the pumps located in the Sacramento San Joaquin Delta. The increased demand for pumping operations coincides with recognition that Delta Smelt in the Sacramento San Joaquin Delta are being negatively impacted by reductions in outflow from the Estuary and entrainment to water diversions. [<http://www.delta.dfg.ca.gov/gallery/dsmelt.asp>] Delta Smelt is just one of several fishes of the delta watershed listed as threatened, endangered or “of concern.”

FISH OF THE DELTA WATERSHEDS LISTED AS THREATENED, ENDANGERED OR “OF CONCERN”

Fish Species	Date Listed	Listing Entity	Status
Chinook salmon_ Winter-run	09-22-89	State (DFG)	Endangered
Sacramento River Winter-run Chinook salmon	02-03-94	Federal (NMFS)	Endangered
Chinook salmon_ Spring-run	08-29-05	State (DFG)	Threatened
Chinook salmon_ Spring-run	02-05-99	Federal (NMFS)	Threatened
Central Valley Spring-Run ESU	11-15-99	Federal (NMFS)	Threatened
Delta Smelt	08-29-05	State (DFG)	Threatened
Delta Smelt	12-09-93	Federal (FWS)	Threatened
Steelhead-Central Valley ESU	03-05-93	Federal (NMFS)	Threatened
Green sturgeon_ southern DPS	05-18-98	Federal (NMFS)	Threatened
Sacramento splittail	02-06-06	Federal (FWS)	Species of concern
Longfin smelt	07-06-06	State (DFG)	Species of concern
Sacramento perch	02-08-99	State (DFG)	Species of concern
River lamprey	1995	State (DFG)	Species of concern

[Source: California Department of Fish and Game list of State and Federally Listed Endangered and Threatened Animals of California, October 2007, available at: <http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEAnimals.pdf>.

Delta Smelt

The Delta smelt is a small fish listed under the ESA in 1993 as threatened. [58 Fed. Reg. 12,863] The Delta was designated under the ESA in 1994 as "critical habitat" for the fish. [Figure 1; 59 Fed. Reg. 65,256] As a result, federal actions that are likely to impact the species adversely must undergo consultation with the FWS on the effects of the actions. Under the ESA, these consultations result in the issuance of biological opinions (BiOp) by the FWS.

The Natural Resources Defense Council (NRDC) and other environmental groups filed a lawsuit in 2005 challenging the BiOp for the long-term coordinated operations of the SWP and the CVP; *Natural Resources Defense Council v. Kempthorne*. The BiOp found that pumping from the Delta into the SWP and CVP systems did not jeopardize the continued existence of the Delta smelt, and did not adversely modify the fish's designated critical habitat. The BiOp allowed the "incidental take" of smelt at the water pumps, by water-year type, based upon historical smelt collection data, modeling, and estimated fish per volume of water diverted. The FWS's "no-jeopardy" determination was based on the premise that anticipated take would be "at or below historic take levels."

In May 2007, however, federal District Court Judge Oliver W. Wanger ruled on a summary judgment motion in the *Natural Resources Defense Council v. Kempthorne* case that the Delta smelt "is undisputedly in jeopardy as to survival and recovery." The court found in its subsequent December 14, 2007 ruling that "there is no firm and reliable total population estimate for the Delta smelt and there never has been." [December 14 Findings of Fact] In light of recent data suggesting that smelt populations have declined significantly to their lowest reported numbers, the court found the existing (and unquantified) take limits at the pumps inadequate, "unrealistically high," and potentially "approach[ing] the current population numbers of the species as a whole." The court also found that the BiOp impermissibly relied on uncertain and unenforceable mitigation measures, and failed to consider the possible effects that climate change might have on the smelt's habitat.

In the December 14, 2008 order, the court issued an injunction to address the "imminent peril to the survival of the Delta smelt and adverse effects on its critical habitat," conditioning operations of the SWP and CVP on various requirements. Most importantly, the order specifies "Flow Restrictions," based on ensuring that the Old and Middle Rivers (the OMR), which are part of the Delta complex, do not flow towards the pumps over prescribed levels established to prevent the Delta smelt from becoming entrained at the SWP and CVP pumps. Pumping can induce flows in the OMR to flow towards the pumps, which is the reverse of their typical direction.

All parties agreed that OMR flows towards the pumps of 6,000 cubic feet per second (cfs) or greater put the smelt at great risk. NRDC advocated for zero flow in the OMR towards the pumps, a condition that would have sharply curtailed the pumps' hours of operation. The Court directed the SWP and CVP operators to maintain OMR flows towards the pumps within a range of 750 to 5,000 cfs during the prescribed periods, as summarized in Table 1, below:

Table 1

Stage	Applicable Time Period	Delta Smelt Being Protected	OMR Flow Restrictions
1	Up to 10 days within the period December 25 through Jan. 15; high turbidity as trigger; operative for “winter pulse flows”	Migration from Suisin Bay upstream in the Delta	< 2,000 cfs
2	From no later than Jan. 15 until the onset of spawning	Pre-spawning adults	< 5,000 cfs
3	From the onset of spawning until as late as June 20	Larvae and juveniles	750-5,000 cfs, set weekly by FWS
4	From no later than May 1; for 31 days thereafter	Larvae and juveniles	Per Vernalis Adaptive Management Plan; replaces Stage 3 while occurring

Splittail

The NOI/IS fails to disclose or analyze potential impacts to the Sacramento splittail, a federal species of concern. This is a serious omission that must be corrected. Peter Moyle, PhD. et al. found that significant take occurs at the SWP and CVP fish salvage operations in the southern part of the Delta from May through mid-July (17). The number of salvaged splittail seem to increase as outflows to the bay decrease and exports escalate (17). He concludes that, “Splittail larvae and juveniles are entrained not only by the CVP and SWP pumps but probably by the Antioch and Pittsburgh Power Plants and other diversions in the Delta. There is still a need to understand what impact these diversions have, if any, on splittail populations. Impacts are most likely to be significant in dry years when a higher percentage of the water is diverted and splittail populations are depleted” (40). Exporting the proposed Project water between July and November could have significant impacts on the splittail. Analysis of BVID’s 3,100 AF and the cumulative impacts of the 175,347 AF from this region (see below) must occur.

Longfin Smelt

The NOI/IS fails to disclose or analyze potential impacts to the longfin smelt, a species that is undergoing review for federal listing. This is a serious omission that must be corrected. Restrictions on pumping from the Delta will expand under the California Department of Fish and Game’s recommended spring and summer measures to immediately protect Longfin smelt.

The Department’s Recommendation – Spring and Summer Measures to Immediately Protect Longfin Smelt Using a Longfin Smelt Risk Assessment Matrix. This option requires the SWP and the CVP to make potential operational curtailments during the next 180 days if requested by the Department based on a “Longfin Smelt Risk Assessment Matrix” (LSRAM) incorporating scientific data collected in real-time showing the potential for longfin smelt which are at specified locations in the Delta to be drawn to the pumps or “entrained.” This option makes clear that if the emergency regulation is extended beyond the standard 180-day period (under the Administrative Procedures Act it may be extended for two 90-day periods) additional measures need to be included at that time to protect longfin smelt during the 2008-2009 winter (McCamman 2008).

All of the fish species in the delta watershed listed as threatened, endangered, or “of concern” and the habitat they require are being impacted by the operation of the south delta pumps as well as the artificial flow regime required to facilitate pumping operations. With the Project plan to operate during the months allowed by the federal court (July through October), how will the river flows from the Project alone and when combined with the other projects (see Cumulative Impacts) impact the fish species? Since the transfers would require conveyance on the Sacramento River and through the Delta, this is a potentially significant impact that is not disclosed in the NOI/IS.

Overview

Water code 1727 requires that the temporary transfer not result in injury to any other legal user or unreasonably affect fish, wildlife, or other in-stream beneficial users. What is missing from the NOI/IS is an explanation regarding how this will be monitored and reported to the wildlife agencies and the public. This must be part of a management plan for species. Moreover, BVID failed to provide any depiction of the fallowed acreage, so that the public has a sense of the possible impacts from the fallowing. Added to this deficiency is the failure to analyze that other districts in the area are planning their own water transfer and fallowing projects (see Cumulative Impacts), which could easily exacerbate negative conditions for special status species. The locations of these districts and their proposed fallowed lands are also missing from the NOI/IS.

How will fallowing contribute to the spread of invasive plant species (Singletary 2005)?

In addition to an EIR/EIS for the project, a management plan must be prepared for special status species prior to the proposed Project’s commencement.

Third Party Impacts

How will the proposed project mitigate for probable third party impacts in the area of origin and the area(s) of delivery? Even DWR acknowledges that all transfers have the potential to impact third parties (Unresolved Issues <http://www.swpao.water.ca.gov/transfers/index.cfm#Unresolved%20Issues>). CEQA requires analysis and mitigation for impacts, yet the NOI/IS does not address any of the probable impacts to the environment or other water users in the region of origin or the area of delivery.

Alternatives

"Compliance with CEQA is not optional." (*Stanislaus Audubon Society, supra*, 33 Cal.App.4th at 159, fn. 7.) Preparation of an EIR is not excused by claims that "an EIR costs a hell of a lot of money," or "is an exercise in futility." (*Id.*) Even if the BVID or its experts are of the "opinion that preparation of an EIR is just another big added expense, without commensurate benefits, compliance with CEQA is not optional." (*Id.*) An EIR, as opposed to a negative declaration, would contain analysis of project alternatives, including a “no project” alternative. (Pub. Resources Code § 21100(b)(4); and CEQA Guidelines § 15126(d).)¹ An EIR would consider different water options and mechanisms for obtaining it, which could significantly reduce the Project’s impacts while still meeting the goals of the Project. In addition, an EIR would

¹ An EIR must describe a reasonable range of alternatives to the project, or its location, that could feasibly obtain the Project’s objectives. The EIR must evaluate the merits of each alternative and must include a no-project alternative.

necessarily contain further analysis on biological, air quality, hydrological, land use, noise, cumulative, and growth-inducing impacts.

Council on Environmental Quality regulations (40 CFR 1502.14) require a rigorous and objective alternatives analysis that explore and evaluate all reasonable options under NEPA. As noted above, there are no alternatives presented for consideration.

An EIR/EIS must be required for the Project.

Growth Inducing Impacts

Extracting water from areas of origin for SWP and CVP agricultural and urban contractors is not encouraging the CVP and the SWP to begin working within the limited means of California's water supplies. The current efforts to correct years of mismanagement of California's water and the impacts on countless aquatic species, have forced the state to confront the maelstrom from competing interests vying for an ever, smaller piece of the water pie.

This project has the potential to cause numerous growth-inducing impacts. Section 21100(b)(5) of CEQA requires that an EIR discuss the growth-inducing impacts of a proposed project. A project could have a growth inducing impact if it could:

- Foster economic or population growth, or construction of additional housing;
- Remove obstacles to population growth, for example, developing service areas in previously unserved areas, extending transportation routes into previously undeveloped areas, and establishing major new employment opportunities;
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Removing water from currently healthy watersheds and basins to continue supplying water to agricultural interests in desert portions of the state and depleted urban areas is an act of folly at best and of immorality and corruption at worst. This type of transfer will alter the economic and environmental viability in the areas of origin and will not encourage the receiving areas to practice holistic management of the resources found in their own region, nor will it prepare them for periods of drought. The State of California must learn to limit the growth inducing measures encouraged by programs of this nature. The competing water interests in this state must learn to conserve water, and like any good manager, the state must require water users to live and work in a manner conducive to economic and environmental integrity in each region.

Cumulative Impacts

The NOI/IS fails to note the existence of other water transfers in the region. This is a glaring omission that must be remedied. Additionally, the assertions and conclusions reached in the Mandatory Findings of Significance section are ludicrous in light of the collapse of the pelagic fish and salmon populations (see Fish section above).

- Page 21 states that, "Salmon populations in the lower Yuba River remain healthy since transfers were first initiated in the late 1980s." What were the 2007 numbers? How do they compare to previous years? As noted above, an unprecedented collapse of the fall-run occurred in 2007, yet there is no mention of it, let alone presentation of data.
- The NOI/IS takes a jovial view of the state and federal handling of the Delta, river, and fisheries. "In 2004, the EWA Final EIR/EIS was released, which evaluated numerous

transfer scenarios including transfers from the Yuba River to Delta users. The conclusion in the Final EIR/EIS and by the USFWS and NOAA-Fisheries was that the EWA would not likely adversely affect delta smelt, Sacramento River winter-run Chinook salmon and critical habitat, Central Valley spring-run Chinook salmon, and Central Valley steelhead (U.S. Bureau of Reclamation and California Department of Water Resources 2004, U.S. Fish and Wildlife Service 2004, and National Oceanic and Atmospheric Administration - Fisheries 2003, all cited in EDAW 2004). Since the proposed project could end up as an EWA transfer if SCVWD declines to purchase the transfer water, the safeguards embodied in the EWA and other regulatory mechanisms, as well as the small size of the proposed transfer, would preclude significant impacts to fisheries.” As mentioned repeatedly above, conditions have dramatically changed for the species and habitat dependent on the Delta and California Rivers as witnessed by Judge Wanger’s decision, the preparation of a new Operations Criteria and Plan, etc. BVID may not rely on any prior environmental documents or permits at this time.

How will the cumulative impacts be analyzed and who will conduct the analysis? How many other districts in California, the Sacramento Valley, or even the region surrounding Yuba County are contemplating water transfers? Who is analyzing the cumulative impacts from all the transfers in the areas of origin and the areas of delivery?

BEC is aware of the following districts (below) that are also planning surface water sales and fallowing in 2008, but it appears from the NOI/IS written by the Biggs West Gridley Water District that 360,000 AF may actually be transferred from the Sacramento Valley in 2008.

Agency	Water Sold (AF)	Land Fallowed (acres)
Biggs West Gridley	14,642	4,437
Butte Water District	18,455	3,121
Glenn Colusa Irrigation District	85,000	25,000
Richvale	17,250	5,800
S. Feather River Power and Water Agency	10,000	
Western Canal	30,000	9,091
Total, other projects	175,347	47,449
BVID Project	3,100	
Grand Total	178,447	47,449

A programmatic EIR/EIS is required to analyze the cumulative impacts from the 2008 water sales. BVID has participated in numerous planning efforts with the DWR to augment the state water supply. Unfortunately neither DWR nor any other collaborating agency has undertaken a partial, much less a comprehensive, environmental review of these plans. Consequently, there is no “tiering” of environmental studies upon which BVID may reference in the NOI/IS. The absence of prior environmental analysis thwarts the explicit purpose of CEQA/NEPA - to allow public agencies and elected officials to make informed choices with regards to the possible adverse impact of their decisions on the environment.

Additional Comments and Questions

- What is BVID's compensation for the sale of 3,100 AF?
- Why were maps not provided to demonstrate where the water source is located and the route that will be taken to move the water out of the area of origin?

Summary

BVID's paltry examination of the Project and faulty conclusions fail to comply with the most essential review and disclosure requirements of CEQA and NEPA, thereby depriving decision makers and the public of the ability to consider the relevant environmental issues in any meaningful way (details above). Rather, BVID swept critical evidence regarding the Project's impacts under the carpet, in violation of CEQA and NEPA, in what appears to be an attempt to avoid preparation of an EIR/EIS.

BVID's participation in water marketing serves to prop up a failing state policy and abrogates the responsibility of state and local governments to plan for the efficient use of land and water. The market does not provide for the health, safety, or welfare of the public or the environment. The market fosters avarice as witnessed by the continual growth of sprawling subdivisions and development in floodplains, desert farming, and plans to integrate the groundwater of the northstate into the state water supply with all activities subsidized by the public. At a minimum, BEC encourages BVID to prepare an EIR/EIS for the project to disclose the significant and grave impacts to the environment, local economies, and land use in receiving areas.

BEC requests notification of any meeting that addresses this proposed BVID project or any other BVID project that requires any consideration of NEPA and/or CEQA. In addition, please send any additional documents that pertain to this project, including a notice of determination.

Sincerely,



Barbara Vlamis, Executive Director
Butte Environmental Council

Cc: Michael, Jackson, Esq.

References

Delta Vision Committee, 2007. Summary.

http://deltavision.ca.gov/DV_Committee/July2007/DVC_Meeting_Summary_073107.pdf]

McCamman, John 2008. *Longfin smelt Agenda Item 8(B) for the February 7, 2008 Fish and Game Commission Meeting – Department of Fish and Game Recommendation on a Proposed Emergency Regulation Pursuant to Fish and Game Code § 2084*. State of California Memorandum, February 4, 2008. <http://www.dfg.ca.gov/news/pubnotice/docs/08smelt/Smelt-Memo.pdf>

Moyle, Peter et.al. 2004. *Biology and Population Dynamics of Sacramento Splittail (Pogonichthys macrolepidotus) in the San Francisco Estuary: A Review*. San Francisco Estuary and Watershed Science.

Singletary, Loretta 2005. *An Overview of Water Scarcity and Water Market Development*. University of Nevada Reno. <http://www.unce.unr.edu/publications/files/ag/2005/fs0523.pdf>

Attachment A - Delta Vision Committee, 2007. Summary.

Attachment B- McCamman, John 2008.

Attachment C - Moyle, Peter et.al. 2004.

Attachment D - Singletary, Loretta 2005.

(above attachments sent by e-mail to walter@bvid.org)