



Making San Francisco Bay Better

August 29, 2003

Delores Brown
Department of Water Resources
3251 "S" Street
Sacramento, California 95816

SUBJECT: Environmental Water Account EIR/S

Dear Ms. Brown:

Thank you for the opportunity to comment on the July 2003 draft of the Environmental Impact Statement/Report for the CALFED Environmental Water Account (EWA). On January 10, 2003, I sent comments on the previous draft to Sandy Osborn at the Bureau of Reclamation for incorporation in subsequent drafts. After reviewing the draft of the EWA EIR/S dated July 2003, I noticed that my comments had not been incorporated. As I have not received any correspondence regarding my comments, I am resubmitting them to you and Sammie Cervantes at the Bureau of Reclamation for your review. As an agency participating in the CALFED initiative and involved in managing the health of the San Francisco, San Pablo, and Suisun Bays, I hope that the comments provided herein will be of assistance to you in your analysis of the impacts of the Environmental Water Account to statewide resources.

BCDC appreciates this chance to be of assistance in the development of the Environmental Water Account, a program with goals the agency believes will greatly benefit fish species of concern in San Francisco Bay and the Delta.

In 1965, passage of the McAtteer-Petris Act, established BCDC to implement and enforce a comprehensive plan for the conservation of San Francisco Bay and the development of its shoreline. Pursuant to the McAtteer-Petris Act, a BCDC permit is required for placing fill, extracting materials, or changing the use of any land, water, or structure within the area of its jurisdiction. A significant decrease or change in the pattern and amount of fresh water flowing into the Bay has the potential to change the use of land and water areas by degrading their habitat values. We understand that the program is designed to provide environmental benefits; however it is at least theoretically possible that the alternatives proposed in the EWA EIR/S may decrease the pattern or amount of fresh water flowing into the Bay in a way that could negatively affect Bay habitats. Therefore, please clarify whether or not the alternatives outlined in the EWA EIR/S will significantly affect freshwater flows into the Bay system and analyze the potential impacts of any significant change. Please include a description of the McAtteer-Petris Act in the State Requirement section in Chapter 1 of the EIR/S. A copy of the McAtteer-Petris Act can be found on the Web at <http://www.bcdc.ca.gov/library/mpa/mpa.htm>.

In addition to the McAtteer-Petris Act, BCDC is guided by the Commission's *San Francisco Bay Plan* (Bay Plan) which includes policies on fresh water inflow into the Bay system from the Sacramento and San Joaquin Rivers. BCDC applies the Bay Plan policies to all projects that may influence the quantity and quality of fresh water that flows into its jurisdiction. As noted previously, it remains unclear, after my review of the EWA EIR/S, whether the EWA alternatives proposed will alter the pattern of or decrease fresh water inflow into Suisun Bay, San Pablo Bay, and/or San Francisco Bay. Please discuss in the final draft of the EWA EIR/S whether any of the proposed alternatives will change the quantity or quality of water

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flowing into the Bay. If any alternatives do affect fresh water inflow, please address the proposed projects conformity with the Bay Plan policies. A copy of the entire Bay Plan can be found on the Web at <http://www.bcdc.ca.gov/library/bayplan/bayplanmenu.htm> . The Bay Plan's Findings and Policies on Fresh Water Inflow are located at <http://www.bcdc.ca.gov/library/bayplan/bayplan.htm#21> .

If you have any questions regarding the comments stated herein, or wish to obtain more information on BCDC's authority, please contact Steve Goldbeck at (415) 352-3611. I look forward to working with you in the future in support of the Environmental Water Account.

Sincerely,



CARLA B. CHOKEL
CALFED Program Analyst