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May 16, 2014

Subject: BDCP Public Comments Time Extension Request

We are writing on behalf of the member organizations which are shown with this letter to request an extension for responding to the draft BDCP and draft EIR/EIS for BDCP. We request a minimum extension of 60 days which would extend the deadline into August, 2014. We are requesting this extension primarily so that the Implementation Agreement (IA) can be analyzed and commented on as an integral part of the plan, and coterminous with the EIR/EIS.

The Implementation Agreement is one of the foundational elements of this project and should succinctly describe the project's purpose; the project's financing plan; the project's biological goals; the project's operations; and the project's adherence to existing laws. Each of these elements is a mandatory requirement of a permissible project plan. The lack of the Implementation Agreement as an integral component of the project plan and the project's

environmental documents is a clear indication to us of a fundamentally flawed project.

It is the Implementation Agreement that defines obligations, provides assurances, ensures adequate funding, specifies responsibility for implementing measures, provides for enforcement and remedies for failure, and establishes the process for changes, among numerous other things. And these details reach into critical sections throughout the documents, from governance to finance to adaptive management to assurances to the very project description.

BDCP is incomplete without the IA because it does not specify any commitments the parties have made to fund and promote mitigation measures. As an impact analysis, the IA is required to be prepared concurrently with the EIS. Nevertheless, the parties to the BDCP have failed to produce even a draft IA specifying their individual commitments to ensuring the integrity of the project. This has resulted in the staggered or piecemeal environmental review that NEPA prohibits.

Finally, the BDCP has been described as the most complex HCP/NCCP permit application ever attempted. The integration of the IA with the EIR/EIS is essential, as is the time extension to adequately review and comment on the combined documents.

A handwritten signature in black ink that reads "Nick Di Croce". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Nick Di Croce, Co-Facilitator

**ATTACHMENT TO EWC TIME EXTENSION REQUEST**  
**MAY 16, 2014**





CA Save Our Streams Council



Tuolumne River Trust



Santa Clarita Organization of Planning and the Environment (SCOPE)



SIERRA NEVADA ALLIANCE

NORTHERN CALIFORNIA COUNCIL



FEDERATION OF FLY FISHERS

food&waterwatch



*The following Environmental Water Caucus affiliated organizations support the comments and recommendations shown in the attached letter.*

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