

From: sunshine@snugharbor.net
To: comments_EIR@DeltaCouncil
Subject: correction and update to the comments submitted by Nicole S. Suard, Esq.
Date: Thursday, February 02, 2012 2:15:32 PM
Attachments: [Part 2-final.pdf](#)
[Part 3-final.pdf](#)

Please use the below links to copy and save the corrected or added files. I split comments Part 2 into two files for easier opening and printing by interested parties. Just in case, I am attaching the 2nd and 3rd comment files as well.

http://snugharbor.net/images2012/DELTACOMMENTS/Part_2-final.pdf replace first Part 2 sent

http://snugharbor.net/images2012/DELTACOMMENTS/Part_3-final.pdf new file

<http://snugharbor.net/images2012/DELTACOMMENTS/ATTACHMENT-B-5.pdf> replace first B-5 sent

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Attachement C is being split into C-1 and C-2 and will be forwarded in the next hour

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Nicky

From: sunshine@snugharbor.net
To: comments_EIR@DeltaCouncil
Subject: links to additional comment documents and corrections, sent without attachments
Date: Thursday, February 02, 2012 2:19:46 PM

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Attachement C is being split into C-1 and C-2 and will be forwarded in the next hour

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Nicky

From: sunshine@snugharbor.net
To: comments_EIR@DeltaCouncil
Subject: please use the link below to copy or upload attachment C, a large file
Date: Thursday, February 02, 2012 4:15:59 PM

Hello Eric and crew. Here is the link to Attachment C, which should be added to the attachments to my comments (parts 1, 2 and 3) on the Delta Plan. Please confirm you received this email and can upload the attachment linked below. If at first the link doesn't work, try again as my server is getting many "hits" today.

<http://snugharbor.net/images2012/DELTACOMMENTS/ATTACHMENT-C.pdf>

Thank you in advance for your time and help on this important matter.

Nicky

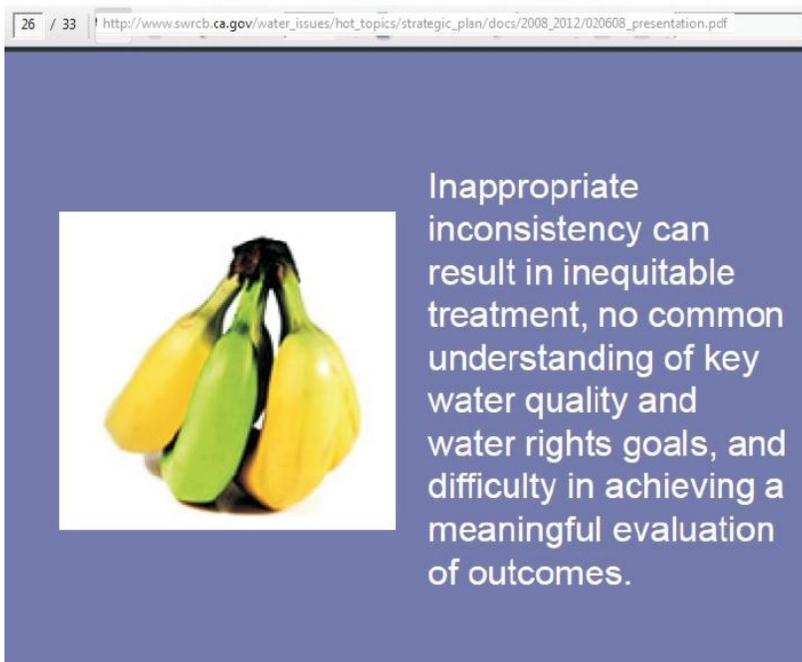
SPECIFIC COMMENTS SUBMITTED TO THE DELTA STEWARDSHIP COUNCIL REGARDING THE DELTA PLAN ... PROCESS AND USE OF DATA

COMMENTS submitted by Nicole (Nicky) Suard, Esq., Managing Member, Snug Harbor Resorts, LLC <http://snugharbor.net> email response to: sunshine@snugharbor.net or mail response to:

Snug Harbor Resorts, LLC, 3356 Snug Harbor Drive, Walnut Grove, CA 95690.

CONTINUED FROM PART 1:

The following general and specific comments and suggestions are submitted regarding the Draft Delta Plan, Program Environmental Impact Report as it appeared online in November 2011, and on the CD handed out by the DSC at meetings, and including the 5th Staff Draft Delta Plan and sections of the BDCP, as both are incorporated by reference to the Draft Delta Plan EIR/EIS. I find there are substantial inconsistencies between data used in the Delta Plan and BDCP drafts, which should be



resolved *prior to* enactment of a Delta Plan¹. Please note the following statement by a state agency representative as shown on the slide below: ***“Inappropriate inconsistency can result in inequitable treatment, no common understanding of key water quality and water rights goals, and difficulty in achieving a meaningful evaluation of outcomes.”***

Comments and suggested solutions are provided by topic rather than a chronological order of Delta Plan chapters, with a focus on how the Delta Plan uses inconsistent data which will result in inequitable treatment of Delta

land owners and businesses, and which has resulted in no common understanding of key water quality and historical water rights. The inconsistency continues to make it difficult for anyone to make a meaningful evaluation of the projected outcomes. See Attachments C² and E³ which will be

¹ <http://snugharbor.net/images2012/DELTAComments/ATTACHMENT-C.pdf>

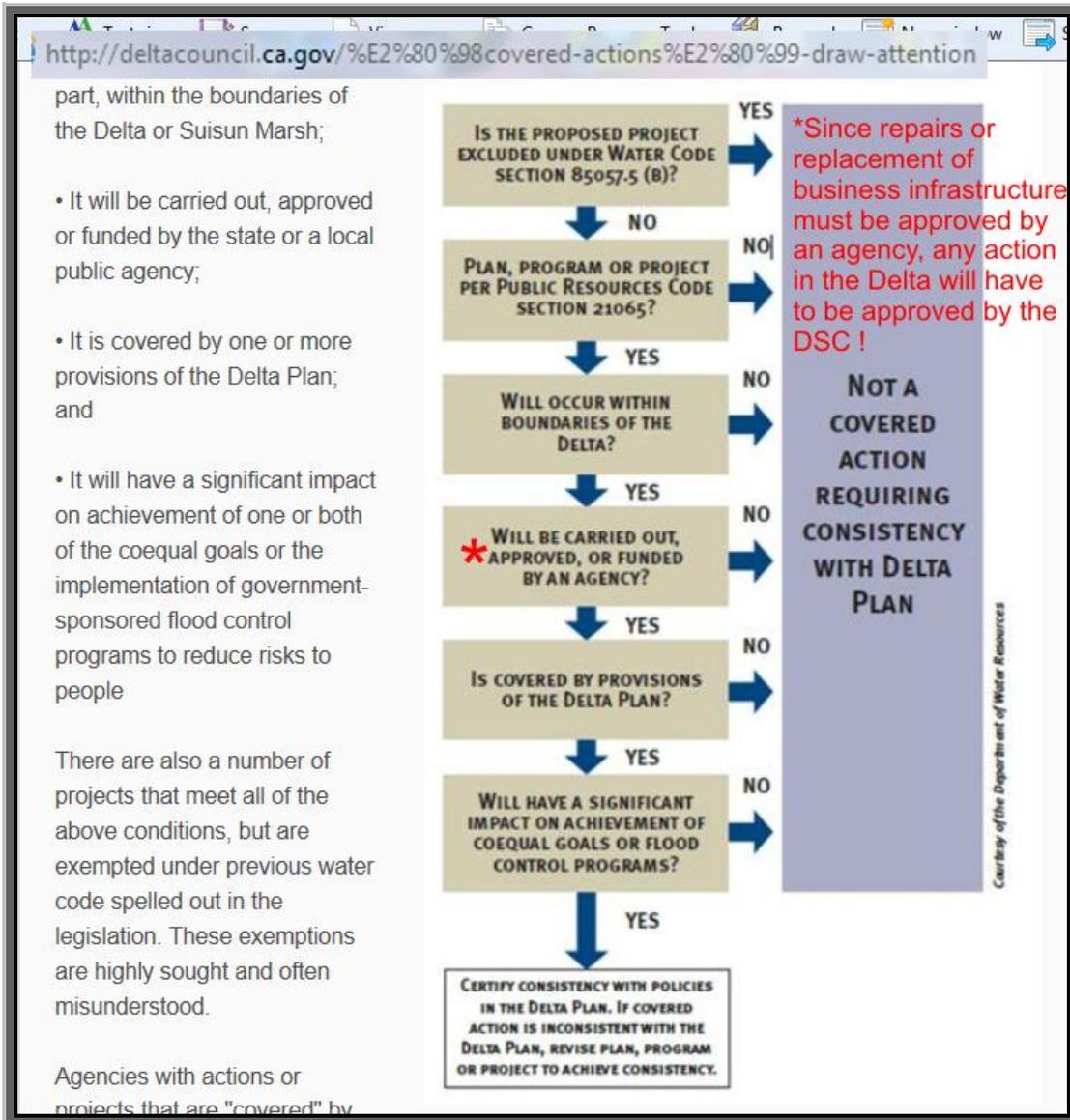
² <http://snugharbor.net/attachments.html>

³ <http://snugharbor.net/images2012/DELTAComments/ATTACHMENT-E.pdf>

referred to below for more graphical examples of inconsistent use of data by the Delta Plan and/or BDCP drafts.

Comments & Solutions:

1. **“Covered Actions”, Section 2.** Below is a screen print from the DSC website which summarizes who or what actions will be covered under the Delta Plan. It is very clear that any action, no matter how large or small, or for what reason the action is taken, will have to be approved by the DSC under the “Covered Actions” section as written. Section of web site:



As a practical “real life” application of the Delta Plan, any action to repair, replace or develop a home, business, farm or other structures require permits from one of the many agencies that claim oversight in the Delta, including but not limited to, county planning and building depts., state regulatory agencies, federal regulatory agencies, etc. So for example, if an RV park wants to enlarge the size of an RV site to better accommodate the larger newer models of recreational

vehicles, the park owner would have to get approval to move the water, electric and septic hookup from HCD, the county building & planning departments and also the Delta Stewardship Council. Does the DSC have the staffing and funding in place to handle in a timely and reasonable manner all the review and certification requests it will receive since nothing will be able to be done in the Delta region without DSC oversight? How will the DSC determine the process and cost of the review and approval process, the cost of appeals, and the cost of legal challenges? Based on the real life application of the Delta Plan, as currently written, the effect will be a substantial loss of property rights for any land and business owner deemed to be covered under the Delta Plan, which equates to effective eminent domain without just compensation, and an illegal action under current laws. In addition, sections of 2A, specifically 2.2.1 regarding a reliable water supply, as proposed, results in discriminatory actions against one class of persons for the benefit of another class of persons, because the long term actions will greatly reduce or eliminate quality drinking water access for some residents of the Delta due to excess fresh water exports to create a reliable water supply for others not formerly entitled to the water.

Solution: Wouldn't it make more sense for the Delta Plan to much more clearly and statedly *exempt* repairs, maintenance and improvements *to existing permitted residents, buildings, businesses, farms and infrastructures* (septic, wells, electric, gas wells, water pumps) from the "covered actions" clauses so that the DSC can pay attention to its purpose instead of dealing with the details the counties and other agencies are supposed to hold authority over? If, on the other hand, the DSC does intend to develop office and staff to function as the sole approval authority for the Delta, Suisun Marsh and other areas later incorporated into the plan area, then also specifically state that the authority to review and approve any and all such plans has SHIFTED to the DSC, and the counties, state and federal agencies who now hold the respective authorities are thereby relieved of their responsibilities. Without such a shift of authority, the DSC is creating another process that duplicates review and services already done by other entities. If the "Covered Actions" clause(s) are not revised as suggested above, then the alternative is to give all land owners within the Delta at least six months time to submit an application for exemption once the Delta Plan is approved in a final form.

2. **"Delta Ecosystem Restoration", Section 2.2.2.** Historically the Delta was a FRESH WATER marsh, and not a brackish one⁴. The Delta Plan should not try to revise historical facts and should not pretend that the Delta Plan will "restore ecosystem function" when in fact it will change or revise the ecosystem function. Use of "X2" or 2 ppt as a water quality standard for any area of the Delta is a *revision* of the ecosystem of that area, because the area historically had less than .05 ppt and the X2 limits allow for more than doubling the saline content by allowing 2 ppt instead. (more on water quality below). Why do the plan drafters feel they must revise Delta history in order to revise the future? To emphasize my point, below is section of the map from the California Water Atlas published in 1978 during the governor's first tenure as state leader. Note that brackish water did not extend east or north of the Suisun Marsh area. Next look at a 2011 DFG map which indicates the Delta was a "tidal brackish emergent wetland". Ask yourself "Why would

⁴ <http://snugharbor.net/images2012/DELTAComments/ATTACHMENT-E.pdf> and also http://deltarevision.com/Delta_maps/Water_salinity_toxins_wq.htm

anyone in 1850 try to grow crops on lands and levees adjacent to brackish water?" They wouldn't! The fact is, the entire Delta region was all fresh water, so to be transparent and honest, all state agencies should recognize the fresh water fact consistently! (More comparison maps found in Attachment C)

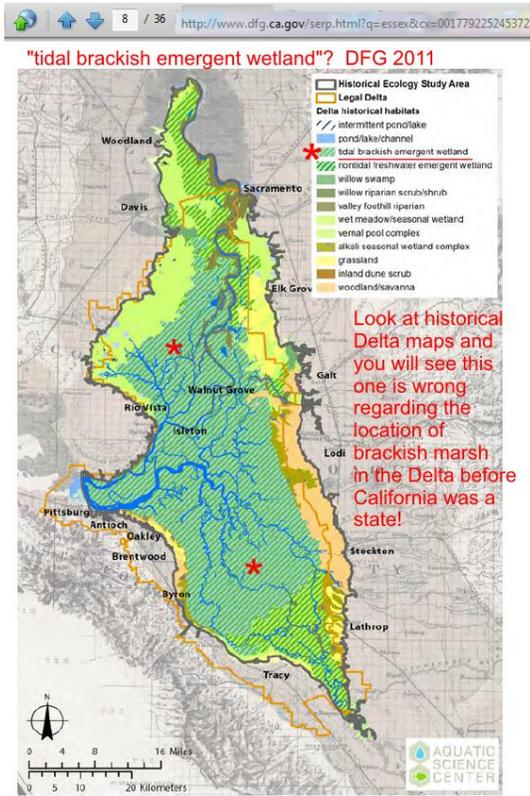


Figure 1. Draft map of the Delta landscape prior to significant Euro-American modification.



When did the extensive historical freshwater marsh noted in the 1978 California Water Atlas above become instead a brackish marsh as shown to the left, and as described in

the Delta Plan? And why would all past monitoring stations and reports use the measure of 1 ppt or less⁵⁶, knowing that fresh water is .05 ppt ideally, and brackish water ranges from the lower end of .05 ppt to 5 ppt, which would be salt water? Look at all California Water Plans written before 1998 and you will find that the Delta historically was always a fresh water marsh, contrary to new studies that might say otherwise.⁷

Solution: Use the correct historical data compiled over the last 160 years, recorded in many of the past DWR water bulletins and reports to the legislature before 1998, and available to DWR consultants. If actions taken under the Delta Plan result in portions of the Delta becoming a new brackish inland marsh or sea, it is a REVISION of ecological functions, not a restoration.

http://deltarevision.com/Delta_maps/Water_salinity_toxins_wq.htm

(Continue to the next page)

⁵ http://deltarevision.com/maps/salinity-toxins/maxsalt_44to90.gif

⁶ http://deltarevision.com/Delta_maps/Water_salinity_toxins_wq.htm

⁷

3. **Salinity compared:** 1 ppt and x2 (Delta Plan Section 3, Water Resources and Section 22.2.1 and section 23, BDCP, incorporated by reference, as currently in draft, regarding Cumulative Impacts to North Delta area water quality and water flow)

As noted above, the drinking water quality standard & agricultural water use standard for the Delta has always been below 1 ppt. The Delta Plan, however, indicates “X2”, which is a standard for fish water quality, might be utilized in some areas of the Delta⁸. That would constitute a potential breach of Delta landowner riparian rights, and a breach of the NDWA⁹ contract for the areas protected by the contract. To avoid inconsistency and inequitable treatment of Delta land owners, The Delta Plan should require that the BDCP and others related to water quality refer only to the historic Salinity standard of less than **1 ppt**¹⁰ for water quality standards for in-delta use should be included in the Delta Plan, with specific incorporating reference to the NDWA contract¹¹. (See [Attachment E](#), first four pages, and see also Attachment E-2, as the original attachment has been split into two documents for easier upload). The Delta Plan should specify *minimum* water quality and minimum water flow *for each natural or original waterway* of the North Delta or Sacramento River watershed within the Delta, as the watershed was defined prior to 1995, and as was planned in 1978 to 1985¹² if the peripheral canal or other Sacramento River conveyance plan had been approved.

Since water flow is also important, the Delta Plan, and BDCP, should determine water flow minimums year round to assure water quality standards for in-Delta human use (less than 1ppt) year round. Below is the graphic from the BDCP. Note it only covers North Delta Diversion Operation Criteria from December through April. However, just the last two water years demonstrate that weather years can vary greatly and to avoid any future questions regarding the months from May through November, specific diversion criteria should also be stated, perhaps in

⁸ <http://deltarevision.com/maps/salinity-toxins/x2-locations.jpg>

⁹ <http://northdw.com/Documents/Fact%20Sheet.pdf>

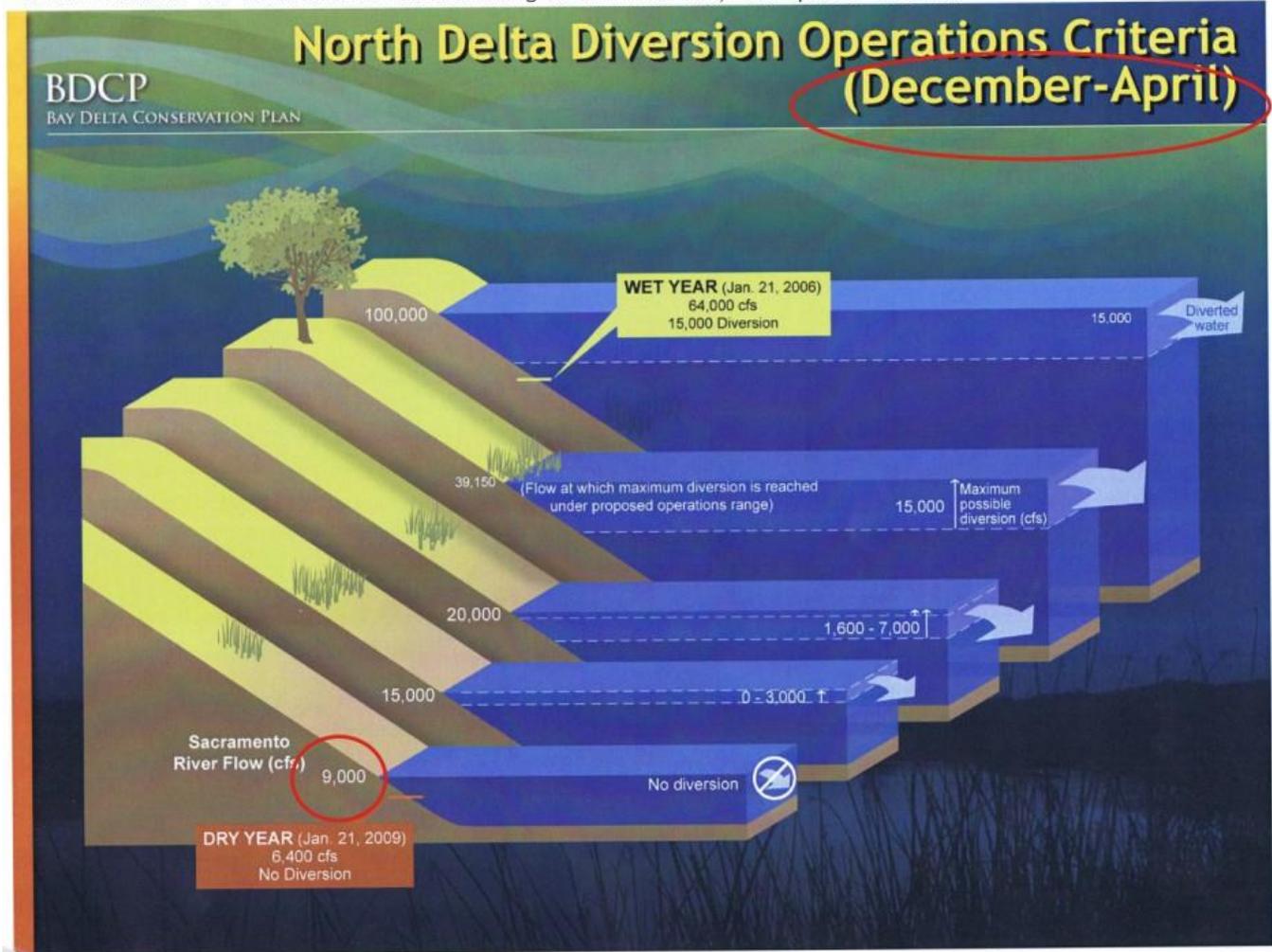
¹⁰ http://deltarevision.com/maps/salinity-toxins/maxsalt_21to43.gif example map

¹¹ <http://www.northdw.com/Documents/NDWA%20Contract.pdf>

¹² http://deltarevision.com/maps/salinity-toxins/usace_salinity_stations_ryer.jpg

the same format as shown in the screen print from a BDCP presentation found online:

BDCP 9/27/2011 Update: DWR speaker says the lowest flow on the Sacramento River below Sacramento will be 6,400 cfs December through April under the new plans. May through November diversions not presented. When asked how 6,400 cfs would be split between the three branches of the Sacramento River in this area of the Delta, the question was ignored or not answered. Note that flow is at least 4,000 cfs on Steamboat Slough and also on the section of the Sacramento River between Georgiana and Isleton. When asked if the projections below included the revisions to the DCC being constructed now, the speaker said no



The above graphic could be expanded to cover all months of the year, as the important issue is not the month or date but the new flow from the Sacramento River. In addition, Water quality monitors should be placed at the location(s) where salinity intrusion is most likely to initiate based on managed flows and/or drought conditions and/or breach of a Delta island for water storage or restoration. For the North Delta, at a minimum, new salinity and flow monitoring stations should be installed and maintained by DWR under the new Delta Plan at approximate River Mile 15.5 on Steamboat Slough and River Mile 15.5 or 16 on the Sacramento River¹³. All waterway and monitoring data must be easily accessible to the public and posted online. No new contracts for any diversions from the Sacramento River watershed should be allowed if such contract would reduce in-delta flows below the minimum allowed on any natural waterway. Natural Delta

¹³ <http://snugarbor.net/images2012/DELTACOMMENTS/ATTACHMENT-D.pdf>
<http://snugarbor.net/images2012/DELTACOMMENTS/attachment-F-flows.pdf>
<http://snugarbor.net/images2012/DELTACOMMENTS/ATTACHMENT-H.pdf>

waterways are defined as Sacramento River courses that were navigable in 1852 to 1860s, per the maps and descriptions of the first official survey of the Sacramento River from below Rio Vista to Sacramento, and including Steamboat Slough, “Old River” Sacramento and Sutter Slough. See **Attachment H**¹⁴ for sections of original maps and Attachment D¹⁵ for the importance of the waterways).

Technical issue: Delta Dimensionality Considerations-2-dimensional flow model is needed to be applied during low flows in certain reaches when gravitational circulation might be carrying more saline water and nutrients upstream along the channel bottom on a net tidal cycle basis. If there are no monitors located at the confluences of Steamboat Slough with Cache Slough, and Sacramento River south of Ida’s Island (Viera’s) saline water may encroach without detection and begin to cause damage to the aquifer of this area, degrading the drinking water for this area of the Delta. In addition, encroachment of saline water into the North Delta is a breach of the NDWA contract. . Restoration projects that could create the possibility of salinity encroachment above 1 ppt north of Rio Vista should be prohibited due to the impact on prime farm lands of the Delta. These natural waterways should also be maintained for navigation per previous plans and legislation passed or approved between 1880 and 1990¹⁶. The map below, provided at a BDCP presentation, gives a good graphical example of the possible impacts to water flow and quality in the North Delta based on “seasonal flows” but the months or seasons are not defined. For consistency and equitable treatment, the Delta Plan and BDCP should cover all seasons and all water year types, with impacts described for each natural or original waterway and each of the individual Delta islands to be regulated by the Delta Plan. The 1873 State Survey/Irrigation map¹⁷ often used in DWR publications might be a good example of the natural waterways.

(go to next page)

- 4. Sacramento River historical flows compared:** (Section 3, Water Resources) The proposed conveyance alternatives call for diversion of between 6,000 cfs and 15,000 cfs from the Sacramento River, NOT including all the most recent new diversions already built or under construction as the Delta Plan has gone through this draft process. Historical records will show that the Sacramento River does not have 15,000 cfs to export more than half the years, even if all water was exported leaving no fresh water in the North Delta. So before any reasonable person can approve a plan to divert “y” amount of water from the Sacramento River, one must understand how much water is actually physically available. When the Federal government needs cash, it revs up the printing presses. When the state needs cash, it apparently fabricates paper water, utilizing computer modeling to validate what does not exist. In order to understand the

¹⁴ <http://snugharbor.net/images2012/DELTAComments/ATTACHMENT-H.pdf>

¹⁵ <http://snugharbor.net/images2012/DELTAComments/ATTACHMENT-E.pdf>

¹⁶ <http://snugharbor.net/images2012/DELTAComments/ATTACHMENT-E.pdf>

¹⁷ <http://deltarevision.com/images/historic/1873irregationmap.jpg>

mathematical computations for this section, which analyses how much water flow is available for export from the Sacramento River below the I-Street bridge, one should look at the following water conversion charts: DWR conversion chart and USGS conversion chart. Since the computer modeling (CALSIM, CALVIN, DSM2, CALSIM II) were developed prior to 2001, and were used to make the decisions included in the Delta Plan, it is appropriate to assume CALSIM et al used the DWR conversion table. Note that when converting between CFS, TAF and MAF DWR's table add 48 gallons per cfs of flow. Please answer the question: **Does 1 cubic foot per second (cfs) equal 646,320 or 646,272 gallons per day¹⁸?**

**Why does DWR use different conversion numbers from USGS?
Compare converting CFS to gallons per day**

<http://www.water.ca.gov/swp/operationscontrol/docs/annual/annual01.pdf>

Conversion Factors

Quantity	Multiply	By	To obtain
Area	acre	43,560	square feet
Volume	cubic foot	7.481	gallons
	cubic foot	62.4	pounds of water
	gallon	0.13368	cubic feet
	acre-foot	325,900	gallons
	acre-foot	43,560	cubic feet
	million gallons	3.07	acre-feet
	Flow	cubic foot/second (cfs)	450
gallons/minute		0.002228	cubic feet/second (cfs)
million gallons/day		1.5472	cubic feet/second (cfs)
cubic foot/second (cfs)		646,320	gallons a day
cubic foot/second (cfs)		1.98	acre-feet a day
million gallons/day (mgd)		1,120	acre-feet a year
Pressure		feet head of water	.433
Power	kilowatts (kW)	1.3405	horsepower (hp)

This seems like a small difference, but when you multiply the quantity of gallons by the volume of cfs called for in the Delta Plan, it results in a substantial inflation of the gallons of fresh water that will be exported away from the North Delta. For example, based on just a 6,000 cfs conveyance option, the total gallons per day would be either 3,877,920,000 or 3,871,632,000 or **a difference**

¹⁸ http://www.deltarevision.com/Issues/waterflow/video/NorthDelta_vs_NorthDelta/waterflow-graphics-2of3.pdf page 9

http://md.water.usgs.gov/cfscalc/

USGS CFS Conversion Calculator

Convert to

CFS Value (ft³/s)

Result:

Conversion factors for cfs calculations: 1 cfs =

7	,48	gallons per second
448	,8	gallons per minute
26,928	,0	gallons per hour
646,272	,0	gallons per day
28	,32	liters of water per second
1,699	,2	liters of water per minute
101,952	,0	liters of water per hour
2,446,848	,0	liters of water per day
2.446848	,0	million liters of water per day
0	,646272	million gallons per day
62	,5	pounds of water per second
3,750	,0	pounds of water per minute
225,000	,0	pounds of water per hour
5,400,000	,0	pounds of water per day

close this window

of **6,288,000 gallons per day** additional Sacramento River diversion based on the DWR (and CALSIM presumed) conversion table.

In addition, one has to determine how much water flow is even realistically available for diversion from the Sacramento River. Specifically, prior 1998, water flow on the Sacramento River was consistently reported as TAF or MAF¹⁹ with a range from 17,220 TAF to 21,283 TAF depending on who was counting what period of time. (To see a large display poster on the historic flow issue, you might want to review²⁰

http://deltarevision.com/Issues/waterflow/video/north_delta_low_flow_effect.jpg now) In summary, 15,000 cfs exported from the Sacramento River, as proposed in the Delta Plan, equals approximately **10,859 TAF**, which more than doubles the amount of water exported from the Sacramento River currently, not including the new diversions installed over the last 10 years per the CALFED plans and "Interim Delta Plan". The historical water flow DWR reports printed before 2004 indicate 17,220 TAF average annual flow. To be consistent, the Delta Plan and BDCP should be based on this flow number, less the new and under construction diversions, such as the

¹⁹ http://www.deltarevision.com/Issues/waterflow/video/north_delta_low_flow_effect.jpg

²⁰ <http://deltarevision.com/Issues/waterflow/video/waterflow-graphics-2of3.pdf> or <http://deltarevision.com/sacramento-river-waterflow.html>

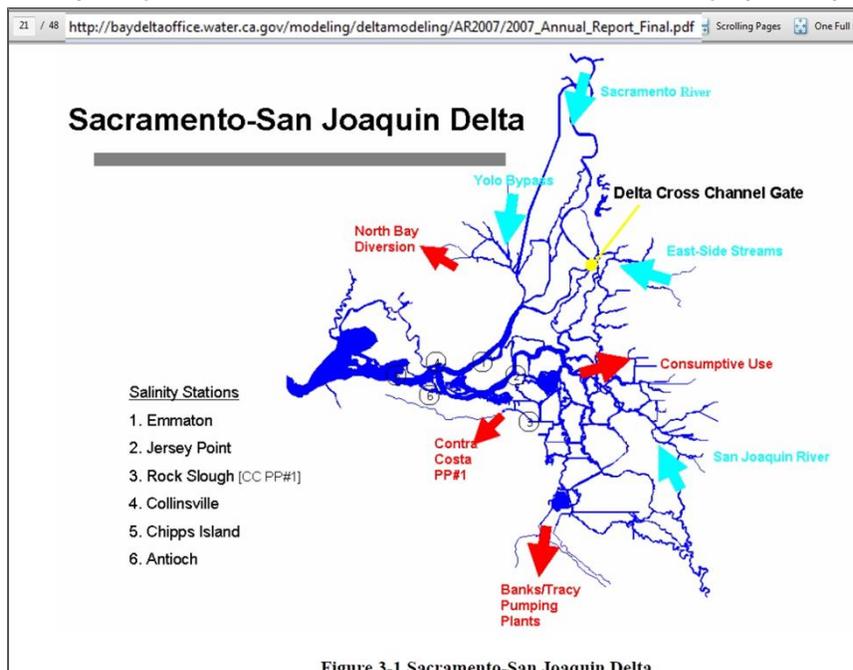
one at Freeport²¹, at Verona, north of the I-Street Bridge, and the planned 100 mgd pumps for the Folsom South Canal²².

When one reviews the water plans of the past, and the reports and studies leading up to this new Delta Plan, inconsistencies in how water volume is calculated is seen, which results in an inflation of water available for export, leaving less water available to flow through the North Delta waterways of Steamboat Slough, Sutter Slough, and a portion of the lower “Old River” Sacramento. **Since the new Delta Plan was conceived and planned over the last ten years, and well before the 2009 documents the Delta Plan uses as reference, the inconsistencies found in water calculations and computer modeling used by DWR for CALSIM and CALSIM II should be reconciled and corrected to reflect volume calculations based on standard conversion tables, if accuracy is a goal of the Delta Plan.** This issue was brought to the attention of the ISB in 2010 and reference material are included in this comment/statement; see **Attachment F²³** and **F-2²⁴** and if interested in the details, see the documents and video presentation at the following links:

http://deltarevision.com/it_depends_on_who_is_counting.html

http://deltarevision.com/Issues/waterflow/video/NorthDelta_vs_NorthDelta/waterflow-graphics-2of3.pdf

It may help the reader to understand where water physically flows in the Delta:



Map above shows the past actual physical flow and modeling schematic for that flow prior to 2007. The following map shows BDCP proposed seasonal changes in flow if/when more

²¹ <http://snugarbor.net/New-sacramento-river-intakes-2011.html>

²² <http://snugarbor.net/images2011/deltastuff/folsom-south-diversion.jpg>

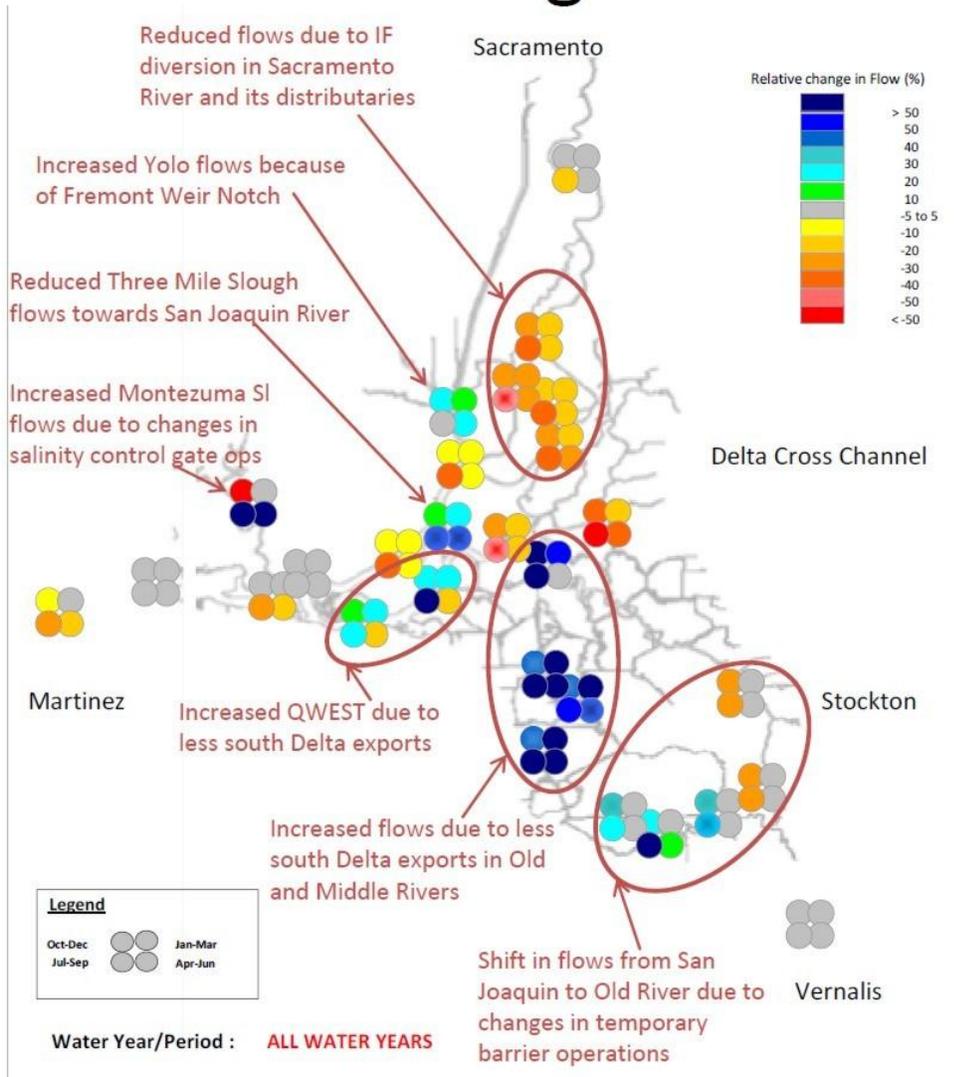
²³ <http://snugarbor.net/images2012/DELTACOMMENTS/attachment-F-flows.pdf> and

²⁴ <http://snugarbor.net/images2012/DELTACOMMENTS/ATTACHMENT-F-2.pdf>

Sacramento River water is diverted from the North Delta. Note the 50% reduction in flow for portions of the North Delta, including Steamboat Slough, Sutter Slough and a portion of “Old River” Sacramento. Yet the flow at the Rio Vista gage could still meet water quality and salinity standards due to Yolo Bypass flows, at the same time as water quality and flow in the North Delta areas in orange on the map below fail to be met, and a breach of the NDWA contract results.

<http://baydeltaconservationplan.com/Lists/Calendar/Attachments/112/6.17.10 SC Presentation Modeling Update.pdf>

Seasonal Changes in Flow



Proposed Project and Alternatives (section 2.2.1 and section 3, Water Resources. The proposed action would divert between 6,000 and 15,000 cfs from the Sacramento River, depending upon the flow available in the river. However, per the above comments regarding historical Sacramento River flow and use of conflicting data for the computer modeling, as proposed, there will be insufficient fresh water flow remaining within the North Delta area and the sloughs to meet existing riparian, contractual and legal water and land rights of within-Delta land owners. In addition, as proposed and shown in the below graphic from the BDCP, export limits are proposed for only specific months of the year, and the plan may be silent on the other months. Flow minimums for

all times of the year must be clearly stated, and those flow minimums must meet the water quality and flow rights of the existing in-Delta land owners.

41 / 47 http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/BDCP_Public_Meeting_Presentation_1-25-12.sflb.ashx

BDCP
BAY DELTA CONSERVATION PLAN

Current Range of Alternatives

Alternative	Alignment/Conveyance	Intakes	ND Diversions	Operation	Restoration
1A	Tunnel/dual	5	15,000 cfs	BDCP SC	BDCP SC
1B, 1C	East canal/dual West canal/dual	5	15,000 cfs	BDCP SC	BDCP SC
2A	Tunnel/dual	5	15,000 cfs	Scenario 6 w/ Fall X2	BDCP SC
2B, 2C	East canal/dual West canal/dual	5	15,000 cfs	Scenario 6 w/ Fall X2	BDCP SC
3	Tunnel/dual	2	6,000 cfs	BDCP SC	BDCP SC
4	Tunnel/dual	3	9,000 cfs	Scenario 6 w/ Fall X2	BDCP SC
5	Tunnel/dual	1	3,000 cfs	ND BDCP SC SD existing Bos	BDCP SC 25,000 ac Tidal Marsh
6A	Tunnel/isolated	5	15,000 cfs	BDCP SC w/ Fall X2 No SD intakes	BDCP SC
6B, 6C	East canal/isolated West canal/isolated	5	15,000 cfs No SD intakes	BDCP SC w/ Fall X2	BDCP SC
7	Tunnel/dual	3	9,000 cfs	BDCP SC, modified	BDCP SC, modified
8	Tunnel/dual	3	9,000 cfs	≤ 1.5 MAF IDO	BDCP SC
9	Through Delta	DCC and Georgiana Slough channel modification	15,000 cfs	BDCP SC	BDCP SC

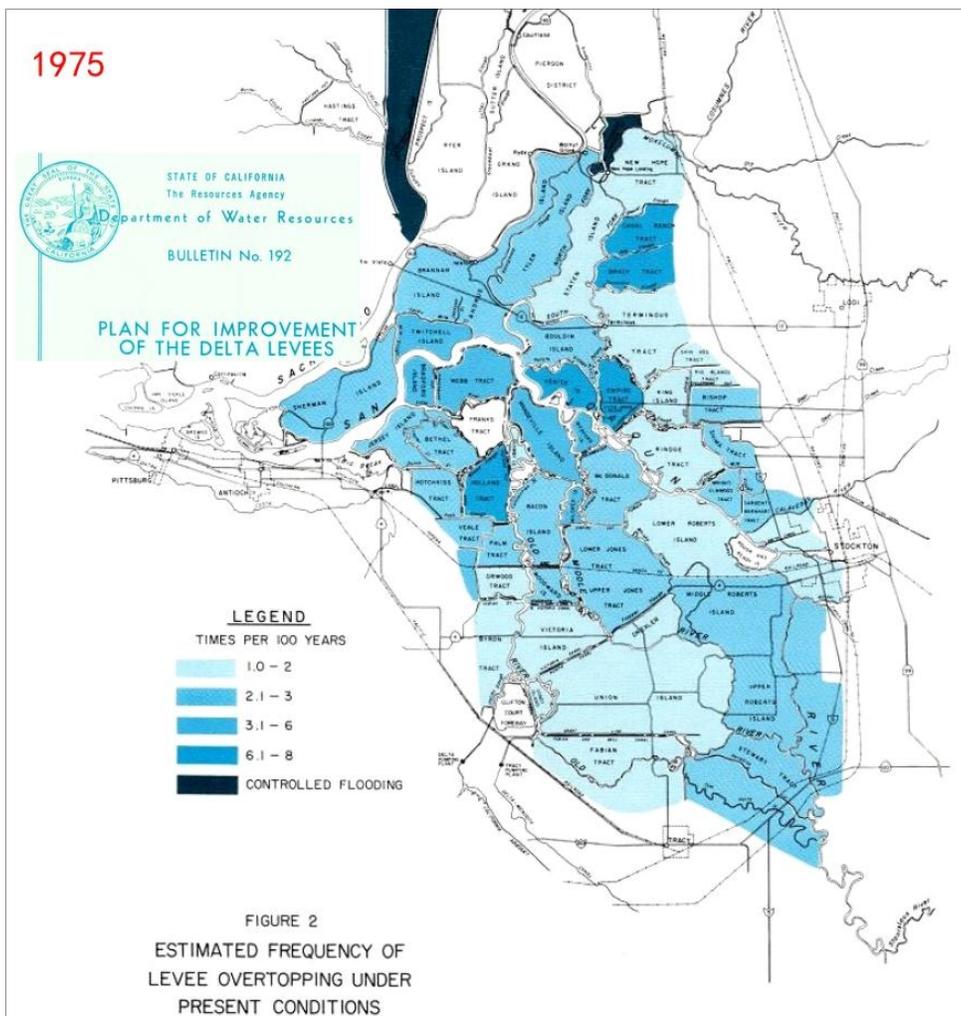
5. **Sacramento Valley, Delta and Bay Area aquifer recharge:** Delta Plan Section 22
- According to the “system reoperation” summary flow map, flow on the Sacramento River through the Delta is proposed to average 15,070 Thousand Acre Feet (TAF) including the Yolo Bypass flows of 4,000 TAF or more per year. That means, in effect, where the North Delta historically received 18,000 to 21,000 TAF per year of fresh Sierra water, the North Delta will instead receive 11,000 TAF at most. That amounts to substantially higher percent of flow reduction on the Sacramento River in the North Delta region than what was previously reported or modeled. It would mean the North Delta waterway flows might equal what would be experienced in drought times like the late 1970s²⁵, but for this area it would a sustained “drought” due to the sustained diversion of Sacramento River water. The Delta Plan indicates average flow into the San Francisco Bay will be 15,000 TAF on average per year, but the plan fails to address the fact that the quality of the water flowing on the Sacramento and San Joaquin Rivers through the Delta will be substantially degraded, once the recycled water from NorCal communities and the salt and selenium concentrated Westlands runoff are “recirculated” into the Delta. In effect the Delta and Bay will experience not just a drastic reduction in fresh water flow, but also a substantial assumed

²⁵ <http://snugharbor.net/images2012/DELTACOMMENTS/ATTACHMENT-E.pdf> go to the pages on California aquifers, pages 5-8
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reduction in water quality, which will eventually affect the aquifers of the entire area. Section 3 & 22 of the Delta Plan assumes “no long term significant effects” on the NorCal aquifers, but provides no clear data proving their assumption, and no mitigation measures should the Sacramento Valley, Delta and SF Bay aquifers show quality decline and salinity encroachment due to actions of the Delta Plan or thereafter. Common sense says that if you had a full glass of clean drinking water, and you poured out 1/3 of the water and replaced the water with treated sewage water and water with high concentrations of salt and selenium, that the glass of water could no longer be used for human consumption. The same common sense applies to a small glass in the same way it should apply to a large aquifer. In summary, the long term impacts to Sacramento Valley, Delta and SF Bay area aquifers are not consistently or adequately addressed in the Delta Plan.

6. **Delta Flood Risk (Section 5).** As presented in Part 1 of my comments on the Delta Plan, flood risk in the Delta has diminished greatly over the last thirty years. I have shown that DWR and its

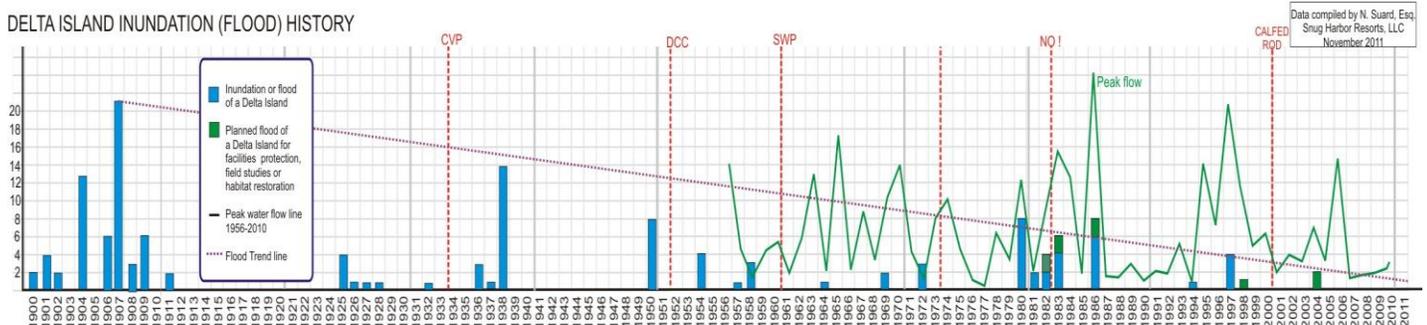
consultants have inconsistently used false data distributed through the DRMS Phase 1 “final” Report to give the false impression that some or all of the Delta Islands are about to flood for one reason or another²⁶. DWR combined flood records of islands outside the Delta in the Suisun Marsh area, used flood records of islands that are designated as “controlled flood” islands, and counted flood periods from a time before there were even levee improvements on many of the islands counted. And at the same time as DWR was quoting to the media and some scientists one set of numbers, it was presenting different data to other agencies or persons.



²⁶ <http://snugarbor.net/images2012/DELTACOMMENTS/ATTACHMENT-B-5.pdf> and see all “B” Attachments at <http://snugarbor.net/attachments.html>

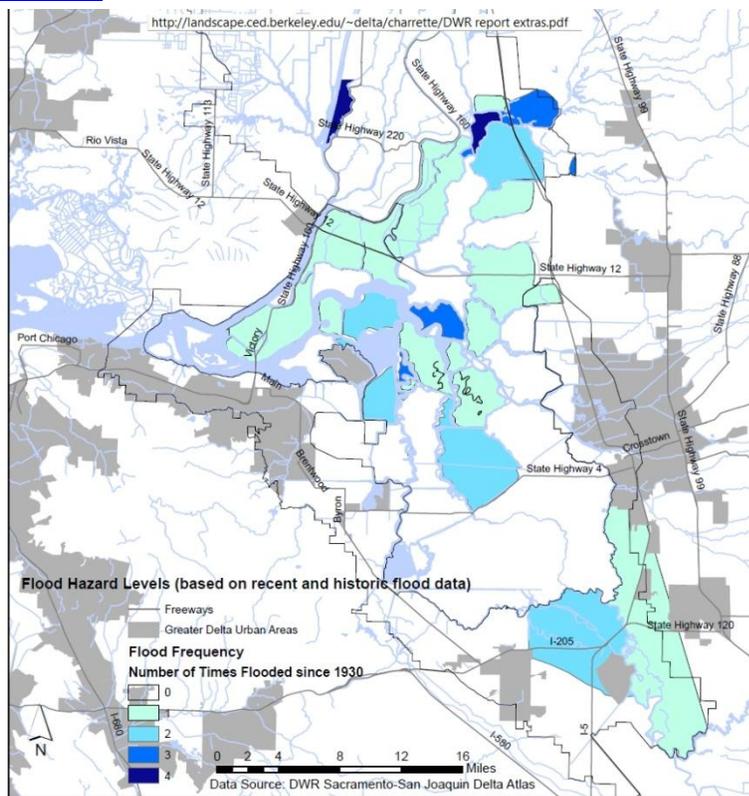
Note how the McCormack/Williamson Tract and the Yolo Bypass area islands are part of the “controlled flooding” island areas per the 1975 plan under Governor Brown.

The fact is, since the improvements made to levees under the 1975 plan, there have been very few accidental floods in the Delta, and only during record high water flows. The flood timeline below²⁷ and map from DWR 2006 records show the truth. Instead, DWR and the media have used intentional floods and explained floods (i.e. Jones Tract, Liberty Island etc) as media fodder to generate the impression the levees are about to fail when the reality is that over time there are less and less incidents of flood. Note the timeline below from Part 1 (in case you did not read that section of my comments) and you will see the clear decline in flood incidents in the Delta. Note, also that the 2004 Jones Tract flood appears to have been “field tests” for the In-Delta Storage program, so should not be considered an “accidental” flood.



If you would like to see a full size version of the above flood timeline, please go to

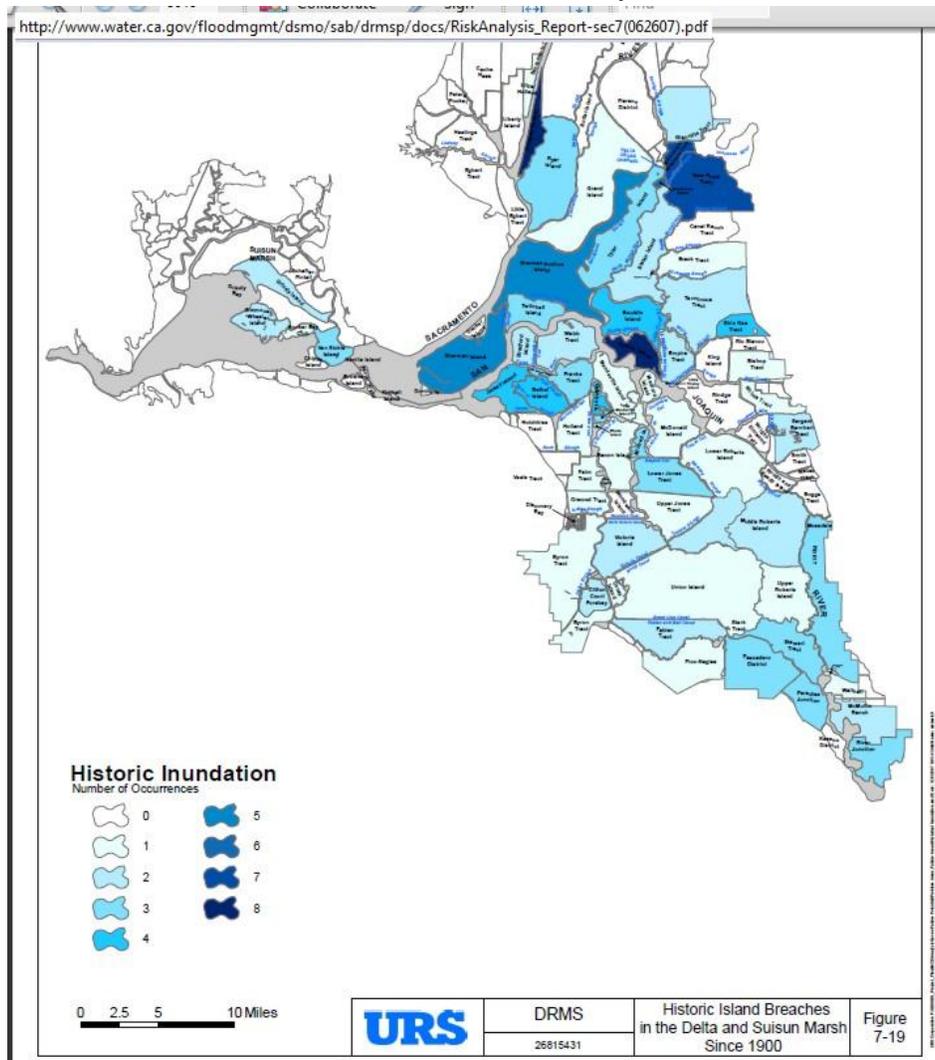
http://deltarevision.com/Issues/delta_floods_timeline.jpg or http://deltarevision.com/Delta_maps/Floods-Islands-Levees.htm



²⁷ http://deltarevision.com/Issues/delta_floods_timeline.jpg or see http://deltarevision.com/Delta_maps/Floods-Islands-Levees.htm

Map above is from the UC Berkeley Charterette With DWR as the data source

Negative Impacts from the false flood data dispersed by DWR can be exemplified by a look at Ryer Island, northeast of Rio Vista, bordered by Steamboat Slough. Ryer Island has not flooded in the last 100 years, but DWR/DRMS reports and maps indicated Ryer Island had flooded as much as “3-5 times”. The false flood data regarding Ryer Island was distributed starting in 2007 by DWR, with the result that many different reports by PPIC, DWR, certain UC professors, and FEMA continue to utilize incorrect data, as chronicled at <http://www.ryerisland.com> and at <http://deltarevision.com/Controlled%20flooding%20of%20the%20Delta.html> The following series of maps provides a short chronological visual history of the false data distributed by DWR directly affecting the history of Ryer Island. This gives the reviewer the impression Ryer Island is targeted for a reason. However, no decisions regarding Ryer Island should be made based on the false flood data still being utilized, including as shown on the Delta Plan maps that reflect FEMA maps that utilized the DRMS Technical data for Ryer Island. Below shows a 2006 map from the US

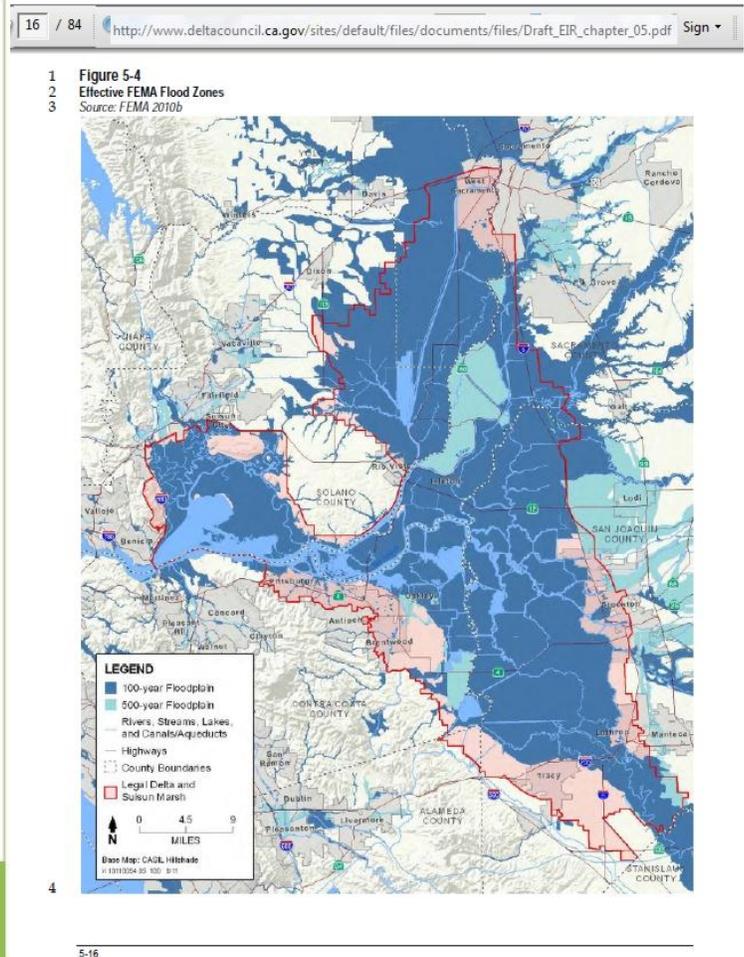
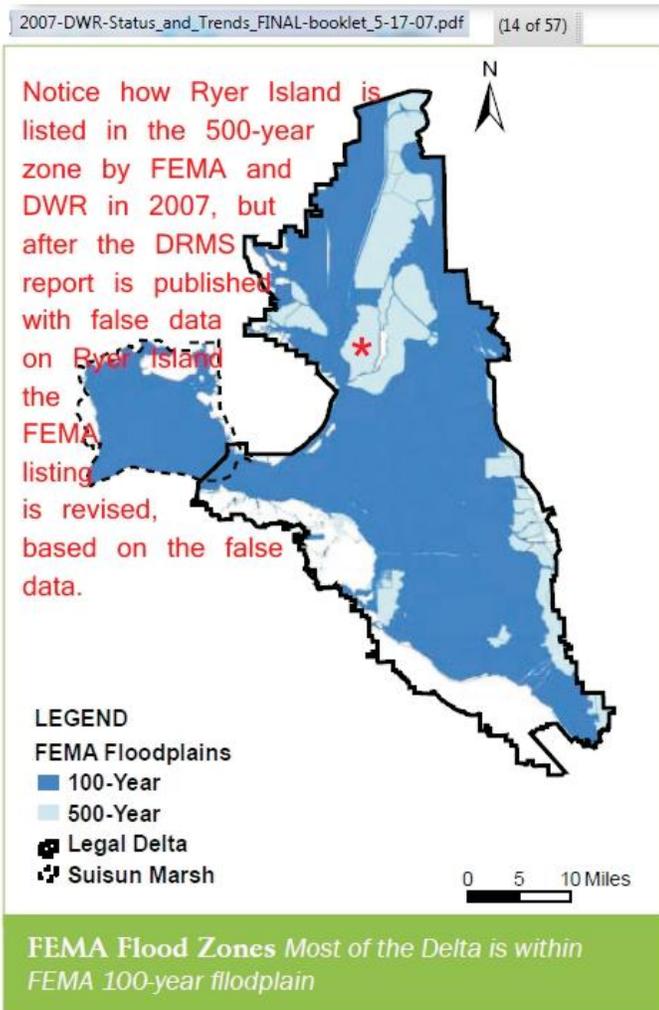


Amy Corps of Engineers Report to Congress which utilizes the time frame of 1967 to and including 2004. The following map is from the UC Berkeley Charterette, which shows flood history from 1930 to 2006. The third map is from 2007 DRMS data, and those thereafter show the progression of incorrect data regarding Ryer Island disseminated by DWR, culminating in the comparison of the FEMA map of the area in 2007, and that of FEMA in 2009, using DRMS data. FEMA 2009 map is reflected in current Delta Plan maps, continuing the use of incorrect Ryer Island history.

By early 2007 DWR had changed the flood history maps to the above more inflammatory view

Now compare the two FEMA maps, including the Delta Plan map, noting the classification of Ryer Island flood zone based on the “best available map” from FEMA, which was based on the false

data from DRW. If interested in the very detailed research and documentation accumulated regarding Delta Flood history, please see Attachment B²⁸, B-2²⁹, B-3³⁰, B-4³¹, B-5³², B-6³³

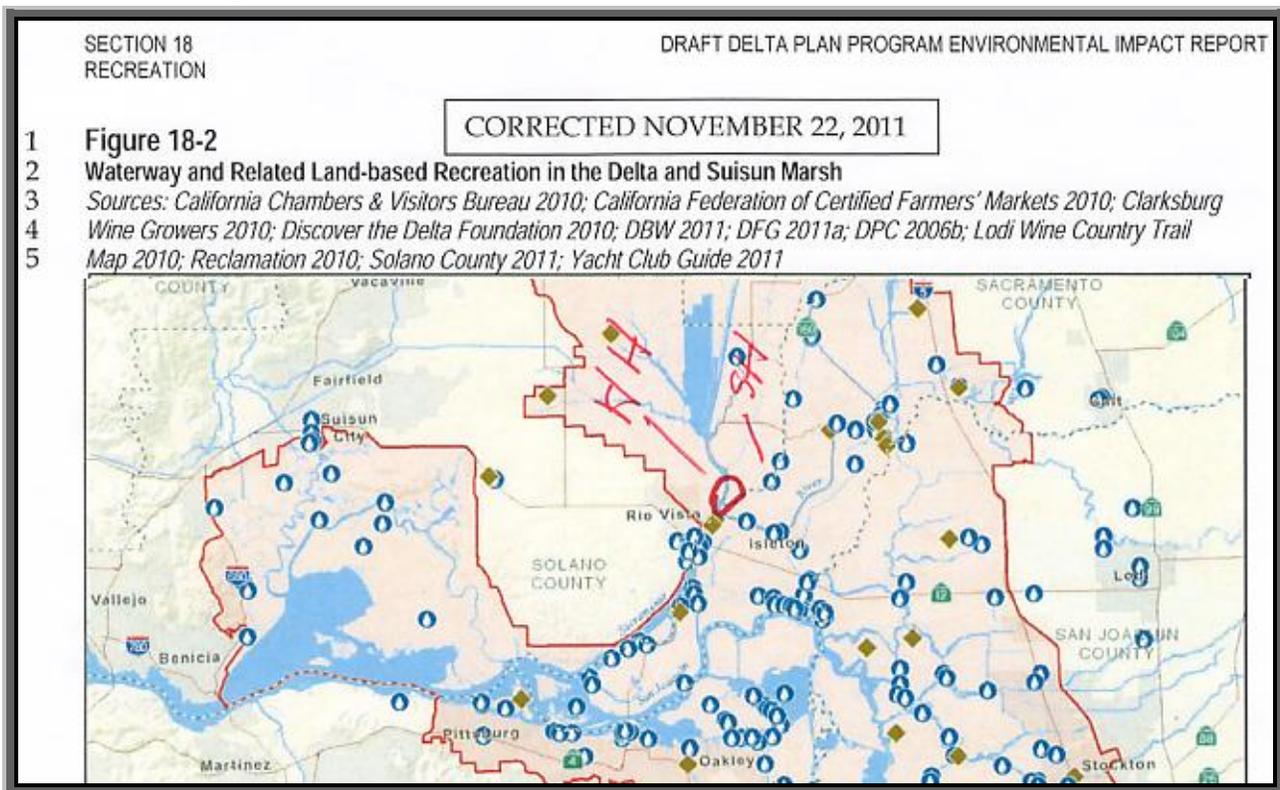


Solution: Specify in the plan that the DRMS Phase 1 technical data that was incorrect be provided to all interested parties and the corrections posted online in a “errata” file so that professors and scientist will stop using the false data to compute Delta risk. Data should be counted only from 1930 and later, and risk per island based on facts of each island, not based on records of islands not even within the Delta. At the same time, Corrections should be made regarding the other islands with incorrect flood history as portrayed in the DRMS report. The Delta Plan should not specify or approve any action that would negatively affect use of Ryer Island bordered by Steamboat Slough until such time as the corrections are made to all false data regarding the island history, and affected land

²⁸ <http://snugharbor.net/images2012/DELTACOMMENTS/ATTACHMENT%20B.pdf> graph timeline of Delta flood history
²⁹ <http://snugharbor.net/images2012/DELTACOMMENTS/ATTACHMENT-B-2.pdf> spreadsheet of data review
³⁰ <http://snugharbor.net/images2012/DELTACOMMENTS/ATTACHMENT-B-3.pdf> example of DRMS hidden correction
³¹ <http://snugharbor.net/images2012/DELTACOMMENTS/ATTACHMENT-B-4.pdf> 2009 notice to DWR
³² <http://snugharbor.net/images2012/DELTACOMMENTS/ATTACHMENT-B-5.pdf> 2001 Delta Wetlands study
³³ <http://snugharbor.net/images2012/DELTACOMMENTS/ATTACHMENT-B-6.pdf> Delta Plan Map vs FEMA Maps

owners are given an equal and genuine opportunity to review and comment plans and influence outcomes based on facts.

7. **Recognition of negative impacts due to restoration or conveyance actions:** (Delta Plan Sections 5, 6 and 18) See Attachment K³⁴ for further documentation on the same subject while reviewing the summary as follows: **The Delta Plan (and BDCP, incorporated by reference) fails to acknowledge and mitigate for the negative impacts created by the ongoing CALFED/BDCP fish corridor studies and the channel bench investigations.** An example of DP/BDCP *silence* on an important negative impact that affects flood control, human safety, and property damage is shown by a review of the impacts of the restoration projects on Steamboat Slough, off Grand and Ryer Islands. The Delta Plan does not seem to address actual possible impacts of restoration actions already built and under study. The Delta Plan should assure that the BDCP, when incorporated fully into the Delta Plan, recognizes and mitigates for actual physical negative impacts to land owners affected by the restoration or conveyance projects. For this section, please note that the draft Delta Plan map (section of map below, cropped to Ryer Island & Snug Harbor area) is missing Hidden Harbor (HH added) on the map. Hidden Harbor is a sailboat marina. Snug Harbor is located as noted below (SH added) and the written descriptions, such as found in the current BDCP and EIR/EIS drafts appear to describe Hidden Harbor, not Snug Harbor.



Next please look at the section of the BDCP Bench Habitat Analysis Sites (screen print of part of Figure C.5-9) and note site number 3 on the map.

³⁴ <http://snugharbor.net/images2012/DELTACOMMENTS/ATTACHMENT-K.pdf>