December 8, 2009

California Bay-Delta Federal Work Plan Public Comment Summary

This document includes a summary of each comment we received (87 total) categorized by the three major categories in the draft work plan, as well as a note in parentheses of the specific organization making the comment or whether it was provided by a private citizen. If more than one comment touched upon the same theme, the total number of comments referencing that theme is provided.

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SUSTAINABLE USE OF WATER

Science

- Use the stressors identified by the Bay Delta Conservation Plan (BDCP) as a template for issues to address. These include toxic contaminants, dissolved oxygen, non-native species, hatcheries, and non-project diversions (farmers)
    - Temperature and turbidity are also important parameters (Planning and Conservation League)

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- Incorporate the findings of the National Research Council's review of Delta science into the federal work plan; the plan should be flexible so as to allow the incorporation of other emerging scientific studies (farmers, Metropolitan Water District of Southern California)

Peripheral Canal

- Any financing of a new peripheral canal should come from those benefiting, including Central Valley farm operations and southern CA water agencies. Mitigation efforts should occur simultaneously with the project construction, not delayed until completion (Pacific Energy Policy Center)

- Levees should be rebuilt but not in connection with a peripheral canal that will just provide water to Southern California (citizen (2))

- Develop a intertie canal to link the state and federal water projects (farm bureau)

Groundwater

- Supportive of water table recharge projects (citizen, homeowners association)

- Tulare Lake basin in the San Joaquin Valley should be used to store water (citizen)

- Develop more projects to alleviate groundwater overdraft conditions such as the Madera Irrigation District's proposed Water Supply Enhancement Project (farm bureau)

- The Solano Project is a perfect example of failed long term planning and how one groundwater basin can be recharged at the expense of another (Putah Creek); This case study should be referenced as what to avoid (homeowners association)

2-Gates Project

- The Delta Gates project (2-Gates) should be stopped immediately until proper EIS and adequate public hearings are conducted (citizen (12), homeowners association, Save San Francisco Bay and Delta Foundation)

    - The 2-Gates project will also restrict the Coast Guard and Sheriff's ability to respond to emergencies (citizen (3))

    - The FONSI finding is not appropriate (citizen (3))

    - The project will increase mosquito populations, increase silt deposits, and decrease water flow in Discovery Bay (citizen (4), Save San Francisco Bay and Delta Foundation)

    - The project will have detrimental effects to human health via toxins associated with blue-green algae blooms and increased mosquito populations (citizen (6), Save San Francisco Bay and Delta Foundation)

  - Before installation it is necessary to model Gate conditions over a 12 month period including factors such as low and high tide, water flow, and water quality (Save San Francisco Bay and Delta Foundation))
  - The Gates project would restrict recreational boating (citizen (3))
  - The project will serve to promote a feeding frenzy on smelt by striped bass and other species (citizen (3))
  - Salt water intrusion will be a problem (citizen)
- Do not rush into fixing the gates system without adequate study including environmental, recreational aspects, and health issues; such rushing has been seen in the installation of two gates near Discovery Bay and will result in health and financial losses (especially depreciation of home values) of many in the Southern Delta (citizen(7))
- Approve the 2-Gates project (farm bureau)

Agriculture

- Try to achieve 20% reduction of water use by 2020 from agricultural practices (Contra Costa Department of Conservation and Development)
- Conservation incentives for agriculture should be employed; perhaps these should be mandatory (citizen (2))
  - This could be done through CA's non-forfeiture statute (citizen)
  - Or can be done with federal investment on technologies (farm bureau)
- Buy out Westlands irrigated lands that are saline and should not be farmed (citizen)

Other

- Add upstream actions to improve water management and flow including: new bypasses, floodplain restoration, conjunctive management of ground and surface water, and reservoir reoperation (The Nature Conservancy)
- Increase the role of the Coast Guard in managing discharges from commercial vessels (Contra Costa Department of Conservation and Development)
- Robust monitoring programs need to accompany any infrastructure changes or installations (East Bay Municipal Utility District)
- Population management must be addressed as a "priority land stewardship activity" when managing water use (citizen)

- Usage-based water pricing is needed (citizen)
- Use New South Wales, Australia as an example of how to establish an effective water rights system (Sacramento Regional County District)
- The Work Plan must reduce direct mortality of fish at the Central Valley Project and State Water Project intakes. This can be done by replacing existing screens, reducing predation by limiting the number of fish entering the forebay, and reducing mortality of fish encountering the screens (Sacramento Regional County District)
- Fund water recycling (Sacramento Regional County District, citizen)
- Southern CA should consider using desalination plants (citizen (4))
- The public should contribute to the updating of best management practices for the Central Valley Project (NRDC)
- The Work Plan should seek low interest loans and grants for water efficiency projects through CALFED (NRDC)
- The Bureau of Reclamation's Title XVI water recycling program should be expanded and institutionalized (NRDC)
- Priority projects should include: Friant Kern Canal Correction project, the Friant Kern Canal Reverse Flow project, and the Red Bluff Pumping Plant project (NRDC)
- Any actions related to water quality threats in the Delta should be coordinated with ongoing actions related to the update of the Water Quality Control Plan for the Bay-Delta

ENSURE HEALTHY ECOSYSTEMS

General

- Remaining floodplain habitat should be protected through interagency consultation between FEMA and FWS/NMFS consistent with the approach taken by the federal government in the Puget Sound area (Coalition for a Sustainable Delta)
- Feasibility and performance measures should be identified; Recommended metrics include: biological function, project cost, feasibility, likelihood of success, and spatial extended affected (Coalition for a Sustainable Delta, Reclamation District 999)
- Water quality provisions should be strengthened (Coalition for a Sustainable Delta)

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- Protect salmon and other fish species from bad placement of canals and pumps (Rip Tide Charters)
- Projects which can be implemented in 1-5 years (Coalition for a Sustainable Delta):
    - Establish delta smelt hatchery (look to research at UC Davis Fish Conservation and Culture Laboratory and CA Dept of Water Resources
    - Improved management of hatchery produced salmon and steelhead to prevent genetic diversity and fitness losses
        - Establish the practices of mass marketing
        - Selective harvest of fish through a mark-select program
        - Manage ocean harvest of salmonids
        - Use weirs to enhance reproductive success of natural origin spring-run Chinook salmon and steelhead
    - Manage striped bass and largemouth bass to reduce predation
- Ecosystem based management (as espoused by the Envisioning Futures for the Sacramento-San Joaquin Delta and State of the Bay-Delta Science reports) should guide all Bay-Delta efforts (Coalition for a Sustainable Delta)
- The Work Plan should establish a more natural flow regime in its near-term work (The Nature Conservancy)
- Ecosystem restoration should be done in a phased approach since it is more affordable and allows for learning/adapting (Planning and Conservation League)
- Restoration projects should be just that and not "creation" projects (Reclamation District 999)
- The precautionary principle should guide the Work Plan (Planning and Conservation League)
    - Reducing total exports from the estuary needs to be a top priority as well as establishing fully protective fish bypass flows at the north Delta intake(s)

Specific Projects

- Fish screens are needed at Clifton Court Forebay (Planning and Conservation League)
- Maintain a high degree of protection for Stone Lakes NWR (Stone Lakes National Wildlife Refuge Association)

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- Consider the climate change impacts forecasted for the Suisun Marsh (citizen)
- Potential restoration sites are: Sherman Island, perimeters of Honker and Suisun Bays, Meins Landing Restoration Project in Suisun Bay, Yolo Bypass, and Cache Slough (Coalition for a Sustainable Delta)
- Immediate action projects should include (Contra Costa Water District-details of each of the suggestions are provided in their letter):
    - Pilot fish screens at Clifton Court Forebay
    - Accelerate existing Three-mile Slough Project for water quality and fishery protection
    - Expand existing program to remove non-native species vegetation
    - Expand use of non-physical barriers to improve survival of the outmigrating juvenile salmon at Head of the Old River, Delta Cross Channel, Georgiana Slough, Turner Cut, Columbia Cut, Delta Mendota Canal intake, and Clifton Court Forebay
    - Accelerate existing restoration projects such as Cache Slough, Liberty Island, Prospect Island, Little Holland Tract, Lindsey Slough, Meins Landing, Chipps Island, Van Sickle Island, Dutch Slough, Lower Sherman Island, Decker Island, McCormack-Williamson Tract, and Staten Island
- Defend the BOs for salmon in Court and Congress and implement them on the ground (NRDC)

INTEGRATED FLOOD RISK MANAGEMENT

- Integrate with ongoing efforts of the Central Valley Flood Control Plan Program and state funding and prioritization projects related to Proposition 1b (farm bureau)

OTHER

Governance

- Federal signatories should be required to report to the Federal Bay-Delta Leadership Committee regarding their enforcement obligations and activities; these reports should be made available to the public (Coalition for a Sustainable Delta)
- CEQ should be the sole Chair for the Federal Bay Delta Leadership Committee (because the Bureau of Reclamation (DOI) manages the Central Valley project and thus there is conflict of interest) Dept (Contra Costa County Public Works Dept)

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- Establish an environmental report card for the area which documents institutional progress toward measurable goals; perhaps model this after the Chesapeake Bay Ecocheck Report Card (Coalition for a Sustainable Delta)
- Ensure that even federal decisions are made jointly with both state and federal agencies and stakeholders (farmers, Contra Costa Council)
- Designate the Delta as a National Heritage Area (CA State Parks, Contra Costa Council)
- Coordination with the Delta Stewardship Council, Bay Delta Conservation Plan, National Academy of Sciences, and other governance institutions created by the state of CA is necessary (Coalition for a Sustainable Delta, farm bureau, East Bay Municipal Utility District)
    - Other institutions to coordinate with include State and Regional Water Control Boards, Irrigated Lands Runoff Programs, and CA Dept of Pesticide Regulation (Various Water Control Boards)
    - Important regional legislation includes: Senate Bill No. 1 (also known as SBX7 1) which was enacted 11/12/09 and Senate Bill No. 7 enacted 11/10/09 (State Water Resource Control Board, Various Water Control Boards)
    - Work specifically with the Delta Regional Monitoring Program for contaminants (Delta RMP) and the Interagency Ecological Program's Environmental Monitoring Program (various Water Control Boards)
- Respect the commitments and assurances made by the State of CA to the North Delta Water Agency landowners in the 1981 Contract; Use this as a baseline for the Work Plan (North Delta Water Agency)
- Responsibility for enforcement of existing federal laws should no longer rest on the shoulders of private parties such as the Coalition (Coalition for a Sustainable Delta)

Work Plan

- The problems of the Delta cannot be isolated from the Sacramento and San Joaquin Basins so the entire Central Valley needs to address by the Work Plan (citizen (2), various Water Control Boards)
- The Work Plan should be guided by 3 overarching issues (Coalition for a Sustainable Delta):
    - Robust enforcement of existing federal environmental statutes
    - Promulgation of results from high quality, problem-driven empirical research and monitoring

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  - Comprehensive approach to addressing the many environmental stressors affecting the complex Delta ecosystem

- Delta communities and stakeholders must be allowed to provide input; meetings of the Federal Work Plan should be open to the public (Coalition for a Sustainable Delta, citizen, Contra Costa County Public Works Dept, NRDC)

- All suggestions of the Work Plan should include analysis of the direct and indirect economic, social, public safety, and health effects of proposed actions; additionally adequate, reliable, and permanent funding mechanisms are required by NEPA for all federal activities (North Delta Water Agency, East Bay Municipal Utility District)

  - Funding for levee maintenance is especially key since the Bureau of Reclamation does not provide this (East Bay Municipal Utility District)

- The Work Plan should include: analysis of the quantity of water flow and quality necessary to sustain a healthy Delta; analysis of the broader impacts on the estuary of re-plumbing the Delta with the proposed Peripheral Canal; peer review of the Conservation Plan; existing projects should be incorporated; socioeconomic considerations should be identified especially regarding agricultural communities and those individuals living behind levees (Contra Costa County Public Works, citizen)

- Implement the San Joaquin River Settlement Act (NRDC)

MOU

- Desire to extend the comment period since not many citizens were informed about the MOU until very recently (citizen (2), Reclamation District 999)

- Invasive species and ballast water controls should be addressed in the MOU (Metropolitan Water District of So. California)

- The MOU does not adequately acknowledge the substantial scientific efforts that have been conducted in the region (citizen)

- Regarding section I.a of the MOU, recreational boaters should be acknowledged (citizen (2))

- Regarding section II.b of the MOU, we need enforcement of the laws that exist now not another oversight committee (citizen)

- There is no reference to agriculture, aquaculture, timbering, commercial fishing, recreational fishing, or boating in the MOU. Since these groups are directly affected by the actions of the Work Plan they should be given a greater role (citizen)

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- Regarding section V.B.ii and B.v of the MOU, restoration project should not be credited as mitigation for the Peripheral Canal (Contra Costa County Public Works Dept)
- Regarding section V.B.iv of the MOU, flood risk and levee stabilization efforts should be reviewed on the 200 year flood risk rather than the standard 100 year flood risk (State Water Resources Control Board, Reclamation District 999)
- Concern about the validity of figures/statistics in the DRMS data for flood risk analysis referenced in Section V.b.iv of the MOU (Snug Harbor Resorts LLC)
- Add language to the MOU to: increase emphasis on local in-Delta interests in the planning process, improve water quality for all beneficial uses, and prioritize immediate action projects (Contra Costa Water District)

Other

- Assess the feasibility of Delta CREP to sequester carbon, create habitat, and reduce flood risk (CA State Parks)
- The ARA should focus on keeping and creating jobs in the Delta region (Reclamation District 999)
- Rural electrification projects should be installed to improve air quality (by reducing diesel generator use) (Reclamation District 999)
- The Leadership Committee needs to address existing commitments to environmental justice and Tribes (Reclamation District 999)
- Utilize local knowledge (citizen)
- Improve the CALFED Science Program which to date has failed to establish a robust monitoring program in the Delta and provide managers with answers to the most pressing questions. This improvement should include a shift to adaptive management, science fueled by managers not by scientists alone, and removal of the "firewall" between science and management (Coalition for a Sustainable Delta)
    - There should be an independent, third-party reviewer of science (farm bureau, NRDC)
    - Adaptive management is key (North Delta Water Agency)
- The near-term horizon should focus on expedited repair and infrastructure projects to provide jobs and stimulate the economy of the region (Contra Costa Council)
- Expedite the Farm Bill funding for land stewardship in the Delta and upstream areas (farm bureau)

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- Better unity between FWS and NMFS is needed to avoid conflicts like those seen in the BOs for smelt , salmon, and steelhead (farm bureau)