

Attention: Ms. Delores Brown, Chief
Office of Environmental Compliance, Department of Water Resources
PO. Box 942836
Sacramento, CA 94236

Sent by email to: BDCPcomments@water.ca.gov

March 13, 2009

This letter is written to provide comments regarding the scope of the EIR/EIS for the Bay Delta Conservation Plan.

1. General comment: The whole notice is written so broadly that it could include almost anything anyone in BDCP would want to say is included as part of the notice; it is not specific enough regarding which properties or areas of California, which lie within the legal Delta region, will or will not be affected. This, therefore, makes it very difficult for individual property owners within the Delta (those who are or will be most negatively affected by decisions of the BDCP) to know what might or might not impact them, and to know if comments should, or should not be submitted.
2. Notice to land owners within the Delta: as all land owners within the Delta region will or may be affected by the decisions made by the BDCP during the EIR/EIS process, all land owners should receive written notice of the process and also receive written documentation which clearly states with words and visual aids like maps and charts the facts and anticipated results. If the BDCP is not equipped to provide such notice, the counties with lands affected by the BDCP EIR/EIS should be charged with the responsibility to send out legal notice to land owners. Government agencies can not assume all farmers, home owners and businesses in the Delta have access to the internet to be able to print out or read related documents. At the very least, hard copies of all stages of documentation, including all referred reports, should be provided to the city or chamber of commerce offices of each Delta town, or to the reclamation offices for the islands, and notice sent to land owners that documentation is available for viewing. Other locations in the Delta could also be designated as a documentation viewing site for local land owners, so that all those who do not have access to the internet could at least review copies at a location more convenient to their homes and businesses.
3. Setting limits: (#8, page 5: Planning Goals and page 8, #6) All natural resources have limits. Since the state's current water system cannot meet the demands it has now, all state water agencies should be directed to not accept any *new* water contracts that would *increase* demand for water from the Delta region, including the Sacramento and San Joaquin Rivers. There should be no new water contracts allowed until such time as the conflicts between demand vs supply,

environmental impact vs conveyance, is resolved. And as reductions are required, the Delta region, and those with historic/deeded riparian water rights should be the last area to be impacted by limits when enforcement.

4. Balancing Potential Environmental Effects: (Page 8, item 10) against Land Use & just compensation: Land owners within the legal Delta should not be limited in use of their property in order to provide for the benefit of land owners in other areas of the state, without just compensation. Creating excessive limits on existing Delta land use or future development (including existing riparian water rights) is, in effect, attempting to exercise a form of eminent domain over the Delta properties without just compensation. When analysis of land use is made, compensation for limited current uses as well as lost future land values should be considered as a part of the cost of the overall project. Perhaps a specific formula could be developed to avoid excess litigation between Delta land owners and the state or BDCP. For example: For farm lands, determine the market value per acre using 2005 sales, plus add future value for at least a 10 year period of loss of income, to determine the compensation to the farmer if his/her land is or will be negatively affected by the take of water or institution of mitigation measures in trade for the take of water elsewhere in the Delta. For commercial or retails businesses that may be negatively impacted by decisions of the BDCP or DWR in their effort to increase water take from the Sacramento River, a similar formula could also be used, except that capital improvement costs assumed with commercial businesses warrant use of 20 or more years of loss of income calculations. In addition, the state could make special provisions that the state will waive state capital gains taxes on sales to the state or conservation agencies or nonprofits, if such property sale is directly related to conservation efforts for the benefit of the State of California and its population. Note that I suggest the base year of 2005 for valuations because after that year BDCP and DWR reports and activities may have already begun to negatively impact normal land values in the Delta area.
5. Environmental issues related to Steamboat Slough and other sloughs listed in draft BDCP documents: (Page 8, items #5,6 and 10) Various draft documents and maps from the BDCP refer to potential restoration actions suggested for Steamboat, Miner and Sutter Sloughs and the Yolo Bypass area. As the EIR/EIS is prepared, please note that Steamboat Slough in particular can be negatively impacted by actions taken on the Yolo Bypass regarding backup of water flow, and that increase in salinity of the fresh water on Steamboat Slough may negatively impact the beautiful shady banks or riparian habitat found naturally on these sloughs. In addition, preliminary studies or documents seem to indicate an assumption that boat wakes cause damage to levees, but there is no study comparing the damage caused by the waves of winter and wind storms. Prior to boating being limited on any current or historically navigable waterway in the Delta, a study must be conducted to verify it is the boat wakes, not naturally occurring wind and storm waves, actually causing most of the levee or bank damage. If large "no wake" zones are established in the Delta, as some draft maps suggest, clear enforcement measures and ongoing enforcement funding must also be determined at the same time. In addition, the economic effect on the community and land owners affected by the decision to limit boating in a specific area of the Delta should be considered, and just compensation provided to the affected land owners based on current and future loss of value. (Comments

regarding limiting motorized boating apply to all areas of the Delta; the above sloughs are used as a specific example because draft documentation refers to these sloughs.)

Thank you for consideration of my concerns. If documentation review locations are determined to be a benefit for the community in this process, I am volunteering the office at Snug Harbor as a viewing site during normal business hours, for residents of Ryer Island , if our reclamation district office is not available as a document viewing site.

Respectfully submitted:

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