

**From:** sunshine@snugharbor.net  
**Sent:** Tuesday, July 29, 2014 1:33 PM  
**To:** BDCP.comments@noaa.gov  
**Subject:** submission of comments on BDCP  
**Attachments:** bdcpccomments.pdf

Please see attached comments. Please confirm you received the pdf from Nicole S. Suard, Esq dated today in readable format.

Thank you,  
Nicole S. Suard, Esq.

July 29, 2014

**BDCP1656**

Mr. Ryan Wulff  
National Marine Fisheries Service  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

Re: Draft Bay Delta Conservation Plan and associated Draft Environmental Impact Report/Environmental Impact Statement Submitted by Nicole S. Suard, Esq. Managing Member, Snug Harbor Resorts, LLC

Dear Mr. Wulff (and the team of consultants and staff of the BDCP/DWR):

These comments are submitted by an in-Delta land and business owner who has lived through the “on the ground” combat zone that is the current California Delta Region. I first learned of the plans to revise California’s plumbing system, Delta included, in August 2008, at a meeting at the Ryde Hotel where Delta citizens were introduced to the “Delta Vision” Plan. Delta Vision documents contained several important false statements regarding Delta history, Delta flows and Delta use. Data for the Delta Vision falsities came from another previously unknown (to me) document series, the DRMS Phase 1 Report, and also the Flooded Islands Feasibilities reports. Upon review of the technical data for DRMS Phase 1, by myself and many other concerned Delta and California citizens, it was established the baseline data used for DRMS Phase 1, and therefore Delta Vision, the “Pulse of the Bay-Delta”, and other publications also all were based on the false baseline data. The BDCP thereafter utilized and built upon the false data with the result that in several important areas or topics the BDCP starts with incorrect baselines and then compounds the mistake by continuing to build on the false data. DWR representatives were advised of some of the false data in use; however Delta Vision and DWR spokespersons continued to intentionally spread the false data for media purposes, and intentionally distributed the false data to other “scientists” and organizations such that there is an expanding library of evidence showing how the false data has been used, and its impact on the decisions leading up to the issuance of the draft BDCP.

The BDCP is or may be a component of the overall new California Water plan. Both document series start with the false baseline data regarding Delta history and some Delta current status, and utilized computer modeling to validate to desired or proposed outcomes. However, when you start with false data entered into a computer program, the outcome is logically based on false data. This comment paper will focus on specific data that was falsified by DWR and its consultant URS, and how the false data has been incorporated into BDCP document and decisions which impact the Delta. In addition to starting with false baselines, the BDCP drafters have failed to recognize and address substantial impacts to the Delta; impacts include the recent past during the BDCP and CALFED studies, the near future impacts during proposed end-stage construction, and the long term impacts on the Delta, San Francisco Bay and Northern California especially focused on recharge of drinking water aquifers and long range water rights.. One of the stated limits of the “Napa Agreement” was

that increase of exports “will not impair in-Delta uses”<sup>1</sup>. The increase in exports starting in 2004 *has*, and continues to, have drastic negative effects on some areas of the Delta, and on the surrounding aquifers as well. Increasing exports *has* impaired in-Delta uses and also impaired or eliminated water uses in a wider geographic area of the Bay, so far. Ironically, the county of Napa itself has seen a substantial degradation of its east side aquifer water quality since the water exports south of the Delta increased. (Ask the Napa east side home owners how their wells are doing. The degradation of the east side aquifer water quality and levels correlates directly with the increase of exports per the “Napa Agreement”.) I will bring up some of the Delta and Bay Area impacts from the perspective of a long time boater and angler family of the Delta, as well as a land and business owner. **Just because the BDCP does not address important impacts does not mean those impacts do not exist.**

In summary, the BDCP is the most expensive 21<sup>st</sup> century packet of false assumptions compiled for the sole purpose of validating the actions planned to be taken long ago. Simply go back to 1998 to 2006 and review MWD board meeting presentations that have been available online, and you will see the decisions are already made<sup>2</sup>. It is impossible for there to be meaningful input by the public when the decisions were made long before the most affected parties, Delta and San Francisco Bay land owners, residents, business owners and vacationers had no opportunity for input back when the decisions were made. Even more offensive is that the “science” used has been selective and faize facts that are quite evident. “Best available science” for the BDCP means remove access to historical documents and hand consultants only select data to review (with a short time frame for review), so that the consultant can not, or will not, look for all the facts. The BDCP is based on salad bar science, picking some science and ignoring the rest, to achieve a validation of what was planned to be done anyway, no matter what. Given my collection of literally thousands of maps, when one looks at the series in time sequence, it is just common sense that indicates the long range goals of the few people who control California politics & mainstream media, and therefore its water, intend that the Sacramento and San Joaquin Rivers be reduced to a series of lakes and reservoirs over time. If you think my prediction is silly, perhaps you should notice the maps of the state in news & weather media, especially on television and online. Note how the maps rarely show any river in California, even when talking about water issues. Note also the historic transition of news and media ownership in 2009-2010<sup>3</sup>. Based on common sense review of the studies and the function of the water diversions over time, I believe the long range impact of the BDCP is the elimination of the Delta, or at least a substantial reduction in freshwater inflow which would sustain the Delta and neighboring counties is a permanent drought-state, at least regarding drinking water aquifers, a topic not adequately covered in the BDCP. The graphic below is from one of the DWR presentations leading up to the DSC and BDCP plans, and shows the attitude of the water contractor-paid scientists towards questions or input by Delta farmers, business owners and residents. It is rude but funny:

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<sup>1</sup> <http://www.spillwaynews.net/Arcade/DraftPropOperations.pdf> Note that most documents are also available at the following location if the original link is no longer working: <http://www.snugharbor.net/bdcpcomments.html>

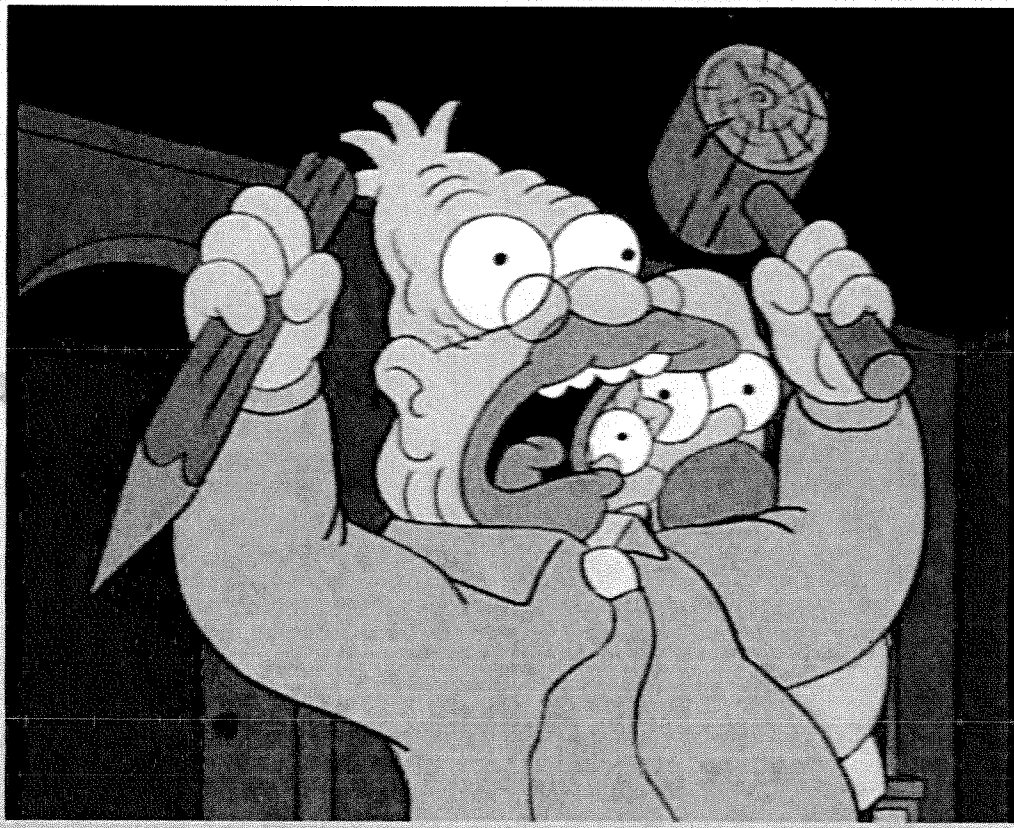
<sup>2</sup> <http://www.deltarevision.com/timeline.htm>

<sup>3</sup> <http://www.snugharbor.net/images2011/deltastuff/media2010-players.JPG>

[http://www.water.ca.gov/iep/docs/prstns/ws1\\_Monismith\\_52709.pdf](http://www.water.ca.gov/iep/docs/prstns/ws1_Monismith_52709.pdf)

# Typical Bay/Delta Stakeholder

\*BDCP scientist attitude towards interested Delta landowners in 2009



So that you, whomever you are that happens to read this paper, can know that I am not just trying to put up roadblocks to the revision of California's water plumbing system, I will start with a summary of positive suggested actions to take to improve overall California water availability statewide, which could be incorporated into the BDCP extended actions or into the California Water Plan.

Suggestions for improvement of California water systems:

1. Require all residences and perhaps businesses located in areas of California that receives imported water to install Atmospheric Water Generators (AWG) that operate with solar power only. AWG's is a newer technology that is being used on ships and in other dry countries and should be used in all areas of Southern California at a minimum. Grants could be provided to assist homeowners with the cost of installation of AWG.
2. According to reports published by DWR in the past, as much as 50% of annual Northern California river flow is lost to various forms of evaporation. Common sense says the current aqueducts exporting water to Southern California loses between 20% to 50% of the water that was diverted from the Delta. Open-air aqueducts **should be phased out** and replaced with

large pipes or tunnels using the same land where the current open-air aqueducts are located so than no one else's land is taken. Tunnels or pipes should be made of a flexible material to withstand earthquakes, but not with ABS (Abestos-cement) pipes like what has been used in the past, since corroding asbestos in pipes may pose digestive health risk. Another option might be to cover the entire aqueduct runs with **solar panels**, to generate electricity to move the water, so that more of the dams in the Sierra's that just produce electricity to move the water south would no longer be needed. (1977 California Water Atlas indicated most of the electricity generated from the NorCal dams went to energy needs of moving water from the north to the south). This would also help with maintaining water quality, avoiding contamination from the air, and allow for better protection of the water supply during disasters like induced seismic events or terrorist attacks on the system. Instead of using so much electricity to pump water up and over the SoCal mountain ranges, tunnel through the range to deliver water using gravity flow. It would be a very expensive project, no doubt, but the reduction in demand for electricity for movement of water would allow both water savings and electrical costs savings that could offset the tunnel costs over time. In addition. The bootlegged connections to the California canal would stop, since it would be more difficult for contractors to tap into water underground.

3. Another alternative would be to install surface or subsurface large water tunnels along the same route as the new bullet" train, and abandon the outdated and subsiding open air aqueduct channels. Movement energy from the trains traveling south might be harnessed to help move the water south as well, saving on electrical costs. Or solar panels could be installed along the entire route to supply the power needed to move the water. Since the Folsom Dam new spillway can divert large sums of water when available in wet years, and a new intake to divert "surplus" water into the Folsom South Canal is already under construction, it might even make sense to use Folsom Dam to supply the revised location of the California aqueduct, and eliminate the need to install intakes on the Sacramento River where currently proposed.
4. All coastal towns in Southern California should be required to use desalination for their primary drinking water source. Reliance on imported water should be reduced over time. Coastal towns are also ideally situated to take advantage of the use of AWGs due to the high moisture content in the air. Desalination is in use in many areas of the world that do not have other freshwater options-surely California water engineers can utilize the updated water technology to help reduce the demand on northern California rivers over time! DWR should substantially fund research at all California engineering college and universities to promote advancement of desalination methods to provide long term solutions to California's water woes. Set timeframes should be used to spur movement towards desalination. Let Colorado and Arizona keep their water instead of exporting it to California! In conversations with farmers of the lower central valley, with people in Bakersfield area, and with LA area people, none seem aware of the fact only "Surplus water"<sup>4</sup> is supposed to be diverted from Northern California to the south, and farmers in the lower Central Valley did not purchase land with riparian water rights. They paid less for the land because there was not water rights associated with that land. It is wrong to take or divert the value of Northern California, and potentially destroy our natural

<sup>4</sup> [http://www.deltarevision.com/Delta\\_maps/maps\\_1940\\_to\\_1979.htm](http://www.deltarevision.com/Delta_maps/maps_1940_to_1979.htm)

environment and aquifers, so that developers south of the Delta can expand housing or grow food trees that don't belong in a dry climate. Northern California is not supposed to be left with only the "surplus water", per the promises, laws and agreements made in the 1960's when the California Aqueduct was developed. When there is not any surplus water, it is the south that should do without, not the north. Hence requiring all coastal towns to develop desalination plants would allow those areas more independence from the water politics raging in our state. Israel, Dubai, Turkey all are dry countries that have found ways to save water and generate new water. (See atmospheric water generators).

5. Prohibit the use of fresh drinking water for mineral exploration including, oil, natural gas, gold, silver and any other mining process that uses hydraulic pressure. Only recycled water could be used for such processes, and the residue from hydraulic mining processes like "fracking"<sup>5</sup> could not be left in the ground in containment wells that could leak into drinking water aquifers over time or during induced seismic events. Developing a tunnel or surface conveyance to divert more water from the Delta could be rendered absolutely useless if just one of the fracking wells already in existence in the Delta cracks and also toxins into the water system. Prohibit the use of deeper freshwater aquifers for fracking anywhere in the state where use of that water could result in drawing down the more shallow surface drinking water aquifer. **Require** that all fracking wells and injection wells be reported, and that the locations of wells be made public and require substantial insurance policy that would be available to compensate landowners harmed by the fracking activities. Viewer should note there is a very close similarity to the timeline of development of the new method of fracking and the BDCP.<sup>6</sup>
6. Require all residences statewide to install "on demand" hot water heaters and phase out traditional 30 or 50 gallon water heaters that use excess energy and water keeping the water hot 24/7. Grants could be provided to assist homeowners with the cost of installation of on demand hot water heaters. On demand water heaters help to reduce both water and electric/gas bills.
7. Require residential and business property lawns to be removed and replaced with low-water landscape options in all areas of Southern California that receive at least a portion of its water from the Delta either directly or indirectly through various water transfers. Online references indicate that as much as 50% of a residential water bill may be attributable to watering of lawn which in at least drought years seems like an unwarranted use of fresh drinking water.
8. Statewide, ban the development of any new golf courses in locations that do not have right of origin water. Transferred water could not be used for irrigation of golf courses in Southern California that receive Delta or Northern California fresh water transfers or imports. All existing golf courses in Southern California would be required to irrigate using only recycled water and would be required to reduce lawn landscape to only what is necessary for the playing of the game. Transition to low-water alternate landscape for areas other than lawns would also be required. DWR could develop a list of acceptable landscape plants based on water use and climate, to be utilized by all areas of the state south of the Delta that receive water from the Delta or northern California streams.

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<sup>5</sup>

<sup>6</sup> <http://www.deltarevision.com/timeline.htm>

9. Since the BDCP references creating jobs, require that those jobs go to California residents, not to persons who come to the state for a few months and have no vested interest in the outcome or result of the construction projects.

## SECTION 1: FALSE BASELINE DATA USED IN THE BDCP EIR/EIS:

The following comments address sections of the BDCP EIR/EIS that used false or substantially incorrect baseline data upon which decisions may have been made. Each issue involves a large volume of documents, so I provide reference to the online location of those documents and incorporate those documents and pages by reference. The following reflects my opinion based on extensive review of documents related to the subject that were printed prior to 1998, generally, as that is the year it appears to me historical data began to be manipulated or eliminated from the scientific review and computer modeling for CALFED/BDCP/Delta Plan.

- A. **False baseline: Delta flood risk.** Chapter 2 of the BDCP recounts Delta history and references flood history. BDCP uses the technical data compiled for the DRMS Phase 1 report, which was compiled in 2006 and 2007 and distributed before any review for accuracy. Thereafter a “final” DRMS Phase 1 report was widely published in 2008. Only in 2009, after repeat requests for corrections, did DWR revise the flood history of some of the affected Delta islands. Revisions were made in March and December 2009. However, not all corrections were made, and to this day the incorrect flood data is still in use. Specifically, DRMS Phase 1 falsified flood history for Ryer Island bordered by Steamboat, Miner, Cache and Sutter Sloughs. (Not the “Ryer Island” located in Suisun Bay). DRMS Phase 1 also provided incorrect and at times inflated flood history for Dead Horse Island, McCormack/Williamson Tract and other islands. Any decisions of the BDCP based on the false data of the DRMS Phase 1 report will be challengeable just on that fact alone. BDCP “west side” conveyance option, while not stated as the preferred alternative, is based on the false data regarding Ryer Island flood history, as well as incorrect soil type and elevations for a part of the island. Details can be found at [http://www.deltarevision.com/Delta\\_maps/Floods-Islands-Levees.htm](http://www.deltarevision.com/Delta_maps/Floods-Islands-Levees.htm) and for a review of the DRMS data on Ryer Island go to [http://www.ryerisland.com/images/floods/DRMSf1\\_wrong\\_on\\_Ryer.pdf](http://www.ryerisland.com/images/floods/DRMSf1_wrong_on_Ryer.pdf) and also the summary of past studies on the Delta Island floods: <http://www.deltarevision.com/deltafloodtimeline.html>
- B. **False baseline: Delta freshwater Inflows and outflows and unaccounted for water:** For several years I tried to make sense of the CDEC waterflow data that was provided to the public online. I also compared the flow data provided in documents by DWR/BDCP drafts, Delta Vision, Delta Plan, US Fish and Wildlife and other agencies. What I found was that there is substantial inconsistency in how freshwater inflow and exports are reported. That inconsistency creates confusion which then works to camouflage the gaps in the waterflow reporting. I’ve found there are gaps in the online CDEC station reports for the stations at Freeport, Sutter Slough, Steamboat Slough and at the DCC on the Sacramento River; unexplained substantial differences between inflow and outflow into a specific waterway like Georgiana Slough. The decisions for water conveyance for BDCP were based on computer modeling (CALSIM, CALSIM II, DSM2, etc) that utilized the same flow data. Did the computer

Please not there is a coding error in the document which may affect the margins-sorry, it could not Be removed for some reason!

modelers know there were gaps in the data, which would tend to inflate or deflate the actual flow depending on how the data gaps were applied to the computer models? If the computer modelers were not aware of the inconsistencies in flow data nor the gaps in flow data, that indicates the computer models can not possibly be correct. For example, DSM2 modelers specifically stated at a BDCP public meeting that they assumed the water left to flow in the North Delta (a minimum of 5000 cfs) would split evenly between Sutter Slough, Steamboat Slough, lower Sacramento River and Georgiana Slough. The computer modelers seems completely unaware of the fact an in-water barrier had been developed across Steamboat Slough starting in 2008 which reduced by at least 50% of the flow into Steamboat Slough. Did the modeling account for the impact to the natural aquatic environment and the landowners along this historic waterway? If the in-water barrier was known to the modelers, why wasn't its existence disclosed by DWR's spokesperson Mr. Marshall at the March 2014 meeting in Walnut Grove? When I asked these same questions of DWR representatives, I was told it is all just estimates. My concern is that those estimates are used to validate building of tunnels for water that simply does not exist. Please see the following reference pages and documents: <http://www.deltarevision.com/sacramento-river-waterflow.html> , <http://www.deltarevision.com/sacramentoriverwaterflow4.html> , [http://www.snugharbor.net/sacramento\\_river\\_barrier.html](http://www.snugharbor.net/sacramento_river_barrier.html) , [http://www.snugharbor.net/dwr\\_reporting\\_of\\_inflow\\_and\\_outf.html](http://www.snugharbor.net/dwr_reporting_of_inflow_and_outf.html) , <http://www.snugharbor.net/images-2014/news/unaccountedwater-update.pdf>



To reprise my questions to the BDCP staff at public meetings:

The questions I ask regarding BDCP waterflow baselines are important because using incorrect or false baseline fresh water outflow data for the Sacramento River system will have a negative effect on the computer modeling outcomes or predictions for salinity encroachments, water quality of remaining North, Central and South Delta water, and changes actual export data compared to reported export data. Graphics for presentations: [georgianaflow2014.pdf](#) [georgianamissingwater2014.pdf](#) [decdatagaps.pdf](#) [georgianaflowssummary.pdf](#) [unaccountedforwater.pdf](#) [water-bdcp-questions-g.pdf](#) [bdcpbaselinevscalsim.pdf](#) [Where's the Water.pdf](#)

**Question 1.** When developing CALSIM and CALSIM II, did DWR use its own conversion chart and formulas as found in the 2000 Water plan or did DWR and/or its consultants use USGS conversion formula?  
<http://www.deltarevision.com/sacramento-river-water-flow.html>

[http://www.deltarevision.com/it\\_depends\\_on\\_who\\_is\\_counting.html](http://www.deltarevision.com/it_depends_on_who_is_counting.html)

<http://www.youtube.com/watch?v=iu5-sNjP6Wk> (1 & 2 of 3 videos) on "It

depends on who is counting"

<http://www.youtube.com/watch?v=Oncu8Zoxi5c> and

<http://www.youtube.com/watch?v=O0RBb1uvHXw>

**Question 2:** DWR made mistakes in reporting Delta exports and Delta outflow in the 2013 California Water Plan, which reported exports for the last 15 years and indicated there was unaccounted for exports, isn't it logical to assume the BDCP also used that same flow and export data which, just like the 2013 California Water Plan chart, needs to be reviewed so the reported data can be corrected? (See "Unaccounted for water flow" on Youtube:

<http://youtu.be/iLn2qpMWkx4>

video graphics pdf: [http://www.snugharbor.net/images-2014/bdcp/flows/unaccounted\\_diversions.pdf](http://www.snugharbor.net/images-2014/bdcp/flows/unaccounted_diversions.pdf)

<http://www.snugharbor.net/images-2014/news/unaccountedwater-update.jpg>

more at [http://www.snugharbor.net/dwr\\_reporting\\_of\\_inflow\\_and\\_outf.html](http://www.snugharbor.net/dwr_reporting_of_inflow_and_outf.html)

**Question 3:**

Do the BDCP flow reports, graphics and outcomes include, or account for, the flow data gaps as established from just a two week review of flow data for the North Delta waterways and if not, doesn't that indicate the baseline computer modeling for flow and impacts to the North Delta must be wrong? (See Sacramento, Sutter and Steamboat data gaps)

Youtube: <http://youtu.be/VhSqjHt6CEw> graphics at:

<http://www.snugharbor.net/images-2014/news/notices/cdecdatagaps.pdf>

<http://www.snugharbor.net/images-2014/news/unaccountedwater-update.pdf>

<http://www.snugharbor.net/images-2014/bdcp/salinityonsteamboat.jpg>

<http://www.snugharbor.net/images-2014/news/notices/flowmissingsummarysm.pdf>

#### Question 4:

Do the BDCP flow reports, graphics, computer models and outcomes include, or account for, the flow data gaps or unexplained missing water flow on Georgiana Slough in April over the last several years? Could the flow data gap in April be the cause of the dead oaks along the banks of lower Georgiana Slough or is salinity intrusion from groundwater or backflow from the San Joaquin River affecting the oak trees of lower Georgiana Slough banks? (See Georgiana Slough exports )

#### Question 5:

When developing flow and salinity modeling like DSM2 and RMA, did the models assume there would be an in-stream barrier placed in the Sacramento River at the head of Steamboat Slough, east of the Steamboat Slough bridge, that blocks freshwater inflow into Steamboat Slough, as it appears such an in-stream barrier was already placed approximately 30 to 50 feet east of the bridge several years ago? Was the purpose of this in-river 8-10 foot high flow barrier placed to manipulate the outcome of the salmon migration studies or to divert more fresh water into Georgiana Slough for export to other areas of the state? Open: [georgianaflowsmary.pdf](#)

<http://youtu.be/KuOZimdPBYI>

#### Question 6:

Did the persons developing DSM2, RMA and other Delta-related computer models for flow and exports and impacts know or modeled for the fact that Georgiana Slough had been dredged deeper than in the past, while in-river berm seems to have been installed or developed across the Sacramento River just below the Georgiana Slough confluence with the Sacramento River, which tends to direct more flow than the models reported for flow splits? Wouldn't the in-river modifications on both Georgiana Slough and the Sacramento River create a gravity-flow situation where even more fresh water from the Sacramento River would be diverted into the San Joaquin River system than had been modeled and reported? Wouldn't that also result in less freshwater outflow on lower Sacramento River, Steamboat and Sutter Sloughs, thereby allowing higher risk of saltwater intrusion into those waterways and the North Delta that recognized by the computer models used for decision making for the BDCP actions?

[heresthewater/cdecdatagaps.pdf](#)

#### Question 7:

When inputting the raw data for CALSIM, CALSIM II, DSM2, RMA and other computer modeling, was the use also planned for in-delta water wells for the new horizontal fracking method already

being used in the Delta? Besides the issue of increased in-delta water use from fracking, was the seismic risk associated with fracking considered when the state of California leased out the beds of sections of navigable waterways to gas exploration companies as the seismic risk could cause levees to fail which could also cause further water quality issues while putting humans at risk? (See fracking the Delta timeline) Youtube: <http://youtu.be/nNQYB9uCpZs>

Why is this important? The combination of the actions of the BDCP and horizontal fracking in the Delta *will destroy our drinking water aquifers* in the areas of Sacramento, Contra Costa, San Joaquin, Solano and Yolo at a minimum!

	Fracking and the BDCP: (Chapter 3 of BDCP restoration proposals)
	Does the BDCP restoration proposal correlate to the areas where natural gas fracking is happening or about to commence?
Fracking and restoration nexus	<a href="http://www.snugharbor.net/California_Delta_water_wars.html">http://www.snugharbor.net/California_Delta_water_wars.html</a>
	<a href="http://www.snugharbor.net/images-2014/news/gas-restore.jpg">http://www.snugharbor.net/images-2014/news/gas-restore.jpg</a>
	<a href="http://www.deltarevision.com/timeline.htm">http://www.deltarevision.com/timeline.htm</a>
What is fracking?	<a href="http://www.deltarevision.com/1990-1999_docs/hydraulicmining-fracking.jpg">http://www.deltarevision.com/1990-1999_docs/hydraulicmining-fracking.jpg</a>
	<a href="http://www.deltarevision.com/fracking/horizontalfrackingbreakthrough.jpg">http://www.deltarevision.com/fracking/horizontalfrackingbreakthrough.jpg</a>
2001 gas and oil map	<a href="http://www.deltarevision.com/2001_docs/2001-oil-gas.pdf">http://www.deltarevision.com/2001_docs/2001-oil-gas.pdf</a>
By 2009	<a href="http://www.deltarevision.com/maps-surveys/2000-to-now/naturalgasMap610.pdf">http://www.deltarevision.com/maps-surveys/2000-to-now/naturalgasMap610.pdf</a>
Slc permits	<a href="http://www.deltarevision.com/fracking/streamenergyss.pdf">http://www.deltarevision.com/fracking/streamenergyss.pdf</a>
	<a href="http://www.deltarevision.com/fracking/towneenergy.jpg">http://www.deltarevision.com/fracking/towneenergy.jpg</a>
	<a href="http://www.snugharbor.net/images-2014/news/gas-restore.jpg">http://www.snugharbor.net/images-2014/news/gas-restore.jpg</a>

- C. False baseline: Delta seismic risk: No levee has been known to fail due to an earthquake. However, DWR and its consultants paint a very dire picture of the condition of Delta levees. What DWR does not disclose is that the new method of fracking is emerging as a cause for localized earthquakes, and there is probably concern the EPA-allowed new injection fracking wells may cause earthquakes in the Delta. If the state has such high concern for the impact of earthquakes, the state could ban fracking and could also ban any new development in any known high seismic risk zones. Take, for example, the planned new high density development along the bay in Oakland and Berkeley. Wouldn't it make more sense to ban use of Delta water if that water is for development of housing in high seismic risk areas? Isn't safety to humans more important than the developers making large profits using high seismic risk land for high density living quarters? Save Delta water by banning any additional exports for use other than residential in low seismic risk, low fire risk areas of the state. [http://www.deltarevision.com/1990-1999\\_docs/hydraulicminimg-fracking.jpg](http://www.deltarevision.com/1990-1999_docs/hydraulicminimg-fracking.jpg)
- D. False baseline: Delta ecological history and soil types. BDCP refers to and utilizes a map created by SFEI "historical detectives". However, if one reviews the locations of the quotes when referencing historic maps and sketches, one finds the SFEI failed to recognize that island names and waterway names changed over time in the Delta. It appears that important references regarding the extent of natural forested areas of the North Delta were incorrectly located, resulting in a shift of the presumed historic forested line more northward towards Sacramento. In reality, historic maps and documents show there were oaks and other freshwater trees that could not have survived in the tidal marsh area described by the beautiful but incorrect SFEI ecological history of the Delta often referenced in BDCP, Delta Plan and the Nature Conservancy. For more specifics on this issue go to:
- E. Misleading baseline: Why is it that the areas targeted for growing of tules and aquatic vegetation, and the Egbert Tract lands used to extend the Yolo Bypass area seem to be exactly where there are many newly dug fracking wells? Look at the restoration map of the BDCP and then look at the huge amount of natural gas that is now accessible using the new fracking method. Is the correlation just a coincidence or did the BDCP drafters fail to mention the primary purpose in designation of "restoration lands? <http://www.snugharbor.net/images-2014/news/frackingcorrelation.pdf> and <http://www.deltarevision.com/timeline.htm>
- F. False baseline: Delta recreation and economic value has been greatly undervalued by DRMS Phase 1 and then the BDCP economic studies. The 2007 white paper on Delta Recreation provided to the Delta Vision group indicated Delta recreation added over one billion dollarsto the California economy each year. Why did the facts change in 2014? [http://www.deltarevision.com/Delta\\_maps/Recreation\\_Navigation\\_Transportation.htm](http://www.deltarevision.com/Delta_maps/Recreation_Navigation_Transportation.htm)
- G. False baseline: fish migration studies: Did the fish scientists know that there were barriers to natural salmon migration pathway studies when the 2006 to current migration studies were conducted? If not, wouldn't that affect their outcome reports and discussions? How did the in-water barrier across Steamboat Slough affect the migration decisions and numerical outcomes for those tests? How was the barrier accounted for and why weren't the LIWD studies also reported as part of the fish studies?

H. Other baseline data that is false, incorrect or inflated in the BDCP: Delta transportation reports,

Delta landowner statistics, some Delta island elevations.

## **SECTION 2 IGNORED IMPACTS DURING CALFED AND BDCP DRAFT PROCESS**

I wish to point out that drafting of the BDCP has been a process whereby studies and actions of the CALFED ROD from 2000 has been carried out as “prebuilt” actions of BDCP proposals. BDCP fails to recognize the impacts of the actions or field tests from 2004 to present, including the 2004 engineered Jones Tract levee failure, the 2006 overabundance of test flows on Steamboat Slough, the increased exports out of the Delta in the midst of all the planning, the impacts to area water recreation businesses due to the low freshwater inflow causing infestation of non-native water weeds. Impacts from the pulse flow fish tests

## **SECTION 3: IGNORED LONG TERM IMPACTS TO THE DELTA, BAY AND NORTHERN CALIFORNIA**

A The BDCP fails to address the long term impact to Delta, Bay Area and Sacramento Valley drinking water aquifers for the draining of the Sacramento River for diversion, which does not allow replenishment of our aquifers. Government taking of property and water rights

B The BDCP does not adequately address the ongoing reduction in value of Delta agricultural and recreation lands due to the process over the last five years, and fails to provide for adequate method of compensation without excessive need of litigation which amounts to a clear taking of private property rights by government entities. People with riparian water rights in the rest of the state should be concerned about what has been happening to and in the Delta. If the water contractors can get away with the water heist in the Delta, you know your water rights will be next!

C The BDCP recognizes “short term” interference with access roads, noise, use of recreation waterways and facilities but provides no reasonable means of mitigation or compensation by all affected parties. It appears as if the goal of the BDCP process, not just the documents, is to eliminate recreation in some parts of the Delta.

D The BDCP is unclear as to which waterways will be lost to boating navigation and recreation permanently, and which ones will remain, not just in the interim period but permanently. Drafters should be required to clearly define and map how much freshwater flow at a minimum will be left in each natural or original waterway of the Delta, and should assure that only “surplus” water not needed to maintain navigation on the original waterways be utilized for export.

Respectfully submitted,

Nicole S. Suard, Esq. Managing Member, Snug Harbor Resorts, LLC

The following documents are added for reference to help the viewer understand my perspective in going through the CALFED/BDCP thus far:

## Who controls California newspapers in 2010?

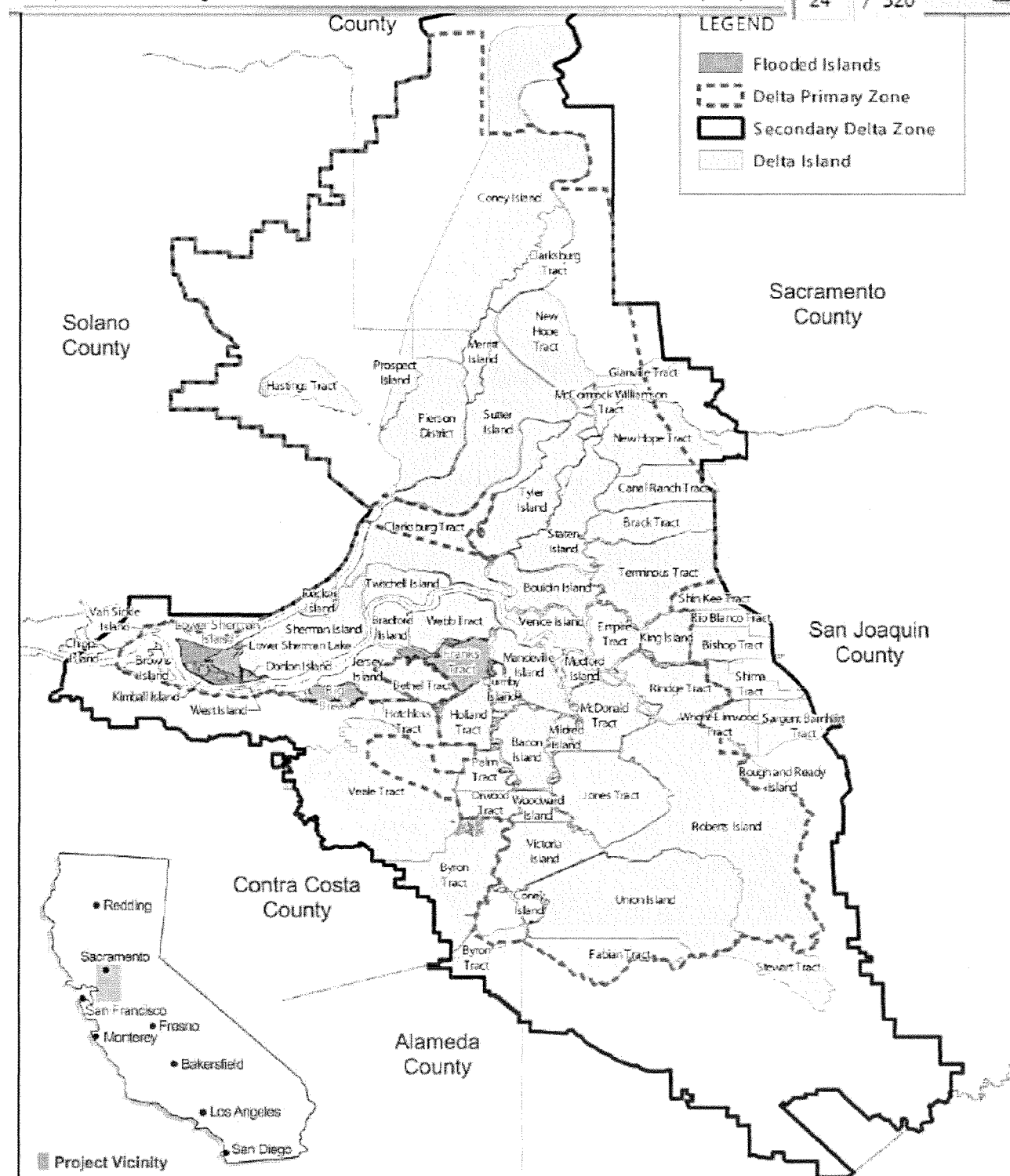
Between 2009-2010 at least half of California's newspapers go through bankruptcy/reorganization with the end result that the lenders own a majority of the shares: Bank of America, B&L Gates Foundation (or Microsoft), Meryl Lynch, Chase Morgan are major creditors/lenders according to bankruptcy court documents and online news articles. Village Voice Media is also in litigation.

Don't Drain the Delta!

This list was compiled using news articles and other resources found online. Circulation is estimated based on the media reports of previous year. TYPE: D=Daily W=Weekly C=City Guides O=Online only. Transition means paper was purchased in specified year. In RED: "Bankruptcy" means paper was or is undergoing Bankruptcy process in 2009-2010, according to online reports.

USA TOP 10	CITY	TYPE	CIRC	TRANS	OWNER	KEY NAME	NOTES
<b>MEDIA NAME</b>							
USA Today		D	2,278,022		Gannett	Craig Dubow	
Wall Street Journal		D	2,062,312		News Corp	Rupert Murdoch	
New York Times	New York	D	1,120,423		New York Times Co.		
Los Angeles Times	Los Angeles	D	815,723	2007/2010	Tribune Publishing	Zell	April 2010 transition to lender-owned and controlled. EgoA others
New York Post	New York	D	724,746		News Corp		
Daily News-NY	New York	D	718,174			Murdoch	
Washington Post	D.C.	D	635,130	2003	Washington Post Co		Reincorporated in Delaware
Chicago Tribune	Chicago	D	566,827				
Houston Chronicle	Houston	D	563,114				
Arizona Republic	Phoenix	D	433,731				
Associated Press						William Dean Singleton	AP Board Chair & also MediaNews Char-MediaNews in BK, to be owned by lenders 2010 under reorganization plan
<b>National Top 20</b>							
<b>MEDIA NAME</b>	<b>CITY</b>	<b>TYPE</b>	<b>CIRCULATION</b>	<b>TRANSITION</b>	<b>OWNER</b>	<b>KEY NAME</b>	<b>NOTES</b>
Los Angeles Times	Los Angeles	D	815,723	2007/2010	Tribune Publishing	Zell	April 2010, court approves 89% of shares to creditor to returned e.g., so the lending institutions own the Tribune & its print, online & TV media. Bank of America, Microsoft, Chase Morgan, others listed creditors
San Fran Chronicle	San Francisco	D	386,564	2000	Hearst	Frank J. Vega	
San Diego Union Tribune	San Diego	D	296,331	2009	Platinum Equity	Tom Gores	Private purchase in 2009 by acquisition specialist company
Orange County Register	Irvine	D	264,613	2007/2010	Freedom Comm		2010 bankruptcy reorganization gives controlling shares to creditors including Bank of America...
Sacramento Bee	Sacramento	D	279,032	2006	McClatchy Company	Gary Pruitt	Borrowed billions from Bill & Linda Gates Foundation to purchase Knight-Rider, a much larger corporation (from CC Times article)
San Jose Mercury News	Sacramento	D	230,870	2006/2010	MediaNews Group, Inc	Singleton	New organization bought paper from McClatchy Company as part of Knight-Rider/McClatchy deal. In bankruptcy. Lenders to receive shares and control. Bank of America, B&L Gates Foundation...
San Francisco Examiner	San Francisco	D	200,000	2009	Clarity Media Group	Ryan McKibben	Bought a DC magazine from Murdoch/News Corp
Contra Costa Times	Walnut Creek	D	165,362	2006/2010	MediaNews Group, Inc	Singleton	See above
Fresno Bee	Fresno	D	157,546	2006	McClatchy Company	Gary Pruitt	See above
L.A. Daily News	LA area	D	145,528	2006/2010	MediaNews Group, Inc	Gary Pruitt	See above
LA Opinion	Los Angeles	D	121,026	2004	InterMedia, LLC	Lozano?	Purchased from Tribune in 2004. Verify confusion online data. Privately held by Lozano Family?
Orange USA	Torrance	W	250,000	2006	MediaNews Group, Inc		Los Angeles Newspaper Group and Media News Group
La Gota Familiar	Los Angeles	D	180,000		Lann Publications Inc		(S13) 785,4571
LA Weekly City Guides	Los Angeles	W	200,600	2007/2010	Village Voice Media***		Village Voice & Media merge, combine papers. Eratz & other board member arrested in 2009. Bay Guardian may be owner in 2010, due to litigation reported online & court ruling 2010
SF Weekly***	San Francisco	W	116,000				
San Diego Reader	San Diego	W	170,298				
Oakland Tribune	Oakland	D	92,794	2006/2010	MediaNews Group, Inc	Singleton	See above
Long Beach Press Telegram	Long Beach	D	85,585	2006/2010	MediaNews Group, Inc	Singleton	See above
El Mensajero	San Francisco	D	146,958	2005	InterMedia, LLC	John Patrick Moran-Singleton	Purchased using Goldman Sachs Specialty Lending Group. 2005 agreement w/AP for Hispanic content. McClatchy associated.

Disclaimer: Newspaper circulation data were compiled from statements on the newspaper websites and compared to other online media sources. Information regarding bankruptcy proceedings was found online through the Delaware Bankruptcy Court and from online news articles including the media events. The purpose of this media review is to help the reader understand why certain facts are being reported. The Sacramento Delta region has been impacted by the media in support of revisions to the Delta. Save the Delta ... save California's heritage! Don't Drain the Delta!



Why would anyone trust the results of a study when the scientists don't even know the location of their subject matter? See <http://www.deltarevision.com/wrong-maps-of-the-delta.html>

A web-site was used as the principle calibration output tool. The main web site page located at <http://www.iep.ca.gov/dsm2pwt/dsm2pwt.html>. The page is shown in VIII.1.1.

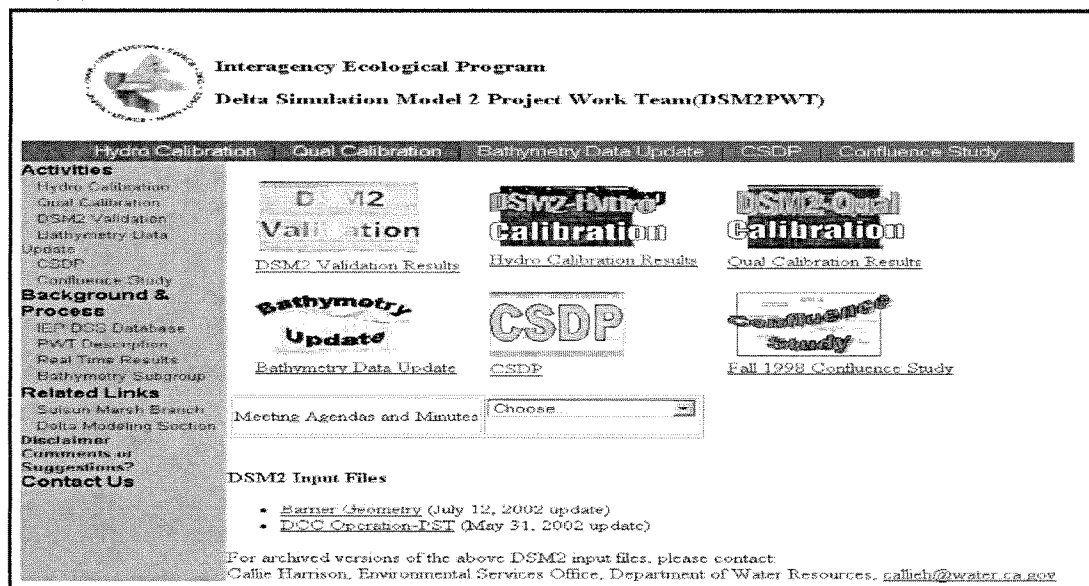


Figure VIII.1.1 DSM2 Calibration Web-Site

The choice of time period for QUAL calibration is also an important one. Periods with high flows with little salinity intrusion are not really suitable. Most suitable periods are dry periods, during which highly saline water from the ocean enters the Delta and blends in with the water that is from 100 to 300 times less saline. During dry periods, a small change in flow regime can potentially lead to noticeable changes in water quality. If the model predictions are close to field data for various dry periods, that would increase the level of confidence in the model. The IEP-PWT selected the 3-year period from October 1991 to September 1994. This period contains four sub-periods when high-salinity intrusions were recorded.

<http://modeling.water.ca.gov/delta/reports/annrpt/2001/2001Ch2.pdf>

Dispersion factors were considered to be the calibration parameter. The Delta was divided into 22 regions, each containing many channels. Adjustments of the dispersion factors started from Martinez (the downstream boundary). The dispersion factors for regions further upstream were modified with each iteration. After 16 iterations, the IEP-PWT decided that the objective was met and calibration considered complete. The reader is referred to:

<http://www.delmod.water.ca.gov/studies/calibration/base-hydro-56/run16cv15a/index.html>

for a clickable map showing a comparison of the model results versus the field data. Overall, there is a good agreement. Salt intrusion into the Delta is captured fairly well. However, in the San Joaquin River between Antioch and Jersey Point and continuing up the Old River to Bacon Island, the model seems to over-predict the high peak of salt intrusion. This is especially evident in the summer of 1992. For an example, see Figure 2-2. For additional comments on the QUAL calibration, please refer to Sec. 2.6.



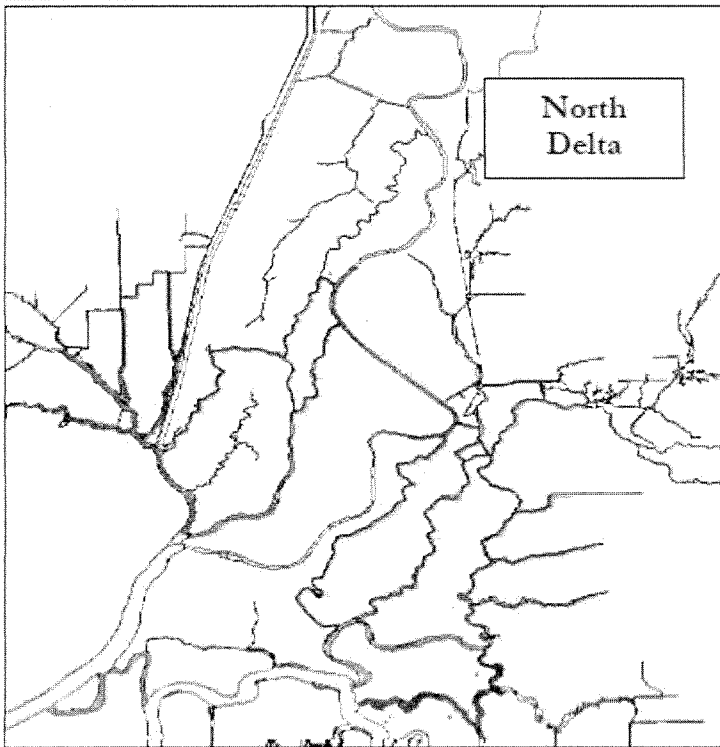


Figure VII.1.4: Bathymetry data collected by DWR Central district in 1999 and 2000 in the North Delta using boat mounted depth sounder and GPS in a zig-zag pattern.

<http://www.iep.ca.gov/dsm2pwt/dsm2pwt.html> is where we're supposed to be able to validate...

Delta seismic risk

Delta ecological history and soil types

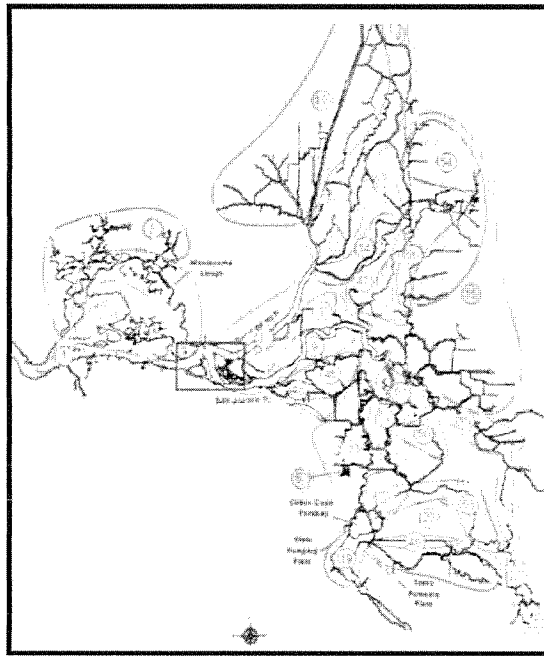


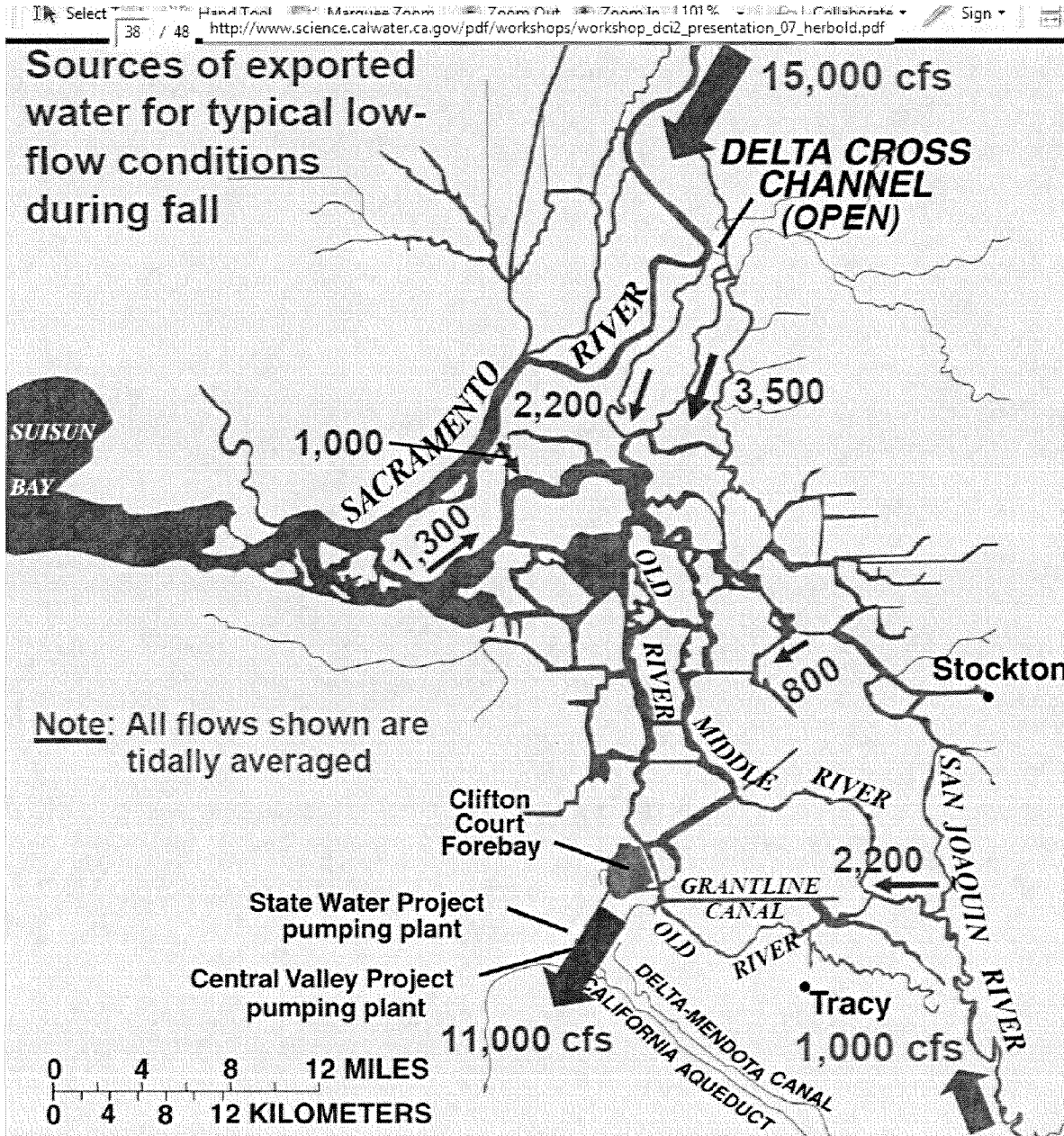
Figure IX.2.1 Initial Manning's regions

Figure IX.2.2 Final Manning's regions

Delta elevations: LIDAR vs on the ground reality

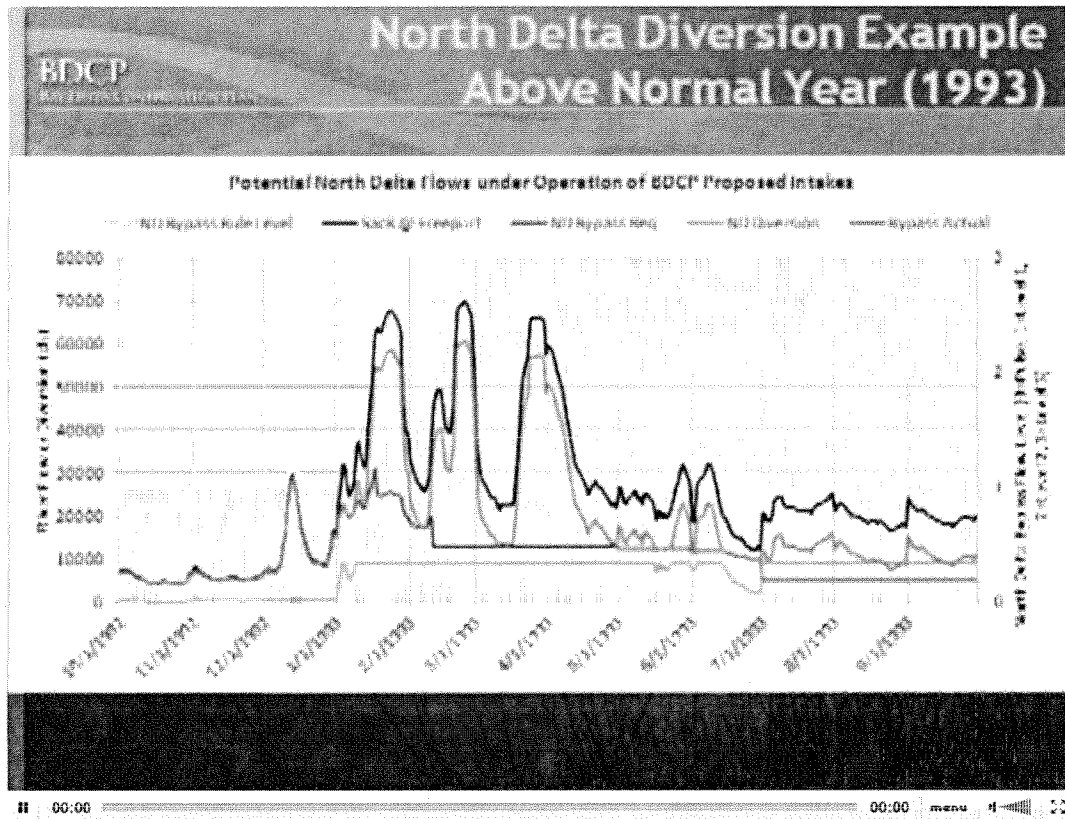
Delta water quality and terrestrial environment

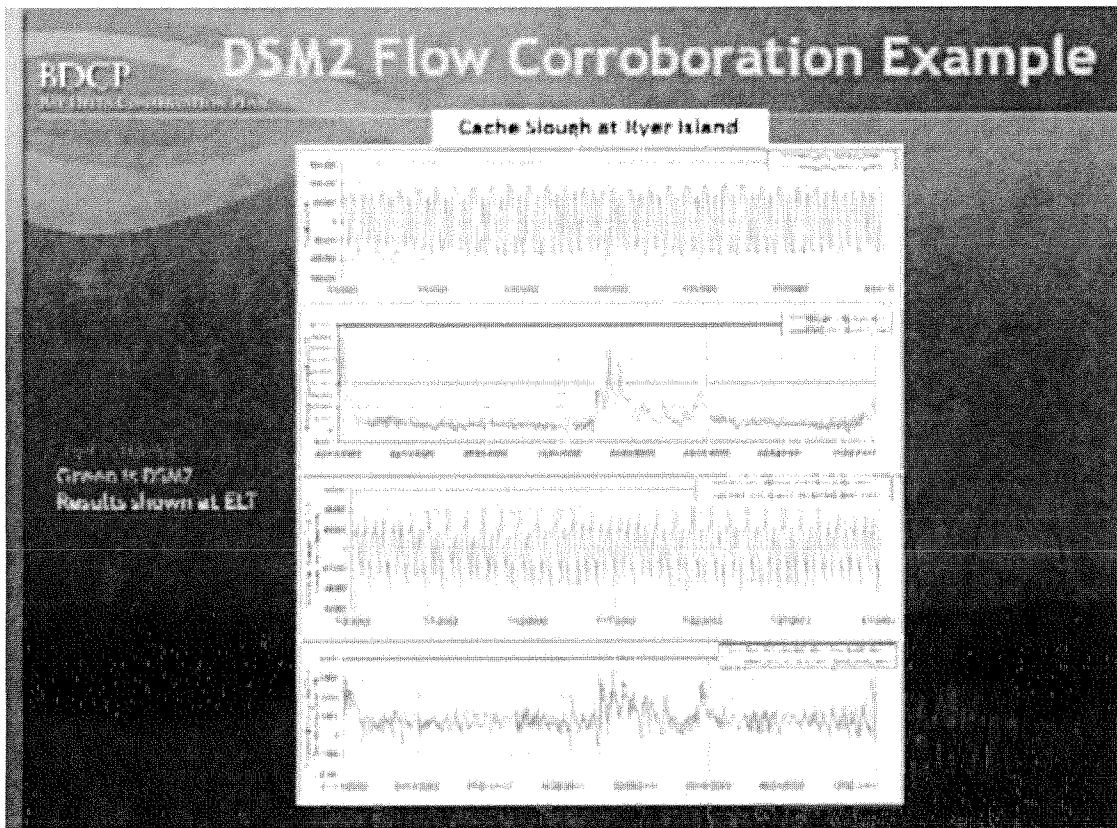
Waterflow into and out of the Delta



# Delta Stewardship Council Live Streaming Video

Which version of "Above Normal Year" does the modeling use? From CalSIM?





Delta recreation and economic value

Delta land values

Delta transportation reports

# State Route 84 Segment Data

<http://www.dot.ca.gov/dist3/departments/planning/tcr/tcr84.pdf>

Segment	Description	Location		Forecasted Level of Service (LOS) <sup>1</sup> and Facility Type							Current Traffic Data - 2010					Future Traffic Data - 2030			
		County	From Post-Mile	To Post-Mile	Current LOS <sup>1</sup>	20-Yr No Build LOS <sup>2</sup>	20-Yr Concept LOS <sup>3</sup>	Existing Facility <sup>4</sup>	Concept Facility <sup>5,6</sup>	Ultimate Facility <sup>7</sup>	Percentage of Trucks	Peak Directional Split <sup>8</sup>	Peak Hour Traffic	Average Annual Daily Traffic <sup>9</sup>	Volume over Capacity <sup>10</sup>	Peak Hour Traffic (No-Build)	Avg. Annual Daily Traffic (No-Build) <sup>9</sup>	Volume over Capacity <sup>10</sup> (No-Build)	
1	From Solano/ Yolo County Line to North Levee Access Rd.	YOL	0.00	15.69	B	B	D	2C	2C	2C	7%	63%	170	1600	0.12	247	2320	0.17	

Caltrans is ignoring lots of annual traffic in this study! SHR on Ryer Island will bring in at least 800 RV visitors in summer season. Plus all the other vehicle traffic. It is safe to assume SHR alone adds 1600 vehicles per year split between 84 bridge and 84 ferry

Segment 1  
(P.M. 0.0/15.69)

2-Lane Conventional Facility

Solano/Yolo County Line to Levee Access Road (North)

## Highway Improvements

Planned:

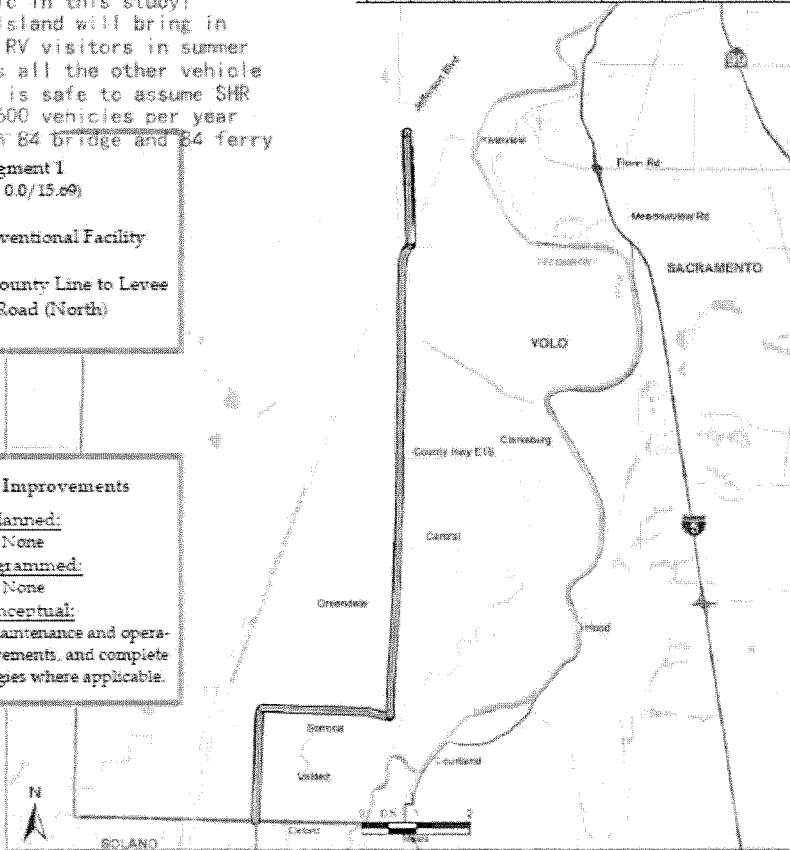
None

Programmed:

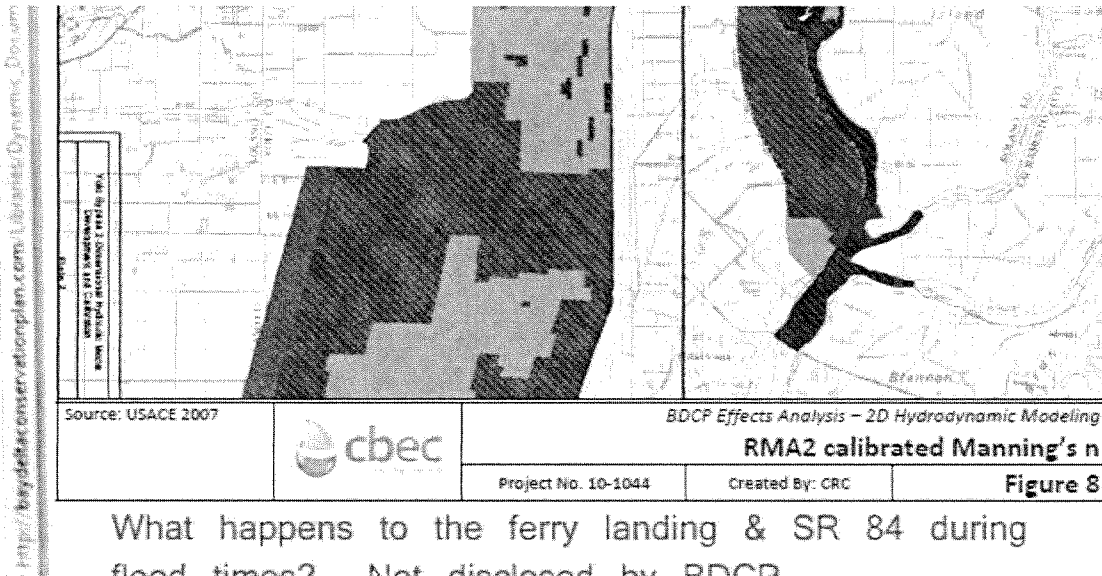
None

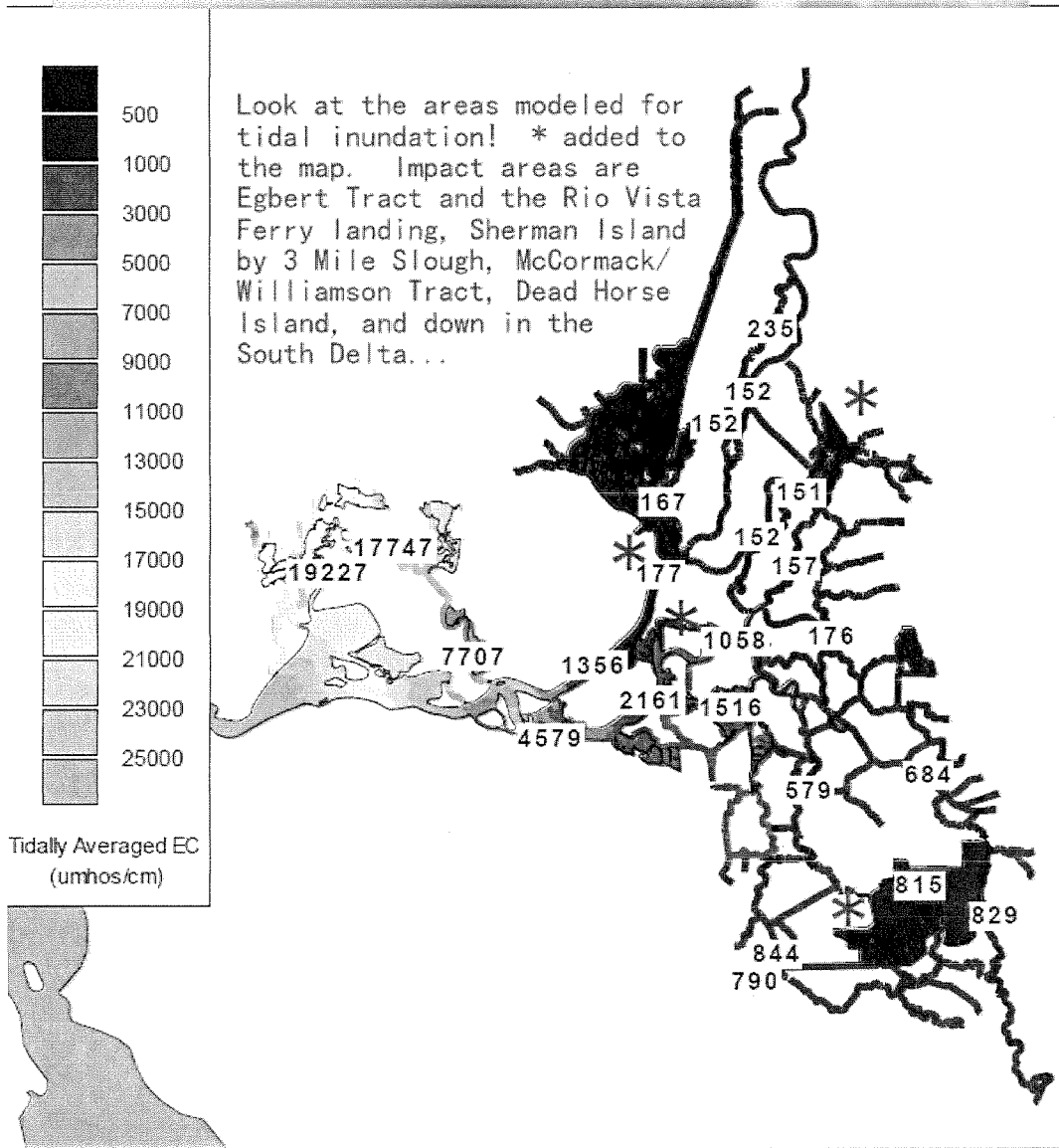
Conceptual:

Implement maintenance and operational improvements, and complete streets strategies where applicable.



\* To Ryer Island & SHR





Delta landowner statistics

Delta fish and impacts from experiments



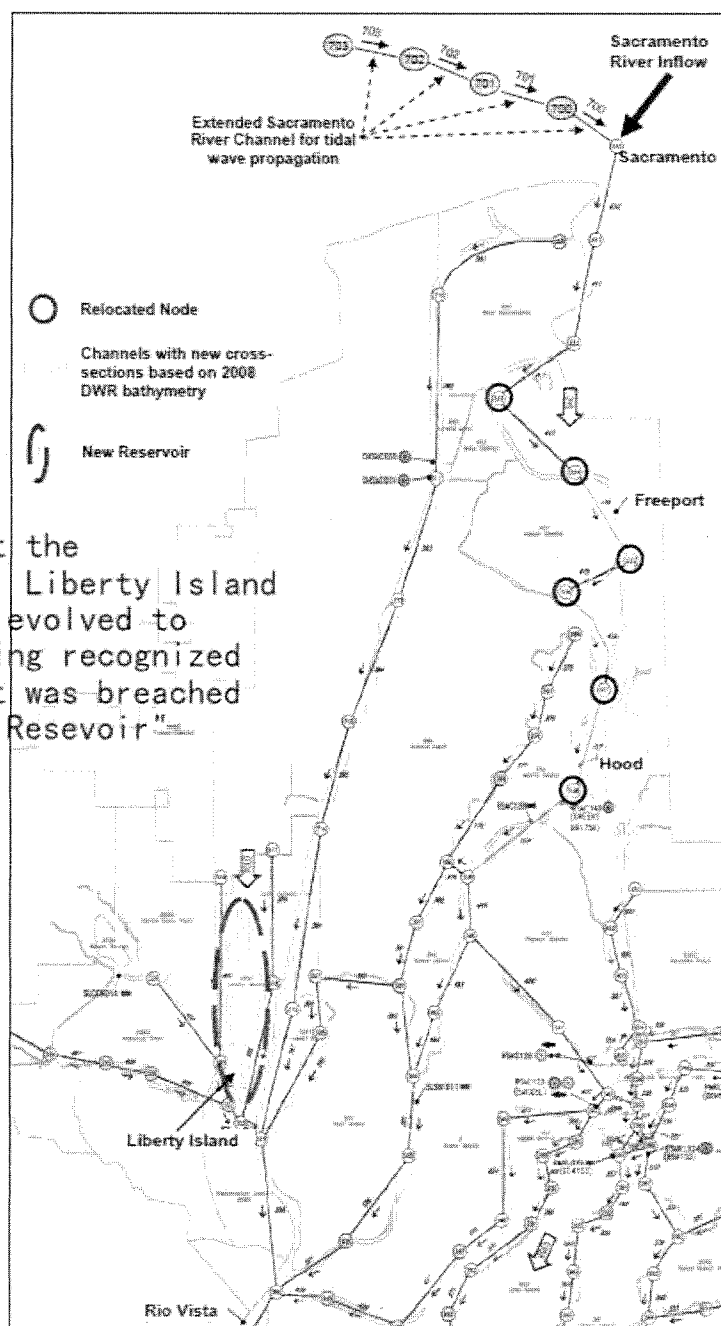


FIGURE 2-2

DSM2 Model Grid in the North Delta Showing the Grid Modifications  
Performed as Part of the Recalibration Effort

Notice that the  
Accidental Liberty Island  
breach has evolved to  
finally being recognized  
for what it was breached  
for: "New Reservoir"

## SECTION 2 IGNORED IMPACTS DURING CALFED AND BDCP DRAFT PROCESS (Pages ??? to ???)

- A Decisions made based on false reports like DRMS, 2006 Laird Report and PPIC
- B Decisions made based on SFEI revised Delta ecological history
- C Impacts from the pulse flow fish tests

- D Impacts from the 2006 flow diversion tests
- E Impacts from the 2004 In-Delta field studies
- F Impacts from the increased exports: invasive water weeds, navigation and recreation

Figure 1: Example monthly-averaged and daily-averaged flow for Sacramento River at Freeport

145 / 216 Draft Environmental Impact Report / Environmental Impact Statement for the Bay Delta Conservation Plan: Appendix 5A-D

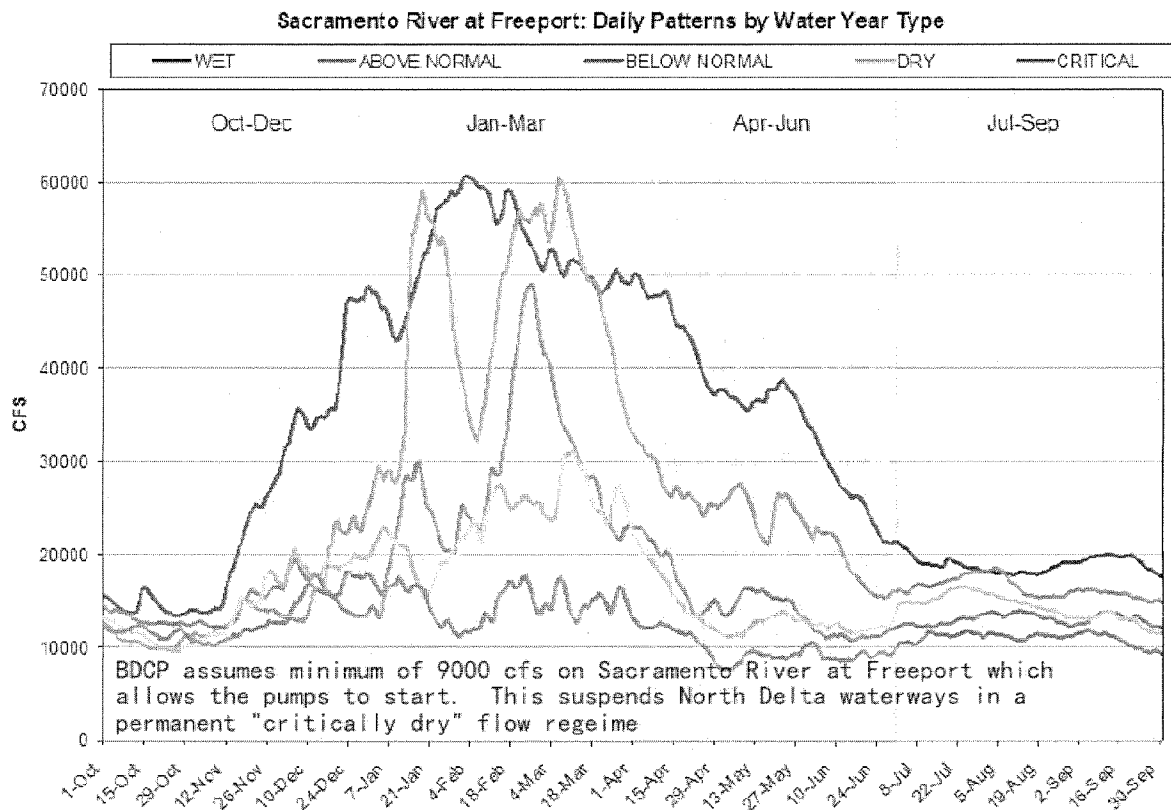



Figure 2: Mean daily flows by Water Year Type for Sacramento River at Freeport

**BDCP**  
BAY DELTA CONVERSION PLAN

## Operational Considerations for the Proposed North Delta Diversion Intakes

- Bypass (in-river) flows requirements
  - Purpose
    - Avoid increased upstream tidal transport from downstream channels
    - Support salmonid migration
    - Preserve shape of the natural hydrograph which may act as cue to important biological functions
    - Lower potential for increased tidal reversals that may occur because of the reduced net flow in the River
    - Provide flows to minimize predation effects downstream
  - Rules
    - Constant low level pumping during Dec - Jun (< 300 cfs at each intake such that Sac > 5000 cfs)
    - Initial pulse protection
    - Post pulse operations (Level I, Level II and Level III)

II. BDCP Effects Analysis  
Delta Science Program 1/28/2014



G Impacts from

silting in and LWD studies