

April 30, 2015

VIA EMAIL AND FIRST CLASS MAIL

Oscar Bondi
Water Quality Certification Program
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Comments on 2015 West False River Emergency Drought Barrier Project

Dear Mr. Bondi:

These comments are submitted on behalf of Save the California Delta Alliance ("Delta Alliance"). Delta Alliance is based in Discovery Bay, California, and represents the interests of individuals who live, work, and recreate in the Delta. Delta Alliance represents the interests of many recreational boaters as well as boating and water oriented businesses in the Delta. We thank you for the opportunity to submit these comments.

We respectfully request that the following conditions be attached to any permit issued in connection with the barrier project. The first two conditions are straightforward and should not present a problem to the California State Water Resources Control Board ("Board") or the California Department of Water Resources ("DWR").

1) That the barrier be removed entirely by no later than November 15, 2016, as stated in the updated project description dated April 29, 2015 ("project description").

2) That the water quality monitoring program described at section 15 of the project description be implemented and put into full operation (including all of the monitoring stations and monitoring for all parameters described at section 15) by a date certain. We believe that the specific date is best arrived at through consultation between DWR and the Board, but that some time before completion of barrier construction would be appropriate in order to allow at least some comparison of "before barrier" and "after barrier" conditions. Our reasoning is that since this barrier is constructed as an emergency measure, emergency speed should be applied to the environmental commitments as well. We did not find any commitment as to when the monitoring program would become operational.

The following additional requested conditions present more complex issues:

3) That combined exports of the State Water Project and Central Valley Project be limited to no more than 1500 cfs at any time the barrier is in place.

The following additional requested conditions present more complex issues:

3) That combined exports of the State Water Project and Central Valley Project be limited to no more than 1500 cfs at any time the barrier is in place.

4) That future barrier projects for 2016 and later undergo full CEQA review prior to any application for permits to the Board.

As to condition 3, our reasoning is that if there is enough water to export more than health and safety levels, then there is enough water for the barrier to come down. We believe this requested condition is consistent with the recent urgency change petition that allowed for exports above 1500 cfs if conditions presented the opportunity to do so: there was enough water in reserve storage and/or some significant precipitation event occurred. In other words, there was some alleviation of emergency conditions. To allow exports above 1500 cfs with the barrier in place would be inconsistent with the urgency change petition because installation of the barrier is occurring under a proclamation that conditions are at a severe emergency state.

As to condition 4, we do not believe that barrier installation for 2016 and beyond can present an emergency. It would not be a response to a sudden and unforeseen event. The intention and plan to re-install the barrier in future years are clearly present at this moment. The project description provides for leaving the footings for the barrier in place to allow for future barrier installations.

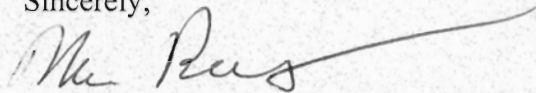
Future barrier environmental review would be well-informed by the monitoring data obtained from this year's anticipated monitoring and would afford the Board the opportunity to provide for more informed conditioning of any future permits.

We also do not believe that the project description accurately discloses the purpose and need for the project. The barrier project is driven in large measure by the need to export health and safety levels during a time of severe drought and paltry storage. An appropriate environmental review would accurately describe the project and consider non-barrier alternatives to provide health and safety levels for communities dependent on SWP and CVP exports. DWR originally embarked on a ten-year plan for drought barriers subject to CEQA review. The CEQA review was abrogated by Governor Brown's emergency declaration, however the Board retains authority to condition approval of the West False River Barrier on future actions of DWR. We believe it is reasonable and appropriate to ask DWR to plan ahead, analyze alternatives, and evaluate and consider the environmental impacts of its drought management strategies over the next decade.

We attach our more lengthy comments submitted to DWR through the now-abrogated CEQA process and make them a part of our comments to the Board.

Thank you again for the opportunity to present these comments and for considering our views.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Brodsky", with a long horizontal flourish extending to the right.

Michael Brodsky

March 18, 2015

VIA EMAIL

Jacob McQuirk
Supervising Engineer
Bay-Delta Office
California Department of Water Resources
PO Box 94236
Sacramento, CA 94236

Re: Comments on Emergency Drought Barriers Mitigated Negative Declaration

Dear Mr. McQuirk:

These comments are submitted on behalf of Save the California Delta Alliance (“STCDA”). STCDA is headquartered in Discovery Bay, California. STCDA represents the interests of individuals who live and work in the Delta, including those with waterfront homes located in Discovery Bay, Delta-related businesses, and many who engage in all kinds of water-related recreation in the Delta. STCDA regularly turns out several hundred enthusiastic members at its town-hall-style meetings held in Discovery Bay.

Particularly relevant to these comments, STCDA represents the interests of thousands of boaters who regularly ply the waters where the proposed Drought Barriers (“Barriers”) would be located.

We thank you for the opportunity to submit these comments and for considering the information we provide and for considering our views.

In short, we believe that the Mitigated Negative Declaration (“MND”) is legally inadequate and request that the Department of Water Resources (“DWR”) prepare an Environmental Impact Report (“EIR”) before making any decisions about the proposed project.

STCDA is not necessarily opposed to installation of barriers or other measures to repel salinity if and when such barriers are actually needed and no other less drastic alternative is available. Indeed, hundreds of STCDA members are deep-water homeowners in Discovery Bay. Discovery Bay is vulnerable to salt water intrusion and it is of paramount importance to the Discovery Bay community to maintain Discovery Bay’s freshwater habitat and recreational character. Boaters, in particular, do not want to see the mooring bays of Discovery Bay turn to salt water. Boaters who live and dock their boats in Discovery Bay have invested tens of millions of dollars in docks and other marine equipment designed for fresh water. They do not want to see their investments ruined by salt water intrusion.

However, we are concerned that the Project Description and other project documents would allow the Barriers to be installed and operated in order to facilitate inappropriate export levels at times of scarcity. The Project is designed to most efficiently channel reservoir releases to Jones and Banks, not to generally address salinity in the

Delta from a broader perspective. Looking at the ten-year duration of the Barrier Project, it is our position that in the near term combined SWP and CVP exports must be strictly limited to no more than 1,500 cfs at any time the Barriers are in place. We believe alternatives should be considered so that in the medium term exports could be further reduced at times of scarcity and with the long-term goal to eliminate exports during critical dry periods. We are also concerned that there are no quantified measures of what constitutes “critical levels” of reservoir storage that would justify erection of the Barriers and no explanation of how anticipated export levels would figure in the determination of “critical levels.”

We also believe that the Barrier Project, as currently proposed, is not consistent with the Delta Plan (Attachment 1).¹ Delta Plan Policy WR-P1 requires those water agencies that contract for delivery of water through the CVP and SWP (“Water Contractors”) include elements in their water management plans commencing in 2015 designed to achieve “measurable reduction in Delta reliance.” Policy WR-P1 also requires that Water Contractors shall report the decrease in Delta water used. Delta Plan Policy WR-P1(c)(C). The Water Contractors have taken the position that they are not obligated to comply with Policy WR-P1. *See Delta Stewardship Council Cases*, Judicial Council Coordination Proceeding No. 4758, State and Federal Contractor Petitioners’ Joint Opening Brief 12–24 (filed in Sacramento County Superior Court, October 15, 2014) (Attachment 2). However, the Water Contractors have *not* sought to enjoin enforcement of Policy WR-P1 during the pendency of the Delta Plan litigation. Therefore, the Delta Stewardship Council (“Council”) is bound to enforce policy WR-P1 with regard to any covered action that comes before it during the pendency of the Delta Plan litigation. The Barrier Project is a covered action within the meaning of Water Code section 85057.5(a)(1)–(4). Non-compliant Water Contractors would receive otherwise unavailable Delta water as a result of the Barrier Project. Therefore, the Barrier Project is not consistent with the Delta Plan. *See* WR-P1 (a)(1).

The Barrier Project constitutes a ten-year plan for management of exports at times of critical drought. It is the policy of the State of California, directly binding on DWR, to “reduce reliance on the Delta” through “improve[d] regional self-reliance.” Water Code § 85021. Through the planning tool of an EIR, DWR should consider the feasibility of reducing reliance on the Delta by reducing exports at times of critical drought to below 1,500 cfs. This is perhaps not feasible in year one or year two, but should be feasible in later years as the Water Contractors develop capacity for regional self-reliance as required by law. STCDA does not suggest that the health or safety of any resident of California be put in jeopardy by reducing exports below 1,500 cfs. We do suggest that by increasing regional self-reliance, exports at times of critical drought can be reduced, in the medium term, to less than 1,500 cfs and further significantly reduced (or perhaps eliminated entirely) in the long term without jeopardizing health and safety. Only a fully considered alternatives analysis will provide the information needed for informed decision-making and allow for project-specific measures reducing reliance on the Delta (such as requiring provisions for south-of-Delta storage of “drought reserves”) in order to achieve substantial compliance with the Delta Plan and Water Code § 85021.

In documents issued after the completion of the MND, DWR itself has conceded that—with all proposed mitigation measures in place—the Barriers “would likely degrade water quality conditions for some areas in the western Delta, adversely affecting Delta fisheries and interfering with Delta boating and recreation.” DWR, Emergency Drought Barriers Planning Update, February 2015, *available at* http://www.water.ca.gov/waterconditions/docs/DWR_Emergency_Drought_Barrier_Fact_sheet_020615.pdf (last visited March 13, 2015) (Attachment 3). Water quality and

¹ Due to file size concerns, numbered attachments are submitted in separate consecutive emails and labeled as part of this submission.

navigational impacts degrade paramount public trust values. These, and other, significant unmitigated adverse environmental impacts require preparation of an EIR.

In the context of preparing a legally adequate EIR, we urge DWR to: 1) revise the Project Description to restrict exports to no more than 1,500 cfs at any time the Barriers are in place in the near term; 2) revise the Project Description to include quantified measures of what constitutes critical levels of reservoir storage, taking account of quantified anticipated export levels as part of the calculation; 3) evaluate an alternative, or alternatives, that consider reducing maximum exports during times of critical drought to below 1,500 cfs and progressively eliminating exports during such times; and 4) identify all significant adverse environmental impacts and adopt all feasible mitigation measures.

False, Unstable, Inadequate, and Misleading Project Description.

The Project Description states that the “purpose of the proposed project is to reduce the intrusion of saltwater into the Delta during drought conditions when stored water in upstream reservoirs is insufficient to meet Delta outflow required to repel San Francisco Bay salinity.” MND 2-2. However, Delta “outflow ... is largely determined by the difference between the total inflow from the Sacramento and San Joaquin Rivers and the total amount of water exported through the Banks and Jones pumping stations.” *San Luis & Delta-Mendota Water Auth. v. Jewell*, 747 F.3d 581, 616 (9th Cir. 2014), *cert denied*. The project is designed to counteract decreases in Delta outflow and concomitant increases in salinity *caused by export pumping* at times of critical low flow. DWR has acknowledged in connection with Barriers (but not in the Project Description) that salinity is increased in the interior Delta as export pumping increases during times of low flow: the “reduction in EC [with Barriers in place] at exports varies with flows in the Sacramento River and combined SWP and CVP exports.” Draft Emergency Barriers Report 12 (DWR 2009) (“Barriers Report”) (Attachment 4). *See also* Description of Department of Water Resources Compliance with State Water Resources Control Board Water Right Decision 1641 1 (DWR 2006) (A “principal tool” for controlling salinity in the Delta is “reduction in Project exports”) (Attachment 5). Larger releases from upstream reservoirs are needed to counteract the effects of pumping and the Barriers are designed to most efficiently direct upstream releases to reduce salinity at the pumping stations. However, one would not understand these dynamics from reading the Project Description.

As acknowledged by the MND, the Barrier Project is based on the Barriers Report. The Barriers Report’s goal was to analyze measures to reduce salinity at export locations. The Barriers Report identified and analyzed “all possible locations where barriers could be installed to reduce sea water intrusion at the Banks Pumping Plant (SWP), Jones Pumping Plant (CVP), and the Contra Costa Water District Old River Los Vaqueros Intake (CCWD).”² Barriers Report 2. The Barriers Report expressly did not

² CCWD is not a water exporter but rather an area of origin user with superior appropriative water rights. Water Contractors have no water rights to Delta water, but only water supply contracts, and receive water as an act of administrative discretion under the terms of those contracts. CCWD’s intake should be protected from salt water intrusion by appropriate reservoir releases and other measures. Such measures should be analyzed separately and not lumped in with exporters because CCWD’s withdrawal rate is a small fraction of the SWP/CVP rate. As used herein, reducing and eliminating exports does not apply to CCWD and other indigenous water agencies although, of course, these agencies are obligated to take all reasonable steps to conserve water during times of drought.

evaluate “benefits [to] the environment, fishery resources, navigation, recreation,” and other Delta values. Barriers Report 3. The MND considers *only* barrier locations identified in the Barrier Report. It does not consider locations or measures other than barriers that would prioritize in-Delta agriculture and Delta habitat. It is inaccurate to state that the objectives of the Project are to benefit in-Delta uses and the Delta environment. MND 2-3.

The Project Description states that the “project seeks to protect the quality of water for users that rely on Delta water.” However, it appears that the Project Description equates mitigating salinity with water quality. Degradation of water quality from constituents other than salinity “could result from a reduction in the proportion of Sacramento River flow entering Sutter Slough and Steamboat Slough, coupled with reduced tidal action upstream from the EDB in these sloughs. This could lead to degraded water quality in portions of these sloughs.” MND 3-41. No analysis of impacts on, or mitigations for, other constituents of water quality, such as dissolved oxygen and turbidity,³ has been provided.

The Project Description is unstable as to whether the intent is to allow human health and safety levels of export or to allow increased levels of export. *Compare* MND 2-3 (The project purpose is to “maintain [CVP/SWP] access to water supplies for human health and safety.”); MND 2-2 (With respect to CVP and SWP exports, the “barriers [are] necessary to protect water quality to meet health and safety *and other critical water supply needs.*”) (emphasis added).

The Project Description is purposely vague as to what constitutes “reduced SWP water storage to critical levels such that projected Delta outflow could not control increased salinity in the Delta” triggering erection of the Barriers. MND 2-2. The Project proponents anticipate changing SWP/CVP operations and export levels to take advantage of the ability to export more water with less in-Delta flow but avoid defining even a range within which such changes would be implemented. The MND does not consider “changes in CVP/SWP operations that could result from implementing the proposed project.” MND C-1. *See also* MND C-7.

Failure to Identify Significant Adverse Impacts and Adopt Feasible Mitigation Measures.

Impacts on Recreational Boating

Recreational boating is an important public trust use of navigable waters. The California Environmental Quality Act (“CEQA”) requires consideration of, and mitigation for, a project’s impacts on recreational boating. *See, e.g., Citizens for East Shore Parks v. Cal. State Lands Com.*, 202 Cal. App. 4th 549, 578 (2011). CEQA and the Public Trust Doctrine’s protection of recreational boating is reinforced by express federal preemption prohibiting the State of California from interfering with the navigability of the Sacramento River and its associated sloughs. *See An Act for the Admission of the State of California into the Union*, Ch. 50, 9 Stat. 453 (1850) (Admitting California into

³ The MND analyzes effects of construction on turbidity. However *operation* of the Barriers may have significant impacts on turbidity and fish behavior. *See, e.g., Independent Review of the 2-Gates Fish Protection Demonstration Project* (CalFed Science Program 2009), *available at* http://www.science.calwater.ca.gov/events/reviews/review_2gates.html. The 2-Gates related documents on the above website are incorporated by reference into these comments.

the Union only on condition that “all navigable waters within the said State shall be common highways, and forever free”).

The MND concludes that Barrier impact on recreational boating would “be less than significant.” MND 3-121. However, those impacted, recreational boaters, disagree. Please see a small sampling of comments from boaters submitted to DWR: Captain Frank Morgan (Barriers “would have a huge negative impact on my ability as a boat tour operator to travel the Delta waterways.”); tournament bass fisher Roger Difate (“As a fisherman I must have the freedom to move freely through the Delta and as a tournament fisherman quickly moving from one area to another is essential The barriers will have a significant ADVERSE impact on the fishing and boating community”); Hank Andreotti (placement of Barriers “makes the Delta no longer free”); Mike Chase (The “dams will block routes that are popular for me and my family to use for recreation. We ... want to have access and be able to travel freely throughout the delta.”); Peter and JoAnn Sustarich (“ramps with boat trailers with State employees pulling boats up and down is now both sad and hilarious” and won’t mitigate impact of Barriers); Charles W. Helfrick (“The proposed dams will chop up the Delta water ways causing much longer (using more fuel) trip time and will significantly ruin my boating experience” and noting that the “dams will impede my ability to move freely about the Delta.”); Louis Erickson (“These dams will stop my ability to get to my anchorages and fishing grounds.”); James Hall (“We have a trawler with a mast that would require hours rerouting to travel the same route.”); Jan and Bob Rix (“[W]e are distressed to understand that we would not be able to take our favorite routes any longer due to the dams.”); Timothy P. Hamm (“My family and I can’t take our favorite route anymore and it will ruin our boating experience because the Delta is no longer free ... please don’t do this.”); Blyth and David Bruntz (“[I]f the rock barriers were installed in the proposed locations, it would have a very adverse impact on our ability to navigate through the Delta waterways. Our cruiser (Damn Lucky) is 40’ in length and 13’ wide, therefore we would be unable to pass even the rock barrier that will have an accommodation to move smaller boats around it.”); Rich Dooley (Barriers “mean we can’t take our favorite route anymore and it ruins our boating experience because the Delta is no longer free.”); Vinny DiNicola (opposing Barriers because “of the severe adverse impact this will have on our boating experience which has not been mitigated” and noting that “[i]t’s unimaginable to no longer be able to use False River and freely pass through ... Sutter Slough and Steamboat Slough to access Grand Island Mansion and the marinas south of the proposed barriers which will all be effectively cut off upon our return from Sacramento [back downriver to Discovery Bay].”); Robert A. Lee (“I was insulted that you thought recreational boating worth less than three pages [because] ... the boating public would still be cut off from reasonable access to the South Delta and Bethel Island” and noting temporary ramps “would be of no use to me” and that Fisherman’s Cut and Old River (suggested as alternative routes around the False River Barrier) “is not a safe place to navigate”); Scoutmaster William R. Richardson (“The rock dams will be detrimental to boating [and] in False River will cut off access to and from the San Joaquin River [and] will be devastating to those involved ... with False River and Bethel Island.”); Keith Ryan (noting that “it will take my 87 year old Grandfather 2 more hours when he motors his sailboat through this area [False River] and it will cost me an additional \$130 of fuel when I take my cruiser through this area.”); Chuck and Mary Niessen (noting “the dams would block our access to the boating waterways on the Delta.”). The full text of the above-excerpted boaters’ comments (as well as other boaters’ comments) are attached hereto as Boaters’ Comments Attachment and are worth reading in their entirety.

The Barriers will have a significant adverse impact on boating safety and the response time of emergency vessels. Currently, a Coast Guard or sheriff’s vessel patrolling the Sacramento River near the heads of Steamboat and Sutter Sloughs can quickly travel down either of those sloughs to reach an emergency situation anywhere on those sloughs. With Barriers in place, those vessels would have to transit all the way

down the Sacramento River and back up Sutter or Steamboat, delaying response time by *hours*. The same is true for vessels patrolling Steamboat or Sutter and needing to reach an emergency on the Sacramento River. At a minimum, DWR would need to provide funding to the Coast Guard, Sacramento County Sherriff, and Contra Costa County Sherriff to deploy at least three additional patrol boats during the time the Barriers are up in order to mitigate this public safety impact.

The MND observation that the Barriers will be in place only during the summer and fall months is of little solace: the overwhelming majority of recreational boating takes place during those months. The “opening day” of boating season is celebrated each year close to May 1. *See* California Delta Chambers and Visitor’s Bureau website (Opening Day, April 26, 2015), *available at* <http://californiadelta.org/opening-day-on-the-bay> (last visited March 14, 2015). Recreational boat traffic in the Delta from November to May (when the Barriers are down) is minimal.

The MND fails to recognize and analyze the cumulative impact on recreational boating of the Barriers with *other* seasonal barriers that are already placed each season as part of the South Delta Temporary Barriers Project, which blocks recreational boating on four Delta waterways. Nor does the MND analyze the cumulative impact of the Barriers with other seasonal and non-seasonal barriers that are planned for various locations in the Delta, such as the Three Mile Slough Barrier Project. *See* Water Code section 85085. There are very few regulatory boating signs in the Delta prohibiting access or directing traffic. Boaters like it that way. At some point too many barriers in various locations around the Delta changes the character of the entire Delta. The free-spirited, free-roaming boating experience becomes confined, regulated, signalized, and ruined by too many barriers blocking navigation. Three more are three too many, especially where there has not been adequate analysis to demonstrate the infeasibility of other alternatives.

Impacts on Water Quality, Habitat, and Native Species; Unlawful Deferral of Mitigation

The MND does not analyze effects on water quality other than salinity and turbidity. Analysis of turbidity is limited to the construction and removal periods and does not take account of changes to turbidity brought by Barrier operation. Water quality is more than salinity. Water quality constituents for the Delta include Secchi depth, nutrient series (inorganic and organic N-P), water temperature, dissolved oxygen, turbidity, chlorophyll a, pH, phytoplankton, zooplankton, and benthos. *See* California State Water Resources Control Board Water Rights Decision 1641, as amended March 15, 2000, Table 5 at 192–193 (“D-1641”) (Attachment 6).

For everything except salinity, the MND promises future undefined monitoring and mitigation measures. *See* MND Mitigation Measure BIO-6 at 3-45–46 (“BIO-6”). BIO-6 does not specify what constituents will be monitored and does not specify what levels will trigger action. BIO-6 provides only one possible response to undefined “water quality issues,” which is to “open the slide gates of additional culverts.” Each Barrier has four culverts. Figure C-9a shows very little difference in flow between having one culvert open and four culverts open. Peak flow of Steamboat Slough is about 4,000 cfs with no Barrier. With the Barrier in place, peak flow appears to be a few hundred cfs with four culverts open, giving DWR the ability to allow perhaps 10% of unrestricted flow by opening all culverts. *See* Figure C-9a at C-17. There is no evidence this would be adequate to mitigate water quality issues and degradation of habitat that results from decreased flows.

It is settled science that “water flow through the Delta is one of the primary drivers of ecosystem function.” California Department of Fish and Game, Quantifiable Biological Objectives and Flow Criteria for Aquatic and Terrestrial Species of Concern Dependent on the Delta iii (2010) (Attachment 7). For “many species, more water flow translates into greater species production or abundance.” *Id.* at 95. The Barriers will

dramatically stabilize flow downstream of the Barriers. “Water flow stabilization harms native species and encourages non-native species.” *Id.* See also California State Water Resources Control Board and California Environmental Protection Agency, Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem 5 (2010) (Attachment 8) (“Recent Delta flows are insufficient to support native Delta fishes for today’s habitats.”) (concluding that 60%–75% of unimpaired flow is required to support native fishes); Delta Stewardship Council, The Delta Plan ES-8 (2013) (noting that “guaranteeing adequate flows from the rivers feeding into and through the Delta channels” is vital); see also *id.* at ES-3 (noting that “we must provide adequate seaward flows in Delta channels, on a schedule more closely mirroring historical rhythms”). The above-cited references were written in the context of long-term Delta ecology. However, given the paramount importance of flow, and fluctuation in flow, scientific reasoning dictates that eliminating 90% of the high-quality Sacramento River flow from already heavily impacted Steamboat and Sutter Sloughs and making those sloughs static will cause severe water quality issues. Whatever levels of pollutants are present will be dramatically increased in concentration by cutting off the only source of dilution.

Preparation of an EIR with full analysis of water quality impacts is required because the Project may have a significant adverse impact on water quality parameters and the MND provides no evidence that it will not have such an impact. BIO-6 is an unlawful deferred mitigation and cannot be relied on to establish that water quality impacts will be less than significant.

“Generally, CEQA requires mitigation measures to be formulated in an EIR and not deferred to the development of future plans or measures” that are promised to mitigate impacts. *Center for Biological Diversity v. Dept. of Fish and Wildlife*, 183 Cal. Rptr. 3d 736, 754 (2015). The only exception allowed is where the deferred mitigation measure provides a performance standard that will be met and demonstrates that the impact can be mitigated in the manner described. *Id.* The deferred measures must “satisfy specific performance criteria articulated at the time of project approval.” *Sacramento Old City Assn. v. City Council*, 229 Cal. App. 3d 1011, 1028–1029 (1991) (emphasis added).

DWR has not specified performance standards for water quality constituents other than salinity and construction period turbidity and has not demonstrated that water quality impacts could be mitigated by opening four culverts. With respect to salinity, DWR has provided a performance standard but has not demonstrated how that standard would be met.

Possible mitigation measures that should be evaluated in the context of an EIR include measures to offset water quality impacts of the project by reducing other sources of pollution. For example, DWR could provide grants and other financial and technical assistance to local farmers to allow them to reduce contaminants in agricultural return flows. Replacing aging irrigation systems with micro-irrigation is viable on some crops to reduce agricultural return flows and also produces superior crops. The operable gate barge design may also be shown to be superior to rock barriers when water quality impacts are properly analyzed.

The Project Does Not Comply with the Delta Plan and Does Not Comply with Water Code Section 85021.

In 2009, the Legislature found that the “Sacramento-San Joaquin Delta watershed and California’s water infrastructure are in crisis and existing Delta policies are not sustainable.” The legislature responded to the crisis by enacting the Sacramento-San Joaquin Delta Reform Act of 2009, Water Code §§ 85000–85350 (“Delta Reform Act”). Underpinning the Delta Reform Act is the new policy of the State of California to “reduce reliance on the Delta” through “improve[d] regional self-reliance.” Water Code § 85021. Reducing reliance on the Delta as a source of water exports is essential to the

legislative directive to “[r]estore Delta flows and channels to support a healthy estuary and other ecosystem.” Water Code § 85302(e)(4).

The drought barrier response of 1976, which the current project relies on as precedent, is out of step with current Delta policy. It does not reduce reliance on the Delta and degrades Delta flows in critical channels. The Drought Barriers may be necessary at some point to protect health and safety, but they are not an appropriate long-term policy response to the increasing likelihood of prolonged and severe drought in coming years.

The appropriate response is to plan ahead to *reduce or eliminate* exports at times of critical drought. Only if reduction or elimination of exports during times of critical low flow is inadequate to repel salinity should barriers be considered. And then barriers should be designed to benefit the Delta in a broader context, not as the most efficient way to deliver reservoir releases to Jones and Banks. It may be possible to adequately repel salinity from the south and central Delta by re-operating the Delta Cross Channel if exports are appropriately reduced in conjunction with re-operation.

In the context of EIR preparation, appropriate modeling should be conducted with ranges of reduced exports and re-operation of the Delta Cross Channel, rather than the static assumption of export levels of at least 1,500 cfs.

The modeling for the Drought Barriers assumes approximately 1500 cfs of exports for approximately five months each year that the Barriers are in place. That yields approximately 450,000 acre-feet in each drought year.

Water Code section 85021 requires a reduction in reliance on the Delta and Delta Plan Policy WR-P1 requires the Water Contractor beneficiaries of the Drought Barriers to demonstrate that they have taken steps to reduce reliance on the Delta or face the Barrier Project being held inconsistent with the Delta Plan and thus prohibited.

One reasonable starting point for reducing reliance on the Delta is to build a system of regional reserves to ride out periods of critical drought when exports from the Delta are most harmful. Providing new south-of-Delta storage to store drought reserves of 450,000 acre-feet is a difficult but manageable task. It could be accomplished within a ten-year time frame. Storage could be accomplished through groundwater banking, several small regional reservoirs, or some combination of both. These kinds of “soft,” regional, small projects are the future of water planning in California. The Madera Irrigation District Water Supply Enhancement Project provides an example of groundwater banking CVP-delivered water for later use at times of scarcity. *See Madera Irrigation District Water Supply Enhancement Project: Final Environmental Impact Statement and Record of Decision (Attachment 9)*. Our suggestion here does not ask Water Contractors to forego delivery of Delta water. It asks them to take water delivery at times of surplus and store it for use at times of scarcity, which was the original (now abandoned) premise of the BDCP’s big gulp, little sip justification for new infrastructure. *See also Delta Plan ES 6–7, titled “A Better System: Storing Floods to Ride Out Droughts (and Give the Delta a Break) (noting that the “Delta Plan calls for a rededication to the conservation idea of using aquifers like bank accounts; to be filled up in wet times, in order that they might be drawn from in dry.”)*.

As a part of the EIR process, we encourage DWR to consider alternatives that include drought reserve storage in order to reduce and/or phase out exports at times of critical low flow.

The Barriers are also inconsistent with the Delta Plan because they change the character of the Delta as place by altering the fundamental character of recreational boating.

Conclusion

“And it never failed that during the dry years the people forgot about the rich years, and during the wet years they lost all memory of the dry years. It was always that way.” John Steinbeck, *East of Eden*.

At this time of severe drought crisis, it is hard to think about providing for storage and storing water available at times of relative abundance for use at times of scarcity because for now there is simply no water available to store for prudent future drought reserves. But it is precisely at these times that we must break the cycle by thinking ahead to the next set of wet years and then dry years that will follow. The fact that we are perhaps facing the most prolonged drought in memory makes the task that much harder. In an era of severe droughts, the sources of “new water” to allow for storage of prudent drought reserves may include efficiency, reuse, and stormwater. *See* The Untapped Potential of California’s Water Supply: Efficiency, Reuse, and Stormwater (Pacific Institute, June 2014) (Attachment 10). The Pacific Institute’s suggestions (and the other approaches suggested in these comments) are in line with State policy expressed in the California Water Plan. *See, e.g.,* California Water Plan, Vol. 1, Ch. 2, Imperative to Invest in Innovation and Infrastructure (2013), *available at* <http://www.waterplan.water.ca.gov/cwpu2013/final/index.cfm>. The California Water Plan is incorporated by reference in its entirety in these comments.

If the problem statement is in the form of the question “How do we continue pumping at 1,500 cfs (or more) during times of critical low flow?” then the set of solutions is narrow. If the question is framed more broadly as “How, over the next decade, do we assure adequate health and safety supplies for users currently dependent on project exports and most effectively repel salinity from the central and south Delta?” then the range of possible solutions becomes broad and in line with current water law and policy.

We thank you for taking the time to read our comments and consider our views and the information provided.

We respectfully urge you to prepare an EIR and undertake the studies suggested herein.

Sincerely,

s/Michael A. Brodsky
Michael A. Brodsky

Boaters' Comments Attachment

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Three emergency barriers
Date: March 16, 2015 at 8:58 AM
To: Mike Brodsky michael@brodskylaw.net

People are sending in comments. This is short but to the point

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: Hank Andreotti <hankandreotti@gmail.com>
Subject: Three emergency barriers
Date: March 15, 2015 at 8:41:05 PM PDT
To: "DWREDBCOMMENTS@water.ca.gov" <DWREDBCOMMENTS@water.ca.gov>

I HAVE BEEN BOATING THERE FOR FORTY YEARS A I AM NOT READY FOR YOU TO TAKE MY RIGHTS AWAY AND BLOCK OUR ROUTES AND LIMIT OUR USE OF THE DELTA THIS MAKES THE DELTA NO LONGER FREE

Sent from my iPhone

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Opposition to Delta Dams
Date: March 16, 2015 at 8:58 AM
To: Mike Brodsky michael@brodskylaw.net

Another

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

On Mar 15, 2015, at 8:56 PM, Mike Chase <gmcraider@gmail.com> wrote:

Jacob McQuirk, Supervising Engineer, Bay-Delta Office -

I am opposed to the dams being proposed in the CA Delta without further study and appropriate impact analysis. As a boater, the dams will block routes that are popular for me and my family to use for recreation. We spend many weekends on the water and want to have access to be able to travel freely throughout the delta.

Please re-consider this effort.

--

Mike Chase
Walnut Creek, CA

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Re: Delta Dams
Date: March 16, 2015 at 11:18 AM
To: Mike Brodsky michael@brodskylaw.net

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

On Mar 16, 2015, at 10:55 AM, Bill Helfrick <bhelfrick@mhtb.com> wrote:

I am a 25 year resident of Discovery Bay. The proposed dams will chop up the Delta water ways causing much longer (using more fuel) trip time and will significantly ruin my boating experience. The real beauty of the Delta is the ability to move freely from point to point. Right now I can leave my dock and go to Sacramento, San Francisco, Stockton and many other great destination in the Delta. The proposed dams will impede my ability to more freely about the Delta.

This proposal is not good for the Delta and those who use it. I respectfully request that you do not allow the dams to be installed.

Charles W. Helfrick, C.P.A.

bhelfrick@mhtb.com

661 Beaver Ct.
Discovery Bay, CA 94505
408-284-9925

From: Janet McCleery jmcclery@duckpondsoftware.com
Subject: Fwd: Delta rock dams
Date: March 16, 2015 at 11:19 AM
To: Mike Brodsky michael@brodskylaw.net

From: Louis Erickson <loueloue@pacbell.net>
Date: March 16, 2015, 10:56:01 AM PDT
To: "DWREDBCOMMENTS@water.ca.gov" <DWREDBCOMMENTS@water.ca.gov>
Subject: Delta rock dams

You people have no idea the severity of this blockage on or economy, lifestyle, and life in general.

I am a senior citizen and have been using the delta as my main travel conveyance since I was sixteen years old. These dams will stop my ability to get to my anchorages and fishing grounds. This will have a significant negative impact on my personal economics also as going way out of my way nearly every week will cost excessive fuel and ecological use. Do not put in these dams and block our use of the delta to facilitate sending our water south to Southern California water conglomerates. Do not even think about putting in the bypass tunnels. Please do not ruin my lifestyle I have had for over sixty years.

Louis Erickson
5647 Schooner loop
Discovery Bay Ca.
94505

Sent from my iPhone

From: Jan McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: TEMORARY BARRIER DAMS
Date: March 16, 2015 at 12:13 PM
To: Michael Brodsky michael@brodskylaw.net

Sent from my iPhone

Begin forwarded message:

From: JAMES HALL <thecoldduck@sbcglobal.net>
Date: March 16, 2015 at 12:08:22 PM PDT
To: "stcda@nodeltagates.com" <stcda@nodeltagates.com>
Subject: Fw: TEMORARY BARRIER DAMS
Reply-To: JAMES HALL <thecoldduck@sbcglobal.net>

On Monday, March 16, 2015 9:35 AM, JAMES HALL <thecoldduck@sbcglobal.net> wrote:

I live in Discovery Bay and own property in Bethel Island. The dam project as proposed is hasty and not well thought out. We have commented before and the same comments are applicable to the current proposals.

1. The blockage of False river will cause many issues other than just make it significantly longer for us to travel. We have a trawler with a mast that would require hours rerouting to travel the same route.

2. Flows will be increased along Sandmound SI and Dutch SI that will cause damage to the levees and place docking vessels in more dangerous conditions.

3. Flows will increase through Fisherman's cut. This area has been studied by your own organization with results drawing the same conclusions.

4. The environment (fish) will be impacted in ways that have not been studied.

This is a case of government "do gooders" trying to fix one problem and creating 2 more.

5. The delta is a fragile ecosystem that includes socioeconomic issues that out way getting water to the southern part of the San Joaquin valley to the big agrocorporations trying to turn desert into viable farmland at the cost of rich Delta farmland and the economics of the delta businesses and residents.

Jim Hall
4657 Discovery Point
Discovery Bay, Ca. 94505

From: Jan McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Delta dams
Date: March 16, 2015 at 1:44 PM
To: Michael Brodsky michael@brodskylaw.net

Sent from my iPhone

Begin forwarded message:

From: "Jan Rix" <janrix@sbcglobal.net>
Date: March 16, 2015 at 1:03:20 PM PDT
To: <stcda@nodeltaqates.com>
Subject: Delta dams

COPY

I oppose installing any dams in the Delta without a complete environmental review.

The DWR admits these dams will be detrimental to boating. An environmental review is needed to determine what the effect on migrating fish, impacts to the levees, boating and other environmental and economic problems.

These new dams need a complete environmental analysis before approval, to determine if they will be harmful to migrating fish/ If the plan is to remove the rock after the dams are removed, how will that be funded and how done.

How will Antioch's water supply and western farms be affected if salt water is allowed to intrude nearly to Franks Tract and as far North as Steamboat and Sutter Sloughs?

Why were LA's reservoirs and the Kern Water Bank "topped off" in 2013 during the 2nd year of a drought allowing the Northern California reservoirs to be at too low a level to support adhering to the legislative-directed salinity controls in the Delta?

Aren't these dams really to continue to provide expanded water to the Central Valley farmers for almonds?

As Discovery Bay Boaters, we are distressed to understand that we would not be able to take our favorite routes any longer due to the dams. We are most unhappy about this. The Delta has always been a great source of joy to us as we have been able to use our boats for different types of recreation and it has been an open and free environment.

Jan and Bob Rix

From: Jan McCleery jmcclleery@duckpondsoftware.com
Subject: Re: Three "Emergency Barriers" (Delta Dams)
Date: March 16, 2015 at 1:45 PM
To: Michael Brodsky michael@brodskylaw.net

Sent from my iPhone

On Mar 16, 2015, at 1:31 PM, Tim Hamm <hamm@google.com> wrote:

To whom it many concern:

As a proud owner in Discovery Bay and avid boater...please don't do this.

My family and I can't take our favorite route anymore and it will ruin our boating experience because the Delta is no longer free.

Thank you for your time and consideration.

Timothy P. Hamm
Sr. Dir., Operations Mgr.

*** Google Inc. ***

US 925.548.8046 ---> I am here
CH 159.0040.8031

From: Jan McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Three Delta Emergency Barriers (Rock Dams)
Date: March 16, 2015 at 1:48 PM
To: Michael Brodsky michael@brodskylaw.net

Sent from my iPhone

Begin forwarded message:

From: Blythe Bruntz <blythe@dbruntz.com>
Date: March 16, 2015 at 1:17:49 PM PDT
To: DWREDBCOMMENTS@water.ca.gov
Subject: Three Delta Emergency Barriers (Rock Dams)

Jacob McQuirk, Supervising Engineer,
Bay-Delta Office California Department of Water Resources
PO Box 942836 Sacramento, CA 94236

Via E-Mail: DWREDBCOMMENTS@water.ca.gov **Re:** Three Delta Emergency Barriers (Rock Dams)

These are my comments in response to the Initial Study/Proposed Mitigated Negative Declaration Emergency Drought Barriers Project.

The public deserves to have the complete analysis and alternatives studied that is part of a formal EIR/EIS process. **I am hereby requesting a full Environmental Impact Report be conducted before any dams are installed.** I believe the current declaration is not adequate and does not fully disclose significant unmitigated adverse environmental impacts. **An environmental review is necessary** to determine what the effect will be for local and migrating fish, impacts to the levees, impacts to water quality, as well as impacts to boating and other environmental and economic problems such as real estate values in the area. Another large concern is that the dams are not planned to be fully removed. What will that do to the water flow during high tides? Will it be safe to boat through?

I have lived in Discovery Bay, CA on the water for almost 15 years. We also own a rental property in Discovery Bay. My husband and I own several boats which we use almost daily when weather permits (which is the reason we moved here in the first place). We own a wakeboard boat and wakeboard frequently, and we also own a cruiser. Whenever there is an option to go out to a restaurant located on the water, we prefer (and do) go by boat. We boat from Discovery Bay to: Bethel Island, Antioch, Pittsburg, Benecia, San Francisco, Petaluma, Tracy, Rio Vista, Tower Park, Stockton, Sacramento, and surrounding areas. In addition to patronizing the delta restaurants, we join cruise outs with the Discovery Bay Yacht Club spanning from overnight to weeks at a time.

Regarding the False River site: the IS states that mitigation is the trailers they will use to haul boats around the dams. This is NOT an option for our cruiser boat as it is too large to be towed (we would also not be inclined to use a "universal trailer" for our smaller, although expensive wakeboard boat which requires a specific type of trailer to avoid damage).

We believe that if the three rock barriers were installed in the proposed locations, it would have a very adverse impact on our ability to navigate through the Delta waterways. Our cruiser (Damn Lucky) is 40' in length and 13' wide, therefore we would be unable to pass even the rock barrier that will have an accommodation to move smaller boats around it.

I am also extremely concerned about the effect that blocking water flow anywhere on the delta will have on our dire aquatic weed situation (i.e., water hyacinth, egeria densa, etc.). Will the weeds just become worse? **An environmental review is necessary.**

Additionally, I'm concerned about what happens to everything south of the barriers. How will the barriers help the Delta as a whole? or does it just provide more "clean" water to the pumps so it can be pumped down south? I fully understand and recognize the water issues surrounding the Delta are complex and maintaining a delicate balance of the Delta system is difficult, however, I believe it would be irresponsible to move forward with any rock barriers anywhere on the Delta without fully understanding the potential impacts to "all" stakeholders involved. **An environmental review is necessary.**

For all of the reasons above, I implore you to require a full EIR/EIS before any action is taken to put dams (barriers) in the Delta.

Thank you for your consideration,

Blythe and David Bruntz
Residents and tax payers
Discovery Bay, CA

*This email may be confidential or privileged. If you received this communication by mistake, please do not forward it to anyone else. Please erase all copies and attachments, and please let me know that it went to the wrong person.
Thank You.*

From: Jan McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: DELTA DAMS
Date: March 16, 2015 at 2:11 PM
To: Michael Brodsky michael@brodskylaw.net

Sent from my iPhone

Begin forwarded message:

From: rid57@comcast.net
Date: March 16, 2015 at 1:57:25 PM PDT
To: DWREDBCOMMENTS@water.ca.gov
Subject: DELTA DAMS

I strongly appose the Delta Dams and water way restrictions you are trying to impose on Discovery Bay and South Delta Boaters. **This will cause a significant economic impact to Bethel Island where I belong to a Yacht Club and use the boat Haul out and repair services of Bethel Harbor. If the the Dams are erected I will have to stop doing business with these two company's not to mention the restaurants and Marinas I frequent often on Bethel Island and Isleton. This would also mean we can't take our favorite route anymore and it ruins our boating experience because the Delta is no longer free.**

Regards,

**Rich Dooley
791 Beaver CT.
Discovery Bay, CA**

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Comments on Emergency Drought Barriers Mitigated Negative Declaration
Date: March 16, 2015 at 3:21 PM
To: Michael Brodsky michael@brodskylaw.net

This is a good one

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: Vinny DiNicola <vdinicola@hotmail.com>
Subject: Comments on Emergency Drought Barriers Mitigated Negative Declaration
Date: March 16, 2015 at 3:07:51 PM PDT
To: "DWREDBCOMMENTS@water.ca.gov" <dwredbcomments@water.ca.gov>

to: Jacob McQuirk, Supervising Engineer, Bay-Delta Office
California Department of Water Resources

The mitigated negative declaration is inadequate and does not disclose significant unmitigated adverse environmental impacts. I request that you prepare a full Environmental Impact Report.

My wife and I reside at 4437 Clipper Drive Discovery Bay, CA. We've been boaters on the California Delta since 1995 and have lived in Discovery Bay on the water since 2003.

I oppose a proposal to install drought barriers in the Sacramento Delta because of the severe adverse impact this will have on our boating experience which has not been mitigated. False River is a regular passage we take on our way to San Francisco, and Rio Vista and it's been our regularly traveled route to those destinations and others located west of the proposed barrier. Before moving to Discovery Bay, we docked our boat for years in a rented slip on Bethel Island, so we know the area very well and use the False River passage often. It's unimaginable to no longer be able to use False River and freely pass through as in the past. Sutter Slough and Steamboat Slough are also navigable waterways we use on our way up to Sacramento and into the American River and back down to Grand Island Mansion and the marina's south of the proposed barriers which will all be effectively cut-off upon our return from Sacramento.

My contact information is:

Vinny DiNicola
4437 Clipper Dr.
Discovery Bay, CA 94505
925-550-6743

mbrodsky@cruzio.com: **INBOX**
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Subject: Fwd: Opposition to Dam installation without an EIR

From: "Janet McCleery" <janmccleery@yahoo.com>

Date: Mon, 16 March, 2015 8:58 am

To: "Michael Brodsky" <mbrodsky@aya.yale.edu>

Priority: Normal

Preferences: [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | [Spam](#) | [Bounce](#) | [Add to Address Book](#)

This is from Pete - it's very good

Jan

Janet McCleery | janmccleery@yahoo.com

Begin forwarded message:

From: Peter Sustarich <capnpete@yahoo.com>

Subject: **Opposition to Dam installation without an EIR**

Date: March 16, 2015 at 7:26:52 AM PDT

To: DWREDBCOMMENTS@water.ca.gov

**Attention: Jacob McQuirk, Supervising Engineer, Bay-Delta Office
California Department of Water Resources**

Overall I oppose installing any dams in the Delta without a complete environmental review (EIR). An environmental review is needed to determine what the effect will be for local and migrating fish, impacts to the levees, impacts to water quality, impacts to boating and other environmental and economic problems. Another huge concern would be the adverse effect it may have on the value of Real Estate in the area.

1) These DAMS will have an adverse effect on boating, but it is difficult to quantify this without an EIR. Just as the installation of these DAMS are designed to restrict the water flow, they will also restrict the flow of fish and other things that use the water for transportation, like boating.

Boating is a critical part of the Delta and SF Bay, and boaters like ourselves, use these "open waterways" for a variety of recreational and sporting activities both around the Delta and to and from SF Bay. As it relates to boating, when you start to DAM portions of these open waterways, you will inhibit boat travel which at best will result in more fuel used to get from point A to point B and at the worst will close off parts of the Delta to boat traffic. And the "solution" for mitigating boating traffic on Steamboat Slough that is outlined in your document 3.15.5 b) made me laugh at 1st. Now the thought of ramps with boat trailers with State employees pulling boats up and down is now both sad and hilarious. I have told this to friends and family and they thought I was making it up. This restriction on boating will effect communities and local economies. But of course this can not be quantified because the EIR process is not being followed. **An EIR is warranted!**

2) It is an unknown what effect these DAMS while have on migrating fish? It is my understanding that the old 2-Gates Fish Protection Project which employed another scheme of dams and gates that were proposed for salinity control, were withdrawn due to the likely negative effect on fish. These new dams need a complete environmental analysis before approval. **An EIR is warranted!**

3) The recent hyacinth problem in the DELTA, I understand, is worse this year due to the lack of water flow and these DAMS will only have the probable chance of exacerbating this and with an UNKNOWN environmental impact. These DAMS could also restrict the flow so adversely that it could permanently block the areas around the DAMS with the buildup of plants like hyacinth with no place to go. **An EIR is warranted**

Although our concerns about theses DAMS focuses on the Delta itself, it must be pointed out that the Delta is only part of a delicate system connecting to the San Francisco Bay. So the risk of any unintended consequence of these DAMS " could" not only have an adverse effect of the Delta environment and economy but the the environment of the entire SF Bay and surrounding communities. At this stage I don't think you could say with certainty that it won't because the EIR process was bypassed. **So again this should be evaluated with a proper EIR.**

Sincerely

Pete and JoAnn Sustarich
Residents and tax payers

Harold & Patricia Whitlow
4831 Cabrillo Point
Discovery Bay, CA 94505

March 16, 2015

Jacob McQuirk
Supervising Engineer
Bay Delta Office, California Department of Water Resources
P. O. Box 92836
Sacramento, CA 94236

Comments on Emergency Drought Barriers Mitigated Negative Declaration

The mitigated negative declaration is inadequate and does not disclose significant unmitigated adverse environmental impacts. We request that you prepare a full Environmental Impact Report particularly since the project covers a period of ten years. Further as suggested by PICYA and others: funds be provided and set aside at the beginning to remove these barriers immediately if there is no longer a need for them. What are your plans for dealing with the large volume of "water weeds" that will accumulate near the dams and make navigation impossible?

Our contacts with the Delta began near the end of WWII when Hal visited his grandparents who were living on a houseboat anchored at Bethel Island. Later as members of the Berkeley Water Ski Club we boated from their 2 locations in the Delta near Old River. Then we joined the Golden Anchor Boat Club in Tracy and visited the Delta from that location. In the early 70's we bought our first lot in Discovery Bay, moving here full time in 1976. We are members of the Discovery Bay Yacht Club (which has 499 members) and the Weber Point Yacht Club. We boat regularly in the Delta and San Francisco Bay.

We do not normally boat in the area of Sutter Slough and Steamboat Slough so will limit our comments to False River. For the past 10 plus years we have personally led fleets of boats from both Weber Point and Discovery Bay via False River on our annual trip to marinas in the Bay Area. This year the DBYC cruise was oversubscribed and attendees were selected at a drawing in January. At present, in addition to the attendees, there are a large number of cruisers on the wait list in the hope an opening occurs. Discovery Bay also has an active small boat program cruising out each Wednesday night in the summer to local marinas, including those on Bethel Island. Our boat is too large and too heavy to be transported across the barriers as are almost all cruisers.

Hal Whitlow, Past Commodore DBYC 1983
Patricia Whitlow, Past Commodore DBYC 1989, Past Commodore Weber Point 2013

From: Jan McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: COMMENTS ON EMERGENCY DROUGHT BARRIERS MITIGATED NEGATIVE DECLARATION
Date: March 16, 2015 at 4:38 PM
To: Michael Brodsky michael@brodskylaw.net

This ones really good - cites from the IS

Sent from my iPhone

Begin forwarded message:

From: Robert Lee boblee388@yahoo.com
Date: March 16, 2015 at 3:38:01 PM PDT
To: "DWREDBCOMMENTS@water.ca.gov" <DWREDBCOMMENTS@water.ca.gov>
Subject: COMMENTS ON EMERGENCY DROUGHT BARRIERS MITIGATED NEGATIVE DECLARATION
Reply-To: Robert Lee boblee388@yahoo.com

Dear Mr. McQuirk:

I have recreationally boated on San Francisco bay and the Delta since 1958 - that's 57 years! I currently have a 34-foot trawler type power boat and belong to several yacht clubs or associations. Two of these, Coyote Point Yacht Club and the San Francisco Bay Area Nordic Tug Association, are based on San Francisco Bay. I cruise from the Delta (where I have lived for the past 15 years) to San Francisco Bay many times a year, and always use False River, as do many Bay and Delta boats.

The mitigated negative declaration is inadequate and does not disclose significant adverse environmental impacts. I request that you prepare a full Environmental Impact Report.

I was insulted that you thought recreational boating worth less than three pages in the Mitigated Negative Declaration. After spending few paragraphs discussing marinas, boating and 6.4 million boating-related Delta visitor days, how can you conclude that *"the proposed project will not have a substantial adverse effect on recreation because:"*

1) *"public notices would be posted"* The fact is the boating public would still be cut-off from reasonable access to the South Delta and Bethel Island and its recreational boating business.
2) *"temporary boat transfer ramps would be provided to facilitate navigation"* Those facilities would be of no use to me with a 34 foot boat displacing over seven tons.
3) *"alternative routes would be available"* One, Fishermen's Cut is not a safe place to navigate, for a boat of my size, except at slack before ebb, which occurs only twice in 24 hours. The other is to use Old River (incorrectly called "East False River") to connect to the San Joaquin River. This passage has a very narrow usable channel and has no proper aids to navigation. Further it would double my transit time to Pittsburg Marina (a frequent destination) and significantly increase exposure to large commercial ship traffic. I would be unable to use False River to safely avoid the often dangerously high winds and resultant "fetch" in the area.
4) *"the proposed project would be a limited size and of short duration."* Meaning we should be pleased the proposal is not for more dams! The timing is at the peak of our season and I understand the source of funds for the removal of the dams has not been approved, possibly making the dams permanent?

The analysis of the impacts of the three dams is woefully incomplete and based on outdated data. The "Mitigated Negative Declaration" shows an overwhelming need for a full Environmental Impact Report to assess the true impacts, to Bay and Delta boaters, and the environment.

Thank you.

Sincerely,

Robert A. Lee
2225 Cypress Pt.
Discovery Bay, CA 94505

From: Jan McCleery jmccleery@duckpondsoftware.com
Subject: Fwd:
Date: March 16, 2015 at 4:42 PM
To: Michael Brodsky michael@brodskylaw.net

Sent from my iPhone

Begin forwarded message:

From: "William R. Richardson" <wrrichardson@earthlink.net>
Date: March 16, 2015 at 4:14:26 PM PDT
To: "Jacob McQuirk" <DWREDBCOMMENTS@water.ca.gov>

Mr. McQuirk:

Following are my comments in opposition to DWR's proposal to install rock dams in three Delta locations: 1) In False River west of Franks Tract, 2) in Sutter Slough and 3) in Steamboat Slough, and also wherever DWR unilaterally wants to place dams over the next ten years, also doing so without a proper EIR/EIS process. I object to giving DWR carte blanche on such crucial decisions today without any knowledge of what the greatly variable circumstances might be in the future, especially when the circumstances existent today have not even been affirmatively shown by DWR to be favorable to the Delta, and not harmful, for installation of the three rock dams proposed.

In addition, the state's mismanagement of California's water system, the flagship being the BDCP project and its complete disregard for the existing statutes and processes which are intended to protect the Delta, offers no assurance that DWR will make decisions on behalf of the Delta, rather than on behalf of continuing water grabs for interests south of us.

As just one example of the bias and ineptitude in the state's decision-making process, in 2013 USBR and DWR approved releases of water from Northern California dams to completely fill Los Angeles reservoirs and the privately-held Kern Water Bank. That action was totally irresponsible and made Northern California's drought water crisis worse than if it had been managed by competent, unbiased engineering judgment, rather than by politics accompanied with money, which talks. Are these rock dams being guided by the 2013 principles? What principles will prevail when it comes time to remove them?

The rock dams are reminiscent of other state water plans, because they divert the fresh water supply through the Delta to the east side so it arrives at the Clinton Forebay, signed, sealed and ready for delivery south.

That diversion appears to be your real objective with the rock dams, and you appear not to want a proper EIR/EIS process because that might upset your pre-determined plans, timetable and commitments. The impacts of the rock dams are so extensive that they cannot be predicted without a thorough environmental review, done honestly, which will show whether the benefits outweigh the negative impacts.

These three rock dams are nothing like, for example, filling in a lone empty lot in downtown Sacramento with a building where all of the impacts, such as traffic, parking, pedestrians, public transportation, utilities, shading, etc., have previously been addressed in a master plan. Those are circumstances where a negative declaration might be appropriate. There is nothing equivalent in three rock dams around the Delta, Mr. McQuirk. Tampering with the Delta is nothing like that vacant lot.

DWR has already admitted the obvious. The rock dams will be detrimental to boating. It will also be harmful to California's boating economy as well. DWR does not state whether or not the rock dams cause issues with migrating fish; water flow and erosion of levees; invasive aquatic weed infestations; and much more. Informed, scientific/engineering statements must be made on all of those pertinent subjects. The Delta does not need to regret another mistake in the future, like emptying our water reservoirs in 2013, when such a

mistake can easily be avoided by just doing the right thing now.

I have boated in the lower part of the Delta for over 45 years, primarily in the area from above Rio Vista through San Francisco Bay. As a scoutmaster for nine years, my troop spent many summers boating and water skiing from Brannan Island SRA and I still boat in that vicinity. For the past twenty years I have lived on deep water in Discovery Bay, with my boat at my own dock in the bay behind my home. The rock dam in False River will cut off access to and from the San Joaquin River. It will be devastating to those involved in any "way" with False River and Bethel Island. Those "ways" must first be thoroughly evaluated.

I rely on businesses located on Bethel Island. I purchased my boat there from Carter's Marine. The boat traffic, stopped by the False River rock dam, will obviously have a negative financial impact on Bethel Island businesses. It is imperative that DWR also reveal the impact of water currents on Bethel Island's levees, the water coverage of Franks Tract and all other aspects an EIR/EIS will study.

One of many loose ends in your cursory analysis of this serious problem is, what happened to protection of Antioch's salt-free domestic water intake, and western farms, by keeping the salinity line west of Pittsburg? Is it your intent to just ignore that criteria?

Other circumstances that a proper EIR/EIS must address are:

- Your suggestion, surely tongue-in-cheek, to portage boats around the rock dams without any consideration at all of boat size, type or feasibility. Are you aware that the trailer's supporting rails must be fitted to the boat's hull to prevent damage?
- The position of Bethel Island as the boating hub of the Delta, which has led to the only fire boat for East Contra Costa County being located there, and one of two Vessel Assists in the Delta (the other is in San Francisco) being located there. These emergency services are on Bethel Island for an important reason. Doesn't your False River rock dam seriously and negatively impact their ability to perform successfully?
- The Initial Study appears incomplete, because the impacts of rock dams at Sutter Slough and Steamboat Slough on intakes for adjacent communities and farm houses have not yet been analyzed. How can that be?

Please abort your activities on these three rock dams and, instead, prepare a proper and complete environmental analysis under the law so that everyone involved will have the information needed to make intelligent and informed decisions on behalf of the Delta about all rock dams. Thank you.

William R. Richardson

1774 Seal Way

Discovery Bay, CA 94505

(925)516-9500

From: Jan McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Delta Dam comments
Date: March 16, 2015 at 4:43 PM
To: Michael Brodsky michael@brodskylaw.net

Sent from my iPhone

Begin forwarded message:

From: "Keith Ryan" <keith-ryan@comcast.net>
Date: March 16, 2015 at 4:32:00 PM PDT
To: "Janet McCleery" <jmccleery@duckpondsoftware.com>
Subject: FW: Delta Dam comments

sorry, forgot to blind cc you.

From: Keith Ryan [<mailto:keith-ryan@comcast.net>]
Sent: Monday, March 16, 2015 4:30 PM
To: 'DWREDBCOMMENTS@water.ca.gov'
Subject: Delta Dam comments

Attention Jacob McQuirk

I am opposed to the proposed dams. I live in Discovery Bay for close to 30 years. The following are my concerns;

1. No EIR report completed
2. more fuel cost and wasted time due to longer route to Antioch and beyond for all boaters that travel this route. Does not sound like much but for example it will take my 87 year old Grandfather 2 more hours when he motors his sailboat through this area and it will cost be an additional \$130 dollars of fuel when I take my cruiser through this area.
3. Safety; will take longer for emergency services that have to travel through this area; for example yesterday I heard there was a high speed motorcycle chase that ended at the Antioch bridge with the suspect threatening to jump off the bridge. The Contra Costa Sheriff departments Marine division was called to assist below the bridge in case the suspect jumped or fell. The boats top speed is about 45 MPH and if this barrier had been in place it would take up to an additional 20 Minutes to arrive at the scene.(Fortunately the officers on the top of the bridge were able to apprehend the suspect.)

Best to wait until an EIR report is complete. Thanks for letting me comment.

Keith Ryan

From: Jan McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: dams in Delta
Date: March 16, 2015 at 4:43 PM
To: Michael Brodsky michael@brodskylaw.net

Sent from my iPhone

Begin forwarded message:

From: Chuck & Mary Niessen <niessen@sbcglobal.net>
Date: March 16, 2015 at 4:35:17 PM PDT
To: "dwredbcomments@water.ca.gov" <dwredbcomments@water.ca.gov>
Cc: "stcda@nodeltagates.com" <stcda@nodeltagates.com>
Subject: dams in Delta
Reply-To: Chuck & Mary Niessen <niessen@sbcglobal.net>

We are writing to you in regards to the building of the three "Emergency Barriers" or Delta Dams.

We are opposed to installing any dams in the Delta. A complete Environmental and Economic Impact review should be done on the impact of the dams. The dams would be detrimental to the fish, recreational boating and the businesses on the Delta.

We live in Discovery Bay the dams would block our access to the boating waterways on the Delta.

Sincerely,
Chuck & Mary Niessen
281 Discovery Bay
Discovery Bay CA 94505
925-240-8281

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: emergency drought barrier sent my comment letter heres copy for you
Date: March 17, 2015 at 5:07 PM
To: Michael Brodsky michael@brodskylaw.net

This is good - it's from the rancher on Bradford Island.

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: fivepalmscattle@yahoo.com <fivepalmscattle@yahoo.com>;
To: DWREDBCOMMENTS@water.ca.gov <DWREDBCOMMENTS@water.ca.gov>;
Subject: emergency drought barrier
Sent: Tue, Mar 17, 2015 10:18:13 PM

Mr Jacob Mcquirck

The emergency drought barriers project and the installation of three dams in the Delta needs a complete and full EIR. The mitigated negative declaration is full of inaccuracies and mis information. And a lack of extremely important information.

Such as..section 3.15.2 States minimal impact to recreation. Do you really think that closing down a major water way during the prime boating season is a minimal impact . West False River is the main route boaters use when they're heading out towards the bay or coming in to Franks tract and points beyond for a day of fishing, boating ,water sports, dining, camping etc. This would not be a minimal impact,this would be HUGE. E conomic losses to businesses east of the barrier should be addressed, they are not.

Section 3.14 emergency response...sheriff's Marine Patrol is despatched from the base of the Antioch bridge. Having to go all the way around Bradford island would add additional response time to any water emergencies east of the barrier. This is a HUGE impact.

Section 2.7.3. ..encouraging boaters to use the narrow and already overcrowded Fishermans Cut as an alternative route, is an invitation to disaster. Advising more boaters to use a very narrow cut, that is favored by water skiers and wake boarders, is simply bad planning. You are putting all the pieces in place for some horrific water accidents. Also having many more boats zooming in and out of Fishermans cut makes an extremely dangerous situation for our ferry and the public that's riding on it.

Section 3.1.1. Have you looked at the site Mr Mcquirk ? This section says there are row crops and orchards on either side of the West false River barrier. There are no row crops and orchards and there haven't been for at least 20 years that I know of.

Section 3.4. Your report says nothing about the protected Pacific Flyway and interfering with migratory wildlife corridors in the West False River area. There is no mention of the threatened greater sandhill cranes that spend every winter on my property. How will the construction disturb them? The only mammal you mention is a bat. How about my cattle, my livelihood, what are the impacts to them? W ill there be large concentrations of salt west of the barrier, where I draw drinking water for the cattle ?

Extremes of noise ,dust, vibration, strange equipment, and strange people are worrisome to cattle.They aren't calmly grazing, they are on the move because they are worried. THis can be a HUGE economic impact to me.

I didn't see anything about water hyacinth in the MND. What happens when the hyacinth backs up against the barrier and moves all the way up to Franks tract and blocks off the ferry passage ? This is our only access to our properties.

Additionally, the expected increase in velocity of the water in Fishermans cut, along with the extra boat traffic will thrash private landowners boat docks and boats that are tied. Swimming with our grandchildren and floating on a raft will be dangerous and next to impossible.You will have ruined our quiet enjoyment of our property. Besides thrashing our docks the additional boat traffic will cause waves and wash that will damage the levee. This is a HUGE impact.

On the north end, several landowners, including myself are protected by a large tule berm.Will the expected increased flows cause the tule berm to erode, thereby exposing the levee to more damage in that area ? Many tule berm in the Delta are protected and managed by various agencies due to the unique habitats they provide to several species of

water tows, reptiles and mammals. The MND does not address this at all.

Taking into account a 60 day installation and a sixty day removal, the West False River barrier will be in place for approximately 75 days. How much salinity intrusion can be reduced in that short period of time? It's my belief that the whole purpose of the emergency drought barriers at West False River is to get the permanent abutments in so you can hang a permanent gate there in the near future, perhaps an Obermeyer gate. Wonder where the next gate is going to go, maybe 3 Mile Slough, near the bridge. No impact to recreation, you say, I strongly disagree.

I also would like to take this opportunity to thank you for building a wonderful bridge from Jersey Island to Bradford Island. Bradford Island has never had the pleasure of hosting the levee destroying, hole digging, disease carrying, burrowing vermin, the ground squirrel. Bradford Island has never had any ground squirrels but, thanks to this lovely new barrier we will have thousands.

I am requesting a public meeting in our area to go over the many impacts not addressed in your mitigated negative declaration. Don't just send out a badly flawed report, step up to the plate and face the impacted people of the Delta who have relevant questions and want real answers.

This comment letter barely scratches the surface of all the impacts that I personally and the people of the Delta will suffer as a consequence of this barrier.

Karen Cunningham
Bradford Island

[Sent from Yahoo Mail on Android](#)

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Re: Delta Emergency Barriers (Rock Dams)
Date: March 17, 2015 at 5:02 PM
To: Michael Brodsky michael@brodskylaw.net

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

On Mar 17, 2015, at 2:41 PM, Dana Matthews <dmatthews58@gmail.com> wrote:

Thank you for the opportunity to express my opinion on this issue.

Let me be clear, I oppose installing any dams on any Delta waterway without the benefit of a complete environmental review.

It is obvious that the installation of any dams which hinder free navigation will be detrimental to boating. It will clearly be at best an inconvenience and in the worst case may be dangerous. It is also readily apparent that a complete environmental review is necessary to determine the near and long term effects on native and migrating fish and wildlife and also to determine the economic impacts on the area.

We were informed during previous efforts to install dams that the inconveniences could be mitigated by adjacent boat ramps. This is not a convenient, viable or well thought out execution. We were also informed that the dams would be "temporary" and an "experiment". It is not prudent to experiment on the environment in this manner and there is no clear cut solution or time table to remove them. What will be the environmental effects of removal?

As a business owner who relies on the Delta to be an open, safe and readily accessible venue for boating, the results of dams could be devastating. Any deleterious environmental effects on fish, wildlife and water quality will also pose economic threats to the entire Delta business and residential community.

I am also a resident of Discovery Bay. I own a home on the water of the Delta, as do thousands of others. Any threats to the Delta will directly impact the value of our property.

As a business and homeowner I am constantly dealing with a myriad of permits, government regulations and oversights when trying to repair or improve my business or residence. It is unconscionable that a government agency (DWR) can attempt to unilaterally impose such an impactful project without the same type of careful research and scrutiny.

Respectfully

Dana Matthews
Owner : Cruiser Haven Marina
Discovery Bay resident.

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: DELTA BARRIERS
Date: March 17, 2015 at 4:54 PM
To: Michael Brodsky michael@brodskylaw.net

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: <deltagromacki@yahoo.com>
Subject: DELTA BARRIERS
Date: March 17, 2015 at 12:08:01 PM PDT
To: "DWREDBCOMMENTS@water.ca.gov" <DWREDBCOMMENTS@water.ca.gov>

The negative declaration is inadequate and does not disclose significant adverse environmental impact. We boaters request a full Environmental Impact Report with full disclosure. The areas of the barriers will have significant adverse impact on recreational boating that had not been taken into account. We are long time boaters in the Delta and our choices will be very limited with your proposal. The reason we moved to Discovery Bay on the water was the freedom of the water ways. The barriers will stop boating on the Sacramento River. Edith M. Gromacki

Sent from Windows Mail

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Please DO NOT DAM-UP THE DELTA
Date: March 17, 2015 at 4:54 PM
To: Michael Brodsky michael@brodskylaw.net

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: fabianac@aol.com
Subject: Please DO NOT DAM-UP THE DELTA
Date: March 17, 2015 at 11:41:12 AM PDT
To: DWREDBCOMMENTS@water.ca.gov

Dear Sirs:

My family and I have been avid users of the Delta Waterway for the past 25 years. From launch points in Rio Vista, Bethel Island, Discovery Bay and Stockton we have traveled up the Sacramento River to Sacramento; up the San Joaquin River to Stockton and down both waterways all the way to the entry to the Delta near the Benicia bridge. Moreover, we have chris-crossed the from Sacramento to Tracy and from Benicia to Stockton. It has always been a blessing to get out on the Delta and just go where ever the bow headed. Travelling the Delta waterway has always been one of the freedom's that we enjoyed about living in Northern California and we always enjoyed meeting other like-minded voyagers during our boating trips.

It has come to my attention that you are now considering adding dams to the Delta that will prevent free travel up and down the delta waterways. I cannot express more strongly my vehement opposition to this concept. Effectively cutting off free travel on the delta will forever ruin the freedom's that we currently enjoy, and have relied on for decades that has added to our quality of life in Northern California.

Please, please, I implore you, DO NOT DAM-UP THE DELTA! It is not a good thing for boaters and it is not a good thing for Northern California!

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: No new Dams in the Delta
Date: March 17, 2015 at 4:52 PM
To: Michael Brodsky michael@brodskylaw.net

This one is short but I like it.

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: "Leonard Sarkissian" <Lsarkissian@yahoo.com>
Subject: No new Dams in the Delta
Date: March 17, 2015 at 9:27:43 AM PDT
To: <DWREDBCOMMENTS@water.ca.gov>

To Whom it may Concern,

I understand that there is a plan to start building dams in the Delta waterways. This is being done without any environmental investigation and from what I can see – on a random basis.

My wife and I enjoy boating /jet skiing in the Delta and it would be sad for the delta to become a collection of pools and probably ponds if the practice continues as some people would like.

I would like to see a plan put in place describing the grand scheme of things that are being planned, when they go up, when they come down, who pays for it, is the budget just for putting them up or also for tearing them down. Additionally what is the environmental impact they have on the waterways/ fishing etc. It would be a sad day if the delta is riddled with dams thus making it a collection of large pools for everyone to go round in circles.

Thank you for looking into.

Leonard Sarkissian

Discovery Bay, 94505

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Another Dumb Union Project
Date: March 17, 2015 at 4:31 PM
To: DWREDBCOMMENTS@water.ca.gov

Begin forwarded message:

From: jnorris2805@comcast.net
Subject: Another Dumb Union Project
Date: March 17, 2015 at 8:44:03 AM PDT

The DELTA Dam Project NO better said HELL NO
This makes about as much sense as building a toy railroad train that goes from nowhere to nowhere. The only winners are the union workers... The folks paying the bills will be the ones drowning. Today I use the delta as my play ground... dinner in Stockton... weekends in old Sac... etc... You are going to force my next move to be out of a state that runs on greed.

Also I could be wrong but is this just part of another agenda to steal the Sac River and send it to LA?

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Delta dams
Date: March 17, 2015 at 4:30 PM
To: DWREDBCOMMENTS@water.ca.gov

Begin forwarded message:

From: Trudi Deleon <tfdeleon64@yahoo.com>
Subject: Delta dams
Date: March 16, 2015 at 8:06:08 PM PDT

To whom it may concern,

I was born and raised in the vicinity of the delta area. I am now 66 years old and have lived on the delta in Discovery Bay for the past 22 years. It was a life-long dream to be able to boat with my children and grandchildren in the free waterways that make up the delta system. My husband and myself saved and saved to be able to live here. Now, after all our sweat and never-ending work to finally retire here and enjoy the fruit of all our labor, we hear that unnecessary and detrimental dams are trying to be placed in our water ways! What are you thinking? Where are the environmentalists? Are they being paid off by the unlimited funds that you must have in your coffers? Do you actually believe that the fish and wild life will not be affected by shutting off the fresh water supply to our lower delta? Not to mention the whole boating system that has provided this area with visitors that help our delta communities sustain a living at the marinas and restaurants that will be hampered and cut off!! Shame on all of you! Do what you should have done a long time ago and start looking at the ocean for your extra water supplies. These dams are just the beginning of your efforts to divert our waters to Southern Ca.!! You are not fooling any of us and you are only making our fight to preserve the Delta area and keep these dams from ever seeing the light of day! Again, shame on all of you for your selfish and unsympathetic reasons to put in dams that will not only hurt our population, but will drastically alter the birds and fish that have resided here long before any of you were even born! What in the world are you thinking!!!??? If you have any rebuttal to this, please feel free to comment.

tfdeleon64@yahoo.com

Sent from my iPhone

From: Roger Difate rockfish62@yahoo.com
Subject: Comments on Emergency Drought Barriers Mitigated Negative Declaration
Date: March 2, 2015 at 2:16 PM
To: DWREDBCOMMENTS@water.ca.gov

To: Jacob McQuirk

I disagree with the instillation of the barriers on False River, Sutter Slough and Steamboat Slough with out a full Environment Impact Study. The mitigated negative declaration is totally inadequate. I request you prepare a FULL Environment Impact Study.

I have been a BOATER and Fisherman for 50 years and have lived ON the DELTA for the past 20 years. As a fisherman I must have the freedom to move freely through the Delta and as a tournament fisherman Quickly moving from one area to another is Essential and Mandatory since we are on the clock to perform.

The barriers will have a significant ADVERSE impact on the fishing and boating community, who PAY Enormous amount of TAXES for this privilege.

I would like to receive a reply so I can submit it to our local fishing & boating community which I am heavily involved in.

Regards

Roger di Fate

rockfish62@yahoo.com

925-513-9295

Hello Mr. McQuirk,

I am requesting a full Environmental Impact Report be conducted with regards to the Emergency Drought Barriers. I feel the mitigated negative declaration is not adequate and does not fully disclose significant unmitigated adverse environmental impacts.

My name is Frank Morgan (Captain Morgan) and I own and operate Captain Morgan's Delta Adventures which is a charter cruise operation out of the Discovery Bay Yacht Harbor in Discovery Bay, CA.

I have personally been boating on the Delta since 1976 when I fell in love with the Delta as a water ski instructor in the Walnut Grove area. I spent the entire summer in 1976 exploring many of the sloughs, channels, and water tributaries that make up our unique Delta system. Every since that summer in 1976, I have made yearly trips to the Delta to rent house boats, ski boats, and other water recreation equipment.

In 2000 I was finally able to relocate from southern California to the Discovery Bay area. I currently have a deep water home in Discovery Bay and have resided in Discovery Bay for the past 15 years. In 2011 I started a charter cruise business in Discovery Bay called, Captain Morgan's Delta Adventures. My cruise business has grown from just 18 cruises in 2011 to 116 cruises last year (2014). Our cruises allow both local and out of town guests to experience the beauty of the California Delta water system.

On our cruises we travel as far north as Old Sacramento, as far west as Antioch, and as far east as the Port of Stockton. I feel if the three rock barriers were installed in the proposed locations, it would have a huge negative impact on my ability as a boat tour operator to travel the Delta waterways.

My vessel is called the Rosemarie and she is 55' in length and has a 14' beam, therefore I would be unable to pass even the rock barrier that will have an accommodation to move smaller boats around it. Cruising other sloughs to get around the rock barriers would make many of our trips too costly in fuel, and time for guests to afford. The current rock barrier located by Rivers End Marina already eliminated my ability to travel towards Tracy and therefore a large part of the southern Delta is already unavailable for thousands of boaters like myself and their guests to enjoy. I also worry about what happens to everything south of the barriers, does that simply become brackish water? and how do the barriers help the Delta as a whole? or does it simply provide more "clean" water to the pumps so it can be pumped down south?

I fully understand and recognize the water issues surrounding the Delta are complex and maintaining a delicate balance of the Delta system is difficult, however, I feel it would be irresponsible to move forward with any rock barriers anywhere on the Delta without fully understanding the potential impacts to "all" stakeholders involved.

Thank you for your consideration,

Captain Morgan
Discovery Bay, CA
925.383.5346

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Delta Dams Comments
Date: March 17, 2015 at 7:03 PM
To: Michael Brodsky michael@brodskylaw.net

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: Eric Item <ericitemams@gmail.com>
Subject: Delta Dams Comments
Date: March 17, 2015 at 6:46:50 PM PDT
To: DWREDBCOMMENTS@water.ca.gov

Hello Mr. McQuirk,

I am requesting a full Environmental Impact Report be conducted with regards to the Emergency Drought Barriers. I feel the mitigated negative declaration is not adequate and does not fully disclose significant unmitigated adverse environmental impacts.

My name is Eric Item and I reside in Discovery Bay, CA. Since 1995 my wife and I have been traveling to the Delta every warm weekend to ski and wake board in the sloughs near Discovery Bay. We would often day dream about how wonderful it would be to actually live where we play. In 2000 our dream came true and we purchased our home on deep water.

We are raising our children in the beautiful delta and enjoy swimming, water skiing, wake boarding and boating. Our guests love taking boat rides all year round to different restaurants on the water such as Garlic Brothers in Stockton, Orwood Marina, Union Point, and even a few destinations in Sacramento! I feel if the three rock barriers were installed in the proposed locations, it would have a huge negative impact on my ability as a boater to travel the Delta waterways.

Although a rock barrier is planned to have an accommodation to move smaller boats around it, they would be required to pass at 5 mph. That means we would need to stop, haul in our skier, pass the wall, let out our skier, and start up again. The current rock barrier located by Rivers End Marina already eliminated my ability to travel towards Tracy and therefore a large part of the southern Delta is already unavailable for thousands of boaters like myself and their guests to enjoy.

I also worry about what happens to everything south of the barriers, does that simply become brackish water? And how do the barriers help the Delta as a whole? Does it simply provide more "clean" water to the pumps so it can be pumped down south? Los Angeles already has their reservoirs filled to capacity and has enough water to last for two years without our help – yet we are in a serious drought.

I fully understand and recognize the water issues surrounding the Delta are complex and maintaining a delicate balance of the Delta system is difficult, however, I feel it would be irresponsible to move forward with any rock barriers anywhere on the Delta without fully understanding the potential impacts to all involved.

Thank you for your consideration

Eric Item

Discovery Bay Resident

--

Eric Item
Advanced Medical & Safety, Inc.

(408) 488-0008 cell

(408) 489-0900 cell
(408) 654-6000 office Bay Area
(925) 960-1900 office Tri-Valley

ericitemams@gmail.com email

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Delta Dams
Date: March 18, 2015 at 10:38 AM
To: Michael Brodsky michael@brodskylaw.net

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: Roger Trump <rogertrump@comcast.net>
Subject: Delta Dams
Date: March 18, 2015 at 12:03:07 AM PDT
To: "DWREDBCOMMENTS@water.ca.gov" <DWREDBCOMMENTS@water.ca.gov>

To proceed without a formal EIR/EIS process with a program which could have such dire consequences economically, environmentally and recreational seem irresponsible and inviting possible legal repercussions.

Please go through the formal process.

Sincerely,

Roger and Lucy-Ann Trump
(Recreational boater from Discovery Bay)
Sent from my iPhone

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Three Delta Emergency Barriers-Rock Dams
Date: March 18, 2015 at 10:39 AM
To: Michael Brodsky michael@brodskylaw.net

This one is especially well done

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: <artis@karensleigh.com>
Subject: Three Delta Emergency Barriers-Rock Dams
Date: March 18, 2015 at 1:34:58 AM PDT
To: <DWREDBCOMMENTS@water.ca.gov>

Mr. McQuirk,

I reside in Discovery Bay and moved here, like many other residents, to enjoy all the delta has to offer. All along the delta, communities thrive on the access to the water and the fact you can pass through miles of the open waterways. The recreational sports are a huge part of the economy and draw to the area. The proposed dams will interfere with many different aspects of delta. Local economies will suffer if boaters cannot pass on the water to get to other destinations. These water communities have all sorts of events to bring in visitors into the delta. The Discovery Bay Yacht Club sponsors numerous excursions on the water and encourages other clubs to come into and out of this area easily. These dams can hinder and block some routes causing a negative impact to the area by not allowing access. Not only will they impair recreational boating and add safety issues, but there are many unanswered questions. What about piles of debris or blockage and are there funds to monitor or for clean up? Do the dams hinder migrating fish and how will it affect recreational fishing? What are the problems for farming communities along the delta? Will these dams add more problems to our weed issues we are experiencing, causing complete blockage to certain sections? There are important issues that I am not clear on how they would be handled or funded. I also read these are temporary dams, but there are no funds or a full plan for their removal. Those funds and plan should be in place before you would consider building any of the dams. With all these concerns, I would like to request that full EIR/EIS study be completed before the dams are constructed.

The real estate market here is finally starting to recover and I would like to see that continue and have the area flourish. This is a unique area and I would not like to see waterways closing and cutting off communities from each other when it could be avoided. I am concerned about these dams overall environmental and economical impact and hope you will look at the issues brought up by residents that live and enjoy all the delta has to offer.

Thank you,
Karen Sleigh
Discovery Bay



This email has been checked for viruses by Avast antivirus software.

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Three "Emergency Barriers"
Date: March 18, 2015 at 10:44 AM
To: Michael Brodsky michael@brodskylaw.net

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: Stefan Sleigh <stefan@medsolutionsllc.com>
Subject: Three "Emergency Barriers"
Date: March 18, 2015 at 8:31:24 AM PDT
To: DWREDBCOMMENTS@water.ca.gov

Mr. McQuirk,

I reside in Discovery Bay and moved here, like many other residents, to enjoy all the delta has to offer. All along the delta, communities thrive on the access to the water and the fact you can pass through miles of the open waterways. The recreational sports are a huge part of the economy and draw to the area. The proposed dams will interfere with many different aspects of delta. Local economies will suffer if boaters cannot pass on the water to get to other destinations. These water communities have all sorts of events to bring in visitors into the delta. The Discovery Bay Yacht Club sponsors numerous excursions on the water and encourages other clubs to come into and out of this area easily. These dams can hinder and block some routes causing a negative impact to the area by not allowing access. Not only will they impair recreational boating and add safety issues, but there are many unanswered questions. What about piles of debris or blockage and are there funds to monitor or for clean up? Do the dams hinder migrating fish and how will it affect recreational fishing? What are the problems for farming communities along the delta? Will these dams add more problems to our weed issues we are experiencing, causing complete blockage to certain sections? There are important issues that I am not clear on how they would be handled or funded. I also read these are temporary dams, but there are no funds or a full plan for their removal. Those funds and plan should be in place before you would consider building any of the dams. With all these concerns, I would like to request that full EIR/EIS study be completed before the dams are constructed.

The real estate market here is finally starting to recover and I would like to see that continue and have the area flourish. This is a unique area and I would not like to see waterways closing and cutting off communities from each other when it could be avoided. I am concerned about these dams overall environmental and economical impact and hope you will look at the issues brought up by residents that live and enjoy all the delta has to offer.

Regards,

Stefan Sleigh
President, CEO
MedSolutions, LLC
925.634.7791 (w)
925.634.3597 (f)
925.216.3598 (c)

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: "Wayner" <deltawayne@comcast.net>
Subject: FW: delta dams
Date: March 18, 2015 at 9:11:01 AM PDT
To: <jmccleery@duckpondsoftware.com>

I have sent an email regarding the delta gates. Here is a copy. Hope it helps.

*Best Regards,
Wayne*

From: Wayner [<mailto:deltawayne@comcast.net>]
Sent: Wednesday, March 18, 2015 9:08 AM
To: 'DWREDBCOMMENTS@water.ca.gov'
Cc: 'members@nodeltagates.com'; Gail Lorimer (glorimer@pacbell.net)
Subject: delta dams

To Whom It May Concern,

I have been an avid boater on the delta for more than 45 years. I've been coming up to Bethel Island for the entire time, either as a weekender and now as a full time resident. To have our boating activities limited to certain routes will take away our privileges of the past. To be inconvenienced by detours of our favorite places to visit and to make it an inconvenience for navigation I feel the dams will have a huge impact on our activities. And I'm sure it will impact the fishing activities as well. Find a better ways for the people of southern California to find water (i.e. build reservoirs, perk ponds, underground storage) but don't take our water or hamper our boating on the delta.

Wayne Miller
P.O. Box 1665
3758 Stone Road
Bethel Island, CA 94511
(925) 684-0104
(925) 519-2387 (cell)
email: deltawayne@comcast.net

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Delta Dams
Date: March 18, 2015 at 10:48 AM
To: Michael Brodsky michael@brodskylaw.net

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: Darren Goetz <dmgoetz23@gmail.com>
Subject: Delta Dams
Date: March 18, 2015 at 8:52:46 AM PDT
To: Dwredbcomments@water.ca.gov

Hello,

Thank you for this opportunity for members of the community to voice an opinion.

I oppose installing any dams in the Delta. We boat as a family recreational activity, and this would block us from boating on our favorite waterways. This is a terrible idea that would ruin our boating experience on the Delta. It is obvious to me that any and all dams will be detrimental to boating. An environmental review is needed to determine what the effect on migrating fish, impacts to the levees, boating and other environmental and economic problems.

My family and friends have a long history of boating on the Delta including multiple families who have grown up on or had multiple generations of family pass the delta enjoyment down. We would hate to take this area away from the generations to come. The dams will have a negative effect on the environment, the entire area from an economical perspective and will take away a great recreational area loved by boaters.

Dams are not the answer. At least not without a complete EIR/EIS to study the effects on Northern California fish, boating and western farms.

Thank you

Darren Goetz
Salinas, CA

From: Janet McCleery jmccleery@duckpondsoftware.com
Subject: Fwd: Opposition to Delta Dams
Date: March 18, 2015 at 11:49 AM
To: Michael Brodsky michael@brodskylaw.net

Jan

Janet McCleery | jmccleery@duckpondsoftware.com
www.duckpondsoftware.com | Cell: (925) 978-6563

Begin forwarded message:

From: "Larry" <larry.jasmann@sbcglobal.net>
Subject: **Opposition to Delta Dams**
Date: March 18, 2015 at 11:38:45 AM PDT
To: "DWREDBCOMMENTS@water.ca."

As a Delta boater for several decades, I oppose installing any dams in the Delta without a complete environmental review. Without a doubt, any dams in the Delta would be detrimental to boating. And the impact on fish, levees, the Delta environment and economy, etc. should be carefully studied and evaluated through a complete EIR/EIS.

Respectfully,

Larry Jasmann
Oakley, CA

February 26, 2015

Jacob McQuirk
Supervising Engineer, Bay-Delta Office California Department of Water Resources
PO Box 942836
Sacramento, CA 94236

VIA EMAIL

I have been boating on the Delta for over forty years.

When I was a kid, my family had a 19 foot Dorset cuddy cabin named Queen Bee with a 150 horsepower gas-powered stern drive. Our favorite slough was Steamboat Slough. We liked to have Breakfast at the Point Restaurant in Rio Vista and then take a leisurely cruise up Steamboat and have lunch at the Steamboaters at the head of Steamboat Slough. The Steamboaters isn't there anymore; its been turned into a private residence. The restaurant at the Rio Vista Marina is pretty much the same as it was forty years ago.

I got my own first boat when I was eighteen, as soon as I earned enough money after graduating high school to buy it. It was a nineteen foot Marlin jet boat with a 455 Olds and a Berkeley Pump jet drive. I often made the circuit, starting at Rio Vista, then up Steamboat Slough to the Sacramento River, then upstream to Sutter Slough, and back down Sutter to Rio Vista again.

There have been a few boats, and lots of fun on the Delta since then. Today, I have a deep water vacation home in Discovery Bay where I keep my 35 foot Formula 350 SS, Diamond Girl. Diamond Girl is powered by twin 425 horsepower gas stern drives.

I was shocked to read that you think that the emergency drought barriers won't have a significant adverse impact on recreational boating. First, the portage facility on Steamboat Slough would do no good for me and many other boaters because it can handle boats only up to 24 feet. Even for smaller boats, the portage is a major headache and would discourage recreational boating on Steamboat Slough.

I will feel a great loss to my recreational boating because I can no longer make the circuit up Steamboat Slough to the Sacramento River then up the River to Sutter Slough and then back down Sutter Slough to Steamboat Slough and back to Rio Vista. The barriers will also block access to the Sacramento river by going up Cache Slough to Minor Slough, then Minor Slough to Sutter Slough and Sutter Slough to the Sacramento. This is also one of my favorite boating routes.

Steamboat Slough is also a shortcut from Rio Vista to the upper Sacramento River. That's why the steamboats of old used it and hence its name. The barriers will force travel from Rio Vista all the way up the Sacramento River. This will add miles to any trip and for the many larger boats that make this trip, many of them diesel powered, this will cause an increase in emissions that you haven't considered either.

On a deeper level, putting up more barriers takes away from the sense of Delta as place. Boaters enjoy the freedom of being able to travel by water through the maze of sloughs without blockage. These barriers invade that sense of wonder and freedom and actually change the character of the entire Delta.

I urge you to conduct a full Environmental Impact Report so you can understand and disclose to the public the actual unmitigated negative impact these barriers will have on recreational boating, air pollution, and the sense of Delta as place.

Sincerely,
Mike Brodsky
5070 Discovery Point
Discovery Bay, CA