

14.2.4 Regional and Local Agencies

14.2.4.1 CCWD—Contra Costa Water District, Leah Orloff, Water Resources Manager, December 29, 2010



**CONTRA COSTA
WATER DISTRICT**

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Comment Letter CCWD

Directors
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Karl L. Wandry
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General Manager

December 29, 2010

Ms. Becky Victorine
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Subject: Suisun Marsh Habitat Management, Preservation, and Restoration Plan Environmental Impact Statement/
Environmental Impact Report

Dear Ms. Victorine:

Contra Costa Water District (CCWD) appreciates the opportunity to comment on the Suisun Marsh Habitat Management, Preservation, and Restoration Plan Environmental Impact Statement/Environmental Impact Report (EIS/EIR). CCWD supports the restoration objectives outlined in the EIS/EIR and looks forward to reviewing more analyses as specific restoration sites are selected and restoration moves forward.

Although specific restoration sites were not identified in the EIS/EIR, the modeling done for the EIS/EIR shows that site selection is important when considering water quality effects in Suisun Marsh and the Delta. Based on the modeling done to date, we suggest the implementing agencies prioritize restoration sites in the northern marsh (such as Set 1 modeled) that would tend to decrease Delta salinity over sites in the southern marsh (Set 2) that would tend to increase salinity. Restoring sites in the northern portion of the Marsh first, then following with sites in the southern portion of the Marsh, as appropriate, would help ensure that water quality in the Delta and Suisun Bay is not degraded at any point in project implementation. Alternatively, the actual location of the connections of the restoration sites to adjacent channels can alter the tidal hydrodynamics in a way that avoids undesirable water quality changes.

Maintaining Delta water quality without increasing western Delta salinity can be desirable with respect to maintaining the position of X2, the two parts per thousand isohaline, which is an ecological parameter. Based on the data in this EIS/EIR, potential adverse impacts can be avoided by scheduling and appropriate implementation of projects. This should be examined as each project is implemented.

CCWD-1

CCWD-2

CCWD-3

Ms. Becky Victorine, Bureau of Reclamation
December 29, 2010
Page 2

As individual restoration projects are chosen, we look forward to reviewing site-specific water quality modeling. Important components of the water quality analysis will include the following:

- Effect on X2 position;
- Effect on upstream reservoir releases made to meet water quality standards; and
- Effect on Delta drinking water quality, including changes in salinity that could “otherwise substantially degrade water quality” in the absence of standards violations (California Code of Regulations, Division 6, Chapter 3, Article 20, Appendix G).

↑
CCWD-3
cont'd

Please call me at 925-688-8083 or call Maureen Martin at 925-688-8323 if you have any questions. We would be happy to meet with you to discuss water quality modeling as the plan goes forward.

Sincerely,



Leah Orloff
Water Resources Manager

LO/MM:cmn

cc: Ms. Cay Goude, United States Fish and Wildlife Service
Mr. Scott Wilson, Department of Fish and Game
Mr. Russ Grimes, United States Bureau of Reclamation

Responses to Comment Letter CCWD

CCWD-1, CCWD-2, and CCWD-3

See Master Response 1: Project-Specific Analysis.

14.2.4.2 FSSD—Fairfield-Suisun Sewer District, Gregory G. Baatrup, Chief Operating Officer, December 30, 2009

Comment Letter FSSD



FAIRFIELD-SUISUN SEWER DISTRICT

1010 CHADBOURNE ROAD • FAIRFIELD, CALIFORNIA 94534 • (707) 428-8830 • WWW.FSSD.COM
KATHY HOPKINS, GENERAL MANAGER

December 30, 2010

Ms. Becky Victorine
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

VIA ELECTRONIC MAIL

SUBJECT: Suisun Marsh Habitat Management, Preservation, and Restoration Plan EIS/EIR

Thank you for the opportunity to comment on the EIS/EIR and the effort to document the effects to the physical, biological, and socioeconomic environment that may result from implementing the Suisun Marsh Habitat Management, Preservation, and Restoration Plan (SMP) alternatives.

In multiple locations, the SMP EIS/EIR suggests wastewater discharge causes water quality degradation. As the wastewater discharges into Boynton Slough and LedgeWood Creek, we find these statements to be unsubstantiated and inconsistent with the technical studies that have been the basis for the initial treatment plant siting and numerous renewed discharge permits. The studies supporting the most recent permit issued by the Regional Water Quality Control Board does not find the District's discharge to contribute to degradation of the receiving water. Furthermore, in a recent update of the 1987 *Technical Report on Water Quality*, the District effluent was determined to provide a net environmental benefit to the Marsh.

FSSD-1

Discussion

The Fairfield-Suisun Sewer District's (District) NPDES Permit No. CA0038024 was adopted by the San Francisco Regional Water Quality Control Board as Order No. R2-2009-0039 on April 8, 2009. This renewed NPDES permit became effective on June 1, 2009. Provision C.2.d. of the NPDES permit requires the District to update its September 1987 technical report, *Technical Report on Water Quality, Fairfield-Suisun Sewer District Subregional Wastewater Treatment Plant* (1987 Technical Report) (FSSD, 1987), using more recent water quality data and including an analysis of any changed conditions (such as the addition of the LedgeWood Creek outfall and the planned flow increase).

The District completed the 1987 Technical Report describing the effects of the District's Wastewater Treatment Plant discharge on water quality and protection of beneficial uses. The report included an evaluation of existing water quality data, impacts to Boynton Slough, and the degree of environmental benefit from the effluent discharge. The report indicated that the discharge had some measurable local effects on Boynton Slough, but that these effects did not significantly impair any beneficial uses. More importantly, beneficial uses that required the input

of freshwater were found to be more fully achieved as a result of the effluent discharge. The report concluded that the discharge results in a net environmental benefit to Boynton Slough and the Suisun Marsh.

In the 2010 update of the 1987 Technical Report, the analysis shows that the District's effluent continues to provide an important source of fresh water to Suisun Marsh. This fresh water discharge aids in lowering salinities in the Marsh thereby helping to maintain healthy plant and animal populations that rely on lower salinities. In addition, the analysis shows effluent does not impair the receiving waters with respect to other constituents, such as dissolved oxygen and trace metals, and therefore does not reduce the ability to achieve beneficial uses in the receiving waters.

The recent upgrades to the District's wastewater treatment facility has greatly increased the Facility's reliability in preventing inadequately treated wastewater from being discharged to the receiving water which would impact the achievement of beneficial use. In addition, the District's extensive Pollution Prevention activities helps improve effluent quality by preventing excess pollutant discharge into the sewer water that is eventually treated and discharged to the receiving waters.

Conclusion

The 1987 and 2011 updates show that the District's discharge into Suisun Marsh not only does not impact the receiving waters but provides direct environmental benefits by reducing salinity levels and improving habitat quality.

FSSD-2

Thank you for the opportunity to comment on the Suisun Marsh Habitat Management, Preservation, and Restoration Plan EIS/EIR, please feel free to contact me at (707) 428-9162 if you have any questions.

Sincerely,



Gregory G. Baatrup
Chief Operating Officer

cc: Talyon Sortor
Kathy Hopkins

Responses to Comment Letter FSSD

FSSD-1

Deleted “degradation” of water quality on page 1-8 to clarify that many factors affect water quality, without implying the effect is beneficial or detrimental. Changes made on Pages 5.2-13 and 5.2-15 also clarify that the FSSD discharge does have a beneficial effect on salinity in the Suisun Slough portion of the Marsh. On Page 5.2-15, discussion of low DO inserted, “although the [FSSD] discharge satisfies the ambient monitoring DO requirements specified by the San Francisco Bay RWQCB.)”

FSSD-2

Deleted “degradation” of water quality on page 1-8 to clarify that many factors affect water quality, without implying the effect is beneficial or detrimental. Changes made on Pages 5.2-13 and 5.2-15 also clarify that the FSSD discharge does have a beneficial effect on salinity in the Suisun Slough portion of the Marsh. On Page 5.2-15 discussion of low DO inserted, “although the [FSSD] discharge satisfies the ambient monitoring DO requirements specified by the San Francisco Bay RWQCB.)”

14.2.4.3 JIRD—Joice Island Reclamation District, Leonard Stefanelli, President, December 28, 2009

Comment Letter JIRD

JOICE ISLAND RECLAMATION DISTRICT
2960 - 22nd Avenue
San Francisco, CA - 94132
RECEIVED

December 12, 2010

DEC 28 2010

SACRAMENTO FISH
& WILDLIFE OFFICE

FYI

California Department Fish and Game
Bay Delta Region
Att: Ms. Debbie Hultman
Post Office Box 47
Yountville, CA - 94599

Subject: Opportunity to Comment on Suisun Marsh Draft EIR

Hello Ms. Hultman,

The Joice Island Reclamation District, consists of some 1000 acres of Managed Wetlands, located on Joice Island, Suisun Marsh, adjacent to the 3,500 acre California Fish and Game Refuge. Our property is legally owned by two entities, namely the Joice Island/Mallard Farms and the Volanti Investment Associates, both California Partnerships, doing business as the Joice Island Reclamation District.

We attended the meeting at the Rush Ranch Facility, where The United States Fish and Wild Life /California Fish and Game public hearing was held, where initially we were advised that comments from the public would be allowed, but to the contrary, no participation from the landowners was allowed or requested.

We have requested a copy of the Draft E.I.R. and once we have had the opportunity to completely review in in greater detail, we will offer and/or submit a more detailed response.

However, in the interim, we respectfully submit and/or offer an overview of our thoughts and concerns regarding the current and long terms needs of the Suisun Marsh which we believe reflect the thoughts and concerns of the vast majority of landowners in the Marsh.

Over the years, we have read many articles, authored by proponents/opponents regarding plans to "Save the Delta" with great interest, noting that none of them really address the current severe negative environmental impact on the Delta in general.

It is common knowledge, the Suisun Marsh is experiencing a huge negative environmental impact, loss of fish species, wildlife and fauna and the cause of this negative impact is continually being ignored, especially by the public entities who are allegedly in charge of protecting it.

More specially, the known negative impact on the 77,000 acre Suisun Marsh as a result of the existing system of water diversion to Southern California. Clearly, we should learn from past mistakes before any additional and more important significant volumes of water are diverted, which apparently is going to take place in the forceable future.

We and our partners have hunted the Suisun Marsh for more than 65 years and have seen a dramatic and negative impact on the historical environmental quality of the Marsh, neither of which has these EIR's has properly addressed.

JIRD-1

California Department Fish and Game
Ms. Debbie Hultman
Page II

Now, our critics will argue that our only interest is in killing ducks and to some degree that may be true, but because we have hunted ducks in the Suisun Marsh, it saddens all us deeply to see the once thriving Marsh, which at one time attracted and held hundreds of thousands migrating waterfowl, now only attracts a fraction of that amount, an event that commenced when the California Canal pumps went on line many years ago and a fact that no one wants to address or worse yet, acknowledge.

We would like to address the use of the water. There is no doubt the farmers are being denied water, and the reason being, it is needed to supply water for residential and commercial needs of the ever growing population in Southern California, who have relied on and dependent on the water supplies coming from Northern California, for more than a half Century.

Regional Planners in Southern California have done nothing to develop new sources of water supplies needed to accommodate the ever growing population, only to demand more water from Northern California and The Mono Lake disaster, is a good example.

To compensate for that lost source of water and ever growing demand in Southern California and including the Sacramento Valley Farming Communities in the Valley also needed water and as a consequence, demand for higher volumes of water from Northern California were being made. As a result, we have the now "infamous" California Canal is now in operations, taking millions of acre feet to farms and Southern California residents.

Conceptually, the California Canal, makes sense, because it was planned to provide a constant and dependable supply of water for the farming communities and for the residents of Southern California.

However, now we find, that farming communities in Southern California and the Sacramento Valley, or being denied water allotments in favor of the residents, leaving farmers wanting.

Simply put, long range regional planners for Southern California, should stop all construction in Southern California until they develop their own fresh water supply and not continue to depend on the Northern California Water and deprive of the Farmers adequate to water to grow our food.

That happening is remote if not impossible, because the vast majority of the voting public resides in Southern California that will surely approve legislation to take even more water from the Sacramento, San Joaquin and Bay Delta water ways, unless the regulatory agencies come to their sanity and accurately acknowledge the severe negative impact on the marsh, resulting in the irreparable damage to the Suisun Marsh

But, our so called California Water Management Board, whose alleged expertise in managing water, along with other so called "Experts" have come up with a convoluted plan to build still another water canal East of Sacramento to transfer even more fresh waste from the Delta, PRIOR to the current water flows into the Delta.

And now, these so called "experts" make claim that such a canal, will actually enhance the Sacramento and San Joaquin Deltas, including the 77,000 acre Suisun Marsh

JIRD-1
cont'd

California Department Fish and Game
Ms. Debbie Hultman
Page III

What are these so called "Experts" are "smoking" is left to speculation, to suggest such a lame, unsupported claim, and in fact, a ludicrous flat out lie, including your agency and especially the US Fish and Wildlife Services to ignore this fact and worse yet to deny it, as evidenced at this meeting.

As indicated in the beginning of this memo, our primary interest and long time personal knowledge of the Suisun Marsh, which does in fact exemplifies the entire Bay Delta System, including the existing long term NEGATIVE and irreparable impact on the 77,000, acre Suisun Marsh the and what will surely happen IF and when the proposed new bypass canal becomes operational.

Let us explain why we can make this claim, and as noted early on in this memo, by going back to the relatively short time before the California Water Canal became operational, the Grizzly Island/Suisun Marsh Complex, attracted and held hundreds of thousands of migrating water fowl, including a complex family of fish, salmon, striped bass, sturgeon and including the now infamous Delta Smelt.

Each category of wildlife and fish population have declined significantly since the pumps began operating a well over decade ago. Waterfowl have left the area in significant numbers and do you know why ?

The simple truth is, the traditional food supply that attracted the migrating waterfowl to the Suisun Marsh, properties that at one time, grew asparagus, artichokes, hay etc. and no longer exist.

The reason why, is because the once "brackish" water that once irrigated these crops and flooded the managed wetlands in the Suisun Marsh and the same water that currently irrigates the crops in the Sacramento Delta, is now so high in salt content, that it has slowly but surely killing the traditional plant life that provided the necessary food chain to support the migrating waterfowl and irrigate food chain crops in the Suisun Marsh.

A simple thumb rule of physics is :

"for every gallon of water pumped out of the Sacramento River Delta and shipped down the California Canal, is replaced with a gallon of pure salt water..... "

In this case, there are millions of acre feet of water shipped down South, all of which is replaced by SALT water into the Suisun Marsh and causing irreversible damage to the historical environmental quality of 77,000 acres of managed wetlands,

Because of the increased salinity, the grasses, plants farms etc., that once thrived on the so called "brackish" water for survival, now are slowly dying or have died, leaving only plants that have no nutritional value for waterfowl. This is not mass hysteria. check the historical records at the Suisun Resources Conservation District, (SRCD) and your own agency.

Then there is a decline in the other fish species, more significantly the Delta Smelt. There is no doubt that the pumps have played havoc on the fish, but there is no doubt that the vast intrusion of salt water into the Delta Smelt breeding environment, has no doubt caused the remaining fish population to move "up river" into water quality of less salinity where they can survive.

JIRD-1
cont'd

California Department Fish and Game
Ms. Debbie Hultman
Page IV

Are we going to learn anything from this existing man made environmental disaster ? One does not have to be a proverbial " Rocket Scientist" to conclude that the intrusion of salt water into the historical delta wetlands, is culprit for the decline of plant, fish and wildlife in the Suisun Marsh Complex.

Now the so called Water Managers and/or "experts" who allegedly have the knowledge and experience in matters such as this, have the audacity to publicly state that by building the new canal (s) East of of Sacramento, will "enhance" the Sacramento/ San Joaquin Delta and the Suisun Marsh Systems.

The sad truth is, that these so called "experts" have learned *nothing* (emphasis added) from the tremendous negative impact that has already occurred in the Suisun March Complex when the California Canal pumps were turned on.

Once again for a fear of sounding repetitious " for every gallon of water taken out of the marsh, it is replaced by a gallon of SALT WATER." Better yet, equate this factor by "Acre Feet" by one million, which is the goal of the "Scam" by recommending to increase the current levels of export by 100 %. and feed that water into the the California Canal.

To do so, they will divert the water from East of Sacramento, by way on a new canal and pump system. It seems logical that if and when this new canal is built, doubling the quantity of water now being exported to Southern California, the water quality in the Suisun Marsh, will surely be 100% salt water, killing any remaining so called "natural" food historically found in the Suisun Marsh Complex.

A simple matter of physics. When that occurs, the water now being used to irrigate the crops in the Sacramento San Joaquin Delta, will be contaminated with high salinity, that what ever crops are irrigated by this water, will surely be either be disfigured or die and the Aquifers will eventually be contaminated by the intrusion of salt water by its constant presence.

The Salmon, Bass and Delta Smelt, will be driven further up river by the increased presence of salt water through the entire Suisun Marsh Complex and to provide credibility to this statement, can some one explain where all the California Crayfish, which at one time were in such large numbers, found in the complex , not only in the managed, but th tidal wetlands throughout the Suisun Marsh?

There were so many crayfish, the City of Fairfield held a "Crayfish Festival" similar to the Gilroy's Garlic Festival. The Crayfish Festival no longer exists. Why ? Because the are no more crayfish in the Suisun Marsh. Why ? Because of increased salinity in the water, pure and simple

The facts is, the crayfish, delta smelt and other species, are the "measuring rod" of the environmental health of the marsh, yet. no one, no entity or organization, especially the California Fish and Game, can sit by and not formally protest the construction and implementation of these proposed twin tunnels is incomprehensible.

Take a moment and think what has been written. There can be is no other conclusion as to the impending disaster if this new diversion channel is built. The first one was an environmental disaster to begin with and as already demonstrated, compounded by inept planning, especially the US Fish and Wildlife Agency, who seems to be in full support of this program.

JIRD-1
cont'd

California Department Fish and Game
Ms. Debbie Hultman
Page V

Learn from past mistakes ? Not Likely after reading your draft EIR and the most recent news articles in the San Francisco Chronicle and other news media (See attached)

"FED AND STATE BACK TWIN TUNNELS TO "RESTORE DELTA....."

It is clearly apparent the "common and environmental sense" has become forsaken, because of the inability of the so called "experts" to learn, or worst yet, to purposely *ignore* past mistakes already experienced in the Suisun Marsh.

Is it not logical matter of physics and as clearly described in this commentary, if you take an additional 5 million acre feet of fresh water out of the Sacramento River System, East of Sacramento and ship to Southern California, that 5 million acre feet will be replaced by salt water ?

How can anyone deny, ignore that fact, worse yet, make claim that the proposed twin tunnels will "restore the Delta" is a out right gross misrepresentation of the facts and in doing so, total disregard for the future environmental quality of the entire Delta system, contrary to what is claimed, especially when once again, one simple question is asked:

"How does taking an additional five million acre feet of fresh water out of the Delta going to enhance or save it.....?"

At your hearing, as you know, we were not allowed to ask this question or any others for that matter and when we do ask others, no one has been able to respond with a logical answer and the reason is, there is "no answer" and only a pending disaster if and when the new diversion tunnels are built.

God help the the Suisun Marsh, The San Joaquin/ Sacramento Delta and humanity.

Respectfully submitted,

Leonard Stefanelli, President,
Joice Island Reclamation District
Managing Partner, Volanti Investment Associates

Lawrence Newhall, Vice President,
Joice Island Reclamation District
President, Joice Island/Mallard Farms Duck Club.

cc: The Honorable, Diane Feinstein, United States Senator.
The Honorable Jackie Spier, Member of Congress
The Honorable George Miller, Member of Congress
The Honorable Mike Thompson, Member of Congress
The Honorable Doug La Malfa, California State Senator.
The Honorable Mike Reagan, Supervisor, Solano County,
Steve Chappell, Executive Director Suisun Resource Reclamation District.

JIRD-1
cont'd





JIM WILSON/NEW YORK TIMES NEWS SERVICE

A canal snakes through California's San Joaquin Valley, supplying water to farms and cities.

Delta canal gets official support

By Felicity Barringer

NEW YORK TIMES NEWS SERVICE

Federal and state officials said Wednesday they support construction of a massive structure around California's environmentally crippled delta to make deliveries of fresh water to farms and cities more reliable.

Interior Secretary Ken

Salazar said such a structure would divert water from north of the Sacramento-San Joaquin Delta, where the Sacramento and the San Joaquin rivers meet, to water users in the Central Valley and Southern California.

It would be accompanied by the restoration of "tens of thousands of acres of marshes and flood plains" in the delta

to bolster populations of endangered and threatened fish, he said in a telephone news conference.

Farmers and cities in Southern California have been at loggerheads with environmentalists over how significantly to restrict waterflows to the south to help threatened

See CANAL, Page A8

CANAL: Conflicts in negotiations have worsened

From Page A1

species recover. The delta is the central switching yard where water from the Sacramento River is either sent south to agribusinesses and cities or to the west, where it supports diminishing stocks of native fish as it flows into San Francisco Bay.

Ultimately, the fate of the degraded delta will be decided in a forum known as the Bay Delta Conservation Plan, where talks between federal and state officials and various constituencies over the delta's future have dragged on for four years.

Issuing separate reports, both the federal government and the California Natural Resources Agency shed a bit more light on solutions they would favor. The state report went further in its recommendations on water conveyance, calling for twin tunnels. It predicted that the water sent southward would match

the average deliveries over the past decade and a half.

The federal report, from six agencies including the Interior Department, avoided giving such specifics.

On Tuesday, a federal judge in Fresno invalidated a 2008 plan by the Interior and Commerce departments to protect the threatened delta smelt, saying that sloppy science and a failure to adequately consider water users made it "fatally flawed." The judge sent the plan back to the U.S. Fish and Wildlife Service for redrafting.

Conflicts in the negotiations on the delta's restoration have worsened recently. Last month, the politically powerful Westlands Water District, which is responsible for as much as a quarter of the financing for preparing a plan, withdrew from the talks, saying it did not expect to get federal guarantees of enough water.

The state plan issued Wednesday indicated that about 5.4 million to 5.9 million acre-feet would be reliably available water users for decades to come. Federal officials were silent on the question. (An acre-foot is equivalent to 325,000 gallons.)

Asked if the water estimated in the state plan would bring him back to table, Jean Sagoupe, the Westlands president, said he saw no prospect of retiring.

"The short answer is no," he wrote in an e-mail. "Our problem is entirely with the Interior Department, and until we know what they propose we will remain out."

Nor did environmentalists seem satisfied.

"The plan needs to say what it's going to do for species of concern," Jonathan Rosenfield, a biologist expert on the delta with the nonprofit Institute. "It needs specific objectives

Solano has fears about Suisun Marsh restoration

By Barry Eberling

DAILY PUBLIC NEWS-PAPER

FAIRFIELD — From more mosquitoes to less farmland, Solano County supervisors have concerns about a proposal to restore 6,000 acres to 7,000 acres of tidal wetlands in Suisun Marsh over 30 years.

Federal and local officials tried to address those concerns when they appeared Tuesday at the Board of Supervisors meeting. Supervisor Mike Reagan on Wednesday said the proof will be in what actually happens.

"Basically, like everything else, it's a compromise," Reagan said. "It doesn't seem to be a compromise that poses a threat to the values the marsh that we've been preserving for nearly a century."

The Board of Supervisors heard a presentation on the draft Suisun Marsh Habitat Management, Preservation and Restoration

See MARSH, Page A9

arts	A11	Comics	B11	Sports
Automotive	B5	Forum	B4	TV/Listen
Classifieds	B7	Movies	A11	The War

DL 113, NO. 249

THE DAVIS ENTERPRISE

FROM P

MARSH: Tidal wetlands support different species

From Page A1

Plan. The U.S. Bureau of Reclamation, state Department of Water Resources, U.S. Fish and Wildlife Service and Suisun Resource Conservation District are among the agencies that worked on the draft plan, which has been released for public comment.

Suisun Marsh contains 10 percent of California's remaining wetlands. Most of these wetlands are behind levees and managed by humans who flood and drain the land, usually to create waterfowl habitat that makes the marsh an important part of the Pacific Flyway migration route for birds. This land is also home to such creatures as tule elk, raccoons and muskrats.

In contrast, tidal wetlands are flooded twice daily by the tides and support different species, such as the rare delta smelt, the Suisun shrew, the delta tule pea and the Suisun song sparrow.

Suisun Marsh historically had more than 60,000 acres of tidal wetlands and has about 7,627 acres today, the plan said. Construction of levees in the marsh began around 1865, initially to create dry land for grazing and later for farming, it said.

The plan looked at restoring as much as 9,000 acres of tidal wetlands in Suisun Marsh, but settled on the 5,000- to 7,000-acre goal as the preferred alternative.

One of the proposed plan's stated goals is to find a

"We're trying to drive the policy and future direction of the marsh."

Steven Chappell
executive director,
Suisun Resource
Conservation District

"politically acceptable" change in marsh wetland uses. The marsh has more than 150 duck clubs that are private property, as well as state wildlife preserves.

Supervisor Linda Seifert asked how important it is that the plan be acceptable to marsh landowners.

"It's very important," said Russell Grimes of the U.S. Bureau of Reclamation. "We want to make sure what we're doing is compatible with the land use and is acceptable to the folks there."

He noted that there is no money at present for tidal marsh restoration. The plan is supposed to set the rules.

But Reagan expects California water contractors to look to the marsh for land to restore to tidal marsh. A court decision requires about 8,000 acres to be restored to help the delta smelt. That could make money available.

Also, the state is looking at Suisun Marsh as it tries to solve the water and environmental problems of the

adjacent Sacramento-San Joaquin Delta.

"We're trying to drive the policy and future direction of the marsh, instead of having someone outside the marsh come in and say, 'This is what we're going to do,'" Suisun Resource Conservation District Executive Director Steven Chappell said.

Restoration would be done on land purchased from willing sellers, Grimes said. Each potential site would be evaluated to see if it's suitable for restoration. Among the factors to be considered is how restoration at any particular site would affect salinity in marsh waters.

Supervisor John Vasquez expressed concern that farmland will be lost to tidal wetlands restoration.

Most of the farming done in the marsh is grazing, Chappell said. This is done on land that is unlikely to be turned into tidal wetlands because of its elevation, he said.

Reagan talked of having money set aside to care for tidal wetlands after they've been restored, to deal with such issues as mosquito control and invasive species control. He has long said he doesn't want local governments to bear the costs.

Besides the tidal wetlands restoration, the plan also calls for protecting and improving 40,000 to 50,000 acres of managed wetlands behind levees and improving levees, among other things.

— Reach Barry Eberling at heberling@dailyrepublic.net

Responses to Comment Letter JIRD

JIRD-1

See Master Response 4: Relationship to Other Plans Affecting the Delta and Suisun Marsh.

The SMP attempts to create a balanced approach to meeting the needs of aquatic, terrestrial, and waterfowl species in the Marsh, while attaining an overall improvement in management of Marsh resources. The CEQA/NEPA baseline in this EIS/EIR is the current conditions and impacts are based on the potential changes resulting from implementation of the alternatives compared to these existing conditions.

DWR and Reclamation operate the Initial Facilities and SMSCG to meet water quality standards as per SWRCB's D-1641. These facilities were constructed and are operated to mitigate the previously acknowledged impacts of the CVP, SWP, and other upstream diversions on water quality and waterfowl habitat in the Marsh. The SMP does not propose any additional water diversions. The SMP does, however, include potential actions to enhance waterfowl habitat quality in the Marsh, including DWR and Reclamation's continued operation of the Initial Facilities and SMSCG and funding of the Preservation Agreement Improvement Fund, and implementation of marsh management activities as described in Chapter 2 of the EIS/EIR.

The SMP includes the implementation of the Preservation Agreement Implementation Fund, which completes the DWR and Reclamation mitigation obligations agreed to by SRCD, DFG, DWR, and Reclamation relative to impacts on the Marsh from SWP and CVP operations. Additionally, the EIS/EIR acknowledges the important role that landowners have played in the Marsh to retain it as an undeveloped brackish Marsh in the face of surrounding and encroaching development. The SMP also acknowledges the importance of waterfowl hunting in the Marsh and includes measures to help landowners better manage their properties to support waterfowl habitat.

14.2.4.4 RWQCB—Regional Water Quality Control Board, San Francisco Bay Region, Naomi Feger, Planning Program Manager, January 10, 2011



Linda S. Adams
*Acting Secretary of
Environmental Protection*

California Regional Water Quality Control Board

San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>



Edmund G. Brown, Jr.
Governor

Comment Letter RWQCB

File No.: 709950
Date: January 10, 2011

Ms. Debbie Hultman
California Department of Fish and Game
Bay Delta Region
P.O. Box 47
Yountville, CA 94599
Sent via email: dhultman@dfg.ca.gov

Ms. Becky Victorine
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825
Sent via email: rvictorine@usbr.gov

Ms. Cay Goude
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, Ca. 85825
Sent via email: Cay_Goude@fws.gov

SUBJECT: Comments on the Draft Environmental Impact Statement/Environmental Impact Report for the Suisun Marsh Habitat Management, Preservation and Restoration Plan

Dear Ms. Hultman, Ms. Victorine and Ms. Goude:

The San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the Draft Environmental Impact Statement /Environmental Impact Report (DEIS/EIR) for the *Suisun Marsh Habitat Management, Preservation and Restoration Plan (SMP)*. The Suisun Marsh, located within Southern Solano County, is the largest contiguous brackish water marsh remaining on the west coast of North America. It is part of the San Francisco Bay-Delta estuary ecosystem and encompasses 116,000 acres, including 52,000 acres of managed wetlands, 27,700 acres of upland grasses, 6,300 acres of tidal wetlands, and

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- 2 -

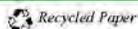
30,000 acres of bays & sloughs. The marsh includes extensive wildlife habitat and public waterfowl hunting areas at Grizzly Island Wildlife Area, as well as 158 private duck clubs.

The Water Board is the State agency responsible for protecting the beneficial uses of water in the San Francisco Bay Region. We are responsible for issuing the Clean Water Act section 401 Water Quality Certification that is required for the Army Corps of Engineer's to issue its 404 Regional General Permit for maintenance activities in the managed wetlands. We are also responsible for issuing permits, e.g., water quality certifications, for wetland restoration projects in Suisun Marsh to ensure protection of water quality.

The San Francisco Bay Water Quality Control Plan (Basin Plan) and the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary establish applicable water quality standards, including beneficial uses and water quality objectives, to protect water quality in Suisun Marsh. The Suisun Marsh wetlands are on the Water Boards' Clean Water Act section 303(d) list of impaired waters due to concerns about mercury, nutrients, organic enrichment, low dissolved oxygen (DO) and salinity and their adverse impacts on beneficial uses in the wetlands. Management activities occurring in managed wetlands in the Suisun Marsh Complex contribute to the water quality problems in the marsh. The Water Board is currently developing a multi-pollutant Total Maximum Daily Load (TMDL) which is a long term water quality improvement plan for the Suisun Marsh wetlands to address these impairments.

The SMP is a 30-year plan to address the long term use of resources in the marsh. We understand that the SMP is a multi-agency and private landowner framework for the ongoing management of seasonal wetlands for public and private hunting, levee maintenance and

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- 3 -

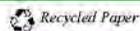
restoration of tidal wetlands for fish and wildlife habitat and recovery. We look forward to working with you to ensure that water quality is restored and protected in the Marsh and that beneficial uses are protected. We also look forward to working together on future development, permitting and implementation of the SMP. Our comments on the SMP DEIS/EIR are attached. Please direct any questions you have about these comments to Barbara Baginska at (510) 622-2474, or via e-mail at bbaginska@waterboards.ca.gov.

Sincerely,


Digitally signed by Naomi Feger
DN: cn=Naomi Feger,
ou=San Francisco Bay Waters
Board, ou=Planning and
RMQ, c=US,
email=naomi.feger@waterboards.
ca.gov, o=US,
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-0800

Naomi Feger
Planning Program Manager

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- 4 -

General Comments

While we agree that the environmental impacts of the SMP described in the DEIS/EIR are largely beneficial and would likely contribute to broader ecological benefits, the SMP is deficient in that it does not sufficiently address water quality concerns that are associated with the management of the existing managed wetlands in the marsh, especially those management activities that cause observed adverse water quality impacts. As a long-term plan, the SMP should specifically address management actions associated with the managed wetlands that impact the adjoining sloughs, e.g., impacts on dissolved oxygen (DO).

The discussion of water quality impacts within the marsh is limited to salinity, DO/temperature, mercury and suspended sediment, and the DEIS/EIR relies heavily on increasing tidal exchange as a means of improving water quality where managed wetlands are concerned. The DEIS/EIR should present more specific information about the impacts of the SMP on water quality resulting from management practices at the managed wetlands; improving water supply and increasing tidal flows in the managed wetlands will likely improve water quality yet that improvement may not be sufficient to meet water quality standards. Impairments including the reoccurring fish kills that have been linked to flooding at the managed wetlands during the fall season and the subsequent discharge of low DO water containing elevated levels of dissolved organic carbon and methylmercury (MeHg) to several sloughs in northwestern Suisun Marsh, are not sufficiently addressed in the DEIS/EIR.

The DEIS/EIR claims that "...efforts will be made to improve management of managed wetlands and to lessen adverse effects ..." (page 1-8) but also acknowledges a high level of concern from landowners that restoration actions could affect the duck clubs, their ability to maintain current hunting opportunities and lead to an increase in the cost of maintenance (page. 1-29) making it hard to foresee whether any actions will be required to address this problem. In fact Table 2-5 (page 2-22) shows that nearly no change from baseline in currently implemented managed wetland activities is anticipated and that all new activities focus primarily on levee

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- 5 -

system maintenance. The DEIS/EIR should demonstrate how new/improved interior water control structures, interior ditches or increased frequency of currently implemented managed wetlands activities would contribute to improving water quality and discuss their likelihood of success.

The DEIS/EIR stipulates that tidal restoration of the managed wetlands experiencing low DO events (e.g. see Impact WQ-5, p. 5.2-24) would result in the greatest water quality benefits. Table 2-3 (page 2-15) lists considerations for selection of sites for restoration, but no information is provided on the process that would ensure the best possible outcome or the type of incentives that could result in the greatest environmental benefit. The DEIS/EIR should devise a process that guarantees that tidal restoration will take place and/or benefit the areas currently experiencing the worst environmental impacts such as fish kills or low DO event.

The DEIS/EIR does not address all potential site-specific project impacts as the tidal marsh restoration and levee system improvement actions are described at a non-site-specific conceptual level. Additional documentation will be required prior to issuance of any 401 certification and/or Waste Discharge Requirements based on the specific sites selected and the construction work that is proposed, including the adaptive management plan that is referred to in the DEIS/EIR. The adaptive management section of the DEIS/EIR lacks project specific information such as phasing, performance indicators and criteria, design modifications, funding assurances, contingency plans and the process for modifying management decisions and communicating results. Monitoring provisions to assess progress toward the objectives or to better inform future management actions proposed to be implemented over the 30-year period are also lacking. The Water Board would appreciate an opportunity to review the Mitigation Monitoring and Reporting Program that will accompany the DEIS prior to final approval.

The San Francisco Bay Ecosystems Goals Project, which the San Francisco Bay Water Board participated in, is referenced in the DEIS/EIR. That Project recommended that between 17,000 and 22,000 acres of tidal marsh be restored in Suisun Marsh. A tidal marsh restoration alternative approaching this recommendation should have been included in the DEIS/EIR. Other

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- 6 -

than the reference to the CALFed ROD, it is still not clear what the basis is for the acreage proposed for tidal marsh restoration in the proposed project. As indicated on page 4-6 of the DEIS/EIR, Alternative C, 7,000 to 9,000 acres of tidal marsh restoration, would provide for greater improvement of water quality and is therefore the more environmentally superior alternative. In that alternative, the water quality benefits of restoration are increased, while reducing the water quality concerns associated with managed wetlands. Alternative C also maximizes the opportunity to provide recovery of many threatened and endangered species. Water Board staff supports selection (adoption) of Alternative C.

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- 7 -

Specific Comments

1. Chapter 1, Plan Purposes/Objectives: the 1st objective, implement the CALFED ROD preferred alternative of restoration of 5,000 to 7,000 acres of tidal marsh. Please provide a specific citation for the reference for this statement. The 4th objective of the Plan is to protect and, when possible, improve water quality for beneficial uses in Suisun Marsh, yet the DEIS/EIR lacks key information, especially regarding the beneficial uses that the proposed Project is intended to protect. Please identify the specific beneficial uses, consistent with the Basin Plan that would be protected by the SMP.

2. Page 2-35 – Dredging from Tidal Sloughs:

The statement in the first paragraph that *“over time, as tidal restoration occurs, the number of exterior levees in the Marsh may decrease, thus reducing the amount of dredging required to maintain Marsh levees”* appears to conflict with statements made under Impact FC-1 on page 5.4-7: *“As a result of levee breaches and other actions that may be implemented as part of SMP tidal wetland restoration actions, interior levees may become exterior levees, thus increasing their exposure to tidal action for which they were not intended. To reduce the potential risk for failure of these levees, they would be improved to meet exterior levee standards.”*

Wouldn't improvements to newly exposed interior levees, which have become, in effect, exterior levees, require placement of dredged material to meet exterior levee standards? Please clarify.

3. Page 2-37:

The plan states that dredged material may be placed on the bay/slough side (exterior) sides of levees as well as the landside backslopes and crowns, and that minimal materials will enter interior managed wetlands or bay/slough waters because the materials will be deliberately “kept” where they’ve been placed. Water Board permits have not allowed placement of dredged material on exterior levee slopes in the past due to concerns that they may be dislodged by tidal forces and released to adjacent surface waters.

Please clarify how newly placed dredged material will be kept in place on exterior sides of levees, especially prior to grading and integration with the existing levee materials.

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- 8 -

4. Pages 2-68 and 2-69 - Managed Wetland Activities and Dredging Practices:

Please clarify how the third bullet-listed dredging practice: *“Runoff generated on the job site will be controlled and treated”* is related to the seventh bullet-listed practice: *“A berm will be constructed on the channel-side of the levee crown to prevent runoff into adjacent aquatic habitats.”* These two practices seem to be somewhat mutually exclusive.

Please define what is meant by “runoff” (i.e., is it decant water from dredged material?). If you do in fact plan to treat and release it, please explain how it will be treated.

5. Page 2-69:

The sixth bullet-listed dredging practice states: *“Dredging will be avoided within 200 feet of storm drain outfall and urban discharge locations, unless suitable preconstruction contaminant testing is conducted.”* The EIS/EIR should include a map identifying these discharge locations and give some estimation of the areal extent of potentially contaminated sediment relative to levee maintenance needs for sediment.

Please define what is meant by “suitable preconstruction contaminant testing”. Is this the LTMS testing protocol for navigational maintenance dredging or something else?

6. Section 5.2 Sources of Information:

It would be helpful if sources of information listed on pages 5.2-3 – 5.2-4 are separated into those providing information on the regulatory framework and those that are sources of water quality data. Currently it is unclear what data series were considered in the water quality evaluation in Chapter 5 and why (page 5.2-3). It is also unclear why particular years of data were used. In the discussion of salinity (electrical conductivity) the data from 2002 and 2003 are shown (e.g. see page 5.2-12) and for dissolved oxygen and temperature, data are from 2006 and 2007 data (page 5.2-15). The source of DO and temperature data is not among the key sources of information listed on page 5.2-3. There is no information on spatial and temporal trends in water quality, no discussion of frequency of exceedances or any indication of the length of time they persist.

In general Section 5.2 appears inconsistent and lacks the necessary details to fully evaluate current water quality conditions or to demonstrate improvements in water quality due to the

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- 9 -

proposed Project. We request that at a minimum pH data be included in the discussed water quality parameters. This information, in conjunction with data on DO, would provide an indication of detrimental conditions that could likely affect wildlife and aquatic species. Also, a discussion of how current management practices at managed wetlands are impacting nutrient concentrations in the Marsh is needed.

7. Page 5-2.5:

In 2008, the US EPA approved the mercury TMDL for San Francisco Bay developed by the Water Board. This TMDL applies to all segments of the Bay including Suisun Bay. Therefore the following statement should be modified to reflect the existence of a TMDL for Suisun Bay for mercury: *“Mercury, specifically methylmercury (MeHg), in Suisun Bay is one example of a pollutant–water body combination that presumably soon will require a TMDL, and follow-up regulatory action by the San Francisco Bay RWQCB”*.

8. Page 5-2.9:

The statement saying *“A TMDL for methylmercury specific to Suisun Marsh may be developed in the future.”* should be replaced with the San Francisco Bay Water Board is currently developing a TMDL to address multiple pollutants, including mercury, in the Suisun Marsh wetlands.

9. Page 5-2.9:

“Free ammonia... , and the RWQCB Basin Plan establishes a region-wide water quality objective of 0.025 mg/l (annual median)” should state 0.025 mg/l as N (annual median).

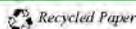
10. Page 5-2.15:

Revise last sentence in the second paragraph *“Preliminary results suggest that DO levels have improved in many tidal sloughs with previous problems”*; and provide evidence that DO levels have indeed improved.

11. Page 5.2-20:

The section on mercury objectives/targets that apply to San Francisco Bay and its segments needs to be re-written as most of the information there is incorrect.

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- 10 -

The 4-day average value of 0.025 µg/l for mercury does not apply to San Francisco Bay; instead, the water quality objectives specified in the Basin Plan Table 3-3B (see below) apply. See “Note b” below the table for information on geographical extent for these objectives. The 1-hour average value of 2.1 µg/l continues to apply to San Francisco Bay. The water quality objective for protection of aquatic organisms and wildlife is 0.03 mg/kg and not 0.05 mg/kg as stated on page 5.2-20. Both the human health and wildlife objectives apply to Suisun Bay and the waters downstream and upstream from Suisun Bay.

Protection of Human Health	0.2 mg mercury per kg fish tissue	Average wet weight concentration measured in the edible portion of trophic level 3 and trophic level 4 fish ^c
Protection of Aquatic Organisms and Wildlife	0.03 mg mercury per kg fish	Average wet weight concentration measured in whole fish 3–5 cm in length

Notes:

- a. Marine waters are those in which the salinity is equal to or greater than 10 parts per thousand 95% of the time, as set forth in Chapter 4 of the Basin Plan. For waters in which the salinity is between 1 and 10 parts per thousand, the applicable objectives are the more stringent of the freshwater or marine objectives.
- b. Objectives apply to all segments of San Francisco Bay, including Sacramento/San Joaquin River Delta (within San Francisco Bay region), Suisun Bay, Carquinez Strait, San Pablo Bay, Richardson Bay, Central San Francisco Bay, Lower San Francisco Bay, and South San Francisco Bay (including the Lower South Bay).
- c. Compliance shall be determined by analysis of fish tissue as described in Chapter 6, Surveillance and Monitoring.

In general, as set forth in Chapter 4 of the San Francisco Bay Basin Plan, freshwaters are those in which the salinity is equal to or less than 1 part per thousand 95% of the time. And the applicable freshwater objectives for mercury are: the 4-day average of 0.025 µg/l, and the 1-hour average of 2.4 µg/l.

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- 11 -

12. Page 5.2-21: – 1st paragraph

“Salinity changes that are less than 10% of the maximum monthly criteria are similar to natural variability and are not likely to cause significant harm to natural habitat or species”. Suisun Marsh is a brackish marsh that under natural conditions would experience large salinity variations. The changes exceeding 10% might be undesirable from the point of view of water supply or agricultural uses of the marsh but would not be harmful to natural habitat.

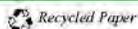
13. Page 5.2-25 – Impact WQ-6:

Add the underlined text to the last sentence: *“Because of the short duration, limited extent of local construction activities, implementation of the appropriate best management practices, and environmental commitments to minimize and control erosion.....”*

14. References in Section 5.2:

- a. Please provide a complete citation for the following: *California Department of Water Resources. 2001.* This citation is too ambiguous to identify the document. Please provide the title of the Report and a link (page 5.2-3).
- b. Please provide a date for the following reference: Wesley A. Heim, Dr. Kenneth Coale, and Mark Stephenson. Methyl and Total Mercury Spatial and Temporal Trends in Surficial S6diments of the San Francisco Bay-Delta, CALFED Bay-Delta Mercury Project Final Report. Moss Landing Marine Lab. (page 5.2-4)

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- 12 -

15. Page 9.12 – Cumulative Effects:

The DEIS/EIR states that “Mobilization and transport of mercury-contaminated sediments is a regional issue proposed to be regulated by the Bay TMDL requirement to reduce the inventory of mercury in the actively resuspended sediment layer. Of all the Regional TMDLs, the Bay Mercury TMDL is farthest along in the regulatory process, having been adopted by the San Francisco Bay RWQCB in August 2006. The Bay Mercury TMDL includes an implementation plan with provisions to avoid exceedance of water quality objectives and TMDL allocations. However, it does not yet apply to restoration actions.” This is not accurate.

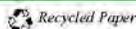
The S.F. Bay Mercury TMDL Implementation Plan does include provisions that apply to wetlands and restoration actions and calls for management practices that minimize mercury methylation. Please see the language taken from the San Francisco Bay Basin Plan below. Any new tidal restoration project would need to be designed and operated to minimize methylmercury production and some level of monitoring, e.g., mercury biosentinal species monitoring, would need to be conducted. We agree in general that tidal wetlands are an improvement in terms of methylmercury production as compared to managed wetlands.

“Wetlands

Wetlands may contribute substantially to methylmercury production and biological exposure to mercury within the Bay. Plans for extensive wetland restoration in the San Francisco Bay region raise the concern that mercury methylation may increase, thereby increasing the amount of mercury entering the food web. Implementation tasks related to wetlands focus on managing existing wetlands and ensuring that new constructed wetlands are designed to minimize methylmercury production and subsequent transfer to the food web.

The Water Board issues Waste Discharge Requirements and Clean Water Act Section 401 certifications that set forth conditions related to Bay filling and the construction and management of wetlands. To implement the San Francisco Bay mercury TMDL, the Waste Discharge Requirements and Section 401 certifications for wetland projects shall include provisions that the restored wetland region be designed and operated to minimize methylmercury production and biological uptake, and result in no net increase in mercury or methylmercury loads to the Bay. Additionally, projects must include pre- and post-restoration monitoring to demonstrate compliance. There is much active research on mercury cycling in wetlands. Information about how to manage wetlands to suppress or minimize mercury methylation will be adaptively incorporated into this implementation plan as it becomes available.”

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- 13 -

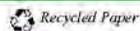
16. Page 10-19 under Section 401: Certification and Wetlands:

Note that the lead agencies will need to obtain certification from the San Francisco Bay RWQCB and not the Central Valley as currently stated.

17. Page 10-28 – Clean Water Act – Section 303(d):

The discussion in the 2nd paragraph is incorrect. Since 2002 the Section 303(d) list of water quality limited segments has undergone two revisions. In August 2010 the State Water Board approved the 2010 Integrated Report, including the changes to the 2006 303(d) list and then submitted the final report for approval to the USEPA. The Integrated Report provides details on the current listings that apply specifically to Suisun Marsh Wetlands and Suisun Bay. All these listings predate the 2002 303(d) list and were upheld during the revisions of the 303(d) list in 2006 and 2010. Following the San Francisco Bay Water Board recommendation to the State Board in January 2009, Suisun Bay, San Pablo Bay and a small portion of the Delta that is within the Region 2 boundaries are no longer considered impaired for nickel and were removed from the 2010 303(d) list.

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- 14 -

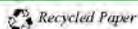
18. Basin Plan Prohibitions and Requirements that will be required as part of any future 401 Water Quality Certification issued by the Water Board

The Water Board must certify that any permit, including nationwide permits, issued by the US Army Corps of Engineers pursuant to section 404 of the Clean Water Act (covering dredging or filling of Waters of the United States, including wetlands) complies with the state water quality standards. Section 401 Water Quality Certification is necessary for all 404 permits. All projects that the Water Board approves/certifies under the Section 401 Program or Wastewater Discharge Requirements must adhere to the discharge prohibitions and receiving waters limitation requirements stated in the Basin Plan. These requirements (see the list below) would need to be met before a Water Quality Certification is granted and should be included in any proposed activity.

Discharge Prohibitions

1. The direct discharge of wastes, including rubbish, refuse, bark, sawdust, or other solid wastes into surface waters or at any place where they would contact or where they would be eventually transported to surface waters, including flood plains, is prohibited.
2. The discharge of floating oil or other floating materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
3. The discharge of silt, sand, clay, or other earthen materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
4. The wetland and creek fill activities subject to these requirements shall not cause a nuisance as defined in CWC §13050(m).
5. The discharge of decant water from active dredging or fill sites and dredged material stockpile or storage areas to surface waters or surface water drainage courses is prohibited, except as conditionally allowed following the submittal of a discharge plan or plans as described in the Provisions.

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- 15 -

6. The groundwater in the vicinity of the Project shall not be degraded as a result of the Project activities or placement of fill for the Project.
7. The discharge of materials other than storm water, which are not otherwise regulated by a separate NPDES permit or allowed by this Order, to waters of the State is prohibited.
8. The discharge of drilling muds to waters of the State, or to where such muds could be discharged to waters of the State, is prohibited.
9. The discharge of earthen fill, construction material, concrete, aggregate, rock rip-rap, and/or other fill materials to waters of the State is prohibited, except as expressly allowed by permit.

Receiving Water Limitations

1. The discharges shall not cause the following conditions to exist in waters of the State at any place:
 - a. Floating, suspended, or deposited macroscopic particulate matter or foam in concentrations that cause nuisance or adversely affect beneficial uses;
 - b. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;
 - c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
 - d. Visible, floating, suspended, or deposited oil or other products of petroleum origin; and
 - e. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on wildlife, waterfowl, or other aquatic biota, or which render any of these unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration.
2. The discharges shall not cause nuisance, or adversely affect the beneficial uses of the receiving water.

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Responses to Comment Letter RWQCB

RWQCB-1

See Master Response 2: Definition of the CEQA and NEPA Baseline for This EIS/EIR.

As described in Master Response 2: Definition of the CEQA and NEPA Baseline for This EIS/EIR, the EIS/EIR baseline for comparison of impacts of the alternatives is the environmental conditions at the time of the NOP. As such, the water quality analysis focuses on the potential changes to water quality that could occur with the new activities and increased frequency of currently implemented activities, compared to existing conditions. Many of the water quality issues in the Marsh are ongoing and are considered a component of the existing conditions. They have largely been addressed through various permit processes and management regimes. The historical context of these efforts and their effectiveness is described in Section 5.2. Additionally, the SMP includes environmental commitments for landowners to continue to implement applicable terms and conditions relative to operations of the managed wetlands. As described in Section 5.2, as tidal restoration occurs, there is a potential for areas that currently contribute to water quality effects to be restored, thus improving water quality in the Marsh.

RWQCB-2

See Master Response 2: Definition of the CEQA and NEPA Baseline for This EIS/EIR.

As described in Master Response 2: Definition of the CEQA and NEPA Baseline for This EIS/EIR, the existing managed wetland operations are part of the baseline for comparison, and therefore the effects of these ongoing operations are not analyzed in this EIS/EIR. The SMP is designed to balance water quality improvements in the managed wetland discharges with estuarine habitat improvements through tidal marsh restoration. Section 5.2-22 of the EIS/EIR discloses that “The primary anticipated sources of water quality impairments would be annual discharges from existing managed wetlands and temporary construction activities during tidal wetlands restoration. However, this analysis assesses only the change in restoration and managed wetland activities associated with the SMP alternatives.” (Section 5.2, page 2)

The qualitative description of managed wetland discharges in Section 5.2, pages 14 and 15, is based on a review of the most recent available DO monitoring data from the Marsh. As described, improvements in managed wetland practices apparently have reduced the incidence of low DO conditions in the vicinity of flooded marsh discharges. Additionally, the SMP includes environmental commitments to continue implementation of measures that help reduce the occurrence of low DO events. As tidal restoration increases, managed wetlands water quality impacts would decrease.

RWQCB-3

As described above, the SMP includes environmental commitments to continue implementation of activities for managed wetlands that are required as part of the ESA/Essential Fish Habitat (EFH) consultation terms and conditions (Page 5.2-14).

RWQCB-4

Table 2-3 outlines the types of considerations that will be made prior to purchasing a property from a willing seller for restoration purposes. These considerations include those related to the ability to provide full tidal exchange. As described in the EIS/EIR, properties would be purchased on a willing-

seller basis, thus limiting the potential options for restoration. Additionally, many considerations will come into play as sites are selected and designed. Water quality is one of these considerations, but is not necessarily the only one.

RWQCB-5

See Master Response 1: Project-Specific Analysis, and Master Response 5: Inclusion of an Adaptive Management Plan.

RWQCB-6

See Master Response 5: Inclusion of an Adaptive Management Plan.

RWQCB-7

The MMRP is included as a component of this Final EIS/EIR and does not provide any additional information compared to the Draft EIS/EIR. Essentially, the MMRP is a summary of environmental commitments and mitigation measures described in the Draft EIS/EIR.

RWQCB-8 and RWQCB 9

See Master Response 3: Alternatives.

RWQCB-10

Page 36 of the CALFED Programmatic Record of Decision (ROD) identifies habitat restoration in Suisun Marsh as a programmatic action. Page 35 of the ROD refers the reader to the Ecosystem Restoration Program Strategic Plan documents for further detail. This detail is provided in Volume II: ERPP, Suisun Marsh/North San Francisco Bay Ecological Management Zone Vision, June 1999, pages 138 and 139.

RWQCB-11

A list of beneficial uses (fish, recreation, wildlife) was added to page 1-9 and page 5.2-5. The 2010 San Francisco Bay basin plan was added to sources of information. Recreation was added to the list of beneficial uses on page 5.2-9.

RWQCB-12

The SMP outlines a process for tidal restoration to help ensure that interior levees that become exterior levees as a result of restoration require minimal maintenance. Part of the levee design includes establishment of benches and berms that provide not only a tidal gradient but also a buffer for the levee. As such, it is expected that new exterior levees would be vegetated berms that would not require placement of additional material in most instances. Additionally, the SMP prohibits dredging from vegetation berms greater than 50 feet. Overall, the restoration activities described in Chapter 2 are intended to avoid the need for substantial levee maintenance or the need for dredging in the restored areas. These include creating gradually sloping interior levees to help establish a range of intertidal habitats, establishing vegetation within the restoration area prior to breaching, and designing breach locations and sizes to best accommodate desired flows and sediment transport into and out of tidal restoration areas. These measures are expected to be included in USFWS's Biological Opinion.

RWQCB-13

Dredged material would not be placed on the exterior side of the levees. Materials will be placed on the crowns and back slopes of the existing exterior levees.

RWQCB-14

If a berm is constructed, any “runoff or decant water” from the clamshell or excavator bucket placement of excavated material would be contained within the managed wetlands. Any runoff water from material placement would not be treated, but it would be contained within the adjacent diked managed wetland ditches. Drain gates near the dredging placement site will remain closed or will be physically blocked during the placement of material and 3 days following the completion of the activity to ensure any turbidity is contained within the managed wetland ditches.

RWQCB-15

This was added at the request of the RWQCB. SRCD will prepare a map of known storm drain outfalls in the vicinity of exterior levees that may be maintained using dredged materials under this program as part of the 401 Water Quality Certification application. The areal extent is the 200 feet immediately adjacent to these mapped storm drains as they requested.

RWQCB-16

The Final EIS/EIR clarifies that this testing for the storm drains areas within 200 feet includes coordination and consulting with the DMMO relative to evaluation and placement of these materials. Materials placed on the crown and back slope of the levee would not affect waters and are exempt from Corps Jurisdiction.

RWQCB-17

All of the available water quality data from the Suisun Marsh channels previously have been described and evaluated in the documents listed. The regulatory framework has provided water quality objectives for the Marsh based on these available data. The major variable measured is salinity (EC), and salinity is dominated by Delta outflow, as fully described in Section 5.2. There are no routine monitoring stations for many of the water quality parameters of interest. For example, the temperature and DO data from 2006 and 2007 were used because they were based on the only available survey in the marsh channels. The suspended sediment data from Honker Bay and Mallard Island from 1996–1997 were available, and the DWR data from Nurse Slough from 2004–2006 were the only measurements from the marsh channels. All available data were used for the EIS/EIR evaluations of these water quality parameters.

RWQCB-18

The EIS/EIR analysis focuses primarily on various impacts that might result from the new and increased-frequency managed wetland activities and restoration of tidal wetlands. (Also see Master Response 2: Definition of the CEQA and NEPA Baseline for This EIS/EIR.) Improvements in water quality are anticipated but cannot be quantified because the exact location of the restoration is not known. There are only limited pH data from the marsh channels. The pH of water in the marsh channels is not likely to change substantially from any managed wetlands drainage or in the restored tidal wetlands. Nutrient concentrations are measured monthly in Suisun Bay, but nutrient concentrations are not expected to change substantially as a result of the SMP because the sources

of nutrients are relatively small compared to the average nutrient concentrations in Suisun Bay and channels.

RWQCB-19

The regulatory setting section was modified to include a statement that there is an EPA-approved TMDL in place for mercury in the Bay.

RWQCB-20

Text revised per comment.

RWQCB-21

Text revised per comment.

RWQCB-22

This sentence accurately summarized the discussion and data analysis provided in the referenced monitoring report. No change is needed.

RWQCB-23

This section has been modified to more accurately summarize the discussion of Hg and MeHg objectives in the referenced documents based on the information provided in the comment.

Specifically, the text was changed from 0.5 mg/kg to 0.3 mg/kg and the reference to a 4-day average was deleted.

RWQCB-24

The Suisun Marsh salinity objectives have been established by the SWRCB under the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary Decision -1641 to ensure salinity objectives and Delta outflow criteria are adequate for protection of Suisun Marsh fish and wildlife beneficial uses, narrative salinity objectives of the brackish tidal marshes of the Suisun Bay, and provide water of sufficient quality to managed wetlands to achieve soil water salinities capable of supporting the plants characteristic of a brackish marsh. This was described in the discussion of salinity significance criteria and footnote on page 5.2-21.

RWQCB-25

Text revised per comment.

RWQCB-26

Citation revised.

RWQCB-27

October 2003 added to reference.

RWQCB-28

See Master Response 1: Project-Specific Analysis.

RWQCB-29

Text revised per comment.

RWQCB-30

The paragraph on 10-28 describing the 303(d) listing for nickel was removed. Reference to the State Board 2020 Integrated Report was added.

RWQCB-31

These requirements will be addressed in the application process for 401 Water Quality Certification.

14.2.4.5 SC—Solano County, Department of Resources Management, Bill Emlen, Director of Resources Management, December 29, 2010

Comment Letter SC



SOLANO COUNTY
Department of Resource Management
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William F. Emlen, Director
Clifford Covey, Asst Director

December 29, 2010

Ms. Becky Victorine
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Victorine:

Thank you for the opportunity to provide comments on the Suisun Marsh Habitat Management, Preservation, and Restoration Plan (SMP) Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR). The document notes that the plan is a comprehensive 30-year plan designed to address the various conflicts regarding use of Marsh resources, with a focus on achieving an acceptable multi-shareholder approach to the restoration of tidal wetlands and their long term management.

The Draft EIS/EIR describes and analyzes three alternative 30-year plans, each having different tidal wetland restoration targets: Alternative A (Proposed Plan) – 5,000-7,000 acres tidal wetland restoration, Alternative B-2,000-4,000 acres tidal wetland restoration, and Alternative C-7,000-9,000 acres tidal wetland restoration. The project document is not specific as to the actual parcels to be subject to the restoration activities as this has yet to be determined.

As the local agency with base level permit and land use authority within the boundaries of the project area, Solano County has great interest in the plans, scope and impacts. Accordingly, Solano County's comments and concerns on the plan and draft EIR / ES are provided below.

Summary of County Comments on Draft SMP's Environmental Documents / Key Issues

The SMP has many laudable goals and has been in development for nearly ten years. Solano County has been and is supportive of these efforts with some reservations, and have complimentary policies in the 2008 General Plan. Implementation of this project will take several decades and will involve a complex intertwining of state, federal and local agencies. A fundamental concern of the County is that local impacts are fully understood, and when appropriate, mitigated. The County also has a concern that adequate funding be provided for full and complete plan implementation, including mitigation of local economic impacts and an adequate endowment to ensure comprehensive long term management of the Marsh areas and the new tidal wetlands proposed under this plan.

SC-1
SC-2

Building & Safety David Cliche Building Official	Planning Services Mike Yankovich Program Manager	Environmental Health Terry Schmidtbauer Program Manager	Administrative Services Suganthi Krishnan Senior Staff Analyst	Public Works- Engineering Paul Wiese Engineering Manager	Public Works- Operations Rick O'Neill Operations Manager
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Overall, the EIS/EIR seems to underweight or not fully address the full breadth of local impacts. While this project will clearly have potential benefits and has a desired outcome of improved environmental quality, that does not absolve the project proponents from fully assessing the range of impacts, including those affecting Solano County and the Resource and Reclamation Districts in the Suisun Marsh area. The reality is that some of the impacts could have negative consequences for the County; both short and long term. A key issue for the county is the level of analysis in the EIS/EIR relative to the type of impacts that will affect the County (particularly in the Land and Water Use, Social Issues and Economics chapter). Our initial assessment of the EIS/EIR was that the scope of impacts in these areas was too limited, and that the "significance criteria" bar was set too, resulting in few, if any, meaningful mitigation measures. We respectfully request that the EIS/EIR take a harder look at local impacts as referenced above and described in greater detail below, and that the documents be amended accordingly.

SC-3

Outlined below are the County's key issue areas relative to the SMP followed by section specific comments on the draft EIS/EIR.

Fiscal impacts of Land Conversions

A key component of the SMP is acquisition of private lands for conversion to publicly managed tidal wetlands. The plan commits to acquisitions from willing sellers only. There will be fiscal impacts to the County will occur regardless of how the land is acquired. The draft EIS/EIR determines this impact will be insignificant and no mitigation is specified. There is a reference to in lieu fee payments for lost property tax revenue under the Fish and Game Code.

The County does not agree with the conclusion that the impact is insignificant. We believe there is the possibility of cumulative effects, particularly when the SMP is juxtaposed with other Delta projects planned in Solano County that would also involve conversion of thousands of acres of revenue generating private held and managed lands to publicly held and operated land uses. Further, the reference to the Fish and Game in lieu fee offset to property tax loss does not provide the assurance that it would actually occur because it is not a specific mitigation measure and subject to appropriation. The fact that adequate funds may not be available to pay an in-lieu of tax fee is a concern. And finally, the EIS/EIR only references the Fish and Game Code as a potential offset for property tax loss. What if the land is under federal ownership or some other state agency? From the County's perspective, the EIS/EIR needs to acknowledge the cumulative impacts of lost property taxes, private management and oversight, and identify and commit to a clear set of "in lieu of" sources and adequate oversight and long term management to ensure the impacts are mitigated. It would be advisable to establish mitigation funds outside of the State's General Fund and make these funds unavailable for other uses.

SC-4

Economic Impacts to Solano County

The County believes the draft EIS/EIR could provide greater depth in its assessment of local economic impacts. The current draft focuses primarily on the potential economic benefits of temporary construction activities associated with Marsh restoration efforts and the potential recreational benefits. While these potential benefits are acknowledged, they need to be evaluated against potential negative economic impacts such as reduced agricultural production, increased service costs associated with law enforcement servicing isolated public lands and waterways, and potential unintended consequences such as constraints on farming private lands when adjacent to Marsh areas or restraints on private hunting with the marsh area. It is implied in the EIS/EIR that the restoration activities will have net positive impacts but, there is no quantitative assessment to measure and compare the full range of impacts, either positive or negative. The overall analysis is empirical in nature, and lacks data or other substantive facts to support the conclusions.

SC-5

Public Safety Impacts

The County wants to ensure that public safety impacts of fire, law enforcement, illegal dumping and access via boats or vehicles are all identified and addressed in ways that do not create additional operational, management, liability or funding issues. Public safety issues include impacts over time to existing maintained roads with loss of funding and loss of private landowners. To maintain safety, these roads will need funding for ongoing operations and maintenance.

The EIS/EIR on pages 7.3.10 and 7.3.11 focus on increases in emergency response times and concludes that impacts are less than significant. What is not evaluated are the consequences of extensive restoration of wetlands and the potential costs and challenges of providing fire and law enforcement services to these areas. Will federal and state agencies be providing such services? Or is the expectation that the county sheriff and fire districts will provide these services. The county already incurs costs for rescues in waterway areas and for retrieval of abandoned boats. We can only expect such activities to increase with the proposed project. The worst case scenario involves the expectation that the county would provide these services with no offset for the loss of property tax revenues. The current lack of identified impacts or mitigation in this category is a county concern. We request that the EIS/EIR further consider these impacts and provide for specific mitigation.

SC-6

Impacts Related to Conversion of Farming and Grazing Lands

The EIS/EIR does not address these impacts. The County believes the cumulative impacts are potentially significant, particularly when considered in relation to the Bay Delta Conservation Plan and two existing Biological Opinions on Fish in the Delta with targeted acreages for ideal habitat all targeting Solano and the Yolo Bypass. Will there be mitigation of loss of farmland or managed wetlands? The County General Plan has adopted language on this and has established mitigation at a 1.5 to 1 ratio, with funding provided to the County to purchase agriculture easements on farmland (elsewhere in the County). This is the specific language found in Solano County's General Plan regarding agricultural mitigation ratios:

"AG.I-1: Create and adopt a farmland conversion mitigation program and ordinance. Require compensation for loss of agricultural land. Establish appropriate mitigation ratios for the program or utilize a graduated mitigation mechanism. The mitigation ratio shall be a minimum of 1.5:1 (1.5 acres of farmland protected through mitigation of each acre of farmland converted). The program shall not present regulatory barriers to agritourism, agricultural services, and agricultural processing in regions and within land use designations where such uses are permitted and encouraged. The program shall also establish mitigation within the same agricultural region as the proposed development project, or within the Agricultural Reserve Overlay district, as a preferred strategy. The program shall incorporate a fee option, and shall provide an exemption for farmworker housing. Mitigation lands shall be of similar agricultural quality to the lands being converted."

SC-7

A further concern is the possible restriction on farming / grazing that may result as rare or endangered species re-populate established habitat areas. This would result in far broader restrictions on private land use than is currently evaluated. The County is also concerned about the loss of a critical mass of land to support farming and farming infrastructure without clear mitigation identified.

SC-8

Management of Tidal Wetlands

The project involves the creation of 7000 acres of tidal wetlands. Will an endowment be established to ensure long term maintenance? The county is concerned that failure to establish

SC-9

long term funding for maintenance project initiation could result in unintended consequences with potential negative impacts on the County.

↑ SC-9
cont'd

Solano County is also concerned with channel maintenance of the Marsh. This is important because water flows through it and out to the river. Without proper ongoing channel maintenance the County will have flooding issues elsewhere.

SC-10

Land Use and Permits

Regarding permitting, we believe the document could be clearer on the county's local regulatory authority within the boundaries of the SMP. Currently, and we presume even under the plan, the county will be responsible for review and issuance of ministerial permits throughout the Marsh. The County is also responsible for certain land use permits in secondary management areas (upland). Our request is that the documents provide clear delineation of the County's roles and responsibilities.

SC-11

Related to the County's permitting authority and our understanding that this authority would not be completely usurped by the Plan, an argument can be made that the County should be listed as the "Responsible Agency" under CEQA. Table 1-2 on page 1-7 does not list the county as a "Responsible Agency." We ask that the lead agencies further evaluate the CEQA definition to determine if the County should be listed as such in the EIS/EIR document.

A final land use comment relates to plan implementation. We understand the intent is to purchase land to implement the tidal wetland plan from willing sellers only. The County supports this approach but does feel it will pose challenges in the coalescing of a coherent tidal wetland restoration plan while masking the integrity of existing/remaining privately held levees, land and access roads. Will there be any type of concept plan that would guide acquisition activities? If so, the County would like to be a participant in plan formulation to address such factors as buffers between habitat areas and properties where active grazing and farming activities are taking place and overall plan concepts that minimize potential impacts on County services.

SC-12

Chapter Specific Comments

Environmental Commitments

Hazardous Materials Management Plan

On page 2-54, second paragraph, the document states the contractors will not use any hazardous materials in excess of reportable quantities of Title 40 CFR Part 355 unless approved by the Office of Emergency Services. The reporting of Hazardous Materials in excess of reportable quantities of Title 40 CFR Part 355 is required annually to Solano County Environmental Health Services Division as the Certified Unified Program Agency (CUPA).

SC-13

On Page 2-54, third paragraph, the project proponents will prepare a risk management plan (RMP). The RMP will be submitted to the Environmental Protection Agency (EPA) and will reflect the comments of the Solano County CUPA. A risk management plan addresses acutely hazardous materials such as chlorine gas, ammonia gas, hydrogen chloride, flammable gases. This document is required to be submitted to both US EPA and Solano County Environmental Health Services Division as the CUPA.

SC-14

On pages 2-64, please add the following bullet under Biological Monitoring to address the potential for introduction of weeds and invertebrates through the re-vegetation pathway:

SC-15

- Plants for re-vegetation must be accompanied by a California Nursery Stock Certificate.

Water Quality

Suspended Sediments and Contaminants

Page 5.2-15, paragraph 3 shows that suspended sediments bind metals and other potentially toxic chemicals. The modeling indicated that the proposed changes can increase the potential for failure on the banks of affected levees or scouring in some channels. (Numerical Modeling in Support of Suisun Marsh PEIR/EIS, Section 6 – Discussion/Summary/Conclusions pages 128-129). This can increase turbidity and suspended sediment through siltation and release of chemical constituents trapped in sediment including other metals along with mercury, pesticides/herbicides and hydrocarbons among other toxic pollutants. The Plan discussed that potential chemical contamination includes elevated levels of mercury (Sec 5.2-2, paragraph 1, and Sec 5.2-16-17) but water quality impacts from other toxics including other heavy metals, pesticides/herbicides, and hydrocarbons were not identified.

SC-16

In Section 5.2-21 the Plan discusses how salinity objectives are intended to protect the water quality for managed wetland habitat as well as the salinity at Delta drinking water intakes and agricultural diversions. However, on page 5.32, potential impacts to water supply for domestic and irrigation purposes are stated as a less than significant threat, with no mitigation required, GW-6 – Potential for altered salinity in shallow Suisun Marsh groundwater.

Shallow water supply wells that are used for domestic, small water systems, and irrigation purposes exist in both the Primary and the Secondary Marsh area. The wells typically are constructed in shallow water bearing zones and serve less than five residential connections and fewer than 25 persons per day for a 60-day period. Therefore, with the exception of the community well serving the township of Collinsville, all of the water wells are individually owned and are not subject to any ongoing regulatory testing, or testing programs. In order to demonstrate potability, a property owner proposing the use of a domestic well as the water supply shall provide a water sample, prior to the issuance of the building permit which meets bacteriological standards for drinking water. Privately owned wells are not required to verify compliance with National Drinking Water Standards. The National Drinking Water Standards include over 100 chemicals which are regulated and have allowable limits established.

The increased salinity gradient could impact water supply sources for domestic and agricultural purposes. Individual wells for communities, residences (domestic) and agricultural supply exist or are proposed near the areas where salinity concentrations increase could be at risk for salt water intrusion: Reference: Numerical Modeling in Support of Suisun Marsh PEIR/EIS - Sec 5.6.1, pg 81 Martinez to Collinsville – The results of the EC modeling indicated that with breaches between Honker and Grizzly Bays results in increased electrical conductivity (EC) throughout the year at Collinsville and Chipps. Depending on the restoration scenario, the proposed work can cause the salinity gradient to vary but generally increase particularly if the salinity gates are not in operation.

SC-17

Potential Mitigation

Operation of additional salinity gates may be needed to protect areas that rely on fresh surface water or shallow groundwater sources (Collinsville, Rio Vista, Birds Landing, etc.).

Monitoring and sampling may be needed for water supply wells in areas where the salinity gradient has increased. Alternative water supplies or sources may be needed if shallow water supply wells and sources are impacted with saltwater intrusion that exceeds acceptable standards for drinking water or agricultural purposes.

In Section 5.3-9-10 the Plan indicates that groundwater supplies municipal, agricultural, and rural residential uses in Solano County. However, groundwater use has not been accurately quantified. Existing data suggest that the Suisun-Fairfield basin is not a significant source of

SC-18

supply due to low yield and poor water quality (Section 5.3-10 paragraph 1). In addition, the Plan indicates that many land owners have wells, but none are known to provide potable supply (Section 5.3-10 paragraph 2).

Several small communities and individual land owners in the area and surrounding the Marsh utilize groundwater as their only supply for drinking water including Collinsville, and Birds Landing. Assessor's parcel 0046-190-060 is located in the Primary Marsh and has a domestic drinking water well serving four residences with addresses which includes 3091 Grizzly Island Road. The Rush Ranch property at 3521 Grizzly Island Road, APN 0046-140-070, is also served by an on-site water well.

Mitigation

A water well survey should be conducted in the areas where the surface water and shallow groundwater may be affected by the proposed plan. Mitigation measures should be taken for any well that may be threatened by the proposed changes in water quality including; providing treatment for existing wells, providing other sources of potable water, replacing or and abandoning shallow wells that may be conduits for migration into deeper zones, or other methods to protect potable water sources.

Sampling may be warranted in areas where levee failures, scouring and siltation may occur to evaluate the potential for release of chemical constituents (including priority pollutant metals, legacy pesticides, and herbicides) that are trapped in the sediment. Total Maximum Daily Load (TMDL) are proposed to be developed for mercury for the plan. TMDL may be needed for other constituents of concern that may be released to minimize water quality impact should be evaluated if there is a potential for release of constituents above acceptable water quality standards.

Porter-Cologne Water Quality Act of 1969

The text on page 10-24 states "In 1967, the Porter-Cologne Water Quality Act..." The text should read "In 1969, the Porter-Cologne Water Quality Act..."

Transportation and Navigation

Section 5.6 of the document addresses impacts to transportation within the project boundaries for all 3 alternatives. Implementing the project will require the transportation of heavy equipment and materials for levee repair and improvement over existing County roads. There is a potential for damage to some of the roads that may not be substantial enough to bear these loads and the report identifies the risk of damage. The Draft EIR indicates that the project will have less than significant risk for all impacts to transportation for any single component of the project. The Draft EIR does not consider the cumulative effects for all of the possible components.

Public Works Engineering is concerned with the impact the project will have on the existing public road system in the area. The existing road sections vary in their ability to carry heavy loads, and although any one project within the plan may have low potential for damage, the cumulative effect of several projects increases the risk. Under Environmental Commitments, Chapter 2 lists the steps to be taken to reduce the risk of damage to County roads through the implementation of a Memorandum of Understanding with Solano County should damage be discovered.

The restoration project shall be responsible for the cost of maintaining, repairing, paving and reconstructing the County roads during construction. The applicant will be responsible for any damage to the roads incurred as a result of the project. The applicant shall repair damage to roads as a result of the project construction to the current County Road Improvement

SC-18
cont'd

SC-19

SC-20

Standards, except that repairs to damaged paved sections may be made with 5 inches of asphalt concrete at the discretion of the County, while repairs to damaged gravel sections of road shall replace the preexisting depth of aggregate base but be not less than 12 inches in depth. Repairs to the paved roads shall include but are not limited to overlays and full depth reconstruction to the satisfaction of the County of Solano, as solely determined by Public Works Engineering. A secured agreement with the County of Solano will need to be entered into prior to any construction activity for the project.

The restoration project shall apply for, secure and abide by the conditions of an encroachment permit for any and all work within the County right-of-way, which may further define and qualify the road repair requirements described above.

The restoration project shall apply for, secure and abide by the conditions of a grading permit for any and all work within the project limits, or construction associated with the restoration project.

This response addresses concerns of Public Works Engineering for roads, mapping and grading at this time. Stanley J. Schram, County Surveyor, should be contacted at (707) 784-6069 to address any transportation related issues.

↑
SC-20
cont'd

Land and Water Use

Figure 7.1-1 Land Use Diagram is not the adopted Land Use Diagram.

SC-21

Page 7.1-4 California Land Conservation Act of 1965. Comment: The last sentence that says "The contract is automatically renewed each year for 1 additional year unless it is cancelled." should read "...unless the contract is non-renewed or cancelled."

SC-22

Page 7.2-2 indicates that there are no significant impacts on socioeconomics relative to property tax revenues. The County believes valuations utilized to determine property tax reduction was low and failed to factor in personal property values. Also, if parcels are taken over by the State, some of the existing parcels are businesses that would have to relocate, and this relocation could take place outside this County and further reduce County revenues.

SC-23

Visual/Aesthetic Resources

Page 7.6-13 Scenic Roadways Element. Interstate 680 is also considered a scenic roadway in Solano County's General Plan Figure RS-5.

SC-24

Public Health and Environmental Hazards

Construction Worker Safety

On page 7.8-9, the second paragraph includes California Environmental Protection Agency (CalEPA) under this section. Cal EPA does not have responsibility for worker safety but instead is responsible for environmental health and safety issues regarding the Unified Program that addresses hazardous material and hazardous waste programs described on page 7.8-11.

SC-25

On page 7.8-9, the third paragraph describes Solano County Environmental Health Services Division as the CUPA that is responsible for state and federal regulations. Solano County Environmental Health Services Division as the CUPA is responsible for federal and state regulations regarding hazardous materials and hazardous waste management, not worker safety as described on page 7.8-11.

Hazardous Materials

This plan states that hazardous materials are raw or unused materials that are part of a process or manufacturing step. The California Health and Safety Code Chapter 6.95 also includes hazardous waste as part of this definition and requires hazardous wastes to be included in chemical inventories and addressed in emergency response plans submitted to the CUPA.

SC-26

Exposure to Release of Hazardous Materials during Construction

On page 7.8-16, in paragraph three the document states that reportable quantities will not be used unless approved in advanced by the OES and compliance reporting will be conducted and a risk management plan submitted. This document should actually state that hazardous materials/ hazardous wastes present in quantities equal to or in excess of 55 gallons of liquids, 200 cubic feet of gases, and 500 pounds of solids triggers the Hazardous Materials Business Plan that consists of a chemical inventory, emergency response plan, and site diagram submitted to Solano County Environmental Health Services Division as the CUPA.

SC-27

Increased Human and Environmental Exposure to Natural Gas and Petroleum

On page 7.8-17 and 7.8-18, discusses natural gas and petroleum distribution pipelines but does not address the small natural gas gathering lines that convey natural gas from the natural gas fields to support facilities such as compressor and dehydrator stations. These lines are often unmarked. The mitigation for this issue should state that before any work is done in the vicinity of natural gas field areas, utility finding equipment such as ground penetrating radar will be used to identify any buried lines to prevent hitting and releasing hydrocarbons and gas.

SC-28

Impacts and Mitigation Measures

In reference to impacts and mitigation, the document says that the SMP components would be implemented in a way that helps mitigate impacts before or as they occur. This should include the following sentence "Implementation will be planned to carefully monitor and mitigate the intended and unintended consequences of restoration activities."

SC-29

Mitigation measures must include:

- Buffers incorporated into the project that are sufficient to avoid the need for additional restrictions on public agency and private activities on surrounding lands
- Measures to protect ongoing wetland restoration projects including the Montezuma Wetlands project.

SC-30

SC-31

In closing, the SMP should be consistent with the County General Plan policies and not result in any direct or indirect adverse environmental, economic or social impacts to the County. Any inconsistencies between the proposed project and the General Plan must be fully discussed and analyzed.

Again, thank you for this opportunity to provide comments. If you have questions regarding this submission, please contact Kathy Barnes-Jones at krbarnes-jones@solanocounty.com or at 707-784-7914.

Sincerely,



Bill Emlen, Director of Resources Management

cc: Solano County Board of Supervisors
Birgitta Corsello, Assistant County Administrator
Bill Emlen, Director of Resources Management
Jim Allan, Agricultural Commissioner/Sealer of Weights and Measures
Jan Vick, Mayor of Rio Vista
David Okita, General Manager, Solano County Water Agency
Mike Hardesty, General Manager, Reclamation District 2068
Steve Chappell, Executive Director, Suisun Resource Conservation District
Cliff Covey, Assistant Director, Resource Management
Kathy Barnes-Jones, Senior Staff Analyst

Responses to Comment Letter SC

SC-1

The SMP EIS/EIR considers both regional and local impacts in our analysis.

SC-2

Please see response to Comment SC-4. The analysis concluded that the socioeconomic impacts were less than significant because of the relatively small change in employment, income, and property tax revenues.

SC-3

Significance criteria set forth in the EIS/EIR were based on the State CEQA Guidelines Appendix G Checklist, precedence from other Delta and restoration projects, and professional judgment. These thresholds are appropriate and applicable to the SMP.

SC-4

As described in Section 7.2 of the Draft EIS/EIR, acquiring lands from willing sellers may adversely affect the amount of property tax revenue collected by Solano County as land is transferred from private to public ownership. The estimated property tax revenue generated in Solano County in 2006 was \$408 million. The loss of property tax revenue generated from the maximum of 7,000 acres of tidal restoration to be implemented incrementally over the next 30 years is estimated to total \$31,100, or approximately 0.008% of the total property annual tax revenue generated in the county in 2006.

Although implementing the SMP may result in a decrease in the property tax revenues generated in Solano County by eventually removing these lands from the tax roll, the estimated loss in property tax revenue is a very small portion of the overall property tax revenues generated in Solano County.

The potential in-lieu of property tax payments by DFG was included to indicate that the loss in property tax revenue could be offset. Because the loss in property tax revenues is expected to be small, the impact assessment did not attempt to address all the changes in economic activities attributable to the restoration of wetlands, including identification of potential property tax compensation programs. The impact analysis also did not attempt to assess all the beneficial economic effects of the wetland restoration program, such as changes in recreation-related expenditures in the local economy and increases in sales tax revenues.

Cumulative impacts of the SMP alternatives are addressed in Chapter 9 of the Draft EIS/EIR. This chapter includes an exhaustive list of restoration projects in the Bay-Delta area. A review of this list indicates that approximately 680 acres are planned for wetland restoration and enhancement. The combined loss of property tax revenue from the combined acreage of the proposed project and other projects is not expected to result in a substantial reduction in Solano County property tax revenues.

SC-5

See response to SC-4.

The lands purchased for restoration would be primarily from lands dedicated to waterfowl hunting clubs. Few agricultural lands are located in the project study area. These agricultural lands currently

are used for grazing and are at an elevation that would not make them suitable for tidal restoration. The consistency of wetland restoration actions with existing land uses is addressed in Chapter 7 of the EIS/EIR. The restoration action is consistent with Solano County General Plan and Solano County Policies and regulations governing the Suisun Marsh because the area would remain wetlands and open space.

The impact on public utilities and public services is evaluated in Section 7.3 of the EIS/EIR. The change in land use from recreational waterfowl hunting to wetland restoration and enhancement is not expected to increase the demand for these services.

SC-6

While the SMP would provide increased opportunities for water-based recreation, the increased need for emergency response throughout the Marsh is not expected to change substantially because the overall level of Marsh use would remain similar. As described in Section 7.4, the type of recreation uses would change, but the magnitude of use would be similar. Additionally, restored areas no longer would support private duck clubs and likely would eliminate levee roads as a result of breaching, thus reducing the County's obligations for road maintenance.

SC-7

Grazing in the Suisun Marsh occurs in upland habitat areas that are located above the tidal inundation zone on approximately 16,534 acres on the periphery of the primary zone of the Marsh (Table 6.2-2). The vast majority of these uplands would not be affected by the SMP and could continue to be grazed. While some upland grazing areas have the potential to be converted to tidal wetland, the amount of conversion would be minor and not likely to occur, except incidentally if it occurs on the fringes of restoration (in upland perimeter of Marsh). While there are uplands in the interior of the Marsh ("diked managed wetlands and uplands," Table 6.2-2; included in the "managed wetlands," Figure 6-2.1), much of that acreage is infrastructure, i.e., interior levees, and is below the tidal inundation zone. Although this area would be affected by tidal restoration, this area is not used currently for grazing, and is predominately above the mean high tide elevations, and therefore there would be no effect on grazing as a result of inundation of these areas. As such, this impact is not considered significant and does not contribute considerably to cumulative impacts; mitigation of this potential effect is not necessary.

SC-8

Table 2-3 outlines the types of considerations that will be made prior to purchasing a property from a willing seller for restoration purposes. These considerations include those related to adjacent land uses. The SMP would result in very minimal effects on agriculture and/or grazing lands, which are located on the periphery of the Marsh. Conversion of these areas would be limited to upland transitions for properties acquired for restoration. As shown in Table 2-4, the restoration would be spread throughout the Marsh and would not be concentrated in the upper fringes, further reducing the potential for effects on adjacent grazing lands.

SC-9

See Master Response 1: Project-Specific Analysis.

As described in the Master Response 1: Project-Specific Analysis, the exact locations and project proponents are not identified at this time. As such, there is no way to secure long-term maintenance

funding at this time. However, for purposes of compliance with CESA and ESA, which would be expected as part of any restoration action under the SMP, long-term funding sources would be identified to ensure that maintenance is incorporated into the restoration plan. Overall, it will depend on the specific landowner and/or project proponent for each restoration action.

SC-10

The SMP includes a dredging program to provide materials for levee maintenance adjacent to the dredging locations. An ancillary benefit of this program is the maintenance of channel capacity, where dredging has occurred. Additionally, the increase in area subject to tidal inundation in the Marsh would increase the Marsh's overall water volume capacity.

SC-11

The County's roles and responsibilities will vary depending on the location of the restoration and the type of activities it entails. Where applicable, the EIS/EIR describes coordination with the County to minimize impacts. Additionally, Table 2-1 now lists the County as a responsible agency per the County's request.

SC-12

Table 2-3 outlines the types of considerations that will be made prior to purchasing a property from a willing seller for restoration purposes. These considerations include those related to adjacent land uses. Grazing in the Suisun Marsh occurs in upland habitat areas that are located above the tidal inundation zone on approximately 16,534 acres on the periphery of the managed wetlands (Table 6.2-2). The vast majority of these uplands would not be affected by the SMP and could continue to be grazed. The SMP would result in very minimal effects on agriculture and/or grazing lands, which are located on the periphery of the Marsh. Conversion of these areas would be limited to upland transitions for properties acquired for restoration. As shown in Table 2-4, the restoration would be spread throughout the Marsh and would not be concentrated in the upper fringes, further reducing the potential for effects on adjacent grazing lands.

SC-13

Text revised per comment.

SC-14

Text revised per comment.

SC-15

Plants for revegetation will come primarily from natural recruitment. Plants imported to the restoration areas will come from local stock, and to the extent possible, local nurseries. Only native plants will be used for restoration efforts.

SC-16

Water quality impacts from toxics adsorbed to suspended sediment were not identified because there is no information on established relationships between increased suspended sediments and biological effects from heavy metals (including Hg), pesticides, or toxins. The adsorbed and dissolved concentrations of these chemicals generally are controlled by the regional sediment

chemistry (i.e., partitioning) and would not likely be changed by localized re-suspension of materials during construction or scouring near the breach sites.

SC-17 and 18

The modeling results for the SMP indicate minor changes in the salinity gradient of surface waters related to the restoration activities. Additionally, Chapter 2 and Sections 5.1 and 5.2 commit to selecting breach sizes and locations that minimize salinity and other hydrodynamic impacts. The SMP also includes a commitment to conduct project-specific modeling for each proposed restoration site (see Master Response 1: Project-Specific Analysis), which would help specific project proponents ensure that restoration does not result in impacts greater than what are described in this EIS/EIR. The SMP also assumes continued operation of the SMSCG to meet salinity standards currently in place. Because changes in surface water salinities would be within the current range of salinities, no standards would be exceeded, and the change resulting from the SMP would be minimal, no additional mitigation beyond what is included in this EIS/EIR is required.

The text on page 5.3-10 has been revised to indicate that there are some areas in the Marsh dependent on groundwater for their potable water supplies. However, because surface water salinities would not be substantially changed, no changes in groundwater salinities are expected to occur. Site-specific modeling would be conducted for individual restoration areas, and if warranted, groundwater modeling could be included in the modeling effort.

SC-19

Text revised per comment.

SC-20

Page 9-14 includes a section on cumulative impacts on transportation and navigation. This section also was revised to describe the SMPs spatially and temporally spread out changes in traffic and navigation. The environmental commitments in Chapter 2 have been revised to include some of the suggested edits in this comment.

SC-21

Figure 7.1-1 was revised using Land Use diagram from Solano County website.

SC-22

Text revised per comment.

SC-23

Please see response to Comment SC-4. The methods used to assess changes in property tax revenue are described in Section 7.2. The assessment was based on assessed property values provided by the Solano County Assessor's Office. The analysis focuses on change in employment and property tax revenues. The analysis did not attempt to speculate on the response of individual business owners to the goals of the restoration program. However, restored areas would be open to the public, and recreational activities are expected to be maintained in the Marsh.

SC-24

Revised text to include 680 as a scenic roadway under the Solano County General Plan.

SC-25

Moved description of CUPA and CalEPA administration to state regulations section.

SC-26

Revised definition of hazardous materials to include hazardous wastes.

SC-27

This statement has been added to Impact HAZ-2.

SC-28

Impact Haz-2 states that “Digging could affect gas pipelines occurring below the ground level. If pipelines were damaged during digging, release of natural gas or other materials could expose construction workers and the environment to hazardous materials. The plan will be designed to avoid impacting existing pipelines and other facilities.” The identification of all pipelines located on a property prior to ground-disturbing activities has been added to the Environmental Commitments section of Chapter 2 for restoration activities to clarify the avoidance described in Impact HAZ-2.

SC-29

The following text has been added to Page 2-44: “...and implementation will be planned to carefully monitor and mitigate the effects of SMP activities.”

SC-30

Land uses in the Marsh would continue to be consistent with the land use designations of the Solano County General Plan and the Suisun Marsh Preservation Act. The SMP would occur in only the primary zone of the Marsh, and land uses in the secondary zone are required to be consistent with primary zone uses, which would not change under the SMP.

SC-31

The SMP is not expected to have any effects on the MWP, which is outside the SMP planning area. No additional mitigation measures are required.