

DELTA PROTECTION COMMISSION

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November 9, 2015

Zachary Simmons, Project Manager
 US Army Corps of Engineers, Sacramento District
 1325 J Street, Room 1350
 Sacramento, California 95814-2922
 Email: Zachary.M.Simmons@usace.army.mil

Subject: California WaterFix - Public Notice SPK-2008-00861

Dear Mr. Simmons:

The Delta Protection Commission (Commission) is a California State agency identified as a "forum for Delta residents to engage in decisions regarding actions to recognize and enhance the unique cultural, recreational, and agricultural resources of the Delta" (California Public Resources Code section 29703.5(a)). State law directs the Commission to lead and support a variety of recommendations in the Delta Stewardship Council's Delta Plan, many related to protecting and enhancing the Delta's unique values.

The California Department of Water Resources (DWR) is requesting a U.S. Army Corps of Engineers (USACE) permit to construct the California WaterFix project, twin tunnels that would divert Sacramento River water in the north Delta for delivery to Clifton Court Forebay in the south Delta. The Commission had earlier requested an extension in the comment period and that USACE conduct public meetings in the Delta on this proposal.

Following an extensive review of the California WaterFix RDEIR/SDEIS, it is apparent to the Commission that the project description is incomplete for the purpose of evaluating the proposed USACE permit under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act (USACE permit). To better understand the proposed project and its impacts, the permit application should be re-submitted once the components of the California WaterFix project are developed further.

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This lack of a complete project description hampers the ability of those reviewing the project to understand its true impacts. It also argues for public meetings in the affected Delta locations so that those most impacted by the water quality, natural environment and navigable waterway impacts of this project can understand these impacts.

Under Section 404 of the Clean Water Act, USACE must determine that the proposed project is the least environmentally damaging practicable alternative. However, the California WaterFix RDEIR/SDEIS was woefully inadequate in evaluating anything other than variations of isolated conveyance facilities that would have similar construction and operational impacts. Alternatives such as improved through-Delta conveyance (levee strengthening), investments in local water supply sources, water conservation (reuse and recycling), groundwater storage and other means to achieve water supply reliability were not evaluated. Further, the numerous range of environmental impacts characterized as “unavoidable” or “not mitigated” under the project can hardly be considered the least environmentally damaging practicable alternative.

In regards to impacts to the Delta’s unique cultural and historic values, it is noted that the construction impacts of the proposed project (construction traffic haul routes and pile-driving, among other impacts occurring over a more than ten year construction period) would occur in close proximity to historic districts in Locke and Walnut Grove. As the Commission stated in its comments letter on the RDEIR/SDEIS:

“Similarly, Mitigation Measures CUL-5 and CUL-6 regarding historic resources provide the outline of built environment treatment plans and a vague assurance that project proponents will consult with relevant parties prior to demolition or ground-disturbing activities. The cultural resources mitigation measures currently focus on specific properties or sites but should look at the cultural values of the Delta in a larger context, as suggested by the cultural landscape approach discussed in the Secretary of the Interior’s *Standards for the Treatment of Historic Properties + Guidelines for the Treatment of Cultural Landscapes*. This contextual approach is particularly fitting given that the Commission and members of Congress are pursuing designation of the Delta as a National Heritage Area. Further environmental review should reference the Commission’s *Feasibility Study for a Sacramento San Joaquin Delta National Heritage Area*, reviewed and approved by the National Parks Service in June 2012; legislation creating the Sacramento San Joaquin Delta National Heritage Area introduced in the 112th, 113th, and 114th Congress; and the Commission’s Delta Narratives project (www.delta.ca.gov/delta_narratives.htm), which developed academic essays that assessed the historic and cultural importance of the Delta region in California and American history.

Impacts to historic resources are similarly significant and unavoidable. Documentation, interpretation, salvage, and restoration of other properties cannot make up for the fact that these resources will be removed permanently. Implementation of the project as currently conceived would irreparably harm the Delta as we now know it.”

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In summation, the permit application is premature at this time and the Commission urges USACOE to defer consideration of it until the project proponent provides additional information.

Thank you for the opportunity to comment.

Sincerely,



Erik Vink
Executive Director

cc: Chair Mary Piepho and members of the Delta Protection Commission
Honorable John Garamendi, U.S House of Representatives
Honorable Jerry McNerney, U.S House of Representatives
Honorable Doris Matsui, U.S House of Representatives
Mike Bradbury, California Department of Water Resources