

Non-Governmental Organization Comments

Non-Governmental Organization Comments

This section contains copies of the comment letters received from non-governmental organizations, listed in Table 6-1. Each letter is followed by responses to the comments presented in that letter. Responses to comments are numbered individually in sequence, corresponding to the numbering assigned to comments in each comment letter. The responses are prepared in answer to the full text of the original comment.

Table 6-1. Non-Governmental Organization Comments Received on the Draft EIS/EIR

Code	Agency/Organization	Name
AFG	Allied Fishing Groups	John Beuttler
AAS	Altacal Audubon Society, Inc.	Phil Johnson, President
BI	Bay Institute	Christina Swanson, Ph.D., Senior Scientist
BBAC1	Black Bass Action Committee, Delta-Foothills Chapter	Mike Riehl, Director
BBAC2	Black Bass Action Committee, Delta-Foothills Chapter	Mike Riehl, Director
CAWG	California Association of Winegrape Growers	Karen Ross, President
CBIA	California Building Industry Association	Tim Coyle, Senior Vice President
CBR	California Business Roundtable	William Hauck, President
CCA	Central City Association	Carole E. Schatz,
CCC	California Chamber of Commerce	Valerie Nera, Director Agriculture, Resources and Privacy
CCEEB	California Council for Environmental and Economic Ballance	Victor Weisser, President
CFFU	California Fly Fishers Unlimited	Bill Felts, President
CFWC1	California Farm Water Coalition	Mike Wade, Executive Director
CFWC2	California Farm Water Coalition	Mike Henry, Assistant Executive Director
CSPA	California Sportfishing Protection Alliance	Bill Jennings, Chairman and Executive Director
CWA	Clean Water Action	Jennifer Clary, Water Policy Analyst
GFACC	Greater Fresno Area Chamber of Commerce	Al Smith, CEO

Code	Agency/Organization	Name
IEEP	Inland Empire Economic Partnership	Paul Hiller, President & CEO
IVCA	Inland Valley Chamber Alliance	Dana Cox, Chair
JM	Delta Yacht Club	Jeff McKannay, Commodore
KCFB	Kern County Farm Bureau	Richard Jelmini, President
ED	Environmental Defense	Ann Hayden, Water Resource Analyst; Spreck Rosekrans, Senior Analyst; Thomas J. Graff, Regional Director
FFF	Federation of Fly Fishers—Northern California Council	Douglas W. Lovell, Chairman, Bay-Delta Committee; Michael Laing, Conservation Network
FTR/CT	Friends of Trinity River & California Trout, Inc.	Byron W. Leydecker, Chair (FTR); Brian Stranko, Executive Director (CT)
MPC	Milk Producers Council	Sybrand Vander Dussen, President
NWF	National Wildlife Federation, Western Natural Resource Center	Paula Del Giudice, Director
NRDC	Natural Resources Defense Council	Barry Nelson, Senior Analyst
OCTAX	The Orange County Taxpayers Association	Reed L. Royalty, President
PCF	Pacific Coast Federation of Fishermen’s Association	W.F. “Zeke” Grader, Jr., Executive Director
PCL1	Planning and Conservation League	Mindy McIntyre, Water Program Manager
PCL2	Planning and Conservation League	Mindy McIntyre, Water Program Manager
PCL3	Planning and Conservation League	Matt Vander Sluis, Project Coordinator
PTA	Public Trust Alliance	Michael Warburton, Executive Director
RCCC	Rancho Cucamonga	Norm MacKenzie, President/CEO
RCRC	Regional Council of Rural Counties	Kathy Mannion, Director of Water and Power
REM	Rivers End Marina	
SCWC	Southern California Water Committee	Joan Anderson Dym, Executive Director
SVEWC	Sacramento Valley Environmental Watershed Caucus	Jim Brobeck, Co-chair
SJFBF	San Joaquin Farm Bureau Federation	Mike Robinson, President
SJRG	San Joaquin River Group Authority	Tim O’Laughlin
SARA	Save the American River Association	Alan D. Wade, President; Felix Smith, Director
SVLG	Silicon Valley Leadership Group	Margaret Bruce, Director, Environmental Programs
SWC	State Water Contractors	Terry L. Erlewine, General Manager
TOMR	Tracy Oasis Marina-Resort	Terry & Korrine Flowers, Owners
VICA	Valley Industry & Commerce Association	Carolyn Casavan, Vice Chair Valley Industry and Commerce Association Environment, Water and Infrastructure Issues
WG	Western Growers	Erin Field, Government Affairs Analyst

Comment Letter AFG

AFG

FEB 06 2006 00122

Allied Fishing Groups

1360 Neilson Street / Berkeley / CA 94702 / 510-526-4049

Black Bass Action Committee / California Fly Fishers Unlimited /
California Sportfishing Protection Alliance / California Trout /
California Striped Bass Association / Chico Flyfishers / Coastside Fishing Club /
Delta Fly Fishers / Diablo Valley Fly Fishermen Fly Fishers of Davis /
Friends of Butte Creek / E.C. Powell Fly Fishers / Grizzly Peak Flyfishers /
Granite Bay Flycasters / Golden Gate Angling & Casting Club /
Mission Peak Fly Anglers / NCC - Federation of Fly Fishers /
NORCAL Kayak Anglers / Pacific Coast Federation of Fishermen's Association /
Palo Alto Flyfishers / Pasadena Casting Club / Peninsula Fly Fishers /
Recreational Fishing Alliance / Santa Cruz Fly Fisherman / Shasta Fly Fishers /
SWC - Federation of Fly Fishers / Tracy Fly Fishers Trout Unlimited of California /
The Anglers Committee / Tri-Valley Fly Fishers / United Anglers of California /
United Pier & Shore Anglers of Calif / USA Fishing / Wilderness Fly Fishers

January 31, 2006

Lester Snow, Director
California Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814

Re: Our Opposition to the South Delta Improvement Project and the
Draft EIR/S

Dear Director Snow:

Our Allied Fishing Groups want to advise you of our grave concern for the future of the San Francisco Bay-Delta estuary and its fishery resources and our unanimous opposition to the South Delta "Improvement" Project.

The State Water Project's ongoing damage to the estuary and its fisheries has not been appropriately quantified by the environmental review process now underway by your agency. We believe the habitat loss and degradation caused by state and federal water projects and the entrainment losses of a vast amount of the foodweb and fish caused by the pumping of massive amounts of water from the south Delta are clearly tied to the long-term, disastrous decline of the anadromous fisheries of the Central Valley and the Bay-Delta estuary.

AFG-1

For nearly fifty years the Department of Water Resources and the Bureau of Reclamation have failed to sufficiently mitigate the impacts associated with the water development in the estuary's tributaries and export of water from the Delta. These exports exceed fifty to sixty percent of the Delta's inflow. The CALFED program that was to address the decline of the estuary and its fishery resources has also failed to restore the ecology of the estuary's ecosystem. The management of the public's fishery resources at self-sustaining levels has

Page 2, Allied Fishing Groups SDIP Response

FEB 06 2006 00122

not been accomplished. In fact, the ecosystem has not been able to sustain sufficient natural fishery production for a number of years for many fisheries including the winter-run and spring-run salmon, steelhead, and Delta smelt had to be listed under Endangered Species Act (ESA) to save them from extinction. Sturgeon have not fared much better and the public's once "world class" striped bass fishery has been significantly degraded.

These declines have resulted in serious economic impacts to local, state and national economies at the expense of the state's sport and commercial fishing industries. Economic losses are estimated to be more than \$4 billion due to prolonged declines of the Central Valley's fisheries and are clearly related to water development in the estuary's tributaries and export from the Delta. Yet, this fact that is not dealt with in the draft EIR/S.

AFG-2

Recently scientists working with the Interagency Ecological Program documented a serious "pelagic organism decline" in the Delta that includes key fish and critical foodweb species. This decline has pushed the ecosystem to the verge of collapse. The SDIP has the potential to cause a collapse of this system and the public's fishery resources. While this may be the result of a complex interaction of factors, we believe the key factors are the long term cumulative impacts associated with water development and its export out of the estuary. Such impacts have not been given credible impact analysis for the past four decades. Should the draft EIR/S go forward, it must deal with these long-term cumulative impacts.

AFG-3

Our organizations, representing hundreds of thousands of anglers and commercial fishing interests, are unanimously opposed to the project due to its potential to exacerbate the egregious condition of the estuary's ecology and the continued decline of key forage and fish species. We urge the department to execute your fiduciary responsibilities under California law to ensure the protection of the state's fish and wildlife resources that will be impacted by this project. In our view, the only way to for you to do this is to withdraw the project.

AFG-4

The Record of Decision for the CALFED program required any increase in SWP export pumping to be conditioned on improving the Delta's fishery resources and ecosystem. Any project that requires significant mitigation to offset its impacts does not meet the intent of the CALFED Program to restore a healthy ecosystem and fisheries. Taking an ecosystem approach to estuarine management requires such a standard, which is the approach CALFED inaugurated with your agency's support. The SDIP should be required to meet this standard or not go forward.

AFG-5

SDIP's credibility was seriously damaged when the Inspector General of the Department of Commerce found the NOAA Fisheries' Biological Opinion failed to meet procedural standards when it established that the Operations Criteria and Plan (OCAP) for the state and federal water projects met ESA requirements for listed salmon and steelhead. Recently, a CALFED Science Panel found this opinion did not use the best available science! These are clear indictments of a biological opinion that must be rejected for its failure to disclose the probable impacts of OCAP. This operations plan opened the door to greater Delta exports

AFG-6

Page 3, Allied Fishing Groups SDIP Response

FEB 06 2006 00122

and the feasibility of the SDIP. This is another subject not seriously dealt with by your agency's draft EIR/S.

The CALFED Program's Programmatic EIR/S has been found legally deficient by a court of law and in need of major revision to properly evaluate the environmental impacts of the proposed CALFED Program. Due to this, we believe DWR lacks clear authorization from our state legislature to move forward with the SDIP. Since the State Legislature has not authorized the project, we believe your agency does not have legal authority to move this project forward. We did not find this mentioned in your draft EIR/S.

AFG-7

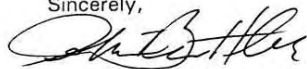
Until we have reasonable scientific certainty regarding what is causing the estuary's ecological crisis and have corrected these causes, a moratorium on all new projects that will affect the estuary should be instituted. This moratorium needs to stay in effect until the public's fishery resources that have been impacted by the development of the estuary's water sources are restored to abundant, self-sustaining levels. Spending \$110 million on State Water Project infrastructure that may well contribute to the estuary's decline will potentially strand millions of dollars on a project that may have to be replaced with one that can avoid adverse impacts to the estuary's ecology.

AFG-8

For all of the preceding reasons, instead of moving forward with the SDIP we recommend the following:

- Withdraw the draft EIR/S and reduce export pumping to levels that existed circa 2000-2001 when the Delta smelt were on the road to recovery;
- Institute a moratorium on new projects and increases in water exports until the estuary's ecosystem and fisheries are recovered and are maintained at viable, self-sustaining population levels;
- Equitably fund programs that restore the ecosystem and improve its water quality as part of your obligation to mitigate for indirect impacts caused to the aquatic ecosystem and fisheries of the estuary by previous water development activities.

Sincerely,



John Beuttler
For the Allied Fishing Groups

cc: Ryan Broddrick, DFG Director
Mike Chrisman, Resources Secretary
Paul Marshall, DWR

Responses to Comments

AFG-1 and AFG-2

Please see Master Response H, *Cumulative Impact Baseline Conditions*.

AFG-3 and AFG-4

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*.

AFG-5 and AFG-7

Please see Master Response J, *Relationship between the South Delta Improvements Program and the CALFED Record of Decision and EIS/EIR Programmatic Documents*.

AFG-6

Although the OCAP has been challenged, it stands as the ESA compliance document for operations of CVP and SWP, including one of the Stage 2 alternatives evaluated in the SDIP Draft EIS/EIR. ESA compliance for Stage 1 is being met through the SDIP ASIP.

AFG-8

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*.

Responses to Comments

AAS-1

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*.

AAS-2

Please see Master Response D, *Developing and Screening Alternatives Considered in the South Delta Improvements Program Draft EIS/EIR*.

AAS-3

The SDIP does not change the established water rights and allocations of water, and would be operated within the existing constraints set forth by regulations and policies such as D-1641, JPOD, CVPIA, and VAMP. However, the increased capacity at SWP Banks could result in increased transfers on a willing buyer-willing seller basis. The SDIP Draft EIS/EIR evaluates the effects of this increased pumping on Delta resources. Additional environmental evaluation and review may be necessary on a project-specific basis as each of these transfers is initiated and would be the responsibility of the parties seeking to transfer the water.

Comment Letter BI

The Bay Institute

Protecting and Restoring San Francisco Bay from the Sierra to the Sea

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BI

FEB 07 2006 00132

February 7, 2006

Mr. Paul A. Marshall
Department of Water Resources
South Delta Branch, Draft EIS/EIR Comments
1416 Ninth Street, 2nd Floor
Sacramento, CA 95814

RE: DRAFT SOUTH DELTA IMPROVEMENT PROGRAM EIS/R

Dear Mr. Marshall

This letter is submitted as the comments of the Bay Institute regarding the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/R) for the South Delta Improvement Program (SDIP) prepared for the California Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (USBR).

In summary, we find the DEIS/R to be seriously deficient in a number of areas:

- environmental review and implementation of the proposed project are premature;
- there is no demonstrated need for the proposed project;
- the draft fails to consider the likely effects of global climate change;
- the draft fails to consider the viability of the current Delta system;
- the draft fails to evaluate the impacts of future operational changes associated with SDIP;
- the range of alternatives evaluated in the draft is too narrow;
- the environmental impact analyses are flawed and inadequate;
- the impacts of the proposed project are not mitigated; and
- the cumulative impacts analysis is insufficient and incomplete.

FEB 07 2006 60132

Based on our review, we recommend that DWR withdraw this DEIS/R and suspend consideration of the proposed project pending completion of ongoing research and planning efforts to address the future of the Delta system and the recent collapse of Delta fisheries. Any further consideration of SDIP must also re-evaluate the needs and objectives for the project, develop an appropriate range of alternatives, and conduct a new environmental review that adequately evaluates both project-related and cumulative impacts under realistic future conditions.

There are numerous conceptual problems with the proposed project and many specific errors, omissions, and deficiencies with the technical analyses described in the DEIS/R. We do not attempt to address all these concerns. Our comments below focus on what we consider to be the most serious of those flaws as well as some specific examples of major analytical errors.

Environmental review and implementation of SDIP are premature.

As described in the DEIS/R, the SDIP has three major components:

1. Installation of permanent operable barriers at four locations in the southern Delta. The objective for three of these barriers (Middle River, Old River at the DMC, and Grant Line Canal) is to reduce adverse changes in south Delta water levels and water quality that result from the combined effects of low San Joaquin River inflows and high State Water Project (SWP) and Central Valley Project (CVP) water exports and which impair local agricultural and urban diversion functions. The objectives of the fourth barrier (Head of Old River) are to a) reduce diversion of San Joaquin basin salmonids into the southern Delta where their survival is reduced and large proportions are entrained into the SWP and CVP export facilities; and b) increase flows in the San Joaquin River downstream of its confluence with Old River to minimally meet existing water quality objectives (e.g., dissolved oxygen).

2. Dredging of selected channels in the southern Delta. The objective of this component is to increase conveyance capacity for water in and through the southern Delta for SWP and CVP export and local diversions. In particular, dredging at the West Canal site has no purpose other than to increase conveyance to the SWP and CVP facilities and allow higher export rates than are currently physically possible or legally permitted.

3. Increase the presently allowed maximum pumping capacity of the SWP. The objective(s) for this operational action are variously characterized as increasing the amount of water exported from the Delta for use by south-of-Delta water contractors and water transfers, and increasing water supply reliability.

FEB 07 2006 00132

The DEIS/R states that these SDIP components will be adopted in two stages, with the Stage 1 barriers and dredging proceeding before plans for increased exports (Stage 2) are further evaluated (with an additional separate NEPA and CEQA review) and, pending that review, subsequently adopted (p. ES-9). The DEIS/R further states that the decision to move forward with increased exports will depend on results of ongoing research to identify the cause(s) of the decline of Delta pelagic organisms and to clarify the role of water management operations and exports in that decline. Given that the objectives of the first two components are largely to facilitate implementation of the third, and given the present uncertainty regarding adverse environmental impacts of current export operations (much less increased exports as proposed), and even without considering other factors (such as global climate change or the viability of the Delta system, discussed below), it is clearly premature to proceed with either environmental review or implementation of a multi-million dollar infrastructure and channel modification project that at the least may prove unnecessary and at the worst could exacerbate to a large degree current problems in the Delta.

BI-1

There is no demonstrated need for the project.

The DEIR/S cites the outdated 1998 California Water Plan (Bulletin 160-98) to justify the need for increasing water exports from the Delta. However, concurrent with its development of the SDIP and the DEIS/R, DWR was conducting an extensive review of the state's water resources and needs. Earlier this year, the agency released the Final California Water Plan Update 2005 (available at: <http://www.waterplan.water.ca.gov/cwpu2005/index.cfm>). This is the principal planning document for all water use in the state. According to the 2005 Water Plan, current water supplies are sufficient to meet the water needs of the state for the next 25 years. Further, based on current trends, water demands in the SWP water delivery area will likely decrease rather than increase, even accounting for water use by 12 million more residents. Because analyses documented in the state's most recent comprehensive water planning effort show that increased water exports from the Delta are likely unnecessary, the primary justification for the SDIP is not supported. In addition, the DEIS/R's reliance on obsolete analyses and water demand projections represents a serious analytical flaw in the document.

BI-2

The DEIS/R fails to consider the likely effects of global climate change.

The projected future hydrology and water management operations analyzed in the DEIS/R are derived from the CALSIM II model results produced for the 2004 Operations Criteria and Plan (OCAP) (available at: http://www.usbr.gov/mp/cvo/ocap_page.html). These analyses and results have been repeatedly criticized for failing to consider the known and predicted effects of global climate change on hydrology in the watershed and, as follows,

FEB 07 2006 00132

the predicted state, federal and local water management operations that are the output of the model. As an example, failure to consider the effects of global climate change in the 2004 OCAP Biological Opinion for salmonids, which relied on the same CALSIM II results, was cited by the independent science panel reviewing that document as a significant analytical flaw and an example of the federal agencies' failure to use "best available science" as required by law (available at: http://science.calwater.ca.gov/workshop/workshop_ocap.shtml).

BI-3

The effects of global climate change are already detectable in the watershed, including increases in air and water temperatures, changes in precipitation patterns and the relative proportions of rain and snow precipitation, and changes in the timing and duration of snowmelt. All of these factors have the potential to affect both water management operations and the types and magnitude of the effects of those operations on biological and ecological resources in the Delta and upstream. In their California Water Plan Update 2005 (see above), DWR did consider this issue in regards to statewide water planning. Failure to account for (or even consider) these effects on the SDIP renders the environmental analyses in the DEIS/R inaccurate and likely biased to underestimate adverse impacts of the proposed project. This represents another serious analytical error and technical deficiency in the environmental review.

BI-4

The DEIS/R fails to consider the viability of the current Delta system.

There is gathering evidence that the current Delta architecture (i.e., levee configuration) and its hydraulic integrity for current (and future) water management operations are not sustainable. Delta levees are known to be structurally unsound, inadequately designed to withstand increasing hydrostatic pressures resulting from Delta island subsidence and sea level rise, and deteriorating. A number of eminent scientists and local experts have reported that large-scale, catastrophic failures of Delta levees within the next 50 years are probable (e.g., Mount and Twiss, 2004, Report to the Independent Science Board Levee Subcommittee; available at: http://science.calwater.ca.gov/pdf/isb/ISB_subcom_levee_report_120104.pdf). Failure of multiple levees in the Delta will result in salt water intrusion into the Delta, severely impairing or even precluding the Delta water export operations that are the overriding objective of the SDIP. Several recent events, including failure of the Jones Tract levee in 2004 and the massive storm-related levee failures in New Orleans, have further raised the level of concern and underscore the importance of this issue in planning for future management of the Delta.

The SDIP, which proposes to continue (and increase the intensity) of current water management operations in the Delta for decades into the future, ignores these likely changes and the inherent unsustainability of current Delta management. In addition, the effects of the proposed actions, including

BI-5

FEB 07 2006 00132

predicted increases in water elevation (by as much as nearly one foot under some conditions in the preferred alternative; DEIS/R p. 5.5-10), hydrostatic pressure on the levees, and channel scour that may exacerbate the existing instability of Delta levees, are inadequately analyzed and arbitrarily deemed "less than significant" in the DEIS/R. This represents a dangerous and potentially costly flaw in both the conceptual design of the project and the environmental review described in the DEIS/R.

BI-6

The potential for catastrophic levee failure, along with other threats to the viability of the Delta system (including global climate change and changes to the food web as a result of non-native species introductions) has prompted a number of current or pending initiatives to re-evaluate water management and land use in the Delta, such as the Delta Risk Management Strategy, AB 1200, and the "Delta Vision" Process. Even if there were no concerns regarding the need for or environmental impacts of the SDIP, the simple fact is that it is almost certain to be out of date long before the project is permitted, constructed or operated.

BI-7

The DEIS/R fails to analyze the impacts of future operational changes associated with SDIP.

In addition to the "no action" alternative (i.e., current seasonal temporary barriers in combination with the presently allowed maximum SWP export rates of 6680 cubic feet per second [cfs] for most of the year), the DEIS/R identifies and analyzes three alternatives for the Stage 1 physical/structural actions in combination with three alternative operational schemes for the Stage 2 increased SWP exports levels (to 8500 cfs). The DEIS/R also states that increases in SWP exports will not be implemented until results of the ongoing multi-agency research into the cause(s) of the Delta fish decline are available and the role of water export operations in the decline are clarified. The DEIS/R further states that "For the Stage 1 decision of SDIP, DWR and Reclamation will assume that the current regulatory limits apply regarding SWP export operations" (p. ES-9). However, the DEIS/R does not analyze an alternative with this combination of physical/structural and operational components. Therefore, this DEIS/R has failed to analyze the proposed project as it is clearly described in the document, making it both legally and technically deficient. A new EIS/R must be issued evaluating the impacts of future operational changes associated with implementing SDIP prior to certification of the environmental documentation and a final decision regarding the proposed project.

BI-8

The DEIS/R fails to analyze the impacts of proposed Interim Operations.

For the preferred Stage 1 alternative (Alternative 2), the DEIS/R describes a plan to "allow increased diversions prior to the full implementation of the operational component" (p. 2-13). This contradicts other statements in the DEIS/R that a) specifically relate the staged decision-making process to uncertainties regarding

BI-9

FEB 07 2006 00132

the cause(s) of the pelagic organism decline and the possible role of high exports in that decline (p. ES-8); b) commit to additional separate NEPA and CEQA review prior to the decision to move forward with the Stage 2 operational component of SDIP (p. ES-9); and c) explicitly state that DWR and USBR assume that the current regulatory limits for SWP export operations will apply to the Stage 1 decision (p. ES-9, and see above). The proposed interim operations would, during the December 15 - March 15 period, allow SWP exports to increase to the full 8500 cfs under hydrological conditions (i.e., low San Joaquin River inflows) during which such operations are presently prohibited. The impacts of the proposed interim operations are not specifically analyzed in the DEIS/R, another legal and technical deficiency in the environmental review. This omission is of particular concern because preliminary results of the ongoing multi-agency research into the pelagic organism decline (which were available several months before the DEIS/R was released) point towards high exports during the winter season as one of the likely causes (Armor et al. 2005; available at:

BI-10

http://science.calwater.ca.gov/pdf/workshops/IEP_POD_2005WorkSynthesis-draft_111405.pdf). In addition, recent analyses of the effects of wintertime export rates on the Endangered Species Act-listed delta smelt clearly indicate that high exports during this period correspond to low and declining population abundance (see below and Figure 1).

BI-11

The range of alternatives evaluated in the DEIS/R is too narrow.

The DEIS/R identifies three narrowly defined objectives for the project: reducing diversion of San Joaquin basin salmonids into the southern Delta; maintaining water levels and water quality in the southern Delta; and increasing water supply reliability and water deliveries to south-of-Delta users (p.ES-3).

However, the range of alternatives developed to accomplish these objectives and evaluated in the DEIS/R are all minor variations on a single theme: installing new barriers in the southern Delta channels, dredging channels, and permitting higher export rates at the SWP. During the extensive scoping sessions for the SDIP, many other alternative approaches to accomplish the expressed objectives of the project were suggested (see scoping comments available at:

BI-12

http://sdip.water.ca.gov/public_outreach/pub_doc/scope_catalog.htm). For example, the Bay Institute and the Natural Resources Defense Council strongly recommended that alternative south-of-Delta water management options for achieving the project purpose be evaluated and included in the development of the project and environmental review. By limiting its analysis to barely distinguishable alternatives, the DEIS/R is both legally and technically deficient.

The environmental impacts analyses are flawed and inadequate.

In addition to failure to consider the effects of global climate change on future hydrology, water management operations, and resultant impacts on ecosystem

FEB 07 2006 00132

and biological resources (see above), the analyses of the project-related and cumulative impacts of the various project components on the Delta ecosystem and fishes are overly simplistic and seriously flawed. In fact, nearly all of the many adverse impacts that are identified and quantitatively and/or qualitatively described in the DEIS/R are, without explanation or analysis, deemed "less than significant" and requiring no mitigation. For example, the DEIS/R indicates that rearing habitat for delta smelt, a species listed under the federal Endangered Species Act and which is now on the brink of extinction (Bennett 2005; available at: <http://repositories.cdlib.org/jmie/sfews/vol3/iss2/art1/>), will be reduced by effects of the proposed project (p.6.1-94). Without further analysis, the DEIS/R then concludes that, because the predicted habitat reduction is "small" and that "few rearing months" are affected, the effects on survival of the species will be "less than significant". This conclusion clearly violates at least two of the significance criteria identified in the DEIS/R (i.e., long or short-term loss of habitat quality or quantity, and adverse impacts on endangered species; p. 6.1-44).

BI-13

The unsupported hypotheses and assumptions, flawed analytical approaches, and erroneous conclusions regarding significant environmental impacts, particularly in regards to project impacts on the Delta ecosystem and its fishery resources, in the DEIS/R are too numerous to comment on individually. Below we provide just one example to illustrate the serious deficiencies and errors in this environmental review.

The DEIS/R states that entrainment loss of fishes into the SWP and CVP export facilities will increase as a result of increased water exports for all of the alternatives evaluated. The impact of the action on entrainment loss is measured in terms of predicted increases in the number of fish salvaged (i.e., number of fish diverted into collection tanks and counted) at the two facilities. Use of this metric, salvage, to evaluate the impact of the action, increased exports, is flawed for at least four reasons.

BI-14

1. Salvage is known to be a gross underestimate of the actual numbers of fish lethally entrained into the SWP and CVP facilities. It does not include the numbers of fish that are smaller than 20 mm in length; therefore it massively underestimates the loss of larval and juvenile fishes. It does account for the numbers of fish that are not diverted into the collection tanks by the facilities' antiquated and deteriorating louvers and fish screens. Efficiency of the louvers to remove fish from the diverted water is known to be low. For example, for delta smelt, more than half of the entrained fish conveyed into the export facilities with diverted water pass through the louvers and are transported uncounted to the pumps (Bowen et al. 2004; available at: http://www.usbr.gov/pmts/tech_services/tracy_research/tracyfacility/tracyre

BI-15

FEB 07 2006 00132

ports/). In addition, unknown proportions of the fish entrained into the facilities are lost to predation and/or other mortality factors and never reach the fish salvage facilities to be counted. Both louver efficiency and pre-screen mortality are known to vary with export rates and other environmental factors for at least some Delta species.

BI-16

2. Salvage does not measure indirect effects of water exports on fishes, which can reduce survival of fish that are exposed to export operations but not directly diverted from the habitat. For example, survival of juvenile salmon migrating through the Delta is known to be reduced under conditions of high export rates (White et al. 2003; available at: http://science.calwater.ca.gov/pdf/ewa/EWA_report_salmonid_100103.pdf).

BI-17

3. There is no consistent relationship between the numbers of fish salvaged and export rates, one of the key assumption used for the DEIS/R analysis (Table 6.1-4). Recent analyses suggest that salvage rates may be disproportionately high under conditions of high export rates compared to lower export rates, in contrast to the linear increases used to estimate impacts in the DEIS/R (Herbold et al. 2004; available at: http://www.science.calwater.ca.gov/workshop/workshop_pod.shtml).

BI-18

4. The numbers of fish salvaged at the facilities are not related to the population level impacts of exports on the species salvaged. Given that an impact to population abundance is the criterion for determining significant impact (p. 6.1-44), use of the salvage metric is an inappropriate analytical approach that precludes accurate analysis of the impacts of the proposed actions.

BI-19

The correct approach for analyzing the impacts of the action, increasing water exports, on population abundance of species is to analyze the relationships between those two variables, rather than comparing predicted increases in an inaccurate and less meaningful surrogate response such as salvage. Data on seasonal export rates and population abundance for most key species exist and were readily available to the agencies preparing the DEIS/R. Further, for at least for one key species, delta smelt, simple statistical analysis would have revealed that seasonal export rates significantly affect the population abundance of this endangered species (Swanson 2004; available at: http://science.calwater.ca.gov/pdf/ewa/EWA_Swanson_DS-Exports_EWA_Review_113005.pdf). This analysis showed that high export rates, particularly during the winter period, resulted in low delta smelt population abundance measured later that year (Figure 1). Failure to conduct these obvious and fundamental analyses to evaluate the impact of the action that is the overriding objective of the proposed project represents a glaring and indefensible omission in the DEIS/R.

BI-20

FEB 07 2006 00132

The impacts of the project are not mitigated.

The DEIS/R identifies an "expanded" Environmental Water Account (EWA) (or an equivalent avoidance and crediting system should CALFED discontinue the EWA) as the sole mitigation measure for the adverse increases in entrainment losses of Delta and migratory fishes (p. 6.1-2). The EWA is now in its sixth year of implementation. The program has been subject to four consecutive formal reviews by an independent science panel and a fifth informal review late last year. Despite these exhaustive reviews, to date no evidence has been presented to indicate that the EWA is an effective tool for mitigating the adverse impacts of Delta export operations or even for reducing entrainment loss of fish at the SWP and CVP facilities. In fact, during the five years of EWA implementation, population abundance of many pelagic Delta fish species that will be affected by the proposed project, including delta smelt, have declined precipitously despite expenditures of roughly similar amounts of water for export curtailments as are proposed for mitigation in the DEIS/R. In addition, the DEIS/R assumes that the EWA or its equivalent will have expanded supplies when, in fact, over the past five years the EWA has actually secured only an average of 71% of the amounts of water anticipated in the CALFED ROD (average for 2001-2005; range: 33-92% of CALFED ROD-anticipated supplies). In part because of these shortfalls, EWA managers have been reluctant on numerous occasions to actually make expenditures from the EWA even when regulatory criteria and biological conditions called for such releases out of fear of exceeding the annual EWA budget, a situation that clearly calls into question the effectiveness of this mitigation approach. Finally, the current EWA is used to reduce exports only when delta smelt and/or Central Valley salmonids are vulnerable to entrainment. Assuming the EWA is implemented similarly in the future, the impacts of the SDIP project and proposed increases in exports on other rare and priority species such as longfin smelt and splittail will not be mitigated.

BI-21

BI-22

Analysis of cumulative impacts is insufficient and incomplete.

The cumulative impact analysis for the proposed project, at least for Endangered Species Act-listed species, apparently relies on the two Biological Opinions (delta smelt and salmonids) for the OCAP (p. 10-29). Both of these documents have been legally challenged and are presently in the court. Review of the salmon Biological Opinion by a panel of independent scientists unanimously determined that the document was not based on "best available science" as was required by law. Therefore, the DEIS/R's reliance on these environmental reviews as the basis for its evaluation of the cumulative impacts of the SDIP is highly questionable. In addition, this approach impermissibly excludes cumulative impact analysis for other rare and priority species, such as longfin smelt and splittail.

BI-23

BI-24

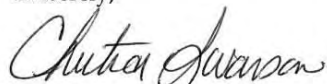
FEB 07 2006 00132

For all of these reasons, we strongly recommend that the DEIS/R be withdrawn and the proposed project be suspended pending completion of the numerous research (such as the Pelagic Organism Decline investigation) and planning (such as the Delta Risk Management Strategy, AB 1200, the Delta Vision process, and the Delta Regional Ecosystem Restoration Implementation Project) efforts that will almost certainly result in new approaches to managing the Delta for water conveyance purposes.

BI-25

Thank you for the opportunity to make these comments. If you have any questions, please contact me at (530) 756-9021 or swanson@bay.org.

Sincerely,



Christina Swanson, Ph.D.
Senior Scientist

cc: The Honorable Dianne Feinstein
The Honorable Barbara Boxer
The Honorable George Miller
The Honorable Mike Thompson
The Honorable Arnold Schwarzenegger
Mr. Kirk Rodgers
Mr. Steve Thompson
Secretary Michael Chrisman
Mr. Lester A. Snow

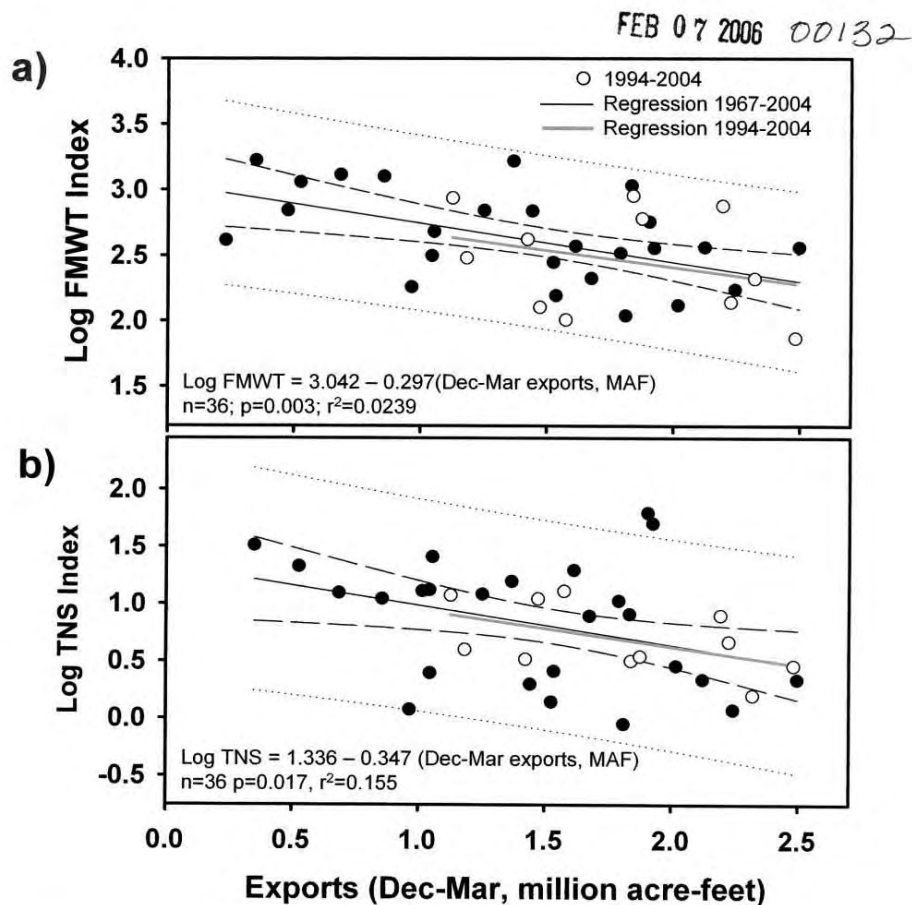


Figure 1. The relationship between winter (December-March) export amounts and subsequent abundance of delta smelt. a) sub-adult and adult delta smelt as measured by the FMWT Index (using data from 1967-2004); and b) juvenile delta smelt as measured by the TNS Index (using data from 1969-2004). For each graph, the regression, 95% confidence limits and the prediction limits are shown calculated for the entire datasets. The open symbols and the dark gray regression line highlight the years since the delta smelt was listed under the ESA (1994-2004). Data Sources: California Department of Fish and Game, California Department of Water Resources, Dayflow.

Responses to Comments

BI-1

The first two SDIP objectives are not intended to facilitate Stage 2. The CVPIA authorizes and directs Reclamation to construct and operate a fish control structure at the head of Old River. Likewise, the settlement agreement between DWR and SDWA included the installation of the agricultural control gates. These and other Stage 1 actions are independent of decisions made for Stage 2. Given the current POD situation, DWR and Reclamation have deferred a decision on increased exports until the POD issues can be addressed.

BI-2

Please see Master Response L, *Relationship between the South Delta Improvements Program and the California Water Plan Update 2005*.

BI-3 and BI-4

Please see Master Response F, *Relationship between the South Delta Improvements Program and Climate Change Effects*.

BI-5

SDIP assumes that the existing levees will be maintained and strengthened, as part of the balanced CALFED approach, and that several levee-integrity and emergency-response actions will be taken (DRMS) in the Delta. Section 5.2 of the SDIP Draft EIS/EIR indicates that the range of tidal water levels in south Delta channels will be nearly identical to those under existing conditions. There are no significant changes in tidal water levels from SDIP Stage 1 or Stage 2.

BI-6

The small increases in water surface elevations behind the gates, which will result from tidal gate operations to improve south Delta water levels for agricultural diversions, are within the current tidal water level fluctuations. SDIP will have a negligible impact on levee under-seepage and failures. Seepage potential is proportional to the water surface elevation of the waterway behind the levee. The slight increase in hydrostatic pressure associated with operation of the SDIP will not change the risk of seepage or levee failure along these south Delta channels.

The SDIP will not increase scour conditions in the south Delta channels. Appendix G of the SDIP Draft EIS/EIR contains information on velocity changes associated with the implementation of Stage 1 and 2 of SDIP. The magnitude of maximum velocities for the different water years and water demand years analyzed all decrease with the project in place.

BI-7

DWR and Reclamation believe that the analysis contained in the SDIP Draft EIS/EIR is current and based on best available information. Construction and dredging is expected to start as early as 2007, with gate operation beginning in 2009. Additional information currently being collected for Stage 2 will be incorporated into the CEQA/NEPA compliance document for Stage 2.

BI-8

DWR and Reclamation identified a proposed project/preferred alternative for the physical/structural component only, and did not identify a preferred operational component. This proposed/preferred alternative is evaluated independently of the operational component in the SDIP Draft EIS/EIR. For each alternative for each resource, the impacts of Stage 1 are evaluated first. This analysis assumes no change in the operations of the SWP and CVP. Secondly, the effects of each operational component are evaluated assuming that the permanent gates are operating (except in the case of the No Action alternative).

BI-9 and BI-10

Please see Master Response M, *Interim Operations*.

BI-11

Impact Fish-63 recognizes that pumping during winter and early spring (November–March) has a potentially large impact on adult delta smelt. This impact is addressed in Fish-MM-3, which provides pumping credits during the winter to reduce pumping during periods of high fish density. Possible effects of winter pumping that is currently allowed are not evaluated in the SDIP Draft EIS/EIR.

BI-12

Please see Master Response D, *Developing and Screening Alternatives Considered in the South Delta Improvements Program Draft EIS/EIR*.

BI-13

Because of limitations in our knowledge of delta smelt, there is no scientific basis for quantitatively defining a significant impact. Therefore, the location of X2 is used to determine the effect on delta smelt habitat, and ultimately delta smelt abundance. The SDIP Draft EIS/EIR concludes that the projected change in smelt spawning habitat (as indexed by the location of X2) is very small. This small change and the limited information on smelt habitat led to a judgment that changes would be “less than significant.” The basic protection of the salinity habitat provided by the X2 objective is maintained under D-1641. The effects of the SDIP are small relative to the adaptive salinity habitat management achieved with the X2 objectives. If additional information is available during the Stage 2 evaluation, DWR and Reclamation will include it in the assessment of potential impacts to delta smelt.

BI-14 to BI-19

Appendix J of the SDIP Draft EIS/EIR includes a discussion of the use of salvage density data for determining the timing and magnitude of fish entrainment, as well as its limitations. Appendix B of the SDIP Draft EIS/EIR demonstrates that the salvage patterns are generally consistent in timing and magnitude from year to year. Reducing salvage during these periods of high density is an appropriate approach to entrainment mitigation. If an expanded EWA were implemented, the SDIP would rely on it to provide efficient fish entrainment protection and mitigation of additional pumping.

The existing fish salvage facilities do not count and salvage all fish because the louver efficiency is very low for small fish, and the effects of mortality factors and indirect effects are unknown. However, the increased entrainment impacts from additional exports under Stage 2 of SDIP are assumed to be proportional to the increased monthly pumping, in months with substantial average fish density. This is the basis for the impact evaluation of fish entrainment for SDIP Stage 2.

BI-20

There are no established relationships between Delta flows or export conditions and the subsequent populations or abundances of fish species. Therefore, the SDIP Draft EIS/EIR relies on the assumed effects of monthly export pumping on fish entrainment as the measure of impact. Appendix J of the SDIP Draft EIS/EIR describes the impact assessment approach and limitations of this assumed relationship.

BI-21

It may be difficult to measure the reduction in fish entrainment resulting from the EWA actions to reduce exports during periods of peak density. It may also be difficult to measure the subsequent change in abundance of these fish. Please see Planning and Policy Update on the Environmental Water Account in Chapter 1, "Introduction." Please also see Master Response E, *Reliance on Expanded Environmental Water Account Actions for Fish Entrainment Reduction*.

BI-22

The potential fish entrainment impacts on species not specifically evaluated in the SDIP Draft EIS/EIR would likely occur during the winter and spring period that is covered by the SDIP fish entrainment mitigation measures (i.e., expanded EWA or avoidance and credit system). Splittail was evaluated in the Draft EIS/EIR. Pumping does not likely have a significant effect on longfin smelt, which are predominantly found in the estuarine portion of the Delta.

BI-23

Although the OCAP BOs from NMFS and USFWS have been challenged, they stand as the ESA compliance documents for operations of CVP and SWP, including Stage 2 of the SDIP. The cumulative analysis of the SDIP describes the OCAP CALSIM results to indicate that all presently planned projects will not substantially change CVP and SWP operations. There are not likely to be any significant cumulative impacts beyond those identified and described in the SDIP evaluation.

BI-24

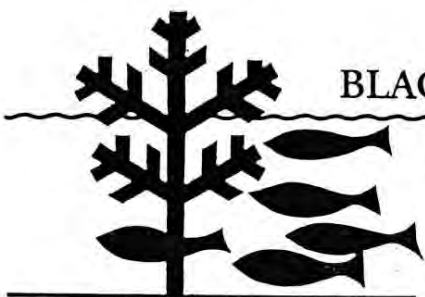

As with the project analysis, the response of the selected species to cumulative effects provides an indicator of the potential response of other species. The full range of environmental conditions and fish habitat elements potentially affected is encompassed by the assessment for the species specifically discussed. Splittail is among those species specifically discussed.

BI-25

It is the opinion of Reclamation and DWR that Stage 1 of the SDIP should be decided as soon as possible so the permanent, operable gates can be operational by April 2009; and that the Stage 2 decision should incorporate any new information from the POD studies, DRMS, and other on-going Delta studies and

be made within a timeframe that allows for its implementation when the gates are operational.

Comment Letter BBAC1

BBAC	
BLACK BASS ACTION COMMITTEE "FOR GENERATIONS TO COME"	
	
JAN 30 2006	095
H. CARTER FICKES Development Director	
DON REIGHLEY Director of Government Affairs	1/23/06
GEORGE HAWLEY Special Projects Director	To: Senator Don Perata, State Senate Rules Committee
MIKE RIEHL Habitat Project Advisor	From: H. Carter Fickes, BBAC Development Director
Representing: Black Bass Anglers Black Bass Clubs Tournament Circuits Businesses Communities	Subject: Extension of South Delta Improvement Project Comments Deadline.
Supporting: Conservation Education Habitat Enhancement Catch & Release Boats Regulation	Dear Senator Perata, The Black Bass Action Committee (BBAC) is a non-profit group supported by more than 3,000 anglers and 50 Clubs here in Northern California. Additionally we are partners in the California Sportfishing Protection Alliance. Also it should be noted that I currently sit on the Bay/Delta Stamp Committee.
	In review of comments of above groups and in conversations with Mr. Paul Marshall of the DWR, it is felt that many more comments must be voiced and documented. Three concerns that must be further addressed are as follows: The Pelagic Organism Decline The Delta infrastructure Public access
	Please be advised that on behalf of the BBAC we ask that the February 7, 2006, comments deadline for the South Delta Improvement Project be extended.
	Sincerely, 
	H. Carter Fickes
	cc: Paul Marshall, DWR Jim Starr, Fish and Game California Sportfishing Alliance BBAC Board of Directors file 25.8
	Black Bass Action Committee P.O. Box 67420 Scotts Valley, Ca. 95067 Phone 831/461-1732 Fax 831/461-1762
	BBAC-1

Responses to Comments

BBAC1-1

Please see Master Response C, *Extension of the Comment Period on the South Delta Improvements Program Draft EIS/EIR*.

DEC 09 2005

00007

Mike Riehl

From: Anthony Stoltz [ncbftony@pacbell.net]
Sent: Wednesday, December 07, 2005 4:55 PM
To: mike@riehlins.com
Subject: Sorry it's late

Here are my couple questions:

1 Considering the recent local, statewide and national press coverage of what is described as a declining ecosystem on the organism and micro organism level that currently threatens the Delta food chain and understanding that government officials have no idea as to the cause of the break down, why would you consider pumping more water to Southern California without first studying the impact of the volume of water that is already currently being pumped?

BBAC2-1

2. What type of study has been done to discover how much of an economic impact will be created to existing businesses should permanent dams be put in on the Delta?

BBAC2-2

3. What will happen to areas that get increased vegetation as a result of damming on the river system? Are you concerned about areas become even more silted in they are already from increased pumping schedules?

BBAC2-3 & 4

4. Will increasing pumping put our already weakened levee system further in jeopardy?

BBAC2-5

DEC 09 2005

Page 1 of 1

00007

Mike Riehl

From: di Fate, Roger [Roger.Difate@C3ILEX.com]
Sent: Wednesday, December 07, 2005 10:43 AM
To: mike@riehllins.com
Subject: BBAC Delta Dam Project

To Mike Riehl BBAC

I am a Home owner in Discovery Bay living on the Delta waterway. On my behalf please submit the following questions to the agency that has proposed the Delta Dam system.

- 1 The four proposed Dam sites , have you simulated a model of the area to see what effect the heavy water elevation change and the different water flow patterns would cause on the property of the local Homeowners and the fishery ?? If yes please produce the documents for our review. **BBAC2-6**
- 2 Have you created flow calculations for the change in the volume of water . If yes please produce the documents for our review.
- 3 Have you created storage & volume calculations necessary to achieve a 27% capacity. If yes please produce the documents for our review.
- 4 What is the actual volume of water you intend to store in gallons, with the new design. Provide information by Dam site.
- 5 Provide the estimated Dam size and depth of the Dam wall.
- 6 Provide information on each Dam site , what area needs to be excavated or dredged and the size of the area affected. **BBAC2-7**
- 7 We are seeing 6 & 7 foot tides in Discovery Bay this year 05 with no Dams, what effect will the Dams have on this condition ? Have you performed any calculations ? If yes please produce the documents for our review.

Professional Comments:

For the past 34 years I have been an Engineer in the Electric Utility Business and specializing in Hydro Electric Dams. I am very concerned that your approach to this project is ASS-backwards with no disrespect to the concept designer. You will find after spending 20 to 30 million dollars of our TAX Payers Money to simulate and calculate that the 4 Dam systems is a poor short term solution with a terrible payback. **BBAC2-8**

The correct solution is to create a single additional and separate large volume storage facility 20 miles past the Delta eco system so it has little effect. This solution allows you to create the proper model and flow system necessary to achieve your 27%. **BBAC2-9**

Regards

Roger di Fate
roger.difate@C3ilex.com
Tel 510-659-8300 Ext 111
Fax 510-659-8302

12/7/2005

DEC 09 2005

00007

**BLACK BASS ACTION COMMITTEE
DELTA- FOOTHILLS CHAPTER
MIKE RIEHL- CHAIRMAN
165 RUBY CT. LIVERMORE, CA. 94550
925-443-8811 W OR 925-443-2913 H**

12/6/05

*ATTN PAUL MARSHALL –DEPARTMENT OF WATER
RESOURCES*

SHARON MC HALE U.S. BUREAU OF RECLAMATION

*THE MEMBERS OF MY ORGANIZATION THE BLACK
BASS ACTION COMMITTEE WANT TO THANK YOU FOR
ALLOWING US TO ASK THE FOLLOWING QUESTIONS
REGARDING THE SOUTH DELTA IMPROVEMENTS
PROGRAM.*

*WE REPRESENT THE MEMBERS OF TOURNEMENT BASS
FISHING CLUBS THAT USE THE DELTA FOR OUR
TOURNEMENTS. WE HAVE ALSO INCLUDED THE
COMMENTS FROM OUR HOSTS THAT OWN AND
OPERATE THE MARINAS.*

*THEY ARE CONCERNED ABOUT THE QUALITY OF THE
DELTA IF THE IMPROVEMENTS YOU PROPOSE ARE
COMPLETED.*

THE QUESTIONS ARE AS FOLLOWS:

DEC 09 2005

00007

- 1. HAS THERE BEEN ANY THOUGHT OF DESALINATION PLANTS FOR SOUTHERN CALIFORNIA?**

BBAC2-10
- 2. HOW ABOUT WASTEWATER REUSE FOR DRINKING WATER?**
- 3. SHOULD THERE BE A CHARGE FOR SOUTHERN CALIFORNIA FOR THE NORTHERN CALIFORNIA DELTA WATER TO BE USED?**

BBAC2-11
- 4. WHAT IS THE ENVIRONMENTAL IMPACT OF THE S.D.I.P. ON THE DELTA?**

BBAC2-12
- 5. HAS THERE BEEN ANY CONSIDERATION REGARDING THE REPAIR OF THE LEVEES IN THE DELTA? SENATORS TORLAKSON AND PERATA HAVE EXPRESSED THE CONCERN OVER THE LACK OF FUNDING FOR THE PROTECTION OF THE LEVEES.**

BBAC2-13
- 6. THE MARINA'S THAT WE USE ARE CONCERNED ABOUT THEIR SURVIVAL. HAS THERE BEEN ANY PLAN TO TAKE CARE OF THEM?**

BBAC2-14
- 7. THE NULL ZONE IS SHIFTING EAST CAUSING SALT WATER INTRUSION INTO PREVIOUSLY FRESHWATER AREAS, HAS THIS BEEN CONSIDERED?**

BBAC2-15
- 8. HAS THE WATER HYACINTH GROWTH BEEN CONSIDERED? THE PROBLEM IS CAUSING HUGE RAFTS OF FLOATING PLANTS TO BE SUCKED SOUTH TO THE PUMPS.**

BBAC2-16

DEC 09 2005

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***9. HAS THE POTENTIAL OF TRIHALOMETHANE, THE
CANCER PRODUCING SUBSTANCE, BEEN
CONSIDERED AS A OUTGROWTH OF THE
DECOMPOSITION OF THE WATER HYACINTH IN
CONTACT WITH THE CHLORINATION OF THE
WATER GOING TO SOUTHERN CALIFORNIA?***

BBAC2-17

***MY ASSOCIATION MEMBERS HAVE ASKED FOR THESE
QUESTIONS, AND WILL ALSO BE SENDING THEIR
WRITTEN REQUESTS TO YOU FOR RESPONSE AS WELL.***

HAVE A VERY BLESSED CHRISTMAS!

***MIKE RIEHL B.B.A.C. (HABITAT PROJECT ADVISOR AND
DELTA- FOOTHILLS CHAPTER CHAIRMAN)***

Responses to Comments

BBAC2-1

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*.

BBAC2-2

SDIP Draft EIS/EIR Section 7.4, Recreation Resources, describes the potential effects of the SDIP on boating and recreation in the south Delta channels.

BBAC2-3 and BBAC2-4

Operations of the current temporary barriers are more effective at slowing down the water to stagnant or near-stagnant conditions than the proposed permanent gate operations. The proposed gates will be operated to use tidal energy to circulate water through south Delta channels. Increased water flows will reduce any siltation that may be occurring. DWR has conducted bed sediment monitoring in the south Delta channels since 1998 (California Department of Water Resources 2003c [updated September 2004]). Monitoring data through spring 2004 indicate that use of temporary barriers alone does not cause appreciable sedimentation of south Delta channels.

The nearly stagnant conditions east of the temporary barriers has given the DBW the opportunity to perform early aquatic weed control using aquatic chemicals. DBW has requested that the SDIP propose similar early season operations of the permanent gates so they can continue the aquatic weed control program. Later in the season, the proposed operation of the permanent gates will not be trapping aquatic vegetation the way the temporary barriers have. This will have two effects. First, since there will be no trapping of aquatic weeds, more aquatic weeds may be seen west of the proposed permanent gates during the boating season. Second, because the water is not stagnant east of the gates, aquatic weeds will have less favorable conditions to grow and may be treated more effectively by the DBW spraying program.

BBAC2-5

SDIP Draft EIS/EIR Section 5.5, Flood Control and Levee Stability, indicates that the SDIP will have no significant effects on the existing levee stability.

BBAC2-6

SDIP Draft EIS/EIR Section 5.2, Tidal Hydraulics, provides a detailed description of the tidal effects of the operable gates, and indicates that no changes in tidal stage or tidal flows will occur in the vicinity of Discovery Bay because it is located downstream of the operable gates. Stage 1 of SDIP is not considered a water storage project. Operating the gates will maintain the surface elevation of water within some Delta channels.

BBAC2-7

Stage 1 of SDIP is not considered a water storage project. Information regarding the construction, size, and operation of each gate is provided in Chapter 2 of the SDIP Draft EIS/EIR.

BBAC2-8, BBAC3-9, and BBAC2-10

Please see Master Response D, *Developing and Screening Alternatives Considered in the South Delta Improvements Program Draft EIS/EIR*. The California Department of Health Services does not allow wastewater reuse for drinking water.

BBAC2-11

SWP contracts include fees for water, storage, and delivery.

BBAC2-12

The environmental impacts of the SDIP are described in the applicable resource sections of the Draft EIS/EIR.

BBAC2-13

Since the Louisiana levee failures caused by Hurricane Katrina, and the 2004 Upper Jones Tract levee failure, considerable additional attention has been given to levees in the Delta. Section 5.5 of the SDIP Draft EIS/EIR indicates that the SDIP will not change the stability of any Delta levee. Also see Master Response R, *Effects of the South Delta Improvements Program Stage 1 Tidal Gates and Dredging on Flood Elevations in the South Delta Channels*.

BBAC2-14

SDIP staff is in communication with a couple of marinas that have come forward with concerns. One marina, the Tracy Oasis Marina, is between the current temporary barrier location on Grant Line Canal and the proposed permanent operable gate at the west end of Grant Line Canal. During construction, access to Tracy Oasis Marina will be limited. A boat lock is planned for the Grant Line operable gate to allow continued access to this portion of the south Delta.

BBAC2-15

SDIP Draft EIS/EIR Section 5.3, Delta Water Quality, describes the regulation of the Delta outflow, which controls salinity intrusion into the Delta. The allowable salinity levels do increase in drier water years, but salinity intrusion is not becoming worse. The Delta salinity objectives in D-1641 are satisfied by Reclamation and DWR each year.

BBAC2-16

Water hyacinth growth will not be affected by SDIP. The large floating rafts of this aquatic plant will continue to be collected, removed, and disposed of from the trash racks at the CVP Tracy fish collection facility and SWP Skinner fish salvage facility.

BBAC2-17

Water hyacinth vegetation is largely collected at the trash racks of the CVP Tracy and SWP Banks pumping plants. The SDIP Draft EIS/EIR Section 5.3, Delta Water Quality, indicates that DOC and the resulting levels of trihalomethane and other DBPs will not be significantly impacted.

Comment Letter CAWG

CAWG



CALIFORNIA
ASSOCIATION OF
WINEGRAPE
GROWERS

JAN 12 2006 054

January 11, 2006

Honorable Lester Snow
Director
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

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DIRECTOR - AT-LARGE

Nat DiBoduro

RE: South Delta Improvements Program

Dear Director Snow:

On behalf of the California Association of Winegrape Growers (CAWG), the association representing the interests of this state's growers of winegrapes and juice concentrate, I write today to express our organization's support for the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP), a critical water supply, water quality and environmental project designed to meet California's diverse water needs. This October, DWR and the U.S. Bureau of Reclamation released a draft Environmental Impact Report/Statement (EIR/S) for SDIP, kicking off an important public review and comment process.

As you know, California is facing a critical challenge: We need a safe, reliable and high quality water supply to keep up with our rapidly rising population and fast-growing trillion-dollar economy. Two-thirds of California receives its water from the San Francisco Bay/Sacramento-San Joaquin Delta. Given its importance, we need better ways to manage the Delta's water delivery system, as well as the water itself. In short, we need to make every drop count.

In 2000, the state and federal governments initiated the historic CalFed Bay-Delta Program to manage the Bay-Delta's water resources and eco-system. A unique collaboration of interests supported the plan including environmental organizations, water agencies, business interests, farmers, and state and federal water and fish agencies. SDIP is the next step forward in this long-term planning effort for the Bay-Delta.

SDIP is a responsible and balanced plan to better utilize and integrate our existing water management infrastructure in the Delta. Collectively, it will improve our state's water supply reliability, water quality, and the overall health of the Bay-Delta ecosystem. The program will construct seasonal tidal gates to protect fish, and improve water circulation and quality in the Delta, dredge select Delta channels to improve water deliveries for local farmers, and allow State Water Project deliveries to increase modestly – only when needed and environmentally safe to do so.

CAWG-1

Representing wine and concentrate grape growers.

601 UNIVERSITY AVENUE, SUITE 135 • SACRAMENTO, CALIFORNIA 95825-6738
PHONE: (916) 924-5370 • TOLL FREE: (800) 241-1800 • FAX: (916) 924-5374 • E-MAIL: INFO@CAWG.ORG • WEBSITE: WWW.CAWG.ORG

Jan 12 2006 2:24PM Red Gate Communications 818 784 1220 P. 13

JAN 12 2006 054

Lester Snow
January 11, 2006
Page 2

Currently, the state is constrained in its ability to use surplus water supplies. We have the infrastructure to move the water, but until SDIP is approved, the state's water managers cannot fully or responsibly use the existing system. SDIP calls for only a 3-5% increase in the average amount of water pumped from the Delta. More significantly, SDIP will provide the flexibility to shift the timing of water deliveries when surplus is available and when environmentally safe to do so. SDIP is an ideal option for California to advance – it will not require building a new project or the construction of major new infrastructure. And, funding for the program has already been secured through passage of voter approved bonds in 2000 (Proposition 13).

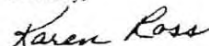
Importantly, SDIP will help protect important Delta environmental resources. Specifically, it will help protect fish species in the Delta channels. At the same time, by providing the state greater flexibility in how and when SDIP operates its system of pumps, fish are granted greater protections.

Given all these points, SDIP is supported by a statewide, broad coalition of water, agriculture, business, planning organizations, and local government officials including the Association of California Water Agencies, State Water Contractors, California Chamber of Commerce, California Business Properties Association and the Western Growers Association.

Water is the lifeblood of California – critical to our farms and businesses. It is our responsibility to use this precious resource wisely through all possible best management practices, including water conservation, recycling and storage, to ensure California's water future. It is imperative that we have a more flexible water delivery system so that we can continue to accommodate growth in our population and economy while relying on existing water supplies.

Again, we strongly support SDIP and encourage all key stakeholders to help advance this critically needed project.

Sincerely,



Karen Ross, President

cc (by facsimile)

Hon. Arnold Schwarzenegger, (916) 445-4633
Hon. Mike Chrisman, Secretary, California Resources Agency, (916) 653-8102
Hon. Ryan Broddrick, Director, California Department of Fish and Game, (916) 653-7387
Mr. Joe Grindstaff, Director, California Bay-Delta Authority, (916) 445-7297
Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U.S. Bureau of Reclamation, (916) 978-5114
Mr. Fred Aguilar, Cabinet Secretary, Office of the Governor, (916) 324-6358
Mr. Dan Skopec, Deputy Cabinet Secretary, Office of the Governor, (916) 324-6358
The Gualco Group, Inc.

CAWG-1

Red Gate 2:24 PM

Responses to Comments

CAWG-1

The commenter's description of the project's benefits and support for the project are noted.

Comment Letter CBIA



**California
Building
Industry
Association**

1215 K Street
Suite 1200
Sacramento, CA 95814
916/443-7933
fax 916/443-1960
www.cbia.org

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CBIA

August 31, 2005

DEC 22 2005

00016

Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

RE: Support for the South Delta Improvement Program

Dear Governor Schwarzenegger:

California homebuilders, represented by the California Building Industry Association (CBIA), respectfully request that the Department of Water Resources (DWR) proceed with the draft Environmental Impact Report (EIR) concerning the South Delta Improvement Program ("the Improvement Program"). The EIR process moving forward will allow for the public debate necessary to help policy-makers shape an Improvement Program that is both good for the environment and for the state's water supply.

All Californians have a stake in both protecting the environment and ensuring a continued supply of potable water – now and in the future. With this in mind, it is important for the 90-day public review period for the subject draft EIR to commence immediately. As you know, during this comment period DWR will have an opportunity to conduct outreach throughout the state to provide information, respond to questions and concerns and solicit ideas and recommendations on the proposed Improvement Plan.

Through this public discussion, state policy-makers will be able to judge any and all impacts resulting from the proposed Improvement Program on the public as well as on other stakeholders, including agricultural as well as urban, municipal and industrial water users. Ultimately, this process will advance the most effective procedures to mitigate environmental impacts of the Improvement Program while serving the water supply needs of tens of millions of Californians.

CBIA appreciates your consideration of this matter and looks forward to working with you and members of your administration implement a balanced and constructive Improvement Program.

Very sincerely yours,

Timothy L. Coyle
Senior Vice President

cc: Honorable Lester Snow, Department of Water Resources

CBIA-1

Responses to Comments

CBIA-1

The SDIP Draft EIS/EIR was released for agency and public review on November 10, 2006. The comment period ended on February 7, 2006.

Comment Letter CBR

CBR

JAN 12 2006 046



CALIFORNIA BUSINESS ROUNDTABLE

Actus
 AIG Suramerica Inc.
 Amgen Corporation
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 Avery Dennison Corp.
 Bain & Company
 Bank of America, California
 Blue Cross of California
 Blue Shield of California
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 California Bank & Trust
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 Calpine Corporation
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 City National Corp.
 CNF Inc.
 Countywide Financial Corp.
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 Irvine Company
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 J. Paul Getty Trust
 Kaiser Foundation Health Plan
 KB Home
 Macy's West
 McKinsey & Co.
 Nevkall Land
 Occidental Petroleum Corporation
 Pacific Life Insurance Co.
 Paradise Homes
 Parsons Corporation
 PG&E Corp.
 Science Applications International
 Sakway Inc.
 Sempra Energy
 State Farm
 Swakke Growers, Inc.
 Sutter Health
 Teichert, Inc.
 Westfield Western Grocers, Inc.
 Wells Bank of California
 Wells Fargo & Company

January 9, 2006

Mr. Lester Snow
 Director, Department of Water Resources
 P.O. Box 942836
 Sacramento, CA 94236

RE: South Delta Improvements Program

Dear Mr. Snow,

On behalf of the California Business Roundtable, I am writing today to express our organization's support for the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP), a critical water supply, water quality and environmental project designed to meet California's diverse water needs.

California continues to face the critical challenge of providing its citizens with a safe, reliable and high quality water supply. Given our lack of water supplies, the state must better manage and utilize its existing water resources and infrastructure in order to keep pace with its rapidly rising population and growing economy.

In 2000, the state and federal governments initiated the historic CalFed Bay-Delta Program to manage the Bay-Delta's water resources and eco-system. A unique collaboration of interests supported the plan, including the California Business Roundtable and other business organizations, environmental groups, water agencies, farmers, and state and federal water agencies.

We believe the SDIP is the next step in this long-term planning effort for the Bay-Delta and is a responsible and balanced plan to better utilize and integrate our existing water management infrastructure in the Delta.

Water is the lifeblood of California – critical to our businesses and a thriving economy. It is our responsibility to use this precious resource wisely through all possible best management practices, including water conservation, recycling and storage, to ensure California's water future.

Sincerely,

WILLIAM HAUCK
President

cc: Honorable Arnold Schwarzenegger
 Mr. Mike Chrisman, California Resources Agency
 Mr. Joe Grindstaff, California Bay-Delta Authority

1215 K Street, Suite 1570 ♦ Sacramento, CA 95814 ♦ Phone: (916) 553-4093 ♦ Fax: (916) 553-4097

Jan 12 2006 2:22PM Red Gate Communications 818 784 1220 p.3

CBR-1

Responses to Comments

CBR-1

The commenter's description of the project's benefits and support for the project are noted.

SDIP
Page 2-2-2-2

Currently, the state is constrained in its ability to use surplus water supplies. We have the infrastructure to move the water, but until SDIP is approved, the state's water managers cannot fully or responsibly use the existing system. SDIP calls for only a 3-5% increase in the average amount of water pumped from the Delta. More significantly, SDIP will provide the flexibility to shift the timing of water deliveries when surplus is available and when environmentally safe to do so. SDIP is an ideal option for California to advance – it will not require building a new project or the construction of major new infrastructure. And, funding for the program has already been secured through passage of voter approved bonds in 2000 (Proposition 13).

CCA-1

CCA is proud to be part of a very diverse coalition that supports the SDIP. That coalition includes water, agriculture, business, planning organizations, and local government officials including the Association of California Water Agencies, State Water Contractors, California Chamber of Commerce, California Business Properties Association and the Western Growers Association.

Water is the lifeblood of California – critical to our families, farms, and businesses. It is our responsibility to use this precious resource wisely through all possible best management practices, including water conservation, recycling and storage, to ensure California's water future.

CCA strongly supports the SDIP and encourages all key stakeholders to help advance this critically needed project.

Regards,



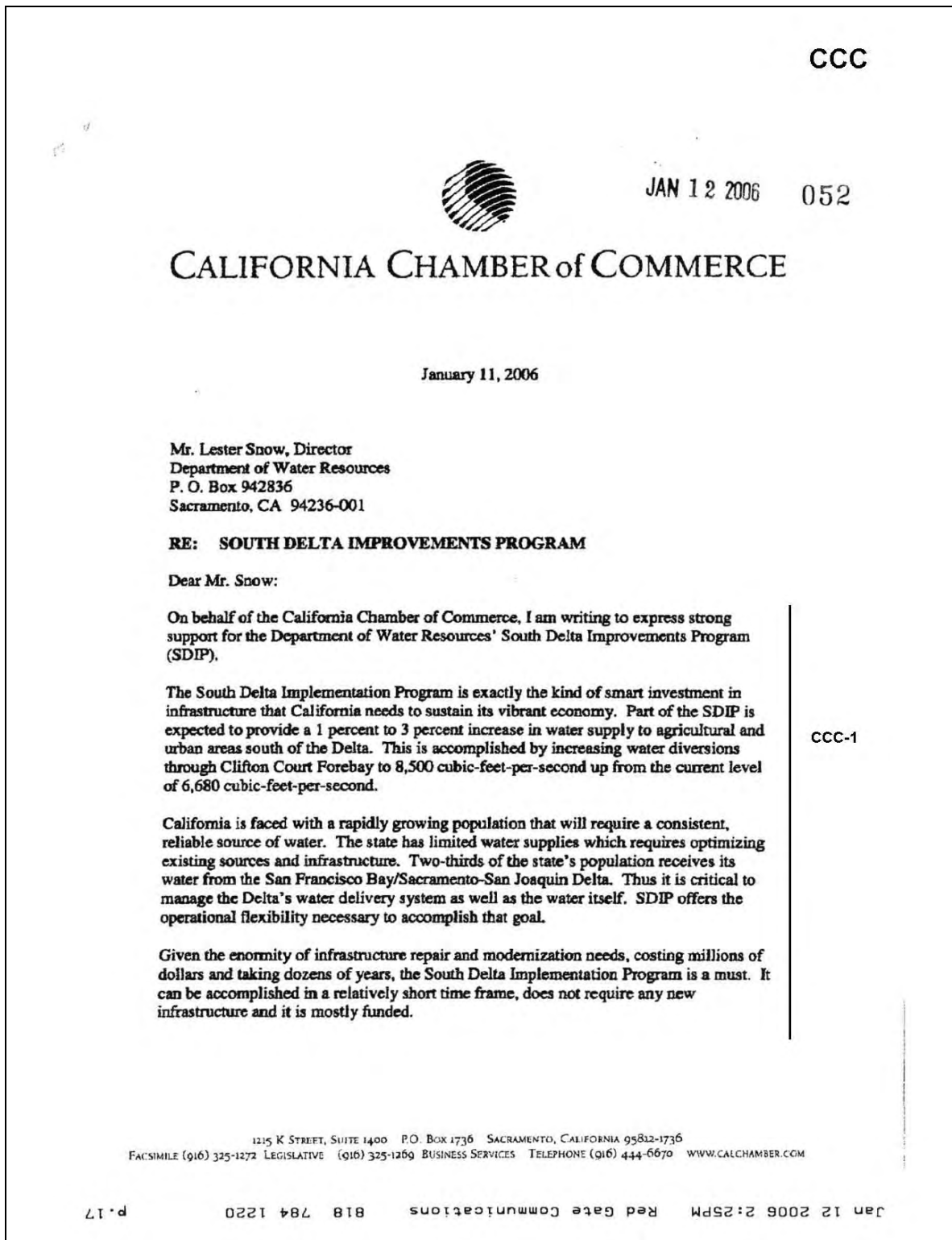
Carol E. Schatz
President and CEO

Responses to Comments

CCA-1

The commenter's description of the project's water supply and environmental benefits and support for the project are noted.

Comment Letter CCC



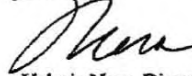
Mr. Lester Snow, Director
January 11, 2006
Page 2

JAN 12 2006 052

The Chamber believes that the SDIP should go forward as soon as possible.

CCC-1

Sincerely,



Valerie Nera, Director
Agriculture, Resources & Privacy

cc The Honorable Arnold Schwarzenegger, Governor
Mr. Ryan Brodderick, Director, California Department of Fish and Game
Mr. Mike Chrisman, Secretary, California Resources Agency
Mr. Joe Grindstaff, Director California Bay-Delta Authority
Mr. Kirk Rodgers, Regional Director U.S. Bureau of Reclamation
Mr. Dan Skopec, Deputy Cabinet Secretary, Office of the Governor
Mr. Fred Aguiar, Cabinet Secretary, Office of the Governor

VN:rc

Jan 12 2006 2:25PM Red Gate Communications 818 784 1220 p.18

Responses to Comments

CCC-1

The commenter's description of the project's benefits and support for the project are noted.

Comment Letter CCEEB

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**California Council for
Environmental and
Economic Balance**

100 Spear Street, Suite 805, San Francisco, CA 94105 • (415) 512-7890 • FAX (415) 512-7897

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JAN 12 2006 053

January 9, 2006

Honorable Lester Snow
Director
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

RE: South Delta Improvements Program

Dear Director Snow,

I write on behalf of the California Council for Environmental and Economic Balance ("CCEEB"), to express our organization's support for the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP), a critical water supply, water quality and environmental project designed to meet California's diverse water needs. Last October, DWR and the U.S. Bureau of Reclamation released a draft Environmental Impact Report/Statement (EIR/S) for SDIP, kicking off an important public review and comment process.

CCEEB is a coalition of California business, labor and public leaders which works to advance collaborative strategies for a sound economy and a healthy environment. No other association active in California's environmental policy arena encompasses such a wide range of interested stakeholders.

As you know, California is facing a critical challenge: We need a safe, reliable and high quality water supply to keep up with our rapidly rising population and fast-growing trillion-dollar economy. Two-thirds of California receives its water from the San Francisco Bay/Sacramento-San Joaquin Delta. Given its importance, we need better ways to manage the Delta's water delivery system, as well as the water itself. In short, we need to make every drop count.

CCEEB-1


CONSULTANTS

Jackson R. Gabele
THE GOMALOGNOFF PCL

Robert W. Lucas
LUCAS ADVOCATES

Gen. Edmund G. "Pat" Brown
FOUNDING CHAIRMAN 1973

www.cceeb.org



an 12 2006 2:26PM Red Gate Communications 818 784 120

Honorable Lester Snow
Page two
January 11, 2006

JAN 12 2006 053

In 2000, the state and federal governments initiated the historic CalFed Bay-Delta Program to manage the Bay-Delta's water resources and eco-system. A unique collaboration of interests supported the plan including environmental organizations, water agencies, business interests, farmers, and state and federal water and fish agencies. SDIP is the next step forward in this long-term planning effort for the Bay-Delta.

SDIP is a responsible and balanced plan to better utilize and integrate our existing water management infrastructure in the Delta. Collectively, it will improve our state's water supply reliability, water quality, and the overall health of the Bay-Delta ecosystem. The program will construct seasonal tidal gates to protect fish, and improve water circulation and quality in the Delta, dredge select Delta channels to improve water deliveries for local farmers, and allow State Water Project deliveries to increase modestly – only when needed and environmentally safe to do so.

Currently, the state is constrained in its ability to use surplus water supplies. We have the infrastructure to move the water, but until SDIP is approved, the state's water managers cannot fully or responsibly use the existing system. SDIP calls for only a 3-5% increase in the average amount of water pumped from the Delta. More significantly, SDIP will provide the flexibility to shift the timing of water deliveries when surplus is available and when environmentally safe to do so. SDIP is an ideal option for California to advance – it will not require building a new project or the construction of major new infrastructure. And, funding for the program has already been secured through passage of voter approved bonds in 2000 (Proposition 13).

Importantly, SDIP will help protect important Delta environmental resources. Specifically, it will help protect fish species in the Delta channels. At the same time, by providing the state greater flexibility in how and when SDIP operates its system of pumps, fish are granted greater protections.

Given all these points, SDIP is supported by a statewide, broad coalition of water, agriculture, business, planning organizations, and local government officials including the Association of California Water Agencies, State Water Contractors, California Chamber of Commerce, California Business Properties Association and the Western Growers Association.

CCEEB-1

Jan 12 2006 2:26PM Red Gate Communications 818 784 1220 p.20

JAN 12 2006 053

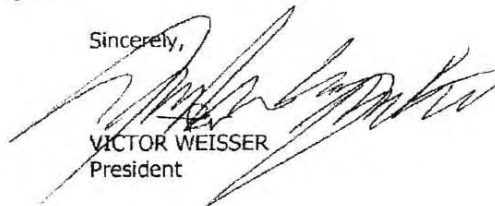
The Honorable Lester Snow
Page three
January 11, 2006

Water is the lifeblood of California – critical to our farms and businesses. It is our responsibility to use this precious resource wisely through all possible best management practices, including water conservation, recycling and storage, to ensure California's water future. It is imperative that we have a more flexible water delivery system so that we can continue to accommodate growth in our population and economy while relying on existing water supplies.

CCEEB-1

Again, we strongly support SDIP and encourage all key stakeholders to help advance this critically needed project.

Sincerely,



VICTOR WEISSER
President

cc (by facsimile):

- Hon. Arnold Schwarzenegger, (916) 445-4633
- Hon. Mike Chrisman, Secretary, California Resources Agency, (916) 653-8102
- Hon. Ryan Broddrick, Director, California Department of Fish and Game, (916) 653-7387
- Mr. Joe Grindstaff, Director, California Bay-Delta Authority, (916) 445-7297
- Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U.S. Bureau of Reclamation, (916) 978-5114
- Mr. Fred Aguiar, Cabinet Secretary, Office of the Governor, (916) 324-6358
- Mr. Dan Skopec, Deputy Cabinet Secretary, Office of the Governor, (916) 324-6358

Jan 12 2006 2:27PM Red Gate Communications 818 784 1220 p.21

Responses to Comments

CCEEB-1

The commenter's description of the project's benefits and support for the project are noted.