

March 18, 2004

**e-mail to arrich@water.ca.gov**

Jeremy Arrich  
DWR, DPLA  
901 P Street, Room 213A  
Sacramento, CA 95814

Re: In-Delta Storage Program State Feasibility Study

Dear Sir:

These comments are submitted on behalf of both the Central Delta Water Agency and South Delta Water Agency.

The review has a mix of the Delta Wetlands Project operations as permitted by the SWRCB and subject to the various water right protest settlement agreements and modifications introduced by the study team. It is not clear whether the alleged benefits result from the project approved by the SWRCB or some other project. The burdens should also be clearly characterized. By way of example, the pumping costs and water quality degradation associated with the recirculation of water to avoid peak dissolved organic carbon concentrations as well as the possible benefits are not part of the Delta Wetlands Project and need to be addressed as an alternative.

The interior slope stabilization with soil cement should be considered in light of future levee settlement and the hydraulic pressure created by seepage from the river when the reservoir is drained or at a level lower than the adjoining waterway. The explanation that the seepage control program could be used to avoid the back pressure does not address the problem in the areas where interceptor wells are not proposed. Even where interceptor wells are to be installed, back pressure control would likely require operation of the wells at different times. Settlement of the levee embankments can be expected to continue for an extended period even after the initial five (5) year construction period. This settlement could result in a failure of the soil cement facing. The soil conditions and fluctuations in water levels at Clifton Court Forebay are substantially different than those for the proposed projects and should not be used as a basis for justification without careful analysis.

Failure to include risks to the EBMUD pipelines and other facilities such as the SFPP, LP fuel transmission line and natural gas transmission lines should be corrected. The supporting documents for DWR's Delta Atlas should give a good starting point which of course needs to be updated. The Atlas even has a picture of the East Bay Municipal Utility District Aqueduct. The

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discussion of unquantifiable benefits should include a discussion of unquantifiable detriments.

The point raised at the meeting in Walnut Grove that strengthening the levees on the Delta Wetlands Islands in advance of strengthening the other levees in the Delta will increase the risk of flooding to other areas should be included in your analysis. In 1980 both Webb Tract and Holland Tract flooded during the peak of a flood event. There is no doubt that the flooding caused flood elevations in the vicinity to drop thereby relieving the threat to the other levees. The delta levee stability funding has lagged far behind other elements of the CalFed Program.

The stated potential risk to human life appears quite low. Highway 12 and Highway 4 both have a lot of traffic and the farming operations on surrounding islands at times employ large numbers of farm workers. There are also a large number of visitors and residents at the various marinas and so-called recreational trailer parks that have possibly been overlooked.

The claim that protecting 9,000 acres of agriculture and wetlands on the habitat islands goes beyond mitigation for the loss of 5,490 acres on Webb Tract and 5,625 acres on Bacon Island ignores the fact that Holland Tract and Bouldin Island are already used for agriculture and habitat. In reality, the pre-project condition is roughly 20,000 acres of agriculture and habitat and the project condition is 9,000 acres of agriculture and habitat and 11,000 acres of reservoir. Additionally, it would appear that you are claiming benefits on the same land for both agriculture and wetland habitat enhancement. This would appear to be double counting. Winter flooding of field corn and asparagus fields is a customary agricultural practice and when used for duck hunting, the flooding period is somewhat extended. The benefits of such customary practices should not be claimed as mitigation for the project. More intensive management for wetland and other habitat purposes will likely have a corresponding reduction in agricultural benefit and the reverse is equally likely.

We continue to object to use of taxpayer money to advocate and develop a "private for profit" project especially when it is proposed that the project or the water generated thereby be sold or leased to public entities for a profit.

Further expenditure of taxpayer funds to study and/or develop and/or advocate the Delta Wetlands Project should be immediately stopped.

Yours very truly,

DANTE JOHN NOMELLINI  
Manager and Co-Counsel

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