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DELTA STEWARDSHIP COUNCIL

A California State Agency

Chair
Randy Fiorini

August 16, 2016

Zachary Wasserman, Chair
San Francisco Bay Conservation and Development Commission
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Members
Aja Brown
Frank C. Damrell, Jr.
Patrick Johnston
Mary Piepho
Susan Tatayon
Ken Weinberg

Executive Officer
Jessica R. Pearson

RE: Public Hearing on State and Federal Contractors Water Agency and Westervelt Ecological Services, LLC's Application for BCDC Permit

Dear Chair Wasserman:

Thank you for the opportunity to provide to you this letter of support for the Tule Red Restoration Project being pursued by the State and Federal Contractors Water Agency (SFCWA) and Westervelt Ecological Services. The Delta Stewardship Council is one of the Principal Agencies which oversee implementation of the Suisun Marsh Habitat Management, Preservation and Restoration Plan (SMP). Council staff has discussed the Tule Red project with representatives of the other SMP Principal Agencies, and they also support it, for the reasons discussed below.

The SMP is a 30-year comprehensive plan for the Suisun Marsh that went into effect in 2014. It is a product of over a decade of work by multiple State and Federal agencies and the Suisun Resource Conservation District (SRCD) to develop a regional strategy for the Suisun Marsh that helps facilitate ongoing maintenance of levees to protect the region's longstanding waterfowl hunting clubs and also facilitate the restoration of tidal wetlands to benefit a suite of native terrestrial and aquatic species.

The SMP has overarching objectives related to restoring and protecting habitats and ecological processes, maintaining recreational opportunities such as waterfowl hunting, improving levee system integrity, and protecting and improving water quality for beneficial uses.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

Some of the specific goals of the SMP include restoration of 5,000-7,000 acres of tidal marsh to contribute to the recovery of listed aquatic and terrestrial species and protection and enhancement of 40,000 to 50,000 acres of managed wetlands to benefit waterfowl. The Principal Agencies rely on partners to help make progress towards the SMP objectives, like the goal of restoring thousands of acres of tidal wetlands. The foundation provided by the SMP facilitates this partnership, in part by saving these partners substantial time and effort, as they are able to tier off the SMP environmental documentation. For example, SFCWA was able to fulfill its California Environmental Quality Act (CEQA) requirements for the Tule Red Restoration Project through a CEQA addendum to the SMP Environmental Impact Report/Environmental Impact Statement (EIR/EIS), as well as use the existing programmatic biological opinions (BiOps) for the SMP.

Principals Support for Tule Red

We foremost want to express our strong support for the Tule Red Restoration Project. This project will help contribute to the SMP objective of 5,000-7,000 acres of tidal marsh restoration by restoring 420 acres of existing managed brackish wetlands to tidal wetland habitat, specifically to benefit federally and state-listed delta smelt, longfin smelt, and salmonids. Additionally, the project is designed to have minimal effects on neighboring landowners managing wetlands for waterfowl, and thus supports SMP objectives related to maintaining the waterfowl hunting heritage of the region.

During the development of the SMP, conceptual models were developed which identify the current scientific understanding of the Suisun Marsh and identify uncertainties related to Marsh management and tidal wetland restoration. Many of these uncertainties can only be addressed by implementing restoration projects and learning from the results. The Tule Red Restoration Project has a robust adaptive management plan that was developed based on the latest guidance from the Interagency Ecological Program's Tidal Wetlands Monitoring Project Work Team. This Project Work Team - composed of a consortium of agency scientists, university researchers, and consultants - developed a standardized monitoring framework based around addressing key hypotheses and uncertainties pertaining to restoration of tidal wetlands in the Delta and Suisun Marsh. The long-term monitoring strategy identified in the Tule Red Restoration Project's Adaptive Management Plan will also help address the many uncertainties identified by the SMP and help contribute towards effective adaptive management of the SMP as a whole over its 30-year implementation period.

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The Tule Red Restoration Project would also act as partial fulfillment of a Reasonable and Prudent Alternative (RPA) of the 2008 United States Fish and Wildlife Service (USFWS) delta smelt BiOp for ongoing operations of the State Water Project and the Central Valley Project. That RPA called for the creation or restoration of 8,000 acres of intertidal and associated subtidal habitat in the Delta and Suisun Marsh with the intent to improve foodweb productivity for delta smelt.

The project could also be used in partial fulfillment of the 2009 National Marine Fisheries Service (NMFS) BiOp for listed salmonids and green sturgeon which includes an RPA calling for restoration of 17,000-20,000 acres of floodplain rearing habitat for listed salmonids; the NMFS BiOp allows for acreage of tidal habitat restored pursuant to the delta smelt BiOp to also partially satisfy their restoration acreage target if it provides rearing habitat for listed salmonids. Due to numerous challenges facing implementation of restoration projects in the Delta and Suisun Marsh, to date no restoration projects have been constructed that made progress towards either RPA acreage targets. If the Tule Red Restoration Project completes its permitting process and goes to construction this fall, it would also represent the first tidal marsh restoration project constructed in Suisun Marsh since the SMP went into effect.

Tule Red Review

As you may know, the Tule Red Restoration Project has undergone multiple review processes, a few of which we want to highlight. For example in 2015 the project underwent review by the Adaptive Management Advisory Team (AMAT), which was established by the SMP Principal Agencies to provide technical support to the Principals and give feedback to proponents implementing projects under the SMP regarding their project designs and adaptive management plans. The AMAT includes agencies such as the SRCDC, United States Bureau of Reclamation, United State Fish and Wildlife Service, California Department of Fish and Wildlife, Department of Water Resources, and the Delta Stewardship Council (DSC). BCDC staff are also regular participants on the AMAT and were involved in the AMAT review of the Tule Red Restoration Project.

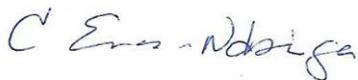
Earlier this year the Tule Red Restoration Project also cleared the DSC's covered action process after filing a Delta Plan certification of consistency. In the certification, SFCWA addressed a number of issues including documentation of the use of best available science, adaptive management, siting of restored habitat at appropriate elevation, and minimizing impacts to local land use and existing uses. The certification of consistency is a self-certification process, however all certifications for covered actions are subject to a 30-day appeal period during which any member of the public, including Delta Stewardship Council members, can appeal the action if they consider it inconsistent with the DSC's Delta Plan. The project received no appeals during this period.

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Final Remarks

In conclusion, we wish to express support for the Tule Red Restoration Project. We hope the above comments will be informative to the Commission as it considers whether to approve a marsh development permit for the project.

Sincerely,

A handwritten signature in cursive script that reads "C Enos-Nobriga".

Cassandra Enos-Nobriga
Deputy Executive Officer
Delta Stewardship Council

cc: Ms. Jaime Michaels, BCDC
Ms. Pascale Soumoy, BCDC
Mr. Byron Buck, SFCWA
Mr. Robert Capriola, Westervelt Ecological Services
SMP Principal Agencies