



DELTA STEWARDSHIP COUNCIL
A California State Agency

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January 28, 2013

Richard Smith
U.S. Fish and Wildlife Service Region 8, Refuge Planning
via Email: fw8plancomments@fws.gov

Chair
Phil Isenberg

Members
Randy Fiorini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Don Nottoli

RE: Council Comments on San Joaquin River National Wildlife Refuge Proposed Expansion

Executive Officer
Christopher M. Knopp

Dear Mr. Smith:

As you may know, the Delta Stewardship Council is a state agency that was created by California Legislature in 2009 to develop and implement a legally enforceable long-term management plan for the Delta, the Delta Plan. The Delta Plan, when adopted, is intended to coordinate state and local actions to achieve the co-equal goals of protecting and enhancing the Delta ecosystem and providing for a more reliable water supply for California in a manner that protects and enhances the Delta as an evolving place.

The staff of Delta Stewardship Council has reviewed the environmental assessment, land protection plan, and conceptual management plan for the proposed expansion of the San Joaquin River National Wildlife Refuge. As described in the environmental assessment, the preferred alternative includes expanding the Refuge boundary approximately 10 miles along the San Joaquin River corridor to the north, as well as expanding the Refuge southward to connect to California Department of Fish and Game's China Island Unit of the North Grasslands Wildlife Area, approximately 21 miles south along the river corridor. Habitat protection measures would include fee title acquisition, conservation easement acquisition, or cooperative agreements. The proposed northern expansion area is part of the Sacramento/San Joaquin Delta and includes a portion of the delta smelt critical habitat area. The entire reach of the San Joaquin River encompassed by the proposed expansion is designated critical habitat for the Central Valley steelhead.

The proposed expansion would extend the refuge into the Council's jurisdiction, and we therefore request that the staff of the U.S. Fish and Wildlife Service (FWS) consider the policies and recommendations in Delta Plan, which is expected to be adopted in April 2013, for the purposes of coordination. We note that Section 1.8.1 of the environmental assessment describes several landscape level plans, including the Bay Delta Conservation Plan (BDCP), which is currently under development. The BDCP, if approved, will be incorporated into the Delta Plan. We therefore encourage you to carefully review the conservation measures suggested in the BDCP for the area that overlaps with the proposed refuge expansion. Section 1.8.1 of the environmental assessment also summarizes the Department of Water Resources' 2012 Draft Central Valley Flood Protection Plan, which is now complete.

The latest draft Delta Plan (November 2012) recommends restoring habitat in six high priority locations, including the Lower San Joaquin River floodplain. With respect to this area, ER R1 states, "Reconnect the floodplain and restore more natural flows, to stimulate food webs that support native species. Integrate habitat restoration with flood management actions, when feasible."

"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."

The draft Delta Plan also encourages wildlife-friendly farming. DP R10 states that restoration agencies “should encourage habitat enhancement and wildlife-friendly farming systems on agricultural lands to benefit both the environment and agriculture.”

In addition, the draft Delta Plan recommends providing new and protecting existing recreational opportunities. DP R11 states, in part, “Water management and ecosystem restoration agencies should provide recreation opportunities, including visitor-serving business opportunities, at new facilities and habitat areas whenever feasible...”

With respect to flood management, please note that California’s Department of Water Resources has recently completed its *Central Valley Flood Protection Plan (CVFPP)*, formally adopted by the Central Valley Flood Protection Board in July 2012, as mentioned above. This comprehensive integrated flood planning effort geographically encompasses the Sacramento-San Joaquin drainage basin, and will be considering various efforts at reducing flood risk. These efforts include the consideration of a flood bypass in the Lower San Joaquin River area in the vicinity of Paradise Cut, which appears to overlap to some extent with the area under consideration by the proposed refuge expansion. The Draft Delta Plan (RR R4) also recommends funding for evaluating and implementing a bypass and floodway on the San Joaquin River near Paradise Cut. We recommend that you contact the CVFPP program to ensure planning efforts for both programs are mutually beneficial towards achieving habitat restoration and flood risk reduction goals.

Relevant policies in the draft Delta Plan are described below.

- **ER P2, Restore Habitats at Appropriate Elevations:** Habitat restoration projects that are covered actions must be consistent with the Department of Fish Game’s *Conservation Strategy* for the Delta.
 - The *Conservation Strategy* contains a map that should be used as a guide in determining habitat restoration actions based on elevation.
- **ER P3, Protect Opportunities to Restore Habitat:** Significant impacts to opportunities to restore habitat in areas designated as priority habitat restoration areas must be avoided or mitigated.
- **ER P4, Expand Habitat in Levee Projects:** Construction of new levees or substantial rehabilitation of existing levees must incorporate, where feasible, measures to increase floodplains and riparian habitats.
 - Measures may include setback levees.
- **ER P5, Reduce Nonnative Invasive Species:** Covered actions that could introduce or improve habitat for nonnative invasive species must avoid or mitigate the potential impacts.
- **DP P2, Respect Local Land Use:** This policy instructs state agencies and other participants in the siting of water supply, flood protection and habitat restoration projects to consider comments from local agencies and the Delta Protection Commission, and to avoid or mitigate conflicts with adjacent uses.
- **DP P4, Buy Rights of Way from Willing Sellers When Feasible:** This policy states, “Agencies acquiring land for water management facilities, ecosystem restoration, and flood management infrastructure should purchase from willing sellers, when feasible...”
- **RR P3, Protect Floodways:** This policy states, “Floodways [including natural channels] shall not be encroached upon or diminished without mitigating for future flows.”

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- **RR P4, Protect Floodplains:** This policy states, in part, "No encroachment shall be permitted in any of the following floodplains unless it can be demonstrated by appropriate analysis that the encroachment will not have a significant effect on floodplain values and functions...The Lower San Joaquin River Floodplain Bypass area, located on the Lower San Joaquin River upstream of Stockton immediately southwest of Paradise Cut on lands both upstream and downstream of the Interstate 5 crossing."

The Lower San Joaquin River Floodplain is a complex area with much at stake. The Council staff encourages FWS to consider the policies and recommendations in the Delta Plan when making a final decision regarding expansion of the refuge boundary. We look forward to collaborating with FWS staff to achieve our shared goals of ecosystem restoration, flood protection and enhancement of opportunities for recreation and wildlife-friendly farming, and to resolve any conflicts that may arise.

Sincerely,



Jessica Davenport
Senior Planner

cc: Phil Isenberg, Chair, DSC
DSC Council Members
Chris Knopp, Executive Officer
Dan Ray, Chief Deputy Executive Officer
Cindy Messer, Acting Deputy Director, Delta Plan