



Making San Francisco Bay Better

January 31, 2013

Phil Isenberg, Chair
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, California 95814

SUBJECT: Comments on the Delta Plan Recirculated Draft Program Environmental Impact Report

Dear Mr. Isenberg:

On December 4, 2012, the Commission received the Delta Plan Recirculated Draft Program Environmental Impact Report (DPEIR). Thank you for the opportunity to comment. We understand that the formal comment period has closed, but we ask that you consider the following staff comments as you finalize the Delta Plan.

BCDC staff has commented extensively on prior drafts of the EIR and the Delta Plan, and it appears that the concerns expressed by BCDC in prior comment letters have been largely addressed in this draft. However, there are two areas where the plan has not yet fully addressed our previous comments, and it is important for us to raise them again, to convey the Commission's interests in ensuring a healthy Delta, which is essential for ensuring a healthy Bay.

Fresh Water Inflow. The November 2012 Final Staff Draft of the Delta Plan acknowledges the importance of adequate freshwater inflow to the Suisun Marsh and the Bay, i.e., Delta outflow. Chapter 4, Protect, Restore and Enhance the Delta Ecosystem, includes an extensive discussion of historical flows, how human interventions have modified those flows, and the environmental costs of those modifications as well as the benefits of maintaining and restoring Delta outflows.

Ecosystem Restoration Policy 1 (ER P1) requires the State Water Resources Control Board to update its flow objectives for the Delta to meet the co-equal goals of ecosystem restoration and water supply reliability by June 2014, and by June 2018 to adopt, and as soon as reasonably possible, implement flow objectives for high-priority tributaries in the Delta watershed that are necessary to achieve the coequal goals.

This policy could be consistent with the Bay Plan and Marsh Plan policies that call for adequate freshwater inflow to the Bay and Suisun Marsh, if the flow objectives are consistent with those policies. However, without a clear policy statement in the Delta Plan, it is not possible to determine that. Bay Plan findings state, in part, that "conserving fish, other aquatic organisms and wildlife depends, among other things, upon availability of ...proper fresh water inflows, temperature, salt content, water quality, and velocity of the water."

The Bay Plan's fresh water inflow policies state, in part:

Diversions of fresh water should not reduce the inflow into the Bay to the point of damaging the oxygen content of the Bay, the flushing of the Bay, or the ability of the Bay to support existing wildlife....

High priority should be given to the preservation of Suisun Marsh through adequate protective measures including maintenance of freshwater inflows....

Water Supply and Quality Finding 2 in the Marsh Plan states, "Today the most important factor in Marsh water quality is salinity. Slough salinities are presently determined by fresh water inflow, which dilutes the saltwater carried into the Marsh by tidal action from the ocean. The most important source of fresh water inflow to the Suisun Marsh is the outflow from the Sacramento-San Joaquin River Delta."

The Marsh Plan recognizes that the Suisun Marsh, located where salt water and fresh water meet and mix, contains "the unique diversity of fish and wildlife habitats characteristic of a brackish marsh."

Marsh Plan policies state, in part:

There should be no increase in diversions by State or Federal Governments that would cause violations of existing Delta Decision or Basin Plan standards....

Water quality standards in the Marsh should be met by maintaining adequate inflows from the Delta.

The Commission staff is pleased to see that the Delta Plan includes a discussion of the need for and benefits of variable flows that transport sediment and nutrients to the Bay, increase mixing of Bay waters, and create low salinity habitat in Suisun Bay. The staff also supports the Delta Plan's requirement for the State Water Board to update its flow objectives to meet the co-equal goals, however we recommend that the Delta Plan include policy direction that is consistent with and explicitly supports the policy direction in the Bay and Marsh plans.

Dredging. In our June 2012 letter, we noted that the Suisun Marsh Habitat Management, Preservation, and Restoration Plan (SMP), if approved, would include a significant increase in dredging from sloughs in the Suisun Marsh, compared with the past decade. The Delta Plan should reference the San Francisco Bay Dredged Material Management Office (DMMO) and that it will oversee dredging in the Suisun Marsh. With respect to contaminant testing, the Delta Plan should note that dredging in the Suisun Marsh within 200 feet of storm drain outfall and urban discharge locations will likely require the testing specified by the DMMO, and project sponsors should consult with the DMMO for the need for evaluation and determination of suitability for placement on levees or other sites. The DMMO is operated by the agencies of the Long Term Management Strategy (LTMS) for the Placement of Dredged Material in the San Francisco Bay Region.

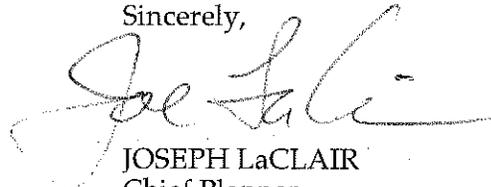
Furthermore, the Delta Plan should include in the *Issues for Further Evaluation and Coordination* section in Chapter 7, a discussion of the need for a regional sediment management program for the Delta. Given the importance of sediment to proposed restoration projects, it is imperative that we learn how the watershed, Bay Delta, and San Francisco Bay sediment systems function so that we can make better informed management decisions in each area to ensure we have thriving ecosystems.

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BCDC staff supports this draft and does not have any additional comments at this time. We look forward to working with the Delta Stewardship Council as a member of the interagency implementation committee, as well as assisting with the refinements of the consistency determination process in the future.

Thank you for the opportunity to comment on this DPEIR. If you have any questions regarding this letter or the Commission's policies, please call me at (415) 352-3656 or email me at joel@bcdc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe LaClair", written over a light blue horizontal line.

JOSEPH LaCLAIR
Chief Planner

JL/pp/gg

By U.S. Mail and e-mail (eircomments@deltacouncil.ca.gov)