



DELTA STEWARDSHIP COUNCIL
A California State Agency

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January 5, 2012

Mr. James Starr
California Department of Fish and Game
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558

Chair
Phil Isenberg

Members
Randy Fiorini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Don Nottoli
Felicia Marcus

Executive Officer
P. Joseph Grindstaff

Dear Mr. Starr:

Please find comments by the Delta Stewardship Council on the Suisun Marsh Habitat Management Preservation and Restoration Plan Final EIS/EIR (Final SMP EIS/EIR).

DSC staff finds that the Final SMP EIS/EIR is a comprehensive attempt to reconcile 1) restoration and enhancement goals under the CALFED ROD, 2) water management actions under Suisun Marsh Preservation Agreement, and 3) Biological Opinion conflicts over a Regional General Permit application by the Suisun Resources Conservation District and the Department of Fish and Game. The Final SMP EIS/EIR makes progress toward these goals.

However, shortcomings in the FEIR remain related to impacts of land subsidence, science integration, tidal marsh restoration approach, and modeling, raising concerns about the SMP's consistency with the Delta Plan now under development. We worry that, if these shortcomings remain unaddressed, the Delta Stewardship Council may be unable to incorporate the SMP into the Delta Plan and that state- or locally-funded projects to carry out the SMP may be inconsistent with Delta Plan policies.

Please consider our comments as you proceed to implement provisions of the SMP. If you have questions or comments, please contact Lauren Hastings (lauren.hastings@deltacouncil.ca.gov) or Chris Enright (cenright@deltacouncil.ca.gov)

Sincerely,

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Dan Ray
Chief Deputy Executive Officer

Attachment

"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

The Delta Stewardship Council (DSC) staff has reviewed the Final Suisun Marsh Habitat Management, Preservation, and Restoration Plan EIR/EIS (Final SMP). In particular, we reviewed responses to DSC comments on the Draft SMP compiled within Chapter 14 of the Final SMP EIS/EIR. Our comments on the Draft SMP (DSC comments December 23, 2010) focused on assessing the consistency of the Draft SMP with provisions of the Delta Reform Act. The Act calls for a comprehensive management plan for the Delta and Suisun Marsh that balances coequal goals for reliable water supply and Delta ecosystem restoration. The Act also assigns ongoing CALFED Bay-Delta Program responsibilities to the DSC. The DSC is therefore a "Principal Agency" under the SMP with responsibility for providing "science integration" through the Science Program (pg. 1-4 of the Final SMP EIS/EIR). To date, the DSC Science Program has not had the opportunity to provide science integration oversight. In general, the DSC is looking for the SMP to be consistent with Delta Reform Act ecosystem goals which promote characteristics of a healthy Delta ecosystem including:

- Viable populations of native resident and migratory species.
- Functional corridors for migratory species.
- Diverse and biologically appropriate habitats and ecosystem processes.
- Reduced threats and stresses on the Delta ecosystem.
- Restore large areas of interconnected habitats within the Delta and its watershed by 2100.
- Achieve a more natural salinity regime in parts of the Delta.
- Manage the Delta's water and environmental resources and the water resources of the state over the long term.
- Provide for the sustainable management of the Sacramento-San Joaquin Delta ecosystem.
- Use the best available science.

DSC staff finds that the SMP responses to DSC's comments on the Draft SMP EIS/EIR (Chapter 14 of the Final SMP EIS/EIR) not thoroughly respond to the concerns we raised. The DSC offered four specific comments on the Draft SMP. Our comments below present a summary of each of the four DSC comments on the draft SMP EIS/EIR, a synopsis of the response contained in Chapter 14 in the Final SMP EIS/EIR, and our final comment in return.

Summary of DSC comment 1 (DSC comment on Draft SMP, December 23, 2010)

Managed wetland land management practices cause ongoing land subsidence. Provisions of the SMP EIS/EIR offer enhancements to managed wetland operations that do little to solve the root cause of the problems that create the need for enhancement. In addition, the subsidence related greenhouse gas inducing effects of the Plan are not identified.

Synopsis of SMP EIS/EIR response to DSC comment 1 (Chapter 14, Final SMP EIS/EIR, pp. 14-47).

"...the CEQA and NEPA baseline for comparison includes the existing operations and management activities currently conducted by the landowners in the Marsh. As such, the impact is minimal in most instances related to managed wetland operations." Managed wetland activities "are not in and of themselves causing flooding and drainage issues on managed wetlands." The response further states that enhancement activities are "expected to improve flood and drain cycles, which can substantially improve conditions in adjacent tidal channels, reduce the lowering managed wetland land surface elevations (by decreasing pond bottom grading thus reducing exposure of peat surfaces and associated

subsidence)...” “Overall, as a result of SMP tidal restoration actions, the subsidence potential in the Marsh would be reduced.”

Final DSC return comment

The response sidesteps the critical issue: *Managed wetland operations in Suisun Marsh cause the very subsidence that creates the need for enhancement.* We believe that current management practices like dewatering, discing, spraying, and burning *do* cause land subsidence with its negative effects on drainage and flood potential. Over the 30-year planning period covered by the Plan, significant additional land subsidence can be expected under both the No Action and Preferred alternative with attendant greenhouse gas emissions and progressively diminished opportunity for restoration by natural processes. The Final SMP EIS/EIR lacks analysis of the impacts of ongoing land subsidence on managed wetlands under the No Action and Plan alternatives. By contributing to subsidence that lowers elevations in the marsh, current management activities may be inconsistent with the draft Delta Plan’s policy that precludes covered actions that cause unmitigated adverse impacts to habitat restoration opportunities appropriate for current elevations, as depicted in maps developed by the Department of Fish and Game. The dredging program will indeed reduce the need for pond bottom excavation, one cause of land subsidence. However, the document does not estimate the land area within the Marsh historically subjected to pond bottom excavation. We suspect it is a single digit percentage of the total managed wetland area. The primary subsidence drivers are dry season dewatering of the vast majority of managed wetland area. This ongoing “baseline” activity assures continued soil erosion by microbial decomposition, wind scour, and burning. The marginal addition of tidal marsh acreage and the reduction of pond bottom scraping for levee material is a improvement on current practice but ongoing subsidence on the majority of Suisun Marsh land remains unsustainable in the face of sea level rise, increasing storm intensity, seismic risk, and land management economics.

Summary of comment 2 (DSC comments on Draft SMP, December 23, 2010)

The approach to tidal restoration lacks scientific foundation. There is little evidence of the Plan’s claim to be a “science-based management plan.” An adaptive management plan is not included.

Synopsis of SMP EIS/EIR response to DSC comment 2 (Chapter 14, Final SMP EIS/EIR, pp. 14-47).

The SMP EIS/EIR relies on the USFWS Tidal Marsh Recovery Plan (Recovery Plan) which provides a scientific basis for tidal restoration in Suisun Marsh. The Recovery Plan considers five recovery units that correspond to Regions 1, 2, 3, and 4 in the SMP. The Recovery Plan defines acreage extents and locations that would downlist four endangered species including California Clapper Rail (5,000 contiguous acres needed), salt marsh harvest mouse (3,500 acres total needed from three Recovery Plan Units), Suisun thistle (4,000 permanently preserves acres needed), and soft bird’s beak (3,000 acres needed in Suisun Bay area).USFWS has a Draft Suisun Marsh Tidal Marsh and Aquatic Habitats Conceptual Model on its website. An adaptive management plan has been included in the Final SMP EIS/EIR.

Final DSC return comment

Reliance on the USFWS Tidal Marsh Recovery Plan is a reasonable strategy since it includes a science-based foundation. However, we find little evidence of scientific application of Recovery Plan actions to specific lands in Suisun Marsh for EIS/EIR impact analysis. The Plan claims to employ a “Science Integration Strategy” that would ostensibly provide a process for technical application of the Recovery Plan to a tidal wetland restoration strategy for Suisun Marsh. A Science Advisor was indeed appointed who developed restoration conceptual models that are referenced in Chapter 6 (Biological Environment) of the EIS/EIR. However, these conceptual models are not cited for any other part of the plan, especially the restoration and managed wetland enhancement plans where they should have been most useful. The SMP also claims employment of a “Science and Technical Advisory Panel,” though only one participant is listed—the Science Advisor. The USFWS Recovery Plan includes extensive discussion of specific landscape extents in Suisun Marsh and the mosaic of landscape attributes contained within them that would benefit life history requirements of listed species in Suisun. The SMP EIS/EIR often mentions that the Recovery Plan exists, but makes little connection to its scientific methods and restoration rationale. The ERP “DRERIP” conceptual models are also said to provide science integration at the beginning of the EIR/EIS but they are not mentioned again. Finally, the Plan authors are to be commended for producing a reasonable adaptive management plan. However, we note that the adaptive management plan is presented in Appendix E, and never referenced in the body of the Final SMP EIS/EIR.

Some aspects of science integration are improved in the Final SMP EIS/EIR, notably, a very extensive discussion of climate change, sea-level rise, and greenhouse gas emissions (Section 5.9). However, the EIS/EIR stretches credulity by counting Plan alternatives as “beneficial” to greenhouse gas sources and sinks given large reliance on uncertain assumptions and the fact that the managed wetland portions of Suisun Marsh that comprise that majority of land area would continue to be subject to management practices that drive subsidence and greenhouse gas production.

Summary of comment 3 (DSC comments on Draft SMP, December 23, 2010)

The tidal marsh restoration plan calls for an arbitrary allocation of restoration land in four geographic regions of Suisun Marsh with little justification.

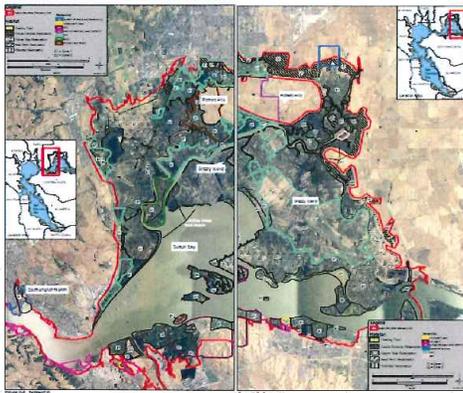
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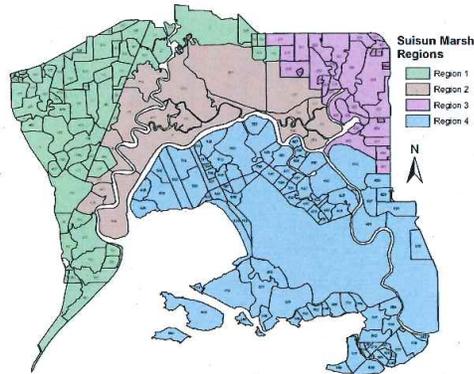
Final DSC return comment

The DSC chose to separate out this comment from the general comment about science foundation because the allocation of restoration acres across four geographic regions appears arbitrary and without basis. The SMP EIS/EIR suggests that the four regions depicted in Figure ES-2 (below) are derived from the USFWS Recovery Plan “template.” Close inspection of the Recovery Plan map shows spatially explicit Suisun Marsh region boundaries that conform closely to specific slough and landscape features. The SMP EIR/EIS map is too remotely comparable to the USFWS Recovery Plan “template” to be useful for guiding restoration planning with any science-based ecological relevance. The DSC strongly recommends

that individual restoration projects under the SMP be based on the USFWS Tidal Marsh Recovery Plan Map or other restoration maps that utilize a scientific approach to incorporating best available scientific understanding of landscape ecology in relation to listed species.



USFWS Tidal Marsh Recovery Plan Map Figures III-7 and III-8



Suisun Marsh EIR/EIS "Four Regions" Figure ES-2

Summary of comment 4 (DSC comments on Draft SMP, December 23, 2010)

Modeling analysis conducted for the Plan is inaccurately referenced for key conclusions of the Plan. It does not support the claim that the 5-7,000 acre preferred restoration alternative is clearly distinguishable from the 7-9,000 acre alternative on the basis of salinity impacts.

Synopsis of SMP EIS/EIR response to DSC comment 3 (Chapter 14, Final SMP EIS/EIR, pp. 14-47).

"The alternatives fully analyzed in this EIS/EIR are not distinguishable on the basis of salinity. Rather, modeling shows that with increasing marsh tidal restoration, meeting D-1461 and SMPA salinity requirements in the western Marsh becomes increasingly difficult. In the alternatives fully analyzed in the SMP, the EIS/EIR describes salinity impacts as generally the same and dependent primarily on the specific locations of restoration areas and breach size and location. The EIS/EIR commits to site specific water quality modeling for proposed restoration sites to help determine the best configuration of breaches."

Final DSC return comment

The response agrees with our comment and contradicts the SMP EIS/EIR itself. The EIS/EIR *does* claim to distinguish alternatives on, among other things, salinity: "...it was determined based on modeling [of alternative C] that salinity at the south Delta export facilities would be substantially affected, the plan would be unacceptable to landowners, and it would be more difficult to maintain duck populations necessary for heritage hunting in the Marsh..." The DSC stands by its original comment that the modeling, as presented, cannot distinguish salinity impacts of the marginally different restoration acreages represented by the three alternatives. While the modeling analysis uncovered many important consequences of tidal marsh restoration location and design, it does not support the claim that the 5-7,000 acre preferred restoration alternative is clearly distinguishable from the 7-9,000 acre alternative on the basis of salinity impacts.



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Ms. Becky Victorine
United States Bureau of Reclamation
Bay Delta Office
801 I Street, Suite 140
Sacramento, CA 95814-2536

Chair
Phil Isenberg

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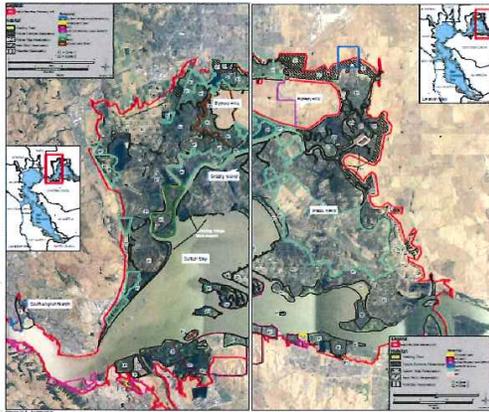
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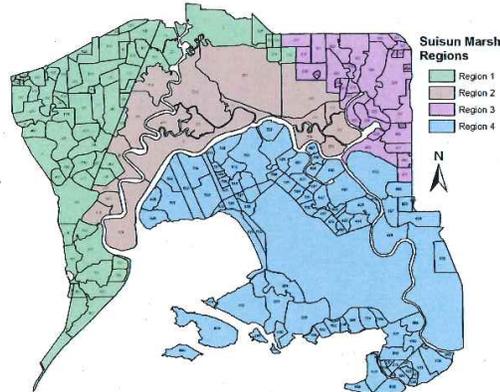
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