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Sent: Thursday, January 24, 2013 3:54 PM
To: deltaplancomment@deltacouncil.ca.gov; Messer, Cindy@DeltaCouncil
Subject: Hardcopy of the comments made today

Attached is a hardcopy of the comments I delivered today at the Rulemaking Special Hearing (1/24/13)

Jan

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Chairman Isenberg and members of the Council

Thank you for giving me the opportunity to meet with you today concerning the Rulemaking Policies related to the Delta Plan. My name is Jan McCleery. I am here today as the President of the Save the California Delta Alliance (STCDA), a grass roots organization based in Discovery Bay but representing a wider membership of Delta and Bay Area concerned citizens, some of whom you see here who came to demonstrate our concerns. I am also here as a Discovery Bay resident, moving there after 35 years of working in Silicon Valley as a software engineer.

First, a Discovery Bay perspective (although our overall concerns are Delta-wide): During those 35 years in Silicon Valley, our family spent most summer weekends on the Delta – skiing, anchoring out, and enjoying the peace, birds, and warm weather. Naturally we wanted to retire where we most enjoyed being (and our kids come visit us often because they love it there too). So I applaud the Plan for identifying the “Delta as a Place” and boating as an important aspect of the Delta. But was surprised that the only mention of Discovery Bay as a place was in a list of towns on page 182 discussing where the population was increasing in the Delta counties and believe it warrants additional mention and specific protections in The Plan.

Discovery Bay is a unique community with 3,500 waterfront homes on the South Delta (*picture*). Waterfront properties garner higher home values. The typical lot size is only 60 x 120. The back yard is a deck over the levee riprap and ramp down to the boat dock where we keep our boats. There’s no room for a swimming pool – the Delta is our swimming pool. In the summers you’ll see the docks full of families: children and grandchildren swimming and playing in the water, dogs retrieving balls, people going by on paddle boards, kayaks. The ski boats head out early to capture the flat morning water and big boats head out to spend the weekends at favorite anchorages or at one of the many Delta marinas or beyond – to Stockton or Sacramento. Up the Napa River or the Petaluma Slough to the down town harbor. For a week in San Francisco’s China Basin next to the Giants’ Ball Park or out the Golden Gate and beyond.

The Discovery Bay “town center” is probably the wider water channel near the Marina where we hold our yearly Paddle for Fame event (*picture*) – twice breaking the Guinness World Record for the number of non-motorized vessels linked together. Our “Main Street” is the “Marina Green” – most of the yearly community events are held there. In the summer additional people from other Delta or Bay Area communities launch boats at the launch ramp or keep boats fulltime stored at the Marina – hundreds of large boats and a shed full of ski and fishing boats stacked 7 high – and they visit the marina boardwalk shops, the Chandlery, eat at the Boardwalk Grill or visit the Discovery Bay Yacht Club. There are big cat poker runs and bass fishing derbies held between the various Delta communities, bringing people from all over into the various Delta towns. Even if people do not live on the water, the economic basis and center of the community is the marina, boating, and the water.

Thus our concerns. We are not in the main flow of the Sacramento River, we are far south. Due to it’s low flow, the San Joaquin River already contains extensive salts and chemicals leached out from the Westland farms. If the millions of gallons of water that now flow through our community, particularly the cleaner Sacramento River water that we now receive, is diverted around (or under) us it is hard to see how we will not be negatively impacted. If salt water intrudes will our back yards be brackish, stagnant water? Besides killing the fish, causing our ducks, geese, and blue heron to leave or die, will the water be safe for our families to swim in? Of course, Discovery Bay is not alone in its reliance on a fresh water Delta. Many communities rely on the Delta for their economies. The surrounding Delta farms, some of the most fertile land in the world, depend on fresh Delta water to irrigate their crops. We are far South hence feel more at

risk although the environmental concerns are echoed by our members throughout Northern California. We are concerned with the lack of restrictions on exports in The Plan.

Second: Boating was included in the Plan but no specific requirements and restrictions are called out to protect boating. In August 2009 my husband and I were anchored out at our favorite Mildred Island and two bass fishermen came up and handed us a flyer about the “2 Gates Fish Protection” project to install gates, within 3 months, in two main river channels blocking key boating waterways. We didn’t think that was legal. There is one main channel with a railroad trestle which is the only link Discovery Bay boaters have to the rest of the Delta and Bay, but it has two redundant bridges to meet navigation requirements. The primary bridge cannot be shut down for maintenance, according to US Coast Guard requirements, unless the alternate bridge is operational 24 X 7. The 2-Gates had no operational requirements. Plus we didn’t see how gates blocking migrating fish would “protect” them.

In response to the threat of the Two Gates Project, the STCDA was quickly formed and 2,000 comment cards were collected and hand-delivered to the USBR. The CalFed Independent Science Team reviewed the project and concurred that there was no science behind their function - the gates could kill smelt instead of protect them. The application for a permit to build the 2-Gates was withdrawn, yet up to 14 gates have been proposed by the BDCP in various locations labeled as “Salinity Gates” that would impact boaters.

We believe that the Delta Plan has taken a key step by identifying boating as “important” but believe this conclusion should be backed up by requirements to maintain navigation rights as guaranteed by the Rivers and Harbors Act and to protect the rights of all boaters to navigate freely throughout the Delta. Our home values depend on us being able to continue to navigate to the rest of the Delta and beyond. The right of others to come to Discovery Bay by boat to support our economy is also of vital importance to us. Boaters come from all over Northern California to this unique area which is best explored and enjoyed from the waterways. The construction of multiple gates throughout the Delta is contrary to preserving the “Delta as Place.” In fact it would destroy its unique quality as a boating wonderland.

Lastly, Save the California Delta Alliance submitted a formal set of comments in response to the Notice of Proposed Rulemaking Delta Plan. As detailed in that document, we respectfully request that revisions be made to the regulations to look ahead and prepare for the time when the BDCP will come before the Council. One area where the Council will be hard pressed to review the BDCP with the current state of the Delta Plan is Alternatives. Various alternatives have been proposed including Dr. Pyke’s concept for a new intake at Sherman Island or restructuring the current location with state-of-the-art fish screens. Or better still, options which avoid removing additional water from the Delta by leveraging the millions of acre feet of water now diverted into the flood control structures on the Sacramento River north of the proposed point of diversion, the Tulare Lake Basin Restoration proposals, or desalinization to improve regional self-sufficiency. We understand the position the Council has taken concerning the BDCP, but the BDCP is focused on only one alternative - exporting more water from the Delta than is currently exported which will increase salinity and deteriorate our water quality. We think the Council can and should evaluate the merits and feasibility of various options.

We need a “bigger picture” approach to the Delta Plan. Our home values depend on it, our economy depends on it, our community depends on it.

Thank you for your consideration.