

APPENDIX A

PUBLIC INVOLVEMENT

INTRODUCTION

This appendix provides responses to public and agency comments on the Delta Islands Levees Feasibility Study (FS)/ Environmental Impact Statement (EIS), as received during the public comment period.

PUBLIC COMMENTS SUMMARY

On January 31 2013, USACE published a NOI in the *Federal Register* (Vol. 78, No. 921) to prepare an EIS. In February 2013, two scoping meetings were held for the project study. The meetings were held to educate the public about the study efforts and to garner input on the proposed scope, in accordance with NEPA. On February 19, 2013, the first meeting was conducted from 5:00 to 7:00 p.m. at the Old Sugar Mill in Clarksburg. The second meeting was conducted on February 19, 2013 from 2:00 to 4:00 p.m. at the Sheraton Grand Hotel in Sacramento. The meetings were open-house style workshops in which attendees could read and view the information about the proposed alternatives and interact with project staff, including representatives of USACE and DWR.

During the FS public review period, a total of 7 comments were received from the public, including 2 Federal agencies, 3 State agencies and 2 local agencies and organizations. Comments received were primarily focused on: (1) consistency with Delta land use plans; (2) permitting requirements; (3) air quality considerations; and (4) salinity and water quality modeling.

COMMENTS AND RESPONSES

The following pages include all public comments received and the Corps' responses to those comments. The responses are included directly with the comment in which they are responding to. The original letters received follow the responses.

Response to Comments
Delta Islands and Levees Feasibility Study Draft EIS
Sacramento, San Joaquin, Solano, Contra Costa, Alameda, and Yolo Counties, California

A. Letter from the Contra Costa Water District (CCWD), dated June 2, 2014.

1. Comment: CCWD relies solely on the Delta to serve water to its 500,000 customers in central and eastern Contra Coast County. Therefore, CCWD requests that USACE analyze the potential water quality and supply impacts of the proposed project using qualitative modeling tools, such as CalSimII for California water operations and DSM2 for hydrodynamics and water quality simulations.

Response: During feasibility level design, Corps engineers assessed the material proposed for use for restoration; the material proposed for use is located in the Stockton DWSC to the immediate north of the restoration site. This material contains the same levels of salinity concentrations as Big Break. Additionally this project will not alter the tidal prism of the Delta. Material is being relocated from the Stockton DWSC across and south of Jersey Island to Big Break. No net increase in material in the tidal prism will occur.

Findings determined that the material consists of fine sand and coarse silt. Baffle plates will be used to reduce energy and spreading beyond the intended footprint. Further, hay bales would be used to confine lateral spreading beyond the restoration area. Silt curtains are a contingency plan should unforeseen water quality issues arise. As a result, there would be no effect to water supply, and it is unlikely that water quality would be affected outside of the footprint.

2. Comment: At a minimum, changes to the following parameters resulting from the proposed project should be calculated and disclosed in a revised FR/EIS:

- Salinity at drinking water intakes in the Delta, including CCWD's intakes at Mallard Slough, Rock Slough, Old River near Highway 4, and Middle River on Victoria Canal
- Turbidity at drinking water intakes in the Delta
- Compliance with the water quality objectives set by the State Water Resources Control Board's Decision 1641
- The position of X2, the 2000 parts per thousand isohaline in the Delta
- Upstream reservoir operations by the State Water Project and Central Valley Project

Response: During feasibility level design, Corps engineers assessed the material proposed for use for restoration; the material proposed for use is located in the Stockton DWSC to the immediate north of the restoration site. This material contains the same levels of salinity concentrations as Big Break. Additionally this project will not alter the tidal prism of the Delta. Material is being relocated from the Stockton DWSC across and south of Jersey Island to Big Break. No net increase in material in the tidal prism will occur.

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there would be no effect to water supply, and it is unlikely that water quality would be affected outside of the footprint.

Prior to construction, the Corps would coordinate with the CVRWQCB to seek a Section 401 Water Quality Certification for the restoration area. Site specific water quality issues related to dredged material placement will be addressed with the CVRWQCB through the 401 permitting process. The Corps would implement any requirements of the permitting action in order to minimize water quality effects.

The proposed Delta marsh restoration would have no effect on upstream reservoir operations.

3. Potential impacts to Delta water quality or supply that should be disclosed could occur during construction, when diversions from the Delta used to create slurry from the dredge materials could alter Delta hydrodynamics and/or state the federal water projects operations, as well as in the long-term, due to the permanent changes to the bathymetry of the Delta. The cumulative impacts of this proposed project with other proposed restoration projects should also be evaluated and presented.

Response: During feasibility level design, Corps engineers assessed the material proposed for use for restoration; the material proposed for use is located in the Stockton DWSC to the immediate north of the restoration site. This material contains the same levels of salinity concentrations as Big Break. Additionally this project will not alter the tidal prism or hydrodynamics of the Delta. Material is being relocated from the Stockton DWSC across and south of Jersey Island to Big Break. No net increase in material in the tidal prism will occur.

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The proposed restoration would not impact State or Federal water project operations. While the proposed restoration would change the bathymetry in the restoration area, this would not significantly alter the overall bathymetry or hydrodynamics of the Delta at large.

A cumulative effects analysis is included at the end of Chapter 5 of the FR/EIS.

B. Letter from the Central Valley Flood Protection Board, dated June 2, 2014.

1. Comment: Pursuant to 23 CCR components of any selected project alternative and plan implementation within the Board's jurisdiction could require Board encroachment permits for the following:

- Placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (23 CCR Section 6);
- Existing structures that predate permitting, or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (23 CCR Section 6);
- Vegetation plantings require submission of detailed design drawings; identification of vegetation type; plant and tree names (both common and scientific); quantities of each type of plant and tree; spacing and irrigation method; a vegetative management plan for maintenance to prevent the interference with flood control operations, levee maintenance, inspections, and flood fight procedures (23 CCR Section 131).

Response: Thank you for your comments. All required permits and coordination would occur prior to construction.

C. Letter from the US Department of the Interior, dated June 2, 2014.

1. Comment: No comments to offer.

Response: Thank you for your response.

D. Letter from the Delta Protection Commission, dated June 2, 2014.

1. Comment: The Commission favors utilizing public land for habitat restoration before private agricultural land is converted for this purpose. The Project alternatives at Big Break, Little Franks and Franks Tract currently propose using public lands for habitat restoration and would not involve the conversion of any agricultural land. In addition the Commission supports the use of dredging materials for habitat restoration projects. As a result, staff finds that the proposed Project is not inconsistent with the LURMP.

Response: Thank you for your support of the project. No change has been made as a result of this comment.

E. Letter from the Metropolitan Water District of Southern California dated, June 2, 2014.

1. Comment: Specifically, Metropolitan requests that the Army Corps model and disclose the project-specific and cumulative impacts on the water quality, the location of X2, and related effects to water supply that may result from the Tentatively Selected Plan ("Project") that recommends restoration of approximately 89.5 acres of the Sacramento-San Joaquin River Delta to its natural tidal marsh state.

Response: During feasibility level design, Corps engineers assessed the material proposed for use for restoration; the material proposed for use is located in the Stockton DWSC to the immediate north of the restoration site. This material contains the same levels of salinity concentrations as Big Break. Additionally this project will not alter the tidal prism or hydrodynamics of the Delta. Material is being relocated from the Stockton DWSC

across and south of Jersey Island to Big Break. No net increase in material in the tidal prism will occur.

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A cumulative effects analysis is included at the end of Chapter 5 of the FR/EIS.

2. Comment: Notwithstanding the environmental benefits of such restoration projects, where they have the potential to adversely impact water quality of the location of X2, individually or in combination with other related past, present, and reasonably foreseeable future projects, NEPA requires that such impacts be analyzed even if the overall environmental benefits outweigh the adverse impacts. Indeed there is a precedent for analyzing a project's significant environmental benefits in an EIS. There are models available that enable the Army Corps to quantify the project-specific and cumulative impacts of the Project. Such modeling should take into account a range of water year types, consistent with standard modeling practices. But the FR/DEIS lacks any such modeling or analysis.

Response: NEPA does not require any modeling of impacts. NEPA requires public disclosure of potential environmental effects and compliance with environmental laws and regulations. The Clean Water Act does require coordination with the CVRWQCB through the 401 permitting process, which the Corps has committed to completing prior to construction.

During feasibility level design, Corps engineers assessed the material proposed for use for restoration; the material proposed for use is located in the Stockton DWSC to the immediate north of the restoration site. This material contains the same levels of salinity concentrations as Big Break. Additionally this project will not alter the tidal prism or hydrodynamics of the Delta. Material is being relocated from the Stockton DWSC across and south of Jersey Island to Big Break. No net increase in material in the tidal prism will occur.

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3. Comment: A quantitative analysis of the adverse and/or beneficial impacts to water quality and water supply that may result from tidal marsh restoration in the Delta is essential to the informed decision making and public participation NEPA requires.

Response: During feasibility level design, Corps engineers assessed the material proposed for use for restoration; the material proposed for use is located in the Stockton DWSC to the immediate north of the restoration site. This material contains the same levels of salinity concentrations as Big Break. Additionally this project will not alter the tidal prism or hydrodynamics of the Delta. Material is being relocated from the Stockton DWSC across and south of Jersey Island to Big Break. No net increase in material in the tidal prism will occur.

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4. Comment: Not only would an adverse impact on salinity or X2 have direct impact on the Delta, it could have significant direct and indirect impacts on water supply, which, in turn, can have significant adverse impacts on other resources including energy use and air quality for beyond the Delta. This, the project-specific and cumulative impacts of the Project should be modeled to fully disclose potential impacts to salinity, X2, and related impacts. If such modeling supports the conclusions in the FS/DEIS, Army Corps will have fulfilled its obligation under NEPA. However, if modeling reveals significant direct, indirect, or cumulative impacts, the project should be modified to avoid, minimize, or mitigate such impact to less than significant.

Response: NEPA does not require any modeling of impacts. NEPA requires public disclosure of potential environmental effects and compliance with environmental laws and regulations. The Clean Water Act does require coordination with the CVRWQCB through the 401 permitting process, which the Corps has committed to completing prior to construction.

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A cumulative effects analysis is included at the end of Chapter 5 of the FR/EIS.

5. Comment: However, in addition to construction related impacts, the resulting alteration of the bathymetry at these sites could affect broader water quality and water supplies of interest reliant on the Delta. Unfortunately, the FR/DEIS contains no analysis whatsoever of project-specific or cumulative impacts to salinity, X2, or water supply resulting from the altered bathymetry. The FR/DEIS acknowledges the potential impacts of the altered bathymetry on salinity and X2 because it identifies the following thresholds of significance:
- Substantially degrade surface water quality such that it would violate criteria or objectives identified in the Central Valley Regional Water Quality Control Board basin plan or otherwise substantially degrade water quality to the detriment of beneficial uses.
 - Adversely affect salinity flow patterns at water conveyance facilities (affect the X2 line).

However, neither threshold is explicitly applied to the long term impacts of the Project on salinity or X2. Instead of analysis, the document simply declares: “The placement of material to restore intertidal marsh habitat at Big Break would not affect salinity in the study area.” (FR/DEIS at p. 188.) Likewise, the Biological Assessment in Appendix G simply states: “The placement of material to raise the elevation of Big Break Island will not affect salinity in the project area or downstream.” (FR/DEIS, App. G, Biological Assessment at p. 13.) The FS/DEIS mentions “[s]alinity and hydraulic analysis taken from existing reports” on page 84. But it is in the context of a preliminary discussion of impacts to water levels, not salinity and X2. Moreover, there is no citation to the “existing reports” that could provide the public or decision makers with relevant evidence to supports the conclusion that the Project will how no adverse impact. Such conclusory statements do not satisfy the Army Corps’ obligation under NEPA to analyze and disclose the project-specific impacts of the Project of the human environment.

Response: The proposed restoration would not impact State or Federal water project operations. While the proposed restoration would change the bathymetry in the restoration area, this would not significantly alter the overall bathymetry or hydrodynamics of the Delta at large.

Prior to construction, the Corps would coordinate with the CVRWQCB to seek a Section 401 Water Quality Certification for the restoration area. Site specific water quality issues related to dredged material placement will be addressed with the CVRWQCB through the 401 permitting process. The Corps would implement any requirements of the permitting action in order to minimize water quality effects.

NEPA does not require any modeling of impacts. NEPA requires public disclosure of potential environmental effects and compliance with environmental laws and regulations. The Clean Water Act does require coordination with the CVRWQCB through the 401 permitting process, which the Corps has committed to completing prior to construction.

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A cumulative effects analysis is included at the end of Chapter 5 of the FR/EIS.

6. Comment: Under NEPA, Army Corps must also analyze the cumulative impacts on salinity and X2. But the FR/DEIS lacks any cumulative impacts analysis. Most notably, the BDCP and Draft EIR/EIS for the BDCP have been circulating for public agency comment since December 2013. As noted above, the BDCP project alternatives include substantial restoration of tidal marsh habitat. In addition, there are several tidal marsh restoration projects planned in the Delta and Suisun Marsh that may affect salinity, X2, water supply, and other related resources. Currently, DWR is planning to implement the Dutch Slough Tidal Marsh Restoration Project, Reclamation District 2130 is planning its Mallard Farms Conservation Bank in the Suisun Marsh, and the State and Federal Water Contractors Agency had approved the Lower Yolo Restoration Project and is planning additional tidal marsh restoration in the Suisun Marsh. It is also reasonably foreseeable that the proposed projects to deepen the ports of Sacramento and Stockton may impact salinity and the location of X2. Thus, at a minimum, Army Corps should analyze the cumulative impacts of the Project in combination with these and other projects in the Delta and Suisun Marsh that may affect salinity or the location of X2.

Response: The cumulative effects analysis in the FR/EIS include assessment of the cumulative impacts of past, present, and reasonably foreseeable future actions within the geographic and temporal scope of the analysis. Refinements have been made the geographic and temporal scope to better define the limitations of the cumulative effects analysis. Other marsh restoration projects in the area are considered as a part of this analysis. Additionally, it is noted that the deepening of the Sacramento and Stockton DWSCs is no longer considered to be reasonably foreseeable since these studies have been inactive.

The proposed restoration would not impact State or Federal water project operations. Prior to construction, the Corps would coordinate with the CVRWQCB to seek a Section 401 Water Quality Certification for the restoration area. Site specific water quality issues related to dredged material placement will be addressed with the CVRWQCB through the 401 permitting process. The Corps would implement any requirements of the permitting action in order to minimize water quality effects.

During feasibility level design, Corps engineers assessed the material proposed for use for restoration; the material proposed for use is located in the Stockton DWSC to the immediate north of the restoration site. This material contains the same levels of salinity concentrations as Big Break. Additionally this project will not alter the tidal prism or hydrodynamics of the Delta. Material is being relocated from the Stockton DWSC across and south of Jersey Island to Big Break. No net increase in material in the tidal prism will occur.

7. Comment: In addition, to the extent that the currently proposed Project is being used as a first step in a much larger program to dispose of dredged materials from other Army Corps projects in the Delta, the broader program should be studied in a program EIS to avoid improperly segmenting the environmental impact analysis in a way that could mask significant adverse impacts that would otherwise require mitigation. Metropolitan requests that the Army Corps comply with NEPA by modeling the individual and cumulative impacts the Project may have on water quality and location of X2 and conduction the required analysis of the Project's direct and indirect impacts on water supply and other related resources. Metropolitan is familiar with relevant models and sources of information that can provide a solid foundation for the required analysis. We would be pleased to guide you to those resources.

Response: At this time, USACE is only proposing this restoration project. Due to the status of BDCP/Cal WaterFix at the time of alternative formulation, a number of opportunities were eliminated from consideration because they were being considered for implementation by the State of California. Due to the reformulation of Cal WaterFix/Cal EcoRestore, some of these previously eliminated opportunities are once again available in the Delta. USACE could pursue these opportunities in an additional Feasibility Study in the future; however, such a study would require funding and authorization from Congress. These opportunities would not be pursued until the selected plan has been implemented.

The impacts associated with the Selected Plan have been assessed in the EIS, however, no impacts were determined to be above the significance thresholds. The proposed restoration would not impact State or Federal water project operations. NEPA does not require any modeling of impacts. NEPA requires public disclosure of potential environmental effects and compliance with environmental laws and regulations. Prior to construction, the Corps would coordinate with the CVRWQCB to seek a Section 401 Water Quality Certification for the restoration area. Site specific water quality issues related to dredged material placement will be addressed with the CVRWQCB through the 401 permitting process. The Corps would implement any requirements of the permitting action in order to minimize water quality effects.

8. Comment: Finally, Section 3.1, Table 3-3 and figure 3-2 do not provide adequate information for an independent assessment regarding which assets are or are not of statewide importance. The table and figure assess a broad range of infrastructure types and resources on Delta islands in drawing conclusions of statewide importance based on information which is unavailable to the reader. Notably, DWR's interagency draft Delta Flood Emergency Management Plan, April 2014, discloses that portions of Old and Middle River levees constitute important levee systems for emergency water supply conveyance subsequent to flood or earthquake initiated multiple island failures. Thus, the islands identified in DWR's interagency draft plan should be considered and expressly noted in the FR/DEIS.

Response: Water conveyance infrastructure was not a benefit category used for the economic evaluation for the purposes of this interim report and study.

F. Letter from the Delta Stewardship Council, dated June 2, 2014.

1. Comment: **Delta Stewardship Council and Delta Plan.** The council is the successor of the CALFED Bay-Delta Program. On page 5, Subsection 1.5.1, we suggest replacing the “CALFED Bay-Delta Program” with “Delta Stewardship Council and Delta Plan”. We propose inserting the following language: “The Delta Reform Act (California Water Code Section 85212) created the Council as an independent agency of the State and charged the Council ‘to develop, adopt, and commence implementation of the Delta Plan.’ The Delta Plan is a comprehensive, long-term management plan for the Delta. It creates legally enforceable regulatory policies as well as nonbinding recommendations to further the state’s coequal goals for the Delta: improve statewide water supply reliability, and protect and restore a vibrant and healthy Delta ecosystem, all in a manner that preserves, protects and enhances the unique agricultural, cultural, and recreational characteristics of the Delta. The Delta Plan was adopted on May 16, 2013 and its regulatory policies became effective on September 1, 2013. The plan can be found on the Council’s web site at <http://deltacouncil.ca.gov/>.”

Response: Section 1.5.1 has been updated to include similar language to the recommendation by the Delta Stewardship Council. Note that the CALFED Bay-Delta Program was not removed because this is intended to be a comprehensive list of past, present, and reasonably foreseeable future actions for the purposes of the NEPA Cumulative Effects analysis, as well as for study purposes. As a result, since the CALFED Program is a past program that has since evolved, we are maintaining that section in the document.

2. Comment: Bay Delta Conservation Plan (BDCP) and the Delta Plan. The draft FR/EIS (page 16) states that “ecological problems exist that will be resolved through the implementation of the BDCP/Delta Plan.” We suggest explaining the differences and connections between the Delta Plan and the BDCP to avoid confusion. It is important to note that the Delta Plan was adopted in 2013, while the BDCP is still under development. The Delta Stewardship Council’s Delta Plan is a comprehensive management plan authorized by the Delta Reform Act, as described above. The Delta Plan contains numerous goals, objectives, recommendations and the policies that are largely implemented through coordination of actions by other agencies including the USACE. The BDCP is being developed as a 50-year Natural Community Conservation Plan (NCCP) with the goal of recovering endangered or threatened species in the Delta. It is comprised of 22 conservation measures, including improved conveyance of water to the pumps of the Central Valley Project and State Water Project, parameters for operating those projects, and restoration of large portions of the Delta to provide functional habitat and reduce stressors such as invasive species and pollutants. When complete, the BDCP will provide the basis for the issuance of endangered species permits for the operation of the state and federal water projects. It is being developed by a group of local water agencies, environmental and conservation organizations, state and federal agencies, and other interest groups. The Delta Reform Act requires that the BDCP, when completed and successfully permitted and if it meets certain statutory incorporation requirements, shall be fully incorporated into the Delta Plan (Water Code Section 85320 (a)). It is anticipated this will occur in 2015 at the earliest. It is then that two plans intersect.

Therefore, we suggest revising the statement on page 16 to read, “Implementation of the Delta Plan is advancing the state’s coequal goals of statewide water supply reliability, and a vibrant and healthy Delta ecosystem, done in a way that preserves, protects and enhances that rural,

agricultural and recreational characteristics of the Delta. The Delta Reform Act requires that the BDCP, when completed and successfully permitted and if it meets certain statutory incorporation requirements, shall be fully incorporated into the Delta Plan.” Based on the differences between the two plans, described above, we also suggest revising the term “BDCP/Delta Plan” on page 19 to read “BDCP.”

Based on our discussions, we understand that USACE is constrained in its authority to analyze problems and likely solutions under consideration by other federal agencies, such as the habitat restoration areas and measures proposed in the Draft BDCP. The Draft FR/EIS (page 19) states that, “Formulated alternatives and the recommended plan must [neither] impede...[nor] be dependent on the BDCP/Delta Plan’. We do suggest that the “No Project Alternative” should not include BDCP, as it had not been approved and if approved most of the habitat restoration may not have an identified fund source.

Response: The majority of this concern has been resolved with time -- with BDCP evolving into Cal Water Fix, there is less confusion about the differences between these projects. The FR/EIS has been updated to explain the current status of the Cal Water Fix.

3. Comment: Priority Habitat Restoration Areas. We encourage USACE to consider the priority habitat restoration areas designated in the Delta Plan (Figure 4-8, Recommended Areas for Prioritization and Implementation of Habitat Restoration Projects, Delta Plan, p. 151), as well as Delta Plan Recommendation ER R2, Prioritize and Implement Projects that Restore Delta Habitat. This recommendation, combined with the ecosystem restoration policies described below, represent the widely accepted framework for habitat restoration in the Delta. We believe that using the Delta Plan as a guide to restoration priorities alternatives and the recommended plan must neither impede nor be dependent on the BDCP. We are aware that USACE has recently provided sediment to the Montezuma Wetland Restoration Project in the Suisun Marsh, one of the priority habitat restoration areas identified in the Delta Plan. Additional USACE support for this project and similar efforts in the Delta is welcome and encouraged.

Response: Thank you for your recommendations. For the purposes of this interim study, USACE identified a study risk regarding the future without project condition. Due to the large-scale changes that were/are under consideration for the Delta through the BDCP, now Cal WaterFix and Cal EcoRestore, constraints were put into place for this interim study in order to ensure a recommended project could be successful whether or not these potential changes to future Delta conditions occurred. These constraints only apply to this interim study; future USACE investigations will revisit and revise as necessary.

4. Restore Habitats at Appropriate Elevations. Given the current focus of the Draft FR/EIS on areas outside the priority habitat restoration areas, including subtidal areas, we suggest considering the guidance provided by Delta Plan Policy ER P2 (23 California Code of Regulations [CCR] Section 5006). This policy calls for habitat restoration to be carried out consistent with Appendix 3 of the Delta Plan regulations. In Appendix 3, the section on subsided Delta lands and deep open water areas, which are defined as below approximately six feet in elevation, states that "the most subsided lands would be the lowest priority for restoration to tidal marsh because raising elevations to the range appropriate for vegetation establishment is likely to be infeasible." The higher priority areas for restoration identified in Appendix 3 are those areas that are not subsided or only slightly subsided, since these areas are within the range of feasibility for subsidence

reversal. Since sediment supply in the Delta is limited, it is recommended that use of sediment stockpiles in habitat restoration projects should be focused in areas that are already situated near target elevations or are not highly subsided.

Response: As a part of the Corps' Feasibility Level Design process, the Corps has optimized the design elevation for this restoration project to maximize benefits for listed fish species. This process both enabled the Corps to support restoration efforts under the ESA, and also increased the acreage of the proposed restoration to provide greater benefits. The use of sediment stockpiles was heavily considered as a part of this study and was part of the tentatively selected plan at the time of the draft report release in 2014; however, further studies have shown that use of the sediment stockpiles is not a cost effective solution for this restoration program. As a result, the Corps is proposing to use direct placement of dredged material at the time of dredging to construct this habitat restoration project. While this proposal does not reduce the acreage of existing stockpiles in the Delta, it does assist in slowing the growth of these sites by reusing material directly from the channel rather than disposing of it on land.

5. Protect Opportunities to Restore Habitat. Delta Plan Policy ER P3 (23 CCR Section 5007) calls for protecting opportunities to restore habitat in priority habitat restoration areas. We suggest evaluating whether removal of sediment from Decker Island is identified as an area within the Western Delta Priority Habitat Restoration Areas as it contains potential intertidal, transitional, and upland habitat.

Response: The use of sediment stockpiles was heavily considered as a part of this study and was part of the tentatively selected plan at the time of the draft report release in 2014; however, further studies have shown that use of the sediment stockpiles is not a cost effective solution for this restoration program. As a result, the Corps is proposing to use direct placement of dredged material at the time of dredging to construct this habitat restoration project. While this proposal does not reduce the acreage of existing stockpiles in the Delta, it does assist in slowing the growth of these sites by reusing material directly from the channel rather than disposing of it on land.

6. Respect Local Land Use When Siting Water of Flood Facilities or Restoring Habitats. We suggest evaluating the potential impact that removal of sediment stockpiles from areas that are subsided would have on those islands' vulnerability to flood risk. Dredge spoils may also be used to reverse subsidence or used to bolster existing levees, which preserves their existing beneficial use by reducing flood risk. Please see Delta Plan Policy DP P2 (23 CCR Section 5011) for additional information.

Response: The use of sediment stockpiles was heavily considered as a part of this study and was part of the tentatively selected plan at the time of the draft report release in 2014; however, further studies have shown that use of the sediment stockpiles is not a cost effective solution for this restoration program. As a result, the Corps is proposing to use direct placement of dredged material at the time of dredging to construct this habitat restoration project. While this proposal does not reduce the acreage of existing stockpiles in the Delta, it does assist in slowing the growth of these sites by reusing material directly from the channel rather than disposing of it on land.

7. Flood Management. We feel it will be important to clearly explain to our partner agencies and the public why the USACE and the Delta Stewardship Council, which is responsible for completing a study prioritizing state investments in Delta levees, are likely to reach different conclusions about the need for investment. In the future, we encourage USACE to consider non-traditional risk management options that may be more feasible, and to use system-wide considerations and categories to define the risks and benefits for the region. Consideration should be given to health and safety threats as well as economic damages related to interruption of water conveyance; economic damage of extended travel times for major transportation corridors; and risk to life of population in transit on major transportation corridors.

Response: For the purposes of this interim report, the scope of the study was limited to in-Delta infrastructure and populations at risk. This does not preclude future USACE investigations from evaluating additional benefit categories such as risks to water conveyance infrastructure.

G. Letter from the US Environmental Protection Agency, dated June 2, 2014.

1. Comment: While EPA supports well planned and executed restoration, we are concerned that the project misses an opportunity to reuse a larger amount of dredged material, may induce further subsidence that could impact water quality, and defers analysis to the Preconstructions Engineering and Design phase of the project. EPA recommends that the Final EIS include a project objective to reuse existing dredged material, in furtherance of EPA's and the Corps' shared goal (as stated in the Nation Dredging Team's charter) of promoting the beneficial use of dredged material.

Response: While reuse of dredged material was an objective of the study, as stated in Section 1.5.2 Studies, Delta Long-Term Management Strategy & in Section 2.2.3 Opportunities, the review process on the study revealed that it was not a cost effective alternative to construct the project using stockpiled dredged material. As a result, the alternatives that included reuse of stockpiled material were removed from the final array of alternatives, and the proposed action moving forward only incorporates direct placement from O&M dredging. While this will not reduce the previously dredged stockpiles in the Delta, it will reduce the quantity of material being added to the stockpiles in the Delta over the course of project construction.

2. The FEIS should also clarify how the design phase and associated studies may alter the existing environmental impact analysis.

Response: Significant revisions to the proposal were incorporated as a part of Feasibility Level Design and are now evaluated as part of the Final Report. It is possible that additional design and study in the preconstruction engineering and design phase could further alter the proposal. If there is a significant change to the environmental impact analysis, supplemental documentation would be prepared to account for those changes.

3. EPA notes that the DEIS acknowledges that different objectives in the future could lead to further development of alternatives not considered within the current Feasibility Study. The document specifically calls attention to the possibility that approval of the San Francisco Bay to Stockton Navigation Improvement Project could lead to re-evaluation of the unexplored

alternatives in this study because of additional availability of dredged material. Though not indicated in the DEIS, EPA notes that such a re-evaluation would likely require additional NEPA review. We encourage the Corps to ensure that any future efforts related to this Feasibility Study and similar projects include consideration of the economic value of existing and potential ecosystem services in the Delta in the cost-benefit analysis of alternatives.

Response: Any future investigations, such as those speculated upon in the DEIS would require compliance with NEPA and would follow USACE policy regarding evaluation of Ecosystem Restoration alternatives.

4. Explicitly incorporate “reuse of dredged material generated and/or stockpiled in the Delta, to the maximum extent practicable” into the project objectives in the FEIS. Evaluate project alternatives against this objective, considering different combinations of restoration sites and sediment sources that may provide increased restoration acreage at still reasonable costs.

Compute the incremental and total costs of using Roberts 1 material for restoration at Frank’s Tract 2 and consider including this restoration element in the final alternative selection.

Response: While reuse of dredged material was an objective of the study, as stated in Section 1.5.2 Studies, Delta Long-Term Management Strategy & in Section 2.2.3 Opportunities, the review process on the study revealed that it was not a cost effective alternative to construct the project using stockpiled dredged material. As a result, the alternatives that included reuse of stockpiled material were removed from the final array of alternatives, and the proposed action moving forward only incorporates direct placement from O&M dredging. While this will not reduce the previously dredged stockpiles in the Delta, it will reduce the quantity of material being added to the stockpiles in the Delta over the course of project construction.

5. Rank and evaluate each of the alternatives carried forward, according to the volume of dredged material reuse each could achieve.

Response: While reuse of dredged material was an objective of the study, as stated in Section 1.5.2 Studies, Delta Long-Term Management Strategy & in Section 2.2.3 Opportunities, the review process on the study revealed that it was not a cost effective alternative to construct the project using stockpiled dredged material. As a result, the alternatives that included reuse of stockpiled material were removed from the final array of alternatives, and the proposed action moving forward only incorporates direct placement from O&M dredging. While this will not reduce the previously dredged stockpiles in the Delta, it will reduce the quantity of material being added to the stockpiles in the Delta over the course of project construction.

6. The FEIS should include the design guidelines developed from previous restoration of Donlon Island and Venice Cut, including success metrics. It should also clearly identify the reports describing salinity and hydraulic analysis referenced on page 84 and include a commitment to monitor salinity and relevant hydraulic indicators (e.g. flow) during project implementation in order to validate the DEIS’ conclusions that the project would not result in changes to flood control structures.

Response: The citation to general salinity and hydraulic analyses has been removed from the final report. The design guidelines from Donlon Island were used, in addition to the Marsh Wren HEP model, to develop a target elevation during the draft report. Since that time, USACE has optimized its designs to account for more valuable habitat for listed fish species. This process both enabled the Corps to support restoration efforts under the ESA, and also increased the acreage of the proposed restoration to provide greater benefits. The final FR/EIS describes the process completed during Feasibility Level Design and the assumptions that went into developing the updated design elevation.

During feasibility level design, Corps engineers assessed the material proposed for use for restoration; the material proposed for use is located in the Stockton DWSC to the immediate north of the restoration site. This material contains the same levels of salinity concentrations as Big Break. Additionally this project will not alter the tidal prism or hydrodynamics of the Delta. Material is being relocated from the Stockton DWSC across and south of Jersey Island to Big Break. No net increase in material in the tidal prism will occur.

Prior to construction, the Corps would coordinate with the CVRWQCB to seek a Section 401 Water Quality Certification for the restoration area. Site specific water quality issues related to dredged material placement will be addressed with the CVRWQCB through the 401 permitting process. The Corps would implement any requirements of the permitting action in order to minimize water quality effects. It is highly likely that these requirements would include salinity monitoring; however, the Board requires a higher level of design before beginning these coordination efforts. Monitoring for restoration success is described in Appendix M, the Monitoring and Adaptive Management Plan.

7. The FEIS should include a detailed description of the surveys to be conducted during the PED phase, including how their outcomes may influence the project design or cause reevaluation of project impacts to water quality. EPA specifically encourages further study during PED of hydrodynamics, tidal prisms, and formation and management of methylmercury. The FEIS should also provide clarification as to whether or not changes to project design elements might trigger additional environmental review under NEPA.

Response: A thorough physical and chemical characterization of restoration site sediments will be performed during the preconstruction engineering and design phase of the project prior to implementation. Dredged material is characterized every year under the O&M dredging project. Unsuitable material will not be used for restoration and would be disposed of under the O&M dredging project.

Prior to construction, the Corps would coordinate with the CVRWQCB to seek a Section 401 Water Quality Certification for the restoration area. Site specific water quality issues related to dredged material placement will be addressed with the CVRWQCB through the 401 permitting process. The Corps would implement any requirements of the permitting action in order to minimize water quality effects.

8. The FEIS should include a discussion of how peat-based flooded islands behave under current conditions and the expected responses of the islands and degraded levees to the placement of relatively heavy sediments contained in dredged material. EPA encourages USACE to coordinate with the U.S. Geological Survey's Water Science Center and their Priority Ecosystems Science program for the Bay Delta for expertise regarding peat-based islands, hydrodynamics, sediment transport processes, subsidence in the central and western Delta, and the formation and management of methylmercury.

Response: Thank you for your recommendation to coordinate with USGS. Detailed assessments of this nature will be performed during preconstruction engineering and design.

9. The FEIS should include a commitment in the Monitoring and Adaptive Management Plan to identify monitoring - and project adaptations for potential induced subsidence and such subsidence's impacts to levee integrity.

Response: During feasibility level design, the Corps included a contingency in the final target elevation to account for additional sediment losses from subsidence, sea level rise, and wave wash erosion. This restoration project would not impact levee integrity.

10. The FEIS should include drafts of the NPDES permit application, the SWPPP and in-water work plan, and a commitment to implement plans at least as protective as the drafts. It should also include the Section 401 Certification from the Central Valley RWQCB.

Response: The NPDES permit, SWPPP, and Section 401 Certification will be acquired prior to construction and will not be included as appendices to the FEIS. The NPDES and SWPPP are typically prepared by the construction contractor who would be implementing these plans, and the CVRWQCB requires a 60% level of design to initiate the Section 401 process. The project would be at approximately a 30% level of design when the FEIS is complete. If these processes result in any changes that impact the environmental analysis, then supplemental NEPA document would be prepared, as necessary.

11. The DEIS states that a conformity assessment for ozone and PM10 must be completed and that the assessment will evaluate whether or not the project's construction or operational emissions would exceed 25 tons per year of Reactive Organic Gasses or NOx, or 100 tons per year of PM10. In the air quality impact analysis, it appears that these emission thresholds would not be exceeded, but a formal assessment is still needed. The FEIS should include the general conformity assessment for ozone and particulate matter.

Response: The FEIS includes updated air quality assessment, which resulted in no violations of de minimus levels or local air quality thresholds. Please see the analysis in Chapter 5 that includes updated air quality monitoring at a more detailed level than the draft EIS.

12. The analysis for Alternatives 2 and 6 (the action alternatives) both specify "12 employee trips per day, 20 miles each way." Later analysis of growth-inducing impacts suggests that Alternative 6 would create 20 jobs locally (page 216). It is unclear if the analysis for Alternative 6 appropriately accounts for all expected employee trips. The FEIS should clarify the number of

employee trips per day associated with each of the action alternatives and adjust the air quality impact analysis accordingly.

Response: The project description at the end of Chapter 3 has been updated to reflect the number of employee trips per day for each portion of the project implementation.

13. The No Action Alternative air quality analysis does not discuss the impacts to air quality of the earthwork required for existing dredged material placement from the Operations and Maintenance dredging of the Stockton Deep Water Ship Channel. These air impacts are used later in the analysis for Alternatives 2 and 6 to demonstrate reduced air impacts from avoidance of that earthwork. The FEIS should account for the air quality impacts of O&M activities in the No Action Alternative to provide a foundation for the air quality benefits realized in the action alternatives.

Response: Air Quality impacts associated with the O&M Dredging is not part of the Delta Study proposed action and therefore will not be considered as part of the impact assessment. The O&M Dredging Project includes a NEPA assessment and annual permitting that are an existing/future without project condition that would occur regardless of approval of the Delta Study.

14. The air quality mitigation section states that construction equipment powered by electricity eliminates criteria pollutant emissions from diesel combustion (page 204); however, it does not state that use of such equipment would be encouraged or required. Include, in the FEIS, either a commitment to require contractors to use available electrical construction equipment technology to the extent possible, or a commitment to give preference to contractor proposals that would use such technology.

Response: The Corps has included language in the FEIS that encourages the use of electrical equipment during construction. The Air Quality analysis is in compliance with all local and Federal thresholds.

15. The DEIS includes a climate change impact analysis for greenhouse gas emissions in accordance with federal and state policies and regulations. The GHG emissions from the project are not expected to be significant, but USACE would implement mitigation measures to reduce the cumulative impacts from the project. It states that the selected contractor would be “encouraged to implement” additional GHG mitigation measures (page 207) where practical, but it would not require most measures. During the contractor selection process, prioritize contractors whose proposals include the identified voluntary GHG mitigation measures.

Response: Policy does not allow the Corps to prioritize contractors in this manner.

16. In light of the President’s November 1, 2013 Executive Order 13653 “Preparing the United States for the Impacts of Climate Change,” there is an opportunity for the Delta Islands and Levees project to explicitly illustrate and maximize the climate-resilient benefits of ecosystem restoration and intertidal marshes. Currently the DEIS addresses this resiliency in terms of the restored ecosystem itself, but not its potential impact on the surrounding areas. Reference Executive Order 13653 in the discussion of the regulatory environment. The FEIS should also

include a discussion about the impacts of each alternative on climate change resiliency of the surrounding area, and consider those impacts in the final alternative selection.

Response: This Executive Order is no longer applicable, because the current administration has revoked it. A sea level rise analysis has been conducted for the proposed restoration project and has been incorporated into the Engineering Appendix.



**CONTRA COSTA
WATER DISTRICT**

1331 Concord Avenue
P.O. Box H2O
Concord, CA 94524
(925) 688-8000 FAX (925) 688-8122
www.ccwater.com

June 2, 2014

Directors

Joseph L. Campbell
President

Karl L. Wandry
Vice President

Bette Boatman
Lisa M. Borba
John A. Burgh

Jerry Brown
General Manager

Mr. Robert Kidd
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, California 95814-2922

Subject: Delta Islands and Levees Feasibility Study Draft EIS

Dear Mr. Kidd:

Contra Costa Water District (CCWD) appreciates the opportunity to comment on the April 2014 Draft Feasibility Report and Environmental Impact Statement (FR/EIS) for the U.S. Army Corps of Engineers (USACE) Delta Islands and Levees Feasibility Study. CCWD commends USACE on its proposal to use dredge materials to restore intertidal marsh habitats, which can provide benefits to flood risk management and ecosystem restoration in the Sacramento-San Joaquin Delta (Delta). However, tidal marsh restoration, even at a small scale, has the potential to alter Delta hydrodynamics and thus Delta water quality and water supply.

CCWD relies solely on the Delta to serve water to its 500,000 customers in central and eastern Contra Costa County. Therefore, CCWD requests that USACE analyze the potential water quality and supply impacts of the proposed project using qualitative modeling tools, such as CalSimII for California water operations and DSM2 for hydrodynamics and water quality simulations. The FR/EIS conducted only a qualitative analysis, which is insufficient to understand the potential impacts of the project. Big Break and Little Franks Tract, the proposed restoration sites for intertidal marsh habitat, are close to CCWD's Delta drinking water intakes, particularly the Rock Slough Intake. Changes in hydrodynamics and flow in the Delta have the potential to CCWD's operations. At a minimum, changes to the following parameters resulting from the proposed project should be calculated and disclosed in a revised FR/EIS:

- Salinity at drinking water intakes in the Delta, including CCWD's intakes at Mallard Slough, Rock Slough, Old River near Highway 4, and Middle River on Victoria Canal
- Turbidity at drinking water intakes in the Delta
- Compliance with the water quality objectives set by the State Water Resources Control Board's Decision 1641
- The position of X2, the 2000 parts per thousand isohaline in the Delta
- Upstream reservoir operations by the State Water Project and Central Valley Project

Mr. Robert Kidd
U.S. Army Corps of Engineers, Sacramento District
Delta Islands and Levees Feasibility Study Draft EIS
June 2, 2014
Page 2

Potential impacts to Delta water quality or supply that should be disclosed could occur during construction, when diversions from the Delta used to create slurry from the dredged materials could alter Delta hydrodynamics and/or state and federal water project operations, as well as in the long-term, due to the permanent changes to the bathymetry of the Delta. The cumulative impacts of this proposed project with other proposed restoration projects should also be evaluated and presented.

If you have any questions, please do not hesitate to call Lucinda Shih at (925) 688-8168 or email her at lshih@ccwater.com. CCWD would be happy to meet with you to discuss our comments further. We look forward to reviewing your analysis, once it is completed, of the potential water quality and supply impacts of the proposed habitat restoration in the Sacramento–San Joaquin Delta.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leah Orloff', with a large, stylized loop at the end.

Leah Orloff
Water Resources Manager

LHS/YL:wec

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682



June 2, 2014

Mr. Robert Kidd
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, California 95814

Subject: NEPA Comments: Draft Feasibility Report and Environmental Impact Statement (FR/EIS) for the Sacramento-San Joaquin Delta Islands and Levees, April 2014

Location: Sacramento – San Joaquin Rivers Delta Islands and Levees

Dear Mr. Kidd:

Central Valley Flood Protection Board (Board) staff has reviewed the subject document and provides the following comments:

Features of various proposed project alternatives currently under review in your Draft Feasibility Report and Environmental Impact Statement (FR/EIS) are located adjacent to or underneath the Sacramento River, San Joaquin River, Dutch Slough and Mayberry Slough which are under Board jurisdiction. The draft FR/EIS details the roles of the USACE and non-Federal sponsor (California Department of Water Resources) for implementing a selected plan once federal authorization is obtained. The non-Federal sponsor is responsible for compliance with the California Environmental Quality Act (CEQA), including compliance with the Board's encroachment permit requirements.

The Board enforces its Title 23, California Code of Regulations (23 CCR) for the construction, maintenance, and protection of adopted plans of flood control that protect public lands from floods. Adopted plans of flood control include federal-State facilities of the State Plan of Flood Control, regulated streams, and designated floodways. The geographic extent of Board jurisdiction includes the Central Valley, and all tributaries and distributaries of the Sacramento and San Joaquin Rivers, and the Tulare and Buena Vista basins (23 CCR, Section 2).

Pursuant to 23 CCR components of any selected project alternative and plan implementation within the Board's jurisdiction could require Board encroachment permits for the following:

- Placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (23 CCR Section 6);
- Existing structures that predate permitting, or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where

responsibility for the encroachment has not been clearly established or ownership and use have been revised (23 CCR Section 6);

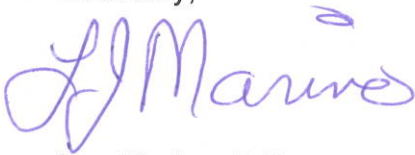
- Vegetation plantings require submission of detailed design drawings; identification of vegetation type; plant and tree names (both common and scientific); quantities of each type of plant and tree; spacing and irrigation method; a vegetative management plan for maintenance to prevent the interference with flood control operations, levee maintenance, inspection, and flood fight procedures (23 CCR Section 131).

Other local, federal and State agency permits may be required and are the responsibility of the applicant to obtain.

Board permit application forms and our complete 23 CCR regulations can be found on our website at <http://www.cvfpb.ca.gov/>. Maps of the Board's jurisdiction including all tributaries and distributaries of the Sacramento and San Joaquin Rivers, and Board designated floodways are also available on a Department of Water Resources website at <http://gis.bam.water.ca.gov/bam/>.

If you have any questions please contact James Herota at (916) 574-0651, or via email at james.herota@water.ca.gov.

Sincerely,



Len Marino, P.E.
Chief Engineer



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush Street, Suite 515
San Francisco, CA 94104

IN REPLY REFER TO:
(ER 14/248)

Filed Electronically

2 June 2014

Robert Kidd
Army Corps of Engineers
1325 J Street
Sacramento, California 95814
(916) 557-5100

Subject: Review of the Draft Environmental Impact Statement (DEIS) for the Delta Islands and Levees Feasibility Study, CA (**ER 14/248**) (Agency due date: **June 2, 2014**)

Dear Mr. Kidd:

The Department of the Interior has received and reviewed the subject document and has no comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc:

OEPC Staff Contact: Loretta B. Sutton, (202) 208-7565; Loretta_Sutton@ios.doi.gov

DELTA PROTECTION COMMISSION

2101 Stone Blvd., Suite 210
West Sacramento, CA 95691
Phone (916) 375-4800 / FAX (916) 376-3962
Home Page: www.delta.ca.gov



*Contra Costa County Board of
Supervisors*

*Sacramento County Board of
Supervisors*

*San Joaquin County Board of
Supervisors*

*Solano County Board of
Supervisors*

*Yolo County Board of
Supervisors*

*Cities of Contra Costa and
Solano Counties*

*Cities of Sacramento and
Yolo Counties*

Cities of San Joaquin County

*Central Delta Reclamation
Districts*

North Delta Reclamation Districts

South Delta Reclamation Districts

CA State Transportation Agency

*CA Department of Food and
Agriculture*

CA Natural Resources Agency

CA State Lands Commission

June 2, 2014

U.S. Army Corps of Engineers
Sacramento District
Attn: Mr. Robert Kidd
1325 J Street,
Sacramento, CA 95814

SUBJECT: Delta Islands and Levees Feasibility Study, Draft Integrated
Feasibility Report and Environmental Impact Statement
(EIS#:20140120)

Dear Mr. Kidd:

Thank you for providing the Delta Protection Commission (Commission) the opportunity to review the Delta Islands and Levees Feasibility Study, Draft Integrated Feasibility Report and Environmental Impact Statement (Project).

As the Project is within the Primary Zone of the Legal Delta, the Commission offers the following comments regarding consistency with our Land Use and Resource Management for the Primary Zone (LURMP). The Commission favors utilizing public land for habitat restoration before private agricultural land is converted for this purpose. The Project alternatives at Big Break, Little Franks Tract and Franks Tract currently propose using public lands for habitat restoration and would not involve the conversion of any agricultural land. In addition the Commission supports the use of dredging materials for habitat restoration projects. As a result, staff finds that the proposed Project is not inconsistent with the LURMP. The following LURMP policies pertain to the proposed Project:

Agriculture: P-2, Conversion of land to non-agriculturally-oriented uses should occur first where productivity and agricultural values are lowest.

Land Use: P-9, The implementation of the policies contained in the resource management plan shall not be achieved through the exercise of the power of eminent domain unless requested by the landowner.

Land Use: P-10, Maintain sites for the storage of dredged material from channels within the Delta and discourage the conversion of existing sites to other uses, as appropriate. Soil that is suitable for levee rehabilitation and raising Delta lowlands should remain within the Delta.

Natural Resources: P-3, Lands managed primarily for wildlife habitat should be managed to maximize ecological values. Appropriate programs, such as "Coordinated Resource Management and Planning" (Public Resources Code Section 9408(c)) should ensure full participation by local government and property owner representatives.

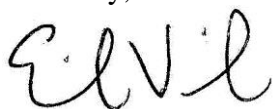
Natural Resources: P-6, Support the implementation of appropriate buffers, management plans and/or good neighbor policies (e.g. safe harbor agreements) that among other things, limit liability for incidental take associated with adjacent agricultural and recreational activities within lands converted to wildlife habitat to ensure the ongoing agricultural and recreational operations adjacent to the converted lands are not negatively affected.

Natural Resources: P-7, Incorporate, to the maximum extent feasible, suitable and appropriate wildlife protection, restoration and enhancement on publicly-owned land as part of a Delta-wide plan for habitat management.

Natural Resources: P-10, Ensure that design, construction, and management of any flooding program to provide seasonal wildlife and aquatic habitat on agricultural lands, duck club lands and additional seasonal and tidal wetlands, shall incorporate "best management practices" to minimize vectors including mosquito breeding opportunities, and shall be coordinated with the local vector control districts, (each of the four vector control districts in the Delta provides specific wetland/mosquito management criteria to landowners within their district.)

Thank you for the opportunity to provide input. Please contact Raymond Costantino, Associate Environmental Planner, at 916-375-4534 for any questions regarding the comments provided.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Vink', with a stylized flourish at the end.

Erik Vink
Executive Director



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

Via Email and U.S. Mail

June 2, 2014

Alicia E. Kirchner
Chief, Planning Division
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814

deltastudy@usace.army.mil

RE: Comments on the Delta Islands and Levees Feasibility Study and Environmental Impact Statement, EIS No. 20140120

Dear Ms. Kirchner:

On behalf of the Metropolitan Water District of Southern California ("Metropolitan"), I am writing to provide comments on the U.S. Army Corps of Engineers' ("Army Corps") Delta Islands and Levees Feasibility Study, California, Draft Feasibility Report and Environmental Impact Statement (April 2014) ("FR/DEIS"). Specifically, Metropolitan requests that the Army Corps model and disclose the project-specific and cumulative impacts on water quality, the location of X2, and related effects to water supply that may result from the Tentatively Selected Plan ("Project") that recommends restoration of approximately 89.5 acres of the Sacramento-San Joaquin River Delta to its natural tidal marsh state.

Metropolitan supports the restoration of tidal marsh in the Sacramento-San Joaquin Bay-Delta ("Delta") and Suisun Marsh to help achieve California's coequal goals of achieving a more reliable water supply while restoring the Delta ecosystem. Based on the best available science, significant tidal marsh restoration is one of the conservation measures in the Bay Delta Conservation Plan ("BDCP").

Notwithstanding the environmental benefits of such restoration projects, where they have the potential to adversely impact water quality or the location of X2, individually or in combination with other related past, present, and reasonably foreseeable future projects, NEPA requires that such impacts be analyzed even if the overall environmental benefits outweigh the adverse impacts.¹ Indeed, there is precedent for analyzing a project's significant environmental benefits

¹ 40 C.F.R. § 1508.27(b)(1) ("A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.")

Alicia E. Kirchner

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June 2, 2014

in an EIS.² There are models available that enable Army Corps to quantify the project-specific and cumulative impacts of the Project. Such modeling should take into account a range of water year types, consistent with standard modeling practices. But the FR/DEIS lacks any such modeling or analysis.

A quantitative analysis of the adverse and/or beneficial impacts to water quality and water supply that may result from tidal marsh restoration in the Delta is essential to the informed decision making and public participation NEPA requires. Metropolitan and other state water contractors receive water under contract with the California Department of Water Resources (“DWR”) from the State Water Project (“SWP”).³ The SWP is operated to meet numerous water quality objectives, including the location of X2.⁴ When X2 moves upstream, toward the Delta, the SWP may be required to release more water to meet regulatory requirements intended to benefit state- and federally-listed fish species, which can reduce the timing or amount of water available for export south of the Delta. In addition, the SWP, Central Valley Project, and other water suppliers and water users divert water from the Delta for municipal, agricultural, and other beneficial uses. Thus, impacts to water quality can directly and indirectly impact such beneficial uses both in and outside the Delta.

Not only would an adverse impact on salinity or X2 have a direct impact on the Delta, it could have significant direct and indirect impacts on water supply, which, in turn, can have significant adverse impacts on other resources including energy use and air quality far beyond the Delta. Thus, the project-specific and cumulative impacts of the Project should be modeled to fully disclose potential impacts to salinity, X2, and related impacts. If such modeling supports the conclusions in the FS/DEIS, Army Corps will have fulfilled its obligations under NEPA. However, if modeling reveals significant direct, indirect, or cumulative impacts, the project should be modified to avoid, minimize, or mitigate such impacts to less than significant.

According to the FR/DEIS, “[q]ualitative effects on water quality were estimated based on construction practices and materials, location, and duration of construction.” (FR/DEIS at p. 187.) The construction-related impacts result from “[a] pipe system . . . constructed to transport soil from the source material site to Big Break and Little Franks Tract to create intertidal marsh habitat”, and

² E.g., *Environmental Protection Information Center v. Blackwell*, 389 F. Supp. 2d 1174 (N.D. Cal. 2004); *Natural Resources Defense Council, Inc. v. Herrington*, 768 F.2d 1355 (D.C. Cir. 1985).

³ On March 15, 2013, the State Water Contractors and the San Luis & Delta-Mendota Water Authority submitted a comment letter during the NEPA scoping phase specifically requesting that the EIS evaluate effects of the project alternatives on water supply, water quality and aquatic and terrestrial biology, among other resource categories. (See FR/DEIS, App. A at pp. 47-49.)

⁴ See Water Rights Decision D-1641 issued by the State Water Resources Control Board.

Alicia E. Kirchner

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“[t]he dredged material [that] would be excavated and pumped from these source material sites to the restoration sites, and placed to raise the submerged surface of portions of Big Break and Little Franks Tract.” (FR/DEIS at p.189.)

However, in addition to construction related impacts, the resulting alteration of the bathymetry at these sites could affect broader water quality and water supplies of interests reliant on the Delta. Unfortunately, the FR/DEIS contains no analysis whatsoever of project-specific or cumulative impacts to salinity, X2, or water supply resulting from the altered bathymetry.

The FR/DEIS acknowledges the potential impacts of altered bathymetry on salinity and X2 because it identifies the following thresholds of significance:

- Substantially degrade surface water quality such that it would violate criteria or objectives identified in the Central Valley Regional Water Quality Control Board basin plan or otherwise substantially degrade water quality to the detriment of beneficial uses.
- Adversely affect salinity flow patterns at water conveyance facilities (affect the X2 line).

(FR/DEIS at p. 187.)

However, neither threshold is explicitly applied to the long-term impacts of the Project on salinity or X2. Instead of analysis, the document simply declares: “The placement of material to restore intertidal marsh habitat at Big Break would not affect salinity in the study area.” (FR/DEIS at p. 188.) Likewise, the Biological Assessment in Appendix G simply states: “The placement of material to raise the elevation of Big Break Island will not affect salinity in the project area or downstream.” (FR/DEIS, App. G, Biological Assessment at p. 13.) The FS/DEIS mentions “[s]alinity and hydraulic analysis taken from existing reports” on page 84. But it is in the context of a preliminary discussion of impacts to water levels, not salinity and X2. Moreover, there is no citation to the “existing reports” that could provide the public or decision makers with relevant evidence to support the conclusion that the Project will have no adverse impact. Such conclusory statements do not satisfy the Army Corps’ obligation under NEPA to analyze and disclose the project-specific impacts of the Project on the human environment.

Under NEPA, Army Corps must also analyze the cumulative impacts on salinity and X2.⁵ But the FR/DEIS lacks any cumulative impact analysis. Most notably, the BDCP and Draft EIR/EIS for the

⁵ Cumulative impact analyses examine the “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions” (40 C.F.R. § 1508.7; see also *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1379-80 (9th Cir. 1998).)

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Page 4
June 2, 2014

BDCP have been circulating for public and agency comment since December 2013. As noted above, the BDCP project alternatives include substantial restoration of tidal marsh habitat. In addition, there are several tidal marsh restoration projects planned in the Delta and Suisun Marsh that may affect salinity, X2, water supply, and other related resources. Currently, DWR is planning to implement the Dutch Slough Tidal Marsh Restoration Project, Reclamation District 2130 is planning its Mallard Farms Conservation Bank in the Suisun Marsh, and the State and Federal Water Contractors Agency has approved the Lower Yolo Restoration Project and is planning additional tidal marsh restoration in the Suisun Marsh. It is also reasonably foreseeable that the proposed projects to deepen the ports of Sacramento and Stockton may impact salinity and the location of X2. Thus, at a minimum, Army Corps should analyze the cumulative impacts of the Project in combination with these and any other projects in the Delta and Suisun Marsh that may affect salinity or the location of X2.

In addition, to the extent that the currently proposed Project is being used as a first step in a much larger program to dispose of dredged material from other Army Corps projects in the Delta, the broader program should be studied in a program EIS to avoid improperly segmenting the environmental impact analysis in a way that could mask significant adverse impacts that would otherwise require mitigation.⁶

Metropolitan requests that the Army Corps comply with NEPA by modeling the individual and cumulative impacts the Project may have on water quality and location of X2 and conducting the required analysis of the Project's direct and indirect impacts on water supply and other related resources. Metropolitan is familiar with relevant models and sources of information that can provide a solid foundation for the required analysis. We would be pleased to guide you to those resources.

Finally, Section 3.1, Table 3-3 and Figure 3-2 do not provide adequate information for an independent assessment regarding which assets are or are not of statewide importance. The table and figure assess a broad range of infrastructure types and resources on Delta islands in drawing conclusions of statewide importance based on information which is unavailable to the reader. Notably, DWR's interagency draft Delta Flood Emergency Management Plan, April 2014, discloses that portions of Old and Middle River levees constitute important levee systems for emergency water supply conveyance subsequent to flood or earthquake initiated multiple island failures. Thus, the islands identified in DWR's interagency draft plan should be considered and expressly noted in the FR/DEIS.

⁶ 40 C.F.R. § 1508.18(b)(4); *id.*, § 1502.4(b) (defining broad federal actions that should be evaluated at the programmatic level to mean actions related geographically, "including actions occurring in the same general location, such as a body of water, region, or metropolitan area[,] and actions that are "generically" related, "including actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, media, or subject matter."); *Klamath-Siskiyou Wildlands Center v. Bureau of Land Management*, 387 F.3d 989 (9th Cir. 2004).

Alicia E. Kirchner

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If you have any questions about these comments or would like to schedule a meeting to discuss, please contact me at (213) 217-6052.

Sincerely,



Stephen N. Arakawa

Manager, Bay-Delta Initiatives, Office of the General Manager
The Metropolitan Water District of Southern California

cc: Dennis Clark, Project Manager, U.S. Army Corps of Engineers, Sacramento District
(Via email, dennis.g.clark@usace.army.mil)

Paul Helliker, Deputy Director, California Department of Water Resources,
P.O. Box 942836, Room 1115-A, Sacramento, CA 94236-0001 (Via U.S. Mail)

Paul Marshall, Chief, Delta Planning Branch, California Department of Water Resources,
P. O. Box 942836, Sacramento, CA 94236-0001 (Via U.S. Mail)

David Mraz, California Department of Water Resources, Delta Levees and Environmental
Branch, 1416 Ninth Street, Room 1623, Sacramento, CA 95814 (Via U.S. Mail)

Ted Fink, California Department of Water Resources, Environmental Restoration and
Enhancement, 901 P Street, P.O. Box 942836, Sacramento, CA 94236 (Via U.S. Mail)



DELTA STEWARDSHIP COUNCIL
A California State Agency

980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

June 2, 2014

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Mr. Robert Kidd
Public Affairs Specialist
U.S. Army Corps of Engineers Sacramento District
1325 J Street
Sacramento, CA 95814

RE: Delta Islands and Levees Feasibility Study, California, Draft Feasibility Report and Environmental Impact Statement (Draft FR/EIS)

Dear Mr. Kidd:

Thank you for the opportunity to comment on the *Delta Islands and Levees Feasibility Study, California, Draft Feasibility Report and Environmental Impact Statement* (Draft FR/EIS), released on April 11, 2014. In addition, we would like to acknowledge and thank Ms. Alicia Kirchner and her staff of the U.S. Army Corps of Engineers (USACE) Sacramento District for informing the Council about this study and providing an internal briefing for Council staff on the study on May 16, 2014.

California's Delta is the largest estuary on the West Coast and is the hub of the state's major water supply systems. We commend USACE's effort for identifying the federal interest in this ecosystem of national significance, and planning a project to restore tidal marsh habitat. As noted in the Delta Plan, much of the original habitat for the Delta's native fish, wildlife, and plants has been urbanized or converted to agriculture over the past 160 years. This habitat loss is one of the largest legacy stressors to the Delta ecosystem. Implementation of the USACE's project will contribute to restoring this critical habitat.

As you may know, the Council is a state agency that was created by the California Legislature in 2009 to develop and implement a legally enforceable long-term management plan for the Delta. The Delta Plan, adopted on May 16, 2013, coordinates state and local actions to achieve the coequal goals of protecting and enhancing the Delta ecosystem and providing for a more reliable water supply for California. The coequal goals are to be achieved in a manner that protects and enhances the Delta as an evolving place by reducing flood risk and promoting a healthy economy that includes a mix of agriculture, tourism, recreation, and vital components of state and regional infrastructure.

"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

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Public Affairs Specialist
U.S. Army Corps of Engineers Sacramento District
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Comments

The comments provided in this letter are based on the Delta Reform Act and the Delta Plan.

- **Delta Stewardship Council and Delta Plan.** The Council is the successor of the CALFED Bay-Delta Program. On page 5, Subsection 1.5.1, we suggest replacing the "CALFED Bay-Delta Program" with "Delta Stewardship Council and Delta Plan". We propose inserting the following language: "The Delta Reform Act (California Water Code Section 85212) created the Council as an independent agency of the State and charged the Council 'to develop, adopt, and commence implementation of the Delta Plan.' The Delta Plan is a comprehensive, long-term management plan for the Delta. It creates legally enforceable regulatory policies as well as nonbinding recommendations to further the state's coequal goals for the Delta: improve statewide water supply reliability, and protect and restore a vibrant and healthy Delta ecosystem, all in a manner that preserves, protects and enhances the unique agricultural, cultural, and recreational characteristics of the Delta. The Delta Plan was adopted on May 16, 2013 and its regulatory policies became effective on September 1, 2013. The Plan can be found on the Council's web site at <http://deltacouncil.ca.gov/>."
- **Bay Delta Conservation Plan (BDCP) and the Delta Plan.** The Draft FR/EIS (page 16) states that "ecological problems exist that will be resolved through the implementation of the BDCP/Delta Plan." We suggest explaining the differences and connections between the Delta Plan and the BDCP to avoid confusion. It is important to note that the Delta Plan was adopted in 2013, while the BDCP is still under development. The Delta Stewardship Council's Delta Plan is a comprehensive management plan authorized by the Delta Reform Act, as described above. The Delta Plan contains numerous goals, objectives, recommendations and policies that are largely implemented through coordination of actions by other agencies including the USACE. The BDCP is being developed as a 50-year Natural Community Conservation Plan (NCCP) with the goal of recovering endangered or threatened species in the Delta. It is comprised of 22 conservation measures, including improved conveyance of water to the pumps of the Central Valley Project and State Water Project, parameters for operating those projects, and restoration of large portions of the Delta to provide functional habitat and reduce stressors such as invasive species and pollutants. When complete, the BDCP will provide the basis for the issuance of endangered species permits for the operation of the state and federal water projects. It is being developed by a group of local water agencies, environmental and conservation organizations, state and federal agencies, and other interest groups. The Delta Reform Act requires that the BDCP, when completed and successfully permitted and if it meets certain statutory incorporation requirements, shall be fully incorporated into the Delta Plan (Water Code Section 85320 (a)). It is anticipated this will occur in 2015 at the earliest. It is then that the two plans intersect.

Therefore, we suggest revising the statement on page 16 to read, "Implementation of the Delta Plan is advancing the state's coequal goals of statewide water supply reliability, and a vibrant and healthy Delta ecosystem, done in a way that preserves, protects and enhances the rural,

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agricultural and recreational characteristics of the Delta. The Delta Reform Act requires that the BDCP, when completed and successfully permitted and if it meets certain statutory incorporation requirements, shall be fully incorporated into the Delta Plan.” Based on the differences between the two plans, described above, we also suggest revising the term “BDCP/Delta Plan” on page 19 to read “BDCP.”

Based on our discussions, we understand that USACE is constrained in its authority to analyze problems and likely solutions under consideration by other federal agencies, such as the habitat restoration areas and measures proposed in the Draft BDCP. The Draft FR/EIS (page 19) states that, “Formulated alternatives and the recommended plan must [neither] impede...[nor] be dependent on the BDCP/Delta Plan”. We do suggest that the “No Project Alternative” should not include BDCP, as it has not been approved and if approved most of the habitat restoration may not have an identified fund source.

- **Consistency with the Delta Plan.** Though federal agencies are not subject to the Council’s jurisdiction, any state or local agency serving as USACE’s local sponsor that determines that a proposed activity done in partnership with USACE is a covered action under the Delta Plan would need to certify consistency with the Delta Plan’s regulatory policies. In addition, it is our understanding that the USACE may use the Delta Plan as a guide because it is now complete and approved by the Council. We suggest the USACE staff review several key Delta Plan recommendations and policies related to ecosystem restoration activities for consistency. These are:
 - **Priority Habitat Restoration Areas.** We encourage USACE to consider the priority habitat restoration areas designated in the Delta Plan (Figure 4-8, Recommended Areas for Prioritization and Implementation of Habitat Restoration Projects, Delta Plan, p. 151), as well as **Delta Plan Recommendation ER R2**, Prioritize and Implement Projects that Restore Delta Habitat. This recommendation, combined with the ecosystem restoration policies described below, represent the widely accepted framework for habitat restoration in the Delta. We believe that using the Delta Plan as a guide to restoration priorities would not conflict with the constraints identified in the Draft FR/EIS, i.e., that formulated alternatives and the recommended plan must neither impede nor be dependent on the BDCP. We are aware that USACE has recently provided sediment to the Montezuma Wetland Restoration Project in the Suisun Marsh, one of the priority habitat restoration areas identified in the Delta Plan. Additional USACE support for this project and similar efforts in the Delta is welcome and encouraged.
 - **Restore Habitats at Appropriate Elevations.** Given the current focus of the Draft FR/EIS on areas outside the priority habitat restoration areas, including subtidal areas, we suggest considering the guidance provided by **Delta Plan Policy ER P2** (23 California Code of Regulations [CCR] Section 5006). This policy calls for habitat restoration to be carried out consistent with Appendix 3 of the Delta Plan regulations. In Appendix 3, the section on subsided Delta lands and deep open water areas, which are defined as below

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approximately six feet in elevation, states that "the most subsided lands would be the lowest priority for restoration to tidal marsh because raising elevations to the range appropriate for vegetation establishment is likely to be infeasible." The higher priority areas for restoration identified in Appendix 3 are those areas that are not subsided or only slightly subsided, since these areas are within the range of feasibility for subsidence reversal. Since sediment supply in the Delta is limited, it is recommended that use of sediment stockpiles in habitat restoration projects should be focused in areas that are already situated near target elevations or are not highly subsided.

- **Protect Opportunities to Restore Habitat. Delta Plan Policy ER P3** (23 CCR Section 5007) calls for protecting opportunities to restore habitat in priority habitat restoration areas. We suggest evaluating whether removal of sediment from Decker Island may interfere with restoration of this island in the future. Decker Island is identified as an area within the Western Delta Priority Habitat Restoration Areas as it contains potential intertidal, transitional, and upland habitat.
- **Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats.** We suggest evaluating the potential impact that removal of sediment stockpiles from areas that are subsided would have on those islands' vulnerability to flood risk. Dredge spoils may also be used to reverse subsidence or used to bolster existing levees, which preserves their existing beneficial use by reducing flood risk. Please see **Delta Plan Policy DP P2** (23 CCR Section 5011) for additional information.
- **Flood Management.** We understand that a variety of constraints resulted in USACE's conclusion that there is no federal interest in flood management in Delta. As we discussed, we feel it will be important to clearly explain to our partner agencies and the public why the USACE and the Delta Stewardship Council, which is responsible for completing a study prioritizing state investments in Delta levees, are likely to reach different conclusions about the need for investment. In the future, we encourage USACE to consider non-traditional risk management options that may be more feasible, and to use system-wide considerations and categories to define the risks and benefits for the region. Consideration should be given to health and safety threats as well as economic damages related to interruption of water conveyance; economic damage of extended travel times for major transportation corridors; and risk to life of population in transit on major transportation corridors. Council staff looks forward to continuing to work with USACE on existing state-federal partnerships and to explore and identify additional state-federal joint interests and to carry out projects that will create multiple benefits to regional water supply reliability, transportation corridor protection, critical infrastructure safety, risk reduction through flood-proofing, and ecosystem enhancement and restoration, all of which are vital components to California's, and the nation's, economic stability and environmental sustainability.

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Council staff acknowledges that USACE can play an important role in helping to achieve the Delta Plan's coequal goals of water supply reliability and ecosystem restoration, while protecting and enhancing the Delta as an evolving place. However, we are concerned about the USACE's policy constraints that have prevented the USACE from considering priority habitat restoration areas and from finding a federal interest in flood management in the Delta. We look forward to continuing discussions with USACE to address these concerns.

In general, we appreciate USACE's interest to invest in the Delta and welcome future opportunities to collaborate with your agency to identify, plan, and execute multi-benefit projects in the Delta. Thank you again for the opportunity to provide comments. We look forward to continuing to work with the USACE on this project as well as others. If you have any questions or would like additional information, please feel free to contact me or my staff, You Chen (Tim) Chao at YouChen.Chao@deltacouncil.ca.gov or (916) 445-0143.

Sincerely,



Cindy Messer
Deputy Executive Officer
Delta Stewardship Council



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 2 2014

U.S. Army Corps of Engineers
Sacramento District
Attn: Mr. Robert Kidd
1325 J Street
Sacramento, CA 95814-2922

Subject: Delta Islands and Levees Feasibility Study, California, Draft Feasibility Report and Environmental Impact Statement, Contra Costa and Sacramento Counties, California [CEQ# 20140120]

The Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the Delta Islands and Levees Feasibility Study, California. Our review and comments are pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA appreciates the efforts of the U.S. Army Corps of Engineers to exercise its ecosystem restoration authority and flood risk management responsibilities, and understands that this Feasibility Study is USACE's mechanism to participate in a cost-sharing solution to address ecosystem restoration and flood risk management in the Sacramento-San Joaquin Delta. EPA further acknowledges the objectives and limits placed on this Feasibility Study, namely to maximize net benefits in a cost effective manner, avoid overlap with restoration considered by other plans (e.g. Bay Delta Conservation Plan), avoid impacts to people and infrastructure, and favor areas with connectivity to existing habitat.

While EPA supports well planned and executed restoration, we are concerned that the project misses an opportunity to reuse a larger volume of dredged material, may induce further subsidence that could impact water quality, and defers analysis to the Preconstruction Engineering and Design phase of the project.

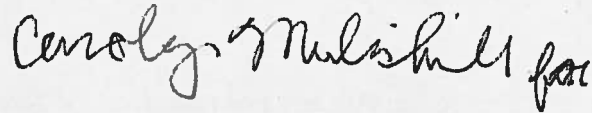
In light of the above stated concerns, we have rated the preferred alternative – Alternative 6 – as *Environmental Concerns – Insufficient Information* (EC-2). Please see the enclosed "Summary of EPA Rating Definitions." EPA recommends that the Final EIS include a project objective to reuse existing dredged material, in furtherance of EPA's and the Corps' shared goal (as stated in the National Dredging Team's charter) of promoting the beneficial use of dredged material. The FEIS should also clarify how the design phase and associated studies may alter the existing environmental impact analysis. Additional recommendations are provided in the enclosed Detailed Comments.

EPA notes that the DEIS acknowledges that different objectives in the future could lead to further development of alternatives not considered within the current Feasibility Study. The document

specifically calls attention to the possibility that approval of the San Francisco Bay to Stockton Navigation Improvement Project could lead to re-evaluation of the unexplored alternatives in this study because of additional availability of dredged material. Though not indicated in the DEIS, EPA notes that such a re-evaluation would likely require additional NEPA review. We encourage the Corps to ensure that any future efforts related to this Feasibility Study and similar projects include consideration of the economic value of existing and potential ecosystem services in the Delta in the cost-benefit analysis of alternatives (see: www.ncbi.nlm.nih.gov/pmc/articles/PMC3339477/). In addition, we urge coordination with other projects and agencies to identify the highest priority restoration locations and scientifically-evaluated restoration methodologies in the Delta.

We appreciate the opportunity to review this DEIS. Should you have any questions regarding our comments, please contact me at (415) 972-3521, or contact Jean Prijatel, the lead reviewer for the project. Jean can be reached at (415) 947-4167 or prijatel.jean@epa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carolyn Goforth", followed by the word "for" in a smaller, simpler script.

Kathleen Martyn Goforth, Manager
Environmental Review Section (ENF-4-2)

Enclosures: Summary of EPA Rating Definitions
EPA Detailed Comments

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

U.S. EPA DETAILED COMMENTS ON THE DELTA ISLANDS AND LEVEES FEASIBILITY STUDY, CALIFORNIA, DRAFT FEASIBILITY REPORT AND ENVIRONMENTAL IMPACT STATEMENT, CONTRA COSTA AND SACRAMENTO COUNTIES, CA, JUNE 2, 2014

Reuse of Dredged Material

The ecosystem restoration alternatives in the DEIS include using dredged material to achieve subsidence reversal in flooded islands. The largest source of the dredged material proposed for use in the Tentatively Selected Plan (Alternative 6) would come from Operations and Maintenance dredging from the Stockton Deep Water Ship Channel. According to the DEIS, there would be zero cost of this source material for the project, as it involves direct pumping from the SDWSC into Big Break.

While the cost of reusing existing dredged material would increase the cost per habitat acre, reusing dredged material is a shared goal of USACE and EPA¹ and would be consistent with the project's ecosystem restoration objective. Ongoing USACE projects generate the vast majority of dredged material in the Delta, and past USACE dredging accounts for most of the stockpiles of previously-dredged material around the Delta. This project represents an opportunity to access and reuse stockpiled dredged material. Incorporation of reuse as an explicit project goal or objective may alter the evaluation of project alternatives. For example, restoration of Frank's Tract 2, which was included as part of Alternative 9, would reuse over 2 million cubic yards of dredged material stockpiled at Roberts Island ("Roberts 1") to restore nearly 120 acres of tidal marshland. Alternative 9 was rejected from further consideration due to the cost per acre analysis; however, its potential to further EPA's and the Corps' beneficial reuse goal does not appear to have been considered in the analysis.

Recommendations: Explicitly incorporate "reuse of dredged material generated and/or stockpiled in the Delta, to the maximum extent practicable" into the project objectives in the FEIS. Evaluate project alternatives against this objective, considering different combinations of restoration sites and sediment sources that may provide increased restoration acreage at still-reasonable costs.

Compute the incremental and total costs of using Roberts 1 material for restoration at Frank's Tract 2 and consider including this restoration element in the final alternative selection.

Rank and evaluate each of the alternatives carried forward, according to the volume of dredged material reuse each could achieve.

Water Quality

The DEIS repeatedly references previous restoration projects using dredged material at Donlon Island and Venice Cut and relies on the apparent success of those efforts to evaluate the potential impacts of the proposed project. The DEIS states that studies of those restorations, and subsequent studies, have been translated into design guidelines (p. 8) that would be used in the proposed project. These guidelines are not included in the DEIS, nor are they provided as a link or addendum.

The DEIS also references salinity and hydraulic analysis in existing reports (p. 84) to support a conclusion that the project would not cause a change to water levels, and further states that "flood plain boundaries, flood characteristics, or flood control structures (such as levees) adjacent or downstream of the study area are not expected to change." It is unclear which reports this statement references.

¹National Dredging Team Charter:

water.epa.gov/type/oceb/oceandumping/dredgedmaterial/upload/2003_12_05_oceans_ndt_publications_2003_charter.pdf

The DEIS lists a number of studies that would be undertaken as part of the design development for the project during the Preconstruction Engineering and Design phase (pages ES 5, 245), including: a geotechnical analysis of underlying substrates; hydraulic modeling for project design; and investigation of installation of sacrificial hay bales for erosion protection. It is unclear whether these studies could necessitate changes to the design that would change projected impacts of the project, particularly impacts to water quality.

EPA is further concerned that the proposed process for restoration of degraded tidal marsh habitat in the Delta could inadvertently impact water quality of the surrounding area, both inside and outside of the levees at Big Break and Little Franks Tract. While many of these impacts are analyzed in the DEIS, EPA continues to have questions about the possibility of dredged material placement on top of peat soils inadvertently contributing to the existing subsidence problem. In such a case, the integrity of the already "very degraded" levees could be compromised leading to impacts to the larger Delta hydrodynamic system. It is unclear whether these impacts would be analyzed during the Preconstruction Engineering and Design phase of the project, whether they may be accounted for in the design guidelines developed from previous restoration projects, or whether they would be addressed in the Monitoring and Adaptive Management Plan.

Without the design guidelines and studies to be conducted during the PED phase, it is unclear how the project would address all potential water quality impacts that may be identified. It is also unclear whether further environmental review would be needed after the design phase of the project, should the design phase uncover additional impacts not currently analyzed.

Recommendations: The FEIS should include:

- The design guidelines developed from previous restoration of Donlon Island and Venice Cut, including success metrics. It should also clearly identify the reports describing salinity and hydraulic analysis referenced on page 84 and include a commitment to monitor salinity and relevant hydraulic indicators (e.g. flow) during project implementation in order to validate the DEIS' conclusions that the project would not result in changes to flood control structures.
- A detailed description of the surveys to be conducted during the PED phase, including how their outcomes may influence the project design or cause reevaluation of project impacts to water quality. EPA specifically encourages further study during PED of hydrodynamics, tidal prisms, and formation and management of methylmercury. The FEIS should also provide clarification as to whether or not changes to project design elements might trigger additional environmental review under NEPA.
- A discussion of how peat-based flooded islands behave under current conditions and the expected responses of the islands and degraded levees to the placement of relatively heavy sediments contained in dredged material.² EPA encourages USACE to coordinate with the U.S. Geological Survey's Water Science Center and their Priority Ecosystems

² The "Sacramento/San Joaquin Delta Breached Levee Wetland Study" from the University of Washington shows that the elevations at Donlon Island and Venice Cut remained constant in the years following restoration while there had been over 30mm of accretion at the surface. The study concluded that this indicates "that while material is accumulating, there are processes below the surface counterbalancing the accretion and maintaining constant elevation."

<http://depts.washington.edu/calfed/breachin.pdf>

Science program for the Bay Delta³ for expertise regarding peat-based islands, hydrodynamics, sediment transport processes, subsidence in the central and western Delta, and the formation and management of methylmercury.

- A commitment in the Monitoring and Adaptive Management Plan to identify monitoring and project adaptations for potential induced subsidence and such subsidence's impacts to levee integrity.

The DEIS lists a number of permits and plans to be prepared by the selected project contractor and/or USACE for water quality mitigation. The contractor would be required to prepare a National Pollution Discharge Elimination System permit application, prepare and implement a Storm Water Pollution Prevention Plan, and prepare an in-water work plan. USACE is in the process of working with the Central Valley Regional Water Quality Control Board to obtain Section 401 Certification for the project, which will include requirements for testing and monitoring. USACE will also coordinate with the Central Valley RWQCB to determine whether additional testing of the dredged source material would be required prior to placement. The DEIS indicates that these plans are expected to reduce water quality impacts to less than significant.

Recommendation: The FEIS should include drafts of the NPDES permit application, the SWPPP and in-water work plan, and a commitment to implement plans at least as protective as the drafts. It should also include the Section 401 Certification from the Central Valley RWQCB.

Air Quality

The DEIS provides an air quality analysis of the construction impacts of the project, which would occur over five years. Pollutants of concern are identified as ozone and particulate matter. The proposed mitigation measures for impacts to air quality are extensive and contain EPA's commonly recommended best practices for limited idling, equipment maintenance and modernization, emission control devices, and fugitive dust control plans. According to the DEIS, the proposed measures are expected to reduce air quality impacts – including those for ozone precursors and particulate matter – to less than significant and prevent exceedance of local air quality thresholds and the Federal de minimis thresholds.

The DEIS states that a conformity assessment for ozone and PM₁₀ must be completed and that the assessment will evaluate whether or not the project's construction or operational emissions would exceed 25 tons per year of Reactive Organic Gasses or NO_x, or 100 tons per year of PM₁₀. In the air quality impact analysis, it appears that these emission thresholds would not be exceeded, but a formal assessment is still needed.

Recommendation: The FEIS should include the general conformity assessment for ozone and particulate matter.

The analysis for Alternatives 2 and 6 (the action alternatives) both specify "12 employee trips per day, 20 miles each way." Later analysis of growth-inducing impacts suggests that Alternative 6 would create 20 jobs locally (page 216). It is unclear if the analysis for Alternative 6 appropriately accounts for all expected employee trips.

³ USGS Water Science Center: <http://ca.water.usgs.gov/topic.html?topic=HST>
USGS Priority Ecosystem Science program: <http://access.usgs.gov/about.html>

Recommendation: The FEIS should clarify the number of employee trips per day associated with each of the action alternatives and adjust the air quality impact analysis accordingly.

The No Action Alternative air quality analysis does not discuss the impacts to air quality of the earthwork required for existing dredged material placement from the Operations and Maintenance dredging of the Stockton Deep Water Ship Channel. These air impacts are used later in the analysis for Alternatives 2 and 6 to demonstrate reduced air impacts from avoidance of that earthwork.

Recommendation: The FEIS should account for the air quality impacts of O&M activities in the No Action Alternative to provide a foundation for the air quality benefits realized in the action alternatives.

The air quality mitigation section states that construction equipment powered by electricity eliminates criteria pollutant emissions from diesel combustion (page 204); however, it does not state that use of such equipment would be encouraged or required.

Recommendation: Include, in the FEIS, either a commitment to require contractors to use available electrical construction equipment technology to the extent possible, or a commitment to give preference to contractor proposals that would use such technology.

Climate Change

The DEIS includes a climate change impact analysis for greenhouse gas emissions in accordance with federal and state policies and regulations. The GHG emissions from the project are not expected to be significant, but USACE would implement mitigation measures to reduce the cumulative impacts from the project. It states that the selected contractor would be “encouraged to implement” additional GHG mitigation measures (page 207) where practical, but it would not require most measures.

Recommendation: During the contractor selection process, prioritize contractors whose proposals include the identified voluntary GHG mitigation measures.

The DEIS also considers the risk of sea level rise for construction of the project and states that the “life cycle of the intertidal marsh vegetation is expected to be more than sufficient to accrue organic material and increase land elevation, naturally compensating for changes in sea level.” (page 242)

In light of the President’s November 1, 2013 Executive Order 13653 “Preparing the United States for the Impacts of Climate Change,” there is an opportunity for the Delta Islands and Levees project to explicitly illustrate and maximize the climate-resilient benefits of ecosystem restoration and intertidal marshes. Currently the DEIS addresses this resiliency in terms of the restored ecosystem itself, but not its potential impact on the surrounding areas.

Recommendations: Reference Executive Order 13653 in the discussion of the regulatory environment. The FEIS should also include a discussion about the impacts of each alternative on climate change resiliency of the surrounding area, and consider those impacts in the final alternative selection.

DELTA ISLANDS AND LEVEES FEASIBILITY STUDY SCOPING REPORT

Introduction

The U.S. Army Corps of Engineers (USACE) initiated the Delta Islands and Levees Feasibility Study at the request of the California Department of Water Resources (DWR), the non-Federal sponsor for the study. USACE is the lead agency in the Feasibility Study, with USACE taking the lead under the National Environmental Protection Act (NEPA).

Numerous agencies, organizations, and individuals participated in the study including the California Department of Water Resources (DWR), U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration (NOAA Fisheries), U.S. Environmental Protection Agency, California Department of Fish and Wildlife, Sacramento County, San Joaquin County, Contra Costa County, Yolo County, Alameda County, Solano County, numerous levee maintaining agencies, local landowners and residents.

Delta Islands and Levees Feasibility Study

The feasibility report will present details on the USACE and non-Federal sponsor (California Department of Water Resources) participation needed to implement the selected plan. The report will conclude with a recommendation for Congressional authorization of a project, if justified. It is anticipated that the planning efforts will result in an integrated planning document discussing plan formulation and an Environmental Impact Statement (EIS) which analyzes the alternatives. The EIS would be prepared in accordance with the National Environmental Policy Act (NEPA).

Notice of Intent/Preparation

In compliance with the requirements set forth in NEPA, USACE prepared a Notice of Intent (NOI) describing its intent to prepare an EIS, the possible alternatives, and relevant scoping meeting and contact information. The NOI was posted in the Federal Register, the United States Government's official noticing and reporting publication, on January 31 2013 (Federal Register, Vol. 78, No. 921). The official comment period for the NOI was January 31 2013 to March 15, 2013.

Mailings

USACE developed a postcard which was sent to interested stakeholders and agency contacts. Additionally a previously developed mailing list of interested stakeholders and agency contacts was sent by email notification encouraging attendance at the scoping meetings.

Notifications

Notices briefly introducing the lead agencies, the proposed projects and associated environmental review processes, and the scoping meetings were placed in the Sacramento Bee

and Lodi News newspapers on February 6, 2013. Newsprint releases were published to reach a local and regional public audience that residents routinely rely upon to keep them abreast of local issues. A media release was also emailed out to a number media contacts within the region on February 6, 2013. Attachment A contains copies of the following:

- Notice of Intent
- Notice of Preparation
- Federal Register Publication
- Postcard
- Media Release
- Email Notification

Public Meetings

In February 2013, two scoping meetings were held for the project study. The meetings were held to educate the public about the study efforts and to garner input on the proposed scope, in accordance with NEPA. Refer to Table 1-1 for the USACE planning and NEPA process.

The meetings were held at two different times over the course of two days. On February 19, 2013, the first meeting was conducted from 5:00 to 7:00 p.m. at the Old Sugar Mill in Clarksburg. The second meeting was conducted on February 19, 2013 from 2:00 to 4:00 p.m. at the Sheraton Grand Hotel in Sacramento.

The meeting locations were chosen because they are central to the region. The meeting times were chosen to accommodate both the workday schedules of public agency representatives and the general public, including residents and business owners.

The meetings were open-house style workshops in which attendees could read and view the information about the two projects and interact with project staff, including representatives of USACE and the California Department of Water Resources (DWR). The views expressed in the scoping meeting are summarized as follows:

USACE staff was stationed at display boards to interact with public attendees and provide additional detail or answer any questions. A Power Point presentation was on-going to provide a brief introduction to the including objectives, schedule, environmental compliance, and related flood control work in the region. A fact sheet, providing an overview of the Delta Islands and Levees Feasibility Study including purpose and goals, maps of the corresponding study areas, an overview of the environmental compliance process and timeline, was also made available. Comment cards were prepared so that meeting attendees could provide feedback on the projects. These cards could be filled out during the meeting and given to a project team member. Attachment B contains copies of the following:

- Sign In Sheet
- Meeting Overview
- Display boards
- Power Point presentation
- Fact sheets
- Comment cards

Public Feedback

The views expressed by members of the public at the scoping meeting are summarized as follows:

- Clarifications on data and history of the Delta
- Concerns of siltation in Delta channels
- Recommendation for coordination with other agencies and efforts in the Delta
- Recommendation to evaluate environmental effects of alternatives to water supply, water quality, and aquatic and terrestrial biology

Next Steps

A similar open-house format will be used when this draft integrated feasibility report and EIS are made available for public review and comment. USACE will ensure all agencies, organizations, and individuals who provide comments will be provided a copy of the final integrated feasibility report and EIS.

ATTACHMENT A



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA, 95814-2922

CESPK-PD-R (1102-2-1150a)

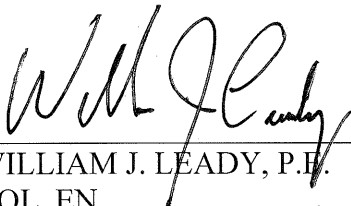
JAN 23 2013

MEMORANDUM FOR U.S. Army Records Management and Declassification Agency, Army Federal Register Liaison (AHRC-PDD-RP/Ms. Bowen), 7701 Telegraph Road, Casey Building Room 102, Alexandria, VA 22315-3860

SUBJECT: Notice of Intent to Prepare an Environmental Impact Statement for the Sacramento-San Joaquin Delta Islands and Levees Feasibility Study

1. Enclosed are three copies of our Notice of Intent (NOI) to prepare the Environmental Impact Statement for the Sacramento-San Joaquin Delta Islands and Levees Feasibility Study. Please place the NOI in the Federal Register at the earliest possible time.

Encl


WILLIAM J. LEADY, P.E.
COL, EN
Commanding

CF: Commander, U.S. Army Corps of Engineers, South Pacific Division, 333 Market Street, San Francisco, CA 94105 (w/encl)

BILLING CODE: 3720-58

DEPARTMENT OF DEFENSE

Department of the Army; Army Corps of Engineers

**Notice of Intent to Prepare an Environmental Impact Statement for the
Sacramento-San Joaquin Delta Islands and Levees Feasibility Study**

AGENCY: Department of the Army, U.S. Army Corps of Engineers; DoD.

ACTION: Notice of intent.

SUMMARY: The action being taken is the preparation of an environmental impact statement (EIS) for the Sacramento-San Joaquin Delta Islands and Levees Feasibility Study (Delta Study). The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA). The U.S. Army Corps of Engineers (Corps) will serve as lead agency for compliance with NEPA. The Delta Study will evaluate alternatives to meet the study goals of restoring sustainable ecosystem functions and improving flood risk management in the Delta, Suisun Marsh, and adjacent areas.

DATES: Written comments regarding the scope of the environmental analysis should be received at (see **ADDRESSES**) by March 15, 2013.

ADDRESSES: Written comments concerning this study and requests to be included on the Delta Study mailing list should be submitted to U.S. Army Corps of Engineers, Sacramento District, Public Affairs Office, Attn: Delta Study Scoping, 1325 J Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: The U.S. Army Corps of Engineers Public Affairs Office via telephone at (916) 557-7461, e-mail at spk-pao@usace.army.mil, or regular mail at (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

1. Proposed Action. The Corps is preparing an EIS to analyze the environmental effects associated with various alternatives for restoring sustainable ecosystem functions and improving flood risk management in the Delta, Suisun Marsh, and adjacent areas.

2. Alternatives. The EIS will evaluate alternatives for achieving the purpose and need of the proposed action. To be developed through the Corps plan formulation process, the alternatives analyzed may include various combinations of ecosystem restoration and flood risk management measures designed to meet the dual objectives of restored ecosystem functions and improved flood risk management. The array of potential measures and possible combinations into alternatives will be determined based in part on information received during the scoping process.

- **3. Scoping Process.** *a.* Two public scoping meetings will be held to present an overview of the Delta Study and the EIS process, and to afford all interested parties with an opportunity to provide comments regarding the scope of analysis and potential alternatives. The first public scoping meeting will be held at the Old Sugar Mill, 35265 Willow Ave, Clarksburg, California, on February 19, 2013, from 5:00 – 7:00 p.m. The study presentation is scheduled to begin at 5:30. The second public scoping meeting will be held at the Sheraton Grand Sacramento, 1230 J Street, Sacramento, California, on

February 20, 2013, from 2:00 – 4:00 p.m. The study presentation is scheduled to begin at 2:30.

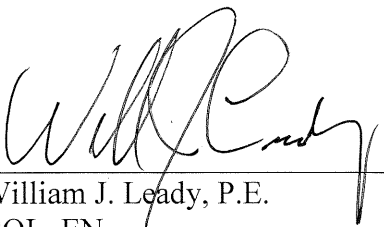
b. Potentially significant issues to be analyzed in the EIS include programmatic, project specific, and cumulative effects on aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

c. The Corps will consult with the State Historic Preservation Officer to comply with the National Historic Preservation Act of 1966, as amended and with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to comply with the Endangered Species Act (16 USC § 1536). The Corps will also coordinate with the U.S. Fish and Wildlife Service to comply with the Fish and Wildlife Coordination Act (16 U.S.C. sec 661). Other resource agencies will be consulted with as applicable.

d. A 45-day public review period will be provided for all interested parties, individuals, and agencies to review and comment on the draft EIS. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS circulation.

4. Availability. The draft EIS is currently scheduled to be available for public review and comment in early 2014.

23 Jan 2013
Date:



William J. Leady, P.E.
COL, EN
Commanding

- Testimony from representatives of the military criminal investigation organizations.

- Testimony from subject matter experts on the military justice system.

- Receipt of public comments—3:00 p.m. to 4:00 p.m.

Availability of Materials for the Meeting: A copy of the agenda for the February 15, 2013 meeting and the tasking for the Subcommittee may be obtained at the meeting or from the Board's Staff Director at StaffDirectorDefenseLegalPolicyBoard@osd.mil.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, part of this meeting is open to the public. Seating is limited and is on a first-come basis.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact the Staff Director at StaffDirectorDefenseLegalPolicyBoard@osd.mil at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Procedures for Providing Public Comments: Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Board about its mission and topics pertaining to this public session. Written comments must be received by the Designated Federal Officer at least five (5) business days prior to the meeting date so that the comments may be made available to the Board for their consideration prior to the meeting. Written comments should be submitted via email to the address for the Designated Federal Officer in **FOR FURTHER INFORMATION CONTACT** in the following formats: Adobe Acrobat, WordPerfect, or Microsoft Word. Please note that since the Board operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection. If members of the public are interested in making an oral statement, a written statement must be submitted as above along with a request to provide an oral statement. After reviewing the written comments, the Chairperson and the Designated Federal Officer will determine who of the requesting persons will be able to make an oral presentation of their issue during the open portion of this meeting. Determination of who will be making an oral presentation is at the sole discretion of the Committee Chair and the Designated Federal Officer and will

depend on time available and relevance to the Committee's activities. Five minutes will be allotted to persons desiring to make an oral presentation. Oral presentations by members of the public will be permitted from 3:00 p.m. to 4:00 p.m. in front of the Board. The number of oral presentations to be made will depend on the number of requests received from members of the public.

Committee's Designated Federal Officer: The Board's Designated Federal Officer is Mr. James Schwenk, Defense Legal Policy Board, PO Box 3656, Arlington, VA 22203. Email: defenselegalpolicyboarddfo@osd.mil. Phone: (703) 697–9343. For meeting information please contact Mr. David Gruber, Defense Legal Policy Board, PO Box 3656, Arlington, VA 22203. Email: StaffDirectorDefenseLegalPolicyBoard@osd.mil. Phone: (703) 696–5449.

Dated: January 25, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–02033 Filed 1–30–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability for Exclusive, Non-Exclusive, or Partially-Exclusive Licensing of an Invention Concerning Antibodies With Simultaneous Subsite Specificities to Protein and Lipid Epitopes

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Patent Application Serial No. 11/525,574, entitled “Antibodies with Simultaneous Subsite Specificities to Protein and Lipid Epitopes,” filed on September 22, 2006. The United States Government as represented by the Secretary of the Army has rights to this invention. Foreign rights may be available.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to a method of making antibodies that are dual specific to both (1) amino acid sequences and (2) solid phase lipid structures. The invention has relevance to such important subject matter as making broadly neutralizing monoclonal antibodies to HIV–1.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2013–02097 Filed 1–30–13; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army; Army Corps of Engineers

Notice of Intent to Prepare an Environmental Impact Statement for the Sacramento-San Joaquin Delta Islands and Levees Feasibility Study

AGENCY: Department of the Army, U.S. Army Corps of Engineers; DoD.

ACTION: Notice of intent.

SUMMARY: The action being taken is the preparation of an environmental impact statement (EIS) for the Sacramento-San Joaquin Delta Islands and Levees Feasibility Study (Delta Study). The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA). The U.S. Army Corps of Engineers (Corps) will serve as lead agency for compliance with NEPA. The Delta Study will evaluate alternatives to meet the study goals of restoring sustainable ecosystem functions and improving flood risk management in the Delta, Suisun Marsh, and adjacent areas.

DATES: Written comments regarding the scope of the environmental analysis should be received at (see **ADDRESSES**) by March 15, 2013.

ADDRESSES: Written comments concerning this study and requests to be included on the Delta Study mailing list should be submitted to U.S. Army Corps of Engineers, Sacramento District, Public Affairs Office, Attn: Delta Study Scoping, 1325 J Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: The U.S. Army Corps of Engineers Public Affairs Office via telephone at (916) 557–7461, email at spk-pao@usace.army.mil, or regular mail at (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

1. *Proposed Action.* The Corps is preparing an EIS to analyze the environmental impacts associated with alternatives for restoring sustainable ecosystem functions and improving

flood risk management in the Delta, Suisun Marsh, and adjacent areas.

2. *Alternatives.* The EIS will evaluate alternatives for achieving the purpose and need of the proposed action. To be developed through the Corps plan formulation process, the alternatives analyzed may include various combinations of ecosystem restoration and flood risk management measures designed to meet the dual objectives of restored ecosystem functions and improved flood risk management. The array of potential measures and possible combinations into alternatives will be determined based in part on information received during the scoping process.

3. *Scoping Process.* a. Two public scoping meetings will be held to present an overview of the Delta Study and the EIS process, and to afford all interested parties with an opportunity to provide comments regarding the scope of analysis and potential alternatives. The first public scoping meeting will be held at the Old Sugar Mill 35265 Willow Ave, Clarksburg, California, on February 19, 2013, from 5:00–7:00 p.m. The study presentation is scheduled to begin at 5:30. The second public scoping meeting will be held at the Sheraton Grand Sacramento, 1230 J Street, Sacramento, California, on February 20, 2013, from 2:00–4:00 p.m. The study presentation is scheduled to begin at 2:30.

b. Potentially significant issues to be analyzed in the EIS include programmatic, project specific, and cumulative effects on aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

c. The Corps will consult with the State Historic Preservation Officer to comply with the National Historic Preservation Act of 1966, as amended and with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to comply with the Endangered Species Act (16 U.S.C. 1536). The Corps will also coordinate with the U.S. Fish and Wildlife Service to comply with the Fish and Wildlife Coordination Act (16 U.S.C. sec 661). Other resource agencies will be consulted with as applicable.

d. A 45-day public review period will be provided for all interested parties individuals and agencies to review and comment on the draft EIS. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS circulation.

4. *Availability.* The draft EIS is currently scheduled to be available for public review and comment in early 2014.

Dated: January 23, 2013.

William J. Leady,

Professional Engineer, Colonel, U.S. Army, Commanding.

[FR Doc. 2013–02095 Filed 1–30–13; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC13–67–000.

Applicants: Wildcat Wind Farm I, LLC.

Description: Application For Authorization Under Section 203 Of The Federal Power Act, Requests For Waivers Of Filing Requirements, Expedited Review and Confidential Treatment Wildcat Wind Farm I, LLC.

Filed Date: 1/22/13.

Accession Number: 20130122–5357.

Comments Due: 5 p.m. ET 2/12/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2331–016; ER10–2343–016; ER10–2319–015; ER10–2320–015; ER10–2317–014; ER10–2322–016; ER10–2324–015 ER10–2325–014; ER10–2332–015; ER10–2326–016; ER10–2327–017; ER10–2328–015; ER11–4609–014; ER10–2330–016.

Applicants: J.P. Morgan Ventures Energy Corporation, J.P. Morgan Commodities Canada Corporation, BE Alabama LLC, BE Allegheny LLC, BE CA LLC, BE Ironwood LLC, BE KJ LLC, BE Louisiana LLC, BE Rayle LLC, Cedar Brakes I, L.L.C., Cedar Brakes II, L.L.C., Central Power & Lime LLC, Triton Power Michigan LLC, Utility Contract Funding, L.L.C.

Description: J.P. Morgan Sellers submits Notice of Non-Material Change in Status re Prairie Rose Wind.

Filed Date: 1/22/13.

Accession Number: 20130122–5380.

Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: ER10–2405–003; ER10–2414–003; ER10–2427–001.

Applicants: High Prairie Wind Farm II, LLC, Old Trail Wind Farm, LLC, Telocaset Wind Power Partners, LLC.

Description: Notice of Non-Material Change in Status of High Prairie Wind Farm II, LLC, et al.

Filed Date: 1/22/13.

Accession Number: 20130122–5355.

Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: ER10–2609–003;

ER10–2604–001; ER10–2603–001;

ER10–2602–003; ER10–2606–003.

Applicants: Escanaba Paper Company, Luke Paper Company, Rumford Paper Company, New Page Energy Services, Inc., Consolidated Water Power Company.

Description: Notice of Non-Material Change in Status of NewPage MBR Companies.

Filed Date: 1/22/13.

Accession Number: 20130122–5374.

Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: ER10–2763–006;

ER10–2732–006; ER10–2733–006;

ER10–2734–006; ER10–2736–006;

ER10–2737–006; ER10–2741–006;

ER10–2749–006; ER10–2752–006;

ER12–2492–002; ER12–2493–002;

ER12–2494–002; ER12–2495–002;

ER12–2496–002.

Applicants: Bangor Hydro Electric Company, Emera Energy U.S. Subsidiary No. 1, Inc, Emera Energy U.S. Subsidiary No. 2, Inc., Emera Energy Services Subsidiary No. 1 LLC, Emera Energy Services Subsidiary No. 2 LLC, Emera Energy Services Subsidiary No. 3 LLC, Emera Energy Services Subsidiary No. 4 LLC, Emera Energy Services Subsidiary No. 5 LLC, Emera Energy Services Subsidiary No. 6 LLC, Emera Energy Services Subsidiary No. 7 LLC, Emera Energy Services Subsidiary No. 8 LLC, Emera Energy Services Subsidiary No. 9 LLC, Emera Energy Services Subsidiary No. 10, Emera Energy Services, Inc.

Description: Notice of Change in Status of Bangor Hydro Electric Company, et al.

Filed Date: 1/22/13.

Accession Number: 20130122–5373.

Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: ER11–3342–001.

Applicants: Dynasty Power Inc..

Description: Notice of Change in Status of Dynasty Power Inc.

Filed Date: 1/22/13.

Accession Number: 20130122–5368.

Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: ER11–4266–004.

Applicants: Richland-Stryker Generation LLC.

Description: Notice of Non-Material Change in Status of Richland-Stryker Generation LLC.

Filed Date: 1/22/13.

Accession Number: 20130122–5381.

Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: ER12–1653–002.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits NYISO

Sacramento-San Joaquin Delta Islands & Levees Feasibility Study



U.S. Army Corps of Engineers
Public Affairs Office
1325 J Street, Room 1513
Sacramento, CA 95814

*The U.S. Army Corps of Engineers invites you to attend our public scoping meetings
for the Sacramento-San Joaquin Delta Islands and Levees Feasibility Study*

Tuesday, Feb. 19, 2013

5 – 7 p.m.

Old Sugar Mill

35265 Willow Ave, Clarksburg, CA



Wednesday, Feb. 20, 2013

2 – 4 p.m.

Sheraton Grand Sacramento

1230 J St, Sacramento, CA

The public scoping meetings will provide an update on the Sacramento-San Joaquin Delta Islands and Levees Feasibility Study, and the opportunity to speak with representatives from the U.S. Army Corps of Engineers.

Please call the U.S. Army Corps of Engineers at (916) 557-5100 for more information.



NEWS RELEASE

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

Release # 2013-S-003
For Immediate Release:
Feb. 6, 2013

Contact: Tyler Stalker
916-557-5107
Tyler.M.Stalker@usace.army.mil

Corps to discuss Delta Islands and Levees Feasibility Study at public meetings

SACRAMENTO, Calif. – The U.S. Army Corps of Engineers Sacramento District is set to host two public meetings this month on its ongoing Delta Islands and Levees Feasibility Study, a cost-shared study with the state of California to address critical water resources issues in the Sacramento-San Joaquin Delta.

The public meetings, scheduled for Feb. 19 at the Old Sugar Mill in Clarksburg and Feb. 20 at the Sheraton Grand Hotel in Sacramento, are intended to provide a public forum to explain the Corps' feasibility study process and what the Delta Islands and Levees Feasibility Study aims to achieve.

The Delta Islands and Levees Feasibility Study will inform the Corps' and state of California's efforts to address a variety of critical issues in the Delta, including flood risk management, ecosystem restoration, water quality, water supply conveyance, emergency flood water storage and, emergency response.

The draft environmental impact statement outlining the potential impacts of proposed solutions is scheduled to be available for public review and comment in 2014. The array of potential measures and program alternatives will be determined based on information received during the scoping process and other associated studies.

In addition to providing comments at the public scoping meetings, written comments can be submitted by mail to 1325 J Street, Sacramento, CA, 95814 or by e-mail to spk-pao@usace.army.mil. Additional public comment periods and public meetings will be conducted throughout the course of the study as part of the environmental impact statement development process.

The Corps and its local partner, California Department of Water Resources, plan to attend local government, state agency and other Delta-related meetings through the year to engage affected stakeholders and keep the public apprised of progress on the study.

Delta Islands and Levees Feasibility Study Public Meetings

Feb. 19, 2013

5 p.m. - 7 p.m. (presentation at 5:30 p.m.)
Old Sugar Mill
35265 Willow Avenue, Clarksburg, CA

Feb. 20, 2013

2 p.m. - 4 p.m. (presentation at 2:30 p.m.)
Sheraton Grand Hotel
1230 J Street, Sacramento, CA

###

U.S. ARMY CORPS OF ENGINEERS – SACRAMENTO DISTRICT

1325 J ST. – SACRAMENTO, CA 95814

www.spk.usace.army.mil

www.facebook.com/sacramentodistrict

www.youtube.com/sacramentodistrict

www.twitter.com/USACEsacramento

<http://www.flickr.com/photos/sacramentodistrict/>

From: Johnson, Bradley C SPK

To: [Delta News SPK](#)

Bcc: ["abmoran@sprynet.com"](#); ["admin@hultgrentillis.com"](#); ["astrada@water.ca.gov"](#); ["agehlot@ghglobaltech.net"](#); ["aholmes@dfg.ca.gov"](#); ["aholmes@dfg.ca.gov"](#); ["ajenkins@solanocounty.com"](#); ["Paniccia, AI SPN"](#); ["alice@aarichandassociates.com"](#); ["Kirchner, Alicia E SPK"](#); ["alobato@water.ca.gov"](#); ["ALRuffin@SolanoCounty.com"](#); ["ameen_khan@boxer.senate.gov"](#); ["anavaser@water.ca.gov"](#); ["Sturm, Anne K SPD"](#); ["anne.sanger@mail.house.gov"](#); ["apawley@water.ca.gov"](#); ["Raymundo, Arianna F TAN"](#); ["Rakstins, Arijis A SPN"](#); ["arroyorj@aol.com"](#); ["asimpson@water.ca.gov"](#); ["astrachan@dfg.ca.gov"](#); ["awconsult@aol.com"](#); ["bachman@mbkengineers.com"](#); ["bagreer@mbakercorp.com"](#); ["bapowell@solanocounty.com"](#); ["Barb.Johnson@mail.house.gov"](#); ["bcampbel@ebmud.com"](#); ["bemis@amarine.com"](#); ["betchart@earthlink.net"](#); ["beth.jines@LACity.org"](#); ["bevoy@waterboards.ca.gov"](#); ["bfinlays@ospr.dfg.ca.gov"](#); ["bgeisler@anchorenv.com"](#); ["bill.bamatte@calema.gov"](#); ["Bill.Martin@yolocounty.org"](#); ["bimid@sbcglobal.net"](#); ["bkelly@mercedid.org"](#); ["Jackson, Blair T SPN"](#); ["bobfcollins@hotmail.com"](#); ["bobker@bay.org"](#); ["Boothg@saccounty.net"](#); ["boothg@saccounty.net"](#); ["borcutt@dfg.ca.gov"](#); ["borcutt@dfg.ca.gov"](#); ["boregan@pbieng.com"](#); ["bpbrock@water.ca.gov"](#); ["BPCstaff@bayplanningcoalition.org"](#); ["bradley@water.ca.gov"](#); ["Beach, Brandon A SPN"](#); ["Muncy, Brandon C SPK"](#); ["Mulvey, Brian M SPK"](#); ["Schlenker, Brooke E SPK"](#); ["bruce.irion@shell.com"](#); ["bruce@sfei.org"](#); ["bsetness@ksninc.com"](#); ["burkhard@water.ca.gov"](#); ["Cabrera-Stagno, Valentina@epamail.epa.gov"](#); ["cal.fong@comcast.net"](#); ["campopiano.jorine@epa.gov"](#); ["Routh, Carmen L SPK"](#); ["Mallory, Carolyn E SPK"](#); ["Young, Casey C SPK"](#); ["Casio@mbkengineers.com"](#); ["cbg@shanwil.com"](#); ["Cboye@so.cccounty.us"](#); ["ccady@cdfa.ca.gov"](#); ["chaerr@water.ca.gov"](#); ["Gray-Garcia, Chris SPK"](#); ["chris.howard@dcd.cccounty.us"](#); ["chris.kitting@csueastbay.edu"](#); ["Altendorf, Christine HQ"](#); ["christine@boudreaulc.com"](#); ["Tejeda, Cindy L SPD"](#); ["cindy.tuttle@yolocounty.org"](#); ["cjmartin@water.ca.gov"](#); ["CJoab@waterboards.ca.gov"](#); ["ckao@valleywater.org"](#); ["Turner, Claire Marie SPK"](#); ["clarkp@water.ca.gov"](#); ["cmanc2@aol.com"](#); ["cmuehlberg@usbr.gov"](#); ["cneudeck@ksninc.com"](#); ["colcope@hotmail.com"](#); ["commodorewells@msn.com"](#); ["Koger, Cory S SPK"](#); ["cosio@mbkengineers.com"](#); ["Craig.Moyle@us.mwhglobal.com"](#); ["Conner, Craig S SPN"](#); ["craig@cdstevens.com"](#); ["cschmutte@mwdh2o.com"](#); ["cwilliam@water.ca.gov"](#); ["dalehf@water.ca.gov"](#); ["Dan.Davis@WestonSolutions.com"](#); ["dan.ray@deltacouncil.ca.gov"](#); ["Artho, Daniel F SPK"](#); ["daniel@kaydix.com"](#); ["David.P.VanRijn@usace.army.mil"](#); ["Patterson, David R SPN"](#); ["David.Wegner@mail.house.gov"](#); ["davidnesmith@ewc.com"](#); ["dcasey@photoscience.com"](#); ["dccengineering@citlink.net"](#); ["dceppos@ccp.csus.edu"](#); ["ddadamo@earthlink.net"](#); ["ddjcs@att.net"](#); ["debbie@ejcw.org"](#); ["Cordell, DeDe SPK"](#); ["deedee.antypas@ci.stockton.ca.us"](#); ["deltakeep@aol.com"](#); ["Clark, Dennis G SPK"](#); ["dfeliz@dfg.ca.gov"](#); ["dforkel@deltawetlands.com"](#); ["dfullerton@mwdh2o.com"](#); ["dguinto@hydroplanllc.com"](#); ["DLL-CESPK-PD"](#); ["dmajors@mwdh2o.com"](#); ["dmraz@water.ca.gov"](#); ["docterre@sonic.net"](#); ["dornl@sacsewer.com"](#); ["dosugi@water.ca.gov"](#); ["douglas_weinrich@fws.gov"](#); ["dpeixotto@marstel-day.com"](#); ["Clark, E Scott SPK"](#); ["ebalsley@mbakercorp.com"](#); ["echapman@swc.org"](#); ["echristian@waterboards.ca.gov"](#); ["Townesley, Edwin S SPD"](#); ["Ehaga@usbr.gov"](#); ["elizab@water.ca.gov"](#); ["ellen_johnck@yahoo.com"](#); ["Elly.Fairclough@mail.house.gov"](#); ["emobley@mbakercorp.com"](#); ["emobley@mbakercorp.com"](#); ["enas@water.ca.gov"](#); ["Nagy, Eric E SPK"](#); ["eric.nichol@deltacouncil.ca.gov"](#); ["escooke@pbsj.com"](#); ["Maak, Eugene C SPK"](#); ["ewc@davidnesmith.com"](#); ["Tabatabai, Fari SPN"](#); ["fordc@saccounty.net"](#); ["Foresman.Erin@epamail.epa.gov"](#); ["GaryF@cityofwestsacramento.org"](#); ["gbardini@water.ca.gov"](#); ["gfredlee33@gmail.com"](#); ["ggartrell@ccwater.com"](#); ["Mitchell, Glen L SPN"](#); ["Mitchell, Glen L SPN"](#); ["gnewton@water.ca.gov"](#); ["goldfishj@gmail.com"](#); ["Gpitzer@watereducation.org"](#); ["Greg_Yarris@FWS.gov"](#); ["Gregor.Blackburn@dhs.gov"](#); ["Kukas, Gregory A SPK"](#); ["gshaw@water.ca.gov"](#); ["harder@water.ca.gov"](#); ["harry_kahler@fws.gov"](#); ["hartrestoration@mac.com"](#); ["hastings@calwater.ca.gov"](#); ["hershey@mbkengineers.com"](#); ["hershey@mbkengineers.com"](#); ["Applegate, Hilary E SPK"](#); ["hjchen@waterboards.ca.gov"](#); ["HuitC@slc.ca.gov"](#); ["HuntsmanSR@BV.com"](#); ["incer@saccounty.net"](#); ["irivera@waterboards.ca.gov"](#); ["Jafar.Faghih@hdrinc.com"](#); ["Powers, James C SPK"](#); ["James.S.Miller@usace.army.mil"](#); ["Jamil.S.Ibrahim@us.mwhglobal.com"](#); ["Jason_Albritton@epw.senate.gov"](#); ["jburnam@anchorenv.com"](#); ["jdolan@sbcglobal.net"](#); ["jdudas@water.ca.gov"](#); ["Hollis, Jeremy I SPK"](#); ["Fuentes, Jerry W SPK"](#); ["Jessica.L.BurtonEvans@usace.army.mil"](#); ["jewaters@pacbell.net"](#); ["jfiles@clearwire.net"](#); ["jfredrickson@cfbf.com"](#); ["jgoldber@water.ca.gov"](#); ["jharmsstrong@solanocounty.com"](#); ["Jherlaw@aol.com"](#); ["jhogan@water.ca.gov"](#); ["jim.brown@calema.ca.gov"](#); ["Jim.Chapman@ca.usda.gov"](#); ["jim.giottonini@ci.stockton.ca.us"](#); ["jim.vogel@aecom.com"](#); ["jim@cmanc.com"](#); ["jkaspar@stocktonport.com"](#); ["jlehane@mbakercorp.com"](#); ["jmaguire@sjgov.org"](#); ["jmalone@anchorenv.com"](#); ["jmargowski@starstream.net"](#); ["jmeek@jmeek.com"](#); ["Joe_Silveira@fws.gov"](#); ["Hardesty, John D SPN"](#); ["John.Greitzer@dcd.cccounty.us"](#); ["john.huie@doit.cccounty.us"](#); ["Baker, John LTC SPN"](#); ["john.mcmillan@shawgrp.com"](#); ["john@bayplanningcoalition.org"](#); ["JohnP@cityofwestsacramento.org"](#); ["Axt, Josephine R SPL"](#); ["JPORCO@mbakercorp.com"](#); ["jporco@mbakercorp.com"](#); ["jpunia@water.ca.gov"](#); ["jsidhu@mbakercorp.com"](#); ["jspaletta@herumcrabtree.com"](#); ["jtischer@csufresno.edu"](#); ["jtokheim@ksninc.com"](#); ["Sheen, Judy P SPN"](#); ["julie.ogilvie@edaw.com"](#); ["jwilusz@water.ca.gov"](#); ["jwingfield@stocktonport.com"](#); ["jwright@water.ca.gov"](#); ["Rippey, Karen E SPN"](#); ["Berresford, Karen G SPD"](#); ["karenmedders@gmail.com"](#); ["Lee, Karin SPK"](#); ["Dadey, Kathleen A SPK"](#); ["KathleenV@abag.ca.gov"](#); ["Kathy.Hoffman@mail.house.gov"](#); ["Stock, Keley D SPK"](#); ["Ken.Bobinski@calema.ca.gov"](#); ["kenning@saccounty.net"](#); ["kfucciol@water.ca.gov"](#); ["kickinbach@gmail.com"](#); ["Carsell, Kimberly M SPK"](#); ["Kkelly@water.ca.gov"](#); ["kmdavis@deltaconservancy.ca.gov"](#); ["KniLves@SolanoCounty.com"](#); ["kpatterson@sjfb.org"](#); ["krbarnes-jones@solanocounty.com"](#); ["Bell, Krystal L SPK"](#); ["kschimke@water.ca.gov"](#); ["ktrott@cdfa.ca.gov"](#); ["kuenster@water.ca.gov"](#); ["Keilman, Kurt SPD"](#); ["kyle.noderer@yolocounty.org"](#); ["Kyle.Winslow@CH2M.com"](#); ["laurak@swc.org"](#); ["Nemetz, Lawrence D SPK"](#); ["lblake@ksninc.com"](#); ["lchew@water.ca.gov"](#); ["ldouglas@waterboards.ca.gov"](#); ["lh@marstel-day.com"](#); ["Linda.fiack@delta.ca.gov"](#); ["Holm, Linda M SPN"](#); ["lindaheffelfinger@att.net"](#); ["Lisa.Mantarro@mail.house.gov"](#); ["lking@water.ca.gov"](#); ["liiu@water.ca.gov"](#); ["loleary@kleinfelder.com"](#); ["lorloff@ccwater.com"](#); ["lpeters@water.ca.gov"](#); ["Lynn_Abramson@boxer.senate.gov"](#); ["marci.coglianesecomcast.net"](#); ["maria.rea@noaa.gov"](#); ["marianne@water.ca.gov"](#); ["Bierman, Mark D SPN"](#); ["marshall@water.ca.gov"](#); ["martinezrick@saco.es.org"](#); ["Evoy-Mount, Matilda L SPK"](#); ["mbishop@mbakercorp.com"](#); ["mconnelly@sjgov.org"](#); ["mcowin@water.ca.gov"](#); ["Nagy, Meegan G SPK"](#); ["meg@sfei.org"](#); ["melinda@cvflood.org"](#);

["memami@water.ca.gov"](mailto:memami@water.ca.gov); ["mfloyd@water.ca.gov"](mailto:mfloyd@water.ca.gov); ["mhoshovs@water.ca.gov"](mailto:mhoshovs@water.ca.gov); [Ramsbotham, Michael SPK](mailto:Ramsbotham.Michael@SPK); [Nepstad, Michael G SPK](mailto:Nepstad.Michael@G.SPK); ["Michael.Hendrick@noaa.gov"](mailto:Michael.Hendrick@noaa.gov); [Dietl, Michael L SPK](mailto:Dietl.Michael@L.SPK); [Jewell, Michael S SPK](mailto:Jewell.Michael@S.SPK); ["Michael.hoover@fws.gov"](mailto:Michael.hoover@fws.gov); ["mikemi@water.ca.gov"](mailto:mikemi@water.ca.gov); [Fujitsu, Miki SPK](mailto:Fujitsu.Miki@SPK); ["MInde@so.co.contra costa.ca.us"](mailto:MInde@so.co.contra costa.ca.us); ["mjatty@sbcglobal.net"](mailto:mjatty@sbcglobal.net); ["MKaltreider@solanocounty.com"](mailto:MKaltreider@solanocounty.com); ["mkoller@water.ca.gov"](mailto:mkoller@water.ca.gov); ["mmierzwa@water.ca.gov"](mailto:mmierzwa@water.ca.gov); ["mmiller@water.ca.gov"](mailto:mmiller@water.ca.gov); ["MNeuvert@yolocounty.org"](mailto:MNeuvert@yolocounty.org); ["mobrien@erscorp.us"](mailto:mobrien@erscorp.us); ["mohagan@HNTB.com"](mailto:mohagan@HNTB.com); ["moncrief@mbkengineers.com"](mailto:moncrief@mbkengineers.com); ["MPHILIPP@dfg.ca.gov"](mailto:MPHILIPP@dfg.ca.gov); ["mreeve@water.ca.gov"](mailto:mreeve@water.ca.gov); ["mrldgway@water.ca.gov"](mailto:mrldgway@water.ca.gov); ["MSchaefer@esassoc.com"](mailto:MSchaefer@esassoc.com); ["mstevenson@ycfcwcd.org"](mailto:mstevenson@ycfcwcd.org); [Ferris, Nancy M SPN](mailto:Ferris.Nancy@M.SPN); ["nathan.dietrich@mail.house.gov"](mailto:nathan.dietrich@mail.house.gov); [Hedgecock, Neil SPN](mailto:Hedgecock.Neil@SPN); ["nekane@water.ca.gov"](mailto:nekane@water.ca.gov); ["nelsonn@water.ca.gov"](mailto:nelsonn@water.ca.gov); ["nestoll@sjgov.org"](mailto:nestoll@sjgov.org); ["nfinch@water.ca.gov"](mailto:nfinch@water.ca.gov); ["nicholas.greene.ios.doi@gmail.com"](mailto:nicholas.greene.ios.doi@gmail.com); ["Nicole.Alioto@mail.house.gov"](mailto:Nicole.Alioto@mail.house.gov); ["nicole.woodward@westonsolutions.com"](mailto:nicole.woodward@westonsolutions.com); ["Njennings@cityofsacramento.org"](mailto:Njennings@cityofsacramento.org); ["northworks@mindspring.com"](mailto:northworks@mindspring.com); ["ntomlinson@sjgov.org"](mailto:ntomlinson@sjgov.org); ["oetzeld@slc.ca.gov"](mailto:oetzeld@slc.ca.gov); [Sarmiento, Ofelia P SPK](mailto:Sarmiento.Ofelia@P.SPK); [Caldwell, Paige SPK](mailto:Caldwell.Paige@SPK); ["patricia.port@ios.doi.gov"](mailto:patricia.port@ios.doi.gov); ["Patricia.Port@ios.doi.gov"](mailto:Patricia.Port@ios.doi.gov); ["Paul.J.Robershotte@usace.army.mil"](mailto:Paul.J.Robershotte@usace.army.mil); [Zianno, Paul V SPK](mailto:Zianno.Paul@V.SPK); ["pcreedon@waterboards.ca.gov"](mailto:pcreedon@waterboards.ca.gov); ["pdetj@pw.cccounty.us"](mailto:pdetj@pw.cccounty.us); ["pesmith07@comcast.net"](mailto:pesmith07@comcast.net); ["Peter.D.Rabbon@usace.army.mil"](mailto:Peter.D.Rabbon@usace.army.mil); ["peteronmi@saccounty.net"](mailto:peteronmi@saccounty.net); ["petrea.marchand@yolocounty.org"](mailto:petrea.marchand@yolocounty.org); ["Petrea.marchand@yolocounty.org"](mailto:Petrea.marchand@yolocounty.org); ["pgiovannini@waterboards.ca.gov"](mailto:pgiovannini@waterboards.ca.gov); ["Phillip.Lebednik@lfr.com"](mailto:Phillip.Lebednik@lfr.com); ["pkinney@kinneticlabs.com"](mailto:pkinney@kinneticlabs.com); ["gagwaai@aol.com"](mailto:gagwaai@aol.com); [Olsen, Randy P SPK](mailto:Olsen.Randy@P.SPK); ["rbaldwin@sjgov.org"](mailto:rbaldwin@sjgov.org); ["rbaxt@parks.ca.gov"](mailto:rbaxt@parks.ca.gov); ["rbrewer@water.ca.gov"](mailto:rbrewer@water.ca.gov); ["rcosta@kleinfelder.com"](mailto:rcosta@kleinfelder.com); ["rd2068@cal.net"](mailto:rd2068@cal.net); ["rdenton06@comcast.net"](mailto:rdenton06@comcast.net); [Vermeeren, Rene A SPL](mailto:Vermeeren.Rene@A.SPL); ["RGoulartpostofficebox@gmail.com"](mailto:RGoulartpostofficebox@gmail.com); ["rgrimes@jsanet.com"](mailto:rgrimes@jsanet.com); [Dabal, Richard P NANO2](mailto:Dabal.Richard@P.NANO2); ["Richard.Smith@fws.gov"](mailto:Richard.Smith@fws.gov); ["rorthup@erscorp.us"](mailto:rorthup@erscorp.us); [Yrchoticky, Robert D SPK](mailto:Yrchoticky.Robert@D.SPK); [Koenigs, Robert L SPK](mailto:Koenigs.Robert@L.SPK); ["Robert.Scarborough@water.ca.gov"](mailto:Robert.Scarborough@water.ca.gov); ["robin@yolobasin.org"](mailto:robin@yolobasin.org); ["Roger.Churchwell@ci.stockton.ca.us"](mailto:Roger.Churchwell@ci.stockton.ca.us); ["rosalie.delrosario@noaa.gov"](mailto:rosalie.delrosario@noaa.gov); ["ross.brian@epa.gov"](mailto:ross.brian@epa.gov); ["RReed@hydroplanllc.com"](mailto:RReed@hydroplanllc.com); ["rsvetich@water.ca.gov"](mailto:rsvetich@water.ca.gov); ["rthanson@usgs.gov"](mailto:rthanson@usgs.gov); [Rote, Russ LRN](mailto:Rote.Russ@LRN); ["ruthd@water.ca.gov"](mailto:ruthd@water.ca.gov); ["RVictorine@usbr.gov"](mailto:RVictorine@usbr.gov); ["rvranglr@yahoo.com"](mailto:rvranglr@yahoo.com); ["ryan.olah@fws.gov"](mailto:ryan.olah@fws.gov); ["ryeadon@water.ca.gov"](mailto:ryeadon@water.ca.gov); ["s.crooks@pwa-ltd.com"](mailto:s.crooks@pwa-ltd.com); ["Sajam@SolanoCounty.com"](mailto:Sajam@SolanoCounty.com); ["salvernaz@sbcglobal.net"](mailto:salvernaz@sbcglobal.net); ["sawright@usgs.gov"](mailto:sawright@usgs.gov); ["scappellino@anchorenv.com"](mailto:scappellino@anchorenv.com); ["schwinn.karen@epa.gov"](mailto:schwinn.karen@epa.gov); ["scott.bodensteiner@westonsolutions.com"](mailto:scott.bodensteiner@westonsolutions.com); ["scott.huntsman@shawgrp.com"](mailto:scott.huntsman@shawgrp.com); ["sdavis@jsanet.com"](mailto:sdavis@jsanet.com); ["sdellosso@cambaygroup.com"](mailto:sdellosso@cambaygroup.com); ["seanb@water.ca.gov"](mailto:seanb@water.ca.gov); ["shanksranch@frontiernet.net"](mailto:shanksranch@frontiernet.net); ["shea.thornbury@me.com"](mailto:shea.thornbury@me.com); ["Shih.T.Su@usace.army.mil"](mailto:Shih.T.Su@usace.army.mil); ["sirneyj@sacoe.org"](mailto:sirneyj@sacoe.org); ["smagill@ccp.csus.edu"](mailto:smagill@ccp.csus.edu); ["smartin@jsanet.com"](mailto:smartin@jsanet.com); ["smaxwell@water.ca.gov"](mailto:smaxwell@water.ca.gov); ["smcconnell@waterboards.ca.gov"](mailto:smcconnell@waterboards.ca.gov); [Smith, Chip R HODA](mailto:Smith.Chip@R.HODA); ["sorenson@csus.edu"](mailto:sorenson@csus.edu); ["sosnowskiassoc@sbcglobal.net"](mailto:sosnowskiassoc@sbcglobal.net); ["sshapiro@downeybrand.com"](mailto:sshapiro@downeybrand.com); ["ssharideh@sjgov.org"](mailto:ssharideh@sjgov.org); ["stacey.smith@boxer.senate.gov"](mailto:stacey.smith@boxer.senate.gov); ["statayon@tnc.org"](mailto:statayon@tnc.org); [Holmstrom, Steven F SPK](mailto:Holmstrom.Steven@F.SPK); ["Stuar.Appelbaum@arcadis-us.com"](mailto:Stuar.Appelbaum@arcadis-us.com); [McCallister, Sue E SPK](mailto:McCallister.Sue@E.SPK); ["sung@water.ca.gov"](mailto:sung@water.ca.gov); ["susan.wang@noaa.gov"](mailto:susan.wang@noaa.gov); ["swilsonb@water.ca.gov"](mailto:swilsonb@water.ca.gov); ["swinkler@sjgov.org"](mailto:swinkler@sjgov.org); ["Tammi.M.Skalitzky@usace.army.mil"](mailto:Tammi.M.Skalitzky@usace.army.mil); [Toland, Tanis J SPK](mailto:Toland.Tanis@J.SPK); ["tbernard@water.ca.gov"](mailto:tbernard@water.ca.gov); ["tcchapman@hntb.com"](mailto:tcchapman@hntb.com); ["tclark@mbakercorp.com"](mailto:tclark@mbakercorp.com); ["tely@dbw.ca.gov"](mailto:tely@dbw.ca.gov); ["tengstro@water.ca.gov"](mailto:tengstro@water.ca.gov); ["teresalpacheco@aol.com"](mailto:teresalpacheco@aol.com); ["terlewine@swc.org"](mailto:terlewine@swc.org); ["tflinn@sjgov.org"](mailto:tflinn@sjgov.org); ["Tgaines@water.ca.gov"](mailto:Tgaines@water.ca.gov); ["Tgau@sjgov.org"](mailto:Tgau@sjgov.org); [Reyes, Theresa S SPN](mailto:Reyes.Theresa@S.SPN); [Catarella, Thomas M SPK](mailto:Catarella.Thomas@M.SPK); [Kendall, Thomas R SPN](mailto:Kendall.Thomas@R.SPN); ["thomasdon@SacCounty.NET"](mailto:thomasdon@SacCounty.NET); ["thomasj@sfei.org"](mailto:thomasj@sfei.org); ["thoward@waterboards.ca.gov"](mailto:thoward@waterboards.ca.gov); [Karpin, Timothy L SPK](mailto:Karpin.Timothy@L.SPK); ["tjl@water.ca.gov"](mailto:tjl@water.ca.gov); ["tkeegan@ecorpconsulting.com"](mailto:tkeegan@ecorpconsulting.com); ["tkimball@usgs.gov"](mailto:tkimball@usgs.gov); ["Tmoran@waterboards.ca.gov"](mailto:Tmoran@waterboards.ca.gov); ["tmz@talavera.us"](mailto:tmz@talavera.us); ["Todd.L.Smith@aphis.usda.gov"](mailto:Todd.L.Smith@aphis.usda.gov); ["Tom.Trexler@URSCorp.com"](mailto:Tom.Trexler@URSCorp.com); ["tpogue@PACIFIC.EDU"](mailto:tpogue@PACIFIC.EDU); ["ttrexler@jsanet.com"](mailto:ttrexler@jsanet.com); ["TWH@shanwil.com"](mailto:TWH@shanwil.com); [Stalker, Tyler M SPK](mailto:Stalker.Tyler@M.SPK); ["ulrichluscher@sbcglobal.net"](mailto:ulrichluscher@sbcglobal.net); ["Vendlinski.Tim@epamail.epa.gov"](mailto:Vendlinski.Tim@epamail.epa.gov); ["vida.wright@veridicogroup.com"](mailto:vida.wright@veridicogroup.com); ["w.krauss@us.army.mil"](mailto:w.krauss@us.army.mil); ["walt.sykes@ca.usda.gov"](mailto:walt.sykes@ca.usda.gov); ["walteryp@aol.com"](mailto:walteryp@aol.com); ["washburnt@saccounty.net"](mailto:washburnt@saccounty.net); [Smith, Wayne S SPK](mailto:Smith.Wayne@S.SPK); ["wvb67mustang@aol.com"](mailto:wvb67mustang@aol.com); ["wdarsie@ksninc.com"](mailto:wdarsie@ksninc.com); [Hinsley, William E](mailto:Hinsley.William@E); ["wgayou@water.ca.gov"](mailto:wgayou@water.ca.gov); [Guthrie, William H SPK](mailto:Guthrie.William@H.SPK); [Leady, William J COL SPK](mailto:Leady.William@J.COL.SPK); [Cope, William L SPN](mailto:Cope.William@L.SPN); [Brostoff, William N SPN](mailto:Brostoff.William@N.SPN); ["wilson80@msn.com"](mailto:wilson80@msn.com); ["wstringfellow@lbi.gov"](mailto:wstringfellow@lbi.gov); [Smith, Webb T](mailto:Smith.Webb@T); [Lin, Yuanwen SPK](mailto:Lin.Yuanwen@SPK); ["Yvette.Redler@noaa.gov"](mailto:Yvette.Redler@noaa.gov)

Subject: Delta Islands and Levees Feasibility Study Public Scoping Meetings (UNCLASSIFIED)
Date: Friday, February 08, 2013 3:56:00 PM
Attachments: [dilsf_postcard_clarksburg-sacramento.pdf](#)

Classification: UNCLASSIFIED
Caveats: NONE

Please refer to attached meeting notice regarding upcoming public scoping meetings.

Brad Johnson
Landscape Architect
U.S. Army Corps of Engineers,
Environmental Planning Section, Sacramento District
Bradley.C.Johnson@usace.army.mil

Classification: UNCLASSIFIED
Caveats: NONE

ATTACHMENT B



US Army Corps
of Engineers
Sacramento District

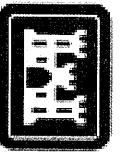
Delta Islands & Levees Feasibility Study

Public Scoping Meetings

February 19-20, 2013

Clarksburg and Sacramento, CA

Name	Mailing Address	E-mail Address
Steve Basson	PO Box 1044 Walnut Grove, CA	benson@citlink.net
Dave Mraz	P.O. Box 942836 Sacramento, CA 94283	dmraz@water.ca.gov
Steve Heringer	PO Box 41 Clarksburg 95812	sheringer@aol.com
Mike McCord	PO BOX 130 CLARKSBURG 95812	mccord@msn.com
Mary McEagart	34840 S River Rd. Clarksburg 95812	cavelauding@yahoo.com
TEREY WILSON	P.O. Box 631 Clarksburg 95812	sactw@bol.com
Marich W Carr	47530 N. Courtland Rd. Clarksburg 95812	maricgarr@yahoo.com
Gary Prost	222 Grand Canal Blvd #7, Stockton 95207	gary.prost@mail.house.gov
GILBERT COFFIO	1711 TRIBUTA RD. STE. A, SAC. CA 95815	ccosid@wbkengineers.com
Matt Henry	11275 st Hwy 160, Courtland CA 95815	matt@grameandhenry.com
Terre Hooker	609 Jefferson St. Fairfield, CA 94533	terre.hooker@mail.house.gov
Jeffrey Turnbull	2068 Prospect Road W, Suite 200, ^{Elk Grove} CA 95620	turnbull@gti-construction.com
Roscoe Reynolds	4444 W. Linden Rd. Sacramento 95806	sac1240@clearnet.net



Delta Islands & Levees Feasibility Study

Public Scoping Meetings

February 19-20, 2013

Clarksburg and Sacramento, CA

[illegible]



US Army Corps
of Engineers
Sacramento District

Delta Islands & Levees Feasibility Study

Public Scoping Meetings

February 19-20, 2013

Clarksburg and Sacramento, CA

Name	Mailing Address	E-mail Address
Mike O'Hagan	1508 Euclid Rd #130 Roseville 95661	mohagan@huth.com
John Greifzer	Center for County, 30 Main Rd, Martinez 94553	john.greifzer@cccounty.us
Jim Guston	22 E. Weber Ave Stockton 95202	jim.guston@stockton.gov
Robert Busby	11020 Sun Center Dr Suite 200 Corona 92670	rbusby@waterboards.ca.gov
Bob Scarborough	3404 El Camino Ave Suite 200 San Jose 95131	robert.scarborough@water.ca.gov
Paul Larsen	" "	Paul.Larsen@water.ca.gov
Carmen Chung	1455 Market St. San Francisco, CA 94103	carmen.chung@usace.army.mil
Wally Smith	Bluffton SC	wallysmith@earthlink.net
Stephanie Skophammer	75 Hawthorne St. San Francisco CA 94115	skophammer.stephanie@epa.gov
Mark Taylor	P.O. Box 1831, Louisville, KY	mark.taylor@geiconsultants.com
Aaron Medders		aaron.medders@epa.gov
Rebecca Lueb	3721 Dudley Blvd Merced, CA	rebecca.lueb@epa.gov
Jeff Wingfield	2201 W. Washington St. Stockton, CA 95204	jeff.wingfield@stockton.gov
Teresa Pacheco	3758 Grand Avenue #304 Stockton, CA 95210	teresa.pacheco@epa.gov
Andrea Lohap	14115 9th St. Sacramento	andrea.lohap@water.ca.gov
Mike Umazakeri	14115 9th St. Sacramento	mike.umazakeri@water.ca.gov



US Army Corps
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Sacramento District

Delta Islands & Levees Feasibility Study

Public Scoping Meetings

February 19-20, 2013

Clarksburg and Sacramento, CA

Name	Mailing Address	E-mail Address
Michael Bayou		wbayou@oakridge.ca.gov
Anthony Mavaseru		AMAVASERU@OAKRIDGE.CA.GOV
Debi Elliot	PO Box 259, Clarksburg, CA 95612	delliott@citlint.net
Mike Makoeans	PO Box 130 MARKS ECKEN, CA 95612	makem@citlint.net
Leiji Liu	3310 El Camino Ave. Suite 200, Sac 95834	leiji.liu@water.ca.gov
Brandon Minto	412 G Street, Davis, CA 95616	brandon.minto@gmail.com
Richard Smith	2800 Cottage Way - W-1832 SAC	Richard-Smith@FWS.gov
Arl Stephens	10 Lombard St. Suite 409 SE CT 97111	arlene.stephens@calhawaii.gov
George Booth	Sacramento County 827 7th St. PM 301, Sacramento 95814	Booth@Sacounty.net
Kristal Tedde		kristal@dotheoverranch.ca.gov
Becky Victorine	801 I St., Suite 140	rvictorine@usbr.gov
Sean Boyeban	Deer	seanb@co.sac.ca.gov
Mike Burt	USACE	mike.burt@usace.army.mil
Ally LAKE	PB PX 929, MATHUR GROVE 95611	glabrie@doeenergy.net
Aparakirchner	1325 J Street Sac CA 95814	alicia.kirchner@usace.army.mil
Julie Muirova	700 12th St NW Suite 1100 Wash DC 20005	jmuirnova@maratt.com
John Coleman	1970 Broadway #940, Oakland CA 94612	john@energy.ca.gov

Sacramento-San Joaquin Delta

Delta Islands and Levees Feasibility Study

Public Scoping Meeting – Open House

February 2013

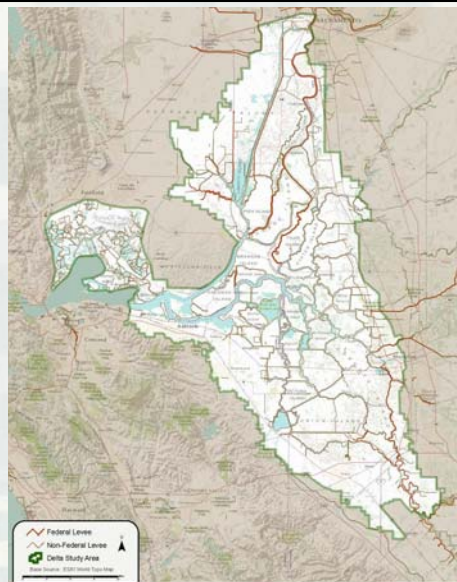


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Background

- Cost Share Agreement between Corps and DWR to conduct study
- Focus of the study is **Flood Risk Management** and **Ecosystem Restoration**
- Intent is to be **compatible** with other planning efforts, but **standalone**



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Open House Meeting

- Sign-in to stay informed about the study
- Visit the poster stations and talk with team members
- Comment on the scope of the study
 - What flood risk management problems should be considered?
 - What ecological problems should be considered?



3

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PLANNING AND ENVIRONMENTAL COMPLIANCE

Planning Process	NEPA Requirements
Identify Problems and Opportunities	Publish Notice of Intent
	Conduct scoping process 30-day scoping period
Inventory and Forecast Conditions	Describe existing and future without project conditions
Alternative Formulation, Evaluation, and Comparison	Identify and compare impacts of identified alternatives
Identify Tentatively Selected Plan	Draft Environmental Impact Statement (EIS) 45-day public review
	Final EIS: Respond to comments and concerns 30-day public review
Select Recommended Plan	Record of Decision



4

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The Delta System: What's at Stake?

- Legacy towns
- Working landscapes
- Recreation
- Fisheries
- Water
- Natural Habitat
- Endangered Species
- Agricultural production
- Commercial Navigation



5

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Why is the Delta System at Risk?

- Levee Fragility
- Ecosystem Loss
- Subsidence
- Saltwater Intrusion
- Climate Change
- Seismicity
- Competing Uses



6

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Public Comments

- **What *flood risk management problems* should this study consider?**
 - ▶ For Example - Population centers at X Location are located behind levees that are subject to flooding due to stability, seepage, and overtopping concerns which could result in loss of life and flood damages.
- **What *ecological problems* should this study consider?**
 - ▶ For Example - Levee construction in close proximity to X Channel has resulted in separation of historic floodplains from natural hydrologic flooding events through channels within the Delta.



7

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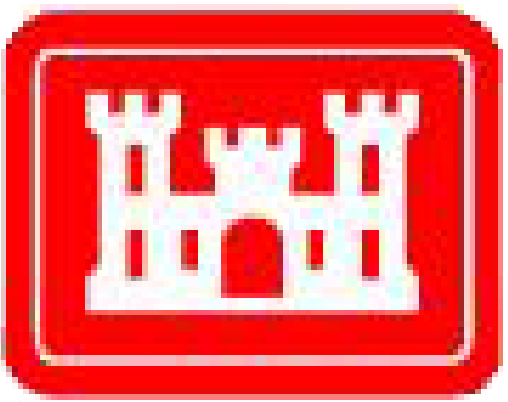
Contact Information

- E-mail: spk-pao@usace.army.mil
- Phone: 916-557-7461
- Mailing Address:
1325 J Street, Room 1513
Sacramento, CA 95814



8

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STUDY OVERVIEW

Delta Islands & Levees Feasibility Study

Study Focus

Flood Risk Management and Ecosystem Restoration (not water supply)

Study Area

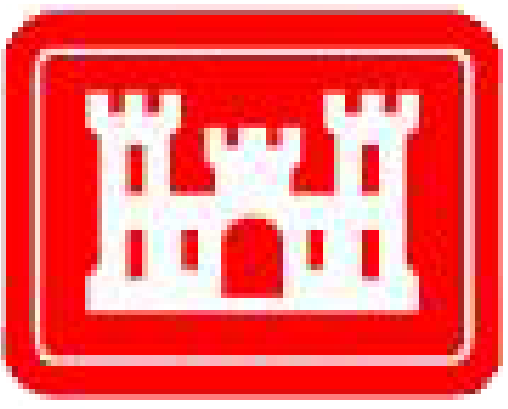
The Sacramento – San Joaquin Delta is a web of channels and reclaimed islands, covering about 738,000 acres, at the confluence of five rivers protected by a network of 1,100-plus miles of levees constructed over the last 150 years.

Home to hundreds of species of fish, birds, mammals and reptiles, the Delta is part of the largest estuary on the west coast, and was named an Ecosystem of National Significance by the Environmental Protection and Biodiversity Conservation (EPBC) Act in 2011.

The Delta is also the largest single source of California's water supply, providing 25 million Californians with drinking water, and irrigating millions of acres of farmland in the Central Valley. With nearly three-fourths of the Delta producing agriculture, it directly impacts not only the livelihood of the more than 500,000 people who live within the Delta, but the entire U.S as the Delta contributes billions of dollars in production to the nation annually.



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STUDY OVERVIEW

Delta Islands & Levees Feasibility Study

Ecological

There are a number of factors contributing to the ecological decline of Delta species and habitats, each of which has the capability to produce adverse impacts independently and/or in combination with each other.

Identified contributors of adverse impacts to the ecological health of the Delta ecosystem include:

- pesticides
- channelization
- exotic and non-native invasive species
- water supply diversions
- agricultural and urban runoff
- wastewater discharges

Specifically, channelization of rivers and streams through the construction of levees has resulted in the widespread loss of tidal marsh, shaded riverine aquatic habitat, and the disconnection of floodplains from waterways.

If this loss of Delta habitats and disconnection from floodplains continues, the current substantial declines in the Delta's fisheries could result in the extinction of culturally and economically critical species. Many of the defining characteristics of the pre-channelized ecosystem (spatial extent, habitat heterogeneity, and dynamic storage) have either been lost or substantially altered as a result of land use and water management practices during the past 100 years in California. Nearly 95 percent of the historic wetland habitat in the Delta has been converted to agricultural and urban uses.

Flood Risk

Delta levees protect critical infrastructure such as:

- state highways
- rail lines
- natural gas fields
- gas and fuel pipelines
- drinking water pipelines
- businesses
- towns

While portions of Sacramento and Stockton are located within the Delta, most of its inhabitants are located amongst six Delta islands. As a result, the Delta Islands & Levees Feasibility Study is closely coordinating with Sacramento and Stockton-related flood risk reduction studies to ensure assumptions, scopes, and alternative plans are compatible.

Problems associated with in-Delta flood risk are largely due to the potential for levee failure and overtopping during flood events. These risks are increased as a result of climate change, sea level change, subsidence (as much as 25 feet below sea level) and seismic risk.





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STUDY PROCESS

Delta Islands & Levees Feasibility Study

National Environmental Policy Act (NEPA)

The ultimate purpose of NEPA is to assist decision makers and the public in considering environmental amenities in the decision-making process

- Identification of significant environmental resources in the proposed project area
- Consideration of a full range of reasonable alternatives
- Assessment of potential impacts
- Full disclosure of potential impacts
- Mitigation measures to avoid, minimize, or compensate for adverse impacts

"To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation..."

—*Preamble to the National Environmental Policy Act of 1969*

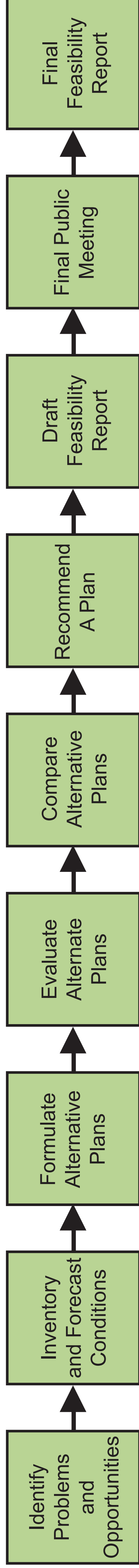
Meeting Purpose and Goals

The goal of this meeting is to give the public an opportunity to provide input on the study and help determine its scope.

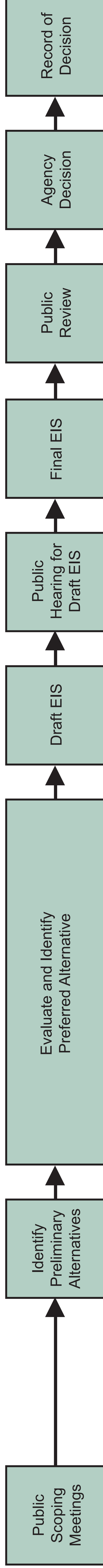
The study team is seeking input on the scope of the study, to include identification of flood risk management and ecosystem restoration problems and opportunities, and the team is available to answer any questions about NEPA or the Corps Planning Process.

The team's goal is to ensure that the most economically and environmentally justified project is recommended.

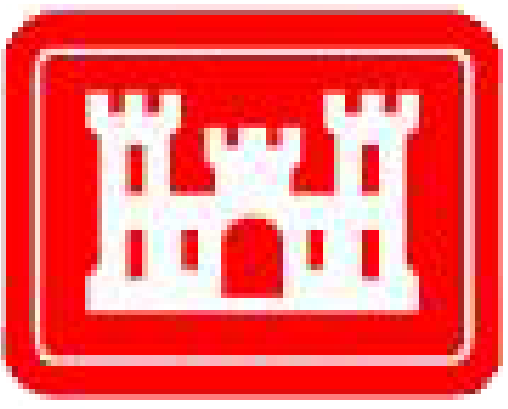
Corps Planning Process



NEPA Process



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COMMENTS

Delta Islands & Levees Feasibility Study

We want to hear from you.

There are three ways you can provide comments:

1. Complete and submit a comment card during today's meeting.
2. Write and submit through post mail to:
U.S. Army Corps of Engineers, Sacramento
Attn: Tyler Stalker (CESPK-PA)
1325 J St., Room 1513
Sacramento, CA 95814

Or

3. Write and submit through e-mail to:
spk-pao@usace.army.mil

***Comment Period Ends
DATE***



What we're looking for:

What ecological problems should this study consider?

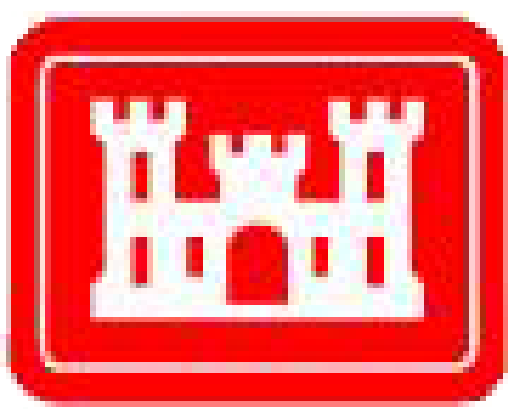
For example - If levee construction in close proximity to channels has resulted in separation of historic floodplains from natural hydrologic flooding events through channels within the Delta, then let us know.



What flood risk management problems should this study consider?

For example - If population centers at X Location are located behind levees that are subject to flooding due to stability, seepage, and overtopping concerns which could result in loss of life and flood damages, then we want to know.

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RELATIONSHIP TO OTHER INITIATIVES

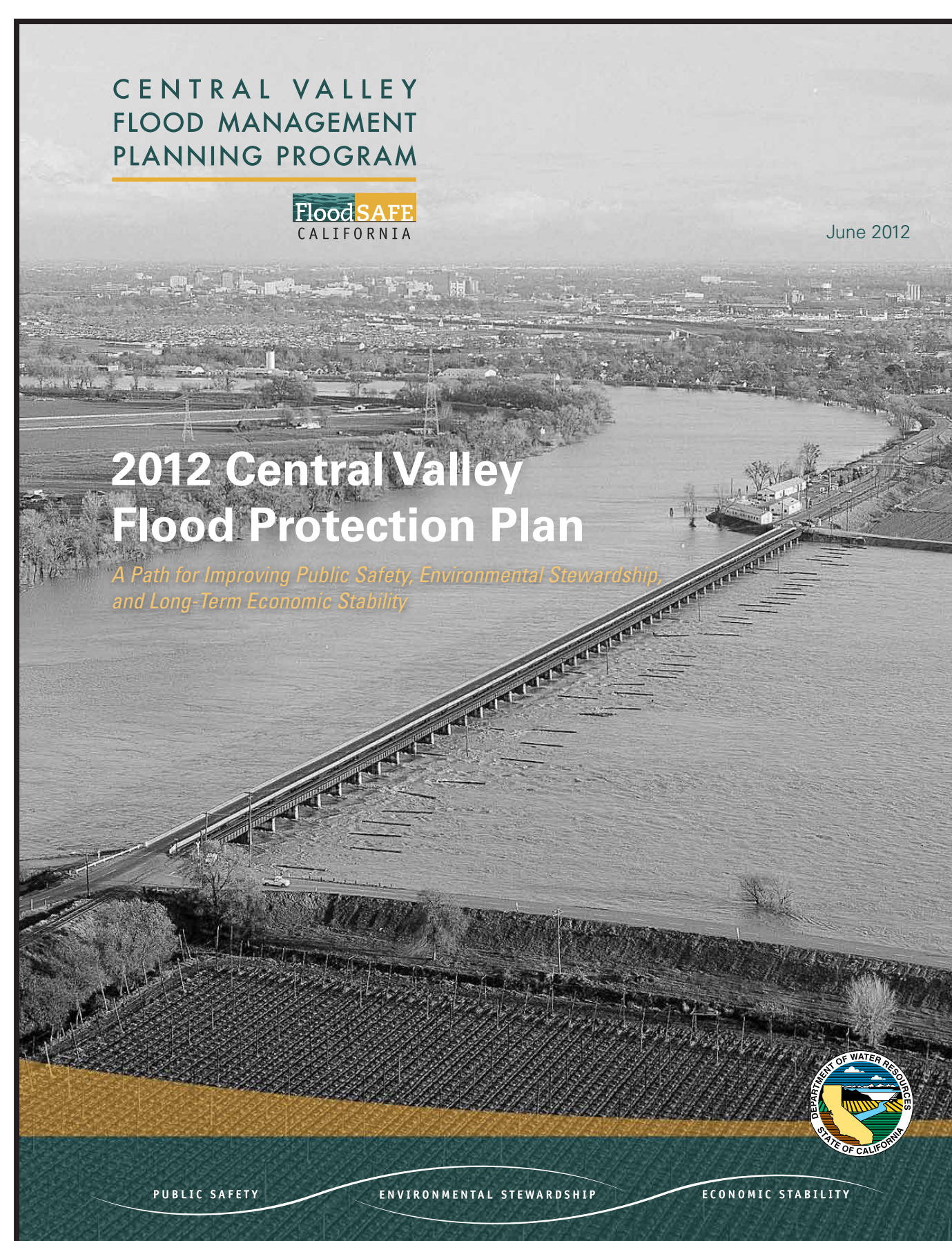
Delta Islands & Levees Feasibility Study

In light of the various planning efforts throughout the Delta, the study will be driven by two rules:

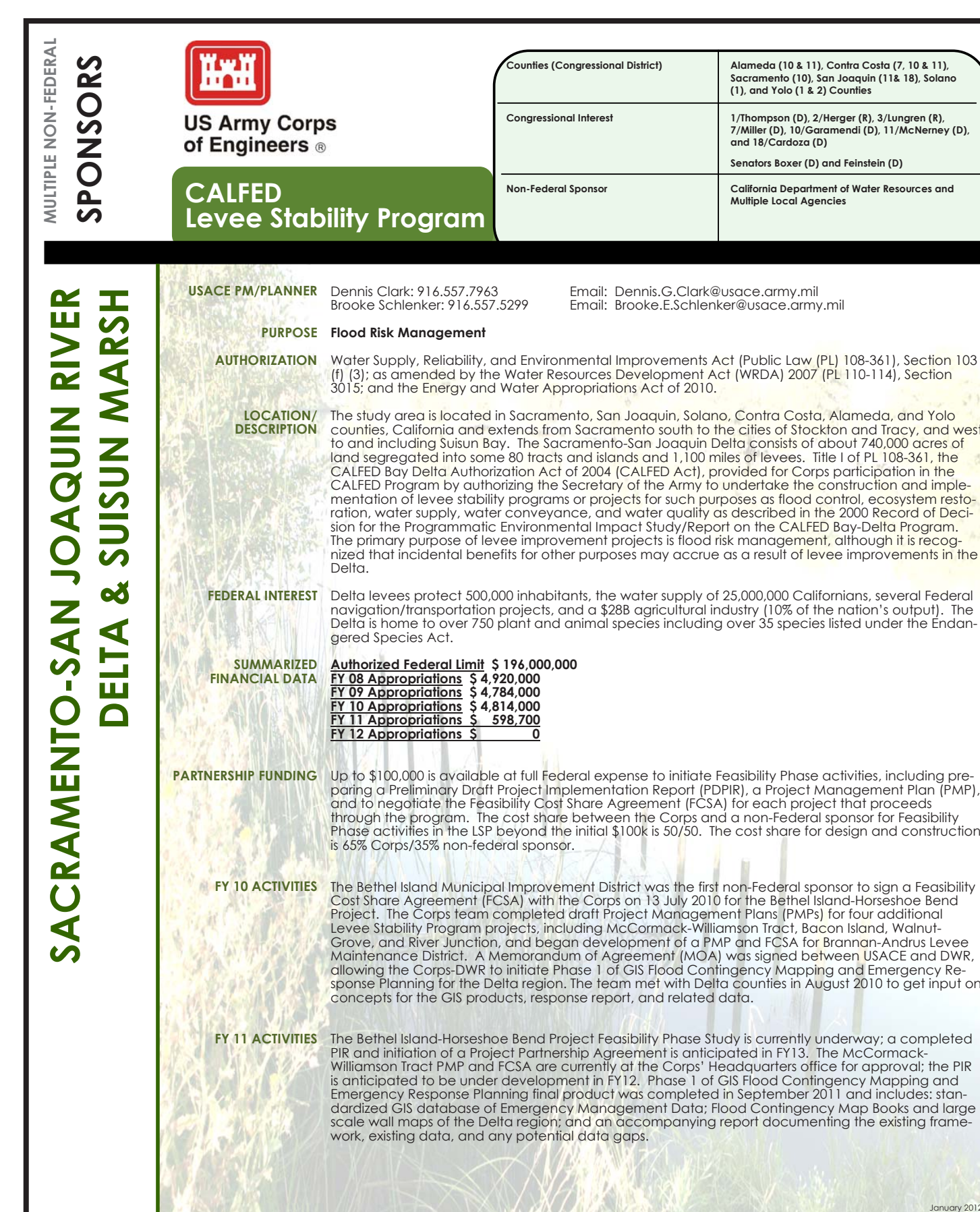
1. Recommendations must not be dependent upon the implementation of other planning efforts
2. Recommendations must not hinder other planning efforts



<http://deltacouncil.ca.gov>



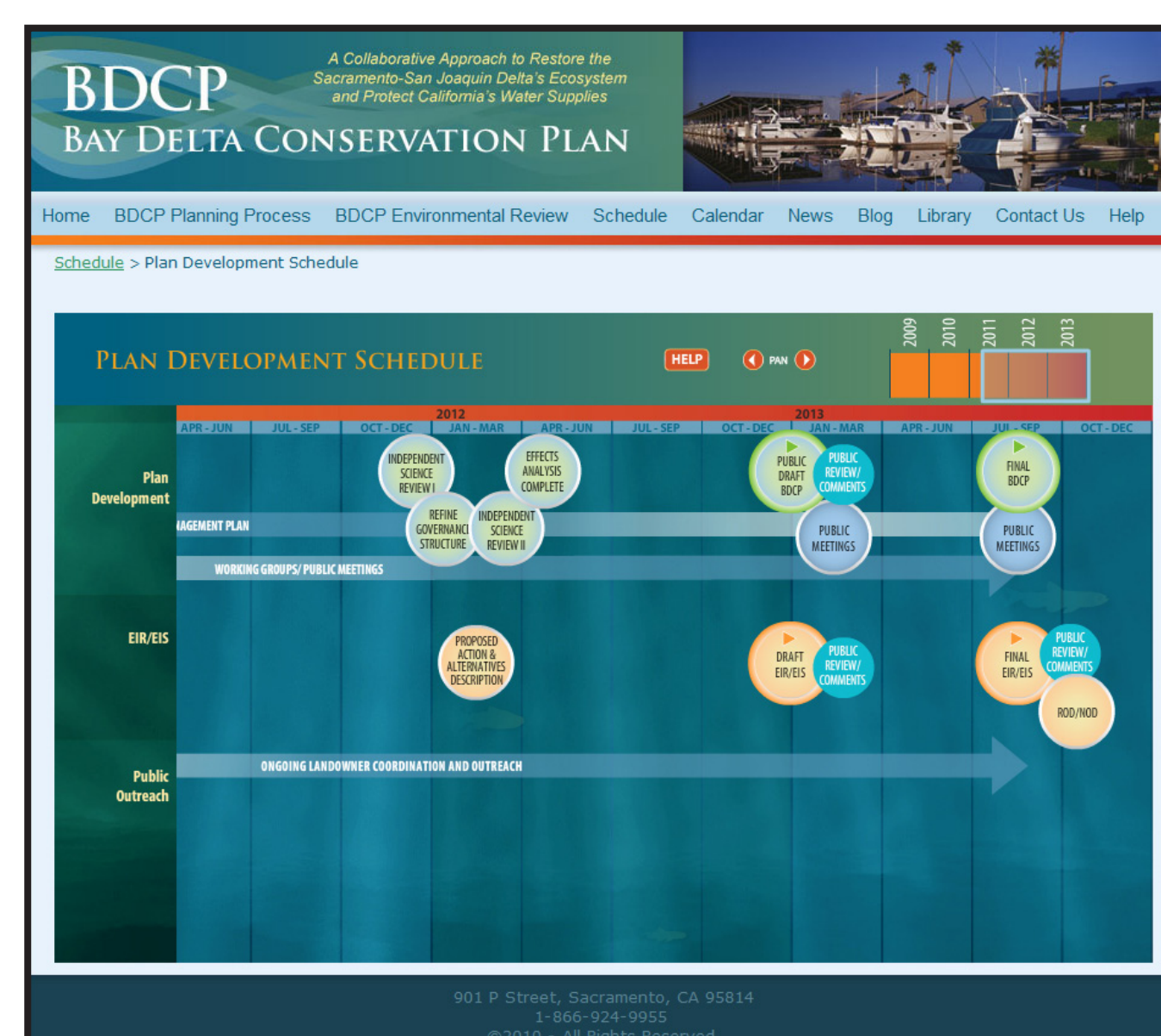
<http://www.cvfpb.ca.gov/CVFPP>



Levee Stability Program Fact Sheet



CALFED Levee Stability Program
Emergency Response Plan



<http://baydeltaconservationplan.com>

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WELCOME

Open House Public Scoping Meeting

Delta Islands & Levees Feasibility Study

Please Sign In Here

Your Input is Welcome

Comment cards available at Welcome Station and Comment Station
Please return comment cards to comment station or any Corps employee

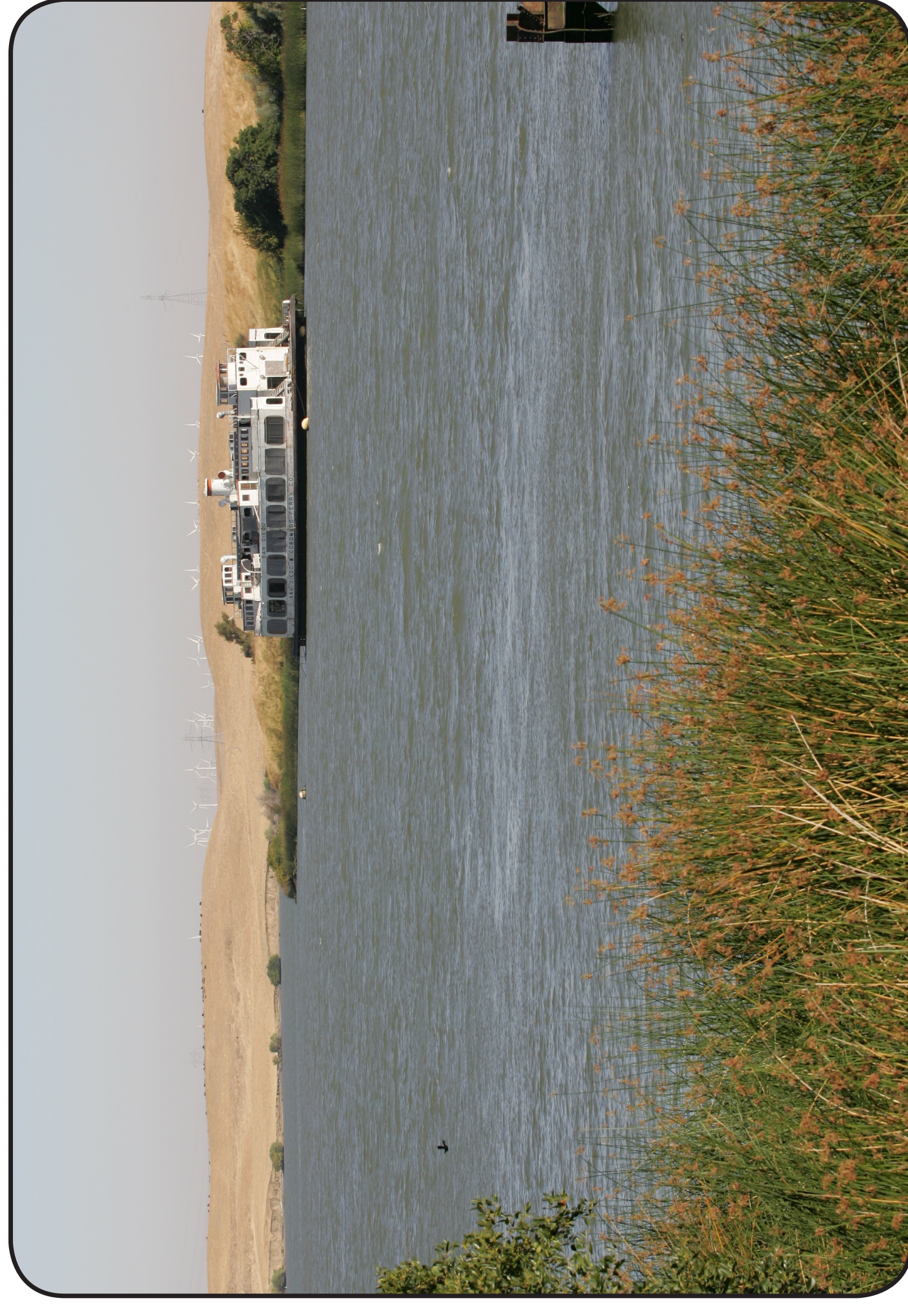
Comments may also be sent to:

Mr. Tyler Stalker

U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1513, Sacramento, CA 95814

E-Mail: spk-pao@usace.army.mil

For Assistance, Telephone: (916) 557-5100



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Sacramento-San Joaquin Delta

Delta Islands and Levees Feasibility Study

Public Scoping Meeting – Open House

February 2013

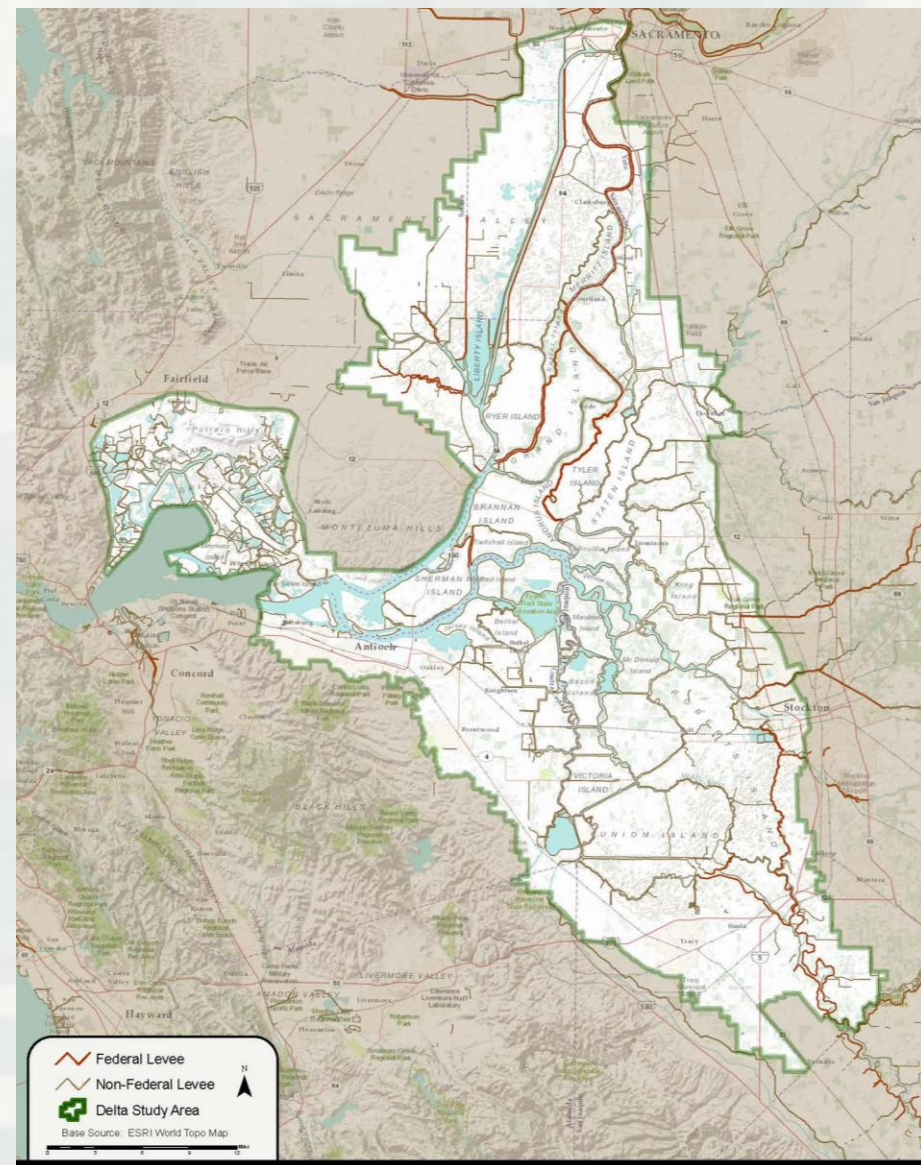


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Background

- Cost Share Agreement between Corps and DWR to conduct study
- Focus of the study is **Flood Risk Management and Ecosystem Restoration**
- Intent is to be **compatible** with other planning efforts, but **standalone**



Open House Meeting

- Sign-in to stay informed about the study
- Visit the poster stations and talk with team members
- Comment on the scope of the study
 - What flood risk management problems should be considered?
 - What ecological problems should be considered?



PLANNING AND ENVIRONMENTAL COMPLIANCE

Planning Process	NEPA Requirements
Identify Problems and Opportunities	Publish Notice of Intent
	Conduct scoping process <u>30-day scoping period</u>
Inventory and Forecast Conditions	Describe existing and future without project conditions
Alternative Formulation, Evaluation, and Comparison	Identify and compare impacts of identified alternatives
Identify Tentatively Selected Plan	Draft Environmental Impact Statement (EIS) <u>45-day public review</u>
	Final EIS: Respond to comments and concerns <u>30-day public review</u>
Select Recommended Plan	Record of Decision



The Delta System: What's at Stake?

- Legacy towns
- Working landscapes
- Recreation
- Fisheries
- Water
- Natural Habitat
- Endangered Species
- Agricultural production
- Commercial Navigation



Why is the Delta System at Risk?

- Levee Fragility
- Ecosystem Loss
- Subsidence
- Saltwater Intrusion
- Climate Change
- Seismicity
- Competing Uses



Public Comments

- **What *flood risk management problems* should this study consider?**
 - ▶ For Example - Population centers at X Location are located behind levees that are subject to flooding due to stability, seepage, and overtopping concerns which could result in loss of life and flood damages.
- **What *ecological problems* should this study consider?**
 - ▶ For Example - Levee construction in close proximity to X Channel has resulted in separation of historic floodplains from natural hydrologic flooding events through channels within the Delta.



Contact Information

- E-mail: spk-pao@usace.army.mil
- Phone: 916-557-7461
- Mailing Address:
1325 J Street, Room 1513
Sacramento, CA 95814



SACRAMENTO AND SAN JOAQUIN RIVER DELTA & SUISUN MARSH

CALIFORNIA
DEPARTMENT OF WATER
RESOURCES
DWR



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Delta Islands & Levees Feasibility Study

Counties (Congressional District)	Alameda (10 & 11), Contra Costa (7, 10 & 11), Sacramento (10), San Joaquin (11 & 18), Solano (1), and Yolo (1 & 2) Counties
Congressional Interest	1/Thompson (D), 2/Herger (R), 3/Lungren (R), 7/Miller (D), 10/Garamendi (D), 11/McNerney (D), and 18/Cardoza (D) Senators Boxer (D) and Feinstein (D)
Non-Federal Sponsor	California Department of Water Resources FloodSAFE Environmental Stewardship & Statewide Resources Office (FESSRO)

USACE PM/PLANNER	Dennis Clark: 916.557.7963 Brooke Schlenker: 916.557.5299	Email: Dennis.G.Clark@usace.army.mil Email: Brooke.E.Schlenker@usace.army.mil
PURPOSE	Ecosystem Restoration and Flood Risk Management	
AUTHORIZATION	Senate Resolution, 1 June 1948; Sec. 205 Flood Control Act, 17 May 1950 (P.L. 81-516); Conference Report 108-357 dated 7 Nov 2003 of the Energy and Water Development Appropriations Act (EWDAA), 2004	
LOCATION/ DESCRIPTION	<p>The study area is located in Sacramento, San Joaquin, Solano, Contra Costa, Alameda, and Yolo counties, California and extends from Sacramento south to the cities of Stockton and Tracy, and west to and including Suisun Bay. The Sacramento-San Joaquin Delta consists of about 740,000 acres of land segregated into some 80 tracts and islands and 1,100 miles of levees.</p> <p>The Delta Islands and Levees Feasibility Study (Delta Study) is the Corps' mechanism to participate in a cost-shared solution to address ecosystem restoration, flood risk management, and related water resources in the Delta and Suisun Marsh area. A Feasibility Cost Share Agreement (FCSA) was executed on May 26, 2006 with the DWR, the non-Federal sponsor. The Corps-DWR study team meets regularly to move the study forward and holds periodic Agency Coordination Meetings with associated Federal, State, and local agencies. The study will culminate in a feasibility report that will make recommendations on construction projects and/or additional studies for authorization by Congress.</p>	
FEDERAL INTEREST	The CA Bay-Delta Ecosystem of National Significance is home to over 750 plant and animal species including over 35 species listed under the Endangered Species Act. Delta levees protect 500,000 inhabitants and protect the water supply of 25,000,000 Californians and a \$28B agriculture industry (10% of the nation's output). This study will develop the long-term strategy for Corps projects in the Delta region. The study will assess existing and future flood risks in the Delta, as well as opportunities for ecosystem restoration, and develop a comprehensive roadmap for Corps involvement in a wide range of water resources needs.	
SUMMARIZED FINANCIAL DATA	<p><u>FY 06 Budget</u> \$ 214,000 <u>FY 07 Budget</u> \$ 800,000 <u>FY 08 Budget</u> \$ 859,000 <u>FY 09 Budget</u> \$ 641,000 <u>FY 10 Budget</u> \$ 394,000 <u>FY 11 Budget</u> \$ 239,459 <u>FY 12 Budget</u> \$ 971,000 <u>FY 13 Budget</u> \$1,015,000 (President's Budget)</p>	
PARTNERSHIP FUNDING	The cost share between the Corps and DWR for the Feasibility Study is 50/50.	
FY 11/12 ACTIVITIES	The Corps/DWR Project Delivery Team (PDT) identified problems, opportunities, goals, constraints, objectives, and preliminary measures in order to focus the study. Multi-agency coordination meetings were held to solicit additional input and answer questions on the study. A Planning Rescoping Charette was conducted in August 2012.	
FY 13 ACTIVITIES	The PDT will continue plan formulation work; finalize the revised PMP; conduct a second Planning Rescoping Charette (Dec 2012); continue to define existing and future without project conditions; continue to hold multi-agency coordination meetings; hold an In Progress Review meeting (Feb 2013); conduct public scoping meetings (Feb 2013); and reach Alternatives Milestone 1 (April 2013).	
TECHINICAL INVESTIGATIONS	NEPA/CEQA compliance, Phase 1 Environmental Site Assessment, and biological assessment and habitat constraints analysis/biological evaluation; existing data and information will be used to the maximum extent practicable.	
CONSIDERATIONS	This study will incorporate the results of the State's Delta Risk Management Strategy (DRMS) and other relevant planning efforts.	

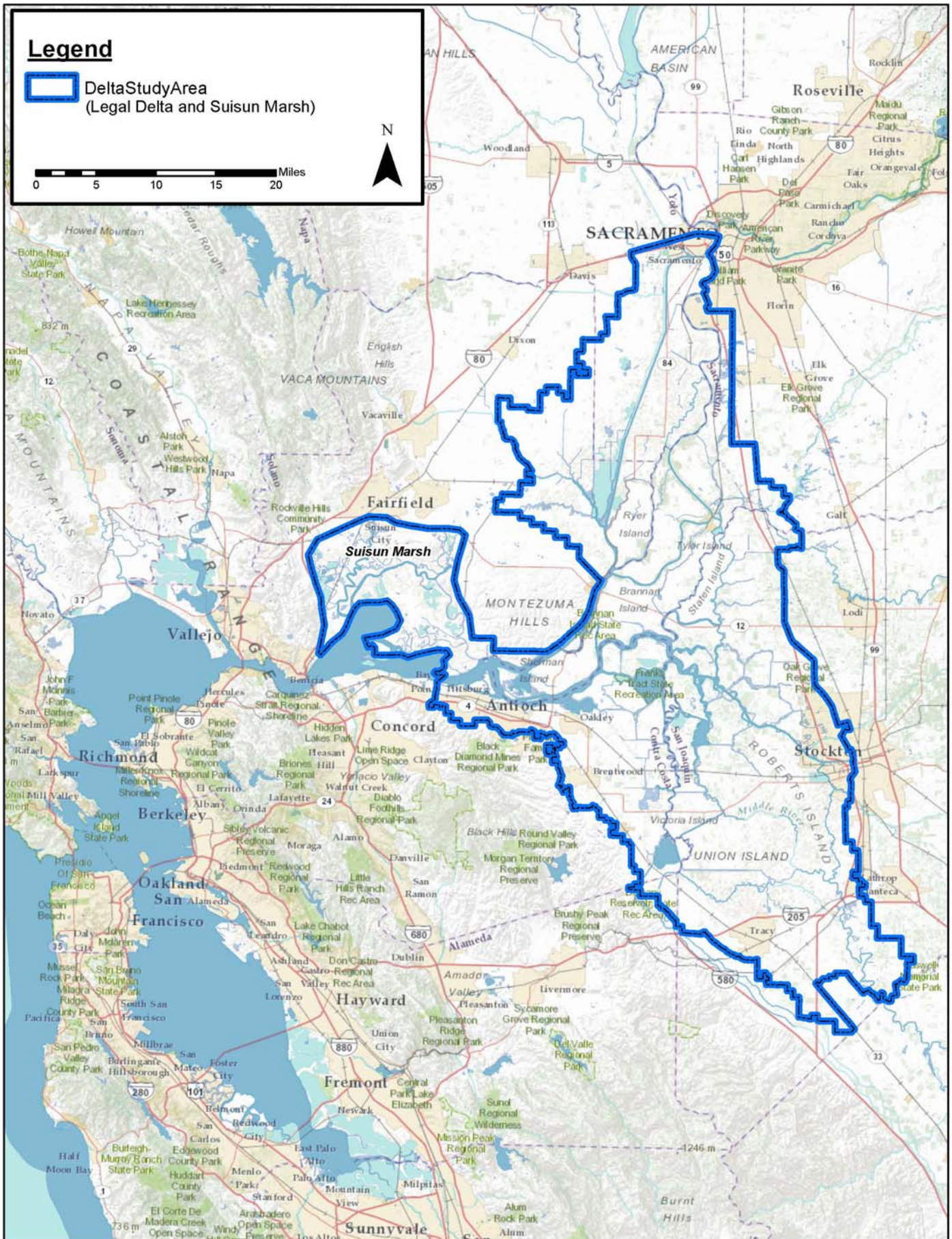
Legend



DeltaStudyArea
(Legal Delta and Suisun Marsh)

0 5 10 15 20 Miles

N





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of Engineers ®

CALFED Levee Stability Program (LSP)

Counties	Alameda, Contra Costa, Sacramento, San Joaquin, Solano, & Yolo Counties
Congressional Interest	1/Thompson (D), 7/Miller (D), 10/Garamendi (D), 11/McNerney (D) 18/Cardoza (D) Senators Boxer (D) and Feinstein (D)
Non-Federal Partner	California Department of Water Resources

EMERGENCY MANAGEMENT AND RESPONSE PLANNING

USACE PM/Planner Dennis Clark: 916.557.7963 Email: Dennis.G.Clark@usace.army.mil
Brooke Schlenker: 916.557.5299 Email: Brooke.E.Schlenker@usace.army.mil

PURPOSE Flood Risk Management

AUTHORIZATION Water Supply, Reliability, and Environmental Improvement Act (P.L. 108-361), Section 103 (f)(3); as amended by the Water Resources Development Act (WRDA) 2007 (P.L. 110-114), Sec. 3015; and the Energy and Water Appropriations Act of 2010 (P.L. 111-85), Section 210.

"(iv) develop a Delta Levee Emergency Management and Response Plan that will enhance the ability of Federal, State, and local agencies to rapidly respond to levee emergencies;"

LOCATION/ BACKGROUND

The study area is located in Sacramento, San Joaquin, Solano, Contra Costa, Alameda, and Yolo counties, California and extends from Sacramento south to the cities of Stockton and Tracy, and west to and including Suisun Bay. The Sacramento-San Joaquin Delta consists of about 740,000 acres of land segregated into some 80 tracts and islands and 1,100 miles of levees. Delta levees protect 500,000 inhabitants and protect the water supply of 25,000,000 Californians and a \$28B agriculture industry (10% of the nation's output). The Emergency Response Planning efforts for the Delta will work in conjunction with existing plans at the Federal, State and local level to better coordinate a response to potential Delta levee failures.

SUMMARIZED FINANCIAL DATA

CALFED Levee Stability Program

FY 08 Appropriation	\$ 4,920,000
FY 09 Appropriation	\$ 4,785,000
FY 10 Appropriation	\$ 5,314,000
FY 11 Appropriation	\$ 598,700
FY 12 Appropriation	\$ 0

Phase 1 Emergency Response Planning

Estimated Federal Cost	\$ 500,000
Estimated Non-Federal Cost	\$ 500,000
Total Estimated Project Cost	\$ 1,000,000

Phase 2 Emergency Response Planning

Scope is currently under development; initiation is pending available Federal funds.

PROJECT ACTIVITIES

The U.S. Army Corps of Engineers (Corps) and the California Department of Water Resources (DWR) signed a Memorandum of Agreement (MOA), allowing the Corps-DWR to initiate Phase 1 of GIS Flood Contingency Mapping and Emergency Response Planning for the Delta region. The team met with Delta counties in August 2010 to get input on concepts for the GIS products, response report, and related data. The Corps held several additional rounds of meetings with local entities to validate data collected throughout the process, and gather additional information from County and RD representatives.

Final products for Phase 1 include:

- Standardized GIS database of Emergency Management data;
- Flood Contingency Map Books and large scale wall maps of the Delta region; and
- An accompanying report documenting the existing framework, existing data, and any potential data gaps.

Phase 1 was completed in September of 2011. Printed documents will be provided to DWR and the Delta counties prior to the 2011-2012 flood season. Electronic data available at:

www.DeltaFloodEmergencyPlan.org

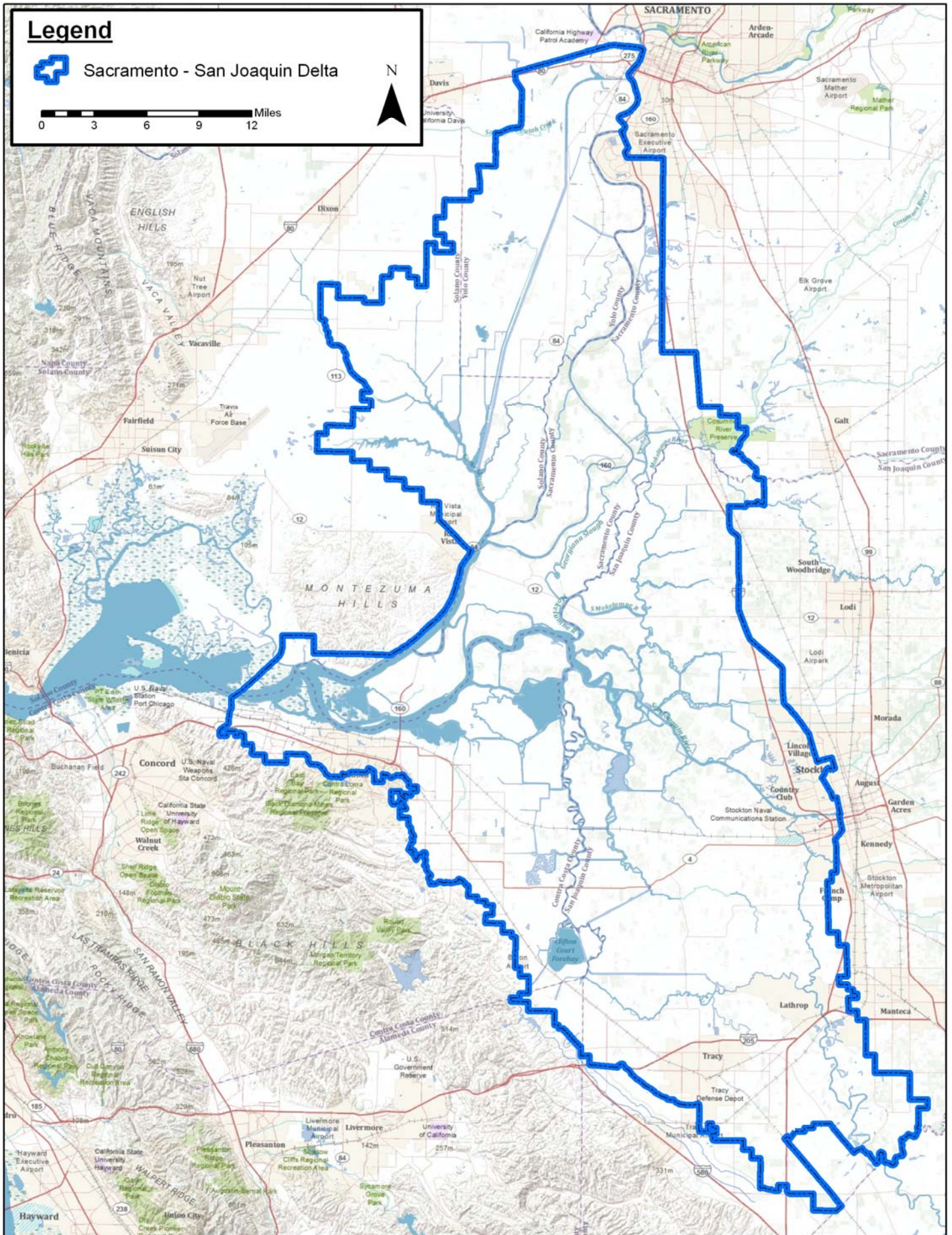
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Sacramento - San Joaquin Delta

N

0 3 6 9 12 Miles





**US Army Corps
of Engineers®**

CALFED Levee Stability Program

Counties (Congressional District)	Alameda (10 & 11), Contra Costa (7, 10 & 11), Sacramento (10), San Joaquin (11 & 18), Solano (1), and Yolo (1 & 2) Counties
Congressional Interest	1/Thompson (D), 2/Herger (R), 3/Lungren (R), 7/Miller (D), 10/Garamendi (D), 11/McNerney (D), and 18/Cardoza (D) Senators Boxer (D) and Feinstein (D)
Non-Federal Sponsor	California Department of Water Resources and Multiple Local Agencies

SACRAMENTO-SAN JOAQUIN RIVER DELTA & SUISUN MARSH

USACE PM/PLANNER Dennis Clark: 916.557.7963
Brooke Schlenker: 916.557.5299
Matty Evoy-Mount: 916.557.5299

Email: Dennis.G.Clark@usace.army.mil
Email: Brooke.E.Schlenker@usace.army.mil
Email: Matilda.L.Evoy-Mount@usace.army.mil

PURPOSE Flood Risk Management

AUTHORIZATION Water Supply, Reliability, and Environmental Improvements Act (Public Law (PL) 108-361), Section 103 (f) (3); as amended by the Water Resources Development Act (WRDA) 2007 (PL 110-114), Section 3015; and the Energy and Water Appropriations Act of 2010.

LOCATION/DESCRIPTION The study area is located in Sacramento, San Joaquin, Solano, Contra Costa, Alameda, and Yolo counties, California and extends from Sacramento south to the cities of Stockton and Tracy, and west to and including Suisun Bay. The Sacramento-San Joaquin Delta consists of about 740,000 acres of land segregated into some 80 tracts and islands and 1,100 miles of levees. Title I of PL 108-361, the CALFED Bay Delta Authorization Act of 2004 (CALFED Act), provided for Corps participation in the CALFED Program by authorizing the Secretary of the Army to undertake the construction and implementation of levee stability programs or projects for such purposes as flood control, ecosystem restoration, water supply, water conveyance, and water quality as described in the 2000 Record of Decision for the Programmatic Environmental Impact Study/Report on the CALFED Bay-Delta Program. The primary purpose of levee improvement projects is flood risk management, although it is recognized that incidental benefits for other purposes may accrue as a result of levee improvements in the Delta.

FEDERAL INTEREST Delta levees protect 500,000 inhabitants, the water supply of 25,000,000 Californians, several Federal navigation/transportation projects, and a \$28B agricultural industry (10% of the nation's output). The Delta is home to over 750 plant and animal species including over 35 species listed under the Endangered Species Act.

SUMMARIZED FINANCIAL DATA

Authorized Federal Limit	\$ 196,000,000
FY 08 Appropriations	\$ 4,920,000
FY 09 Appropriations	\$ 4,784,000
FY 10 Appropriations	\$ 4,814,000
FY 11 Appropriations	\$ 598,700
FY 12 Appropriations	\$ 0
FY 13 Appropriations	\$ 0

PARTNERSHIP FUNDING Up to \$100,000 is available at full Federal expense to initiate Feasibility Phase activities, including preparing a Preliminary Draft Project Implementation Report (PDPIR), a Project Management Plan (PMP), and to negotiate the Feasibility Cost Share Agreement (FCSA) for each project that proceeds through the program. The cost share between the Corps and a non-Federal sponsor for Feasibility Phase activities in the LSP beyond the initial \$100k is 50/50. The cost share for design and construction is 65% Corps/35% non-federal sponsor.

FY 10 & 11 ACTIVITIES The Bethel Island Municipal Improvement District was the first non-Federal sponsor to sign a Feasibility Cost Share Agreement (FCSA) with the Corps on 13 July 2010 for the Bethel Island-Horseshoe Bend Project. The Corps team completed draft Project Management Plans (PMPs) for four additional Levee Stability Program projects, including McCormack-Williamson Tract, Bacon Island, Walnut-Grove, and River Junction, and began development of a PMP and FCSA for Brannan-Andrus Levee Maintenance District. In 2010 a Memorandum of Agreement (MOA) was signed between USACE and DWR, allowing the Corps-DWR to initiate Phase 1 of GIS Flood Contingency Mapping and Emergency Response Planning for the Delta region. Phase 1 was completed in September 2011 and includes: standardized GIS database of Emergency Management Data; Flood Contingency Map Books and large scale wall maps of the Delta region; and an accompanying report documenting the existing framework, existing data, and any potential data gaps.

FY 12 & 13 ACTIVITIES The Bethel Island-Horseshoe Bend Project Feasibility Phase Study is currently underway; a completed PIR and initiation of a Project Partnership Agreement is anticipated in FY14. The McCormack-Williamson Tract PMP and FCSA have been approved by the Corps' Headquarters office.

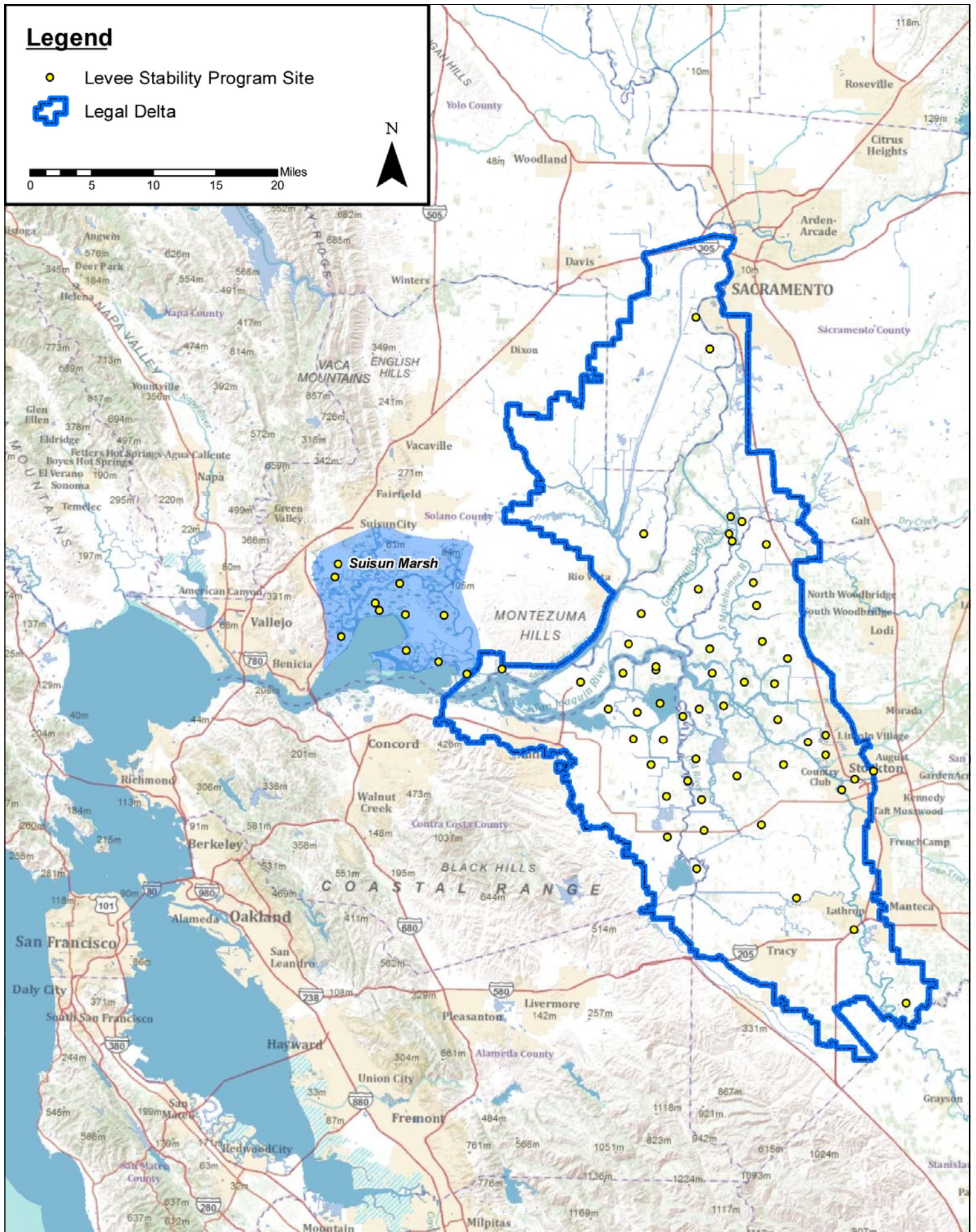
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● Levee Stability Program Site

Legal Delta

0 5 10 15 20 Miles

N





San Luis & Delta-Mendota Water Authority

P.O. Box 2157
Los Banos, CA 93635
Phone: (209) 826-9696
Fax: (209) 826-9698



State Water Contractors

1121 L St., Suite 1050
Sacramento, CA 95814
Phone: (916) 447-7357
Fax: (916) 447-2734

March 15, 2013

U.S. Army Corps of Engineers, Sacramento District
Public Affairs Office
Attn: Delta Study Scoping
1325 J Street
Sacramento, CA 95814

**Subject: Notice of Intent to Prepare an Environmental Impact Statement for the
Sacramento-San Joaquin Delta Islands and Levees Feasibility Study**

The San Luis & Delta-Mendota Water Authority (SLDMWA) and State Water Contractors, Inc. (SWC), on behalf of and with each of their member agencies,¹ (herein "Public Water Agencies"), appreciate this opportunity to provide comments on the scope of the environmental analysis to be included in the draft environmental impact statement (DEIS) for the Sacramento-San Joaquin Delta Islands and Levees Feasibility Study (Delta Study). The Delta Study will assess existing and future flood risks in the Delta as well as opportunities for ecosystem restoration and will develop a comprehensive roadmap for the U.S. Army Corps of Engineers' (Corps) involvement in a wide range of resource management needs in the region. The Delta Study will evaluate alternatives to meet the dual study goals of restoring sustainable ecosystem functions and improving flood risk management in the Delta, Suisun Marsh, and adjacent areas.

The Corps is initiating preparation of the DEIS and will serve as the lead agency for compliance with the National Environmental Policy Act (NEPA). The Corps has entered into a Feasibility Cost Share Agreement (FCSA) for preparation of the Delta Study with the Department of Water Resources (DWR), the non-Federal sponsor. This letter contains Public Water Agencies' response to the Notice of Intent (NOI) as entities that would be potentially affected by a long-term strategy for Corps projects in the Delta region.

Specific comments on potential issues for the Corps' consideration and incorporation into the DEIS are listed below:

- The NOI states that Delta Study alternatives may include various combinations of ecosystem restoration and flood-risk management measures designed to meet the study goals. The DEIS for the Delta Study should evaluate the environmental effects of the project's alternatives on water supply, water quality, and aquatic and terrestrial biology, among other resource categories.

¹ See Attachment 1 for a description of the SWC and SLDMWA.

March 15, 2013

Page 2

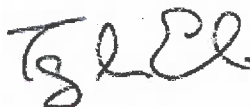
- The DEIS for the Delta Study should be closely coordinated with adopted and on-going planning and policy initiatives in the Delta including:
 - The Bay-Delta Conservation Plan, which considers an integrated water supply and environmental enhancement strategy in the Delta,
 - The DWR Central Valley Integrated Flood Management Study, which identifies opportunities to reduce flood risk and protect environmental values of the region, and
 - The Delta Flood Emergency Preparedness, Response and Recovery Plan, which provides emergency response strategies addressing up to and including catastrophic multiple-island failures from earthquake or flood emergencies.

We appreciate the opportunity to provide input into your scoping process for the Delta Study DEIS. Please include us on the mailing list to receive future notifications about this process. If we can be of further assistance, please contact Brenda Burman at bburman@mw2o.com or Greg Zlotnick at Greg.Zlotnick@sldmwa.org.

Sincerely Yours,



Daniel G. Nelson
Executive Director
San Luis & Delta-Mendota Water Authority



Terry L. Erlewine
General Manager
State Water Contractors

Attachment 1

The SWC organization is a nonprofit mutual benefit corporation that represents and protects the common interests of its 27 member public agencies in the vital water supplies provided by California's State Water Project ("SWP"). Each of the member agencies of the State Water Contractors holds a contract with the California Department of Water Resources ("DWR") to receive water supplies from the SWP. Collectively, the SWC members deliver water to more than 25 million residents throughout the state and more than 750,000 acres of agricultural lands. SWP water is served from the San Francisco Bay Area, to the San Joaquin Valley and the Central Coast, to Southern California. The SWC's members are: Alameda County Flood Control and Water Conservation District Zone 7; Alameda County Water District; Antelope Valley-East Kern Water Agency; Casitas Municipal Water District; Castaic Lake Water Agency; Central Coastal Water Authority; City of Yuba City; Coachella Valley Water District; County of Kings; Crestline-Lake Arrowhead Water Agency; Desert Water Agency; Dudley Ridge Water District; Empire-West Side Irrigation District; Kern County Water Agency; Littlerock Creek Irrigation District; Metropolitan Water District of Southern California; Mojave Water Agency; Napa County Flood Control and Water Conservation District; Oak Flat Water District; Palmdale Water District; San Bernardino Valley Municipal Water District; San Gabriel Valley Municipal Water District; San Geronimo Pass Water Agency; San Luis Obispo County Flood Control & Water Conservation District; Santa Clara Valley Water District; Solano County Water Agency; and Tulare Lake Basin Water Storage District.

The Authority is a joint powers authority, established under California's Joint Exercise of Powers Act. (Gov. Code, § 6500 et seq.) The Authority is comprised of 29 member agencies, 27 of which hold contractual rights to water from the federal Central Valley Project ("CVP"). The Authority member agencies have historically received up to 3,100,000 acre-feet annually of CVP water for the irrigation of highly productive farm land primarily along the San Joaquin Valley's Westside, for municipal and industrial uses, including within California's Silicon Valley, and for publicly and privately managed wetlands situated in the Pacific Flyway. The areas served by the Authority's member agencies span portions of seven counties encompassing about 3,300 square miles, an area roughly the size of Rhode Island and Delaware combined. The Authority's members are: Banta-Carbona Irrigation District; Broadview Water District; Byron Bethany Irrigation District (CVPSA); Central California Irrigation District; City of Tracy; Columbia Canal Company (a Friend); Del Puerto Water District; Eagle Field Water District; Firebaugh Canal Water District; Fresno Slough Water District; Grassland Water District; Henry Miller Reclamation District #2131; James Irrigation District; Laguna Water District; Mercy Springs Water District; Oro Loma Water District; Pacheco Water District; Pajaro Valley Water Management Agency; Panoche Water District; Patterson Irrigation District; Pleasant Valley Water District; Reclamation District 1606; San Benito County Water District; San Luis Water District; Santa Clara Valley Water District; Tranquillity Irrigation District; Turner Island Water District; West Side Irrigation District; West Stanislaus Irrigation District; and Westlands Water District.



US Army Corps
of Engineers
Sacramento District

Public Comment Sheet

NAME: ROGENE REYNOLDS PHONE: (209) 992-8090
ADDRESS: 4444 N. VINE RD. STOCKTON CA 95206
E-MAIL: sail240@~~email~~clearwine.net

COMMENT/QUESTION:

In the So. Delta - we have a
serious siltation problem in our
channels. Redging would
be an improvement! Silted channels
increase flood risk.

Also: This program should be
brought to the South Delta!



US Army Corps
of Engineers
Sacramento District

Public Comment Sheet

NAME: Mary PHONE: _____

ADDRESS: _____

E-MAIL: _____

COMMENT/QUESTION:

p 33 - Sac Submen RR no longer in place

- being converted to trail

RD 0557 - Pearson District Not "Pierson"

Toppen Van Lohren sails



US Army Corps
of Engineers
Sacramento District

Public Comment Sheet

NAME: Gilbert Labrie PHONE: _____

ADDRESS: _____

E-MAIL: _____

COMMENT/QUESTION:

This study needs to address
the process of pre-meeting to unify
the federal interests in permitting. This
will allow ongoing maintenance, improvement,
restoration of critical structures and
facilitate Delta as Place



US Army Corps
of Engineers
Sacramento District

Public Comment Sheet

NAME: Debbu Elliott PHONE: (916) 775-4043
ADDRESS: 12236 Hwy 160
E-MAIL: delliott@cutlink.net

COMMENT/QUESTION:

page 35 of map Book
no fire station on Holland Rd -
it is in Clarksburg



US Army Corps
of Engineers
Sacramento District

Public Comment Sheet

NAME: Kristal Fadtker PHONE: 916-375-4994
ADDRESS: 1450 Halyard Dr. Suite 6, West Sacramento, CA
E-MAIL: kmdavis@deltaconservancy.ca.gov

COMMENT/QUESTION:

Will the Corps engage stakeholders in
review of alternatives prior to the ^{public} release
of the feasibility report / draft EIS?
Earlier engagement of Delta stakeholders
can help ensure the feasibility study is
consistent & complementary to Delta
planning efforts and helps address
stakeholder needs in the Delta