

Comments regarding agenda items of the Delta Stewardship Council meeting of December 19, 2013

Submitted by Nicole Suard, Esq., Managing Member, Snug Harbor Resorts, LLC via email sent to:

While there is much to say regarding all the agenda items, at this time I would like you to make note of the following issues, each of which is made to remind that decisions of the DSC should be based on facts rather than the false or misleading data generated over the last 10 years by DWR consultants:

**Agenda Item 7:** Promoting use of computer models that ignore the existence of historic and-in use Delta waterways means the computer modelers may not be aware of the impacts of their decisions on the residents of the Delta. Use of simplified computer modeling (like the WAM model below) to erase or ignore the existence of the waterways and impacted lands of the Delta is in effect intentional misrepresentation of material facts and can lead to harm to Delta residents, property and the Delta environment unaccounted for in the computer model.

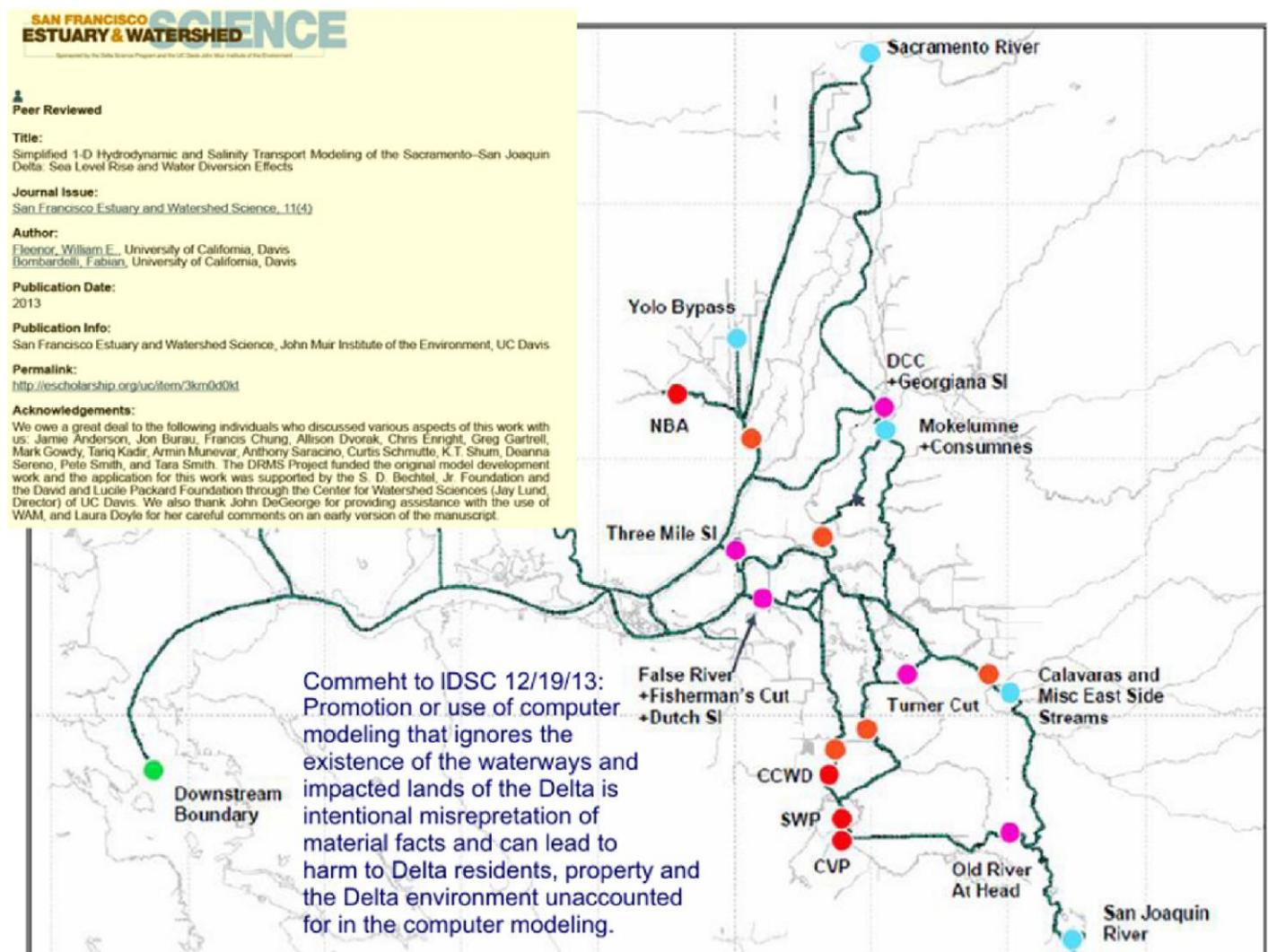


Figure 2 Simplified WAM network superimposed over Delta network showing boundary conditions, internal flows, export locations and DICU sites

## **Agenda Item 10:**

As the DSC moves forward with directing staff to prioritize investment in levees of the Delta, please remember the following facts:

### 1. DRMS PHASE 1 BASELINE DATA CONTAINED FALSE AND INFLATED DELTA FLOOD HISTORY, WHICH IMPACTED OUTCOMES INCLUDING VALUE, FLOOD RISK AND OTHER IMPORTANT DATA.

DRMS Phase 1 technical data used for baselines in the report was published in 2007. "Final" DRMS Phase 1 report was published in 2008. In March 2009 and again in December, 2009, DRMS Phase 1 was at least partially corrected. However, to this day the false data regarding Ryer Island flood history, location, valuation and flood risk continues to be utilized and referred to. There are several other Delta islands where false data was also used. The links are in reference to Ryer Island adjacent to Steamboat Slough:

[http://www.water.ca.gov/floodsafe/fessro/levees/drms/phase1\\_information.cfm](http://www.water.ca.gov/floodsafe/fessro/levees/drms/phase1_information.cfm) note reference to 2009 updates

[http://www.ryerisland.com/images/floods/DRMSf1\\_wrong\\_on\\_Ryer.pdf](http://www.ryerisland.com/images/floods/DRMSf1_wrong_on_Ryer.pdf)

[http://www.snugharbor.net/images2011/deltastuff/DRMS\\_figure2-5\\_compared.JPG](http://www.snugharbor.net/images2011/deltastuff/DRMS_figure2-5_compared.JPG)

[http://www.ryerisland.com/DRMS\\_wrong\\_on\\_ryer\\_island.htm](http://www.ryerisland.com/DRMS_wrong_on_ryer_island.htm)

2. DRMS Phase 1 valuations of assets appear to have ignored the value of waterside assets, residents and businesses throughout the Delta. In 2007, as part of the Delta Vision process, Delta boating and fishing recreation was estimated to bring in over one billion dollars to the California economy. The value of those assets associated with the Delta islands were ignored or estimated based on no logical formula. The current documents DWR/DSC used to assess Delta sustainability appear to be based on some false baseline that greatly reduces the economic value of the recreation facilities of the Delta. Please direct your staff to use correct data if you want to produce an honest and accurate report.

Reference links:

[http://www.water.ca.gov/floodsafe/fessro/levees/drms/docs/RiskAnalysis\\_Report-sec7\(062607\).pdf](http://www.water.ca.gov/floodsafe/fessro/levees/drms/docs/RiskAnalysis_Report-sec7(062607).pdf) false data used

[http://www.water.ca.gov/floodsafe/fessro/levees/drms/docs/Economic\\_TM-updated07.pdf](http://www.water.ca.gov/floodsafe/fessro/levees/drms/docs/Economic_TM-updated07.pdf) ignores economics of the Delta recreation

[Http://deltarevision.com/Issues/recreation/delta\\_recreation\\_contributes\\_1billion.jpg](Http://deltarevision.com/Issues/recreation/delta_recreation_contributes_1billion.jpg)

<Http://deltarevision.com/Issues/recreation/14million-boating-days-per-year.jpg>

It would also help if DWR would be more consistent with the names of the waterways and Delta Islands, since the last 10 years of reports show inconsistent location references and therefore also impact outcome locations: Examples of wrong maps of the Delta can be found at: <http://www.SaveTheDelta.org> and go to the map series called "Wrong maps of the Delta".

## **Agenda Item 14**

Effects of the BDCP: recreation focus (item D, page 4)

BDCP covers just *some* of the short term and long term effects on just *some* Delta recreation facilities, when all Delta recreation will be severely impacted in the "short" term and long term. In fact "short term" is in itself a ridiculous term to associate with BDCP construction timing of up to 10 years. Any actions taking over 2 months causing negative impacts should be considered long term. Since DWR and BDCP rely heavily on the false and/or incorrect data found in DRMS Phase 1, Delta Vision and PPIC, for example, actual effects can not be adequately addressed since impacts are based on false and/or inconsistent baselines. In the case of recreational businesses, it is ludicrous to believe any timeframe over a few months of lack of customer access or use will result in anything other than substantial loss of

customer base and therefore income. For example, reducing waterflows on historic waterways like Steamboat Slough causes silting in which raises the bed of the waterway which reduces boating opportunity. Intentionally implanting large woody debris into waterways for “habitat” studies causes hazards to navigation and discourages both boating and fishing. Blocking access roads or severely hindering traffic discourages repeat customers. Creating urban noises in a setting that should be rural quiet further discourages recreational visitors. Providing alternate recreational opportunities in other areas of the state might be well received by whoever owns those alternate boating facilities, but it does nothing for the Delta land and business owners who are expected to wait through the “short term” construction phase. (Happily, that definition may work quite well when courts are asked for a “short term” injunction from all exports to the south of the Delta, since the current state administration feels businesses can survive for “short term” of 10 years!) Reference links:

[Http://www.snugharbor.net/images-2013/deltastuff/bdcp\\_impact\\_steamboatslough.jpg](http://www.snugharbor.net/images-2013/deltastuff/bdcp_impact_steamboatslough.jpg)

[Http://deltarevision.com/Delta\\_maps/Recreation\\_Navigation\\_Transportation.htm](http://deltarevision.com/Delta_maps/Recreation_Navigation_Transportation.htm)

<http://www.snugharbor.net/images-2013/deltastuff/TulesEliminateNavigation.jpg>

<http://www.snugharbor.net/images-2013/deltastuff/sjflowssouth.jpg> long term impact of BDCP – DWR map

If BDCP pretends we don't exist (see first comment) does that therefore mean BDCP can ignore the impact to our businesses, employees, residents, and lives here in the Delta? More comments regarding BDCP impacts to the Delta and Northern California will be submitted in the BDCP public comment process.

Respectfully submitted,

*Nicole S. Suard, Esq., Managing Member, Snug Harbor Resorts, LLC*