

Nicole S. Suard, Esq, Managing Member, Snug Harbor Resorts, LLC
3356 Snug Harbor Drive (Ryer Island-Solano County)
Walnut Grove, CA 95690

BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

HEARING IN THE MATTER OF CALIFORNIA DEPARTMENT OF WATER RESOURCES AND UNITED STATES
BUREAU OF RECLAMATION REQUEST FOR A CHANGE IN POINT OF DIVERSION FOR CALIFORNIA WATERFIX

OPENING STATEMENT: SNUG HARBOR RESORTS, LLC

I am an owner-attorney representing Snug Harbor Resorts, LLC, a waterfront ten acre marina and RV/MH park Permitted under several and various county, state and federal agency permits, for recreation and residential uses. The resort relies on two public-use permitted drinking water wells and a water treatment system. For irrigation of landscape and fruit trees onsite, and in case of fire emergency, we utilize two to four small slough pumps, usually only during dry months. I have helped manage the resort water system for 18 years. Resort is located on the southern half of the peninsula located off Ryer Island, on Steamboat Slough, approximately 4.5 miles north of the confluence of Steamboat Slough with Cache Slough and the Sacramento River. The land was first recorded as a land grant in Solano County in 1876, after the 1875 survey of the adjacent islands. I have old maps and records showing property uses and descriptions dating from 1850. I have maps from the 1880s to 1910s showing locations of North Delta area parcels, structures, pumps and landings. I have photos from the 1930s showing use of the land for farming and a few waterfront residences, and in the 1940s the RV Park was developed along with many residential parcels north of the park along Snug Harbor Drive. Snug Harbor Resort was named "Best Small Park of California" in 2001 by the California Travel Park Association, which is the first time a Delta-area park received the top honor for small parks. The Snug Harbor peninsula also contains 28 individually-owned residential homes parcels. However, neither the resort attorney-representative nor myself as an individual and/or attorney represent the interests of the residential owners located along Snug Harbor Drive.

I am also a map collector and Delta historian, and have an extensive collection of original historic maps of the Delta and California. Ownership of a waterfront facility on historic Steamboat Slough increased my interest in California history, with a focus on the Delta and Sacramento area. I believe I have a well-researched understanding of the past natural and physical environment of the North Delta. I have gone boating in most areas of the Delta, and for years I have been a volunteer boat captain, offering to take media, photographers, politicians, agency representatives and writers to different areas of the Delta usually best understood from the perspective of a boat. I gave Hal Shell a ride over to Liberty Island soon after it was flooded to become a restoration site. I gave writers from newspapers, magazines and TV shows rides around, focusing on the beautiful areas like Sutter Slough, Steamboat Slough, Mokelumne River north of Walnut Grove and of course the Sacramento River, with occasional ventures into the Central Delta, to Stockton, or out to the Suisun Bay. I became very familiar with the differences in environments on the rivers.

Starting in 2005 I noticed state government reports and some online mapping companies began to mix up Delta historical names and facts. Starting in 2007 I could detect that there was physical

changes happening to or on Steamboat Slough, which was impacting surface water quality in the cove area adjacent to the resort property, and I noticed that our drinking water well quality seemed to be affected in the fall months. By 2010 it became very clear that a major change was happening to the water quality and water flows in the North Delta. I did not know what was causing the change but was certainly being impacted by a change in water flows, a change in water quality, and many other negative impacts which all appear to be related to actions or projects associated with changes to water flows on Steamboat Slough, in the Yolo Bypass area, and physical changes that were constructed within the waterways near my property. I am presenting to the SWRCB real life examples of actual negative impacts from actions allowed by SWRCB over the last ten years, that have affected water quality. I am presenting this information so that you will understand that proposed WaterFix diversion of Sacramento River water from proposed new diversion points will impact many more people and lands in exactly the same way we have been impacted here on Steamboat Slough. Actions SWRCB have allowed have already caused degradation of resort and residential drinking water quality and surface water quality, and it will only get worse with continued excessive diversion of Sacramento River water from the Delta. I request that SWRCB consider reducing the amount of fresh water exported from the Sacramento River, Steamboat and Sutter Sloughs and all other natural waterways of the Delta until such time as our drinking and water surface quality improve to pre-diversion quality of 1 ppt, per historical records. I have spoken to many DWR representatives in the past about the following issues, and my concerns have never been addressed. I took the time to review and comment on the BDCP, and yet those concerns have been ignored in the draft current conveyance plan. I wish to present the following evidence of impacts to drinking water quality in the North Delta from current and proposed actions in our area of the Delta:

1. Flows on Steamboat Slough have been modified and hindered a major portion of each year for at least the last six years, and the impact to drinking water wells are evident and create substantial cost and effort to resolve. Impacts started to be evident approximately in 2010, as a timeline and water well test results will demonstrate.
2. DWR and USBR, as joint operators and regulators of flow in and around the Delta, have failed to provide adequate flows to protect the Drinking water aquifer of the North Delta region, by limiting flows, or by allowing and promoting actions that have affect groundwater quality. Review of the actions gives an indication of the impacts to many other persons and drinking water wells if WaterFix proposal is construction.
3. DWR and USBR computer modelers have not included or considered the current impacts from current actions, and instead have used outdated flow numbers from a time before all the new north-of-the-Delta intakes were constructed, and before additional exports from the Delta were allowed to commence to fill up new or expanded reservoirs outside the Delta area.
4. DWR and USBR computer models use incorrect bathymetry for Steamboat and Sutter Sloughs, at a minimum, which renders any computer modeling outcome incorrect. Specifically, for DSM2 model, subsurface flow barrier(s) were ignored which influenced outcome of impact assessment.
5. DWR and USBR computer models fail to acknowledge and assess the impacts to surface water quality from the experimental pulse flows, and turbulence and sediment that impacts downriver surface water and shallow wells.

6. SWRCB will be presented evidence that DWR has failed to provide the public with accurate flow data, and when data is provided, it is incorrect and changed often without notice to interested parties. I have repeatedly asked for updated flow and export data from DWR personnel since 2014, and have never received a response in readable format. In addition, I will present evidence that shows important data gaps that have been generated from the CDEC website upon which flow data for computer modeling was based. Those data gaps may be an indication that more Sacramento River water is diverted away from the North Delta than has been disclosed by DWR since 2005.
7. SWRCB will be presented with evidence of impacts to surface and drinking water aquifer from the flooding of Liberty Island, and the continued use of that island for water storage instead of flood control. Although WaterFix representatives have claimed actions on the Yolo Bypass will somehow soften the negative impacts from WaterFix operations, no logical explanation of how hydrodynamics of the Yolo Bypass would help to protect the water quality of the historic Delta legacy towns.

Please note that the order of presentation of my issues and evidence may not be in the order numbered above.

By *Nicole S. Sward, Esq* 9-1-16