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February 25, 2015

**Re: Public Notice SPK-2014-00187 and also Public Draft State Clearinghouse #2009012081**

Request for extension of public comment period and request for public meeting called by USACE sent via email to the following persons:

Mr. William Guthrie, Project Manager  
US Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1350  
Sacramento, California 95814-2922  
Email: [william.h.guthrie@usace.army.mil](mailto:william.h.guthrie@usace.army.mil)

Mr. Brian Mulvey, Senior Fishery Biologist  
[Brian.M.Mulvey@usace.army.mil](mailto:Brian.M.Mulvey@usace.army.mil)

Ms. Alicia E. Kirchner, Chief, Planning Division, Environmental Resources Branch  
[SacRiverBank@usace.army.mil](mailto:SacRiverBank@usace.army.mil)

Dear Mr. Guthrie, Mr. Mulvey and Ms. Kirchner:

This letter is a request for public meeting and request for extension of comment period, submitted regarding Public Notice SPK-2014-00187, and also is a request for extension of comment period for the Sacramento River Bank Protection Project, as the cumulative impacts from the joint proposed projects has not been addressed and could cause substantial flood risk and environmental damage and harm to humans and native fish species. Project documents can be found at the following links: [http://www.water.ca.gov/waterconditions/docs/Emergency\\_Drought\\_Barriers\\_Initial\\_Study\\_and\\_Proposed\\_Mitigated\\_Negative\\_Declaration.pdf](http://www.water.ca.gov/waterconditions/docs/Emergency_Drought_Barriers_Initial_Study_and_Proposed_Mitigated_Negative_Declaration.pdf) and [http://www.spk.usace.army.mil/Portals/12/documents/civil\\_works/SacBank/SRBPP-PhII-PACR-EIS-EIR\\_InterestedParties22DEC2014.pdf](http://www.spk.usace.army.mil/Portals/12/documents/civil_works/SacBank/SRBPP-PhII-PACR-EIS-EIR_InterestedParties22DEC2014.pdf) and <http://www.spk.usace.army.mil/Missions/CivilWorks/SacramentoRiverBankProtection.aspx> This request applies to both Public Notice SPK-2014-00187 and to Public Draft State Clearinghouse #2009012081 including its attachments, addendums and change orders. (No public notice publish date or Public Notice SPK number was provided on the notice of meetings and review letter published online and signed by Alicia E. Kirchner, Chief, Planning Division, USACE, Sacramento, Environmental Resources Branch)

The cumulative impact of the combined projects, and the flood risk impacts of the individual projects has not been adequately assessed or reported by DWR to USACE in the documents reviewed. I own land and a business located on the waterside of Steamboat Slough, and will be one of the impacted persons should USACE fail to consider the real cumulative impacts from the combined project proposals as opposed to reliance on DWR computer modeling that has been verified to be based on false flow and export baseline data. **I therefore request that both SRBPP and the “Barriers” project public comment periods be extended to March 30, 2015 at a minimum, and that public meetings be held in the Delta with the focus of those meetings being the impacts to the persons, environment, aquatic species, navigation, recreation, transportation, agriculture, residents and businesses located within the legal Delta region.**

Regarding the “Barriers” proposal, per the notice found at the <http://www.spk.usace.army.mil/Media/RegulatoryPublicNotices/tabid/1035/Article/562903/spk-2014-00187-emergency-drought-barriers.aspx> I request that **at least two public hearings** be held to consider the DWR application for installation of barriers across three navigable rivers of the Delta, including False River, Steamboat Slough and Sutter Slough as proposed in the document found at [http://www.water.ca.gov/waterconditions/docs/Emergency\\_Drought\\_Barriers\\_Initial\\_Study\\_and\\_Proposed\\_Mitigated\\_Negative\\_Declaration.pdf](http://www.water.ca.gov/waterconditions/docs/Emergency_Drought_Barriers_Initial_Study_and_Proposed_Mitigated_Negative_Declaration.pdf) Per the notice found at <http://www.spk.usace.army.mil/Missions/CivilWorks/SacramentoRiverBankProtection.aspx> I am requesting public hearing to address the possible cumulative flood risk associated with the joint proposal riverine and levee modifications to North Delta navigable waterways specifically, with the focus on the risk to humans, businesses, residents, transportation, navigation and agriculture in the North Delta. I ask that the public comment period for SRBPP, which ends February 27, 2015 be extended to March 30, 2015 or later to give the affected public opportunity to review and understand the cumulative impacts once DWR/USACE better defines those cumulative impacts of both SRBPP and the “Barriers” proposal.

I am requesting the public hearings regarding the “barriers” proposal, and for the extension of the public comment period to March 30 2015 or later, for the following reasons:

**(A)** neither the short term nor long term impacts to fish, agriculture, and landowners has been adequately assessed by DWR for barriers installed for just one year, let alone the possibility of three consecutive years as proposed by DWR. It is very likely, given the project timeline of the SRBPP that the levee work and riparian benches proposed for Steamboat and Sutter Sloughs will impede the travel of the rock barges proposed for the Barriers project, and visa versa. It is very likely the low water levels, modified water quality and changes in hydraulic patterns will negatively impact the freshwater vegetation and restoration sites proposed as mitigation for the SRBPP, which means taxpayer funds will be used to destroy projects to put in other taxpayer-funded flow restriction barriers which will have to be removed by funding not yet defined;

**(B)** DWR has refused to answer very basic questions or provide adequate documentation to verify DWR’s computer modeling assumptions of impacts. Specifically DWR has failed to address the issues submitted at last year’s unofficial meeting in Walnut Grove or the recent 2015 unofficial meeting in Clarksburg regarding impacts to water quality on Steamboat and Sutter Sloughs that would affect the tall trees and landscape of recreational facilities and residents located on the water side along Steamboat Slough. DWR provided the benefits to the South Delta export pumps area while ignoring to report the detriments and in particular peak salinity expected in various locations along Steamboat and Sutter Sloughs. Since DWR failed to inform the most affected parties of barrier impacts, I assume USACE scientists and water engineers were also not informed of the impacts of the barriers on the restoration actions of the SRBPP site locations in the same areas. If USACE scientists and water engineers were informed of the proposed barriers planning, from as early as 2004, why wasn’t the possibility addressed in the preliminary SRBPP documentation?

**(C)** DWR has not defined a “trigger point” for installation of one, two or all three barriers which means

they will install at will with the same disregard as the state agency has shown for at least ten years for the Delta's aquatic environment, native fish, terrestrial forested adjacent reaches and human businesses, residents, recreation and navigation. With no clearly defined trigger for allowance of the installation of the barriers, DWR could install barriers at a time that is detrimental to SRBPP project outcomes, embroiling USACE and the SRBPP planners in the litigation and costs associated with unintended or undefined negative impacts to humans, aquatic species, terrestrial and riverine environment, navigation and agriculture, and loss of use of residents and business lands on or near the subject waterways.

**(D)** Regarding barrier physical locations, DWR has not effectively considered alternatives proposed by local landowners that would be less expensive, less damaging to aquatic species, less damaging to agriculture in the North Delta. If the purpose of the barriers is to create a hydrologic barrier to repel high-salinity water, wouldn't it make more sense to consider the best location to protect the largest agricultural and aquatic as possible in the North Delta by better location of the barriers? One specific proposal brought to the attention of DWR in March 2014 is the concept of placing a single barrier with boat gate lock on Steamboat Slough near the confluence with Cache Slough around river mile 15-16 and utilizing the lands already owned by the government on the Grand Island side. Only one barrier is needed, which should be less expensive to install, but larger culverts and a boat lock rather than ramps would be required to allow continued recreation and navigation on historic Steamboat Slough. Fresh water would be maintained east of the barriers allowing the local farming operations on Grand Island, Ryer Island, Sutter Island and the "Oxford" area to continue without impact to their irrigation practices. Millions of dollars of freshwater restoration work installed by DWR and USACE contractors over the last several years at approximately river mile 16.5-17 would be preserved. And impacts to traffic would be substantially reduced because the barges with rock would need to travel a short distance on deep open water and all landside construction work could be conducted from the Grand Island side where traffic is much more sparse than on the Ryer Island side at that river mile site;

**(E)** DWR has not identified the funding source for removal of the barriers nor the funding source for mitigation and compensation measures that will be required if the barriers go in;

**(F)** DWR has not considered the cumulative impacts from installation of the barriers plus installation of the levee repairs and riparian benches which would cause a hindrance of flood flows which, combined with the actions of the SRBPP along Steamboat and Sutter Sloughs could create flood hazard for the residences and businesses located along these waterways, and substantial levee damage risk and flooding for Ryer Island, Grand Island, Sutter Island at a minimum.

**(G)** The USACE website notice page regarding the "Barriers proposal" provided maps showing the location of the proposed barriers, and reference to the DWR barriers website, but does not provide a way to easily access the actual documents or historical background reference documents nor the computer modeling upon which the salinity impacts are based-information that would be helpful for interested and affected parties to understand the true short and long term impacts of the barriers proposal. The lack of easy access to the documents would appear to be prima facie inadequate notice on the part of USACE;

**(H)** Current DWR documents regarding impacts from the proposed barriers provide only guesstimates of benefits to water export contractors while ignoring realistic and rational assumed short and long term impacts to North Delta landowners, agriculture, businesses, residents, navigation and aquatic native species and transportation. DWR uses flow data that has been shown to be suspect due to gaps in reported flows, unaccounted for exports, and computer modeling based on false or outdated physical characteristics of the waterways proposed for barriers. For example, flow data for DSM2 may not account for the gaps in CDEC live flow data as reported online. An example of the gaps in flow data can be seen at page 6 of the following document: <http://snugharbor.net/images-2014/comments/wheresthewater/cdecdatagaps.pdf> also <http://www.snugharbor.net/images-2014/news/notices/flowmissingsummarysm.pdf> and for more unanswered questions regarding the last five years of DWR Delta flow reporting please see [http://snugharbor.net/dwr\\_reporting\\_of\\_inflow\\_and\\_outf.html](http://snugharbor.net/dwr_reporting_of_inflow_and_outf.html)

As another example of DWR failure to consider impacts from the barriers project, DWR proposes to begin installation of barriers on May 1 which is prime boating and recreation season, and DWR will cause traffic clogs along State Routes 160 and 84 and hinder use of State Route 220 due to assumed barge travel route. According to DWR, the installation of the barriers will take two months-all during prime recreation time. No mitigation is offered to the impacted businesses in the areas of Walnut Grove and Isleton, at a minimum and for the affected recreation businesses along the waterways since the customers will be discouraged from their normal use due to the traffic hindrance;

**(I)** DWR estimates of flows and impacts are based on computer model input data that was very likely based on incorrect flow data that was reported by DWR during the time the modeling was done. Since DWR published incorrect flow, export and DICU in the “final” published 2013 Water Plan, one can assume the computer modelers were also provided that incorrect data. As just one example, DWR published the Delta exports and flow summary for 10 years in the FINAL version of the 2013 Water Plan, published at the site shown in the screen print. When DWR was questioned about the missing or unaccounted for water exports, DWR simply changed the chart without providing explanation of the mistake or what the accurate flow and export numbers are, and this happened at the same time as the computer modeling for the barriers. See original DWR flow and export summary at the following link: [http://snugharbor.net/images-2014/bdcp/flows/unaccounted\\_diversions.pdf](http://snugharbor.net/images-2014/bdcp/flows/unaccounted_diversions.pdf) Which set of numbers did DWR use for the computer modeling to assess impact to the North Delta waterways and lands on the “salty” side of the barriers? DWR has been repeatedly asked what the peak salinity is expected to be on the lower reaches of Steamboat Slough, and that information and the flow data to verify DWR computer modeling has never been provided. For the review of unaccounted for flows and exports based on the data provided by DWR, please see [http://snugharbor.net/dwr\\_reporting\\_of\\_inflow\\_and\\_outf.html](http://snugharbor.net/dwr_reporting_of_inflow_and_outf.html)

**(J)** Quoting the DWR document, “*The purpose of the barriers is to reduce the intrusion of saltwater into the Delta ... which could render Delta water undrinkable...*” Yet the **function** of the proposed barriers does exactly the opposite of what DWR says the purpose is, as the barriers render Delta water undrinkable for the northwestern half of the Delta, as the salinity levels are modeled to go over 1 ppt. Impacts to residential drinking water wells, native trees that require fresh water, animal watering and crop irrigation impacts are not adequately addressed by DWR, if not entirely ignored as an impact.

**(K)** Steamboat Slough is a natural navigable waterway that historically has been a primary migration route for all species of salmon that use the Sacramento River watershed. The barrier, if installed on Steamboat Slough, would hinder salmon migration use of this route due to the water temperatures as the salmon would avoid the deadly warmth of the projected low-flow waterway. In fact the obstruction to flow that materialized at the north end of Steamboat Slough in 2008 should be removed immediately to allow more natural flow into Steamboat Slough, which needs more fresh water for native aquatic species, not less! All salmon migration studies conducted after 2007 were influenced by the restriction of flow into Steamboat Slough which would thereby affect migration patterns for salmon that were being studied. Specifically, a pile of rocks or other structure materialized across the north end of Steamboat Slough sometime in 2008 which reduced the mouth from 19 feet to about 10 feet at low tides. A description of the function of such an obstruction was described in a report. Since the documentation of those studies do not provide a calculation to account for the barriers to migration along Steamboat Slough, it is safe to assume the scientists conducting the salmon migration studies were not aware of the barrier to migration. In addition, DSM2 and RMA computer modeling for impacts to the North Delta may have been based on false assumptions as to the split of flows between Steamboat Slough, Sutter Slough, the DCC, Georgiana and the reach of the Sacramento River below Georgiana Slough, all of which would impact the salmon migration choices during the migration studies. See the documents and graphics if you want more information on the existing in-water barrier across Steamboat Slough at the bridge area, and the manipulation of fish migration pathway choices which occurred due to the existence of the in-water barrier please go to

[http://snugharbor.net/sacramento\\_river\\_barrier.html](http://snugharbor.net/sacramento_river_barrier.html) and for a historical timeline with links to the data regarding past barrier proposals see <http://snugharbor.net/images-2015/barriers/BARRIERStimelinelinks.pdf> (L) DWR has failed to consider the cumulative effects of the barriers proposal in conjunction with other Delta area proposed work, such as the Sacramento River Bank Protection project. USACE is currently in public review comment period regarding the proposed 80,000 lineal feet of levee improvements and mitigation in the Sacramento River watershed. Documents are located at <http://www.spk.usace.army.mil/Missions/CivilWorks/SacramentoRiverBankProtection.aspx> and specify levee repairs and riparian bench installation along the same waterways proposed for barriers, or more specifically Steamboat and Sutter Sloughs. Review of the Sacramento River Bank Protection Project indicates there was no consideration or assessment of the cumulative impacts from the combination of the levee repairs, riverine benches and barriers on Steamboat and Sutter Sloughs. In the same way, the "Barriers" proposal ignores the existence of the proposed Sacramento River Bank Protection actions along Steamboat Slough and Sutter Slough and therefore also fails to address potential cumulative impacts to native fish migration, flood flows, groundwater and drinking water quality and impacts to recreation and agriculture if both projects are completed as proposed. For this reason, I request that the comment period for the Sacramento River Bank Protection project be extended to coincide with the requested extension of the "Barriers" proposal, to give DWR, USBR, USACE, USFW, DPC, SWC and Delta land and business owners the opportunity to consider and comment on the cumulative potential impacts and mitigations of the combined projects. According to the notice posted at [http://www.spk.usace.army.mil/Portals/12/documents/civil\\_works/SacBank/SRBPP-Phil-PACR-EIS-EIR\\_InterestedParties22DEC2014.pdf](http://www.spk.usace.army.mil/Portals/12/documents/civil_works/SacBank/SRBPP-Phil-PACR-EIS-EIR_InterestedParties22DEC2014.pdf) the SRBPP comment period ends 2/27/2015 and I request that the comment period for both the "Barriers" proposal and the Sacramento River Bank Protection project be extended to at least March 30, 2015 and that a public meeting be held by USACE at least 15 days prior to the end of both comment periods.

The reason for the Corps should hold public hearings regarding the "Barriers" in at least two locations, on two different days is for the propose of allowing the public to be provided with adequate information from USACE and/or DWR to be able to individually conduct a thorough evaluation of the personal impacts to homes, businesses, lives, aquatic environment in the short term and long term. I am specifically requesting that a public meeting be held by USACE in the North Delta area, with the focus of the meeting being on the realistic cumulative impacts to North Delta area agriculture, recreation, navigation, aquatic species and transportation. I am also specifically requesting that a public meeting be held by USACE in a location near the proposed False River barrier, with the focus of that meeting being the realistic cumulative impacts to the areas of the Delta including but not limited to areas west of the barrier, Bethel Island, Franks Tract, Bradford Island, Webb Tract, Brannan Island, Sherman Island and Rio Vista. I request specifically that USACE address the issue of how the False River barrier protects freshwater exports without also putting a barrier across Three Mile Slough and/or the San Joaquin River. I also specifically request that the comment period for the barriers proposal and also the SRBPP project be extended to a minimum of two weeks *after the completion of the public meetings* conducted by USACE to give all interested parties the time to prepare comments based on the answers hopefully provided by USACE and/or DWR at the USACE public meetings. My request for public meetings called by USACE is based upon the above general comments and on the specific research reflected in the links provided above, all of which are incorporated by reference, and are based upon independent research of past DWR published data, documents and current proposals, and from "on the ground and in the water" local knowledge of impacts of past DWR similar actions.

Finally, I request that each of you respond to me by email by end of day 2/26/2015 either granting the extension(s) of comment period and the extension dates, granting the request for public hearing and the date of such hearing, or provide a written explanation as to why these reasonable requests

are being denied given the detailed reasons provided in this letter. I ask for expeditious response because the end of comment period for the SRBPP is reported at USACE website to end on 2/27/2015 despite the additional barriers project proposal which would clearly impact the outcome of the SRBPP when cumulative effects are considered.

Respectfully submitted by

*Nicole S. Suard, Esq.*

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The peninsula known locally as Snug Harbor is connected to Ryer Island in Steamboat Slough above river mile 17, in Solano County. Website: <http://snugharbor.net>