

SOLURI MESERVE

A Law Corporation

1822 21st Street, Suite 202
Sacramento, California 95811

916.455.7300 (telephone)

916.244.7300 (facsimile)

www.semlawyers.com

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Via Hand Delivery and Email:

karla.nemeth@resources.ca.gov

BDCP Steering Committee
c/o Karen Scarborough
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Comments on BDCP Components Affecting Stone Lakes
National Wildlife Refuge

Dear Steering Committee:

This letter pertains to the Stone Lakes National Wildlife Refuge Association's ("Association") continuing concerns regarding components of the Bay Delta Conservation Plan ("BDCP") that have the potential to affect the Stone Lakes National Wildlife Refuge ("Refuge"). According to *publicly available information* on likely BDCP components, the Association has two primary areas of concern: (1) intake facilities planned in the vicinity of the Refuge boundary; and (2) potential use of Snodgrass Slough as a fish bypass and/or habitat area. Prior to explaining these particular concerns, this letter briefly discusses the BDCP's approach to protection of the Refuge and other important local resources.

A. BDCP Engagement on Refuge Issues

Formed the year after creation of the Refuge by Congress in 1994, the Association's mission is to conserve, protect, and support the Refuge and promote its use for educational, recreational and research opportunities. The Association is a non-profit volunteer public benefit corporation. The Association's Watershed Committee has been tracking the BDCP process for over three years.

Despite the significant resources being poured in the BDCP planning process and the colossal scale of the project under consideration, clear information regarding facilities and routes being considered has not yet been available. While U.S. Fish and Wildlife

Service Refuge (“FWS”) staff communicated with Delta Habitat Conservation and Conveyance Program (“DHCCP”) staff, the BDCP has never provided reviewable maps or materials to the Association or others concerned with the protection of the Refuge. Indeed, the Association learned that the initially proposed Eastern Alignment (canal) would directly cross through the southern Refuge boundary only when the BDCP concept map was overlaid on the Refuge map. Three years later, the Association received the DHCCP’s March 2010 Conceptual Engineering Report: All Tunnel Option (“ATO Report”) only when a California Public Records Act request was filed in the beginning of April 2010. The ATO Report was finally received two months later, well after comments from those entities that *were consulted with* had been received and responded to by the DHCCP.

The ATO would provide isolated conveyance for Sacramento River water diverted through multiple intakes located north of Freeport to Hood, and conveyed by a series of tunnels to an isolated facility. A new 750-1,000 acre forebay facility would be created to treat and store pumped water prior to tunneling – just west of the Refuge (Intermediate Forebay). (ATO Report, Appendix G.) The ATO includes construction of a massive, noisy and disruptive intake pumping system (larger than any other in California), new powerlines, and a 750-acre Intermediate Forebay. Located just outside the Refuge boundary, these facilities would disrupt habitat and other values of the Refuge both during construction and during operations, which has already been identified as threatened by the National Wildlife Refuge Association.

The Association has an ongoing concern regarding the adequacy of the BDCP’s public engagement and the decision making process. To the extent there are strong interests in constructing major new water infrastructure as part of the BDCP, resources located in the path of the project also have strong interests that must be considered. Rather than engage stakeholders in the design and planning process, the BDCP has primarily made decisions in a vacuum without the input of the affected community. Even the Refuge, which was created by Congressional action and significant public investment, has not been shielded from this process deficiency. It was the Association (not the resource agencies participating on the BDCP Steering Committee), that first notified Refuge staff that the proposed eastern conveyance alignment crossed directly through Refuge boundaries.

To the extent they have been subsequently made, the Association appreciates any BDCP designs modifications made thus far to reduce impacts on the Refuge. For instance, meetings between Refuge and DHCCP have allowed Refuge staff to raise concerns regarding the potential impacts of the intakes and forebay on a variety of

species. Furthermore, the BDCP effects analysis also appears to be incorporating important information regarding impacts of BDCP components on migrating birds and other wildlife that rely on the Refuge.

The Association requests that the BDCP engage directly with the Refuge, the Association, and all interests/communities that would be affected by this massive project. Such engagement should occur in the development phase of the project, when input can still help mold the design and scale of the project. Delaying frank discussions regarding project details and probable effects does not advance the development of a feasible and beneficial project.

B. Concerns with All Tunnel Option

Though the ATO could lessen certain impacts, and would likely be more efficient in terms of energy use and water loss transporting water to the pumps in the South Delta, the Association has serious concerns regarding the potential environmental impacts associated with construction and operation of the ATO on the Refuge. To date, over eight million dollars of private and public funds have been devoted to protect the ecosystem within the Refuge boundary. The ATO would occupy agricultural lands along the western Refuge boundary that currently support a variety of both resident and migratory wildlife, including many state and federal species of concern such as greater sandhill crane.

Construction of the ATO involves significant increases in truck traffic in the vicinity of the new intakes, and in particular near the Refuge, primarily on Hood-Franklin and Lambert Road. During construction, significant hauling of concrete, among other construction materials, would be required to build the facilities. (ATO Report, p. 7-17.) The Report estimates that 27,000 10 cubic yard ("CY") outgoing truck trips would be required for construction of each of the five intake facilities. (ATO Report, p. 7-16.) A total of 1.35 million CY of soil would need to be removed from each intake facility site, and 347,000 CY of soil would be imported to each site. (ATO Report, p. 7-16.) For construction of the intermediate pumping plant ("IPP"), an additional 600,000 CY of soil would be exported from the site during construction, which would equate to 60,000 10 CY outgoing truck trips. (ATO Report, p. 7-24.) Due to the below sea level location, dewatering will also be needed at all sites, with consequential discharges of chemicals in the runoff. (ATO Report, p. 7-23.)

Once operational, the intakes and forebays would generate massive volumes of sediment on a daily basis that would need to be trucked out for disposal. During the winter months, up to 253,000 lb/day (dry) of sediment would accumulate at the lagoons for each intake. (ATO Report, p. 7-6.) The Report estimates that 486,000 ft³ of sediment would accumulate from each intake per year, which would require 600 trips using 30 CY trucks. (ATO Report, p. 7-6.) The constant need to remove sediment from the northern intakes would lead to significant problem in terms of truck traffic on roads within and near the Refuge, including accompanying air emissions. The ATO Report, however, does not estimate sedimentation removal volumes for the forebays. In general, removal of sediment from the river is also of concern because it is needed to form shoals and other structure in the river as well as provide visual cover for fish within the Sacramento River and Delta.

Also of concern is the size of the berms/levees around the proposed facilities, which would rise well above the existing landscape. Surge towers at the intakes and the intermediate pumping plants will be 70 to 100 feet high. (ATO Report, p. 24-4.) The forebays would also be surrounded by huge berms that rise above the existing, mostly flat landscape. According to the Report, the Intermediate Forebay has an “uncontrolled spillway” design proposed to dump overflow water through the railroad grade into Snodgrass slough in the Refuge, as a protective measure for the Intermediate Forebay. (ATO Report, pp. 14-1, 14-3.) While this deficiency has possibly been corrected, it is not clear where or how that water has been redirected.

The Intermediate Forebay and associated pumping facilities, if located anywhere near the Refuge, increase the risk of catastrophic flooding. This hazard has the potential to affect the Refuge infrastructure, including levees, buildings, and pumping facilities. Such threats are detrimental to the restoration and management of the wildlife habitat area and would impede the wildlife dependent recreational activities.

The ATO also requires significant power to operate at the intakes, forebays and intermediate pumping facility. The total project demand is an astounding 230 megawatts. (Report, p. 19-1.) A 230-kV interconnection line would run from I-5 through the center of the Refuge boundary to supply power to pumping stations at the Intermediate Forebay. Power lines impact migratory birds negatively by increasing the incidents of electrocution and collisions by obstructing flight paths and exposing birds to hazardous perch sites. The threat posed to wildlife by power lines is well documented. (See Avian Protection Plan, Power Line Interaction Committee, 1994-1997.)

Project construction and operation will increase local traffic and noise that will affect a variety of migratory birds and other wildlife. The increasing local urban footprint with commercial or residential development already removes habitat and displaces native wildlife. Although the Refuge manages nearly six thousand acres annually for wildlife habitat, most species do not remain on the Refuge and rely on adjacent lands for foraging, loafing, etc. The Refuge and surrounding lands support habitats for several federal and state species of concern. Even when facilities are not within the Refuge, the loss or transformation of adjacent agricultural lands can significantly affect migratory bird species including songbirds, raptors, cranes and waterfowl that use cropland as stop over and foraging areas.

Greater sandhill cranes in particular would likely be affected by both the construction phase and long term operation of the project which could alter traditional feeding and loafing areas. The Refuge and surrounding agricultural fields are critically important to the survival of the sandhill crane. Greater sandhill cranes are extremely sensitive and do not tolerate disturbance. These cranes have already been displaced from traditional feeding grounds due to urbanization and land conversion. As the habitat in the refuge falls short of meeting all the habitat requirements for the birds, the agricultural lands surrounding the Refuge are vital to the birds' existence. The current facility design and construction could cause the cranes to abandon traditional feeding grounds and force them to flee to less suitable habitat, and force them to run the maze of high voltage powerlines. As a result, DHCCP should consider other locations for the Intermediate Forebay and pumping stations to protect adjacent farmlands used by migratory birds.

Moreover, in a broader public and fiscal policy context, at the size being discussed the ATO will be a stranded asset the majority of the time. Based on the ATO Report's assessment of the Sacramento River flows, it is estimated that full project flows could only be attempted approximately 22 percent of the time, or roughly 80 days per year. (ATO Report, p. 19-2.) The BDCP and DWR should fully evaluate and consider downsized alternatives to the ATO in order to, among other things, reduce Refuge and other habitat area impacts. This evaluation should be part of the project design phase, not deferred to the alternative analysis in the environmental review documents.

In summary, the ATO poses significant threats to the continued vitality of the Refuge. The entire landscape around the Refuge would be changed, with major increases in noise, traffic and air pollution, among other impacts. If the BDCP is to be a conservation plan – something that conserves important biological resources – it must not sacrifice the Refuge. Modifications to the project design should be made now to ensure that the Refuge is conserved.

C. Concerns About Use of Snodgrass Slough for “Fish Bypass”

At the September 9, 2010 Steering Committee meeting, a presentation on potential bypass routes included discussion of reopening the northern end of Snodgrass Slough, which runs along the western Refuge boundary. The presentation discussed running 300 cubic feet per second down Snodgrass Slough. This possible component would allegedly provide fish with an alternative route to avoid one of the massive new intake facilities planned for the Sacramento River, as well as provide tidal rearing habitat.

According to the preliminary analysis, reopening Snodgrass Slough would “provide potential benefits to a small proportion of juvenile salmon and other species and therefore would have a small incremental effect on overall survival.” As a result, it appears unlikely that this action would be undertaken as part of the BDCP. The Steering Committee’s consideration of this project component at this stage in the BDCP process is, however, disturbing to the Association. If this proposal is to be considered at all, the potential impacts on the ecology of the Slough and impacts on the adjacent lands within the Refuge boundary must first be thoroughly analyzed in coordination with Refuge staff and the Association

As discussed above, Refuge staff and Association members have met with DHCCP to discuss particular concerns, Refuge staff regularly communicates with FWS staff regarding the BDCP process, and the Association participates in the BDCP process. Despite all of these avenues for communication, the Association is not aware of any consultation with anyone directly affiliated with the Refuge regarding the potential reopening of Snodgrass Slough. Prior to even preliminary consideration of such a major change in the hydrology of the area, the Association believes that at least Refuge staff should have been consulted.

Should there be any further consideration of changes to Snodgrass Slough or other resources within or adjacent to the Refuge, the BDCP should be aware that flooding and drainage are an ongoing concern at the Refuge. In particular, during high flows on the Cosumnes River, Snodgrass Slough backs up to the north, causing flooding in the North Stone Lakes. Any plan to change the hydrology of Snodgrass Slough would need to be planned carefully to avoid negative impacts to the Refuge. Moreover, the Refuge’s 2007 Comprehensive Conservation Plan should be consulted to determine the consistency of any proposed action with the long term management plans for the Refuge. The Association specifically requests, therefore that Refuge staff and/or the Association be contacted for information if any further actions are to be considered within or near the Refuge boundaries.

D. Conclusion

Because the importance of the Refuge to international shorebirds and other wildlife, careful analysis of the BDCP's effects on the Refuge must be undertaken during the project planning phase. Deferral of analysis to the environmental document for BDCP is too late to adequately protect Refuge resources. Effects on the Refuge should thus be analyzed prior to formulation of the habitat plan.

Thank you for the opportunity to share these concerns. Please contact me or the Association's Watershed Committee Chair, Rob Burness, with any feedback regarding the topics discussed in this letter.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By:



Osha R. Meserve

ORM/mre

cc: Don Nottoli, Sacramento County Supervisor, nottolid@saccounty.net
Michael Tucker, NOAA National Marine Fisheries Service,
Michael.tucker@noaa.gov
Dan Castleberry, U.S. Fish and Wildlife Service, dan_castleberry@fws.gov
Steve Thompson, Chair National Wildlife Refuge Association/ Bechtel
Representative at BDCP
Rob Burness, Watershed Chair, Stone Lakes NWR Association,
rmburness@comcast.net
Bart McDermott, Manager, Stone Lakes National Wildlife Refuge,
bart_mcdermott@fws.gov