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October 30, 2015

SENT VIA EMAIL
(BDCPcomments@icfi.com)

BDCP/California Water Fix
P.O. Box 1919
Sacramento, CA 95812

Re: Comments on Supplemental Draft Environmental Impact Report/Environmental Impact Statement

Dear Sir or Madam:

The law firm of Hanson Bridgett LLP represents Islands, Inc., the largest landowner and farming operation on Ryer Island in Solano County, near Rio Vista. We provide these comments for consideration of the decision makers on the supplemental environmental impact report ("SEIR") and environmental impact statement ("EIS"). Islands, Inc. joins in the comments filed by the North Delta Water Agency.

Islands, Inc. is the owner of over 50 percent of the land on Ryer Island. Ryer Island is named for Dr. Washington Ryer, a prominent physician who was General Winfield Scott's Assistant Surgeon during the Mexican-American War. Dr. Ryer was so enamored with California, he established a medical practice in Stockton. Dr. Ryer's family owned the entire island for many years and it is named in his honor. The Ryers married into the Nixon Family and Islands, Inc. is still owned by the Nixon Family. Lewis Nixon III was one of the former owners of the island and he is famous for being one of the "Band of Brothers" from Easy Company in World War II.

Islands, Inc. owns riparian water rights from the Sacramento River and has established these rights for over 100 years. There is considerable concern that the BDCP will increase the salinity for the Sacramento River as more and more fresh water is pumped from the Delta. There is a salinity monitoring station at the Rio Vista Bridge that must be maintained in order to ensure water quality for Ryer Island. Any interference with water quality must be evaluated as part of the EIS/EIR process and appropriate mitigation measures implemented.

Islands, Inc. is also concerned with concentrations of selenium, chloride, mercury and other harmful substances increasing in the water as a result of the bypassing of large quantities of water from north to south in the pipeline. Islands, Inc. requests that additional monitoring of these substances be included in any mitigation plans and that mitigation measures be in place to prevent these pollutants from interfering with the agricultural operations on Ryer Island.

Islands, Inc. is also concerned about subsidence of the lands affected by the proposal. Islands, Inc.'s properties on Ryer Island are already below sea level. It is an accepted fact that the groundwater beneath Ryer Island is hydrogeologically connected directly to the flows of the

Sacramento River. As water is withdrawn from the Delta that otherwise would flow as part of the underground flow of the river, then subsidence of the overlying lands can occur. Any further subsidence of the lands would move the Ryer Island surface closer to the water table. It is important for the soils on Ryer Island remain at a sufficient depth above the water table so that seepage will not occur. If the land subsides as a result of the removal of water from the Delta through the tunnels, then there is a probability that the surface of the land will subside and expose the crops to saturation at the root level, causing root rot. Obviously, this will be highly detrimental to the growth and sustainability of the crops.

We understand that the proposed action will involve the protection of endangered species, limiting incidental takes, but also protecting the water rights of CVP and SWP members up to their contractual limits. There was no mention of protecting riparian water right owners in the project purposes and that protection must be included. The Delta is a large region and consists of many different interests. The interests of one of the largest agricultural producing regions in the world must be protected. Ryer Island is a significant contributor to the success of agriculture in the Delta, and its resources must be protected. Riparian water rights are the highest, protected type of water rights in California. Islands, Inc. has established these water rights as a result of the existence of the island immediately adjacent to the Sacramento River. The BDCP must ensure that no part of the project will interfere with these rights.

Not only is Islands, Inc. concerned about water quality, it is also concerned about water quantity. As more and more water is shipped south and now with the two tunnels bypassing the region, there is considerable concern that the BDCP will result in less fresh water being available for farmers along the path of the San Joaquin and Sacramento Rivers. Steps must be taken to ensure that the quantity of water is maintained in the river to support agriculture. The priority of Island Inc.'s water rights as a pre-1914 riparian right is established through the voluminous documents recently submitted to the State Water Resources Control Board. These water rights have the highest priority and whatever water is shipped south through the tunnels should not interfere with these important agricultural water rights.

Ryer Island is below sea level and must depend on Reclamation District 501's pumps to keep the island from flooding. However, Islands, Inc. also has a series of intake pumps and siphons to divert water from the river to the island for irrigation. These intakes are set at certain depths and a drop in the level of the river could mean that islands, Inc. would have to reset its intakes deeper into the river. Mitigation steps must be taken to ensure that water that bypasses Ryer Island does not cause a drop in the river that prevents Islands, Inc. from diverting water onto the island.

Ryer Island was the subject of a temporary entry permit to investigate the feasibility of using the island as a route for the proposed tunnels. Although the route is not the preferred proposal, it is still an alternative analyzed in the EIS/EIR. Islands, Inc. is adamantly opposed to the destruction of its farm lands for use as a right of way for the tunnel. The disruption caused by the construction alone would destroy Islands, Inc.'s viability as a farming operation. The severance of so much of Islands, Inc.'s lands from the rest of the farm threaten to make the entire operation economically infeasible.

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For the foregoing reasons, Islands, Inc. asks that you reconsider the proposed project, that you not select Ryer Island as a site for the tunnels, that you protect riparian rights, and that you ensure that water quality and water quantity are maintained in the Delta.

Sincerely,

 on behalf of

Michael J. Van Zandt

MVZ

RECIRC2567

From: Keith Kiley <KKiley@hansonbridgett.com>
Sent: Friday, October 30, 2015 10:46 AM
To: BDCPcomments
Cc: Michael J. Van Zandt; Nathan A. Metcalf
Subject: Comments on Supplemental Draft Environmental Impact Report
Attachments: 2015-10-30 Comments on Supplemental Draft Environmental Impact Report.pdf

Please contact Michael Van Zandt with any further questions or comments regarding the attached letter.

Keith Kiley
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October 29, 2015

VIA E-MAIL: BDCPComments@icfi.com

BDCP/ California WaterFix Comments
P.O. Box 1919
Sacramento, CA 95812


Subject: Comments of Reclamation District No. 800 (Byron Tract) on the Partially Recirculated Draft EIR/Supplemental Draft EIS for the California WaterFix Project

Reclamation District No. 800 (Byron Tract) has reviewed the Partially Recirculated Draft EIR/Supplemental Draft EIS (the "RDEIR/SDEIS") for the California WaterFix project that was released for public review on July 10, 2015.

The District hereby incorporates by reference and joins the comments for the RDEIR/SDEIS that are being submitted by the North State Water Alliance, the North Delta Water Agency, the California Central Valley Flood Control Association and Contra Costa Water District (including all attachments to those comments) as though fully stated herein. Moreover, the District hereby incorporates by reference the comments submitted by those organizations on the Bay-Delta Conservation Plan and its Draft Environmental Impact Report/Environmental Impact Statement in July 2014.

Thank you for your attention to these comments. As a responsible agency under the provisions of the California Environmental Quality Act, the District expects that the Department of Water Resources will provide us with a specific response to all of our comments at least ten days' prior to the Department taking any action on the California WaterFix project.

Very truly yours,


Jeffrey D. Conway
District Manager

cc: Board of Trustees
Chris Neudeck, District Engineer
David Aladjem, District Counsel

RELIAC2015

From: Sonnet Rodrigues <sonnet@rd800.org>
Sent: Friday, October 30, 2015 10:40 AM
To: BDCPcomments
Subject: Reclamation District 800, Byron Tract - comment letter
Attachments: RD800_20151030_104320.pdf

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