



RBOC
Protecting your boating interests.

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September 23, 2013

California Department of Water Resources

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United States Bureau of Reclamation

Michael L. Connor, Commissioner, 1849 C Street NW, Washington DC 20240

United States Fish and Wildlife Service

Dan Ashe, Director, 1849 C Street NW, Washington DC 20240

National Oceanic and Atmospheric Administration's National Marine Fisheries Service

Edward Horton, Chief Administrative Officer, 1401 Constitution Avenue NW, Room 5128, Washington, DC 20230

California Department of Fish and Game

Charlton H. Bonham, Director, 1416 Ninth Street 12th Floor, Sacramento, CA 95814

United States Environmental Protection Agency

Gina McCarthy, EPA Administrator, 1200 Pennsylvania Avenue, NW, Washington DC 20460

United States Army Corps of Engineers

Lieutenant General Thomas P. Bostick, Commanding General and Chief of Engineers, 441 G Street, NW, Washington DC 20314

Re: Bay Delta Conservation Plan

DRAFT Consultant Administrative Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS)

This is to present the concerns of Recreational Boaters of California (RBOC) to each entity that is preparing a joint EIR/EIS for the Bay Delta Conservation Plan (BDCP) based upon the currently available draft Consultant Administrative Draft Environmental Impact Report (EIR) / Environmental Impact Statement (EIS).

RBOC is the nonprofit governmental advocacy organization that works to protect and enhance the interests of the state's recreational boaters before the legislative and executive branches of state and local government. RBOC is in its 45th year as a statewide organization, and since 1968 it has continued its commitment to promoting the enjoyment, protection, and responsible use of our waterways.

- Continued

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It is the policy of RBOC to advocate for the preservation of recreational boating access to navigable California Delta waterways:

- RBOC advocates to protect the rights of recreational boaters to assure access for continued navigation by recreational boats in the waters of the California Delta wherever any “control structure” (such as, but not limited to gates or barriers whether temporary or permanent) is planned for placement across a navigable Delta waterway.
- RBOC seeks assurances that as any changes are contemplated which further alter Delta navigable waterways that alternatives are identified and implemented to the satisfaction of boaters that will best preserve and sustain recreational boat passage at each location.
- RBOC seeks to have operable boat locks installed as an integral design component to mitigate the placement of any control structure across any navigable Delta waterway. All control structures and boat locks or other alternatives satisfactory to boaters for recreational boat passage are to be installed, maintained and operated without cost or expense to recreational boaters.

RBOC is greatly concerned that there are proposals in the DRAFT Consultant Administrative Draft EIR \ EIS (“draft”) that would upset the delicate balance that enables the Delta to be a vigorous recreational opportunity of statewide and national significance. These impacts are not adequately addressed by either mitigations or other plans set forth in the draft. Negative impacts would occur in the immediate construction phase, as well as in the post-construction phase.

It is important to recognize that boat owners with boats at marinas pay property taxes, both recreational boaters and marina owners have a direct and mutually vested interest in the impacts and the mitigations upon Delta recreation - and especially so relevant to whichever BDCP alternative is selected.

In addition, RBOC’s concerns with the draft with regard to recreational boating and access to Delta waterways extends to alternative 4 both during its construction and thereafter.

RBOC’s comments here are subject to potential revision since the California Department of Water Resources (DWR) on August 15 announced significant changes to the proposed water conveyance system in the Delta. There is insufficient information at this time for RBOC to assess the impacts of the changes on recreational boating.

The negative impacts of the currently available draft include a significant reduction in the extent of navigable waterways available to boaters, as well as a permanent alteration of boat navigation, including but not limited to:

- **Barriers** - at Consumnes River Preserve, Boathouse Marina, Landing 63, Deckhand’s Marina Supply, Walnut Grove Dock, Boon Dox Dock, Dagmar’s Landing, Brannan Island State Recreation Area, Sherman Island, and Bullfrog Landing Marina.
- **Gates** - at Mokelumne River, Snodgrass Slough, Georgiana Slough, Connection Slough, Railroad Cut, Woodward Canal, Fisherman’s Cut, Old River, Meadow Slough, Victoria Canal and Three Mile Slough.



- **Fish screens without boat passage** - at Boathouse Marina, Walnut Grove Public Guest Dock, Boon Dox guest dock, Delta Cross Channel, San Joaquin River, Middle River, Victoria Canal \ North Canal, and Old River.
- **Lock** – on Old River.

These are in addition to the temporary construction effects that will detrimentally impact recreational boating including: temporary channel closures, fish screens, gates, cofferdams, large waterborne equipment including cranes, piers or temporary barge unloading facilities, boat passage obstructions, siphons, congestion, channel modifications, dredging activities, reduced speed limits and traffic delays.

Enclosed with this letter are:

- A document with illustrative examples of the boating impacts in the draft, with specific references to the draft.
- The six pages of maps in the draft for the Through Delta \ Separate Corridors proposal, with locations of specific boating impacts.

Based on the recent experiences with major state construction projects, the draft's projected duration, costs and impacts can reasonably be expected to be overly optimistic and to grossly understate the real timeframe, costs and impacts that will be realized.

Similarly, there are optimistic statements in the draft that conservation measures, once implemented, could benefit recreational boating by expanding the extent of navigable waterways available to boaters. This statement is speculative and does not provide adequate mitigation to the negative impacts set forth in the draft.

From the provisions set forth in the draft, it is clear that the BDCP will have a severely detrimental effect on the navigable waters of the United States and recreational boating in particular in the Delta. The boating experience will become unpleasant, difficult, and in some instances dangerous to boaters in the Delta. Barriers to access (even with locks), the effects of fish screens, siphons, dredging, and moving channels will be detrimental to boating. The presence of working heavy duty equipment and barges during construction will be a dangerous, noisy and dirty annoyance to the recreational enjoyment of boaters.

The draft's provisions will adversely affect the public's right to use waterways, which is an important entitlement that is recognized in the United States Constitution, the California State Constitution, the California Public Trust Doctrine, as well as our state's laws set forth in the Public Resources Code, Civil Code, Harbors and Navigation Code and well-established case law.

Cumulatively, these impacts will essentially destroy the unique and enjoyable recreational boating experience as it has been enjoyed in the past in the Delta.

The negative impact to Delta recreation and tourism will be significant. According to the 2012 Delta Protection Report "Economic Sustainability Plan for the Sacramento-San Joaquin Delta":

Recreation is an integral part of the Delta economy, generating roughly 12 million visitor days of use annually and approximately \$250 million dollars in visitor spending in the Delta each year. Of the roughly 12 million visitor days spent in the Delta each year, approximately 8 million days are for resource-related activities (e.g., boating and fishing), 2 million days are for right-of-way related and tourism activities (e.g., bicycling and driving for pleasure), and 2 million days are for urban parks-related activities (e.g., picnicking and organized sports).



Boating and fishing have the biggest economic impact, and are estimated to generate nearly 80 percent of the recreation and tourism spending in the Delta, including significant expenditures on lodging, meals, supplies, marina services, and fuel. In addition to visitor spending, non-trip spending such as boat purchases and marina rentals are estimated at roughly \$60 million annually for total recreation-related spending of \$312 million annually in the Delta. As seen in Table A above, Delta recreation and tourism supports over 3,000 jobs in the five Delta counties. These jobs provide about \$100 million in labor income and a total of \$175 million in value added to the regional economy. Across all of California, Delta recreation and tourism supports over 5,300 jobs, and contributes about \$353 million in value added.

The 1,000 miles of Delta waterways are populated by 100 marinas and waterside resorts and 50 boat launching ramps. The probable decline of boating will have a severe economic impact. Marinas already have empty slips due to the economic downturn. Trailerable boats will likely be removed from marinas and larger boats will likely move to marinas outside the Delta or be sold. Boat repair and maintenance companies, restaurants and other businesses providing services to boaters would therefore decline or go out of business. Housing values will plummet, especially water front property homes. Because construction will take a long period of time (6-10 years or more), it is unlikely that the Delta economy would ever recover.

RBOC urges the governmental agencies responsible for this project to consider the significant detrimental impacts this project will have on boating and recreation in the Delta as identified in the draft BDCP EIR \ EIS, and to incorporate project revisions that will eliminate or at least substantially reduce these impacts.

Thank you for this opportunity to express the concerns of RBOC with this draft document. Please contact me at 209-402-5530, or RBOC's legislative advocate Jerry Desmond, Jr. at 916-441-4166, with any questions.

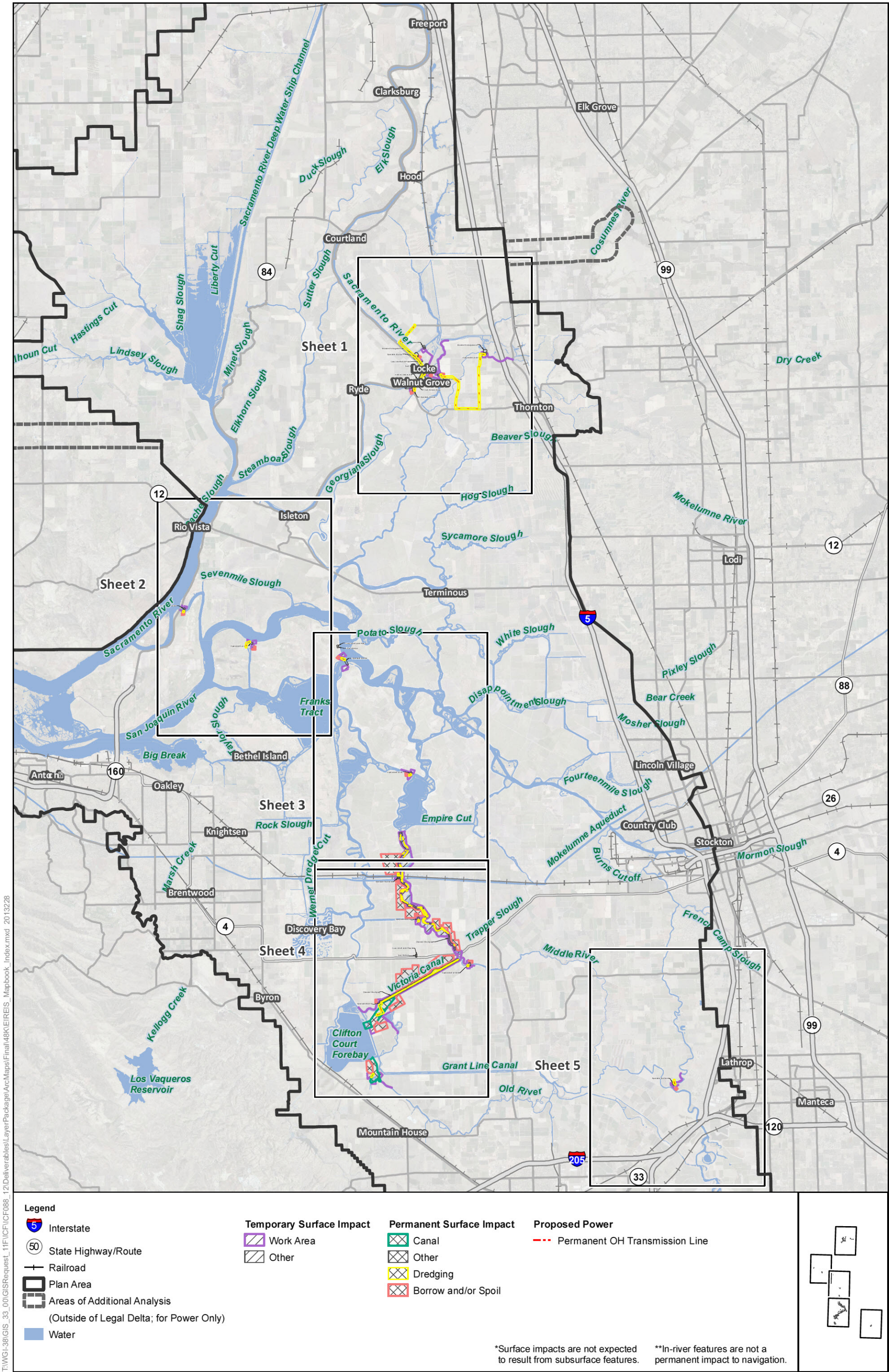
Sincerely,

Jack Michael

Jack Michael, President

C: The Honorable Jerry Brown, Governor
 The Honorable Diane Feinstein, United States Senate
 The Honorable Barbara Boxer, United States Senate
 John Laird, Secretary, California Natural Resources Agency
 Gerald Meral, Deputy Secretary, California Natural Resources Agency
 Lauren Bisnett, Delta Landowner Liaison, Bay Delta Conservation Plan, Department of Water Resources
 Rebecca Nicholas, Consultant, Bay Delta Conservation Plan
 Phil Isenberg, Chair, Delta Stewardship Council
 The Honorable Darrell Steinberg, Senate President pro Tempore
 The Honorable John Perez, Assembly Speaker
 The Honorable Fran Pavley, Chair, Senate Committee on Natural Resources and Water
 The Honorable Anthony Cannella, Vice Chair, Senate Committee on Natural Resources and Water
 The Honorable Lois Wolk, Chair, Senate Select Committee on the Delta
 The Honorable Anthony Rendon, Chair, Assembly Committee on Water, Parks and Wildlife
 The Honorable Frank Bigelow, Vice Chair, Assembly Committee on Water, Parks and Wildlife

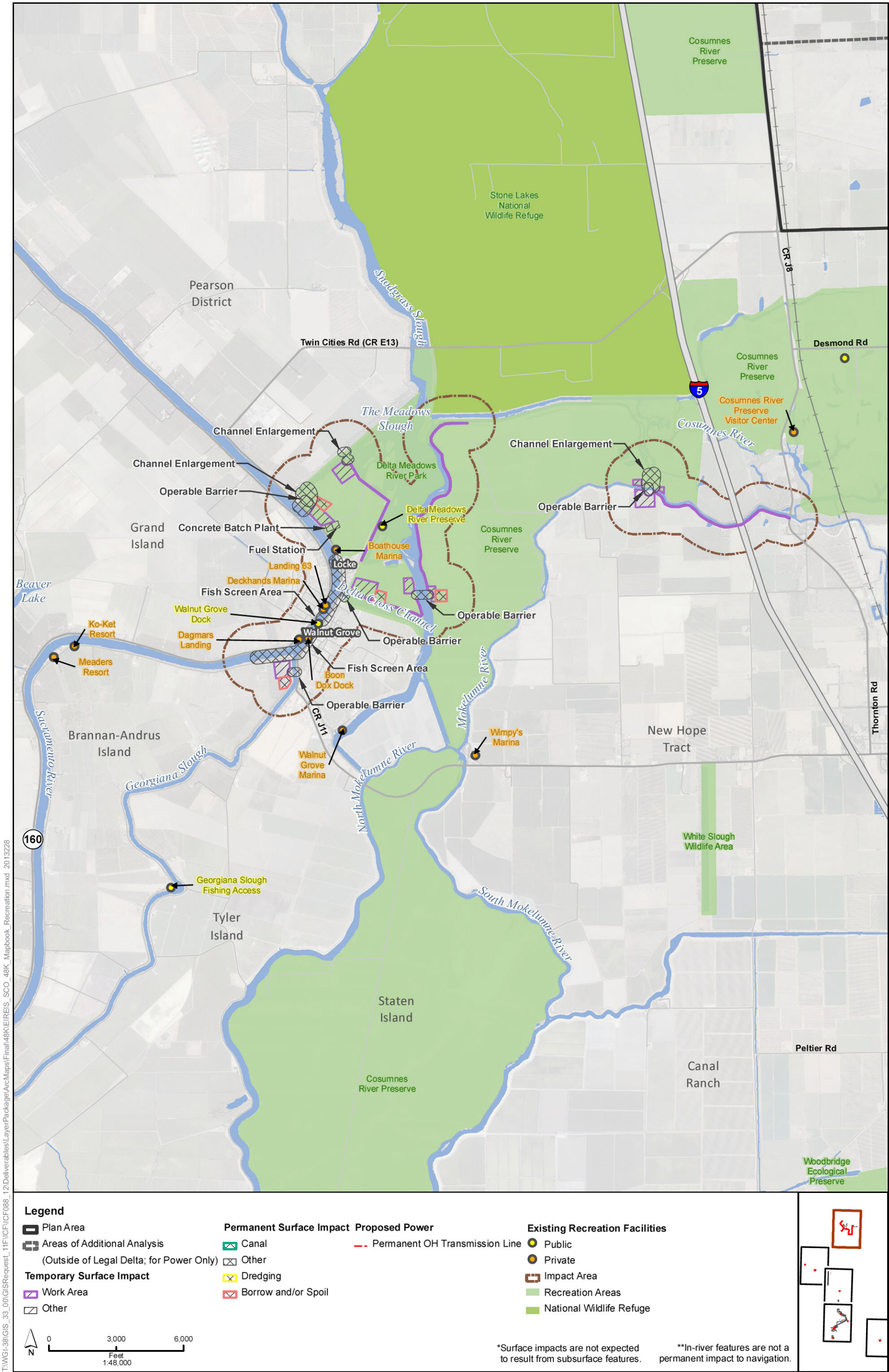
Enclosures



Sources: DWR DHCCP Construction Footprint (rev 3b), ICF 2012; NAIP 2010

ADMINISTRATIVE DRAFT
Version Date: 28 Feb 2013

Figure M15-4: Index Recreation Facilities — Through Delta/Separate Corridors

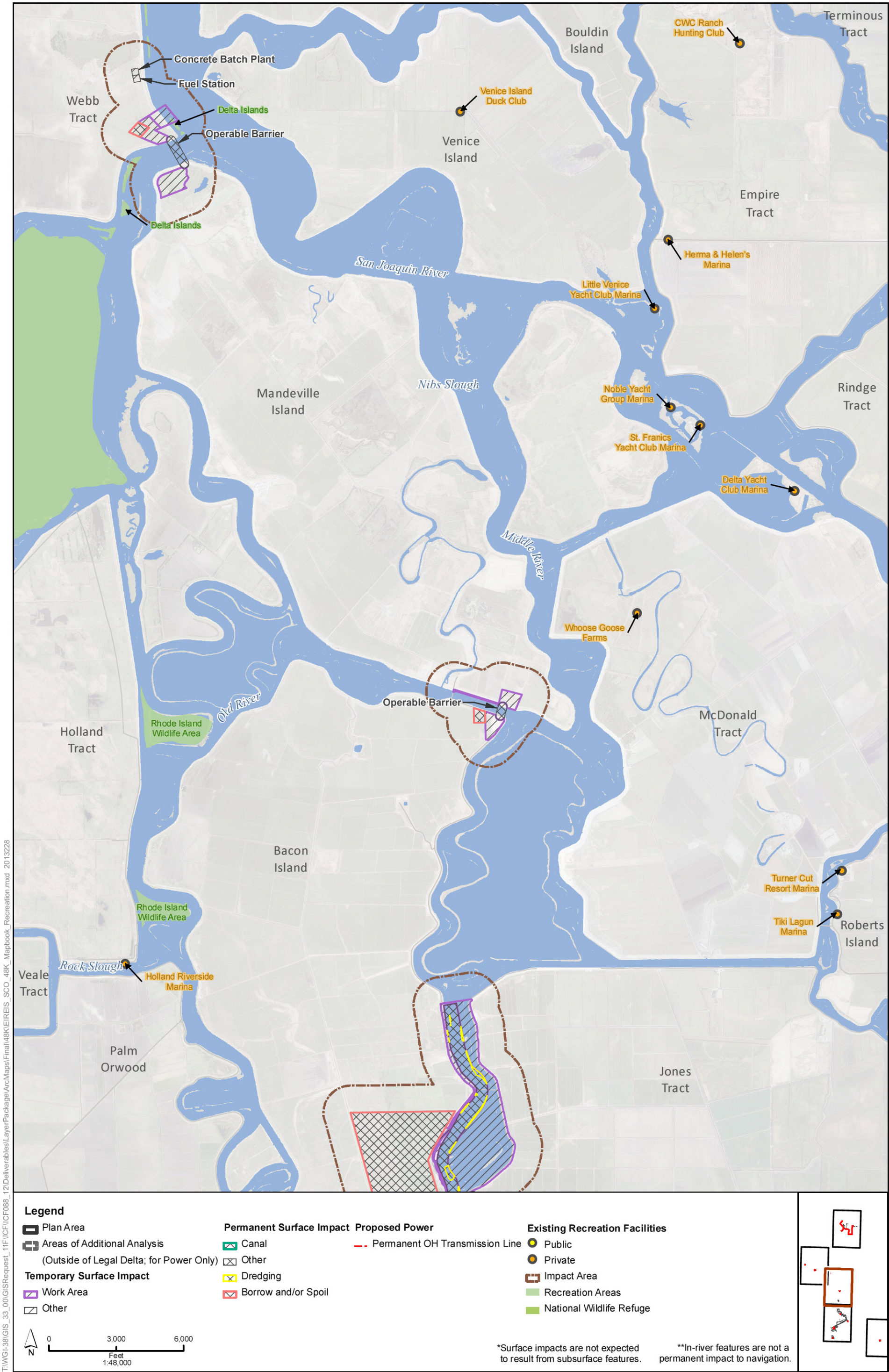


Sources: Plan Area, ICF 2012; DWR DHCCP Construction Footprint (SCO rev 3b); Recreation Facilities, AECOM 2012; GreenInfo Network 2011; USFWS 2011



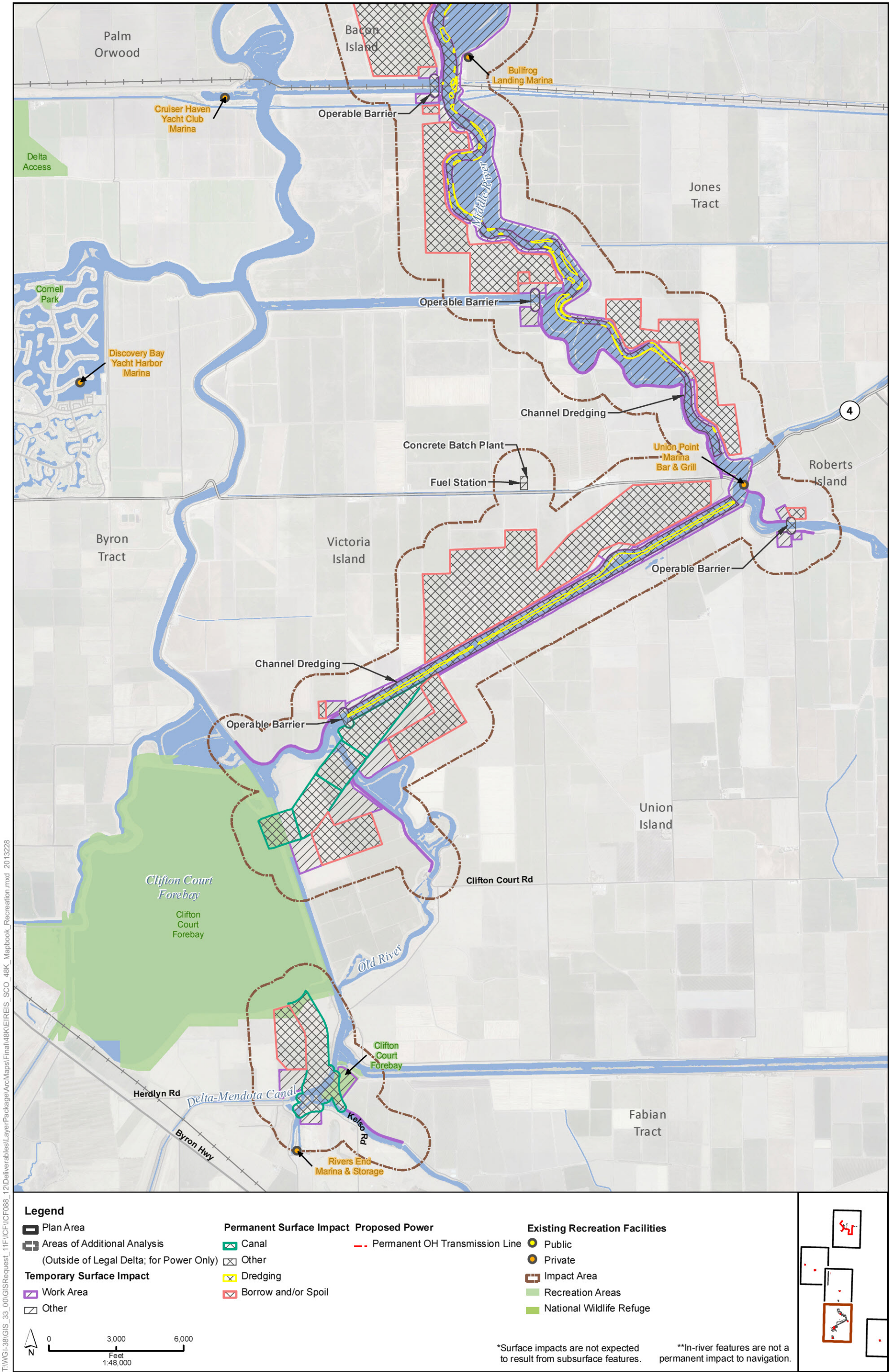
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Sources: Plan Area, ICF 2012; DWR DHCCP Construction Footprint (SCO rev 3b); Recreation Facilities, AECOM 2012; GreenInfo Network 2011; USFWS 2011



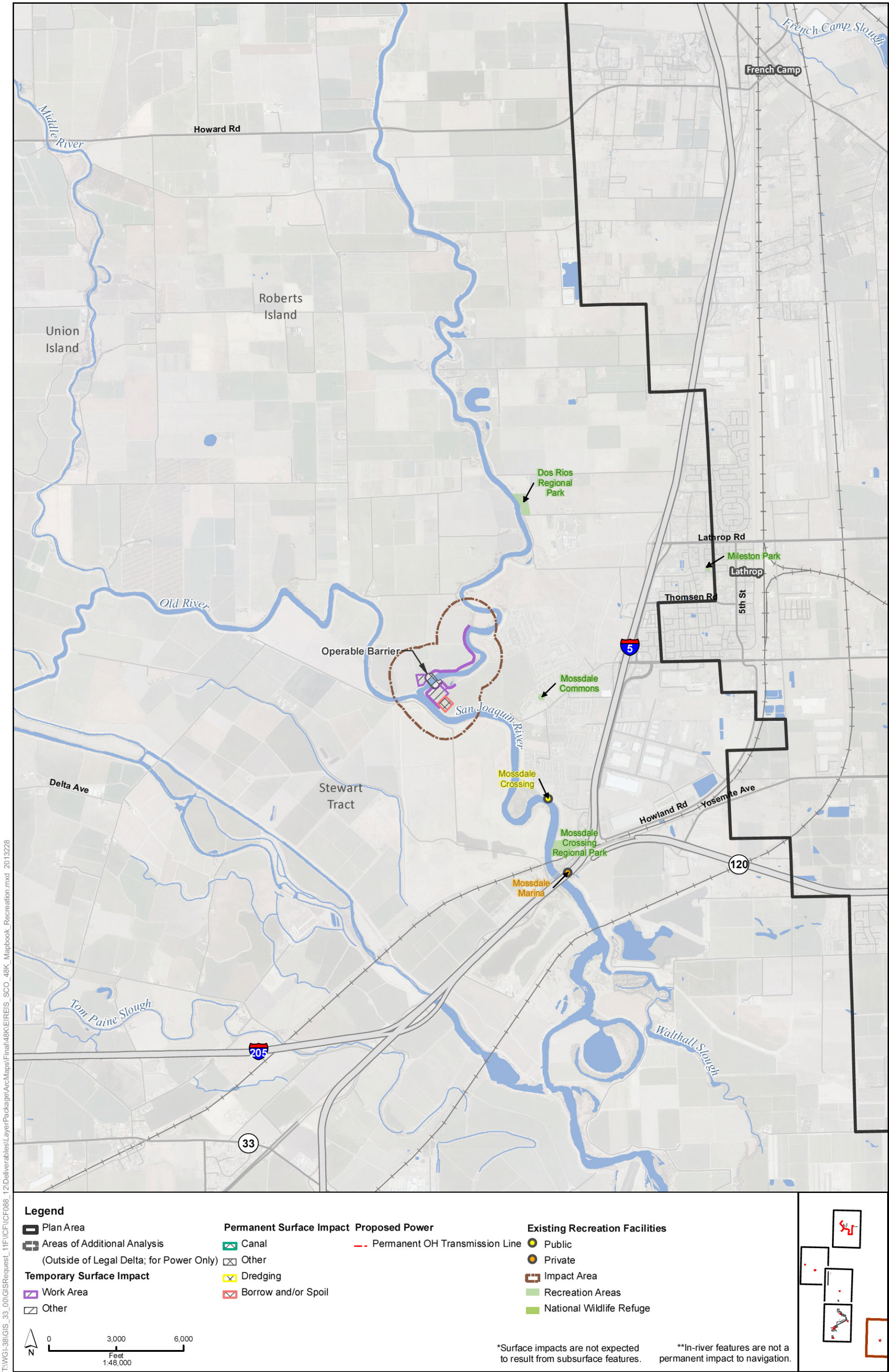
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Sources: Plan Area, ICF 2012; DWR DHCCP Construction Footprint (SCO rev 3b); Recreation Facilities, AECOM 2012; GreenInfo Network 2011; USFWS 2011

Examples of Boating Impacts DRAFT BDCP DELTA PLAN EIR – EIS

Draft Chapter 15 – Recreation

Alternative 9: Through Delta / Separate Corridors (p.415-452)

p. 415 Table 15-16 Recreational Sites Potentially Affected During Construction of Alternative 9

Operable Barrier

Consumnes River Preserve	p. 420
Boathouse Marina	
Landing 63	
Deckhand's Marina Supply	p.420
Walnut Grove Dock	p. 420
Boon Dox Dock	
Dagmar's Landing	
Brannan Island State Recreation Area	
Sherman Island	
Bullfrog Landing Marina	p. 420

New Channel

Rivers End Marina and Storage

p. 416: "Permanent displacement of existing well established public use or private commercial facility available for public access as a result of the location of the proposed water conveyance facilities."

"Permanently displaced by placement of fish screen and intakes at the Delta Cross Channel and Georgiana Slough:

1. Boathouse Marina (p. 416)
2. Walnut Grove Public Guest Dock (p. 417)
3. Boon Dox guest dock in Walnut Grove (p. 417)

CEQA Conclusion p. 417: "Construction of Alternative 9 fish screens and intakes would result in the direct permanent loss of (these) well established recreation facilities."

p. 417 Temporary construction effects:

1. Delta Meadows River Park (p. 418)
2. Brannan Island State Recreation Area (p. 419, operable gate on Three Mile Slough)
3. Sherman Island (p. 419)

p. 422 "...in river construction would be primarily limited to June 1 through October 31 each year." "...construction may..last up to 9 years."

CEQA Conclusion p. 423-424: "...use of all the facilities within the construction impact area would be maintained. Nonetheless, construction of Alternative 1A intakes and related water conveyance facilities would result in temporary short-term (i.e, lasting 2 years or less) and long term (i.e., lasting over 2 years) impacts on well established recreational opportunities..."

"...impacts would be temporary, but may occur year-round."

p. 426 – 430: Impact REC – 3: Result in long-term reduction of recreational navigation opportunities as a result of constructing the proposed water conveyance facilities

p. 426 "Adverse changes to boat passage and navigation, including obstructions to boat passage and boat traffic delays, would occur during the construction of Alternative 9. Temporary channel closures may also be required that could impede boat movement. Construction of fish screens, operable gates and boat passage facilities would include the installation of cofferdams in the waterways and the use of barges, barge-mounted cranes or other large waterborne equipment. Piers or temporary barge unloading facilities could also be located at the fish screens, gate sites, or spoil/dredged material disposal areas. Construction equipment, such as barges and dredges, could obstruct boat passage or cause congestion in high traffic areas, as could the placement of cofferdams or barge unloading facilities. Channel obstructions and potential congestion may pose navigational and safety hazards to boaters. Reduced boat speed limits could cause further boat traffic delays in the vicinity of the construction sites."

Operable Gates and Fish Screens (p.426)

Sacramento River near Locke and Walnut Grove
Georgiana Slough

Siphons (p.427)

Old River and West Canal
Coney Island
Rivers End Marina & Storage
Victoria Canal/North Canal and Woodward Canal

Channel Modifications (p. 427)

Meadow Slough
Old River and Delta-Mendota Canal
Rivers End Marina & Storage

Dredging Activities (p. 428)

Middle River between Empire Cut and Victoria Canal/North Canal
Woodward Cut

Temporary Barge Unloading Facilities (p. 429)

Fishermen's Cut at San Joaquin River
Old River at San Joaquin River
Railroad Cut at Middle River
Woodward Cut at Middle River

CEQA Conclusion p. 430: ...”In areas where construction is occurring boats would be unable to use the portion of the waterways and be required to navigate around obstructions within the channel and observe speed restrictions.”...

p. 439 – 440: Impact REC – 10: Result in long-term reduction of recreational navigation opportunities as a result of construction the proposed water conveyance facilities

p.439 ...”Implementing the conservation measures could result in an adverse effect on recreation by reducing the extent of navigable waterways available to boaters. Once implemented, the conservation measures could benefit recreational by expanding the extent of navigable waterways available to boaters.”

“...construction of a genetic refuge and research facility at the former Army Reserve near Delta Marina Yacht Harbor could result in construction-related effects on boaters at this site.”

CEQA Conclusion p. 440: “Channel modifications and other activities associated with implementation of some habitat restoration and enhancement measures and other conservation measures would limit some opportunities for boating and boating-related recreation by reducing the extent of navigable water available to boaters. Temporary effects would also stem from construction, which may limit boat access, speeds, or excessive noise, odors, or unattractive visual scenes during periods of implementation. However, BDCP conservation measures would also expand the geographic extent of navigable water in various locations throughout the study area, leading to an enhanced boating experience.”

p.445- 451 Impact REC –14: Permanent alteration of recreational boat navigation as a result of operating the water conveyance facilities

(Note: The list on p. 415 – 417 are sites potentially affected during **construction**. These lists regarding sites affected by **operation**.)

p. 446: Table 15 – 17. Waterways Affected by Construction and Maintenance of Alternative 9 Conveyance Facilities

(Note: The title of this Table is misleading. The text describes the affects on the sites during **operation**.)

Operable Gate with Boat Passage Facility

Mokelumne River downstream of Lost Slough
Snodgrass Slough upstream of Delta Cross Channel p. 446
Georgiana Slough at Sacramento River
Connection Slough at Middle River
Railroad Cut at Middle River
Woodward Canal at Middle River
Fisherman's Cut at San Joaquin River
Old River at San Joaquin River p. 446
Meadow Slough p. 447
Victoria Canal at Old River

p. 446 - 447 “The rate at which boats could be passed through the passage facility would depend in part on the capacity of the passage facility chamber and other design factors. The skill of boat drivers at negotiating the passage facilities and the diversity of boat types and sizes using the facilities would also be factors in determining traffic flow and thus length of delays.....At gate locations where boaters would be delayed longer than 30 minutes, there would be an adverse effect on boating recreation.”

Operable Gate without Boat Passage Facility – Boat Passage When Gate Open

Three Mile Slough near Sacramento River

p. 445: “....passage here would be restricted for several hours twice per day.”

p. 447: “..The gate would operate tidally which means that the gate would be closed on the incoming or outgoing tides, depending on the operational objective (fish migration control or salinity control)...” “...If Three Mile Slough were closed to boat passage, boaters wanting to travel between the Sacramento River and the

San Joaquin River would be required to make a detour of 20 miles to the west of Sherman Island..” “....the gate does not provide space sufficient for a large number of boats to wait for the gate to open, and the Sacramento River in this area has strong winds and currents making it an unsuitable place for most boats to moor. For these reasons, this change to boat navigation would have an adverse effect on boating recreation.”

Fish Screen and Operable Gates without Boat Passage

Delta Cross Channel at Sacramento River (Fish Screen)

p.447 “A new connection for boaters would be created with the construction of a channel and boat passage facility between the navigable portion of Meadow Slough and the Sacramento River. When the Delta Cross Channel gate is closed, the expectation would be that most of the traffic that now uses the Delta Cross Channel would be transferred to this location. The new connection may become the preferred route between the Sacramento River and Meadow Slough, Snodgrass Slough, and the Mokelumne River when the Delta Cross Channel is closed.” “The fish screen would occupy a portion of the Sacramento River channel along the east bank of the river, restricting the width of the channel available for boat passage and potentially increasing congestion in this area. For these reasons, this change in boat navigation would have an adverse effect on boating recreation.”

San Joaquin River downstream of Old River

p. 448 “the operable gate planned for the San Joaquin River north of the head of old River would prevent boaters who launch at downstream locations on the San Joaquin River from traveling on the San Joaquin River beyond Old River or into Old River because no boat passage would be provided....The nearest marinas and boat ramps in the Stockton area are more than 13 miles downstream.”

Middle River upstream of Victoria Canal

p. 448 “The operable gate planned for Middle River just upstream of Victoria Canal would primarily prevent boaters navigating downstream on Middle River and waterways connecting Middle and Old Rivers from traveling upstream because no boat passage would be provided. “

Dredging / Channel Reconfiguration

Middle River between Empire Cut and Victoria Canal (dredging)

p. 449 “Although the dredging is not intended to widen the channel, the deepening of the channel would eliminate shallow areas and reduce areas where aquamarine vegetation could become established. This would have a beneficial effect on boat navigation.”

Victoria Canal / North Canal (dredging)

p.449 “Dredging...terminating at an operable gate at the west end of the canals.would eliminate the narrow, vegetated berm that separates the two canals...” “boaters may consider the berm separating the two canals to be desirable because it provides a separation for the boat traffic on the two canals and facilitates the normal traffic patter...The berm also serves to reduce boat wakes from traffic on the adjacent canal, which improves water skiing conditions....Overall, loss of the central berm from dredging would have an adverse effect on boating recreation.”

Old River at Delta-Mendota Canal (reconfigured channel)

p. 449 “....planned to close off the inlet from Old River...A new Old River channel would be cut across the tip of Fabian Tract. This new channel would allow boaters to continue to pass between the Rivers End Marina & Storageand Old River to the north of Fabian Tract....The effect on boat recreation would be beneficial.”

p. 449 Changes in Flow Velocity during Gate Operations

“.....boaters would no longer have unimpeded passage through the waterway.”

p. 450 “Because of the permanent loss of boat passage and navigation and the delays associated with operable gates, these effects are considered adverse.”

Invasive Aquatic Vegetation (IAV) Control

p.430 ...”BDCP proponents would also commit to partner with existing programs operating in the Delta (including DBW, U.S. Department of Agriculture – Agriculture Research Service, University of California Extension Weed Research and Information Center, California Department of Food and Agriculture, local Weed Management Areas, Resource Conservation Districts, and the California Invasive Plant Council) to perform risk assessment and subsequent prioritization of treatment areas to strategically and effectively reduce expansion of the multiple

species of IAV in the Delta. This risk assessment would dictate where initial control efforts would occur ...The funds will be transferred prior to, or concurrent with, commencement of construction of the BDCP.”

Legal Compliance

p. 444 “The BDCP would be constructed and operate in compliance with regulations related to boat navigation jurisdiction rules, and regulations enforced by local, state (including the California Department of Boating and Waterways), and federal (including the U.S. Coast Guard) boating law enforcement. The alternative would be compatible with California State Land Commission regulations related to recreational piers or marinas.”