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IRRIGATION



DRAINAGE

RECLAMATION DISTRICT NO. 2068

February 14, 2020

California Department of Water Resources
Attn: Heather Green
3500 Industrial Blvd
West Sacramento, CA 95691

Subject: Public Comments on the Draft Environmental Impact Report for the Lookout Slough Restoration Project.

Dear Heather Green,

Reclamation District No. 2068 ("District") is a reclamation district formed under the laws of the State of California pursuant to Division 15 section 50000 et seq. of the California Water Code. The District provides irrigation, drainage, and flood control to over 13,200 acres. The District is adjacent to the northern boundary of the proposed Lookout Slough Project (Project), and the Project is fully within Reclamation District No. 2098 (RD 2098). The two reclamation districts make up Unit No. 109 (West Levee of Yolo Bypass and East Levee of Cache Slough) of the Sacramento River Flood Control Project; therefore, are intrinsically connected.

The District is supportive of the Lookout Slough Project (Project) dual goals of habitat restoration and flood control enhancement; however, we have serious concerns regarding the DEIR's evaluation of the Project's environmental impacts on the operations and maintenance (O&M) practices of the reclamation districts and agricultural diversions that are within the vicinity of the proposed Project. In addition, the Draft Environmental Impact Report (DEIR) and its appendices makes assumptions and generalizations of the project area that are incorrect. Below is a summary of the District's comments on the Project's DEIR.

1. Endangered Species. The main goal of the Project is to increase the population of endangered species including delta smelt and salmon. If the Project is successful the number of endangered fish species will increase in the vicinity of the District's diversion intakes and drainage outlets. An increased population of endangered species in the project area would cause increased regulatory restrictions and costs for the District to comply with environmental requirements. The Project provides open water space and emergent marsh which may allow non-native species like water hyacinth or water primrose to proliferate, increasing their presence in the region. The

presence of non-native species would impair the ability of the Project to increase the population of native species and increase the cost of the District's maintenance activities. The DEIR is silent on these impacts.

2. RD 2098 Solvency. The Project will flood approximately two-thirds of RD 2098. Since Reclamation District are funded by landowner assessments and have to adhere to the Proposition 218 requirements, the operations and maintenance costs of the remaining RD 2098 levees will be spread over fewer acres. Currently, RD 2098 has minimal funding due to the limited ability to generate adequate assessments from low profit land uses. The DEIR should carefully consider whether RD 2098 will be capable, in the long term, of adequately implementing the mitigation set forth in the DEIR. As Reclamation District No. 2068 shares levees with RD 2098 as part of a hydrologic basin, this is very concerning.

3. Hydraulics. The Project proposes to set back the Yolo Bypass Levee from the constructed segment of Shag Slough and breach a section of the Project Levee on Cache Slough. This proposed activity would alter the hydraulics in the Cache Slough region at high flow events causing increased water levels and flooding pressure on State Plan of Flood Control levees that have documented erosion, stability and freeboard deficiencies. The inundation of currently levee protected lands of RD 2098 would subject the remaining channel banks and levees to increased wave fetch and erosion.

The 65% Design Basis of Design Report Figures 2 and 3 show increases pre and post project for shear stress and velocities of 1.4 to 1.8 pounds per square foot and 2.5 to 5.6 feet per second to immediately north of the Project along Reclamation District NO. 2068's Yolo Bypass Levee. The analysis and figure say the "Existing RSP is sufficient to mitigate erosion from increase shear stresses approximately 60' from water side slope" and "Existing RSP is sufficient to mitigate erosion from the increased velocities approximately 60' from water side slope." However, there is no existing Reinforced Slope Protection along the Bypass levee in that location, which will see the same increases in shear stress and velocity. In addition, that location of the levee has experienced erosion in the last two high water events in 2017 and 2006. The increases in erosion force will dramatically increase erosion and stability damage if it is not mitigated.

4. Hydrology. Errors in the setting description are found starting on Page IV.G-6, as described as follows. Diversions are stated as "leading to a net flow of up to 3,000 cfs upstream" a statement attributed to DWR and DFW as footnote 21. This number cannot be justified as the Cache Slough Complex as stated on Page IV.G-6 is 53,000 acres and 3,000 cfs is approximately 6,000 acre-feet per day, which equates to about 41.3 feet of water applied per acre annually for the entire area. This level of combined diversion does not exist in this area to support the statement. The reference to the "design capacity of the Cache Slough Complex is 490,000" cfs is in fact the capacity of the Yolo Bypass flood conveyance system in the Lower Yolo Bypass region. The Cache Slough Complex as a term of regional identification is not the same as the Yolo Bypass Flood conveyance system.

The Project activities would alter hydrology resulting in an increase of the tidal prism and reduced tidal range, as described and analyzed in Appendix T of the DEIR. The intertidal zone of the Delta, where the Project is being developed, is unique in that lands can be both irrigated and drained passively using tidal gates (check valves). Tidal gates only allow water to flow one way either into irrigation canals or flow out of drainage canals. During irrigation, tidal gates store water in large channels during high tide and that stored water is slowly diverted passively or pumped during low tides. High tides are used to lift water into irrigation channels and tidal gates hold the water level during diversions at low tide. Tidal gates depend on high tide only for irrigation and there are no benefits of a higher low tide; therefore, reductions in the high tide and increases in the low tide are not offsetting, as assumed in Appendix T.

Similarly, in drainage ditches tidal gates allow water to be drained to near peak low tide elevations and once the tide increases, tidal gates keep the high tide water out of drainage ditches. Water levels do increase in the drainage ditches due to irrigation runoff; however, the runoff is stored in large drain ditches during high tide, normally keeping the water level in drains below the average tidal elevation. Appendix T of the DEIR, assumes drainage is by pumping only and that is factually false. Although the District has a drainage pumping facility, the District diverts approximately 55,000 AF of water annually for irrigation and has not had to run its drainage pumps during the irrigation season in more than 30 years. Appendix T uses general assumptions for an area within the Delta lowlands; however, the Project is in the intertidal zone and Reclamation District 2068 is within the delta uplands. Therefore, the determination in Appendix T of less than significant impact is flawed and needs to be re-analyzed.

5. Water Quality. Altering the tidal flux by breaching levees and changing tidal conditions has the potential to impair water quality near the District's point of diversion due to changes in Cache Slough salinities. Comments on the analysis of water quality impacts is extensively covered in a Regional Comment Letter with RD 2068 as a signatory.

6. Emergency Response. The project will alter the RD 2068/2098 Emergency Response plan and the DEIR does not include any mitigation for a redesign of the Plan. The Project removes the levee section identified as an emergency breach location and removes flood water storage at the bottom of the leveed area. This changes flood response time and pre-developed flood responses during an emergency. Also, facilities labeled on the emergency response maps will be moved or eliminated, DWR needs to provide mitigation for these changes.

7. Wind Erosion. The Project analyzes wave runup and wind analysis in appendix D as part of the 65% Basis of Design Report. This is an example of confusing appendices and the appendices also includes unnecessary drafts of the same document. DWR should remove all unnecessary Drafts from the document and give each attached document an Appendix number. The Runup analysis seems to be analyzed with a very simple model. Existing conditions cause wind erosions problems, especially if there are no rip-rap reinforcement of the levee. Also, comparing the draft and final wind runup analysis shows that different average water depths were used for the same transect. How did this change? There was no analysis to find the transect or wind direction that created the max runup on the levee system, only random transects were used. Also, the analysis only looked at overtopping due to wind runup and damage due to wind erosion was not analyzed

comparing pre and post project. If an increase in wind runup causes more wind erosion the Project should mitigate for that effect and native grasses do not protect from wind erosion.

8. Easements. The Project's northern levee is proposed to be built adjacent to Liberty Island Road (LIR) and the Central Valley Flood Protection Board will require a minimum twenty-foot easement from the toe of the levee prism landward. The District has an irrigation and drainage canal parallel and adjacent to LIR, and the District's easement for the canal extends approximately to the midpoint of LIR. If the setback levee's easement is co-located with the District's canal maintenance easement it will diminish the ability to perform maintenance due to regulatory restrictions on levees. The regulatory restrictions will also impact maintenance performed by Solano County on LIR. The DEIR is silent on this impact. The creation of a new setback levee parallel to Liberty Island Road will cause an increase in drainage area into Reclamation District No. 2068 of approximately 10 acres. The additional drainage has to be conveyed in District Drains and during times the Yolo Bypass is flowing needs to be pumped out of the District. The Project needs to mitigate for this increase in drainage area into the Reclamation District No. 2068.

The DEIR is silent on easements held by Solano County for public roads. These roads may not have a deeded title, but clearly have a prescriptive right. The Project proposes to end Liberty Island Road before it reaches the Districts Pumping Plant, which provides the only all-weather access to the Pumping Plant. The Pumping Plant provides protection to over 6,000 acres of land and all-weather access is crucial to operate and maintain the facility. As with relocation of the all-weather road being a problem for the District Pumping Plant operation and maintenance, the same issue occurs due to the relocation of power lines into agriculture fields with no all-weather access. The DEIR is silent on these impacts and DWR needs to analyze potential mitigation measures.

9. Utilities. The Project will inundate a large number of acres of lands which may have active or inactive buried gas lines and above ground power lines. Maintenance or replacement of these lines will be impaired or impossible if they are under water. Further, any future power or gas transmission needs by local landowners in the region will be limited due to the Project area being covered in water. The DEIR relies on a statement from a Geologist that determined gas is not feasible in the Project area. However, this is under the current gas market, if the price of gas increases enough it would be feasible to further explore in the region. The DEIR needs to identify at what price would gas be feasible in the area to determine the impact of the gas fields being covered by water.

10. Recreation. The proposed Project is located at one of the few spots in the Cache Slough region where the public has access to the delta waterways and is used extensively by the public for recreational fishing and water sports. The Project also proposes to eliminate the only land access to lower Liberty Island by eliminating the bridge. The DEIR justifies not mitigating the loss of recreation by saying "There are no officially sanctioned, public recreational facilities within the Propose Project Site;" however, it contradicts itself and says the "the Shag Slough Bridge provides pedestrian access to the Liberty Island Ecological Reserve which provides recreational opportunities." Few alternative public access opportunities exist in the Project area

and most of the areas identified are near the arbitrary one-hour distance to be considered a nearby alternative. A finding of less-than-significant impact was found even though a clear impact was identified and the Project could provide public access to mitigate for it.

11. Agriculture. The mitigation measures proposed for impacts to agriculture are not sufficient. The DEIR assumes that restoring non-irrigated agriculture to agriculture previously irrigated mitigates for loss of irrigated agriculture. This is insufficient because restoring irrigation is low cost compared to developing new irrigated agriculture and non-irrigated agriculture lands are still lost. Also, agriculture easements provide no benefit unless the easements are placed where agriculture conversions are likely to happen, either adjacent to expanding towns or at locations where habitat project can be foreseeable. The DEIR needs to analyze the change in the gross agriculture production or economic activity and not a value such as acres that does not look at production differences.

The project will increase the habitat for waterfowl and eliminates irrigated pasture between the project and Reclamation District No. 2068. There is no analysis on the impact of greater number of geese and waterfowl on agriculture fields adjacent to the Project.

12. RD 2098 History. The DEIR contains errors in the History section of the document starting on Page IV.E-4 as described below. Liberty Farms, the proposed project site is wholly contained in the area that became known as Upper Liberty (RD 2098) and in the DEIR is referred to as the “western island”. This area was not and to this day is not an island. Reference is made of frequent flooding between 1918 and 1973. This is the flooding of the Liberty Island (RD 2093) or “lower Liberty” and not the levees of the SPFC in RD 2098 that protected “upper Liberty”. The statement indicating “this levee continuously failed” is not referring the Proposed Project area, but rather the lands currently on the east side of the Shag Slough bridge, “Liberty Island”. There is no record of a failure of the SPFC levee protecting the lands of RD 2098.

As written, this section conveys a grossly inaccurate portrayal of the Liberty Farms story. At its worst, it misrepresents the written history (Dickman, A.I., 1981. “The Story of Robert K. Malcolm, Founder.”). It confuses the facts related to this area and success of the previous owners and RD 2098 in operating and maintaining a viable and robust levee system for the long-term protection of the proposed project site. It also misleads the reader to assume that the “Liberty Island” experience is describing the proposed project area experience and that is not true. All references to that portion of the Malcolm holdings on those lands not included in the proposed project site should be eliminated or separated and included clearly as a historical reference to the adjacent properties, unrelated to the proposed project.

13. Conclusion. The Project is developed as mitigation for the 2008 and 2009 Biological Opinions for the Central Valley and State Water Projects Pumping Facilities, and only has incidental marginal flood improvements to a levee that has never had a failure and creates new flood issues that are not addressed in the DEIR for the Project area. DWR’s focus on accelerating the timeline for Project implementation to satisfy the Biological Opinions is coming at the expense of adequate environmental analysis and engagement with adjacent reclamation districts,

agricultural operators, and other local stakeholders. We urge DWR to revise and recirculate the Draft EIR to address the areas of concern and unaddressed impacts identified above.

Reclamation District No. 2068 appreciates the California Department of Water Resources commitment to protecting local water users and land owners in the Cache Slough region and following CEQA requirements. Please contact me busch@rd2068.com if we can be of assistance to clarify any of our concerns for this proposed habitat restoration project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bryan Busch", with a stylized flourish at the end.

Bryan Busch, General Manager