

SOLANO COUNTY WATER AGENCY



May 7, 2020

Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814

Subject: Lower Yolo Ranch Restoration Project and Inconsistency with the Delta Plan

Dear Delta Stewardship Council:

The purpose of this letter is to formally submit comments in regards to the Lower Yolo Ranch Restoration Project and Inconsistency with the Delta Plan. While the Solano County Water Agency (SCWA) is firmly committed to supporting co-equal goals in the Delta, the Water Agency is concerned that the Lower Yolo Ranch Restoration Project and the corresponding cumulative impacts are meeting co-equal goals for South Delta, Central Valley Project (CVP) and State Water Project (SWP) Operations, but at the sole expense and detriment of co-equal goals in Solano County. Within the Yolo Bypass Cache Slough Complex (YBCSC), there are numerous existing agricultural and municipal water supply intakes including the North Bay Aqueduct (NBA), the City of Vallejo Pumping Plant, Reclamation District 2068, and many others which the Lower Yolo Ranch supporting documents do not adequately resolve with respect to water quality, endangered species, and the corresponding cumulative impacts of the more recent and significant YBCSC restoration projects (i.e. Lookout Slough, Lower Egbert Tract, and others). In addition, while the NBA represents 2% of the SWP, the vast majority of habitat restoration is being implemented within the YBCSC and Suisun Marsh regions, within or in close proximity to Solano County and the NBA.

While the Water Agency has significant concerns about the Consistency of the Lower Yolo Ranch Restoration Project, the Agency is not seeking to stop the project. Instead, we believe there is ample opportunity to work collaboratively with the Delta Stewardship Council, Westlands Water District, Department of Water Resources (DWR), and/or other agencies to meet co-equal goals throughout the entire Delta. Additionally, SCWA and Napa County are looking for firm, committed support to help implement multi-benefit, co-equal goal projects such as the NBA Alternate Intake Project (AIP). The NBA AIP provides multi-agency regional benefit, achieves co-equal goals, and is one of the recommendations in the Delta Plan (WQ R5).

Thank you for the opportunity to submit comments. Should you have any questions or concerns, please don't hesitate to contact me at (707) 455-1103 or by e-mail at RSanford@scwa2.com.

Sincerely,

Roland Sanford,
General Manager

CC: Phillip Miller, Napa County Flood Control & Water Conservation District
Ted Craddock, Department of Water Resources
Chris Enright, Department of Water Resources

810 Vaca Valley Parkway, Suite 203 • Vacaville, CA 95688
Phone (707) 451-6090 • Fax (707) 451-6099



I. Appellant / Concerned Party

Roland Sanford, General Manager
Solano County Water Agency
810 Vaca Valley Parkway, Suite 203
Vacaville, CA 95688

II. Covered Action that is Subject of Concern

Lower Yolo Ranch Restoration Project
Westlands Water District
3130 N. Fresno Street
P.O. Box 6056
Fresno, CA 93703-6056

III. Specific Grounds for Appeal / Concern

The Lower Yolo Ranch Restoration Project does not appear to be fully Consistent with the Delta Plan, for the Delta Plan Policies listed below. Additional explanation is provided in Section IV.

- G P1 (b) (1)
- G P1 (b) (4)
- G P1 (c) (1)
- ER P5
- DP P2

IV. Statement of Facts

Policy #	Main Title	Policy Language (Summarized)
G P1 (b) (1)	Consistency with the Delta Plan	Covered actions must be consistent with this regulatory policy and with each of the regulatory policies contained in Article 3.

The Lower Yolo Ranch Restoration Project both compliments and conflicts with Article 3 – Consistency with the Regulatory Policies Contained in the Delta Plan. Specifically, the project compliments § 5006 (Restore Habitats at Appropriate Elevations) but conflicts with § 5011 (Respect Local Land Use when Siting Water or Flood Facilities or Restoring Habitats). The Lower Yolo Ranch Restoration Project does not fully address (i) water quality and (ii) endangered species concerns to existing municipal and agricultural intakes in close hydrodynamic proximity to the Project including the NBA, City of Vallejo Pumping Plant, Reclamation District 2068 intake, and other local YBCSC agricultural intakes. In addition, the 2013 EIR does not address more recent cumulative impacts associated with both the Lookout Slough Restoration Project and the Egbert Tract Multi Objective Project, all within the YBCSC.

Policy #	Main Title	Policy Language (Summarized)
G P1 (b) (4)	Consistency with the Delta Plan	Ecosystem restoration must include adequate provisions, to assure continued implementation of adaptive management.

As part of the Consistency with the Delta Plan, projects must have adequate provisions to assure continued implementation of adaptive management. In addition, there must be documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the proposed adaptive management process.

In regards to the Lower Yolo Ranch Restoration Project, SCWA is concerned that there are not adequate resources, on-the-ground staff, clearly delineated authority, or long-term accountability to ensure for continued implementation of adaptive management of the Project. For example, the Lower Yolo Ranch Restoration Project was submitted by Westlands Water District, a non-Delta based public agency, with corresponding EIR documents comprised of the now significantly reduced State and Federal Contractors Water Agency (SFWCA), with broad commitments by both DWR and California Fish and Wildlife (CFW) as listed in Table 6-1 of the Adaptive Management and Monitoring Plan (AMMP). However, there is a lack of detail on future funding commitments for future Operation and Maintenance (O&M) of the Project, implementation of the AMMP, and third-party verification. In addition, leaving implementation and oversight to overtaxed resource agencies like DWR and CFW is not a guarantee of success, as shown by the CFW Lindsey Slough Restoration Project, discussed below. The Water Agency is extremely concerned that the Lower Yolo Ranch Restoration Project will become a “build-it and forget-it” project, lacking in adequate resources to conduct the AMMP and required future and long-term O&M activities.

Policy #	Main Title	Policy Language (Summarized)
G P1 (c) (1)	Consistency with the Delta Plan	A conservation measure proposed to be implemented pursuant to a natural community conservation plan or habitat conservation plan.

The adopted Yolo HCP/NCCP should be evaluated to ensure that there are no significant impacts associated with the proposed Lower Yolo Ranch Restoration Project. The Lower Yolo Ranch Restoration Project EIR documents are almost seven years old, and predate the adopted Yolo HCP/NCCP.

Policy #	Main Title	Policy Language (Summarized)
ER P5	Avoid Introducing / Improving Habitats for Invasive Nonnative Species	The potential for new introductions of or improved habitat conditions for nonnative invasive species, striped bass, or bass must be fully considered, avoided, or mitigated in a way that protects the ecosystem.

The Lower Yolo Ranch Restoration Project does not detail out which Agency (if any) will manage the Project for invasive nonnative species. Table 6-1 of the AMMP indicates that DWR will be responsible for the management and monitoring responsibilities of the Project with oversight and some monitoring from CFW. However, the Division of Boating and Waterways (DBW) is the lead Agency that conducts all invasive nonnative species management (primarily with plants) in the Delta on behalf of the State of California. Similar to DWR and CFW, DBW is significantly taxed in managing invasive nonnative species throughout the entire Delta. Practically, DBW will not have the dedicated on-the-ground resources and staffing, to effectively manage invasive nonnative plants species at the Lower Yolo Ranch Restoration Project. Additionally, over the last 10-years, invasive nonnative plant species including Water Hyacinth, Brazilian Waterweed, and others have aggressively moved into the YBCSC. CFW's Lindsey Slough Restoration Project, is one of the most recent restoration projects in the YBCSC region, and has been aggressively populated by both Water Hyacinth and Brazilian Waterweed, as shown in Figure 1 below. Without a funding mechanism, dedicated on-the-ground personnel assigned to the project, and no third-party oversight, the Solano County Water Agency is highly concerned that the Lower Yolo Ranch Restoration Project will reach a similar fate as other YBCSC restoration efforts, and will improve and support habitat for invasive nonnative species, conflicting with the Delta Plan and Policy ER P5.

Policy #	Main Title	Policy Language (Summarized)
DP P2	Respect Local Land Use When Siting Water, Flood, or Restoring Habitats.	Projects must be sited to avoid or reduce conflicts with existing uses, general plans, spheres of influence when feasible, considering comments from local agencies, and the Delta Protection Commission.

While SCWA fully understands and appreciates the environmental objectives of the Lower Yolo Ranch Restoration Project, the Water Agency believes that the Project does not appropriately respect local land use including existing municipal and agricultural water supply intakes within the YBCSC. The Water Agency is specifically concerned about (a) water quality and (b) biological impacts to existing municipal and agricultural intakes within the lower YBCSC, including the NBA, Reclamation District 2068 intake, and numerous agricultural diversions, as shown in Figure 2.

For water quality, extensive modeling was conducted by DWR in 2015 as part of the Bay Delta Conservation Plan (BDCP) – Recirculated DEIR (RDEIR). In Section 5.2.2.4 (Cumulative Impacts, Water Quality) of the RDEIR, Impact WQ-3 identifies the NBA as being negatively impacted by Bromide associated primarily with habitat restoration projects, as described below (excerpt

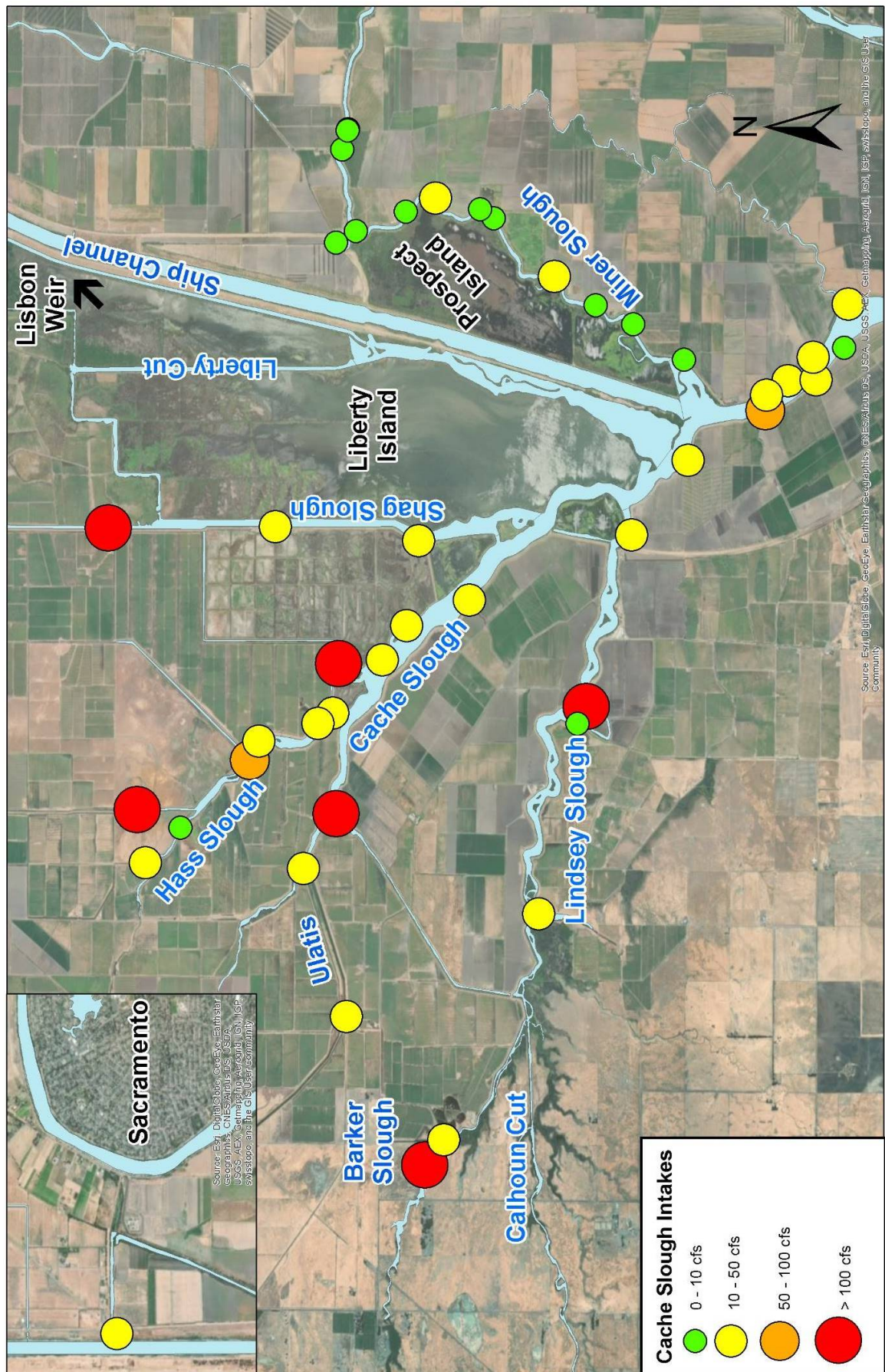
from page 5-77 of the RDEIR). The 2013 Lower Yolo Ranch EIR documents do not adequately address the cumulative impacts associated with all of the planned YBCSC restoration projects with regards to existing local and regional water supply intakes within the lower YBCSC.

The primary driver of the adverse cumulative condition was the assumed amount and location of tidal habitat restoration to be implemented as part of the alternative. The amount of tidal habitat restoration assumed for Alternatives 4A, 2D, and 5A is substantially less than assumed for Alternative 4, such that it is not expected to significantly affect Delta hydrodynamics and source water fractions. However, a substantial amount of tidal habitat restoration is still anticipated to occur in the future as part of separate actions (e.g., the California Water Action Plan/EcoRestore), which could result in a greater portion of higher-bromide concentration water in the restored areas, thus contributing to elevated long-term average and drought period bromide concentrations in those areas. Thus, the cumulative condition for bromide is still considered adverse.

For biological impacts, one of the primary and worthwhile objectives of the Lower Yolo Ranch Restoration Project is to “enhance regional food web productivity in support of delta smelt (*Hypomesus transpacificus*) recovery and provide rearing habitats for outmigrating salmonids utilizing the Yolo Bypass” (submitted GP1(b)(1) Coequal Goals for Lower Yolo Ranch Restoration Project). However, the EIR and supporting documents do not include any analysis, assessment, potential impacts, or recommended solutions, including Safe Harbors Agreements, etc. to minimize impacts to existing agricultural and municipal intakes within the YBCSC, including the NBA, Reclamation District 2068 intake, and numerous agricultural diversions, as shown in Figure 2.

FIGURE 1 – DFW Lindsey Slough Restoration Project
(Photo taken 11/8/2018, Water Hyacinth in Foreground)



FIGURE 2: Existing Municipal and Agricultural Diversions in the Cache Slough Complex

V. Proposed Solutions

While SCWA has concerns with the Lower Yolo Ranch Restoration Project and believes the project is Inconsistent with the Delta Plan, the Water Agency strongly believes the Project (and other YBCSC restoration projects) can be Consistent with the Delta Plan and meet co-equal goals if done in conjunction with projects such as the North Bay Aqueduct Alternative Intake Project (NBA AIP). The NBA AIP is also a listed recommendation (WQ R5) and meets all of the recommended policies below that are part of the Delta Plan. However, at a cost of \$600M the NBA AIP is not locally cost-feasible amongst the 500,000 residents in Napa and Solano County. Additionally, the NBA represents only 2% of the entire SWP, and neither Napa or Solano County are participants in the CVP. However, the YBCSC and Suisun Marsh regions are providing the majority of ecosystem benefit primarily for the South Delta CVP and SWP operations. To achieve co-equal goals, there is a synergistic opportunity for State, Federal, and local agencies to partner and provide supplemental funding for the design and construction of the NBA AIP while also furthering the goals of habitat restoration in the YBCS. Lastly, the Water Agency is also the landowner of 1,600-acres within the Priority Habitat Restoration Area of the YBCSC. The Water Agency is interested in partnering with other agencies to fully meet co-equal goals in the Delta through both improved water conveyance such as the NBA AIP, protection of agricultural intakes such as Reclamation District 2068, as well as additional habitat restoration within the YBCSC.

List of Delta Plan Policies & Recommendations that Align with the NBA AIP

Policy #	Main Title
WR 12a	Promote Options for New and Improved Infrastructure Related to Water Conveyance
WR 12b	Evaluate, Design, and Implement New or Improved Conveyance or Diversion Facilities in the Delta
WR R12c	Improve or Modify Through-Delta Conveyance
WR R12h	Operate Delta Water Management Facilities Using Adaptive Management Principles
ER P2	Restore Habitats at Appropriate Elevations
ER P3	Protect Opportunities to Restore Habitat
ER R2	Prioritize and Implement Projects that Restore Delta Habitat
ER P5	Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species
DP P2	Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats
WQ R1	Protect Beneficial Uses
WQ R5	Complete North Bay Aqueduct Alternative Intake Project