

# RECLAMATION

*Managing Water in the West*

## Comment Sheet

### 2-Gates Fish Protection Demonstration Project

The Bureau of Reclamation, the lead Federal agency for the 2-Gates project, is preparing an Environmental Assessment/Finding of No Significant Impact in accordance with the National Environmental Policy Act.

Please provide your written comments to the mailing address on the back, or fax **916-978-5094**, or e-mail [mmanzo@usbr.gov](mailto:mmanzo@usbr.gov).

Reclamation must receive all comments by Tuesday, November 17, 2009. Thank you.

**(Please print clearly)**

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**Comment here:** 11/1/2009

*Date*

**1. Extended Comment Period Needed.**

- a. Due to the many undocumented issues and significant impacts, it seems obvious that the Draft FONSI will require a significant rewrite and will need to be reviewed again by the public. This project should not be rushed without assuring the public that the concerns have been considered and will be mitigated.
- b. The local Reclamation District needs sufficient time to perform the modeling and analysis it would do for any other project with potential to impact our waterways and local bays and comment on this project.

**2. SAFETY CONCERNS** - Neither the FONSI (Hazards and Hazardous Materials p 7) nor the Draft Environmental Assessment adequately address safety issues for boaters during and after construction. The FONSI states that there are no issues but many safety concerns have already been raised. There is inadequate study in the documents concerning boaters' routes and numbers: how many, how often, at what speeds do they travel through the Delta? What types of boats will need to navigate the gates and what safety risks do the gates impose. In addition to safety issues I raised in my prior comment letter:

- a. Obstructed Views. The Connection Slough Bridge will obstruct the view of the gates for boaters coming from Bethel Island.
- b. Blind Curves. From Middle River by Mildred Island to Connection Slough is a curve that will obstruct view of the gates.
- c. Obstacles to Navigation. The Connection Slough Bridge poses a risk for boats waiting for gates to open especially during winds or when water flow is rapid.

- d. Many boaters will be uninformed. The “boater education” plan is naïve and shows lack of knowledge about the variety and types of boaters in the area. For boaters who live out of the Delta area but come here to access or launch their boats, information posted in a marina will easily be missed during busy launch times. Often boaters explore new areas, don’t have charts, aren’t sure where they are and get lost in the Delta. It is not realistic to assume everyone will know about these gates. The gates will be a huge safety risk.
  - e. During flood events the entire structure (sheet piles, gates) will be over-topped although not submerged completely due to gate frames (Section 2.4.2 Page 45). What speed will be flowing over these walls? What is the risk to single screw boats or a disabled boat being swept up into the catwalk or gate structure and being capsized?
  - f. Emergency Vessels. Section 2.4.2 Page 45 states “The gates ... would only be operated at up to a differential of 1.5 feet.” Does that mean that they will need to remain closed once the differential is greater than 18 inches. If so, that would impact emergency vessels, sheriffs, coast guard, and barges trying to save levees.
3. **Recreation** (FONSI pp 9-10): FONSI states boaters could “take another route or reschedule the trip”. As raised in the prior comment letter, there IS no unrestricted alternative. And if the need is to return home from an outing, (e.g., from Mildred Island when the Bacon Island Bridge is closed) there is no way to reschedule it. The FONSI needs to outline a 24x7 redundant plan for boater navigation similar to the railroad bridge operations. Specific needs:
- a. The Bacon Island Bridge operational 24x7.
  - b. When the Bacon Island Bridge is not operational (down for maintenance, broken) the 2 Gates both need to be opened until all boats navigating around have made the transition through (which can take many hours).
  - c. The Connection Slough Bridge operations and gate operations need to be coordinated to insure there are no times boats could be caught between a closed bridge and closed gate.
- Installing locks at both gate sites** instead of the currently proposed butterfly gates could remove some of the safety issues and locks that can be opened quickly and 24 x 7 for boats of all sizes at both gate sites instead of butterfly gates should be analyzed as a way to reduce the impact to boating in these areas and make it feasible that operations can be supported by one operator only.
4. **Aesthetics** (FONSI pp 1-2)
- a. The USBR recognizes that “Old River is identified as a scenic waterway by Contra Costa County” but then claims adding ugly sheet piles, steel gates, flashing lights and signs across an almost 900 foot wide waterway will not impact the Delta aesthetics. This is clearly false. The rock-lined sloughs, pampas grass, tules, and winding channels are loved for their peaceful, past-century feel . Even bridges have their charm. Steel gates and strobe lights do not.
  - b. Affect of Night Lights – One of the joys of the Delta is anchoring out, the sun setting, stars coming out. Nature. Since the Connection Slough gate is near the Mildred Island anchorage, will there be any ongoing annoyance from the nighttime lights for boaters anchored in Mildred Island? Will the gate be positioned far enough away from Mildred Island Anchorage or will strobes or flood lights ruin the Delta’s favorite anchorage?
5. **Air Quality** (FONSI pp 2-3) addresses only impacts during construction so is inadequate. The USBR proposal is for boaters to find alternate routes during construction and ongoing. How many boats does this affect,

how many trips, and what is the resulting addition fuel consumption and air pollution? The documents do not analyze the routes traveled by boats or impact of boats being re-routed. For example:

- a. Instead of going directly from Bethel Island to Mildred Island via Connection Slough, alternate route is up to the San Joaquin River and down Middle River.
- b. Instead of going directly from Discovery Bay, Holland Cut Marina or Orwood Resort to Bethel Island or the Frank's Tract State Recreational Park via Old River the alternate route is via Railroad Cut, Middle River, the San Joaquin River and False River to Frank's Tract or Bethel Island.

6. **Aquatic Biological Resources** (FONSI pp 3-4).

- a. Smelt migrate from March through June and the documents say that is when the gates need to operate and close during every tidal action. But the gates will be opened April and May to allow juvenile salmon and steelheads through so those species are not impacted. Doesn't that negate 50% of the effectiveness of gates and mean a different approach is needed?
- b. Section 2.4.2 Page 45 states "The gates ... would only be operated at up to a differential of 1.5 feet." Does that mean that they would remain open during floods and what does that do to turbidity and keeping the smelt safe?
- c. What is the quantitative measure of success of the project versus failure regarding smelt and other species?

7. **Terrestrial Biological Resources** (FONSI p5) talks about weed problems at the gates and that the project will handle removing the material.

- a. The FONSI does not discuss resulting impacts to Discovery Bay, for example, the increase in algae growth or other invasive plants due to changes in turbidity or hydrology and who would pay to correct any issue.
- b. How often and how thoroughly will the debris at the gates be removed? Debris will be a risk for boaters traveling through those channels.

8. **Environmental Justice** (FONSI p. 6) states that impacts of the Proposed Action will not affect any minorities or persons living below the poverty threshold. There are numerous fishermen who fish from the levees or have small rowboats who appear to be minorities. Has the effect of the gates on these minorities been studied?

- a. How will they be informed about the gate actions when they typically launch their boats from small private ramps or from the levee wall? Will there be sufficient warning signage in multiple languages to protect them?
- b. It seems just behind the gate will be a prime area for fishing due to the additional smelt entrapped there. What will be the impact of the hydraulics of the gates opening on small rowboats or fishing boats either just above the gates or below the gates.
- c. We often see children swimming just off the levees while their parents fish from the levee wall. What is the effect of the turbulence near the sheet piles on young swimmers or dogs?

9. **Noise** (FONSI p 8) states boaters near the sites will have limited exposure to noise because boats are not expected to linger in the immediate project area during construction. However, the primary anchorage in the area is Mildred Island which is next to the Connection Slough site. What noise levels are we talking about? What will be the noise level at the North end of Mildred Island? The South end? Will this discourage boaters from coming to the area during the entire boating season of 2010?

10. **Construction Period**. The construction timeframe is basically the entire 2010 boating season. During this timeframe, Discovery Bay could be isolated.

- a. Boaters would be unable to navigate out of the local area which has no protected anchorages and would be too crowded for safety if all boats were restricted South of the bridge and Old River site.
  - b. The unreliability of the bridge and uncertainty of boat passage for an entire boating year will significantly impact business, the marina (boats will go elsewhere, not launch in Discovery Bay, move their permanent berths) and boats that move or change their habits are likely to not return in future years. What is the anticipated economic loss to Discovery Bay during 2010?
  - c. During construction timeframes, traversing the gate areas, when allowed, will pose some additional risk to boaters. Bacon Island Bridge needs to be operational 24x7 to avoid boater risk during construction plus steps taken to ensure safe passage through the construction site is possible whenever the bridge is closed.
11. **Draft Environmental Assessment Section 2.4 page 32** states there will be one operator who will be responsible to open and close the gates in response to fish protection criteria or emergency vehicles and to operate the tractor used to haul small boats out of the water (which takes a minimum of 15 minutes per boat). The operator will also monitor the radio and cell phone to answer questions from boaters about gate schedules and operations. One operator cannot accommodate all of these functions. We have been assured that the gates take a MAXIMUM of 3 minutes to open for emergency vessels - longer durations could put lives at risk.
12. **Operational reliability** : A Delta scientist at the 10/27 public meeting said these are not sturdy enough construction for that area of the river (due to the river's width and flow). Sheet pile construction is insufficient to keep the gates from becoming dislodged. If the gates are dislodged and cannot be operated, that could close the waterway. That possibility was not covered in the FONSI and would be a violation of the Rivers and Harbors Act of 1899 (as referred to in the report on page 216).
13. **Economic Impacts and Home values** (not addressed in the FONSI or NEPA documents).
- a. Our waterfront homes are today a premium due to ready boating access and swimmable water in our back yards. What will be the impact due to the 2-Gates short-term and expanded water exports if the Gates project proves successful to our home values?
  - b. Many homes here are 2<sup>nd</sup> homes for weekend boaters. How many will decide to trade for areas more conducive to weekend activities effecting the already impacted housing situation?
  - c. Discovery Bay and Bethel Island businesses located on the water (restaurants, shops, marine supplies) will be impacted when outside boaters are impeded from easy access to these communities.
  - d. What is the anticipated loss of revenue by Discovery Bay and Bethel Island from not being able to participate in the large Delta events (Poker runs, bass fishing competitions, etc. ) due to construction and thereafter due to gate?
  - e. New developments are being planned for the east side of Discovery Bay. What will be the impact of restricted boating access making the area less attractive on the land developers?
14. **If the 2-Gates Project is successful, additional water extraction will occur.**
- a. Antioch's water supply is directly from the Delta. Currently when the pumps are fully operational Antioch can only extract their drinking water when the tide goes out. If the gates are successful, what will the additional water extraction do to the salinity in Antioch? Will the USBR, CVP or SWP pay for that city to get water from another source?
  - b. Discovery Bay, Bethel Island, Oakley, and other towns that are on wells. Will the USBR, CVP or SWP pay to provide clean drinking water for Delta communities whose water is impacted?

- c. If increased water exports are used, as they have been in past years to expand farmlands into areas such as the west side of the San Joaquin valley, what will be the environmental impact? Those lands currently leach arsenic, selenium, and boron into the Delta water. With less fresh water available for flushing action within the Delta, what will that do to our local water and drinking water? What are the health risks?

**15. Since the 2-Gates project's goal is to increase water extracts, what responsibility does USBR, CVP and SWP have when extracting water that users of the water are being conservative and responsible?**

- a. The average use of water per household in Northern California is 55 gals versus 80 gals in Southern California.
- b. The use of water by farmers on previously arid land to grow water-intensive crops such as cotton and rice is not responsible.
- c. Planting fruit trees now requiring year-round water on lands which were supposed to be restricted to seasonal crops (to match water availability cycles) is not responsible.
- d. Farm run-off that contains arsenic, selenium, and boron is currently dumped into the Delta water.
- e. Farmers reselling water rights for millions of dollars of personal profit hasn't been controlled.

**16. Operational Guidelines.** In the Bureau of Reclamation 2-Gates Fish Protection Demonstration Project "Frequently Asked Questions" hand-out, the answer to the question "Why doesn't the Government turn off the pumps to help the Delta and the smelt?" begins with:

"The Bureau of Reclamation's mission is to deliver and manage water resources for cities, agriculture, and the environment, including refuges."

But the level of water extraction has been clearly damaging the Delta refuges and yet it took a court order for the Bureau to stop extracting water. It appears there are insufficient operational regulations and controls within the Bureau and the CVP and conflicting goals between protecting the refuges and it's over-commitment of water to other agencies. The current 2-Gates project documentation does not provide sufficient operational guidelines for the public to be assured damage will not occur from the 2-Gates project. Clear criteria for what will halt operations or cause the gates' immediate removal is not provided. This needs to be added and reviewed by the public during a follow-on comment period. In addition to impacts on the smelt, salmon, and other endangered species, impact on the Delta economy, Delta communities' drinking water and house values needs to be monitored and included as criteria which would also indicate removal of the gates as necessary.