

**RECLAMATION DISTRICT NO. 756
(BOULDIN ISLAND)**

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May 14, 2009

Ms. Delores Brown
Chief, Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Dear Ms. Brown:

Reclamation District 756 (the District) has reviewed the Notice of Preparation (NOP) for the Bay Delta Conservation Plan (BDCP). This comment letter augments the District's previous scoping comment letter submitted May 30, 2008.

The District, is a special district responsible for the construction, maintenance and operation of the reclamation facilities and levees on Bouldin Island, located within the Sacramento-San Joaquin River Delta. The District serves as trustee for the owners of the land within the District. Pursuant to the Water Code, the District has the authority to do all things necessary or convenient for accomplishing the purposes for which it was formed including the authority to "construct, maintain and operate such drains, canals, sluices, bulkheads, water gates, levees embankments, pumping plants, dams, diversion works, or irrigation works, and all things reasonably necessary or convenient for accomplishing the purposes of the district." Water Code § 50932. The District diverts water pursuant to water right licenses for the irrigation of property within the District. Any activity that may substantially affect or modify a District levee requires an encroachment agreement from the responsible District. The planning area for the BDCP includes the Statutory Delta, of which the District is a part, making the District a responsible agency with respect to the Bay Delta Conservation Plan, as noted in the May 30, 2008 comment letter.

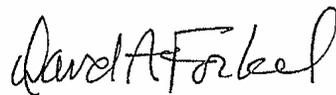
The BDCP NOP provides general descriptions of “covered activities” designed to meet broad planning goals of restoring and protecting water supply, water quality, and ecosystem health. Although little detail is provided, it is likely that any long-term conservation plan will involve or affect Bouldin Island, which is a dominant feature of the central Delta. Several of the covered activities identified in the NOP may directly infringe on areas under the jurisdiction of the District, and could result in the following impacts to property within the District:

- incompatibility with existing and future land use within the District;
- impairment of the quality and quantity of the District’s water rights;
- additional seepage within the District;
- decreased stability of the District’s levees; and
- increased costs of maintaining District levees.

Many of the measures proposed by BDCP, including the Draft Habitat Restoration Conservation Measures, rely on the existence and benefits provided by current levees. Therefore, it is imperative that BDCP consider how the levees will continue to be maintained and improved. Without the continued success and survival of the District and other entities which maintain the levees, BDCP’s conservation plans will fail.

For any action that may affect the District, BDCP must obtain an encroachment agreement from the District. Additionally, BDCP should consider that any conflicting actions between BDCP and the District could be avoided or mitigated by coordinating with the District and the landowners within the District during the creation of the BDCP conservation measures and operations.

Sincerely,

A handwritten signature in black ink that reads "Dave Forkel". The signature is written in a cursive, slightly slanted style.

Dave Forkel
Trustee