

SLNWRA Letterhead

Via email: delores@water.ca.gov

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

Dear Ms. Brown:

This letter provides the comments of the Stone Lakes National Wildlife Refuge Association (Association) on the Notice of Preparation (NOP) for the joint Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Sacramento-San Joaquin Bay Delta Conservation Plan (BDCP). The Association is a nonprofit organization dedicated to preserving and protecting the Stone Lakes National Wildlife Refuge (Stone Lakes NWR), which is located within the legal Delta. Among other activities, the Association has worked to ensure that Stone Lakes NWR is protected from adverse impacts relating to changes in flows and water quality due to surrounding development in coordination with local, state and federal agencies.

The Refuge is the single largest complex of natural wetlands, lakes and riparian areas remaining in the Sacramento-San Joaquin Delta, and provides critical habitat for waterfowl and other migratory birds of international concern, as well as a number of endangered plant and animal species. Stone Lakes NWR and its surrounding agricultural areas are home to several special status species, including the tri-colored blackbird, greater sandhill crane, white-face ibis, long-billed curlew, Swainson's hawk, burrowing owl, giant garter snake and valley elderberry longhorn beetle.

Please consult the "Draft Comprehensive Conservation Plan and Environmental Assessment for the Stone Lakes National Wildlife Refuge", available at http://library.fws.gov/CCPs/stonelakes_draft.pdf for specific information regarding Stone Lakes NWR resources and as a potential resource in developing the content of the EIR/EIS.

Background

In 1972, the U.S. Army Corps of Engineers recommended establishing a national wildlife refuge in the Stone Lakes Basin after completing a flood control study of Morrison Creek, Sacramento County's largest creek system. In 1994,

following six years of study and public meetings, the U.S. Fish & Wildlife Service (“FWS”) established Stone Lakes NWR in Sacramento County, which borders the City of Elk Grove. Stone Lakes NWR is the 505th refuge in the National Wildlife Refuge System and one of the few urban wildlife refuges in the nation. Due primarily to encroaching urban uses, the Refuge has been designated as one of the six most threatened refuges in the nation. (See Exhibit A, *State of the System: An Annual Report on the Threats to the National Wildlife System*, National Wildlife Refuge Association (2005), at p. 9, available at: <http://refugenet.org/new-pdf-files/BeyondtheBoundaries.pdf> see also http://library.fws.gov/CCPs/stonelakes_draft.pdf.) Changes to the manner in which state and federal water projects make water deliveries to exporters of water otherwise destined for the Delta also have the ability to adversely impact the resources of Stone Lakes NWR.

General Comments

The Association requests that the proponents of the BDCP carefully consider impacts of implementing the BDCP on the resources of the Refuge in the EIS/EIR. Specifically, impacts of alternative conservation actions including improved water conveyance infrastructure in the Delta must be considered. It is the Association’s understanding that the dual and isolated conveyance system routes being considered as part of improved conveyance infrastructure would traverse Stone Lakes NWR lands. This could have very significant impacts on the habitat values of the Stone Lakes NWR

The Association has also reviewed a Habitat and Operations Technical Team handout that mentions possible inundation of Stone Lakes Bypass for 45 days or more as a possible long term scenario. The environmental impacts of this or other possible uses of Stones Lakes NWR must be carefully evaluated. Such an evaluation would include consideration of drainage-related impacts already occurring as a result of increasing runoff from the growing City of Elk Grove. While more water can at time create environmental benefits, prolonged flooding can also cause trees to die and cause other impacts.

The significant public investments that made the Refuge possible should be honored by providing the very highest level of protection to the resources of Stone Lakes NWR.

Specific Suggestions

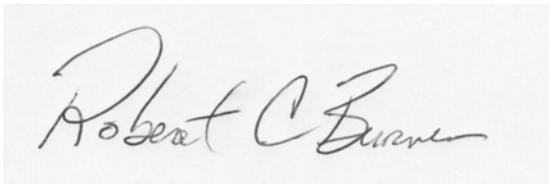
The Association recommends that the EIR/EIS address the following issues:

1. **Establish Appropriate Project Objectives.** A project objective relating specifically to the protection of sensitive publicly owned biological resources within the Delta should be included in the EIS/EIR.
2. **Include a Complete Project Setting.** The environmental setting in the EIR/EIS must include a detailed description of Stone Lakes NWR and other similar resources within the Delta.
3. **Clearly Delineate the Proposed Location of Project Alternatives Involving Conveyance Systems.** The impacts analysis should be based on a specific location for the alternatives involving freshwater conveyance systems. The Association and Stone Lakes NWR staff are available to assist in identifying and/or refining the possible locations for the conveyance system.
4. **Analyze Impacts on Refuge Specifically.** Impacts analysis in the EIR/EIS should examine how each alternative would affect the resources of Stone Lakes NWR. Also, specialized biological expertise should be engaged to assess impacts on Refuge biota.
5. **Include Feasible Alternatives to Minimize or Avoid Significant Impacts of the Project.** To the extent significant impacts to the resources of Stone Lakes NWR are identified feasible mitigation measures and alternatives must be identified and adopted to reduce those impacts.

Conclusion

The Association feels strongly that whatever option the BDCP ultimately pursues to address the species issues associated with Delta water exports not degrade Stone Lakes NWR, which is already a threatened resource. Please contact me if you have any questions regarding the information contained in this letter or would like to obtain more information about Stone Lakes NWR for purposes of drafting the EIR/EIS.

Very truly yours,

A handwritten signature in black ink that reads "Robert C. Burness". The signature is written in a cursive style and is contained within a light gray rectangular box.

Robert Burness, Watershed Chair

C: Beatrix Treiterer, Acting Refuge Manager, SLNWR,

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