



**RBOC**  
Protecting your boating interests.

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September 23, 2013

California Department of Water Resources  
Mark Cowin, Director, P.O. Box 942836, Sacramento, CA 94236

United States Bureau of Reclamation  
Michael L. Connor, Commissioner, 1849 C Street NW, Washington DC 20240

United States Fish and Wildlife Service  
Dan Ashe, Director, 1849 C Street NW, Washington DC 20240

National Oceanic and Atmospheric Administration's National Marine Fisheries Service  
Edward Horton, Chief Administrative Officer, 1401 Constitution Avenue NW, Room 5128, Washington, DC 20230

California Department of Fish and Game  
Charlton H. Bonham, Director, 1416 Ninth Street 12<sup>th</sup> Floor, Sacramento, CA 95814

United States Environmental Protection Agency  
Gina McCarthy, EPA Administrator, 1200 Pennsylvania Avenue, NW, Washington DC 20460

United States Army Corps of Engineers  
Lieutenant General Thomas P. Bostick, Commanding General and Chief of Engineers, 441 G Street, NW, Washington DC 20314

**Re: Bay Delta Conservation Plan**

**DRAFT Consultant Administrative Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS)**

This is to present the concerns of Recreational Boaters of California (RBOC) to each entity that is preparing a joint EIR/EIS for the Bay Delta Conservation Plan (BDCP) based upon the currently available draft Consultant Administrative Draft Environmental Impact Report (EIR) / Environmental Impact Statement (EIS).

RBOC is the nonprofit governmental advocacy organization that works to protect and enhance the interests of the state's recreational boaters before the legislative and executive branches of state and local government. RBOC is in its 45th year as a statewide organization, and since 1968 it has continued its commitment to promoting the enjoyment, protection, and responsible use of our waterways.

**Jack Michael**  
President

**Karen Rhyne**  
Vice President – South

**Greg Gibeson**  
Vice President - North

**Otis Brock**  
Secretary – Treasurer

**Cleve Hardaker**  
Past President

Legislative Advocates  
**Jerry Desmond**  
Executive Vice President

**Jerry Desmond, Jr.**  
Director of  
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Mail donation checks to  
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1253 Yuba Avenue  
San Pablo, CA 94806



It is the policy of RBOC to advocate for the preservation of recreational boating access to navigable California Delta waterways:

- RBOC advocates to protect the rights of recreational boaters to assure access for continued navigation by recreational boats in the waters of the California Delta wherever any “control structure” (such as, but not limited to gates or barriers whether temporary or permanent) is planned for placement across a navigable Delta waterway.
- RBOC seeks assurances that as any changes are contemplated which further alter Delta navigable waterways that alternatives are identified and implemented to the satisfaction of boaters that will best preserve and sustain recreational boat passage at each location.
- RBOC seeks to have operable boat locks installed as an integral design component to mitigate the placement of any control structure across any navigable Delta waterway. All control structures and boat locks or other alternatives satisfactory to boaters for recreational boat passage are to be installed, maintained and operated without cost or expense to recreational boaters.

RBOC is greatly concerned that there are proposals in the DRAFT Consultant Administrative Draft EIR \ EIS (“draft”) that would upset the delicate balance that enables the Delta to be a vigorous recreational opportunity of statewide and national significance. These impacts are not adequately addressed by either mitigations or other plans set forth in the draft. Negative impacts would occur in the immediate construction phase, as well as in the post-construction phase.

It is important to recognize that boat owners with boats at marinas pay property taxes, both recreational boaters and marina owners have a direct and mutually vested interest in the impacts and the mitigations upon Delta recreation - and especially so relevant to whichever BDCP alternative is selected.

In addition, RBOC’s concerns with the draft with regard to recreational boating and access to Delta waterways extends to alternative 4 both during its construction and thereafter.

RBOC’s comments here are subject to potential revision since the California Department of Water Resources (DWR) on August 15 announced significant changes to the proposed water conveyance system in the Delta. There is insufficient information at this time for RBOC to assess the impacts of the changes on recreational boating.

The negative impacts of the currently available draft include a significant reduction in the extent of navigable waterways available to boaters, as well as a permanent alteration of boat navigation, including but not limited to:

- **Barriers** - at Consumnes River Preserve, Boathouse Marina, Landing 63, Deckhand’s Marina Supply, Walnut Grove Dock, Boon Dox Dock, Dagmar’s Landing, Brannan Island State Recreation Area, Sherman Island, and Bullfrog Landing Marina.
- **Gates** - at Mokelumne River, Snodgrass Slough, Georgiana Slough, Connection Slough, Railroad Cut, Woodward Canal, Fisherman’s Cut, Old River, Meadow Slough, Victoria Canal and Three Mile Slough.



- **Fish screens without boat passage** - at Boathouse Marina, Walnut Grove Public Guest Dock, Boon Dox guest dock, Delta Cross Channel, San Joaquin River, Middle River, Victoria Canal \ North Canal, and Old River.
- **Lock** – on Old River.

These are in addition to the temporary construction effects that will detrimentally impact recreational boating including: temporary channel closures, fish screens, gates, cofferdams, large waterborne equipment including cranes, piers or temporary barge unloading facilities, boat passage obstructions, siphons, congestion, channel modifications, dredging activities, reduced speed limits and traffic delays.

Enclosed with this letter are:

- A document with illustrative examples of the boating impacts in the draft, with specific references to the draft.
- The six pages of maps in the draft for the Through Delta \ Separate Corridors proposal, with locations of specific boating impacts.

Based on the recent experiences with major state construction projects, the draft's projected duration, costs and impacts can reasonably be expected to be overly optimistic and to grossly understate the real timeframe, costs and impacts that will be realized.

Similarly, there are optimistic statements in the draft that conservation measures, once implemented, could benefit recreational boating by expanding the extent of navigable waterways available to boaters. This statement is speculative and does not provide adequate mitigation to the negative impacts set forth in the draft.

From the provisions set forth in the draft, it is clear that the BDCP will have a severely detrimental effect on the navigable waters of the United States and recreational boating in particular in the Delta. The boating experience will become unpleasant, difficult, and in some instances dangerous to boaters in the Delta. Barriers to access (even with locks), the effects of fish screens, siphons, dredging, and moving channels will be detrimental to boating. The presence of working heavy duty equipment and barges during construction will be a dangerous, noisy and dirty annoyance to the recreational enjoyment of boaters.

The draft's provisions will adversely affect the public's right to use waterways, which is an important entitlement that is recognized in the United States Constitution, the California State Constitution, the California Public Trust Doctrine, as well as our state's laws set forth in the Public Resources Code, Civil Code, Harbors and Navigation Code and well-established case law.

Cumulatively, these impacts will essentially destroy the unique and enjoyable recreational boating experience as it has been enjoyed in the past in the Delta.

The negative impact to Delta recreation and tourism will be significant. According to the 2012 Delta Protection Report "Economic Sustainability Plan for the Sacramento-San Joaquin Delta":

Recreation is an integral part of the Delta economy, generating roughly 12 million visitor days of use annually and approximately \$250 million dollars in visitor spending in the Delta each year. Of the roughly 12 million visitor days spent in the Delta each year, approximately 8 million days are for resource-related activities (e.g., boating and fishing), 2 million days are for right-of-way related and tourism activities (e.g., bicycling and driving for pleasure), and 2 million days are for urban parks-related activities (e.g., picnicking and organized sports).



Boating and fishing have the biggest economic impact, and are estimated to generate nearly 80 percent of the recreation and tourism spending in the Delta, including significant expenditures on lodging, meals, supplies, marina services, and fuel. In addition to visitor spending, non-trip spending such as boat purchases and marina rentals are estimated at roughly \$60 million annually for total recreation-related spending of \$312 million annually in the Delta. As seen in Table A above, Delta recreation and tourism supports over 3,000 jobs in the five Delta counties. These jobs provide about \$100 million in labor income and a total of \$175 million in value added to the regional economy. Across all of California, Delta recreation and tourism supports over 5,300 jobs, and contributes about \$353 million in value added.

The 1,000 miles of Delta waterways are populated by 100 marinas and waterside resorts and 50 boat launching ramps. The probable decline of boating will have a severe economic impact. Marinas already have empty slips due to the economic downturn. Trailerable boats will likely be removed from marinas and larger boats will likely move to marinas outside the Delta or be sold. Boat repair and maintenance companies, restaurants and other businesses providing services to boaters would therefore decline or go out of business. Housing values will plummet, especially water front property homes. Because construction will take a long period of time (6-10 years or more), it is unlikely that the Delta economy would ever recover.

RBOC urges the governmental agencies responsible for this project to consider the significant detrimental impacts this project will have on boating and recreation in the Delta as identified in the draft BDCP EIR \ EIS, and to incorporate project revisions that will eliminate or at least substantially reduce these impacts.

Thank you for this opportunity to express the concerns of RBOC with this draft document. Please contact me at 209-402-5530, or RBOC's legislative advocate Jerry Desmond, Jr. at 916-441-4166, with any questions.

Sincerely,

*Jack Michael*

Jack Michael, President

- C: The Honorable Jerry Brown, Governor  
The Honorable Diane Feinstein, United States Senate  
The Honorable Barbara Boxer, United States Senate  
John Laird, Secretary, California Natural Resources Agency  
Gerald Meral, Deputy Secretary, California Natural Resources Agency  
Lauren Bisnett, Delta Landowner Liaison, Bay Delta Conservation Plan, Department of Water Resources  
Rebecca Nicholas, Consultant, Bay Delta Conservation Plan  
Phil Isenberg, Chair, Delta Stewardship Council  
The Honorable Darrell Steinberg, Senate President pro Tempore  
The Honorable John Perez, Assembly Speaker  
The Honorable Fran Pavley, Chair, Senate Committee on Natural Resources and Water  
The Honorable Anthony Cannella, Vice Chair, Senate Committee on Natural Resources and Water  
The Honorable Lois Wolk, Chair, Senate Select Committee on the Delta  
The Honorable Anthony Rendon, Chair, Assembly Committee on Water, Parks and Wildlife  
The Honorable Frank Bigelow, Vice Chair, Assembly Committee on Water, Parks and Wildlife

Enclosures

