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July 29, 2014

SENT VIA EMAIL
(BDCP.comments@noaa.gov)

Mr. Ryan Wulff
National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Re: Comments on Draft Bay Delta Conservation Plan and Associated Draft Environmental Impact Report/Environmental Impact Statement

Dear Mr. Wulff:

The law firm of Hanson Bridgett LLP represents Islands, Inc., the largest landowner and farming operation on Ryer Island in Solano County, near Rio Vista. We provide these comments for consideration of the decision makers on the Bay Delta Conservation Plan ("BDCP") and the associated environmental impact report ("EIR") and environmental impact statement ("EIS"). Islands, Inc. joins in the comments filed by the North Delta Water Agency. We also support the proposal and comments by SolAgra Corporation on the BDCP and the EIS/EIR..

Islands, Inc. is the owner of over 50 percent of the land on Ryer Island. Ryer Island is named for Dr. Washington Ryer, a prominent physician who was General Winfield Scott's Assistant Surgeon during the Mexican-American War. Dr. Ryer was so enamored with California, he established a medical practice in Stockton. Dr. Ryer's family owned the entire island for many years and it is named in his honor. The Ryers married into the Nixon Family and Islands, Inc. is still owned by the Nixon Family. Lewis Nixon III was one of the former owners of the island and he is famous for being one of the "Band of Brothers" from Easy Company in World War II.

Islands, Inc. owns riparian water rights from the San Joaquin River and has established these rights for over 100 years. There is considerable concern that the BDCP will increase the salinity for the San Joaquin River as more and more fresh water is pumped from the Delta. There is a salinity monitoring station at the Rio Vista Bridge that must be maintained in order to ensure water quality for Ryer Island. Any interference with water quality must be evaluated as part of the EIS/EIR process.

We understand that the proposed action will involve the protection of endangered species, limiting incidental takes, but also protecting the water rights of CVP and SWP members up to their contractual limits. There was no mention of protecting riparian water right owners in the project purposes and that must be included. The Delta is a large region and consists of many different interests. The interests of one of the largest agricultural producing regions in the world must be protected. Ryer Island is a significant contributor to the success of agriculture in the Delta, and its resources must be protected. Riparian water rights are the highest, protected

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type of water rights in California. Islands, Inc. has established these water rights as a result of the existence of the island immediately adjacent to the San Joaquin River. The BDCP must ensure that no part of the project will interfere with these rights.

Not only is Islands, Inc. concerned about water quality, it is also concerned about water quantity. As more and more water is shipped south and now with the two tunnels bypassing the region, there is considerable concern that the BDCP will result in less fresh water being available for farmers along the path of the San Joaquin and Sacramento Rivers. Steps must be taken to ensure that the quantity of water is maintained in the river to support agriculture

Ryer Island is below sea level and must depend on Reclamation District 501's pumps to keep the island from flooding. However, Islands, Inc. also has a series of intake pumps to pump water from the river to the island for irrigation. These intakes are set at certain depths and a drop in the level of the river could mean that islands, Inc. would have to reset its intakes deeper in the river.

Ryer Island was the subject of a temporary entry permit to investigate the feasibility of using the island as a route for the proposed tunnels. Although the route is not the preferred proposal, it is still an alternative analyzed in the EIS/EIR. Islands, Inc. is adamantly opposed to the destruction of its farm lands for use as a right of way for the tunnel. The disruption caused by the construction alone would destroy Islands, Inc.'s viability as a farming operation. The severance of so much of Islands, Inc.'s lands from the rest of the farm threaten to make the entire operation economically infeasible.

For the foregoing reasons, Islands, Inc. asks that you reconsider the proposed project, that you not select Ryer Island as a site for the tunnels, that you protect riparian rights, and that you ensure that water quality and water quantity are maintained in the Delta.

Sincerely,



Michael J. Van Zandt

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