

July 20, 2005

CALFED Ecosystem Restoration Program
Attn.: Rebecca Fris
650 Capitol Mall, 5th floor
Sacramento, CA, 95814

Via Fax: 916.445.7297

Subject: Comments regarding funding of the Battle Creek Restoration Project

Dear Ms. Fris,

Thank you for the opportunity to comment on the funding of the Battle Creek Restoration Project. We appreciate that the correct budget of March 2005 was posted on the web last week before the public comment period ended to allow accurate assessment of the budget.

I am familiar with the Battle Creek Restoration Project since I am a member of the Battle Creek Watershed Conservancy, a member of the Greater Battle Creek Working Group, and I work for the Rocky Springs Ranch and Oasis Springs Lodge. In closely following this project for the past two-plus years, I have been shocked by the rising project costs and disconnect with the NEPA/CEQA process.

It has been almost two years since I provided lengthy comments on the Draft EIS/EIR. Last year a Draft Supplemental EIS/EIR was released. On behalf of Rocky Springs Ranch and Oasis Springs Lodge, we provided comments to the Administrative Draft and the Draft Supplemental report.

Again our comments were significant in scope, covering all the concerns of impacts our properties and businesses. I am concerned about the length of time that has passed since the environmental document was prepared and when the project may begin. Also, without a Final EIS/EIR available to the public to review, we have no way of knowing if the project budget covers any of our concerns.

The project budget under consideration is dated March 2005. Therefore the project budget was completed April 29, 2005, prior to the close of the Administrative Draft comment period. Also, Rocky Springs Ranch and Oasis Springs Lodge were contacted by the Bureau of Reclamation for our first landowner meeting in June 2005. Since we do not have a Final EIS/EIR or any response to our comments regarding significant adverse impacts from the project, it is difficult to glean if adequate mitigation exists in the project design / budget.

Other letters have been submitted regarding the magnitude of our concerns and the specific impacts that will occur from the project to our properties and businesses. The purpose of this letter is to highlight the fact that the project budget does not

include adequate mitigation for our property. There has not been an accurate assessment since the project budget was completed prior to the Supplemental Draft report comments and our only land owner meeting.

At the Greater Battle Creek Working Group meeting of July 19, 2005, I posed a question to Mary Marshall of Bureau of Reclamation regarding adequate funding for mitigation. She responded that additional funding may be required.

When will the Bay Delta Authority have the full financial picture regarding this project? The March 2005 budget cannot be correct if there is no Final EIS/EIR that outlines the responses to all the concerns regarding "significant" impacts.

I recommend and request that the funding decision be delayed until all property owners within the project area have negotiated the proper agreements for mitigation of impacts to allow completion of the project. Landowner involvement and preservation of existing environmental quality of the watershed should be the first step not the last in this project. Those agreements are a critical component of the Battle Creek Restoration Project.

Thank you for your consideration of these comments.

Respectfully submitted,

s/ Kerry L. Burke

cc: Outfitter Properties
Paul Minasian
Oasis Springs Lodge