



## California Sportfishing Protection Alliance

*“An Advocate for Fisheries, Habitat and Water Quality”*

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Ms. Megan Smith  
ICF International, Delta Wetlands Comments  
630 K St., Suite 400  
Sacramento, CA 95814  
[DeltaWetlandsComments@icfi.com](mailto:DeltaWetlandsComments@icfi.com)  
(via e-mail)

Re: Comments on Delta Wetlands Project Place of Use Draft Environmental Impact Report

Dear Ms. Smith:

The California Sportfishing Protection Alliance (CSPA) offers the following comments on the Delta Wetlands Project Place of Use Draft Environmental Impact Report, issued on May 11, 2010.

Overall, the DEIR fails to describe a baseline condition of severely degraded Delta fisheries, and the role that insufficient Delta inflow and outflow play in creating and maintaining this degraded condition.

Stated differently, the DEIR fails to disclose inadequate Delta outflow, particularly in the January through June period, as a baseline condition. The DEIR assumes that D-1641 and the existing Delta water quality control plan are the baseline for Delta flow against which impacts should be evaluated. The analysis thus erroneously examines only the incremental impacts of the Delta Wetlands project, not the cumulative impacts in combination with other already severely degraded fishery conditions. Just as one must evaluate differently the effects of stress or trauma on a person with a properly functioning circulatory system and the effects on a person with serious heart condition, one cannot adequately describe the environmental effects of a project on an ecosystem in crisis by analyzing the incremental effects of that project compared to a regulatory condition that is supposed to be working but that in reality has grossly failed the ecosystem.

Page 4.1-9 suggests that periods of “relatively high” Delta outflow create conditions where project diversions would create little impact. A “surplus” flow is assumed to exist at or above a Delta outflow of 11,400 cfs in the December through March time period,

when most project diversions would presumably take place and when modeling for the DEIR assumes they will take place.

However, in the Delta Flow Informational Proceeding held by the State Water Resources Control Board in January through March, 2010, numerous entities, including experts from UC Davis and other universities, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the Bay Institute and other conservation groups including CSPA, recommended far higher Delta outflows than 11,400 cfs in most of the months that Delta Wetlands proposes to make its diversions. Increased Delta outflow, in combination with increased Delta inflow and improved management of that inflow, was identified as the single most important measure that could be taken to improve Delta fisheries immediately. In short, the Delta Wetlands project proposes to do exactly the opposite of the recommendations of the dozens of assembled technical experts: Delta Wetlands would decrease Delta outflow at precisely the time it is most needed to support fisheries pushed to a crisis caused in large part by lack of flow.

The “surplus” water that the Delta Wetlands project proposes to divert is not surplus at all, but would rather represent an added permanent deficiency of flow in a hydrologic system and ecosystem in crisis.

The same expert parties to the Delta Flow Informational Proceeding also demonstrated the importance of reducing reverse flows in Old and Middle Rivers. But pp. 4.5-22 and 4.5-24 of the DEIR show likelihood of increasing reverse flows in portions of the San Joaquin side of the Delta in critical winter months. Again, the proposed project would exacerbate a situation that is already intolerable.

The proposed Water Quality Management Plan (p. 4.2-29) for the project is designed to protect water quality and particularly salinity for the purposes of drinking water, but does not analyze impacts on salinity in terms of fisheries, and assumes, again, that a Delta outflow of 11,400 cfs adequately protects Delta fisheries.

In several places in the DEIR, release of Delta Wetlands water as Delta outflow is presented as a potential “benefit” of the proposed project. Such releases would presumably occur when there had not been sufficient SWP capacity to export the water stored. However, any water released would, under current Delta operating requirements, likely not be *in addition to* water otherwise released (for instance, by the SWP and/or CVP) to meet Delta outflow requirements, but would be *instead of* water otherwise released meet outflow requirements. The principal metric measured in such a scenario is salinity. But if on a mass balance basis the same amount of water were to be released from stored Delta Wetlands water, the salinity levels would remain the same: the projects would likely reduce the amounts they release by the amount being released from in-Delta storage. In such case, water to meet Delta outflow would consist in greater proportion of water that had been stored for months on former Delta islands, as opposed to water stored in one of the project storage reservoirs and released from the bottom of one of those reservoirs. The substituted water would likely be inferior in water quality than water that

would otherwise be released; such substitution would constitute a degradation of Delta water quality, not a “benefit.” The DEIR assumes operation of the proposed project independent of the SWP and CVP; however, the SWP and CVP would almost certainly operate in response to actions taken by Delta Wetlands.

The proposed fisheries mitigations in Section 4.5 do not by definition accomplish the most important needed mitigation: increased flow. The proposed fisheries mitigations are inadequate. They propose in part to reproduce the failed paradigm of CalFed, and substitute physical habitat for flow. The proposed fisheries fund has no specificity and no link between amount and impact. The proposed contribution to a Delta smelt hatchery also reproduces the failed approach of substituting hatcheries for passage and flow. Proposed enhancements of fish salvage operations do not compensate for the archaic and grossly ineffective screening facilities at the CVP and SWP’s Delta pumps, or mitigate for the worsened hydrodynamic effects on fish that Delta Wetlands will make by increasing Old and Middle River reverse flows.

The DEIR admits significant and unavoidable impacts to fisheries, but it mischaracterizes the impacts, limiting those impacts to direct impacts such as entrainment of larvae. Thus, although the fisheries impacts are stated as significant and unavoidable, they are not fully disclosed, because the project impacts are presented as de minimis increments. The project’s contributions to the systemic impact of reducing Delta outflow under conditions of already grossly inadequate Delta outflow are neither disclosed nor analyzed.

The Project will create a condition that increases speculation in water resources. It will “be a major new source of water transfers” (p. 4.1-9), and create an example that further promotes transfers south of Delta. In creating an economic atmosphere that promotes removal of additional water from the Bay-Delta system, it will establish a new baseline mechanism to create economic pressure to further reduce Delta outflow. The DEIR fails to disclose these impacts.

On balance, the net effect of the Delta Wetlands project will be to reduce Delta outflow by increasing exports of water from the Delta. It will reduce Delta outflow at the time it most critically needs to be increased. The project is bad for fisheries, bad for Delta water quality, and bad for Suisun Bay, San Pablo Bay and San Francisco Bay. It is a bad project that should be abandoned.

Thank you for the opportunity to comment on the DEIR for the Delta Wetlands Place of Use.

Respectfully submitted,



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California Sportfishing Protection Alliance