



Beneath the Surface - CSPA Newsletter

It's a tough time to be a fish

March 2014

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Greetings,

It's time for a long-overdue CSPA newsletter. I'm the first to admit that CSPA doesn't do a particularly good job of self-promotion, as we're so enmeshed in the regulatory and legal trenches protecting fish that we frequently forget to tell folks all that we're accomplishing.

And we don't do a very good job of asking for money. We're spending many thousands of dollars on technical consultants deconstructing the BDCP environmental documents in preparation for the inevitable lawsuits. So, let me take this opportunity to beg a little.

We don't waste money on lavish salaries, fancy digs or public relations. Our administrative expenses are small. Donations go directly into the fight to protect fisheries. And this is a pivotal period, as over the next few years, we'll either chart a path to Delta restoration or write the estuary's obituary.

I urge you to dig deep and [donate](#) whatever you can. I promise you we won't squander it. I also encourage you to check out our website at www.calsport.org to stay abreast of our efforts to protect fish.

Cheers!
Bill Jennings, Executive Director

Drought & Water Mismanagement

It's a tough time to be a fish.

It's going to be a tough year for fish, as was last year. Fisheries always suffer during droughts. Unfortunately, fish will suffer disproportionate harm this year because of egregious mismanagement by the state and federal water projects. Violations of standards enacted to protect fish were ignored by the State Water Board last year and have been suspended this year.

We're potentially facing the loss of an entire year class of Sacramento River winter-run Chinook salmon. Mill, Battle and Deer Creeks are in danger of losing entire cohorts of

spring-run. Lack of cold-water storage leading to high temperatures will hammer fish on throughout the Central Valley, but will be especially hard on fish in Butte Creek and the Sacramento and Feather Rivers. We've already lost as much as 40% of fall-run Chinook salmon on the Sacramento and perhaps 25% on the American because of dewatered redds. The Yuba is at [Schedule 6](#) and San Joaquin tributary streams are in even worse shape. Incredibly, there are indications that the San Joaquin River may run dry at Vernalis this summer. And, of course, the Delta's pelagic species are at record lows, having been bludgeoned by years of excessive water exports.

CSPA has been working double time to protect fish during drought.

In late January, [CSPA and its allies asked the Secretaries of Interior, Commerce and California's Natural Resource Agency to convene a joint emergency meeting](#) to discuss urgent measures that could be implemented this year to protect salmon. Conditions in the rivers and Delta are so bad that survival of young out-migrating salmon is problematic. CSPA followed up with a [similar letter](#) urging protection of Delta pelagic species. On March 3, CSPA and its consultants, along with other NGOs, met with the agencies to discuss interim emergency measures. While the agencies will accelerate the transport of hatchery production to San Pablo Bay, including fish from Coleman, they have yet to agree on measures to rescue and transport wild salmon. Normally, CSPA is not in favor of trucking hatchery fish because of straying but this year is an exception. CSPA met again with the agencies on March 5 and will continue working with them throughout the year.

On February 17 and 18, [CSPA was the only fishery organization to participate in the State Water Board's Urgency Drought workshop](#). We chronicled the decline of fisheries and demonstrated how the Projects had irresponsibly drained their reservoirs in 2012-2014, just as they had in the 2007-09, 2001-02, 1987-92 and 1976-77 droughts. A substantial part of the current crisis results from the choice to deplete reservoir storage in order to maximize exports, while gambling that rain will come.

On March 3, [CSPA formally protested the State Water Board's order waiving Delta protection standards](#), as DWR and the Bureau had requested (in response to a similar request last year, the Board simply said they wouldn't enforce the law). Our protest requests an evidentiary hearing and proposes short term and long-term actions by the Board to protect fish. We believe the present order needlessly harms fisheries and violates numerous statutes and we're prepared to go to court, if necessary. In the near future, we expect another order waiving additional Delta standards scheduled to take effect on the first of April. We'll protest any waiver of those as well.

And throughout the year, CSPA will be issuing a series of reports on impacts to fisheries similar to those we prepared in 2013. Those reports included [the stranding of winter-run in the Colusa Basin](#), [the impacts of water transfers during the VAMP period](#), [the hammering of Delta smelt as water quality standards were ignored last summer](#), [predation on Central Valley salmonids](#) and [a review of the adequacy of the IEP Management Team's conceptual model for Delta smelt](#).

BDCP Still the Major Threat to Fisheries

While the drought and project mismanagement have exacerbated present conditions, the major threat to the survival of Central Valley fisheries is the Bay Delta Conservation Plan's proposal to divert the Sacramento River around the Delta for export to the South Valley and southern California cities. The twin tunnels, equivalent to a thirty-five mile long six-lane water expressway fifteen stories beneath the estuary, would, if constructed, eliminate any hope of restoring fisheries.

CSPA and its technical and legal consultants are focused on reviewing and analyzing environmental documents that comprise more pages than the last printed edition of the Encyclopedia Britannica. Our review, to date, shows that the project's modeling and assumptions are seriously flawed and that the tunnels will decrease Delta outflow, increase exports, degrade water quality and increase the residence time for pollutants to interact in the water column. Survival rates of winter-run, spring-run and fall-run Chinook salmon, as well as pelagic species, will decline. Proposed, but unfunded, increases in tidal habitat will mostly benefit non-native plants and invasive species.

CSPA is preparing comments with the expectation that we will have to be a party in up to six separate lawsuits regarding various aspects of BDCP (in addition to our present lawsuit against the Stewardship Council's Delta Plan). These include violations of environmental review statutes and the Endangered Species Act, as well as violations of the Clean Water Act and the California Water Code as the State Water Board considers changes in the points of diversion and revision of Bay-Delta standards.

On an optimistic note, CSPA recently prevailed, as one of the plaintiffs, in [a lawsuit against the Department of Water Resources and the Kern Water Bank](#) when the Sacramento Superior Court threw out the environmental impact report on the transference of ownership of the water bank from state to private interests. The water bank has been one of the key facilities that have enabled the projects to export excessive quantities of water. We will proceed on the remaining issues involving the State Water Project's Monterey Agreement, which has been so disastrous to fish.

CSPA's Continuing Commitment to Protect fish

CSPA is not ignoring our many other commitments. We're deeply involved in [three major hydropower proceedings](#) before the Federal Energy Regulatory Commission, a number of water rights actions and permits to discharge wastes, several efforts to get salmon upstream of Central Valley rim dams, development of state-wide biological criteria for streams, extension of the state water project supply contracts, several revised regulatory requirements by the water boards, as well as proposed new or expanded reservoirs and much more.

The revised environmental document for Phase I of the State Water Board's Bay-Delta Water Quality Control Plan, setting San Joaquin River and tributary flow requirements and south Delta salinity standards, is scheduled to issue in the near future. Our scathing comments on the previous inadequate version last March led staff to withdraw it for further review. CSPA will review, prepare comments and testify on its adequacy when released. We'll also be participating in additional workshops for Phase II, relating to Delta outflow and Sacramento River inflow, this summer.

Our enforcement campaign is going strong and has resulted in major reductions of pollutants discharged from numerous industrial and municipal facilities and millions of mitigation dollars being directed to fishery restoration and protection efforts. Our [lawsuit against the state over the waste discharge permit for Sacramento Regional Sanitation District](#), the largest single discharger in the Valley, is continuing. Building upon our legal victory against the waivers of pollution control requirements for agriculture, we've [appealed inadequate waste discharge requirements for farmers along the San Joaquin River](#) and will shortly appeal inadequate requirements for farmers discharging in the Delta and Sacramento Valley.

We encourage everyone to check out our website at www.calsport.org to stay informed of our efforts to protect California's beleaguered fisheries.