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**In This Issue**

**CSPA Comments on Long-Overdue State and Regional Water Quality Control Plans**

**Chris Shutes Named "Restorationist of the Year"**

**CSPA Submits Rebuttal Testimony in Part I of WaterFix Hearing**

**PG&E Withdraws License Application on Butte Creek: Future of Spring-Run Salmon Uncertain**



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**From the Desk of Bill Jennings**

Well folks, we're again attempting to restart a regular newsletter to keep everyone informed of the work CSPA is doing. We don't spend a lot of time at self-promotion because we work in the trenches of the water quality, water rights and hydropower permitting processes. But it is the nuts and bolts and the tedious daily grind of these lengthy proceedings that ultimately determine the future health and viability of California fisheries.

In this issue, we briefly describe and link recent submittals in the State Water Board's consideration of the proposed twin Delta tunnels, the Water Board's updates of Bay/Delta and Central Valley water quality control plans, and PG&E's hydropower license on Butte Creek. We also toss a few kudos to Chris Shutes for his recent award from the Salmonid Restoration Federation as "Restorationist of the Year."

But we've been doing a lot more. For example, CSPA maintains an active docket of more than twenty-five Clean Water Act citizen lawsuits protecting fisheries and clean water. Our lawsuit against the State Water Board for its "pattern and practice" of waiving water quality standards and for failing to protect public trust resources is now scheduled for trial in November. We're addressing the Delta Stewardship Council's revisions to the Delta Plan: you may remember that we successfully sued over the Council's original Plan for failing to comply with the Delta Reform Act. And these represent only a few of our efforts to protect fish.

We also invite you to frequently check out our **Fisheries Blog** on the current state of fisheries. There's nothing else quite like it.

**And we always request donations:** it costs money to fight for fish. As activists, we don't squander limited resources on fluff - it all goes for technical and legal actions.

CSPA Comments on Long-Overdue State and Regional Water Quality Control Plans

One of the major problems facing Central Valley fisheries is that the State Water Board hasn't updated the water quality standards, including flow, for the Bay/Delta since 1995. The Board is now in the midst of the required update: Phase I addresses San Joaquin River flow and south Delta salinity. Phase II will address Sacramento River flow and Delta outflow. Phase III will incorporate the standards into water rights permits. Phase IV will establish standards on nine other Delta tributaries.

The State Board circulated an SED (Substitute Environmental Document, the equivalent of an Environmental Impact Report) for San Joaquin flow and salinity in 2012. The State Board withdrew the 2012 document in the face of an avalanche of scathing comments, from CSPA and numerous others. The State Board issued a revised SED in late 2016. CSPA prepared and submitted extensive **comments** in late March of this year, on behalf of CSPA, AquAlliance and the California Water Impact Network. The State Board's proposed flow standards remain seriously deficient. The proposed south Delta salinity standards are non-protective of aquatic life and Delta agriculture.

The State Board released a draft "Scientific Basis" Report for Phase II in late 2016. CSPA submitted detailed **comments**. The SED for Phase II is expected later this year, and CSPA will provide extensive comments.

On the same glacial pace, the State Board in 2000 ordered the Central Valley Regional Water Quality Control Board to move the Vernalis compliance point for San Joaquin River salinity further upstream, in order to protect beneficial uses in the river. The Regional Board failed to do so. Several years ago, the Regional Board tasked CV-Salts, a stakeholder group comprised of water agencies, irrigation districts and farmers, with developing a Central Valley Basin Plan Amendment to establish a salinity compliance point at Crows Landing on the San Joaquin River near Turlock. CV-Salts created a Lower San Joaquin River Committee, which concluded that almonds were the most sensitive beneficial use on the San Joaquin. CV-Salts proposed salinity limits that are as much as two and a half times higher than the present Vernalis salinity limits.

CSPA prepared and submitted, on behalf of itself, CWIN, PCFFA, IFR, AquAlliance and EWC, detailed critical **comments** on April 14, 2017. CSPA pointed out the failure to consider the life cycles of fish species that migrate or spawn in the San Joaquin River, including salmon, sturgeon, striped bass, threadfin shad, American shad and splittail. These species are far more sensitive to salinity than almonds.

The Regional Board will consider the proposed Basin Plan Amendment in June 2017. If the Regional Board does not make major changes, CSPA is prepared to contest the proposed Amendment all the way through the courts.

## Chris Shutes Named "Restorationist of the Year"

We are very excited to announce that the **Salmonid Restoration Federation** named CSPA's Chris Shutes "Restorationist of the Year" at its 2017 Annual Conference. The conference took place in Davis, CA in March and the theme was Restoring Watersheds and Rebuilding Salmon Runs. SRF's Restorationist of the Year Award honors grassroots-based individuals who are recognized leaders in salmonid habitat restoration.

Since joining CSPA in 2006, Chris has worked on multiple complex water and fisheries issues. Over the years, he has developed expertise in the legal, hydrological, biological, and economic aspects of fisheries restoration and protection. Chris has long been regarded by his conservation/environmental advocate colleagues for his good humor, deep experience and ability to work with a diverse group of water users.



Chris covers an immense amount of ground when it comes to fisheries restoration. He can be found working on multi-year hydropower dam relicensings before the Federal Energy Regulatory Commission and water rights proceedings before the State Water Resources Control Board. Chris is a key participant for both the California and national Hydropower Reform Coalitions,

engaging in energy policy actions and rulemaking as they impact our rivers. He is also a regular participant in various ad hoc environmental coalitions active on issues pertaining to the Sacramento and San Joaquin river systems.

Chris has recently been working to help reintroduce salmon to the upper Yuba River watershed and helping to facilitate a [\*\*transfer of the DeSabra - Centerville Project to protect Spring-run salmon on Butte Creek\*\*](#). He also recently served as an [\*\*expert witness in water rights hearings on the proposed Delta tunnels\*\*](#).

We are extremely proud that Chris received this award for all his great work on behalf of CSPA. However, there is a lot more work to do. Please consider a [\*\*membership\*\*](#) or [\*\*donation\*\*](#) to CSPA now to support our efforts to protect, conserve, restore, and enhance the state's water quality, wildlife and fishery resources.



## CSPA Submits Rebuttal Testimony in Part I of WaterFix Hearing

The California Sportfishing Protection Alliance et al. (CSPA, C-WIN and AquAlliance) joined the County of San Joaquin and Local Agencies of the North Delta in submitting rebuttal testimony in Part I of the State Water Resource Control Board's (SWRCB) evidentiary hearing on the California Waterfix project proposed by the Department of Water Resources (DWR) and U.S. Bureau of Reclamation (USBR).

The project would construct two huge tunnels to siphon Sacramento River water under the Delta for export to southern California. Part I of the hearing is focused on water rights and harm to legal users of water. Part II will address fish and wildlife and public trust issues. CSPA participated in Part I because it holds riparian water rights at Collinsville.

CSPA secured the services of Mark Del Piero, a professor of water law and former Vice-Chairman of the SWRCB (1992-1999), to testify that the WaterFix project would harm existing water users and that DWR and USBR cannot legally use their existing water right permits for the project. [\*\*Del Piero Rebuttal Testimony\*\*](#) [Note: the testimony appears with deletions because the hearing officers ordered Mr. Del Piero to save all discussion of impacts to fish and wildlife and the public trust for Part II of the hearing.]

During direct testimony in Part I, eight expert witnesses testified on behalf of CSPA et al. They provided extensive testimony regarding the WaterFix project's myriad inadequacies and how construction and operation would injure legal users of water. CSPA will be an integral participant in Part II.



## PG&E Withdraws License Application on Butte Creek: Future of Spring-Run Salmon Uncertain



Butte Creek Salmon, July 2013 (Chris Shutes photo)

It was a big surprise when PG&E announced on February 2, 2017 that it was **withdrawing its application** to relicense the DeSabra - Centerville Hydroelectric Project on Butte Creek and the West Branch Feather River. The reach of Butte Creek affected by the Project is home to the only remaining viable population of Spring-run Chinook salmon in California's Central Valley.

Spring-run salmon in Butte Creek have undergone a resurgence over the last twenty years. A substantial part of this was due to investments and improvements downstream of the project. Since 2003, PG&E and state and federal resource agencies have greatly improved the management of the hydro project for the fish.

From 2004 to 2009, PG&E went through a formal process with the Federal Energy Regulatory Commission (FERC) to relicense the project. In 2016, the State Water Board issued a Water Quality Certification needed for a new license. A new license from FERC was widely expected in 2017. PG&E's withdrawal at the eleventh hour could mean many more years of regulatory process.

In the next few months, moving into the next few years, PG&E and prospective new project operators will need to engage resource agencies, downstream water rights holders, interested NGO's, and local residents to determine the project's long-term disposition. The DeSabra - Centerville Project has been part of the community for over a century. Its resource values are

enormous.

CSPA is actively engaged to help facilitate a transfer of the DeSabra - Centerville Project to protect spring-run salmon on Butte Creek. The first step is getting all the interested parties talking and gaining a common understanding of the opportunities and the needs.