



Early Fall Edition

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From the Desk of Bill Jennings

In this newsletter, we describe and link a new report co-authored by CSPA's Chris Shutes on the lessons of the Oroville Dam spillway disaster. We present a profile of CSPA fisheries biologist Tom Cannon. We summarize and link our recent FERC filing on recommended flows and physical habitat improvements for the Lower Yuba River. We also announce the establishment of the Central Valley Salmon Habitat Partnership. Finally, we provide a brief update on four of our current legal actions.

These are only a few CSPA's ongoing actions to protect fisheries, habitat and water quality. Temporarily dormant, but certain to demand our attention soon, are the Delta Stewardship Council's update of the Delta Plan and the State Water Resources Control Board's proceeding on its long-delayed update of the Water Quality Control Plan for the Delta. CSPA continues its campaign to enforce environmental laws, including two complaints against the State Water Board for its pattern and practice of non-enforcement.

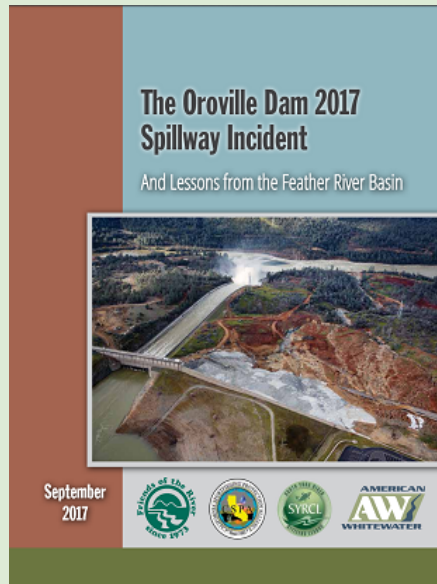
Our current focus is preparation for the start of Part 2 of the State Board's evidentiary hearing on the so-called California WaterFix: the proposal of the Department of Water Resources and U.S. Bureau of Reclamation to divert the Sacramento River through twin 35-mile tunnels to ship water to southern California. Part 2 focuses on fisheries, the public trust and the public interest. Written testimony is due at the end of November, and oral testimony resumes in early January. The hearing will likely conclude late next year. It will largely determine whether California begins the long path to restoration of Central Valley fisheries or writes their obituary.

Part 1 of the WaterFix hearing dealt with "injury" to legal users of water. Testimony, rebuttal, and "surrebuttal" (response to rebuttal) lasted over a year. CSPA was one of the few non-profits that presented expert testimony. Our attorney was present during months of presentations and cross-examination. We expect Part 2 to be considerably more resource intensive. Funding is critical. We ask that you make a generous donation to CSPA to support our efforts in this landmark hearing. It costs money for the technical and legal resources necessary to protect fisheries. We squeeze every dollar so tight it squeaks.

Finally, we invite you to frequently check out our much praised



[Fisheries Blog](#) on the current state of fisheries. Frankly, it's unique.



Report on Oroville Describes Urgent Dam Safety and Flood Lessons

Much of California's dam and flood infrastructure is obsolete and falling apart. It needs to be fixed now, says a report entitled "The Oroville Dam Spillway Incident and Lessons from the Feather River Basin." The authors of report are from CSPA, Friends of the River, South Yuba River Citizens League, and American Whitewater. These organizations warned more than a decade ago that the Oroville Dam's emergency spillway was completely inadequate.

DWR still needs to build a complete emergency spillway at Oroville, say the groups. But this is only the start. The report makes dozens of recommendations for bringing existing waterworks into the 21st Century, in an extensive review of California dams, flood manuals, floodplains, and regulatory delay.

[Download the the full report](#)

Profile of Tom Cannon - A Voice of the California Fisheries Blog

CSPA presents the [California Fisheries blog](#) to inform members, subscribers, and the general public on current issues facing California sport fisheries. One of the principal contributors to the blog is [Tom Cannon](#), who has regularly posted pieces on a diverse range of fisheries and habitats over the past two years. There is an invaluable amount of great information presented in an easy-to-understand and concise format, supported by analysis of scientific data.



Tom is an estuarine fisheries ecologist and biostatistician, and has been involved in California fishery issues for more than 35 years. He has a long history in working on fisheries science and management, and seeks to focus on solutions to the problems with up to date information. Given all his varied experience, Tom has a keen understanding of the big picture of fisheries issues and is able to drill down into the details getting at the "heart of the science" in order to propose workable solutions.

Tom has worked for or been a consultant to the California Department of Fish and Wildlife, U.S. Bureau of Reclamation, National Marine Fisheries Service, State Water Contractors, CalFed Bay-Delta Program, State Water Resources Control Board, PG&E, California Striped Bass Association, Fisheries Foundation and CSPA. He has also been involved in numerous habitat restoration projects around the state.

In his spare time, Tom is an avid fly fisherman and has fished all over California. As a kid, he first caught brown trout in Bavaria with his father which eventually led him to learn fly fishing as a teenager. While completing advanced degrees in Aquatic Ecology and Biostatistics, Tom

was often a fishing guide to his professors in Michigan. Now, Tom's favorite pursuit is dry fly fishing with very small flies to catch big trout (up to five pounds!).

As an author for the Fisheries blog, Tom focuses on salmon, steelhead, trout, sturgeon, smelt, rockfish, and bass, as well as their habitats. He covers environmental topics related to fisheries such as water supply, water quality, hatcheries, harvest, and habitats. Recent blog posts include a discussion on [how to improve hatchery salmon survival](#), [a report on protecting Sacramento salmon and sturgeon](#), and an important [series of posts on the WaterFix/Twin Tunnels Project and its effects on salmon](#).

Tom feels that while there are a lot of challenges to California fisheries these days, it is possible to meaningfully increase fish populations because there are viable solutions out there. The California Fisheries Blog serves as an important tool to facilitate education concerning the science needed to understand, design and implement the improvements needed for the fisheries and their habitats. If you haven't done so, be sure to check out the latest postings at: <http://calsport.org/fisheriesblog/>



CSPA and Coalition Recommend Flows and Habitat for the Lower Yuba River

In a hundred-plus page filing with the Federal Energy Regulatory Commission (FERC) in August, CSPA and other members of Foothills Water Network coalition filed recommendations for improving flow and habitat conditions in the lower Yuba River. The filing responds to the "Notice of Ready for Environmental Analysis," a major milestone in the relicensing of the Yuba River Development Project, a hydroelectric project owned and operated by Yuba County Water Agency (YCWA). The proceeding has been underway for six years.

The filing describes how CSPA developed a flow proposal for the lower Yuba River based on a requirement to release a percent of unimpaired flow during the months of February through June. This approach was consistent with the State Water Board's 2010 Delta Flow Criteria Report. CSPA used the water balance model built by YCWA to develop this proposal for improving flows while balancing water supply needs and reservoir storage.

Ultimately, the filing by CSPA and the Network supports a similar but differently organized flow regime proposed by the California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS).

The Network's filing also features extensive analysis and rationale for proposed improvements to the physical habitat in and along the lower Yuba River. These measures are designed to work in concert with proposed flow measures to improve rearing habitat for juvenile salmon.

The complete filing is available at:

[FWN REA Comments and Recommendations on Yuba River Development Project](#)

News from the Legal Trenches

To fulfill its mission of protecting California's water quality, fisheries and aquatic ecosystems, CSPA has been hard at work with several important lawsuits:

- **Pattern & Practice Lawsuit vs. State Water Resources Control Board and Central Coast Regional Water Quality Control Board** - CSPA, along with others, filed the lawsuit in early August, claims that the boards have repeatedly failed to enforce clean water rules designed to limit pollution from excess fertilizer, pesticides and manure. This

dereliction of duty by the Boards jeopardizes the safety of public drinking water, as well as the health of rivers, coastal waters and fisheries. For more details read here: [CSPA Joins in Pattern & Practice Lawsuit: State & Regional Water Boards Fail to Protect Water from Agricultural Pollution](#)

- **DWR's Twin Tunnels Project Violates CEQA** - CSPA and a coalition filed in September a lawsuit in state court against the Department of Water Resources over their Environmental Impact Report's (EIR) inadequate disclosure, avoidance of impacts, analysis, and mitigation for the proposed Twin Tunnels. The complaint states that the project approval violates the California Environmental Quality Act (CEQA), Delta Reform Act, California's "Fully Protected Species" statutes, and the California Public Trust Doctrine. Read more at [CSPA Et Al. Sues Over Delta Tunnels Environmental Documents](#)
- **Complaint against DWR's Validation process for Delta tunnel financing** - CSPA filed an answer and response challenging DWR's "Validation" process for the Delta tunnels. If uncontested, validation would allow DWR to seek approval of \$11 billion in bond funding. A validation process is a legal maneuver that would preclude all future legal challenges to the financing of the project. CSPA seeks a court order to declare any bonds funded under such a process invalid. Read more at [CSPA Et Al. Challenges Legality of WaterFix Project Financing](#)
- **Summary Judgment Motion, Pattern and Practice Lawsuit vs. State Water Resources Control Board Implementation of Delta Standards** - CSPA filed a summary judgment motion in our case against the State Water Board's consistent practice of allowing violations of water quality standards. A summary judgment motion asks a judge to rule that uncontested facts are so strongly in our favor that trial is not necessary. Read more at [CSPA Files For Summary Judgment Against State Water Board](#)

Central Valley Salmon Habitat Partnership - CSPA a Founding Member

August marked the official establishment of the Central Valley Salmon Habitat Partnership, a diverse group of stakeholders who will work together to recover Central Valley salmon and steelhead. CSPA is a founding member. The Partnership includes state and federal water and wildlife agencies, farmers and water suppliers, fishermen, and conservationists. CVSHHP will work to identify, prioritize and implement actions to improve salmon habitat. It will start by using a science-based approach to collaboratively set salmon habitat objectives. CSPA's primary interest is in establishing on-the-ground improvements that make an immediate difference, with as little delay as possible.



Lower Tuolumne River

The Salmon Partnership will work towards recovery and maintenance of viable, self-sustaining spring-run and winter-run Chinook salmon and Central Valley steelhead populations. It will also help restore and maintain commercially and recreationally viable numbers of fall-run and late-fall Chinook salmon. While the Salmon Partnership focuses on the conservation and management of wild, native salmon and steelhead, it will integrate the needs of other native fish species as well.

CSPA looks forward to working within the Partnership to support coordinated actions to return imperiled Central Valley Salmon and steelhead to meaningful, self-sustaining levels.

For more information about the Central Valley Salmon Habitat Partnership, go to <http://salmonpartnership.org/>

