

February 4, 2006

FEB 09 2006 00175

Mr. Paul A. Marshall  
Department of Water Resources  
South Delta Branch, Draft EIS/EIR Comments  
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RE: Comments on the South Delta Improvements Program, Draft Environmental Impact Statement/Environmental Impact Report

Dear Mr. Marshall:

The Sacramento Valley Environmental Watershed Caucus has had the opportunity to review the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/R) of November 2005, by the California Department of Water Resources (DWR) and the US Bureau of Reclamation (BOR) concerning the South Delta Improvements Program (SDIP). We suggest that DWR and BOR withdraw the proposed DEIS/R for this project because of numerous environmental and social impacts that would be likely results of SDIP. Some of the impacts include, but are not limited to the following:

- Increased water deliveries for SWP and CVP contractors south of the Delta as envisioned by SDIP are likely to exacerbate Delta ecosystem degradation.
- An expanded Environmental Water Account program will place an extra burden on California taxpayers with no assurance of ecosystem enhancement.
- Of the many specific actions listed in the CALFED ROD only 2 are proposed in the SDIP.
- Significant impacts on social and economic conditions are expected to occur in areas of water origin as a result of constructing or operating the SDIP.
- The analysis fails to identify impacts to recreation resources in areas of origin that will be impacted by increased water export demands.
- The brief summary of recreation for this reservoir fails to accurately measure shoreline and surface area fluctuations associated with the aggressive operation of the reservoir.
- DWR plans to increase electrical demands at the Delta Pumps. This increase in demand for electricity can only continue to drive up energy prices in Northern California.
- Having the Oroville Reservoir at low level for a longer period of time as envisioned by SDIP exacerbates a significant impact on local scenic character by the SWP.
- The EIS/EIR fails to identify cultural resources that are threatened by Phase 2 of the SDIP that are located outside of the Delta.
- The EIS/EIR fails to examine health hazards to domestic users associated with using contaminated water pumped from the Delta.

- The EIS/EIR fails to use the best available science in determining the climatic reality of the area of origin.

**Increased water deliveries for SWP and CVP contractors south of the Delta as envisioned by SDIP is likely to exacerbate Delta ecosystem degradation.** “Increase water deliveries for SWP and CVP contractors south of the Delta by increasing the maximum permitted level of diversion through the existing intake gates at CCF to 8,500 cfs. Meeting these objectives by implementing the SDIP will provide increased operational flexibility and the ability to respond to real-time fish conditions while improving water supply reliability.” Do “real time fish conditions” include operation modifications designed to protect food chain foundation organisms? Have Delta export pumps been slowed as data pertaining to the Delta ecosystem collapse have been uncovered? It is unclear how increasing the capacity of the pumps will offer the Delta ecosystem real-benefit.

ES-5 “While the permitted capacity for diversions could increase by up to 27% the ability to use this capacity is extremely limited by water availability and environmental conditions.” I question the capacity of the agencies to modify their pumping regimes to protect ecosystems. Have modifications been made since the discovery last spring that the Delta ecosystem has collapsed? Until DFG comes up with an explanation for the collapse it is impossible to devise modifications to the operation of the Delta pumping regime that would stabilize/restore the ecosystem.

**An expanded Environmental Water Account program will place an extra burden on California taxpayers with no assurance of ecosystem enhancement.** ES-6: “An expanded Environmental Water Account program as described in the CVP/SWP OCAP, or the implementation of an avoidance and crediting system augmenting the current EWA program, would be implemented to avoid diversion effects on fish resulting from implementing the Stage 2 decision-making process.” Detailed analysis indicates that the EWA places a burden on taxpayers to provide special interests with water supplies while failing to protect ecosystems. The Sacramento Valley Environmental Watershed Caucus has withdrawn its support for the EWA concept.

**Of the many specific actions listed in the CALFED ROD only 2 are proposed in the SDIP:** “Increase the SWP pumping from the current limit from March 15 to December 15 to 8,500 cfs and modify existing pumping criteria from Dec 15 to March 15 to allow greater use of SWP export capacity.

Dredge and install barriers to ensure water to agricultural diverters within the south Delta.”

It is unacceptable that the actions that might preserve/restore the Delta are being sidetracked while actions that are likely to exacerbate damage are advanced. The system is failing the public trust by imploding the invaluable Delta ecosystem.

**Significant impacts on social and economic conditions are expected to occur in areas of water origin as a result of constructing or operating the SDIP.** The analysis extends all the way to Southern California, but does not include adequate analysis of impacts to *areas of origin* of the water that are planned to supply the system.

Similarly "Environmental consequences" discussed on 7.2-8 extends to Southern California but ignores impacts associated with increased demands on *areas of origin*. Socio-economic impacts considered include; increase in unemployment or decrease in personal income, change in the availability of housing, disruption of local businesses. The increased demands associated with increasing the pump capacity is forcing DWR to come up with more water supply sources originating from North of the Delta including raising Shasta Dam, constructing Sites Reservoir, operating Oroville Reservoir more aggressively and integrating the lower Tuscan aquifer into the State Water supply. The potential impacts of integrating North-State groundwater into the supply system could exacerbate existing unemployment and low wages, decrease housing development in Butte County, increase domestic water supply costs, and disrupt local businesses dependent on reliable groundwater. If groundwater becomes a bankable commodity manipulated by well placed water purveyors and replenishment districts, existing political imbalance favoring the minority of citizens associated with water districts holding surface water rights will be exacerbated.

Raising Shasta Dam would impact the people who own property around the existing high water level of Shasta Reservoir and add to the loss of sacred sites for the Winnimem Wintu People.

Operating Sites Reservoir would require tremendous energy input to move the water from this low elevation location to users. Flooding the ground may lead to the release of methyl-mercury into the biosphere. Existing land use would be eliminated.

**The analysis fails to identify impacts to recreation resources in areas of origin that will be impacted by increased water export demands.** For instance: Bidwell Park, located in Butte County, contains 100s of acres of residual valleyoak/sycamore woodlands that require reliable groundwater table levels to thrive. There is documented concern in Butte County that increased demands on groundwater related to SWP/CVP conjunctive-use schemes will impact the viability of this and other area valley forests that are used recreationally by over 100,000 visitors each year.

There is a distinct possibility that increased drafting of the Tuscan formation will impact surface water flows of existing perennial streams that are used recreationally by thousands of residents and visitors. Lowering the water table increases percolation-head in increases stream infiltration into aquifers. The SDIP plan to increase Delta pumping capacity assumes increased water transfers out of Butte and other northern California counties by integrating groundwater into the State Water Supply. While there may be willing sellers from the ranks of the tiny minority of residents that hold entitlements to surface water, there is a groundswell of opposition to attempts by these entities (particularly the Glenn Colusa Irrigation district) to capture entitlements to groundwater through conjunctive-use, replenishment districts and groundwater banking.

**DWR's brief summary of recreation for Oroville reservoir fails to accurately measure shoreline and surface area fluctuations associated with the aggressive**

**operation of the reservoir.** The document should present the range of shoreline and surface area associated with both high and low water levels as well as the difficulty of recreation operations that occur in some areas during low water. The SDIP document states that most water dependent recreation occurs during the spring and summer. Of course warm weather activities extend far into the autumn months as well. It is during these months that reservoir draining decreases the reservoir surface and shoreline to its lowest levels.

During the ongoing FERC relicensing process Butte County has described in detail the negative economic impacts associated with the operation of the Oroville Reservoir. According to Carol Smoots, an attorney hired by Butte County to fight the Department of Water Resources, "40 years of history in which thousands have benefited greatly from your natural resources at the expense of Butte County. Not only have you not benefited in any material, significant way from this project, but the community has actually subsidized the project... The difficulty that we have with DWR is that it fundamentally refused to acknowledge that its project is adversely impacting anyone. They know it. They won't admit it."

7.4-24: "Operations of Alternatives 2A-2C would result in very small changes in the frequency with which the surface elevation of Shasta, Oroville, Trinity and Folsom Reservoirs would fall below levels identified as important water-dependent thresholds. During the peak season, from May to September, the change in surface elevation of these reservoirs would range between 4 additional months above the recreation thresholds to *11 additional months below the recreation thresholds...*" For DWR to assume that the peak season ends in the middle of the hot months is ridiculous. The Oroville Reservoir is being underutilized for recreation because it is being over-utilized as an irrigation reservoir. The economic boon promised by DWR to Butte County has never materialized and the SDIP plan will add insult to injury by ramping up the aggressive irrigation function of the Oroville facility.

**DWR plans to increase electrical demands at the Delta Pumps.** This increase in demand for electricity can only continue to drive up energy prices in Northern California. 7.5-1-3: While Butte/Plumas Counties supply the water that feeds the pumps and the turbines that power the pumps that provide South-of-Delta users with water, residents of the areas of origin pay high prices for their electrical needs. Rather than sharing the bounty with the residents, DWR plans to increase electrical demands at the Delta Pumps. This increase in demand for electricity can only continue to drive up energy prices. This arrangement is patently unfair to the residents of Butte and Plumas Counties. Compare this to the wealth distribution system that exists in Alaska. Citizens of Alaska have been receiving individual dividend checks from an oil rent trust fund since 1982. Citizen dividend checks are distributed every year in Alaska out of the interest payments to an oil royalties deposit account called the Alaska Permanent Fund (APF). Any significant changes in the extraction of water and energy out of Butte and Plumas Counties should move to rectify this gross imbalance in the distribution of wealth associated with the operation of the Oroville Reservoir. Alaska is the only state in the United States where the wealth gap has decreased in the past decade. The gap continues to widen in Butte and Plumas Counties because of the uncompensated exportation of water resources from the Feather River. This imbalance will certainly be exacerbated if

DWR is successful in their effort to more aggressively operate Oroville reservoir and/or integrate lower Tuscan groundwater into the state water supply.

**The EIS/EIR fails to identify cultural resources that are threatened by Phase 2 of the SDIP that are located outside of the Delta.** The presumed ability of the CVP/SWP to supply the increased water demands for the rest of the state will require developing "new" water sources that include raising the Shasta Dam. The Winnemem Wintu Tribe (McCloud River ) have already lost much of their land to the current operation of the CVP Shasta Reservoir. By expanding the capacity of the pumps through SDIP an increased effort will be made to raise Shasta Dam which would flood more of the sacred land of this living tribe. The Tribe has held several meetings with the BOR to raise questions about the feasibility of the BOR's plans, the impacts it will have on the tribe and their way of life, and the troubled history between the tribe and the BOR. When Shasta Dam was first proposed, Congress passed a law authorizing the federal government to take the lands and burial grounds that the Winnemem had for a thousand years. Promises were made to the tribe that still have not been kept. The Tribe is asking that the BOR resolve these long standing debts before proceeding with its studies. The Tribe also wants the BOR, as part of the ongoing CALFED process to increase water storage and meet California's growing thirst, to study alternatives to raising the dam such as better management practices for the existing reservoir and conservation options, as well as better protection of the fish populations. But the most important issue is the threat that raising the dam poses to the cultural resources along the McCloud River , sites that are eligible for listing on the National Register of Historic Places as Traditional Cultural Properties.

**The EIS/EIR fails to examine health hazards to domestic users associated with using contaminated water pumped from the Delta.** The document explains that approximately 23,000,000 Californians rely on Delta exports for drinking water. David Ostrach, UC Davis researcher, is among an array of scientists trying to determine what has led to a crash in the populations of striped bass and three other bellwether fish species in the vast estuary that irrigates the Central Valley and supplies drinking water to two-thirds of Californians. Among roughly 60 striped bass autopsied by the University of California, Davis biologist, all had at least two problems with gastric inflammations, parasitic infestations, infections or liver lesions. That was a signal that they had been exposed to poisons, parasites or disease. The findings coincide with his earlier work. He previously found nerve damage and developmental abnormalities among newborn bass, problems he attributes to a chemical stew of pesticides, herbicides and cancer-causing elements in delta water. While the EIS/EIR mentions water quality issues related to chlorination (to combat microbes) and gasoline (associated with recreation) there is no mention of agricultural chemical or urban storm drain run off. These obvious sources of contamination deserve mention, if not detailed examination. The intent of SDIP to ramp up export capacity prolongs municipal reliance on water (of dubious quality) imports and would encourage new development to rely on Delta exports. While Southern California Water Districts continue to claim that the water they provide customers is safe and pure they are ironically spending money to buy bottled water for use in Agency offices. City departments spent tens of thousands of taxpayer dollars on bottled water even as officials

FEB 09 2006  
00175

waged a \$1 million campaign to promote the quality of the municipal tap supply, records show. The city's water provider, the Department of Water and Power, bought the most bottled liquid, paying \$31,160 to Sparkletts during the past two years, according to records provided by City Controller Laura Chick. Overall, city departments spent \$88,900 on bottled water during that time.

([http://www.sacbee.com/state\\_wire/story/14035104p-14867091c.html](http://www.sacbee.com/state_wire/story/14035104p-14867091c.html))

The answer to southern California's municipal water quality challenge is self-sufficiency in supply and quality control.

**The EIS/EIR fails to use the best available science in determining the climatic reality of the area of origin.** The DWR Water Delivery Reliability Report (2002) for instance, relies on only 73 years of climate data to assess the variability of hydrologic circumstances that underlie decisions. Such short term analysis ignores recent scientific discovery that, two extensive droughts affecting all of California, each lasting 100 to 200 years, occurred within the last 1,200 years. These "Medieval droughts" should be part of the scientific record that planners use to chart California's future. The period of modern settlement in the Sierra Nevada (about the last 150 years), by contrast, has been relatively warm and wet, containing one of the wettest half-century intervals of the past 1,000 years. [http://ceres.ca.gov/snep/pubs/web/v1/ch01/v1\\_ch01\\_02.html](http://ceres.ca.gov/snep/pubs/web/v1/ch01/v1_ch01_02.html)

It is during this recent period that optimistic planners have built (and some continue to propose) large surface water storage facilities. Oroville and Shasta reservoirs are capable of providing a brief 1-3 year buffer against low-intensity drought. While planners seem to find it unimaginable that the West may again have to endure a 200 year drought other significant dry spells are clear from the more recent record. Persistent droughts, moderate by Medieval standards but severe relative to our "normal" conditions of the past 150 years, drew lakes and rivers well below their modern levels on numerous occasions during the past two millennia, most recently during the late 18<sup>th</sup> and early 19<sup>th</sup> centuries. Indeed, increasing evidence indicates that there is little that is climatically "normal" about the past century-and-a-half; it appears, in fact, to be California's third- or fourth-wettest century-scale period of the past four or more millennia.

The growth inducing effects of using selective scientific data are magnified when these studies materialize into expensive projects such as SDIP. The Delta may be better prepared for floods through these engineered marvels, but the reliability of the State water supply is not moving toward resilience to foreseeable droughts that may occur in the future.

**Stage I and Stage II should be analyzed as a unit.** The SDIP EIR/EIS splits the physical/structural component from the operational component. Building infrastructure inevitably leads to operating that infrastructure. It is improper to separate these components. SVEWC is convinced that the construction of the SDIP infrastructure will inevitably lead to the operation changes that will ramp up exports from sensitive areas north of the Delta and increased negative impacts to the Delta ecosystem. Stage I and Stage II should be analyzed as a unit rather than separately. The environment of the Sacramento Valley Watershed is affected by the whole of the exports, and piecemealing the analysis is inappropriate. The analysis of both phases should be based on the effects of the 3% to 5% combined increase in exports.

FEB 09 2006

00175

The SDIP DEIS/EIR is premature in assuming that ever-larger deliveries of water to the San Luis Unit of the CVP can be justified, as the ROD for the San Luis Unit Drainage Re-Evaluation has not been completed. The National Economic Analysis for that project identified that land retirement would be the most cost effective alternative, which could actually allow for **reduced** Delta exports. In October, the California Third District Court of Appeals set aside the CALFED ROD because, among other things, the PEIS for CALFED did not consider an alternative that **reduces** exports from the Delta. It is therefore shocking to see that similar to the flawed CALFED PEIS, the SDIP DEIS/R does not contain an alternative that reduces Delta exports.

Please include me on your mailing list to be notified of any decisions or activities concerning this project.

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**Advocates for the land, air, and water**

FEB 09 2006 00175