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28 June 1998

CALFED Bay-Delta Program
1416 Ninth Street, Room 1155
Sacramento, CA 95814
ATTN: Mr. Rick Breitenbach

RE: Comments - Draft Programmatic Environmental Impact Statement/
Environmental Impact Report for the CALFED Bay-Delta Program

Dear Mr. Breitenbach:

The Pacific Coast Federation of Fishermen's Associations (PCFFA), representing working men and women in the west coast commercial fishing fleet submits the following comments on the above-entitled document.

Introduction

PCFFA represents, through its member organizations, the majority of California's organized commercial salmon fishermen. PCFFA also represents commercial fishermen engaged in the San Francisco Bay herring roe fishery, the Dungeness crab fishery and fisheries for such species as starry flounder, California halibut, and English sole. The Bay-Delta system, the most important estuary on the west coast of North and South America, is important habitat, including that for spawning and as a nursery for all of the species listed above. San Francisco Bay and the Delta at one time supported major otter and shrimp fisheries as well. The Bay-Delta is also the migration route for Central Valley chinook salmon, including the fall-run which now support the ocean salmon fisheries offshore California, Oregon and the Washington coast.

Fisheries, despite the reduction of freshwater flows through the Delta to San Francisco Bay and the loss of up to 95 percent of the historic spawning habitat of chinook salmon in the Central Valley river system, still constitute a valuable resource to the state for food production, exports, jobs and recreation. If fully restored, the value of the state's fisheries would easily equal those of its most valuable crops, even before the cost of publicly-financed water delivery systems and environmental impacts are factored into the cost of growing crops by the diversion of water from streams and rivers.

STEWARDS OF THE FISHERIES

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PCFFA's full list of comments are included in those submitted by the Natural Resources Defense Council and approximately 18 other organizations. Below are some of the significant flaws in the Programmatic DEIS/EIS that PCFFA found particularly egregious from a fisheries standpoint.

Failure to Include a No Additional Diversions Alternative

PCFFA finds the DEIS/EIR to be fundamentally flawed in that each of the alternatives anticipate increased diversions from the Delta or its rivers, over and above the current level of diversions (not contracted amounts). The existing level of diversions are at the maximum level possible to still meet the legal minimum water quality and Endangered Species Act requirements. Whether the additional amounts to be diverted will be under, at, or over current water supply contracts is irrelevant, since those contracts do not meet ESA or water quality standards, and are hopelessly unrealistic considering the state's average rainfall and other water needs.

Both the National Environmental Policy Act and the California Environmental Quality Act require an analysis of a no-action alternative, but none appears to exist in the draft in so far as all three alternatives anticipate some additional level of diversion in excess of what is currently taking place. Moreover, no alternative is considered for reducing diversions from the Delta or its tributaries, which is problematic if it is found that existing levels of diversions are already excessive.

Failure to Consider Impact of Additional Diversions on Bay-Delta Ecosystem and the Fisheries it Supports

PCFFA finds the DEIS/EIR to be fundamentally flawed as well in its failure to consider fresh water flows throughout the system and into the Bay to maintain the ecosystem of the Bay-Delta and the many important fisheries it supports. Instead, the focus on fish protection in the DEIR/EIS is primarily structural, for the purpose of passage/avoidance of entrapment, with no regard for the amount of water necessary to maintain a system capable of supporting restored fish populations.

PCFFA believes that the programmatic EIS/EIR must include an analysis of the amount of flow that in the tributaries and through the Delta to the Bay necessary to maintain and restore native fish and shellfish populations. Additionally, the document must include at least one alternative for reducing the amount of fresh water diversions from the tributaries and Delta.

A Peripheral Canal by Any Other Name is Still a Peripheral Canal

In addition to failing to include a no additional diversions alternative or consider the impact of existing diversions or new diversions on fishlife in the Bay-Delta system, the DEIS/EIR proposes "isolated channels" in two of the three alternatives presented. These two channels both skirt to a greater (Alternative 3) or lesser (Alternative 2) degree around the Eastern periphery of the Delta. Although not as large as the 1982 structure proposed in SB 200, the "isolated facilities" in the two alternatives do, in fact, constitute peripheral canals. The voters of California soundly

defeated the 1982 proposed peripheral canal proposal. What new evidence is there now that the position of the electorate has changed or that the same problems associated with a canal do not exist today?

Although a peripheral canal could help solve reverse flow and passage problems for San Joaquin River salmon in the Delta, it would sacrifice healthy runs of Sacramento River chinook salmon for that purpose. The problems inherent with the peripheral canal remain. First, it requires a new point of diversion that would be along the Sacramento River, potentially placing at risk downstream migrating juvenile salmon. Second, a canal is still intended for the purpose of removing more water from the Delta, that is its ultimate objective, not protecting fish. Additional diversions, as stated above, may further threaten the Delta ecosystem and its ability to support fish life, both migratory and resident.

It is clear the drafters of the DEIS/EIR, by including two alternatives for a peripheral canal and no alternative to prevent further diversions, are engaged in an exercise to increase water exports at the expense of the environment, the fish and the fishing industry.

Faulty Assumptions *If You Build It, They Will Come*

PCFFA finds the DEIS/EIR flawed in that it relies on the California Department of Water Resources Bulletin 160 regarding future growth and water demand in California. Bulletin 160 has never been subject to any critical review, much less independent peer review regarding its findings about future growth in the state or the water needed per capita for additional population. Prior to making plans for future growth and the costly infrastructure to go with it, it would be prudent to conduct an independent analysis of DWR's self-serving document.

Among other things, the amount and nature of the state's population growth will depend, in part, on the availability of water. If new housing, new industry is constrained by the amount of water available to the state -- and this is a finite resource -- then growth, too, will be constrained; probably at much more modest levels than assumed in Bulletin 160. It seems to us that state water planning should be based on the amount of water now available and current uses, not on growth projections, that will, in fact, become self-fulfilling prophecies if build-out is based on those projections, no matter how faulty they may be. Water availability should dictate growth, not growth guesses dictating water development.

In addition to the amount of growth the DEIS/EIS wrongly assumes from Bulletin 160 projections, PCFFA also questions the water use that will be required for the additional population, whatever level it achieves. PCFFA believes it is crucial that an independent analysis be completed to better project what per-capita water use will be from any additional population. This is critical because, at present, the DEIS/EIR is placing at risk, through greater diversions, the environment, fish and shellfish resources and the fishing industry based on what are likely to be faulty projections.

Assurances, Not Assumptions

PCFFA is struck by the DEIS/EIR failure to adequately consider what will be needed to assure

reliable water supplies for existing uses -- the environment, fisheries, agriculture, municipal and industrial. Rather than planning for additional demands, the prudent course would be to assure existing demands are met in normal, dry and drought conditions. This means reliable water for all existing uses, not shortchanging some during dry or drought conditions -- such as reducing flows needed by fish or transferring water from valuable agricultural crops to support new suburbs and strip malls.

Part of the reliably equation will be assuring there are no additional listing of fish species. By this, PCFFA does not mean listing avoidance by manipulation of the Endangered Species Act or a failure to enforce it, but by maintaining healthy populations of fish so that new listings are not necessary. Already, the December 1994 Bay-Delta Accord has, as PCFFA warned at the time, placed Sacramento spring-run salmon at greater risk, forcing a candidate listing under CESA, by allowing greater pumping from the Delta during the November-January outmigration period of juvenile spring-run. CALFED should not now be forging ahead with any additional diversion plans that could force further fish listings.

Additional listings, if the law is enforced, will cause further disruptions to water deliveries to existing water users. The state's first responsibility is to the existing uses, and not delivering water to land speculators to grow new suburbs or strip malls, or falling victim to the grandiose dreams of water agencies. The only way to provide existing users assurances of water supply reliability is to protect the environment and the fish, not by adding new demands to an already over-burdened system.

Conservation and Reuse *What a Concept*

PCFFA finds the DEIS/EIR to be flawed as well for its failure to adequately consider conservation and waste water reuse as a means of addressing existing water demands (both supply and quality) and, perhaps, some reasonable growth (i.e., new demands that can be met with existing supplies during all types of hydrologic conditions). Conservation and reuse are less expensive than developing new transfer and storage facilities and pose much less of a threat to the environment and fishery resources.

Using Nature's Storage *or Developing Political Will, Not New Reservoirs*

PCFFA finds the DEIS/EIR to be based -- as it is for failing to adequately consider conservation and reuse -- on the tired and faulty premises of water engineers by proposing new reservoirs, instead of groundwater storage. Building new large reservoirs for the purpose of capturing "excess" flows is highly questionable considering: 1) most of the good reservoir sites have already been taken; 2) the high cost of constructing new reservoirs; 3) the adverse environmental impacts associated with reservoirs, even off-stream; 4) the evaporation and elevated water temperature problems associated with surface storage. PCFFA believes the DEIS/EIR flawed in that it does not fully consider the benefits of subsurface, as opposed to surface reservoir, storage in terms of cost and environmental benefit.

Indeed, it appears the reason groundwater storage is given short shrift in the document, is that the authors apparently feel it is easier to expend billions in taxpayer dollars and compromise the environment on new reservoirs than it is to develop the political will in this state to finally begin managing groundwater. It is evident that the least costly alternative for "new" water storage, both in terms of dollars and the environment, is groundwater recharge and groundwater management. The DEIS/EIR, however, fails to adequately address this issue.

What About the San Joaquin?

The DEIS/EIR fails altogether to consider flows in the mainstem San Joaquin necessary to support salmon. Specifically, it fails to consider the need to rewater the 150-mile stretch of this river from the base of Friant Dam to the confluence of the Merced River. Existing state law requires the release of water from dams for fish. Further, the recent decision by the Ninth Circuit upholding a Federal District Court ruling, requires the preparation of environmental documents, pursuant to NEPA, for the renewal of Friant Unit (Central Valley Project) water delivery contracts. It is likely those documents will require releases from Friant for the purpose of rewatering the 150 mile stretch of the river, that historically supported major salmon runs. The final EIS/EIR must consider the needs of the mainstem San Joaquin River for fishlife, pursuant to state law and federal court decisions.

And, What About the Trinity?

The DEIS/EIR fails to consider impacts of the Trinity River, which is plumbed into the Sacramento River via the Trinity Unit of the Central Valley Project. Trinity River salmon and steelhead populations were nearly destroyed by the operation of the Trinity Unit, which currently diverts approximately two-thirds of that North Coast river's flow. As a result of efforts, including Secretarial decisions and Congressional acts, an order by Interior is expected to set in-stream flow standards for the Trinity. Trinity River flow requirements, as a result, have to be considered in any program contemplating diversions from the Sacramento River or the Delta. The Trinity River in-stream flow order will be made by the Secretary of Interior to meet fish requirements for the tributary of the Klamath River. That order, which is anticipated to be between 550,000 and 700,000 acre-feet annually (up from 340,000 acre-feet) for release into the Trinity to protect salmon runs, will impact supply to the Sacramento River and Delta. Instead of planning for more diversions from the Sacramento (though a peripheral canal) or the Delta, the authors of the DEIS/EIR should be considering how best to make up an anticipated reduction of nearly one-half million acre-feet of flow into the Sacramento and the Bay-Delta system.

Lack of Specific Goals and Performance Standards

Finally, PCFFA finds the DEIS/EIR significantly flawed in its failure to establish specific goals and performance standards for the protection and restoration of the Bay-Delta environment and the fish and shellfish populations it supports. The lack of specific goals and performance standards make it impossible to measure success, or lack thereof, in efforts to restore the Bay-Delta ecosystem and the fisheries.

Conclusion

The above are part of PCFFA's comments; the remainder, as noted, will be found in the joint letter signed by the Natural Resources Defense Council, PCFFA and approximately 18 other organizations similarly concerned. Among other things, PCFFA finds that a final programmatic Environmental Impact Statement/Environmental Impact Report for the CALFED Bay-Delta Program must: 1) include specific goals and performance standards; 2) fully consider and include, as an alternative, a plan to stop or reduce diversions from the Delta and its tributaries; 3) analyze existing demands and provide full assurances those demands can be met before any new demands are considered; 4) fully analyze population growth scenarios for the state under differing water supply conditions, after meeting current water supply uses; 5) fully consider conservation and reuse; 6) fully consider groundwater recharge and groundwater management under any new storage options; 7) give full consideration to San Joaquin flow requirements below Friant sufficient to support native fish populations in the 150 mile-stretch to the Merced confluence; and 8) give full consideration to Trinity River fish flow requirements and the affect the Secretarial Decision on Trinity flows will have on Sacramento River and Delta supplies.

PCFFA appreciates the extension of the deadline for submittal of comments and this opportunity to comment on the DEIS/EIR. If CALFED staff have questions regarding the above comments, please contact the PCFFA office at (415) 561-5080.

Sincerely,



W.F. "Zeke" Grader, Jr.
Executive Director

WFG:rtd

cc: California Department of Fish & Game
National Marine Fisheries Service
U.S. Fish & Wildlife Service
Pacific Fishery Management Council

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SACRAMENTO

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