



Golden Gate Audubon Society

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Americans Committed to Conservation • A Chapter of the National Audubon Society

June 30, 1998

Mr. Rick Breitenbach and Mr. Lester Snow
CALFED Bay/Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Dear Mr. Breitenbach and Mr. Snow:

The following are the comments of the Golden Gate Audubon Society on the Draft Programmatic Environmental Impact Statement /Environmental Impact Report (PEIS/PEIR), CALFED Bay-Delta Program. We understand that this is the first of two draft PEIS/PEIRs, the second of which will have a preferred alternative and both of which will be followed by a Final EIS/EIR.

While our comments will focus on impacts to Suisun Bay and Marshes we do wish to make few short comments on the PEIS/PEIR as a whole. We are very disappointed in the PEIS/PEIR's failure to truly incorporate water conservation, including land retirement, as a viable alternative to the construction of new water storage or a new peripheral canal (isolated facility). As was shown in CALFED's study for the Bay Delta Advisory Committee (BDAC), the retirement of 500,000 acres of marginal and selenium-poisoned farm land could result in the availability of 1.5 million acre-feet of water at a cost far less than that needed to create new water storage or transfer facilities.

Inexplicably, this information is not addressed in any of the PEIS/PEIR alternatives. This is so grave a deficiency that the value of the entire PEIS/PEIR and its conclusions is put into question. The next draft must address this issue in depth and must include a new alternative that is truly based on water conservation.

We are also very disturbed by the fact that essentially all alternatives include new water storage facilities. This does not allow the public to examine a full array of different alternatives. This should be corrected in the next draft PEIS/PEIR.

The PEIS/PEIR fails to consider the impacts of the alternatives to most of the species discussed in the testimony of Dr. Stephen L. Granholm, representing the Bay Area Audubon Council, which was presented as Evidentiary testimony to the State Water Resources Control Board as part of Phase I of the Bay-Delta Estuary Hearing in July 1987.

In this testimony Dr. Granholm indicated that continued, or increased, diversions of fresh water from Suisun Bay and Marsh would result in the increased salinity of at least 5000 acres of Suisun's unmanaged brackish tidal marshes which would in turn lead to a change in habitat type from tidal brackish marsh to tidal salt marsh with a corresponding change in vegetative regime (from tules and cattails to pickleweed and cordgrass) and a corresponding change in the species composition of those species using these marshes.

In particular, Dr. Granholm concluded that the following Special Status Species would all be negatively impacted by increased salinization of the unmanaged brackish tidal marshes found in Suisun Marsh.

Special Status Species: River otter, (*Lutra canadensis*), Snowy Egret (*Egretta thula*), Black-crowned night-heron (*Nycticorax nycticorax*), Salt Marsh Yellowthroat (*Geothlypis trichas sinuosa*)--if it breeds in Suisun brackish marshes, and the Suisun Song Sparrow (*Melospiza melodia maxillaris*).

Dr. Granholm also concluded that all of the following Representative Birds and Mammals of Suisun Bay Tidal Marshes would also be negatively impacted by increased salinization of the unmanaged brackish tidal marshes found in Suisun Marsh.

Representative Birds and Mammals of Suisun Bay Tidal Marshes: beaver (*Castor canadensis*), mink (*Mustela vison*), American Bittern, Mallard, Northern Pintail, Cinnamon Teal, Northern Shoveler, Gadwall and Ruddy Duck, Virginia Rail, Sora, Common Moorhen, Marsh Wren, and the Common Yellowthroat.

Except for the Suisun Song Sparrow and to a very small degree, the Salt Marsh Yellowthroat, none of these species receive individual treatment yet, as Dr. Granholm states, "the brackish tidal marshes of Suisun Bay are valuable wildlife habitats in their own right, and they also contribute significantly to the great habitat diversity of the Suisun Marsh complex. Because they represent the natural marsh ecosystem and have already been severely depleted, no more tidal marshes should be converted to managed, salt marsh, or other uses in Suisun Bay."

Understandably, the ERPP and the PEIS/PEIR focus a lot of attention on federally and state listed threatened and endangered species with an overwhelming emphasis on impacts to listed fish species. However, CEQA requires all significant environmental impacts to be analyzed, not just impacts to listed species.

While avian and mammalian species receive passing recognition in the PEIS/PEIR their treatment is indeed minimal. By ignoring these species it is possible that local extirpations in Suisun Bay may result if Suisun Bay's unmanaged brackish tidal marshes become tidal salt marshes. Therefore, we believe the PEIS/PEIR violates CEQA and NEPA in its failure to adequately address impacts to these species. We ask that there be a new in-depth analysis of the impacts to these species in the next draft PEIS/PEIR with appropriate mitigations.

In addition to the failure to adequately analyze the impacts to these brackish tidal marsh species, the ERPP and PEIS/PEIR fails to analyze the impacts to the Suisun unmanaged brackish tidal marshes themselves. This occurs because the ERPP and PEIS/PEIR fail to include brackish tidal marshes as a separate category both in the "Visions for Habitats" (ERPP pg. 93) for Suisun Bay and Marsh Ecological Unit (ERPP, pg. 91 and following), and in the PEIS/PEIR itself. Essentially, brackish tidal marsh is lumped in with all other non-freshwater marshes as "Saline Emergent Wetlands (Tidal)" (ERPP, pg. 93).

Although brackish tidal marshes are mentioned there is no analysis of impacts to them, and all mention is in passing with no discussion. For example, on page 7.2/14 the PEIS/PEIR states that, "... the saline and brackish emergent marsh habitat supports populations of two plant species that are federally listed as endangered..."

As one can see, there is no real distinction made between the two types of marsh and one cannot determine which salinity regime is most essential for these plants. Additionally, the ERPP fails to provide an Implementation Objective, and the PEIS/PEIR fails to provide a mitigation proposal, for impacts to these plant species.

The PEIS/PEIR states that, "Suisun Marsh supports mostly saline emergent wetlands, which provides habitat for salt marsh species that prefer infrequently flooded salt marsh habitat (7.2-13)..." and further states that..."[C]ommon plant species associated with saline emergent wetland include cordgrass (*Spartina* sp.), pickleweed (*Salicornia* sp.) and saltgrass (*Distichlis spicata*) (pg. 7.2-14)". Yet, as Dr. Granholm states, the 10,000 acres of Suisun "brackish marshes consist primarily of tules and cattails...(see testimony pg. 2)". Also, as we have seen from Dr. Granholm's analysis, Suisun's Brackish Marshes support an array of species that are predominantly adapted to brackish tidal marshes not to salt marsh. Thus the PEIS/PEIR fundamentally mischaracterizes and underestimates the importance of Suisun's unmanaged brackish tidal wetlands.

In fact, the entire treatment of Suisun Bay is inadequate and confusing. Suisun Bay has 44,000 acres of managed freshwater/brackish marshes that are managed almost exclusively for duck habitat. The PEIS/PEIR states that Suisun Marsh consists of 80,000 acres (6.1-22).

Suisun Bay also, as mentioned previously, has approximately 10,000 acres of unmanaged brackish and salt marshes (primarily brackish with small amounts of the higher tidal marsh likely to be salt marsh). Of these 10,000 acres of brackish marsh Dr. Granholm and Drs. Williams and Josselyn estimate that more than 5000 acres will turn increasingly saline if actions current conditions continue (Williams, P.B. and M. Josselyn. 1987, Recommendations for salinity standards to maintain the wetlands of Suisun Marsh. Prepared for S.F. Bay Conservation and Development Commission -submitted by BCDC as an exhibit for Phase I Hearing). Yet nowhere in the PEIS/PEIR could we find mention of these 10,000 acres of unmanaged brackish tidal marsh?

To substantiate our point, we remind you that the Suisun Marsh Salinity Control Structure was constructed in order to keep the managed marshes of Suisun fresh and/or brackish (ERPP pg. 88) because these marshes were turning to salt marsh as a result of additional influx of salt water into these marshes resulting from increased diversions. Again, the salinity standards found in Decision 1485 (as later modified to remove the S-36 standard) makes it clear that the State recognized that the brackish marshes were turning into salt marshes and that these are two very different types of tidal marsh habitat supporting very different species compositions. Thus it is very misleading, disingenuous and scientifically erroneous for the PEIS/PEIR to lump brackish and salt tidal marshes into the same category.

For all the above reasons, we ask that the next draft PEIS/PEIR include, define and discuss "brackish tidal marsh" (possibly even "unmanaged brackish tidal marsh" to distinguish it from the managed marshes) as a specific and unique habitat type and subject it to the same impact analysis in the alternatives as are other habitat types.

Likewise, the ERPP, under the "Visions for Habitat" section of the Suisun Bay section, should treat Suisun's unmanaged brackish tidal marshes as a specific habitat type.

The next draft PEIS/PEIR must then also address the impacts of the various alternatives to these 10,000 acres of unmanaged brackish tidal marsh and to the species dependent upon them. The draft PEIS/PEIR must also propose mitigations for these impacts.

We remind you that Suisun's 10,000 acres of unmanaged brackish tidal wetlands represents more than 2% of the State's entire amount of wetlands and undoubtedly an even greater percentage of the State's total amount of brackish tidal marsh. We believe that impacts to this habitat type in Suisun Bay have statewide implications in terms of diversity and abundance for species dependent upon this habitat.

Since neither the ERPP nor the PEIR/PEIS specifically addresses the impacts, or even analyses the specific habitat and hydrologic regime of Suisun's unmanaged brackish tidal wetlands, the PEIS/PEIR cannot and does not address the question of how much fresh water inflow will be needed in Suisun Marsh in order to keep these wetlands brackish and stop them from turning into tidal salt marsh. Thus a revised ERPP and the next draft PEIS/PEIR must include a hydrologic analysis that indicates what flow regime is necessary to maintain the brackish nature of these unmanaged brackish tidal marshes and how each alternative effects this need.

The ERPP proposes, as its implementation objective for saline emergent wetland habitat, to "restore tidal action to 5,000 to 7,000 acres in Suisun Bay and Marsh Ecological Unit. (pg. 104)." Because of the vagueness of the term saline emergent wetland and the confusion engendered by its use when discussing Suisun Bay and its wetlands, one cannot determine which specific species will be helped by this restoration because one cannot tell what kind of wetland is to be restored. Will it be fully salt marsh

or brackish or, worst of all, somewhere in between? This needs to be clarified. If salt marsh is envisioned, the brackish marsh species listed at the beginning of this section may be significantly impacted and mitigations must be proposed.

Thank you for your consideration of our comments.

Sincerely yours,



Arthur Feinstein
Executive Director