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July 1, 1998

Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 94584

RE: COMMENTS ON DRAFT PROGRAMMATIC EIS/R FOR BAY-DELTA

Dear Mr. Beritenbach:

The Marin Audubon Society appreciates the opportunity to submit comments on the Calfed Bay-Delta Program and associated technical reports. We have signed on to the EWC letter and National Audubon Society has submitted comments for Audubon. We wish to emphasize and elaborate on certain issues.

First, we reiterate our previously expressed concern about the solution principle: "have no significant redirected impacts." It establishes the status quo as fair or balanced and assures the environment will continue to be degraded and destroyed. It fails to recognize that the massive diversions, dams and reservoirs that over the last 30 or so years, massive dams and diversion facilities have been put in place, reconfiguring the estuary and resulting in almost irreparable damage. These have caused significant declines and even extinction of native fish populations and substantial loss of migratory bird populations. While this principle may have been persuasive to certain stakeholders, it is not possible to keep all users satisfied without further damage to the estuary. The approach of the EIS/R is that further diversions are inevitable to meet the needs of stakeholder. We think this principle should be reexamined and revised to guarantee that the Bay-Delta system will not have redirected impacts, and will be significantly improved as a result of the CALFED process.

ALTERNATIVES

CEQA and NEPA require that a range of alternatives be addressed. We agree with EWC that CALFED has relied too heavily on structural fixes and we support the alternatives presented in its letter. We also recommend the following:

Need for Fresh Water Flows

The San Francisco Bay-Delta estuary evolved with massive quantities of fresh water flowing through it during winter and spring. There is a substantial body of evidence documenting the decline of estuary resources since the significant diversions began. Many surveys show that fish native to the estuary do best when fresh water is plentiful and decline when conditions are otherwise. The estuary and its native fish resources cannot survive with ever dwindling quantities of fresh water. How the CALFED program would reverse this downward trend is unclear. Restoring the historic flow "pattern" may be some improvement, but it is not demonstrated that this modification in project management would be sufficient to restore or rehabilitate the Bay and Delta, restore fish populations and maintain wetland habitats. The focus of CALFED is clearly on ensuring that additional water is supplied to urban and agricultural users.

The needs of the estuary are only addressed in terms of compliance with X-2 and specific legal requirements for endangered species. Water that is not required under these laws is considered developable. The fact that the estuary needs water; the fish, wetlands, invertebrates and entire system needs

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water, is not addressed. This approach will not lead to restoration or even rehabilitation of the estuary. The DEIR/S does not address the need for more water or even a need for a secure supply for the resources of the estuary, to maintain fish populations, the fresh/brackish characteristics of Suisun Marsh and San Pablo Bay, sediment transport, scouring, or other physical functions. The EIR/R has not even demonstrated how the ERPP target of 152 TAF ERP targets projected will be ensured for the estuary. To overcome this failing, we recommend that a program to ensure the fresh water needs of estuary resources be developed, and be presented and evaluated in the EIS/R.

This program could be entitled Water for the Resources program and should be common to all alternatives. It should ensure that sufficient fresh water is secured and remains in the estuary to meet the water needs of the Delta, Suisun Marsh, the Bay, and Golden Gate plume, and all of the biological resources, are met and that other physical functions, such as sediment transport, are maintained. A water budget should be developed for the estuary showing how much water we need in the variety of water years.

Determination of the quantity of water ensured for the estuary should be based primarily on the a comprehensive analysis of the fresh water requirements of native fish species and habitats indigenous to the estuary. It should be based on comprehensive analysis of the fresh water needs of all native resident and anadromous fish, and the fresh water requirements necessary to maintain Suisun Marsh and the North Bay as primarily brackish marshes except in times of drought.

As part of this program, the EIS/R should include a comprehensive analysis of potential means of obtaining and ensuring water for the Bay-Delta. The primary focus of CALFED seems to be water transfers with some interest in land retirement. To ensure adequate fresh water flows for the resources, the EIR/R should evaluate a broad range of alternatives for obtaining water, including: conservation and recycling, land retirement, transfers, purchase, etc. In addition, establishing a limit or cap on water exports. The EIS/R also should consider the need for future growth limits to ensure adequate fresh water remains in the estuary and is available for the existing population. It is unrealistic to expect that we can keep adding more people and diverting more water and still restore or rehabilitate the estuary. The time may not be now, but on the other hand it may be close.

The EWC letter contains a useful analyses of a number of alternatives to obtain water. The Water for the Resources program should consider all options for obtaining water for the Estuary and develop a recommended approach that may include all of possible means, or a prioritization. With regard to conservation, the Marin County experience during the 1970's drought may be useful. The activity that uses the most amount of water, particularly in dry areas, is outdoor watering. A program to encourage or require people to plant native plants and not plant lawns would yield substantial amounts of water for the estuary. It is our experience that significantly more water savings can be achieved than would result from most of the activities in the Urban MOU.

However, even if significant quantities of water are obtained through various means, there is no guarantee that this water would remain in the estuary to benefit fish and wetland habitats, or that it would be provided on a regular basis. Therefore, it is essential that the program include a system of securing water rights for the estuary. The resources of the estuary will only cease to be vulnerable when they have an equal claim to water along with the other users. There is no reason to even proceed with ERPP if any water gained can simply be gobbled up by downstream users. Establishing a water right for the estuary may require change in state law, but is vital to ensure that any water obtained for the environment actually flows through the Bay and Delta to the ocean, providing the benefits to fish and wetlands along the way.

It is also essential to maintain the historic variability of flows. We are concerned that so much water is now being diverted that the historic functions provided by these events may have already been lost. The EIS/R should address the functions provided by the very large flow events and would apparently continue to be dampened under the proposed flow pattern. It is important to know what species and what processes benefit from high flows at certain times of the year. This is necessary to enable an overall view of the impacts and benefits of management options.

Impacts

The EIS/R should address the impacts of each alternative on each species of native fish species, and provide expert scientific opinion on the quantity of water required and the time of year needed for all native fish. There are other native fish that are declining besides salmon and the non-native striped bass. No major commitments should be made for structural facilities or additional diversions until we better understand the quantity of water each species needs to survive and maintain habitat diversity needed to support them. We should not be waiting until species become endangered before providing water resources for them.

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Other Non-Structural Approaches

To reduce entrainment in the pumps, an alternative should be evaluated that would change the operation of the pumps to reduce or eliminate hazard to fish. All options should be required to demonstrate they will produce a significant reduction in the massive destruction of fish at the pumps. Please evaluate moving the pumps to the north side of the forbay. What effect would reducing the size of the pumps have in reducing adverse fish impacts?

Structural Approaches

In spite of our concern about the risks of more diversions with facilities that would make this possible, we believe there would be advantages to evaluating the following alternative because of its potential benefit to Delta fish:

- An isolated facility that would carry limited quantities of water and have no ability to divert water - similar to the alternative suggested by the US Fish and Wildlife Service. Various means of addressing the risk of allowing increased diversions should be part of the analysis, including a limited size canal and pumps. The analysis should address pumps only at Hood; reduced capacity pumps at both Hood and Clifton Court; and pumps moved to the north of the Clifton Court Forbay. This alternative should not include internal Delta channel improvements i.e. widening and deepening because of adverse impacts on resident fish.

Agricultural Economics

There is a great deal of discussion in the DEIS/R devoted to the impacts on the community from the loss of agriculture-related jobs if agriculture lands are retired. This is a very one sided discussion. At least it should also include a discussion of farming marginal lands, as recommended by EWC, and jobs that would be gained by having a more productive and clean Bay-Delta, i.e. more recreational and commercial fishing, bird watching, hunting, tourism, etc.

ECOSYSTEM RESTORATION PROGRAM

This version has the same major flaw as its predecessor, i.e. it fails to

address the entire Bay. The Visions and Objectives address the North Bay only, and these not adequate to rehabilitate North Bay resources.

The ERPP is a series of disconnected visions, objectives and recommendations. Also, these should be combined in a comprehensive discussion of restoring the entire Bay-Delta. What are the unifying principles? How do the various components of the Bay-Delta function together? How do they affect each other?

Petaluma Marsh

The Petaluma Marsh is the largest tidal wetland in the entire estuary that has never been diked. This spectacular resource is barely mentioned. The discussion of the Petaluma River Ecological Unit on page 89 is incomplete without covering this important habitat. This marsh contains tidal ponds, which once existed extensively throughout the Bay, but that are virtually absent everywhere else. This CA Department of Fish and Game owned marsh is habitat for many fish species of concern to CALFED as well as endangered and special status bird species. The Petaluma Marsh should be the keystone of a restoration project that would include many hundreds of acres in the vicinity of the marsh and that were historically part of the marsh. The Petaluma Marsh objectives should be revised and expanded to include objectives for restoring the diked lands that historically were part of the Petaluma Marsh to tidal action.

Sonoma Creek

The discussion about the Sonoma Creek Ecological Unit should be specific as to the location of the area of marsh described as low quality and explain why it is evaluated to be low quality. It is our understanding that the primary option for diked lands at Skaggs Island, which is part of the Sonoma Creek Watershed, is to restore to tidal action. The managed duck clubs provide rich and diverse habitats and should not be changed, however, these are a limited part of the Sonoma Creek watershed.

Target Acreage

The ERPP should state who developed these targets, and what data and criteria were used in determining the acreage? We find the wetland acreage targets to be significant underestimates of the amount of diked land that could be restored or enhanced. For example, the Target Acreage for saline emergent wetlands is 300 to 1,000 acres in each Suisun, Petaluma River and San Pablo Bay Ecological Unit. In Marin County alone there are over 4,000 acres of diked baylands that could be restored to either tidal or seasonal marsh. This issue should be revisited and revised to assure the maximum acreage to provide for endangered, special status and migratory species have adequate habitat to expand populations and thrive.

Furthermore, there is no target at all for seasonal wetlands in the North San Francisco Bay Ecological Unit, Petaluma and Napa River, and Sonoma Creek areas. Only for Suisun Marsh are Seasonal Wetlands are mentioned. Similarly, there are no targets for San Francisco Bay vernal pools even though there are vernal pools in the South Bay, Sonoma County and even perhaps in Marin County. Specific targets should be developed for these habitats.

Species

The San Pablo Song Sparrow and Salt Marsh Yellowthroat should be recognized as species of concern in the North Bay along with the Black Rail. As with to the Suisun Song Sparrow, the San Pablo Song Sparrow lives only in San Pablo Bay and has declined due to loss of high marsh habitat. Yellowthroat and Black Rail are dependent on wetlands with fresh/brackish characteristics.

Brackish Marsh

In earlier correspondence, we asked for the fresh/brackish characteristics of Suisun Marsh and the North Bay tidal marshes to be addressed, however, this has not been done. A vital component of the proposed program for obtaining

water for the estuary, must be providing sufficient fresh water to maintain these as primarily fresh/brackish.

The discussion should be revised to recognize the importance of the fresh/brackish wetlands of Suisun Marsh and the North Bay as an important habitat type (p. 82). Statements on pages 82 and 83 clearly points out the dramatic differences in freshwater inflow, pre-projects and now. Spring flows once averaging 20,000 to 40,000 cfs in dry years and 40,000 to 60,000 in normal, declining to 6,000 to 10,000 in dry years and 15,000 to 30,000 in normal water years cannot help but have a significant impact on the salinity level of these marshes over time. If more water is diverted, the cumulative significance of the reduced flow will increase.

Restoring the natural flow "pattern," as discussed on pages 90 and 92, will be a benefit for the Suisun and North San Francisco Bay Ecological Zone but, as mentioned above, the quantity of water is also important. The Vision for these areas should also recognize the importance of maintaining this marsh as a fresh/brackish tidal marsh. CALFED must provide adequate fresh water flows and quantities to ensure these habitats persist.

San Pablo Bay Ecological Unit

As mentioned above, while restoring the pattern of fresh water inflows is important, ensuring the natural variation of high - low water years and restoring maximum

Streamflow Page 101 Action 1a assumes that reservoir releases would get to Suisun and San Pablo Bay. What measures assure this? Is X-2 adequate to ensure Suisun and the North Bay are primarily brackish marshes?

WATER QUALITY PROGRAM

The Water Quality Program relies on existing laws and regulations to achieve improvements. While it may be possible to achieve some improvements under the current regime, if enforcement expands and interpretation of existing laws broadens, there should not be a commitment that would preclude developing new laws and incentives.

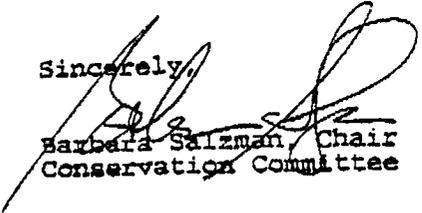
WATERSHED MANAGEMENT PROGRAM

Watershed planning is a noble and worthy endeavor. However, there are insufficient technical guidance and monetary resources to make this approach very effective for the Bay-Delta as a whole. Also, watershed plans vary greatly in their quality and potential environmental benefits. Frankly, some watershed plans do not provide much benefit to streams and fish. They are primarily what some people think a creek should look like. CALFED could be a significant assistance by providing biologically based criteria to guide stream planning to assist watershed efforts in ensuring their actions are productive for the streams and rivers. What are the characteristics of a creek that provides good habitat for fish spawning and rearing, and for other wildlife? What measures protect water quality, streambanks, vegetative habitats?

In addition, considerable funding is needed to develop watershed plans. And there seem to be endless needs for funding even in watersheds that already have developed plans. Considerably more funding resources will be needed to ensure all of the Bay-Delta local watersheds are addressed, and an assistance program, perhaps in coordination with the USEPA which has as watershed planning as a major focus, should be considered. Assistance to local watershed groups in forming and addressing technical issues would be very useful. This could also serve to facilitate restoration of the Bay-Delta.

Thank you for considering our comments.

Sincerely,



Barbara Salzman, Chair
Conservation Committee

cc: Supervisor Steve Kinsey
John McCaull, NAS
EWC