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Westlands Water District
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January 6, 1997

Mr. Lester Snow
CALFED Bay-Delta Program
1416 9th Street, Suite 1155
Sacramento, CA 95814

Via FAX (916) 654-9780

Dear Mr. Snow:

Subject: Ecosystem Restoration Program Plan

The following are Westlands Water District's (District) written comments on the November 15, 1996, Preliminary Working Draft Ecosystem Restoration Program Plan (ERPP) Implementation Objectives and Targets. These written comments are intended to augment the verbal comments provided by District staff member Lance Johnson at the three CALFED workshops on the subject.

General Comments

A significant area of concern is that most of the ERPP's Objectives and Targets (O&T's) are presented in abstract or nebulous terms. The lack of quantifiable O&T's makes objective evaluation of the proposals, comparisons to alternatives and cost analyses essentially impossible. The District recognizes the final product will form the basis of programmatic level environmental documentation to be prepared during Phase III of CALFED's program. However, even at the programmatic level it is technically necessary, if not legally required, to have quantifiable values in order to have a basis for identification, quantification, and analysis of impacts and benefits to the environment. The District believes that CALFED's environmental documentation based upon the ERPP in its current abstract form could be found to be inadequate.

The District has an even more fundamental concern. Statements by CALFED staff indicate the ERPP is not inclusive of actions that may be necessary to complete and operate CALFED's preferred alternative. It is the District's view that the ERPP, when combined into a preferred alternative, should yield a comprehensive habitat conservation plan (HCP). As such, the HCP must be inclusive of necessary Endangered Species Act (ESA) assurances and any mitigation that may be required for the construction and operation of all facilities associated with the preferred alternative.

Technical Comments

The District appreciates Mr. Daniels' recent acknowledgements regarding the weaknesses and limitations of the existing science as it applies to developing the ERPP. This has long been an

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area of serious concern and issue for many of us within the water industry. However, the ERPP continues to put forth, albeit discretely and obliquely, much of the Bay-Delta paradigm that a lack of flows and the state and federal water projects are the principal cause of ecosystem problems in the Bay-Delta. This paradigm continues despite an ever-growing body of powerful evidence to the contrary.

Table 1, Ecosystem Quality Objectives Comments

- In several areas the objectives are in direct conflict with each other. CALFED staff has acknowledged these conflicts and made commitments to revise Table 1. To date this has not occurred, yet the ERPP process is moving ahead with these acknowledged conflicts as foundational components.

- Item No. 8, Reduce Concentrations of Toxic Constituents, should be changed. The District acknowledges that concentrations are normally the important factor to aquatic species. However, Item 8 should expressly call for load reduction as the primary and most appropriate means of reducing concentration. Our concern here is that as written the implementation objective will be predisposed towards reducing concentration by increasing flow instead of reducing load at the same flow level. Such an approach is not in the best interests of the full suite of competing demands for the beneficial uses of water in the Bay-Delta watershed.

- Many of the objectives in Table 1 perpetuate the scientifically unproven belief that even more flows than are currently being provided are required to "fix" the ecosystem.

Table 8, Primary Physical Processes

- In many areas the objectives call for restoration of "some semblance of natural hydrology" or the "natural hydraulic regime in the Bay-Delta." Such statements are abstract and nebulous. The Delta in particular has also been so fundamentally physically altered from its "natural" predisturbance state that restoring its "natural hydraulic regime" is impossible. Without specifics and definitions of the meaning of these and others terms, in addition to recognition of physical realities, all such discussions should be deleted.

Table 9, Secondary Ecosystem Processes

- The discussion of restoring natural water temperature regimes and the stated objectives does not include many of the factors that affect water temperature. Water temperature in the Delta and the lower reaches of many tributaries cannot be controlled by water projects. Rather, temperatures are primarily a function of ambient conditions, channel hydraulics, the presence or absence of shading and the temperature of inflows from other sources. None of these are addressed or referenced, but should be.

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- Toxic discharges are increasingly suspect and identified as a probable major stressor at both the primary and secondary ecosystem processes. Objective A8 should be an inclusive part of all objectives in Table 9.

Table 10, Stressor Implementation

- Objective A8, Toxics, should be added to Dredging and Land Use.

- Under Contaminants, page 54, we restate our comment on Loads vs. Concentration. In addition, Target No. 1 should not be limited to fish and wildlife in the Delta. Rather it should be expanded to the entire ecosystem basin-wide.

- Predation and Competition must recognize that ground nesting species are being affected by introduced species, such as cow birds and feral cats, basin-wide, not just in the Delta. The objectives should include some discussion on control, even eradication, programs as they may be required.

Table 11,

- Many of the Implementation Objectives and Targets in this table either explicitly or implicitly call for increased flows. We restate our prior comments here that in many instances the growing body of scientific evidence suggests that a lack of flows are not the problem. The District encourages CALFED to consider this new evidence before including such an approach in the ERPP.

Table 12, Species and Species Group

- Objective A8, Toxics control, should be added to all aquatic species at all trophic levels.

Summary

In closing, the District has five broad areas of concern with the ERPP:

- the continued reliance and perpetuation of the Bay-Delta paradigm's call for increasing flows,

- the less-than-full support for evaluating and addressing the effects of toxics in the ecosystem,

- the inadequacy of the in-Delta habitat restoration objectives and targets,

- description of an adaptive management program with a level of specificity in its stated targets that are not consistent with nor supported by the balance of the ERPP which forms its basis, and

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- the end product must be an HCP inclusive of facilities of the preferred alternative and ESA assurances.

The District appreciates the opportunity to provide this input to the ERPP and looks forward to working with CALFED staff in the development of a more comprehensive document.

Sincerely,

David Orth
General Manager

cc: Hilda Diaz-Soltero, NMFS, Long Beach
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