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SOUTH DELTA WATER AGENCY

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May 5, 1999

Via Fax (916) 653-8102

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Secretary for Resources
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Via Fax (916) 654-9780

Mr. Lester Snow
Executive Director
CALFED Bay-Delta Program
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Re: South Delta Improvement Investigation

Dear Secretary Nichols and Executive Director Snow:

Pursuant to the request of Assemblyman Mike Machado, CALFED recently undertook to investigate the adverse impacts currently experienced by South Delta diverters which result from the operation of the CVP and SWP. This has been attempted by the South Delta Investigation Team consisting of CALFED staff. Staff has insisted on excluding South Delta interests from any direct participation in consideration of alternatives to the original DWR, USBR, and SDWA plan for protection of the South Delta's in-channel water supply. The SDIT has largely ignored concerns and suggestions offered by the SDWA in the three public workshops that have been held.

The existing adverse impacts experienced in the South Delta are lowered water levels, poor quality resulting from artificially created null zones and reverse flows, and decreases in San Joaquin River flows and quality.

At the April 30 workshop, the Staff presented two alternative plans; a "Single Barrier Alternative" and a "Multiple Barrier Alternative". Seventy-two "Features" of the alternatives were listed. We were told that our comments on these alternatives would be noted but that there would be no substantive changes and that the CALFED Policy Committee will be asked to choose one of these alternatives at its May 13 meeting.

We ask that you not adopt either of these alternatives or any minor modification thereof. Each is technically unsound and has little or no underlying data to indicate how or if it will address the existing adverse impacts. Further, some of the proposed actions in the alternatives substantially increase those impacts without taking notice that these impacts will be exacerbated by the proposal to allow Clifton Court Forebay inflow during low tides.

Single Barrier Alternative

The Single Barrier Alternative would involve massive dredging to maintain water depth for diverters downstream of the Head of Old River Barrier (HOR). It is not reasonable to expect that such comprehensive dredging would ever be permitted. Even if it were, this dredging would exacerbate the inadequacy of water depth in undredged channel reaches, including channel reaches upstream of the HOR barrier when it is not operating. It would also increase rather than prevent the reverse flow upstream of Stockton which is a major contributing cause of inadequate dissolved oxygen for fish in that reach. This reverse flow also draws small fish from the central Delta to the export pumps via that route, a fact ignored by the fishery agencies. Operating the HOR barrier without tidal barriers would stagnate water in the downstream channels so that there would be inadequate dispersal of Tracy's sewage outfall, and no net unidirectional flow to maintain quality or to convey fish from the proposed fish screens on local diversions. In the absence of the tidal barriers there would be no protection for San Joaquin salmon smolts or Steelhead trout that migrate before or after the operation of the HOR barrier.

There is a several hundred thousand ton salt load in the river which derives from nearly a million tons of salt contained in water imported via the Delta Mendota Canal to

the CVP service area. Due to the failure to build a valley drain, part of this imported salt drains to the river. When the HOR barrier was not functioning and with no tidal barriers, this salt load would continue to be drawn to the export pumps and re-exported, thereby increasing the salinity of exported water. It is not possible (Feature 56) to correct these violations of water quality standards by the purchase of tributary water. Purchases merely reallocate the time of use of a water supply that is already inadequate for that purpose. In order to do much for water quality at either Crows Landing or Vernalis, or for fish flows (through Features 48 and 49), there must be three tidal barriers.

There are about 150 local diversions distributed over 75 miles of channel. Combining diversions per Feature 52 is seriously impractical and might increase fish losses due to higher approach velocities at diversion points. This is particularly true when the action is combined with no net flow to convey fish away from the proposed screens. There is also no legal authority by which riparians can be forced to combine their diversion points. Several other concerns of this alternative were discussed on April 30.

Multiple Barrier Alternative

Feature 56 in this alternative proposes to "continue with (the) existing operational approach" to San Joaquin River Management. This apparently includes the Bureau's Interim Operating Plan which would lead (as shown by the Bureau's own analysis) to very frequent and substantial violations of South Delta salinity standards on a multi-year basis. It is only in the rare occurrence of years in which flood releases would occur that water for the increased fishery flow water would be available to make up for the previous shift in flows. The violations expected under the Bureau's Operating Plan would be far greater than the troublesome past violations.

In dry years the drawdown of water depths by export pumping has in the past conflicted with agricultural diversions as early as the first half of March. There have also been frequent problems experienced by asparagus farmers who irrigate in mid-winter resulting from previous export rates which cause inadequate depth. Yet operation of the Middle River and Tracy Old River tidal barriers is limited in CALFED's alternative to April 15 through October 31 per Features 65 and 66. Three options are listed within this alternative for the Grantline barrier per Features 63 and 67. Who will select among these three options? The first option is no Grantline barrier. The second is no Grantline barrier until August 1 and only two days of operation per week in August; a major month for

local diverters. The third option is no barrier until June, and then only 5 hours per day. The first two options would be devastating for South Delta agriculture. It is true that the Grantline barrier must be periodically or partially opened to provide circulation, but it must never be fully opened during a combination of tides and export schedules that dewater South Delta channels at any time of the year. Non-operation must also be minimized in order to be compatible with smolt protection and with a comprehensive plan for optimum management of the river system for salinity control, for efficient use of the river system's limited water supply, for resolution of dissolved oxygen problems, etc.

If the three tidal barriers and the HOR barrier are installed and operable as needed at any time, we can then develop through experience an optimum method of operation to satisfy all interests. We cannot prejudge what this operating plan will be. It will depend export rates during tidal cycles, on tides, on local diversion rates throughout the year, on real-time fishery needs, on dissolved oxygen problems, and on the river flows and salt load.

The alternatives contain no provision for curtailing exports during periods when no other adequate provision is made to mitigate the impact of exports on the South Delta's in-channel water supply. When the three tidal barriers are not all operable, the impact is caused primarily by project diversions during low tides. When all three tidal barriers are operable, the governing impact is primarily the reduction in high tides. CALFED has not yet modeled to determine whether permanent, operable barriers can trap enough high tide water to maintain local diversions during low tides with the newly proposed increased export rates. It is unlikely that the temporary barriers can do so.

SDWA's Lawsuit

In 1982 the South Delta Water Agency (SDWA) sued the CVP and SWP for damaging the South Delta's in-channel water supply. The Complaint survived a summary judgment motion and the lawsuit was then suspended to attempt a negotiated settlement. In 1991 the Department of Water Resources, SDWA, and the Bureau signed an agreement to resolve the portion of the suit relating to export pumping by installing three tidal barriers, providing that necessary permits could be obtained to install and operate them on an as needed basis. No other way was found to mitigate the impacts of export pumping. The only other solution appeared (and still appears) to be to limit exports whenever they are forecast to cause damaging impacts on the in-channel water supply.

The DWR has diligently attempted to comply with the 1991 agreement, but has so far been only partially successful in obtaining permits. Either of these CALFED alternatives would prevent the resolution of this lawsuit. There would then again be a need to mitigate by the only other known method which is to limit exports.

For all of the above and other reasons, SDWA requests that the CALFED Policy Committee not adopt either alternative 1 or alternative 2, and that it direct the Staff to seek an alternative that fully protects South Delta's in-channel water supply from the impacts of export pumping; and that it develop an alternative that is technically sound and gives equal priority to protecting fish and protecting the in-channel water supply from project impacts; and that the Staff make SDWA a full partner in developing an acceptable plan. We would welcome an opportunity to discuss this in greater detail.

Thank you for your consideration of ours concerns and suggestions.

Sincerely,

Jerry Robinson, Chairman

Alexander Hildebrand, Secretary

cc: Assemblyman Michael Machado
Central Delta Water Agency
San Joaquin County
The Record
Tracy Press
Sacramento Bee
All districts within SDWA
San Joaquin Farm Bureau
Dan Nelson
Mr. Wayne White