

To: Rick Breitenbach, CALFED

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Subject: U.S. Fish and Wildlife Service Comments on CALFED PEIS/EIR (Draft March 1998)

Date: 30 June 1998

USFWS thanks CALFED for the opportunity to review and comment on the CALFED PEIS/EIR (Draft March 1998). Our comments and recommendations follow. If you have any questions, please contact us at 979-2710.

GENERAL COMMENTS

- As part of each alternative, CALFED should include implementing routine maintenance of existing facilities including the various reservoirs, pumping facilities, and canals. Routine maintenance is essential to help reduce the need for emergency maintenance, which typically involves greater impacts to fish and wildlife resources.
- Throughout the document, it should be noted that water transfers have the potential for providing fisheries benefits as well as water user benefits. If water transfers from upstream sources are timed appropriately and are of sufficient magnitude, they may provide transport flows or behavioral cues for outmigrating fish or behavioral cues for upstream migrating fish. They also may provide benefits to riparian habitat and geomorphological processes. The U.S. Fish and Wildlife Service's (Service) May 6, 1997 formal consultation and conference on the Delta Wetlands project and its effects on delta smelt and Sacramento splittail discussed water transfer guidelines for what is currently allowed with the 1995 Bay-Delta Accord as implemented under the Service's March 6, 1995 CVP/SWP biological opinion. The PEIS should include these water transfer guidelines as the baseline or existing condition. Any changes to these existing water transfer guidelines resulting from proposed CALFED actions should be discussed and the effects (both beneficial and adverse) of such changes on fish and wildlife resources analyzed.

The formula in the Service's biological opinion on the Delta Wetlands project that prescribes how water transfers may be done is as follows:

"Delta Wetlands will not enter into any contractual agreement(s) which would provide for the export of more than 250,000 acre-feet of Delta Wetlands water on a yearly (calendar year) basis. This provides for, but is not limited to, the following types of transfers: a c-user, short-term, opportunistic water transfer; a long-term water transfer;

and any other such agreement, or contract for sale or transfer which is consistent with water transfer language in the March 6, 1995, biological opinion on the CVP/SWP (Appendix 1), the SWRCB's 1995 WQCP for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (1995 WQCP), and the improved environmental baseline established under the March 6, 1995, CVP/SWP delta smelt biological opinion. If such agreement(s) were determined to result in an adverse effect to delta smelt, delta smelt critical habitat or the Sacramento splittail in a manner or to an extent not previously identified, the contractual agreement(s) would be subject to some level of further environmental review."

We recommend that CALFED include these provisions as part of the existing conditions with respect to water transfers.

The baseline water transfers that determine the allowable transfer of 250,000 acre-feet of water yearly, per the Service's March 6, 1995, biological opinion, are described in Attachment 1 to these comments.

- As mentioned in previous comments, much of CALFED's documentation lacks precise language that would make it meaningful and defensible. For example, the PEIS frequently states that habitats will be "increased." An increase in habitat could have several meanings (e.g., diversity of habitats, the geographic extent of habitats); it is unclear which meaning is intended. Similarly, the PEIS states that, in general, habitats and ecological functions will be "improved." Improvement of habitat is best defined relative to particular species. What constitutes an improved habitat for one species may be a degraded or unsuitable habitat for another. Similarly, improvement of ecological function could have a variety of meanings and is context specific.

SPECIFIC COMMENTS

Page 1-5: 1.2 Program Purpose and Need, 1.2.1 Program Purpose: "The purpose of the CALFED Program is to develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta system."

Comment: More precise language to describe CALFED's purpose and objectives would make the document more understandable and increase its precision. For example, specific definitions need to be provided for terms such as "ecological health" and "beneficial uses". The April 2, 1998 draft, "Developing Local Implementation Strategies for Ecosystem Restoration," defines ecological health as (1) recovery of listed native species within the Delta and Suisun Bay, (2) rehabilitated natural capacity of the Bay-Delta estuary and its watershed to support, with minimal human intervention, native aquatic and associated terrestrial biological communities, (3)

maintenance and enhancement of selected species for safe consumption and sustainable commercial and recreational harvest, and (4) protection and restoration of a range of key functional habitat types for biodiversity, scientific research, and other public values. These are the preliminary goals of the Strategic Plan for Ecosystem Restoration Program, Conservation Strategy, and Restoration Coordination Program. We recommend the goals of the Strategic Plan, a more detailed definition, be used in the PEIS introduction.

Page 1-5 and 1-7: Ecosystem Quality, first paragraph:

Comment: This paragraph should be amended to include plant species. In addition, the term "population health" is vague and needs to be clarified or deleted. We suggest changing the second to the last sentence to read "This can be accomplished by addressing the objectives which collectively improve and increase aquatic and wetland habitats so that they can support the sustainable production and survival of estuarine and anadromous fish, wildlife, and plant populations and species."

Page 1-7: Ecosystem Quality, objective number 4:

Comment: This objective should include plants. We recommend rewording to include them (e.g., "...and associated riparian habitats for wildlife and plant species").

Page 1-7: Ecosystem Quality, objective number 5:

Comment: The term "recovery" should be defined. If CALFED's definition of recovery is based on whether the species has been secured to the point where delisting is appropriate, that should be made clear.

Page 1-10: first paragraph, lines 7-10:

Comment: This section states that descriptions "generally include the upper range or most severe effects that are expected to be associated with each alternative." Although CALFED has improved treatment of special-status species in the current version of the PEIS, the Service still does not agree that the "most severe effects" on special-status species have necessarily been disclosed in the document. The Service believes, based on review of other CALFED documents, that certain CALFED alternatives and specific projects have potentially significant and unmitigable effects on terrestrial special-status wildlife and plants. The Draft PEIS should disclose the potential for such impacts even if decisions about specific projects have not

yet been made. See also comment on Table 7.2-2 below.

Page 1-13: 1.5 Next Steps, second column, bullets:

Comment: The following bullet should be added to the list of next steps:

- Stage actions in increments that will be accomplished by set deadlines. Actions that are necessary immediately to reverse the decline of sensitive species or provide maintenance for existing facilities would be prioritized for immediate implementation.

Page 2-1: 2.1.1 CALFED Problem and Solution Areas, paragraphs 1 and 2:

Comment: It is unclear what constitutes a problem "manifested in" the Delta. This section should clarify what problems the CALFED program intends to address.

Page 2-2: 2.1.2 Description of the Study Area:

Comment: Include meanings of the acronyms SWP and CVP if this is their first use.

Page 2-10: Column 2, potential benefits of the habitat restoration program:

Comment: Terms such as "health of the species" and "healthy Bay-Delta ecosystem" are vague. The potential benefits of the habitat restoration program should be more precisely described.

Page 2-10: Column 2, potential concerns of the habitat restoration program:

Comments: Additional concerns regarding the habitat restoration program include the potential loss of terrestrial habitat to create aquatic habitat and potential conflicts among the needs of different species. As noted previously, what constitutes an improved habitat for one species may be a degraded habitat for another. These issues should be discussed in the EIS. D12

Page 2-10: third complete paragraph: "Storage can improve instream flows, ... Improved conveyance to the south Delta pumps can improve timing of diversions to reduce impacts on fish. ...Water quality improvements ... reduces toxicity for the ecosystem. Improvements of levees and channels... can also incorporate new habitat features. Reduced diversions ... helps reduce diversion effects on fisheries."

Comment: The structure of these sentences should be reversed to indicate how the Ecosystem Restoration Program can benefit the other common programs. We suggest the following wording: