



June 23, 2008

Phil Isenberg, Chairman
Delta Vision Task Force
650 Capitol Mall
Sacramento, CA 95814

Re: DWR's "Initial Assessment of Dual Delta Water Conveyance"

NRDC is writing in response to DWR's "Initial Assessment of Dual Delta Water Conveyance," which was presented at the April Task Force meeting. We are writing to express our grave concerns regarding severe flaws and omissions in that document, which appear to reflect a bias that favors increased water diversions over environmental protection and a comprehensive analysis.

NRDC is not opposed to an analysis of potential changes to Delta conveyance infrastructure. Indeed, we believe that such analysis is critical to supporting sound decisions regarding long-term Delta management. That analysis must be objective, reflect current legal requirements and incorporate the best available science. Unfortunately, DWR's report does not provide such an analysis. We urge the task force to request that DWR, the SWRCB, EPA and state and federal fisheries agencies provide a more comprehensive and objective analysis.

Our specific concerns are summarized below.

Limited Diversion Scenarios: The document contains no discussion or analysis of a scenario that would maintain or reduce current levels of Delta diversions. Delta Vision has indicated that reductions in total diversions may be required. All of the scenarios analyzed by DWR include massive increases (p. 25). In 10% of years, the analysis indicates that diversions could reach 8 million acre-feet (MAF). The analysis shows a maximum of approximately 8.5 MAF of combined diversions. This is 2 MAF more than the CVP and SWP have ever pumped from the Delta. We believe that an analysis reflecting different diversion levels is critical, in order to allow decision-makers to understand the implications of such a facility for both reliability and total deliveries.

Failure to Analyze Potential Impacts on Chinook Salmon, Steelhead, and Sturgeon: The document mentions salmon only once (p. 12). The analysis includes no discussion of the current status of salmon populations, the linkage between that decline and water management, the closure of the salmon fishery, or the impacts of a peripheral canal on salmon. The Sacramento fall run is the backbone of the California salmon fishery. The Sacramento also provides critical habitat for listed sturgeon, salmon and steelhead populations. Yet, DWR's analysis contains no discussion of the impacts of a new

diversion facility on any of these species. The document also does not analyze the potential impacts on migration, spawning and rearing habitat of the changes in upstream reservoir operations that would be required in order to allow anticipated increases in diversions in every month (p. 30). Given that a 15,000 cfs diversion facility would be among the largest in the world, and that it would be on the migratory corridor for the most important commercial salmon population in California, as well as for several listed species, these potential impacts must be carefully analyzed.

Failure to Include Court-Ordered Delta Smelt Protections: The scenarios included in the analysis eliminate the protections for delta smelt ordered by Judge Wanger (p. 24). Given that two of the three analyzed scenarios include significant South Delta pumping, with potential impacts on Delta fisheries, there is no justification to assume that these protections can be eliminated.

Biased “Reference Case:” The “reference case” against which these scenarios are compared is not the status quo. Rather, it is an imaginary base case that includes a higher level of diversions than is allowed today. This bias disguises the scale of the increases in exports that could result from an isolated facility. Specifically, the DWR reference case indicates that the CVP and SWP currently export 6 million acre feet of CVP and SWP exports 45% of the time (p. 25). In fact, those projects have reached or exceeded 6 MAF of Delta diversions only 6 times. The long-term average of combined diversions in the reference case is 5.5 MAF (Table 3, p. 24.) This is far above current allowable levels and above the SWP’s own evaluation of reliable deliveries in the draft SWP Delivery Reliability Report, which shows that, as a result of federal court requirements and climate change impacts, future deliveries will be lower than recent record levels. The analysis should compare changes in infrastructure with a base case that reflects current legal requirements and current operations.

Failure to Analyze a Full Range of Water Quality Issues: The document fails to discuss potential impacts related to toxic contaminants. The analysis acknowledges that exposure to contaminants may be contributing to fisheries decline (p. 28). However, the analysis simply uses salinity as a surrogate for water quality (p. 31). This is a flawed approach. First, a peripheral canal would increase the percentage of lower quality inflow from the San Joaquin River (compared with the Sacramento), which would degrade water quality. Second, such a facility, with the level of increased exports contemplated in this analysis, would increase residence time, potentially further degrading water quality. In addition, the document indicates that the BDCP may propose relaxing current standards (p. 34). The operation of a peripheral canal to provide the dramatic increase in diversions anticipated by this report would have dramatic impacts on Delta water quality, with implications for the ecosystem, drinking water and agriculture. Those impacts must be fully analyzed.

Failure to Adopt an Ecosystem-Based Approach: There is little discussion in the document of overall ecosystem needs and how they should be reflected in Delta management. For example, there is inadequate discussion of the potential ecosystem-wide impacts of the analyzed decreases in average monthly outflow for every month.

There is also no discussion of the need to increase outflow at critical times to restore ecosystem functions. Given the broad, ecosystem-based focus of Delta Vision, this failure is particularly important.

Failure to Adequately Analyze Potential Impacts on Longfin Smelt: The longfin smelt is currently a candidate for protection under the state and federal ESAs. The DWR analysis acknowledges that longfin are sensitive from December to May (p. 22), but fails to discuss how modeled reductions in Delta outflow would be expected to harm longfin. In addition, the analysis suggests that a peripheral canal could reduce the need for current X2 standards to keep longfin away from the pumps (p. 22). In fact, Delta outflow benefits longfin because their reproductive success is linked to outflow, not simply because Delta outflow reduces entrainment in the pumps. There is little, if any, evidence to suggest that an isolated facility would reduce the outflow required to maintain a healthy longfin smelt population.

We do not expect that an initial analysis of potential changes in Delta conveyance infrastructure will answer all of the key questions regarding this dramatic change to the status quo. Indeed, an initial analysis should explicitly identify the gaps in current knowledge and suggest strategies to fill those gaps. However, rather than acknowledge the limitations of its initial analysis, DWR suggests the opposite – stating that “the operational considerations that must be weighted...have been identified” (p. 2). Clearly, this is not the case.

We recommend that the Task Force not rely on this report. We also urge you to take steps to ensure that an adequate analysis is undertaken, in order to facilitate sound decision-making on the important and difficult issue of Delta conveyance. Thank you for considering our views.

Sincerely,



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