NATURAL RESOURCES DEFENSE COUNCIL

May 6, 2008

Initial Response to DWR's "Initial Assessment of Dual Delta Water Conveyance"

NRDC does not oppose an analysis of potential changes to Delta infrastructure. That analysis, however, must be objective, reflect current legal requirements and incorporate the best available science. Unfortunately, DWR's Initial Assessment of Dual Delta Water Conveyance is deeply flawed and reflects a bias that favors increased water diversions. Specific concerns include:

Increased Diversions: There is 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. State courts have found that the CALFED Programmatic EIR is legally inadequate because it failed to evaluate reduced diversions. 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). This is 1.5 MAF more than the CVP and SWP have ever pumped from the Delta.

Chinook Salmon: The document mentions salmon only once (p. 12). There is no discussion of the current state of salmon populations, the closure of the salmon fishery or the impacts of a peripheral canal on salmon – particularly Sacramento River salmon. The Sacramento River fall run is the backbone of the California salmon fishery. Yet, there is no discussion of direct impacts of a new diversion facility on Sacramento River salmon, or of the impacts of changes in upstream reservoir operations (which would be required, in order to allow increased diversions in every month) on salmon spawning and rearing habitat. The document is pointed in its failure to address salmon issues, stating, for example, that "it is unlikely the diversion would entrain many smelt" (p. 29).

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 eliminate these protections.

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 diversion in the reference case is 5.5 MAF (Table 3, p. 24.) This is far above current allowable levels and above the

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111 Sutter Street, 20th Floor
San Francisco, CA 94104
TEL 415 845-6100 FAX 415 875-6161

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SWP's own evaluation of reliable deliveries in the draft SWP Delivery Reliability Report, which shows that, as a result of the Wanger ruling 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 includes current legal requirements and current operations.

Water Quality: 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 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 degrading water quality. In addition, the document indicates that the BDCP may propose relaxing current standards (p. 34).

Ecosystem Needs: There is little discussion of overall ecosystem needs and how they should be reflected in Delta management. For example, there is inadequate discussion of the potential ecosystem-wide impact of the analyzed decreases in average monthly outflow for every month (p. 30). There is no discussion of the need to increase outflow to restore ecosystem functions.

Longfin Smelt. The longfin smelt is currently a candidate for protection under the state and federal ESAs. The document does mention 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 evidence to suggest that an isolated facility would reduce the outflow required to maintain a healthy longfin smelt population.

Cost: The analysis shows that the cost of an isolated facility and in-Delta water conveyance improvements could range from $4.2 billion to $17.2 billion (p. 16).