



We Advocate Thorough Environmental Review

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Renee Rodriguez
Delta Conveyance Scoping Comments
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Sent via email to:
DeltaConveyanceScoping@water.ca.gov

Frank Toriello
President
Bruce Hillman
Treasurer
Geneva M. Omann
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Dan Axelrod
Board Member
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Board Member

Dear Ms. Rodriguez:

We Advocate Thorough Environmental Review (W.A.T.E.R.) is a California 501(c)(3) non-profit corporation incorporated to promote quality local and regional planning, land use and development, as well as to preserve a healthy human and natural environment within the Siskiyou County area.

We are responding to a request for public comment on the "Notice of Preparation of Environmental Impact Report for the Delta Conveyance Project." We note that, since the source waters that will be conveyed by this project include those from the Mt. Shasta watershed area in Siskiyou County, this project has significant importance to our organization and our mission as well as our communities.

1) Involvement of CVP projects:

NOP misrepresents the connection with the CVP:

"Here, as the CEQA lead agency, DWR's underlying, or fundamental, purpose in proposing the project is to develop new diversion and conveyance facilities in the Delta necessary to restore and protect the reliability of State Water Project (SWP) water deliveries and, *potentially, Central Valley Project (CVP) water deliveries south of the Delta*, consistent with the State's Water Resilience Portfolio."

The NOP repeatedly states that this SWP project will "potentially" involve the CVP, but there is no indication as to how these projects will be evaluated in the EIR. In fact, the water to be conveyed

through the tunnel must come from somewhere: the proposed raising of the Shasta Dam, a CVP effort, will be a source for water to be conveyed via the tunnel. In addition, water from the Trinity River watershed is conveyed via a CVP project to the Sacramento River. This lack of attention to CVP in the NOP leaves out many stakeholders, and perhaps most importantly misrepresents who will really benefit from the project – a few wealthy “family farmers” (i.e., corporate farmers) via Westlands Water District. Moreover, this smacks of “segmentation” or piecemealing of projects, something that is prohibited by CEQA. Thus the environmental impacts of CVP’s proposed raising of the Shasta Dam and operation of the Trinity River Division/Clear Creek Tunnel as well as the proposed SWP Sites Reservoir must be thoroughly integrated into the Delta Conveyance EIR.

2) Impacts to water quality, fish and wildlife in the Delta:

The diversion of water from the North State watersheds to the south will significantly deplete the flows of water through the Delta and out to sea. These diversions would result in a great decrease in water quality in the Delta, resulting in increases in salinity, toxic hot spots, pesticides, mercury, and other pollutant discharge that won’t be cleaned out due to a lack of seasonal high freshwater flows through the Delta; with resulting detrimental impacts on the aquatic life in the Delta and San Francisco Bay. Scientists agree that allowing more, not less, water to flow through the Delta and west toward San Francisco Bay is essential for protecting fish life and providing a clean supply of drinking water for current and future generations. That means reducing, not increasing, pumping of water out the south end of the Delta into Central Valley farmland. The National Oceanic and Atmospheric Administration reported over 80% of fish collected in the Delta exhibited spinal deformities due to selenium¹. Yet the Central Valley Regional Water Board has issued a 25-year permit for toxic discharges of agricultural wastewater coming from the Westlands Water District into the San Joaquin River and the Delta and Bay². This discharge is high in selenium, mercury, nitrates, pesticides and other toxins, and is being discharged into the San Joaquin River, and thus into the Delta, threatening the drinking water supply of Bay Area residents and millions of Californians. The EIR must study the toxic loads entering the Delta from this and all other anthropogenic and natural sources when evaluating the amount of water needed to flush the Delta and prevent toxic loads from accumulating there. The EIR must also explore ways of reducing the toxic run-off from agricultural and other anthropogenic sources.

We note that the Trump administration has issued a flawed “Biological Opinion” that significantly reduces the protections for endangered species in the Delta area. This document is clearly a political one, not a scientific one, promoted by Interior Secretary David Bernhardt, former lobbyist for the Westlands Water District. We demand that the DWR conduct its own evaluation of environmental impacts and impacts to endangered, sensitive, and at risk species in the Delta relying on sound peer reviewed literature, not the politically motivated “Biological Opinion.”

¹<https://www.fisheries.noaa.gov/feature-story/spinal-deformities-sacramento-san-joaquin-delta-fish-linked-toxic-mineral-selenium-new>

² <https://www.mercurynews.com/2020/02/07/opinion-stop-farmers-poisoning-of-bay-area-drinking-water-supply/>

3) Impacts to upstream ecosystems:

The EIR must also evaluate the impact of the project to the far northern reaches of California (including Assembly District 1) and all along the Sacramento River and its tributaries as well as the Trinity River watershed. We note that while the water flows in one direction, downhill (except in SWP where water flows to money), the ecology of riparian systems flows IN BOTH DIRECTIONS. For example, anadromous fish species migrate up the river and are essential for cycling nutrients from the ocean upstream, along the river and radiating out from it, and to its far northern reaches. These fish are ESSENTIAL for supporting the ecology of the upstream and headwater regions. In addition, the increased extraction of water via the tunnel would further degrade the water quality of the Delta possibly pushing the endangered Delta smelt, which salmon depend on, to extinction. In a suppressed report, the National Marine Fisheries Service unequivocally concluded that increasing water deliveries to Southern California would likely jeopardize the continued existence of endangered winter-run Chinook salmon, threatened spring-run Chinook and threatened Central Valley steelhead, as well as endangered Southern Resident killer whales that dine on salmon³. The EIR must also evaluate the impact of the project's infrastructure and operation on the viability of the passageway in the Delta for outgoing and returning spawning salmon, other anadromous and migratory fish and freshwater Delta species.

The EIR must include studies of the entire Sacramento River system, including its tributaries and the headwater region above the Shasta dam: the Pit River, the Upper Sacramento River, and the Wild and Scenic McCloud River. Already there has been a severe decline in the number of returning Sacramento River Winter-Run Chinook salmon below the Shasta Dam, and of course that dam blocks Salmon from returning to their historic habitats above the dam. How will these Salmon runs be restored? Alternatives must include a swim-way around the existing Shasta Dam. How will the northern regions be compensated for this loss of "ecosystem services" otherwise provided by the Salmon? This Delta Conveyance project MUST include permanent and effective solutions for returning the Salmon to the rivers above the Shasta Dam. In addition, water from the Trinity River watershed is conveyed via a CVP project to the Sacramento River. Impacts to the Trinity River watershed must also be studied in the EIR.

Because these northern, upstream watershed areas (including the Sacramento River and its tributaries above the Shasta Dam and the Trinity River) are critical sources of water for the Sacramento River, the EIR must also study and incorporate programs to protect and support superior water quality and optimize water quantity that flows from these Water Recharge Areas. Where is the compensation to Siskiyou County for the pristine water that flows from this area?

Any public hearings related to this project must also be held in the far northern part of the state (e.g., Redding and Yreka).

³<https://www.latimes.com/environment/story/2019-08-20/trump-california-water-salmon-farms>

4) Protecting Tribal Cultural Resources:

Many of the areas impacted by this project also include Traditional Tribal Territories of several Indigenous Tribes. California law requires that AB 52 consultations must be conducted for all affected tribes, including but not limited to the Winnemem Wintu, Yurok and Hoopa Tribes. CVP projects have inhumanely and violently impacted traditional tribes, their territories and Tribal Cultural Resources. This horrific injustice must not be perpetuated in this SWP project.

5) Studying alternatives that do not require the Delta Tunnel:

The EIR must analyze water conservation, efficiency, and additional demand reduction measures that would be less environmentally harmful than the tunnel and achieve the same water supply reliability goals and targets that the tunnel project proposes (and likely would be cheaper). Such measures might include fixing leaky municipal water systems and adopting drought-tolerant crops and low-water irrigation methods in the agricultural sector, as well as the possibility of fallowing salt damaged soils/farms. Further study will likely uncover many useful and adequate measures that do not require a tunnel and pumping of water from the Delta.

6) Water as a Public Trust:

The water that flows from source areas is considered a Public Trust. This means that this water MUST NEVER be allowed to be sold for a profit. How will the EIR deal with "for profit" companies, like Westlands Water District and their clients, who will make decisions that only benefit their "for-profit" schemes?

7) Global warming impacts and greenhouse gas (GHG) emission reduction:

Lastly, how does climate change play into this project? Overall, scientists agree that there will be less snow pack and therefore less fresh water flowing into our creeks, streams and rivers. A new study is reporting on the drought that has scorched western North America for the better part of two decades, withering crops, draining rivers and fueling fires. Scientists warn that this trend could be just the beginning of an extended mega drought that ranks among the very worst of the past 1,200 years and would be unlike anything known in recorded history⁴. Surely the wisdom of diverting depleted water flows to desert regions must be questioned should this mega drought become a reality. This scenario **must** be addressed in the EIR.

In addition, as ocean levels rise during the climate crisis, saltwater will be inundating the Delta from the west and threaten the survival of freshwater Delta species. How will this "attack from both directions" be mitigated to protect Delta biota?

⁴<https://www.smithsonianmag.com/science-nature/american-west-may-be-entering-megadrought-worse-any-historical-record-180974688/>

This project will require significant expenditure of energy to pump the water. The EIR must identify energy sources that will result in zero GHG emissions.

We offer these comments with a genuine interest in the development of a quality water supply for all the peoples of the state and the environment. Please acknowledge receipt of this letter, and keep us informed of any and all actions taken on this project and all opportunities for public input.

Sincerely,
Frank Toriello

President
Board of Directors
We Advocate Thorough Environmental Review