



CENTER FOR
FOOD SAFETY

October 28, 2015

BDCP/WaterFix Comments
P.O. Box 1919
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RE: Partially Recirculated Draft Environmental Impact Report/Supplemental Draft
Environmental Impact Statement (RDEIR/SDEIS) for California Water Fix

To whom it may concern:

The Center for Food Safety (CFS) is a national non-profit public interest and environmental advocacy organization working to protect human health and the environment by curbing the use of harmful food production technologies and by promoting organic and other forms of sustainable agriculture. CFS has more than 500,000 members throughout the United States, with offices in San Francisco; Portland, Oregon; Honolulu; and Washington, D.C.

CFS submits these comments on the Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the project previously known as the Bay Delta Conservation Plan, and now known as California Water Fix. CFS is opposed to Alternative 4A and urges the Department of Water Resources (DWR) and the Bureau of Reclamation (Bureau) to select the no-project alternative and abandon the flawed tunnels project.

In general, Alternative 4A represents a near-total capitulation to the wishes of southern San Joaquin Valley agribusiness interests. Both DWR and the Bureau have long acted as agents of these special interests, in a manner far out of proportion to their contributions to the statewide and regional economy. This is especially true considering the recent shift in the southern San Joaquin Valley from row crops and rangeland to tree crops and other “permanent” crops. The shift to tree crops in the southern San Joaquin Valley has greatly padded corporate profits, but has also hardened demand for Delta exports, dramatically reducing what flexibility existed in the State Water Project and Central Valley Project. The Delta ecosystem and the communities dependent on the Delta as a functioning, sustainable shared resource have suffered as a result.

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Rather than spending billions of dollars to transport water hundreds of miles for the benefit of a few select politically-connected profiteers, we should focus on supporting sustainable agriculture, sustainable economies, true water supply enhancements, and a rational, equitable water infrastructure system. Alternative 4A is not the answer.

We offer the following specific observations and concerns, to supplement the many comments already received by concerned members of the public and interested organizations:

Alternative 4A does not meet the coequal goals of the Delta Reform Act.

Alternative 4A does not meet the coequal goals of the Delta Reform Act, particularly the goal of “protecting, restoring, and enhancing the Delta ecosystem.” The RDEIR/SDEIS incorrectly states that Alternative 4A will “improve conditions for endangered and threatened aquatic species in the Delta while at the same time improving water supply reliability...” (RDEIR/SDEIS at p. 4.1-1.) But by separating the tunnels portion of the project from the ecosystem restoration portion of the project, Alternative 4A makes compliance with the Delta Reform Act impossible. While Alternative 4A includes several “environmental commitments,” these are primarily focused on limited terrestrial habitat restoration projects. Not only are these restoration projects far too limited given the scope of the project, they fail to adequately address the largest consequence of the project: the removal of freshwater from the Delta ecosystem. The essence of the Delta as an ecosystem is its confluence of freshwater and saltwater. Removing large quantities of freshwater from that ecosystem will not only prevent the protection, restoration, and enhancement of the Delta but will have devastating consequences to the ecosystem and to the Delta economy. These consequences are almost completely ignored by Alternative 4A.

Alternative 4A does not address the severe over-allocation of Delta water.

A recent study by California Water Information Network demonstrated that consumptive water rights for water from the Sacramento and San Joaquin River basins total five times the amount of water that is actually available in those systems. The Delta Vision Taskforce showed that there are 245 million acre feet of water rights in the Delta, which has average natural flows of only 29 million acre feet per year. And just within the State Water Project, water contractors hold contracts for at least twice as much water as the SWP can reliably provide each year. The cause of the disconnect between available water and allocated water – “paper water” – is based on both the incomplete build-out of water storage facilities in northern California and on the historical capture of state and federal water agencies by water contractors, primarily agribusiness interests in the southern San Joaquin Valley.

The RDEIR/SDEIS completely fails to address this fundamental problem. The RDEIR/SDEIS describes one project objective as being to “[r]estore and protect the ability of the SWP and CVP to deliver up to full contract amounts....” (RDEIR/SDEIS at p. 1-8; see also p. 1-9 [NEPA-related purpose statement].) But delivering full contract amounts is an illusory goal due to the incomplete build-out of the SWP system and the over-allocation of

the Sacramento and San Joaquin basins. To the extent the project provides a solution, it is merely to rob Peter to pay Paul: delivering full SWP and CVP contract amounts will require someone else getting less – far less – water in any given year. Identifying those water users who will suffer is easy: any non-SWP and non-CVP user south of the proposed water intake pipes will have to do with less, while the SWP and CVP contractors, holders of illusory paper water contracts for water that does not actually exist, will get a windfall. More likely, though, the water users south of the proposed intakes will continue to use their contracted and allocated amounts, kicking the suffering down the line to those users with the least political and economic power: the fish, birds, plants, and animals that make up the Delta ecosystem.

Alternative 4A fails to address the severe economic and ecological harm that will likely be caused by the tunnels project.

Dewatering the Delta at the scale envisioned by the tunnels project and described in Alternative 4A will result in significant salt water intrusion in the Delta ecosystem. Yet Alternative 4A euphemistically describes this change as a positive: “Alternative 4A would allow the Delta to be managed in a number of different ways, including maintaining salinity as it is currently managed or allowing salinity to fluctuate more freely in the Delta as it did prior to the development of upstream reservoirs.” (RDEIR/SDEIS at p. 4.3.25-9.) The suggestion is that the only thing blocking more natural fluctuations in salinity is the presence of the southern intake pumps and the need to transport water stored in northern reservoirs through the Delta, to those pumps. But the Delta was a significantly altered ecosystem even before the development of upstream reservoirs. A number of factors, including the drying up of much of the Delta with the building of levees, upstream consumption of water, and upstream water diversion by Bay Area communities, have had significant effects on natural salinity fluctuation in the Delta. And in turn, agricultural and residential/commercial development in the Delta and downstream have placed all sorts of constraints on the system to maintain a certain amount of freshwater at the expense of natural salinity fluctuation.

Alternative 4A proposes an incredibly expensive solution that attempts to address only one of these factors – the need to transport water from northern reservoirs to the southern SWP-CVP pumps – at the likely expense of the other users dependent on freshwater flows in the Delta. Any enhanced salinity fluctuation enabled by increased northern diversions caused by the tunnels project will be seen by downstream users as a negative, and they will likely work to prevent it, a fact the RDEIR/SDEIS misses. The result will be increased stress on an overstressed ecosystem, not increased management flexibility, as Alternative 4A promises.

The RDEIR/SDEIS also fails to adequately discuss the role of the tunnels in facilitating and encouraging north-south water transfers. The vast majority of these transfers are from agricultural users in the Sacramento Valley to agricultural users in the San Joaquin Valley, meaning that their purpose is to shift agricultural production from the north, where there is more water, to the south, where there is less. This is environmentally inefficient, and pencils out as economically efficient only because many of the costs of the

transfers are borne by taxpayers or spread among all water users, not borne solely by the recipients of the transferred water. The tunnels will increase the number and frequency of north-south water transfers by removing the natural impediment of the Delta. Moreover, transfers will increase exactly when the Delta and other ecosystems are in most need of water – when water is scarce and the value on the market makes such transfers economical to southern water users. This will exasperate the stress that is already present on sensitive species when water is scarce and could drive some species closer to extinction.

Increased north-south water transfers will have devastating impacts that are not adequately analyzed in the RDEIR/SDEIS. First, many, if not most, of the new water transfers will involve groundwater substitution. Increased groundwater pumping to facilitate water sales will result in depleted aquifers and groundwater subsidence. It will also result in dewatering of streams and rivers. The surface waterways of the Sacramento Valley are tightly connected to groundwater; surface water recharges groundwater aquifers while groundwater provides water for streams and rivers. Today, less than 30% of the consumptive water use in the Sacramento Valley is from groundwater. That percentage will certainly rise with the construction of the tunnels and the increased water transfers that will result, and with it land subsidence will increase and dewatering of rivers and streams will increase.

Separating groundwater and surface water through overpumping of groundwater to satisfy north-south water transfers facilitated by the tunnels will have devastating impacts on aquatic species and on terrestrial and avian species dependent on the surface aquatic ecosystems of the Sacramento Valley and the Delta (like the giant garter snake and migrating birds). These particular significant impacts are not explored in the RDEIR/SDEIS.

Land subsidence will have other devastating impacts, as is already evidenced in the San Joaquin Valley, where overpumping of groundwater has caused severe land subsidence. Impacts can include increased flooding; reduced freeboard and carrying capacity of canals, aqueducts, rivers, and flood control channels; damage to engineered structures like buildings, roads, bridges, pipelines, canals, aqueducts, levees, and wells; and loss of aquifer capacity.

Thank you for this opportunity to comment on the RDEIR/SDEIS.

Sincerely,



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