California Sportfishing Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

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26 February 2015

State Water Resources Control Board
Tom Howard, Executive Director
1001 "I" Street, 24th Floor
Sacramento, CA 95814
Tom.Howard@waterboards.ca.gov

VIA: Electronic Submission
Hardcopy if Requested

RE: Response To The 20 February 2015 Letter To Tom Howard By The State Water Contractors And San Luis & Delta-Mendota Water Authority - Order Approving In Part And Denying In Part A Petition For Temporary Urgency Changes and Conditions Requiring Compliance With Delta Water Quality Objectives In Response To Drought Conditions

Dear Mr. Howard:

The California Sportfishing Protection Alliance (CSPA) has reviewed the State Water Contractors and San Luis & Delta-Mendota Water Authority (Contractors and Authority) 20 February 2015 letter to you reiterating their request that you immediately amend your Temporary Urgency Change Petition Order. The letter claims, "Nothing has been presented to you that identifies unreasonable risk to fish due to the intermediate pumping level of 3,500 cfs denied on February 3, 2015." To the contrary, it's clear that a relaxation of Delta water quality standards has had and will have devastating consequences to both pelagic and salmonid fisheries. CSPA responds as follows:

Contractors and Authority claim, page 2, *"That risk was assessed using the status of the species and distribution."*

CSPA Response: We used the same data and distribution charts and concluded as in past years that both Longfin and Delta smelt are vulnerable to low outflow and moderate exports in winter and will be so again in March when the Delta may again go under balanced conditions without rain. Likewise many wild and hatchery salmon young including winter, spring, fall, and late fall will be rearing or migrating through the Delta. With the DCC closed any diverted from the Sacramento River via Georgianna Slough or Threemile Slough will likely be diverted to the pumps because of high negative OMR and QWEST flows (indicative of net negative flows at Jersey Point and Prisoners Point on lower San Joaquin in the Central Delta). Some examples of March distributions in recent years follow (Figures 1 and 2).

Contractors and Authority claim, page 2, *"The data relied upon in the 2015 TUCP Order are now outdated. They were from late December and early January. Current data show important*

changes in species distribution. The data indicate that Delta Smelt, Longfin Smelt, and each of the Chinook salmon runs are predominantly distributed throughout the northern and western Delta, and are therefore not within an area that presents a high risk of entrainment by the SWP and CVP facilities in the south Delta. See attached species distribution maps and figures, updated with the most current data publicly available as of February 19, 2015."

CSPA Response: More recent data include the dry period through early February. As we stated in our earlier letter, the longfin smelt are now indeed more prevalent in the Central Delta in the drier period indicating a higher risk to being drawn into Old River. In such dry conditions, net flows at Jersey Point, Prisoners Point, Threemile Slough, False River, Dutch Slough, and lower Old River are negative (flowing south in response to exports). Smelt spawned in the Central, West, and North Delta are susceptible to being drawn into the South Delta.

Contractors and Authority claim, page 2, *"Those data, which were not previously considered, reflect that some Delta Smelt moved upstream after the storm earlier this month to locations approximately 15-20 miles from the CVP and SWP pumping facilities".*

CSPA Response: Yes, adult Delta smelt were collected at the two early warning stations in the Central Delta.)

Contractors and Authority claim, page 2, *"It does not appear that those Delta Smelt are moving toward the pumping facilities, however".*

CSPA Response: Adult smelt would not be expected to migrate downstream in Old River to spawn. Their presence at the early warning stations and in salvage indicates a portion of the spawning population is spawning in the Central and South Delta this year, thus putting more of this years offspring at risk to exports.

Contractors and Authority claim, page 2, *"There has not been any Delta Smelt salvage since January 7. It should be further noted that Delta Smelt were observed at Jersey Point last year and those Delta Smelt did not move toward the pumping facilities, so an observation at Jersey Point, by itself, should not present significant concern. The FWS is using these data to predict and thus, if needed, further regulate operation of the SWP and CVP facilities in the south Delta to avoid entrainment/salvage. The FWS' early warning monitoring for Delta Smelt has been a collaborative process. This year, the process has led to, and will likely continue to lead to, a greater understanding of the environmental factors that influence salvage events at the SWP and CVP facilities in the south Delta."*

CSPA Response: Early warning is of potential spawning and larval entrainment – larvae and juveniles are too small to be salvaged. Figure 1 below shows the distribution of longfin smelt from March 18-19, 2013. Exports were 4800; NDOI was 12,000. E/I standard of 35% was controlling. An outflow of 5500 with 3500 exports would draw more smelt into Old River. Figure 2 shows Delta smelt under the same conditions in March 2013 and also indicate risks from exports.

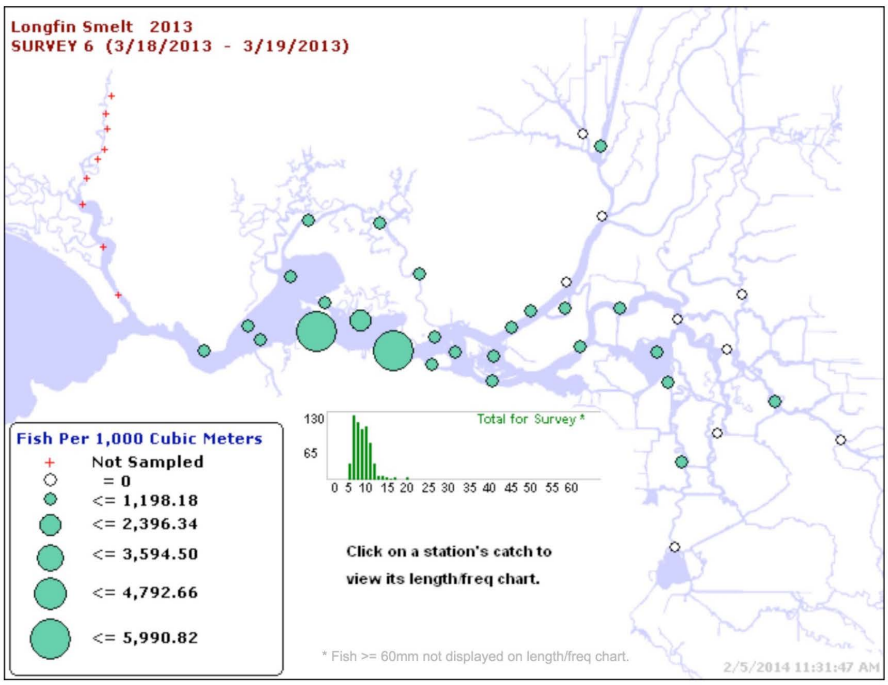

Figure 1

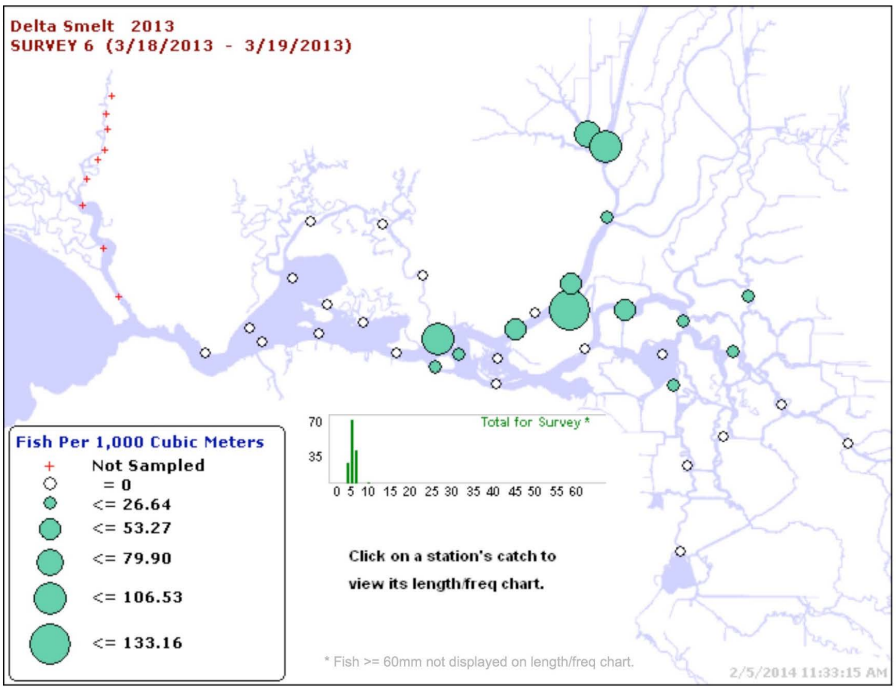

Figure 2.

CSPA Response (continued): The early surveys indicate larvae were moving from Suisun Bay to the West and Central Delta and toward export pumps. (Figures 3 and 4). Further reductions would increase such movement. Also important is the movement of the Low Salinity Zone into

the Central Delta leading to its degradation (Figures 5-7). These conditions would occur again upon relaxing D-1641 standards in March. The risks to smelt are also apparent in March 2014 larval survey charts (Figures 8-10).

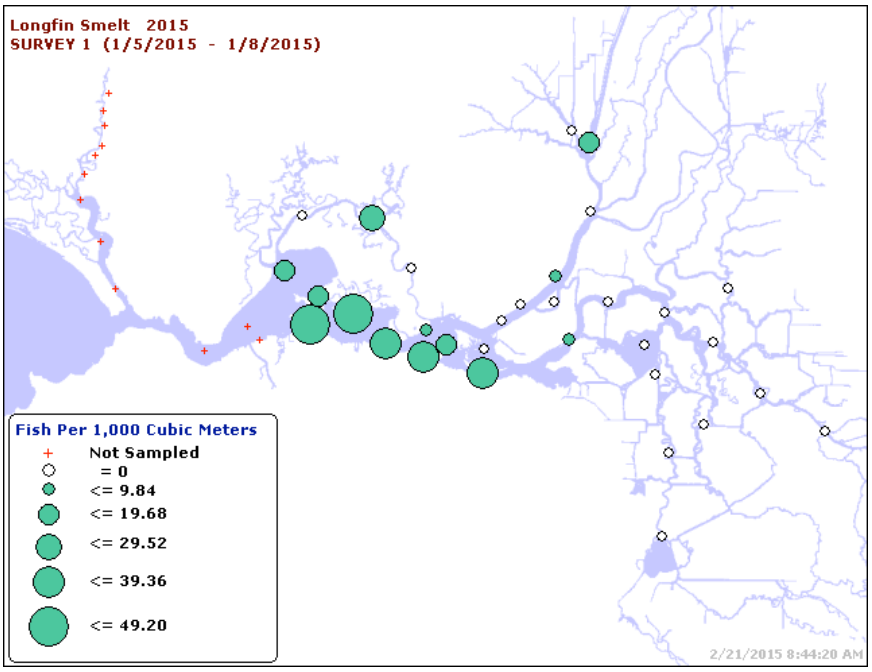

Figure 3. Larval Longfin smelt distribution in early January with outflow of 7000-9000.

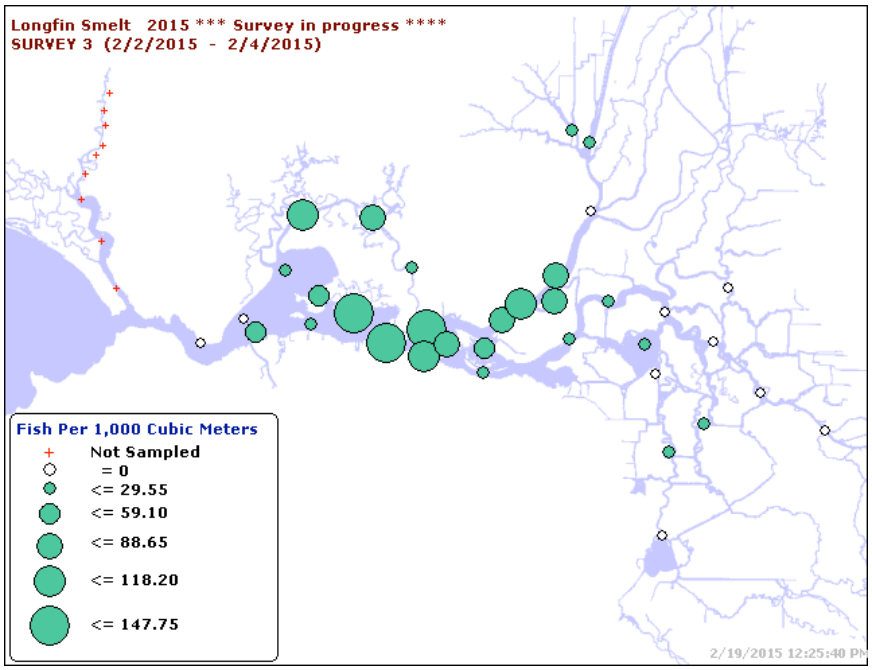

Figure 4. Larval Longfin smelt distribution in early February with outflow of 6000-7000.

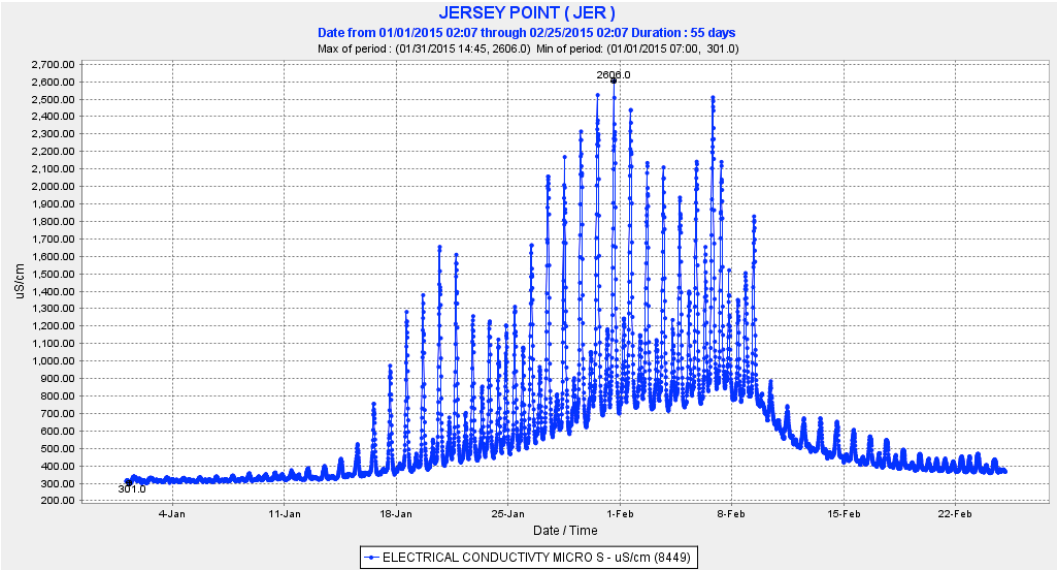

Figure 5. EC at Jersey Point. The rise in late January is indicative of effect of reducing outflow from 10,000 in early January to 5000 in mid January.

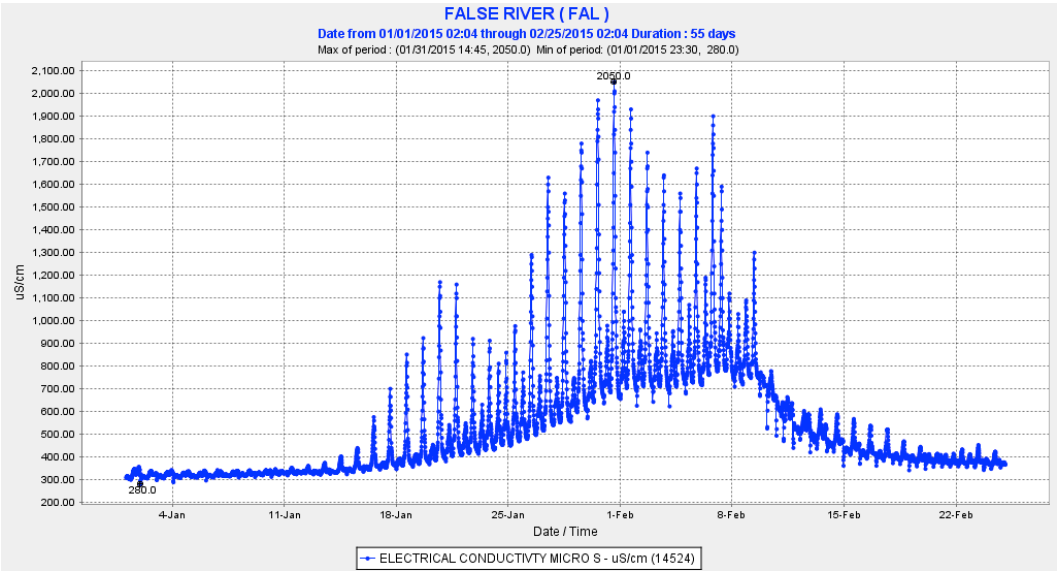

Figure 6. EC in False River channel between West and Central Delta. Low outflow from mid January to early February causes movement of the LSZ into Central Delta.

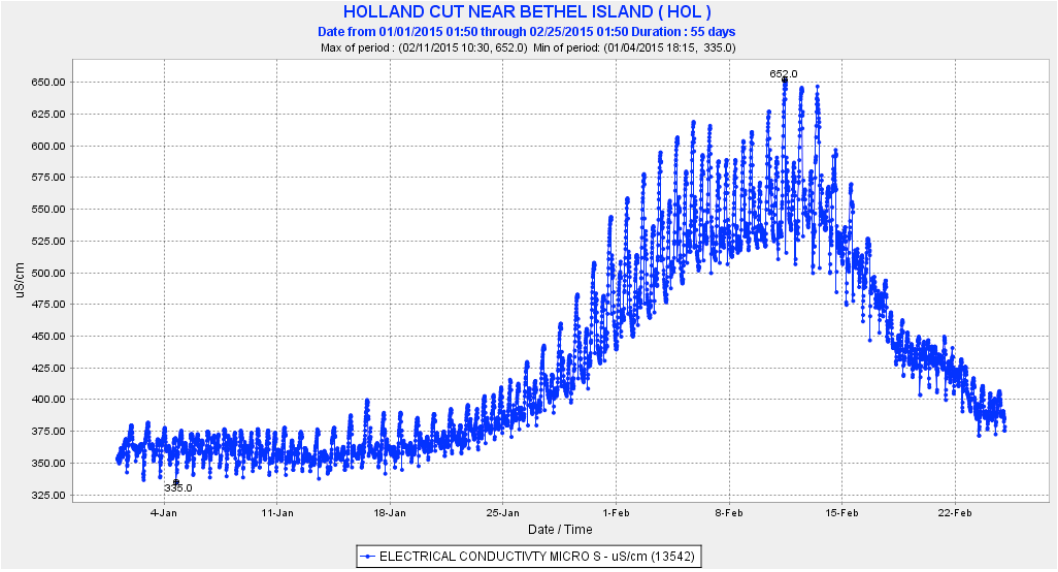

Figure 7. The effect of pulling the LSZ into the Central and South Delta can be seen in Holland Cut EC in the South Delta.

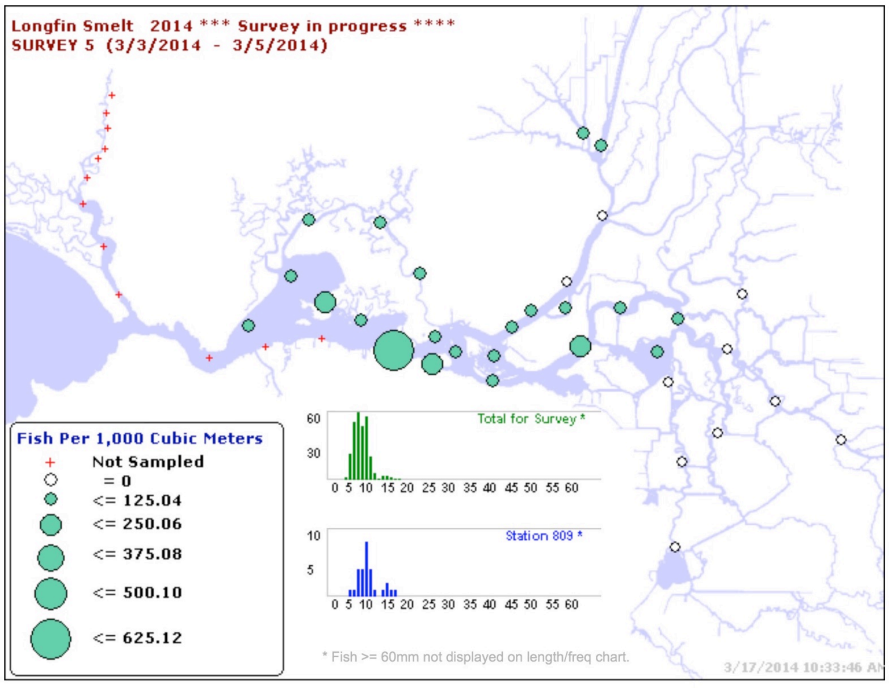

Figure 8. Longfin smelt distribution in early March 2014 Larval Smelt Survey. Outflow was 22,000-26,000 cfs.

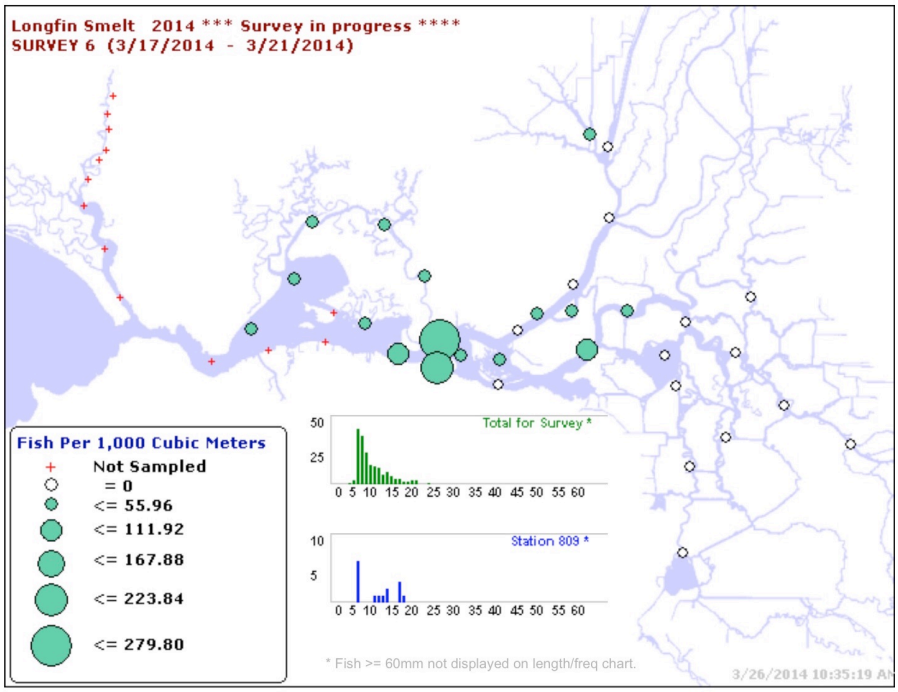

Figure 9. Longfin smelt distribution in mid March 2014. Outflow was 5000-8000.

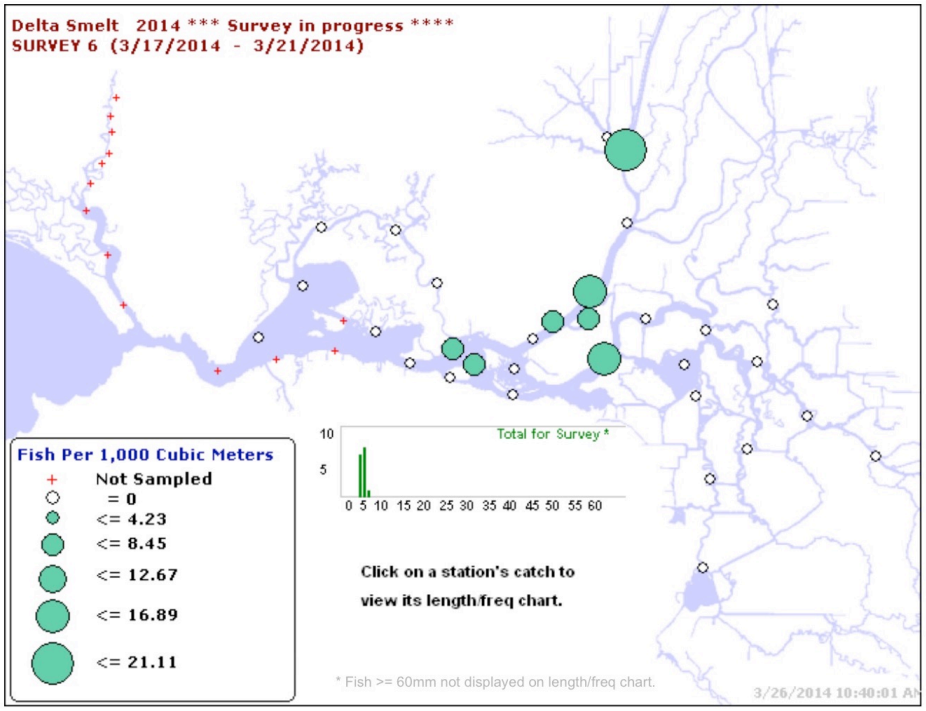

Figure 10. Delta smelt distribution in mid March 2014. Outflow was 5000-8000.

Contractors and Authority claim, page 2, *"The attached distribution data indicate Chinook salmon and hatchery steelhead are coming into the Delta, but their current distribution is*

centered in the north and west. The non-clipped figures show the distribution of natural Chinook salmon, and the clipped figures show the distribution of hatchery Chinook salmon and steelhead. Neither set of distribution figures suggest that there is a salvage/entrainment risk. This is further supported by the fact that the very low levels of Chinook salmon and steelhead salvage seen through January have not increased."

CSPA Response: The North (Sacramento) and West (Chipps Island) are the intensive sampling locations to determine what comes into and what comes out of the Delta, respectively. So far, not many of the 2014 salmon have left the Delta. Recently Mokelumne Hatchery steelhead stocked in the lower Mokelumne have been collected in salvage. Downstream for these fish is the export pumping facilities. Likewise, the pumping facilities will be "downstream" for the 50,000 spring-run smolts that will be released near Merced and for all wild salmon and steelhead from the San Joaquin tributary streams.

With approximately 30% of the Sacramento River inflow being diverted into the Central Delta this late February, many Sacramento River salmon and steelhead are also headed for the export pumps. Low salvage to date is indicative of the poor population production of young salmon, the few fish that survive to reach salvage facilities, and the poor efficiency of the salvage facilities. The TUCP requests that 45-55% of Sacramento inflow be diverted to the South Delta as inflow recedes from the early February storms. Not only will more salmon and steelhead be diverted to the South Delta, but also there will be lower net flows to carry them to the Bay (more saltwater intrusion to block their moving to the Bay).

Both pelagic and salmonid fisheries have been devastated over the last two years by the failure to enforce D-1641 water quality standards. The standards, themselves, are seriously inadequate and have failed to halt the long-term decline of fisheries. To relax them a third consecutive year would potentially have irreversible consequences. We remind you that the estuary is a unique national treasure belonging to all of the citizens of California and the nation.

Thank you for your consideration. If you have questions or require clarification, please don't hesitate to contact us.

Sincerely,

Bill Jennings, Executive Director
California Sportfishing Protection Alliance

cc: Members of the State Water Resources Control Board
Department of Water Resources, c/o James Mizell
Bureau of Reclamation, Regional Solicitor's Office, c/o Amy Aufdemberge
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