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The BDCP has come full circle back to where it started in a dark room on the 11th floor of the California Natural Resources Agency. In 2006, several water agencies that receive water supplies from the state and federal water projects that pump from the Delta gathered to re-birth the failed peripheral canal of 1982. Those agencies were committed to a 800-foot wide canal diverting Sacramento river water around the east side of the Delta islands, which later became the twin tunnels, large enough to carry more than half of the average flow of the Sacramento river. This plan was rejected by the voters!

As we first heard in April, what was the Bay Delta Conservation Plan (BDCP) has now been divided into two pieces: The tunnels and habitat are now called Water Fix and EcoRestore.

Under the old plan – the BDCP, the project would need to meet the higher standard of contributing to recovery has a habitat conservation plan under state and federal law. But the National Academy of Sciences, Delta Independent Science Board and EPA scientific reviews concluded that the BDCP approach of creating experimental habitat could not make up for the damage from reduced freshwater inflows into the Delta, wouldn't meet minimum endangered species and clean water standards, and would jeopardize rather than help recover, key fish species.

Now the BDCP has changed from a large-scale habitat plan, into a straight infrastructure project for which “take” authority – the ability to kill or harm – is being sought under state and federal endangered species provisions. A new draft EIR/EIS will be released Friday July 10th. This 8,000 page document will include additional analysis of three variations of Tunnels-only project alternatives will be added to the recirculated EIR/EIS which will become the CEQA proposed project. The new analysis will include a 3,000 cfs, 9000 cfs and 15000 cfs tunnels.

Unlike the prior conservation plan that attempted to assist in the recovery of listed species, the take permit they are seeking now doesn't try to help recover species and will only “mitigate to the extent practicable” the massive impacts of the tunnels on endangered fish and other species. This new project configuration includes far less new habitat, with only 180 acres of tidal marsh restoration total, down from 65,000 acres. Overall, only 2100 acres of restoration is included in the Water Fix.

Separate from the Water Fix tunnel project, the state has rolled out the Eco-Restore effort, which aims to create 30,000 acres of restored habitat in the Delta, is a completely separate process from Cal Water Fix. But about 28,000 acres of tidal marsh and seasonal floodplain habitat is already required by the 2008 and 2009 Biological Opinions, which was required to mitigate for the take of endangered species from the existing south delta diversions. So EcoRestore really does nothing additional for endangered fish in the Delta than is already required.

Though the tunnels are presented as somehow better for the environment, the new Water Fix is no better for fish and no better for water quality than the current system. Modeling indicates that removing 45 % of the fresh water out of the system worsened salinity conditions in the northern Delta, creating drought-like conditions in the Delta like we are experiencing this year permanently.

The new diversions will also not be better for fish, for whom fresh water flows are the most important factor for survival. Screens on diversions may help, but the still unscreened south delta diversions¹ will still be used roughly half of the time. The only difference under Water Fix is the new diversions will kill more of the fall and winter run salmon than the Delta smelt. The experimental and massive fish screens for the north delta will supposedly be operated from 35 miles away will help push several species to extinction.

The tunnel intakes will also destroy over one contiguous mile of area containing some of the best remaining channel margin riparian habitat on the Sacramento River where the new intakes will be located.² This amount of riparian habitat destruction is arguably more than has ever occurred by an individual project.

Fully protected species greater sandhill crane, black rail and the white tailed kite will be killed by the powerlines that will serve tunnel construction. Yet there is no legal way to actually permit take of these majestic and fully protected species under state law. The Department of Fish and Wildlife will apparently require tiny bird diverters” as a means to prevent take, and ignores the fact that the 2013 BDCP documents predicted that at least 48 supposedly fully protected greater sandhill cranes would die per year on the same transmission lines that are still part of the project.³ The state’s lack of commitment to the most endangered species is disappointing.

¹ No credible explanation has ever been provided as to why upgrades to the south Delta diversions, as described in CalFed would not reduce take of Delta smelt.

² BDCP, Table 4□2 (listing 6,360 linear feet for intakes and transition walls).

³ The BDCP would “take” greater sandhill cranes each year (among other birds), for instance, with the new power transmission lines due to bird strikes. (BDCP, Appendix 5.J.D, Table 2 (estimating 138 deaths per year, which is estimated to be reduced to 48

From a statewide environmental perspective, the tunnels project is a disaster because it further imperils the largest estuary in all of North and South America. Now without any restoration, the opportunity for the project to be viewed as anything other than an environmentally destructive water grab is gone. Wherever large quantities of water are diverted from the estuary, there will be major environmental damage. In this drought year, it is obvious there is not enough water in the system to meet species needs and satisfy all existing, let alone future, water demands. The tunnels, unlike water conservation, would not create any new water and would substantially degrade water quality, and make it less fishable, swimmable and drinkable.

The plan was always a massive water grab, and the silver lining to the new “water Fix” approach is they are at least coming clean. The Fix will be in for the Sacramento River and the Delta this Friday.

deaths per year if the powerlines are marked according to a Colorado study indicating that a 66% reduction in bird strikes could be attained through marking).)