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DELTA STEWARDSHIP COUNCIL

A California State Agency

September 29, 2015

Chair
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Ben Nelson
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RE: Coordinated Long-Term Operation of the Central Valley Project and State Water Project Draft Environmental Impact Statement

Dear Mr. Nelson:

The Delta Stewardship Council (Council) respectfully submits comments on the draft Environmental Impact Statement for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project (DEIS), analyzing the impacts of implementing the 2008 U.S. Fish and Wildlife Service and 2009 National Marine Fisheries Service Biological Opinions, including their Reasonable and Prudent Alternatives (RPAs).

The Council is an independent California state agency tasked with furthering the state's coequal goals for the Delta through implementation of the Delta Plan, a comprehensive, long-term management plan for the region. As defined in California Water Code section 85054, the State's coequal goals include providing a more reliable water supply for California, and protecting, restoring and enhancing the Delta ecosystem. As described in the Delta Plan and in a set of guiding principles, being developed by the Council, on water conveyance, storage and operations, water operations including exporting water through or from the Delta should:

- Be balanced. It should enhance the Delta ecosystem, including restoring more natural flows, and increase the reliability with which water available for export supplies can be exported.
- Be flexible. It should be able to adapt to changing conditions (hydrological, climate change, and ecosystem needs) both near-term and in the future while continuing to provide benefits to the ecosystem and reliably convey available water supplies.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

- More closely match water supplies available to be exported, based on water year type and consistent with the coequal goal of protecting, restoring, and enhancing the Delta ecosystem.
- Provide real benefits to the ecosystem, in contrast to protecting the ecosystem from further degradation.

In light of these principles, the Bureau should consider the most comprehensive and balanced approach for implementing the biological opinions to protect key endangered or threatened aquatic species. The Bureau may wish to consider several individual elements included in Alternatives 3, 4, and 5 such as;

- Implementing predator control programs for Black Bass, Striped Bass, and Pikeminnow to protect salmonids and Delta smelt, including establishment of new catch limits.
- Modify the requirements of the U.S. Army Corps of Engineers related to removal of vegetation on levees to allow for the planting of trees and shrubs along the levees, and installation of vegetation, woody material, and root re-enforcement material on the levees instead of riprap for erosion protection.

The Delta Plan calls for similar efforts including;

- Regulatory policy **ER P5 (Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species)**. This policy requires that the potential for new introductions of or improved habitat conditions for nonnative invasive species, striped bass, or bass, as a result of ecosystem restoration, must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem.
- Recommendation **ER R6 (Regulate Angling for Nonnative Sport Fish to Protect Native Fish)**. The Delta Plan recommends that the California Department of Fish and Wildlife should develop, for consideration by the Fish and Game Commission, proposals for new or revised fishing regulations designed to increase populations of listed fish species through reduced predation by introduced sport fish. The proposals should be based on sound science that demonstrates these management actions are likely to achieve their intended outcome and include the development of performance measures and a monitoring plan to support adaptive management.
- Recommendation **ER R4 (Exempt Delta Levees from the U.S. Army Corps of Engineers' Vegetation Policy)**. This Delta Plan recommendation calls for considering the ecosystem value of remaining riparian and shaded riverine aquatic habitat along Delta levees, the U.S. Army Corps of Engineers should agree with the California Department of Fish and Wildlife and the California Department of Water Resources on a variance that exempts Delta levees from the U.S. Army Corps of Engineers' levee vegetation policy where appropriate.

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Agencies such as the California Department of Fish and Game (DFW) and the Department of Water Resources (DWR) are already undertaking efforts related to these topics such as predatory fish research (DFW) and levee improvement efforts along the Sacramento River that include the use of vegetation and other biological elements (DWR). These efforts could be coordinated with to further achieve the objectives of the biological opinions.

Council staff will continue to track progress on finalizing this DEIS and welcome any opportunities to coordinate with staff from the Bureau of Reclamation. If you have any questions or comments please contact me at (916) 445-0258 or cindy.messer@deltacouncil.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Cindy Messer". The signature is written in a cursive, flowing style.

Cindy Messer
Deputy Executive Officer
Delta Stewardship Council