

California Advisory Committee
on Salmon and
Steelhead Trout



January 9, 2020

Chair

Darren Mierau

Charlton H. Bonham, Director
California Department of Fish and Wildlife
1416 Ninth St., 12th Floor
Sacramento, CA 95814

Vice Chair

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Vivian Helliwell
Matt Clifford
Gayland Taylor
James Stone
Mike Orcutt
Ted Grantham

VIA ELECTRONIC TRANSMISSION

Subject: Concerns with Sites Reservoir Salmon Impacts and Accelerated Approvals/Permitting Called for In Draft Water Resilience Portfolio

Contact:

Darren Mierau
1380 9th Street
Arcata, CA 95521

Dear Chuck;

The California Advisory Committee on Salmon and Steelhead is tasked with advising you, the director of the California Department of Fish and Wildlife, in preparing and maintaining “a comprehensive program for the protection and increase of salmon, steelhead trout, and anadromous fisheries” in California.¹

dmierau@caltrout.org

Web Site

<http://fisheries.legislature.ca.gov/content/related-statutes-and-committees>

In our capacity as your advisor, we are expressing to you our concerns about the proposed Sites Reservoir’s potential impacts to salmon and steelhead in the Sacramento River and Delta. We recommend that you request preparation of a Supplemental/Recirculated Draft EIS/EIR for the project. Additionally, we recommend that you oppose accelerated approvals and permitting for Sites Reservoir that have been identified in the Draft Water Resilience Portfolio.

Furthermore, we recommend that you oppose any efforts to reduce minimum instream flow requirements in the Sacramento River below what has been recommended by your agency in 2016- 15,000 cfs. The Sites Project Authority is requesting minimum instream flows of 5,000 cfs at Wilkins Slough, much less than your agency’s recommendations and much less than environmental coalition recommendations that no diversions be allowed until there are flows as high as 35,000 cfs at Freeport (see Attachment 1).

The Sites Reservoir, while billed as using “surplus” water from wet years to be used in drier years, was modeled in the Draft EIS/EIR to take minimum instream flows in the Sacramento River well below safe levels for downstream aquatic resources (3,250 cfs at Red Bluff, 4,000 cfs at Hamilton City and 5,000 cfs at Wilkins Slough). An analysis by Kamman Hydrology found that the Sites DEIS/EIR modeling includes significant changes in the timing of diversions from the Trinity River that would increase Trinity River temperatures during critical spawning periods in the fall, while also not

¹ California Fish and Game Code § 6920 (2008)

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accounting for a water contract with Humboldt County and a federal record of Decision to release Trinity River water for Lower Klamath River fisheries (see Attachment 2). Furthermore, the attached March 17, 2019 Coalition letter (Attachment 3) identifies 38 issues that are inadequately addressed in the Sites Draft EIS/EIR, necessitating a recirculated/supplemental DEIS/EIR.² These are issues that cannot be remedied in a final EIS/EIR- a recirculated draft is required.

The need for a recirculated DEIS/EIR for Sites is in stark contrast to the Draft Water Resilience Portfolio that contains statements on pages 19 and 35:

“Accelerate state permitting and approvals of projects selected under the Water Storage Investment Program (Proposition 1) so that they are ready to go; for example, advance the largest off-stream reservoir in the suite of projects – Sites Reservoir – in a manner that protects and enhances fish and wildlife and water reliability.”

We fail to see how accelerated permitting and approvals of Sites will provide for protection and enhancement of fish and wildlife and water quality. To the contrary, a recirculated/supplemental DEIS/EIR is necessary to protect public trust resources such as salmon and steelhead.

The Sites Project Authority has already misrepresented benefits to the Sacramento River salmon that were debunked by your staff at CDFW, and as a result the California Water Commission (CWC) removed salmon benefits from public funding under Proposition 1. The Sites Project Authority is in the process of downsizing the project and has yet failed to provide a viable operations plan. Nonetheless, Sites has received approval for over \$816 million in public funding from the CWC for benefits to wildlife refuges and Delta smelt, with nearly \$41 million being provided up front. The California Advisory Committee believes that the public funding benefits are based on providing a volume of water that will impair salmon and steelhead in the Sacramento River. Our committee does not believe that it is a wise use of public funds to diminish a public trust asset (salmon), regardless of the other benefits (refuges and Delta smelt) claimed by the proponents. Your Department’s mission is to ensure that this does not happen as a result of a truncated permitting process and reducing minimum instream flow requirements.

§ 6920. Preparation and maintenance of program; Consultation with public agencies

(a) The department shall, with the advice of the Advisory Committee on Salmon and Steelhead Trout and the Commercial Salmon Trollers Advisory Committee, prepare and maintain a detailed and comprehensive program for the protection and increase of salmon, steelhead trout, and anadromous fisheries.

² The 38 issues in the March 17, 2019 Environmental/Fisheries Coalition letter include: Foreseeable Impacts to Trinity River Water Temperature Objectives Associated with Sites Project Operations Need to be Evaluated with an Accurate Temperature Model, Foreseeable Impacts to Trinity River Associated with Trinity Lake Carryover Storage, Inaccurate Existing (Baseline) TRD Water Operations, Incomplete Cumulative Impact Assessment Pertaining to TRD Operations, Mitigation for Trinity/Lower Klamath Impacts, Narrow Scope of Alternatives, No Action Alternative and Existing Conditions, Sites Project Water Rights and Potential Unforeseen/Undisclosed Impacts, Cumulative Impacts,

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In conclusion, we urge you to consider the following:

- Recommend that the Sites Project Authority and the Bureau of Reclamation prepare a supplemental/recirculated DEIS/EIR for Sites Reservoir
- Oppose language in the draft Water Resiliency Portfolio to accelerate permitting and approvals for Sites
- Stand firm with your agency staff recommendation to oppose Sacramento River minimum instream bypass flows of less than 15,000 cfs per CDFW's 2016 recommendation.

Thank you for considering these recommendations.

Sincerely,



Darren Mierau
Chair, CACSST

Attachments:

1. Sites Reservoir Criteria For An Environmentally Responsible Project
2. Kamman Hydrology Report on Sites Reservoir
3. March 17, 2019 Coalition Letter Requesting Supplemental/Recirculated Sites DEIS/EIR

cc:

Governor Newsom
Resources Secretary Wade Crowfoot
CalEPA Secretary Jared Blumenfeld
Senator Mike McGuire
Senator Toni B. Atkins

Sites Reservoir Operating Procedures/Priorities Absent, Tribal Consultation and Mitigation Absent, Compliance with California Endangered Species Act (CESA), Hydropower Licensing, Environmental Baseline/Modeling, Bypass Flows and Diversion Rates, Reduced Delta Outflows and impacts on Delta Smelt and Other Important Bay-Delta Species, Delta and Longfin Smelt Impacts due to Old and Middle River Reverse Flows, Sacramento River Flow and Temperature Modeling, Sacramento River Temperature Effects, Impacts to Floodplain Habitat, Evaluation of Fishery Impacts Lacking, Water Quality – Toxic Metals, Methylmercury, Noxious Algal Blooms, Water Quality – Salinity, Geomorphology, Entrainment Losses of Native Fish, Fish Screens, Impacts on Funks and Stone Corral creeks, Reservoir Fishery Impacts from Pumping Plant Operation, Recreation, Wildlife Mitigation Actions, Need for a Natural Community Conservation Plan (NCCP), Nesting Birds, Giant Garter Snake, Botanical Surveys and Botanical Resources Mitigation.

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Senator Jerry Hill
Senator Jim Nielsen
Assembly Member Mark Stone
Assembly Member Megan Dahle
Assembly Member Monique Limón
Assembly Member Philip Y. Ting
Joe Yun, Executive Officer California Water Commission
Fritz Durst, Chairman Sites Project Authority