

Coalition opposes temporary urgency changes for Central Valley Water Project and State Water Project

A coalition of Delta-based groups has sent a formal [Petition for Reconsideration](#) to the State Water Board opposing the Board's June 1 order to relax water quality standards for Delta operations of the Central Valley Project and the State Water Project. The Temporary Urgency Change Order (TUCO) was issued by the Water Board on June 1, 2021.

By Dan Bacher

"The State Water Board issued its order before receiving all public input, including from our coalition," said Tim Stroshane, policy analyst with Restore the Delta. (RTD was joined in the reconsideration request by Little Manila Rising and Save California Salmon. "We insist they reconsider their order to take account of deliveries they made to northern California senior water right holders instead of holding water back for young salmon and to protect against Delta harmful algal blooms this summer. The only thing they seemed to feel was urgent was making sure rice and almond growers got their irrigation water this spring and summer."

The coalition's [petition](#) shows that 4.5 million acre-feet of water will be delivered to state and federal water contractors (including about 10 percent for Central Valley wildlife refuges), based on Water Board information. The Board's action will only add another 3 percent in water savings to put toward protecting salmon and the Delta, "a miserly allocation," said the petition for reconsideration.

The coalition further argues that the Temporary Urgency Change Order for the CVP and SWP violates:

- Public trust protections for fish and wildlife and environmental justice communities in the Delta Estuary's watershed.
- California Constitution Article X, Section 2 and California Water Code Section 106 stating that the waters of the state of California are to serve beneficial uses to the fullest extent they are capable, prohibiting waste and unreasonable use of water, and requiring that all uses, methods of use, and methods of diversion of water must be reasonable.
- The state's "Co-Equal Goals" policy seeking to balance a more reliable water supply for California with protecting, restoring, and enhancing the Delta ecosystem.
- A mandated state policy to reduce reliance on the Delta for California's future water needs. And
- California state civil rights and environmental justice laws prohibiting discrimination in the application of and benefits from state funds and programs, and protecting fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

The letter continues... "None of these policies were suspended in Governor Gavin Newsom's emergency declarations. But the Water Board's TUCO implicitly and improperly interprets the declarations as an opportunity to gut California's water policy, endangered species, and environmental justice and civil rights laws. A drought is, instead, precisely the time when burdens like scarce water must be shared, and these policies and laws guide how best to accomplish this."

Background: Massive amounts of water exported from the Delta from 2010 to 2020

The poor water management by the Department of Water Resources and the Bureau of Reclamation that has exacerbated drought water conditions, resulting in the deaths of many winter-run Chinook salmon

below Keswick Dam before spawning this May, is revealed in my analysis of water exports out of the Delta for the past decade.

In 8 out of the past 10 years, the combined water exports from the state and federal water projects have exceeded the 3 million acre feet annual export figure that many believe to be the maximum amount of water that can be exported from the Delta without destroying the ecosystem and harming fish species.

In every water year except two, 2014 and 2015, the state and federal projects exported well over 3 million acre feet of water from the Delta.

The 3 million acre feet cap of water exports in all years is a key recommendation of the Environmental Water Caucus (EWC) updated solutions plan titled "[A Sustainable Water Plan for California.](#)"

In fact, 2011 was the all time record export year with 6.67 million acre feet of water diverted from the Delta, followed closely behind by the 6.46 million acre feet exported in 2017. 2018 saw 4.62 million acre feet exported from the Delta, while 2019 saw 5.3 million acre feet exported and 2020 saw 3.65 million acre feet exported: <https://viewperformance.deltacouncil.ca.gov/pm/water-exports>.

Due to the projected poor water conditions in the Sacramento and its tributaries this year, all of the juvenile chinook salmon (smolts) from state fish hatcheries are getting truck rides to saltwater this spring to increase their survival.

Over 16.8 million young chinook salmon from four Central Valley hatcheries — the Feather River, Nimbus, Mokelumne and Merced facilities — will have been trucked to release sites around San Pablo and San Francisco bays and in Half Moon and Monterey bays by early June, according to the CDFW.

"If you don't conserve enough water to maintain carryover storage to enable successful spawning and outmigration of salmon in a drought, then the CDFW has to truck the fish downriver to the bay so that fish are able to survive," said Bill Jennings, chairman and executive director of the California Sportfishing Protection Alliance (CSPA): [www.recordnet.com/...](http://www.recordnet.com/)

Below is the chart with the annual exports and the 15 year average. (All of the figures are in million acre feet):

Year	Annual Export	15 Year Average
2010	4.773481183	5.368112135
2011	6.678547642	5.453433578
2012	4.971327374	5.441023876
2013	4.270590543	5.405164312
2014	2.037482936	5.216134646

Year	Annual Export	15 Year Average
2015	1.939412746	4.921947348
2016	3.508986048	4.814769057
2017	6.463958728	4.87413627
2018	4.6	4.758666667
2019	5.344226	4.705860648
2020	3.655797327	4.518263237

For more information, see: [viewperformance.deltacouncil.ca.gov/...](http://viewperformance.deltacouncil.ca.gov/)

USDA predicts a record of 1,330,000 bearing acres in California almonds this year

The massive water exports out of the Delta take place as the acreage for almonds, a water-intensive crop, has increased dramatically over the past ten years. The U.S. Department of Agriculture (USDA) National Agricultural Statistics Service (NASS) on May 12 released the [2021 California Almond Subjective Forecast](#) that predicts a 3 percent increase in the California almond crop during this drought year, with a record bearing acreage of 1,330,000 acres.

“The initial subjective forecast for the 2021 California almond production is 3.20 billion pounds,” the report stated. “Forecasted production is 3% above last year’s production of 3.12 billion pounds. **Forecasted bearing acreage for 2021 is a record high of 1,330,000.** Forecasted yield is 2,410 pounds per acre, 3% lower than the 2020 yield of 2,490 pounds per acre.”

That forecast follows the April 22 release of the USDA NASS [2020 California Almond Acreage Report](#) that estimated total almond acreage for 2020 at 1,600,000 acres, up 5.3 percent from the 2019 acreage of 1,520,000. Bearing acres (orchards mature enough to produce a crop) were reported at 1,250,000 acres, up 5.9 percent from 2019.

As winter Chinook die before spawning and almond acreage keeps expanding, Doug Obegi of NRDC informs us that on Friday the State Water Resources Control Board appeared to [tentatively approve](#) a temperature management plan for Shasta Dam that “sacrifices salmon and fishing jobs for agribusiness profits this year, violates water quality standards, and leaves California woefully unprepared if next year is also dry” – and will apparently allow the federal and state governments to allocate more than 4.5 million acre feet of water in 2021 to their contractors.

“While this plan is terrible for salmon and the thousands of jobs and communities that depend on their health, it appears to allow Reclamation and DWR to [allocate more than 4.5 million acre feet of water this year](#) to their contractors, largely agribusinesses in the Sacramento and San Joaquin Valleys, rather than making more politically painful cuts,” Obegi wrote: [on.nrdc.org/...](http://on.nrdc.org/)

Unfortunately, the Sacramento River is not the only river system where salmon are dying because of the Bureau of Reclamation’s poor water management policies. On May 13, the Yurok Tribe reported that a

widespread and catastrophic juvenile fish kill is taking place on the Klamath River, a day after the US Bureau of Reclamation announced that it would not release water to prevent a juvenile salmon kill on the river, as requested by the Tribe. Read the Yurok Tribe press release here: bit.ly/33H5as9