

**Summary of written comments through 3-28-2005 and
General Responses to Issues Raised
on**

**SOUTH-DELTA FISH FACILITIES CO-CHAIR'S REPORT:
SOME PRELIMINARY POLICY CONCLUSIONS
Dated 11/3/2004**

Ron Ott and/or Darryl Hayes, CBDA received written comments on the draft Co-Chairs report by the following individuals:

Alex Hildebrand, SDWMA
Ron Silva, USBR
John Beuttler, CSPA
Bob Fujimura, DFG
Doug Lovell, FFF
Serge Birk, CVP Water Association
Dan Odenweller, Delta Keeper

For convenience purposes, these letters and comments are incorporated into this one file and listed in the order in which they were received. Each of these individuals categorized their comments into various areas of concern.

The comments recorded at the December 10 meeting are posted on the CBDA website at the following link:

<http://calwater.ca.gov/Programs/Conveyance/SDFP/SouthDeltaFishFacilitiesForum.shtml>

Comments by Alex Hildebrand, SDWMA, dated November 21, 2004

DATE: November 21, 2004

TO: Diana Jacobs
Kirk Rodgers

Cc: Ron Ott
Lester Snow
Patrick Wright
John Herrick

FROM: Alex Hildebrand

RE: Suggestions regarding the South Delta Fish Facilities Co-Chair Report

The Co-Chair's report does a good job of addressing the protection of fish at export intakes while increasing export rates. I suggest, however, that the report should also address the need to do this compatibly with an improved SDIP so as to protect the in-channel water supply throughout the South Delta channels both for fish and for agricultural diversions. Protection is needed for adequate water levels and depth for fish habitat and local diversions, and for salinity control, and for maintaining adequate dissolved oxygen (DO) in internal South Delta channels as well as in the Ship Channel.

Comment: Agree. The proposed South Delta Hydrodynamics and Fisheries investigations will be addressing many of these issues raised. The Study Plan will be developed in Spring 2005 for Science and Stakeholder review.

The South Delta Water Agency's (SDWA's) August 31 letter to Kirk Rogers, Lester Snow, and Patrick Wright called attention to the fact that the South Delta Improvement Program (SDIP), as then proposed, would be inadequate to protect the in-channel water supply in several respects, as shown by DWR modeling. These inadequacies may be either reduced or exacerbated by such measures as altering the schedule for taking water into Clifton Court.

Comment: We also agree this is a valid comment. Various Scenarios will be examined in several proposed feasibility studies that could impact CCF Gates Operations. The modeling associated with the SD Hydro/Fish studies will also be looking at some operational scenarios in their model if gate operations are being proposed to assist in reducing fisheries impacts.

During neap tides in summer months the Old River-near-Tracy barrier would fall far short of capturing enough water per the proposed SDIP to maintain net unidirectional flow in Old River. This would result in a stagnant water reach in which it would not be possible to maintain either adequate DO for fish or adequate salinity control for agricultural diversions.

Comment: These comments should be addressed in the SDIP EIR/EIS. The studies referenced above will also include some investigation of water quality and general fish passage, but primarily as it might relate to reducing entrainment into CCF.

During high exports, high local diversions, and neap tides the three tidal barriers operated as proposed would be about 500 cfs short of being able to capture enough water to meet local diversions in summer months. The SDIP therefore relies on an inflow of at least 700 cfs into the head of Old River during several days of neap tides in each summer month to make up the deficit and maintain unidirectional flow in Middle River and Grantline Canal. There would still be stagnation in Old River. This inflow may be bad

for migrating fish in June. If this inflow is not available the proposed SDIP could not maintain water level, water depth, DO, or salinity control at these times.

Comment: This comment should be addressed in the SDIP environmental review process and in the associated modeling of that project.

The inflow of the San Joaquin River at Vernalis has been greatly reduced, and more reductions are under consideration including for EWA. The inflow was already inadequate to meet local diversions this summer. When summer inflow is less than about 1000 cfs at Vernalis the flow needed into Old River would derive in part from an upstream flow from Stockton to the head of Old River. DO control would then be impossible in the San Joaquin channel and in the Ship Channel.

Comment: This comment should be addressed in the SDIP environmental review process and in the associated modeling of that project.

SDWA has proposed a way to correct these inadequacies but has not yet had a response.

In summary, the co-chairs have done a good job regarding fish protection at export intakes. The next step should be to determine how that protection can be made compatible with fish habitat in South Delta channels (including DO and shallow water habitat) and with protection of the in-channel water supply for agriculture in the South Delta, and with DO for fish in the Ship Channel.

Comment: Excellent comments. Improving fisheries habitat in Delta is a goal of the CALFED Bay-Delta Program. The Co-Chairs report is focused on improving conditions at the fish facilities. Agencies and stakeholders will still have to ensure that assurances are in place to address the other issues you raise.

We are able and willing to assist in developing an overall South Delta plan that meets all needs.

Comments by Ron Silva, USBR, dated December 17, 2004

Darryl/Ron,

My comments to the attached "white paper" as we discussed briefly after the last meeting:

First of all, I recommend you (we) further clarify which species of fish we are focusing our efforts towards. I believe part of the problem (confusion) is that certain folks in the audience still refer to the CALFED ROD's implicit reference to protecting multiple species, whereas the focus of the SDFP Plus folks is more towards protected (ESA) species based on the reality of limited dollars and resources.

Comment: The species of concern is not limited to just salmonids. CALFED's ecosystem restoration plan must consider all species that contribute to a healthy ecosystem. The existing louver fish facilities were designed specifically for the protection of striped bass, catfish, and salmonids; however, the fish facilities actually salvage over 52 species of Delta fishes. Facility improvements outlined in the immediate actions section are likely to benefit all fish.

As such, I recommend as a minimum you amend the 2nd bullet under Part 6 - Long Term Investments to read "...driven by delta smelt or other delta fish species considerations." Also I would recommend changing the 3rd bullet to read "...and restore delta smelt and other delta fish species are likely...".

Also, I have a concern with the literal interpretation of Part 5 - Immediate Actions, especially where it states "The fish facilities should be modified and/or operated to achieve the original performance objectives required for louver facilities." As you know, the hydraulics have changed dramatically in the south delta over the past 50 years as a result of the SWP, etc., and the TFCF cannot meet D-1485 operating criteria much of the time due to this. We believe stage height has dropped ~4 feet over this time. It is virtually impossible from an engineering standpoint (short a new facility, which isn't going to happen right now) to turn back the clock and get back to original 1950 performance standards.

Comment: There is certainly some room for interpretation what this means. Conditions have changed and immediate actions should address or assess the degree of functionality so measures can be implemented to address the known deficiencies. However, as a "vision" document, the Co-Chairs feel that improvement details are left open for some interpretation. Improving the baseline efficiency of the louver fish facilities is the goal of this action and some of the specific actions that need to be improved to meet this objective are listed. Many of the actions in the CVPIA and in the OCAP BO address these issues as well and those obligations are not being dismissed.

We can, however, make some improvement in operation with new secondary systems, as suggested in the paper, and other means as best as possible with the limited dollars available.

That's about it. Hope this helps. Let me know if any questions. Thanks.

Ron
(209) 836-6252

In addition, major facility revisions are not being ruled out, but they will be balanced against other options. The scope of this has yet to be determined.

Comments by John Beuttler, CSPA, dated January 6, 2005:

-----Original Message-----

From: JBeuttler@aol.com [<mailto:JBeuttler@aol.com>]

Sent: Thursday, January 06, 2005 4:45 PM

To: ronott@calwater.ca.gov; dhayes@calwater.ca.gov

Cc: DfJacobs@dfg.ca.gov; pherrges@delta.dfg.ca.gov; progers@calwater.ca.gov; tquinn@mwdh2o.com

Subject: CSPA Comments on the Draft SDFC Co-Chairs Report

[Ron: I have attached CSPA's comments regarding the "Draft SDFC Co-Chairs Report - Some Preliminary Policy Conclusions". I've sent the Attachment as a WordPerfect file and as a Word file with the hope that you can open them and that the editing style of the comments will translate successfully. I have also sent it by mail to you.](#)

[Should you have questions or run into problems, please let me know.](#)

[Thanks.](#)

[John Beuttler](#)
[CSPA Conservation Director](#)

1-7-2004

SDFC Co-Chairs
C/O Ron Ott & Darryl Hayes
CBDA
650 Capitol Mall
Sacramento, CA

Re: "draft - South-Delta Fish Facilities Co-Chair's Report: Some Preliminary Policy Conclusions"

Dear Co-Chairs:

We appreciate the funding difficulties presented by state and federal budget deficits and the apparent inability of the government to realize the ROD commitment to fund modular fish screens at the state and federal pumping facilities in the Delta. In your draft "Policy Conclusions" you recommended that other alternatives that would potentially provide greater fishery benefits at a lower cost should be adopted.

We urge you not to make a premature decision regarding which course to take until an evaluation process has been agreed to and then conducted. Such a process should analytically establish, with a reasonable level of certainty, the benefits these actions offer and the extent to which they would provide equivalent or better benefits than the modular fish screens.

We have provided the concerns below because it is essential that such an

evaluation process be properly conceived and designed.

Determining Functional Equivalency: The concept of not building the modular fish screens and taking other actions that **provide equivalent or additional benefits** to the estuary’s fisheries requires a number of critical questions surrounding how to determine “Functional Equivalency”, including:

- § How are the benefits that would have been provided by modular screens going to be quantified?
- § Will the amount of fishery benefits that would have been derived from new screens be a standard against which the benefits of the alternative actions are to be measured?
- § If so, then what calculus will be used to compute this equivalency?
- § Will the CALFED Science Panel review this methodology and be asked to validate that the proposed actions will provide equivalent or greater fishery protection and benefits?

Comment: Functional equivalency and assurances of benefits MUST be addressed before a decision can be made to “drop” the facilities screening approach. Agencies and stakeholders (environmental included) will have to be part of this effort. The SDFF Forum chairs will be carrying this recommendation to others.

Undefined Actions and Projects: The alternative actions that have yet to be proposed need to be designated so they can be understood, evaluated and appropriately compared with screening benefits. All proposed alternative fishery actions should undergo rigorous scientific and economic evaluations to determine the anticipated benefits these actions could have and the extent to which they offset the benefits that would have been provided by modular screens.

Comment: Understanding the tradeoffs and benefits of facilities actions to other actions will have to be discussed and understood before any action is dismissed. The SDFF Forum is recommending that these tradeoffs and assurances be developed with agency and stakeholder cooperation.

Species to be Benefited: The alternatives to the modular fish screens seems to have been conceptually limited to only those fish for which federal and state population targets have been designated, which in our view is inappropriately limiting.

Comment: The species of concern is not limited to just salmonids and the vision will reflect this. CALFED’s ecosystem restoration plan must consider all species that contribute to a healthy ecosystem. The existing louver fish facilities were designed specifically for the protection of striped bass, catfish, and salmonids; however, the fish facilities actually salvage over 52 species of Delta fishes. Facility improvements outlined in the immediate actions section are likely to benefit all fish. The purpose of the SDFF Forum recommendations are not intended to usurp obligations and responsibilities of the CVPIA or OCAP.

We urge that the population targets established in the federal Central Valley Project Improvement Act to double all anadromous fish species in the estuary be incorporated into the long term objectives of this policy, while specific recovery goals for fisheries protected under the ESA be give an initial priority. The state and federal water projects have an obligation to protect all of the public’s fishery resources that they impact. We believe these fishery resources should be included and alternatives developed for them if they would have benefited from the modular screens, since this screening objective was originally intended to mitigate for impacts caused by the water projects.

Equivalency of Duration: The certainty that the modular fish screens would continue to provide long term benefits for **many decades** does not appear to have been considered in the co-chairs proposal. Given the government’s ability

to amend, re-define and preempt various assurances, we believe it is essential to specify a **viable time frame** over which the alternative actions will be provided and that the “shelf life” of their benefits be at least equal to the anticipated life of the modular screens.

Comment: Assurances must consider the sustainability of actions and financing assurances. This must be addressed in any assurance package before major screening facilities are dropped from consideration.

Equivalent In-Estuary Benefits: The alternative projects should include actions that will provide equivalent protection **in the estuary** through verifiable improvement in estuary’s fishery habitat and its fishery populations. We would like to encourage a combination of actions in the Delta to offset the impacts of not being able to significantly reduce Delta entrainment losses through improved screening technology.

Comment: This related to functional equivalency comments above and must be addressed in any assurance package.

Binding Assurances: Should the conceptual problems above be resolved, then we believe it is essential to provide binding assurances for at least the following:

- § If the alternative actions provide the benefits anticipated by the co-chairs, then they should be memorialized as an element of the estuary’s environmental baseline line just as the screens would have been under the ROD.
- § Should the level of protection envisioned by the alternative actions not be realized, then assurances are necessary to require the state and federal projects to curtail exports sufficient to provide the promised level of benefits to all of the estuary’s fisheries. A procedure will need to be incorporated into CALFED processes to trigger the implementation of immediate export reductions to protect the estuary’s fisheries until corrections can be made to deliver the promised benefits.
- § Assurances should be mandated in the CALFED 10 Year Finance Plan to provide top priority funding to implement the agreed on alternative actions. Should any of this funding not be provided in time to implement scheduled actions, reductions in exports need to be made to offset the increased entrainment losses that would result.
- § Should any of the alternative projects not be funded or delivered on time as intended and agreed to by various agencies, then contingency actions to offset entrainment losses to the equivalent level of protection the modular screens would have provided will need to be expeditiously implemented.

Comment: Binding assurances is critical to any strategy and these comments must be addressed in the future.

Sincerely,

John Beuttler
Conservation Director

Comment by Bob Fujimura, DFG, dated January 12, 2005:

Ron and Darryl,

Per your request, here are some specific comments on the Forum vision document.

Bob Fujimura
Senior Biologist Supervisor
Fish Facilities Research and Operations Monitoring Unit
Central Valley Bay Delta Branch
California Department of Fish and Game
4001 N. Wilson Way
Stockton, CA 95205
Phone: 209-948-7097
FAX: 209-946-6355
Email: bfujimura@delta.dfg.ca.gov

Forum Vision Document Comments

*Prepared by Bob Fujimura
January 12, 2005*

1. It would be extremely helpful to specify how much money would be available in the 10 year plan to repair and/or enhance the existing South Delta fish salvage. Identifying the general amount of money available would speed the selection and engineering of facility improvements.
2. Specific improvements needed at the CVP and SWP facilities include:
 - Modify loading bucket and receiving tank trucks to allow water-to-water transfer of salvaged fish
 - Modify interiors of fish transport vessel to avoid the accumulation of debris
 - Modify the DWR and BOR release site facilities and complete MOUs to allow joint use of DWR and BOR fish trucks
 - Epoxy coat the holding floors at the SWP
 - Redesign the DWR release sites to allow greater rate of flushing water into the truck and modify the fill water system to the release pipe
 - Redesign the DWR release site inlet to avoid the 90 degree release bend; explore the retrofitting of a flexible (instead of 90 degree elbow) bend using flexible hose
 - Redesign or modify the holding tank inner screen and the loading buckets seals to reduce fish loss from the holding tanks
 - Pilot test predator monitoring and behavior avoidance equipment at the release sites
 - Examine the feasibility of debris removal in the holding tanks
 - Install secondary louver debris cleaners (if feasible)

Comment: Since the Co-Chairs document is a "vision" paper, specific dollar figures are not being addressed in this paper. The details of financing these actions must be worked out in the Program Plans. A schedule and budget for the immediate actions will have to be worked out by the implementing agencies.

- Explore the feasibility of installing fish behavioral features (e.g., light barriers over the secondary channels) to enhance fish salvage efficiency
- Standardize the counting bucket sampling equipment used at the CVP and SWP fish salvage facilities. Evaluate the collection performance of the existing and improved sampling equipment.

Comment: Many of these items should be completed as part of the immediate actions and should meet the improvement mandates in the OCAP BO and CVPIA.

Comments by Doug Lovell, FFF, dated January 13, 2005:

From: Doug Lovell [mailto:Doug@FishFirst.com]
Sent: Thursday, January 13, 2005 4:33 PM
To: Ott, Ron@CalWater
Cc: pherrges@delta.dfg.ca.gov
Subject: Draft SDFP Co-Chairs Report

I understand that you will take these and other comments and the co-chairs and federal fish agency representatives will prepare a revised Co-Chairs report circa 26 January 2005. The recreational fishing organizations will "weigh-in" with an advocacy position, using official letterhead and representing multiple fishery groups, on the 26 January version. For now, we are commenting with the purpose of making the document itself better, as opposed to making better decisions based on the document. Furthermore, we will **not repeat comments that others have made**, despite how germane the other comments may or may not be.

First - good work by whomever collaborated on the document. It frames the issues well. It is well-written. It is of digestible length.

OVERALL FLAVOR OF THE DOCUMENT

You will do better if you say "we are not presently prepared to recommend modular, positive barrier, state-of-the art screens." This is different from saying "we recommend against modular screens," which is what the document currently states in several places. I think you will get broader consensus by leaving the door open, but saying you are not prepared to enter the room.

In particular, the wording of "3) Assurances:" implies that screens (ROD commitment) are the chosen option until firm commitments are made for something else, whereas several other parts of the document say screens are no longer an option; notwithstanding the fact that no firm commitments have been made for something else. The document itself should be internally consistent. You can accomplish this better by highlighting the things you want to do as opposed nixing things.

LETS BE HONEST ABOUT THE BUDGET

The 10-year finance plan was not discussed during any SDFP Forum meetings (at least to the best of my recollection and review of the minutes). In general, long-term budget planning objectives for the South Delta fish facilities were not discussed during the SDFP Forum meetings in quantitative terms. The SDFP Forum is behind the curve for budget planning. Most of the budgeting recommendations presented in the draft Co-Chairs document are new and have not been properly vetted.

It would be better to re-phrase the budget considerations as things that need to be addressed. It is never too late to try and develop a long-term budget.

WHAT IS MISSING FROM THE DOCUMENT

ARARS (Appropriate and/or Relevant and Applicable Requirements). Nobody is above the law, or the regulations, or a consistent interpretation of them, or Memoranda of Understanding, etc. I don't think the Calfed agencies or the CBD Authority would endorse an alternative for the South Delta fish facilities that was against law and regulation or undermined their authority to enforce fish protections via the same law and regulation in the future. I don't think the Calfed agencies and CBD Authority would want to make inconsistent interpretations, saying to one water agency that "x" screens are required while saying to another agency that "z or no" screens are required. I recommend the SDFP Forum devote a meeting to ARARS and bring this piece of the puzzle into the mix before any long-term decisions are made.

Comment: The SDFP Forum is recommending that these actions be addressed in the program plans and supported by the financing plan.

Comment: The SDFP Forum was set up to be an open forum to educate agency and stakeholders on fish facility issues. It was never a decision making group. However, the co-chairs report will be taken to a public forum, where it will be discussed in an open interagency and stakeholder process. Any changes in CALFED direction will be acted on by the CBDA and BDPAC.

Quantification of Benefits. We haven't yet agreed upon what the benefits of screening will be, particularly for different screening criteria. You can't write an equation until you know both sides of the equals sign. We eventually will need some form of equivalency; accordingly, we need to quantify benefits. If/when we do quantify the benefits, it will become obvious that there are important assumptions involved - such as assumptions about restoration of the San Joaquin River. I think there is/was broad consensus from the SDFP Forum participants that we need to quantify the benefits.

Comment: Benefits need to be quantified and functionally equivalent actions will have to be agreed to.

COMMENTS ON WHAT IS WRITTEN

Keep the last sentence of the "Preamble" just as it is. You may be tempted to try and make the document a "straw proposal" or "position paper" or "white paper". It is more useful as a dart board, to which we can address supporting and despairing comments.

Delete the portion of the sentence in the middle of the "Preamble" - ... "an amount equal to the entire Environmental Restoration Program budget proposed for the next 10 years." The 1.7 billion is based on full restoration goals while the 150 mill per year for the ERP represents a "constrained budget." A "fully funded" ERP would be more like 240 mill per year.

Under "5) Immediate Actions:", first bullet - the first two sentences say it all. The last two sentences confuse me. The last sentence prejudices the outcome of the feasibility study. In general, I am disappointed that the expedited, focused feasibility study has not already been completed. Lets get this study going!!

Under "5) Immediate Actions:", third bullet - implementing CHTR improvements has been delayed until study completion (2006); however, I recall discussion in the SDFP Forum that information from any of the studies (CHTR, hydrodynamics, etc.) would be incorporated into operations and maintenance when the information became available, as appropriate. I recall that we expected beneficial information will be generated throughout the course of these studies. For example, why would we await a decision on pen acclimation/towed release if the data gave us clear direction? I don't think we would await a final report to make a decision.

Under "6) Long-Term Investments:", fourth bullet - example alternative actions are cited, including "operable barriers (e.g. Head of Old River Barrier)." I believe the ROD anticipated operable barriers PLUS screens and the Co-Chairs document states operable barriers INSTEAD OF screens. OOOPS.

Comment: Suggestions incorporated in the new version of the document.

A POSSIBLE GLIMPSE INTO THE FUTURE

When we prepare our comments on the 26 January 2005 Co-Chairs report, we will likely advocate for screens, along with beneficiary pays. But we need to see the revised version of the Co-Chairs document first.

In general, we believe screens go to the heart of many of the Calfed objectives and solution principles. Screen costs need to be amortized over multiple years and when viewed from this perspective, screens can "Be Affordable."

Comment: Equivalent timeframes for actions must be considered when determining lifecycle costs. Equivalent lifecycle costs will go beyond the 10-year finance plan and should be judged accordingly on calculating benefits.

Regards

Doug Lovell

Comments by Serge Birk, CVP Water Association, dated January 14, 2005:

-----Original Message-----

From: sergebirk [mailto:sergebirk@msn.com]

Sent: Friday, January 14, 2005 3:15 PM

To: Darryl Hayes (dhayes@calwater.co.gov); Ott, Ron@CalWater

Cc: Robert Stackhouse; Ara Azhderian (Ara.Azhderian@sldmwa.org)

Subject: Comments SDFFF Draft Report

Gentlemen: Attached are CVP Water Association comments.

Serge Birk
Environmental Director
Central Valley Project Water Association
530 529 4334 Voice
530 529 5758 Fax
916 838 0720 Cell

January 14, 2004

To: Co-Chairs South Delta Fish Facility Forum

From: Serge Birk, CVP Water Association

Subject: Comments- South Delta Fish Facility Forum (SDFFF) Co-Chair's Report: Some preliminary conclusions.

Thank you for the opportunity to comment on the subject report. Your progress and conclusions stated in the report are of great interest to the CVP Water Association and its membership. Any solution involving restoration of Delta and Tracy Pumping Plan impacts the federal water users' community.

We would like to note that pursuant to provisions 3406 (b) (1) Anadromous Fish Restoration Program (AFRP) and 3406(b) (4) Tracy Pumping Plant Mitigation of CVPIA that the restoration of the Delta is prioritized of the highest priority of AFRP and the federal pumping facility at Tracy is identified for implementation of a program to mitigate fishery impacts resulting from its operation. These are major obligations of CVPIA. We are in agreement with the Co-chairs conclusion that selection of solutions or actions for Tracy Pumping Facility and SWP must "meet population targets in an economical manner".

We suggest that the Co-Chairs provide a listing of ESA Biological Opinion requirements promulgated for OCAP for the continued operation of the Tracy Facility until a final solution is negotiated by the appropriate parties, as part of the final report. This would be very informative to interested parties who are new to the South Delta Fish Facility Forum.

Comment: A summary of the OCAP requirements will be presented at the Next SDFFF Forum meeting.

There is no doubt that habitat improvements in degraded areas upstream are generating benefits to the ecosystem and contributing to anadromous fish populations, however the ability to ascertain the degree of these benefits has yet to be promulgated by ecosystem

restoration biologists, let alone a methodology to compare upstream restoration efficacy to enhanced protection measures associated with Federal and state pumping facilities.

Comment: This is not going to be an easy task; however, the Co-Chairs believe that we must understand and agree to assurances afforded by other actions before we changed directions on a long term strategy that is equivalent to screening actions.

Consequently, we are concerned that very little progress has been made to evaluate project effectiveness despite commitments by CALFED ERP and Science Program to do so. We believe that prior to shifting emphasize to habitat enhancement that a review of past project effectiveness (CALFED ERP and CVPIA AFRP) is completed. Further, this review should define explicit targets population targets, objectives and measures of success. These targets should be consistent with the AFRP restoration population targets.

Comment: The Co-Chairs agree that progress on this is critical to the long term strategy and support this statement.

The CVP Water Association members have initiated a process in collaboration with FWS and BOR leadership and management to work on a framework and process to evaluate CVPIA program effectiveness. Some progress has been made, and stakeholder recommendations have been reported via Ad-Hoc Program Evaluation Subcommittee of the CVPIA Restoration Fund Roundtable. Stakeholders have provided a straw man proposal recommending a series of workshops to facilitate conclusion of this task. This information is available for discussion with the participants of the SDFFF.

Comment: This Ad-Hoc subcommittee may be doing work similar to what the Forum proposes needs to be completed as well. The Forum will carry this suggestion forward.

In summation, we believe that a fair amount of uncertainty exists in determining the level of restoration required to meet upstream population targets. CVPIA states that “the Secretary “must make all reasonable efforts to increase anadromous fish populations” however the legislation does not define reasonable effort. This omission is particularly problematic as water user fee investments can not be evaluated for effectiveness. Hopefully, the SDFFF may advance our understanding of “reasonable effort” as well.

We are hopeful that the SDFFF will advance our ability to compare benefits of upstream actions with other activities proposed for the Delta and result an acceptable balanced solutions for all parties and potential user fee contributors.

Thank you for the opportunity to comment on the Draft Report.

Sincerely,

Serge Birk

Comments by Dan Odenweller, Delta Keeper

*Note: The Delta Keeper's comments to the Co-Chairs report are in highlighted in **Bold Italic Red***

SOUTH-DELTA FISH FACILITIES CO-CHAIR'S REPORT: SOME PRELIMINARY POLICY CONCLUSIONS

Preamble

The South Delta Fish Facilities Forum (Forum) was created in 2002 by CALFED to address questions regarding investments in fish screens in the South Delta as part of the CALFED Bay-Delta Program. The CALFED Record of Decision (ROD) directs the design and construction of new fish screens at the Clifton Court Forebay (CCF) and Tracy pumping plant to allow export facilities to pump at full capacity more often. A subsequent agreement between the state Department of Water Resources, Department of Fish and Game, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, NOAA Fisheries, and CALFED Bay-Delta Program¹ recommends a “modular” approach to South Delta fish screens intended to afford maximum protection to fisheries in the Delta. However, the costs of this approach could be as high as \$1.7 billion – an amount equal to the entire Environmental Restoration Program budget proposed for the next 10 years.

There appears to be no reference to the annual value of the water made available by the 8500 and 10300 alternatives, to help put these costs into perspective. Because of concerns (*whose*) about the costs and effectiveness of such a strategy, the Forum has engaged in a participative process with stakeholders and outside experts to explore the ROD strategy as well as alternatives. The charge of the Forum is to make recommendations to the California Bay-Delta Authority and the state and federal agencies regarding the best direction in the future for pursuing investments in fish screens in the South Delta. The Forum Co-Chairs agree that this charge must be fulfilled in a manner consistent with ensuring maximum benefits for fish populations and habitat given available resources and, accordingly, that cost-effectiveness should be a central consideration in guiding future investment decisions. This white paper summarizes the conclusions of the Co-Chairs based on nearly two years of public meetings. ***Please provide the minutes of any public meetings where “peer reviewed, published basis for cost-effectiveness decisions” were presented. If no such meetings occurred, how are these conclusions consistent with NEPA and CEQA?***

Comment: These references have been removed.

Comment: These summary recommendations will be subject to public and regulatory processes before anything is changed. Cost-effectiveness decisions will be subject to an open review process.

Overview of Conclusions

The Co-Chairs believe that investment decisions to protect and restore fish populations, including fish screens in the south Delta, should be guided by the overall goal of achieving existing federal and state population targets by using available financial resources in the most cost effective manner possible. Based on considerable dialogue and public input through the Forum process, we do not believe that pursuing the modular screening strategy is consistent with this goal. Instead, we recommend that immediate actions outlined below be taken to improve fish protection in the south delta, but these

actions are expected to cost far less than the modular screen approach. Rather than spending additional large sums on South Delta screen solutions, we recommend that CALFED develop assurances through the 10-year finance plan to implement alternative important strategies that are almost certainly far more productive in accomplishing fish population targets. *Reference please.* This strategy is also to be included in the program plans of the Conveyance, Ecosystem Restoration, and Science programs and the Environmental Water Account. *This mandate will occur without open deliberations at each of those panels? Is this an Executive fiat, or simply a recommendation to the CBDA?*

Comment: These are recommendations to the CBDA for consideration.

Conclusions

- 1) **Phased Decision-Making:** Decisions about South Delta fish screens should be phased with earlier investments. Phased decision-making will provide incremental gains at modest cost. *What earlier investments, how far back, and are they all set at a common value standard?*
- 2) **Science:** Additional science is necessary to support investment decisions in fish facilities, particularly regarding some significant issues related to long-term decisions. However, waiting for answers to these larger questions should not delay near-term actions to improve protections for fisheries in the South Delta. The Co-Chairs recognize that some long-term decisions may be based on the best available science at the time a decision is needed. *This last sentence would appear to justify the whole document, as there is little or no science on which to base these long-term decisions, any of them!*
- 3) **Assurances:** Any portfolio of investments to protect and restore fisheries should be subject to binding commitments among the resource agencies, project operators, and interested parties to assure financing and effective implementation. The Co-Chairs recognize that operational strategies or alternative habitat investments may be more cost-effective in increasing fish populations than the South Delta modular screening alternatives. *Reference to support the preceding statement, please.* However, absent firm commitments to actually implement alternative strategies to protect and restore fish populations of concern and quantifiable improvements, the regulatory agencies must retain their commitment to the actions identified in the ROD and the state and federal endangered species acts and act in accordance to their public trust responsibilities.
- 4) **Adequate Funding:** Reliance on alternatives identified in the Forum process should be contingent on availability of adequate funding to implement the alternative. The Co-Chairs recommend that such funding with firm commitments from public, water user, and other sources consistent with the beneficiaries-pay principle be included in the 10 year finance plan now under development by the CBDA. The 10-Year Finance Plan should also protect funds in Propositions 13 and 50 intended to improve fish screens in the South Delta for that purpose.

Comment: We should build on the knowledge base of what we have, making improvements on what is there before moving directly into new facilities. Assessing long term actions will have to address common metrics and benefits.

5) **Immediate Actions:** The Co-Chairs have concluded that immediate action is required to improve the function of the existing SWP and CVP fish facilities in the South Delta to assure effective fish protection despite changing Delta conditions. The fish facilities should be modified and/or operated to achieve the original performance objectives required for louver facilities. *This will reduce the yield of the CVP facilities, due to low tide effects on the Tracy Fish Facility. Is this included in the understanding of this action?* These immediate actions also include initiating feasibility studies and continuing facility research activities that will assist in determining the feasibility and cost effectiveness of future actions and modifications. These immediate actions should include:

- Conducting a feasibility study to develop an approach to reduce predation losses in CCF. This study will examine the hydraulic and facility impacts of alternatives that reconfigure flows to the Skinner Fish Facility with the intent to reduce CCF predation losses. A predator study plan will be developed around technically feasible alternatives to investigate potential improvements in fish survival. The Co-Chairs agree that proposals to “bypass” CCF and screen water at the existing screening facilities at the Banks pumping plant **before** the water enters the CCF, essentially converting the forebay into an afterbay, have considerable merit.
- Improving debris-handling operations at the existing facilities to improve both fish protection and operational efficiency. Specific actions include providing automated cleaning systems for the SWP and CVP trash racks, cleaning systems for the CVP’s primary and secondary louver cleaning systems, and substantially reducing the debris that enters the fish trucks. New systems should minimize or eliminate salvage operation disruptions, including constructing redundant channels or holding systems if necessary. A phased improvement to the CVP’s bypass and holding system, described below, is another immediate action that will reduce debris impacts (*speculation, or reference please*).
- Completing the CHTR studies to identify facility or operational actions that will increase survival of delta smelt during collection, handling, transportation, and release. Recommendations on implementing these actions will be considered when more information is available or upon study completion (2006).
- Completing the proposed South Delta hydrodynamics, water quality, and fish movement studies to identify better operational strategies that minimize fish entrainment at the export facilities. These studies will also be used to investigate future operations and facilities related to possible CCF reconfigurations.
- Phasing-in replacement of the CVP secondary louvers and fish holding facility to improve fish collection efficiency and protection by increasing bypass flows, improving debris management, and improving operational efficiency. This new system would connect the existing bypass pipes to “fish friendly” pumps (to provide higher bypass flows) and connect them to above-ground holding tanks. Lower bypass flows and low water levels

Comment: There is certainly some room for interpretation what this means. Conditions have changed and immediate actions should address or assess the degree of functionality so measures can be implemented to address the known deficiencies. Operational measures, such as reduced pumping during some periods should be investigated in the assessment. Major facility revisions are not being ruled out, but they will be balanced against other options.

Comment: The USBR is currently experimenting with this type of system based on previous work and experience at other fish facilities. These options are currently being evaluated for possible implementation.

have been identified as major hydraulic deficiencies that impact fish collection efficiency. *How will these pumps move water, which cannot get to the secondary due to low water elevations in the primary channel?*

In addition, the above-ground holding tanks can??? reduce the debris impacts that cause fish injury and mortality in the CHTR process.

Implementing these facility changes at the SWP facility may be considered after experience with this system. *This is mostly speculation, based on studies which have not been completed, devices which have not been tested in California, and are not based on peer reviewed, published literature.*

Comment: Low water in the primary system is problematic for velocities, but water levels are OK there. Low water levels in the secondary stem and holding tanks (not the bypass pipes) is however a serious issue.

- Improving waterweed control measures for CCF.
- Reviewing and implementing, as appropriate, operations at the state and federal fish facilities to improve, as necessary, staffing, equipment and standard operating procedures. *Why has this not been done under the terms of the Tracy Mitigation and Four Pumps Agreements? What has prevented (besides DFG abandoning its responsibilities at the two fish facilities) this from being implemented?*

Comment: These studies should be completed before implementation. It may also be possible to phase in a new system while the old system is still available for comparison.

6) Long-Term Investments: Long-term investment decisions should be guided by adaptive decision making strategies and the best available science. Based on available scientific information (*please provide references*), the Co-Chairs believe that the following considerations should guide long-term investment strategies in the South Delta:

Comment: This comment is stated here to reinforce the need to assess the existing operations to ensure that the existing facilities are operated efficiently as possible.

- The modular screening strategy should not be pursued so long as a cost-effective alternative that provides greater productivity in fish populations and habitat is adequately financed and its implementation is assured. *What alternatives, that provide greater productivity in fish populations and habitat, based on published, peer reviewed science, are we talking about? Please provide references.*
- Screening criteria in the South Delta should not be driven by delta smelt considerations. Similarly, screening criteria for salmon should be adjusted to reflect cost effectiveness considerations, thereby reducing the cost of South Delta screens and releasing funds for habitat investments elsewhere. *Screening criteria should be adjusted to reflect cost-effectiveness seems to miss the needs of the fish, or is this an attempt to destroy the other 50+ species of fish which appear at the South Delta fish facilities. And what is the basis for reducing the protection afforded the listed salmonids?*
- Operational strategies to protect and restore delta smelt are likely to be far more productive and cost effective than large expenditures on South Delta screens. The Co-Chairs recommend that the CALFED Agencies develop specific operational strategies and cost estimates and assure that adequate financing remains in the 10-Year Finance Plan to protect delta smelt. *The recommendation flies in the face of statements by Jerry Johns and Tim Quinn that there will be no EWA unless the fish come up with the*

Comment: Functional equivalency and assurances of benefits MUST be addressed before a decision can be made to “drop” the facilities screening approach. Agencies and stakeholders (environmental included) will have to be part of this effort. The SDFP Forum chairs will be carrying this recommendation to others for analysis of benefits.

Comment: The ERP’s MSCS outlines the species protection targets and objectives that should form the basis for comparing actions and assessing cost effectiveness.

money, because the water users do not intend to fund this solution (which is too expensive) into the indefinite future.

- The Co-Chairs recommend that alternative actions be considered which may be more cost effective in increasing fish populations and improving habitat. These alternative actions may include installation of operable barriers (e.g., head of Old River Barrier) and removal, or modification, of obstacles to improve fish passage, as well as habitat enhancements above and below dams. The CALFED 10-Year Finance Plan should specifically identify such alternative actions and include assured funding for them. This strategy will be incorporated into the program plans of the Conveyance, Ecosystem Restoration, and Science programs and the Environmental Water Account. *It is difficult to understand the basis for this recommendation, given that there is no peer reviewed science supporting it. There never was any scientific basis for the dogma that “fish screens are not resulting in population level effects,” and there still is no peer reviewed science making this case. Further, there is no basis for the claimed benefits of the other habitat enhancements proposed. There is still no peer-reviewed model, which can evaluate the effects of the proposed actions on adult population levels.*

Comment: This bullet has been removed. Functionally equivalent benefits must be peer reviewed and assurances must be worked out between agencies and stakeholders in a public process. As you suggest, the SDF Forum co-chairs are recommending that these actions occur.