



California Sportfishing
Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

December 5, 2008

Submitted via email

Mr. Karl E. Longley, Chair
Central Valley Regional Water Quality Control Board
Central Valley Region
Attn: gcismowski@waterboards.ca.gov
11020 Sun Center Drive, #200
Rancho Cordova, CA, 95670-6114

Re: **Scoping Comments for Development of an Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) to allow the Continuation of the Grasslands Bypass Project 2010-2019**

Dear Mr. Longley:

The California Water Impact Network (C-WIN) and the California Sportfishing Protection Alliance (CSPA) hereby submit these comments concerning the CEQA analysis needed to amend the Basin Plan for the above-referenced project (GBP).

C-WIN and CSPA hereby incorporate by reference the attached letter to Senator Dianne Feinstein dated July 23, 2008, as part of our comments and we request that each issue raised in that letter be addressed in the Draft EIS/EIR.

C-WIN and CSPA recommend that the Regional Board include full analysis of the following alternatives and/or requirements in their CEQA documentation for this action:

- Require that the dischargers' waste discharge requirements are tied to larger regional outcomes of GBP management that include delisting of impaired downstream water bodies for the criteria elements and toxins described in the attached letter to Senator Feinstein of July 23, 2008, including mercury.
- Require that GBP's waste discharge requirements and adaptive management activities use the precautionary principle for managing irrigation drain water in the Grasslands Area, and apply this approach and waste discharge requirements to the 379,000 acres of drainage-impaired lands within the San Luis Unit southwest of the Grasslands Area.
- An alternative that includes retirement of all of the 379,000 acres of drainage-impaired lands of the San Luis Contractors and San Joaquin Exchange Contractors, as well as other upslope lands contributing to high groundwater in those 379,000 acres in order to end the upstream and upslope discharge of highly concentrated selenium and salt-laden waters into the San Joaquin River system. This would be the single most important action that would have the most direct benefit to all presently impaired downstream water bodies, including the troubled Bay-Delta Estuary.

- An alternative that halts discharges into the Delta Mendota Canal from the drainage sumps in the Firebaugh Canal Water District owned by the U.S. Bureau of Reclamation.
- An alternative that includes agricultural lands to the north of the current GBP project area that still discharge subsurface drainage to surface waters of the Grasslands.
- Monitoring and reporting of total mercury and methyl-mercury concentrations at all sampling locations of the GBP to establish a mass-balance of sources of mercury in this watershed.
- An alternative which includes evaluation of alternative routes of disposal and/or storage of excess drainage flows that occur during heavy rainfall events that have historically been discharged into the surface waters of the Grasslands. Those excess drainage flows occurring during heavy rainfall events should NOT be considered an Act of God, but instead a controllable release of contaminants which are stored during dry periods.
- Analysis of the effects of selenium in discharges to the San Joaquin River from the extension of the GBP on salmonids, including salmonids associated with the San Joaquin River Restoration Effort.

Over 23 years ago, the SWRCB adopted Water Quality Order No. 85-01 which declared the waters discharged into Kesterson Reservoir as a Public Nuisance and a “substantial present and potential hazard to human health and the environment...” To extend the period for compliance based on the lack of public subsidies to continue this wasteful and unreasonable use of water in violation of Article X, Section 2 of the California Constitution is unconscionable. It is time for irrigation of these drainage problem lands to end. The cost is too high and the benefits cannot be justified. Reasonable scientific and economic analysis of the situation would clearly show the wastefulness and unreasonableness of continuing the status quo of dumping highly contaminated agricultural drainage water into a tributary of the San Joaquin River.

The benefits of retirement of saline and seleniferous lands should be considered, including, but not limited to the following:

- The San Joaquin Valley aquifer will benefit from the reduction of pollutants entering the drinking water source of millions (groundwater and the Delta).
- Reduction of salt and selenium (Se) loading in the Southern Delta and San Joaquin River, which reduces the need for pollution-dilution flows to be released from the New Melones Reservoir, which then frees up water from the Stanislaus River and for the San Joaquin County and Stockton East Water District users whom are deprived of county of origin water contracts.
- Friant farmers could benefit from the water savings that will be available to re-water the San Joaquin River without taking their water contracts away.
- Wildlife in the Grasslands area will benefit from reduced exposure of Se contaminants and from an increase in available water supply for refuge needs.
- State Water Project (SWP) customers will benefit because water saving in the CVP can be used to meet Delta water quality standards that are the responsibility of the SWP.
- Taxpayers will save money from not having to pay for drainage service from Westlands to the Delta or for in-valley disposal that includes risky evaporation ponds or expensive Se removal facilities. Taxpayers and electric rate payers will also be relieved of having

to pay for power, water, and crop subsidies that result in millions of dollars of subsidies annually (see <http://www.ewg.org/reports/westlands/>).

- Delta farmers will benefit from improved water quality (reduced levels of salt and boron) in the Delta as well as potentially reduced impacts from Delta pumping due to the decreased need for pumping.
- Santa Clara Valley Water District will potentially have better water supply reliability and reduce the drawdown from the San Luis Reservoir.
- Sacramento Valley CVP water users will also have increased water supply reliability from reduced demands within the CVP and an increase in water storage, especially during dry years.
- CVP power customers will see reduced costs from potentially reduced CVP project use pumping.
- Reservoir recreational users will benefit from the increased carry-over storage at the Shasta, Trinity and Folsom reservoirs.
- Salmonids and other fisheries in the American, Sacramento, Trinity, Stanislaus, and Lower Klamath Rivers will have a reliable cold water supply for their survival. Those river systems will also benefit from decreased demands of water with resulting increased carry-over storage in the reservoirs for future droughts.
- The Winnemum Wintu Tribe will be able to save sacred land from being lost to flooding from raising Shasta Dam because there will be less need for extra storage.

C-WIN and CSPA look forward to receiving a copy of the Draft EIS/EIR and another opportunity to comment on this important project.

Sincerely,



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CK:TS:ts

Attachment: C-WIN/CSPA Letter to Dianne Feinstein of July 23, 2008

cc: Joseph C. McGahan, Drainage Coordinator for San Luis/Delta-Mendota Water Authority
Laura Meyers, U.S. Bureau of Reclamation, South-Central California Office

Karl Longley, Chair, CVRWQCB: Grasslands Bypass Project Extension

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Interested Parties