



January 15, 2018

Jim Watson  
Sites Project Authority  
P.O. Box 517  
Maxwell, CA 95955

Michael Dietl  
U.S. Bureau of Reclamation  
Mid-Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

Submitted electronically to [eir-eis-comments@sitesproject.org](mailto:eir-eis-comments@sitesproject.org)

**RE: Comments from the Pacific Coast Federation of Fisheries Associations, Institute for Fisheries Resources, Save California's Salmon, San Francisco Baykeeper, and Winnemem Wintu Tribe on the Sites Project Draft Environmental Impact Report and Statement**

Thank you for the opportunity to comment on the Sites Project EIR/EIS ("project"). These comments are submitted on behalf of the Pacific Coast Federation of Fisheries Associations, Institute for Fisheries Resources, Save California Salmon, the Winnemem Wintu Tribe, and San Francisco Baykeeper.

The Pacific Coast Federation of Fishermen's Associations (PCFFA) is the largest trade association of commercial fishermen on the West Coast and the other signatories to this letter are Indian Tribes and environmental organizations in the state of California. For forty years, PCFFA has led the industry in assuring the rights of individual fishermen and fighting for long-term survival of commercial fishing as a productive livelihood and way of life. As PCFFA's sister organization, the Institute for Fisheries Resources (IFR) is dedicated to the protection and restoration of fish resources and the human economies that depend on them. PCFFA and IFR members are economically dependent on the fish runs in the Sacramento, Feather, American, Trinity, and Klamath Rivers and will be negatively impacted by this project. We hereby incorporate by reference the comments of the California Sportfishing Protection Alliance, Friends of the River, Defenders of Wildlife, the Klamath Riverkeeper, the Natural Resources Defense Council, and the Bay Institute.

This project is a major action that will greatly impact the Sacramento River watershed and increase water diversions during crucial times of year for anadromous fish. Although under limited circumstances the project could possibly offer limited environmental benefit to the Delta during certain times of the year and in some water year types, it would greatly reduce overall inflow into the Delta and flows in the Sacramento and Feather Rivers during significant periods and over its lifetime.

Many of the direct impacts of the project are uncertain, unclear, or indecipherable due to major deficiencies found within the DEIR/EIS. We feel that this analysis is premature as it is lacking much of information and related documentation that are required for the public and decision makers to approve it. Some of the omissions appear intentional. For instance, a FERC license application is necessary if power generation is to be incorporated into the project, but the timeline for such an application is not mentioned and is not included in the summary of necessary permits. An Operations Plan is necessary for the analysis to be anything but theoretical, yet Authority staff state that such a plan will be developed at a later date. Similarly, the Sites water rights application is not referenced or available to the public, nor are the Biological Assessment or water diversion plan referenced or included in this DEIR/EIS. The fisheries analysis that is in the DEIS is not specific, makes assertions that are not supported in the document, and many of the details are contradictory.

We believe this document and the environmental analysis it reflects does not meet the standards for disclosure required by the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The document does not adequately quantify or evaluate environmental impacts of the project or the current state of the science and regulatory processes in the Sacramento, Feather, Trinity, and American Rivers and the Bay-Delta estuary.

Without a completed analysis, we have trouble commenting on certain aspects of this DEIR/DEIS because we do not know how comparisons are made, what the modeling inputs are, and how current legal requirements, flows, and water quality will be impacted by the project.

For these reasons, we urge the rejection of the DEIR/EIS and issuance of a Supplemental EIR/EIS that is in compliance with legal, environmental, and regulatory requirements of NEPA and CEQA.

### **1. Deficiencies in DEIR/EIS.**

An environmental impact statement shall disclose:

*(1) A statement of the purpose and need for the action; (2) A description of the proposed action; (3) The environmental impact of the proposed action; (4) A brief description of the affected environment; (5) Any adverse environmental effects which cannot be avoided should the proposal be implemented; (6) Alternatives to the proposed action; (7) The relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity; (8) Any irreversible or irretrievable commitments of resources which would be involved in the proposed action should it be implemented; and (9) The process used to coordinate with other Federal agencies, State, tribal and local*

*governments, and persons or organizations who may be interested or affected, and the results thereof. [43 CFR §46.415]*

The Sites Project DEIR/EIS appears to serve as a means to mask environmental impacts and skirt important public processes and disclosures rather than to take a hard look at the project as required by law. As stated above we believe this DEIR/EIS is insufficient, illegal, and premature. Furthermore, the DEIR/EIS should actually be accompanied by a Federal Energy Regulatory Commission license application due to the hydropower components of the project, a Biological Assessment due to the project's significant deleterious impacts to fisheries, a water quality analysis of impacts to beneficial uses, an economic analysis of recreational and commercial fisheries impacts, a Water Rights Application, and a water rights analysis. It is disingenuous to seek regulatory approval and taxpayer funding for a water storage project and then pursue a FERC application, or to wait until after the DEIR/EIS processes to disclose operations and impacts.

The DEIR/EIS also fails to evaluate the project's obligations under other state and federal laws including the Bay Delta Plan, CVPIA, Porter Cologne, the Clean Water Act, Federal Energy Regulatory Commission regulations, Tribal Trust obligations, permitting requirements, regulations for building hydropower dams, and the Endangered Species Act. At this point it appears that the project would violate each of these laws and processes. Additionally, the DEIR/EIS does not constitute a 'hard look' as impacts are generalized and statements are not supported by facts or data.

First, the no action alternative assumes increased water deliveries and demands despite laws that require reduced reliance on the Delta for California's Water system, the new California Water Plan, Delta Plan updates that would restore flows, and endangered species and water quality regulations.

*DWR has projected future water demands through 2030 conditions that assume the vast majority of CVP and SWP water contractors would use their total contract amounts, and that most senior water rights users also would fully use most of their water rights. This increased demand, in addition to the projects currently under construction and those that have received approvals and permits at the time of preparation of the EIR/EIS, would constitute the No Project/No Action Condition. (Sites EIS at page 12-55).*

The purpose of a no action alternative is to present actual conditions, not the conditions that would exist without environmental laws or regulations. The current no action alternative biases the entire EIR/EIS and guarantees the alternative that allows the most water to stay in the river is not presented as the environmentally preferred alternative, it also allows CEQA requirement for mitigation measures to be skirted.

Second, the DEIS/EIR does not include an operations plan, or a preferred alternative despite the fact that the Bureau of Reclamation's Feasibility Report discloses that the preferred alternative is alternative D and includes an attempt at addressing the need for an Operations Plan. It is impossible to assess the information without an Operations Plan and diversion schedule.

Third, the EIS/EIR does not disclose the information behind its baseline or where it's information comes from. This is especially problematic because it appears that much of the information used for analysis and modeling is skewed due to the use of old information in the modeling for the project, the use of an outdated and insufficient model, and the incorrect and unsupported assumptions in the no action alternative.

Fourth, this EIS does not disclose or analyze many of the most important issues related to CEQA and NEPA. This includes failure to discuss growth inducing impacts, failure to disclose impacts to water quality, failure to analysis impacts the state's drinking water supply, failure to disclose actual fisheries numbers and impacts, failure to disclose impacts to state and federally listed endangered species, failure to provide a discussion of the current state of the science and scientific controversies related to the proposal, failure to discuss relevant regulatory processes, and failure to choose an environmentally preferred alternative.

## **2. Cumulative Impacts**

NEPA defines a cumulative impact as “*the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time*” [40 CFR §1508.7]

A Cumulative Impacts Analysis is not only a requirement of NEPA, it is possibly the most important tool used to assess the impacts of a proposed action. Despite this fact, the Sites DEIR/EIS does not include a real Cumulative Impact Analysis despite the massive number of upcoming and recent decisions related to the health of the Delta, Sacramento River watershed, the Trinity River, and multiple FERC relicensing processes. The communities and industries that rely on Northern California rivers and fisheries are experiencing extreme economic hardships at this time due to poor salmon returns and degrading water quality, and deserve to see how the project will impact their jobs and water supply when considered with other relevant actions. Flow issues are the single most important factor leading to these problems, yet they are not discussed or disclosed in the DEIR/EIS.

The discussion of cumulative impacts in the DEIR/EIS only consists of a small chart that mentions a few restoration projects and omits the most important processes that have recently occurred, or are occurring, in California and the Delta specifically, including the Delta Tunnels Proposal, the Temperance Flat Dam proposal, the proposed raising of Shasta Dam, CV-Salts' Final Nitrate and Salt Management Plan, TMDL listings and implementation, Clean Water Act and 303(d) list and TMDL updates and action plans, the Draft Environmental Impact Statement for Revisions to the Coordinated Long-Term Operation of the Central Valley Project and State Water Project, and Related Facilities, Phase 1 and 2 of the revisions to the Delta Plan related to flow standards, the Long Term Plan for the Lower Klamath River, recent water rights and instream flow decisions in a wide variety of watersheds and waterways, updates to the Central Valley Water Quality Control Plan, the new Biological Assessment and NOAA Fisheries consultation regarding the State and Federal Water Projects, The Trinity River Record of Decision, plans for reestablishment of fish passage at Shasta Reservoir, recent and upcoming

FERC and fish passage decisions on all impacted watersheds, California's Sacramento Valley Salmon Resiliency Strategy, Prop. 1 projects, Yolo Bypass recovery, toxin remediation projects, and the state and federal recovery plans for Delta Smelt, Winter Run Salmon, and Spring Chinook Salmon. This project will have cumulative impacts with, and impact, all of these processes and plans and appears to directly counter or impede the environmental quality and condition goals of many of these proposals and initiatives. The Sites DEIR/EIS must evaluate cumulative impacts to environmental integrity while contemplating each of these projects and initiatives.

### 3. Economic Impacts

**The California salmon fishing industry is in a state of extraordinary and persistent decline.** Abundance indices for Sacramento River Fall Run Chinook, the stock on which the vast majority of commercial and recreational fishing effort is focused, declined from 652,000 in 2015 to around 300,000 in 2016 and the projection is even lower this year. The number of salmon-permitted vessels has declined from approximately 5000 in 1980 to approximately 1100 today. In 2015, only 585 vessels actually landed salmon in California and the numbers for 2017 and 2018 promise to be more dire. In fact some speculate that in the San Francisco area at least 80% of the ocean commercial fishing fleet has been lost in the last 20 years.

Fishermen will bear the majority of the significant financial burden resulting from the project's environmental impacts, which in many cases would occur in contravention of the law, past settlements, and management plans. The state of the San Joaquin and Sacramento Rivers are of paramount economic importance to our industry and all the other industries and communities we support. Fisheries and fishery-dependent coastal communities are suffering through back-to-back resource crises, with poor salmon seasons in 2015, 2016, and 2017.

We are also facing the prospect of another poor salmon season this year. It is more appropriate to describe Sacramento Fall run chinook as depleted than overfished. The fall run's declines in abundance are driven chiefly by declines in river productivity, which in turn are caused by redd dewatering, excessive thermal regimes, inadequate flushing flows, habitat degradation, the presence of toxic chemicals at mutagenic and lethal concentrations, and many other factors. Fishermen bear the financial burdens of these impacts, which in many cases occur in contravention of the law, past settlements, and management plans. Furthermore, our industry serves as the backbone of the entire economy of many areas of the coast of California, the loss of which has extreme consequences for communities in relation to diet, drug use, and mental health.

A Southwick and Associates study into the benefits of a restored fishery in California found the commercial benefits of a restored fishery to be "\$4.83 billion *Income impacts (salaries/wages/benefits, sole proprietor earnings): \$2.51 billion Employment (full and part time): 88,672*" (*Calculation of the Projected Economics and Jobs Impact of Salmon Recovery in California. 06/24/2009 Southwick Associations*).

Southwick and Associates went on to predict what a restored recreational fishery would be worth: "*Total sales impacts (total sales that occur in the CA economy): \$845.8 million Value-*

*added impacts (salaries/wages/benefits, proprietors & property income, dividends, excise & sales taxes ): \$442.7 million Employment (full and part time).”*

#### **4. DEIR/EIS Quantitative Modeling is Problematic**

The Sites DEIR/EIS proposes monthly modeling time steps to evaluate fisheries impacts. However, monthly modeling is not sufficient for addressing fisheries needs. Additionally, the information on which the model is based on is not clear and the version of the model used to evaluate impacts is likely outdated. The model ignores significant changes to aggregate and daily flows, which could lead to the dewatering of areas surrounding diversions or low lotic flows during critical times in the salmon runs or salmon life cycles. This is not the proper model to use.

*Given that the CALSIM II model uses a monthly time step, incremental flow and storage changes of 5 percent or less are generally considered within the standard range of uncertainty associated with model processing; therefore, flow changes of 5 percent or less were considered to be similar to the Existing Conditions/No Project/No Action Condition flow levels in the comparative analyses using CALSIM II conducted in this EIR/EIS. Changes in flow exceeding 10 percent were considered to represent a potentially meaningful difference. (Sites EIR/EIS pp. 12-58).*

Not only is the CALSIM II model not sufficient and monthly modeling not appropriate for flow alternatives in salmon habitat, but the Sites Authority is using an outdated version of the model and outdated information to calibrate the model.

A more recently updated model would likely include certain regulatory requirements in the environmental baseline effects of climate change. Moreover, on July 28, 2014, several members of the Sites JPA submitted comments to the State of California regarding the use of the 2010 CALSIM model in the DEIS/DEIR for the Bay Delta Conservation Plan, stating that,

“the errors inherent in the use of the 2010 CalSim II model mean that the BDCP modeling analysis fails to satisfy the demands of CEQA Guidelines section 15151. In that regard, the use of the 2010 CalSim II model is like the use of outdated emissions information in *Berkeley Keep Jets Over the Bay*. (91 Cal.App.4th at p. 1367.) Consequently, it is improper for the DEIR/EIS to rely on the modeling contained in that document; instead, the modeling must be redone and the DEIR/EIS revised to reflect the correct methodology and results, and recirculated for public review.”

Monthly modelling time steps remains highly inappropriate. Under monthly modeling scenarios the Sites Authority could arbitrarily allow extremely low flows during certain times as long as they are made up for at other times of the month. A slightly more appropriate time step would be two weeks, as reflected in the Winter Run salmon biological opinion for the operation of the Central Valley Project, although even this level of temporal resolution is biologically questionable. The Sites project and its diversions are located in the last strongholds for several endangered fish species that are highly dependent on cold-water flows and cannot take this type of management. Recent studies question if even daily models are appropriate for salmon

management, yet the Authority defends the use of an outdated monthly model that could allow complete dewatering as long as it is temporary.

*The study indicates that the commonly used degree-day accumulation model is not sufficient to predict how organisms respond to stream temperature. Changes in how the degree days are delivered have the potential to alter the timing of life history transitions in Chinook salmon and other organisms. Emerging from the gravel a few days earlier or later could directly affect their survival due to changes in available food resources, competition for feeding grounds, or strong currents. (Stream Temperature Variability: Why It Matters to Salmon; <https://www.fs.fed.us/pnw/sciencef/scifi163.pdf>).*

The key findings of this study related to modeling in salmon habitat are: *Early Chinook salmon life stages can be altered—with potential long-term biological and ecological consequences—by stream temperature variations, even when the daily mean temperature remains relatively unchanged and fluctuations are within established thresholds, Emergence timing in Chinook salmon could be changed by nearly a week simply as a result of changes in temperature fluctuations., Traditional degree-day accumulation models alone are insufficient to predict stream temperature suitability for aquatic species. Decision Making about habitat suitability and future species distributions are likely incomplete when managers consider only mean or maximum temperatures. (Stream Temperature Variability: Why It Matters to Salmon; <https://www.fs.fed.us/pnw/sciencef/scifi163.pdf>).*

Regardless of the serious issues associated with a daily modeling framework, it is still a more appropriate tool than a monthly model. We suggest the Sites Authority and BOR work with scientists and agencies to find the best available model for assessing flows and fisheries impacts and update the modeling information. It is extremely important that modeling is accurate and provides the best possible information on the projected impacts from the project.

#### **5. DEIS discloses impacts of from current water management but not how they will be impacted by the project**

The Sites DEIR/EIS discusses impacts from past flow management but not the impacts of this project, which will do more of the same. It also does not discuss how this project is actually an impediment to state efforts to address the new science around water management and to recover endangered species.

*Flow management in the Delta has created stress on aquatic resources by (1) changing aspects of the historical flow regime (timing, magnitude, duration) that affect water quality parameters such as water temperature, turbidity and salinity that support life history traits of native species; (2) limiting access to or quality of habitat; (3) contributing to conditions better suited to invasive, nonnative species (reduced spring flows, increased summer inflows and exports, and low- and less-variable interior Delta salinity [Moyle and Bennett, 2008]); and (4) causing reverse flows in channels leading to project export facilities that can entrain fish (Mount et al., 2012). Native species of the Delta are adapted to and depend on variable flow conditions at multiple scales as influenced by the region's dramatic seasonal and interannual climatic*

variation. In particular, most native fishes evolved reproductive or out-migration timing associated with historical peak flows during spring (Moyle, 2002). DEIR/EIS 12-36.

## **6. Benefits of Winter and Spring Flows and Best Available Science is Omitted from the DEIR/EIS**

*Poff and Zimmerman (2010) and Richter et al. (2011) concluded that alterations greater than 20 percent will likely result in moderate to major changes in natural structure and ecosystem functions, with greater risk associated with greater levels of alteration in daily flow. Studies of river- delta- estuary ecosystems in Europe and Asia concluded that water quality and fish resources deteriorate beyond their ability to recover when spring and annual water withdrawals exceed 30 and 40 percent of unimpaired flow, respectively (Rozengurt et al. 1987).*

Winter and spring flows are not wasted water. High flows have many benefits for salmon. High flows inundated floodplains, help out migrating salmon, scour out sediments and algae, move spawning gravel, and reduce fish diseases, all of which greatly increase salmon numbers. Multiple years of low flows often lead to extremely poor returns of salmon like we see now with endangered winter run and threatened spring chinook salmon in the Sacramento River.

Even the DEIR/EIS discloses the importance of high flows however it only proposes to allow for flushing flows under very narrow criteria.

*“Sampling showed that juvenile Chinook salmon do migrate past the site in the summer (August), but are most abundant during the winter months (December to February). Chinook salmon juveniles were most abundant during periods of high flow. Abundance decreased as flows receded. The abundance of fish passing the site also appeared to increase during periods of high turbidity (associated with relatively small increases in flow” (Sites DEIS 12-51).*

The proposal is not based on modern scientific understanding of Sacramento River hydrology and downplays the importance of the timing of the flows, instead proposing higher flows during periods where high flows are not natural or when they will mainly benefit filling the reservoir. Further, it proposes a continuation of the flatline management methodology that the state of California is trying to move away from. California is proceeding with efforts to restore a more natural flow regime in the Sacramento through the Bay Delta Phase 2 plan updates. The Sites project and associated water rights application for undammed and regulations flows in the key habitat in the Sacramento River is a direct threat to this process and goes against existing science on the need for higher winter and fall flows in the Sacramento and Trinity Rivers. In the sections of rivers where flows from the Shasta Reservoir are increased in December and January it appears as if this water will be then diverted to the Sites reservoir instead of remaining in the system for environmental purposes. These types of fluctuations of flows have been proven to be very harmful to fisheries and diversity.

*More natural flow regimes support the various life history characteristics of native aquatic organisms that are adapted to the natural flow regime (Bunn and Arthington 2002; ing et al. 2003; Lytle and Poff 2004). For example, most fish species native to California in general, and the Bay- Delta in particular, have evolved to spawn during the spring or otherwise use spring*



flows to access spawning and rearing habitat (Moyle 2002. Phase II Update of the 2006 Bay-Delta Plan 3- 3 Final Scientific Basis Report).

## **7. Impacts to Floodplains and Salmon Habitat Are Not Adequately Addressed**

Lack of floodplains and degradation of essential fish habitat are some of the most important impediments to salmonid recovery in the Sacramento River. Floodplains provide important feeding and rearing areas, which lead to increased growth and health for salmon and other species. The need for floodplain inundation is extraordinarily important, and the restoration of flows into the Yolo Bypass have been held up as one of the most important actions that can be taken to increase fish production in the Sacramento River. Even though the Sites Authority speaks publicly about how the project could benefit the Yolo and Sutter Bypasses, the DEIR/EIS does not demonstrate how the project will accomplish this objective nor what amount of water will be dedicated for this purpose. However, the DEIR/EIS does disclose that the project threatens the bypasses by stopping small scale flood events and the natural inundation of floodplains. The project also threatens floodplains that are directly attached to the river.

*Flow from the Sacramento River spills into the Sutter and Yolo bypasses during high flow events. The bypasses form a floodplain corridor that is an important part of the flood control system, but also provides an important floodplain function for juvenile salmon, steelhead and other native fish. Fish enter the bypasses through flood relief structures and weirs, where fish such as Sacramento splittail rear and spawn during periods when floodwater is present. Increasingly, studies have shown that inundated floodplains play a major role in the life cycle of several aquatic species of concern in the Sacramento River system. The importance of the habitat within the bypasses is heightened because nearly two-thirds of the floodplain that was historically inundated have been isolated from rivers by levees, and dams and diversions have substantially reduced the inundation of floodplain that remains connected to rivers (DWR, 2012). (Chapter 12: Aquatic Biological Resources Sites Reservoir Project DEIR/EIS pp. 12-17).*

The DEIR/EIS also states:

*From November through January under Alternatives A, C, and D, flows in the Yolo Bypass would decrease as compared to the Existing Conditions/No Project/No Action Condition due to diversions from the Sacramento River into Sites Reservoir. In March and April under Alternative B, flows in the Yolo Bypass would decrease as compared to the Existing Conditions/No Project/No Action Condition due to diversions from the Sacramento River into Sites Reservoir. (Sites EIR/EIS 6-49).*

The DEIR/EIS also states it will reduce flows to the Sutter Bypass but does not address any other impacts to floodplains or what this reduction of flows will do to fish production and water quality. This omission needs to be remedied.

## **8. The EIS does not take hard look at Water Quality and Beneficial Use Impacts**

We are very concerned about the water quality impacts to the Sacramento River and Bay Delta from this proposed project. High winter flows not only provide significant benefits to fisheries habitat and juvenile migration, but also to overall water quality as they flush chemicals, sediments, nutrients, salts and algae out of the system and increase levels of Dissolved Oxygen. All of these water quality parameters heavily impact assimilative capacity, connectivity, temperature and toxic algae production.

Under scenarios proposed in the DEIR/EIS, decreased flows from Shasta Reservoir, a high elevation reservoir with colder inflows, for much of the year will have a detrimental impact to downstream river conditions, which already suffer in places from temperature impacts and poor water quality. This is especially true in the Knights Landing reach of the Sacramento River, in which the project will increase water temperatures due to a new diversion and increased diversions upstream to feed Sites Reservoir. This area is experiencing extreme temperature problems. This project will exacerbate these issues by reducing flow and releasing warm reservoir water.

*The Colusa Basin Drain would, therefore, change from an unregulated sporadic flow that is responsive to local storms to a regulated low maintenance flow resulting from the reduced drainage from Funks, Stone Corral, Grapevine, and Antelope creeks once Sites Reservoir becomes operational. (Sites EIS/R at 6-52).*

The proposed reduced flows from Keswick could also impact assimilative capacity for the Sacramento River and Delta, which are already suffering from mercury, cadmium, methylmercury, copper, zinc, salts, selenium, and pesticide impairments. Many of these issues cannot be remediated except by increases in flows or releases of clean water, such as the water in Shasta Reservoir for dilution.

Furthermore, this project will lead to less cold and fresh water reaching the Delta which will lead to saltier water and more pollution in the Delta through temperature, salt, selenium and, Dissolved Oxygen, and algae impairments.

Off channel reservoirs inherently cause many water quality problems, especially if they are situated in low elevation, high temperature areas. Water temperature, dissolved oxygen, algal toxicity, and other reservoir water quality issues are caused by impoundments and are well documented; however, water quality impacts from the transfers of water and the reservoir itself are not analyzed or disclosed in this DEIS/DEIR. Instead, it is assumed that reservoir discharges will consist of high quality water. We are skeptical that reservoir discharges will be free of salinity and water quality issues because

*“saline water has been observed to seep from underground salt springs in the vicinity of the Salt Lake fault along the slopes above the valley and along the valley floor within the proposed inundation area of Sites Reservoir. These areas are generally located in the Funks Creek watershed. The water from the underground springs accumulates along the trough of the valley in several locations, including Salt Lake (USGS, 1915; DWR, 2000). The size of Salt Lake and adjacent seasonal brackish wetlands varies with time and was*

*observed in the late 1990s to extend over approximately 28 acres.” (Sites DEIR/EIS pp. 6-28).*

It seems that the project will take high quality water from high elevation impoundments and the Sacramento River and create warmer, more polluted water from it. This plan will also lower flows and thus impact water quality in the most important salmon spawning and rearing areas on the river. There are some mitigations available for reservoir related water quality issues but they are expensive and largely experimental.

Will Sites have an aeration system in place to help with water quality issues in the reservoir such as low DO, temperature impacts, and toxic algae? Will there be a reservoir management plan? How much salt will using a site with saline ground and surface water add to the Sacramento system? How does this impact the Salt and Nitrate Plan for the Sacramento River? What will the impact to groundwater in the reservoir area be? All these issues need to be answered in the DEIR/EIS but are not.

#### **9. The DEIS does not address the issue of Climate Change**

Impacts to water flows, water quality, reservoir conditions and fisheries in relation to climate change are not addressed in this DEIR/EIS despite NEPA and CEQA requirements. We request this issue be analyzed and a plan be adopted to deal with climate change impacts to flow and fisheries, and that this plan and relevant findings be included in an Operations Plan.

*Continuing to support those adaptations of genetic and life- history diversity through providing more naturally variable flows is an important management strategy in addressing climate change effects. This is particularly important for salmonid species, but also applies to the aquatic ecosystem as a whole, including the food web and other native warm and cold water fish communities. Phase II Update of the 2006 Bay- Delta Plan 3- 3 Final Scientific Basis Report.*

#### **10. The DEIS Does Not Properly Address Fisheries Impacts**

*There are more than 2,200 diversions in the Delta (Herren and Kawasaki, 2001). These irrigation diversion pipes are shore-based, typically small (30- to 60-centimeter pipe diameter), and operated via pumps or gravity flow; most lack fish screens. These diversions increase total fish entrainment and losses, and alter local fish movement patterns (Kimmerer and Nobriga, 2008).*

The Sites DEIR/EIS does not constitute a hard look at fisheries impacts, does not evaluate cumulative impacts or the state of commercial and recreational salmon fisheries, and does not represent the best available science with respect to fisheries. It is lacking in many respects. First there is no actual analysis of the current state of the fisheries of the Delta or Sacramento, Feather, American, or Trinity Rivers, or of the long-term impacts of new diversions. The only actual information on reduction or improvements of salmon populations is located in Appendix 12 of the DEIR/EIS, but there is no adequate description of how these numbers are derived. Furthermore, there are unsubstantiated statements in the Appendices regarding salmonid population impacts, including claims that the plan will lead to an 8% reduction in fish production

in high water years but a 11% increase in normal years. These statements do not appear to be derived from a quantitative analysis nor do they disclose the demographic scale abundance estimates or impacts. As the Sites Authority is aware, the differences in fish production during a high water and low water years is dramatic and can represent the difference of several hundred thousand fish.

There is also no economic analysis to be found within the DEIR/EIS regarding whether these small gains are the best use of over a billion dollars in public investment. The good years are the only thing keeping the fishing industry from certain death and we rely on wet year returns years and cannot support an 8% reduction in production in these years. This analysis does not use actual predicted numbers, or a clear methodology for comparison, and therefore it is like comparing apples and oranges.

The DEIR/EIS should address how the project would impact different salmon runs and commercial and recreational catch rates. Without this analysis, it is difficult to understand the project's impacts to commercial and recreational fisheries.

We know that this project proposes to obtain water rights to high volumes of much needed water from key tributaries and proposes to divert this water from the main stem of the Sacramento River during key times of salmon spawning and migration. This project states it will lead to better cold water storage in the Shasta Reservoir but does not address if that water released would be diverted into Sites or if the releases from Sites would provide needed cold water, or warm water and when exactly these releases would come.

In fact it seems as if the diversions to Sites and Shasta releases that are proposed would likely lead to a situation where flows are high in certain times of year until Red Bluff and then low and warm below Red Bluff and the new Develin Diversion. In other times of year, the flows may be artificially high during summer months cuing early migration of fall run salmon, which would then run into low flows above the delta and compromise the genetic integrity of threatened spring run salmon.

This DEIR/EIS is also in violation of the Central Valley Improvement Act Salmon Doubling Standard and California Fish and Game Code Section 6902:

*The Central Valley Project Improvement Act (CVPIA) was enacted in 1992 and has mandated changes in the management of the CVP, particularly for the protection, restoration and enhancement of fish and wildlife. The CVPIA established the Anadromous Fish Restoration Program (AFRP) to implement a program which makes all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley Rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967- 1991. This mandate included doubling the natural production for each Chinook salmon run (Table 3.4- 3). The Salmon Protection Objective in the Bay- Delta Plan and D- 1641 is similar, and provides that water quality conditions shall be maintained together with other measures in the watershed sufficient to achieve a doubling of natural production of Chinook salmon from average production of 1967- 1991, consistent with the provisions of State and Federal law.*

(Phase II Update of the 2006 Bay- Delta Plan Scientific Basis Report, 3- 21).

## **11. Impacts to Klamath and Trinity River Salmon Populations Are Not Properly Analyzed**

*Implementation of the alternatives could potentially alter instream flow and seasonal water temperatures in the Trinity River below Lewiston Lake and adversely affect Trinity River fish species. (Sites Project DEIS 12-59).*

We are concerned with potential impacts to the Trinity and Klamath River from the Sites Project and the apparent lack of analysis regarding the project's impacts to the Trinity and cumulative impacts from the Sites project when coupled with the Twin Tunnels proposal, and new BOR plan to maximize Central Valley water delivery. The 1955 law authorizing dams on the Trinity River specifically stated that fish and wildlife were to be protected in the Trinity River and that only surplus water would be diverted for the state and federal water projects. It also granted a water contract for 50,000 acre feet per year to Humboldt County. Despite these legal stipulations, over 80% of the water was diverted from the Trinity River until the Central Valley Improvement Act authorized a flow study that led to the Trinity River Record of Decision (ROD) and the restoration of some of the Trinity River's natural flows in 2000. Recent decisions such as the Lower Klamath Long Temp Plan ROD also now regulate the Trinity River flow. The Sites Project DEIS not only does not analyze any of these water decisions, it used outdated modeling information from 1999 and does not explain its conclusions or baseline.

The Sites DEIR/EIS does not mention the history or laws pertaining to the Trinity River, but it does propose to lower flows during most water years, including during critical winter and springtime periods in above average and below-average water years. For instance, the DEIS predicts the project will provide; *“similar long-term average monthly flows during the evaluation period, and equivalent or slightly higher average monthly flows during most water year types, except during above normal and below normal water years, when flows would be reduced by 31.2 and 33.6 percent during March and February, respectively”*. APP12C-87 at [http://cms.capitoltechsolutions.com/clientData/SitesProject/uploads/12-APP\\_12C\\_SitesDraftEIR-EIS\\_August2017.pdf](http://cms.capitoltechsolutions.com/clientData/SitesProject/uploads/12-APP_12C_SitesDraftEIR-EIS_August2017.pdf).

As stated above some of the key legal decisions that have occurred since the Trinity River ROD include; Key legal decisions pertaining to flows in the Trinity River, include the recent decisions to approve the Klamath River Long Term Plan [https://www.usbr.gov/mp/nepa/nepa\\_project\\_details.php?Project\\_ID=22021](https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=22021) , and a Solicitor Opinion on Trinity River Division Authorization's 50,000 Acre-Foot Proviso and the 1959 Contract between the Bureau of Reclamation and Humboldt County <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37030.pdf>. These are not factored into the proposed Sites Reservoir EIR/EIS or into a Cumulative Impacts Analysis. Compliance with North Coast Basin Plan Temperature standards for the Trinity River, carry over storage needs for Trinity Reservoir, and a current proposal to restore winter flows in the Trinity River are also not analyzed or disclosed in the EIS/EIR beyond charts that show little change to carry over storage in the Trinity River. These charts do not reveal a baseline, do not factor in

recent decisions, climate change or proposals to restore winter flows in the Trinity to increase fish production.

The DEIR/EIS fails to disclose how often the different alternatives will meet North Coast Basin Plan Temperature Objectives for the Trinity River or the requirements of Water Right Order 90-05. Furthermore, this plan impacts temperature and diversions below Clear Creek on the Sacramento River. This could cause problems for the Trinity River. Sacramento River water diversions significantly impact the Trinity River, as Trinity water is often transferred to the Sacramento for temperature management and water deliveries without planning for carryover storage in Trinity Reservoir.

More troubling still is the fact that much of the data from the Trinity used to parameterize DEIR/EIS operational models was collected prior to the year 2000 when the Trinity ROD was signed, and the No Action (i.e., no project construction) alternative assumes increased water diversions and deliveries, an assumption that cannot legally happen in relation to the Trinity River. This leaves many questions of how Sites would impact the Trinity Record of Decision and how climate conditions and carryover storage for the Trinity River are accounted for.

This proposal also comes at a time when higher winter and spring flows to aid salmon are being considered for both the Trinity and Sacramento River. Higher flows are needed on the Trinity River during certain times of year for main stem Trinity River restoration project and fish production goals to be successful. High flows inundate floodplains, aid migrating salmon, scour sediments and algae, assist with spawning gravel turnover, and reduce the incidence of fish diseases, all of which greatly increase salmon populations and environmental health and function generally.

Multiple years of low flows often lead to salmon crises like those we experience now on the Klamath River. This proposal could take high water events and flushing flows from the Trinity River system and threatens flows that stop the spread of fish diseases in the Klamath River during the fall. It could also increase temperatures in the Trinity River by depleting Trinity Reservoir cold water storage, which in turn is used to control temperatures and flow in the Lower Klamath during late summer and fall. The project could negatively impact spring chinook and fall chinook salmon, along with ESA listed Coho Salmon on the Klamath and Trinity River. Therefore this project could impact the commercial and Tribal subsistence fishing in the Klamath Management Zone in the Ocean along with in river catch. Therefore, the Pacific Fisheries Management Council and Yurok and Hoopa Valley Tribes should be consulted on this project and Tribal Trust issues should be analyzed.

We request that all of these needs and factors are addressed in a Supplemental EIS/EIR that takes a hard look at impacts to the Trinity and Klamath River. We request that an operations plan and final or supplemental EIR/EIS include protections for the Trinity River reservoirs carry over storage, North Coast Basin Plan temperature objectives, winter flows, and Humboldt County's 50,000 acre-foot water contract. That would include water right changes to Reclamation's Trinity River water permits to reflect Trinity ROD flows, compliance with North Coast Basin Plan Temperature Objectives and assurance of adequate cold water storage in Trinity Reservoir to meet temperature objectives.

## 12. Sacramento River/Bay Delta Fisheries Impacts Are Not Properly Analyzed

The largest and most productive estuary system on the west coast of North and South America – the Sacramento-San Joaquin River Delta – is collapsing for two principal reasons. First, the Central Valley Project (“CVP”) and the State Water Project (“SWP”) have diverted too much of the Delta’s fresh water flows. Second, agricultural diverters have discharged and continue to discharge too much contaminated agricultural runoff and return flows into the Delta.

These unsustainable levels of diversions and polluted discharges greatly decrease fresh water flows while increasing water temperature and salinity and the concentrating herbicides, pesticides, and toxic agricultural runoff in the Delta.

These two threats to the Delta’s health have grown steadily over the past five decades, and the resulting environmental devastation has pushed the Delta’s imperiled fisheries to the brink of extinction. Several species of fish endemic to the Delta have already gone extinct; just twelve indigenous species remain. Critical habitat for the endangered Sacramento River winter run chinook salmon, Central Valley steelhead and spring run chinook, the Delta smelt, and the Southern Distinct Population Segment (“DPS”) of the Northern American green sturgeon suffers progressively accelerating degradation.

As a consequence of worsening habitat degradation, winter run chinook salmon were declared threatened under the federal Endangered Species Act (“ESA”) in 1990 (55 Fed.Reg 46515). Due to continuing population declines, they were declared endangered in 2005 (70Fed.Reg 37160). Their critical habitat in the Sacramento River and its tributaries was designated in 1993. (58 Fed.Reg. 33212). Spring run chinook salmon were declared threatened, and their critical habitat was designated under the ESA, in 2005. 70 Fed.Reg. 37160, 52488. Central Valley steelhead were declared threatened in 2000 (65 Fed.Reg. 52084) and their critical habitat was designated in 2005 (70 Fed.Reg 52488). The Southern DPS of North American green sturgeon was declared threatened in 2006 (71 Fed.Reg 17757) and its critical habitat was designated in 2008 (73 Fed.Reg 52084). Delta smelt were declared endangered in 1993 (58Fed.Reg. 12854) and their critical habitat was designated in 1994 (59 Fed.Reg. 65256).

*The designated critical habitat for the Central Valley spring-run Chinook Salmon ESU is in the following counties: Tehama, Butte, Glenn, Shasta, Yolo, Sacramento, Solano, Colusa, Yuba, Sutter, Trinity, Alameda, San Joaquin, and Contra Costa. The approximate quantity of habitat areas designated as critical habitat includes 1,158 miles of stream habitat in the Sacramento River Basin, and 254 square miles of estuary habitat in the San Francisco-San Pablo-Suisun Bay complex (70 FR 52488). The PCEs that are essential for conservation of Central Valley spring run Chinook Salmon are similar to the Sacramento River winter-run Chinook Salmon PCEs described above. (BOR Sites Feasibility Report at F-5).*

The tributaries that are the most important to the Spring Chinook and that provide key Fall Chinook habitat in the upper Sacramento River include: Butte Creek, Clear Creek, Mill Creek Deer Creek, Big Chico Creek and Antelope Creek. Furthermore, a recent study has shown that winter-run also use tributaries at a much higher rate than was once thought.

*“The surprising finding was that, in their youth, around half the successful winter run adults had wandered beyond their natal reach of the Sacramento River to feed and grow before continuing their journey to the ocean. These alternative “non-natal” habitats included Deer, Mill, Battle Creeks, the Delta, Feather and American Rivers, most of which is not designated as critical habitat under the ESA.”* <https://californiawaterblog.com/2018/01/07/new-paths-to-survival-for-endangered-winter-run-chinook-salmon/>.

These creeks have varying levels of habitat and water quality, however almost all of these have issues with temperature and sediment, and some also have Dissolved Oxygen, PH and turbidity impairments. Because of the importance of these creeks the California Department of Fish and Wildlife recently announced a new strategy to protect and restore some of these watersheds.

*“The Strategy focuses special attention on streams that drain to the Sacramento River from Mount Lassen, Mt Shasta, and nearby volcanic peaks. Fed by snowmelt and springs, these streams stay cooler longer than most and offer refuge to winter-run Chinook salmon that evolved to use the spring-fed McCloud and Pit rivers north of Redding. There, icy waters kept eggs and young fish alive through summer. Today winter-run are forced to spawn 30 miles south, below Shasta Dam. In drought years their eggs and newly hatched fish have not survived due to limited cold-water reserves behind the dam.”*

(<http://resources.ca.gov/wp-content/uploads/2017/06/State-Launches-Aggressive-Strategy-to-Aid-Salmon-Steelhead-in-the-Sacramento-Valley.pdf>).

Many of these tributaries that are highlighted for the preservation and recovery of salmon are the same tributaries that the Sites project is eyeing for water rights, however a discussion of the importance of these creeks, an analysis of their production and use, and their input into the Sacramento River is not discussed at all in the analysis. We are concerned that these flows are targeted during the most important times for fisheries production by this proposal.

*Adult migration of late fall-run Chinook Salmon through the Delta generally begins in October, peaks in December, and ends in April (Moyle 2002) during a period of typically high, fluctuating flows. Spawning occurs upstream of the Delta from January to March, although it may extend into April in dry years. Late fall-run Chinook Salmon juveniles emigrate from their spawning and rearing areas to the Delta from October through March (Taylor and Wise 2008) F-6 | North-of-the-Delta Offstream Storage Investigation Draft Feasibility Report.*

As we stated early in our comments winter and spring flows are not wasted but essential to the survival of salmon species. Furthermore, releasing and diverting water through different sections of the river for the purpose of diversions will have severe impacts on all species of salmon. Though winter run and spring run are not commercial species and are not currently used for Tribal subsistence, if they were not listed as endangered they would be and their listing and continued hybridizations with fall run have caused limited fishing opportunities and have changes the timing of salmon runs and fishing seasons. Both Winter and Spring run are teetering at the edge of extinction. In fact a new report shows that most of the district fish species in California are facing extinction in the next 100 years.



*“At the current rate, California stands to lose 45% of its remaining native salmonids, including 11 of 21 anadromous species and 3 of 10 of its inland species, in the next 50 years unless significant actions are taken to stem the decline. (Figure 3). Under present conditions, 23 of the remaining 31 species (74%) are likely to be extinct in the next 100 years.” (SOS II: Fish in Hot Water <http://www.capradio.org/media/8795686/sos2.pdf>).*

Spring Chinook numbers are currently at a low of about 722 fish in Deer, Antelope, Mill, Cottonwood, Battle and Clear Creek. These creeks represent almost all of the remaining Sacramento River Spring Chinook beyond Butte Creek. Temperature is a major limiting factor for all of these creek and sediment and DO are also issues within several.

These record low Spring Chinook numbers mean that it is highly likely that the Spring Run will be updated to endangered rather than threatened in the state and possibly federally. This is especially concerning due to new information on the fragile nature of the Spring Run Chinook and Summer Run of Steelhead.

A recent study from the University of California Davis shows that the gene that created the Spring Run of Salmon evolved in a single event, and that the spring run is genetically distinct from the fall run. Other studies have shown that changes to habitat and water quality have led to changes in run timing, which has led to changed genetics which favor fall run salmon. In short, these species are interbreeding due to water quality and habitat issues and creating an earlier run of Fall Chinook that eventually loses the Spring Chinook gene and is even more susceptible to water quality impairments.

<https://www.ucdavis.edu/news/study-reveals-evolutionary-history-imperiled-salmon-stocks>.

The most imperiled salmon species is without a doubt the Winter Run Salmon. Sites project shows major impacts to winter run salmon, which are in immediate danger of extinction and are the subject of expensive restoration efforts. Without revealing operations the EIR/EIS disclosed that the project will lead to impacts to winter run.

*Similar adult immigration and holding conditions, based on modeling results indicating: (1) similar or higher long-term average monthly flows generally occurring during the early months of the evaluation period, December through February, but similar or lower long-term average monthly flows occurring during the late part of the evaluation period, March through July, and lower average monthly flows in drier water years occurring during March through June at Keswick Dam; (2) similar or lower long-term average monthly flows during most months below RBDD, particularly in drier water year types; (3) similar long-term average monthly flows during most months with potential flow reductions in drier water year types at Verona, Freeport, and Rio Vista; (4) similar, or slightly higher (particularly during April) or slightly lower (particularly during May through July) average monthly probabilities of exceeding specified water temperature index values. 12C-9.*

Spring Run and Winter Run Salmon are not the only species that will be harmed by the Sites reservoirs and related new diversions. Fall run salmon, the last staple of the salmon fishing industry will also be harmed. The DEIS/EIS shows

*“Similar or less suitable juvenile rearing and out migration conditions based on modeling results indicating: (1) similar or reduced long-term average monthly flows and average monthly flows by water year type from January through May below the RBDD; (2) similar or reduced average monthly flows from January through May, particularly in drier water year types in the lower Sacramento River; (3) similar or reduced fry rearing habitat availability (WUA) and similar juvenile rearing habitat availability (WUA) in the upper Sacramento River.” (Sites DIER/EIS pp. 12C-13 and 14).*

The project would also result in increased reverse flows in the Old Middle River in the Delta and would decrease Delta inflows, which is a significant biological and water management issue. However, instead of the DEIR/EIS taking a hard look at Delta impacts, they are quickly glossed over. This is a violation of NEPA, CEQA and the Endangered Species Act.

*From January through March, Delta outflow under Alternatives A, B, C, and D would decrease as compared to the Existing Conditions/No Project/No Action Condition. (DEIR/EIS p. 6-50).*

*OMR flows indicate that the reverse flows would become larger under Alternatives A, B, C, and D as compared to the Existing Conditions/No Project/No Action Condition because Delta exports would increase in these months. However, the increased reverse flows would be compliant with the regulatory criteria. ( DEIR/EIS p. 6-50).*

We request the a Supplemental EIR/EIS take a hard and detailed look at impacts to fisheries in the Delta.

### **13. Sites Project will Encourage the Propagation of Non-Native Fish Species**

The Sites Project will not only harm salmon species directly through the lowering of flows, degradation of water quality and limitation of habitat, but also through creating water quality conditions that encourage predation from non-native species and cause direct harm and avoidance by native fisheries. Many studies document that poor water conditions, flow fluctuations and lack of scouring and high winter flows encourage non-native species and predation. Predation is a serious issue in the Sacramento River and the increases in predator species from flow modifications is well document. This analysis does not speak to this issue at all in violation of NEPA and CEQA.

*An assessment of streams across the conterminous U.S. shows a strong correlation between simplified or diminished streamflows and impaired biological communities including fish (Carlisle et al. 2011). In addition, when streams are dammed and flow regimes are simplified by dam releases, stream fish communities tend to become simplified and more predictable, usually dominated by species that thrive in simplified and less variable habitats (Brown and Bauer 2009; Kiernan et al. 2012). This has been found to be the case in the Bay- Delta watershed, where native fish and other aquatic organisms have been increasingly replaced by nonnative species (Feyrer and Healey 2003; Brown and May 2006; Brown and Michniuk 2007; Brown and Bauer 2009; Mahardja et al. 2017). Within the watershed, the regions of greatest flow alteration are the most dominated by nonnative species (Brown and May 2006; Brown and Michniuk 2007), where the altered hydrology likely creates conditions more favorable for spawning and rearing*

*of nonnatives than natives* (Brown and Bauer 2009) (Phase II Update of the 2006 Bay- Delta Plan 3- 2 Final Scientific Basis Report.

[https://www.waterboards.ca.gov/water\\_issues/programs/peer\\_review/docs/scientific\\_basis\\_phase\\_ii/201710\\_bdphaseII\\_sciencereport.pdf](https://www.waterboards.ca.gov/water_issues/programs/peer_review/docs/scientific_basis_phase_ii/201710_bdphaseII_sciencereport.pdf) ).

#### **14. Impacts to Tribal Beneficial Uses and the Public Trust are not Analyzed**

The DEIR/EIS fails to disclose that water and salmon are public trust resources in the state of California ([https://lawreview.law.ucdavis.edu/issues/45/3/Topic/45-3\\_Frank.pdf](https://lawreview.law.ucdavis.edu/issues/45/3/Topic/45-3_Frank.pdf)), and that California has established Cultural Beneficial Use and Subsistence Fishing Beneficial Uses as part of water quality standards, which can be found at [https://www.waterboards.ca.gov/about\\_us/public\\_participation/tribal\\_affairs/docs/bu\\_outreach.pdf](https://www.waterboards.ca.gov/about_us/public_participation/tribal_affairs/docs/bu_outreach.pdf). Furthermore, the federal government has Tribal Trust and consultation responsibilities whenever there is a significant action that could impact tribal people [[https://www.usbr.gov/native/policy/protocol\\_guidelines.pdf](https://www.usbr.gov/native/policy/protocol_guidelines.pdf)].

Salmon are a Tribal Trust species and several recognized and unrecognized tribes would be directly impacted by the project. Furthermore, the Winnemem Wintu Tribe, along with supporters, are working with the federal government to reintroduce salmon and restore fish passage above the Shasta Dam. Passage at Shasta is federally mandated in the reasonable and prudent measures as part of the current Biologically Opinion for the Operation of the State and Federal Water Projects [<https://www.fws.gov/sfbaydelta/CVP-SWP/index.htm>], however this mandate and the efforts of the Winnemem Wintu Tribe are not discussed in this DEIR/DEIS despite the impact this project will have on fish migration and water resources.

Each of the issues identified above, as well as how the project would impact them, should have been analyzed as part of this DEIR/EIS. The DEIR/DEIS does not adequately evaluate how this project will benefit or harm public trust resources, nor does it even mention Tribal Trust or consultations beyond stating that it will inundate native graveyards. Over the past twenty years that state and federal governments have taken many actions to restore the flows and fisheries in the Sacramento and Trinity Rivers as part of their public and tribal trust responsibilities. The fact that this DEIR/EIS does not mention any of this history or issues is illegal and immoral.

#### **15. Conclusion**

In closing, despite the dire state of California's commercial, tribal and recreational fisheries, the DEIS/DEIR provides no solid operations plan, no Cumulative Impacts Analysis, no real analysis of alternatives or impacts, nor a statement of actual impacts to fisheries besides for stating that the plan would decrease flows most of the time and increase reverse flows in the Delta sometimes. As stakeholders who are potentially significantly impacted by the project, we have no basis upon which to confidently evaluate any putative positive environmental benefits the project could provide. Instead, we are left with uncertainty, incomplete analyses, and a failure to address concerns we have voiced for years.

We feel that many of the environmental benefits or neutral impacts that are claimed in this document are undermined either in the paragraphs directly under the claims, or are

contraindicated in Appendix 12C of the EIR/EIS, which goes further into impacts but does not provide any information on how the conclusions are being drawn. While the environmental benefits are not clear from review of this document, it is clear the Sites Project will reduce flows in most months and in most year types.

There are few environmental issues that are as well documented as the demise of salmon and smelt in the Delta due to water diversions. Every single study released on the subject states that the Sacramento River and Delta need more water and habitat during every season if salmon are to survive. As representatives of the fishing industry, tribal communities, and the public, we do not only want survival of the salmon, but also the recovery of fisheries and a harvestable surplus. We want salmon on our tables. This plan runs contrary to this goal. We request the project either be dropped or a supplemental EIS/EIR be issued to address the multiple insufficiencies in the DEIR/EIS.

Thank you for your consideration. Please feel free to contact any of us to discuss our comments or our concerns with the project.

Sincerely,



Noah Oppenheim  
Pacific Coast Federation of Fisheries Associations  
Institute for Fisheries Resources



Regina Chichizola  
Save California's Salmon



M. Benjamin Eichenberg  
San Francisco Baykeeper



Caleen Sisk  
Winnemem Wintu Tribe