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7 **BEFORE THE**
8 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

9 **HEARING IN THE MATTER OF CALIFORNIA**
10 **DEPARTMENT OF WATER RESOURCES**
11 **AND UNITED STATES BUREAU OF**
12 **RECLAMATION REQUEST FOR A CHANGE**
13 **IN POINT OF DIVERSION FOR CALIFORNIA**
14 **WATER FIX**

TESTIMONY OF DOUGLAS
RISCHBIETER

14 I, Douglas Rischbieter, do hereby declare:

15 **I. INTRODUCTION**

16 My name is Douglas Rischbieter. I am employed as a Senior Environmental
17 Scientist (Specialist) with the California Department of Water Resources. Since December
18 2008, I have participated with DWR in select portions of the environmental review (studies
19 and document preparation) of the Bay-Delta Conservation Plan (BDCP), Delta Habitat
20 Conservation and Conveyance Plan (DHCCP), and California WaterFix (CWF). As a part-
21 time employee of DWR's Division of Environmental Services since 2001, and DWR's
22 Northern Region Office from 1990-2001, I have been responsible for leading and
23 contributing to various recreation-related and fisheries-related assignments as they are
24 relevant to the State Water Project (SWP) and SWP facilities. I am a Certified Fisheries
25 Professional as bestowed by the certification program of the American Fisheries Society,
26 and also I've served part-time as a practicing fisheries biologist for the California
27 Department of Parks and Recreation for over 27 years (Senior Environmental Scientist).
28 Exhibit DWR-1007 is a true and correct copy of my Statement of Qualifications.

1 My testimony demonstrates that constructing and operating CWF facilities associated
2 with the change in the point of diversion for CWF will reasonably protect recreation. My
3 opinions and professional judgment are based on the project description, Alternative 4A
4 operational scenario H3+, and the environmental analyses completed for the CWF, which
5 are described in detail in the Final EIR/EIS; modeling results that have been presented to
6 me by CWF engineers and hydrologists and are included within the respective testimonies
7 of the modelers (see exhibits DWR-1015 and DWR-1016); plus additional studies of Delta
8 and upstream recreation.

9 In October 2015 DWR and U.S. Bureau of Reclamation (Reclamation) (jointly
10 Petitioners) petitioned the State Water Board for the addition of three new points of
11 diversion on Petitioners' water rights permits. In testimony submitted in Part 1 of this
12 hearing, the project was described as Alternative 4A with initial operational criteria that
13 would fall within a range of operations described as H3 to H4. These operational criteria
14 were described in the Recirculated Draft Environmental Impact Report/Supplemental Draft
15 Environmental Impact Statement (RDEIR/SDEIS). (Exhibit SWRCB-3.) For purposes of
16 Part 2 of the hearing, including this testimony, the California WaterFix project is described
17 by Alternative 4A under an operational scenario described as H3+ that is set forth in the
18 Final Environmental Impact Report/Environmental Impact Statement and supplemental
19 information adopted by DWR through the issuance of a Notice of Determination in July
20 2017 (2017 Certified FEIR). (Collectively Exhibits SWRCB-102, SWRCB-108, SWRCB-109,
21 SWRCB-110, SWRCB-111 and SWRCB-112.) **The adopted project is referred to**
22 **as CWF H3+.** Additional information is also referenced in this testimony from documents
23 released prior to July 2017, including the Alternative 4A described in the Final
24 Environmental Impact Report/Environmental Impact Statement, Biological Assessment and
25 the Biological Opinions, referred to herein as the FEIR/FEIS, BA and the BO
26 respectively. Similarly, after July 2017 the California Department of Fish and Wildlife
27 issued a 2081(b) Incidental Take Permit, which is referred to as the
28 ITP. The interrelationship and use of these terms is further described in the testimony of

1 Ms. Buchholz, DWR-1010.

2 **II. OVERVIEW OF TESTIMONY**

3 My testimony overviews relevant identified potential CWF H3+ impacts and
4 summarizes how Delta and upstream conditions relating to recreation compare during CWF
5 H3+ implementation and operation, NAA and current conditions. I provide the analysis that
6 supports my opinion that recreational uses are reasonably protected by presenting an
7 overview of the existing beneficial uses, references to water quality modeling results
8 describing likely conditions under the new operational criteria, and by setting forth the
9 existing conditions deemed protective of the recreational beneficial uses protected under the
10 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta
11 Estuary. (Exhibit SWRCB-27.) I conclude that reasonable protection of recreation will
12 continue to be achieved when CWF is implemented and operated.

13 **III. OVERVIEW OF EXISTING RECREATIONAL RESOURCES**

14 Following is a brief description of current Delta and regional recreation opportunities
15 and use patterns. The following descriptions are abridged from the Final EIR/EIS (Exhibit
16 SWRCB-102, Chapter 15) and reflect the resources assessed for my analysis to identify if
17 there would be any unreasonable effects on recreation.

18 **A. DELTA AREA RECREATION**

19 The largest estuary system on the West Coast, the Delta region is a 1,150-square-
20 mile area that provides more than 500 miles of navigable waterways, equaling more than
21 57,000 navigable surface acres. (Exhibit DWR-1097.) This vast network of rivers,
22 channels, sloughs, and islands provides extensive recreation opportunities.

23 Recreation users in the Delta often participate in multiple activities during a daily
24 visit; although boating and fishing are the most popular, participants in these activities also
25 take part in wildlife viewing, sightseeing, walking, picnicking, and camping. (Exhibit DWR-
26 1098.) There is an overlap in activity participation by visitors because activities such as
27 hunting, fishing, wildlife viewing, and sightseeing can be both water- and land-based. This
28 overlap creates an interconnected web of users and activities and leads to a variety of

1 recreation opportunities available on each trip. (Exhibit SWRCB-102, Final EIR/EIS page
2 15-2.)

3 Popular activities in the Delta include cruising, waterskiing, wakeboarding, using
4 personal watercraft, sailing, windsurfing, and kiteboarding, as well as fishing and hunting.
5 There are approximately 211 public and private recreation facilities in the counties of the
6 greater Delta. These facilities are in seven general categories which include marinas,
7 developed fishing access sites, managed hunting areas, public boat ramps, established
8 trailheads, campgrounds, and windsurfing access points. (Exhibit SWRCB-102, Final
9 EIR/EIS Table 15-2.)

10 B. UPSTREAM RECREATION

11 The waterways upstream of the Delta include several SWP and CVP reservoirs
12 including Shasta Lake, Whiskeytown Lake, Lake Oroville, and Folsom Lake. The
13 corresponding waterways are the Sacramento River downstream of Keswick Dam and
14 Shasta Lake, the Feather River downstream of Lake Oroville, and the American River
15 downstream of Folsom Lake.

16 Each of the regional waters and waterways listed above also provide abundant
17 recreation opportunities and activities, such as the types available and occurring within the
18 greater Delta. (Exhibit SWRCB-102, Final EIR/EIS page 15-25.) Recreation conditions in
19 the upstream regions at SWP and CVP reservoirs and associated waterways that supply
20 water to the Delta, were considered because, prior to the analysis, it was possible that
21 CWF operation might have operational effects for the reservoirs and thus recreation
22 impacts on these upstream components of the SWP and CVP. Ultimately CWF H3+ End of
23 May (EOM) and End of September (EOS) storage levels were consistent with the NAA.
24 (Exhibit SWRCB-102, Final EIR/EIS 15-24; DWR-1016.)

25 IV. EVALUATION OF CWF EFFECTS ON RECREATION

26 This section reviews possible CWF effects on recreation resources through two
27 methods:
28

- 1 1) Evaluating and analyzing potential CWF effects on Delta water quality parameters at
- 2 compliance points deemed protective of Delta Water Quality Standards, and;
- 3 2) Evaluating and analyzing possible CWF effects on recreation resources as described
- 4 in the Final EIR/EIS, including public comments and responses thereto.

5 A. DELTA WATER QUALITY STANDARDS

6 The 2006 Delta Water Quality Standards determined that the water quality
7 objectives in Table 1 provide reasonable protection of the beneficial uses of REC-1 and
8 REC-2. (Exhibit SWRCB-27.) Those water quality standards include objectives for the
9 parameter Chloride (Cl) at alternative but specific compliance points. Based on modeling
10 output of this parameter at those compliance points, under the conditions expected with
11 CWF H3+, the water quality objectives in Table 1 will continue to be met. (Exhibits DWR-
12 1015 and DWR-1016.) Thus CWF operations will reasonably protect the REC-1 and REC-
13 2 beneficial uses.

14 The 2006 Delta Water Quality Standards also determined that the water quality
15 objectives in Table 3 provide reasonable protection of the beneficial uses of COMM, as well
16 as the other recreation related beneficial uses which protect and benefit fish and wildlife
17 including EST, COLD, WARM, MIGR, SPWN, WILD, SHELL, and NAV. (Exhibit SWRCB-
18 27.) Those water quality standards include objectives for several parameters including
19 Dissolved Oxygen (DO) in the San Joaquin River at Stockton; Electrical Conductivity (EC);
20 Net Delta Outflow Index (NDOI); Flow rate in the Sacramento River; Combined export rate
21 (3-day running average and percentage); and Closure of gates at the Delta Cross Channel.
22 Based on modeling output for each parameter at the respective compliance locations with
23 CWF H3+ in place, the water quality objectives in Table 3 will continue to be met. (Exhibits
24 DWR-1015 and DWR-1016.) Thus operating CWF will continue to reasonably protect
25 COMM, EST, COLD, WARM, MIGR, SPWN, WILD, SHELL, and NAV beneficial uses.

26 B. ENVIRONMENTAL EFFECTS - RECREATION

27 The 2016 Final EIR/EIS identifies that there is a significant and unavoidable effect
28 on recreation resources at 8 Delta recreation sites due to CWF construction. (Exhibit

1 SWRCB-102, Final EIR/EIS Table 15-15.) These effects include noise and visual
2 disturbances, plus surface impact in 2 of the 8 locations (Clifton Court Forebay, Cosumnes
3 River Preserve). It is important to note that these significant and unavoidable effects are
4 from construction, and not operation, and thus are temporary for the duration of
5 construction. (Exhibit SWRCB-102, Final EIR/EIS page 15-265.) Mitigation measures and
6 environmental commitments included in CWF would reduce the impacts on wildlife, visual
7 setting, transportation, and noise conditions that could otherwise detract from the recreation
8 experience. (Exhibit SWRCB-102, Final EIR/EIS page 15-265 to 15-267.) However, due to
9 the dispersed effects on the recreation experience across the Delta, it is not certain that
10 mitigation would reduce the level of these impacts to less than significant in all instances.
11 Therefore, as a whole, CWF H3+ impacts to recreation are considered significant and
12 unavoidable. However, the impacts specifically related to construction of the intakes would
13 be less than significant. (Exhibit SWRCB-102, Final EIR/EIS page 15-267.)

14 Additionally, during the construction period there will be reduced recreational
15 navigation opportunities. (Exhibit SWRCB-102, Final EIR/EIS page 15-275.) Again, it is
16 important to note that these significant and unavoidable effects are from construction, and
17 not operation, and thus are temporary. Impacts on boat passage and navigation in the
18 Delta will result from intake construction, temporary barge unloading facilities, siphons, and
19 the operable barrier at the head of Old River. Speed zones and channel constrictions will
20 occur concurrently at several construction sites, lasting for 2 to 5 years. Although there is
21 sufficient width in each respective channel to allow boat passage during construction,
22 boaters could experience minor delays related to construction speed zones. However, a
23 reduction of recreational navigation opportunities is considered adverse because, although
24 temporary, the effects would be for the duration of construction. The operable barrier at the
25 Head of Old River will have a boat lock which will be in use whenever the barrier is
26 completely or partially closed. (Exhibit SWRCB-102, Final EIR/EIS page 15-275.) Coupled
27 with other mitigation measures, these components would cause less-than-significant
28 impacts on recreational navigation on Old River. (*Id.*) These mitigation measures will

1 reduce impacts on navigation by development and implementation of site-specific
2 construction traffic management plans, including specific measures related to management
3 of barges and stipulations to notify the commercial and leisure boating communities of
4 proposed construction and barge operations in the waterways, but would not be able to
5 completely mitigate the impacts on all the waterways. Thus, this temporary construction
6 impact to recreational boating impact would be significant and unavoidable during
7 construction.

8 CWF H3+ operation will have no significant impact on long-term recreational fishing
9 opportunities. (Exhibit SWRCB-102, Final EIR/EIS page 15-279.)

10 Regionally, CWF H3+ operation will not cause a significant change in reservoir or
11 lake elevations. When CWF H3+ is compared to existing conditions, there is a change in
12 SWP/CVP reservoir elevations but this will not result in substantial reductions in water-
13 based recreation opportunities and experiences at north-of-Delta reservoirs attributable to
14 CWF H3+. This is because, in most cases, these changes in SWP/CVP reservoir
15 elevations are primarily attributable to sea level rise and climate change (Exhibit SWRCB-
16 102, Final EIR/EIS Section 15.3.1, *Methods for Analysis*.)

17 **V. CONCLUSION**

18 Based on the facility descriptions, construction methods, modeling results, and
19 mitigation measures for CWF H3+, I believe that CWF H3+ construction and operation will
20 not result in any unreasonable impact to or loss of recreation beneficial uses of Delta or
21 upstream waters.

22 Executed on this 29th day of November, 2017 in West Sacramento, California.
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27 Douglas Rischbieter
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