



**PETITION REQUESTING CHANGES IN WATER RIGHTS OF
THE DEPARTMENT OF WATER RESOURCES AND U.S. BUREAU
OF RECLAMATION
FOR THE CALIFORNIA WATERFIX PROJECT**

**Policy Statement by Craig Johns
On Behalf of the
Partnership for Sound Science in Environmental Policy**

Good morning, Madam Hearing Officers.

My name is Craig Johns, and I'm here today on behalf of the Partnership for Sound Science in Environmental Policy to present these comments on the proposed "California WaterFix Change Petition." PSSEP is an association of municipal, industrial, and trade association entities in California whose members are regulated by the State and Regional Water Boards under their joint, Federal Clean Water Act and Porter-Cologne Water Quality Control Act authorities. Some of PSSEP's members and/or affiliates are located in the San Francisco Bay Area and will be directly affected by the California WaterFix, and in turn, by your decision on the Change Petition before you.

To begin with, PSSEP emphasizes that our members take no position on the desirability of the California WaterFix and/or the underlying “alternative water conveyance facilities” being developed to support them. PSSEP’s members simply desire to ensure that the final WaterFix Project is technically accurate and adequately ensures that known or reasonably foreseeable impacts that are likely to accrue as a result of the Project will be formally recognized and fully mitigated under CEQA, NEPA and the Sacramento-San Joaquin Delta Reform Act of 2009 (“Delta Act”) and your process here today.

PSSEP maintains that the July 2015 FDEIR/SDEIS for the Project continues to understate the potential additional selenium loading impacts to the Delta that will result from construction and operation of the new water conveyance facilities, and further understates the potential impacts these additional selenium loads will have to San Francisco Bay.

Specifically, and according to the preparers of the Project RDEIR/SDEIS:

“Changes in source water fraction and net Delta outflow under [the Preferred Alternative], relative to Existing Conditions, are projected to cause the total selenium load to the North Bay to increase by 6-11%...”¹

¹ BDCP/California WaterFix RDEIR/SDEIS, Appendix A, Revisions to Draft EIR/EIS, Chapter 8 – Water Quality, p. 8-310, lines 15-16. (Emphasis added.)

However – and astonishingly – the RDEIR/SDEIS preparers go on to conclude that:

“The estimated changes in selenium loads in Delta exports to San Francisco Bay due to [the Preferred Alternative] are not expected to result in adverse effects to beneficial uses or substantially degrade the water quality with regard to selenium, or make the existing CWA Section 303(d) impairment [for selenium] measurably worse.”²

The San Francisco Regional Water Quality Control Board has estimated the current annual selenium load attributable to the Central Valley Watershed is 4070 kg/year.³ According to the Project RDEIR/SDEIS, those loads are expected to increase by as much as 447 kg/year,⁴ which is more than 10% of current annual selenium loading attributable to the Central Valley Watershed. This anticipated **increased** loading of selenium to the Delta and San Francisco Bay is not trivial, contrary to what the WaterFix RDEIR/SDEIS suggests. In fact, this additional loading attributable to future operations of the Project could potentially be significant to the environment, and may well have significant economic impacts on businesses, industry, and

² BDCP/California WaterFix RDEIR/SDEIS, Appendix A, Revisions to Draft EIR/EIS, Chapter 8 – Water Quality, p. 8-310, lines 27-30.

³ Draft Proposed Basin Plan Amendment for North San Francisco Bay Selenium TMDL, §7.2.4.3 and Table 7.2.4-2; Draft Staff Report for Proposed Basin Plan Amendment, Section 7, Table 24.

⁴ BDCP/California WaterFix RDEIR/SDEIS, Appendix A, Revisions to Draft EIR/EIS, Chapter 8 – Water Quality, p. 8-310, lines 15-16.

municipal agencies forced to incur further costs to reduce selenium discharges to San Francisco Bay. These potential impacts **must be** mitigated for under CEQA and NEPA, but there is nothing in the Project RDEIR/SDEIS to indicate that any such mitigation is provided.

Madam Hearing Officers, our request is very simple and straightforward; we ask only that ***if*** the State Water Board agrees to the Change Petition as presented, you will include ***specific*** and adequate conditions that require the Water Contractors to mitigate the potential impacts associated with increased selenium loading caused by the *Water Operations* of the BDCP/California WaterFix.

Thank you.