

Comments of Chris Shutes, FERC Projects Director, California Sportfishing Protection Alliance, to the Board of Directors of the East Bay Municipal Utilities District, regarding the District's proposed Water Supply Management Plan Draft Programmatic Environmental Impact Report. Oakland, March 18, 2009.

Ladies and Gentlemen of the Board:

The idea of raising reservoirs to meet poorly projected water demand is a bad idea. You should drop it before you invest more in it. There are better solutions.

You are about to complete a dry year water supply project through Freeport for American River water. That was supposed to take care of drought and dry year water conditions. Yet in the finest water agency tradition, today's drought reserve is now framed as tomorrow's water supply. It will never end until you end it.

Not only can water demand per capita decrease, it must. It happened over the last 20 years in Southern California. How shallow to assume that it is not possible in the East Bay.

The Draft PEIR does not represent the values of the EBMUD Board of Directors and it does not represent the values of the EBMUD service area. It aims to cover the District against worst case risk. If carried forward it becomes self-fulfilling prophesy.

The environmental backstop for the Mokelumne River downstream of EBMUD facilities is supposed to be the Joint Settlement Agreement signed by the District, Fish and Game, and Fish and Wildlife in the mid-nineties. That agreement was inadequate then, and it is worse today. 253 salmon returned to the Mokelumne River hatchery in 2008. Yet a glowing summary of the flow regime for the river that was brought into place by the JSA was filed with FERC by the District, DFG and FWS early this year. This summary conveniently averaged salmon returns over ten years in order to hide the present disaster. 20 cfs below Woodbridge does not get salmon up the fish ladder there. 22.5 thousand acre feet released to the Mokelumne in critically dry years does not let fish survive.

There is no fish passage to 40 miles of habitat upstream of Pardee under the Joint Settlement Agreement. This absence will literally be carved in concrete if Pardee is raised as proposed. You propose this at a time when the ocean salmon season, a birthright of every northern Californian, is closed for the second year in a row due to low escapement. You propose this, at a time when it is broadly recognized that passage above Central Valley rim dams is essential to the preservation of salmon and steelhead in California.

Building a bigger bathtub does not fill it up with water. Perhaps you should name the new dam "Providence." Taking the top of the hydrograph off flows in the critical spring period kills juvenile fish, and reduces flows for channel maintenance. Your approach to high flows, especially under climate change, is right out of the conservative playbook: no more water "wasting away to the sea."

Your water supply management plan is outdated in its approach and unnecessary in its conclusions. It is not worthy of the people it aims to serve. It is not worthy of the people in whose name it is being put forward.

Please start over, and please do better.