



# FEDERATION OF FLY FISHERS

Northern California Council

*Conserving - Restoring - Educating Through Fly Fishing*

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Daniel A. McDaniel

President - Past

Director

January 11, 2008

Ms. Delores Brown, Chief  
Office of Environmental Compliance  
California Department of Water Resources  
3251 S Street  
Sacramento, CA 95816

Via email: [delores@water.ca.gov](mailto:delores@water.ca.gov)

**RE: Comments on the Draft Environmental Impact Report for the Monterey Amendments to the State Water Project (including Kern Water Bank Transfer) and Associated Actions as Part of a Settlement Agreement - SCH#: 2003011118**

Dear Ms. Brown:

Please accept these comments on the Draft Environmental Impact Report for the Monterey Plus (DEIR), on behalf of the Northern California Council of the Federation of Fly Fishers.

The proposed project in the DEIR does not appear to have been negotiated either in the public forum or in the public interest. It is an unlawful gift of state property without adequate consideration.

Furthermore, it represents the most substantial amendments to the State Water Project contracts in the history of the State Water Project (SWP). We urge DWR to carefully consider the implications for California's environment, citizens, and economy before finalizing a decision on the Monterey Amendments.

In view of the dramatic change and decline in the conditions of the Delta within the last several months, the DEIR is inadequate and should be revisited after further analysis of the more recent events within the last several months within the Delta.

Already, the interim implementation of the Monterey Amendments has contributed to significant environmental degradation in the Bay Delta Estuary and reduced water reliability for residents in Southern California.

Since the implementation of the Monterey Amendments in 1996, the Bay Delta Estuary has fallen into a critical decline with several species, including the delta smelt, at historic low abundance. Increases in SWP pumping have been identified as a primary contributor



to this decline. Such impacts were in part the result of the increased winter and the spring export of Article 21 and turnback pool. Provisions of the Monterey Amendments have in part facilitated these increased exports from the Bay Delta Estuary and the resulting environmental degradation.

In addition, elimination of Article 18 (b) (the permanent shortage provision) has perpetuated the reliance on paper water. By eliminating of Article 18(b), DWR would also be giving up a critical safety valve that allows SWP entitlements to be cut back in light of changing climate conditions and/or regulatory constraints imposed to restore the Bay Delta ecosystem. Elimination of the urban preference for SWP water delivery, contained in Article 18(b), has also contributed to reduced water reliability for millions of Californians.

DWR has many alternatives to the proposed Monterey Amendments. For instance, DWR could assist SWP contractors in aggressively implementing the 3.1 million acre feet of urban water conservation and the 1.4 million acre feet of recycled water potential identified in the California Water Plan. Such implementation would increase water reliability of SWP contractors while avoiding the environmental impacts associated with the Monterey Amendments.

In our view it would be premature, in derogation of DWR's public trust responsibility, and unlawful, to proceed as planned. We strongly urge DWR to reject the Monterey Amendments as proposed in the DEIR, issue a new, comprehensive DEIR, and adopt an alternative that can better serve and preserve the assets of California.

Sincerely,

A handwritten signature in blue ink, appearing to be "D. H. ...", is written below the text "Sincerely,".