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VIA E-MAIL AND U.S. POST

Charlie Hoppin, Chair
Francis Spivey-Weber, Vice Chair
Tam M. Doduc, Member
State Water Resources Control Board
Post Office Box 100
Sacramento, CA 95814

Re: Supplemental Notice of Preparation and Notice of Scoping for the Update and Implementation of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary: Comprehensive Review

Dear Chairman Hoppin and Members of the Board:

Placer County Water Agency ("PCWA") appreciates the opportunity to comment on the scope of the Water Board's planned update to the Bay-Delta Water Quality Control Plan ("Plan"). The Board's decision in this matter will be felt state-wide, with predictable indirect impacts to agriculture, energy production and air quality affecting areas even outside the vast Project Area identified in the Notice of Preparation. For that reason it is imperative that the Board assure itself that it understands the full ramifications of any proposed action and that it has considered all reasonable alternatives – balancing what can practically be done to protect multiple species throughout their life stages, throughout the Delta and the accessible tributaries, while recognizing the flood control and water supply requirements of California's existing population and industry.

PCWA therefore offers the following recommendations on the scope of environmental review required for this project:

1. **Impact analysis must extend to upstream tributaries.**

The Substitute Environmental Document ("SED") must describe the impacts of all proposed flow objectives and alternatives on tributary habitats and water supplies. Preliminary analyses of the impacts of the Water Board's 2010 Delta Flow Policy have already been submitted to the Water Board and to the Delta Stewardship Council. These analyses show that flow objectives that more closely replicate the natural unimpaired hydrograph – in order to address habitat and

fish passage issues within the Delta – would require significant increases in spring inflows to the Delta and would make tributary habitat hostile to fish in summer and fall of many years. The increased storage bypasses and releases from upstream reservoirs required to produce increased spring Delta inflow would often result in the depletion of cold water storage needed for releases to sustain the spawning and rearing habitat of several listed species in the upstream tributaries.

Unimpaired hydrographs worked in a state of nature when the Central Valley frequently flooded, flows receded slowly, and cooler upstream reaches were available as summer rearing habitat. These are conditions that no longer exist, as a result of over 150 years of economic development and flood control efforts. A different paradigm is needed to meet fish habitat needs in the current altered ecosystems that now exist. This is especially evident because the tributary streams serve different fish life stages, and therefore different needs, than those considered by the Board in its adoption of the Delta Flow Policy.

2. **Analysis must include impacts on water supply that acknowledge the limited replacement water options in watersheds upstream of the Delta.**

The SED must include an analysis of upstream water supply impacts and must recognize that there are few practical replacement water supplies available to mitigate for loss of existing surface water supply due to new flow objectives for the Delta. The Delta Plan DEIR (Fig. 3-3) shows that groundwater is absent in roughly half of the upstream watershed, including most of Placer County and other foothill mountain communities. Additionally, due to constraints of terrain and legal authority, recycled water is unavailable to most foothill and mountain areas within the Delta watershed, factors which also limit potential for water transfers to provide replacement water. Water suppliers are already under significant mandate to conserve 20% of per capita water use, and significant additional water savings may not be economically feasible.

Finally, area of origin laws must be taken into account by the Water Board in determining both policy and impact. The area of origin laws were intended to prevent Delta exports from reaching levels that would leave upstream communities and industries without sufficient water supplies to remain economically viable. In short, because of terrain and absence of non-tributary water supplies, any reductions in existing surface water supply due to new flow objectives may not be economically replaceable.

It would be unacceptable for the SED to ignore the full scope of water supply impacts under the claim that actions local agencies will take to obtain replacement supplies, and the impacts of those actions cannot be predicted (as the Water Board asserted in its SED for the North Coast Instream Flow Policy). In the face of the limited water supply options available to upstream communities, and the importance of water to human health and local economies, it is incumbent on the Water Board to educate itself as to the full effect of its decision.

3. **The Water Board's SED must analyze the impact of flow objectives on power production and achievement of renewable resource goals in power production.**

In alternatives featuring less water diverted and stored in reservoirs during the snowmelt runoff season, less water will be available for release during the hot summer months when power demand is at its peak. This seasonal shift will have profound impacts for electrical grid reliability. Not only have a large portion of California's summer energy demands historically been met with hydropower generation, it also provides grid regulation services that the California Independent System Operator needs to counteract constantly changing demands and variable energy supplies from renewable energy sources such as wind and solar.

Without the continued support of summer hydroelectric power generation, the shortage in energy and the loss of reliability provided by hydropower's ancillary services would need to be made up using other power sources. The SED must analyze the extent to which peak power demand can reliably be met with less predictable solar and wind sources, and the extent to which using fossil fuel to "back fill" the loss of hydroelectric services to meet demand will affect both air quality and the State's ability to meet its renewable resource goals, as well as the reliability of electrical supply to California's residents. Additionally, the SED analysis must take into account the increased power use by farmers to pump groundwater, and any air quality impacts that such pumping may have.

4. **The Water Board's SED must analyze the impact of flow objectives on groundwater resources in the Sacramento Valley.**

The seasonal shift of surface water flows in any flow objective featuring a "more natural hydrograph" would make less surface water available to Sacramento Valley farmers during the summer growing season. This would predictably force farmers to either pump the groundwater that is generally available beneath the Sacramento Valley to irrigate their crops or cut agricultural production, with attendant impacts to the region's economy. Pumping groundwater to irrigate crops would increase the total peak energy load for the state. The SED must analyze the effect that such groundwater pumping would have on the aquifer, on power demand, air quality and renewable resource goals, and on agricultural production. Demand must be measured against the safe yield of the Sacramento Valley aquifer, and any potential for water quality degradation, subsidence or permanent loss of aquifer capacity must be evaluated.

5. **The Water Board should consider flow management alternatives based on upstream habitat functional needs**

Several upstream tributaries have been the subject of intensive, multi-year, stakeholder-inclusive, science-based collaborative investigations to reach flow management standards that achieve suitable fish habitat conditions over a full range of precipitation year-types while

providing an acceptable level of water supply for human needs. The Yuba River Accord, the Feather River 401 Certification and the American River's Water Forum Flow Management Standard are the prime examples. These flow objectives, endorsed by both state and federal resources agencies, were arrived at by considering, on a tributary watershed basis, stream functional needs rather than by relying on a simplistic formula such as that adopted in the Board's Delta Flow Policy.

The Water Board should honor these balanced flow objectives in the tributaries where they have been forged, and apply the same science and stakeholder involvement in adopting flow objectives for the updated Plan in areas where such balances have not been undertaken.

Sincerely,

PLACER COUNTY WATER AGENCY

David A. Breninger
General Manager

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c: PCWA Board of Directors