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VIA E-MAIL
and FIRST CLASS MAIL

Division of Water Rights
State Water Resources Control Board
1001 I Street, 2nd Floor Mail Room
Sacramento, California
Bay-Delta@waterboards.ca.gov
pcrader@waterboards.ca.gov

Attn: Phillip Crader

Re: Delta Flow Criteria Informational Proceeding: Sacramento Water Forum Comments

Dear Mr. Crader:

At the Pre-Proceeding Conference held on January 7, 2010, participants were invited to submit additional comments regarding the procedures to be utilized by the State Water Resources Control Board (SWRCB) in holding its public informational proceeding regarding the development of flow criteria for the Delta ecosystem. The following comments are submitted on behalf of the Sacramento Water Forum.

The Sacramento Water Forum is a diverse group of over 40 businesses, agricultural leaders, citizen groups, environmentalists, water managers and local governments in the Sacramento Region that forged a consensus in 2000 on how to mange the resources of the Lower American River for the coequal goals of a safe and reliable water supply and the preservation of the fishery, wildlife, recreational and aesthetic values of the Lower American River. The execution of the Water Forum Agreement marked a true milestone ending years of conflict over management of the Lower American River.

As part of meeting the coequal goals of the Water Forum Agreement, the Water Forum has been working in coordination with the U.S. Bureau of Reclamation, the California Department of Fish and Game, National Marine Fisheries Service and the U.S. Fish and Wildlife Service in developing a flow management standard that will provide an improved pattern of fishery flow releases from the Folsom Reservoir. Sacramento County, as principal administrator for management of the American River Parkway, is poised to release a notice of

preparation of a draft environmental impact report for a Lower American River flow management standard.

A key issue identified in the SWRCB's Notice of Public Informational Proceeding and Pre-Proceeding Conference concerns the role of upstream flows in the development of Delta flow criteria. A wide array of perspectives on this issue was voiced at the pre-proceeding conference but no clear consensus was reached regarding the extent to which scientific testimony on these issues may be relevant to the informational proceeding to be held in March 2010.

It was acknowledged by members of the SWRCB and participants alike at the pre-proceeding conference that the task assigned to the SWRCB by the California Legislature in SB1, to develop new flow criteria for the Delta, is an extremely complex undertaking. Consideration of upstream flow issues as part of this proceeding further complicates an already difficult assignment.

Development of the American River watershed has reduced the riverine habitat of anadromous fish to 23 miles below Nimbus Dam. Thus, the importance of providing an improved pattern of fish flow releases from Folsom Dam is critical to protecting public trust resources in the Lower American River. The development of Delta criteria has the potential to result in redirected impacts on the Lower American River and may hinder the Water Forum's efforts to achieve implementation of a new flow management standard.

Historical operations of Folsom Reservoir demonstrate that Folsom Reservoir is often used as a "real-time, first response facility" for meeting various Delta water quality objectives and demands. Utilizing Folsom Reservoir as a real-time first response facility results in redirected impacts on salmonids in the Lower American River by affecting river flow and water temperatures during several life stages of steelhead (*O. mykiss*), a federally listed species under the Endangered Species Act, and fall-run Chinook salmon (*Oncorhynchus tshawytscha*). These redirected impacts include (1) redd dewatering; (2) fry stranding; (3) juvenile isolation; (4) depletion of Folsom Reservoir water storage; and (5) depletion of Folsom Reservoir coldwater pool.

Reservoir operations that cause river flows to exceed, then decrease below certain water surface elevations have been identified as a source of mortality to Lower American River salmonids because of redd dewatering, fry stranding and juvenile isolation. High water temperatures also adversely impact Lower American River salmonids. Water temperatures needed to protect steelhead and fall-run Chinook salmon are difficult to achieve in the Lower American River, and utilizing Folsom Reservoir as a "real-time, first response facility" exacerbates the problem. Depleting Folsom storage results in reductions in the coldwater pool that is available for management of water temperatures for steelhead over-summer juvenile rearing and fall-run Chinook salmon spawning and embryo incubation. Moreover,

elevated water temperatures may increase in salmonids disease susceptibility and transmission as well as result in environmental conditions conducive to increased predation.

The Water Forum urges the SWRCB to provide further guidance to the participants regarding the scope of the informational proceeding by specifically excluding the testimony it receives on upstream flow issues. As demonstrated herein, the upstream flow issues are themselves complex. While Delta criteria must ultimately be balanced against upstream flow requirements, the proposed informational proceeding does not lend itself to a full consideration of information needed to develop Delta criteria and the upstream needs. Thus, the Water Forum respectfully requests that upstream flow issues not be a part of this proceeding.

Very truly yours,

Sandra K. Dunn

SKD:sb

cc: Tom Gohring