

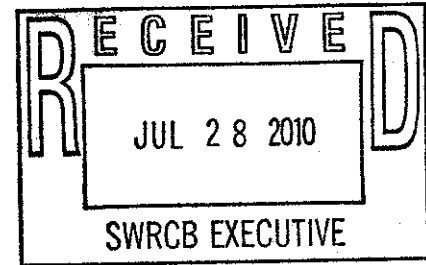
THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

Office of the General Manager

July 28, 2010

By Electronic Mail: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)  
and U.S. Mail

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



Re: COMMENT LETTER – DRAFT DELTA FLOW CRITERIA REPORT

Dear Ms. Townsend:

The Metropolitan Water District of Southern California (“Metropolitan”) appreciates this opportunity to comment on the Draft Report on the Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem (“Flow Report”).

Metropolitan is a cooperative of 26 cities and water agencies serving 19 million people in six counties. The Metropolitan imports water from the Colorado River and Northern California to supplement local supplies, and to help its members to develop increased water conservation, recycling, storage, and other resource-management programs.

The State Water Resources Control Board (“Water Board”) was faced with a difficult task, and undertook the effort to complete the Flow Report by the Legislature’s deadline. Metropolitan appreciates the candor provided by the Water Board as to the limitations on the utility of the Flow Report. As the Water Board fully acknowledged, the Flow Report does not have regulatory or adjudicatory effect. The Water Board did not consider basic issues of feasibility, like dam safety, public health and safety, and any balancing of competing beneficial uses of water, including municipal and industrial, agricultural, and other environmental uses.

The Water Board’s conceptual approach to the Flow Report has significant limitations. The Flow Report was intended to be purely informational, although the informational value of this report could have been greatly improved if the Water Board had taken a more rigorous science-based and pragmatic approach. To use the words of the Fleenor, *et al* (2010) report:

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While folks ask "How much water do fish need?" they might as well also ask, "How much habitat of different types and locations, suitable water quality, improved food supply and fewer invasive species that is maintained by better government institutions, competent implementation and directed research do fish need?"

The answers to the larger questions identified by Fleenor are undoubtedly the most relevant to what the Bay Delta Conservation Plan ("BDCP") is trying to achieve. After reviewing the Flow Report, it is obvious that the Delta cannot be restored by only considering flow. Even with a recommendation that nearly all Sacramento River inflow and outflow be dedicated to the fishery, the Flow Report was unable to predict that any specific improvement in the fishery could actually be achieved. Rather habitat restoration, water quality actions, food supply improvements, invasive species eradication programs, and other conservation measures are required before improvements in fishery abundance could ultimately be realized.

In the end, Metropolitan is disappointed that the analysis which is contained in the Flow Report will not be more useful in developing comprehensive solutions to address the Delta's problems. The purely conceptual approach of the Flow Report fails to adhere to the fundamental tenants of sound science, including a failure to acknowledge: mathematical and conceptual errors in the research; substantial disagreement amongst the scientific community; significant areas of scientific uncertainty; and the inherent limitations of the data gathered during the public process. The report is devoid of citations supporting many important scientific assumptions, and it gives undue weight to highly speculative and unsubstantiated analysis.

Metropolitan hereby incorporates the comments of the State and Federal Contractors Water Agency ("SFCWA") for specific examples of where the scientific integrity of the report is questionable. In light of the very short comment period, it was impractical to provide a detailed explanation of every substantial problem with the Flow Report; the analytical failings are just too pervasive.

As the Flow Report acknowledges, the BDCP is where the many interrelated issues affecting the Delta's important aquatic species will be rigorously evaluated and where actual solutions will be adopted. Metropolitan is committed to the BDCP process and the co-equal goals of species conservation and water supply reliability. As a participant in the BDCP process, Metropolitan

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will consider the report, taking the reliability of the analysis underlying the report under advisement, and will evaluate the various proposed BDCP management actions based on a comparison of the relative costs and the magnitude of the potential ecological benefits.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Kightlinger". The signature is written in a cursive style with a large initial "J" and "K".

Jeffrey Kightlinger  
General Manager