

State Water Resources Control Board  
Informational Proceeding to Develop Flow Criteria for the Delta Ecosystem Necessary to Protect  
Public Trust Resources

**Written Summary of the Coalition for a Sustainable Delta's Response to the Key Issue and  
Associated Questions**

February 16, 2010

The Coalition for a Sustainable Delta (Coalition) is made up of persons and entities who rely on agriculture in the Central Valley for their livelihood or who have a demonstrated interest in agriculture in the Central Valley. The Coalition undertakes and supports efforts to protect the Delta and is committed to promoting a strategy to ensure its sustainability.

The key issue for this proceeding identified by the State Board is what volume, quality, and timing of Delta outflows are necessary to protect public trust resources pursuant to the State Board's public trust obligations and the requirements of SB 1. This issue is at the intersection of law, policy, and science and involves prioritizing competing uses of water that enters the Delta watershed, which is a quintessential policy determination. You have asked the participants to avoid commenting on policy issues; therefore, we are not providing comments at this time on the policy component of the key issue you have identified. That said, we urge you to provide all stakeholders with an opportunity to provide input regarding legal and policy considerations before you develop the flow criteria contemplated by SB 1.

In our view, the State Board cannot determine the volume, quality, and timing of Delta outflows necessary without also considering the panoply of other factors that affect public trust resources, including the native fish and wildlife of the Delta. Trying to identify appropriate outflows without also identifying other factors that must be addressed to protect public trust resources in the Delta ecosystem is akin to flying an airplane with a single instrument. This is not to say that inflow to the Delta watershed and outflows through the Delta are necessarily unimportant. But consideration of these factors in a vacuum cannot be justified based on our current scientific understanding of the Delta ecosystem (Lund et al. 2007; Healey et al. 2008).

We are submitting along with this written summary the written testimony of Dr. Erica Flesichman regarding pelagic fish habitat and flows in the Delta ecosystem. The focus on habitat is reductionists but necessary in light of the fact habitat varies across species. In the past, use of a single species as a surrogate for the health of the Delta ecosystem -- namely, the non-native striped bass -- was unsuccessful in part due to varied habitat needs to fish in the Delta. But a careful consideration of the habitat needs of at-risk, native fishes of the Delta can occur in the context of a broader ecosystem-management based approach to the Delta as advocated by Michael Healey and others (Healey et al. 2008).

## **References**

Michael Healey et al. 2008. The State of Bay-Delta Science 2008 (CalFed Science Program).

Jay Lund et al. 2007. Envisioning Futures for the Sacramento-San Joaquin Delta (Public Policy Institute of California).