



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE

Sacramento Area Office

650 Capitol Mall, Suite 8-300

Sacramento, California 95814-4706

February 16, 2010

Phillip Crader  
Senior Environmental Scientist  
Division of Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, California 95812-2000

*via: hand delivery*

*Also via e-mail: Bay-Delta@waterboards.ca.gov*

Dear Mr. Crader:

We are pleased to participate in the proceeding initiated by Senate Bill 1<sup>1</sup> of the 2009-2010 Seventh Extraordinary Session (SB 1), which calls for the State Water Resources Control Board (SWRCB) to review scientific information relevant for the development of new flow criteria for the Sacramento-San Joaquin Delta (Delta). In addition to the Delta outflow criteria emphasized in the original notice, NOAA's National Marine Fisheries Service (NMFS) urges the board to consider additional criteria (*e.g.*, for Delta inflow or for positive flows at locations in the interior Delta) that could help to protect the salmon, steelhead, and sturgeon that migrate through and rear in the Delta. Additionally, because many of the fish populations that use the Delta spend a portion of their life history upstream of the Delta, the SWRCB must not set Delta flow criteria that would preclude the ability to meet flow and temperature needs in these upstream areas. We encourage you to include, or make reference to, necessary upstream flow and temperature criteria if your process allows for this.

NMFS is engaged in various efforts to improve the viability of the anadromous fish populations of California's Central Valley, including:

- the recent consultation (our "Biological Opinion" issued June 2009) on the long-term operations of the Central Valley Project (CVP) and State Water Project (SWP) under section 7 of the Federal Endangered Species Act (ESA);
- the recent release (October 2009) of a Public Draft Recovery Plan for Central Valley Salmon & Steelhead under Section 4 of the Federal ESA; and
- the Bay Delta Conservation Plan process.

Because the SWRCB has such sweeping authority in state water issues (both for water quality and water rights), we welcome the opportunity to engage in this process and hope that the

<sup>1</sup> [http://www.leginfo.ca.gov/cgi-bin/postquery?bill\\_number=sbx7\\_1&sess=CUR&house=B&author=simitian](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sbx7_1&sess=CUR&house=B&author=simitian)



information provided to the SWRCB will help provide for more effective management of the Delta watershed.

Enclosed are 6 sets of materials submitted for the Delta Flow Criteria Proceeding scheduled to begin March 22, 2010. The larger exhibits are provided in electronic format only:

ITEM	PROVIDED IN HARD COPY?	PROVIDED ON CD?
Written Summary	Yes	Yes
Witness Identification List	Yes	Yes
Exhibit Identification List	Yes	Yes
NMFS Exhibit 1 Statement of Qualifications for Rosalie del Rosario	Yes	Yes
NMFS Exhibit 2 Statement of Qualifications for David Swank	Yes	Yes
NMFS Exhibit 3 OCAP Biological Opinion & Appendices (June 2009)	No	Yes
NMFS Exhibit 4 Selected references from the OCAP Biological Opinion	No	Yes
NMFS Exhibit 5 Public Draft Recovery Plan for Central Valley Salmon and Steelhead & Appendices (October 2009)	No	Yes
NMFS Exhibit 6 Essential Fish Habitat Conservation Recommendations (June 2009)	Yes	Yes
NMFS Exhibit 7 Residence of Winter-Run Chinook Salmon in the Sacramento-San Joaquin Delta: The role of Sacramento River hydrology in driving juvenile abundance and migration patterns in the Delta	Yes	Yes
NMFS Exhibit 8 Observed vs. Unimpaired Flows in the Sacramento Basin	Yes	Yes
NMFS Exhibit 9 Flow criteria for green and white sturgeon – NMFS summary and AFRP paper	Yes	Yes

While the schedule imposed on this proceeding by SB 1 is aggressive, we recognize that this is just one step in a continuing process. We look forward to continued collaboration with the SWRCB and other interested parties beyond this initial proceeding as flow criteria are developed not only for the Delta itself, but for rivers and streams in the Delta watershed.

Please contact Barbara Byrne, of my staff, at (916) 930-5612, or via e-mail at [barbara.byrne@noaa.gov](mailto:barbara.byrne@noaa.gov) if you need additional information.

Sincerely,

Maria Rea  
Supervisor, Sacramento Area Office