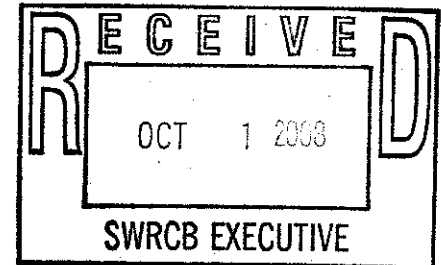




To promote the economic, social and environmental viability of Northern California by enhancing and preserving the water rights, supplies and water quality of our members.

October 1, 2008

Ms. Tam Dudoc, Chair
State Water Resources Control Board
P. O. Box 100
Sacramento, California 95812-0100



Re: October 8, 2008 SWRCB Workshop—Review of 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary

Dear Chair Dudoc:

The Northern California Water Association (NCWA) and our members are interested in the State Water Resources Control Board's review of its 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (the 2006 Plan).

NCWA represents 54 agricultural water districts and agencies, private water companies, and individual water rights holders with senior rights and entitlements to the surface waters of the Sacramento Valley. NCWA's members also have overlying and appropriative water rights to groundwater resources in Northern California, from the Northern reaches of Shasta County to Sacramento County, from the edge of the Sierra Nevada Mountains in El Dorado County to Glenn County, which extends to the Coast range. We appreciate the opportunity to submit these comments for the October 8 SWRCB workshop on the scope of that review. We have two specific comments.

First, before holding a hearing on any proposed plan, the SWRCB staff should prepare several different sets of potential draft plan amendments or several different draft revised plans, rather than just one set of draft amendments or one draft revised plan, as is suggested by the notice for the October 8 workshop. Preparing several different alternatives is required by the California Environmental Quality Act. Under CEQA, the SWRCB must prepare a functional equivalent document for its proposed water quality control plan amendments or revisions, and this document must include several alternative proposed actions. Also, the SWRCB will be better able to conduct an open hearing if the SWRCB has several different potential alternatives to consider during the hearing, and if the SWRCB's staff has not made a pre-hearing commitment to any particular result. This is the process that the SWRCB followed in the environmental

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impact report that it prepared for the proceedings that ultimately resulted in water-rights Decision 1641.

Second, the SWRCB must recognize that no water quality control plan can cover all of the actions that are necessary to solve all of the Delta's problems. Under the Porter-Cologne Water Quality Control Act, a water quality control plan identifies a waterbody's beneficial uses, defines water quality objectives that reasonably protect those uses, and describes a program to implement those objectives. (See Wat. Code § 13050, subd. (j).) The water quality objectives are the heart of a water quality control plan, and Water Code section 13050, subdivision (h) defines water quality objectives as:

[T]he limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

A water quality control plan therefore addresses the water-quality conditions within aquatic environments, but not does address their surrounding land forms or other critical factors like introduced aquatic species. The science concerning the causes of the Delta's ecological problems is advancing rapidly and there are strong indications that many factors besides water-quality conditions – including reductions in floodplain habitat and introductions of non-native aquatic species, for example – may be major causes of the declines of native Delta aquatic species. The SWRCB therefore must recognize that its new Bay-Delta water quality control plan will not be able to solve all of the Delta's problems and that other activities and agencies– such as the Bay-Delta Conservation Plan and the Delta Protection Commission – may need to take actions to address many critical factors contributing to the declines of native Delta aquatic species.

Thank you again for the opportunity to submit these comments on the SWRCB's Bay-Delta planning process.

Sincerely,



Todd N. Manley
Director of Government Relations