



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
ECD/Water Branch
830 S Street
Sacramento, CA 95811
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



November 9, 2017

Via Electronic Mail Only

Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street Sacramento, CA 95814

Dear Ms. Marcus:

SUBJECT: Opportunity To Provide Input To Inform The Development Of The Program Of Implementation For The Phase II Update To The Bay -Delta Plan



The Department of Fish and Wildlife (Department) appreciates the efforts of the State Water Resources Control Board (Board) to finalize development of the Scientific Basis Reports for Phases I and Phase II of the update to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). These reports greatly improve our understanding of the best available science and are critical to informing needed changes to ensure the protection and enhancement of the Bay-Delta Watershed.

The Department is keenly aware of the Board's progress in developing potential changes to the Bay-Delta Plan and has been an active participant throughout the process. While this letter does not offer specific responses to your most recent request for public comment on Phase II, we do offer the following general comments and look forward to our continued dialogue and collaboration in working through this process.

The Department has provided an abundance of scientific evidence¹ to support the need to increase, and in many cases change the timing of, flows in many of California's Central Valley streams and in the Delta. We again not only support the State Water Board's efforts in updating the Bay-Delta Plan to bring regulatory protections to the current level of scientific understanding, but also your attempt to develop protective measures and flow objectives that will enhance the current declining populations of many of California's native fish species, as well as ensure their protection into the future.

¹ Comment letters submitted on the 2012 Bay-Delta Workshop(s) 1-3: letters dated August 16, 2012; September 20, 2012, October 24, 2012; December 3, 2010 transmittal of Quantifiable Biological Objectives and Flow Criteria for Aquatic and Terrestrial Species of Concern Dependent Upon the Delta, November 23, 2010

The Department supports an expedited timeline to develop and implement updates to the Bay-Delta Plan and appreciates that the Board recognizes the efforts of the Department and stakeholders to secure collaborative voluntary agreements that would advance the restoration of flows and the improvement of physical conditions in the Bay-Delta watershed. The use of voluntary agreements may accelerate implementation while also increasing the synergies of individual actions by, for example, coordinating both flow and non-flow measures throughout the watersheds. The Department is continuing to collaborate with stakeholders to develop solutions to protect all beneficial uses of water and supports a timeline for this process through May 2018. However, in the absence of voluntary agreements, the Department believes the Board should take the necessary measures to ensure that program implementation is not delayed.

Ensuring that flows continue to support fish and wildlife both in river and through the Bay-Delta will require a shift in how we currently operate Central Valley reservoirs and manage exports and will likely lead to changes in rates of diversion. Determining the appropriate measures to protect these flows, such as requiring material diverters in the Delta watershed to submit documentation of the legal basis of their water right and developing regulations to protect flows against unauthorized diversion, will be vital to the success of any voluntary agreement efforts or the intended benefits from changes to the Bay-Delta Plan.

Lastly, improving the way we evaluate and adaptively manage flows in the Bay-Delta watershed is a necessary step in enhancing fish and wildlife species. The Department agrees that through adaptive management, flows could be shaped to provide maximum benefits to fish and wildlife. This will result in the need to develop SMART (specific, measurable, achievable, relevant, and time-bound) goals and objectives, as well as dramatically improve current monitoring efforts. Specifically, the Department provided several examples of biological objectives in our submittals to support the 2012 Phase II workshops. We also strongly support the need for rigorous and timely monitoring, reporting, and assessment efforts as part of any adaptive management program tied to voluntary agreements or the adopted program of implementation. Sufficient monitoring, reporting, and assessment efforts will require additional funding and support at the local, state, and federal levels. The Department is very interested in continuing participation in current monitoring and adaptive management efforts and welcomes continued collaboration with the State Water Board to improve on these efforts and secure the additional financial commitments they will require.

The Department appreciates both the Board's ongoing work to update the Bay-Delta Plan and the opportunity to comment on this process. If you have any questions, please feel free to contact Stephen Louie at (916) 327-8758 or at Stephen.Louie@wildlife.ca.gov.

Sincerely,



Scott Cantrell
Chief, Water Branch
Department of Fish and Wildlife

Enclosure

ec: California Department of Fish and Wildlife

Sandra Morey
Sandra.Morey@wildlife.ca.gov

Carl Wilcox
Carl.Wilcox@wildlife.ca.gov

Tina Bartlett
Tina.Bartlett@wildlife.ca.gov

Julie Vance
Julie.Vance@wildlife.ca.gov

Neil Manji
Neil.Manji@wildlife.ca.gov

Craig Weightman
Craig.Weightman@wildlife.ca.gov

Diane Riddle
State Water Resources Control Board
diane.riddle@waterboards.ca.gov

Maria Rea
NOAA National Marine Fisheries Service
Maria.Rea@noaa.gov

ec: Dan Castleberry
United States Fish and Wildlife Service
Dan_Castleberry@fws.gov

Grant Davis
Department of Water Resources
grant.davis@water.ca.gov