

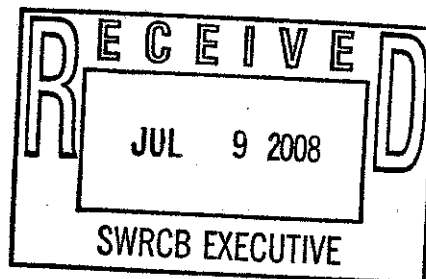
Memorandum

Date: July 9, 2008

To: Diane Riddle
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

From: Department of Water Resources

Subject: Comments on the June 2008 Draft Strategic Workplan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary



The Department of Water Resources (DWR) appreciates the opportunity to provide comments on the June 2008 Draft Strategic Workplan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Strategic Workplan). The State Water Resources Control Board's (State Board) involvement in the development of long-term solutions for the Bay-Delta is critical if such plans are to succeed. Overall, DWR supports the State Board's proposed activities in the Strategic Workplan that will facilitate the goal of protecting the beneficial uses of the Bay-Delta while coordinating with other multi-agency and stakeholder efforts to achieve that same goal.

DWR believes the Strategic Workplan provides the proper balance between the State Board's role as a regulating agency over water quality and water rights and its role as a partner in the development of a strategy and plan to improve conditions in the Bay-Delta. DWR continues to encourage the State Board to work closely with other agencies and stakeholders in the development of the Bay Delta Conservation Plan (BDCP) and the Delta Vision. Moreover, DWR supports the State Board's plan to initiate focused actions to identify and regulate contaminants in the Bay-Delta. For example, the development of a work plan to address specific elements of pollution will significantly contribute to understanding the components, quantities and effects pollutants have on the ecosystem and public health in the Bay-Delta. Although a challenging area, such actions will likely lead to improved management of the Bay-Delta. In sum, DWR believes the Strategic Workplan, which provides for continued participation in processes such as the BDCP as well as addressing issues outside the purview of these processes, will contribute to a comprehensive approach for improving water quality and the sustainable use of water from the Delta.

Below are DWR's comments related to specific elements of the Strategic Workplan.

Characterize Discharges from Delta Islands

DWR supports this element as described on pages 51-52 and, as evidenced by our extensive studies on Staten Island, is interested in the development and implementation of this monitoring component.

Effects of Ambient Ammonia Concentrations on Delta Smelt Survival and Algal Primary Production

DWR monitoring data shows strong increasing trends in ammonia nitrogen in the lower Sacramento River, Suisun Bay, and parts of the Delta. This is of concern because of the potential for a) direct toxicity of unionized ammonia to sensitive fish, including delta smelt and salmonids, and b) effects of ammonium on phytoplankton growth and community composition that can reverberate throughout the entire aquatic food web. DWR supports investigations of ammonia effects on Bay-Delta fish and the food web, including the "screening level" project described on page 52 of the Strategic Workplan.

This project and any follow-up projects should be coordinated and integrated with related projects carried out by DWR and others as part of the Interagency Ecological Program Pelagic Organism Decline investigations and also with a joint DWR-SFSU project funded by the CALFED Science Program about ammonium effects on phytoplankton in the Delta and Suisun Bay.

Comprehensive Monitoring Program

DWR supports the work plan element for a comprehensive water quality monitoring program on pages 59-62 and believes its success is important. However, this is a large undertaking that will require adequate long-term funding, staff resources and stakeholder participation. DWR is concerned with the limited funding and staff resources described in the Strategic Workplan, and is unsure whether it will be enough to successfully implement this element.

Additionally, as written, it is difficult to determine whether this comprehensive effort will compile all water quality information or just information on contaminants. If this effort is to compile water quality in general, then DWR suggests additional funding and staffing are necessary to complete this task. On the other hand, if this effort is to focus mainly on contaminants monitoring, then DWR suggests a list of targeted contaminants be added into the text on pages 59-61 for clarification purposes. Also, a feasibility study may be recommended to analyze the potential for monitoring programs that do not currently collect contaminants data to integrate this element into their programs.

Southern Delta Salinity and San Joaquin River Flow Objectives

DWR supports the planned review of water quality objectives for the southern Delta and their implementation. DWR intends to actively participate in the review and provide technical support needed to help complete the review.

Suisun Marsh Management, Preservation and Restoration

DWR believes that the Strategic Plan should acknowledge and perhaps leverage the extensive work of the Suisun Ecological Workgroup (SEW). DWR requests that the

following text be added in the Background section of the Suisun Marsh Management, Restoration and Preservation element (Strategic Workplan, pp. 69-70):

A significant multi-agency and stakeholder effort, called the Suisun Ecological Workgroup (SEW), completed a report at the request of the State Board that details how channel water salinity standards might be crafted to protect four beneficial use resource types including waterfowl, marsh plants, aquatic habitat, and terrestrial animals. Four technical subcommittees representing each resource type developed numerical standard recommendations for each resource to replace the narrative standard. The four recommendations are different and often in direct opposition to one another. Attempts to blend the recommendations into one numerical standard were not successful. The SEW report therefore documents fundamental conflicts among beneficial uses in relation to channel water salinity.

Comprehensive Review of the Bay-Delta Plan, Water Rights and Other Requirements to Protect Fish and Wildlife Beneficial Uses and the Public Trust

As identified in the Strategic Workplan, DWR agrees that the best way for the State Board to begin the process of improving conditions in the Bay-Delta is to let Delta Vision, BDCP and other major processes now under way to complete their course, and that the State Board be informed by their outcomes. DWR continues to support and encourage the State Board to work closely with these ongoing processes.

Activities to Ensure that the SWP's and CVP's Methods of Diversion in the Delta are Reasonable, Beneficial and Protect the Public Trust

DWR supports the State Board's willingness to coordinate with and facilitate the processes that are evaluating and addressing the ability of the SWP and CVP to avoid unnecessary harmful effects to beneficial uses in the Bay-Delta and to ensure a sustainable and reliable supply of water from the Delta. As stated above, DWR believes the best way for the State Board to affect change in the Bay-Delta is to, first, be informed by the ongoing processes. That said, DWR requests the following two revisions to this element of the Strategic Workplan:

1. Revise the following sentence, on page 78, third paragraph, by adding the underlined language:

"However, while many ongoing processes are attempting to address concerns related to the current methods of diversion in the southern Delta, there is no assurance that any of these processes will result in any interim or long-term solutions to avoid unnecessary harmful effects that may be occurring as a result of the projects' methods of diversion, and adequately ensure a sustainable and reliable supply of water from the Delta."

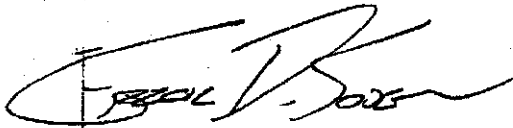
2. At the end of the section entitled "Activities, Products, and Timeline" (p. 79), add the following language:

"This timeline may change as the result of changes to the BDCP timeline or other issues."

Water Right Compliance, Enforcement, and Other Activities to Ensure Adequate Flows to Meet Quality Objectives

DWR supports this element and agrees with the State Board that the curtailment of unauthorized diversions is important to protecting and sustaining adequate water supply and beneficial uses in the Bay-Delta watershed.

DWR appreciates the opportunity to comment on this draft and looks forward to working with the State Board as it implements its Strategic Workplan. If you or your staff have questions on these comments or would like additional information please contact me at (916) 653-8826 or esoderlu@water.ca.gov.



Erick Soderlund
Staff Counsel