

SOUTH DELTA WATER AGENCY

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Via E-Mail

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**Re: Comment Letter – Southern Delta Salinity/
San Joaquin River Flows W/QCP Workshop**

The South Delta Water Agency makes the following comments to the State Water Resources Control Board's consideration of potential amendments to the Bay-Delta Water Quality Control Plan relating to the southern Delta salinity standards and the San Joaquin River Flow standards.

1. The SDWA believes that the current salinity standards are necessary to protect agricultural beneficial uses in the southern Delta. The current standards were developed over 30 years ago. That process included a broad range of experts and participants, and resulted in the SWRCB's adoption of the standards. The current process has not convened any similar group of experts to review the existing standards, but has asked the participants to provide "new information" relating to the effects of salinity on crop yields in the southern Delta.

SDWA submits that the underlying physics and biology have not changed. The soil types in the southern Delta have not changed. Plant physiology has not changed. Depth to groundwater has not changed. This means that the same amounts of water, of a particular salinity concentration are still necessary in order to leach or remove sufficient salts from the soils so that crop yields are not affected. It does not matter that over time the types of crops, or percentages of certain crops may change. The current standards were meant to protect a variety of crops, not to protect only certain limited crops. Agriculture in the area is entitled to have the flexibility to allow it to change over time as market and other factors direct.

2. The current process was set up to have an independent expert (Dr. Glenn Hoffman) review all the relevant materials and then report to the SWRCB. That report, was to be the starting point in deciding whether or not there were any scientific "gaps" in the underlying

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support for the standards. If so, then the SWRCB and the parties were to attempt to fill those gaps. Until Dr. Hoffman's report is presented to the SWRCB, neither the SWRCB nor the parties have any basis for suggesting changes to the standards.

3. Related to No. 2 above, the SWRCB should not be embarking upon any CEQA (or equivalent) review as there is no proposed project to comment on or suggest alternatives to. This issue was more fully covered in the CDWA comments to that CEQA scoping process, and in which SDWA joined.

4. The SWRCB records for the prior Bay-Delta WQCP's and the Cease and Desist Order (Order WR 2006-0006) contain all of the pertinent information regarding the salinity standards. In addition, prior submittals by SDWA and other parties (for Dr. Hoffman's review) have highlighted the information thought to best support the standards. SDWA directs the SWRCB to the testimony and cross-examination of Terry Prichard during the hearings leading up the the CDO. In that testimony, Mr. Prichard explained how recent re-evaluations of the standards contained incorrect assumptions and why new modeling (transient state) efforts did not appear to yield any more useful information than prior ones. It is important to make sure that these new modeling efforts produce results that actually reflect real world results, and are reliable. It is only through an independent peer review of these new models we can be sure they produce useful information. It is not beneficial to spend time discussing the results of these new modeling efforts until the peer review is done.

5. Some of the prior submittals contain evidence of damages done to agriculture during times when the current standards were being violated. The SWRCB should be aware that the consequences of high salinities have significant impacts to local agriculture, while these proceedings appear to wrongfully focus on the impacts on those responsible (or potentially) for compliance. Over the last few years, there have significant and long running violations of the standards, yet the SWRCB has taken no action to enforce the standards. The SWRCB has failed to give any sort of explanation for its lack of enforcement, and in fact has taken actions which encourage such violations. The public can only conclude from this that the SWRCB has already made a decision to change the standards. SDWA encourages the SWRCB act according to its obligations to protect in-Delta users.

The following addresses the issues raised by the SWRCB in its notice:

What should the salinity objectives be?

The current standards should be maintained and enforced. There is information indicating that a (i) more protective standard is necessary during crop germination/seedling growth, and (ii) that a more protective standard is necessary from September through March. A review of these needs might suggest the standards be made more stringent.

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What should be the program of implementation (salinity)?

The standard should be implemented by first requiring mitigation of impacts. Those responsible for adding imported salts in the San Joaquin River system and decreased flows should mitigate their impacts. Thereafter, if necessary, the various efforts aimed at decreasing salinity in the system should be undertaken.

What should the San Joaquin River flow objectives be?

SDWA has undertaken no analysis of fishery needs on the San Joaquin. However, it appears clear current flow standards have not been protective of either salmon or steelhead populations.

What should be the program of implementation (flow standards)?

Besides requiring additional flows from parties responsible for decreasing flows into the Delta, the SWRCB should consider programs such as the Delta Corridors proposal which seeks to re-connect the San Joaquin River to the Bay.

The following address the topics for which the SWRCB seeks information:

1. Beneficial uses in the Southern Delta

Substantial information has already been submitted (see CDO record) and exists regarding agricultural uses in the southern Delta.

2. Hydrology of the San Joaquin basin

SDWA previously submitted the 1980 *Report on the Effects of the CVP*. Which provides the analysis of how upstream operations have affected downstream flow. The Board may need to update how increased consumptive use on the tributaries has affect Delta inflow.

4. Factors affecting salinity inn the San Joaquin River and Southern Delta

The 1980 *Report* referenced above also provides a complete analysis of the cause of increased salinities in the River and Delta. It is important to differentiate between sources of introduced salts to the system, naturally occurring salts, and the processes which affect them. Historically, upstream salts, and their concentration by all users created no downstream impacts. Pre-project salinity levels were lower than the current standards. A user on the River or in the Delta who consumes water should not be limited in such use because some other party has added or imported salts to the system.

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Operation of the CVP and SWP have altered the flow patterns in the Delta and created, expanded and moved null zones. These null zones cause salt concentrations to rise (as well as DO to drop) and thus exacerbate the problem of salts entering the southern Delta.

5. *Protection of Agricultural Beneficial Uses in the Southern Delta Related to Salinity.*

It is now clear that the protection of agricultural beneficial uses is dependent on a number of things. These include having a minimum flow of a minimum quality entering from the San Joaquin River, and barriers to trap and move the waters in the southern Delta to establish net flows. This can be accomplished under the current Vernalis standard if Sacramento River flows continue to be pulled to the export pumps and a portion thereof temporarily used as part of the net flows in the southern Delta channels. A decrease in or cessation of such cross-Delta flows would not allow the interior standards to be met.

SDWA looks forward to participating in the process and will submit additional information after Dr. Hoffman completes his review. Central Delta Water Agency joins in these comments. Please feel free to contact me if you have any questions.

Very truly yours,



JOHN HERRICK