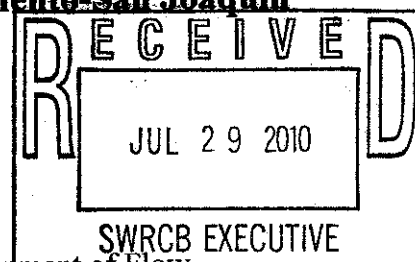


## United States Department of the Interior

### Comments Regarding the California State Water Resources Control Board's Draft Report: Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem

*July 29, 2010*



Thank you for this opportunity to comment on your draft report on Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem. The U.S. Department of the Interior (Interior) participated in the informational proceedings to develop this draft report through the Fish and Wildlife Service (Service) and the Bureau of Reclamation (Reclamation). The State Water Resources Control Board (State Board) has undertaken this process pursuant to the Sacramento-San Joaquin Delta Reform Act of 2009 to inform the Delta Stewardship Council's "Delta Plan" and the Bay Delta Conservation Plan (BDCP). Consistent with the Delta Reform Act of 2009, the State Board has indicated that the draft report is informational in nature and has no regulatory or adjudicative effect.

The draft report integrates the technical information the State Board requested and received to identify flows needed to protect Delta native fish populations and restore the Delta ecosystem. To make this information more useful to planning processes, it should be integrated with an evaluation of the needs of fishery life stages in the upper watersheds and it should then be evaluated in the context of all beneficial uses. As it stands, the findings in the draft report will likely play an important role in California water planning.

The draft report recognizes the need for additional Delta outflow to protect Delta native fish populations. Protection of Delta native fishery populations is a goal shared by Interior. Changes in Delta flows have caused changes in the physical habitat components of the system, which have contributed to the decline of the Delta ecosystem. Native fish populations dependent on the Delta have declined across the board, with some species on the brink of extinction. Food web dynamics have undergone significant changes in both abundance and composition. While we do not discount the importance of other stressors on the Delta ecosystem, such as urban runoff, other pollutants, and invasive species, flow in the Delta is one of the primary determinants of habitat availability and one of the most important components of ecosystem function. Timing, magnitude and variability of flow are the primary drivers of physical habitat conditions including: turbidity, temperature, particle residence time, nutrient loading, etc. The draft report's recommendations to mimic the natural hydrograph under different hydrologic conditions (both Delta inflows and Delta outflow) is consistent with the information provided to the State Board by most of the scientific experts involved in this process. The process should be viewed as a starting point to be adjusted over time with the aid of a strong science program that includes an adaptive management process and an appropriate monitoring program to provide the framework for meeting the biological objectives and ecosystem goals.

The challenge for the State Board and everyone involved in California water planning will be how to use the findings in the report to inform development of the Delta Plan and the BDCP. We believe that a more flexible and comprehensive regulatory and operations approach which includes adaptive management and considers all beneficial uses may be more appropriate than the historic fixed categories of flow requirements.

For example, the State Board proposes that a good method for preserving the attributes of a variable system to which Delta native fish species are adapted is to develop Delta flow criteria based on a fixed percentage of the natural flow or unimpaired flows. Ostensibly a fixed percentage of natural or unimpaired flow "mimics" the natural hydrograph. However, for water planning, utilizing a fixed percentage of unimpaired flow will be most useful if all other beneficial uses the State Board must balance can also be expressed in terms of fixed percentages of unimpaired flow. Currently, this is not the case. Upstream cold water pools for salmon and salinity control are two examples of objectives which are expressed in terms of the goals, not flow, and they do not necessarily translate in a straightforward way to percentages of unimpaired flow. At any given point, preserving cold water pools and salinity control may take an undetermined percentage of unimpaired flow. It may not be possible to develop Delta flow criteria until the needs of all water quality objectives and beneficial uses can be expressed and evaluated in a like manner.

Interior would also like to stress the importance of drought protection for all public trust resources and public interest concerns. It is important that any regulatory flow regime for the Delta be sustainable over multi-year droughts. Interior will continue to work with the Board in the process of evaluating Delta fishery flow needs that along with habitat restoration and addressing the other Delta stressors, will restore Delta native fish populations and support a healthy Delta ecosystem.

Again, thank you for this opportunity to comment.