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March 10, 1995

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BY FACSIMILE AND FIRST CLASS MAIL

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Mr. Walt Pettit
Executive Director
State Water Resources Control Board
901 P Street
Sacramento, California 95814

Re: Draft Bay-Delta Water Quality Control Plan -
Supplemental Comments of the Joint California
Water Users

Dear Mr. Pettit:

Enclosed are supplemental comments of the Joint California Water Users group ("Joint Agencies") on the December 1994 Draft Water Quality Control Plan (and associated Draft Environmental Report) for the San Francisco Bay/Sacramento and San Joaquin River Delta Estuary. These supplemental comments are in addition to those submitted by the Joint Agencies on February 22, 1995.

Your consideration of these supplemental comments is appreciated. Please do not hesitate to call if you have any questions.

Very truly yours,



Kevin T. Haroff

Enclosure

cc: Mr. John Caffery
Mr. James M. Stubchaer
Mr. Marc Del Piero
Ms. Mary Jane Forster
Mr. John M. Brown

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Mr. Walt Pettit
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JOINT CALIFORNIA WATER USERS

SUPPLEMENTAL COMMENTS ON THE DECEMBER 1994 DRAFT WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO- SAN JOAQUIN DELTA ESTUARY

Dated: March 10, 1995

These supplemental comments regarding the December 1994 Draft Water Quality Control Plan ("WQP" or "Plan") for the San Francisco Bay/Sacramento - San Joaquin Delta Estuary ("Bay-Delta" or "Estuary") are submitted to the State Water Resources Control Board ("SWRCB" or "State Board") on behalf of the Joint California Water Users group ("Joint Agencies"). The comments are in addition to and, as appropriate, serve to amend the detailed legal and technical comments previously submitted in connection with the State Board's February 23, 1995 hearing on the Plan and its later appended Draft Environmental Report ("DER"). See Joint California Water Users Comments, dated February 22, 1995. The Joint Agencies' previous comments are incorporated herein by reference.

Consistent with the December 15, 1994 Principles for Agreement on Bay-Delta Standards between the State of California and the Federal Government ("Principles Agreement"), the Joint Agencies have continued to work with State Board staff, with the Operations Group established under the Principles Agreement, and with other interested parties, to further clarify outstanding issues raised by the Plan. Substantial progress has been made with respect to most of these matters; however, additional work still will be required to fully resolve all outstanding issues when implementing the Plan in the future. The Joint Agencies appreciate the substantial resources the State Board has committed to this process, and we look forward to continued involvement with the State Board's efforts in that regard.

The Joint Agencies specific supplemental comments are set out below.

1. WQP pages 12-13, Water Quality Objectives for Fish and Wildlife Beneficial Uses. As discussed in the Joint Agencies' earlier comments, the export limits contained in the Plan were not intended to impede voluntary water transfers, but to allow transfers where doing so would not affect attainment of the Plan's overall requirements. To further clarify this point, the Joint Agencies propose that the following language be added to the end of the current text in this section:

Export limits in this plan are not intended to impede voluntary water transfers that involve the movement of water through the Delta but do not otherwise affect attainment of requirements for the protection of fish and wildlife beneficial uses. When considering petitions to approve such transfers in the future, the SWRCB therefore expects that a finding of no unreasonable impact on fish or other instream uses within the Delta would be appropriate if all objectives for the protection of fish and wildlife beneficial uses are being met during implementation of the transfer.

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this A.

2. WQP page 16 (DER page II-7), San Joaquin Salinity. As discussed in the Joint Agencies' earlier comments, the standard included in the Plan for San Joaquin River Salinity (San Joaquin River between Jersey Point and Prisoners Point) is inconsistent with the standard endorsed in the Principles Agreement for San Joaquin River Salinity (Striped Bass Spawning). The Joint Agencies have had further discussions with the Operations Group regarding this matter and have reached a consensus on its appropriate resolution. To reflect that consensus, the Joint Agencies recommend replacing the word "all" under the Water Year Type designation for this standard with the following: "W,AN,BN,D".

Yes

3. WQP page 18, footnote 11 (DER page II-9), Delta Outflow (Feb-Jun). The Plan currently does not provide sufficient guidance as to the manner in which Delta outflow requirements will be applied operationally during the months of February and March. The Joint Agencies have met with State Board staff and representatives from various other state and federal agencies to address this issue, and we believe that a substantial consensus has been reached on an appropriate and practical resolution of the matter. To reflect that consensus, the Joint Agencies propose that footnote 11 of page 18 of the Plan (together with corresponding text in the DER) be replaced with the following:

The minimum daily Delta outflow shall be 7,100 cfs for this period, calculated as a 3-day running average. This requirement is also met if either the daily average or 14-day running average electrical conductivity at the confluence of the Sacramento and the San Joaquin rivers is less than or equal to 2.64 mmhos/cm (Collinsville, station C2). If the best available estimate of the Eight River Index is more than 900 TAF in January, the daily average or 14-day running average electrical conductivity at station C2 shall be less than or equal to 2.64 mmhos/cm for at least one day between February 1 and February 14; however, if the Eight

River Index is between 650 TAF and 900 TAF in January, the operations coordination group ("Ops Group") established under the December 15, 1994 Principles Agreement shall decide whether this requirement will apply, with any disputes resolved by the CALFED policy group. If the best available estimate of the Eight River Index for February is less than 500 TAF in February, the standard may be further relaxed in March upon the recommendation of the Ops Group, with any disputes resolved by the CALFED policy group. The standard does not apply in May and June if the best available estimate of the May Sacramento River Index for the water year is less than 8.1 MAF at the 90 exceedence level. Under this circumstance, a minimum 14-day running average flow of 4,000 cfs is required in May and June. Additional Delta outflow objectives are contained in Table A on page 23.

right?

4. WQP page 19, footnote 14 (DER page II-10), River Flows (San Joaquin River at Vernalis). The Plan and DER propose to establish the water year classification for flows in the San Joaquin River by using the 60-20-20 San Joaquin Valley Water Year Hydrologic Classification at the 75% exceedence level. The Plan should recognize that there are uncertainties in determining the appropriate classification based on available data, and it should therefore require only best estimates for making that determination. The Plan should also recognize the need to review the classification based on additional data in the future and revise it as necessary in connection with the next Triennial Review process. To address these concerns, the Joint Agencies recommend including the following in footnote 14:

The water year classification will be established using the best estimate of the 60-20-20 San Joaquin Valley Water Year Hydrologic Classification at the 75% exceedance level, which shall be reviewed and revised, as appropriate, in connection with the next Triennial Review.

OK

5. WQP page 16 (DER page II-7), Suisun Marsh Salinity. As indicated in the Joint Agencies' February 22 comments (see Joint Agencies' Comments at 11), the standards contained in the Plan for Eastern and Western Suisun Marsh Salinity and for Brackish Tidal Marshes of Suisun Bay are inconsistent with the approach endorsed by the Principles Agreement. The Operations Group established pursuant to the Principles Agreement has been attempting to determine how this standard should be implemented. The result of this effort is a set of joint recommendations to the Board by the U.S. Bureau of Reclamation ("USBR"), the California Department of Water Resources ("DWR"), the California Department of Fish and Game ("DFG"), and the Suisun Resource Conservation District ("SRCDD"). See Joint Recommendations on Suisun

Marsh Objectives Presented in the SWRCB's Draft Water Quality Control Plan (March 7, 1995). The Joint Agencies have reviewed these joint recommendations and have no objection to the proposals contained therein.

6. WQP page 38, Monitoring Program. The Joint Agencies indicated in their earlier comments that efforts were ongoing to address the development of an appropriate monitoring program for the Plan and related activities. Among other things, Joint Agency representatives have been working with the Interagency Estuary Program ("IEP") to identify and develop practical approaches toward a range of monitoring issues. While substantial progress has been made in this area, ongoing efforts may by necessity continue past the anticipated date of the State Board's adoption of the Plan. To reflect the status of current activities and stress the need for continuing work, the Joint Agencies recommend replacing the Monitoring Program discussion beginning on page 38 of the Plan with the following:

A monitoring and special studies program should be established to provide physical, chemical, and biological data that will (1) provide baseline information and determine compliance with the water quality objectives and flow and operational criteria set forth in this plan and (2) evaluate the response of the aquatic habitat and organisms to those objectives and criteria. (Since this second category includes more than routine monitoring elements, it is referred to in this plan as "special studies.") Compliance monitoring will be implemented by the SWRCB through the water rights decision. Special studies will be implemented through recommendations to other agencies.

I don't like this part

A summary of the compliance monitoring activities required to be carried out by the SWP and CVP pursuant to water rights Decision 1485 are presented in Table 4. The SWRCB recognizes that the December 15, 1994 Principles for Agreement on Bay-Delta Standards between the State of California and the Federal Government ("Principles Agreement") and this plan may substantially change the information needs of the SWRCB, the SWP and CVP, the water users and public interest groups, and other interested parties. The SWRCB also recognizes that those agencies and interested parties have not yet had time to assess fully the new information requirements and determine in what ways the compliance monitoring program will need to be changed. Until a final compliance monitoring program is established through the water rights decision, the SCWCB,

monitoring in the plan needs to go beyond just compliance.

through its executive officer, will work with DWR, the USBR, and interested parties to develop those adjustments to the monitoring program that are needed to measure compliance with the standards to which the SWP and CVP are currently operating.

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D1485.*

A special studies program similar to that now being carried out by the SWP, the CVP, and the Interagency Ecological Program ("IEP"), should be continued. As with compliance monitoring, the SWRCB recognizes that these studies (and their associated monitoring activities) may need to be modified in light of the new objectives and criteria set forth in this plan and to reflect new knowledge about the Bay-Delta system. The special studies should emphasize understanding the ecological responses of species of special concern to changes in operations resulting from implementation of this plan and should also enhance our knowledge of how the estuary responds to factors other than the operational impacts of water development facilities. As a member of IEP, the SWRCB (through its executive director) will work with all interested parties in developing a responsive special studies program.

As it may use the results of special studies as input to any decisions that it will make during the triennial review of this plan, the SWRCB urges the agencies and interested parties to work cooperatively to develop the special studies program. The SWRCB believes that the studies should be subjected to a peer review process to reduce controversy concerning the design of the studies and the interpretation of their results.

The agencies and interested parties are also developing a near-real-time monitoring program to assist the Operations Group acting pursuant to the Principles Agreement. The SWRCB, through its executive officer, will participate in the development of that program, as it will affect the way the SWP and CVP operate to comply with the objectives and criteria set forth in this plan.