

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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State Water Resources Control Board
P. O. Box 100
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ATTENTION: John Caffrey, Chairman

SUBJECT: Draft Water Quality Control Plan for the San Francisco
Bay/Sacramento-San Joaquin Delta Estuary

Ladies and Gentlemen:

As some of you may remember, in the late 1980s in order to ensure that the policies of the Bay Plan and Suisun Marsh Protection Plan were reflected in the State Board's decisions, our Commission actively participated in the State Water Resources Control Board's hearing process to update the water quality standards set in the Water Quality Control Plan for the Delta and Suisun Marsh and Decision 1485. Subsequent to these hearings the Board adopted in 1991 a Water Quality Control Plan for Salinity, which our Commission believed would not adequately protect the fish and wildlife resources of the Bay and the Suisun Marsh.

We have consulted with the Commission's hydrologist, Phil Williams & Associates, and used the Commission's previous testimony in preparing the following comments on the Draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Draft Plan), which represents the Board's part of the proposed implementation of the Framework Agreement reached on December 15, 1994, between the Governor's Water Policy Council and the Federal Ecosystem Directorate.

Generally, we commend your staff's work in presenting you with a Draft Plan that represents a significant step forward in addressing some of the Commission's major concerns over the adverse impacts of upstream diversion of freshwater inflow to the estuary. The most important advance is the Draft Plan's inclusion of the U. S. Environmental Protection Agency's standards for managing freshwater inflow for the estuarine ecosystem. With this action, and with other requirements for export restrictions, improved flows in the San Joaquin and Sacramento Rivers and with closure of the Cross-Delta Channel gates in the spring, we believe that this Draft Plan offers a good chance of arresting the decline in key environmental resources of San Francisco Bay. While it appears that protection is still inadequate for the salmon fishery, the Framework Agreement and the Draft Plan provide a breathing space that might allow stabilization of estuarine resources and should allow for an opportunity to develop a better understanding of the most effective measures to restore resources that will be required in the future.

Therefore, we support the Draft Plan as one step in a longer process aimed at restoring the Estuary's environmental resources. However, we offer a few suggestions to make the Draft Plan more protective of the Bay ecosystem in general and specifically to the tidal brackish marshes in the western Suisun Marsh.

Dedicated to making San Francisco Bay better.

Need for a Statement of Long-Term Goals

One of the most significant differences between this Draft Plan and the 1978 Water Quality Control Plan and Water Right Decision 1485 is that the current Draft Plan expresses no ultimate goals for restoring the Estuary. Instead, on page 12, it states "there are no clearly defined threshold conditions which can be used to set objectives for flows and project operations...." This is to be contrasted with Decision 1485 which sets as objectives mitigation of pre-project conditions for Suisun Marsh, and restoration of specific historic population levels for striped bass and salmon. If these prior, quantifiable objectives have been abandoned, there should be explicit acknowledgment that this is so and the reasons stated.

For any long-term plan to be effective there has to be some statement as to what are optimum, acceptable and unacceptable levels of a resource by which management actions are measured. This can be as general as "doubling anadromous fish populations" or as specific as the striped bass index target in Decision 1485. For the Draft Plan to simply state on page 12 that "a continuum of protection exist" both places an unfair burden on estuarine scientists to establish such targets and can pit non-economic, unquantified, environmental beneficial uses against economic, quantifiable, beneficial uses such as irrigation diversions.

Fortunately, there is an opportunity to address this critical problem. We recommend that an important task under the special studies program (page 43) contained in the Draft Plan be devoted to characterizing thresholds, historic conditions and optimal levels of key species.

Weakening of Standards for Suisun Marsh

In prior proceedings and comments to the State Board, we have emphasized the importance of maintaining the goals and standards for protecting the wetlands of Suisun Marsh as enacted in Decision 1485. The Draft Plan now allows for higher salinities in the western marsh in the drier years (about 20 percent of the time) in the periods when the brackish wetlands need most protection against conversion to salt marsh. This reduction of protection, as proposed in the Suisun Marsh Preservation Agreement, which might be up to 20,000 acres of managed marsh as well as several thousand acres of tidal marsh, appears to be the result of the failure of the Montezuma Slough Control Structure to achieve the salinity reduction benefits originally promised to the State Board by the Department of Water Resources and the Bureau of Reclamation in 1978. Although the increased Delta outflow in the Draft Plan should help in maintaining brackish conditions in the managed and tidal wetlands in the eastern marsh, they are almost certainly insufficient in dry years to improve conditions in the western marsh.

In addition, the Draft Plan provides only "narrative," not quantified, standards for protection of brackish tidal marsh. The Commission has consistently advocated the need for salinity standards to prevent the continued encroachment of salt marsh into Suisun Marsh. Since 1981, the Commission has been involved in reviewing the planning and implementation of the Suisun Marsh Protection Facilities and has consistently raised questions about the ability of the Montezuma Control Structure to improve salinity in the western marsh and urged that Delta outflow be used to reduce salinities instead.

Potential for Mitigation of Adverse Effects on Suisun Marsh

The Draft Plan should include a specific requirement for the mitigation of adverse salinity impacts on brackish tidal wetlands through restoration of this type of habitat elsewhere in the Suisun Marsh. This mitigation should be a high priority item under Section IVB21 (page 35), to be

funded through the Framework Agreement Section 3 money of \$60 million a year. For mitigation of brackish tidal habitat, it would be possible to allow restoration of tidal action in deteriorating managed marsh areas in the eastern Suisun Marsh that were formerly tidal. For mitigation of brackish managed marshes, it would be possible to restore wetland values to former tidal wetlands now used for agriculture adjacent either to Suisun Marsh or the Delta.

To assist in the implementation of this mitigation program, we request that the Commission be included in the Suisun Marsh Ecologic Work Group (page 38).

San Joaquin River

We have long recognized that the San Joaquin River and its fishery resources are in serious decline. The State Board should make every effort, particularly in future proceedings, to provide more water to support adequate fisheries in the San Joaquin River below the Friant Dam.

In addition, in other proceedings and fora, the Commission has previously taken a strong position against the discharge of San Joaquin Valley agricultural drain water into San Francisco Bay. The Draft Plan might be interpreted to be endorsing such action (see "out of Valley Disposal of Salts," page 28). To ensure that salts and agricultural pollutants are dealt with on site, we emphasize the need for source control and discourage the use of reservoir releases for pollution dilution in the San Joaquin River (page 25).

Protection of South Bay Beneficial Uses Omitted

The Commission has previously testified and commented to the Board on the need to consider protection for the entire San Francisco Bay Estuary ecosystem, including the important role of the South Bay, which includes 40 percent of the total Estuary. Unfortunately, there is no mention of the important role freshwater flow pulses play in improving water quality, increasing primary production and reducing toxicity of benthic organisms, nor in fact any mention of the South Bay, in the entire Draft Plan. The Draft Plan should explain the reasons for excluding the South Bay and should include a monitoring and research program aimed at developing recommended standards (see below).

Research and Monitoring Program

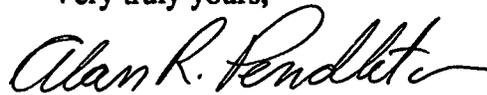
One of the most significant impediments to developing effective standards for protecting the Estuary has been the failure to conduct a coherent research and monitoring program after the enactment of Decision 1485 that was aimed at answering key management questions. An independent review of the monitoring effort in which the Commission participated in 1989 concluded that while much money had been spent on monitoring, much of the data collection was unfocused. Although coordination and direction of the monitoring effort had improved, we are concerned that the mistakes that occurred after Decision 1485 will be repeated. In the Draft Plan's description of the monitoring program (pages 38 through 43), it is clear that the monitoring will not include key resources such as the South Bay and will inadequately characterize San Pablo Bay. There is also little emphasis on important hydrologic, hydrodynamic and geomorphic processes affecting the Estuary. In addition, there is a disturbing confusion in terminology on page 38 whereby research is characterized as an element of monitoring. The independent review emphasized the need for research aimed at answering management questions to direct the monitoring plan, not vice-versa. Furthermore, it appears that the Board intends to abdicate any leadership or direction on the research effort--placing a difficult burden on agency scientists to determine management priorities.

Need for an Ecosystems Approach

Although the Draft Plan endorses the concept of an ecosystem approach (page 4), it does not maximize the opportunities it has created to achieve this. Such an approach would be aimed at developing an understanding of the complete estuarine ecosystem and the place freshwater flows play in its functioning. It should establish goals and objectives, and develop a research program intended to address future management goals. An inevitable result of an ecosystem approach would be to place a greater emphasis on the restoration of riparian and estuarine wetland habitats instead of its present role in the Plan as just one of 13 elements. The Commission has been involved for many years in encouraging habitat restoration in the Estuary and could provide useful support to the Board on this issue.

In conclusion, we hope that these comments will be helpful to the Board in its consideration of the Draft Plan. We support adoption of the Draft Plan and are hopeful that the final Plan, and the Board's subsequent implementation actions, will reflect these comments. If you have any questions, please contact Steven McAdam, who is the Commission's staff member most familiar with this matter.

Very truly yours,



ALAN R. PENDLETON
Executive Director

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