Recieved March 18, 2008

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

MEMORANDUM

Date: March 19, 2008

Subject: State Water Resources Control Board Public Workshop on Development of a Strategic Workplan for the San Francisco Bay/Sacramento-San Joaquin Delta

From: Karen Schwinn, Associate Director, Water Division
U.S. Environmental Protection Agency

We would like to thank the Board for holding this workshop as part of the process for developing a Strategic Plan: this opportunity is timely and very important. These remarks will focus on a few topics that we recommend be incorporated into the Strategic Plan (i.e., the concerns of Attachment B). It is important that the Strategic Plan not only coordinate the various activities represented in Attachment A (current work commitments) but consider the information, analytical tools, and larger issues of policy suggested in Attachment B. The broader guidance must support the long-term viability of the Delta. In some cases, this will require more active involvement in upstream issues.

Our agency has engaged both management and staff in a number of specific Delta activities, largely in the context of the CALFED Program. Along with the State Board and the Central Valley Regional Board, we are one of the implementing agencies for the CALFED Water Quality Program. Our work with this Program has focused to date on developing information on drinking water quality, and developing policies and programs to protect or improve source water quality. In the process of this work, as well as our work on the Pelagic Organism Decline (POD), we have become increasingly convinced of the need for better water quality monitoring and assessment – information that is tailored to our management priorities and that can help us target important contaminants, implement effective responses, and document our results. Although we recognize that this particular topic—comprehensive regional monitoring—was addressed at a recent Central Valley Regional Board workshop, we feel it is important enough to warrant reiteration. Working with the Regional Board, our agency is funding a pilot program in the San Joaquin Basin to foster a coordinated monitoring and assessment program. We very much support development of coordinated, comprehensive monitoring for the Delta and its larger watershed, with links to the Bay Regional Monitoring Program, and are committed to working with the Boards and the other interested parties to make this happen.

There are four other subjects which we would like to highlight for further evaluation and involvement by the State Board and staff:

1. We support the Board's evaluation of a public trust proceeding to identify appropriate measures for protecting public trust resources in the Delta. As we are all aware, there is substantial scientific and technical work underway on the issue of declines in Delta species and suitable habitat, and on potential stressors. Strategies to reduce some stressors and, where feasible, to improve local conditions for key species are emerging. However, there is also evidence that the current management of water into and within the Delta is not our best option for saving the trust resources or for providing sustainable, reliable water supplies. We believe that any significant changes in Delta water management, such as alternatives aired recently by the Governor, will require action by the Board in both its water rights and water quality capacities. A public trust proceeding or similar Board forum could serve as the basis for the Board's leadership in defining new policies and management approaches for the Delta.

2. We urge the Board to continue closely following the work of the Interagency Ecological Program's (IEP) POD Management Team. The most recent progress report was submitted to you electronically at the January workshop and the printed version is expected next week. Further research and synthesis of this work is proceeding quickly. Presentations at the IEP workshop at Asilomar demonstrated the rapidly developing, integrated, ecosystem view of changes in the Delta. The Board can expect to keep abreast of this progress through their continued involvement with the IEP coordinators.

Regional Board staff has taken a lead role in the POD sub-team working on contaminants. By coordinating with the State Board's staff working with the IEP Coordinators it should be possible to integrate new water quality monitoring with the ongoing surveys of biological aspects of the estuary to ensure that water quality standards developed to protect the ecosystem are closely tied to ecosystem data

3. The Board's direction to develop a peer-review of the Vernalis Adaptive Management Plan (VAMP) is well timed. This study has collected valuable data to date. However, despite several wet years in the early years of the VAMP no data have been gathered to examine the effects of higher, controlled flows. This has resulted in data that only support the idea that flood flows are adequate to protect salmon, as reflected in the recent San Joaquin salmon model developed by the California Department of Fish and Game. It has also prevented studies of the effects of different export levels. Until data are gathered under moderate flows and different export levels the goals of VAMP cannot be met. The VAMP study has undergone substantial restructuring in response to changing conditions and the availability of new technologies. The Board should ensure that future VAMP studies will address San Joaquin salmon needs under current conditions, expected future conditions of the delta, and the needs of salmon in a restored San Joaquin River.

4. In addition to VAMP, there are a variety of other activities underway in the San Joaquin watershed with flow and water rights implications, as well as water quality components. One of the most important is planning for restoration of the San Joaquin River. As you no doubt know, restoration planning and environmental analyses are currently proceeding in accordance with the legal Settlement. If this approach continues to make progress, implementation is certain to require Board actions on diversion and flow issues. On the other hand, if the Settlement process fails, the Board may be required to assume a more central role in planning and implementing

Recieved March 18, 2008

River restoration. Setting aside these scenarios, at the present time participation is needed at a technical level by Board staff on topics such as: a) information needed to comprehensively evaluate water quality impacts of restoration and supply recapture options; b) appropriate analytical tools for assessment of water quality and beneficial use impacts; and c) assessment questions and analytical tools which relate the upper San Joaquin (the restoration focus) to the lower San Joaquin River and Delta.

In closing, we believe that this immediate period of scientific study, planning, and policy debate bearing on the future of the Delta offers extraordinary opportunities for the Board's involvement. We commend the Board for stepping forward with a strategic planning approach. We urge you to provide leadership in activities – technical, such as a comprehensive monitoring and assessment, and policy, such as consideration of trust issues—which will lead to ecosystem restoration and sustainable management of Delta resources.

ED_000733_DD_NSF_00009395-00003