UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

VIA ELECTRONIC SUBMISSION AND MAIL

February 9, 2012

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812

RE: Informational Item Regarding a Schedule of Actions to Update the Bay-Delta Plan

Dear Ms. Townsend:

EPA has received the State Water Resources Control Board's ("Board's") notice dated January 24, 2012, in which the Board cited its proposed schedule for reviewing the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) and noticed the Information Item for its February 21, 2012 Board meeting.

EPA's written comments on both the Board's 2008 Strategic Workplan for Activities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and the Periodic Review of the Bay-Delta Plan[1] have generally supported both the format and the proposed topics for Board's review. At this time, we reiterate our support for the Board's process, and urge the Board to continue moving expeditiously to address these issues that are so critical to water resource management in the Bay-Delta Estuary.

We understand that the Board has already received comment suggesting that the Board delay its review of the Bay-Delta Plan pending the completion of the Bay Delta Conservation Plan (BDCP). We strongly disagree with this suggestion. The BDCP is an ambitious habitat restoration and water conveyance reconfiguration effort being developed under the state and federal endangered species acts, and may lead to the issuance of ESA permits to the state and federal water diversion projects in the Delta. Although this is an important undertaking, the BDCP is not intended to serve as a comprehensive water management plan for the Bay and Delta. Its focus is on listed species and on the activities of those two large diverters. As EPA

[1] See Letter to Jeanine Townsend dated June 12, 2009 (Periodic Review); Letter to Anne Short dated March 19, 2009 (South Delta Salinity and San Joaquin River Flow NOP); Memorandum from Karen Schwinn dated March19, 2008 (Strategic Workplan); Letter to Jeanine Townsend dated July 9, 2008 (Strategic Workplan).

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has noted in our previous comment letters, we believe that the Board's responsibilities and authorities for protecting beneficial uses in the Bay-Delta are broader and more comprehensive than the programs of the state and federal endangered species agencies, and potentially affect a wider range of water users than just the state and federal projects.

We appreciate that there is significant overlap in the resources and activities being regulated by the endangered species acts and water quality and water rights regimes. EPA believes that this overlap imposes an obligation on the regulatory agencies to work closely together, using the best available science, to avoid creating incompatible regulatory burdens on the affected resources.

In the particular case of the BDCP and Bay-Delta Plan, EPA believes that completing the Bay-Delta Plan review is critical to finalizing a functional BDCP. The BDCP needs to make assumptions and conclusions about how the Bay-Delta Plan will affect water resources management. If changes need to be made to the Bay-Delta Plan to fully protect aquatic resources in the Bay Delta Estuary, those changes should be identified now, so that the BDCP can reflect those changes. EPA agrees with and endorses the description of the relationship between the BDCP and the Bay-Delta Plan outlined by Executive Director Tom Howard in his letter to Deputy Secretary Meral dated December 19, 2011.

We look forward to working with you in the coming months as the Board's review progresses. If you have any questions about our comments, please call me at (415) 972-3472.

Very truly yours,

Karen Schwinn
Associate Director
Water Division

cc: David Nawi, DOI
Jerry Meral, Resources Agency