State Water Resources Control Board

Executive Office

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Edmund G. Brown Jr.
Governor

JUL 8 2011

Mr. Tim O'Laughlin
O'Laughlin & Paris LLP
PO Box 9259
Chico, CA 95927-9259

Dear Mr. O'Laughlin:

ENVIRONMENTAL DOCUMENTATION SUPPORTING CHANGES TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/ SACRAMENTO-SAN JOAQUIN DELTA ESTUARY, DATED DECEMBER 13, 2006

This letter is in response to your letter dated May 25, 2011, expressing concerns regarding the environmental analysis requested in our letter of April 19, 2011, to the Department of Water Resources in support of the Bay Delta Conservation Plan (BDCP).

To clarify, the environmental analysis we are requesting does not need to be part of the California Environmental Quality Act (CEQA) analysis for the BDCP. Rather, the requested analysis is needed for the environmental documentation that the State Water Resources Control Board will rely upon to support potential changes to the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta Plan) and water rights that will be needed to implement BDCP, or otherwise protect beneficial uses. This environmental documentation will need to consider a reasonable range of interim and long-term alternatives, which will need to consider measures beyond the scope of the BDCP. These alternatives will include the evaluation of additional flow from upstream water sources for the purpose of meeting outflow or other objectives. Such alternatives, however, will be crafted in keeping with the water rights priority system such that additional flow from senior water right holders will not be required to meet objectives that could otherwise be met by reducing exports from junior water right holders. Developing and evaluating such feasible alternatives are required to meet our obligations under CEQA to evaluate a reasonable range of alternatives, and is not pre-decisional.

The environmental analysis being requested is also based in part on the information and recommendations contained in the Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem report, dated August 3, 2010. This is within the intended future use of this informational report. This is not a regulatory or adjudicatory use, but rather a starting point for an environmental analysis. Also, the assumptions in this report regarding current conditions in the Delta do not conflict with our use of its recommendations in this manner. The report suggests, and future Bay-Delta Plan objectives will likely contain, an adaptive management approach that can account for improving habitat conditions brought about by BDCP and other efforts in the Delta.

JUL 8 2011

My staff is working with BDCP staff and modelers to coordinate the details of the requested environmental analysis. This will also include careful consideration of the appropriate baseline conditions upon which to apply the desired outflow alternatives.

Your comments are appreciated. Please contact me at (916) 341-5615, or Mr. Les Grober at lgrober@waterboards.ca.gov or (916) 341-5428 as needed to discuss further.

Sincerely,

for Thomas Howard
Executive Director

cc: San Joaquin River Group Authority (via email)
westcot-sjrga@sbcglobal.net

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bcc: Barbara Evoy, Water Rights
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