United States Department of the Interior

FISH AND WILDLIFE SERVICE

San Luis National Wildlife Refuge Complex
Post Office Box 2176
Los Banos, California 93635

29 May 2008

Via Mail, Email, and Fax

Mr. Rudy Schnagl, Chief
San Joaquin River Watershed Programs
California Regional Water Quality Control Board
Central Valley Region
Sacramento Main Office
11020 Sun Center Drive #200
Rancho Cordova, California 95670-6114

**Re: DRAFT MANAGEMENT AGENCY AGREEMENT (MAA)
BETWEEN THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD
AND THE UNITED STATES BUREAU OF RECLAMATION**

Dear Mr. Schnagl:

Thank you for the opportunity to comment on this MAA between the CVRWQCB and the Bureau of Reclamation (BOR). From the perspective of the San Luis NWR Complex, I have some questions and concerns about the potential negative repercussions from this MAA, including damage to the remnant wetlands and associated wildlife resources of the San Joaquin Valley.

The MAA adopts the BOR "Salinity Management Plan", which -- by inclusion -- adopts the BOR "Wetlands Best Management Practices Plan" and a "Real-Time Management Program". The single "BMP Implementation Strategy" in the "Wetlands Best Management Practices Plan" is: ***"Changes to the timing of surface water discharge would be required to reduce salinity impacts to the San Joaquin River"***. The MAA states: "Stakeholders along the San Joaquin that are subject to salt and boron load allocations in the Basin Plan ***must participate in the Real Time Program to qualify for conditional waivers of waste discharge requirements***". This is cause for concern for national wildlife refuges and their mission, as well as for other wetlands, as it fails to address several issues, responsibilities, and negative consequences of these actions on other resource values.

Some of my concerns are:

- The BOR's "Salinity Management Plan" states "Since 1995, the year the water quality objective for salinity was adopted into the Water Quality Control Plan, the water quality objective never exceeded numeric targets at the Vernalis compliance point on the Lower San Joaquin River". If this is the case, then why are these requirements -- which may profoundly impact the wetlands -- being mandated?

- There is no readily apparent plan to ascribe proportionate salt load responsibility to the many and varied water drainers in the watershed. There are about 1.4 million acres of irrigated agricultural

lands in the San Joaquin Valley, but only about 60,000 acres of wetlands (4%). What actions are being taken on the other 96% of irrigated lands?

- The BOR's "Salinity Management Plan" states "Modeling by the SJRWQMG indicated that changes in return flows from managed wetlands between the months of February to April during dry or critical dry water years are likely to result in the greatest benefits in minimizing use of New Melones to meet water quality standards in the San Joaquin River at Vernalis". That modeling -- which was done on a gross scale several years ago -- is flawed and makes numerous assumptions. It detected a spike in salts in the River in March, yet it did not distinguish where those salts were coming from and *assumed* it was from wetlands because that is the general drawdown period. There are other sources of drainwater at that time as well, including natural precipitation percolated through fallow agricultural ground, as well as pre-irrigation drainage from agricultural lands. Or, what about the average of 30 c.f.s. water measured at an average of 5,160 uS/cm coming down the San Luis Drain (from agricultural ground)? Many assumptions are not being examined or discussed.

- The BOR "Wetlands Best Management Practices Plan" states: "The biological value of various wetland management scenarios such as early draw down, mid-March draw downs and April to May draw downs that are currently utilized by wetland managers should also be analyzed to more accurately determine where and when discharge problems may be occurring and how to what extent drainage patterns might be modified in the future without negatively impacting wetland management goals and objectives". Moist soil management has been studied in great detail for decades -- and that known research is what drives our wetland management. Starting over to determine what impacts tinkering with a well-researched management regime is a poor use of public funds. Altering wetland drawdown practices is likely to have catastrophic effects on the productivity of the wetlands of the San Joaquin Valley and its national importance to waterbird resources, and conflicts with the Central Valley Joint Venture's *Implementation Plan* (a document which the BOR is a co-signer). For that reason, I have requested that the CVJV Technical Team comment on potential actions implemented by these plans because they have expertise in wetland ecology and management -- which is lacking in the water chemistry group that has prepared these documents (enclosed). The CVJV Board has agreed to request copies of all relevant documents for their review.

- Altering drawdown dates on federal refuges will have a significantly negative impact on private wetlands that are under federal easement. Reduction of wildlife use on the refuges, caused by the decline in the quality of the wetlands due to this altered management regime, could cause a significant decline in bird populations in the region as a whole; resulting in a cascading decline in bird use in the region due to this disincentive for private wetland owners to flood their properties.

- The BOR "Wetlands Best Management Practices Plan" is the ***only*** discussion of a BMP for ***any*** drainer. These plans are still being developed as part of each refuge's Water Management Plan, so the BMP discussion in the BOR's "Salinity Management Plan" should be dropped entirely. The only pertinent part of the wetlands discussion is the first paragraph about the development of BMP Plans as a ***cooperative*** effort.

- The BOR's "Salinity Management Plan" requires the wetlands to remain within the drainage coalitions; yet, we have been asked by the CVRWQCB whether or not the wetlands want to "off-ramp" to some other status. The BOR's "Salinity Management Plan" truncates this discussion and issue.

- Have these plans -- which can directly impact management activities on national wildlife refuges -- gone through all environmental compliance to identify and address potential natural resource

issues (i.e., NEPA, ESA, Migratory Bird Treaty Act, etc.)? After initial informal discussion with a U. S. Department of Interior Assistant Regional Solicitor, it was agreed that concerns regarding potential conflicting intersection with these laws that guide our actions is warranted and a legal review should be conducted.

These efforts -- which could negatively impact national wildlife refuges -- are planned despite the Bureau's own recognition of their actions that are beneficial to wildlife habitat, including "The combination of land retirement, ***refuge water supply***, and reduced salt loading from the Grassland Bypass Project has altered the hydrology of the Basin and ***has improved the water quality of the San Joaquin River***".

I believe many issues have not been addressed or adequately covered regarding this MAA, and many improvements could be achieved if stakeholders are fully included in a meaningful way in this planning process.

Please do not hesitate to contact me if you have any questions or concerns regarding my comments (209/826-3508). Again, thank you for this opportunity to comment on the draft MAA.

Sincerely,

Kim Forrest
Wildlife Refuge Manager

Enclosure

Cc: Dan Walsworth, Refuge Supervisor; FWS
Robert Shaffer, Joint Venture Coordinator; FWS
Margaret Kolar, Assistant Regional Director - National Wildlife Refuge System; FWS
John Engbring, Assistant Regional Director - Water and Fishery Resources; FWS
Mike Hoover, Deputy Assistant Field Supervisor - Habitat Conservation/Environmental Contaminant Program/ F&W Restoration; FWS
Susan Moore, Field Supervisor; Sacramento Fish and Wildlife Office; FWS
Kim Delfino, Chair; Central Valley Joint Venture

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29 May 2008

Ms. Kim Delfino, Chair
Central Valley Joint Venture
California Program Director,
Defenders of Wildlife
1303 J Street, Suite 270
Sacramento, CA 95814

Dear Kim:

At their 07 May 2008 meeting, the Board of Directors of the Central Valley Joint Venture voted to request information from the involved agencies regarding the various water quality management plans currently being circulated, particularly draft plans generated by the U. S. Bureau of Reclamation in compliance with Central Valley Regional Water Quality Control Board mandates. The Board's interest and concern regarding these plans stems from the recognized potential for impacts to the remnant wetlands and associated natural resources of the San Joaquin Valley. I am unaware that the CVRWQCB or the BOR has provided the CVJV any access to that information or to any process in this matter.

Through the CVJV Technical Team, the Board has individuals available that are internationally recognized for their expertise in wetland ecology and management. I am requesting that the CVJV Board request that the Technical Team review these documents, and determine potential impacts to the managed wetlands of the San Joaquin Valley under the different management regimes in these plans. One issue of concern is the single "strategy" of the Bureau's draft "Wetlands Best Management Practices Plan": ***"Changes to the timing of surface water discharge would be required to reduce salinity impacts to the San Joaquin River"***. The Bureau's draft Management Agency Agreement between the Bureau and the CVRWQCB, draft "Salinity Management Plan", and draft "Wetlands Best Management Practices Plan" together require the natural resource managers to participate in a program that potentially alters wetland drainage timing. Altering this hydrology can have serious impacts on the productivity and value of wetlands. These plans are a cause for concern for national wildlife refuges and their mission, as well as for other wetlands, as they fail to address several issues, responsibilities, and negative consequences of their proposed actions.

Though there are few specifics in these plans, there does exist a vast body of research regarding moist soil management techniques; I believe that the CVJV Technical Team has the expertise to address the potential ramifications of these plans in a general sense. I have enclosed my comments to the CVRWQCB (due May 30) regarding these draft plans. I hope the CVRWQCB will take advantage of the expertise of your Technical Team.

Thank you for any assistance that the CVJV may be able to provide. Please do not hesitate to contact me if you have any questions or concerns regarding this request (209/826-3508).

Sincerely,

Kim Forrest
Refuge Manager

Enclosure