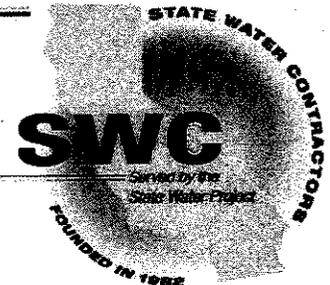
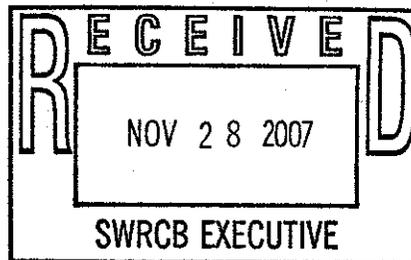


November 28, 2007

Tam Doduc, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812



Subject: Resolution Specifying Actions the Water Boards will take to Protect Beneficial Uses of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary

Dear Ms. Doduc:

This letter is written on behalf of the State Water Contractors organization (SWC), which represents 27 of the 29 agencies¹ that hold contracts with the State of California for water from the State Water Project. The purpose of this letter is to provide our comments on the proposed "Resolution Specifying Actions the Water Boards will Take to Protect Beneficial Uses of the San Francisco Bay/Sacramento-San Joaquin Estuary."

The SWC are extremely concerned about the adverse ecosystem conditions that currently exist in the Delta. Among other things, the SWC previously joined with the San Luis & Delta-Mendota Water Authority in a June 28, 2007 letter to the California Department of Fish and Game and U.S. Fish and Wildlife Service raising issues of toxics and food shortages that have not been adequately addressed to date by those agencies in connection with the decline of Bay-Delta pelagic organisms. The SWC are encouraged that the State Board is recognizing the need to address these types of stressors.

However, while we generally support the need for the State Board and the Regional Boards to address the numerous stressors potentially causing the Pelagic Organism Decline, we are concerned that the resolution as drafted is overly expansive. The studies and processes implicated by the draft resolution would involve hundreds of hours of State Board hearings and would require many tens of millions of dollars for supporting analysis and studies.

¹The SWP Contractors are Alameda County Flood Control and Water Conservation District Zone 7, Alameda County Water District, Antelope Valley-East Kern Water Agency, Casitas Municipal Water District, Castaic Lake Water Agency, Central Coast Water Authority, City of Yuba City, Coachella Valley Water District, County of Kings, Crestline-Lake Arrowhead Water Agency, Desert Water Agency, Dudley Ridge Water District, Empire-West Side Irrigation District, Kern County Water Agency, Littlerock Creek Irrigation District, Metropolitan Water District of Southern California, Mojave Water Agency, Napa County Flood Control and Water Conservation District, Oak Flat Water District, Palmdale Water District, San Bernardino Valley Municipal Water District, San Gabriel Valley Municipal Water District, San Geronimo Pass Water Agency, San Luis Obispo County Flood Control and Water Conservation District, Santa Clara Valley Water District, Solano County Water Agency, and Tulare Lake Basin Water Storage District.

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Solano County Water Agency

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Central Coast Water
Authority

General Manager
Terry Erlewine

There is also the real prospect that the State Board efforts proposed in the draft resolution will duplicate, or even conflict with, other ongoing efforts in which the SWC are already involved, such as the Bay-Delta Conservation Plan and the Delta Vision Process. The Bay-Delta Conservation Plan, in particular, is working towards a wide range of measures that will improve Delta ecosystem conditions and provide long-term compliance with the Federal and California Endangered Species Acts. In the shorter term, Judge Oliver Wanger of the United States District Court in Fresno has already imposed a range of water operations requirements for delta smelt in ESA litigation. Judge Wanger is also considering the biological opinion issued by the National Marine Fisheries Service for the salmonids. The SWC and the Department of Water Resources are currently supporting development of a new biological opinion for SWP and CVP operations that is expected to be in place for 2009.

In these circumstances, the SWC believes there is a need for the State Board to proceed carefully and deliberately. In our view, the best way to do so is for the State Board to direct staff to prepare a strategy and workplan for coordinated activities in the Bay-Delta Estuary. Such an action, in fact, is already included as the second action in the draft resolution that is the subject of these comments. We believe that the development of such a workplan is absolutely essential for avoiding conflicts with other, on-going processes and litigation, determining the resource and funding needs associated with the proposed State Board activities, and beginning the process of obtaining necessary resources.

Concurrent with approving a workplan, there are several proposed actions in the draft resolution that are not currently being addressed in other forums and should be considered seriously for immediate approval. These potential early actions include characterization of discharges to and from Delta islands (Action 8), studies of productivity and toxicity impacts of ambient ammonia (Action 9), development of a monitoring program for blue-green algae (Action 10), and development and implementation of regulatory controls for ballast water discharge (Action 18).

Additionally, given the enormous scope of the proposed program, the State Board should hold one or more workshops to further refine and prioritize its efforts. These workshops should consider related efforts (such as ESA, BDCP, Delta Vision and the on-going federal court litigation) that are proceeding independently of the State Board's efforts and should identify the extent to which additional State Board initiatives would overlap or conflict with these other activities. The workshops should also seek proposals for additional actions, beyond those identified in the draft resolution, to which the State Board could direct its attention. One outcome of the workshops could be a better definition of which ecosystem stressors are currently being addressed and which stressors can, and should, be pursued by the State Board and the regional boards. The SWC are ready to assist in that kind of activity and in any related follow-up actions.

Tam Doduc, Chair
November 28, 2007
Page 3

The SWC believe that this kind of deliberate approach to delta ecosystem needs would be a constructive contribution to resolving Delta ecosystem problems in a collaborative, rather than an adversarial, manner. If you have any questions about our comments, please contact me at (916) 447-7357.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Erlewine', written in a cursive style.

Terry Erlewine
General Manager

cc: Lester Snow, Department of Water Resources
SWC Member Agencies