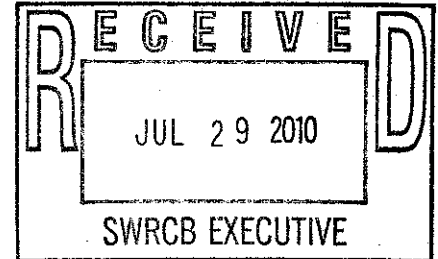




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Sacramento Area Office
650 Capitol Mall, Suite 8-300
Sacramento, California 95814-4706

JUL 29 2010

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
Sacramento, California 95812-0100



Dear Ms. Townsend:

The National Marine Fisheries Service (NMFS) appreciates the opportunity to comment on the State Water Resources Control Board's (State Water Board) July 20, 2010 Draft Delta Flow Criteria Report (Report) for the Sacramento-San Joaquin Delta (Delta), prepared pursuant to the Delta Reform Act of 2009. As stated in the Report, the purpose of the flow criteria is to inform both the Bay Delta Conservation Plan process and the Delta Stewardship Council in their development of a comprehensive, long-term Delta management plan. The State Water Board was successful in fulfilling this purpose by developing flow criteria through a public process, applying best available science, and considering the broad goals of the planning efforts the criteria are intended to inform.

Although the flow criteria do inform Delta planning efforts to some degree, NMFS agrees with the State Water Board's recognition that the criteria have a narrow focus on the needs of aquatic species in the Delta and do not consider all public trust needs or the balance of all beneficial uses. One example illustrating this point of particular concern to NMFS is the fact that the Delta flow criteria were established without balancing the condition of upstream habitats. Operating to the Delta flow criteria may result in water temperature related impacts to anadromous fish in the upstream rivers and tributaries. While the Report does mention that the Delta flow criteria should be "tempered by the need to maintain cold water resources and meet tributary specific flow needs in the Delta watershed," resolving those issues will be necessary in order to implement the Delta flow criteria in a way that will truly restore and promote viable, self-sustaining populations of aquatic species.

Nevertheless, the Delta flow criteria provide a solid foundation for considering how to manage Delta flows in a manner that is more beneficial to native aquatic species. NMFS shares responsibilities with the State Water Board in protecting California's public trust species and looks forward to working with the State Water Board and other management agencies to transition away from a Delta that is causing native fish to go extinct towards a Delta that contributes to their recovery. NMFS agrees with the Delta Environmental Flows Group that this transition will require a strong science based program and flexible management that considers fish response to environmental flows as well as habitat restoration, contaminant and nutrient reduction, changes in diversions, control of invasive species, and Delta island management.



Please contact Howard Brown at (916) 930-3608, or via e-mail at howard.brown@noaa.gov if you have any questions concerning this project, or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Brown", with a stylized flourish extending to the right.

Howard Brown
Acting Central Valley Office Supervisor

NMFS-PRD, Long Beach, CA