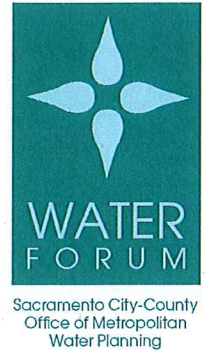


December 15, 2017



Via Electronic Mail

Felicia Marcus, Chair
Members of the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812
Bay-Delta@waterboards.ca.gov

Re: Phase II Bay-Delta Plan Update – Need for Appropriately Balanced Streamflow and Cold-Water Management in the American River Basin

Dear Chair Marcus and Members of the Board:

This letter updates the Water Forum's prior comments concerning the Phase II Update of the Bay-Delta Water Quality Control Plan (Bay-Delta Plan). We have participated in the SWRCB's related workshops and have submitted comments, including on the 2016 Phase II working draft Scientific Basis Report. We have reviewed the October 2017 final Phase II Scientific Basis Report (Final SBR) and strongly recommend that the SWRCB consider alternatives to the unimpaired flow-based approach that purports to support the Final SBR's proposed water quality objectives, particularly as the SWRCB develops its Substitute Environmental Documentation (SED) for Phase II. Our extensive hydrological and biological studies of the American River basin demonstrate that rather than simply focusing on unimpaired flows, instead the focus should be on detailed and well-balanced reservoir-management, streamflow and water-temperature measures, all of which are necessary to balance the river's various beneficial uses.

We have conducted extensive technical analyses of, and implemented real-world habitat restoration in, the American River basin for over 20 years. Such measures are necessary to achieve the Water Forum Agreement's coequal objectives of providing a reliable and safe water supply for the region's economic health and planned development to the year 2030 and preserving the lower American River's fishery, wildlife, recreational, and aesthetic values. Our efforts accelerated during and after the recent drought, which showed that both of our coequal objectives are vulnerable to severe droughts. We sought to address this vulnerability by developing measures that could: (1) maintain Folsom Reservoir storage sufficient to preserve the reservoir's municipal intake functions in a repeat of the 1976-1977 drought; (2) provide better conditions for sensitive lower American River fish, especially listed steelhead; and (3) avoid redirecting impacts to Sacramento River fisheries, particularly winter-run Chinook salmon.

After conducting hundreds of hydrologic and water-temperature model runs, we determined that meeting these three objectives would require measures that incorporate the following elements:

- An end-of-December Folsom Reservoir carryover-storage requirement;
- An end-of-May Folsom Reservoir storage requirement to build a cold-water pool to support better summer river temperatures and achieve end-of-December storage;
- Streamflow requirements based primarily on American River basin hydrologic forecasts;
- Redd-dewatering requirements to ensure that, among other things, dewatering of steelhead redds is limited as much as possible;
- A spring pulse flow during the March 15-April 15 period to encourage salmonid emigration in years when such an event does not occur naturally; and
- A water-temperature management protocol to determine what are the lowest achievable temperatures in a given year, based on hydrological conditions.

When we compared these necessarily detailed elements with the Final SBR's proposed water quality objectives, we became very concerned about the possible impacts on both of the Water Forum's coequal objectives if the SWRCB were to adopt the Final SBR's proposals. In particular, as part of our work and as we have described in our prior comments, we analyzed a "high spring flow" scenario that would be similar to the Final SBR's proposals. It was not workable for the American River because storing water in Folsom Reservoir in the spring is critical to both protect our region's water supplies and to provide cooler water later in the year for listed steelhead. We understand that the Final SBR's proposed unimpaired flow-based water quality objective for tributary flows is intended to work with the proposed objective for cold-water management, but the tributary-flow objective appears to have priority because the Final SBR states that "tributary plans" to implement the objective must fall within the indicated range of unimpaired flows. (Final SBR, pp. 5-16 to 5-17, 5-33, 5-42.)

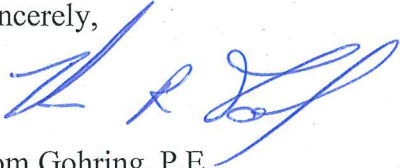
Accordingly, based on our technical work, we urge the SWRCB to consider alternatives to the Final SBR's proposed water quality objectives including for development of the SED - specifically, alternatives that would address the well-defined needs of the American River's sensitive fish. We believe that consideration of such alternatives would not only address the SWRCB's obligations to analyze alternatives under the Porter-Cologne Water Quality Control Act and CEQA, but also would maximize the beneficial use of water under the California Constitution.

While we remain steadfastly committed to what is commonly referred to as the voluntary settlement process relating to Phase II, this letter serves to formally supplement our prior Phase II comments. Ultimately, we seek to further enhance habitat on the lower American River.

Ms. Felicia Marcus
December 15, 2017
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Please do not hesitate to contact me if you have questions or would like to review and discuss any of the Water Forum's technical work.

Sincerely,



Tom Gohring, P.E.
Executive Director

cc: Eileen Sobeck
Erik Ekdahl
Eric Oppenheimer
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Matthew Holland
Michael George