



SENT VIA ELECTRONIC TRANSMISSION

March 12, 2012

Charles R. Hoppin, Chair
State Water Resources Control Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815
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Re: Requests for Workshops Pursuant to the Review of Water Quality Objectives

Dear Members of the Board:

The San Joaquin Tributaries Authority (“SJTA”) understands the State Water Resources Control Board (“State Water Board”) is considering requests that it hold several workshops to obtain information to support its review of water quality objectives on the Sacramento River. (See attached proposal for workshops.) As the State Water Board is aware, similar information-gathering workshops were scheduled pursuant to the State Water Board’s review of water quality objectives on the San Joaquin River, but were subsequently cancelled. Although the State Water Board did not release an official explanation for these cancellations, State Water Board staff explained to members of the SJTA that the cancellations were based upon the staff’s belief that the State Water Board had sufficient information to draft the Substitute Environmental Document (“SED”) for the San Joaquin River Basin flow objectives, and informational workshops were therefore not necessary. As documented in previous communications, the SJTA disagrees with this sentiment and believes the State Water Board does not have sufficient information to revise its water quality objectives in a manner that is not arbitrary and capricious.

As the attachment indicates, the proposed workshops cover topics equally applicable to the State Water Board’s proposed objectives on the San Joaquin River. To the extent the State Water Board provides stakeholders on the Sacramento River with the opportunity to submit information to the State Water Board through workshops, the State Water Board

must provide stakeholders on the San Joaquin River the same opportunity. The SJTA hereby formally requests the State Water Board re-schedule the San Joaquin River workshops that were previously cancelled or include the San Joaquin River stakeholders in any workshops scheduled pursuant to the Sacramento River objectives.

Very truly yours,

O'LAUGHLIN & PARIS LLP

A handwritten signature in blue ink, appearing to read "T. O'Laughlin", written in a cursive style.

TIM O'LAUGHLIN

TO/tb
Attachment

cc: Tam Doduc
Francis Spivy-Weber
San Joaquin Tributaries Authority

**Schedule for SWRCB Informational Workshops 2012
Update of Bay-Delta Water Quality Control Plan**

DATE	ACTION
April 3, 2012	<u>Board Meeting</u> : SWRCB considers and adopts proposal for informational workshops. The purpose of the workshops is to provide additional information/education to the public on the science that will be used by the SWRCB to update the WQCP and to effect that public education in an open and transparent manner. If the workshops serve their purpose, there will be greater clarity on areas of scientific agreement, disagreement, and uncertainty relating to the WQCP, which will allow the SWRCB to more clearly describe the policy choices involved in balancing the needs of different beneficial uses in the Delta.
May 1, 2012	Deadline for submitting scientific information in advance of Workshop No. 1
May 16, 2012	<u>Board Workshop No. 1 – Ecosystem Changes</u> : This first workshop would address changes in the Bay-Delta Ecosystem that have occurred over the past 30 years, including, but not limited to: shifts in fish species (pelagic to centrarchid); shifts in benthic organisms (clams and invasive species); shifts in phytoplankton (diatoms to blue-green algae); and shifts in zooplankton (food sources). This workshop would also explore factors that may explain the ecosystem shifts that have been observed or may be observed in the future in the Delta, including but not limited to reductions in or changes in the timing of flows, changes in nutrient ratios, invasive species, and global climate change.
June 6, 2012	Deadline for submitting scientific information in advance of Workshop No. 2
June 20, 2012	<u>Board Workshop No. 2 – Water Supply Effects</u> : This second workshop would consider flow regimes that may be proposed by State Board staff or others that are intended to provide a more natural hydrograph or adhere to the targeted flow objectives identified in the 2010 Delta Flow Criteria report. The purpose of the workshop would be for parties to present information on the duration, timing and magnitude of such flows and how a more natural hydrograph would differ from the current flow regime. The workshop would then consider how this modified flow regime would affect other actions intended to protect fish and wildlife or other beneficial uses of water, including but not limited to beneficial uses supporting terrestrial species resident in or migrating through the Sacramento Valley and other Delta tributaries.
July 18, 2012	Deadline for submitting scientific information in advance of Workshop No. 3
August 8, 2012	<u>Board Workshop No. 3 – Effects on Hydroelectric Generation/Transmission/Distribution</u> : This third workshop would consider the potential effects of flow regimes that are intended to provide a more natural hydrograph on the generation, transmission and distribution of hydroelectric power. In particular, the workshop would consider the effects of releasing more water during the spring months on the availability of water for “peaking” during the high-demand summer months. The workshop would also consider the extent to which a more natural hydrograph

	could create the need for additional out-of-state power purchases, replacement resources which may include new gas-fired generation, renewable generation, regulation & reserve capacity, new transmission projects in California, and other ancillary effects of the changes in releases of water. Consideration would also be given to the effects of such flow regimes on California's Renewable Portfolio Standard, Green House Gas initiative, and recovering economy.
September 5, 2012	<u>Extended Board Briefing</u> : – BDCP. This briefing would consist of an informational presentation on the BDCP by the Resources Agency and the Department of Water Resources. The administration would describe the elements of the BDCP, the expected benefits to the species and the Delta ecosystem, and the schedule for approval of the plan.
September 19, 2012	Deadline for submitting scientific information in advance of Workshop No. 4
October 3, 2012	<u>Board Workshop No. 4 – Effects on Salmonids</u> . The fourth workshop would consider the existing flow regimes on all major rivers in the Central Valley and the manner in which those flow regimes were crafted by the regulatory agencies to serve the beneficial uses of supporting salmonids. The workshop would consider the potential effects of modifying those flow regimes, focusing in particular on flow rates and directions, temperature, and other water quality constituents and objectives of biological significance to salmonids. The workshop would also address actions other than flow that would be biologically beneficial to salmonid species. The effort would focus on assessing the regimes, actions etc., on the year-to-year abundance.
October 17, 2012	Deadline for submitting scientific information in advance of Workshop No. 5
November 7, 2012	<u>Board Workshop No. 5 – Effects on Pelagic Species</u> : The fifth workshop would consider the existing flow regimes in the Delta and the manner in which those flow regimes were crafted by the regulatory agencies to serve the beneficial uses of supporting pelagic species. The workshop would consider the potential effects of modifying those flow regimes, focusing in particular on flow rates and directions, temperature, and other water quality constituents and objectives of biological significance to pelagic species. The workshop would also address actions other than flow that would be biologically beneficial to pelagic species. The effort would focus on assessing the regimes, actions etc., on the year-to-year abundance.