

APRIL 26 1994

Statement to the State Water Resources Control Board
on behalf of the San Francisco Public Utilities Commission.
April 26, 1994

Since the beginning of the Bay-Delta hearings, San Francisco has been an active and hopefully constructive participant. As we meet today, the Water Board has before it the opportunity to create meaningful standards in cooperation with the federal government which will protect the resources of the Bay-Delta environment.

The development of standards and their implementation should be guided by applicable legal precedents as well as the the principles enunciated by Senator Feinstein in her letter to Interior Secretary Bruce Babbitt, wherein she stated that:

Any water quality standard must apportion "responsibility on a rational basis for solutions to specific problems rather than simply increasing gross water outflows for environmental purposes."

Senator Feinstein's statement points out that in creating water quality standards, the solutions proposed must address the problems they seek to remedy with specific measures designed to influence the factors causing those problems. Second, the statement addresses the issue of implementing standards, admonishing the implementing agency to allocate responsibility for meeting water quality standards on a rational basis, without resorting to simplistic across the board formulas.

I will be submitting for the record San Francisco's comments to the Environmental Protection Agency regarding its proposed standards and the draft Regulatory Impact Analysis.

As a member of the California Urban Water Agencies, San Francisco subscribes to the recommendations made by CUWA and which will be discussed shortly. San Francisco also actively participated in the outreach and advocacy efforts by the Bay-Delta Urban Coalition and urges that the Water Board consider the recommendations made by the Urban Coalition in their comments to the EPA.

While I do not want to address each of the proposed standards, I do want to comment on the "Fish Spawning Criteria."

Fish Spawning Criteria

San Francisco recommends that no criteria be adopted at this time to protect striped bass spawning. As is well recognized, striped bass are known predators of juvenile salmon.

Improving conditions for striped bass in April and May will increase the likelihood that large striped bass will be present in the Delta and its tributaries at the same time that salmon smolt are outmigrating, subjecting the salmon to high rates of predation mortality. Further, moving the striped bass spawning area up into the San Joaquin towards Prisoner's Point would increase entrainment of striped bass eggs and larvae. In addition, spawning habitat is not generally considered as the limiting factor to striped bass populations.

We urge the state to consider a memorandum submitted by Dr. Peter Moyle as part of San Francisco's comments. Dr. Moyle makes several points regarding the criteria and the EPA's rationale:

- . There is likely no genetic distinction between Sacramento River and San Joaquin River striped bass. Therefore, no special protection for the population of San Joaquin River striped bass is required.
- . Specific criteria to enhance the non-native striped bass population will increase predation pressures on other species, such as the already depressed San Joaquin stock of the chinook's salmon.
- . Any specific additional protection to the striped bass should be deferred until there has been significant recovery of the San Joaquin salmon populations. The question concerning the striped bass is a matter of when the population will recover, not if.

As a final matter regarding striped bass, Appendix 1 of San Francisco's comments illustrates various historical data regarding water quality in the lower San Joaquin River, and also provides the findings of the Water Board regarding the adverse impact that agricultural drainage has on water quality on the river. The historical data suggests that the water quality objectives of the EPA will be incidentally met much of the time within the Central Delta. However, compliance with the proposed EPA criteria for the river reach between San Andreas Landing and vernalis may be difficult or impossible in certain circumstances given the degradation of water quality due to agriculture return flows and the regulatory constraints put on the cross-Delta conveyance of flows due to endangered and threatened species.

In our view, any measures to improve striped bass spawning ought to be deferred until some later date. Further, reservoir releases should not be used to dilute agriculture drainage waters. Rather, the state should develop a program to control agricultural return flow and improve the water quality of the San Joaquin River through such direct actions, and not by dilution.

Concerning the Regulatory Impact Assessment, briefly stated, the assessment by the EPA grossly underestimated the cost of water transfers, the ability to transfer water, the ability of reclamation to replace lost supplies and the cost of reclaimed water, as well as the overall societal loss associated with the actual loss of water to our service area. The specific numbers associated with San Francisco's costs are set forth in our comments to the EPA.

The issues concerning standard setting and implementation are complex. The present work shop format is not conducive to extended discussion of the complexity associated with the several standards under consideration. San Francisco recommends that the Board consider the establishment of work groups, similar to those formed in the Bay-Delta hearings, to address these standards on a comprehensive basis. The alternatives being considered for implementation should also be the subject of discussions in work groups. These work groups should function concurrently with the present standard setting efforts by the EPA and the Water Board.

San Francisco looks forward to maintaining its active involvement with the Water Board, federal officials, environmental interests and urban and agricultural water suppliers.

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