

Memorandum

Date: June 14, 2012

To: Les Grober, Asst. Deputy Director
Hearings and Special Programs Branch
State Water Resources Control Board
1001 I Street
Sacramento, California 95814

From: Katherine F. Kelly, Chief
Bay-Delta Office
Department of Water Resources

Subject: Proposed Questions for Phase 2 Bay-Delta Water Quality Control Plan



The State Water Resources Control Board (State Board) staff requested at its June 1, 2012, Bay-Delta Water Quality Control Plan update workshop coordination meeting that interested parties submit proposed questions that might be addressed at the upcoming Phase 2 Bay-Delta Water Quality Control Plan update (Bay-Delta Plan Update) workshops. In response to the State Board's request, the Department of Water Resources (DWR) submits this comment letter and list of questions.

Foremost, DWR brings to the State Board's attention that ongoing research may produce results that are not ready in time for the workshops. Therefore, State Board staff should remain open to the submission of relevant results outside of the workshops and designate a process by which this information will be incorporated into the Bay-Delta Plan Update. For example, State Board staff should expect to include results from the Fall Low Salinity Habitat (FLaSH), Interagency Ecological Program's Management Analysis and Synthesis (MAST) processes, and the Endangered Species Act lawsuit stipulation study on Old and Middle River flows, pumping rates, and reach specific rates of steelhead mortality.

DWR submits the following list of questions for the State Board staff's consideration in preparing for the proposed workshops. Please note that many of the questions are relevant to more than one workshop. Therefore, in addition to the workshop designation provided by DWR, State Board staff should determine which additional workshops the questions address.

1. Has our understanding improved of the relative importance of different geographical areas (tributaries, Delta, Bay, ocean) to the production of Central Valley salmon? [workshop 2]
2. Do recent studies support the generally held assumption that more positive (less negative) Old and Middle River flows increase survival rates of out-migrating salmonids? [workshop 2]

3. How do interacting dynamic and stationary habitat components affect impacts of existing water diversions on delta smelt, longfin smelt, and/or native salmonids? How would this change with new diversion points on the Sacramento River, as proposed by the BDCP? [workshops 2, 3]
4. Has our knowledge of the habitat needs of Delta fishes progressed to the point where large scale restoration projects can be identified? [workshops 2,3]
5. How has our knowledge of predation improved to the point that we can recommend any specific actions?
6. How will flow management effectively improve critical habitat or recreate "natural" or historical salinity patterns without simultaneous restoration of fixed habitat features such as downstream (in-Delta) floodplain/wetland/marsh areas? [workshops 2,3]
7. Has our understanding improved of the relative importance of how flow affects non-export related stressors such as predation or invasive species? [workshops 2,3]
8. Management actions are most effective when the actions' specific mechanisms and relative importance are understood. Has there been any progress in our understanding of the specific mechanisms by which flow affects pelagic fishes in the estuary? [workshop 3]
9. Will there be enough water storage to manipulate habitat to regulatory specifications (e.g. cold water pools) for species of concern in a multiyear drought scenario? [workshop 4]
10. What are the major data gaps that limit our ability to develop management actions? Have new methods or technologies been developed that could be used to fill these gaps? [all workshops]

In addition to answering State Board staff's request for potential workshop questions, DWR respectfully requests that the State Board grant it an independent block of time at each of the workshops. Based on the discussion at the State Board's June 1, 2012 Bay-Delta Water Quality Control Plan update workshop coordination meeting, it is DWR's understanding that the State Board is considering grouping the expert panelists that will present and answer questions during the upcoming workshops. DWR intends to participate in each of the proposed workshops with at least one expert to answer questions and present science. In doing so, DWR will present information from a perspective that is unique and not aligned with any other group likely to present at the workshops. This unique perspective stems from DWR's mission statement: to manage the water resources of California in cooperation with other agencies, to benefit the State's people, and to protect, restore, and enhance the natural and human environments. DWR's mission strikes a balance between use and protection. Without independent and equal presentation time, either DWR or the group in which DWR is included would be required to adjust its message to accommodate views that it did not

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share. Therefore, the Department requests that it be granted its own presentation time equivalent to other groups such that its experts are able to provide highly relevant information and perspective to the State Board.

Lastly, as was brought up at the workshop coordination meeting, both the U.S. Fish and Wildlife Service and the National Marine Fisheries Service biological opinions (BiOps) are on remand and a new consultation process has begun. Many of the same topics will be addressed in the BiOps as those discussed at the workshops and in the Bay-Delta Plan Update. For example, the low-salinity zone, Delta import/export ratio and Old and Middle River flows are three topics addressed by both the BiOps and Bay-Delta Plan Update. While we recognize that the legal standards for developing the BiOps are distinct from that of the Bay-Delta Plan Update, DWR requests that the State Board indicate how it intends to incorporate information developed in the BiOps.

DWR appreciates the opportunity to participate in the workshop development process. Feel free to contact Parviz Nader-Tehrani at (916) 651-9779 or parviz@water.ca.gov, if you have any questions regarding this letter or DWR's participation in the Bay-Delta Plan Update process.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine F. Kelly, for". The signature is written in a cursive style.

Katherine F. Kelly, Chief
Bay-Delta Office