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April 14, 2017

VIA E-MAIL

Central Valley Regional Water Quality Control Board

Attn: James Brownell

11020 Sun Center Drive, #200

Rancho Cordova, CA 95670-6114

james.brownell@waterboards.ca.gov

Re: Comments of the Merced Irrigation District to Proposed Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Adopt Salinity Water Quality Objectives for the Lower San Joaquin River

Dear Central Water Quality:

The following comments are submitted on behalf of the Merced Irrigation District ("MID"). MID thanks you for the opportunity to submit comments regarding the proposed amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to adopt salinity water quality objectives for Reach 83 of the Lower San Joaquin River, which is defined as the San Joaquin River from the confluence of the Merced River to the Airport Way Bridge near Vernalis. MID is a California irrigation district and the owner and operator of the Merced River Hydroelectric Project licensed by the Federal Energy Regulatory Commission. MID diverts water from the Merced River primarily for irrigation use. MID has a direct interest in the staff report and proposed amendments for the establishment of salinity water quality objectives and related management actions in Reach 83 of the lower San Joaquin River.

The staff report states that the natural flows from the upper San Joaquin River to the lower San Joaquin River have been severely diminished due to diversions at Friant Dam via the Friant-Kern Canal to irrigate crops outside of the San Joaquin River Basin. (Staff Report, p. 1.) The staff report, however, presents no substantive discussion of the now-instituted Restoration

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Flows from Friant Dam under the San Joaquin River Restoration Program (“SJRRP”). (See e.g., Staff Report, p. 20 or Appendix F, p. 204.) Under the established hydrographs for the SJRRP, Restoration Flow releases from Friant Dam can range from approximately 275,000 af in critical-low years up to 757,000 af in wet years, including accretions, representing a significant increase in flows to the lower San Joaquin River. It is unclear from reviewing the staff Report how the increased assimilative capacity of such Restoration Flows are considered in the modeling analysis presented or in the assessment of cumulative environmental impacts in Chapter 9. For example, page 204 of Appendix F, merely states that the proposed project alternative includes a 10-year re-opener option to evaluate success of the water quality objectives, performance goals and implementation of the planned activities, which will also allow consideration of potential future hydrologic conditions that may change the assimilative capacity of the lower San Joaquin River such as the SJRRP. The staff report should make clear how the current Restoration Flows of the SJRRP were incorporated in the modeling analysis as part of the current hydrologic baseline and how the activities of the SJRRP were considered in the cumulative impacts analysis.

On page 24 of the Staff Report, the Lower San Joaquin River committee provides a recommendation to the Central Valley Regional Board that it should modify footnote 4 in Table II of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (“Basin Plan”) as it pertains to Reach 83 of the lower San Joaquin River. Footnote 4 of Table II of the Basin Plan indicates that the MIGRATION-COLD beneficial use applies to salmon and steelhead. The LSJR committee recommends that the footnote be modified to describe the habitat findings of NOAA that “steelhead are only found in the San Joaquin River from the mouth of the Merced River to Vernalis.” (Staff Report, pp. 24-25.) The staff report mischaracterizes the import and locations of the cited designation by NOAA of critical habitat in 2005 for California Central Valley Steelhead. It is incorrect to state that “steelhead are found at the mouth of the Merced River.” To date, there is no verifiable, empirical evidence that Central Valley Steelhead currently occur in the Merced River or at the “mouth” of the Merced River at its confluence with the San Joaquin River. Accordingly, the recommendation should be revised to avoid characterizations regarding the presence of California Central Valley Steelhead unsupported by the cited references or current science.

MID appreciates the opportunity to provide comments regarding the proposed amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and looks forward to participating further in the process. If you have any questions regarding the above-comments, please do not hesitate to contact me.

Sincerely,



Jolie-Anne S. Ansley

jsa
cc: Phillip McMurray, Merced Irrigation District