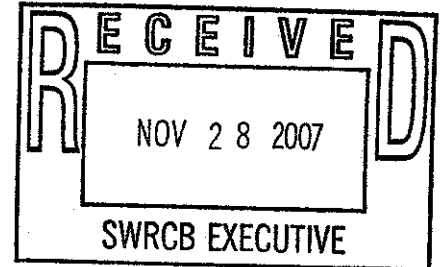




NATURAL RESOURCES DEFENSE COUNCIL

November 28, 2007

Tam Doduc, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100



Re: Resolution to Protect Bay/Delta Beneficial Uses

Dear Chairwoman Doduc,

On December 4, 2007, the State Water Resources Control Board (the Board) will consider a draft resolution regarding a series of actions by the Board and the Regional Boards to address multiple, serious threats to the beneficial uses of the Bay/Delta Estuary. We thank the Board for initiating this action to address the unprecedented environmental crisis in the Delta and encourage the Board to adopt the resolution.

As the draft resolution indicates, Delta water quality and fish and wildlife are severely degraded, in some cases to historically low levels. The threats are particularly dire for many Delta fish species. As the draft resolution also indicates, the causes of this decline include water project operations and contaminants. The Board has the authority and responsibility to take prompt action to restore and protect the Delta's threatened beneficial uses.

There are a great many forums today in which Delta issues are being addressed. However, none of those forums are adequate to address the problems for which the Board has responsibility. The CALFED Delta strategy is now broadly seen as unsuccessful. Other efforts are narrow in focus (e.g. ESA consultations on project operations) or are advisory or voluntary in nature (e.g. BDCP and Delta Vision).

The threats to the Delta ecosystem extend far beyond species listed under the state and federal Endangered Species Acts. For example, non-listed species such as Sacramento splittail, threadfin shad and others are in decline. Prompt action to address this decline can ensure the recovery of the entire Delta ecosystem. In addition, such a program could prevent future listings, with significant benefits to the regulated community.

We believe this effort is long overdue. It has been many years since the Board fully evaluated the status of all beneficial uses in the Delta and the threats to those uses. In the past few years, several major new issues have emerged that have dramatically altered the landscape in the Delta. Indeed, the 2006 Bay-Delta Plan identified a number of these emerging issues, including the Pelagic Organism Decline, Delta salinity issues, San Joaquin River flows, and climate change. Some of the issues raised by these, and

other problems in the Delta, can only be fully addressed by the Board. For example, we believe that, like the Colorado River, the Bay-Delta system is now over-allocated, with significant implications for existing water rights and proposals for additional appropriations.

We urge the Board to adopt a comprehensive approach to the Delta. This approach will require the Board to set priorities for early action and to acquire additional resources. We look forward to working with the Board in both of these areas. We recommend that the Board emphasize, as early priorities, several actions identified in the draft resolution, including a public trust proceeding (Action 6), addressing the POD syntheses (Action 4), San Joaquin River flow issues (Action 5), impacts of once-through cooling (Action 17) and ensuring that the Board has adequate monitoring and data to address unknown toxicity issues (Action 12). We may have additional recommendations for priority actions in the future.

Finally, we urge the Board to coordinate these efforts with the many other processes focused on the Delta, such as the Delta Vision process. We believe that the Board's proposed process is complementary to those efforts. Indeed, we believe that the initial findings of the Delta Vision Task Force and the POD process strongly support the draft resolution.

Thank you for considering our recommendations. We urge the Board to adopt the draft resolution on December 4 and welcome this renewed leadership by the Board in ensuring the full protection of the beneficial uses of the state's largest freshwater ecosystem.

Sincerely,



Barry Nelson