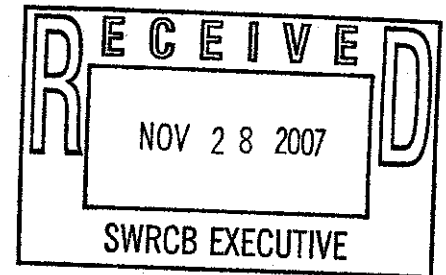


**The Bay Institute
Baykeeper
California Coastkeeper
California Sportfishing Protection Alliance
California Striped Bass Association
California Water Impact Network
Defenders of Wildlife
Friends of the River
Mono Lake Committee
Northern California Council, Federation of Fly Fishers
Planning and Conservation League**

By email and mail

November 28, 2007

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



RE: ACTIONS TO PROTECT BAY/DELTA BENEFICIAL USES

Dear Chairwoman Doduc,

On December 4, 2007, the State Water Resources Control Board (SWRCB) will consider a draft resolution specifying actions that the SWRCB, the Central Valley Regional Water Quality Control Board (CVRWQB), and the San Francisco Bay Regional Water Quality Control Board (SFRWQCB) will take to protect beneficial uses of the San Francisco Bay/Sacramento-San Joaquin Delta estuary (Bay-Delta). We appreciate the SWRCB's recognition of the unprecedented level of threat to beneficial uses of water in the Bay-Delta and its tributaries from current and emerging threats (elevated Delta and Central Valley salinity levels, inadequate San Joaquin River flows, recent declines in pelagic organism and salmonid populations, large-scale climate change, and contaminants).

We believe that the actions identified to protect Bay-Delta beneficial uses are long overdue, and strongly support adoption of the resolution by the SWRCB at its December 4 meeting. We particularly urge the SWRCB to include in its final order Item 6 of the draft resolution, initiation of a public trust proceeding to: (1) consider the protection of public trust resources and the balancing of the competing demands for water in and from the Bay-Delta; and (2) evaluate the reasonableness of the SWP's and CVP's method of diversion from the Delta. This item is critical to the success of long-term Bay-Delta protection for a number of reasons.

First, none of the current Delta planning processes directly address (although they may acknowledge) the effect on Delta public trust resources of competing demands for water in areas upstream of the Delta or

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that export water from the Delta or are directly concerned with developing solutions that include actions in these areas, including changes in upstream diversions and releases or adoption of best management practices and other conservation requirements. The proposed public trust proceeding would complement and provide guidance to the Delta-focused efforts of these planning processes.

Second, all of the current Delta planning processes are intended to result in either advisory documents or voluntary agreements. While we hope for the best from these processes – and some of us are directly engaged in them – we do not believe that the SWRCB, the CVRWQCB and the SFRWQCB can or should defer to the completion of these processes in lieu of discharging their regulatory responsibilities to protect Bay-Delta public trust resources and respond to emerging threats to these resources in a timely manner. Given the SWRCB's commitment to coordination, it is likely that the proposed public trust proceeding could help implement recommendations of these planning processes.

Third, the evidence is overwhelming that the Bay-Delta and its tributaries are an oversubscribed system. Initiating a public trust proceeding provides an opportunity for the SWRCB to consider not only the balancing of current competing demands for water but also whether any new appropriations should be permitted in this system, and to begin planning for likely future changes to improve protection of Bay-Delta public trust resources.

Our final comment concerns Item 2. We are very concerned that the SWRCB, the CVRWQCB and the SFRWQCB do not currently have sufficient funding or staff resources to adequately execute a strategy and work plan to implement all of the actions contained in the draft resolution. We strongly recommend that staff be directed to identify resource needs to implement all of the actions, rather than constrain implementation based on current resources, as a basis for subsequent efforts to secure sufficient resources.

Thank you for considering these comments. We look forward to adoption of the draft resolution as a sign of renewed leadership by the SWRCB to address the underlying causes of the most serious threats to Bay-Delta beneficial uses.

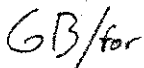
Sincerely,



Gary Bobker
The Bay Institute



Kim Delfino
Defenders of Wildlife

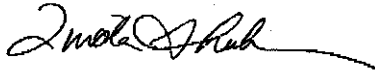


Sejal Choksi
Baykeeper



Steve Evans
Friends of the River

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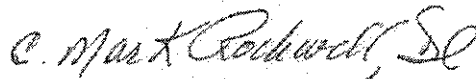
Linda Sheehan
California Coastkeeper



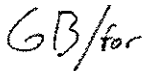
Geoffrey McQuilkin
Mono Lake Committee




Bill Jennings
California Sportfishing Protection Alliance



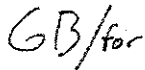
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Planning and Conservation League



Lisa Coffman
California Water Impact Network