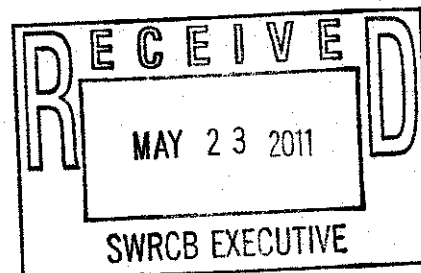




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Sacramento Area Office
650 Capitol Mall, Suite 8-300
Sacramento, California 95814-4706

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, California 95814




Dear Ms. Townsend:

NOAA's National Marine Fisheries Service (NMFS) would like to thank the State Water Resource Control Board's (SWRCB) for the opportunity to comment on the revised Notice of Preparation for the San Joaquin River Flow Objectives for the Protection of Fish and Wildlife Beneficial Uses (Report). Potential modifications to the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary are of great interest to NMFS, as they directly relate to our mission, which includes the management, conservation, and protection of anadromous fish resources. As stated previously, NMFS is responsible for the administration of the Endangered Species Act (ESA) of 1973, as amended [16 U.S.C. 1531 *et seq.*] with regard to listed salmonids and green sturgeon. Listed anadromous fishes inhabiting the Sacramento-San Joaquin Delta Estuary include the endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*), threatened Central Valley steelhead (*O. mykiss*), and threatened Southern distinct population segment of North American green sturgeon (*Acipenser medirostris*). In addition, we assist in administering the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for Essential Fish Habitat (EFH) for Pacific Salmon. The Sacramento-San Joaquin Delta Estuary and the San Joaquin River (SJR) and its tributaries are designated EFH for Pacific salmon (*O. tshawytscha*).

Enclosed, you will find NMFS' comments on the Notice of Preparation for the SJR Flow Objectives for the Protection of Fish and Wildlife Beneficial Uses. Again, we appreciate the opportunity to provide the SWRCB with comments related to the Report and look forward to collaborating with your agency. If you have any questions regarding this correspondence or if NMFS can provide further assistance, please contact Ms. Monica Gutierrez in our Central Valley Office, 650 Capitol Mall, Suite 5-100, Sacramento, CA 95814. Ms. Gutierrez may be reached by telephone at (916) 930-3657, or via email at Monica.Gutierrez@noaa.gov.

Sincerely,


for Maria Réa

Supervisor, Central Valley Office

Enclosure 1



Enclosure 1

General Comments on San Joaquin River Flow Objectives

NMFS supports maintaining a flow standard at Vernalis and adding the flow compliance locations on the Stanislaus, Tuolumne, and Merced rivers just upstream of their respective confluences with the San Joaquin River as described in Table 3. In addition, year round flow objectives need to be implemented in Table 3 to be truly beneficial for all life stages for anadromous fish. The San Joaquin River flow objectives may need more modeling, however. It is difficult to evaluate the effects of this plan without more specific parameters on percent of unimpaired flows and cfs values. The SWRCB needs to clarify how these values will be determined. Additional modeling should be done to evaluate water temperature conditions that would be expected under the proposed flow standards. Table 3 focuses only on Chinook salmon and should also focus on Central Valley steelhead as they are a federally listed species. The SWRCB should further incorporate specific flow regimes that will benefit Central Valley steelhead.

Comments on Implementation of Plan

NMFS agrees with the SWRCB's consideration of implementation of flows for various times of the year (July through September and November through January) in addition to the February through June period. NMFS also concurs that the implementation of flows during the month of October will be beneficial to migrating anadromous fish. The SWRCB will rely upon the water rights and FERC processes to determine what, if any, flow requirements will be established for the October flows period including various times of the year. NMFS is concerned that the SWRCB plans to rely upon the Federal Energy Regulatory Commission (FERC) proceedings to implement appropriate flow objectives in the San Joaquin River tributaries. This may not have the desired result given that FERC mandates may not fully align with the SWRCB Plan objectives. Additionally, the FERC relicensing proceedings in the Tuolumne and Merced rivers will be very lengthy processes and will not be completed until 2016. These timelines will not coincide with the information needs and decision timeline for the SWRCB's narrative flow objectives. The implementation of the narrative flow objective as a phased process, while practical, will delay benefits to anadromous fish populations that are already severely depressed in the San Joaquin River basin, including Central Valley steelhead. NMFS is concerned that the adaptive management processes using other processes that are driven by different objectives to institutionalize the plan will not be successful. The scope seems limited to FERC and we recommend that the SWRCB should consider a broader range of implementation options including the Bay Delta Conservation Plan and Delta Plan.

Comments on Unimpaired Flows

NMFS continues to support the SWRCB's use of a natural flow regime in the San Joaquin River and tributaries. However, the proposal to establish flows as a percentage of unimpaired flow may result in unsuitable flows for anadromous fish when considering a year round flow regime.

NMFS recommends that the SWRCB consider year-round flows to ensure beneficial flows for all fish life stages when determining the percentages of unimpaired flows.

Comments on the Coordinated Operations Group (COG) and San Joaquin River Monitoring and Evaluation Program (SJRMEP)

NMFS believes that the COG's adaptive management for flows during the February to June period will be useful for real-time management and will be beneficial to anadromous fish. NMFS understands that flows during the February to June period are beneficial to anadromous fish, but is concerned that the COG will only focus on adaptive management flows during this period. The COG also should consider year round flow objectives for the benefit of all life stages of anadromous fish. NMFS also is concerned that the divergent interests of the COG may be unable to reach an agreement on flows in a timely manner, if at all in some circumstances. Thus, NMFS would like to see clearer guidance on the decision-making processes for this group that has a mechanism to resolve impasse situations. The NOP does not list the U.S. Fish and Wildlife Service (USFWS) as a potential group member. The SWRCB should include the USFWS because of their expertise and specific authorities related to anadromous fish.

SWRCB will require the development of the SJRMEP, which shall at a minimum include monitoring, special studies, and evaluations of flow related factors on the viability of native San Joaquin River watershed fish populations, including abundance, spatial extent (or distribution), diversity (both genetic and life history), and productivity. NMFS believes that these parameters will be very beneficial in determining and implementing flow objectives in the San Joaquin River watershed. NMFS supports that the SJRMEP will evaluate the effect of flow conditions at various times of year, including spring (February to June), fall (including October), summer, and winter months on the abundance, spatial extent, diversity, and productivity of native San Joaquin River basin fish species in order to inform adaptive management and future changes to the SJR flow objectives. Lastly, NMFS agrees that the SJRMEP should integrate and coordinate with existing monitoring and special studies programs on the San Joaquin River watershed.