



Submitted via electronic mail to commentletters@waterboards.ca.gov

December 16, 2016

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: ACWA Comments on Working Draft Scientific Basis Report for Potential Amendments to the Bay-Delta Plan Phase II Update

Dear Ms. Townsend,

The Association of California Water Agencies (“ACWA”) appreciates the opportunity to provide feedback to the State Water Resources Control Board (“SWRCB”) on the draft Scientific Basis Report for Potential Amendments to the Bay-Delta Plan Phase II Update (“Draft Report”) prior to the Draft Report being submitted for scientific peer review. ACWA represents approximately 430 public water agency members that collectively supply 90% of the water that is delivered for industrial, agricultural and municipal uses statewide. ACWA is committed to furthering the coequal goals established in the Delta Reform Act [Water Code section 85084, contained in the Sacramento-San Joaquin Delta Reform Act of 2009 (Stats. 2009, 7th Ex. Sess., ch. 5)], and has supported a comprehensive approach to ecosystem management for more than two decades.

The California Water Action Plan (“CWAP”) outlines an objective for the Bay Delta Water Quality Control Plan and notes that the SWRCB’s actions on this effort “will balance competing uses of water including municipal and agricultural supply, hydropower, fishery protection, recreation, and other uses” (2016 update at p. 10). It also identifies the need for an “integrated, multi-pronged approach” to determining ecological flow needs and “achieve place-based benefits for water users and fish and wildlife” that “capitalize on local expertise in water management that can generate operational efficiencies and water infrastructure improvements that boost water supply reliability and sustainability” (CWAP 2016 update at p. 14). ACWA believes that the efforts of groups such as the Sacramento Valley Water Users exemplify exactly what the CWAP is envisioning, and that the approach towards developing a Bay-Delta Plan update that achieves the coequal goals *must* be considered even at this early stage in the process. While staff noted at the December 7, 2016 Phase II workshop (“December 7th workshop”) that all uses of water would be considered at the Substitute Environmental Document phase of the Water Quality Control Plan update process, we argue that the best science and collaborative approaches must be considered even at this early phase.

ACWA believes that a life cycle approach that relies on a comprehensive set of tools to better manage aquatic resources is the appropriate path forward in implementation of laws that

are designed to protect ecosystems. Focusing on “unimpaired flows” without addressing the myriad other factors affecting aquatic species populations and habitat has served to maximize conflict between species protection and water supply while failing to adequately serve either. ACWA appreciates the comments of Water Board members at the December 7th workshop that a new concept of a “block of water” that is used for various projects that improve habitat conditions and are timed appropriately to provide the maximum benefit to species in the system could be a preferred approach, similar to the “functional flows” concept advanced by the Sacramento Valley Water Users. This concept should be developed using all available science, including key reports that were highlighted by the Sacramento Valley Water Users group at the December 7th workshop.

ACWA cautions against proceeding with scientific analysis of any flow approach that would promote further increasing “unimpaired” in-stream or Delta outflows when such flows would not naturally occur in the system, or when such flows are infeasible given the operational constraints of the existing water supply system. The best available science does not support such an approach, especially given the resulting impacts on California’s water supply and economy. As has been underscored in recent drought years, all of California’s water resources must be used in an effective manner that will both improve ecosystems and continue to support other identified beneficial uses. ACWA looks forward to continuing to engage with the SWRCB throughout the process of the Bay-Delta Plan update.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Franklin". The signature is fluid and cursive, with a large, stylized initial "R" and "F".

Rebecca Franklin
Regulatory Advocate