



Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000

Sent Via Email

15 December 2016

Re: Comment Letter – Bay-Delta Phase II Working Draft Science Report

Dear State Water Resources Control Board,

Thank you for the opportunity to review and comment on the Bay-Delta Water Quality Control Plan Phase II Working Draft Scientific Basis Report. Our organizations appreciate the Board's efforts in updating the Bay-Delta Plan, and recognize that the political pitfalls associated with this endeavor are nearly insurmountable. For that reason, we urge the Board to rely solely on the best available science informing the project's narrative goals to guide its decisions. We believe this report is an important step in that direction.

The Pacific Coast Federation of Fishermen's Associations (PCFFA) is the largest trade association of commercial fishermen and women on the West Coast. As PCFFA's sister organization, the Institute for Fisheries Resources (IFR) carries out the fishery research and conservation needs of working fishing men and women. IFR is dedicated to the protection and restoration of fish resources and the human economies that depend on them. The Golden Gate Salmon Association's mission is to protect and restore California's largest salmon producing habitat comprised of the Central Valley rivers that feed both the Bay-Delta ecosystem and the communities that rely on salmon as a long-term, sustainable commercial, recreational and cultural resource. Together, our members depend on Central Valley Chinook populations that will be affected by the Bay-Delta plan update. Those fish contribute to the majority of salmon harvested by our members off the coast of California, and also contribute to the Oregon and Washington commercial salmon fisheries.

Our organizations support the Board's proposed analytical framework for tributary inflow and Delta outflow as 35-75% of unimpaired flows, as well as the underlying justifications for that range. However, beneficial uses such as Cold Freshwater Habitat, Commercial and Recreational Fishing, Estuarine Habitat, Marine Habitat, and Rare, Threatened and Endangered Species are not served by only partial achievement thereof. Reasonable protection of fishery beneficial uses must be interpreted as *recovery* of native anadromous fish species in the

Sacramento/San Joaquin system. Anything short of recovery is merely delayed extinction and the attendant loss of fishing jobs and related businesses. Thus, we urge the Board in finalizing the Phase II proposal to adhere to the best scientific information available, namely the Board's Delta Flow Criteria Report, describing the flow and habitat requirements necessary for fishery recovery. We appreciate the Board's recognition of the CVPIA's anadromous fish doubling goal in the Report and urge compliance with that provision.

The Board places too much reliance on adaptive management as a management alternative in the Draft Scientific Basis Report. The Board implicitly recognizes the inherent problem with adaptive management in the Report itself:

Inadequate or nonexistent requirements may lead to insufficient flows to protect fish and wildlife, drainage of cold water for water supply and instream flow purposes, redirected impacts to times of year when flow requirements are less strict or do not apply and overreliance on one tributary to meet flow and water quality requirements. While there are additional flow and operational requirements included in ESA and CESA requirements to avoid jeopardy of listed species, the State Water Board has an independent and distinct obligation to reasonably protect fish and wildlife that may extend beyond the ESA and CESA requirements.

Draft Scientific Basis Report, p. 5-1. Despite that sentiment, the Report describes that virtually all factors affecting salmonid survival in the Bay-Delta system will be adaptively managed, including flow release schedules (i.e. block shaping or flow sculpting) and reservoir management, Delta outflow and X2 location, overall unimpaired flow volume, Delta Cross-channel gate operation, achievement of functional flows, and interior Delta/OMR flows. Additional flexibility is provided in provisions for nebulous "adaptive management experiments." Each level of adaptive management adds more overall flexibility to the system, making it more difficult to attain required parameters and to provide accountability for failure to achieve those parameters.

Although we recognize that flexibility is an important facet of managing a system as complex as the Bay-Delta and its tributaries, we have seen too many instances of adaptive management used when water supply is limited to erode protections for fish. "Biological goals" may not be definite enough to rein in adaptive management flexibility. Measuring achievement of those goals, or failure thereof, lags behind the adaptive management decision-making process and could result in mere *ex post facto* analyses of whether the appropriate decisions were made. But conditions in the Bay-Delta and its tributaries are documented, modeled and in most cases foreseeable. The Board should develop strong, protective parameters that system managers must follow to the extent that hydrological, biological and other conditions are foreseeable. Adaptive management should be available to managers, but reserved for situations in which conditions truly are unforeseeable.

Efforts to coordinate decision-making with other science, planning and regulatory efforts should be tempered by the need to update those parallel processes. For instance, the Bureau of Reclamation, National Marine Fisheries Service, and other state and federal agencies have reinitiated consultation on CVP/SWP impacts on endangered Winter Run Chinook and other species, in recognition of the fact that the existing 2009 biological opinion (BiOp) is insufficient to prevent jeopardy to those species. Thus, it would be error for the Board to blindly rely on

measures described in the 2009 BiOp. The Board should strive to coordinate with the reconsultation efforts of those agencies to ensure that any coordinated Bay-Delta Pan/BiOp measures are based on the updated BiOp, as the new BiOp should reflect the most up-to-date state of the science.

Thank you again for the opportunity to comment on the Draft Scientific Basis Report. Please direct any questions/comments to the IFR office at PO Box 29196, San Francisco, CA, 94129.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Sloane". The signature is fluid and cursive, with a prominent initial "T" and a long, sweeping underline.

Tim Sloane, Executive Director
Pacific Coast Federation of Fishermen's Associations
Institute for Fisheries Resources

A handwritten signature in black ink, appearing to read "John McManus". The signature is cursive and somewhat stylized, with a large initial "J" and a long, sweeping underline.

John McManus, Executive Director
Golden Gate Salmon Association