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February 29, 2008

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Via E-Mail: klarsen@waterboards.ca.gov
And U.S. Mail

Ms. Karen Larsen
Senior Environmental Scientist
Central Valley Water Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, California 95670

*Re: Regional Water Board Actions to Protect Beneficial Uses in the
Sacramento-San Joaquin Delta*

Dear Ms. Larsen:

Through this letter, the San Luis & Delta-Mendota Water Authority ("Authority") and Westlands Water District ("Westlands") provide written comments for the March 5, 2008 Public Meeting on Regional Water Board Actions to Protect Beneficial Uses in the San Francisco and Sacramento-San Joaquin Delta.

The Authority was established in 1992 as a joint powers authority and consists of 32 water agencies. Each of the Authority's member agencies contract with the United States Department of the Interior, Bureau of Reclamation ("Reclamation") for water supplied from the federal Central Valley Project ("CVP"). In total, the Authority's members are entitled to receive approximately 3.3 million acre-feet of CVP water annually. Approximately 2.7 million acre-feet of this CVP water is used on agricultural lands within California's western San Joaquin Valley, San Benito County, and Santa Clara County. Of the remaining allotted CVP water, 200,000 to 250,000 acre-feet is used for municipal and industrial uses, including those within the Silicon Valley, California; and approximately 300,000 to 350,000 acre-feet is used for environmental purposes, including for waterfowl and wildlife habitat in the San Joaquin Valley, California.

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DIEPENBROCK HARRISON

Karen Larsen, Senior Environmental Scientist
Central Valley Water Board
February 29, 2008
Page 2

Westlands is a California water district and member of the Authority. It holds rights to receive from Reclamation up to 1,150,000 acre-feet of CVP water annually. Westlands utilizes its water supply for municipal and industrial purposes, as well as for irrigation of approximately 500,000 acres on the west side of the San Joaquin Valley in Fresno and Kings Counties. Westlands' farmers produce more than 60 high quality commercial food and fiber crops in both the domestic and export sectors of fresh, dry, canned, and frozen food markets. More than 50,000 people live and work in the communities that are dependent on Westlands' agricultural economy.

The Authority and Westlands recognize the complex challenges facing the San Francisco Bay and Sacramento-San Joaquin Delta ("Bay-Delta"). As such, the Authority and Westlands have been active and consistent collaborators in numerous efforts that were initially intended to provide balanced and durable solutions; however, since 1991 the CVP has borne a significant and disproportionate share of the burden in implementing actions intended to overcome the Bay-Delta's challenges. Today, to help improve water quality in the Bay-Delta and fish and wildlife habitat, the CVP provides on average each year \$65 million dollars and has reprioritized for environmental purposes approximately 3.5 million acre-feet of water.

Yet, despite these disproportionate, enormous efforts by and impacts on the CVP, fish populations appear to still be in significant decline. In 2005, the Interagency Ecology Program ("IEP") initiated a study of the Bay-Delta system to identify the potential cause of the declines of pelagic fish. On January 15, 2008, the pelagic organism decline management team for the IEP published its "Pelagic Organism Decline Progress Report: 2007 Synthesis of Results" ("2007 POD Synthesis Report"). More recent, the National Marine Fisheries Service issued a white paper on the Coho and Chinook salmon decline in California during the spawning seasons of 2007 and 2008 ("Coho and Salmon White Paper"). The 2007 POD Synthesis Report and the Coho and Salmon White Paper confirmed what the Authority and Westlands have been stating for many years: the CVP and the State Water Project are not the sole or even primary cause of fish decline in the Bay-Delta or elsewhere. The Public Policy Institute of California reached this same conclusion in a report entitled: "Envisioning Futures for the Sacramento-San Joaquin Delta."

For these reasons, the Authority and Westlands greatly appreciate the collaborative effort by the State Water Resources Control Board ("State Water Board") and the Regional Water Quality Control Boards to facilitate comprehensive solutions to the challenges facing the Bay-Delta.

DIEPENBROCK HARRISON

Karen Larsen, Senior Environmental Scientist
Central Valley Water Board
February 29, 2008
Page 3

Specific Comments

1. Development of a Comprehensive Regional Monitoring Program

The Authority and Westlands support a comprehensive regional monitoring program for contaminants. It is a necessary tool to understand the causes of pelagic organism decline, and may assist with a better understanding of potential factors stressing other organisms. However, the development of the monitoring program must incorporate stakeholder involvement, beyond the Central Valley Clean Water Association and the Sacramento River Watershed Program. The Authority and Westlands welcome the opportunity to participate in the process.

Further, while the Authority and Westlands support a comprehensive monitoring program for contaminants, the Authority and Westlands are concerned that such a program will not provide data in a timely manner and will not be tied closely enough to actions that the monitoring data indicate should be taken. The Authority and Westlands foresee significant utility in integrating contaminants monitoring with other monitoring programs, as well as regulatory and "management" decisions. Data on the conditions of fish and wildlife, their prey, and the water quality where the fish, wildlife, and prey exist could be assembled and analyzed as it becomes available. The results of the data analysis could then be used to guide corrective actions on a near-real time basis. The comprehensive regional monitoring program for contaminants should be developed with these types of data applications in mind.

The Authority and Westlands have the following more specific recommendations concerning monitoring that should be a part of the program described above.

2. Monitoring to Characterize Discharge from Delta Islands

The Authority and Westlands support the desire of the State Water Board and Regional Water Quality Control Boards to monitor discharge from Delta islands. Ideally, all discharges from Delta islands would be monitored simultaneously. However, if simultaneous monitoring of all drainages is infeasible at this time, prioritization could be based upon quantity of discharge, cropping patterns for lands discharging, or extent of existing state control over the discharger.

When monitoring those drainages, the monitoring should focus on pesticides. Water column monitoring appears most appropriate for organophosphate pesticides, whereas pyrethroids are best detected through sediment toxicity monitoring, with sediment control practices offering good opportunities to prevent pyrethroids from being discharged. In addition to pesticides, monitoring for selected metals, such as copper, zinc and nickel, may provide useful information.

DIEPENBROCK HARRISON

Karen Larsen, Senior Environmental Scientist
Central Valley Water Board
February 29, 2008
Page 4

3. Assessment of the Potential Impact of Ammonia on Delta Species

Recent studies reveal that ammonia has adverse impacts on fishery resources in the Bay-Delta. In particular, investigations of pelagic organisms are suggesting that ammonia has contributed to their decline. For this reason, the Authority and Westlands support ammonia monitoring.

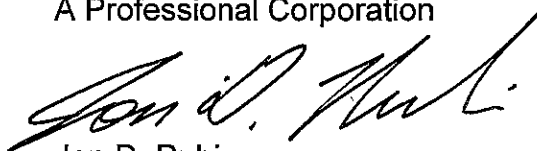
4. Development of Actions Related to Pesticide Use in the Delta

The staffs report suggests the use of a memorandum of understanding, similar to that used in Glenn County and Butte County, to determine the need for increased enforcement of or additional restrictions on in-Delta pesticide use. The Authority and Westlands are not familiar with that MOU and therefore cannot comment on its utility to Delta counties. Nonetheless, for the reasons stated in the staff report, the Authority and Westlands support an effort to investigate in-Delta pesticide use.

The Authority and Westlands look forward to the March 5 meeting, and anticipate providing additional comments at that time.

Very truly yours,

DIEPENBROCK HARRISON
A Professional Corporation



Jon D. Rubin
Attorneys for the San Luis & Delta-Mendota
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JDR/jvo

Cc: Daniel G. Nelson
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