

Statement of the California Department of Fish and Game
Presented by

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At The
State Water Board Workshop to Receive Information on Development of a
Strategic Workplan for the San Francisco Bay/Sacramento-San Joaquin Delta

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Madam Chair and members of the Board, good morning. My name is Perry Herrgesell, and I am the Water Policy Advisor to the Director of the Department of Fish and Game. The Department appreciates the opportunity to provide feedback on the development of the strategic workplan for actions the Water Board's will take to address water quantity and quality-related problems in the Delta.

The Department supports the Water Boards' development of a more specific strategic workplan. The actions identified in the December 2007 resolution and the attachments to the Workshop notice are significant and will certainly aid in recovery of the Delta.

The Department supports your continued commitment to ensure impacts on beneficial uses of the Delta are comprehensively addressed by balancing environmental protection and water supply reliability. In developing the Board's strategic workplan, the Department requests the Water Board consider including a commitment to address the Department's highest priorities. Specifically, the Department's highest priorities are the short and long term protection of three species: Delta Smelt, Longfin smelt, and San Joaquin River fall-run chinook salmon. One way the Board can protect these species is by ensuring adequate water flow in the tributaries to the San Joaquin River. Increased instream flow during the spring in the Stanislaus, Tuolumne, and Merced Rivers has triple benefits. First, higher spring flow at Vernalis and into the south Delta will likely increase the likelihood of net positive flow in the Old and Middle Rivers and will possibly reduce entrainment of smelt by the export facilities. Second, adequate flows will also increase salmon smolt production in, and smolt outmigration from the Stanislaus, Tuolumne, and Merced Rivers. And, finally, increased flows will likely aid in smolt survival of juvenile salmon migrating into and through the Delta.

With respect to the BDCP, Water Board participation on the Steering Committee for the Bay Delta Conservation Plan is especially important because there may be fundamental changes necessary in Delta operations that may require changes in water rights permits and water quality standards. Your guidance will be

essential to ensuring a successful outcome to the BDCP that will include reversing the decline of fisheries and achieving water supply and water quality goals for the Delta.

We also recommend you coordinate closely with the Delta Vision Blue Ribbon Task Force as it prepares over the next few months a Strategic Plan to implement the Delta Vision to protect the Delta Ecosystem. The Task Force is considering comprehensive approaches that may be implemented outside of the Legal Delta. The Delta Vision acknowledges in its third recommendation that the Delta ecosystem must function as an integral part of a healthy estuary. As stated earlier, management of the Delta and its tributaries cannot be separated: If upstream water quality, water quantity, and fisheries problems are addressed similar impacts in the Delta will be lessened. The Board has an opportunity to recommend actions in the Delta tributaries and watershed to improve water quality and flow conditions to protect the Delta ecosystem. The Delta Vision also includes options for implementing water transfers, improving water use efficiency, and implementing water conservation measures for which the Board has existing regulatory authority. You have a window of opportunity to help shape the Delta Vision Strategic Plan as it is developed over the next several months.

The Department agrees with your commitments to complete pollutant-specific TMDLs in the Delta. All of the TMDL work planned and underway is essential. However, in carrying out this work, I urge the Board to carefully consider the outcome of these pollutant-specific actions in a wide context so that actions taken to address one pollutant do not have the unintended consequence of worsening conditions with respect to other pollutants or water flow. While the TMDL work identifies many pollutants of concern, the draft strategic workplan does not include the mechanism for adding pollutants and watercourses to the work that needs to be done. For example, adding emerging problems such as water temperature problems in the tributaries to the San Joaquin River is essential to comprehensive management of the Bay-Delta Estuary.

We are appreciative that the Water Boards plans to participate fully in the studies identified in the Interagency Ecological Program's Pelagic Organism Decline Project related to toxic pollutants. Your leadership, partnership, and collaboration are essential to successful completion of the POD investigations. These efforts should be a very high priority for the Water Board.

An example is the key role the Water Boards play in addressing nutrients, particularly ammonia, in the Delta. The efforts described in the Workshop supporting documents should be developed with an eye to better understanding possible direct toxicity of ammonia to fish as well as how this parameter might inhibit Delta primary productivity. The Water Board should compile all research conducted in the Delta related to ammonia such as ERP-funded work of Dr. Dugdale and POD-funded research of Dr. Werner to begin the development of a comprehensive response. It is essential that you better characterize

discharges from municipal wastewater, storm water, and agriculture-related discharges and develop water quality objectives for ammonia in the Delta.

We are pleased that the draft resolution coordinates the completion of the Department's work on the San Joaquin River fall-run Chinook salmon life history simulation and population abundance assessment model and scheduling of a Water Board workshop to discuss adequacy of spring flow objectives in the San Joaquin River. The model is one tool that DFG is developing to assist the Board and others in implementing the strategic work plan.

With this new information, the Department will be better able to participate in the workshop and to provide a more complete foundation for any actions you might take. We are working closely with your staff to establish a scientifically defensible model and to complete efforts that could lead to consideration of alternate water quality objectives or other actions.

In July, the Department expects we will be able to provide an overview of the comments we have received on the original model and how the Department scientists are responding. We will also be prepared to describe a new iteration of the model.

Finally, in the December resolution the Water Board committed to require the implementation of a Delta-wide water quality monitoring effort. In Attachment A of the Workshop notice the monitoring commitment is missing. The Department recommends this monitoring be highlighted in your strategic plan because it is crucial that the State Water Board coordinate the Regional Board monitoring efforts. Additionally, your efforts to require a Delta-wide monitoring program are central to comprehensive management of Bay-Delta fisheries and other aquatic resources.

The Department recommends that the San Francisco Bay Regional Monitoring Program be used as a model for how to carry out and fund monitoring efforts in the Delta and the watershed upstream of the Delta. The State Water Board must take a leadership role to have a chance of implementing a consistent approach to coordinate sampling among agencies, enhance comparability of data, and to provide a long-term commitment to analyze the collected data. Broad scale and consistent monitoring is needed if we want to be able to tell a more complete story of the Bay-Delta Estuary and its upstream habitats, the quality of water and sediments, and the health of its organisms. This comprehensive monitoring effort will allow the interested public better understanding, will provide scientists with the underpinnings needed for more focused research, and will supply resource managers the information to move forward with adaptive management actions.

The Department of Fish and Game continues to stand ready to assist the Board, to provide any and all information we may have, and to participate in these important tasks.

If you have any questions of me, I would be happy to address them now.