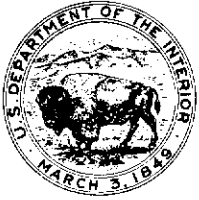


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# United States Department of the Interior

OFFICE OF THE SOLICITOR  
Pacific Southwest Region  
2800 Cottage Way  
Room E-1712  
Sacramento, California 95825-1890

2003 DEC 31 PM 3:07

IN REPLY  
REFER TO:

December 31, 2003

Gita Kapahi, Chief  
Bay Delta/Special Projects Unit  
Division of Water Rights  
State Water Resources Control Board  
1001 "I" Street, 2<sup>nd</sup> Floor  
Sacramento, CA 95814

Subject: Scope of Review of 1995 Delta Water Quality Control Plan

Dear Sir:

Enclosed please find five copies of comments by the U.S. Department of the Interior, regarding Scope of Review of 1995 Delta Water Quality Control Plan, January 2004.

Please feel free to call me if I can be of further assistance at 916-978-6133.

Sincerely,

Daniel G. Shillito  
Regional Solicitor

By: Alf W. Brandt  
Assistant Regional Solicitor

Enclosures

cc: John Renning  
Roger Guinee  
Wayne White  
Kirk Rodgers

## United States Department of the Interior

### Comments To California State Water Resources Control Board Regarding Scope of Review of 1995 Delta Water Quality Control Plan

*January 2004*

The United States Department of the Interior (Interior) supports the State Water Resources Control Board's (SWRCB) initiation of a review of the 1995 Water Quality Control Plan (WQCP) for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Delta). Since its 1995 adoption, Interior agencies have implemented programs to support and comply with the objectives that the WQCP set. In those nine years, our experience in operating the Central Valley Project (CVP) and protecting Delta fish and wildlife resources have provided important data, new information and a valuable perspective on the Delta's water quality. Interior notes that several other related projects, including the South Delta Improvement Program and the Endangered Species Act consultation on the CVP/SWP OCAP, are proceeding at this time. Interior supports suggestions that the Board hold an additional scoping hearing in Summer 2004, in order to incorporate review of the progress on those projects.

The agencies and stakeholders also have made great strides in protecting the Delta's water quality and beneficial uses through the CALFED Bay-Delta Program, which was in its infancy when the SWRCB adopted the 1995 WQCP. That program includes several projects aimed at protecting the beneficial uses of water in the Delta. While the proposed review would not address WQCP implementation, review of the standards in the context of the last decade's progress may inform the SWRCB's deliberations on the WQCP's water quality objectives.

Interior has reviewed the Notice of Public Workshop and the list of five issues that the SWRCB has proposed for review. Interior's experience indicates that actual Delta conditions related to those issues may suggest consideration of some adjustments in the objectives, provided that any adjustments provide equivalent or better protection for the identified beneficial use. In addition, the State and federal agencies have identified other issues where there may be an opportunity to improve the water quality objectives and make more effective use of California's limited water resources in achieving the water quality necessary for all beneficial uses in the Delta. Interior therefore offers the following more specific comments for the SWRCB's consideration in setting the scope of the triennial review.

- **San Joaquin River Flow Objectives.** In the last two years, water project and fishery agencies have allowed exceedences of this objective in order to conserve limited water supplies during dry hydrologic conditions. The SWRCB may consider options that would provide some flexibility in this objective that would provide equivalent protection for the fishery beneficial uses identified for this objective. The 2003 state court decision regarding SWRCB Decision 1641 also may dictate some review of these flow objectives for the pulse flow period in April-May of each year. In addition, Interior suggests that the SWRCB include a review of the studies that evaluated the objectives (including base flows) in preparation for Decision 1641 and their assumptions as to methods of compliance.

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January 2, 2004**

- **Chloride Objectives.** The present compliance location at Contra Costa Water District Pumping Plant #1 may no longer provide the most effective assessment for fulfilling this objective.
- **Suisun Marsh Salinity Objectives.** Since 1995, the agencies involved in the Suisun Marsh have made substantial progress in addressing the competing water quality needs in the Marsh. These federal, state and local agencies currently are assessing the potential scope of a joint EIS/EIR for the Suisun Marsh Implementation Plan. These agencies likely will present new information and assessment of the salinity standards in the western marsh during the SWRCB's review.
- **Narrative Salmon Objective.** Despite substantial funding limitations, Interior agencies have continued making progress in implementing Central Valley Project Improvement Act (CVPIA) programs to protect and restore Chinook salmon and other anadromous fish populations in the Central Valley. We are currently developing statistical methods for determining progress toward the CVPIA's "doubling goal." The SWRCB's review of the status of the narrative salmon objective would provide a helpful forum for assessing progress toward this objective.
- **Monitoring Program.** Over the last decade, the agencies managing Delta monitoring programs through the Interagency Ecological Program (IEP) have gained substantial experience and data. Interagency coordination on monitoring and scientific issues, particularly through the CALFED Bay-Delta Program, has continued to improve. The SWRCB's review may provide a timely opportunity for IEP agencies to provide updated information on Delta monitoring programs.
- **X2 and Rio Vista Objectives.** Experience in the last several years suggests that there may be times when strict compliance with X2 and Rio Vista objectives may not provide the most effective use of water to protect the identified fishery beneficial uses. At times, there can be operational conflicts between upstream and Delta fishery management objectives. Increased flexibility with procedural safeguards through interagency coordination may provide a more efficient way to balance competing fishery needs.
- **Export/Inflow Ratio.** Pursuant to the 2000 CALFED Record of Decision, the water project and fishery agencies have used the flexibility provided by the E/I Objectives to support the Environmental Water Account. The SWRCB could be helpful by reviewing and clarifying the proper use of the 3-day running average versus the 14-day running average, as reflected in the WQCP's Footnote 23.