

**SWRCB Workshop on Amending the 1995 WQCP
Comments on Topic 5
By
Department of Water Resources¹
January 12, 2005**

The Department of Water Resources submits the following comments regarding Topic 5 "Delta Outflow" and amending the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.(1995 WQCP). Our comments follow the specific questions as described by the SWRCB in its Revised Notice of Public Workshop (Sept. 17, 2004).

Delta Outflow

"Should the SWRCB amend the Delta Outflow Objective in the Water Quality Objectives for Fish and Wildlife Beneficial Uses (Table 3 of the 1995 Plan) by adding flexibility to the values of the objective or by modifying footnote 14 to allow alternative methods to meet the objective? How should the value or footnote 14 be modified and what are the scientific and legal arguments in support of and against such modifications?"

DWR recommends that the SWRCB revise footnote 14 of Table 3 describing the Delta Outflow objective to provide for flexibility in the "X2" objective under certain conditions. The purpose of the X2 objective is to maintain salinity downstream of specific locations² in the western Delta and Suisun Bay during the February through June period; it is assumed this period is of particular importance to fishery species that reside in and migrate through the Delta. X2 is the distance from the Golden Gate to the location upstream in the Delta where the 2 parts per thousand isohaline exists. Through previous analyses performed in early 1995, it was determined that 2.64 mmhos/cm as measured near the surface of the water is equivalent to the 2 parts per thousand isohaline.

Although the X2 objective was designed to protect fishery resources in the Delta, DWR believes it may be appropriate to consider how such protection may impact other beneficial uses (i.e. upstream fishery habitat needs). By creating a mechanism to flex the X2 objective at Port Chicago, the SWRCB could improve its ability to balance between beneficial uses.

The X2 Objective requires a specified number of days when maximum daily average electrical conductivity of 2.64 mmhos/cm be maintained at Port

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² The X2 objective applies at three locations in the Western Delta and Suisun Bay; however, DWR is confining its comments just to the requirement to maintain X2 at or downstream of the most western location, Port Chicago, which is in the vicinity of Roe Island.

Chicago. The number of days requiring the 2.64 mmhos/cm is triggered based on the previous months "Eight River Index" that is defined in the WQCP Table A. Compliance with the objective is defined as (1) maintaining the daily average EC of 2.64 mmhos/cm or less, (2) maintaining the 14-day running average EC of 2.64 mmhos/cm or less, or (3) maintaining the Net Delta Outflow Index (NDOI) of 29,200 cfs or more on a 3-day running average. To maintain the required number of days, Reclamation and DWR increase releases from CVP and SWP reservoirs or reduce exports to comply with the standard. DWR believes there may be circumstances when the water used to satisfy this requirement could be used at other times for beneficial uses without impacting the fishery ecosystem benefits that X2 is intended to protect.

Therefore, DWR recommends language be added to footnote 14 to allow an adjustment in either the number of days required to maintain X2 at or downstream of Port Chicago or reduction in the required NDOI. Flexing of the Port Chicago X2 objective would be allowed through a process similar to that used to flex the Export-to-Inflow Ratio described in the WQCP Table 3 Footnotes 24 and 22 (or as provided in Decision 1641 Table 3 Footnotes 20 and 18). For example, Footnote 14 could be modified, as shown by the underlined language, as follows:

"The minimum daily Delta outflow shall be 7,100 cfs for this period, calculated as a 3-day running average. This requirement is also met if either the daily average or 14-day running average EC at the confluence of the Sacramento and the San Joaquin rivers is less than or equal to 2.64 mmhos/cm (Collinsville station C2). If the best available estimate of the Eight River Index (described in footnote 13) for January *Additional Delta outflow objectives are contained in Table A on page 26. The number of days or Delta outflow required to satisfy the Port Chicago Objective can be adjusted if agreed to by the U.S. Fish and Wildlife Service, the NOAA Fisheries, and Department of Fish Game. Any agreement on adjustment in the number of days or NDOI for the Port Chicago Objective will be effective immediately but must be presented immediately to the SWRCB Executive Director for review. If the Executive Director does not object to the adjustment within 10 days, the reduction will remain in effect. If the Executive Director objects to the reduction, the original number of days in effect prior to the adjustment must be achieved.*"

The benefits provided by flexing the Port Chicago objective would be considered only under conditions that would not impact other fish protections, water supply reliability, or Delta water quality. Last year, the CALFED Operations Group asked that stakeholders review the Port Chicago X2 objective and provide

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recommendations to Reclamation and DWR on possible changes in methods of compliance that would maintain the objectives. Through the Operations and Fisheries Forum (an Operations Group sub-committee), specific comments and recommendations have been provided to DWR and Reclamation. DWR and Reclamation are reviewing the recommendations to decide how we could apply these actions to flex the Port Chicago objective to make the most reasonable and best use of the water available during a season. These recommendations could be used to create a process that the Operations Group would follow to determine if the Port Chicago Objective should be flexed, similar to the Salmon Decision Tree Process that was presented to the SWRCB during the workshops on the salmon doubling narrative objective and operation of the Delta Cross Channel.