

March 28, 2013

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95814-0100



RE: Draft Substitute Environmental Document for Proposed Changes to Water Quality Control Plan for Bay-Delta: San Joaquin River Flows and Southern Delta Water Quality

Dear Ms. Townsend:

The California Waterfowl Association (CWA) would like to take this opportunity to provide comments on the draft Substitute Environmental Document (SED) for the State Water Resources Control Board's proposed changes to the Water Quality Control Plan for the Bay-Delta. Specifically, the proposal would establish San Joaquin River (including three of its tributaries) instream flows of 35% of unimpaired flow from February through June primarily to benefit native fish populations and improve southern Delta water quality.

CWA is a 20,000-member 501(c)3 nonprofit organization dedicated to the conservation of California's waterfowl, wetlands and hunting heritage.

As part of this mission, we strongly support the restoration and enhancement of wetlands—a critically important habitat for waterfowl and about 240 species of wildlife, including a host of threatened and endangered species, which has been reduced by over 90% from its historical acreage. Due to changes in natural hydrology and other factors, our remaining wetlands must be artificially irrigated and intensely managed to provide suitable habitat for wetland-dependent species. This conservation effort is almost entirely dependent upon affordable and reliable supplies of surface water, and includes diversions from the Sacramento-San Joaquin Delta and its tributaries.

In addition, we recognize and support the role that irrigated agriculture, particularly rice and corn, plays in providing food and habitat for waterfowl at various times of the year. In the Central Valley, up to 50% of the caloric needs of waterfowl are met by post-harvest, flooded agriculture, for example. Typically, this habitat is also created through surface water diversions from the Delta or its tributaries.

We believe that additional instream flow requirements for the Bay-Delta, such as those currently proposed, will likely have direct, negative impacts on the availability of water for managed wetlands and waterfowl-friendly agriculture. Like instream flows to benefit salmon and other fish species, these waterfowl habitats also constitute “beneficial uses of water for fish and wildlife.” The SED needs to adequately acknowledge and analyze the reduction in available water for managed wetlands and other waterfowl habitat.

While CWA well recognizes the possible water quality benefits of the SWRCB's proposed changes for some waterfowl habitat in the Suisun Marsh and Delta, there are still significant

amounts of wetlands in the San Joaquin Valley that could be negatively affected by an overall reduction in available water supplies. This includes National Wildlife Refuges (NWR), State Wildlife Areas and private wetlands within Merced County that fall under the Refuge Water provisions of the Central Valley Project Improvement Act (Public Law 102-575).

In particular, CVPIA Incremental Level 4 Refuge Water deliveries (as mandated under Section 3406(d) and 3406(b)(3)) would become even less reliable than currently provided if the SWRCB's proposed changes are implemented.

This is because Incremental Level 4 water, which is intended to provide optimal wetland management capability, must necessarily be secured each year via the spot market (which is due, in part, to the continued difficulty in securing long-term water supply agreements). While the Incremental Level 4 water needs total some 133,000 acre-feet, in most years only about 50% of this amount is actually delivered. (For 2013, only 34,000 acre-feet has been acquired thus far for CVPIA habitat areas south of Delta.) The result is significantly reduced spring and summer waterfowl brood habitat, as well as a more limited capacity to grow waterfowl food plants.

By reducing available water supplies, not only would the SWCRB's proposed instream flow requirements for the San Joaquin River and its tributaries further limit the amount of water available for annual Incremental Level 4 Refuge Water purchases, but also possibly increase the price of water for sale on the open market by restricting supply. While the price of water has already increased significantly over the last 20 years due to competing demands, too few sellers and other factors, any additional price increases would severely strain the limited CVPIA water acquisition budget provided at both the state and federal levels.

Recognizing the ongoing constraints to moving water south of Delta, it should be noted that the ability to utilize regional or local water supplies will likely become more important to providing Incremental Level 4 water for CVPIA refuges and wildlife areas in the San Joaquin Valley.

Please also note that the need for additional wetland habitat to provide food resources and habitat for waterfowl in the San Joaquin Valley is ongoing, and that significant acreage goals and objectives have been identified by the Central Valley Joint Venture in its 2006 Implementation Plan <http://centralvalleyjointventure.org/science>. Just recently, the U.S. Fish and Wildlife Service also proposed to expand its San Joaquin River NWR, which would eventually include the restoration and enhancement of managed wetlands. Thus, water supply needs for managed wetlands in the San Joaquin will only increase in the future.

Thank you for the opportunity to comment. If you have any questions on CWA's input on this matter or need additional information, please do not hesitate to contact me at 916-648-1406 x105 or mhennelly@calwaterfowl.org.

Sincerely,

Mark Hennelly, Vice President of Legislative Affairs and Public Policy
California Waterfowl Association

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