



July 27, 2018

Via U.S. Mail and email

Felicia Marcus, Chair  
State Water Resources Control Board  
P.O. Box 100  
Sacramento CA 95812-2000  
Email: [LSJR-SDComments@waterboards.ca.gov](mailto:LSJR-SDComments@waterboards.ca.gov)

**Re: Comments on the Proposed Update to the Bay-Delta Plan regarding San Joaquin River Flow Objectives**

Dear Chair Marcus and Members of the Board:

California Waterfowl appreciates the opportunity to comment on the final draft of the Bay-Delta Water Quality Control Plan update for the Lower San Joaquin River and Southern Delta. The California Waterfowl Association is a statewide nonprofit organization whose principal objective is the conservation of the state's waterfowl, wetlands, and hunting heritage. California Waterfowl believes hunters have been the most important force in conserving waterfowl and wetlands.

California Waterfowl is concerned about the potential negative impact of the proposed flow objectives on state wildlife areas, national wildlife refuges, and private managed wetlands in the San Joaquin Valley. To a large extent, state wildlife areas and national wildlife refuges rely on water made available under the Central Valley Project Improvement Act (CVPIA) through the Central Valley Project. Approximately 65 percent of this supply is delivered with a fairly high priority under Level 2 of the CVPIA, but the remaining 35 percent is under Level 4 and must be acquired from willing sources on an annual basis and is rarely fully made available. California Waterfowl is concerned that changes to Delta flow requirements on the San Joaquin River and its tributaries may make it increasingly difficult to obtain even the Level 2 supply, while making Level 4 supply almost impossible.

At one time, the Central Valley of California had seasonal wetlands covering approximately four million acres. Approximately 206,000 acres of wetlands still exist, or five percent of the historical total. Of those remaining wetlands, about 95,000 acres depend on surface water deliveries from the Central Valley Project, mostly located south of the Delta in the San Joaquin and Tulare Basins. Wetlands also exist in

the Butte, Colusa, Suisun, Yolo, Delta, American, and Sutter Basins. These last primarily depend on drain water and other “last in line” surface water deliveries from agricultural water districts.

The Grasslands Ecological Area in the San Joaquin near Los Banos comprises the largest contiguous wetland area west of the Rocky Mountains. The ecological area is recognized worldwide as a wetland of international significance. Public agencies and private landowners have invested billions of dollars to protect and manage the wetlands for the benefit of migratory waterfowl and other wetland-dependent species. The Central Valley’s wetlands help recover species from the brink of extinction (Aleutian Canada Goose), and prevent species from becoming critically endangered (giant garter snake and tricolored blackbird).

The Central Valley Project relies on the continued ability to release and divert water to meet the needs of managed wetlands in the Sacramento and San Joaquin Valleys. In recent years, CVP operational restrictions have reduced deliveries of water to managed wetlands in the San Joaquin Valley at critical times of year. Cold water management in the fall often delays the delivery of water at the beginning of the managed wetland season, when migratory birds are beginning to appear. OMR restrictions in the winter greatly affect the total availability of water south of the Delta. San Joaquin River inflow-to-export constraints can make water unavailable for managed wetland irrigation in the spring.

One particular aspect of the proposed revisions to the Water Quality Control Plan has negative implications for tens of thousands of acres of managed wetlands that export their water supplies from the Delta. The proposal would relax salinity standards at Vernalis and other downstream points in the southern Delta, changing the standard in April through August from 0.7 mmhos/cm to 1.0 mmhos/cm and thereby creating a year-round standard of 1.0 mmhos/cm. (Appendix K, p. 15.) Currently, this relaxed standard of 1.0 mmhos/cm only applies during the non-irrigation season. Instead of requiring a water rights process whereby the responsibilities for meeting this new standard will be considered and assigned, the proposed order indicates that the Bureau of Reclamation will continue to be held to a more stringent 0.7 mmhos/cm standard during the irrigation season, in order to provide “assimilative capacity” for other water users and salinity dischargers. (*Id.* p. 45.)

The only way for Reclamation to get out from under this inequitable and premature assignment of responsibility is to develop and possibly even implement a Comprehensive Operations Plan, Monitoring Special Study, modeling, and/or Monitoring and Reporting Plan. Only then, the proposed order indicates, the SWRCB “may also consider the responsibility of others for implementing the interior southern Delta salinity objective.” (*Id.*, pp. 42-43.) This new proposed change places an unfair burden of compliance on the Bureau of Reclamation and impermissibly conditions Reclamation’s water rights without the benefit of a water rights hearing. Salinity compliance in the lower San Joaquin River, including at Vernalis, is a complex topic that has been the subject of years-long public processes and stakeholder engagement. The SWRCB should strike the new language from its order that dictates how the new standard will be met, and should instead require a transparent and informed process that better engages upstream and in-Delta stakeholders, Reclamation, and the public.

It is becoming increasingly apparent that fish in the Delta do not benefit merely from increased flows, but that they can thrive on nutrient-laden water produced on floodplains, including rice fields and managed wetlands. The practice of throwing greater flows at the Delta, without taking into consideration the importance of managed wetlands and floodplains, has resulted in continued declines in fish populations and the waste of considerable amounts of water out to sea over the past 25 years or so.

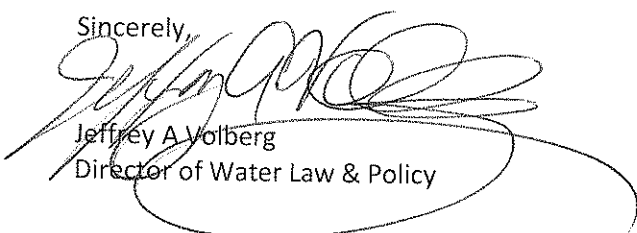
Managed wetlands, combined with floodplain management and winter flooding of rice, can provide multiple benefits not only to fish, but to waterfowl and other wetland-dependent species, agriculture, flood control, etc. The Nigiri Project on the Knaggs and Conaway Ranches has demonstrated the ability of floodplains to provide actual habitat that improves the growth, body condition, and survival rate of outmigrating salmon. Whether projects like this can continue to operate under unimpaired flow requirements as proposed in the update is doubtful.

As just one example on the San Joaquin River, the introduction of flows into the Eastside Bypass through the San Joaquin River Restoration Program has resulted in a proposal to raise and strengthen the levees that disconnect the bypass from the Merced National Wildlife Refuge. Despite scientific study results that show better conditions for fish if there is increased connectivity between the bypass and adjacent managed wetlands, a "flow alone" approach has resulted from the administration of the San Joaquin River Restoration Program by the Bureau of Reclamation and Department of Water Resources, to the detriment of potential opportunities to improve floodplain habitat.

The Governor's Water Action Plan (2016 Update) calls for continued collaboration by interested parties to meet the needs of the environment as well as water users. California Waterfowl believes in voluntary agreements that provide tailored functional flows and non-flow measures that serve multiple benefits and improve the health of the Delta, without pitting environmentally beneficially uses of water against one another. Functional flows that utilize managed wetlands, floodplains, and rice fields will better serve fish and birds in the long-term than a rigid unimpaired flow approach.

Thank you for your consideration of California Waterfowl's comments. If you have any questions regarding the comments, please contact Jeffrey Volberg at (916) 217-5117 or [jvolberg@calwaterfowl.org](mailto:jvolberg@calwaterfowl.org).

Sincerely,



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Director of Water Law & Policy