

March 28, 2012

Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, California 95814

**Re: DSC Council March 29-30 Meeting, Agenda Item 8a; Council direction to staff regarding State Water Resources Control Board's review and update of water quality objectives for the Bay-Delta.**

Dear Chairman Isenberg and Members of the Council:

We are deeply alarmed that the Delta Stewardship Council staff is requesting authorization from the Council to submit a letter to the State Water Resources Control Board regarding the scope of its periodic review of the 2006 Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin River Delta. According to Agenda Item 8a prepared for the Council's March 29-30 meeting, Council staff proposes to recommend that the State Water Board consider several concepts in its review, including X2, a more natural regime for flows, salinity and sediment, and TMDLs for selenium, mercury, ammonia and sediment.

This request is troubling because the Council itself has not approved nor even discussed these policy concepts. For example, neither the fifth draft of the Delta Plan nor the draft environmental impact report for the Delta Plan contains any explanation of what is meant by a more natural flow regime. Further, there is no evidence that the Council has made any findings on how such a flow regime would affect beneficial uses of water, including the multiplicity of public trust resources that the SWRCB is charged with weighing and balancing in its decision making.

Since those policy discussions have not yet occurred, it is premature and inappropriate for the Council to authorize its staff to submit a scoping letter.

As Council staff and Council members may recall, we have asked time and again for staff to fully articulate to the Council in a public forum what is meant by "a more natural flow regime" so the public could provide input to the Council as it considers this important question. We now have the same request regarding what the Council's staff believes the State Water Board should consider related to X2, sediment and TMDLs. The Council should approach these issues in the context of meeting its specific responsibility to achieve the coequal goals.

We respectfully request that the Council provide a public briefing on the issue and specify, in technical and policy terms, what is being recommended. The public should be afforded an opportunity to comment on the recommendations.

Once that process is completed, the Council would be better prepared to consider the positions it should take in the State Water Board's periodic review of the 2006 Bay-Delta Plan, within the context of its own responsibilities.

Since the State Water Board is accepting comments on the scope and content of its review through April 25, there should be ample time for this necessary policy discussion by the Council in a public forum.

As DSC staff correctly noted in materials provided for Agenda Item 8a, many elements of the State Water Board's Bay-Delta Plan affect or relate to policies and recommendations discussed in the Council's draft Delta Plan. While staff's desire to communicate concepts to the State Water Board is understandable, it is inappropriate and ill-advised to convey positions or recommendations that have not been fully discussed and approved by the Council in a public session.

We strongly maintain that any potential changes to water quality objectives for the Bay-Delta should be viewed as one element of a comprehensive, integrated strategy to improve both ecosystem health and water supply for the state as a whole. Any approach to water quality objectives that focuses presumptively and primarily on flow runs counter to the coequal goals. It would in fact likely result in numerous adverse and even devastating consequences on water supply, hydropower generation, aquatic resources and other public trust values.

Thank you for your consideration. We look forward to the policy discussion this matter deserves.

Very truly yours,

Signatures below

cc: Members of the Council  
Joseph Grindstaff



Timothy Quinn  
Executive Director  
Association of California Water Agencies



David Guy  
President  
Northern California Water Association



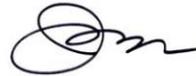
John Kingsbury  
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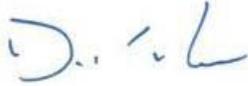
Ronald D. Jacobsma  
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