



June 8, 2012

TO: State Water Resources Control Board (bay-delta@waterboards.ca.gov)

FR: Gary Bobker, The Bay Institute
Doug Obegi, Natural Resources Defense Council

RE: Proposed Phase 2 Bay-Delta Plan workshops, 2012

Thank you for the opportunity to offer some thoughts on the proposed workshops in Phase 2 of the Bay-Delta Water Quality Control Plan update in summer 2012.

ORGANIZATION OF THE WORKSHOPS

The Board should ask experts participating in the workshops to submit material in advance in response to, and to be prepared to discuss at the workshops, a short list of broad questions (see below). Board staff should prepare a more detailed list of questions, based on the submissions, to be asked at the workshops. The workshops themselves should not be organized around detailed presentations by participants, with follow up questioning. Instead, the workshops should be primarily focused on eliciting further information about the submissions and on allowing in-depth exchanges between Board members and staff and the panelists. For this reason, we do not agree with the suggestion that the panels should be broken into "stakeholder" sub-panels, but instead recommend that the participants in each workshop be convened in a single panel. If the Board wants to hear detailed testimony, it should not schedule workshops organized around expert panels. Finally, we strongly support the inclusion of independent experts to both address the workshop topics directly and respond to technical questions.

KEY QUESTIONS FOR PANELISTS

LSZ/Pelagic Organisms/Salmonids

- Is there new scientific information that was not available to the Board in preparing the 2009 Technical Staff Report and the 2010 Delta Flow Criteria

Report and that is relevant to Phase 2 of the Board's update of the Bay-Delta Plan? What is the relevance of this new information to these proceedings?

- For informational purposes, the Board determined public trust flow criteria to protect the Delta ecosystem in 2010. What are the effects on fish and wildlife beneficial uses, and the tradeoffs between different fish and wildlife beneficial uses, if the Board, in balancing between different beneficial uses, adopts objectives that are less protective than these criteria? Are there important thresholds for protection of fish and wildlife beneficial uses that occur at levels less than the public trust flow criteria?
- The Board did not fully consider non-flow factors in determining the public trust flow criteria. What and how should non-flow factors be considered in adopting flow-related objectives? If the Board adopts objectives that are less protective than the public trust criteria, are there non-flow measures that can effectively mitigate against the adverse effects of lower flows? Is there a sufficient scientific basis for comparing the effects of flow and non-flow factors, or for expecting equivalent protection for fish and wildlife beneficial uses from non-flow measures in lieu of meeting the flow criteria?
- The Board is considering an adaptive management range for the implementation of some objectives as part of the update of the Plan. What information should be used to determine the adaptive management range? What criteria should be used to allow modifications to the objective within that range? What scientific information, tools and methods should be used to develop the adaptive management regime?

Water Supply, Hydrodynamic, Hydropower Effects

- Do the analytical tools fully address potential water management and economic measures taken to avoid or mitigate the effects of changes to the Plan? If so, how? If not, how should these measures be included in the evaluation of the effects? If not, what is the utility of these tools and their results when applied to various scenarios?
- The Board did not fully consider upstream effects in determining the public trust flow criteria. As the Board analyzes upstream effects (including effects on flows, temperature control standards, and reservoir storage), how do changes in delta export and diversion levels affect the ability to meet the outflow criteria as well as upstream temperature, flow, and storage requirements? How does the Board best analyze and balance the interplay between diversions, storage, and outflow?