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May 14, 2009

**Via email: bay-delta@waterboards.ca.gov
and First Class U.S. Mail (15 Copies) to:**

Chris Carr
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Comments on PROPOSED MODELING ALTERNATIVES re Consideration of Potential Amendments to the WQCP for the Bay-Delta Relating to Southern Delta Salinity and San Joaquin River Flow Objectives.

Dear SWRCB:

The Central Delta Water Agency (CDWA) is hereby submitting the following comments on the above-referenced modeling alternatives which are set forth in the SWRCB's April 17, 2009, "Second Revised Notice of Public Staff Workshop"

1. **Modeling Alternatives For the Southern Delta Salinity Objectives at this Time is Premature.**

Prior to initiating any type of modeling, the SWRCB should first focus its efforts on the process that is presently underway of determining whether the existing objectives are adequate to protect agricultural beneficial uses in the southern Delta. Once it is determined that the existing objectives are fine as they are, or perhaps need to be made more (or less) stringent, then and only then, would it be appropriate to examine the implementation of whatever those objectives may be. If, after such examination, the SWRCB determines such program needs revision, then various alternative implementation alternatives could be examined. And finally, if it is determined that such objectives cannot be feasibly implemented, and that is a huge complex and legal "if," then, and only then, would it arguably be appropriate to analyze alternative objectives.

Why go through a process of studying alternative objectives at this stage when no one knows, and the SWRCB has not determined, whether the existing objectives need to be changed or whether the objectives determined to be necessary to protect agricultural beneficial uses cannot be feasibly implemented? In sum, the entire topic of alternative objectives at this time is

highly premature. The SWRCB should, if anything, focus solely on the pending verification of the sufficiency of the existing objectives to protect agricultural beneficial uses and proceed accordingly after that process is completed.

a. **If the SWRCB Insists on Proceeding With the Modeling of Alternative Objectives At this Time, the Proposed Modeling is Not Sufficiently Broad.**

While it makes no sense to start modeling alternative objectives at this stage, even if it did make sense, the proposed modeling alternatives are not sufficiently broad.

For starters, the alternatives only focus on dilution. There are many ways to meet the standards, with dilution being only one. All the tools available should be considered, and comprehensive alternatives utilizing all available tools should be modeled. Improvements to the south delta barrier program to better improve circulation, eliminate stagnant zones, etc., should be included. Recirculation of water exported from the Delta, which involves dilution but is a different species of dilution, should also be included. If the SWRCB for whatever reason insists on only considering “traditional” dilution in its proposed alternatives, then the description of the proposed alternatives should clearly disclose that limitation.

Second, an objective lower than the current .7/1.0 EC objective, say, .6/.9 EC, should be modeled in the context of the current regime (i.e., the existing objectives are modeled with .6/.9 substituted .7/1.0). There is no reason to assume at this stage that a lower standard may not be necessary to adequately protect agricultural beneficial uses. When non-dilution measures are considered, such as the incorporation of low flow pumps with the south Delta barriers, it appears probable that with meaningful improvements in south Delta circulation, a lower standard could be feasibly attained without much additional effort, if any. Some good faith modeling in that regard should be able to demonstrate whether such is the case.

Third, the existing objectives should be modeled and compared with all other alternatives. If the SWRCB unwisely insists on modeling alternatives at this time, at a minimum, the existing objectives should be among the modeled alternatives to see how meeting them compares with the other alternatives.

Fourth, the existing objectives should be modeled with .7/1.0 EC substituted with .7 EC year round.

Finally, all of the dilution or other alternatives, should be designed to ensure that the full water supply needs of the New Melones area of origin contractors are met in furtherance of United States Public Law 108-361 (HR 2828 [October 25, 2004]), which provides:

“[The Secretary of Interior] shall acquire water from willing sellers and undertake other actions designed to decrease releases from the New Melones Reservoir for meeting water quality standards and flow objectives for which the

Central Valley Project has responsibility to assist in meeting allocations to Central Valley Project contractors from the New Melones Project.” (PL 108-361, Section 103(f)(1)(F); 118 Stat 1681, pp. 1694-1695, emphasis added.)

2. **Modeling Alternatives For the San Joaquin River Flow Objectives is also Premature.**

As with the salinity objectives, the San Joaquin River flow objectives should logically begin with a determination of what flows are necessary for fish. Once those flows are necessary, then and only then, would it be appropriate to evaluate the implementation of those flows and any alternatives to such implementation. If there is no feasible way to implement the flows, once again a huge complex and legal “if,” then perhaps alternatives containing flows that are less than what the fish need could be considered. But in any case, the focus should logically start with a determination of what flows fish need and then proceed from there.

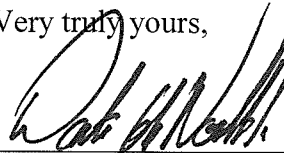
And on that note, as far as logic goes, it would make the most sense to take a top-down approach and first determine what the fish need in the uppermost reaches of the rivers. After that, an evaluation could be made to determine what, if any, additional flow is needed to protect the fish in the lower reaches.

Such a top-down approach would also make the most sense in terms of the southern Delta salinity standards. It may be that after sufficient flow is provided upstream to protect fish, the current southern Delta standards will be adequately met without the need for additional releases or other measures.

If there is an obvious reason why such a logical top-down approach is not being pursued, the SWRCB should fully disclose and explain that reason. If there is not an obvious or other valid reason, the SWRCB should begin focusing its efforts on such an approach.

Thank you for considering these comments and concerns.

Very truly yours,



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