



SENT VIA EMAIL

November 8, 2013

Chair Felicia Marcus
California State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Recommendations from Department of Fish and Wildlife's "Effects on Fish Predation on Salmonids in the Sacramento River-San Joaquin Delta"

Dear Chair Marcus:

The Department of Fish and Wildlife held a workshop on predation on July 22 and 23, 2013. The workshop included several presentations to an independent panel. From these presentations, the independent panel drafted the "Effects of Fish Predation on Salmonids in the Sacramento River-San Joaquin Delta and Associated Ecosystems" ("Predation Report"), which recommended specific actions coming out of the workshop. Several of the recommendations support that predation is a major factor contributing to the decline of native fishes and conclude that action must be taken to reduce predation to enable the recovery of native fish.

The State Water Resources Control Board ("State Water Board") is currently reviewing the San Joaquin River flow and the south Delta salinity objectives in its Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. In support of this review, the State Water Board is revising its draft substitute environmental document ("SED"), which considers the environmental impacts of the proposed changes to the San Joaquin River objectives. As currently drafted, the State Water Board fails to include any mechanism to address predation as recommended by the Predation Report in the proposed objectives, the program of implementation, or the SED.

Specifically, the Predation Report recommends the best approach for reducing predatory fish is to implement removal programs. (Predation Report, at 18.) The State Water Board's program of implementation does not require a predation removal program and the SED does not evaluate the environmental impact of a removal program. Instead, the State Water Board assumes increasing flow will protect native fish species. This flow-focused approach is deficient. The Predation Report found that regulating flow without also addressing predation is unlikely to benefit native fish. (*Id.*, at 18.)

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The San Joaquin Tributaries Authority requests the State Water Board include specific required actions to address predation in the next draft of the revised water quality objectives. In addition, the SJTA requests the revised SED analyze the environmental impacts of such predation programs, consistent with the Predation Report.

Very truly yours,

O'LAUGHLIN & PARIS LLP



VALERIE C. KINCAID

VCK/tlb
cc: SJTA