



December 11, 2015



Felicia Marcus, Chair
and Board Members
State Water Resources Control Board
1001 I street
Sacramento, California 95814

RE: AGENDA ITEM 7 Modification of Temporary Urgency Changes

Dear Chair Marcus and Board Members:

Thank you for increased efforts this year to impose requirements on the Bureau of Reclamation (BOR) and the Department of Water Resources (DWR) that will better protect fish and wildlife. As drought conditions continue, disastrous impacts continue to be borne by many species in this state. Habitat, either in the form of cool water for Winter-Run Chinook Salmon or low salinity Delta habitat for Delta and Longfin Smelt, has been decimated over the past few years. Preventing a permanent extinction of any of these species should be among the Board's top priorities for 2016 and beyond. Below are our comments on the Board's proposed modifications to the Temporary Urgency Changes (TUC).

Drought Contingency Plan

We support the requirement for a publicly vetted drought contingency plan by DWR and BOR with specific targets to maintain a cold water pool at Shasta and to meet Delta salinity objectives. Throughout this drought, DWR and BOR have acted in a manner designed to maximize exports, often at the expense of fisheries. Previous efforts to maintain an adequate cold water pool at Shasta failed following faulty temperature modeling by BOR. The Board and the public must hold these agencies accountable to comply with the Endangered Species Act and the Public Trust Doctrine to preserve California's biodiversity. The Board should specify what procedures will be in place for the public to comment on any plans going forward, and appropriate time to comment on these plans.

Sacramento River Management Plan

We support the need for more robust planning efforts on the Sacramento River to prevent the extinction of the Winter-Run Chinook Salmon. As noted, the loss of the 2016 cohort would be devastating to the species. More frequent temperature modeling and assessments in an open and transparent manner is necessary to ensure that compliance with plans and objectives is likely to occur. More communication between the Board and BOR is critical to allow for contingencies to be deployed should any model fail.

A mandatory minimum for carryover storage at Shasta is a necessary and welcome requirement for operations, but we are concerned that the minimum carryover of 1.6 MAF may not be conservative enough to save the species. Maintaining the cold water pool has been challenging given the different

dynamics we face with the reduction in snowpack. Promising deliveries of water and then realizing we need that water for species was a costly mistake in 2015 that led to the loss of a salmon cohort and wasted investments in planting in the Valley.

We may go into the year needing more than 1.6 MAF to maintain a 56 degree temperature on the Sacramento River this year and still have carryover storage for 2017. The Board should be more conservative in planning and require BOR to keep more water behind Shasta. Should conditions improve, the Board can revisit the issue and allow more water to be released once it is clear that the 2016 cohort of salmon will be protected. Focusing on maximizing exports, rather than maintaining the pool needed to prevent extinctions, must not continue.

Folsom Reservoir Operations

With the requirements that more water be retained behind Shasta to provide a cold water pool, releases from Oroville and Folsom have become essential to repel seawater from the Delta. These reservoirs must continue to release as much water as possible to provide habitat for the imperiled Smelt species in the Delta, while still providing water for municipal uses. The proposed changes in the TUC require that a minimum of 200 TAF be kept in Folsom for municipal purposes. We believe the Board should allow for the maximum amount of water to be available from Folsom for salinity control. Municipal suppliers in the Sacramento region are repeatedly missing conservation targets, and overall use a higher R-GPCD than most of the state. There is much more work to be done in these areas to conserve; continuing to hold back water for ornamental landscapes while species go extinct is not acceptable. Additionally, municipal suppliers have the ability to seek additional supplies from other sources. The Delta Smelt cannot switch to a groundwater source or purchase water from another supplier. The Board should lower the minimum needed for municipal uses in Folsom to what could be achieved with conservation and alternative supplies, and reserve water for salinity purposes in the Delta.

Thank you for the opportunity to comment on the TUC. We understand that it is not an easy process to balance the many needs of California's water. As many sources have noted, the drought has hit the environment the hardest. As we face multiple extinctions, the Board must prioritize protecting species before they are lost forever.

Sincerely,



Kyle Jones
Policy Advocate