

**American Rivers
The Bay Institute
Defenders of Wildlife
Environmental Defense Fund
Golden Gate Salmon Association
Natural Resources Defense Council
Pacific Coast Federation of Fishermen's Associations
Planning and Conservation League
Sierra Club California
Water 4 Fish**

January 24, 2012

Charles Hoppin, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: 2006 BAY-DELTA WATER QUALITY CONTROL PLAN

Dear Chairman Hoppin,

We are writing to urge the State Water Resources Control Board to initiate the next phase of its review of the 2006 Bay-Delta Water Quality Control Plan objectives without delay. Notwithstanding the recent letter from several water and power agencies urging the Board to defer this proceeding until after the Bay Delta Conservation Plan ("BDCP") is complete, we believe that the Board should act now to facilitate the success of the Delta Plan and Bay Delta Conservation Plan.

First, the Board's review and update of the flow objectives in the Bay Delta Water Quality Control Plan is overdue, and further delay is unwarranted. In March 2009, the Board initiated a review of these objectives for the South Delta and San Joaquin River, expressly acknowledging that other geographic components must timely follow. It is almost three years since that notice, and six years since adoption of the 2006 Plan. As you are well aware, the Board has legal obligations under the federal and state Clean Water Acts to review the Water Quality Control Plan's objectives every three years and revise them based on the best available scientific evidence in order to protect designated beneficial uses. Such review and revision is in fact overdue according to both the existing legal mandates and the Board's own schedule. Moreover, the draft Delta Plan prepared by the Delta Stewardship Council explicitly calls for the Board to complete its review and update of the objectives in the Bay Delta Water Quality Control Plan by

Mr. Charles Hoppin

January 24, 2012

Page 2

June 2014. The Delta Stewardship Council has recognized that the Board must initiate the next phase of this proceeding immediately if it is to achieve this policy of the Delta Plan.

Second, there is overwhelming scientific evidence that the current flow objectives in the 2006 Bay Delta Water Quality Control Plan are inadequate to protect fish and wildlife beneficial uses. The precipitous population declines of numerous estuary-dependent species and degradation of estuarine habitat conditions in recent years, and their association with changes in flow conditions, underscore the urgent need for adoption of new, legally appropriate objectives. The extensive record developed for the Board's 2010 Delta public trust flow criteria proceedings supports these findings.

Third, the Delta Reform Act of 2009 directed the State Board to develop public trust flow criteria to protect the Delta ecosystem in order to inform Delta planning processes, including the Board's review and revision of the 2006 Bay Delta Water Quality Control Plan. As is legally required, the Board will consider other relevant information in addition to the flow criteria as part of its work in revising the water quality objectives for the Delta. The Board has never suggested otherwise. For instance, the analyses referenced in the letter from the water and power users regarding the potential impacts of implementing the 2010 criteria may also be used to inform the Board's decision-making. But the appropriate place to consider this information, and evidence from other parties who may dispute those analyses (and we do not intend to address the merit of the assertions in their letter here), is precisely within the context of the Board's proceeding to revise the 2006 Bay Delta Water Quality Control Plan. The water quality review process provides ample opportunity for all interests to bring forward whatever information they choose.

Finally, the Board's involvement now should contribute to the success of the BDCP process. Updated flow objectives in the Water Quality Control Plan that are based on the best available science will help inform the BDCP process and help plan participants develop a realistic and cost-effective plan that can contribute to achievement of those objectives. We also note that while the BDCP is working to develop a long term plan for new conveyance in the Delta, BDCP will not address operations and flows in the interim period before new conveyance is constructed. As such, the Board has an obligation to ensure adequate flow objectives for this multi-year interim period before any new conveyance and conservation measures in BDCP are implemented. Indeed, it is unclear how BDCP will comply with applicable flow objectives if some objectives (such as those applicable to Delta outflow and Sacramento inflow) may be revised only after final adoption of the BDCP.

In summary, the success of the Delta Plan and BDCP depend on a prompt and effective SWRCB examination and update of the water quality objectives for the Bay Delta. We urge the Board to act without delay to begin this process so critical to improving the protection of the Delta's

Mr. Charles Hoppin

January 24, 2012

Page 3

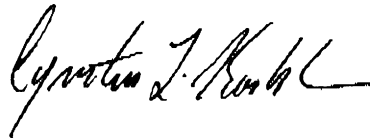
beneficial uses and public trust at a time when they are experiencing an unprecedented level of risk.

We look forward to working with you in the 2006 Bay Delta Water Quality Control Plan review proceedings. Please contact us if you have any questions regarding this letter.

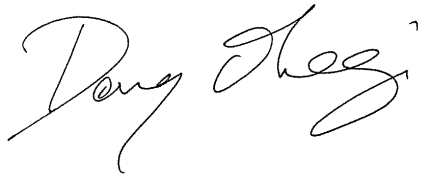
Sincerely,



Gary Bobker
The Bay Institute




Cynthia Koehler
Environmental Defense Fund



Doug Obegi
Natural Resources Defense Council



Kim Delfino
Defenders of Wildlife



John Cain
American Rivers



Victor Gonella
Golden Gate Salmon Association



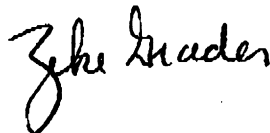
Dick Pool
Water 4 Fish



Jim Metropulos
Sierra Club California



Jonas Minton
Planning and Conservation League



Zeke Grader
Pacific Coast Federation of Fishermen's Assns.