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 Rene Henery, California Science Director

Sent via email to LSJR-SD-Comments@waterboards.ca.gov

July 27, 2018

Felicia Marcus, Chair
 c/o Jeanine Townsend, Clerk to the Board
 State Water Resources Control Board
 Cal/EPA Headquarters
 1001 "I" Street, 24th Floor
 Sacramento, CA 95814

Re: Comments on Revisions to Proposed Bay-Delta Plan Amendments

Dear Ms. Marcus,

Trout Unlimited (TU) appreciates the opportunity to provide comments on the Revisions to the Proposed Amendments (Revisions) to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). The proposed final amendments to the Bay-Delta Plan include revised San Joaquin River flow objectives for the protection of fish and wildlife beneficial uses, as well as an updated program of implementation (Final Amendments). The Final Amendments constitute a positive step toward achieving reasonable protection of fishery beneficial uses. However, the extent and durability of these protections hinge significantly on whether a robust and transparent adaptive management program is developed as part of the program of implementation and whether implementation efforts can integrate effectively with other complementary efforts in the Bay-Delta Plan area.

TU is a non-profit organization with a mission to conserve, protect and restore North America's cold-water fisheries and their watersheds. With over 300,000 members and supporters nationwide and more than 10,000 in California, TU is specifically dedicated to the recovery of trout, salmon, and steelhead, which comprise the historic backbone of California's commercial and recreational fishing industries and are keystone species for California's coastal and Central Valley watersheds. TU members regularly fish on the Tuolumne, Merced, Stanislaus and San Joaquin Rivers and otherwise utilize them for the recreational and aesthetic opportunities they provide. The San Joaquin watershed historically supported robust salmon runs, as well as healthy populations of popular sport fish like steelhead trout. However, several factors, including increasing water diversions, have resulted in severely depressed fish populations. TU considers it a priority to ensure that balance is restored to the San Joaquin River and its tributaries through implementation of measures intended to reverse the downward trajectory of the watershed's cold-water fish species. TU's comments and suggestions are presented below.

Trout Unlimited: America's Leading Coldwater Fisheries Conservation Organization

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Comments/Recommendations

TU recognizes that the State Water Resources Control Board (SWRCB or Board) seeks public comment only on the Revisions to the Final Amendments. The Revisions did not materially modify the Proposed Amendments in response to TU's previous comments on the Revised Substitute Environmental Document (SED). Therefore, TU's previous comments on the Proposed Amendments and SED remain valid and are incorporated by reference (TU Revised SED Comments). TU appreciates that the Revisions contemplate a program of implementation with several promising elements including plans for biological goals development, adaptive management, and comprehensive monitoring. However, the development of the majority of these elements will not occur until after the Revised Bay-Delta Plan has been adopted and many decisions are deferred to a to-be-determined working group (STM Working Group). Given this lack of detail, it remains uncertain how implementation of the Bay-Delta Plan objectives will affect fish and wildlife beneficial uses. TU recommends that the steps below be taken to ensure that the program of implementation (including the adaptive management plan) is developed with sufficient specificity to support the conclusions that the Bay-Delta Plan objectives will be achieved and fish and wildlife beneficial uses will be reasonably protected.

- (1) Recommendation 1: The Biological Goals Process should include a defined process for public input and SWRCB approval.

To be effective and transparent, the adaptive management program must include specific population and/or habitat targets for all species of concern that will be utilized to determine whether the Bay-Delta Plan objectives are being achieved. The current narrative objective represents an adequate overarching goal statement however it does not provide any specific and measurable targets or metrics for the indicators it references. Such metrics are necessary to provide the objective sufficient structure to allow the effects of its implementation to be meaningfully analyzed and to determine whether the program of implementation will actually achieve it.

TU understands that the Board plans to convene a group to develop biological objectives following adoption of the Final Amendments. To ensure that the deliverables that emerge from this effort are credible and scientifically robust, TU urges the Board to appoint qualified experts representing a range of entities to the group. Specifically, TU recommends that regional technical experts from non-profit organizations, state and federal agencies and different water user groups be included in the group.

TU also recommends that the Board utilize existing resources to identify biological goals and objectives for inclusion in the program of implementation. In addition to the sources provided in TU's Revised SED Comments, the Board should consider new science that has been developed since the Revised SED was released. Several scientific efforts specifically related to biological goals and objectives in the Bay-Delta Plan Area have been completed or significantly developed over the last several years. This information should inform any Board effort to develop biological goals/objectives. TU recommends that the Board consider holding a series of

technical workshops to receive this new information to ensure that all entities involved in biological goals/objectives development are aware and understand the best available scientific information on this topic.

- (2) Recommendation 2: The STM Working Group should include NGO representation, including at least one fishery organization, and should accept public input at defined times. Additionally, the SED should describe the procedures the group will follow when “consensus” is not possible.

We have several recommendations for the Board to consider related to the STM Working Group. First, we recommend that the Board give direction to the Executive Director to appoint at least two representatives from conservation or fishery non-governmental organizations with demonstrated interest and relevant expertise to serve on the STM Working Group to help ensure balanced and diverse discussions and decisions.

Second, we recommend that STM decisions accept public input on certain decisions/deliverables such as the annual implementation plans. We appreciate that there is an anticipated public process associated with the comprehensive plans.

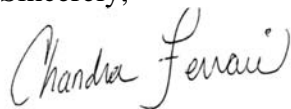
Third, we recommend that STM Working Group decision-making process include developing procedures (with opportunity for public input) to be applied when consensus cannot be achieved or when strong dissent is registered to a proposed flow change.

Conclusion

The Bay-Delta Plan is among the most important tools available to ensure that water resources are being equitably and reasonably utilized. For far too long, fishery resources have shouldered the consequences of a deeply imbalanced water regime. The Final Amendments begin to address this imbalance however the language still strongly errs on the side of providing flexibility at the expense of details. If these details do not emerge in a robust fashion in the post-plan process, it will cement the long-standing water management practice of placing the burden of an inadequate and uncertain strategy on the most compromised water user in the system: the fish. As a result, fish populations and others that rely on healthy fish populations for their livelihoods and recreation will continue to shoulder most of the burden of providing water for other needs. TU strongly recommends that the steps above be taken to ensure that the program of implementation is developed with sufficient specificity to support the conclusion that fish and wildlife beneficial uses will be reasonably protected.

Thank you for your consideration of TU's comments on the Revisions to the Proposed Amendments to the Bay-Delta Plan. If you have any questions, please feel free to contact us.

Sincerely,



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From: Chandra Ferrari <Chandra.Ferrari@tu.org>
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To: LSJR-SD-Comments@waterboards.ca.gov; WQCP1Comments
Subject: Trout Unlimited Comments on Revisions to Proposed Bay-Delta Plan Amendments
Attachments: TU_SJ_FinalSED_Commentletter_Final with chapters.pdf

Attached please find Trout Unlimited Comments on Revisions to Proposed Bay-Delta Plan Amendments. Please contact me with any questions. Thank you.



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