

APRIL 26 1994

**State of California**

**Before the State Water Resources Control Board**

**Review of Standards for the San Francisco Bay -  
Sacramento - San Joaquin Delta Estuary**

**Public Workshop by the State Water Resources  
Control Board**

**April 26, 1994**

**Comments and Recommendations by the California  
Sportfishing Protection Alliance**

The State Water Resources Control Board (SWRCB) is convening this workshop to seek comments and recommendations regarding standards for the San Francisco Bay - Sacramento - San Joaquin Delta Estuary (Bay Delta Estuary).

We have reviewed the Notice of Public Workshop of March 25, 1994. We reference said notice to the CSPA comments and recommendations.

The following are the comments and recommendations of the CSPA:

The Bay Delta Estuary has been adversely impacted by both water exports from the Bay Delta Estuary and by upstream storage reservoirs and diversions. We reference the SWRCB's findings in Draft Decision 1630.

Draft Decision 1630 provided a solution to help repair the damages caused by Delta exports and upstream storage reservoirs and diversions. Governor Wilson killed Draft Decision 1630.

On January 6, 1994, the U.S. Environmental Protection Agency published draft standards in the Federal Register for protection of fishery-related beneficial uses in the Bay Delta Estuary.

**Key Issues for April Workshop**

1. Which standards should the State Water Board focus on during this triennial review?

We recommend and urge the State Water Board to adopt the USEPA standards for the Bay Delta Estuary to protect and restore the public trust resources harmed by past SWRCB decisions. We believe the State Water Board has a duty and a responsibility to protect the public trust resources of the Bay Delta Estuary which have been harmed by Delta exports and upstream storage reservoirs and diversions.

2. What level of protection is required by the California Water Code and the Clean Water Act for protection of public trust uses in the Bay Delta Estuary?

The USEPA has stated that the late 1960's to early 1970's habitat conditions are consistent with the requirements of the Clean Water Act. We agree. We reference the USEPA findings in the development of standards for the Bay Delta Estuary.

We recommend and urge the State Water Board to adopt the USEPA standards for the Bay Delta Estuary to protect and restore the public trust resources harmed by past SWRCB decisions.

3. What are the principal environmental, water supply and economic effects of USEPA's draft standards? Should these standards, or modified versions of the standards, be considered as alternatives in this review?

The USEPA standards will protect and help restore the public trust resources and assets harmed by past State Water Board decisions which have not protected the public trust resources of the Bay Delta Estuary.

To reduce specific economic and water supply impacts to domestic water users who share State Water Project water, all upstream storage reservoirs and diversions should contribute water to the Bay Delta Pool. The State Water Board needs to initiate actions to revisit all upstream water projects, and modify and improve minimum environmental and fishery flow requirements. Increased minimum environmental and fishery flow requirements would provide additional inflow into the Bay Delta Pool to help with the necessary water to meet the USEPA standards and protect and help restore the public trust resources of the Bay Delta Estuary.

Currently the State Water Board will be making decisions concerning the lower Yuba River and the lower Mokelumne River. These decisions should provide more water flowing into the Bay Delta

Pool. The CVPIA will also be providing additional water to flow into the Bay Delta Pool. The FERC is proposing to modify environmental and fishery flow requirements in the lower Tuolumne River. That should provide additional water flowing into the Bay Delta Pool. The federal court has determine that water from Friant Dam on the San Joaquin River will be released to restore the public trust chinook salmon fishery which was extinguished by the operation of the Friant Project. In cases where upstream reservoirs are controlled by the Federal Energy Regulatory Commission, the California Department of Fish and Game must take an aggressive role in having project minimum flows requirements for public trust fishery resources modified and improved which would provide additional water flowing into the Bay Pool.

In conclusion there are numerous options available which would reduce individual economic and water supply impacts and provide for additional water flowing into the Bay Delta Pool to meet the USEPA standards and restore the Bay Delta Estuary. Additional water to restore the public trust resources of the Bay Delta Estuary must be shared by all water users which store and divert water from upstream water sources.

That concludes the comments and recommendations of the CSPA for the workshop of April 26, 1994.

Respectfully Submitted



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