

April 24, 2012



Via U.S. Postal Service and electronic email to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Mr. Charles Hoppin, Chair  
Ms. Francis Spivey-Weber, Vice-Chair  
Ms. Tam M. Doduc, Member  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Re: Scoping Comments on the Update to the Water Quality Control Plan for the  
San Francisco Bay/ Sacramento-San Joaquin Delta Estuary

Dear Chair Hoppin and Members of the State Water Resources Control Board:

The East Bay Municipal Utility District (EBMUD) appreciates this opportunity to provide the following comments in response to the State Water Resources Control Board's (State Water Board) Notice of Preparation for the "Update to the Water Quality Control Plan (WQCP) for the San Francisco Bay/ Sacramento-San Joaquin Delta Estuary: Comprehensive Review." We recognize the complexity and difficulty in balancing the many needs of the resources in this update of the WQCP, and our intent is to engage constructively to support these efforts.

### **Broad Consideration of Beneficial Uses, Public Interests & Public Trust Resources**

The State Water Board has broad jurisdiction to balance beneficial uses, public interests, and public trust resources. As the WQCP review process moves forward to update the Bay Delta Plan, the Board will be engaged in a process that will have a regulatory effect. Therefore, the Board must engage in a comprehensive review, including a review and consideration of all the effects of proposed flow objectives through a broad inquiry into all public interest and public trust concerns. This includes a review and balancing of a broad range of public interest matters including human health and welfare, and economics and power production. Its public trust inquiry must consider a review of all trust resources, such as requiring sufficient water for cold water pools in reservoirs to maintain temperatures in Delta tributaries. In this process the Board must ensure the reasonable protection of beneficial uses of water, including municipal and industrial uses.

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### **Use of Best Available Science**

The State Water Board's CEQA documentation for the Project should contain the best available science. Only by including and evaluating such information can sound policy decisions be made. As a corollary to this point, we strongly urge against reliance on outdated or superseded studies and reports, of which there are many, in this process. Reliance on such bad information can result in poor decisions that may actually cause more environmental harm than benefit.

To the extent it is necessary to examine the Eastside tributaries in the CEQA documentation for the Project, we offer the extensive Mokelumne River habitat monitoring program and science database. For almost 20 years, EBMUD has engaged in a comprehensive scientific monitoring program of the Mokelumne ecosystem. This program includes gathering data on the ground, in the river field work, and monitoring devices. Fishery monitoring is conducted each year by EBMUD biologists and related staff. Studies have also been conducted by resource agency staff and in collaborative efforts by university researchers such as the Center for Watershed Sciences at U.C. Davis. Terrestrial wildlife riparian corridor studies have been conducted as well.

The results of this long-term and active monitoring program are compiled in over 70 studies, reports, and published literature, which together form an extensive and current scientific database and library of the Mokelumne ecosystem. It represents the best available ecosystem science on the lower Mokelumne River. The studies, reports, and literature can be accessed at: <http://ebmud.com/resource-center/publications/reports/fisheries-reports>. This database should be used in any analysis of Delta flow contributions from the Mokelumne River and in assessing the impacts of proposed flow alternatives on the Mokelumne ecosystem.

Additionally, EBMUD along with the U.S. Fish & Wildlife Service, California Department of Fish and Game, and U.S. Bureau of Reclamation are currently studying the effects of closing the Delta Cross Channel gates on Mokelumne origin adult Chinook Salmon. We will gain a better understanding of the effects after more information has been collected and studied.

### **Modeling**

To the extent the State Water Board wishes to have flow information from the Mokelumne River component of the Eastside tributaries as part of its environmental analysis for this WQCP Project, EBMUD offers to perform such computer modeling studies. We have provided such modeling support to the State Water Board in earlier rounds of Bay Delta environmental review. For example, we performed modeling studies

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for the State Water Board in support of its 1997 Environmental Impact Report on the 1995  
Bay-Delta WQCP and would be happy to do so again.

We appreciate that you recognize the importance of having a fair and open process based  
on the best available science to develop an updated WQCP. We are available to offer  
assistance with any resources and research you may need to ensure that sound and well  
grounded water quality objectives are contained in the updated WQCP. Please contact me  
at (510) 287-1240 or [ltam@ebmud.com](mailto:ltam@ebmud.com) if you have any questions or would like additional  
information.

Very Truly Yours,



Lena L. Tam

Manager of Water Resources Planning Division

LLT:SAT:smc

cc: Les Grober, SWRCB  
Diane Riddle, SWRCB  
Karen Niiya, SWRCB