

From: "Bob Baiocchi" <baiocchi@psln.com>
To: "Jean McCue" <WrHearing@waterboards.ca.gov>
Date: 1/20/2006 3:39:02 PM
Subject: Water Quality Response Plan - Comments to the SWRCB

January 20, 2006
Ms. Jean McCue, Staff
Division of Water Rights
State Water Resources Control Board

Re: Water Quality Response Plan - California Department of Water Resources
and US Bureau of Reclamation; Item No. 8 on SWRCB Agenda for February 1, 2006

Via-E-Mail

Division of Water Rights and State Water Resources Control Board

The following are comments by the Anglers Committee and the Baiocchi Family regarding the proposed Water Quality Response Plan for the Delta concerning the California Department of Water Resources (CDWR) and the US Bureau of Reclamation (USBR), and also being heard and potentially approved by the SWRCB on February 1, 2006. The deadline period for comments from the public et al is Monday at noon (January 23, 2006).

Delta Smelt are being adversely effected by the operation of water projects by the CDWR and the USBR. High water temperatures are adversely affecting Delta Smelt populations. Please see attachment shown below. That is a water quality issue.

The USBR and the CDWR are in the process of a EIS/EIR document for the South Delta Improvement Project, subject to public comments. We are still awaiting to receive a copy of the document from the USBR so that we can submit comment.

The US Fish and Wildlife Service has a duty and responsibility to protect Delta Smelt in the Delta.

I have standing with the State Water Resources Control Board. See attachment.

Relief Requested

This is new information that must be considered and mitigated by the SWRCB.

The Water Quality Plan for the Delta must be amended to provide specific water temperature requirements below 66 degrees F. to protect Delta Smelt and their habitat. Delta Smelt are public trust assets and belong to the people. The Board has a duty and responsibility to protect the people's trust assets.

The USBR must complete the NEPA/CEQA process for the South Delta Improvement Project before the Board approves any more water being diverted water from the Delta, subject to public review and comment.

Cold water must be released from the USBR and CDWR reservoirs to protect and sustain cold water species in the Delta such as Delta Smelt and other anadromous fish species such as federally protected spring-run chinook salmon

and steelhead trout. The Board must also order other reservoir operators with reservoir directly affecting the Delta to release cold water from their reservoirs, when needed and necessary.

The Board must consult with the US Fish and Wildlife Service and obtain their recommendations to protect Delta Smelt regarding the effects to Delta Smelt population and their habitat resulting from water quality impacts resulting from the Water Quality Plan for the Delta that was approved by the Board.

I am requesting a response to our comments.

Please forward any and all decisions in the subject matter to me via e-mail. Thank you.

Respectfully Submitted

Bob Baiocchi
The Baiocchi Family
The Anglers Committee

cc: Interested Parties

DELTA SMELT:

Outlook for Delta smelt at new low

Stockton Record - 1/20/06

By Warren Lutz, staff writer

STOCKTON - A new, record-low number of Delta smelt is prompting some scientists to wonder if the entire species of the bellwether fish is heading belly-up.

The 2- to 5-inch, translucent blue fish - often used to gauge the Delta's overall health due to its sensitivity to its environment - is at the lowest numbers in history, according to one measuring stick used by the state.

The smelt population has dropped to a third of the number recorded in 2004, according to a Fish and Game survey last month. The 2004 numbers were already the lowest since the state began tracking the fish in the 1960s.

"I would say most scientists who work with these fish are convinced that the species is at great risk of extinction within the next couple of years, based on these numbers," said Tina Swanson, a biologist with the San Francisco-based Bay Institute.

The fate of the already-threatened species is linked to the massive water systems that deliver Delta water to 23 million Californians, most in the southern San Joaquin Valley and Southern California. Export pumps near Tracy are sometimes turned off because they kill large numbers of smelt.

The populations of smelt and several other fish species in the Delta have been declining for several years, prompting a large research effort by a team of government and academic scientists last year. Initial results fingered water exports and invasive species as possible causes, although pollution is believed to be another factor.

Fish and Game biologist Chuck Armor said the latest smelt numbers place even greater pressure on finding answers.

"It basically says that we can't let up," he said.

University of California, Davis, scientist Bill Bennett said he believes the smelt are headed for extinction. Rising water temperatures and time could deal the final blow, he said.

The fish don't survive well in water warmer than about 66 degrees Fahrenheit, he said, and Delta waters during the summer already approach that temperature.

"Given the inevitability of global climate changes, it's likely that the Delta-Suisun Bay environment will simply get too warm for the fish," he said.

Losing the species may not have a significant impact on the Delta, Bennett said. But finding answers to the smelt's decline is still important. The fish is unusual because it lives for only a year and lays relatively few eggs compared with other fish.

"There's an awful lot we can learn about the Delta environment by studying this fish," Bennett said.

It's also important because many people will blame water exports if the smelt die off, he said.

In 1993, the Delta smelt became a threatened species under the Endangered Species Act when the fish were found dying in water pumps near Tracy. Some scientists have tied increased water exports to the fish's decline.

But the effect of water shipments won't tell the whole story, Bennett said.

"The truth is going to be a lot muddier than that," he said.

Swanson, however, said exports are something that officials have some control over.

"It's a knob that you can turn that lets you change the system," she said. "There's not nearly enough knobs to manage invasive species, ... but for exports, you have something you can change."

She said the latest smelt numbers are prompting more talk of extinction, but there may still be time to do something.

"I'm not optimistic," she said. "On the other hand, I'm not completely writing

these fish off. ... I think it's going to take a real concerted effort." #

<http://www.recordnet.com/apps/pbcs.dll/article?AID=/20060120/NEWS01/601200318&SearchID=73233143059653>

####

CC: "Mike Jackson" <mjatty@sbcglobal.net>, <William_Foster@fws.gov>, "Robert Baiocchi" <baiocchi@psln.com>, "Joel Baiocchi" <jcblaw2@juno.com>, "Dale #2 Marsh" <dale@tileartisans.com>, "Brian Marcus" <marcus@psln.com>, "Doug Patterson" <innatedoc@earthlink.net>, "Vicky Whitney" <VWHITNEY@waterboards.ca.gov>, "Steve Herrera" <SHERRERA@waterboards.ca.gov>, "Arthur Baggett Jr." <abaggett@waterboards.ca.gov>