



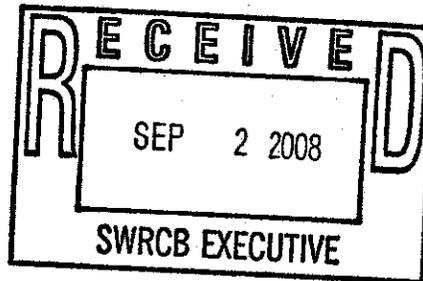
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

9/17/08 Bd. Wrkshp
San Joaquin River Flows
Deadline: 9/3/08 by 12:00 p.m.

VIA ELECTRONIC SUBMISSION

September 3, 2008

State Water Resources Control Board
Jeanine Townsend, Clerk to the Board
P. O. Box 100
Sacramento, California 95812



Re: San Joaquin River Flows Workshop

Dear Ms. Townsend:

We are responding to the State Water Resources Control Board's (Board's) August 11, 2008 Notice of Public Workshops on San Joaquin Flow Objectives.

At the outset, we commend the Board for engaging in this review. As you know, recent judicial developments pursuant to the California and Federal Endangered Species Acts have resulted in the piecemeal species-by-species management of the San Joaquin River. We believe that the Board, which has authority over both water quality and water rights, is particularly well situated to implement a more comprehensive plan for protecting all of the beneficial uses of the river.

At this time, we have three short comments for your consideration.

1. **Updating the Vernalis Adaptive Management Plan (VAMP).** EPA staff were significantly involved in the original development of the VAMP in the 1990's. All too often, "adaptive management" is an ill-defined euphemism that masks an inability or an unwillingness to make tough decisions. Such is not the case with the VAMP. We believe that the adopted VAMP was a scientifically sound, well-defined protective experiment that should yield significant information about the interrelationship between South Delta flows and salmonid recovery.

EPA's scientific staff has been actively participating in the San Joaquin River Technical Committee's (SJRTC's) evaluation of the current status of the VAMP. We understand that this evaluation will be presented to the Board at its first workshop in September. In addition, the SJRTC intends to make a proposal for how best to move forward with the VAMP at the Board's second workshop in November. Although EPA has not yet seen these final recommendations, given our significant participation in the process, we anticipate supporting the SJRTC proposals.

2. **San Joaquin River Impacts on Delta Food Chain.** Recent research from the IEP Pelagic Organism Decline investigations has highlighted the importance of San Joaquin River flows in moving nutrients and other food chain components into the Delta. Once in the Delta, this food supply supports both migratory and pelagic fishes in the Delta. We believe that the Board should evaluate whether it should take affirmative action to assure that the San Joaquin River can deliver this food source at appropriate times and volumes.

3. **Maintaining X2 habitat in the Fall.** Finally, EPA is reiterating its comments submitted to the Board on June 18, 2007, during the Pelagic Organism Decline workshop. Among our recommendations was a proposal to develop an adaptive management experiment protecting X2 habitat in the fall months. Implementing such a proposal would most likely have impacts on the flow regimes in both the Sacramento and the San Joaquin River systems. We therefore believe it is an appropriate topic for consideration by the Board in its deliberations on San Joaquin River flows.

Conclusion

Thank you for your continued leadership on these issues. I would be happy to make our technical staff available to the Board if you have any questions. To do so, or if you have any other questions about our comments, please contact me at (415)972-3472.

Very truly yours,

Karen Schwinn
Associate Director
Water Division