



THE LEAGUE OF WOMEN VOTERS OF CALIFORNIA

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State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

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Dear Chairman Caffrey and Members of the Board:

The League of Women Voters of California (LWVC) offers these comments to the State Water Resources Control Board (SWRCB) on the December 1994 Draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

The League is generally supportive of the SWRCB's draft Water Quality Control Plan (WQCP) and the Delta Agreement upon which it is based. However, we do have some concerns over both the draft WQCP and the "Principles for Agreement on Bay-Delta Standards between the State of California and the Federal Government" signed on December 15, 1994. We view this draft WQCP in the same vein as we view the Delta Agreement. Both serve as interim actions that will stabilize the Estuary but not provide the long-term standards needed to fully protect Delta-dependent species and to restore the Estuary.

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LWVC has consistently supported the authority of the SWRCB to set standards that will ensure the protection and management of the State's water resources for designated beneficial uses, including public trust values. The Board's responsibility in ensuring that the Principles of the Agreement are enacted must necessarily extend beyond its traditional water quality standard setting process. We believe the final WQCP should reflect the State's commitment to assure the implementation of the total program of actions envisioned by the Agreement.

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Several points need to be addressed in the final WQCP:

- 1) The WQCP should reflect that fact that the Agreement does not establish standards that will ensure Delta protection for the long term.
2) Success in stabilizing the Estuary and protecting endangered species is inextricably linked to full implementation of the Central Valley Project Improvement Act (CVPIA). The WQCP should strengthen

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this linkage and not be viewed as a substitute for the CVPIA or other Bay-Delta protection efforts.

- 3) Both the WQCP and the Agreement fail to offer adequate protection for species under stress but not yet listed, e.g., spring run salmon, Sacramento splittail, and longfin smelt. Operational flexibility and adaptive management (control over pumping, gate closures, etc.) are important elements in the Agreement that could be used to further protection of these species.
- 4) The Operations Group (Ops Group) created in the Agreement to oversee operational flexibility can help ensure the successful implementation of the WQCP and put in place the non-standard setting elements of the Agreement that are needed to move toward full protection of the Delta. Therefore, LWVC believes it is important for the SWRCB to prescribe the charter of the Ops Group so as to ensure a balanced representation of all the stakeholders. A starting place would be inclusion of the signatories to the Agreement as voting members and broadening membership to include representatives of commercial and sport fishermen and other appropriate parties.
- 5) The WQCP should ensure that the \$180 million restoration fund included in the Agreement to fund Category III activities be put in place. If the users can reach agreement on how to assess the \$60 M yearly sum (for the three years of the Agreement), well and good. Otherwise, the WQCP should include default requirements that will assess some sort of user fee if consensus is not reached by a specified date. The WQCP funding requirements also should ensure that the intent of the Agreement to supply largely new monies be carried out.
- 6) Use of Category III funds should be directly linked to restoration of the Bay-Delta Estuary, be coordinated with CVPIA restoration activities, and be reviewed by state and federal fish and wildlife protection agencies (U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Game).
- 7) The flexibility in the Agreement to alter Delta operations (pumping, gate closures, etc.) and purchase additional water for species not receiving full protection under the WQCP and the Agreement needs to be maximized. Absent stakeholder consensus, we

recommend that the WQCP authorize the use of Category III funds to purchase water for environmental purposes that otherwise would not be released for Bay-Delta protection.

- 8) The SWRCB has encouraged consensus efforts in previous Bay-Delta hearings and we commend the consensus process that resulted in the Agreement. However, several elements necessary for Bay-Delta protection were not incorporated formally into the Agreement but have received oral acceptance among the stateholder coalition that formulated the Agreement. Therefore, we recommend the final WQCP incorporate refinements to the standards if they are submitted as consensus recommendations from the stakeholder coalition.
- 9) LWVC again recommends that the WQCP include provisions encouraging the maximum use of water conservation and reclamation in both the agricultural and urban sectors. We also urge the implementation of the San Joaquin Valley Drainage Program and concur that all water supply agencies receiving water from the Delta should establish aggressive groundwater management programs at the local and regional levels.

In conclusion, we urge the SWRCB to promulgate the final WQCB expeditiously and to establish procedures that will ensure early incorporation of amendments to the plan when proposed as consensus amendments by the stakeholder coalition and CALFED.

Thank you for the opportunity to comment during this phase of the Hearings. We will be happy to clarify any comments we have made.

Sincerely,

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