

Exhibit CSPA-2

Witness Testimony

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Hearing to Determine Whether to Modify Part A of Order WR 2006-0006 which, in part, adopted a Cease and Desist Order against the Department of Water Resources and United State Bureau of Reclamation

25 June 2009

Before the State Water Resources Control Board

The purpose of my testimony is to provide some historical context to the proceeding, point out available alternatives for meeting salinity standards, identify the problematic aspects of solely relying upon operable barriers, respond to the Key Issues in the hearing notice and to suggest that, while the State Board lacks the authority to mandate a particular solution, it has the obligation to ensure compliance with legally promulgated water quality standards.

The salinity problem in the Delta has been long known and extensively documented

California Water Code Section 12202 states, "Among the functions to be provided by the State Water Resources Development System, in coordination with the activities of the United States in providing salinity control for the Delta through operation of the Federal Central Valley Project, shall be the provision of salinity control and an adequate water supply for the users of water in the Sacramento-San Joaquin Delta. Water Code Section 12203 states, "It is hereby declared to be the policy of the State that no person, corporation or public or private agency or the State or the United States should divert water from the channels of the Sacramento-San Joaquin Delta to which the users within said Delta are entitled." The foregoing pertains to both the quantity and quality of water. Water Code Section 12204 states, "In determining the availability of water for export from the Sacramento-San Joaquin Delta no water shall be exported which is necessary to meet the requirements of Sections 12202 and 12203 of this chapter."

The consequences of increased diversion and export of upstream water on salinity encroachment in the Delta has been understood since inception and development of the Central Valley Project from 1933 to the present.

As the State Board found in WRD-990 in 1961, salinity control in the Delta was one of the primary purposes of Shasta Dam (Water Code § 11207(c)) and one of purposes of the federally authorized Central Valley Project (CVP). WRD-990, p. 48. Salinity control was also a purpose to the water rights applications and assignments. WRD-990, p. 49. The State Board reserved continuing jurisdiction over water rights permits for the purpose of formulating terms and conditions relative to salinity control in the Delta.

Indeed, between 1958 and 1971, the State Board, in seven different decisions, acknowledged the salinity problems created by the CVP. Continuing jurisdiction to include additional salinity protection in water rights permits was reserved each time. Interestingly, in WDR-1379 (1971) the State Board also noted that the Federal Water Pollution Control Act in 1970 included requirements for federal agencies having jurisdiction over facilities or engaged in public works activity to insure compliance with applicable water quality standards. WDR-1379, p. 19.

In 1967, the State Board adopted WRD-1275, which approved permits for the Department of Water Rights' (DWR) State Water Project (SWP). The permits included conditions reserving the State Board's jurisdiction to address salinity control in the Delta.

The State Board approved permits for the U. S. Bureau of Reclamation's (USBR) New Melones Reservoir by WRD-1422 in 1973. The permits were conditioned on meeting salinity standards.

Delta salinity water quality standards first issued in 1978

Following the completion of a comprehensive study of the impacts of salinity on Delta crops by the University of California in 1976, the State Board adopted the 1978 Water Quality Control Plan and Decision 1485 in 1978. The 1978 Plan established the salinity objectives in place today.

Because of ongoing negotiations, the State Board elected to not allocate responsibility for meeting the standards. Instead, it stated that it would take appropriate enforcement actions if the problems weren't resolved by 1980. 1980 came and went and no action was forthcoming.

Following the Racannelli Decision, the State Board again attempted to address salinity in the ill-fated 1988 Draft Water Quality Control Plan for Salinity. Noting that progress had been, "too slow and decisive action is needed," the Plan proposed a series of alternatives to meet the 1978 salinity standards. Those alternatives focused on reductions in exports from CVP and SWP facilities and increased water use efficiency. The 1988 Draft Plan retained the WRD-1485 numerical salinity standards but recommended a 14-day averaging rather than the 30-day averaging in the 1978 Plan. The proposed flow reductions went far beyond those required in the recently issued biological opinions from the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). The effort, following six months of evidentiary hearings, was stillborn.

The State Board tried again in 1991 and adopted the 1991 Water Quality Control Plan for the Delta. The 1978 numerical standards were again retained. A staged implementation plan was established with final implementation to occur in 1996. The U.S. Environmental Protection Agency rejected the Plan as not complying with the Federal Water Pollution Control Act (Clean Water Act).

The State Board adopted the 1995 Water Quality Control Plan for the Delta in 1995. The salinity standards remained the same and the effective implementation data was extended from 1 January 1996 to 31 December 1997. The same year, the State Board temporarily amended DWR's and the USBR's water rights for the SWP and CVP to be consistent with the recently adopted water quality plan. The USBR was required to release water from New Melones Reservoir on the Stanislaus River to meet the Vernalis salinity standard.

DWR and USBR assigned responsibility for meeting salinity standards in D-1641

Following further delay, the State Board began to address the implementation of the 1995 Water Quality Control Plan in a series of hearings between 1998 and 1999. These hearings culminated in WRD-1641 in December 1999 and a revised WRD-1641 in March 2000. Sole responsibility for meeting the Vernalis salinity standards was assigned to USBR and DWR and USBR were jointly responsible for complying with the standards at San Joaquin River at Brandt Bridge, Old River near Middle River and Old River at Tracy Blvd. These last three locations are commonly referred to as the "interior salinity standards." The interior salinity standards require that salinity be maintained at a running 30-day average of 0.7 mmhos/cm EC April through August and 1.0 mmhos/cm the rest of the year.

WRD-1641 also granted the DWR and USBR the authority to use each other's Delta export facilities under certain circumstances. This authority was described as JPOD and was allowable only if the export projects were in compliance with all of the terms and conditions in their permits, including the obligation to comply with salinity objectives in the south Delta. *See pages 150, 156 and 159. The water quality objectives are set forth in Table 2 of D-1641 on page 182.*

The State Board adopted a revised Water Quality Control Plan for the Delta in December 2006, which retained the long-adopted Delta salinity standards and reiterated that the water rights of DWR and USBR are conditioned upon implementation of the southern Delta salinity objectives. It noted that the Operable Gates were expected to be operational in the spring of 2009.

State Board issued a Cease & Desist Order (CDO) against DWR and USBR in 2006

Faced with continuing exceedances of interior Delta salinity standards, the State Board's Division of Water Rights instituted a proceeding in late 2005 to consider whether a CDO should be issued to DWR and the Bureau due to the threatened violations of the terms and conditions in their permits. CSPA was a party to that hearing. Following an evidentiary hearing, the SWRCB adopted Order WR 2006-0006 on 15 February 2006. The CDO found, among other things, that both DWR and the Bureau are responsible for meeting the interior salinity standards and that operation of JPOD is not authorized when DWR and the Bureau are not meeting the 0.7 EC objective and that DWR must serve copies of all reports, plans, and other communications required by the order on all parties, including CSPA.

WR 2006-0006 extended the D-1641 compliance date to 1 July 2009 (Condition A.2) and required a compliance plan to achieve salinity objectives. Condition A.2 specifies that the

compliance plan may include the implementation of operable barriers in the south Delta but that a range of other measures that would provide the same degree of salinity control are acceptable.

In the spring of 2007, South Delta Water Agency (SDWA), anticipating low flows into the southern Delta and likely violations of the interior salinity standards, asked DWR and the Bureau to undertake actions to prevent violations. DWR and USBR belatedly notified SDWA of anticipated violations. DWR maintained that it had no ability to affect southern Delta flows and quality and the Bureau claimed that any additional San Joaquin River flows would be a “waste of water.”

The DWR notified the SWRCB that the Old River near Tracy Road standard had been violated from 30 April through 22 May on 22 May 2007. The Bureau made a similar disclosure on 25 May 2007. In fact, the standard was violated until 1 September 2007. Neither of the notifications contained proposed remedies to alleviate the problem. Pursuant to a private understanding with SDWA, DWR agreed to change operations of the flap gates on Old River near Tracy barrier and DWR and the Bureau agreed to undertake an experimental recirculation project to increase flow in the south Delta between 7 August and 12 September 2007.

The DWR and USBR continued to operate JPOD during the period of exceedances and in violation of their permit and the conditions of the CDO. On 28 November 2007, the State Board’s Executive Director sent a memo to DWR and a letter to the USBR that clarified that JPOD could not occur during periods where standards were being violated and explicitly suggested that if the DWR and Bureau wanted to seek to change their permit and license requirements applicable to their use of JPOD, they should do so as soon as possible to assure that the matter can be considered prior to any need for JPOD diversion next year.

In the spring of 2008, the SDWA again requested that DWR and the USBR undertake actions to insure water quality standards in the southern Delta would be maintained during the summer. On 11 June 2008, DWR notified the State Board that it again anticipated violations of the interior salinity standards and but failed to notify CSPA and SDWA. On 16 June 2007, DWR and USBR jointly petitioned for an urgency change to their permits to allow JPOD when interior standards were being violated and sought to add “clarifying language” which was directly contrary to the language of D-1641, the CDO and SWRCB letters of 27 August 2007 and 28 November 2008⁹. State Board member Arthur Baggett, in unilateral revision of D-1641 requirements granted the Urgency Petition on 1 July 2008. CSPA unsuccessfully petitioned for reconsideration on 30 July 2008. The State Board waited until the Urgency Order had expired before denying the reconsideration petition.

In a 1 June 2009 letter to the State Board Executive Director, DWR acknowledged that the 30-day running average 1.0 EC salinity standard at the Old River near Tracy Road Bridge station was violated from 19 December 2009 through 10 March 2009 and from 23 March 2009 through 20 April 2009. The 0.7 EC salinity standards was violated throughout the month of April, until 6 May 2009.

For over 30 years, Delta salinity standards have been ignored, discarded or violated without meaningful enforcement.

DWR and the USBR have the ability to comply with salinity standards

State Board Order WR 2006-0006 identified the extensive toolbox available to DWR and USBR to comply with south Delta salinity standards. These include additional releases from upstream CVP facilities or south of the Delta SWP or CVP facilities, modification of the timing of releases from Project facilities, reduction in exports, recirculation of water through the San Joaquin River, purchases or exchanges of water under transfers from other entities, modified operations of temporary barriers, reductions in highly saline drainage from upstream sources, or alternative supplies to Delta farmers.

Salinity concentration in the south Delta is largely determined by export rates, inflow from the San Joaquin River and operation of the temporary interior barriers, all of which determine net flow through local channels. To CSPA's recollection, neither DWR or Bureau have ever proposed to purchase water, transfer water or exchange water in order to meet the interior salinity standards. Nor, to our knowledge, have they ever proposed to restrict export pumping or reserve additional water in upstream reservoirs in order to meet the interior salinity standards.

The San Joaquin River is identified as impaired because of salt. Salt loading from the San Joaquin River is a contributing factor in salinity problems in the south Delta. DWR and USBR export operations increase salt loading to San Joaquin Valley farms by as much as million pounds a year. Much of this salt is subsequently disposed of into the San Joaquin River in tailwater and groundwater accretion flows. After considerable delay, the USBR entered into a Management Agency Agreement (MAA) with the Central Valley Regional Board in December 2008, as required by the San Joaquin salt TMDL. CSPA-9. USBR subsequently provided a draft Compliance Monitoring and Evaluation Plan, as required by the MAA. CSPA-10. The documents discuss how USBR will comply with its obligations to meet the Vernalis salinity standard. They include water from New Melones Reservoir operations, water acquisitions and recirculation, among other things. Unfortunately, merely meeting the Vernalis salinity standard exhausts the assimilative capacity of the San Joaquin River. Salt discharges downstream of Vernalis contribute to exceedances at the Brandt Bridge compliance point. Neither the MAA nor the draft Compliance Monitoring and Evaluation Plan addresses the salinity impacts caused by SWP/CVP export pumping. Significant and substantial additional measures will be required to ensure that interior salinity standards are met.

Additional flow in the San Joaquin River will likely be necessary to dilute salt concentration in the river caused by saline discharges from lands on the west side of the San Joaquin Valley which are irrigated with water provided from the Delta by the CVP, primarily through the Delta-Mendota Canal and San Luis Unit. To date, that burden has fallen on New Melones reservoir storage. Congress made it clear in PL 108-361 (HR 2828 [October 25, 2004]) that the Secretary of the Interior "shall acquire water from willing sellers and undertake other actions designed to decrease releases from the New Melones Reservoir for

meeting water quality standards and flow objectives for which the Central Valley Project has responsibility to assist in meeting allocations to Central Valley Project contractors from the New Melones Project.” This clear Congressional mandate requires USBR to acquire additional water from other sellers and undertake other actions.

Water is clearly available for purchase. The State Board has numerous petitions to transfer water pending. DWR’s California Drought Update, dated 29 May 2009, shows that water storage in New Melones Reservoir is 89% of average, Don Pedro Reservoir is 109% of average, Exchequer Reservoir is 95% of average and Millerton is 128% of average. DWR’s 29 May 2009 California Drought Update is attached as CSPA-8.

DWR and USBR have focused almost solely on operable barriers and ignored the toolbox of alternative solutions identified by the State Board. Indeed, WR 2006-0006 stated that, “DWR did not refute that the permanent barriers are the only alternative DWR and USBR are considering for meeting DWR’s and USBR’s permit obligations.” WR 2006-0006, p. 21. However, the entire toolbox for addressing salinity exceedances in the south Delta has long-been available and continues to be available to DWR and USBR.

CSPA’s Closing Brief in the State Board hearing on the Draft Delta Salinity CDO is attached as CSPA-3 and incorporated in these remarks.

The State Board may not dictate the manner of compliance

The Delta salinity standards contained within the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary are developed pursuant to the federal Clean Water Act and Porter-Cologne, subject to approval by U.S. EPA. Water Code Section 13360 states, “No waste discharge requirement or other order of a regional board or the state board or decree of a court issued under this division shall specify the design, location, type of construction, or particular manner in which compliance may be had with that requirement, order, or decree, and the person so ordered shall be permitted to comply with the order in any lawful manner.” The only exceptions are discharges of solid waste to impoundments that have no surface discharge or underground drainage and discharges to injection wells.

Beyond the prohibition against specifying a specific manner of compliance, there is a practical reason for not becoming entangled in the labyrinth of specific solutions. Given the complexity of California’s water delivery system, the myriad demands upon that system and the historical obstinacy of DWR and USBR, efforts by the State Board to fashion a specific solution to salinity standard exceedances are problematic and pregnant with pitfalls. The Board can, however, establish parameters and standards that are protective of public trust values and beneficial uses and insist that water project operators comply with those requirements.

DWR and USBR have a toolbox of alternatives with which to comply with legally adopted Delta salinity standards. They have the expertise to pick and choose between various

elements of those alternatives. The State Board's role is to promulgate standards and issue permits and ensure compliance by enforcing specific consequences for noncompliance.

Reliance upon operable barriers cannot ensure compliance with salinity standards

D-1641 acknowledges that, "The construction of permanent barriers alone is not expected to result in attainment of the water quality objectives. (R.T. pp. 3672, 3710, 3787-3788; DWR 37, p. 15; SWRCB 1e, pp. [IX 30]-[IX-41].) The objectives can be met consistently only by providing more dilution [water] or by treatment. (R.T. p. 3737.)" Revised D-1641, p. 88. In fact, D-1641 found that the barriers might result in worse water quality at the Brandt Bridge point of compliance on the San Joaquin River. Ibid.

Operable barriers may exacerbate water quality and fisheries

The Delta is an exceedingly complex network of channels, sloughs, and shallow open waters. Delta waterways have been included, pursuant to the federal Clean Water Act, on the California 2002 and 2006 CWA Section 303(d) List of Water Quality Limited Segments as incapable of supporting identified beneficial uses because of diazinon, chlorpyrifos, Group A pesticides, DDT, mercury, electrical conductivity, unknown toxicity and dissolved oxygen deficiencies. Pursuant to California's Bay Protection and Toxic Cleanup Program, the Delta has been identified as a toxic hot spot for mercury, low dissolved oxygen in the Stockton Ship Channel and pesticides from agricultural return flows and agricultural and urban stormwater runoff.

Operable barriers are likely to further impact low dissolved oxygen conditions in the San Joaquin River and south Delta. Other potential impacts include excessive bioaccumulation of mercury and organochlorine "legacy" pesticides and PCBs that accumulate in fish and other organisms. As Dr. G. Fred Lee testified in the 2005 CDO hearing, "(t)he current South Delta barriers have a significant impact on water quality in the South Delta and in the DWSC. The operation of the operable barriers can have significant impacts on water quality in the South Delta and the Central Delta, some of which could be highly detrimental to South Delta water quality." The testimony and presentation of Dr. G. Fred Lee on behalf of CSPA during the 2005 CDO hearing is attached as CSPA-4, CSPA 5 and incorporated in these remarks.

DWR and USBR have only modeled operational effects of the operable barriers on salinity. However, salt is an unacceptable surrogate for the suite of dissolved pesticides, metals, oxygen demand constituents, etc. that are routinely found in south Delta channels because salt is a conservative constituent. The fate and transport of salt is significantly different than less conservative substances like dissolved pesticides, nutrients or metals. As a recent article by U.S. Geological Survey scientists titled *Effects of Flow Diversions on Water and Habitat Quality: Examples from California's Highly Manipulated Sacramento-San Joaquin Delta* in the July 2007 edition of *San Francisco Estuary & Watershed Science* put it:

"Processes that change concentration fields of pollutants are ecologically important because the toxicity and accumulation of pollutants in food webs are concentration

dependent. The new pyrethroid pesticides are extremely toxic to invertebrates with sublethal effects at concentrations measured in parts per trillion (Oros and Werner 2005); the herbicide diuron inhibits phytoplankton photosynthesis in the Delta at concentrations $> 2 \mu\text{g L}^{-1}$ (Edmunds et al. 1999); phytoplankton accumulate methyl mercury at concentrations 10,000 times those in water (Davis et al. 2003); bioaccumulation of toxic metals (e.g. copper, cadmium, silver, chromium) in invertebrates and fish depends on concentrations of those elements in water and prey (Luoma and Rainbow 2005). We have learned empirically how individual diversions modify salt concentrations across the Delta, but we have not yet considered how they modify distributions of land-derived pollutants and their threats to wildlife or human health.”

Operable barriers will potentially exacerbate impact to fisheries. During the 2005 CDO hearing, fishery biologist Dan Odenweller testified on behalf of CSPA on the potential water quality and fishery problems that would potentially be exacerbated by operable barriers. Mr. Odenweller’s testimony and presentation is attached as CSPA-6 and CSPA-7.

Operable barriers will not be constructed in the near future and may never be constructed

The Draft EIR/EIS for the South Delta Improvements Program (operable barriers) was released in October 2005 and a final EIR/EIS prepared in December 2006. Two and a half years later, the Notice of Determination has yet to be issued.

CSPA submitted more than 50 pages of comments plus numerous exhibits on the draft EIR/EIS. Extensive critical comments were also submitted by the Planning and Conservation League, National Resources Defense Council, Environmental Defense, California Trout, Northern California Council of the Federation of Fly Fishers, Friends of the River, The Bay Institute, Earthjustice and Trinity County, among many others. All of the commenter’s pointed out serious deficiencies in the proposed project. Among those is the fact that DWR and USBR failed to evaluate a reduced export alternative or an alternative that included operable barriers with the present level of exports. In other words, after almost two-decades of discussing operable barriers, the only environmental documentation for operable barriers that exists is for a “no project” alternative or alternatives that include significantly increased exports; a scenario that is unlikely to occur considering the collapse of pelagic and salmonid species in the Delta. Nor did the draft EIR/EIS evaluate potential impacts caused by changes in the fate and transport of pollutants identified as impairing the Delta, other than salt.

The Biological Opinion (BO) for salmon, steelhead, green sturgeon and southern resident killer whales issued by NMFS in June 2009 is explicit: “DWR shall not implement the South Delta Improvement Program, which is a program to replace temporary barriers with permanent operable gates” because the project would adversely modify critical habitat. Biological Opinion, p. 659. The NMFS BO observes that after analyses are completed regarding the existing temporary barriers, DWR can request that USBR reinitiate ESA

consultation with NMFS. In any case, the operable barriers are not likely to be constructed in the near-term.

Even if operable barriers were constructed, they may not be operated to meet salinity standards

Even if the operable barriers are constructed, their operation are likely to be limited by constraints to protect endangered species.

The USFWS BO for Delta smelt, issued in December 2008, includes a Reasonable and Prudent Measure to “Minimize adverse effects of the operations of the Permanent Operable Gates.” The Terms and Conditions implementing this measure are, “The Service shall have the final decision on the operations of the Permanent Gates. The members of the GORT can provide suggestions to operate the gates, but the ultimate decision on how to operate the gates to protect delta smelt will be made by the Service.” USFWS BO, p. 294.

While the NMFS BO contains a prohibition against constructing operable barriers until some future time, if ever, operation of the barriers is likely to face the same or similar operational constraints as those contained in the USFWS BO. The Reasonable and Prudent Measures in the NMFS BO provide that NMFS has final authority over decisions of the Water Operations Management Team and various technical teams. *See Responsibilities and Procedures of Technical Teams, pages 581-583 of the BO.*

Potential modifications of salinity objectives are speculative and should not be considered in the present hearing

The present salinity standards, despite being the subject of numerous proceedings, have remained in place for more than three decades. The State Board has recently begun yet another review of the salinity objectives, as part of its Periodic Review of the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. This extremely complex review will be both contentious and lengthy. The salinity standards may ultimately be strengthened or relaxed.

Any effort to weaken standards would require an exhaustive antidegradation and alternatives analysis and would be subject to approval by U.S. EPA; which, in turn, would trigger a Section 7 consultation with NMFS and USFWS. There is a growing body of scientific literature concerning the harmful effects of salinity to freshwater fish. Section 131.12(a)(1) of Title 40 requires that the level of water quality necessary to protect existing uses shall be maintained and protected. The federal Antidegradation Policy establishes an absolute floor: Tier 1 waters must maintain and protect existing beneficial uses and water quality conditions necessary to support uses that have occurred since 28 November 1975. Salt sensitive crops, like beans and blueberries, have been grown in the Delta since 1975. South Delta farmers have a fundamental, historical and legal right to grow crops irrigated with water of appropriate quality.

Any conclusions as to the ultimate result are purely speculative and have no place in the deliberations of the present proceeding.

Failure to enforce salinity standards is contrary to the federal Clean Water Act and Porter-Cologne Water Quality Control Act and will undermine confidence in government. It cannot be in the public interest.

The Clean Water Act and Porter-Cologne mandate the development and enforcement of water quality standards. The enforcement of Delta salinity standards, first issued in 1978, has been ignored. Since 2000, DWR and USBR have been tasked with ensuring compliance with those standards.

Continuing exceedances of salinity standards and DWR's admission that it wouldn't meet the schedule for installing operable barriers led the State Board, on 15 February 2006, to issue a CDO and extend the compliance schedule until 1 July 2009. In May 2007, DWR notified the State Board that it couldn't meet the 1 July 2009 deadline until July 2011. In August 2007, DWR notified the State Board that it needed until November 2012. In June 2009, DWR estimated it might have the operable barriers in by 2016. Suddenly, on 29 May 2009, DWR realized that the 1 July 2009 compliance date was only 33 days away and submitted a two-paragraph letter asking the State Board to consider modifying the CDO. Apparently on its own motion, the State Board immediately noticed an expedited hearing to consider, yet again, measures to protect DWR and USBR from the consequences of failing to comply with water quality standards.

Enough is enough. Thirty years of noncompliance is enough! DWR and the USBR have turned delay into an art form. Their excuses are little more than omelets of distortion and half-truth to justify continued inaction. They have alternatives at their disposal to ensure compliance. These alternatives may be difficult. They may be expensive. They may be unpleasant. But, they're available.

This hearing is not about DWR and USBR: it is about the State Board and the Board's ability and willingness to enforce the law. It is about whether anyone can rely on the Board's assurances, guarantees and promises to implement, comply with and enforce statutory and regulatory requirements.

Key Issues

- 1. What modifications should the State Board make to the compliance schedule in Part A of Order WR 2006-0006 and how should any modifications take into account potential changes in salinity objectives and implementation?**

The State Board should not modify the CDO and, instead, should schedule a hearing to consider appropriate penalties for continued violations of salinity standards.

Potential changes to salinity standards or possible changes in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary are uncertain and highly speculative and, therefore, should not serve as justification for continued delay.

If the State Board is determined to provide a shield for DWR and USBR, a compliance date of 1 July 2010 should be established.

2. If the compliance schedule is modified, what interim protection measures, if any, should be imposed?

None! Adequate protection measures already exist. Both DWR and USBR have a toolbox of measures they can implement to ensure compliance with water quality standards. The State Board cannot mandate a manner of compliance; it can only demand that DWR and USBR comply with water quality standards.