

February 16, 2017

Felicia Marcus, Chair
Members of the Board
State Water Resources Control Board
PO Box 100
Sacramento CA 95812-0100

Re: Bay-Delta Water Quality Control Plan Update

Dear Chair Marcus and Members of the Board:

The broad group of the undersigned **farmers** from throughout the Central Valley are writing to express our continuing concerns with the State Water Resources Control Board's approach to the Bay-Delta— specifically the persistent reliance on “unimpaired flows” for both Phase I and Phase II of the water quality control plan— and to offer an alternative approach that we believe will work better for California.

Upon review of the State Water Board's Draft Revised Substitute Environmental Document supporting Phase 1 of the Bay-Delta Water Quality Control Plan, it is evident that your staff and consultants continue to employ certain thematic approaches to water management that conflict with fundamental beliefs of the greater water user community. This approach if implemented would significantly impact our operations, the economies of Central Valley farming communities, the groundwater resources throughout the region and the both the terrestrial and aquatic environment in the Central Valley.

We join in and reiterate the comments provided to you on June 23, 2015 by public water agencies from every part of California (see attached). We are strongly opposed to the unimpaired flow approach as a water management vehicle. This broad-stroke metric is inconsistent with the search for progressive, collaborative, and balanced approaches that will improve ecosystems while providing security for the communities that rely on reliable water supply for both agriculture and municipal and industrial uses. (Coequal Goals, 2009 Delta Reform Act.) Furthermore, it runs counter to the California Constitutional requirement that all waters of the State be put to work to the fullest extent possible (Article X, §2).

We encourage the SWRCB to incorporate the best available, most focused, most collaborative science available. This includes all the science that was presented as part of your 2012 workshops and the more modern work of the Delta Science Program. Local water agencies throughout California have also made substantial investments in developing science to better understand the needs of the ecosystem. For the Stanislaus, Tuolumne, and Merced Rivers, during 2000-2008 the Vernalis Adaptive Management Plan (VAMP) was in place and studies were conducted at both low and high flows. More recently, as local agencies prepared for relicensing of both the Exchequer and New Don Pedro dams numerous progressive scientific studies were conducted. There is similar work in the Sacramento Valley. A careful analysis of this broad set of science must be done, and incorporated into the upcoming Bay-Delta Water Quality Control Plan.

Based on our analysis of the aforementioned studies, we respectfully request the State Water Board to incorporate the following into its next draft of the Bay Delta Water Quality Control Plan:

- A “functional flow” approach where flows specifically support fish and wildlife relevant to natural biological process of the species intended to promote, but in a more water efficient and practical manner than unimpaired flow. (See e.g., Delta Plan, chapter 4; *Flows and Fishes Report*, Delta Independent Science Board, July 2015.)
- “Non-flow” measures such as habitat and floodplain restoration to improve food web production and habitat for fish, birds, and other terrestrial and aquatic species.
- Recognize that the Central Valley is a significantly altered ecosystem with many stressors, including non-native and invasive species. Any efforts to promote and protect specific native species must also address these significant stressors. This will require cooperation and collaboration across both State and Federal agencies to press those respective agencies to take actions that support the recovery of native species by supporting reduction in predator non- native species. This includes aquatic weed control and invasive noxious plants that interfere with native species.

Furthermore, we have concerns in the following areas that we believe must be studied & addressed in the next draft:

- The SED as currently written will significantly affect groundwater management as maximum groundwater pumping is assumed as a replacement for lost surface water (SED, Sept 2016, Chapter 9, pg. 9-3). It will eliminate the possibility for local agencies to sustainably manage groundwater under the Sustainable Groundwater Management Act (SGMA) without devastating family farms and local economies. The lack of surface water will limit the ability to recharge groundwater resources contrary to state policy (Water Code §10720.1(g)) and substantially increase the economic impacts to farming communities. We ask that you revise your flow requirements to prevent conflict with SGMA and to incorporate groundwater recharge opportunities to promote both local and regional groundwater sustainability.
- Study and include possible canal improvements and additional surface water storage to generate “new water” to help provide “functional flows” for ecosystem improvements with the least impact to farms and families that currently put this same water to beneficial use.
- Careful analysis of the SED reveals that the primary beneficiary of the 40-50% unimpaired flow, (approximately 300,000 acre feet additional water in an average water year) is nearly 1,100 Fall run Chinook Salmon, a non-listed fish grown in hatcheries and fished commercially in California. (Chapter 19, Figure 19-13). In keeping with the California Environmental Quality Act (CEQA) requirements, please provide an analysis of a range of alternative ways to achieve the same increase in fish population but avoiding or substantially lessening of the significant effects of the project, and evaluate the comparative merits of the alternatives. (§ 15126.6 2010 CEQA)

We recognize that many of the actions spelled out in this letter may fall outside the regulatory authority of the State Water Board. In keeping with the California Water Action Plan and Governor Brown’s September 19, 2016 letter, we ask that you work closely with the Natural Resources Agency and all impacted parties to reach a reasonable negotiated solution that incorporates the broad range of measures laid out in this letter. We must employ best available science in a collaborative and comprehensive way if we wish to benefit species recovery in our lifetimes.

Sincerely yours,



Paul A. Adams
Booth Ranches



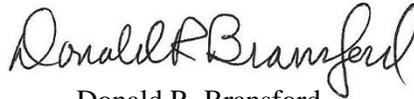
David Ahlem
Hilmar Cheese Company



Tib Belza



Loren Booth
Booth Ranches



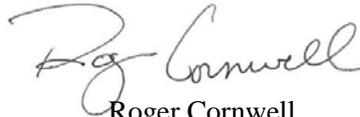
Donald R. Bransford
Bransford Farms



Kim Brown
Wonderful Orchards



Steve Butler
Sutter Basin Corporation



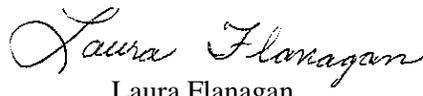
Roger Cornwell
River Garden Farms



Steve F. Danna
Danna Farms



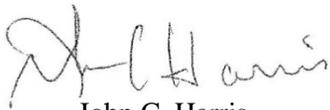
John B. Fiscalini
Fiscalini Farms



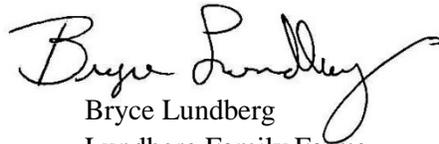
Laura Flanagan
Foster Poultry Farms



Michael Frantz
Frantz Wholesale Nursery, LLC



John C. Harris
Harris Ranch



Bryce Lundberg
Lundberg Family Farms



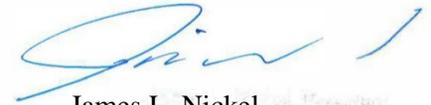
Bill Lyons
Mapes Ranch



Cannon Michael
Bowles Farming Company



Nicole Montna Van Vleck
Montna Farms



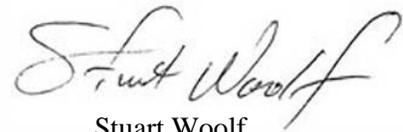
James L. Nickel
Nickel Family LLC



Raymond A. Ratto Jr.
Ratto Bros. Inc.



Greg Wegis
Wegis and Young



Stuart Woolf
Woolf Farming & Processing

cc: Governor Brown
Matt Rodriguez
John Laird
Karen Ross
Karla Nemeth
Gordon Burns
Randy Fiorini



July 23, 2015

Ms. Felicia Marcus, Chair
 Members of the Board
 State Water Resources Control Board
 P.O. Box 100
 Sacramento, CA 95812-0100

Re: Unimpaired Flows

Dear Chair Marcus and Members of the Board:

The broad coalition of undersigned public water agencies and water companies in every part of California call on the State Water Resources Control Board to abandon its effort to advance an “unimpaired flow” or similar approach to water management in the Sacramento-San Joaquin Delta and San Francisco Bay, including the Water Quality Control Plan process.

Our coalition supports and is implementing progressive and innovative 21st century water management for 39 million people within the stable framework of California’s well-established water rights system. Four consecutive dry years have revealed the fallacy of attempting to mimic “unimpaired flows” to protect beneficial uses in present-day California. In fact, if the “unimpaired flow” approach was in place over the past five years, precious water resources would have already been drained from reservoirs throughout California before we entered these past several dry years. As a result, there would be even less water available in 2015 for the benefit of all beneficial uses, which includes cities and rural communities, fire suppression, cold water to sustain salmon, farms, birds and the Pacific Flyway, and recreational opportunities. Stated another way, an “unimpaired flow” approach would create greater risk for all beneficial uses during dry years. This dynamic would be further exacerbated under the various climate change scenarios evaluated by your administration. We cannot afford to go back in time and rely on defunct measures like an “unimpaired flow” approach for a system that has been highly altered over time. This type of approach will not improve the highly altered system and will only prove to deplete upstream reservoirs that all of California relies on.

We instead urge you and the administration to pursue a different and more practical approach--as called for in your California Water Action Plan--to improve flow regimes that will increase and sustain native fish populations through programs of implementation. This will include both strategic re-managed flows and other non-flow measures such as addressing the predation of native species by invasive species, which appears to be the largest factor that negatively affects salmon in the Central Valley. California needs a progressive approach that will empower 21st century water resources management to support a vibrant economy and environment.

We look forward to discussing new approaches with you in more detail at your earliest convenience.

Sincerely yours,



Jeff Kightlinger
Metropolitan Water District



Beau Goldie
Santa Clara Valley Water District



Steve Knell
San Joaquin River Tributaries Authority



David Guy
Northern California Water Association



Stefanie Morris
State Water Contractors



John Woodling
Regional Water Authority



Dan Masnada
Castaic Lake Water Agency



Dan Nelson
San Luis & Delta Mendota Water Authority



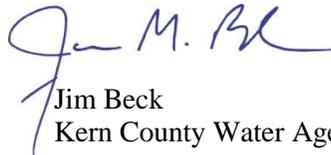
Tom Birmingham
Westlands Water District



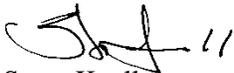
Ray Stokes
Central Coast Water Authority



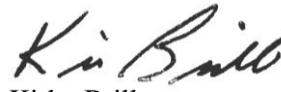
John Sweigard
Merced Irrigation District



Jim Beck
Kern County Water Agency



Steve Knell
Oakdale Irrigation District



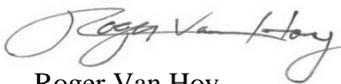
Kirby Brill
Mojave Water Agency



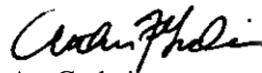
Jill Duerig
Zone 7 Water Agency



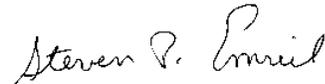
Mike Gilkey
Tulare Lake Basin Water Storage District



Roger Van Hoy
Modesto Irrigation District



Art Godwin
Turlock Irrigation District



Steve Emrick
South San Joaquin Irrigation District

cc: Tom Howard
Michael Lauffer
Michael George
Natural Resources Agency