



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Executive Office

October 18, 2010

Mr. Chad Dibble
Department of Fish and Game
1416 9th Street, 12th Floor
Sacramento, CA 95814

Re: COMMENT LETTER ON DRAFT BIOLOGICAL OBJECTIVES AND FLOW
CRITERIA REPORT

The Metropolitan Water District of Southern California (“Metropolitan”) appreciates this opportunity to comment on the draft “Quantifiable Biological Objectives and Flow Criteria for Aquatic and Terrestrial Species of Concern Dependent on the Delta” (“Flow Criteria Report”).

Metropolitan is a cooperative of 26 member agencies representing most cities and several water agencies serving 19 million people in six counties. Metropolitan imports water from the Colorado River and Northern California to supplement local supplies, and to help its members to develop increased water conservation, recycling, storage and other resource-management programs.

Metropolitan understands that the Department of Fish and Game (“Department”) was given a very narrow directive in Section 85084.5 of the Delta Reform Act. That is, to focus only on flow criteria for Delta species of concern. The Department was not asked to consider the impacts of the criteria on other species or the impact in other portions of the Delta Watershed important to the target species (e.g., upstream cold water pool). The Legislature’s directive also ignored the numerous “other stressors” that increasingly are being identified as significantly impacting Delta dependant species. The Department’s Flow Criteria Report assumes that the Delta will remain as it is today without any of the restoration actions that will be implemented through the Delta Reform Act itself and, in particular, the Bay-Delta Conservation Plan (“BDCP”). Finally, the proposed flow criteria were not balanced against the impacts they would have on other beneficial uses: Modeling of the similar criteria identified by the State Water Resources Control Board suggests a potential reallocation of 5.5 million acre-feet away from human consumption to outflow to the ocean if they actually were imposed.

We acknowledge the Department for its frank description of these limitations on the flow criteria that it has developed. As the first page of its Executive Summary states:

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“The recommendations in this report represent the current understanding of the needs of the individual species identified in light of current conditions and the objectives described. Several factors outside the scope of this legislative mandate would need to be considered and modeled or analyzed more fully (e.g., cold water pool management in upstream reservoirs, operational constraints, habitat restoration, and the relationship between flow criteria and unimpaired flow) before any flow standards are set in addition, capital facility improvements, such as an alternative conveyance system, relocated water intakes, enhancement of floodplain and tidal wetlands, and additional fish screening may serve to improve conservation in the Delta. Flows by themselves are not the only consideration when the goal is the overall health of the estuary.”

Based on these recognized limitations, the Department concludes (at Page 103) that before any of the identified flow criteria are recognized, three key factors must be considered:

- Balancing the need to protect Delta dependant species with the need for reliable water supply
- The proposed project in the context of the available scientific understanding
- New research and monitoring not available at the time the Flow Criteria Report was develop that may better protect species of concern

The limitations and key considerations raised by the Department are being addressed in the BDCP. A wide range of flow criteria are being analyzed in that process. In contrast to the narrowly focused flow criteria the Legislature directed the Department to develop, the BDCP flow criteria are being considered in the context of numerous proposed habitat improvements; measures to address the critical other stressors; conveyance and other facility improvements to improve conservation in the Delta; balancing the need for reliable water supply; and using the newest research and monitoring available. The Department, of course, is playing a central role in the BDCP and ultimately will consider whether the program developed qualifies as a National Community Conservation Plan. We believe the actual criteria in the report will be of limited use due to the limitations identified by the Department, especially when compared with the broader goals and more comprehensive approach being developed in the BDCP. For that reason, we strongly recommend that the Department incorporate into its Flow Criteria Report, an assessment of how the BDCP measures would perform in meeting the variety of fishery needs.

In the spirit of improving the analysis and understanding of the best, most current available science, Metropolitan has worked with the State Water Contractors and State and Federal Contractors Water Agency to develop comments on the Flow Criteria Report and incorporates their comments in this letter. The BDCP process is the best forum in which to resolve the many interrelated issues affecting the Delta ecosystem’s ability to support fish and wildlife, local needs

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and water supply. Metropolitan will continue to work with the Department and other stakeholders in the BDCP to meet the coequal goals stated in the Delta Reform Act.

A handwritten signature in black ink, appearing to read "Roger K. Patterson". The signature is fluid and cursive, with the first name "Roger" being the most prominent.

Roger K. Patterson

Assistant General Manager