

Friant Water Authority (FWA) Comments on the Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions, July 2011 Draft.

1. FWA supports the comments by the San Joaquin River Group Authority and adopts them and incorporates them herein by reference.
2. On page 139, the document states “This agreement created the San Joaquin River Restoration Program (SJRRP; NMFS 2009c)...” The “agreement” (the San Joaquin River Settlement Agreement of 2006, hereinafter referred to as “the Settlement”) did not create the SJRRP; it was created by the Bureau of Reclamation along with 4 other agencies in order to implement the activities required to be performed under the Settlement. The last paragraph on page 139 (and continuing to page 140) should read:

“Because of these negative effects on Chinook salmon by Friant Dam, several legal actions were taken that resulted in the San Joaquin River Settlement Agreement of 2006 (Settlement). The Settlement resulted in the creation of the San Joaquin River Restoration Program (SJRRP), a multi-agency effort to implement the Settlement. The Settlement provides for increased flows from Friant Dam to the confluence of the Merced River, the restoration of portions of the River channel, and the goal to restore and maintain fish populations in ‘good condition’ in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River.”

3. The first full paragraph on page 140 states:

DFG recently released recommendations on biological objectives and flow criteria for species in the Delta (DFG 2010). The document recommends San Joaquin River outflows that support fall juvenile salmon migration by mimicking the natural hydrograph during winter and spring. For the San Joaquin River Basin and eastside tributaries, the recommendations are to provide sufficient water flow depending on year type to transport salmon smolts through the Delta in order to contribute to the attainment of the salmon protection water quality objective of doubling the natural production of Chinook salmon from the average production of 1967-1991.

This document should note that the Settlement, and the federal legislation that directs the Secretary of the Interior and the Secretary of Commerce (Title X, Subtitle A of Public Law 111-11) to implement the Settlement, calls for specific releases from Friant Dam. These releases were determined by the fishery experts hired by the plaintiffs in the litigation to be what is needed to restore spring run and fall run Chinook salmon to the San Joaquin River below Friant Dam to the Merced

River confluence. These releases do not mimic “the natural hydrograph during winter and spring.” If DFG intends to recommend a flow regime for the upper San Joaquin River from Friant Dam to the Merced River confluence that is contrary to and in conflict with the Court-ordered Settlement and the federal legislation, this document should so state.

4. The first paragraph of the discussion of the San Joaquin River Restoration Program beginning on the bottom of page 178 should be revised to read as follows:

*“The San Joaquin River Restoration Program (SJRRP) was established to implement a settlement (Settlement) of an 18-year lawsuit reached in September 2006 by the U.S. Departments of the Interior and Commerce, the Natural Resources Defense Council, and the Friant Water Users Authority (now the Friant Water Authority). Full implementation of the SJRRP will provide sufficient habitat and flow for the reintroduction of spring run and fall run Chinook salmon into the San Joaquin River between Friant Dam and the Merced River confluence. The Settlement and the SJRRP has two primary goals: 1) to restore and maintain fish populations in "good condition" in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally-reproducing and self-sustaining populations of salmon and other fish; and 2) to reduce or avoid adverse water supply impacts to all of the Friant Division long-term contractors that may result from the Interim Flows and Restoration Flows provided for in this Settlement. Federal legislation was enacted in March 2009 to authorize and direct the Departments of the Interior and Commerce to implement the Settlement. Although this program is independent of CALFED, many of the agencies and organizations involved are involved with CALFED. The goals of this program are consistent with the ERP and though the goal of rebuilding a naturally reproducing and self-sustaining population of spring-run Chinook salmon on the mainstem of the San Joaquin River goes beyond the original goals set for the ERP, it is incorporated within this current strategy and objectives for the SJBPA. (See <http://www.restoresjr.net/>)”*

5. The penultimate sentence of the second paragraph discussing the San Joaquin River Restoration Program (page 179) should be replaced with the following:

*“In addition to the ERP Implementing Agencies, the agencies implementing the SJRRP include the BOR and DWR. Also involved are the Natural Resources Defense Council and the Friant Water Authority; however, these two entities are not directly responsible for implementation activities.”*