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Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

March 16, 2017

Re: Comment Letter – Bay Delta Plan Revised SED

Dear Ms. Townsend:

The SFPUC appreciates the opportunity to comment on the revised Substitute Environmental Document (SED) prepared for analyzing the potential changes to the water quality control plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary (Bay-Delta Plan), and in particular, the proposed revised San Joaquin River (SJR) flow objectives which apply to the Tuolumne River. The SFPUC is a department of the City and County of San Francisco responsible for managing and operating the City's water, clean water and power utilities. We have numerous concerns about the proposal as described below, but at the same time we are submitting a proposal to promote the expansion and maintenance of fisheries on the Tuolumne River. We believe this proposal has significant merit.

The SFPUC believes the State Water Board's revised SED analysis prepared in compliance with the California Environmental Quality Act is deficient. The City and County of San Francisco's City Attorney Office have prepared comments detailing these deficiencies. They are included as an attachment to this letter (Attachment 1). As identified in these comments, contrary to the State Board's analysis, a 40% unimpaired flow proposal would mean a significant impact on San Francisco's water supply, and alternatives to make up that supply are enormously expensive and have potential significant impacts that make their implementability uncertain.

We have serious doubts about the Tuolumne River ecosystem benefits of the State Water Board's proposal. Over 200 studies have been performed on the Tuolumne River since the early 1990s and the SFPUC and Turlock and Modesto Irrigation Districts have spent $25 million on studies on the Tuolumne River fishery in the last 5 years. The State Board neglected to use these site-

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specific available data. All of these studies provide significant information about the state of the fishery on the Tuolumne River and what should be done to improve the fishery. These studies are included in detail in the comments of the Modesto and Turlock Irrigation Districts. We are incorporating their comments by reference, specifically the following technical comments, attachments and appendices:

SED Technical Comments

1.0 Summary of Findings Related to SWB's Revised Draft Substitute Environmental Document

2.0 Comments on the SED's Description of the Tuolumne River Basin

3.0 Comments on Hydrology, Unimpaired Flow, and Related Adverse Impacts on Fry and Juvenile Fall-Run Chinook Salmon

4.0 Comments on the SED's Assessment of Temperature Benefits

5.0 Comments on the SED's Assessment of Floodplain Benefits

6.0 Comments of the SED's SalSim Model and Analyses

7.0 Comments of the SED's Adaptive Implementation Plan

9.0 The Missing Science and How It Would Change the SED

10.0 Other Material Errors or Misrepresentations Contained within the Draft SED

11.0 References

Attachments

Attachment 1	Table TR-1
Attachment 2	Figures TR-5 through TR-11

Appendices

Appendix A	Evaluation of the SED's Floodplain Benefits and Hatchery Impacts
Appendix B	Detailed Comments on SalSim Model
Appendix D	Response to the Resource Agencies' Presentations at the January 3, 2017 Public Hearing
Appendix E	Final Swim Tunnel Study Report
Appendix F	Final Tuolumne River Floodplain Hydraulic and Habitat Assessment Study Report
Appendix G	Final License Application (FLA), Don Pedro Project
Appendix H	Final Otolith Study Report, e-filed with FERC post-FLA filing

Most importantly, we have a better proposal for Tuolumne River ecosystem improvements that have significant technical support. This proposal meets the fishery protection goals on the Tuolumne River without the significant impacts to San Francisco that would result from the State Board's proposal. Attached to this letter is a description of the SFPUC's alternative (Attachment 2).

Finally, we cannot support a proposal that hurts our water supply while benefitting other users. Increased flow releases from the San Joaquin tributaries will increase Delta inflow. Increased Delta inflow could be used as the basis for increased diversions from the South Delta by the State Water Project and the Central Valley Project. Benefits for the Projects at the expense of San Francisco's water supply are not acceptable.

In closing, negotiated settlements among water users, NGOs and the State and Federal agencies are a better solution than the State Water Board's regulatory proposal if they can be developed and implemented. They need to be jointly developed for the San Joaquin River, the Sacramento River and the Delta. The State-sponsored settlement discussions are off to a slow, but promising, start. There is much work to be done in building trust among the parties. However, we do not believe the State Water Board's regulatory proposal provides a framework that is sufficiently flexible or robust to support settlements. Please feel free to contact Michael Carlin at (415) 934-5787 or Steve Ritchie at (415) 934-5736 with any concerns or requests for additional information.

Sincerely,

Harlan L. Kelly, Jr.
General Manager

Attachments

cc: SFPUC Commissioners
Michael P. Carlin, Deputy General Manager
Steven R. Ritchie, Assistant General Manager, Water
Nicole Sandkulla, BAWSCA CEO and Executive Director