

Anti-degradation comments

Comment #1

Michael:

There is no direct answer. It ultimately comes down to a choice. There are four key dates that could be used. The changes in hydrology (dam construction) are not key dates. The dates must be based on a policy decision on the LSJR.

The first date would be in 1961 when the California Legislature declared that a serious water quality problem exists on the river and declared that no state agency should do anything to make it worse.

The second date would be 1967 and the adoption of the Porter-Cologne Water Quality Control Act.

The third would be the adoption of the non-degradation policy in 1968 (SWRCB Resolution 68-16).

Unfortunately none of the first three give us a plan on how to do it or set any measurement points. This is done with the adoption of the first basin plan in 1975 where actual uses and objectives were adopted as measuring points. I would recommend that we use the Basin Plan adoption in 1975 as the baseline but also see whether we have sufficient data to achieve any of the other dates (data may not be good enough prior to 1975).

I hope this helps. I will be interested to see the other inputs.

Dennis W. Westcot  
Project Administrator  
San Joaquin River Group Authority

Comment #2

Mike,

It seems like we should mention the CVPIA (for information purposes at least), since it reallocates ag water to wetlands and affects the timing and quality of water released to the River. I'm not sure if this is the best language to use, but I think it captures the intent. I include it here because it didn't come out very well in a comment.

Congress enacted the Central Valley Project Improvement Act in 1992 to complement the directives of the Clean Water Act and the Endangered Species Act, to aid federal and state water quality administrators, and to bring a variety of other environmental reforms to the project. The principal purposes of the Act are to add "fish and wildlife mitigation, protection, and restoration" to the list of authorized project purposes; to restore by the year 2002 the natural production of anadromous fish in the rivers and streams of the Central Valley to twice their average levels over the past twenty-five years; to dedicate annually 800,000 acre feet of project

yield to implement these environmental objectives; and to undertake a variety of specific measures to mitigate the damage to fish, wildlife, riparian habitat, wetlands, stream flows, water quality and other environmental values caused by CVP operations. (Title 34 of Public Law 102-575)

Thanks,

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Comment #3

The SWRCB states in APU 90-004 that: "Baseline quality is defined as the best quality of the receiving water that has existed since 1968 when considering Resolution No. 68-16, or since 1975, under the federal policy, unless subsequent lowering was due to regulatory action consistent with State and federal antidegradation policies. If poorer water quality was permitted, the most recent water quality resulting from permitted action is the baseline water quality to be considered in any anti degradation analysis." See attached excerpts. Accordingly, it would appear that the Vernalis WQOs adopted in 1978 sets a floor on baseline quality because the SWRCB presumably was required to conduct an antidegradation analysis before adopting the WQOs.

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EKI