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RE: Comments on the Working Draft Conservation Strategy

The East Bay Municipal Utility District (EBMUD) appreciates the opportunity to review and provide comments on the working draft of the Bay Delta Conservation Plan's (BDCP) Conservation Strategy. During the BDCP formal scoping process EBMUD provided comments and we appreciate that many of our comments and concerns are being addressed in the BDCP process. As the Conservation Strategy continues to evolve, we have noted several items that this important document should address.

As we have explained in earlier comments, the Mokelumne fishery is a critical component of the overall Delta fishery. Mokelumne salmonids contribute to life history diversity through their timing of downstream juvenile outmigration, Delta rearing and timing of ocean entry, timing of upstream migration and fecundity and age composition of adult spawners. The development of genetic diversity among Central Valley populations will help guard against the extreme fluctuations in salmon escapements seen in recent years. Given its significance, it is important that the Mokelumne fishery be given specific attention to ensure that any actions of the BDCP that could inadvertently harm the fishery will be fully mitigated or avoided.

We are concerned in particular with Goals CHIN4 and STEE4, to increase the proportion of each run of adult Chinook salmon and Central Valley steelhead that migrate successfully through the Delta to upstream spawning habitats. These goals are presented in Table 3.2 (pgs 3-32 & 3-33) and again in the narrative on pages 3-40 and 3-41. As it is currently drafted, the table indicates that there are "no specific objectives," identified for Goal CHIN4 or Goal STEE4, and the narrative on pages 3-40 & 3-41 indicates that the "following biological objectives achieve this goal: ECSY 1.2 and NACO 1.1." Objectives ECSY1.2 and NACO1.1 are both general statements that do not provide for any specific actions that would achieve the goals, especially with respect to Mokelumne fish.

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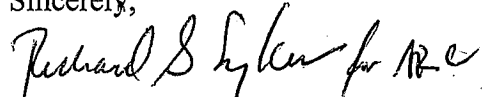
These goals, CHIN4 and STEE4, should be backed with specific objectives, and we suggest the following language be incorporated into the strategy as an objective: "Reduce the straying of Mokelumne salmon/steelhead by closing the DCC gates or by implementing other effective barriers during the primary upstream migration periods." This specific objective would help to achieve the CHIN 4 and STEE4 goals.

We are also concerned about proposed changes in the operation of the DCC gates as being considered by the draft operations criteria. DCC gate operation can have significant and conflicting impacts on both the Mokelumne and Sacramento juvenile salmonids. As part of the adaptive management strategy, it is critical that all changes in DCC operations include integrated studies to evaluate impacts on the affected fisheries to ensure that adverse impacts are appropriately mitigated. Acoustically tagged salmon and steelhead should be released at New Hope Landing on the Mokelumne South Fork to track their movements under different DCC gate operations and tidal conditions. Route selection and reach specific survival rates should be determined for actively migrating salmon and steelhead smolts for the North and South Mokelumne forks, Little Potato and Little Connection sloughs, lower San Joaquin River and Chipps Island.

We also suggest that other adaptive management options be considered for the DCC gates, such as operating the gates based on modeling that would suggest when there is a high probability of transferring water and a low probability of entraining Sacramento origin fish into the DCC (for example, a 75% probability of water transfer with a 25% probability of fish entrainment). CALFED Science fellow Russ Perry studied this issue as part of the acoustic telemetry Delta Action 8 studies for 2006-2007 and 2007-2008. We suggest you consider this scientific research as something to use in BDCP's adaptive management tool box.

EBMUD looks forward to reviewing additional BDCP plans as they become available and again we appreciate this opportunity to provide comments.

Sincerely,



Alexander R. Coate
Director, Water and Natural Resources