



San Joaquin River Group

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March 20, 2003

The Honorable John T. Doolittle
United States House of Representatives
2410 Rayburn House Office Building
Washington, D.C. 20515

RE: San Joaquin River Deep Water Ship Channel Dissolved Oxygen TMDL

Dear Congressman Doolittle:

Thank you for requesting background information on this topic of critical importance to the San Joaquin River Basin. The San Joaquin River between Stockton and the San Francisco Bay has been altered significantly over the past 125 years to bring commercial shipping benefits to northern California. The United States Army Corp of Engineers (Corps) was instrumental in the construction of the original Deep Water Ship Channel (DWSC), and continues to perform maintenance dredging and periodic deepening of the DWSC. As a result of the most recent Corps efforts, the depth of the DWSC was increased from 30 feet to its current depth of 35 feet.

In 1994, California placed the San Joaquin River on the Clean Water Act 303(d) list of impaired water bodies because of low dissolved oxygen (DO) levels. In 1999, California provided for the formation of a stakeholder Steering Committee to assist in the development of a total maximum daily load (TMDL) to address the low DO problem in the DWSC.

Throughout the past three years the Corps has on occasion attended and monitored the Steering Committee activities. However, the Corps has not been an active participant in the process. In fact, the Corps has gone so far as to state that the low DO problems caused by the DWSC are not its responsibility even though it continues to provide maintenance dredging and is proposing yet to study another deepening. The Corps has stated that its only responsibility for low DO is the result of the 1984-1987 incremental deepening of the channel, and that the impacts of that deepening are being mitigated by the performance of the required aeration. It is apparent to the Steering Committee from studies already completed that a significant factor contributing to the low DO problem is the existence of the DWSC. Without the involvement of the Corps in the Steering Committee process, coupled with the financial ability to participate in any appropriate mitigation efforts, the impacts of the DWSC on DO levels cannot be properly addressed.

It is our understanding that the Corps appropriations for fiscal year 2003 include funding to investigate the feasibility and environmental impacts of further deepening the channel. The stakeholders strongly believe that it is premature to consider deepening the channel until the environmental impacts associated with the construction and maintenance of this existing man-made facility are addressed. Some of the immediate issues that need to be addressed include the status and performance of the existing aeration facility intended to mitigate for the last deepening of the channel, the reluctance of the Corps to take any responsibility for the original excavation of the DWSC, and the need for the Corps to participate more fully in the stakeholder Steering Committee process to address the overall low DO problem. In order to fully address the low DO problem in the DWSC the Corps needs to be a willing and full partner with the stakeholders in implementing any consensus drive solution developed by the Steering Committee.

Key questions that must be addressed by the Corps include:

1. Is the existing aeration facility operating at required mitigation levels?
2. In recent months the Port of Stockton been negotiating with the Corps to assume the operational responsibility of the existing aeration facility. What is the status of this transfer and will it take place prior to the critical DO period of June through November?
3. Will the transfer to the Port of Stockton allow for modification and/or testing of the existing aeration facility to improve its performance? Will the transfer allow for operation of the existing aeration facility outside the designated mitigation period? Absent the transfer to the Port of Stockton will the Corps be willing to modify and/or test the existing aeration facility for study purposes? Is the Corps willing to operate the existing aeration facility outside the designated mitigation period?
4. Through Steering Committee involvement and consistent with the CALFED science peer review recommendation, an aeration feasibility study has been implemented. A portion of the feasibility study will include the actual installation of pilot scale facilities. Is the Corps willing to assist in the placement and permitting of these test facilities as needed?
5. The Steering Committee phased implementation plan relies on the installation and operation of a permanent, full-scale aeration facility. Will the Corps become a full partner in the installation, operation and maintenance of this aeration facility?

The San Joaquin River Group Authority's goal is to develop and implement a solution to the low DO problem in the DWSC based on cooperation and consensus building. A strong coalition of interested stakeholders has already been formed and is supportive of a solution that does not rely on confrontation and litigation so typical of most TMDL processes. With the active involvement of the Corps as a true stakeholder we can move forward much faster and easier with the agreed-upon solution.

Your interest in this very important matter is greatly appreciated. If I can answer any questions, please let me know.

Very truly yours,

SAN JOAQUIN RIVER GROUP AUTHORITY

By Allen Short
Allen Short, Coordinator

C: SJRG