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State Water Resources Control Board

## NOTICE OF PUBLIC WORKSHOP

### 2016 Sacramento River Temperature Management Planning and Implementation

**Friday, March 18, 2016**

The **Public Workshop** will commence at **9:00 a.m.**

Joe Serna, Jr.-CalEPA Building  
Coastal Hearing Room  
1001 I Street  
Sacramento, California

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board or Board) will hold a public workshop at the time and location noted above to receive public input regarding Sacramento River temperature management issues, including the U.S. Bureau of Reclamation's (Reclamation) 2016 Sacramento River Temperature Management Plan (TMP).<sup>1</sup> The TMP will describe proposed operations of the Central Valley Project (CVP) to manage temperatures on the Sacramento River for the protection of winter-run Chinook salmon this year. This workshop is being held pursuant to condition 3 of State Water Board Order [WR 2015-0043](#). This will be an informal workshop only and no formal State Water Board action will be taken.

#### **FORMAT OF THE WORKSHOP**

The workshop will begin with a brief introductory presentation by State Water Board staff providing background and context for Sacramento River temperature management issues. Following the State Water Board staff introductory presentation, Reclamation will provide a presentation on compliance with the Order WR 2015-0043 Sacramento River temperature management requirements, including development of a 2016 TMP and associated temperature modeling information. Staff from the National Marine Fisheries Service (NMFS), Department of Fish and Wildlife, and possibly the U.S. Fish and Wildlife Service (fisheries agencies) will then provide a presentation on fish and wildlife issues associated with Sacramento River temperature issues. NMFS will also provide a presentation on its new Sacramento River salmon survival model.

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<sup>1</sup> On February 12, 2016, State Water Board staff issued a workshop Save-the-Date message to two Lyris email distribution lists: Drought and Bay-Delta.

## **BACKGROUND**

### State Water Board Order WR 90-5

Reclamation is required to control water temperature in the Sacramento River pursuant to State Water Board [Order WR 90-5](#). Reclamation must maintain a daily average temperature of 56 degrees Fahrenheit at Red Bluff Diversion Dam during periods when higher temperatures would be detrimental to the fishery. (Order WR 90-5, p. 54.) If factors beyond Reclamation's reasonable control preclude Reclamation from satisfying this requirement, Reclamation must, after consulting with the fisheries agencies and the Western Area Power Administrator, designate an alternative compliance location, immediately report the change in location to the Deputy Director for Water Rights, and prepare an operations plan that shows Reclamation's strategy to meet the temperature requirement at the new location. (*Id.* at p. 55.) Unless the Deputy Director objects, Reclamation may meet the temperature requirement at the alternative location until factors beyond Reclamation's reasonable control no longer preclude meeting the requirement at the Red Bluff Diversion Dam. (*Ibid.*) Factors considered to be beyond Reclamations' reasonable control include, but are not limited to, conditions where allowing a higher temperature in order conserve cold water for later release would be more protective of the fishery, and conditions where allowing a higher temperature is necessary to implement measures to protect winter-run Chinook salmon. (*Ibid.*) Order 90-5 also includes requirements for ramping flows, minimum bypass flows, monitoring and reporting requirements and requirements that operations of the Trinity River Division for temperature control on the Sacramento River not adversely affect salmonids in the Trinity River.

### Drought Conditions

Reclamation's ability to deliver water for multiple purposes and satisfy water quality requirements, including temperature requirements, has been impaired during the ongoing drought. While recent precipitation events may help to lift the state out of drought conditions, it is not clear yet whether that will be the case. The cumulative effect of the past five years of drought conditions has resulted in chronic and significant water supply shortages to municipal, industrial, and agricultural users and wildlife refuges, and historically low groundwater levels. As a result of these drought conditions, on January 17, 2014, Governor Brown issued a Proclamation of a State of Emergency and directed the State Water Board and other agencies to take various actions to respond to the drought. The Governor has since issued additional Proclamations and Executive Orders extending and expanding the provisions of the prior Proclamation, which directs the State Water Board, among other things, to consider modifying requirements for reservoir releases or diversion limitations that were established to implement a water quality control plan. Such modifications could be accomplished through temporary changes to the conditions of water right permits, such as the changes discussed below.

### Temporary Urgency Change Petition to Modify Bay-Delta Requirements

On February 3, 2015, the Executive Director of the State Water Board issued an Order that conditionally approved a Temporary, Urgency Change Petition (TUCP) filed by the Department of Water Resources (DWR) and Reclamation seeking to change water right permit conditions that require the State Water Project and CVP to meet Bay-Delta water quality objectives. The Executive Director approved modifications to the February 3, 2015 TUCP Order on March 5, April 6, and July 3 of 2015. The July 3, 2015 TUCP Order also renewed the February 3, 2015 TUCP Order through November 30, 2015. Among the changes approved in the February 3, 2015 TUCP Order and subsequent modifications were requirements for: Delta outflow, export limits, flows in the Sacramento and San Joaquin Rivers, Delta Cross Channel Gate closure, and Western Delta agricultural salinity. Similar changes were also approved in 2014. The TUCP and subsequent TUCP Orders can be found at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/tucp/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/tucp/).

One of the primary purposes of the February 3, 2015 TUCP Order and subsequent modifications was to allow for storage to be conserved in upstream reservoirs for multiple purposes, including fisheries protection, specifically to provide for cold water storage in Shasta Reservoir to protect endangered winter-run Chinook salmon on the Sacramento River from temperature impacts. Hence, the above orders required the development and implementation of a 2015 Sacramento River TMP. Order WR 90-5, discussed above, also required the preparation of a TMP. Although Reclamation prepared and implemented a TMP, the TMP failed to achieve the intended results, and the 2015 winter-run Chinook salmon cohort experienced nearly complete mortality due in part to elevated temperatures for the second year in a row. This is of particular concern given that most winter-run Chinook salmon have a three-year lifecycle, leading to an increased risk of extinction if drought conditions continue.

#### State Water Board Order 2015-0043

On December 15, 2015, the State Water Board adopted Order 2015-0043 addressing objections to and taking action on petitions for reconsideration of the February 3, 2015 TUCP Order and subsequent modifications. Order 2015-0043 renewed the July 3, 2015 TUCP Order until June 12, 2016, to address actions needed for this year if conditions continue to be dry to preserve the public interest, prevent catastrophic impacts to fish and wildlife, and ensure adequate water supplies are maintained in storage for municipal water supplies and other critical needs. Among other provisions, Order 2015-0043 includes specific provisions to protect this year's cohort of winter-run Chinook salmon, including the following:

- a requirement that DWR and Reclamation develop a 2016 Drought Contingency Plan;
- a requirement that Reclamation develop the 2016 TMP early in the year;
- a commitment to hold a workshop on the TMP before March 31, 2016;
- a requirement that Reclamation evaluate issues that occurred with temperature management in 2015; and
- requirements for timely and transparent information development and exchange.

Order 2015-0043 can be found at

[http://www.waterboards.ca.gov/waterrights/board\\_decisions/adopted\\_orders/orders/2015/wro2015\\_0043.pdf](http://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/orders/2015/wro2015_0043.pdf).

#### **MATTERS FOR DISCUSSION IN THE WORKSHOP**

Information provided at the workshop will inform refinement and consideration of the 2016 TMP and the other temperature related requirements of Order 2015-0043 and Order WR 90-5. The State Water Board is interested in receiving public input on the following questions:

- Is there adequate information to demonstrate that Reclamation's proposed 2016 TMP will adequately protect winter-run Chinook salmon and other Sacramento River salmonids this year without significant redirected impacts to fisheries in other watersheds? If not, what information or requirements are needed to do so?
- What are the water supply impacts and environmental benefits and impacts of Reclamation's proposed 2016 TMP, and are they appropriately balanced?
- Has Reclamation fully complied with all of the Order 2015-0043 Sacramento River temperature related conditions? If not, what additional work needs to be completed?

- What long term measures should be considered to ensure temperature control and related measures to protect winter-run Chinook salmon and other Sacramento River salmonids in future years?
- How should stakeholder input be factored into Sacramento temperature planning decisions?

### **PROCEDURAL MATTERS**

The workshop will be informal. While a quorum of the State Water Board may be present, no formal action will be taken at the workshop. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions. The workshop is an opportunity for interested persons to provide input to the State Water Board. To ensure a productive and efficient workshop, oral comments will be limited to **five (5) minutes** or otherwise at the discretion of the Board chair. The participants are encouraged to form panels when providing input to the State Water Board. Panels may be granted additional time for their comment period. Those participants who form panels should notify State Water Board staff in advance. State Water Board staff will attempt to accommodate panelists so that all participants have a chance to provide input.

### **ADDITIONAL INFORMATION AND QUESTIONS REGARDING THE WORKSHOP**

Additional information can be found at the links above. Questions concerning this notice may be directed to Rich Satkowski at (916) 341-5439 or [Rich.Satkowski@waterboards.ca.gov](mailto:Rich.Satkowski@waterboards.ca.gov), or Diane Riddle at (916) 341-5297 or [diane.riddle@waterboards.ca.gov](mailto:diane.riddle@waterboards.ca.gov).

### **PARKING, ACCESSIBILITY, AND SECURITY**

The CalEPA Building is accessible to people with disabilities. Individuals who require special accommodations at the CalEPA Building are requested to contact our Equal Employment Opportunity Office, at (916) 341-5881. Due to enhanced security precautions at the CalEPA Building, all visitors are required to register with security staff prior to attending any meeting. To sign in and receive a visitor's badge, visitors must go to the Visitor and Environmental Services Center, located just inside and to the left of the building's public entrance. Depending on their destination and the building's security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification card. Depending on the size and number of meetings scheduled on any given day, the security check-in could take up to fifteen minutes. Please allow adequate time to sign in before being directed to the workshop.

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Date      March 7, 2016

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*Jeanine Townsend*  
Jeanine Townsend  
Clerk to the Board