



United States Department of the Interior

BUREAU OF RECLAMATION
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, California 95821

IN REPLY
REFER TO:

NOV 22 2016

CVO-100
PRJ-23.00

VIA ELECTRONIC MAIL

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Subject: April 19, 2016, Temporary Urgency Change Order – Meeting D-1641 San Joaquin River Flow Objectives in Future Years

Dear Mr. Howard:

On April 1, 2016, Reclamation filed a Temporary Urgency Change Petition (TUCP) to temporarily modify requirements in its water right permits for the New Melones Project. The resulting April 19, 2016, Temporary Urgency Change Order (TUCO) from the State Water Resources Control Board (SWRCB) requires Reclamation to:

“...submit a proposal to the Executive Director by November 1, 2016, identifying how it plans to address its difficulty meeting D-1641 San Joaquin river flow requirements until such time as the State Water Board updates and implements the San Joaquin River flow objectives.”

Reclamation has had difficulty meeting D-1641 San Joaquin River flow requirements since the San Joaquin River Agreement (SJRA) expired in 2011, which expired on its own terms (i.e, it was not prematurely withdrawn from by any party). The expiration of the SJRA has significant implications to whether the spring pulse flow requirements are supported with currently available water supplies. In addition, even prior to the expiration of the SJRA, Reclamation had difficulty meeting the February through June base flows contained in Table 3 of D-1641 TUCPs were submitted in 2003, 2004, 2005, 2009, 2015, and 2016) due to concerns about the base and pulse flow impacts to New Melones Reservoir storage.

Reclamation has not operated to the D-1641 April-May pulse flows for the San Joaquin River at Vernalis contained in Table 3. Modified spring pulse flows were implemented on an interim basis through the SJRA. The SWRCB record is clear that instream flows for the San Joaquin River cannot consistently be met with such heavy reliance on New Melones yield, a reservoir situated on a single tributary to the San Joaquin River. This situation is further complicated due

to the senior water right obligations at New Melones, and the potential for slow refill of New Melones given the variable hydrology of the Stanislaus River.

When the SJRA ended on December 31, 2011, after twelve years, Reclamation was unsuccessful in negotiating a temporary agreement to extend the SJRA with the original partners. Reclamation was able to negotiate an additional 2-year agreement with Merced Irrigation District in order to continue to provide a 31-day spring pulse flow similar to SJRA spring pulse flow operations.

However, the advent of the drought in 2013, and the sequential critically dry years in the San Joaquin Basin, has severely limited any available water for purchase for Vernalis pulse flows. The past five years have also demonstrated the futility of relying solely on New Melones Reservoir to meet Delta water quality and flow requirements, and the lack of a durable implementation plan to provide for these flows, especially during prolonged droughts.

Oakdale Irrigation District and South San Joaquin Irrigation District (Districts) have provided some additional volumes of water post-SJRA for the purpose of fish and wildlife preservation and enhancement in the Stanislaus and San Joaquin Rivers. A spring 2013 release of 80,000 acre-feet augmented the 2009 National Marine Fisheries Service (NMFS) Biological Opinion Appendix 2E schedule for a pulse flow in the April-May pulse period. In 2015, due to the lack of Central Valley Project water in the extremely low storage in New Melones Reservoir, the Districts made available about 23,000 acre-feet of water during the October-November time period for the fall pulse flow. This water was provided by the Districts using water they conserved over the summer of 2015 through water conservation efforts. In April-May 2016 the Districts contributed 75,000 acre-feet of water for the spring pulse flow in addition to the Appendix 2E flow volume and the October-November fall pulse flow (Appendix 2E volume of 23,200 acre-feet) was supplemented by an additional 16,000 acre-feet of the Districts' water.

After four years of extended drought, 2016 hydrologic conditions improved somewhat, however, in spite of average to slightly above average precipitation, runoff was significantly below average due to replenishment of depleted soil moisture, increased uptake by vegetation and less precipitation falling as snow. Conditions at New Melones Reservoir at the end of Water Year 2016, have improved slightly in comparison with the end of Water Year 2015 (end of September storage in 2016 is approximately 260 thousand acre-feet higher than in 2015), however, overall storage is currently only 22% of total capacity and 39% of the historical average to date. In comparison, New Don Pedro Reservoir storage is presently at 65% of total capacity and 98% of the historical average and Lake McClure (New Exchequer) is at 36% of total capacity and 80% of the historical average. The entire San Joaquin basin remains in a depleted hydrologic state and may face continuing drought conditions in the months ahead.

Condition 3 of the TUCO required Reclamation to provide an analysis of water rights for water stored in New Melones Reservoir from October 15, 2015, through September 30, 2016. The result of that analysis showed that Reclamation does not have adequate carryover water available in New Melones Reservoir to meet all future water rights terms and conditions and other regulatory requirements if drought conditions persist. The potential carryover volume into water

year 2017, was only about 71,000 acre-feet. Very little storage has been built up over the past years of drought, leaving the Project heavily dependent on future inflow. It may be as long as a decade before New Melones Reservoir storage recovers with only average inflows.

In the future and until the updates to the Bay-Delta Plan are completed and implemented, Reclamation anticipates that flow releases to the Stanislaus River will be consistent with the provisions of the NMFS Biological Opinion and the actions under its Reasonable and Prudent Alternatives. Flows will follow the Appendix 2E schedule as modified through the Stanislaus Operations Group and Reclamation will continue to meet the D-1641 salinity objective at Vernalis. Reclamation will continue to work closely with the Districts to facilitate the release of any water they are able to provide to help meet flows additional to the Appendix 2E flows and including the fall attraction flows. Any future release of the Districts' water will likely involve the participation of other parties willing to pay for the release and will be contingent on that water contributing to improved water supplies in other areas of the State. Such agreements are often dependent on the hydrologic conditions at the time and are difficult to evaluate well in advance of the action given the complex hydrodynamics and fishery concerns involved. Such coordinated actions require close involvement with the Federal and State fishery agencies on a case-by-case basis.

In addition, Reclamation will also work closely with the Federal fishery agencies and the California Department of Fish and Wildlife to coordinate the Stanislaus River flows with the Federal Energy Regulatory Commission flows on the Merced and Tuolumne rivers.

If you have any questions or would like further discussion, please contact Elizabeth Kiteck at 916-979-2684.

Sincerely,



Ronald Milligan
Operations Manager

cc: Ms. Maria Rea
Assistant Regional Administrator
California Central Valley Area Office
National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Mr. Chuck Bonham
Director
California Dept. of Fish and Wildlife
1416 Ninth Street
Sacramento, CA 95814

Continued on next page.

Mr. Mark Cowin
Director
California Dept. of Water Resources
1416 Ninth Street
Sacramento, CA 95814

Ms. Kaylee Allen
Field Supervisor
Bay Delta Fish and Wildlife Office
U.S. Fish and Wildlife Service
650 Capitol Mall, Suite 8-300
Sacramento, CA 95814

Mr. John Leahigh
Operations Control Office
California Department of Water
Resources
3310 El Camino Avenue, Suite 300
Sacramento, CA 95821

Mr. Paul Souza
Regional Director
Pacific Southwest Region
U. S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

Mr. David Murillo
Regional Director
Mid-Pacific Region
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Ms. Michelle Banonis
Area Manager
Bay-Delta Office
Bureau of Reclamation
801 I Street, Suite 140
Sacramento, CA 95814