

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2014-0150

APPROVING A MANAGEMENT AGENCY AGREEMENT WITH THE U.S. BUREAU OF
RECLAMATION FOR MEETING SALINITY WATER QUALITY OBJECTIVES IN THE
SAN JOAQUIN RIVER AT VERNALIS

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), finds that:

1. The U.S. Bureau of Reclamation (USBR) administers and delivers Central Valley Project (CVP) water to agricultural irrigators within the Lower San Joaquin River (LSJR) Basin.
2. The USBR delivers water, in part, to replace water it diverted during the second half of the Twentieth Century from the San Joaquin River (SJR). The diverted water was formerly utilized by LSJR Basin agricultural irrigators.
3. The CVP water contains concentrations of total dissolved solids (TDS) that are greater than concentrations of the diverted SJR water formerly utilized by LSJR Basin agricultural irrigators.
4. The TDS within the delivered CVP water is accumulating within the LSJR Basin and contributing to an increasing salinity problem in the basin's soil.
5. The Central Valley Water Board is responsible for implementing the Federal Clean Water Act and the State Porter-Cologne Water Quality Control Act to protect water quality and ensure that activities do not adversely affect beneficial uses of water.
6. The Central Valley Water Board implements its *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (Basin Plan).
7. On 10 September 2004 the Central Valley Water Board adopted Resolution No. R5-2004-0108 amending its Basin Plan, in part, by adopting the Control Program for Salt and Boron Discharges (Control Program) into the LSJR. On 28 July 2006 the Office of Administrative Law approved the amendment to the Basin Plan.
8. Item 8 of the Control Program directed the Central Valley Water Board to attempt to enter into a Management Agency Agreement (MAA) with the USBR to address salt imports from the Delta Mendota Canal (DMC) to the LSJR watershed. The MAA was to require that USBR meet DMC salt load allocations stipulated in the Control Program, or provide mitigation and/or dilution flows to create additional assimilative capacity for salt in the LSJR equivalent to DMC salt loads in excess of USBR's allocations.
9. In December 2008 the Central Valley Water Board and USBR signed an MAA meeting the requirements of the Control Program. In the MAA, USBR also committed to initiate and facilitate stakeholder efforts to develop a Real Time Management Program (RTMP) that would maximize salt export out of the LSJR drainage basin while meeting water quality objectives at Vernalis by timing saline discharges to those times when there is assimilative capacity in the river.

10. The MAA acknowledged uncertainty regarding the establishment of a RTMP for the LSJR. To address this uncertainty, specific tasks were incorporated into the MAA, including performing initial RTMP monitoring, quantification, and evaluation. After the evaluation was completed, the Central Valley Water Board and Reclamation would meet to review the results and would define the future efforts necessary to implement the RTMP. The Central Valley Water Board and Reclamation would memorialize their commitments and responsibilities in a revised MAA.
11. On 3 February 2011 during a Central Valley Water Board meeting, staffs of the Central Valley Water Board, USBR, and Westside San Joaquin River Watershed Coalition (Westside Coalition) contractor gave presentations on the status of the MAA activities performed in 2009 and 2010, and the efforts underway to update the agreement. At that time, Central Valley Water Board staff was directed to review USBR technical studies, once completed, and to prepare an updated MAA.
12. Between February 2011 and December 2014, USBR participated in pilot studies tracking salinity discharges from Mud Slough, the Grassland Resource Conservation District (GRCD) and the Grassland Bypass Project (GBP) area.
13. On 13 February 2013, USBR delivered two technical LSJR Watershed salinity memoranda to the Central Valley Water Board: 1) Water Budget, Westside Salt Assessment, and 2) Salt and Nitrate Budget, Westside Salt Assessment.
14. During 2013 and 2014, USBR financed and led development of a salt load forecasting model. The model development is continuing with input from local stakeholders as well as staff from the Department of Water Resources and the Central Valley Water Board.
15. On 28 March 2014, staffs of the Central Valley Water Board, USBR, and the Westside Coalition presented a status report on the Control Program to the Board. The status report included a discussion of the water quality at Vernalis, activities undertaken as part of the 2008 MAA, the viability of a RTMP to manage salinity in the basin, the development of an RTMP framework document, and parallel actions to ensure compliance with salinity objectives at Vernalis. It was anticipated that a proposed RTMP and updated MAA would be provided to the Central Valley Water Board for consideration during late summer of 2014.
16. On 4 June 2014, the Central Valley Water Board announced on Lyris lists that it had posted a draft updated MAA with USBR and a stakeholder-developed RTMP to its website for public comment. The Board subsequently indicated that the draft documents would be considered for Board approval at its meeting on 9/10 October 2014, setting a deadline for public comment of 18 August 2014. Due to delays in developing the final versions of the documents, and due to the submittal of late comments by key stakeholders the Board postponed consideration of the document to the 4/5 December 2014 Board meeting.
17. On 9 October 2014 staffs of the Central Valley Water Board, USBR, and the Westside Coalition presented a status report on the Control Program to the Board, including the draft RTMP and the revised MAA.
18. In the draft updated MAA, USBR agrees that its continuing salinity management program will consist of the following:

- a. Provision of mitigation or dilution flows to create additional assimilative capacity when necessary to maintain the Vernalis objectives;
 - b. Support of salt load reduction actions of the Grassland Bypass Project, Westside Regional Drainage Plan, WaterSMART Water and Energy Efficiency Grants, Water Conservation Field Services Program, and CALFED Water Use Efficiency Program;
 - c. Mitigation actions through participation in RTMP, monitoring and modeling systems development, salinity management grant proposal writing, salinity management of Federal Refuges and Federal Water Supply Contractors, and support and development of RTMP salinity forecast model;
 - d. Participation in Central Valley Salinity Alternatives for Long-term Sustainability,
 - e. The San Joaquin River Restoration Program; and
 - f. Other actions as necessary or required to be determined at a future date.
19. In the draft updated MAA, USBR agrees to submit Annual Work Plans for the coming year activities no later than 90 days prior to the next federal fiscal year and Annual Reports of previous year activities no later than 90 days after the end of each federal fiscal year.
20. In the draft updated MAA, USBR agrees to include, at a minimum, the following information in Annual Reports:
- a. Quantification of New Melones Reservoir flow releases and purpose of release (e.g. specific environmental purpose), water acquisitions, and other activities to create additional assimilative capacity when necessary to maintain the Vernalis objectives;
 - b. Salt load reduction actions of the Grassland Bypass Project, Westside Regional Drainage Plan, and other conservation efforts;
 - c. Participation in RTMP and CV-SALTS mitigation actions;
 - d. Central Valley Project DMC delivery salt load calculations;
 - e. Other salt load reduction actions;
 - f. Annual Work Plan activity performance; and
 - g. References.
21. In the draft updated MAA, USBR agrees to include the following in Annual Work Plans:
- 1. Program goals and objectives for the fiscal year;
 - 2. Program status;
 - 3. Proposed funding by source;
 - 4. Description of proposed: activities, allocated budget to perform the activities, estimated completion schedule, and options for funding shortfalls; and
 - 5. Documentation of public review and response to public comments.
21. The draft of the first Annual Work Plan covering 1 October 2014 through 30 September 2015 was provided on 31 October 2014.

THEREFORE, BE IT RESOLVED that:

1. The Work Plan covering the period from 1 October 2014 through September 2015 must be provided to the Central Valley Water Board's Executive Officer for acceptance on or before 31 December 2014, and thereafter 90 days prior to the beginning of the next fiscal year. Annual Reports will be provided 90 days after the end of each federal fiscal year.
2. At a minimum, the first work plan and subsequent work plans must include detailed descriptions of the proposed activities, the allocated budget to perform the activities, a schedule of completion, documentation of public review and response to public comment.
3. The Central Valley Water Board delegates acceptance of each annual Work Plan to its Executive Officer. Further, Central Valley Water Board delegates the Executive Officer the authority to terminate the MAA, at his or her discretion, if an acceptable annual Work Plan is not received by the Work Plan due date.
4. The Central Valley Water Board delegates the Executive Officer the authority to enter into the updated Management Agency Agreement with the US Bureau of Reclamation for meeting salinity water quality objectives in the San Joaquin River at Vernalis.

I, PAMELA C. CREEDON, Executive Officer do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region on 4 December 2014.

Original signed by Pamela Creedon

PAMELA C. CREEDON, Executive Officer