

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
<http://www.waterboards.ca.gov/waterrights>

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

See Supplement.

Reclamation believes that this drought action falls under the Governor's suspension of CEQA requirements for actions necessary to mitigate the effects of the drought.

Insert the attachment number here, if applicable:

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

Yes No

Will a waste discharge permit be required for the project?

Yes No

If necessary, provide additional information below:

Reclamation has attempted to contact the RWQCB, but has not yet located the correct point of contact.

Insert the attachment number here, if applicable:

Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

n/a

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted:

n/a

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below.

Yes No

Grading Permit Use Permit Watercourse Obstruction Permit

Change of Zoning General Plan Change Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies.

Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board Department of Fish and Game
 Dept of Water Resources, Division of Safety of Dams California Coastal Commission
 State Reclamation Board U.S. Army Corps of Engineers U.S. Forest Service
 Bureau of Land Management Federal Energy Regulatory Commission
 Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. Yes No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number

If necessary, provide additional information below:

Reclamation has been coordinating within the RTDOT group, which includes Les Grober and Diane Riddle (SWRCB) and Carl Wilcox (CDFW).

Insert the attachment number here, if applicable:

Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. Yes No

Will another public agency be preparing an archeological report? Yes No

Do you know of any archeological or historic sites in the area? If yes, explain below. Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Photographs

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

Maps

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of redirection, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

All Water Right Holders Must Sign This Form:

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated 6/17/2015 at Sacramento, CA.

Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

NOTE:

- Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

**SUPPLEMENT TO 2015 PETITION FOR TEMPORARY URGENCY CHANGE TO RELAX
CONDITION 5 OF RECLAMATION NEW MELONES PERMITS THROUGH NOVEMBER 30,
2015 DUE TO DROUGHT**

U.S. Bureau of Reclamation Permits for the Central Valley Project

Application Numbers: 14858A, 14859, 19303, 19304

Permit Numbers: 16597, 16598, 16599, 16600

Requested Change

The United States Bureau of Reclamation (Reclamation) requests that the State Water Resources Control Board (SWRCB) modify Permits 16597 through 16600 to temporarily change the requirements of the dissolved oxygen condition of the identified permits (condition 19). Condition 19 requires in part that Reclamation release water stored in New Melones to meet the currently applicable dissolved oxygen objective in the Water Quality Control Plan (Basin Plan) for the Sacramento River and San Joaquin River Basins. Reclamation is requesting that this requirement be relaxed to 5.0 mg/l (from 7.0 mg/l) through November 30, 2015.

This change will allow Reclamation to operate New Melones to best meet some degree of all of its permit terms, in coordination with fishery agencies and the SWRCB. Approval of the changes requested in this petition will not unreasonably affect other legal users of water, the environment, or fish and wildlife.

Reclamation Has An Urgent Need for the Change

This request is being made in addition to a temporary urgency petition filed in May 2015 for other changes to terms and conditions set by Water Rights Decision 1641.

This request is urgent because the combination of inflow to New Melones and storage in New Melones no longer holds an adequate volume of water to meet existing permit term conditions through the remainder of this year. Reclamation cannot meet the dissolved oxygen objective as of June 8 and retain enough water for more critical fishery needs later in the year. Reclamation has been in consultation with the SWRCB and fishery agencies, and is filing this petition following the May 21, 2015 temporary urgency petition in agreement with these agencies.

Real-Time Drought Operations Management Team

Reclamation and the California Department of Water Resources (DWR) are working with the California Department of Fish and Wildlife (DWF), National Marine Fisheries Service (NMFS), and United States Fish and Wildlife Service (FWS) to ensure that decisions made by the Real-Time Drought Operations Management Team (RTDOMT)

or proposals submitted to the SWRCB follow the principles set forth in the Interagency Strategy and meet the requirements of the California Endangered Species Act and the federal Endangered Species Act, including complying with the drought contingency provision (RPA Action I.2.3.c.) in the 2009 Coordinated Long-term Operation of the Central Valley Project and State Water Project Biological Opinion (NMFS 2009 BiOp). This process allows the regulatory agencies to provide feedback and concur on potential project operations and related effects on an ongoing basis as the drought emergency is addressed. As a result of this coordination, DWR and Reclamation may submit to the SWRCB additional information on developing standards appropriate for operation of the Projects during the drought.

Reason for the Requested Changes

California is in its fourth straight year of below-average rainfall and very low snowmelt runoff. Governor Brown declared a state of Emergency on January 17, 2014 citing the critically dry conditions in 2014 following two previous dry years. Due to the continuing dry conditions and critically low water supplies, the Governor issued an executive order on December 22, 2014, continuing certain provisions of his drought proclamation.

As a result of this continued aridity, earlier this year New Melones reservoir volume's seasonal peak was at its lowest level since 1992. As a result, the water supply from the Stanislaus River basin is not able to meet all demands and objectives this year. Water deliveries to Oakdale Irrigation District and South San Joaquin Irrigation District are at the minimum contractual level to meet their senior water rights (a portion of which were curtailed on June 12), the Central Valley Project water service contractors that receive water from New Melones are getting no water this year, and Reclamation has requested and received approval to modify flow objectives at Vernalis to help conserve and manage water in the basin.

Reclamation is continuing to manage New Melones Reservoir storage in this fourth year of drought to attempt to meet permit terms and conditions, and currently projects that by the end of the water year storage may be as low as 240,000 acre-feet. Inflow to the reservoir is projected to be only about 300,000 acre-feet in water year 2015, the lowest in the lifetime of the reservoir. The reservoir storage may drop below the elevation needed to support power generation in August.

Reclamation is continuing to work closely with the NMFS to ensure any modified water quality and flow objectives are consistent with the NMFS 2009 BiOp. Reclamation intends to maintain releases supporting the Stanislaus River critically dry year flow schedule contained in the NMFS 2009 BiOp. Reclamation has already provided two spring pulse flows from the Stanislaus River in 2015 in an effort to encourage the

outmigration of steelhead and salmon out the system before river temperatures warm significantly this summer. We do not expect that the modification of the minimum dissolved oxygen to 5.0 mg/l will have a significant adverse impact to any cold water fish species remaining in the Stanislaus River: 5.0 mg/l is the minimum objective for warm water fish species in the Stanislaus River.

Background on Permit Condition

The dissolved oxygen requirement is condition 19 in Permits 16597, 16598, 16599 and 16600. It is currently regulated as meeting a minimum level of 7.0 mg/l dissolved oxygen at the monitoring location of Ripon on the Stanislaus River.

Water Rights Decision 1422 set condition 5 as:

5. Release of conserved water from New Melones Reservoir for water quality control purposes shall be scheduled so as to maintain a mean monthly total dissolved solids concentration in the San Joaquin River at Vernalis of 500 parts per million or less and a dissolved oxygen concentration in the Stanislaus River as specified in the Water Quality Control Plan (Interim), San Joaquin River Basin 5C, State Water Resources Control Board, June 1971.

In the event that the Water Quality Control Plan (Interim) is amended or superseded, the foregoing water quality objectives shall be modified to conform to then current criteria.

The Fourth Edition of the Water Quality Control Plan (Basin Plan) for the Sacramento River and San Joaquin River Basins states:

For surface water bodies outside the legal boundaries of the Delta, the monthly median of the mean daily dissolved oxygen (DO) concentration shall not fall below 85 percent of saturation in the main water mass, and the 95 percentile concentration shall not fall below 75 percent of saturation. The dissolved oxygen concentrations shall not be reduced below the following minimum levels at any time:

- Waters designated WARM 5.0 mg/l
- Waters designated COLD 7.0 mg/l
- Waters designated SPWN 7.0 mg/l

The Stanislaus River from Goodwin Dam to San Joaquin River is identified as having warm, cold, and spawning freshwater habitat beneficial uses, and therefore is currently operated to meet the 7.0 mg/l objective.

On page IV-21.00 the Basin Plan refers to a Memoranda of Agreement (MOA) with Reclamation:

On 2 July 1969, the Regional Water Board signed an MOA with the Bureau of Reclamation to schedule water releases from the New Melones Unit of the Central Valley Project to maintain an oxygen level at or above 5 mg/l in the Stanislaus River downstream of the unit and to not exceed a mean monthly TDS concentration of 500 mg/l in the San Joaquin River immediately below the mouth of the Stanislaus River. The MOA's water quality requirements are subject to some conditions. See Appendix Item 29.

General Information

The Requested Change Will Not Result in Unreasonable Impacts to Other Legal Water Users

The change requested by Reclamation will not result in unreasonable impacts to other legal water users. The water that would be released to meet the dissolved oxygen permit condition was previously diverted out of the watershed in conformance with the provisions of the Reclamation permits governing those diversions. The change to the permit condition requested will enable Reclamation to meet more critical fishery needs later in the year, in coordination with fishery agencies and the SWRCB. These storage releases would not be flows available for downstream diverters without a contract with Reclamation because those diverters have no right to Reclamation's stored water. If the SWRCB approves the requested changes that result in a reduction in stored water releases, such a reduction could not result in an injury to other legal users of water.

The Requested Change Will Not Result in Unreasonable Impacts to Fish and Wildlife or the Environment

The change requested by Reclamation will not result in unreasonable impacts to fish and wildlife or the environment. Reclamation is working with fishery agencies and the SWRCB to best manage very limited storage volumes to best protect the fishery in the Stanislaus River. Reclamation will maintain releases supporting the Stanislaus River critically dry year flow schedule contained in the NMFS 2009 BiOp. Reclamation has already provided two spring pulse flows from the Stanislaus River in 2015 in an effort to encourage the outmigration of steelhead and salmon out of the system before river temperatures warm significantly this summer. The relatively cooler water upstream of Orange Blossom Bridge, the oversummer steelhead rearing area, will facilitate higher dissolved oxygen levels than will occur at Ripon.

The biological review of this issue summarizes:

During the summer, *O. mykiss* juvenile and adults are likely to be present primarily above Orange Blossom (River Mile 46). Based on Caswell Trap (RM 9) monitoring, *O. mykiss* have been observed in the lower Stanislaus River as late

as the end of June (USBR 2015d).¹ The Project Description's modification of the Ripon dissolved oxygen (DO) requirement from 7.0 mg/L to 5.0 mg/L is expected to reduce the extent of the river in which dissolved oxygen is at or above 7.0 mg/L. Oxygen distress can occur in salmonids at DO concentrations less than 6.5 mg/L causing reduced swimming ability and growth.² No DO gage data is available upstream of Ripon, so it is not known how a 5 mg/L target at Ripon translates to the downstream extent of DO of 7.0 mg/L or higher. Temperatures at Ripon (RM 9) are expected to be unsuitable for rearing steelhead juveniles and adult steelhead during the summer of WY 2015, so contraction of suitable DO conditions may not impact juvenile or adult steelhead if they are holding farther upstream where temperatures are cooler and dissolved oxygen is expected to be higher.

We therefore do not expect that the modification of the dissolved oxygen minimum to 5.0 mg/l will have an unreasonable effect on any cold water fish species remaining in the Stanislaus River.

The Requested Change is in the Public Interest

Reclamation is requesting this change in consultation with fishery agencies and the SWRCB, and is making every effort to make the most efficient use of limited storage volumes to protect the Stanislaus River fishery during the fourth year of drought. This requested change is in the public interest because it reserves critical water supplies for times that are more beneficial to the Stanislaus River fishery, while having no unreasonable effect on other legal users of water, fish and wildlife, or the environment.

Consultation with California Department of Fish and Wildlife

DWR and Reclamation have met numerous times during the past few months with representatives of the DFW, as well as with NMFS and FWS, to discuss the hydrologic situation and potential measures to address it. Both direct talks concerning this petition and discussions on the drought more generally have presented opportunities to consult as required under the State Water Code.

¹ United States Bureau of Reclamation. 2015d. Letter from Mr. Ron Milligan to Mrs. Maria Rea. Contingency Plan for Water Year (WY) 2015 Pursuant to Reasonable and Prudent Alternative (RPA) Action 1.2.3.C of the 2009 Coordinated Long-term Operation of the Central Valley Project (CVP) and State Water Project (SWP) Biological Opinion (NMFS 2009 BiOp). Attachment 2.

² Carter, Katharine. "The effects of dissolved oxygen on steelhead trout, coho salmon, and chinook salmon biology and function by life stage." *California Regional Water Quality Control Board, North Coast Region, Santa Rosa, California USA* (2005).