
From: Garwin Yip - NOAA Federal [mailto:garwin.yip@noaa.gov]

Sent: Friday, April 28, 2017 9:03 AM

To: Riddle, Diane@Waterboards

Cc: Cantrell, Scott@Wildlife; Dibble, Chad@Wildlife; Kundargi, Kenneth@Wildlife; Barbara Byrne; Ochendusko, Kyle@Waterboards; Wilcox, Carl@Wildlife

Subject: Re: DWR Request for a Short-Term Exemption from JPOD Limits

Diane,

Thanks for the opportunity to review and provide feedback on the attached letter from DWR. Has the SWRCB reached out to the USFWS regarding DWR's request for the JPOD exemption? NMFS and CDFW have discussed the letter and offer the following comments:

-- Because the hydrologic conditions this spring have resulted in high flows at Vernalis and positive Old and Middle River flows, and because NMFS and CDFW assume that actual exports March 20 onward are comparable to (or even less) than the combined exports that would have occurred absent the Clifton Court Forebay emergency repair, NMFS and CDFW do not have reason to expect that the use of JPOD has caused or will cause a significant adverse effect on the environment.

That said, NMFS and CDFW have several significant concerns about process.

--The analysis of impacts in DWR's letter is extremely limited.

-- Although DWR has mentioned the emergency use of Jones Pumping Plant to convey SWP water in multiple venues, we were not aware of any formal requests made to the State Water Board for JPOD authorization nor discussion with the fish agencies on this request until you sent us this letter. That is, despite the implication in the letter, none of those groups (to our knowledge) were ever asked to weigh in on whether or not a JPOD exemption was appropriate.

--The interagency meetings cited in the letter (including several technical groups like DOSS and SWG) are not necessarily the appropriate venue for participants to dig into the details and nuances of JPOD and emergency pumping, and especially for the agencies or participants to be asked for concurrence on such use (explicit or implied).

-- To the extent that DWR has discussed JPOD/emergency use/exemption in the various venues, the process to request SWRCB exemption should have been broached as soon as the damage to the CCF apron and extent/duration of the fix was determined and the need for the CVP to export a portion of the SWP water.

-- Earlier this year, Reclamation requested use of JPOD to recapture/export a volume of water that was conserved for fishery purposes. At that time, the fish agencies requested that Reclamation update its Fish Protection Plan within JPOD. To date, we are not aware of any efforts to update the Fish Protection Plan. The SWRCB's response to DWR's attached request would be a great opportunity to request/require Reclamation and DWR to update their Fish Protection Plan. An operations plan should also be provided to the SWRCB and fish agencies for review.

-Garwin-

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