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Division of Operations and Maintenance
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Sacramento, California 95821



BUREAU OF RECLAMATION
Central Valley Operations Office
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VIA ELECTRONIC MAIL ONLY

Mr. Eric Oppenheimer
State Water Resources Control Board
Sacramento, CA 95814

Subject: Request for Approval of Operations Plan for Stage 2 Joint Point of Diversion (JPOD)

Dear Mr. Oppenheimer:

The following is a request for approval of the enclosed Operations Plan as required for the Department of Water Resources and U.S. Bureau of Reclamation to use of Stage 2 Joint Points of Diversions (JPOD) per State Water Resources Control Board Water Rights Decision 1641 (D1641).

The enclosed Plan was developed pursuant to D1641 for the use of Stage 2 JPOD. The Plan has been updated from the December 26, 2006 Fish Protection Plan, which was conditionally approved by the Board August 20, 2020, to be consistent with the 2024 USFWS and NMFS Biological Opinions on the Long-Term Operation of the CVP and SWP for listed species under the Endangered Species Act (ESA), U.S. Bureau of Reclamation's 2024 Record of Decision for the Re-initiation of Consultation on the Coordinated Long-Term Operation of the CVP and SWP, and the CDFW ESA Incidental Take Permit (ITP) for the Long-Term Operation of the SWP in the Sacramento-San Joaquin Delta No. No. 2081-2023-054-00 for species listed under the California Endangered Species Act.

DWR and Reclamation are requesting your expedited review of this Plan because of a unique upcoming facility Operation and Maintenance outage. Specifically, from October 6 through December 30, 2025, there are extended outages planned at the O'Neill Pumping-Generating Plant facility and the Delta-Mendota Canal/California Aqueduct Intertie. These outages will limit Reclamation's ability to divert/re-divert available water in the Delta at the federal C.W. Bill Jones Pumping Plant facility due to downstream capacity limitations. Under JPOD, the available water that cannot be diverted at Jones could be diverted by DWR at the Harvey O. Banks Pumping Plant.

This JPOD operation would not lead to any additional Delta pumping by the Projects had these unique long-term outages not occurred. Further, the diverted water at Banks would be for purposes authorized under current permits.

Thank you in advance for your prompt review and consideration.

If you or your staff have any questions regarding the Fish/Water User Protection Plan or this JPOD request, please contact Randi Field at RField@usbr.gov or Bryant Giorgi at Bryant.Giorgi@water.ca.gov.

Sincerely,

LEVI
JOHNSON

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JOHNSON
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Operations Manager - CVO

Tracy Hinojosa

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cc:

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Stage 2 Joint Point of Diversion Operations Plan

Description of Stage 2 JPOD Action

Water Rights Decision 1641 (D1641) authorizes the diversion of water by the U.S. Bureau of Reclamation (Reclamation) and the Department of Water Resources (DWR) through each other's Delta pumping plants if certain conditions are met. This authorized change of the point of diversion for the Projects is known as Joint Points of Diversion, or "JPOD." For Stage 2 JPOD use, per D1641, Reclamation and DWR are required to develop an operations plan to protect other legal users of water including fish and wildlife. The operations plan is to be developed in consultation with the California Department of Fish and Wildlife (CDFW), the U.S. Fish and Wildlife Service (FWS), and NOAA Fisheries (NMFS) before change in the point of diversion or re-diversion for the State Water Project (SWP) or Central Valley Project (CVP) is allowed.

The Stage 2 JPOD action is described in [Revised Water Right Decision 1641 2000](#) as follows:

Stage 2 - The second stage is use of the JPOD for any authorized purpose under the permits, up to the limits specified in the current [U.S. Army Corp of Engineers] USCOE permit. Use of the JPOD at the second stage will be subject to the preparation and implementation of an operations plan acceptable to the Executive Director of the [State Water Resources Control Board] SWRCB that provides adequate protection to aquatic resources and other legal users of water. DWR will be the state lead agency for any required environmental documentation under [California Environmental Quality Act] CEQA for the operations plan.

Fish Protection

This Operations Plan is designed to protect fish and wildlife under current operational requirements and the current regulatory environment. This plan is in compliance with the 2024 Record of Decision (ROD) issued for the Long-term Operation of the CVP and the SWP for listed species under the Endangered Species Act (ESA), Reclamation's 2024 Biological Assessment for the Long-Term Operation of the CVP and SWP (2024 Proposed Action), and the 2024 CDFW California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2023-054-00 (2024 CDFW ITP) for the Long-term Operation of the SWP in the Sacramento-San Joaquin Delta for species listed under CESA.

This plan relies on an existing network of monitoring, data collection, and processing, and its implementation uses a process of coordination, data evaluation, and decision-making, which is already in place and has evolved since the adoption of D1641. Fish protection actions are based on real-time assessment of biological and hydrologic conditions both prior to, and during, JPOD actions. Specific criteria define conditions suitable for JPOD use and serve as triggers or action levels. Any proposed actions related to Stage 2 JPOD operations that deviate from those outlined in this plan will be submitted to the Executive Director of the SWRCB for approval. This plan was developed for Stage 2 actions and is based on the requirements in: the 2024 Proposed Action, the 2024 NMFS and FWS Biological Opinions on the Long-term Operation of the CVP and the SWP, and the 2024 CDFW ITP.

Protection of Other Legal Users of Water

DWR and Reclamation will comply with the conditions of the Water Response Plan for Water Level Concerns in the South Delta Under Water Right Decision 1641 (Water Level Response Plan) and the Water Quality Response Plan for use of Joint Points of Diversion under Water Rights Decision 1641 (Water Quality Response Plan) to protect Delta water users when implementing JPOD actions and that provide measures to protect other legal users of water.

Per the Water Level Response Plan:

Reclamation, DWR, and the South Delta Water Agency (SDWA) shall strive to maintain diligent communication regarding the planning and execution of any action referencing the Water Level Response Plan and expected diversions through the southern Delta. Further, no later than seven (7) days prior to any JPOD operations, DWR and/or Reclamation shall give SDWA notice thereof. If an emergency arises, DWR and Reclamation shall give SDWA as much notice as possible prior to any such action. An emergency does not include operational changes due to ESA limitations or requirements. Such notices shall include modeling forecasts for the time frame during which the JPOD or transfer is scheduled to occur. During any such JPOD or transfer operations, DWR or Reclamation shall update the modeling no less than every week and more often if conditions vary from those modeled in a manner that could be adverse to water levels.

Reporting of water level problems and courses of action will adhere to the Water Level Response Plan.

To protect cultural resources, JPOD will not occur if it would cause reservoirs to be drawn down to or below historic minimum elevations. If DWR or Reclamation is unable to implement actions required to avoid reservoir level recreational impacts described in 2024 LTO Final Environmental Impacts Statement (FEIS), JPOD operations will not occur. An initial response to allegations of impacts to recreational and/or cultural resources shall be provided by Reclamation and/or DWR in writing within 72 hours to the Executive Director of the SWRCB. Unresolved disputes shall be forwarded to the Executive Director of the SWRCB for resolution.

October through June

Measures to avoid or minimize the effects of export operations at Banks and Jones Pumping Plants on entrainment and Delta survival of ESA-listed and CESA-listed fish species include an existing monitoring network to indicate when these species are migrating and when they are present in the Delta and potentially vulnerable to the effects of export pumping, including those implemented under JPOD. Reclamation and DWR will ensure that the monitoring included in Reclamation's 2024 BA and analyzed in the 2024 NMFS and FWS Biological Opinions are in place for JPOD to occur (see section 3.10 Monitoring in the 2024 LTO BA). DWR will ensure that monitoring requirements and operating criteria included in the 2024 CDFW ITP are in place for JPOD to occur.

Intensive fish monitoring and frequent coordination with Delta operational technical teams (Salmon Monitoring Team, Smelt Monitoring Team, and Water Operations Management Team) are necessary during the October through June period due to higher likelihood of Delta

operations to impact salmonids and smelt. Real-time assessments will, when necessary, continue to inform impacts of Delta operations, including any JPOD actions (see section 3.7 Delta of the 2024 LTO BA for description of real-time assessments).

Delta water operations actions, including thresholds for ESA-listed fish species, are described in the 2024 Reclamation ROD, 2024 NMFS Biological Opinion, 2024 FWS Biological Opinion, and requirements for CESA-listed fish species as described in the CDFW 2024 ITP (see section 3.7 of the 2024 LTO BA for more on Delta performance thresholds). If any of these Delta-specific actions are not implemented or thresholds are exceeded during the October through June period, JPOD operations will not begin or, if ongoing, will cease, unless the agencies (CDFW, NMFS, FWS, DWR, and Reclamation) determine that JPOD is unlikely to result in significant impacts to ESA- and CESA-listed species. If a Delta threshold (other than an incidental take limit) is exceeded, an assessment will be completed to inform a determination of whether the JPOD action can be reinitiated, if DWR and Reclamation intend to reinitiate implementation of the JPOD action. Incidental Take Limits will not be exceeded.

During JPOD operations, Reclamation will comply with the existing flow and temperature requirements contained in the 2024 NMFS and FWS Biological Opinions and Reclamation's 2024 ROD on the Trinity, Sacramento, Stanislaus and American Rivers, and the WR 90-5 for CVP operations in the Sacramento River. DWR will ensure compliance with the 1983 Agreement for operations on the Feather River and the Oroville FERC Project No. 2100 terms and conditions when that license becomes effective. If modeling or monitoring indicates that the use of JPOD would negatively affect the ability of the coldwater pool in Trinity, Shasta, or Folsom reservoirs to meet the needs of Chinook salmon or steelhead, or affect the ability of Oroville reservoir to meet its operational requirements, then Reclamation will reduce the amount of, or cease, pumping through DWR's Banks export facility. If JPOD is taking place at the federal Jones Pumping Plant, DWR will reduce the amount of or cease pumping through the Jones facility.

At least 14 days prior to beginning JPOD operations, Delta operation technical teams (Salmon Monitoring Team, Smelt Monitoring Team, and WOMT) will be notified by email and offered the opportunity to meet and discuss the potential for such operation. Any proposed JPOD action will be shared with these teams in advance. If the groups decide that it is necessary to hold meetings to discuss the JPOD action and its potential impacts, then another call/meeting will be scheduled.

Prior to implementing any JPOD action, DWR and Reclamation will provide an assessment document, including Delta Simulation Model II (DSM2) runs, that reflect the JPOD scenario. In addition, the regular fisheries and operations outlook will be updated and reported every week during the October-through-June timeframe to the Delta operations technical teams. The JPOD action will be included in the regular outlook if proposed and/or occurring.

July through September

Measures to avoid or minimize the effects of export operations at Banks and Tracy Pumping Plants on entrainment and Delta survival of ESA-listed fish species include an existing monitoring network to indicate when these species are migrating and when they are present in the Delta and potentially vulnerable to the effects of export pumping, including JPOD actions.

Juvenile salmonids and smelt are typically not observed in the south Delta during the period from July through September. Reclamation and DWR will ensure that the monitoring requirements included in the 2024 NMFS and FWS Biological Opinions and 2024 Proposed Action are in place for JPOD to occur. DWR will ensure that the monitoring requirements in the 2024 CDFW ITP are in place for JPOD to occur.

During JPOD operations, Reclamation will be in compliance with the existing flow and temperature criteria contained in the 2024 ROD for CVP operations on the Trinity, Sacramento, Stanislaus and American Rivers, and Water Rights Order 90-5 on the Sacramento River. DWR will ensure compliance with the 1983 Agreement for operations on the Feather River and the Oroville FERC Project No. 2100 terms and conditions when that license becomes effective. If modeling or monitoring indicates that the use of JPOD would negatively affect the ability of the coldwater pool in Trinity, Shasta, or Folsom reservoirs to meet the needs of Chinook salmon or steelhead, or affect the ability of Oroville reservoir to meet its operational requirements, then Reclamation will reduce the amount of, or cease, pumping through the Banks facility. If JPOD is taking place at Jones Pumping Plant, DWR will reduce the amount of, or cease, pumping through the Jones facility.

Because Delta operations' impact to ESA-listed fish species are minimal during July through September, many fish monitoring programs are not implemented or monitoring effort is modified, and the Delta watershed monitoring technical teams do not meet regularly during this period. However, fish salvage operations and salvage monitoring will continue to inform assessments of Delta Operations impacts to salmonids and smelt.

Some Delta water operations actions for ESA-listed fish species are described in the 2024 Proposed Action (PA), 2024 NMFS Biological Opinion, 2024 FWS Biological Opinion, and Delta water operations actions for CESA-listed fish are described in the 2024 CDFW ITP. If any of these actions are not implemented during the July through September period, the JPOD action will not occur unless the agencies (CDFW, NMFS, FWS, DWR, and Reclamation through the Water Operations Management Team (WOMT)) determine that JPOD is unlikely to result in significant impacts to ESA-listed and CESA-listed species. If a Delta performance measure (other than an incidental take limit) is exceeded, an assessment will be completed to inform a determination of whether the JPOD action can be reinitiated, if DWR and Reclamation intend to reinitiate implementation of the JPOD action. Incidental Take Limits will not be exceeded. At least 14 days prior to beginning JPOD operations, the respective agency technical representatives (e.g., Salmon Monitoring Team, Smelt Monitoring Team, WOMT) will be notified via email for the potential for such operation. If any technical representative thinks it is necessary to discuss the JPOD action and impacts, a call/meeting will be scheduled, and the JPOD action will be discussed at that meeting. Any disagreement or unresolved concerns about the JPOD action will be elevated to WOMT.