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ENVIRONMENTAL PROTECTION

State Water Resources Control Board

September 20, 2013

Dante John Nomellini
Central Delta Water Agency
235 East Weber Avenue
Stockton, CA 95201

RE: YOUR AUGUST 13, 2013 LETTER

Dear Mr. Nomellini:

Thank you for your letter of August 13, 2013, entitled "2013 SWP and CVP Violations of D-1641", addressed to Felicia Marcus, Chair of the State Water Resources Control Board (State Water Board). I have been asked to respond to the letter. As you know, the Delta Watermaster position was created as a single point-of-contact regarding water issues affecting the Delta. The State Water Board has delegated extensive authority to address these issues.

Introduction

Your main point appears to be that my letter of May 29, 2013, entitled "Actions to Conserve Cold Water Pool in Shasta Reservoir for Fishery Resources", gave tacit approval of a plan to violate water quality standards to further exports of water from the Delta. I respectfully disagree.

As you know, the May 29, 2013 letter was a response to the United States Bureau of Reclamation's (Reclamation) request to reduce releases of water from Shasta Reservoir in order to conserve water behind Shasta Reservoir. This "saved" water would be used to assure compliance with cold water temperature standards adopted to protect fishery resources on the upper Sacramento River. All of the major fishery agencies supported this request. It was anticipated that reduced releases of water from Shasta Reservoir and other upstream reservoirs would result in violations of salinity standards that apply to the Western Delta for the protection of agricultural beneficial uses. In essence what was requested was a relaxation of the salinity standards in return for operations that would conserve more water at Shasta Reservoir. My letter stated that the State Water Board would not object to or take action against Reclamation's suggested operations provided: 1) they met less stringent critically-dry year salinity standards instead of dry year standards, 2) would submit a Temperature Management Plan, and 3) would submit a water accounting regarding actual operations. I also indicated that, in the future, issues regarding compliance matters be anticipated and addressed as soon as possible.

In addition to disagreeing with the merits of the actions, your August 13, 2013 letter expressed concern with the process: that a public process should have been conducted before a decision was made and that the use of "prosecutorial discretion" is not appropriate for future actions.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE OFFICER

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

Response to Major Assertions

Your point that the present system may not be capable of producing sufficient water to meet in-basin and export needs is well taken. I share your interest in developing a better process to plan for upcoming water years, including how to balance delivery allocations decisions against other needs. My understanding is that the Projects do attempt to make such decisions based on conservative estimates of projected water reservoir levels and delivery needs. The CALFED Ops and Water Operations and Management Team (WOMT) are two groups charged with coordinating the operation of the water projects with requirements set by water quality objectives and other environmental safeguards. I have begun participating in both groups and have put them on notice that I expect to engage in advance planning for next year as early as possible. The CALFED Ops group meets and discusses project operations issues in a public setting. I encourage you to participate in this process.

That being said, difficult issues are raised when even very conservative water forecasts are not borne-out by Mother Nature. The current Bay-Delta Water Quality Control Plan and implementing water rights decision (D-1614) do not provide much flexibility in addressing anomalous water years such as occurred this past year. The ability of the Projects to curtail contract water deliveries during the middle of the irrigation system is also problematic. That is why more attention should be placed on advance planning.

Turning to this year, Reclamation's change in operations did save a considerable amount of water with little impact on salinity levels in the Western Delta. I have attached Reclamation's Water Accounting Memo, dated August 21, 2013. Approximately 55,000 acre-feet (af) of water was conserved in upstream reservoirs through August 15, 2013. All of that savings occurred during early June to June 15, 2013. After June 15, 2013 salinity levels remained below dry year standards through August 15, 2013 and no additional water was conserved. None of the 55,000 af of water was used to supply water for export south of the Delta. The request from Reclamation was truly based on unique circumstances as set forth in both the request and my response. The lack of rainoff from January to June of this year was unprecedented. While technically the water year was classified as dry, the actual situation was more like a worse year. In fact, the situation led to earlier depletions and a corresponding drop in reservoir water levels. Preserving adequate storage to meet fishery needs was a legitimate concern. Based on these factors, I felt the request was reasonable, subject to the conditions outlined in my May 29, 2013 letter.

Regarding the Temperature Management Plan, it was developed and supported by all the fishery agencies. While the compliance point was moved upstream, all the fishery agencies indicated that little, if any, spawning would occur in the downstream area.

As to your procedural issues, there was simply not enough time to conduct a public process to change the standards. The initial contact from the fish agencies regarding the need to conserve water in Shasta Reservoir was on May 17, 2013; Reclamation's formal request was made on May 24, 2013, and my letter was sent on May 29, 2013. As indicated earlier, all the water savings occurred in early June. Any delay would have meant no water savings. Under the circumstances I feel that my early response to Reclamation was appropriate. That response did not change the standard and clearly indicated that enforcement actions would be considered in the future should it be determined that appropriate coordination did not take place in a timely manner.

In summary, I believe that a proper balancing of the ability to meet different water quality standards took place. Actual operations were such that all water conservation took place in early June and that there were only a few days of exceedances of the dry year salinity standards, none after June 15, 2013. None of this "saved" water was exported to the south. Export amounts during this period were based on existing contracts and were not increased because of my actions. Regarding future years, I hope to be part of a process in which advance planning is achieved.

Please contact me at (916) 445-5962 or craig.wilson@waterboards.ca.gov if you have any questions.

Sincerely,



Craig M. Wilson
Delta Watermaster

Attachment

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IN REPLY REFER TO:

CVO-100
WTR-4.10

AUG 21 2013

Craig Wilson, Delta Watermaster
State Water Resources Control Board
Office of Delta Watermaster
P.O. Box 100
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Subject: Response to Your May 29, 2013, Letter Regarding Shasta Reservoir Cold Water Conservation Actions for Fishery Resources

Dear Mr. Wilson:

This letter responds to a request you made in your May 29, 2013, letter regarding actions to conserve cold water in Shasta Reservoir for fishery resources. Specifically, you requested an accounting by August 22, 2013, of the volume of water conserved by changing the water year type from "Dry" to "Critical" as it pertained to the Water Quality Objectives for Agricultural Beneficial Uses under Water Rights Decision 1641 (D-1641) at the Western Delta and Interior Delta monitoring stations. Since D-1641 Western and Interior Delta agricultural objectives concluded on August 15, we are now able to estimate the effect of the conservation actions for the entire period.

The Central Valley Project and State Water Project (collectively, Project) operators estimate that approximately 55,000 acre-feet (af) of water was conserved in upstream reservoir storage due to conservation actions taken during early June to June 15, 2013. (The June 15 date is significant in D-1641 because, under the Dry Year criteria, this is the last day of the 0.45 electrical conductivity (EC) 14-day running average objective.) During this early June period, Project operators targeted the 7,100 cubic feet per second (cfs) 3-day average minimum net Delta outflow required to comply with the D-1641, Table III, Delta outflow objective in June (X2 compliance at the Collinsville location). This conservation action allowed salinity to slightly degrade in the Western Delta. (Please see Figures 1 through 5.)

For the remainder of June, Project operations continued to target the 7,100 cfs 3-day running

average minimum net Delta outflow objective for X2 at the Collinsville location. No additional conservation of water supply occurred in relationship to Dry Year Western and Interior Delta agricultural objectives, since the Delta outflow objective would have controlled under either the Dry Year or Critical Year objective.

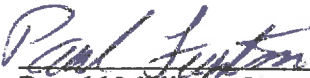
For the month of July, Project operators targeted the D-1641 Table III minimum monthly outflow objective of 5,000 cfs for a Dry Year. Project operators projected that by operating to the 5,000 cfs target in July, it was possible that additional water supply conservation could occur if Western and Interior Delta salinity levels exceeded the Dry Year EC objectives on a 14-day running average basis by August 15, 2013. However, this did not occur, and no additional conservation of water supply can be attributed to the action.


Since August 1, 2013, project operations have been targeting Delta outflow rates consistent with managing for historical Delta salinity degradation rates at Bethel Island and Holland Tract associated with compliance of D-1641, Table I, Contra Costa Canal Chlorides objective of 250 ppm. (Please see Figure 6, Bethel Island Salinity for 2013.) We anticipate that Contra Costa chlorides will be the controlling Delta objective well into the fall of 2013. Concurrently, Reclamation is actively reducing releases at Keswick Reservoir in order to conserve storage and cold water resources into the fall. It is anticipated that this balancing of Delta salinity objectives and upstream reservoir release reductions and cold water shutter management will continue through September and into October.

In summary, our current evaluations show that approximately 55,000 af was conserved in upstream reservoirs through August 15, 2013. Delta salinity did not react as quickly to the modified operations for the Critical Year objectives as initially projected, and the conservation effect to upstream reservoir storage was less than originally anticipated.

If you have any questions regarding this notification, please contact Mr. Paul Fujitani of Reclamation at 916-979-2197 or Mr. John Leahigh of DWR at 916-574-2722.

Sincerely,


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Central Valley Operations Office
Bureau of Reclamation


for David H. Roose, Chief
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cc: Thomas Howard, Executive Director
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Emmaton Salinity for 2013

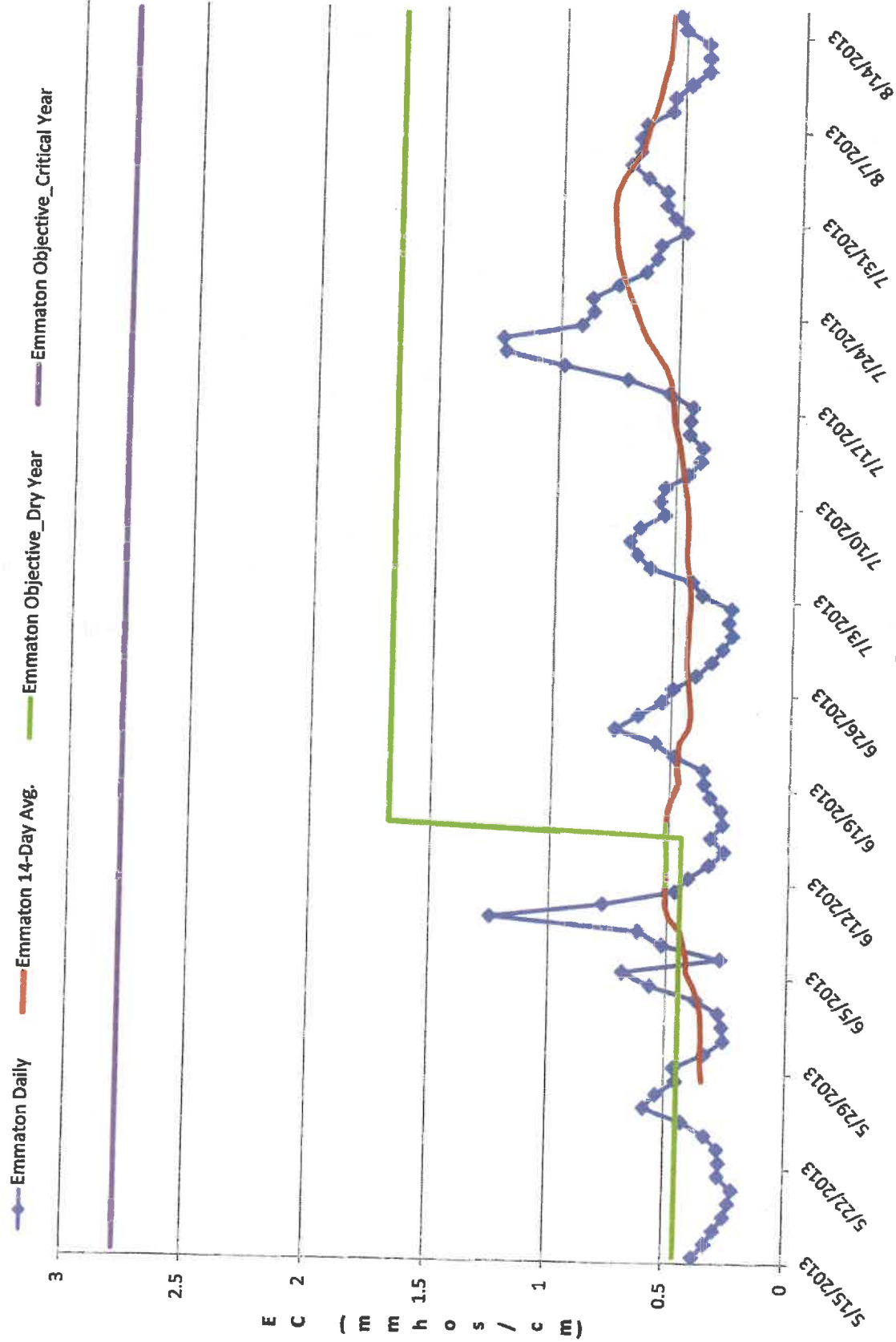


FIG. 2

Jersey Point Salinity for 2013

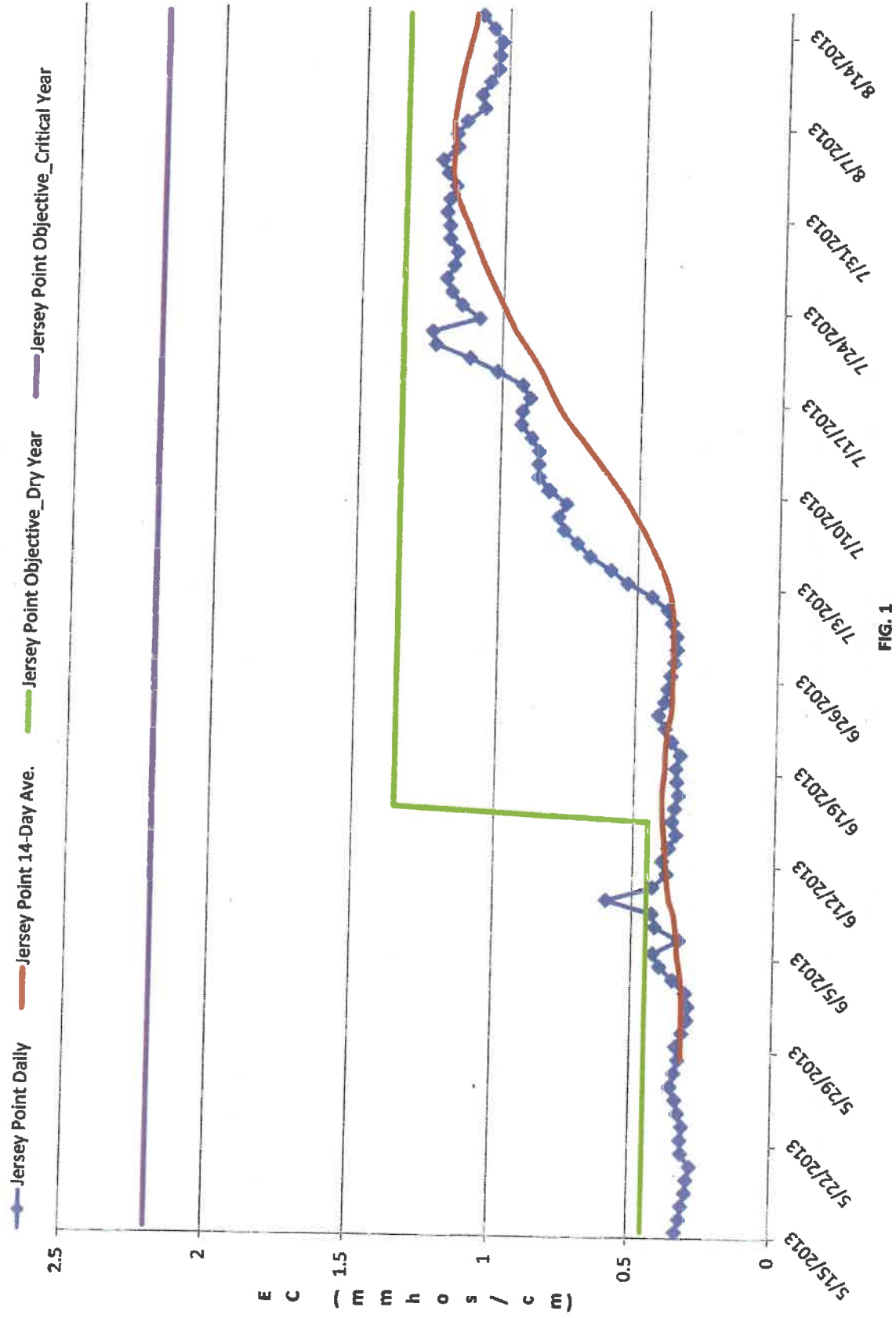


FIG 1

San Andreas Landing Salinity for 2013

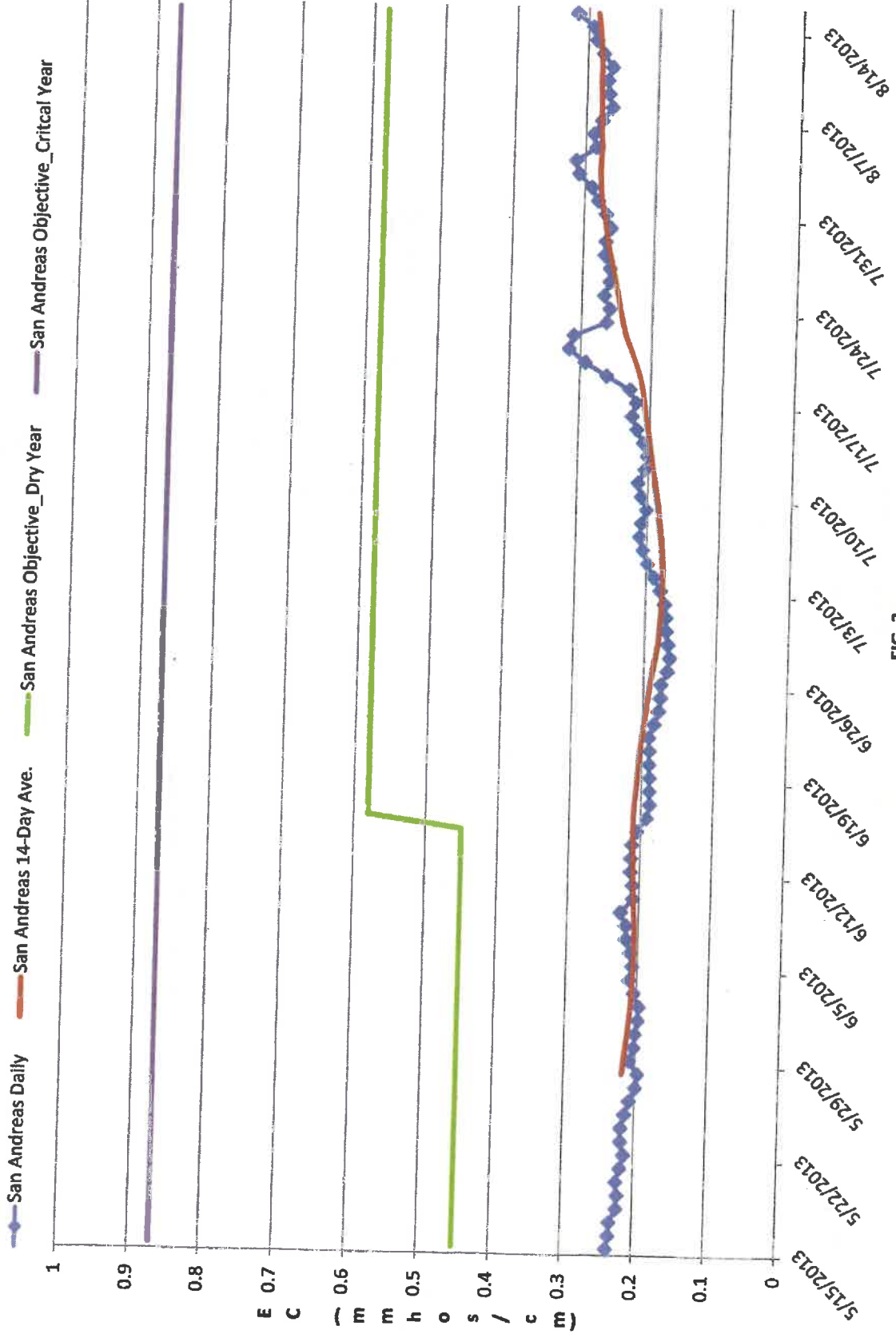


FIG. 3

Collinsville Salinity for 2013

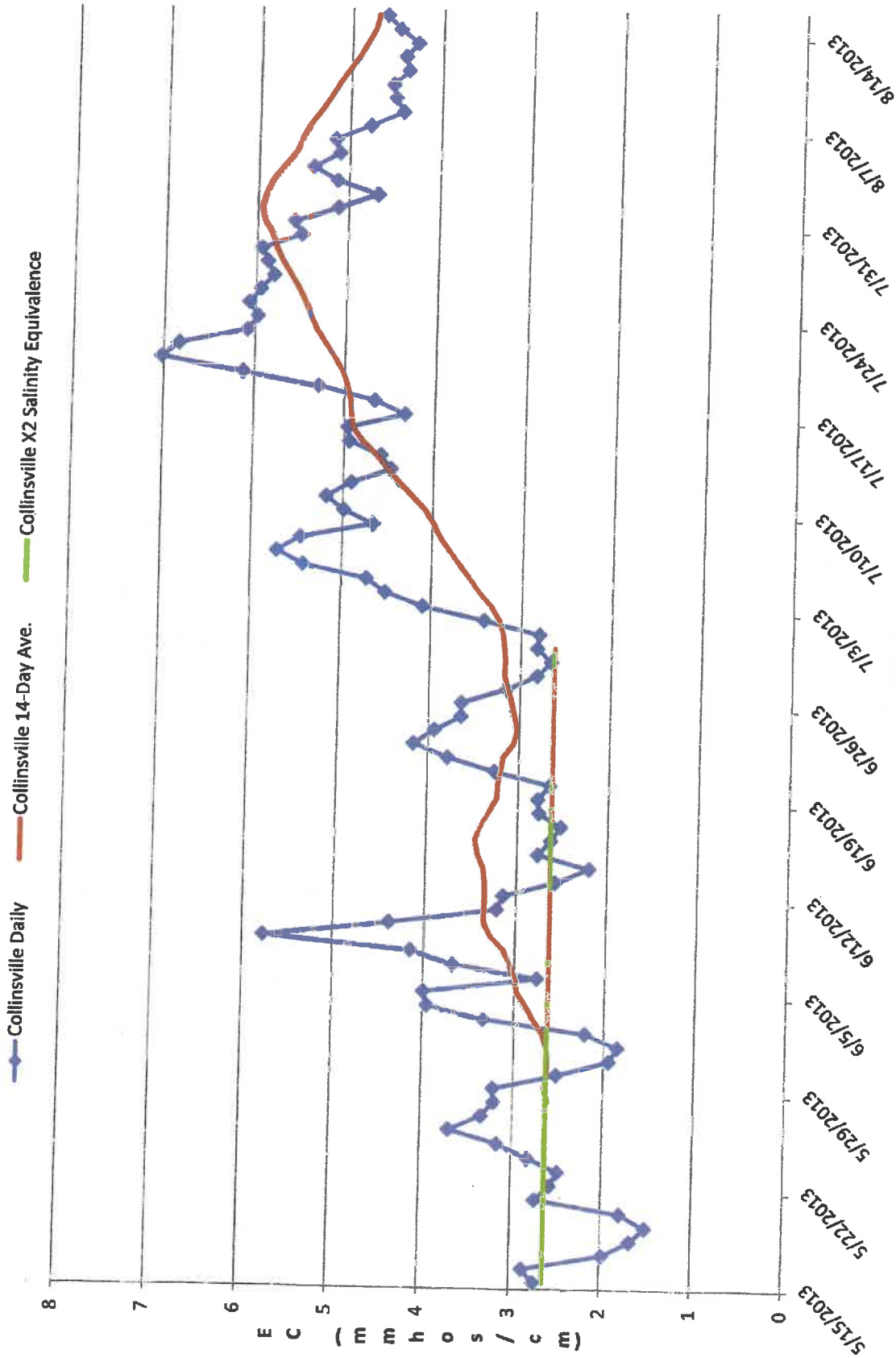


FIG. 4

Delta Outflow for 2013

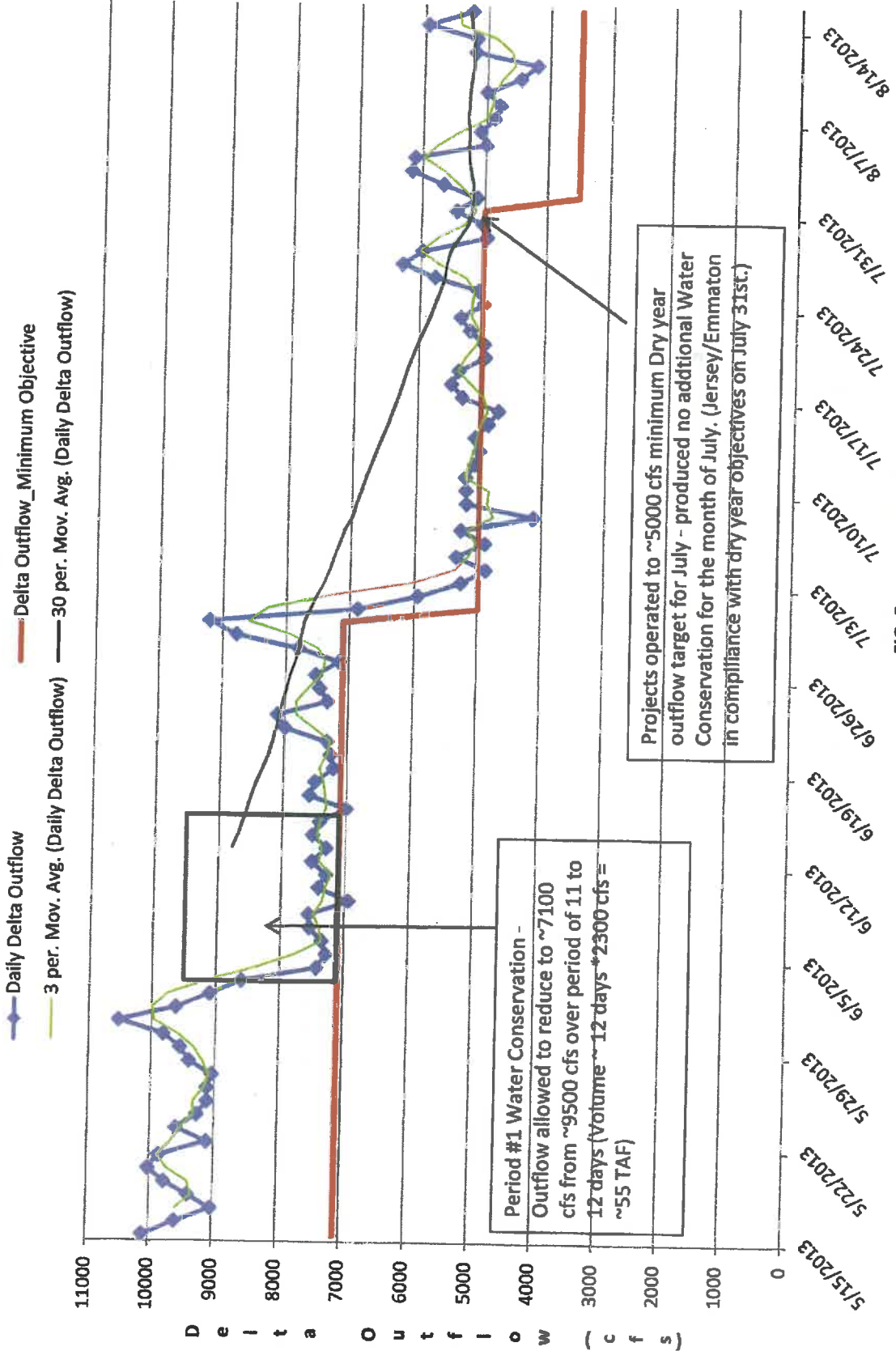


FIG. 5

Bethel Island Salinity for 2013

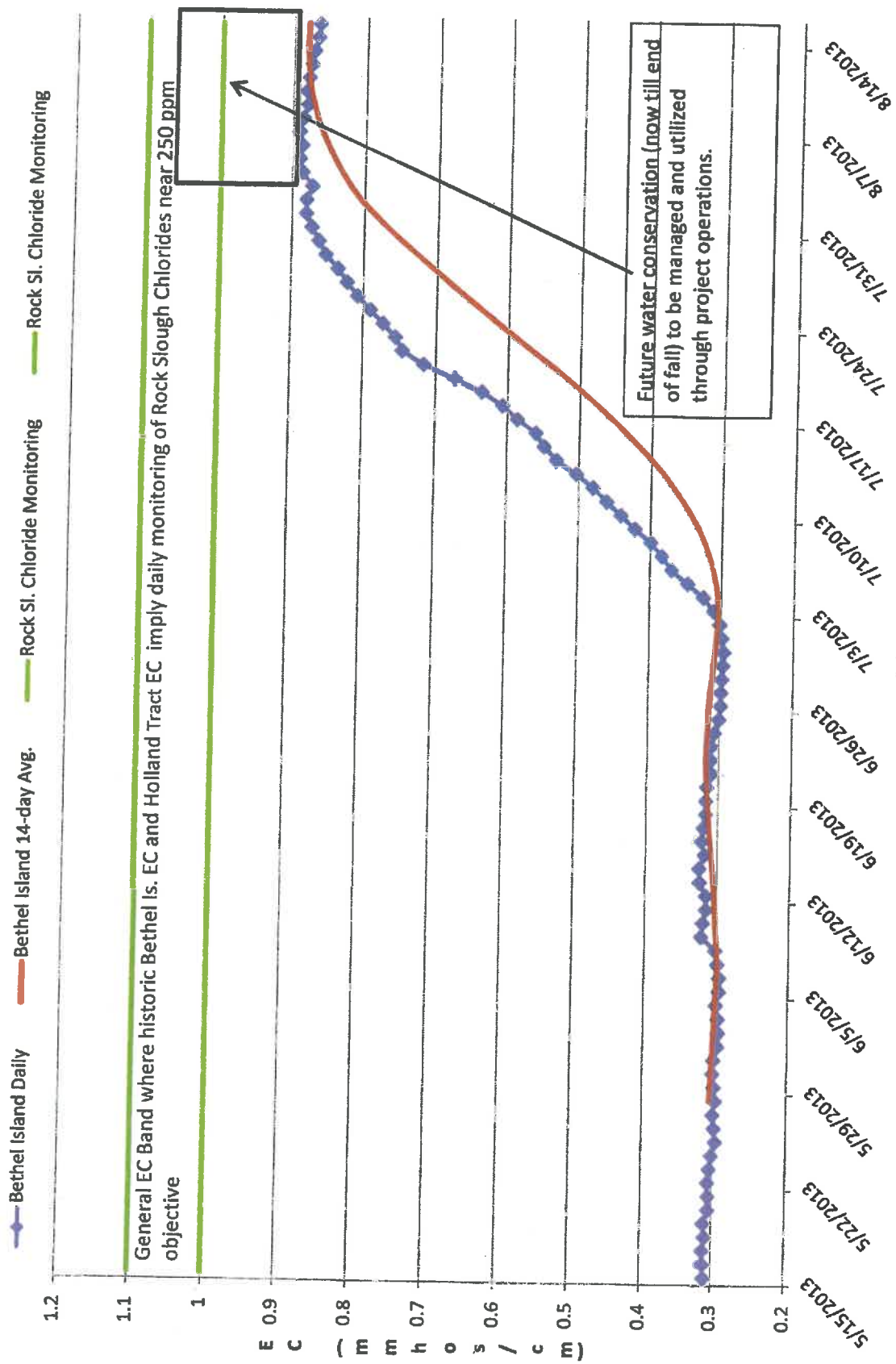


FIG. 9