



April 25, 2021

Joaquin Esquivel, Chair
Members of the Board
State Water Resources Control Board
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Via electronic mail

Re: Enforce D-1641 Vernalis pulse flows now to help meet Delta flow and salinity requirements and to protect Shasta, Trinity, Oroville, and Folsom cold-water pools

Dear Chair Esquivel and members of the Board:

The California Sportfishing Protection Alliance (CSPA) and the California Water Impact Network (CWIN; collectively, CSPA et al.) respectfully urge the State Water Resources Control Board's (Board) to immediately enforce the Vernalis pulse flow requirements of Water Rights Decision 1641 (D-1641). Release of water from New Melones Reservoir to meet the required April 15-May 15 Vernalis pulse flows will also assist the Bureau of Reclamation (Reclamation) in meeting D-1641 Delta outflow and salinity requirements using less water from north-of-Delta reservoirs. In the last several days, Reclamation and the Department of Water Resources have also been in violation of D-1641 Delta outflow and southern Delta salinity requirements.

At the April 21, 2021 Board workshop on Sacramento River water temperature management, numerous parties described the desperate conditions of the cold-water pools in Shasta, Trinity, Oroville and Folsom reservoirs. There was considerable discussion of how managing Shasta operations could redirect impacts to the other north-of-Delta reservoirs. In contrast, Reclamation spokesperson Kristin White described New Melones as the "shining star" of the Central Valley Project because of its relatively better storage position. Yet Reclamation is not releasing flows from New Melones to meet the required Vernalis flow requirement.

At the April 21 workshop, Board members asked questions concerning the Board's authority to limit 2021 water deliveries to Sacramento River Settlement Contractors. However, the Board's authority under D-1641 to require the Vernalis pulse flow is set forth directly in the Decision.

At the April 21 workshop, Board members also expressed concerns about reducing irrigation deliveries. However, a substantial portion of the water currently stored in New

Melones Reservoir is Reclamation water. The Robie decision clearly describes meeting Delta flow requirements with New Melones water as an in-basin use.¹

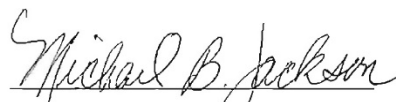
The situation in 2021 for the water temperatures and associated fisheries Sacramento River, as well as for the Trinity, Feather and American rivers, is dire. The situation for Delta fisheries is also dire. CSPA et al. urges the Board to immediately improve the situation for the state and federal reservoirs north of the Delta by requiring Reclamation to use New Melones to meet the Vernalis pulse flows required by D-1641. We further recommend that the Board compel Reclamation to make the required volume of release from New Melones that it has been short since April 15, in the way that the Board deems most beneficial to Delta aquatic resources.

Thank you for considering this urgent request.

Respectfully submitted,



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Enclosure: Figures showing Stanislaus River and San Joaquin River flows since April 15, 2021, and D-1641 requirements.

¹ See *State Water Resources Control Bd. Cases* (2006) 136 Cal.App.4th at 145: “That the Bureau may have chosen to operate New Melones separately from the rest of the CVP, which it operates in coordination with the Department’s operation of the SWP under the coordinated operating agreement, has no bearing on the Board’s authority to allow the Bureau to use New Melones water in meeting the objectives in the 1995 Bay-Delta Plan.”

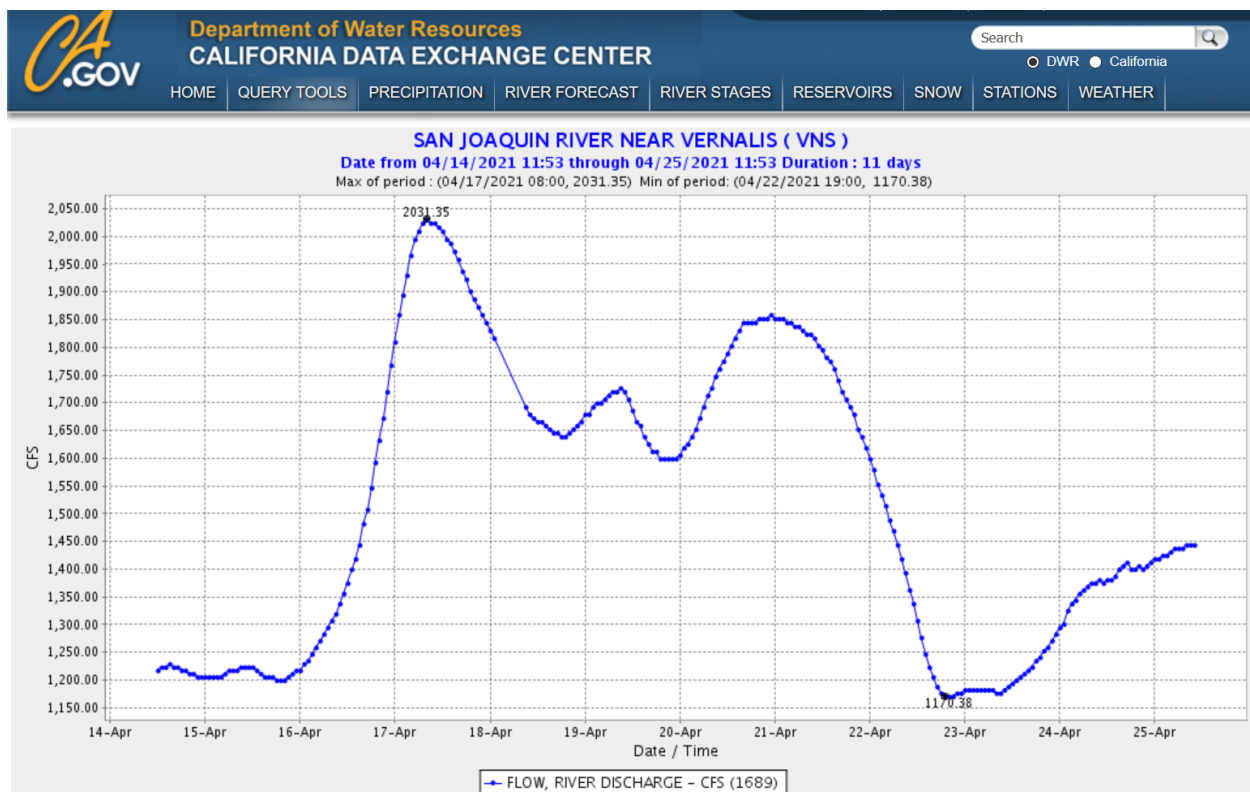
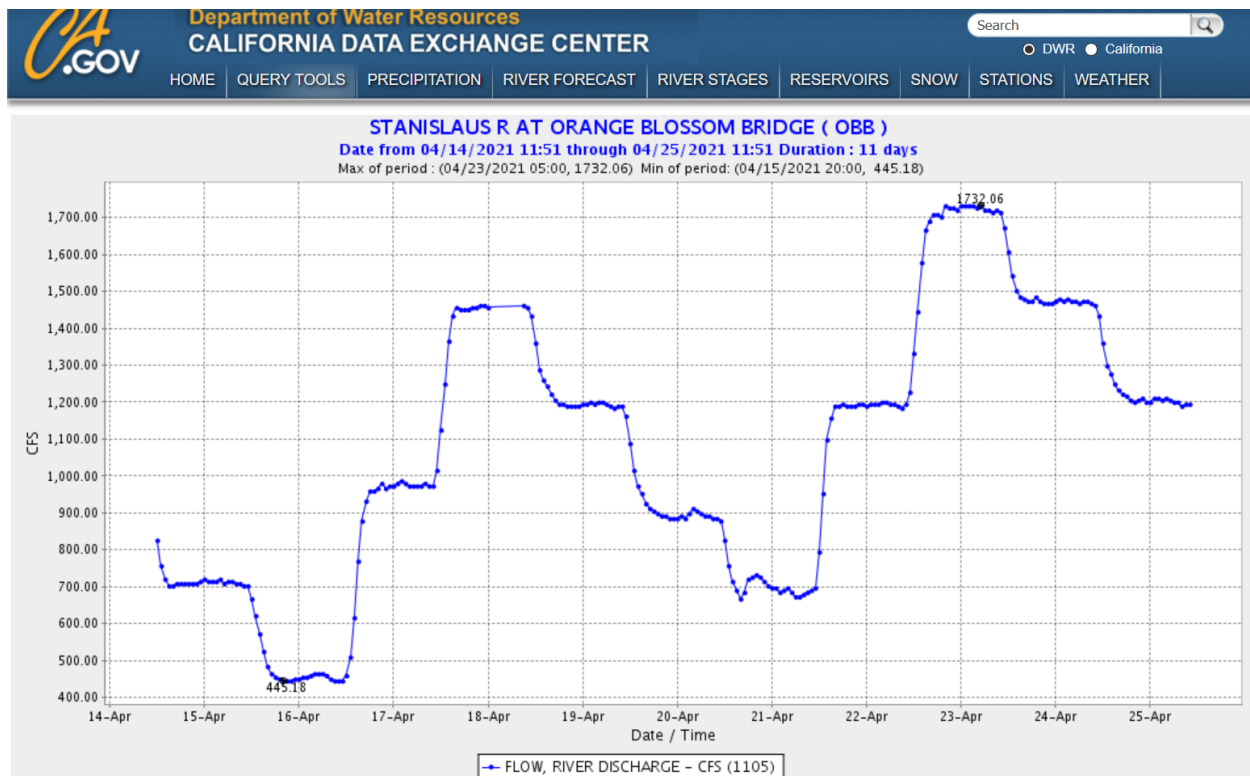


TABLE 3 (continued)
WATER QUALITY OBJECTIVES FOR FISH AND WILDLIFE BENEFICIAL USES

COMPLIANCE LOCATION	INTERAGENCY STATION NUMBER(RK11[1])	PARAMETER	DESCRIPTION (UNIT) [2]	WATER YEAR TYPE [3]	TIME PERIOD	VALUE
DELTA OUTFLOW						
		Net Delta Outflow Index (NDOI) [7]	Minimum monthly average [8] NDOI (cfs)	All	Jan	4,500 [9]
				All	Feb-Jun	[10]
				W,AN	Jul	8,000
				BN		6,500
				D		5,000
				C		4,000
				W,AN,BN	Aug	4,000
				D		3,500
				C		3,000
				All	Sep	3,000
				W,AN,BN,D	Oct	4,000
				C		3,000
				W,AN,BN,D	Nov-Dec	4,500
				C		3,500
RIVER FLOWS						
Sacramento River at Rio Vista	D-24 (RSAC101)	Flow rate	Minimum monthly average [11] flow rate (cfs)	All	Sep	3,000
				W,AN,BN,D	Oct	4,000
				C		3,000
				W,AN,BN,D	Nov-Dec	4,500
San Joaquin River at Airport Way Bridge, Vernalis	C-10 (RSAN112)	Flow rate	Minimum monthly average [12] flow rate (cfs) [13]	W,AN	Feb-Apr 14 and May 16-Jun	2,130 or 3,420
				BN,D		1,420 or 2,280
				C		710 or 1,140
				W	Apr 15- May 15 [14]	7,330 or 8,620
				AN		5,730 or 7,020
				BN		4,620 or 5,480
				D		4,020 or 4,880
				C		3,110 or 3,540
				All	Oct	1,000 [15]

- [10] The minimum daily net Delta outflow shall be 7,100 cfs for this period, calculated as a 3-day running average. This requirement is also met if either the daily average or 14-day running average EC at the confluence of the Sacramento and the San Joaquin rivers is less than or equal to 2.64 mmhos/cm (Collinsville station C2). If the best available estimate of the Eight River Index (described in footnote 9) for January is more than 900 TAF, the daily average or 14-day running average EC at station C2 shall be less than or equal to 2.64 mmhos/cm for at least one day between February 1 and February 14; however, if the best available estimate of the Eight River Index for January is between 650 TAF and 900 TAF, the Executive Director of the SWRCB is delegated authority to decide whether this requirement applies. If the best available estimate of the Eight River Index for February is less than 500 TAF, the standard may be further relaxed in March upon the request of the DWR and the USBR, subject to the approval of the Executive Director of the SWRCB. The standard does not apply in May and June if the best available May estimate of the Sacramento River Index (described in footnote 5) for the water year is less than 8.1 MAF at the 90% exceedence level.