

**From:** Howard, Tom@Waterboards

**Sent:** Tuesday, February 14, 2017 4:18 PM

**To:** [ekiteck@usbr.gov](mailto:ekiteck@usbr.gov)

**Cc:** Ford, John@DWR; Cantrell, Scott@Wildlife; Kundargi, Kenneth@Wildlife; [RMILLIGAN@usbr.gov](mailto:RMILLIGAN@usbr.gov); Leahigh, John@DWR; Giorgi, Bryant@DWR; Wilcox, Carl@Wildlife; Little, Shannon@Wildlife; Patton, Tom@USBR; Riddle, Diane@Waterboards; Dibble, Chad@Wildlife; Kaylee Allen; [Matt\\_Nobriga@fws.gov](mailto:Matt_Nobriga@fws.gov); Grober, Les@Waterboards; George, Michael@Waterboards; Banonis, Michelle

**Subject:** RE: FW: JPOD Notice

Liz,

This email responds to your email of February 8, 2017, and is informed by emails from the U.S. Fish and Wildlife Service, National Marine Fisheries Service and Department of Fish and Wildlife (fisheries agencies) below regarding proposed Stage 1 joint points of diversion (JPOD) operations by the U.S. Bureau of Reclamation (USBR) using the Department of Water Resources' (DWR) pumping facilities beginning on February 15, 2017. Pursuant to State Water Resources Control Board (State Water Board) Decision 1641 (D-1641):

Permittee [USBR] is authorized to divert or redivert water at the Banks Pumping Plant to recover export reductions taken to benefit fish, if exports by the Permittee at the Tracy Pumping Plant are reduced below the applicable export limits set forth in Table 3.

In addition to the general provisions for JPOD described in D-1641, Stage 1 JPOD is subject to the following specific conditions:

- (a) Recovery of export reductions shall not cause an increase in annual exports above that which would have been exported without use of the Banks Pumping Plant.
- (b) Recovery of export reductions using the Banks Pumping Plant shall occur within twelve months of the time the exports are reduced.
- (c) Before Permittee diverts or rediverts water at Banks Pumping Plant, Permittee shall consult with DFG [the Department of Fish and Wildlife or DFW], USFWS [the U.S. Fish and Wildlife Service], and NMFS [National Marine Fisheries Service] [collectively fisheries agencies]. Permittee shall submit agreements on coordinated operations under this authorization to the Executive Director of the SWRCB for approval and shall also submit complete documentation showing that no additional water will be exported because of the use of the Banks Pumping Plant, including the method used to make this determination. Authority is delegated to the Executive Director of the SWRCB to act on the proposal if the conditions set forth above are met. (excerpts from condition 1.b.(1) on page 151 of D-1641)

D-1641 also provides that:

The Executive Director of the SWRCB is authorized to grant short-term exemptions to the export limits in Stage 1, for the purpose of (a) conducting the recirculation study discussed below, or (b) other purposes as the Executive Director of the SWRCB deems appropriate, provided that such exemptions will not have a significant adverse effect on the environment and will not cause injury to other legal users of water. (condition 1.b.(2) on page 151 and 152 of D-1641)

You submitted information to support that export reductions of 210 thousand acre-feet occurred as a result of implementation of the 2016 Sacramento River Temperature Management Plan (TMP). However, the information you submitted does not clearly indicate whether implementation of the TMP actually resulted in export reductions. Specifically, the base operations that USBR assumed for

Keswick releases is not necessarily the appropriate point from which to base the accounting. Nor is it clear whether the water that was required to be maintained in storage for temperature control resulted in a reduction in exports, and if so, to what extent since that water could have been exported outside of the TMP season. NMFS and DFW share these concerns with the accounting as outlined in their attached summary.

While there are some issues with the accounting of export reductions taken the benefit fish that need to be resolved, given the extremely wet hydrological conditions (that, along with the water level and water quality response plan provisions, will prevent impacts to other legal users of water) , the significant antecedent drought conditions, and concurrence from the fisheries agencies that the proposed JPOD operations will not have a significant adverse effects on the environment, the proposed Stage 1 JPOD operations are approved pursuant to condition 1.b.(2) on pages 151 and 152 of D-1641. This approval is subject to USBR and DWR continuing to comply with all applicable conditions of D-1641 and the NMFS and USFWS biological opinions (BO) and DFW Incidental Take Permit (ITP) for their diversions and operations.

Prior to any future proposed Stage 1 JPOD operations, USBR (and DWR to the extent applicable), should work with State Water Board staff and fisheries agency staff to develop accounting protocols for determining export reductions taken to benefit fish. Any Stage 2 JPOD diversions will require submittal of an updated fisheries response plan that reflects updated BO and ITP conditions. The updated fisheries response plan should be developed in coordination with the fisheries agencies and submitted to the Executive Director at least 30 days prior to proposed use of Stage 2 JPOD diversions.

Please contact Diane Riddle at [diane.riddle@waterboards.ca.gov](mailto:diane.riddle@waterboards.ca.gov) or 916-341-5297 with any questions related to this matter.

Tom Howard  
Executive Director  
State Water Resources Control Board

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=====endmessage=====

From: Garwin Yip - NOAA Federal [<mailto:garwin.yip@noaa.gov>]  
Sent: Monday, February 13, 2017 1:27 PM  
To: Riddle, Diane@Waterboards  
Cc: Dibble, Chad@Wildlife; [ekiteck@usbr.gov](mailto:ekiteck@usbr.gov); Howard, Tom@Waterboards; Rea, Maria@NOAA; Ford, John@DWR; Cantrell, Scott@Wildlife; Kundargi, Kenneth@Wildlife; [RMILLIGAN@usbr.gov](mailto:RMILLIGAN@usbr.gov); Leahigh, John@DWR; Giorgi, Bryant@DWR; Wilcox, Carl@Wildlife; Little, Shannon@Wildlife; Patton, Tom@USBR; [Matt\\_Nobriga@fws.gov](mailto:Matt_Nobriga@fws.gov); Grober, Les@Waterboards; George, Michael@Waterboards; Banonis, Michelle; Castleberry, Dan@fws; Squires, [Kim@fws.gov](mailto:Kim@fws.gov); Sun, [Katherine@fws.gov](mailto:Katherine@fws.gov); Allen, Kaylee  
Subject: Re: JPOD Notice

Diane,

The California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS) staff believe that under current conditions, authorization from the Executive Director of the State Water Resources Control Board to allow for Joint Point of Diversion (JPOD) Stage 1 diversion of Water at Banks Pumping Plant (D-1641, Conditions 1.b.(2), page 151) will not have a significant adverse effect on the

environment, so long as diversions adhere to the existing federal biological opinions and state consistency determinations.

We also offer the attached technical assistance pursuant to the implementation of JPOD stage 1.

-Garwin-

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Garwin Yip  
Water Operations and Delta Consultations Branch Chief  
NOAA Fisheries West Coast Region  
U.S. Department of Commerce  
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On Mon, Feb 13, 2017 at 11:04 AM, Allen, Kaylee <[kaylee\\_allen@fws.gov](mailto:kaylee_allen@fws.gov)> wrote:

Hi Diane- Sorry for the delay in responding. FWS does not have a concern with Reclamation's request to use JPOD so long as they continue to comply with the 2008 BiOp during JPOD implementation. We think it would be a good idea to revisit the response plans and update them as needed so that we are prepared in the future to utilize JPOD when appropriate. Thanks, kaylee

**From:** Kiteck, Elizabeth [<mailto:ekiteck@usbr.gov>]

**Sent:** Wednesday, February 08, 2017 5:53 PM

**To:** Howard, Tom@Waterboards

**Cc:** Ford, John@DWR; Cantrell, Scott@Wildlife; Kundargi, Kenneth@Wildlife; [RMILLIGAN@usbr.gov](mailto:RMILLIGAN@usbr.gov); Leahigh, John@DWR; Giorgi, Bryant@DWR; Wilcox, Carl@Wildlife; Little, Shannon@Wildlife; Patton, Tom@USBR; Riddle, Diane@Waterboards; Dibble, Chad@Wildlife; Kaylee Allen; [Matt\\_Nobriga@fws.gov](mailto:Matt_Nobriga@fws.gov); Grober, Les@Waterboards; George, Michael@Waterboards; Banonis, Michelle

**Subject:** Re: FW: JPOD Notice

Hi Tom,

Reclamation has requested JPOD pumping from DWR once the State share of San Luis Reservoir fills in February 2017. The JPOD would commence sometime around mid month at a maximum rate of approx.1500 cfs. We believe that this should be considered JPOD Stage 1 pumping at Banks to "recover export reductions taken to benefit fish" as stated in D-1641. This pumping will help recover a portion of the lost exports that have resulted in the last 12 months from various fishery protection actions.

We are anticipating that the potential amount pumped at Banks could be approx. 50,000 ac-ft. Attached is a table estimating the impacts to Federal Pumping last year from June to September

due to the Keswick release restrictions resulting from the temperature operations plan. Also attached is a summary of what was controlling Delta operations from January 2016 through June 2016

The lost pumping per the Shasta temperature plan totals approx. 210 TAF. In addition, there were delta pumping actions to protect listed fish last winter and spring of 2016 that have not been quantified. During the period of Stage 1 JPOD, Reclamation will be following the protocols of the Water Level and Water Quality Response Plans. Additionally we will continue the fishery monitoring consistent with the B.O.s and our coordination with the Fed and State fishery agencies consistent with the protocols of the Fishery Response Plan.

Please let me know if you have any questions,  
Liz Kiteck