

Corrected - January 19, 2016*

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

ORDER WR 2015-0043

In the Matter of Specified License and Permits¹ of the
Department of Water Resources and U.S. Bureau of Reclamation
for the State Water Project and Central Valley Project
regarding the Executive Director's February 3, 2015 Order and
Subsequent Modifications to That Order

ORDER DENYING IN PART AND GRANTING IN PART PETITIONS FOR
RECONSIDERATION AND ADDRESSING OBJECTIONS

BY THE BOARD:

1.0 INTRODUCTION

By this Order, the State Water Resources Control Board (State Water Board) denies in part and grants in part petitions for reconsideration of the Executive Director's February 3, 2015 Order Approving in Part and Denying in Part a Temporary Urgency Change Petition (TUCP Order) to change requirements of the State Water Project (SWP) and Central Valley Project (CVP) (collectively Projects) to meet water quality objectives in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta), and subsequent modifications thereto. In large part, this Order denies the petitions for reconsideration of the TUCP Order and modified orders and finds that the Executive Director's decisions were appropriate when those decisions were made based on the information available at the time. However, this order also grants some of the petitions for reconsideration of the TUCP Order and modifications to the extent that the petitions seek to improve future planning for drought conditions. Specifically, this Order extends the TUCP Order to address actions needed for next year, if conditions continue to be dry, to preserve the public interest, prevent catastrophic impacts to fish and wildlife, and ensure

¹ The petition was filed for Permits 16478, 16479, 16481, 16482 and 16483 (Applications 5630, 14443, 14445A, 17512 and 17514A, respectively) of the Department of Water Resources for the State Water Project and License 1986 and Permits 11315, 11316, 11885, 11886, 11887, 11967, 11968, 11969, 11970, 11971, 11972, 11973, 12364, 12721, 12722, 12723, 12725, 12726, 12727, 12860, 15735, 16597, 20245, and 16600 (Applications 23, 234, 1465, 5638, 13370, 13371, 5628, 15374, 15375, 15376, 16767, 16768, 17374, 17376, 5626, 9363, 9364, 9366, 9367, 9368, 15764, 22316, 14858A, 14858B, and 19304, respectively) of the United States Bureau of Reclamation for the Central Valley Project.

*Corrects a version prematurely certified, that did not include changes adopted by the board at its December 15, 2015 board meeting. 1.

EXHIBIT BKS-3

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associated with the Sacramento River. The plan shall provide for accurate, timely, transparent, consistent and comparable temperature modeling during the temperature control season. The plan shall provide for a shared internet location where temperature modeling information can be accessed and archived. The plan shall specify the information that will be provided with the model runs, including but not limited to: identification of the model run date; all clearly labeled input and output files in consistent digital format agreed to by the fisheries agencies and State Water Board staff; Keswick and Clear Creek flow release level (if static), or time series, as appropriate; the meteorological assumptions used for the run; temperature control gate operations; regular time series of thermal profiles at Shasta Dam (hourly or daily); inflow and temperature at Spring Creek (hourly or daily); titles or notes that explain the temperature target of the run, and at what location; other notes that describe if the run was done to target a specific temperature based on the other run assumptions or if the meteorological conditions were simply imposed on another run; and any other information requested by the fisheries agencies or State Water Board staff.

iv. Submit an evaluation of 2015 temperature management operations to the Executive Director and fisheries agencies by February 1, 2016, documenting and evaluating reasons for and remedies to temperature control issues that occurred this season including the following issues:

1. Reservoir profile measurement reporting errors between February and May of 2015;
2. Temperature exceedances and flow fluctuations during the temperature control season; and
3. Temperature modeling discrepancies on the Sacramento River, Trinity River and Clear Creek.

4. In coordination with the American River water supply providers, the Water Forum, and the fisheries agencies, Reclamation shall develop a plan for operations of Folsom

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Reservoir that provides for the reasonable protection of municipal water supplies and fisheries dependent on Folsom Reservoir. The plan shall include a minimum end of October 2016 storage level of at least 200 thousand acre-feet (TAF) to ensure adequate supplies for municipal uses going into the 2017 water year. The plan shall include minimum monthly storage levels and appropriate constraints on flow releases to achieve at least 200 TAF of storage at the end of October 2016. The plan shall be submitted to the Executive Director for approval by February 1, 2016, and shall be implemented by Reclamation with any changes directed by the Executive Director.

5. In consultation with the fisheries agencies and State Water Board staff, Reclamation shall prepare a plan to reasonably protect fish and wildlife on the Stanislaus River in 2016. The plan shall identify needed storage and flow levels for the protection of fish and wildlife throughout 2016 to ensure adequate temperature and water quality conditions for salmonid species inhabiting the Stanislaus River, including how those conditions will be achieved. The plan shall be submitted to the Executive Director for approval by February 15, 2016. Reclamation shall implement the approved plan and any changes directed by the Executive Director necessary to reasonably protect fish and wildlife.
6. The State Water Board may renew, modify, or revoke this Order, if warranted, based on the circumstances.

CERTIFICATION

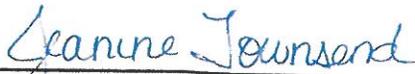
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 15, 2015.

AYE: Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: Chair Felicia Marcus

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

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