



June 30, 2015

Tom Howard  
Executive Director  
State Water Resources Control Board  
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Sacramento, CA 95812-0100

Sent via email to [tom.howard@waterboards.ca.gov](mailto:tom.howard@waterboards.ca.gov)

**Re: Measures to ensure the revised Shasta Temperature Management Plan does not negatively impact south-of-Delta wildlife refuges.**

Dear Director Howard,

We are writing because we are concerned that the revised Shasta Temperature Management Plan ("Plan") that the U.S. Bureau of Reclamation ("Reclamation"), NOAA's National Marine Fisheries Service, U.S. Fish and Wildlife Service, California Department of Water Resources, and California Department of Fish and Wildlife have submitted to the State Water Resources Control Board ("SWRCB") for review and concurrence could negatively impact south-of-Delta wildlife refuges. As detailed below, we request that the SWRCB include safeguards in the final Plan to ensure that south-of-Delta refuges do not lose water supplies that are critical for millions of migratory birds, and several threatened and endangered species.

Wildlife refuges in the San Joaquin Valley have been hit hard during this drought. In 2014, south-of-Delta refuges received only 65% of their basic Level 2 water supply, and did not receive any water for the spring and summer irrigation that creates critical food for migratory birds. Water for spring and summer irrigation is again unavailable in 2015, severely limiting food availability for the birds that will arrive later this year. If the south-of-Delta refuges receive less than 65% of their basic Level 2 water supply in 2015, managers are gravely concerned about permanent damage to listed species, avian overcrowding and disease outbreaks, and even irreversible damage to the migratory path of birds on the Pacific Flyway.

The south-of-Delta refuges' water supply could be negatively impacted by the revised Plan because the reduced Shasta releases will also limit the amount of water available to south-of-Delta contractors during the summer. This could create significant demand for water in the fall, and there may be insufficient pumping or conveyance capacity to meet that demand. In addition to fulfilling its obligations to contractors with senior water rights, such as the refuges and Exchange Contractors, Reclamation is planning to facilitate north-to-south transfers to junior water contractors that could include over 200,000 acre feet of water. Additionally, south-of-Delta water exchanges are occurring during the summer, with the expectation that water borrowed from San Luis Reservoir will be repaid in the fall. Though this "payback" water will be returned to San Luis Reservoir and will not be immediately used for irrigation, Reclamation has indicated that it plans to

deliver the water in the fall. If Reclamation fails to prioritize the refuges' mandatory Level 2 water deliveries over the transfers and the "payback" water, and a bottleneck in pumping or conveyance capacity occurs, the results for south-of-Delta refuges could be disastrous.

To ensure that wildlife refuges are not inadvertently harmed, we request that the SWRCB include two requirements in the approved Plan: (1) that Reclamation provide south-of-Delta refuge managers with a clear allocation of not less than 65% of their Level 2 water supply, with a delivery schedule matching the one set forth in Grassland Water District's June 23, 2015 letter to the SWRCB, by no later than July 31, 2015; and (2) that deliveries to south-of-Delta refuges must be prioritized over the delivery of transferred water and "payback" water.

Thank you for considering our request and for ensuring that the SWRCB is working to protect all species during this historic drought.

Sincerely,



Rachel Zwillinger  
Water Policy Advisor  
Defenders of Wildlife



Michael Lynes  
Director of Public Policy  
Audubon California



Ric Ortega  
General Manager  
Grassland Water District



Mark Biddlecomb  
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Jeffrey A. Volberg  
Director of Water Law and Policy  
California Waterfowl Association

cc (via email): Felicia Marcus, Frances Spivey-Weber, Tam Doduc, Steven Moore, Doreen D'Adamo, Les Grober, Diane Riddle, Michael Connor, David Murillo, Pablo Arroyave, Jason Phillips, Rick Woodley, David Mooney, Ron Milligan, Elizabeth Partridge, Ren Lohofener, Polly Wheeler, Alexandra Pitts, Mike Fris, Dan Castleberry, Eric Davis, William W. Stelle, Maria Rea, Charlton Bonham, Carl Wilcox, and Mark Cowin.