

CALIFORNIA DEPARTMENT OF WATER RESOURCES
OPENING STATEMENT FOR
STATE WATER RESOURCES CONTROL BOARD PUBLIC HEARING ON
DWR/RECLAMATION PETITION FOR TEMPORARY URGENCY CHANGE
FEBRUARY DELTA OUTFLOW

Today¹ DWR presents evidence supporting our request that the State Water Resources Control Board approve the DWR and US Bureau of Reclamation Joint Temporary Urgency Change Petition, which we submitted last Tuesday, February 10. In our Petition, DWR and Reclamation request the Board approve urgent changes in Decision 1641 Delta outflow requirements for the month of February due to this January's unexpected extremely dry conditions which, in combination with the dry conditions from the prior two years, may prevent the Projects from meeting other fish and wildlife and water quality objectives later in the year.

The Petition provides the basis for DWR's testimony today. DWR and Reclamation believe the Petition provides a reasonable and balanced approach to address this year's dry hydrology and the Project's limitations in available stored water in order to meet water quality objectives and other Project responsibilities.

As you will hear in today's testimony, California is in its third straight year of below-average rainfall and very low snowmelt runoff. In October 2008, reservoir levels throughout the State were significantly below average. Dry conditions and low storage have resulted in significant reductions in water supplies throughout the State. For example, DWR's annual allocation of SWP water to its Contractors in December was only 15% of requested amounts. This represents the largest deficiency to SWP M&I allocations in the Project's history. I do not know if we can hold this allocation based on the extremely dry January and even considering the snow in the last several days. We will update our allocation announcement later this week.

Today, DWR Engineer, John Leahigh, will provide expert testimony on the drought conditions and on details of the requested change in Delta outflow requirements that is described in our Petition.

I would like to provide some background and a roadmap of his testimony.

DWR and Reclamation submit this urgency change request after considerable study and deliberation of the options available to the Projects for meeting their various obligations as operators of the State's largest water supply projects. These obligations include delivery of water supplies for cities, industries, agriculture, wildlife refuges, and meeting water quality requirements for fish and wildlife. In addition, the Project reservoirs are operated for flood control protection. Many decisions related to reservoir operations are based on forecasts, or predictions, of weather, under estimates of dry and average precipitation. Such predictions become less reliable when forecasting far into the future.

¹ Opening Statement presented by Cathy Crothers, Assistant Chief Counsel, Department of Water Resources

DWR and Reclamation submitted our petition based on the hydrologic conditions occurring at that time and on predictions of future conditions. We can evaluate how well these predictions are using hind-site, but the Board's decision on whether to approve the Petition must be made in the context of the reliability of information available at the time of the request. You may hear criticism of DWR and Reclamation's February Project operations. However, these operations were made with the understanding of the most recent information provided with our petition. In addition, these operations were closely coordinated with the State and federal fishery agencies. While the main focus of our petition is to retain water in storage to protect cold water pools for salmon, recent rains have allowed a modest increase in exports while still observing low Old and Middle reverse flows in coordination with the fishery agencies. Any criticism of past operations fails to recognize the extremely low water supplies in the State, the effects of the last few years of drought and the coordination with other agencies using the most recent information available.

DWR and Reclamation developed the petitioned actions over the last several weeks, after it became clear the precipitation in January was well below expected. In fact, as will be explained in the testimony, we now know that January was the 8th driest January on record and that the Northern Sierra had 1/3 of its normal precipitation in January. More striking was that Sacramento Valley runoff was only 27% of an average January. Also important is the fact that storage in the major upstream reservoirs was lower leading into the month of January than had been the case in any year since construction, including the record breaking dry year, 1977.

In addition, last Tuesday, prior to submitting the Petition, DWR and Reclamation discussed project operations and effects of the change in outflow with the USFWS, NMFS, and DFG during our weekly meetings of the Water Operations Management Team. For many years, our agencies have met and discussed project operations in the context of fishery needs. The fish agencies have gained considerable appreciation for the methods available to meet the various project requirements. As you have heard in the policy statements of these agencies, although they have concerns for potential, and at this time unknown, effects on delta fisheries, they agree that the change in February operations described in the Petition are acceptable. As you will hear in the testimony, the modification of requirements for this February will better enable the Projects to protect cold water for salmonids and critical water supply needs later in the year.

The following is a summary, or road map, of the presentation by DWR. John Leahigh has prepared a power point presentation which he will use to summarize the Petition. In the Petition DWR and Reclamation requested changes of three requirements in D-1641 related to Delta outflow. You will hear the basis for modifying the Net Delta Outflow Index from Chipps Island to Collinsville for 24 days in February. Because the weather is unpredictable and can dramatically change this time of year, DWR included an offramp: if precipitation increases outflow to 20,000 cfs for at least three days, then DWR and Reclamation will operate to the Chipps Island X2/11,400 cfs criteria for the remaining days in February.

In addition, the petition requested a waiver of the requirement that X2 be located for one-day at Collinsville (C2) between February 1 and February 14. Finally, the Petition requested waiver of the higher flow objective at Vernalis. At the time of the Petition,

DWR and Reclamation did not know the year-type classification for the San Joaquin Valley hydrology. Because we now know that the classification is critically-dry, the requested waiver of the Vernalis flow objective is not needed and the Reclamation will meet the existing D-1641 Vernalis flow requirement. Because it has been snowing and raining in the last several days, Mr. Leahigh will provide an update of predictions regarding Net Delta Outflow and the location of X2.

Finally, despite the recent precipitation, Mr. Leahigh will testify as to the water supply concerns still remaining this year because of the conditions precedent from the two prior dry years and then extremely dry January this year. The last set of storms has been very welcome but they have not ended the drought. We have proposed a staged approach to addressing the ongoing drought conditions on a month by month basis which is why we are asking the SWRCB to only address February at this time. If conditions turn wet we will all breathe a collective sigh of relief. If conditions remain dry we will collectively need to develop reasonable responses.

Please keep in mind that water operation planning is not a simple task. It includes many assumptions of future hydrology and demands for water. As Mr. Leahigh will discuss, DWR and Reclamation use reasonable assumptions to plan for future water needs, but the plans must evolve based on updated forecasts. New forecasts will be available in the next few weeks. We may need to come before the Board to address those reasonable responses.

We appreciate the Board holding this expedited hearing to allow interested parties an opportunity to present facts related to the Petition. DWR believes that today's testimony will show that it is in the public interest to allow a temporary modification in Delta outflow requirements as part of Project planning in order to meet essential water supply needs later this year and in order to balance the competing needs of listed fish species.