

**Testimony of Paul Fujitani
Chief, Water Operations Division, Central Valley Operations
U.S. Bureau of Reclamation**

**State Water Resources Control Board
Public Hearing Regarding Whether to Modify Part A of Order WR 2006-006**

June 25, 2009

My name is Paul Fujitani and I am the Chief for the Water Operations Division in the Central Valley Operations Office (CVO) for the U.S. Bureau of Reclamation (Reclamation) in Sacramento, California. I began working for Reclamation in 1979. Since 1989, I have worked in CVO, first as a hydraulic engineer, then, beginning in 2000, as Chief of the Water Operations Division. I have also worked as a project manager for a private consultant and the US Army Corps of Engineers from 1986 to 1989.

I have a Bachelor of Science Degree in Civil Engineering from the University of California, Davis, and am a registered Civil Engineer by the State of California.

I supervise staff in the daily multi-purpose water operations of the Central Valley Project (CVP). These water operations include preparing water operation forecasts of the CVP, determining water supply allocations, determining river releases and flood control operations, determining CVP exports from the Delta, and coordinating CVP water operations with the state Department of Water Resources (DWR) and State Water Project (SWP).

Need for Modifications to Part A of Order WR 2006-006

Since the Board attached the three interior south Delta stations to permits and licenses for the CVP and SWP in 2000 through D-1641, the principal corrective measure sought by the Board has been the construction of permanent operable barriers at the head of Old and Middle Rivers. In fact, the record for D-1641 shows that the Board analyzed only three alternatives for achieving Reclamation's and DWR's portion of responsibility for salinity conditions below Vernalis – 1) meeting D-1422 salinity objectives at Vernalis and continuing with temporary barriers; 2) meeting D-1641 flow objectives and continuing with temporary barriers; and 3) meeting D-1641 flow objectives and constructing permanent operable gates or barriers. Because the permanent operable barriers had more impact on salinity in the southern Delta in October, November, April and September when compared with the temporary barriers, the Board's preferred alternative became installation of the permanent operable gates.

The Board's theory at that time was that export pumping was degrading salinity in the south Delta, a theory which has not held up under model runs by DWR, as we have seen in their testimony. The Board's theory has also not held up under recent circumstances as we have seen that even under low export rates and daily electrical conductivity (EC) at Vernalis in the 0.5

mmhos/cm range, P-12 (Old River near Tracy Road Bridge) is running at approximately 0.8 mmhos/cm. This circumstance is clearly laid out for the Board in the June 19, 2009 Report of Potential Exceedance of South Delta Water Quality Objectives and shows the extent of degradation from Vernalis to Tracy Road Bridge that is not attributable to Vernalis water quality or water project pumping operations.

Beginning in the early 2000s, problems with construction of the permanent operable barriers became more and more evident. The most problematic being issues with federal Endangered Species Act (ESA) compliance. The history of ESA issues is set forth in the Board's notice for this proceeding, as well as in the June 1, 2009 Quarterly Status Report from DWR to the Board's Executive Director Dorothy Rice. As is clear now with the issuance of the final NOAA Fisheries biological opinion (BO), the construction of permanent operable gates is infeasible. Under the BO a reasonable and prudent action is for DWR not to implement the South Delta Improvement Program (SDIP) because replacing the temporary barriers with permanent operable gates will adversely modify critical habitat for salmon. The continuation of the temporary barrier program, on the other hand, will not.

In the meantime, the Board is undertaking a review of the southern Delta salinity objectives in conjunction with its review of the San Joaquin River flow objectives at Vernalis. It is possible that the Board will propose and adopt amendments to the 2006 Water Quality Control Plan for the Bay Delta which could include new objectives and/or programs of implementation for San Joaquin River flows, and for salinity in the South Bay Delta by 2012. Therefore, Reclamation is seeking a stay of the July 1, 2009 deadline in the CDO until the Board completes its review of the southern Delta salinity objectives and the program of implementation for those objectives.

The Board's notice of public hearing notices two key issues for hearing:

1. What modifications, if any, should the State Water Board make to the compliance schedule set forth in Part A of Order WR 2006-006, and how should any modifications be structured to take into account any potential changes to the southern Delta salinity objectives or the program of implementation that may occur as a result of the State Water Board's current review of the Bay-Delta Plan?
2. If the compliance schedule contained in Part A of Order WR-2006-006 is modified, what interim protective measures, if any, should be imposed?

In response to key issue 1, Reclamation proposes that the July 1, 2009 deadline be stayed, at least, until the Board completes its review of the southern Delta salinity objectives or the program of implementation for those objectives.

In response to key issue 2, continuation of the temporary barrier program is the only reasonable and prudent measure left within the reasonable control of Reclamation or DWR to implement their portion of responsibility for the south Delta salinity objectives. However, the Board should be aware of the following actions currently undertaken by Reclamation and DWR:

1. Meeting salinity dilution requirements at Vernalis. The first and foremost critical action that Reclamation takes to manage salinity levels in the southern Delta is to meet its dilution flow obligation at Vernalis. Reclamation has consistently met its obligation to dilute salinity concentrations at Vernalis since this requirement has been imposed on Reclamation. In addition to dilution flows, Reclamation is actively involved in salt load reduction programs within the San Joaquin basin, including the Grasslands project and efforts to implement a real-time water quality management program in conjunction with the Central Valley Regional Water Quality Board. All of Reclamation's salt load reduction activities contribute to meeting the salinity concentrations at Vernalis. Given that Reclamation consistently meets its Vernalis obligation, together with DWR's showing that export pumping is not correlated to increased salinity levels in the southern Delta, there appears to be no CVP operations which are causing exceedances at the three southern Delta measuring stations.

2. Regular meetings with South Delta Water Agency on Temporary Barrier Levels. Reclamation staff regularly participates in meetings coordinated through DWR with South Delta Water Agency. The purpose of the meetings is to communicate with South Delta regarding their concerns with salinity concentrations, water level, or water circulation issues. Considerations discussed as part of the temporary barrier operations are water level concerns behind the barriers as well as tidal flap gate positions to manage for multiple purposes of water levels, water circulation and salinity based on actual conditions and modeling estimates.

This concludes my written testimony.

PROOF OF SERVICE

I am a citizen of the United States of America and a resident of the County of Placer, California. I am over the age of 18 years and am a party to the within entitled action.

My business address is 2800 Cottage Way, Sacramento, California, 95825. I hereby certify that on June 22, 2009, I served electronically one copy of the U.S. Bureau of Reclamation's Exhibits and Testimony for the Hearing to Determine Whether to Modify Part A of Order WR 2006-0006 on the persons listed below:

Erick D. Soderlund
Department of Water Resources
1416 Ninth Street, Room 1104
Sacramento, CA 95814
esoderlu@water.ca.gov

Tim O'Laughlin
O'Laughlin & Paris LLP
P.O. Box 9259
Chico, CA 95927
towater@olaughlinparis.com
KPetruzzelli@olaughlinparis.com
Rep: San Joaquin River Group Authority

John Herrick, Esq.
South Delta Water Agency
4255 Pacific Avenue, Suite 2
Stockton, CA 95207
Jherrlaw@aol.com
Rep: South Delta Water Agency and Lafayette
Ranch

Paul R. Minasian
Minasian Law Firm
P.O. Box 1679
Oroville, CA 95965
pminasian@minasianlaw.com
dforde@minasianlaw.com
awhitfield@minasianlaw.com
Rep: San Joaquin River Exchange Contractors
Water Authority

DeeAnne M. Gillick
P.O. Box 20
Stockton, CA 95201-3020
dgillick@neumiller.com
tshephard@neumiller.com
Rep: County of San Joaquin and San Joaquin
County Flood Control and Water Conservation
District

Dante John Nomellini, Sr.
Nomellini, Grilli, & McDaniel
Professional Law Corporations
P.O. Box 1461
Stockton, CA 95201
ngmplcs@pacbell.net
Rep: Central Delta Water Agency

Julia R. Jackson
P.O. Box 148
Quincy, CA 95971
Julia.r.jackson@gmail.com
Rep: California Water Impact Network

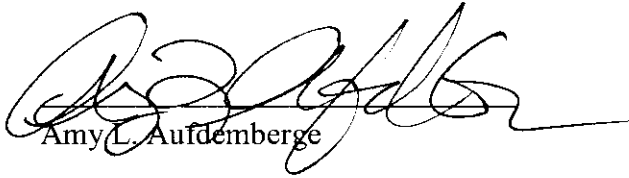
Jon D. Rubin
Diepenbrock Harrison
400 Capitol Mall, 18th Floor
Sacramento, CA 95814
jrubin@diepenbrock.com
Rep: San Luis & Delta-Mendota Water
Authority and Westlands Water District

Michael B. Jackson
P.O. Box 207
424 W. Main Street
Quincy, CA 95971
mjatty@sbcglobal.net
Rep: California Sportsfishing Protection Alliance

Alexis K. Galbraith, Esq.
Herum Crabtree
2291 W. March Lane, Suite B-100
Stockton, CA 95207
agalbraith@herumcrabtree.com
kharrigfeld@herumcrabtree.com
Rep: Stockton East Water District

Carl P.A. Nelson
Bold, Polisner, Maddow, Nelson & Judson
500 Ygnacio Valley Rd., Ste. 325
Walnut Creek, CA 94596
cpanelson@bpmnj.com
Rep: Contra Costa Water District

I certify under penalty of perjury that the foregoing is true and correct. Executed on June 22, 2009, in Sacramento, California.


Amy L. Aufdemberge