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To: "Riddle, Diane@Waterboards" <Diane.Riddle@waterboards.ca.gov>

Cc: "Chilcott, Jeanne@Waterboards" <Jeanne.Chilcott@waterboards.ca.gov>, "Foe, Chris@Waterboards" <Chris.Foe@waterboards.ca.gov>, "Creedon, Pamela@Waterboards" <Pamela.Creedon@waterboards.ca.gov>, "Grober, Les@Waterboards" <Les.Grober@waterboards.ca.gov>

Subject: Temporary Urgency Change Petition for the New Melones Project

Dear Diane,

Thank you for reaching out to consult with us regarding the subject temporary urgency change petition. I appreciate that we are being brought into the process and look forward to working with you in the future. Our comments are provided below.

On 17 June 2015, the US Bureau of Reclamation (USBR) submitted a petition for Temporary Urgency Change for Central Valley Project permits related to the New Melones Project to temporarily change the dissolved oxygen condition from a minimum of 7.0 mg/l to a minimum of 5.0 mg/l through 30 November 2015, due to the continuing drought.

It is our understanding that limited water supplies remaining in the Project because of the continuing drought have resulted in the inability of USBR to meet all its Water Rights permit requirements including the dissolved oxygen objective of 7 mg/l on the Stanislaus River at Ripon. Ordinarily, USBR manages releases to ensure that the dissolved oxygen levels at Ripon are above 7 mg/L and to keep temperature levels within the range required to support fisheries and other aquatic life. Due to limited availability of cold water, the USBR has requested a relaxation of the DO objective from 7.0 to 5.0 mg/l in order to manage releases to ensure that there is water available later in the season to maintain necessary flows. It is our understanding that if USBR is required to continue releases to achieve the 7.0 mg/L objective, there will not be cold water flows available support steelhead habitat this coming fall.

We are very concerned that this reduction in dissolved oxygen will impair beneficial uses in the San Joaquin River. We recognize that managing flows during this unprecedented drought is challenging and that decisions must balance protecting current and future beneficial uses. While we are mindful that these reductions in releases will help to maintain beneficial uses should this unprecedented dry period continue, we are concerned with current impacts and the need for a more structured planning process to address drought conditions.

Regional Board staff recommends that approval of the TUCP be conditioned on:

- 1) The completion of the draft Fisheries Management Plan and continued management of the reservoir releases in consultation with fisheries agencies to minimize impacts to aquatic life. The final Fisheries Management Plan needs to include development of a temperature management plan. The plan should be developed and implemented as soon as possible on

a real time basis this year in consultation with the fishery agencies. In future drought years the temperature management plan should be implemented as soon as it becomes known that there will be limited water supplies available to meet beneficial uses. The purpose of early implementation is to insure that the maximum protection possible is afforded for the entire year to all beneficial uses.

- 2) Evaluation of the potential for supporting the Stockton Deep Water Ship Channel aerators as an offset for the reduced dissolved oxygen levels in the Stanislaus River. While this location is a considerable distance upstream of the impairment, it is known that oxygen depleted warm water from the San Joaquin River is a contributor to the impairment. The decision to temporarily lower DO objectives in the San Joaquin River at Ripon may contribute further to the impairment.
- 3) Provide funds to support the Delta Regional Monitoring Program. Managing water releases and diversions in and around the Delta affect water quality. Some of these effects are readily measurable directly downstream, and others are cumulative and may be seen in other areas of the Delta. Reduced water supply due to diversions can magnify the effect of pollutants by reducing the amount of water for dilution. The reductions in flow may also lead to warmer water and resulting increased risk of harmful algal blooms. These cumulative effects are difficult to measure and cannot be discerned by evaluating each action by itself, but must be considered in a coordinated manner as part of a regional monitoring program.

One of the objectives of the Delta Regional Monitoring Program is to monitor such regional water quality conditions and trends. The Delta Regional Monitoring Program is a stakeholder lead effort and requires the support of dischargers and others that affect water quality in the Delta. We request that you require USBR to provide funding or in-kind support/services to the Delta Regional Monitoring Program as a condition for approving this petition.

We appreciate your consideration of these comments and look forward to working with you. If you have any questions please contact Chris Foe at 916-464-4713 or at chris.foe@waterboards.ca.gov.

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