

State Water Resources Control Board

March 14, 2017

Mr. Pablo Arroyave
Deputy Regional Director
U.S. Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

Dear Mr. Arroyave:

PROPOSAL FOR MEETING SAN JOAQUIN RIVER FLOW OBJECTIVES IN FUTURE YEARS

This letter is in response to the U.S. Bureau of Reclamation's (Reclamation) letter to me dated February 15, 2017. In the letter, Reclamation took the position that it is not responsible for meeting the San Joaquin River flow objectives because the San Joaquin River Agreement (SJRA) has expired and the State Water Resources Control Board (State Water Board or Board) has not assigned permanent responsibility for meeting the objectives. This position is inconsistent with State Water Board Decision 1641 (D-1641), which added the following condition to Reclamation's water right permits for New Melones Reservoir:

Permittee shall, on an interim basis until the Board adopts a decision assigning permanent responsibility for meeting the water quality objectives:

- a. Ensure that the water quality objective for fish and wildlife beneficial uses for San Joaquin River flow at Airport Way Bridge, Vernalis set forth in Table 3 is met, with the exception that during the April-May pulse flow period while the SJRA is in effect, experimental target flows set forth in (b) below may be provided in lieu of meeting this objective. (See Revised Decision 1641, pp. 160-162).

This water right permit requirement is unequivocal. Although Reclamation's responsibility was not intended to be permanent, this condition imposes responsibility on Reclamation "until the Board adopts a decision assigning permanent responsibility for meeting the water quality objectives"

I recognize that development of new flow objectives and implementation of a permanent allocation of responsibility for meeting these objectives has taken longer than anticipated. I also recognize that under certain flow and antecedent conditions Reclamation is not capable of meeting all its water right permit conditions while maintaining adequate carryover storage in New Melones Reservoir. In particular, Reclamation's ability to meet the April-May pulse flow requirement has become more difficult now that the SJRA has expired. The Board was aware of these issues when it adopted D-1641. In light of the circumstances, a reasonable path forward is for Reclamation and Board staff to meet each winter and agree on a prudent operation until such time as new flow objectives are implemented.

I appreciate the offer in your letter that Reclamation is willing to work with the Board on a reasonable contribution to instream flows until the Bay-Delta Plan update is implemented. State Water Board staff will contact your staff annually to schedule a meeting to discuss New Melones operations. I look forward to continuing to coordinate with you further on this matter in the coming months. If you have any questions regarding this matter, please contact Ms. Diane Riddle at Diane.Riddle@waterboards.ca.gov or at (916) 341-5297.

Sincerely,


Thomas Howard
Executive Director

cc: Ronald Milligan
Operations Manager
U.S. Bureau of Reclamation
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, CA 95821

Elizabeth Kiteck
Chief, Water Operations Division
U.S. Bureau of Reclamation
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, CA 95821

Richard J. Woodley
Regional Resources Manager
U.S. Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

Mr. Pablo Arroyave

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bcc: Diane Riddle
Chris Carr
Les Grober
Dana Heinrich
Kyle Ochenduszk

