

Petition to De-List the Lower San Joaquin River

For

Impairment by Salt and Boron

EXHIBIT P

SJRGGA Letter to Mr. Ron Milligan

Submitted By:

SAN JOAQUIN RIVER GROUP AUTHORITY



O'Laughlin & Paris LLP

Attorneys at Law

August 25, 2005

Ron Milligan
United States Bureau of Reclamation
Central California Area Office Bureau of Reclamation
7794 Folsom Dam Road
Folsom, CA 95630

Re: Water releases from New Melones to meet the EC objective

Dear Mr. Milligan:

In the San Joaquin River Water Quality management Group planning process we were able to explore a myriad of computer model runs looking at alternatives and assumptions. One of the questions that came up during our discussion of the modeling runs was "How closely does the portrayed operations of CALSIM II track with real releases from New Melones? In particular, the water quality releases." We investigated the question.

Overall the CALSIM II model does a good job of tracking total, overall depletions from New Melones. However, the magnitude of the releases for the fishery, water to the two districts and DO releases dwarf the sometimes small amount of water "modeled" for water quality releases, and when looking specifically at the water quality release component alone the results at times appear to be significantly different.

Setting aside the differences between the accounting within the allocation procedures of the IPO and the subsequent accounting of releases for b(2) purposes, upon dissection of the CALSIM II runs we concluded that there typically are differences between modeled releases for water quality and the actual releases from New Melones, primarily because CALSIM II runs on perfect knowledge in meeting exactly the EC objective at Vernalis. We compared the amount of water "modeled" to meet the EC objective at Vernalis to the USBR's actual operations, and found that in some years and in some months there were substantial differences between CALSIM II and actual releases. The difference was explained to be the difference in water quality that occurred at Vernalis. While the modeling exactly met the EC objective at Vernalis, the USBR was releasing water in excess of that necessary to meet the EC objective at Vernalis. In some instances the additional volume of water released created an EC cushion of .04 - .07 at Vernalis. In the examples we evaluated, this cushion was created with an unnecessary additional release that amounted to about 9,000 to 10,000 acre-feet in a month.

This circumstance points to potential water savings that can be made at New Melones, immediately.

Peggy Manza in her testimony in the matter of SEWD v. USA, confirmed our analysis. In a series of questions regarding water releases for water quality, Ms. Manza stated:

Q. Have you operated to the point where you were exceeding the standard, making the river -- trying to use the proper terminology -- diluting the river more than you are required to by the standard?

A. It would be virtually to hit .7 EC every day for 30 days for five months. So yes, there certainly are period when the 30 day running average at Vernalis is better than .7 EC.

Q. As a general rule, if I looked at the 30 day running average data which I don't have in front of me, but would I find that more than half the time you were exceeding the standard?

A. Exceeding as in not violating but doing better than.

Q. Doing better than the standard excuse me?

A. I don't know if it would be half the time, but clearly there's certainly there's large amounts of time when we're doing better than the standard some by a small amount some by a large amount.

Q. What is the safety margin that you like to have?

A. I don't know point 5 EC maybe plus or minus.

We are unclear as to why the USBR is operating a water short project, New Melones, by releasing water in excess of what is required. The 30-day running average was established by the SWRCB to provide the necessary operating cushion. The SWRCB EC objective clearly contemplates the .7 can be exceeded on any given day. In fact EC could be .8 for 15 days and .6 for 15 days and the EC standard would be met. An exceedance of the .7 is not a violation of the EC objective.

If the SWRCB has already established a buffer then why does the USBR appear to establish another redundant buffer? It doesn't seem to make sense. Providing such a buffer over a sequence of several months could result in the USBR releasing 20,000 - 40,000 acre-feet in excess of what the EC objective at Vernalis requires.

We understand the Bureau's desire to not run at .7 everyday, given the uncertainties of day-to-day San Joaquin River water quality and flow conditions, however there is no reason for the USBR to be operating much below .685.


We also understand this situation is not applicable when the USBR is releasing water from DO. DO releases may make water quality better at Vernalis than is required, but that is a byproduct of operating to meet the DO objective.

We would suggest the USBR review its operating criteria for New Melones to meet the EC objective at Vernalis. Any water released in excess of that required to meet the EC objective, would appear to be an unauthorized project purpose and a waste of public resources. If the USBR wishes to implement HR 2828 in an expeditious fashion, without spending huge amounts of money, then it would do well to review the internal policy and rationale behind its apparent conservative operation in meeting the EC objective at Vernalis.

Very truly yours,

O'LAUGHLIN & PARIS LLP

By:


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TO/kl

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