

Petition to De-List the Lower San Joaquin River

For

Impairment by Salt and Boron

EXHIBIT Q

SJRGGA Letter to Ms. Elizabeth Kiteck

Submitted By:

SAN JOAQUIN RIVER GROUP AUTHORITY



O'Laughlin & Paris LLP

Attorneys at Law

September 12, 2005

Elizabeth Kiteck
United States Bureau of Reclamation
3310 El Camino Avenue
Sacramento, CA 95821

Re: New Melones Operations

Dear Ms. Kiteck:

This letter is to follow up on our previous letter of August 25, 2005 regarding New Melones Operations. In our previous letter we pointed out the USBR was releasing too much water to maintain salinity at Vernalis during the 0.7 dS/m time period. Upon further analysis of the revised CALSIM II results, we noticed another USBR operation that consistently results in the release of excess water to meet salinity.

The 1995 Water Quality Control Plan set the EC standard for Vernalis. D-1641 put the requirement of meeting the EC requirement on the CVP permits. The USBR has decided to meet the EC standard at Vernalis solely using water from New Melones. The purpose of this letter is not to question the propriety of that decision. The purpose of this memo is to question the way the USBR has implemented such a decision resulting in impacts to other beneficial uses of water from New Melones.

The standard for EC at Vernalis in April is 0.7 dS/m. The standard changes from a 30-day running average of 1.0 dS/m in March to a 30-day running average of 0.7 dS/m in April. Footnote 2 to Table 2 of the 1995 WQCP states:

"Determination of compliance with an objective expressed as a running average begins on the last day of the averaging period."

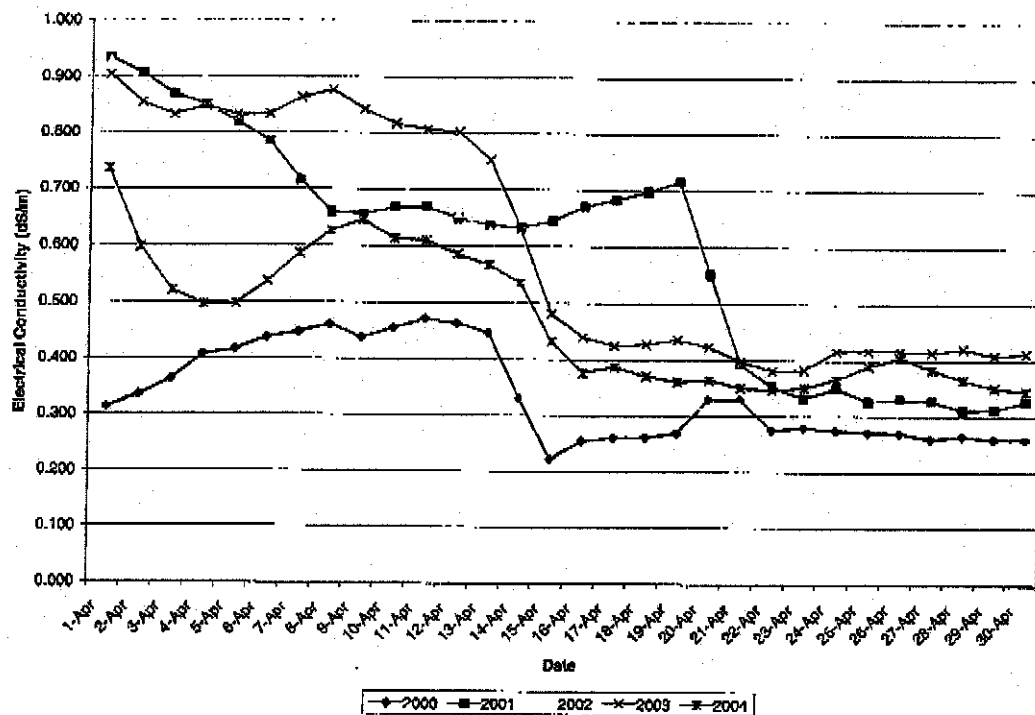
Thus for the 0.7 dS/m objective that begins on April 1 the compliance period does not begin until April 30 of any year.

We have noticed for the years 2001, 2002, and 2003 the USBR released significant amounts of water to meet the Vernalis salinity objective.

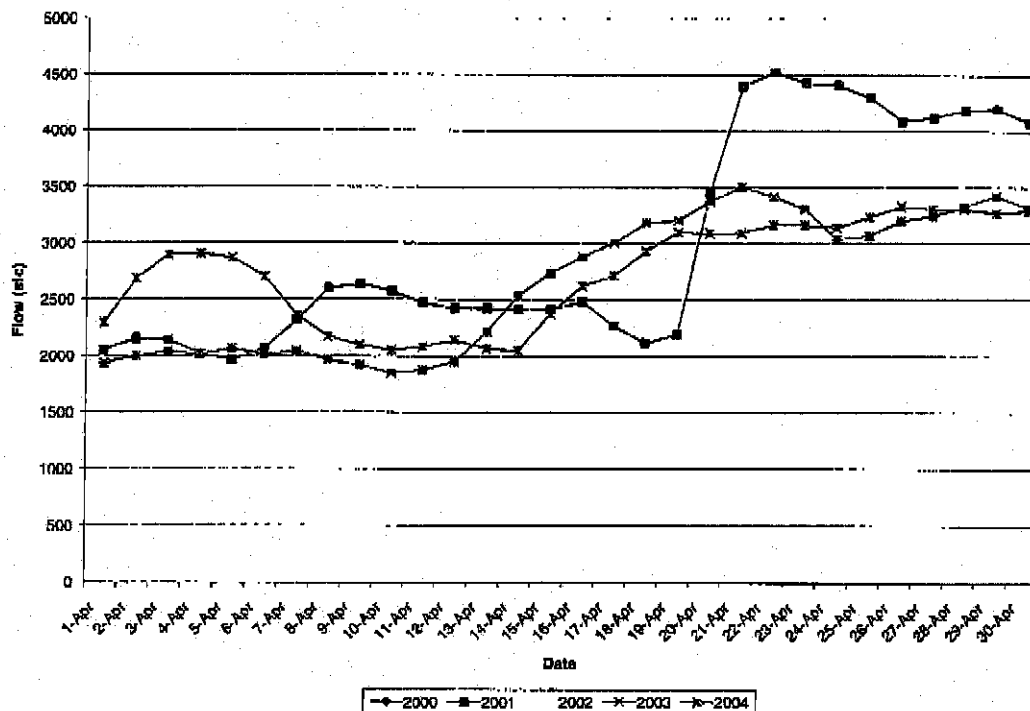
Table 1: Annual Vernalis Water Quality Releases

Date	Mean Monthly EC (dS/m)	Flow (cfs)	Water Quality Releases (TAF)
April 2000	0.338	5,013	0
April 2001	0.594	3,004	17.9
April 2002	0.526	2,599	21.7
April 2003	0.607	2,656	31.5
April 2004	0.472	2,759	0
Total Vernalis Water Quality Releases (TAF)			71.1

We then looked to see what EC was running during the April 1 – April 15 time period. We noticed a consistent pattern. EC coming from March was usually above the 0.7 dS/m requirement for April.

Figure 1: Electrical Conductivity at Vernalis (April 1-April 30)

It appears the USBR released the significant quantities of water set forth in Table 1 to try to get EC at Vernalis below 0.7 dS/m prior to April 15.

Figure 2: Daily Vernalis Flows for Electrical Conductivity (April 1-April 30)

We do not understand why the USBR would be releasing such large quantities of water to meet EC prior to April 15 when there is no requirement to do so. The 1995 WQCP objective could hypothetically have EC at 1.0 dS/m for April 1 – April 15 and 0.4 dS/m April 16 – April 30 and still meet the objective.

The USBR knows the VAMP flows will be implemented for a 30 day pulse flow starting on April 15 of each year. The USBR knows the VAMP flows dilute the salt loading in the SJR and cause the water to have a lower EC. The VAMP flows, even at 3,200 cfs, seem to have an EC at Vernalis of 0.4 dS/m and or below.

So if the USBR knows the VAMP flows will have an EC of 0.4 dS/m when EC's are 0.8 or 0.9 dS/m? Even at those numbers the thirty date running average, measured on April 30, would be below 0.7 dS/m.

Conclusion


We have conservatively estimated that for the years 2001, 2002, and 2003 the releases of water from New McInnes to correctly meet the EC requirement at Vernalis from this one action would have saved 9,000 to 10,000 acre-feet per month. In combination with the USBR's extremely conservative operation pointed out in our last memo, the total would be 533, 647, and 944 thousand acre-feet. This would mean the USBR would have had almost 40,000 acre-feet to put to reasonable and beneficial uses.

We strongly suggest that as part of your HR 2828 study and implementation that the operations we have pointed out cease.

Very truly yours,

O'LAUGHLIN & PARI S LLP

By:


Tim O'Laughlin

cc: Mike Finnegan
Susan Fry
Victoria Whitney
Gita Kapahi
Arthur Baggett
Ron Milligan
Richard Pombo
Diane Feinstein
Lester Snow
Allen Short