

United States Department of the Interior
Statement before the State Water Resources Control Board
Review of 1995 Delta Water Quality Control Plan
Topic #8: San Joaquin River at Airport Way Bridge, Vernalis Flow
Objectives: February – April 14 and May 16 - June
March 21, 2005

A decade ago, the State Water Resources Control Board (SWRCB) adopted the Delta Water Quality Control Plan (1995 WQCP), which included several flow standards to protect beneficial uses of river and Delta waters by the State's fishery resources. The San Joaquin River at Vernalis flow standard applies to the February – April 14 and May 16 – June period and is primarily intended to maintain sufficient net downstream flow in the lower San Joaquin River to benefit fishery resources. This flow standard benefits juvenile fall-run Chinook salmon, and federally listed adult steelhead during their downstream migration, and federally listed adult delta smelt during spawning, as well as the larval and the juvenile delta smelt.

During the past 10 years and particularly during the recent drier years, Department of the Interior (Interior) agencies have observed that achieving the Vernalis flow standard may require substantial releases of water from New Melones Reservoir on the Stanislaus River resulting in potential conflicts with other operational objectives and water quality parameters. Because of these conflicts, Interior has been unable to fully meet the Vernalis flow standard in some years. This has been documented by actual operations in the last several years and from long-term OCAP operation modeling studies and has been the basis for the Bureau of Reclamation (Reclamation) to reinstate ESA Section 7 consultation with the Fish and Wildlife Service (Service).

Interior recognizes that in the future there may be increased competition between upstream operational objectives and Delta fishery objectives. Consideration must be given with regard to how best to balance competing beneficial uses while at the same time ensuring adequate flows to protect declining fishery resources. At the Periodic Review workshop for this topic, Reclamation will provide information related to concerns regarding the implementation studies conducted by the SWRCB and improved modeling tools for the San Joaquin River Basin. The Service will provide information related to the biological benefits and needs related to this standard.

Recommendation

Interior believes a Vernalis flow standard is an important protection for emigrating salmonids and federally listed delta smelt. However, compliance with the San Joaquin River at Vernalis flow standard may create both operational challenges and potential ESA conflicts. Interior therefore recommends that the Vernalis flow standard be evaluated and addressed in an open, cooperative, SWRCB-sponsored process among federal and state agencies and interested parties, to determine the appropriate Vernalis flow standard and the best means to achieve it. This process will likely include the

evaluation of: (1) improved hydrology information, (2) the interrelated water management programs, (3) salinity management, (4) water supply reliability, and (5) flow needs for instream fishery management.

While this process is ongoing, Interior also proposes that the implementation of the Vernalis flow standard be made sufficiently flexible to allow real-time changes to address competing needs of fishery objectives and other operational objectives especially during the drier hydrologies. During the drier year-types there is limited storage in New Melones Reservoir. We propose that, when such challenges arise, the Bureau of Reclamation, the Department of Water Resources, the Fish and Wildlife Service, NOAA Fisheries, and the Department of Fish and Game, which already have regularly scheduled meetings regarding water operations and fishery management, address these competing needs and develop recommendations in response to the real-time situation.

In order to implement flexibility, the five agencies would need to coordinate and consult on a course of action. Shortly thereafter, the Project agencies, with full consensus from the fishery agencies, would submit their plan to the SWRCB, begin implementation, and provide an annual report to the SWRCB, explaining the technical basis for their decisions and the outcome of implementation of any flexibility in that year. Although the goal of the five agencies is to achieve consensus on decisions, the agencies retain their authorized roles and responsibilities.

A crucial aspect of this proposal is timeliness. The five agencies need to respond to rapidly changing biological and hydrological conditions as quickly as possible. Now, ten years after the WQCP was adopted, these agencies enjoy much greater access to real-time monitoring data from the Delta and upstream rivers. As either biological or hydrological data show changes, the agencies need to be able to adapt the Vernalis flow standard to the competing needs of fishery resources and other operational objectives.

Providing such flexibility to the implementation of the San Joaquin River at Vernalis flow standard would ensure the most effective protection of the emigrating salmonids, as well as delta smelt. It also allows for resolution of any conflicts between the fish needs of the lower San Joaquin River and upstream operational objectives, which arises on occasion in particularly dry years. The proposed flexibility to implement the Vernalis flow standard is consistent with the adaptive management process currently described in the project Biological Opinions and will facilitate quick response to resource issues in a collaborative manner.