

**DEPARTMENT OF WATER RESOURCES**

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March 3, 2005

Ms. Debbie Irvin, Clerk to the Board  
Executive Office  
State Water Resources Control Board  
Cal/EPA Headquarters  
1001 "I" Street  
Sacramento, California 95814

Workshop Regarding Revisions to the 1995 Bay-Delta Water Quality Control Plan,  
Topics 9 (San Joaquin River Flow and VAMP) and 11 (Program of Implementation)

Dear Ms. Irvin:

The Department of Water Resources (DWR) submits the attached comments for the State Water Resources Control Board Workshop on revisions to the Bay-Delta Water Quality Control Plan with respect to San Joaquin River Flow objective during May and April (Topic 9) and the Program of Implementation (Topic 11).

Sincerely,

A handwritten signature in cursive script that reads "Cathy Crothers".

Cathy Crothers  
Senior Staff Counsel

Attachment

cc: (See attached list.)

Secretary Mike Chrisman  
The California Resources Agency  
1416 Ninth Street, Room 1311  
Sacramento, California 95814

Mr. Ryan Broddrick  
Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

Ms. Lisa Holmes  
California Bay Delta Authority  
650 Capitol Mall, 5th Floor  
Sacramento, California 95814

Mr. Ron Milligan  
Bureau of Reclamation  
Mid Pacific Regional Office  
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Mr. David Harlow  
U.S. Fish and Wildlife Service  
2800 Cottage Way, W-2605  
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Mr. Mike Aceituno  
National Marine Fisheries Service  
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Department of Water Resources  
Comments on the State Water Resources Control Board Workshop  
on Amending the 1995 Water Quality Control Plan  
(San Joaquin River Flow Objective during April and May and  
the Program of Implementation)

The Department of Water Resources (DWR) submits these comments subsequent to the State Water Resources Control Board (SWRCB) Workshop<sup>1</sup> regarding the fish flow objective that applies during April and May on the San Joaquin River at Vernalis.<sup>2</sup> During the Workshop several parties made presentations regarding possible modifications of the flow objectives as described in the 1995 Bay-Delta Water Quality Control Plan (WQCP). DWR recommends that the SWRCB not change the WQCP fish flow objective but recommends a change to the Program of Implementation, as discussed below.

Currently the WQCP provides for flows on the San Joaquin River, as measured at Airport Way Bridge, Vernalis, generally from mid-April to mid-May with variation in flows for different water year types. Under Decision 1641 (D-1641), the SWRCB has conditioned permits of the Bureau of Reclamation on an interim basis while the San Joaquin River Agreement (SJRA) is in effect to meet alternative flows at this location to support the Vernalis Adaptive Management Plan (VAMP) (D-1641 p. 161). During the D-1641 water right hearings, the members of the SJRA, including the San Joaquin River Group Authority (SJRG), DWR, and Reclamation, submitted testimony that the alternative flow provided under the Agreement would enable an experiment to determine the relative effects of San Joaquin River flow and export pumping rates on Chinook salmon. The pulse flow objective at Vernalis is for the protection of the fall-run Chinook salmon migrating out of the San Joaquin River through the Delta (*Id.* at 48). The SWRCB recognized that the information from the VAMP could provide a basis for changes to the objective at some future review of the WQCP and would provide better information than currently available for understanding the needed level of protection to fish (*Id.*).

During the Workshop on January 24, 2005, the SWRCB was informed that the VAMP is ongoing and several more years of testing are needed to obtain the scientific information expected from the experiment. As such, it is premature to recommend a change of the WQCP objective. Therefore, DWR recommends that the SWRCB modify the WQCP Program of Implementation to recognize that the Vernalis pulse flow objective should be implemented in phases, with the first phase consisting of the VAMP

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<sup>1</sup> The SWRCB heard this issue at its Workshop on January 24, 2005.

<sup>2</sup> The time period for this fish flow objective may be varied based on real-time monitoring and may occur as early as April 1. The time period of the 31-day pulse is determined by the operations group established under the Framework Agreement. The pulse flow, or two separate pulses of combined duration equal to the single pulse, should be scheduled to coincide with fish migration in San Joaquin River tributaries and the Delta.

flows required for the experiment to determine the next phase. At completion of the VAMP, the SWRCB would consider the results of the VAMP to form a basis of the level of protection needed for out-migrating salmon. The second phase of implementation would occur after developing a new objective, if appropriate, and then conducting a water rights hearing to implement the objective. Specific modification of the Program of Implementation could be as follows:

Add new subsection B. 5. San Joaquin River Fish Flow Objective.

“The plan’s objectives for flows during mid-April to mid-May are intended to benefit out-migrating Chinook salmon. Presently Reclamation and water agencies upstream of Vernalis in the San Joaquin River Basin are responsible for providing specific flows on the San Joaquin River at Vernalis to conduct an experiment that will provide information on the effects of flows and export pumping from the CVP and SWP south Delta facilities, known as the Vernalis Adaptive Management Plan (VAMP). The fish flow objective at Vernalis during the pulse flow period will be implemented in phases. The first phase will be through flows required under the San Joaquin River Agreement (March 1, 1999) while conducting the VAMP. After completion of the VAMP, the Board will consider results of the VAMP to determine if a new objective is needed. If so, it would develop an objective that reasonably protects the level of protection and amend the objective during a review of the WOCP. The second phase of implementation will occur after the review and any necessary amendments of the WOCP by conducting a water rights hearing assigning the responsibility for the flows to appropriate water right holders.”