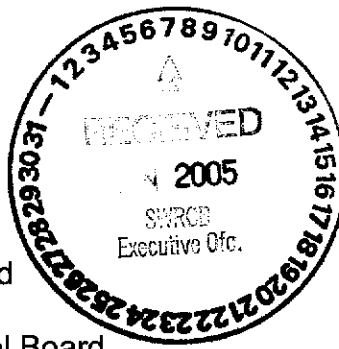


Memorandum

Date: June 6, 2005

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



Hand delivered

From: **Department of Water Resources**

Subject: WOMT Comments on Delta Outflow Objective for Consideration of Potential Amendments of the 1995 Bay-Delta Water Quality Control Plan

Please find attached the comments from the Water Operations Management Team (WOMT) on the Delta Outflow objective (X2) of the 1995 Water Quality Control Plan. The WOMT agencies have concurred in these comments as shown by the attached copy of the signature page (original signature pages will be sent by mail).

Sincerely,

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

Cathy Crothers
Senior Staff Counsel
Department of Water Resources

Attachment

**Water Operations Management Team
Comments to the State Water Resources Control Board
Regarding Flexing the Outflow Objective at Port Chicago
Proposed Revision to the 1995 Bay-Delta Water Quality Control Plan
June 3, 2005**

The U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, NOAA's National Marine Fisheries Service, Department of Water Resources and Department of Fish and Game meet each week for purposes of discussing and determining appropriate actions to be taken regarding State Water Project (SWP) and Central Valley Project (CVP) operations affecting Delta fish, water quality, and water supply. This group is known as the Water Operations Management Team (WOMT). The WOMT agencies have jointly considered the benefits of flexing the Delta Outflow objective at Port Chicago (Roe Island, X2) for purposes of recommending possible revisions of the 1995 Bay-Delta Water Quality Control Plan to the State Water Resources Control Board (SWRCB).

The WOMT agencies have met with the SWP and CVP contractors and other interested parties from the environmental community to discuss proposals for flexing of X2. A result of these meetings was agreement on using a computer model, developed by Metropolitan Water District of Southern California, to modify Delta Outflow in a gaming exercise to better understand the effects of potential changes in the implementation and location of X2 on water supply, indices of fish abundance, and upstream fish habitat (related to salmonid habitat impacts). The WOMT and contractors agree that flexing of X2 could be beneficial under certain conditions. The discussion and gaming on flexing has shown that real-time management to meet the water quality objective, rather than strict compliance with a fixed objective, can provide equivalent overall fishery protection benefits. WOMT and the contractors have different views, however, regarding how often and for what purpose it may be appropriate to operate flexibly with respect to X2 requirements. WOMT agencies prefer to consider flexing X2 only when an identified upstream fish habitat protection issue can be resolved by using the flexibility.

The WOMT comments on flexing X2 focus on a process to consider and balance protection of upstream fishery beneficial uses with Delta fishery beneficial uses. Upstream beneficial uses include salmonid spawning and rearing habitat which is protected with coldwater resources and regulation of river stages to minimize de-watering salmon or steelhead eggs in redds and stranding juvenile salmonids in sidechannels as flows recede. Downstream beneficial uses include flows for Delta ecosystem and estuarine species habitat. The downstream outflow objective, however, sometimes requires increased reservoir releases that can interfere with the ability of the CVP and SWP to protect upstream uses because cold water resources are reduced or river stages fluctuate. This need for increased reservoir releases occurs primarily when it has been relatively wet and flows into the Delta have been high and then conditions turn very dry and

accretions to rivers flowing into the Delta drop off. The following proposal provides a process, under certain conditions, that allows for flexibility when implementing the X2 Delta Outflow objective and would ensure protection of the Delta's fish resources while also protecting upstream fish resources and address competing needs between downstream and upstream fishery objectives.

The WOMT does not recommend that the SWRCB change the Delta Outflow objective at Roe Island as it is identified in Table A, footnote 14, of the WQCP but does recommend that a process be identified in the WQCP Program of Implementation that allows for short term, temporary deviations from operations when implementing the objective. The WOMT believes that the Program of Implementation could describe a process that will better manage the Projects to meet both upstream and Delta fishery beneficial uses in a manner that achieves equivalent overall Delta protection while reducing impacts to upstream habitat.

The WOMT has not yet proposed sideboards that would constrain changes in the objective. The WOMT agencies agree that limits or "sideboards" on the deviations from full X2 compliance are necessary and requests that the SWRCB convene a subsequent workshop for purposes of reviewing information, such as that obtained from gaming exercises, to develop appropriate sideboards. For example, sideboards or limits on flexing could be developed to prevent impacts to water quality, to minimize or avoid seasonal change in total Delta outflow, or to avoid unintended consequences for the management and accounting of CVPIA Sections 3406 b(2) water.

Purpose of Flexing X2

The purpose of operating within "sideboards" that will allow for flexibility with respect to the Delta Outflow objective would be to better achieve the overall fishery objectives that can be affected by water project operations. The process would include improvements in reporting of information needed to determine, on a case-by-case basis, if flexible operation alternatives should be developed. The SWRCB staff that currently participates in the CALFED Operations Group would be immediately apprised of the need for developing a flexible operations proposal and provided the information being used in developing a proposal. The proposal should identify to the extent possible the resources affected and the biological effects upstream and in the Delta that could result from flexing X2 and define a limit to any flexible alternative to minimize potential adverse effects.

Revision to the WQCP Program of Implementation

The Program of Implementation would consider implementing the Delta Outflow objective at Port Chicago in a flexible manner to provide equivalent overall fishery protection benefits. The flexible process would be implemented on a case by case basis and include a consultation process among fishery and project agencies, through the WOMT, with notice to the Executive Director of the

SWRCB of any planned variation in outflow. The SWRCB would have opportunity to review the proposal and object to the variation. A variation in implementation that was agreed on by WOMT would be effective 3 days after notice to the SWRCB if the Executive Director made no objection. The case by case consultation would consist of the following process:

1. Define the expected benefits/impacts to downstream and upstream fish of implementing the current X2 at Port Chicago requirement based on current knowledge and distribution of sensitive fish populations.
2. Define project operations capable of complying with X2 at Port Chicago requirements to avoid conflicts of resources and the need for flexibility.
3. Define a range of adjustment in outflow required at Port Chicago by considering current hydrology, water project storage conditions, and ecosystem needs, such as:
 - Coldwater pool implications.
 - Current Reservoir storage and runoff predictions.
 - Source of water that would be managed to achieve Port Chicago water quality (i.e., regulated reservoir flows).
 - Minimum outflow that would be identified as a floor to any flexing based on needs of all resources (water quality and ecosystem).
 - Other minimum or maximum parameters addressing ecosystem needs.
4. If full consensus of WOMT agencies is that upstream ecosystem concerns must be addressed, then formulate and implement alternative project operations to balance fish needs and determine how water that is saved would be used later for delta ecosystem and upstream fishery beneficial uses.
5. Define an expedited process to implement the changes, such as the following:

Step 1 – CVP/SWP Project operators identify future potential concerns in meeting needs of upstream and downstream (Delta) fishery objectives and notify Management and Project Agencies¹ (through DAT or B2IT/EWA Process) of impending operations scenario and constraints of X2 objective. Approximate lead time to develop and obtain approval of an operations plan to flex standard would be greater than 2 weeks.

Step 2 – Project operators identify an operations strategy to comply with X2 and likely effects to significant beneficial uses (include upstream and downstream fishery beneficial uses and uncertainties).

¹ "Management Agencies" means the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Department of Fish and Game; and the "Project Agencies" means U.S. Bureau of Reclamation and Department of Water Resources.

Step 3 – Conference call/meeting of Management and Project Agencies and SWRCB staff to discuss degree of concern with operations compliance strategy.

Step 4 – If Management and Project Agencies through WOMT concur that operations plan for flexing standard should be formulated, project operators and management agency staff will develop draft alternative operations plan. (Planning and documentation begins in earnest.) Notice is sent to Executive Director of the SWRCB that an operations plan to flex standard will be developed.

Step 5 – Management and Project Agencies' decision-makers (WOMT) discuss initial draft of alternative operations plan. If there is consensus among the WOMT Agencies, then develop final Operations Plan for Flex with supporting documentation that identifies standard to be flexed, why flex, when to begin, how much flexing is necessary, responds to issues and questions, and identifies reporting process.

Step 6 – Prior to implementing the alternative Operations Plan for Flex, Management and Project Agencies notify SWRCB Executive Director of Plan. Following the discussion regarding flex in Step 3, SWRCB staff should already have informed Executive Director about the draft Plan. Executive Director will notify Management and Project agencies if the SWRCB objects to the Operations Plan for Flex. Plan will be implemented unless the Executive Director objects within 3 days of notice. Approximate lead time to implement change would be about 3-5 working days.

Although the goal of the five agencies is to achieve consensus on decisions when considering proposals for flexing X2, the agencies retain their authorized rights, roles and responsibilities, including Reclamation's and DWR's rights, in their individual capacities, to seek changes to their respective water right permits, including the right to petition the SWRCB for a temporary urgency change. As indicated above, WOMT believes that an additional workshop on the X2 process and information obtained during gaming exercises would be useful to develop appropriate sideboards for a flexing process. The WOMT agencies have submitted comments during the prior workshops that we request the Board also consider during review of this issue.

Thank you for the opportunity to submit comments on the 1995 WQCP.

The WOMT agencies concur in the above comments as indicated by the signatures below.

Wayne White, Field Supervisor
Sacramento Fish and Wildlife Office
U.S. Fish and Wildlife Service

Michael E Aceituno, Supervisor
Sacramento Area Office
National Marine Fisheries Service

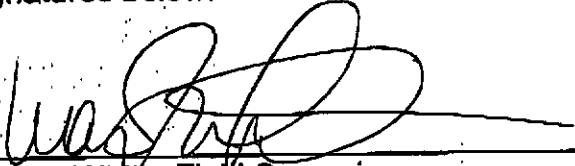
Ronald Milligan, Operations Manager
U.S. Bureau of Reclamation, Central Valley Operations

Perry L. Herrgesell, Branch Chief
Department of Fish and Game

Tom Glover, Deputy Director
Department of Water Resources

WOMT Comments on X2 Delta Outflow
June 3, 2005

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Sacramento Fish and Wildlife Office
U.S. Fish and Wildlife Service

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Sacramento Area Office
National Marine Fisheries Service

Donna E. Tegelman, Regional Resources Manager
U.S. Bureau of Reclamation, Mid-Pacific Regional Office


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 6/3/05

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June 3, 2005**

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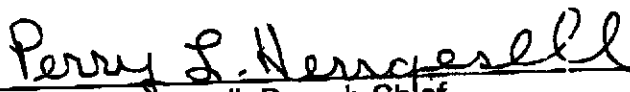
WDMT Comments on X2 Delta Outflow
June 3, 2005

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Sacramento Fish and Wildlife Office
U.S. Fish and Wildlife Service

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for 
Tom Glover, Deputy Director
Department of Water Resources