



IN REPLY  
REFER TO:

## United States Department of the Interior

BUREAU OF RECLAMATION  
Central Valley Operations Office  
3310 El Camino Avenue, Suite 300  
Sacramento, California 95821



SEP 16 2014

CVO-100

WTR-410

VIA ELECTRONIC MAIL

Ms. Felicia Marcus  
Chair, State Water Resources Control Board  
c/o Jeanine Townsend, Clerk to the Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Subject: Proposed Order Taking Action on Petitions for Reconsideration of and Addressing Objections to the Executive Director's January 31, 2014, Order that Approved Temporary Urgency Changes in License and Permit Terms and Conditions for the State Water Project and Central Valley Project and Subsequent Modifications to That Order

Dear Madam Chair:

The Bureau of Reclamation (Reclamation) would like to take this opportunity to thank the State Water Resources Control Board (Board) members, and Board staff, for facilitating modifications to D-1641 needed throughout this critically dry and extreme drought year, which was preceded by two former dry years. As you know, most of the Central Valley Project (CVP) agricultural water service contractors received a zero allocation in 2014, none of which increased throughout 2014, as California experienced the most extreme dry conditions it has seen in decades. It has been a challenge this year to forecast and plan for reservoir releases for any purpose.

The Board's January 31, 2014, Order, as amended, together with cooperation from the fishery agencies, has struck a balance in water use for 2014 that has helped to lessen the painful reality of prioritizing water in extreme water short years. The Real-Time Drought Operations Management Team Process, devised by the Board in the January Order, has helped address significant issues and keep the agencies informed. As we now begin a difficult fall season with remaining obligations for 2014 water, we also begin to plan for 2015 and prepare contingency plans in case 2015 continues a well below normal, drought pattern. Reclamation is appreciative of the Board and Board staff efforts to maintain its January 31, 2014, Order, as amended, through its Proposed Order taking action on petitions for reconsideration and addressing objections received on the January 31, 2014, Order, throughout the year.

The Proposed Order amends some of the reporting and planning requirements for Reclamation. We see the need to maintain close communications with the Board, and among the agencies,

going into 2015, and possibly throughout 2015. However, we would like you to consider Reclamation's comments on the reporting requirements and hope that such requirements will be amended and implemented in a way that results in reasonably meaningful information for all those involved. As such, Reclamation submits the following comments, corresponding to the paragraph numbers in the Proposed Order:

4. This condition is proposed to be amended so that Department of Water Resources (DWR) and Reclamation would submit records of the amount of water conserved through changes authorized in the Order within 10 working days after the first day of the following month. Currently, those records are submitted by the end of the month. Ten days is not adequate for CVP operators to perform the analysis and coordinate with DWR. Reclamation recommends retaining the end of the month deadline to prevent compliance issues.

5. This condition is proposed to be amended so that DWR and Reclamation would develop monthly water balance estimates and provided to the Board within 10 working days after the first day of the following month. Currently, the water balance estimates are submitted by the end of the month. Ten days is not adequate for CVP operators to perform the analysis and coordinate with DWR. In addition, contract delivery data is not available until the 15<sup>th</sup> of each month. The proposed amendments to this condition raise known compliance issues for Reclamation. Therefore, Reclamation recommends retaining the end of the month deadline.

6. This condition is proposed to be amended to require DWR and Reclamation to consult with the fishery agencies and the Board once per week regarding operational decisions that may affect listed species and other beneficial uses of water. In addition, it is proposed that DWR and Reclamation would make available, upon request, technical information, including planned operations, temperature modeling and monitoring information, water quality modeling and monitoring information and information on potential impacts. DWR and Reclamation would also be required to report to the Board at its monthly Board meetings, beginning in October 2014. Reclamation already meets regularly with fish agencies and Board staff through weekly WOMT, RTDOT, CALFED Ops meetings, and other basin specific technical coordination groups. Reclamation can make modeling information available, but interprets these proposed conditions as not requiring the models.

11. This condition is proposed to require that DWR and Reclamation develop a water year 2015 drought contingency plan for operations in the Delta in the event that water supplies remain inadequate to satisfy the Projects' water right permit and license requirements and other uses. The plan is proposed to be submitted by October 15, 2014. Reclamation agrees that development of a drought contingency plan would be prudent, but the October 15 due date is too early in the season to provide meaningful information. There are no solid indicators of upcoming hydrology at this time of the year, the range of potential hydrology is very wide, and there are no significant seasonal operational decisions that are critical in the fall months. Reclamation recommends that the Board amend this proposed condition to require a deadline by January 15, 2015.

12. a. This condition is proposed to require Reclamation to identify and evaluate all available options for reducing temperature and redd dewatering impacts to winter-run Chinook salmon on the Sacramento River the remainder of this summer and fall and to report monthly to the Board at its Board meetings. Reclamation submits that real-time data on redd dewatering and temperature data has not been readily accessible by Reclamation this year. In addition, these measures are not necessary as a condition on the CVP water rights as options for winter-run Chinook salmon on the Sacramento River will be discussed and analyzed by Reclamation and the fish agencies through numerous other meetings and mechanisms already in place, including the National Marine Fisheries Service Biological Opinion.

12.b. This condition is proposed to require Reclamation, in coordination with the fisheries agencies, to prepare, by December 1, 2014, a temperature management plan for the Sacramento River for the 2015 winter-run Chinook salmon spawning and rearing period. The plan would identify actions that will be taken throughout the year to manage storage, cold water pool and flow conditions under different potential hydrologic conditions to protect winter-run Chinook salmon. Reclamation submits that December 1, 2014, is too early to obtain any meaningful information from a temperature operations plan. Initial general temperature goals may be outlined when a drought contingency plan is developed. Reclamation, therefore, recommends that the Board amend this proposed condition to require the temperature plan coincide with the drought operations plan recommended deadline of January 15, 2015, or shortly thereafter.

Reclamation, again, is very appreciative of the Board and Board staff's efforts to achieve balance in water use in 2014, and understands the Board's desire to initiate planning for water year 2015. However, reporting and planning efforts will be more meaningful as the hydrology progresses until, at least, early winter. Other earlier forecasting and predictions are not meaningful. In addition, Reclamation believes that it already regularly consults with fishery agencies and shares relevant information on CVP operations through numerous other means. Inclusion of such requirements on CVP water rights is not necessary.

We look forward to our continued working with the Board, and other agencies, as we all plan and work through issues related to the potential of another dry water year in 2015.

Sincerely,

A handwritten signature in cursive script that reads "Ronald Milligan".

Ronald Milligan  
Operations Manager