

Department of Water Resources

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February 5, 2009

Ms. Dorothy R. Rice
Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, California 95814

Dear Ms. Rice:

The U.S. Bureau of Reclamation (Reclamation) and California Department of Water Resources (DWR), operators of the Central Valley Project (CVP) and State Water Project (SWP), respectively, are writing to express our grave concern over current and potential hydrologic conditions in the Sacramento-San Joaquin Delta/ San Francisco Bay watershed in 2009. The continuation of extremely dry conditions in the Bay-Delta watershed poses great challenges to the effective management of California's water resources.

At this time, total storage at the SWP's Lake Oroville is roughly 1 million acre-feet (MAF). Storage at the end of December 2008 was below the December 1977 storage and the lowest since the reservoir was completed in 1964. The total combined storage at the CVP's Shasta, Folsom and New Melones reservoirs is also very low at about 2.8 million acre-feet. Storage in both the Shasta and Folsom complexes are below what they were at this time in 1977 when the state was in a severe drought.

The Eight River Index for December 2008 was only 590 thousand acre-feet (TAF), 29 percent of average. Historically, nearly 20 percent of annual precipitation occurs in the month of January. However, January 2009 has been extremely dry and the resulting monthly runoff will likely be one of the lowest on record.

In December 2008, DWR announced its initial allocations of water supplies for the State Water Contractors at 15 percent, which if not increased over the course of the year would represent the largest allocation deficiency for M&I contractors on record. The February update of these allocations may drop below the December projections, something that has happened on only one previous occasion. Reclamation will announce its initial allocation for CVP contractors in February.

DWR has initiated a number of actions to minimize drought impacts and meet health and safety needs including aggressive conservation efforts and creation of a Drought Water Bank to help alleviate critical water shortage needs, including health and safety needs. However, worsening dry conditions may limit the amount of water available to the bank.

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Given the dire water supply conditions and limited cold water pools upstream which are projected this year, and the impacts to fish and wildlife, urban and agricultural beneficial uses, this letter requests that the State Water Resources Control Board (SWRCB) consider granting temporary urgency relief (under Water Code Section 1435 *et. seq.*) from certain standards contained in D-1641. Reclamation and DWR will be submitting a temporary urgency change petition to formally request such relief.

In their petition, Reclamation and DWR will request modification of the following standards for the entire month of February 2009;

1. February Delta Outflow – commonly know as X2 criteria, including the footnote 10 reference.
2. February San Joaquin River flow requirement at Airport Way Bridge, Vernalis.

Without a modification of the X2 standard, the SWP and CVP would be forced to increase releases from upstream reservoirs in February to meet Delta outflow levels up to 11,400 cfs. By way of contrast, the required outflow level in January was 4,500 cfs. In addition, if X2 requirements remain in effect through June as currently mandated in D-1641, the outflow requirements would jeopardize the ability to maintain cold-water reserves to protect salmon and other cold-water fish species in 2009 and could even result in a "loss of control" over salinity encroachment in the Delta by late 2009 and into 2010 in a worst case scenario. Reclamation and DWR will propose through an urgency change petition a temporary modification of the current compliance approach for these standards for February 2009.

Specifically, Reclamation and DWR propose that during February, they will satisfy the X2 requirement by maintaining a minimum daily net Delta outflow of 7,100 cfs, on a running 3-day average, at Collinsville, instead of meeting the X2 standard at Chipps Island. In the petition, Reclamation and DWR will request that the SWRCB modify the X2 standard in recognition of the critically dry conditions currently existing, the competing needs for water later in the year, and the borderline Index values triggering the Chipps Island requirement.

The prior month Eight River Index is used to determine the number of X2 days required at Chipps Island. This year's Index is less than 1000 TAF and is barely at the value triggering the Chipps Island requirement found on Table 4 of D-1641. The January Index barely exceeds the threshold of 800 TAF, which triggers a calculation of X2 days at Chipps Island between 0 and 28 days. Reclamation and DWR propose that the X2 days at Chipps Island be waived for February to allow for the conservation of upstream cold water resources necessary for listed species protection later in the year. However, if sufficient precipitation occurs such that the Sacramento River inflow as measured at Freeport exceeds 20,000 cfs for at least 3 days in February, then Reclamation and DWR would meet X2 compliance at Chipps Island for the remainder of February or for the number of days called for in Table 4 of D-1641, whichever is less.

Reclamation and DWR also propose the "starting gate provision" which requires one day of X2 at Chipps Island also be waived. Footnote 10 of D-1641 Table 3 states that, "If the best available estimate of the Eight River Index (described in footnote 9) for January is more than 900 TAF, the daily average or 14-day running average EC at station C2 [Collingsville] shall be less than or equal to 2.64mmhos/cm for at least one day between February 1 and February 14 (known as the starting gate provision). Because the January Eight River Index barely triggers this provision, Reclamation and DWR request that it be waived in order to conserve water to help preserve cold water pools upstream.

Reclamation and DWR will concurrently manage export levels to comply with Old and Middle River flows consistent with the recent biological opinion covering Delta Smelt. In light of these additional protections, we think the proposed modifications to the X2 standard represent a prudent approach to balancing the needs in these critically dry conditions.

DWR and Reclamation also propose that the San Joaquin River flow requirement at Airport Bridge, Vernalis, not be required at the higher objective as noted in Table 3 of D-1641 for February 2009 because of the linkage of this objective to the Chipps Island X2 standard. The rationale for this proposal is that the Vernalis flow requirement is designed to be a percentage contribution of total outflow as a function of required X2 compliance days. Since we propose to only meet Collinsville X2 in February to conserve upstream reservoir storage, it is neither necessary nor desirable to impose the higher Vernalis flow requirement.

The benefits of the temporary proposed modifications of X2 compliance are that Reclamation and DWR could minimize required releases from upstream reservoirs during February 2009 to preserve cold water needed for salmon habitat as well as water supplies necessary for drought relief.

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If critically dry conditions in the Bay-Delta watershed persist into February and beyond, Reclamation and DWR may petition the SWRCB to extend the temporary urgency request for modifying compliance with X2 standards into other months while drought conditions continue. Reclamation and DWR are also considering other measures that may be requested if critically dry conditions persist into the spring and summer. Reclamation and DWR will be drafting a separate letter requesting consideration of additional potential measures that would involve SWRCB collaboration and approval.

Reclamation and DWR will submit the appropriate petitions to accomplish the measures requested in this letter (and any additional requests) after we receive our February 1 forecast of hydrologic conditions.

We look forward to cooperatively working with the SWRCB and its staff during this challenging period to manage Bay-Delta water resources for the benefit of the people and natural resources of the state of California.

Sincerely,



Lester A. Snow, Director
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Date: 2/5/09



Don Glaser, Regional Director
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Date: 2/5/09

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