



United States Department of the Interior

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

IN REPLY
REFER TO:

CVO-100
WTR-1.10

FEB 09 2004

Ms. Victoria Whitney, Division Chief
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Subject: Petition for Temporary Urgency Change in Permit Term for New Melones Dam
and Reservoir (App. 14858A, 14858B and 19304) Your Letter of February 4, 2004

Dear Ms Whitney:

Your above referenced letter posed four questions and requested certain information.

1. Why is there an urgent need for the requested change?

Response: Please refer to our letter of January 30, 2004. In that letter we stated that increasing releases on the Stanislaus River to the rate necessary to meet this flow objective is not prudent because it would have a potentially significant adverse impact on New Melones Reservoir carryover storage and its ability to continue fulfilling its permit conditions in subsequent years. In light of the shortage conditions at New Melones, we are responding in real-time to the changing needs of the fishery protected by this flow objective. If we do not act now, then the water available for future fishery needs and satisfying the other conditions on our New Melones water right permits in subsequent years may be used now, when it may be more beneficial at a later time. Given the current forecast, meeting the flow objectives could potentially cause New Melones carryover storage to drop to about 900,000 acre-feet or less. This, coupled with the low refill potential for New Melones Reservoir, means that the reservoir could be at this low or lower storage levels for years to come, and that all project purposes will be affected. This situation was noted in the D-1641 hearings and again in our comments to the Board in the scoping workshop for the Triennial Review last month. Reclamation and stakeholders on the Stanislaus River are now faced with that situation today.

2. Are there any potential adverse impacts to other legal users of water associated with the proposed change?

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Response: Reclamation will meet all permit conditions for prior rights, water quality, and fishery flows for the Stanislaus River. Our request is for a change to the Vernalis flow standard and as such we do not believe there will be any adverse impact to other legal users of water. If conditions remain dry we believe that making releases of the magnitude necessary to meet the Vernalis flow objective now are more likely to result in an adverse impact to other legal users water. This is a key reason for the request for the urgency change, to protect our ability to comply with other permit and environmental requirements on New Melones Reservoir in future years.

3. Are there any potentially unreasonable effects on fish, wildlife, or other instream beneficial uses that may result from the proposed change?

Response: As noted in our letter of January 30, 2004, we are currently working with the California Department of Fish and Game, the Service, and the National Oceanic Atmospheric Agency Fisheries in the Water Operations and Management Team (WOMT) and the CALFED Operations Group to determine the most reasonable plan of operation and best use of available environmental water for this year. We have reinitiated informal consultation with the Service on the requirements for protection of delta smelt. We believe this coordination and the resulting actions will result in no unreasonable effects on fish, wildlife, or other instream beneficial uses.

4. Is the proposed change in the public interest?

Response: The New Melones Project is operated to meet multiple objectives that protect the public interest. As we have noted, meeting the Vernalis flow requirement may potentially affect fulfilling those multiple objectives. We therefore believe that the requested change is in the public interest.

5. Please provide a proposed alternative flow objective and the basis for that objective.

Response: As noted in item 3 above, we are working within the WOMT and CALFED processes to develop alternative actions to provide protection for fish and wildlife in the southern Delta. Actions may not necessarily target a specific Vernalis flow objective, but may be composed of a combination of actions both as instream flow and in the Delta to provide that protection. These actions will target the biological needs through the season and could vary by month. For the remainder of February, at the request of the fishery agencies, Reclamation will increase the release from Goodwin Reservoir to the Stanislaus River to no more than 500 cfs with the objective of attaining approximately 1,800 cfs at Vernalis. Releases substantially beyond 500 cfs may impair the conditions for salmon fry currently rearing in the Stanislaus River. Reclamation will also reduce pumping at Tracy pumping plant by approximately 500 cfs. These actions are designed to improve delta smelt spawning habitat in the southern Delta and improve survival of adult smelt. It is felt that a limited additional release is unlikely to have long-term adverse impacts on our ability to meet project purposes in future years. The Department of Water Resources (DWR) has agreed not to export any additional water made available by Reclamation's reduction in Delta exports.

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We are continuing to coordinate with the fishery agencies on appropriate actions to implement for protection of delta smelt while the Vernalis flow standard is not met and will notify Board staff of actions implemented by Reclamation and DWR. We propose that the Board allow the WOMT to establish the proper Vernalis flow objective up to the then current standard on a monthly basis through June. Reclamation will provide a report during the first week of each month stating the previous month's operation and the predicted operation for the current month. Board staff is invited to participate in discussion with the project and fishery agencies in the review and development of alternative flow objectives.

Should you require additional information, please contact Mr. Paul Fujitani at 916-979-2197 or Ms. Peggy Manza at 916-979-2683.

Sincerely,


for Chester W. Bowling
Operations Manager

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