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1999 Delta Smelt Biological Opinion Impacts and Recovery Plan

This is to update you on the status of the 1999 Operations Plan and to request \$6.75 million of CALFED Bay/Delta funding in support of implementing a fishery objective in the March 6, 1995 Delta Smelt biological opinion. This objective is to obtain San Joaquin flows in excess of CVP and SWP exports by an amount equal to 50% of the required flow during the 30-day pulse flow period in April and May (hereafter referred to as the smelt objective). If Reclamation could not accomplish this objective entirely through the acquisition of additional releases on the San Joaquin River during the pulse flow period, then both the Department of Water Resources and Reclamation would consider other operational changes (i.e. export reductions). Export reductions would only be implemented to the extent there were no impacts on water supplies for either the CVP or SWP. Reclamation and DWR have developed an operations plan that includes implementation of this objective and actions to offset possible impacts to CVP and SWP water supplies. Reclamation and DWR staff estimate that implementing the smelt objective would reduce exports between 102,000 –and 120,000 acre-feet. In order for DWR and Reclamation to continue implementing this objective, they need assurance that the export curtailments would not impact water supplies this year or

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next. To understand this position, it is helpful to review some background on the opinion.

The project description contained in the opinion covers operations of the CVP and SWP in conformance with the standards in the Accord and the State Water Resources Control Board Water Right Decision 1485. In addition to these operations, FWS requested that Reclamation and DWR consider additional protection for delta smelt during the April and May pulse period. In response, Reclamation and DWR developed the text contained in item 2 on page 19 of the opinion. This text re-affirms that CVP and SWP exports may be the greater of 1,500 cubic feet per second or 100% of the Vernalis flow during the pulse flow period. It also states that Reclamation will pursue acquisition of water to achieve San Joaquin River flows in excess of these exports; the goal of the acquisition is to "... provide a flow at Vernalis that exceeds CVP plus SWP export by an amount equal to 50 percent of the identified pulse flow ..." The opinion also states, "In an effort to accomplish this goal, Reclamation and DWR will also consider re-allocation within the Principles for Agreement or other means to provide Vernalis flows or Delta exports consistent with this objective." In other words, Reclamation and DWR would consider reducing exports to accomplish the goal if it would not result in a water supply impact.

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The Department of Water Resources and Bureau of Reclamation presented the enclosed impact analysis and options for recovery at the April 21, 1999 meeting of the CALFED Operation Committee (Ops Group). A consensus was reached at the Ops Group meeting to have the No Name Group review and prioritize possible operations for recovery of water. Additionally DWR and Reclamation prepared a joint letter to the State Water Resources Control Board requesting the use of joint point of operation as a viable recovery option. Other recovery options include adjustment of the June E/I ratio, acquisition of water, and relaxation of other fishery standards contained in D-1485.

On Friday, April 23, 1999 the No Name Group held a tele-conference to discuss the recovery options presented at the CalFed Ops Group earlier in the week. In general, the NNG agreed that recovery of the ESA impacts should be carried out in a manner using as many of the options as practicable. Waiting until conditions allow higher exports in the winter appears to be the least desirable option because of the uncertainty that it would be wet enough to allow the additional pumping. In addition, this option could require increased exports at a time when added protection for spring-run chinook salmon could be needed. Therefore additional June pumping (coupled with possible relaxation of the E/I ratio) and acquisition of water from willing sellers will be given a higher priority; additional pumping in January and February would be used as necessary for any remaining recovery. Also, no make-up of impacts to the CVP can

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be accomplished without the joint point of diversion because CVP pumping at Tracy is fully committed.

South Delta Water Agency (SDWA) objected to the acquisition of water from the Stanislaus River. This action will need to stand on its own merits as the agencies proceed through the acquisition and water rights process. SDWA also requested that the Tracy export pumping be curtailed during periods of low tide over the May 16 - June 1 interval and recommended the project operators petition the State Board for an temporary urgency permit to allow Federal pumping at Banks pumping plant. Export impacts on water levels in the South Delta have been a long standing concern of the SDWA and subject of ongoing litigation and negotiations. The project operators believe SDWA's concern can be addressed through coordinated operations of the two export facilities.

Finally the Environmental Water Caucus objected to the make-up operations, or funding for water acquisitions for Federal contractors to the extent the use of water was less than 800,000 acre-feet and absent an accounting of the 3406 (b)(2) water.

The enclosed draft letter describes the export operations, impacts, and the joint point of diversion through use of Banks pumping plant. Included in the letter is a commitment by Reclamation and DWR to work closely with SDWA to minimize impacts to its service

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area during times of joint point of diversion use and to operate consistent with the CALFED Ops Group Spring-Run Protection Plan. This is consistent with recommendations by the SWRCB and California Department of Fish and Game in response to a similar Reclamation request early this year. The estimated reduction in Tracy pumping during the pulse flow period is about 50,000 acre-feet. The precise quantity of reduced pumping, and the need for joint point of diversion pumping, will be determined at the end of the pulse flow period. and is contingent on use of other recovery options.

In addition, Reclamation is pursuing water acquisitions to make up for losses from CVP and SWP pumping curtailments during the pulse flow period. These acquisitions are also illustrated in the enclosed recovery plan and include water from the Stanislaus and Yuba rivers during 1999 for transfer to storage south of the Delta. These acquisitions, totaling up to 120,000 acre-feet, would be accommodated through releases during summer months with re-operation of upstream project reservoirs to regulate the timing of the export operations.

These acquisitions and operations cannot be carried out without added cost. The cost to operate the joint point of diversion and wheeling of water through the SWP is estimated to be about \$0.75 million, with the cost of water acquisitions to be as much as \$6.0 million, for a total cost for recovery of \$6.75 million. Since the Accord with its

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No Net Loss provisions falls under the auspices of CALFED, the Ops Group recommends that federal funds from the CALFED Bay-Delta Program be used for the acquisition of water to recover impacts to both projects and wheeling water through the SWP for the CVP.

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Enclosures

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