

*The Meeting Guidelines for the RSE process are intended to promote an open exchange of information and increase understanding about perspectives on key issues associated with the remand. These guidelines were reviewed at the RSE process kickoff on September 7, 2012, and will apply to all RSE process meetings. Item IV of the meeting agenda for October 19 describes a Focused Discussion on Old and Middle River Flow Criteria Proposed Revision. The following is a more detailed description of that agenda item. Consistent with the Meeting Guidelines, invited stakeholders are expected to focus presentations, comments, questions, and interactions on the agenda topic and questions described below.*

### **Topic: Calculation of Old and Middle River Flow Criteria**

#### **1. Background**

The 2008 USFWS biological opinion reasonable and prudent alternative restricts reverse flow conditions in Old and Middle Rivers (OMR) to protect adult delta smelt from entrainment in the south Delta intakes, including diversion facilities for the CVP Jones Pumping Plant, SWP Pumping Plant, and the Rock Slough Pumping Plant. The 2009 NMFS biological opinion reasonable and prudent alternative requires that OMR flow management protect juvenile winter-run, yearling spring-run, and Central Valley steelhead within the lower Sacramento and San Joaquin Rivers into the south Delta channels and at the south Delta intakes. The flows in Old River are measured at Bacon Island and the flows in Middle River are measured at the southern tip of Bacon Island.

Contra Costa Water District has submitted information to the State Water Resources Control Board proposing that the measurement locations be modified to be more indicative of the effects of the CVP and SWP south Delta intakes.

**Excerpt from the Contra Costa Water District Letter (09/21/12):** *Determination of Compliance with Old and Middle River Flow Requirements Should Be Improved: The draft Project Description includes a section describing real-time decision making to assist fishery management; such decision making may include setting objectives for net flows in Old and Middle Rivers (OMR). In the event that it does, compliance with OMR objectives should be measured using an index based upon San Joaquin River flow at Vernalis, total exports at the Banks and Jones pumping plants, and the position of the Head of Old River Barrier. Such an index can be shown to provide protection for the target species commensurate with the protection provided by measuring compliance using the sum of the daily averaged tidally filtered United States Geological Survey (USGS) flow measurements on Old and Middle Rivers, and it will address the issues of difficulty in implementation and lack of transparency associated with the use of the USGS data to measure compliance with OMR objectives. CCWD's September 14, 2012 submittal to the State Water Resources Control Board for Workshop 2 of the Delta flow objective processes addresses these issues in detail and is attached for your reference.*

**CCWD will make a summary presentation as part of Agenda Item IV. The discussion will focus on the following questions:**

- Are gage data missing? With what frequency and duration are the gages not operating due to debris or other problems?

- Is the index a better predictive tool than use of real data? What specific information supports this view?
- To what extent does use of gage data result in different species-protective actions than use of an index with respect to actual changes in operations (e.g., although instantaneous conditions may change - changes may be too variable for operational changes)?
- How can the index be modified as the landscape changes (e.g., sea level rise and/or tidal marsh restoration)?
- What specific interests of your organization would be affected by this change if it is made?