

Water Year 2013/2014 Meeting Summary - September 5, 2013

Below are notes from the September 5, 2013, Water Year 2013/2014 meeting.

- “Details” are additional information provided by Reclamation at the meeting. This information did not make it in to the meeting’s handout.
- “Comments” are paraphrased from meeting attendees input at the meeting.
- “Responses” are feedback from Reclamation based on questions or comments at the meeting. Participation by all in the meeting was much appreciated. The next meeting will be held on October 1, 2013, for the purpose of discussing a draft of Reclamations 2014 Water Plan.

Lower Klamath River Fall Flows for Fall-run Chinook Salmon (#4)

Details: Flow data

- Current daily augmentation - 800 AF
- Current total to date - 4950 AF
- Projected Total augmentation - ~18,000 AF

There was a pre-run estimate of 272,000. There will be post-season estimates of run size and harvest but not until the fall.

Rice Straw Decomposition (#5)

Comment: Recommend that this action only be implemented when needed and consideration should be given to private lands as well as public lands.

Response: Reclamation agreed.

OMR Modifications (#9b)

Comment: Clarification on this action and how differs from action 8 was requested.

Response: Item 9b is a proposal to review RPA OMR flow requirements. Item 8 includes a short-term (8b) and a long-term proposal (8a) to modify the ITS for adult delta smelt.

Water Transfers (#10)

Comment 1: Reclamation should take in to consideration that there could be NOD buyers in 2014.

Response: The concern stems from the City of West Sacramento transfers to Westside WD and Dunnigan WD that almost didn't go through this year. The TCCA contractors count on the historical transfers among districts as supply of water in water short years. Jeff feels Section 3405(a)(1)(M) of the CVPIA clearly provides for these types of transfers. It was also mentioned that if we have another dry year, it is unlikely that any water will move from north to south.

There were operational concerns this year due to the paper water nature of these transfers and cold water pool impacts in consecutively dry years. It was decided at the Regional Directors level to go forward with the transfers this year. Reclamation staff also felt that CVPIA provides the Secretary with authority not to approve these types of transfers if the transfer will interfere with operations, delivery to other CVP contractors, or decrease water supplies currently used for fish and wildlife

Comment 2: Contractors expressed that Reclamation needs to do more to facilitate east to west transfers as provided for in H.R. 2055 (2012 appropriations bill). It was thought that Reclamation was directed to do a multi-year environmental document to expedite east to west transfers under H.R. 2055 and these transfers are deemed to have met the consumptive use test.

Arvin gave examples of their banking program with MET (State Water Project contractor) where Arvin banked MET's water and later returned it by a transfer of 215 water. (This only works when Consolidated Place of Use is in place.) Another example given was Kern-Tulare's banking-exchange-transfer program with Rosedale Rio-Bravo & North Kern WSD that utilizes 215 water.

Response: Reclamation issued a policy statement several years ago regarding east to west transfers. This policy significantly eased the restraints on east to west transfers, stating that since these transfers take place in a series of exchanges and the molecules don't actually leave a watershed, the transfers are regarded to have met the consumptive use requirements of CVPIA §3405(a)(1)(I) and fall within the parameters of §3405(a)(1)(M). In addition, H.R. 2055 deemed these type of transfers to meet the consumptive use requirements for certain entities.

Comment 3: Friant indicated that they have NEPA coverage under the SJRRP for transfers and sales of recaptured SJRRP flows and using this as an example of how we might undertake broad NEPA coverage for East-West transfers.

Response: In early 2013, Reclamation completed a EA and signed a FONSI that allows for the transfer, exchange, or sale of recaptured SJRRP flows from the Friant Division long-term contractors to other entities. Transfers, exchanges, and sales that fit within the project description in the EA and FONSI have NEPA compliance completed and can proceed without additional NEPA or permitting requirements. This allows for an expedited NEPA process for these transfers, exchanges, and sales.

Comment 4: Contractors expressed that the consumptive use tests for transfers hinder the transfer process and decreases the amount of water available for transfer.

Response: Reclamation does not agree that the consumptive use test hinders transfers. The consumptive use test is an important tool in preventing injury to the CVP and other water users. It prevents paper water transfers between basins and ensures no impact to CVP and SWP operations. Absent the consumptive use test, the projects are backstopping the transfers.

Comment 5: It was requested that Reclamation address things outside SCCAO's Office.

Response: This was a point is related to the consumptive use argument that is addressed in other bullet points.

Comment 6: The status of the 2012 vs. 2013 appropriations bill was requested.

Response: H.R. 2055 §207(a) (2012 Appropriations Bill) states that subject to compliance with all applicable Federal and State laws, a transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions, and a transfer from a long-term Friant Division water service or repayment contractor to a temporary or prior temporary service contractors within the place of use in existence on the date of the transfer, as identified in the Bureau of Reclamation water rights permits for the Friant Division, shall be considered to meet the conditions described in subparagraphs (A) and (I) of §3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4709, CVPIA). Contractors inquired to see if this language was included in the 2013 bill.

The 2013 Appropriations bill was not passed; however, P.L. 113-6 is the authorized continuing resolution. Under the continuing resolution, authorities given in the previous appropriation bill are still valid. As currently written, the legislation only provides an annual authority. The proposed language for 2014 provides for permanent authority by including “and here in” language.

San Joaquin River Restoration Program 2013 Flows (#11)

Comment: It was noted that there is a need for water to be moved from the Delta in order to help Friant.

Response: This has been a topic of discussion for years, and will take additional time to resolve. This is part of item #11 as its part of the Recapture and Recirculation Plan in that item.

The Settlement requires the preparation of a Recapture and Recirculation Plan. Reclamation has been working to prepare the plan in coordination with the parties to the Settlement, the Westside CVP contractors, and the State of California. As part of this effort, Reclamation is looking at the conditions under which SJRRP flows could be recaptured in the Delta and the operational

guidelines for how water would be recaptured and made available to the Friant Division long-term contractors. We anticipate completing the plan in March 2014.

Details: SJRRP Easements - three seepage easements are needed. We expect the appraisals for all three to be completed in September and October and to make offers after that. Six flowage easements are needed. One easement is completed. We received appraisals for three and are going to make offers this week. We are awaiting the appraisals for the last two and expect these in October and early November

Refuge Water Supply (#15)

Comment: A status of activities related to this action was requested.

Response: At last week's Water Supply Augmentation under CVPIA's Stakeholder Technical Team (STT) meeting (Meeting No. 7), the re-allocation of refuge Level 2 water supplies was discussed. There is potential to re-allocate up to 28 TAF (average annual amount available) of north of Delta Level 2 water to south of Delta refuges. However, of this amount, only that portion consumptively used by wetland habitat would be transferable. Presently, very little is known about wetland habitat consumptive use requirements. But, the Refuge Water Supply Program (RWSP) is starting to investigate what would be require to study wetland habitat ETAWs (evaporative transpiration rates); such a study could be for a 3-5 year period.

South of Delta, there is potentially approximately 4.7 TAF of refuge Level 2 water available for re-allocation. This water would not need to meet consumptive use requirements since it is within basin. The RWSP is performing further analysis to document the historical re-allocation of Level 2 water supplies.

Folsom Intake Protection (#19)

Comment: It was requested that Reclamation provide updated information on CCAO's efforts in putting together concepts regarding when to pull the trigger on an alternative pumping scheme.

Response: The area office met with the American River water purveyors (Cities of Roseville and Folsom and San Juan Water District) for the latest periodic coordination meeting on August 20, 2013. One of the agenda items Action Item #19. We generally discussed the need for the purveyors to determine the water demands in an extreme drought situation and identify alternative water supplies accessible to the purveyors. The purveyors would provide this at our next meeting in September for further discussion. Based on this information we would determine if it was feasible to provide water to fill the difference between these reduced demands and any alternative water supplies utilizing TBD alternative pumping means.

Concurrently with this process, CCAO is working on concept means and methods to divert water under various scenarios in order to determine which would pose the most value. By fall we

should have a scope outlined to move forward with in the event that the March forecast shows an impact to pumping capacity during late summer/fall 2014.

Compensation for Folsom Bypass Power (#20)

Comment: It was requested that Reclamation establish a means of informal/meeting notification and communication on this action.

Response: Reclamation agreed.

Acquire Non-CVP Water (#26)

Comment: It was noted that Reclamation should be transparent on the source and reimbursability of funds for any actions that cost money to implement. Friant would want to participate in discussion.

Response: Reclamation agrees and intends to be transparent on the source of the funding.

Operational Flexibility Scenario

Reclamation presented the possible additional water yield as a result of operational flexibility in an effort to be open and transparent of topics that have been discussed. The following assumptions were presented:

- Operating to a -5000 cfs at Old and Middle River (OMR)
- 2014 average water year
- Water Quality restrictions do not play a factor
- E/I ratio on the San Joaquin is 1:1
- Fish barrier installed at the head of old river
- The difference between operating at -1,250 and -5,000 cfs at OMR will yield over 1,000,000 acre-feet.

It was noted by the Regional Director that we rarely operate at -1,250 cfs, water quality always seems to play a factor, and standards exists which define the E/I ratio. Reclamation's intent is to always comply within the law and meet the BO's that exist within the current flexibilities that may apply.