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GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

October 13, 2015

The Honorable Mike McGuire
California State Senate
State Capitol, Room 5064
Sacramento, CA 95814

RE: FOLLOW-UP TO THE JOINT COMMITTEE ON FISHERIES AND AQUACULTURE
HEARING

Dear Senator McGuire:

Thank you for your August 7, 2015, letter to State Water Resources Control Board Chair Felicia Marcus, following up on the Joint Committee on Fisheries and Aquaculture's July 1, 2015 hearing on the impact of the drought and illegal marijuana on fisheries. Your letter urges the Board ensure that no further actions are taken to weaken temperature protections for Sacramento River salmon runs during the spawning season, and to include a margin of safety in designing temperature control requirements. Your letter also asks the Board to keep you informed on improvements in Sacramento River temperature modeling and on the rapid decrease or ramping down of Shasta releases. Finally, your letter asks for additional information on the implementation of the well reporting data sharing component of the Russian River Emergency Regulations. Chair Marcus has asked that I respond to your letter on her behalf as there are pending petitions before the Board that prevent her from being able to respond directly. The Board will consider an order regarding these petitions later this year.

The State Water Board shares the Committee's concerns regarding the impacts of the drought on the state's fisheries and is working diligently to protect vulnerable salmon species. State Water Board staff have been working closely with the U.S. Bureau of Reclamation (Reclamation) and the fisheries agencies to control temperatures and flows in the Sacramento River for the protection of winter-run Chinook salmon and other Sacramento River salmon runs. State Water Board staff have been meeting several times a week with these agencies to assess the situation and determine operations this year and have been coordinating with the fisheries agencies to review and assess current information regarding: fish counts and their distribution, including adult returns, redd numbers, locations and expected emergence dates; and juvenile survival and passage downstream through the Sacramento-San Joaquin Delta region.

As you are aware, last year, Reclamation lost temperature control on the Sacramento River resulting in mortality to most of last year's run of winter-run Chinook salmon. This year, I have been committed to ensuring that there is no loss of temperature control. Reclamation developed an initial temperature management plan in mid-April 2015 which they indicated could meet targets throughout the temperature control season, as required by my February 3, 2015 Order. Based on that information, I conditionally approved Reclamation's plan. However, in late May 2015, Reclamation informed the State Water Board that there was much less cold water

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

than was initially expected. As a result, I suspended approval of the plan and directed Reclamation to work with State Water Board staff and the fisheries agencies to develop a revised plan that could provide protection to winter-run throughout the temperature control season. State Water Board staff worked closely with the fisheries agencies and Reclamation to develop a plan that could provide protection for winter-run this year. Given the very small amount of cold water available, the plan that was developed called for targeting a higher than optimal temperature (57 degrees instead of 56, with excursions up to 58 degrees) at a designated control point and significantly reduced releases during the summer in order to stretch the limited cold water resources as long as possible. Through careful deliberation with the fisheries agencies, it was deemed necessary to increase the target temperature at the control point in order to avoid running out of cold water in the early fall and losing control of temperatures on the upper Sacramento River during a critical time for winter-run Chinook salmon. A margin of safety was included in the plan to ensure that temperature control could be maintained all season by assuming that air temperatures would be very warm and inflows would be very low. Also, the majority of the salmon redds are well above the control point, so these redds experience lower temperatures than the target temperature at the control point.

Reclamation has largely implemented the plan that was agreed to, and has to-date, been able to maintain temperature control, with the exception of a few days where operational issues occurred but were quickly remedied in coordination with the State Water Board staff and fisheries agencies. Reclamation also has installed temperature curtains in Lake Shasta to assist with temperature control for Fall 2015 and has indicated it will do so in future years if appropriate. The fisheries agencies estimate that over 90 percent of the juveniles have emerged from the redds to-date and have been afforded the protection of the implemented temperature plan. Reclamation also believes that it will be able to control temperatures for the next couple of weeks until the remaining winter-run juveniles emerge as a result of the efforts to conserve cold water and the installation of the curtains. After winter-run juveniles emerge, Reclamation also is planning to take actions recommended by State Water Board staff and the fisheries agencies to protect fall-run Chinook salmon. Specifically, Reclamation plans to reduce flows as quickly as possible before fall-run spawn and then maintain steady flows as much as possible throughout the Fall and early Winter to avoid redd dewatering concerns later in the season.

It should be noted that the State Water Board has received a number of Petitions for Reconsideration of the various Orders that I approved in 2015 to temporarily modify requirements in the water right permits and license for the State Water Project and the Central Valley Project, including the requirements related to temperature. I anticipate that the State Water Board will consider these Petitions for Reconsideration in early December.

In your letter, you request the State Water Board to keep you informed of efforts to calculate cumulative estimated bi-weekly mortality of both winter-run and fall-run Chinook salmon. The fisheries agencies develop mortality estimates at the end of the season when all of the needed information is available. State Water Board staff will forward these estimates to you once they have been completed. In the interim, the U.S. Fish and Wildlife Service (USFWS) collects and maintains daily estimates of fish passage for all runs of unmarked Chinook salmon and Steelhead trout sampled by rotary-screw traps at the Red Bluff Diversion dam on the Sacramento River. These bi-weekly reports can be found on the USFWS's website at the following location: http://www.fws.gov/redbluff/rbdd_biweekly_final.html. To date, juvenile catch

at Red Bluff is increasing from low counts early on, but is still lower than last year. However, it is too early to compare with previous years or determine potential mortality due to changes in run timing from year-to-year and other factors. It is also expected that there may be fewer juvenile fish than average due to reduced adult returns this year (up to 25 percent less than last year) and potential reduced fecundity (numbers of eggs per female) that has been observed with the hatchery fish (about 9 percent less eggs than average).

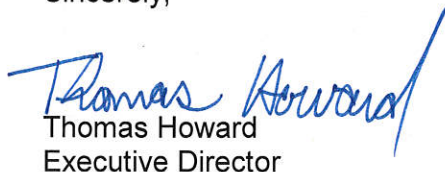
Additionally, you requested the State Water Board to keep you informed on improvements related to temperature modeling as well as information on changes in flows that may result in dewatering or stranding. The State Water Board has recently set up a new webpage specific to Sacramento River temperature issues and data monitoring and reporting. The webpage can be found at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/sacramento_river/

In regard to the Russian River Emergency Regulations, on August 24, 2015, the State Water Board issued Order WR 2015-0026-DWR: Order for Additional Information in the Matter of Diversion of Water from the Dutch Bill Creek, Green Valley Creek, portions of Mark West Creek, and Mill Creek watersheds (Order) under the Russian River Tributaries Emergency Regulation (California Code of Regulations, title 23, section 876). The Order was mailed to landowners in and suppliers of water from the four tributary watersheds in batches, by watershed as follows: Dutch Bill Creek watershed on August 26, 2015; Green Valley Creek watershed on August 31, 2015; portions of Mark West Creek watershed on September 15, 2015; and Mill Creek watershed on September 18, 2015. Information requested under the Order must be submitted within 30 days of receipt of the Order. The State Water Board intends to make groundwater well data publicly available, as it is considered public information under the Public Records Act (although some information, such as the number of persons residing at an address, would be exempt from disclosure). The State Water Board has not yet made a determination regarding the type of information from the informational order that it will make readily available to the public by posting it on our website.

The State Water Board is committed to trying to protect vulnerable fisheries in the face of historic dry conditions. Please feel free to contact me at (916) 341-5615 or Legislative Director Rob Egel at (916) 341-5255, if you have further questions.

Sincerely,


Thomas Howard
Executive Director

cc: See next page.

cc: Ms. Camille Wagner
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