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## Directors:

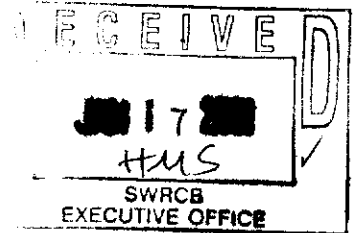
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January 16, 2001

**Via Fax (916) 341-5620**

Mr. Edward Anton  
 Acting Executive Director  
 State Water Resources Control Board  
 P.O. Box 2000  
 Sacramento, CA 95812-2000



Dear Mr. Anton:

A December 10 letter to you from the Bureau of Reclamation transmitted a "Plan of Action for DMC Recirculation Study" ordered in D-1641 (condition 2, pg. 153). Unfortunately, the tone and content of the transmittal letter and some of the discussions in the Plan raise serious doubt that the Bureau intends to carry out the Plan in an objective and unbiased manner.

The first paragraph of the December 10 letter lists parties that jointly prepared the Plan. I will refer to these parties as the Group. Meetings of the Group were not contentious. There was good agreement on the basic Plan and the scope and method of hydraulic analyses. Recirculation will be during the April 15 to May 15 period with no net loss to exports. This is reflected in the submitted Plan. The Group also discussed the potential benefits and impacts that needed to be analyzed and the extent to which these impacts and benefits might differ from the Base Case. The non-agency members of the Group assumed that they would see the final draft before submittal if it differed from the working draft and would receive copies of the submittal. This did not happen. The SDWA (Alex Hildebrand) is shown as receiving a complimentary copy on the transmittal letter, but that copy was not received as of January 13. At a CALFED public information meeting on January 11 it was stated that the Plan had been sent to you and that it would be available to the public after acceptance by the SWRCB. However, it was later acknowledged that this is a public document, which should be furnished on request. Bill Johnston then obtained a copy and copied it for Art Godwin and me.

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The submitted Plan was altered in some respects from the Group's draft, particularly in regard to its emphasis on perceived potential adverse impacts on fisheries and in the *omission* of possible fishery *benefits* that were discussed by the Group. Furthermore, the Plan does not acknowledge that some of the alleged objections to recirculation should apply also to the Base Case.


- 1) On page 8 and in the letter, concern is expressed over the imprinting of smolts with DMC water. This issue has *not* been raised in regard to the Base Case wherein the Bureau buys DMC water from westside contractors for release at the *same time* for the *same purpose*. It was *not* raised when DMC deliveries were substantially increased to grasslands and refuges which then drain to the river. Furthermore, at least six irrigation districts also receive DMC water and then drain to the river.
- 2) Concern over barriers is expressed on page 8. If the concern is over the HOR barrier, it is assumed to be operated during the period in question in either the Recirculation Plan proposal or the Base Case. SDWA believes that the tidal barriers must also be operated to mitigate the downstream impacts of the HOR barrier, but this is true with or without recirculation. The concern over entrapment of fish between barriers, if it were valid, would therefore also apply to the Base Case. However, in the absence of tidal barriers, these same fish would flow directly to the CVP pumps on the next ebb tide.
- 3) Environmental Water Account ("EWA") concerns are also alleged on page 8. It is not clear why EWA assets would be in jeopardy. Even if true, this should be weighed against potential EWA benefits. Recirculation will provide an increase in overall water use efficiency, which results in using less tributary water for Vernalis pulsed flows. This may make more tributary water available for EWA.
- 4) If the water system is viewed in its entirety no relaxation of the E/I ratio is involved. Water that is merely recirculated should be exempt from any obligation to be shared with EWA or any other entity.
- 5) It is not clear what is meant by the statement that recirculation will "result in a longer period of increased pumping during the pulsed flow" as stated on page 8.
- 6) The hydraulics of the Plan are essentially the same as the SDWA proposal that was presented to the SWRCB. The analysis of that proposal indicated that "joint point" assistance by SWP was unlikely to be needed in most situations.
- 7) The Plan suggests that recirculation may cause TDS or other water quality problems adverse to resident fishery. Recirculation is expected to *improve* water quality, particularly from the Newman Wasteway to Vernalis.

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- 8) The Plan will introduce water for Vernalis flow near the Merced River which would otherwise not enter the river above the Stanislaus. This will substantially improve flow and quality from the Newman Wasteway to Vernalis. This may benefit fish.
- 9) The increased flow above Vernalis makes it possible to modify the timing of westside drainage releases to take advantage of increased assimilative capacity in the river (which is currently being considered by the CVRWQCB). This is not possible in the Base Case.
- 10) Recirculation reduces the need for water quality releases from New Melones. The 1987 Fish and Game agreement provides fish releases from New Melones that are tied to the availability of water. A lower need for water quality release could provide some increase in fish releases.
- 11) It is not clear why the concern over toxins in sediments in the Newman Wasteway should be significant and singled out as a recirculation problem. We are not aware of concern over the ongoing flow of sediments into the river from the Wasteway downstream of the City of Grayson, for example. Furthermore, expensive sediment tests won't tell whether the sediments will be mobilized or whether the rate of mobilization will be more rapid than can be diluted by the DMC release to concentrations below those already in the river. This can easily be determined by monitoring trial releases.
- 12) The Group questioned whether any work to restore capacity in the Wasteway should be a burden on the Recirculation Plan. It appears that deferred maintenance should be an obligation of the Bureau.

SDWA does not believe that the above matters have been fairly and adequately depicted in the submitted Plan. We are anxious to have a fair, unbiased plan approved. We believe, however, that the Board should assure that potential benefits receive as much recognition and scrutiny as potential adverse impacts; that impacts are not attributed only to recirculation if they also apply to the Base Case; and that current institutional arrangements should not be assumed to be reasons not to recirculate if they were never intended to apply to recirculated water.

Sincerely,



Alex Hildebrand

cc Mr. Lester Snow, Regional Director  
 U.S. Bureau of Reclamation  
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Dictated by writer signed  
 in his absence to avoid delay.

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