



Consisting of 240,000 acres on the Westside of the San Joaquin Valley

March 25, 2014

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Via E-Mail: ghaynes@doc.gov

The Honorable Penny Pritzker
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Department of Commerce
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Re: *Request for Emergency Relief Due to Impending Storm Events*

Dear Secretary Jewell and Secretary Pritzker:

We are writing to you under the most urgent circumstances. As you are well aware, California is plagued by one of the worst droughts in its history. Water year 2013-14 thus far has proven to be the second worst water year since record-keeping began in 1850. While not quite as bad as 1977 standing alone, it comes on the heels of two prior years of extremely dry conditions. Yet, while the opportunities existed over the past 6 weeks to get more water to people and into storage south of the Delta, inaction has resulted in the loss of 225,000-450,000 acre feet of water supplies. Meanwhile, over 700,000 af flowed to the ocean. The situation for many in California is desperate.

Now is the time that action is needed. The state cannot afford to lose another round of water supplies due to less than full implementation of proactive measures that are available to the state and federal agencies.

The Departments of Commerce and Interior are in the unique position of having many of your stakeholders being those directly and profoundly impacted by this drought while at the same time having the ability to implement emergency measures that will provide a modicum of relief. The situation is as follows.

Regulations imposed on the State Water Project (SWP) and Central Valley Project (CVP) (together "Projects") through biological opinions issued by your Departments are having a real-time adverse impact on California's water supply. With storms about to hit California, the Projects are collectively in the

position of being able to capture significant amounts of water without adversely impacting listed fisheries.

The National Marine Fisheries Service (NMFS) has been working with the US Fish and Wildlife Service (USFWS) and their state counterparts to examine opportunities to provide flexibility to meet crucial water supply needs in the urban and agricultural sectors. Despite efforts to date, the Silicon Valley, which Secretary Pritzker recently visited and pledged to partner with to promote greater benefits for our economy and our citizens, is only receiving 75,000 acre-feet of the over 200,000 acre feet which it would be entitled under from state and federal water sources. As a result, the local water district has requested its retail customers to reduce usage by 25%. Economic impacts of water rationing are severe. Similarly, in the agricultural sector, much of which is served by the Bureau of Reclamation, the Sacramento and San Joaquin Valleys are being devastated. *Over 3 million acres of the nation's most productive farm lands are receiving a zero surface water allocation this year.* Permanent crops such as trees and vines are literally being ripped out due to lack of water. Hundreds of thousands of acres of permanent and annual crops will go fallow. The loss of permanent crops takes 5-10 years to restore. Annual crops fill irreplaceable supply chains that provide about 50% of the nation's fruits and vegetables. Unemployment in the valleys will soar. Banks loans and insurance will become more expensive if the integrity of the water system is not maintained.

The Endangered Species Act provides NMFS and USFWS with the tools necessary to support the emergency response actions necessary to provide much-needed relief that California needs and avoid the imminent loss of hundreds of thousands of acre-feet of irreplaceable water.

Weather predictions indicate that another storm is heading to California today or Wednesday. We request that you allow for the maximum pumping of the flow that is going to develop from this storm based on the following conditions.

Currently, protected fisheries in the Delta have experienced historically low take at the state and federal water pumps. The nominal take is consistent with the monitoring data that has consistently and clearly demonstrated a lack of presence of protected fish in the central and south Delta in 2014. Because of this, we believe that maximizing pumping for the limited time that uncontrolled Sacramento River flows are elevated due to the storm is unlikely to jeopardize listed species. However, to ensure adequate levels of protection, we propose that if take reaches the levels of concern identified in the species specific incidental take statement, implementation of this emergency action be reassessed.

As we explain on the attached pages, a temporary adjustment to the Delta smelt and Chinook salmon BiOps would allow pumping - subject to take of fisheries - up to the full 11,280 CFS.

Honorable Sally Jewell
Honorable Penny Pritzker
Re: ***Request for Emergency Relief Due to Impending Storm Events***
March 25, 2014
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Time is short. The storm is approaching and, practically speaking, we need a decision by close of business on Thursday, before Sacramento River flows arrive at the Delta. We therefore request that conference calls be set up for Wednesday and Thursday so that the situation may be addressed in real time with the most senior resource managers from both the state and federal sectors as well as the water user and environmental communities.

Once this storm series passes, and thinking ahead to the rest of this water season, the state is installing salinity barriers in the Delta. Further, state and federal water managers are confident that they can control salinity in the Delta with fairly minimal flow amounts this summer, generally around 2,500 cfs. Water managers are proposing a longer term action plan that is being finalized. Continued real-time management will allow for improvements of water supply and protection of the upstream and Delta ecosystems.

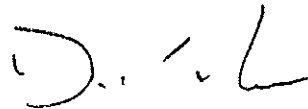
This letter is also being delivered to a number of other state and federal officials that have a key role in California water decisions. We request that each of them become engaged in this rapid decision-making process and participate directly or through their delegates in these conference calls. However, we believe your direct leadership is necessary at this time and hope that you will participate personally. We have taken the liberty of setting up a conference line for the first call on Wednesday at 1:00 pm PDT (4:00 pm EDT) at [REDACTED] code [REDACTED]#. For convenience, we propose the same time be used for Thursday.

The opportunity presented by this storm is upon us. We cannot afford inaction by either state or federal regulators or water managers. We need your authority to impress upon your Departments and others that this is truly an emergency situation that requires immediate action. Failure to take action becomes a decision in and of itself and we are not likely to have another opportunity this year to help relieve this dire situation.

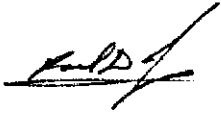
Urgently and gratefully yours,



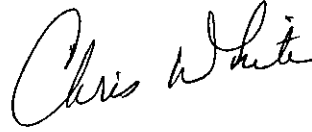
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San Luis Canal Company



Jeff Bryant
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Firebaugh Canal Water District



Randy Houk
General Manager
Columbia Canal Company

Enclosures

cc: Governor Edmund G. Brown, Jr., w/enc.
Senator Dianne Feinstein, w/enc.
Senator Barbara Boxer, w/enc.
Representative Jim Costa, w/enc.
Representative Doc Hastings, w/enc.
Representative Kevin McCarthy, w/enc.
Representative Devin Nunes, w/enc.
Representative David Valadao, w/enc.
Representative Jeff Denham, w/enc.
Representative John Garamendi, w/enc.
Representative Mike Honda, w/enc.
David Murillo, Regional Director, USBR, w/enc.
Will Stelle, Regional Administrator, NMFS, w/enc.
Ren Lohofener, Regional Director, USFWS, w/enc.
John Laird, Resources Secretary, w/enc.
Mark Cowin, Director, DWR, w/enc.
Felicia Marcus, Chair, SWRCB, w/enc.
Tom Howard, Executive Director, SWRCB, w/enc.
Nancy McFadden, Exec. Sec., Ofc. of the Governor, w/enc.

Foregone Pumping

Upcoming storms during commencing March 23, 2014

Currently the Projects are operating to a combined 2,000 cfs export level resulting in about 5,500 cfs Delta Outflow and an Old and Middle River reverse flow limitation (OMR) of about -1,600 cfs. The export/inflow (E/I) ratio is about 25%, and San Joaquin River stream flow is about 700 cfs. Storms to Northern California are forecast to begin Tuesday evening and will bring precipitation throughout the week and into the weekend. It is anticipated that these storms will result in unregulated runoff within the Sacramento Valley similar in response to the storms experienced earlier in the month, resulting in excess flow in the Delta which potentially is available for delivery and storage south of the Delta. Although there are uncertainties in the timing and magnitude of the storm events, the following provides an explanation of the constraints upon exports that will result in foregone pumping in the near future.

Without immediate relaxation of several pumping and outflow constraints the capture of a significant amount of the excess flow will be foregone, up to 125,000 acre-feet, similar to what has occurred during each of the storms of the last two months. The graphic below illustrates projected operations beginning today, through April 9. Of immediate issue are the OMR and E/I constraints. As inflow to the Delta increases due to the storms, pumping will increase. However, almost immediately pumping will be constrained by a maximum OMR flow of -5,000 cfs and a maximum E/I ratio of 35%. While available pumping capacity is about 11,280 cfs, the pumps will be running at only about 6,600 cfs, foregoing over 9,000 acre-feet of excess flow per day for several days. This effect is compounded by an outflow requirement of 7,100 cfs for X2 which limits the amount of excess outflow that can be pumped, but which however, under the dire drought circumstances has been reduced by the SWRCB this year with the concurrence of state and federal fishery agencies. Notwithstanding the SWRCB order, separate, but of significant impact on water supplies, will be the effect of the RPA condition in the Biological Opinions regarding the San Joaquin River Inflow to Export Ratio that would be exercised beginning April 1 and continuing through May. This action requires exports to be no greater than the inflow entering the Delta from the San Joaquin River (1:1), currently about 700 cfs. This action would constrain exports even lower than the actions already constraining the exports to 6,600 cfs, resulting in an additional 11,000 acre-feet per day of foregone pumping.

