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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11
12 SAN LUIS & DELTA-MENDOTA WATER
AUTHORITY, et al.,

13
14 Plaintiffs,

15 v.

16 SALLY JEWELL, et al.,

17 Defendants.
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CASE NO. 1:13-cv-1232-LJO-GSA

**DECLARATION OF
RONALD MILLIGAN in support of
Federal Defendants' Opposition to
Plaintiffs' Motion for Temporary
Restraining Order And Preliminary
Injunction**

21
22 I, Ronald Milligan, declare as follows:
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24 1. I am the Manager of the Central Valley Operations Office of the United States Bureau of
25 Reclamation (Reclamation), Mid-Pacific Region. In my capacity as Operations Manager, I have
26 responsibility for the day to day operations of the Central Valley Project. I have held this
27 position since November, 2004. In this capacity, I coordinate operations amongst all the
28 divisions and units of the Central Valley Project, and oversee all operations of the system

1 including those that are the subject of this litigation. I also coordinate with other State and
2 federal agencies regarding Central Valley Project operations, including the U.S. Fish and
3 Wildlife Service (Service) and National Marine Fisheries Service (NMFS) on issues related to
4 implementation of the Endangered Species Act (ESA). I have reviewed the Plaintiffs' brief in
5 support of their Motion for a Temporary Restraining Order, as well as several of the declarations
6 filed with the brief. I am providing this declaration based on my personal knowledge of
7 operation of the CVP, 2014 drought conditions, operations, and forecasts, and Reclamation's
8 actions taken in 2014 regarding compliance with water rights orders, Endangered Species Act
9 and compliance with the Biological Opinions, and other statutory and regulatory requirements,
10 and could and would so testify competently if called upon to do so.

11 2. Among the many authorized project purposes, legal requirements and contractual
12 obligations for which the CVP is operated, Reclamation strives to manage the Shasta-Trinity
13 system through the year in a manner to provide suitable temperatures for winter-run Chinook
14 salmon in the Sacramento River (generally a concern from May through October) and for various
15 salmon species spawning in the Trinity River (July through December).

16 3. When reservoir levels are low and cold water reserves are limited, Reclamation typically
17 takes steps within its discretion early in the water year to manage Shasta Lake in a way to retain
18 as much storage as possible and to create the maximum cold water pool available. Once the
19 temperature management season is underway, Reclamation strives to operate the Shasta-Trinity
20 system and manage the cold-water reserves to meet the identified temperature objects for the
21 season.

22 4. This year it was recognized early on that, with the very low Shasta Lake storage in
23 January, reducing storage withdrawals would be critical to create and maintain as much cold
24 water as possible going into the temperature management season. Reclamation, in compliance
25 with the Temporary Urgency Change Orders issued by the State Water Resources Control Board,
26 and working with the National Marine Fisheries Service and other agencies, took several actions
27 from January to May to preserve reservoir storage and cold water in Shasta Lake.
28

1 5. Due to the very limited cold water reserves this year in Shasta Lake and Trinity Lake, the
2 Sacramento River temperature compliance point was set just upstream of the confluence with
3 Clear Creek. Sacramento River temperatures have been managed to this location utilizing and
4 operating the Temperature Control Device at Shasta Dam in a manner consistent with modeling
5 estimates of Shasta Lake storage and cold water reserves into September, and based on the water
6 diversions from the Trinity River Division to the Sacramento River basin through late August.

7 6. As forecasted in early April this year, our planning for Sacramento River temperature
8 management relied heavily on use of Trinity River Division diversions into late August. This
9 spring and summer, the Trinity Basin diversions have been used to help conserve cold water in
10 Shasta Lake by blending flows in Keswick Reservoir to management water temperatures on the
11 Sacramento River. But consistent with our earlier forecasts, the Trinity Lake cold water reserves
12 are dwindling and are not projected to help lower Sacramento River temperatures beginning now
13 and into September. We had estimated that by the month of September, the Trinity River
14 diversions through Carr Power Plant would decrease dramatically from about 125 TAF in
15 August to about 35 TAF in September.

16 7. These reduced Trinity River diversions in late August and September are one important
17 reason that various temperature modeling runs show that the water temperature effects on Clear
18 Creek and the Sacramento River are not substantial as a result of the lower Klamath flow
19 augmentation action. The other reason is that we do not anticipate changing the volume of
20 water diverted from the Trinity River Division as a result of the flow augmentation action.
21 When these two factors are taken in combination, the water temperature effects on Clear Creek
22 are expected to be very minor, less than 0.1 degree-F, and potentially less on the Sacramento
23 River. The augmented flow action should not require any changes in planned operation of the
24 Temperature Control Device at Shasta Dam or any modified flow releases from Keswick
25 Reservoir.

26 8. There are some potential effects pertaining to the release of water from Trinity Lake to
27 augment flows in the lower reaches of the Klamath River. The increased flows down the Trinity
28

1 River will lower the storage level in Trinity Lake going into next water year, and it will further
2 deplete the remaining cold-water reserves available for later in the fall should they be needed.

3 9. The reduction of the existing cold water pool has the potential to increase water
4 temperatures on the Trinity River later in the fall if ambient air temperatures are elevated, but
5 that risk may be much lower if more typical fall air temperatures prevail.

6 10. The timing and magnitude of the flow augmentation action will not reduce available
7 water supplies this year. The magnitude of the range of potential effects of reduced carryover
8 storage at Trinity Lake into next year will depend on if any emergency flow releases will be
9 needed later this fall and on hydrologic conditions in water year 2015. If next year remains dry,
10 there will be an incremental impact water supplies, power generation, and cold-water
11 management.

12
13 This Declaration is made under 28 U.S.C. § 1746. I declare under penalty of perjury that the
14 foregoing is true and correct to the best of my current knowledge.
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17 Executed on August 26, 2014 in Sacramento, California.

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21 _____
22 Ronald Milligan
23 Central Valley Operations Manager
24 U.S. Bureau of Reclamation, Mid-Pacific Region
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