

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



March 14, 2016

Mr. William Guthrie
Acting Chief, California Delta Branch
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, California 95814-2922

Ms. Erin Ragazzi
Program Manager
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

RE: Cancellation of the 2016 West False River Salinity Barrier Project
(SPK-2014-00187)

Dear Mr. Guthrie and Ms. Ragazzi:

Based on recent precipitation events and anticipated runoff in spring/summer, the California Department of Water Resources (DWR) has determined it does not need to proceed with the proposed 2016 West False River Salinity Barrier Project (WFRSB or Project). Therefore, DWR is withdrawing the U.S. Army Corps of Engineers (USACE) Clean Water Act Section (CWA) 404 application for an individual permit and the State Water Resources Control Board CWA Section 401 water quality certification which were submitted in November 2015.

In light of current hydrologic conditions, DWR has determined that there is no reasonable expectation that climate conditions in the foreseeable future will likely reduce water storage in the State Water Project or the federal Central Valley Project to critical levels such that projected Delta outflow could not control increased salinity in the Delta, thereby worsening water quality, threatening drinking and irrigation water supplies, and requiring the installation of a salinity barrier.

Mr. Guthrie, Ms. Ragazzi

March 14, 2016

Page 2

Although a salinity barrier is not required for this year, much of California, at the time of this letter, still remains in an extreme (D3) or exceptional (D4) drought according to the U.S. Geological Survey (<http://droughtmonitor.unl.edu/Home/StateDroughtMonitor>). As witnessed in 2015, installation of a salinity barrier at West False River proved to be beneficial toward protecting Delta water quality by controlling salinity in the interior San Joaquin-Sacramento River Delta (Delta) while also benefitting aquatic species by limiting unnecessary releases of cold water from upstream reservoirs. Therefore, DWR would like to continue to discuss with the regulatory agencies the issuance of a programmatic (long-term) permit to install a salinity barrier at West False River in 2017 and beyond as part of a more comprehensive multi-year drought contingency planning effort. DWR is interested in continuing to discuss a programmatic permit and does not prejudge the likelihood that critical drought conditions will persist such that a salinity barrier will be installed. It remains unknown at this time if water storage in upstream reservoirs will, in fact, fall to critical levels. This and other drought contingency planning efforts are conducted out of prudence and an abundance of caution for the protection of the State, its citizens, and its resources in the event that critical drought conditions do occur.

DWR has received comment letters from the National Marine Fisheries Service (NMFS) (dated January 25, 2016) and U.S. Fish and Wildlife Service (USFWS) (dated February 24, 2016) regarding the need for additional information to initiate Endangered Species Act Section 7 consultation. Because the 2016 WFRSB has been cancelled, DWR will not respond directly and individually to these comments at this time; however, DWR appreciates NMFS and USFWS feedback and will consider these comments, as applicable, when developing project material, such as biological assessments, for a programmatic permit. DWR anticipates invoking the standard Section 7 consultation process for the programmatic permit.

DWR is committed to working with the regulatory agencies to protect to the Delta and its critical resources. If you have any questions or need any further information on the cancellation of the 2016 WFRSB or future programmatic permit, please contact Jacob McQuirk, Chief of Temporary Barriers Section, at (916) 653-9883 or Jacob.McQuirk@water.ca.gov.

Sincerely,



Paul A. Marshall, Chief
Bay-Delta Office

cc: (See attached list)

Mr. Guthrie, Ms. Ragazzi

March 14, 2016

Page 3

cc: Ms. Kim Squires
Section 7 Coordinator
U.S. Fish and Wildlife Service
Bay-Delta Fish & Wildlife Office
650 Capitol Mall, Suite 8-300
Sacramento, California 95814

Mr. Douglas Hampton
National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, California 95814

Mr. Garwin Yip
National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, California 95814

Ms. Maria Rea
National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, California 95814

Ms. Crystal Spurr
Senior Environmental Scientist (Supervisory)
Bay-Delta Region
2109 Arch Airport Road
Stockton, California 95206

Mr. Oscar Biondi
Project Manager
State Water Resources Control Board
1001 I Street
Sacramento, California 95814