

MINUTE ITEM

This Calendar Item No. C17
was submitted for information
only, no action thereon
being necessary.

INFORMATIONAL

CALENDAR ITEM

A 26

C 17

03/02/92

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PRC 5893

Grimmett

DEPARTMENT OF WATER RESOURCES
NOTICE OF PROPOSED USE OF STATE LANDS TO CONTINUE
A SEASONAL ROCK BARRIER IN MIDDLE RIVER
SAN JOAQUIN COUNTY

PARTY:

Department of Water Resources
1416 - 9th Street
Sacramento, California 95814

BACKGROUND

On September 26, 1979, the State Lands Commission approved a Memorandum of Understanding (MOU), effective October 19, 1979, by and between the Department of Water Resources (DWR) and State Lands Commission which provides for the utilization by the DWR of State lands under the jurisdiction of the Commission for either the Central Valley Project or the State Water Resources Development System.

CURRENT PROPOSAL

Pursuant to the terms of the MOU, the DWR has provided the Commission with a "Notice of Proposed Use of State Lands" and proposes to continue to construct a seasonal rock filled barrier with a notch in Middle River about 3,500 feet upstream (east) from Victoria Canal. This barrier was previously approved by the Commission on April 23, 1987 as Minute Item No. 11. The purpose of the barrier is to reduce or eliminate adverse water level conditions created by State and Federal exports of water from the South Delta. The principal objective of the project is to improve the availability of the water supply to existing irrigators utilizing Middle River as their source.

The rock barrier was initially installed at the beginning of the irrigation season in April 1987. The notch section of the rock barrier has been removed in September of each subsequent year to

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allow navigation. The notch section is then installed and removed in subsequent years to maintain an adequate water supply during the irrigation season. This is a State Water Resources Development System activity.

An Initial Study/Negative Declaration conditioned with five mitigation measures was prepared by the DWR. These measures include placement of pipes with flapgates in the barrier to facilitate migration of anadromous fish and portage ramp and warning signs to reduce impact on recreational navigation. A Notice of Determination was filed with the Governor's Office of Planning and Research on February 9, 1987, and was attached to Minute Item No. 11.

Staff has reviewed the project and recommends the use of the subject land be limited to a term concurrent with DWR holding valid United States Army Corps of Engineers permit no. 9205, which expires September 30, 1992, giving Federal authorization of the project. The project will continue to be subject to the implementation of the mitigation measures referenced in Minute Item No. 11.

The National Marine Fisheries Service has expressed their concerns regarding the potential impacts of the Temporary Barrier Project of which the barrier within the Middle River is but one of four such barriers. These concerns, similar to those expressed to DWR by staff, are enumerated in their January 24, 1992 letter to the Corps of Engineers which is attached as Exhibit "A" hereto.

In accordance with the procedures set forth in the MOU, staff acknowledges the "Notice of Proposed Use of State Lands".

AB 884:
N/A

EXHIBIT:
A. Letter to U.S. Army Corps of Engineers.



UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 Southwest Region
 501 W. Ocean, Suite 4200
 Long Beach, California 90802-4213

January 24, 1992

F/SW02:CTM

Colonel Laurence R. Sadoff
 District Engineer
 Sacramento District
 Corps of Engineers
 1325 J Street
 Sacramento, California 95814 2922

Dear Colonel Sadoff:

We reviewed Public Notice No. 199101051, in which the California Department of Water Resources proposes to construct four temporary barriers in the South Delta. One barrier would be installed at the head of Old River, near the confluence of the San Joaquin River, one would be on the Old River near Tracy, 0.5 miles east of the Delta-Mendota intake, one would be on the Middle River near Victoria Canal, and one would be on the Grant Line/Fabian Canal near the Old River.

We stated our concerns regarding the potential impacts of temporary barrier installation in our April 15, 1991 response to Public Notice No. 199100192. Our concerns include the following: lack of an adequate alternatives analysis; potential increase of salmonid entrainment into local Delta diversions; potential increase of Sacramento River salmonids into the Delta and into the CVP/SWP pumps; increased predation, disorientation, and migration delays caused by the barriers; and lack of a comprehensive biological assessment of the combined impacts of existing and proposed DWR facilities, including the North Delta Water Management Program, Los Banos Grandes, South Delta Water Management Program, and the Kern Water Bank.

However, DWR has provided supplementary information, including additional hydrological modelling of the proposed project, a review of USFWS salmonid mark-recapture study results, and length-frequency information for salmonids salvaged at the pumps. According to the hydrologic modelling, installation of the barriers would not increase the amount of Sacramento River or Mokelumne River net flow into the Delta and/or to the SWP/CVP pumps. Also, it is our understanding that DWR does not plan to install the Grant Line Canal barrier during 1992.

Given the modelling data, which predicts that impacts to Sacramento River and Mokelumne River fisheries would not be increased by the Temporary Barriers Project, we would not object to a one-year, experimental installation of the two Old River and the Middle River barriers during 1992, provided that the following special conditions are met:

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- 1) Informal and/or formal consultation for impacts to winter-run salmon under the Endangered Species Act shall be initiated and completed with the Protected Species Division of the National Marine Fisheries Service prior to issuance of any permits. Any project modifications required by the Endangered Species Act consultation shall be met by DWR and shall take precedence over any other special conditions.
- 2) DWR shall install the barrier at the head of Old River for two or more weeks during April-May 1992, at the direction of the California Department of Fish and Game and the U.S. Fish and Wildlife Service, to provide the best protection possible for outmigrating San Joaquin River smolts, and to allow release-recapture studies of marked hatchery salmon fingerlings.
- 3) San Joaquin River flow at Vernalis shall be a minimum of 1000 cfs during the April-May salmonid outmigration period.
- 4) DWR shall provide a study design to evaluate the impacts of Delta agricultural diversions on fish for agency review and concurrence by February 15, 1992. Study elements should include: identification of the agricultural diversions with the greatest impacts to fisheries in the South Delta area; engineering design of effective screens; and a plan for installing screens by 1994. The study should be completed by December 1, 1992. DWR shall construct and maintain the screens by 1994, regardless of future Temporary Barriers Project permit actions.
- 5) DWR shall perform additional hydrologic modelling to more accurately simulate the various barrier installation timing and configurations that have been proposed under different permutations of the Temporary Barriers Project. (For example, DWR provided modelling of the effects of all four barriers in place, when in fact DWR proposes to install three barriers in 1992 for about a month, and then to remove the barrier at the head of Old River after the salmon outmigration period.)

The modelling should be similar to the simulated tracer dye release model runs performed by Mr. Francis Chung of DWR, and should also assess the effects of: changes to pumping rates at the SWP and CVP; seasonal changes in local Delta diversions and CVP/SWP pumping; and changes in river flows and water year type. One of the barrier configurations to be modelled is installation of the barrier at the head of the Old River alone from April 1 to April 15th.

The modelling should incorporate any changes dictated by the results of field studies suggested in Special Condition 6) below, and a report shall be provided by December 1, 1992.

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6) DWR shall develop and implement an effective monitoring plan to evaluate the impacts of the project on fish and wildlife. This plan will include an evaluation of impacts to San Joaquin chinook salmon, delta smelt, Sacramento splittail, and longfin smelt. Additional sampling within the central Delta to determine the distribution of these species may be needed. This information shall be combined and evaluated in conjunction with existing data from previous studies.

The monitoring plan shall include mark-recapture studies of salmon smolts released in both the San Joaquin River and in the Sacramento River (or Mokelumne River), in order to confirm the model prediction that entrainment of salmonids from the Sacramento River will not be affected by the project. It should also include electrofishing, gill-netting, and hoop-netting to assess the effects of the barriers on fish predation, migration, and feeding. If feasible, divers or sonar should be used to directly observe fish behavior near the barriers, during both ebb and flood tides.

The monitoring plan shall include field hydraulic monitoring sufficient to confirm the model prediction that the temporary barriers will not significantly affect the diversion of Sacramento River and Mokelumne River water or fish into the Delta and/or CVP/SWP pumps. This may require field flow measurements and tracer dye release studies. Monitoring shall also measure changes in water surface elevation, temperature, dissolved oxygen content, and salinity.

The monitoring plan shall include an evaluation of project impacts to wetland vegetation. Special emphasis should be placed on sensitive species, such as candidates for State and/or Federal listing.

DWR shall provide the monitoring plan for agency review and concurrence by February 15, 1992. It shall describe the general format of the final monitoring report. The final monitoring report shall include a detailed synthesis and evaluation of all monitoring and modelling results, and shall be submitted for review by December 1, 1992. This analysis shall also include a comprehensive assessment of existing facilities' impacts to listed and non-listed fish species, and a comprehensive assessment of the cumulative impacts of all proposed new DWR facilities.

If you have any questions regarding these comments please contact Chris Mobley of my staff at National Marine Fisheries Service,

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777 Sonoma Avenue, Room 325, Santa Rosa, California 95404;
telephone (707) 578-7513.

Sincerely,

EC Fullerton
E.C. Fullerton
Regional Director

cc: Ed Huntley, DWR
Pete Chadwick, CDFG
Cay Goude, USFWS
Nancy Dubbs, EPA
Jim Lecky, NMFS

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