



## MERCED IRRIGATION DISTRICT



October 6, 2016

Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814-0100  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**Re: Substitute Environmental Document – Bay Delta Water Quality Control Plan**

Dear Ms. Townsend:

The Merced Irrigation District ("Merced") is the owner and operator of the Merced River Hydroelectric Project, a water storage and hydroelectric generation facility on the Merced River approximately 23 miles east of the town of Snelling. Surface water from the Merced River watershed collects into Lake McClure behind Merced's New Exchequer Dam and is released for a variety of beneficial uses, both in the Merced River and in Eastern Merced County. Merced provides water for multiple reasonable and beneficial uses to customers within a 154,000 acre service area through approximately 851 miles of conveyance facilities.

Merced has received, and begun the process of reviewing and developing comments on the revised and recently re-released Substitute Environmental Document for the State Water Resources Control Board's ("SWRCB") revision to its Bay Delta Water Quality Control Plan (the "SED"). This letter comes to you as Merced's formal request to extend the public commenting period under the California Environmental Quality Act ("CEQA") until February 10, 2017. As explained herein, the requested extension is necessary and essential in light of the length, extent and details of the SED, and to avoid prejudice to Merced and other entities that will be significantly impacted by the matters addressed in the SED.

As you know, the SWRCB began its process to update the Bay Delta Water Quality Control Plan in 2006. SWRCB staff noticed Phase 1 of its development process in 2009 and released a draft SED approximately 3 years later, in December 2012. After an extended commenting period and after having received a significant amount of public comments from water providers, state and federal agencies, community leaders and environmental organizations, SWRCB staff has just re-released a revised SED, now almost 4 years later.

The revised SED sets forth the SWRCB staff proposal to require the release of 40% of the unimpaired flow of the Merced River, with an adaptive management scheme of between 30 – 50% unimpaired flow between the months of February through June, each year, downstream for the purported benefit of fish species and their habitat as well as water quality in the Bay Delta. The proposal would have a substantial negative impact on Merced and its operations, and Merced accordingly must have sufficient time to study, review and comment on the proposal and the apparent impacts of the proposal, as set forth in the SED.

Upon an initial cursory review, it is Merced's position that the revised SED is substantially different in many ways from the December 2012 draft SED. So different in fact, that the revised SED is essentially a completely new document from its previous draft with new criteria for flows and reservoir operations, among other things. Further, it is Merced's position that the SED has a number of substantive mistakes, incorrect base assumptions and conclusions that are either unsupported, misleading or patently wrong. Merced must have sufficient time to identify, study and describe such matters, and the impact of such matters, in its comments to the SED.

One of the incorrect conclusions of staff in the SED is the magnitude of impacts that implementation of the new flow regime will have on the local and regional communities not just in Merced, but in the entire San Joaquin Valley. It goes without saying that the flow releases required by the SED would represent a substantial change in Merced's operations, an integral piece to this state's water supply system.

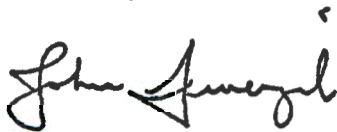
With all due respect, the existing timeline to develop comments on a document that is almost 2,000 pages long, took more than 10 years and cost more than \$70M to develop is simply inadequate given the magnitude and severity of "unavoidable" impacts on Merced and local communities that are already disadvantaged. It will take considerably more time for Merced to review, thoroughly analyze and study the measures proposed in the SED, and the impact of such measures on Merced, Merced's water system, local communities, the inter-connected Bay Delta water system, the San Joaquin River and the tributaries to the River, as well as the local and state wide environment.



Given the length of time that this document has already been in development, allowing additional time for the development of substantive public comment will not unduly harm the fish species or impair water quality that the SED is intended to protect. Yet conversely, the rights of thousands of individuals directly represented by Merced, and tens of thousands of Californians that indirectly benefit from the water resources managed by Merced, will be irreparably and unjustifiably harmed without the time needed to completely and thoroughly review and study the SED and develop substantive comments.

Therefore, Merced joins with its sister agencies on the Tuolumne and Stanislaus Rivers, and community leaders at both the local and state levels, in requesting an extension to the commenting period provided under CEQA. Merced requests the commenting period be extended through at least February 10, 2017. Your thoughtful consideration of this request is appreciated.

Sincerely,



John Sweigard  
General Manager

cc: Board of Directors, Merced Irrigation District (by email only)  
Board of Directors, SWRCB Board (by email only)  
Tom Howard, Executive Director, SWRCB (by email only)