



State Water Resources Control Board



Alan C. Lloyd, Ph.D.
Agency Secretary

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger
Governor

March 22, 2006

Alan R. Candlish
Regional Planning Officer
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Dear Mr. Candlish:

DELTA-MENDOTA CANAL RECIRCULATION STUDY REVISED PLAN OF ACTION

This letter responds to your letter dated February 15, 2006, responding to State Water Resources Control Board (State Water Board) Executive Director Celeste Cantú's letter dated July 13, 2005.

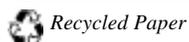
In response to Ms. Cantú's letter, the U.S. Bureau of Reclamation (USBR) submitted a Revised Plan of Action (POA) for the Delta-Mendota Canal (DMC) Recirculation Study required by Condition 2 on page 153 and 154 of State Water Board Decision 1641 (D-1641). Ms. Cantú asked that I respond to you regarding this matter.

Regarding the discussion of funding in the POA, I understand that the delays in responding to this matter were primarily due to funding issues. As previously indicated by Ms. Cantú, please be aware that USBR is legally responsible for meeting the conditions of its water right permits regardless of federal funding issues. If funding concerns arise in the future regarding this permit requirement, USBR should promptly communicate such issues to the Executive Director in writing and should request, as appropriate, additional time to satisfy the permit requirements.

Under the Objective section, the POA states that, "The objective of the DMC Recirculation Feasibility Study (Study) is to determine whether recirculation is the most effective and feasible method for meeting and/or augmenting the Vernalis flow objective..." The Study should discuss the fact that the February through June (excluding the April/May pulse flow period) flow objective has not been met on several occasions since D-1641 was adopted.

The POA further states under the Objective section that, "The Study is intended to include the remaining requirements of D-1641 in relation to page 153 of Order WR 2000-02, revised March 15, 2000." The POA should clarify that the Study is intended to analyze the requirements of Condition 2 at pages 153 and 154 of State Water Board D-1641 (Revised March 15, 2000 pursuant to Order WR 2000-02). In addition, the Study should address the issues raised in Ms. Cantú's March 23, 2005 letter to you (enclosed) and should provide a summary regarding the feasibility and impacts of using recirculation to partially or fully meet the various Vernalis objectives in context with other real world operational considerations.

California Environmental Protection Agency



Under Task Descriptions and Schedule, completion of Clean Water Act (CWA) section 401 certification should precede completion of CWA section 404 permit processing and should follow completion of final environmental documentation. A CWA section 404 permit cannot be issued until the CWA section 401 certification has been issued. The State Water Board has 30 days after receipt to determine that a CWA section 401 application is complete. After determining that an application is complete, the State Water Board has 60 days in which to issue or deny a certification. Any CWA section 401 application should be submitted after completion of the final environmental document for the project to avoid denial of a certification due to insufficient environmental information.

In addition to the above, under the Task Descriptions and Schedule, the POA should clearly indicate what planned actions will fulfill the requirements of D-1641 and what actions are contingent upon funding availability and a determination that recirculation is feasible and effective.

Please note that D-1641 requires completion of a feasibility study. However, D-1641 does not require implementation of a recirculation project. Regardless of whether USBR decides to pursue a recirculation project, a final feasibility study is required pursuant to D-1641 that examines all of the issues discussed in paragraphs a through f on page 154. Depending on the physical effects of the study or associated construction to do the study, you may need to prepare environmental documentation to support the study. The POA should clearly indicate that the study will be completed regardless of whether the study leads to implementation of a recirculation project.

Based on the above comments, please modify the POA and resubmit it to the Executive Director for approval within 30 days from the date of this letter. Given that the detailed information concerning the study will be presented in the Plan of Study (POS), the POA will only be provisionally approved until the POS is completed. Once the POS is completed, please submit it to the Executive Director for final approval to ensure that the requirements of D-1641 are fully addressed.

If you have any questions concerning this letter, please contact Diane Riddle, the Environmental Scientist assigned to this matter, at (916) 341-5297.

Sincerely,

ORIGINAL SIGNED BY

Victoria A. Whitney
Division Chief

Enclosure

cc: See next page.

cc: Les Grober (w/enclosure and February 15, 2006 USBR letter)
Central Valley Regional Water Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Rudy Schnagl (w/enclosure and February 15, 2006 USBR letter)
Central Valley Regional Water Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Gerald Robbins
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Jo Ann Struebing
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

bcc: Barbara Leidigh, Gita Kapahi, Jim Kassel, Vicky Whitney

DKR:llv 3/9/06
U:\Herdrv\DRiddle\response to revised POA.doc
Control: D-06-17