



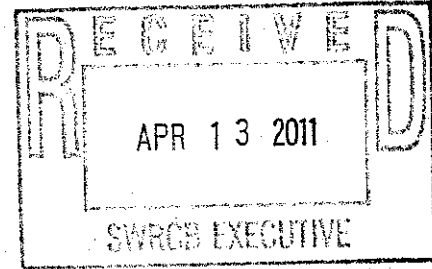
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4/19/11 Bd Mtg. Item 8  
Merced Irrigation District  
Deadline: 4/13/11 by 12 noon

April 13, 2011

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street  
Post Office Box 2000  
Sacramento, California 95812-2000



**Subject: Comment Letter on Draft Order 2011-00XX Denying Stay of Investigation Order Water Rights (WRO) 2011-0003-EXEC, Merced Irrigation District (MeID) Merced River Hydroelectric Project, Federal Energy Regulatory Commission (Commission) Project No. 2179, Mariposa and Merced Counties**

Dear Ms. Townsend:

This letter is in response to Draft Order 2011-00XX transmitted on April 6, 2011, denying a stay of Water Rights Investigation Order 2011-03-EXEC. Based on review of the transmittal, the California Department of Fish and Game (Department) offers the following comments.

The Department supports the denial of stay of the subject Investigative Order as proposed in the Draft Order and recommended by State Water Board staff. Given the fast track of the Commission's ongoing relicensing proceeding, it behooves all interested parties to avoid unnecessary delay in gathering information to support the Section 401 Water Quality Certification. The Department believes timely implementation of the Investigative Order will assist resource agencies and other interested parties in providing informed recommendations within the regulatory deadlines.

The cover letter to the Draft Order raises the possibility of a workshop to discuss the Investigative Order's technical aspects. The possibility of further technical discussion is offered in response to concerns raised by MeID. The cover letter notes that such an exercise may result in better study implementation but, may also serve to delay final action by the State Water Board. To minimize the potential for delay, the Department respectfully recommends that MeID draft the required study plans and then consult with State Water Board staff and other interested parties on the adequacy of the proposed studies. Ideally this consultation would occur in concert with the Commission's ongoing study plan process and not result in a significant delay of information gathering. Effective technical consultation might well include a formal workshop with a focused

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agenda as well as less formal discussions to respond to specific issues encountered during the study planning process.

The Department appreciates the opportunity to comment on Draft Order 2011-00XX. We look forward to addressing the Board on these matters on April 19, 2011.

If you have any questions regarding these comments, please contact Julie Means, Senior Environmental Scientist, or Dean Marston, Environmental Program Manager, of my staff at (559) 243-4014, extensions 240 and 241, respectively.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeffrey R. Single".

Jeffrey R. Single, Ph.D.  
Regional Manager