



# State Water Resources Control Board



## Executive Office

Linda S. Adams  
Acting Secretary for  
Environmental Protection

Charles R. Hoppin, Chairman  
1001 I Street • Sacramento, California 95814 • (916) 341-5603  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>

Edmund G. Brown Jr.  
Governor

APR 21 2011

Mr. Richard Woodley  
United States Department of the Interior  
Bureau of Reclamation  
Mid-Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED		
APR 25 2011		
CODE	ACTION	REMARKS
400	✓	→ 460
150	COPY	

Dear Mr. Woodley:

UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION,  
REQUEST FOR AN EXTENSION FOR COMPLETION OF MITIGATION FOR THE  
CONSOLIDATED AND CONFORMED PLACE OF USE HABITAT MITIGATION PLAN,  
IMPOSED IN REVISED WATER RIGHT DECISION 1641

This letter responds to your letters dated May 10, 2010 and December 2, 2010, to the State Water Resources Control Board's (State Water Board) Deputy Director for Water Rights. In your May letter you request a ten-year extension, pursuant to Condition 4 on page 165 of State Water Board revised Decision 1641 (D-1641), to complete the remaining mitigation identified in: 1) the Habitat Mitigation Plan (HMP), required by Condition 3 on page 164 and 165 of D-1641; and 2) the revised HMP, required by Condition 4 on page 165 of D-1641. In your December letter, you submit supplemental information in support of this request. Condition 4 on page 165 states:

*"Permittee shall complete the mitigation identified in the HMP within ten years of the date of this order. An extension for the completion of any remaining mitigation at the end of the ten years may be granted by the Executive Director of the [State Water Board] after a showing of good cause. At the time of the request for an extension, the Permittee shall be required to provide to the Executive Director of the [State Water Board] a revised HMP that identifies specific mitigation measures, funding methods and schedules developed in consultation with [the Department of Fish and Game (DFG)] and the [U.S. Fish and Wildlife Service (USFWS)]. The revised HMP must demonstrate the ability of the permittee to complete the mitigation obligation during the extension period. The extension period may not exceed an additional ten years."*

According to your May 10 and December 2, 2010 submittals, the United States Bureau of Reclamation (Reclamation) has made progress toward the completion of the mitigation requirements required by D-1641. Reclamation was ordered by D-1641 to provide habitat compensation equivalent to 45,390 acres of habitat identified in the final Environmental Impact Report for the Consolidated and Conformed Place of Use.

Classification	WTR - 4.10
Project	214
Control No.	1103 2337
Folier I.D.	1148722
Date Input & Initials	4/25/2011 AD

California Environmental Protection Agency

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D-1641 requires that the habitat compensation consist substantially of the following mix of habitats:

- ◆ 3 acres of valley-foothill hardwood-conifer
- ◆ 1 acre of mixed chaparral
- ◆ 4,278 acres of valley-foothill riparian/fresh emergent wetland
- ◆ 17,944 acres of annual grassland
- ◆ 23,165 acres of alkali scrub

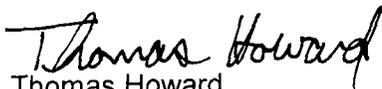
According to your December 2, 2010 letter, Reclamation has met and exceeded mitigation requirements for valley-foothill hardwood-conifer, mixed chaparral, and riparian/fresh water emergent wetland types. The ten-year extension is being requested in order to complete mitigation requirements for the remaining habitat types: an additional 7,567 acres of annual grassland; and an additional 13,440 acres of alkali scrub. You indicate that Reclamation has not been able to complete the mitigation requirements for annual grassland and alkali scrub because the available habitat for acquisition or restoration has been limited.

As required by Condition 4, the revised HMP and supplemental information identify specific measures, funding methods, and schedules to complete the mitigation obligation during the ten-year extension. The revised HMP and supplemental information also indicate that Reclamation has been diligent in pursuing mitigation requirements required by D-1641 and has good cause to request the 10-year extension. Accordingly, Reclamation's requested ten-year extension for completion of the remaining habitat mitigation is approved.

Pursuant to Condition 5 on page 166 of D-1641, Reclamation is required to provide annual reports to the State Water Board, DFG, and USFWS that track the ongoing progress of the HMP by April 15 of each year. The State Water Board has not received the required annual reports. Reclamation shall submit the annual report required for this year by April 15, unless an extension of time is approved, and shall submit annual reports in all future years as required by D-1641. Please also post information related to compliance with this matter on Reclamation's website in order to allow other interested persons to access this information.

If you have any questions or if conditions change, please contact Kari Kyler, Environmental Scientist, at [kkylere@waterboards.ca.gov](mailto:kkylere@waterboards.ca.gov) or at (916) 445-5987.

Sincerely,

  
Thomas Howard  
Executive Director

cc: Doug Kleinsmith  
United States Department of the Interior  
Bureau of Reclamation  
Mid-Pacific Regional Office

*California Environmental Protection Agency*