

## PETITION FOR INSTREAM FLOW DEDICATION

(WATER CODE 1707)

This type of petition is only for projects to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See Water Code section 1707).

Application 23 Permit 273 License 1986 Statement\* \_\_\_\_\_

\*For pre-1914 appropriative rights and/or riparian rights - provide an attachment describing the basis of right (points of diversion, place of use, quantities and season of diversion, date of origination, map of point of diversion and place of use (Cal. Code Regs., tit. 23, § 715, et seq.)). Also, if the right has been verified by a court, provide a copy of the court ruling.

I (we) hereby petition for instream flow dedication as shown on the accompanying map and described as follows:

**Upstream Location of Flow Dedication Reach of Stream:** (Give coordinate distances in California Coordinates, NAD 83, or other ties as allowed by Cal. Code Regs., tit. 23, § 715. Also provide the 40-acre subdivision in which the upstream location of flow dedication reach is located.)

See Attachment

**Downstream Location of Flow Dedication Reach of Stream:**

See Attachment

List the quantities dedicated to instream flow in cubic feet per second:

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
See	Attachment										

Will the dedicated flow be diverted from the stream for consumptive use at a downstream location? If so, provide the location and the quantities of flow that will be diverted from the stream. The information for the point of diversion should be provided in California Coordinates, NAD 83, or other ties as allowed by Cal. Code Reg., tit. 23, § 715:

See Attachment

Are there any persons taking water from the stream in the instream flow dedication reach? Yes \_\_\_\_\_ (yes/no)

If so, list the name and addresses of the persons taking water from the stream in this stream reach.

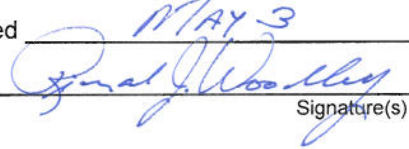
See Attachment

A copy of the petition must be provided to the California Department of Fish and Game (DFG). Indicate the date that the petition was provided to DFG and provide a copy of the transmittal letter to DFG: See Attachment

**THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.**

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated MAY 3, 2012 at Sacramento, California

  
 Signature(s)

(916) 978-5201

Telephone No.

**NOTE:** All petitions must be accompanied by the fee (see fee schedule at [www.waterboards.ca.gov/waterrights](http://www.waterboards.ca.gov/waterrights)), made payable to the State Water Resources Control Board (State Water Board) and an \$850 fee made payable to the Department of Fish and Game must accompany the petition. Separate petitions are required for each water right. Separate State Water Board fees are required if both a change and time extension petition are being filed.

**Supplement to Reclamation's Petition for Instream Flow Dedication  
Permitted Applications 23, 234, 1465, and 5638**

This Petition for Instream Flow Dedication involves requested changes to the following permitted applications and associated permits and license under Water Code §1707, and is filed in combination with a Petition for Change under Water Code §§1700 and 1707.

<b>Application</b>	<b>Permit</b>	<b>License</b>
23	273	1986
234	11885	
1465	11886	
5638	11887	

**Present Holder of Water Right**

Bureau of Reclamation  
Mid-Pacific Region, MP-460  
Attention: Mr. Bob Colella  
2800 Cottage Way  
Sacramento, CA 95825

Telephone: (916) 978-5256  
Email: [rcollella@usbr.gov](mailto:rcollella@usbr.gov)

**Purpose**

This petition, together with Reclamation's associated Petition for Change under Water Code §1700, facilitates implementation of the Stipulation for Settlement dated September 13, 2006, in the matter of *Natural Resources Defense Council, et al., v. Kirk Rodgers, et al.*, United States District Court, Eastern District of California, Civ. Case No. S-88-1658-LKK/GGH (Settlement), as authorized and directed by the San Joaquin River Restoration Settlement Act, PL 111-11, 123 Stat. 1349 (Settlement Act).

**Upstream and Downstream Locations of Flow Dedication Reach of Stream**

The proposed reaches of the San Joaquin River and Bypass System to be authorized for instream beneficial uses are indicated on Map No. 1785-202-50, enclosed with this petition. Instream flow releases are within specific quantified limits shown in Table 2-4 to the DPEIS/R and would be in accordance with the then-existing channel capacity determinations as described in section 2.4.1 of the Public Draft Program Environmental Impact Statement/Environmental Impact Report (DPEIS/R), dated April, 2011.

Upper Reach: Friant Dam, located North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

Lower Reach: Delta channels from the San Joaquin River near Vernalis to the Jones and Banks Pumping Plants.

Quantities Dedicated to Instream Flow (See Table 2-5 of the DPEIS/R)<sup>1,2</sup>

The physical location of each numbered reach is presented within the Restoration Area discussion in the Executive Summary to the DPEIS/R and is also shown in Figure 1-2 of that document. The DPEIS/R is incorporated herein by reference and is available for public review at the following website: [http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=2940](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=2940).

<u>Calendar Year</u>	<u>Flow Type</u>	<u>Begin Releases</u>	<u>End Releases</u>
2012	Interim	January 1	December 31
2013	Interim	January 1	December 31
2014, and thereafter	Restoration	January 1	December 31

The total estimated quantity of water proposed to be released under this petition for instream flow purposes will be up to 623,000 acre-feet per year, measured at Gravelly Ford after Reach 1 losses, as shown in Table 2-4 of the DPEIS/R. Tables 13-63 through 13-68 of the DPEIS/R show maximum nonflood Friant Dam releases and associated total water quantities by water year type. Average simulated flow of water under this action within downstream reaches of the San Joaquin River and bypasses for various water year types are presented in Tables 13-69 through 13-96, 13-99, 13-100, 13-103, 13-104, 13-107, and 13-108 of the DPEIS/R.

**Rediversion of Dedicated Flow Downstream**

Table 13-113 of the DPEIS/R, Potential Return of Recaptured Water to Friant Pursuant to 16(a) Average Annual Values, shows maximum potential return of recaptured Interim and Restoration flows to the Friant Division. Nearly 60,000 acre-feet of water annually on average could potentially be returned to the Friant Division through recapture.

Proposed Points of Rediversion are to be added pursuant to the associated Petition for Change under Water Code 1700 are depicted on Map No. 1785-202-50, enclosed with this petition. Rediversion of water would occur at the proposed locations instead of at the Friant-Kern and Madera canals, but within currently authorized season of use and diversion rates.

Proposed Points of Rediversion to be added upstream of the Delta are:

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<sup>1</sup> Source: Stipulation for Settlement dated September 13, 2006, in the matter of *Natural Resources Defense Council, et al., v. Kirk Rodgers, et al.*, United States District Court, Eastern District of California, Civ. Case No. S-88-1658-LKK/GGH. Note that Interim Flows for 2009 and from February 1, 2010 through September 30, 2010 (Interim Flows for Water Year 2010) were released pursuant to Order WR 2009-0058-DWR approving a temporary transfer, and the Water Year 2010 Interim Flows Project Environmental Assessment/Initial Study released in September 2009. Interim Flows for Water Year 2011 were released pursuant to Order WR 2010-0029-DWR and the Water Year 2011 Interim Flows Final Supplemental Environmental Assessment (SEA) released in September 2010. Interim Flows for Water Year 2012 were released pursuant to the Approval Order dated September 30, 2011, and the SEA released in September 2011.

<sup>2</sup> Begin dates for flows that are shown in these tables are approximate. Reclamation requests that the order granting this petition reflect this point.

**Supplement to Reclamation's Petition for Instream Flow Dedication  
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A. Mendota Dam, Located N 1745375 E 6598943 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of NE ¼ of Section 19, T13S, R15E, M.D.B.&M., including intakes to the following canals:

Main Canal, Located N 1741821 E 6599844 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 19, T13S, R 15E;

Outside Canal, Located N 1741896 E 6599689 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of Section 19, T13S, R 15E;

Columbia Canal, Located California Coordinate System, N 1746420 E 6605595 Zone 3, NAD 83, being within the NE 1/4 of Section 20, T13S, R 15E;

Helm Ditch, Located N 1745022 E 6598787 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 19, T13S, R 15E;

Firebaugh Canal Water District Canal, Located N 1741821 E 6599844 California Coordinate System, Zone 3, NAD 83, being within the SE 1/4 of Section 19, T13S, R 15E.

B. Intake to the Arroyo Canal, Located N 1816307 E 6561446 California Coordinate System, Zone 3, NAD 83, being within the SW ¼ of Section 12, T11S, R13E, M.D.B.&M.

C. Intake to the Sand Slough Control Structure, Located N 1862535 E 6535468 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 31, T9S, R13E, M.D.B.&M., for conveyance through the Eastside Bypass.

D. Along the East Side Bypass, Located N 1883703, E 6523784 California Coordinate System, Zone 3, NAD 83, being within the NW ¼ of Section 11, T9S, R12E (at Lone Tree Unit, Merced NWR)

E. Intake to the Mariposa Bypass Control Structure, on the Eastside Bypass, Located N 1895936 E 6505198 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of Section 30, T8S, R12E, M.D.B.&M.

F. Along the Eastside Bypass, Located N 1914452 E 6480299, California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 8, T 8S,11E M.D.B.&M. (at East Bear Creek Unit, San Luis National Wildlife Refuge) (SLNWR).

Proposed Points of Rediversion to be added at the Delta are:

G. Jones Pumping Plant, Located N 2114400 E 6248073, California Coordinate System, Zone 3, NAD 83 being within SW ¼ of SW ¼ Section 31, T1S, R4E, M.D.B.&M.

H. Banks Pumping Plant, Located N 2115990 and E 6237838, California Coordinate System, Zone 3, NAD 83, being within the SW ¼ of Section 35, T1S, R3E, M.D.B.&M.

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Proposed Point of Rediversion to be added for offstream storage is:

I. San Luis Dam as a point of rediversion, Located N 1883703 E 6523784 California Coordinate System, Zone 3, NAD 83, being within SW ¼ of SE ¼ of Section 15, T10S, R8E, MDB& M. No redistribution of any storage right is necessary or requested. The method of rediversion would change (23 CCR §791(e)) for the additional point of rediversion at San Luis Dam for water previously stored or bypassed under the subject permits.

Any additional rediversion points on the San Joaquin River under alternatives B1, B2, C1, and C2 to the DPEIS/R would be the subject of future water rights changes and are not addressed in this petition. See discussion in Section 28.1.2 of the DPEIS/R, State Requirements, California Water Code (Water Rights) for a description of the role of the DPEIS/R in supporting compliance with these State Requirements. Among those water rights changes to implement program-level activities that Reclamation could include in future petitions to the SWRCB would be the addition of points of rediversion at the following locations along the San Joaquin River.

- Intake facility for Patterson Irrigation District, Located N2004071 E6392678 California Coordinate System, Zone 3, NAD 83, being within the SW ¼ of Section 15, T 5S, R8E, M.D.B.&M.
- Intake facility for West Stanislaus Irrigation District, Located N2036021 E6358704 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of Section 16, T4S, R8E, M.D.B.&M.
- Intake facility for Banta-Carbona Irrigation District, Located N2083018 E6327281 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of Section 33, T2S, R6E, M.D.B.&M.

**Persons Who May Be Affected by the Proposed Changes**

See attachment of persons who may be affected by the proposed changes.

**No Increase in Entitlement**

Reclamation would make water available by releasing or bypassing water at Friant Dam pursuant to the subject permits. Absent approval of this petition, water not released at Friant Dam would be consumptively used by Friant Division contractors by means of deliveries through the Madera and Friant-Kern Canals or would remain in storage for other authorized purposes and uses. There would be no expansion of existing obligations, or any increases in demands, to provide CVP water. Nor would there be any changes to, nor would Reclamation choose to operationally exceed, currently authorized diversion rates and quantities. This petition meets the conditions specified in Water Code §1707(b), subsections (1) through (3).

### Requested Conditions

The following conditions are requested in Reclamation associated Petition for Change under Water Code §1700 and are included here. In the order approving this petition and the Petition for Change under Water Code §1700, Reclamation requests that approval be conditioned as follows.

- Releases for Interim and Restoration Flows under the Settlement Act are in addition to that quantity of releases otherwise required to maintain the 5 cfs requirement at Gravelly Ford and that would be sufficient to provide necessary flow in the river reach from Gravelly Ford pursuant to the obligations of the Holding Contracts executed by Reclamation.
- Petitioner shall maintain sufficient Millerton Lake storage and available San Joaquin River channel capacity in order to make releases of available storage from Millerton Lake as required under the terms and conditions of the San Joaquin River Exchange Contract, Ilr-1144, as amended February 14, 1968, and various water right and settlement adjustment contracts, to the extent such releases would be made in the absence of this change.
- Release of Interim and Restoration Flows is conditioned upon implementation of the Physical Monitoring and Management Plan in Appendix D of the DPEIS/R.
- Interim and Restoration Flows released under the Settlement Act shall be maintained below then-existing channel capacities.
- Copies of public draft and final reports of updated estimates of then-existing San Joaquin River channel capacities shall be provided to the Deputy Director for Water Rights.
- The project-level conservation measures described in Table 2-7 of the DPEIS/R shall be implemented.
- This Order and the conditions specified therein, including authorized releases from Friant Dam and levels and timing of flows in reaches of the San Joaquin River and Bypass System, are provided solely for the purpose of implementing the Settlement and Settlement Act and are not, and shall not be construed to function as, any type of a required flow standard applicable to the water rights and water right permits utilized by Reclamation to operate Friant Dam and to serve water to any authorized water user. In the event that there is a different level of Restoration Flows, or an increase, decrease, or material change in the quantity and or timing of Restoration Flows that is made pursuant to the provisions and procedures of Article 20 to the Settlement (Changes to The Restoration Flows), Reclamation shall diligently file, pursuant to the provisions of the California Water Code, the appropriate water right change petition to amend the applicable

**Supplement to Reclamation's Petition for Instream Flow Dedication  
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conditions of this Order, or of subsequent revisions of this Order, in order to conform to the changes made pursuant to Article 20.

- This Order and the conditions specified therein do not, in and of themselves, operate to dedicate any water to the environment; the dedication occurs when petitioner exercises the option, as authorized and approved by this Order, of using water for instream beneficial uses instead of diverting and subsequently using that amount of water for other authorized purposes of use within the authorized places of use. Neither this Order, conditions specified therein, nor petitioner's later dedication of water for instream beneficial uses requires petitioner to continue to apply a specific amount of water to instream uses in the future.

**Monitoring of Flows Dedicated Pursuant to California Water Code §1707**

Reclamation, in coordination with the California Department of Water Resources, would monitor and publicly post river stage and flow conditions at the following locations during all periods when releases are likely to be flowing at these locations:

Below Friant Dam (river mile 267);  
At Gravelly Ford (river mile 228);  
Below Chowchilla Bifurcation Structure (river mile 216);  
Below Sack Dam (river mile 182);  
At the head of Reach 4B1 (river mile 168);  
Above the Merced River confluence (river mile 118);  
At the head of the Sand Slough Control Structure (river mile 182);  
Vernalis Gaging Station;  
Jones Pumping Plant;  
Clifton Court Forebay.

A copy of this petition has been furnished to the California Department of Fish and Game (see cover letter).

**Attachment – Persons Who May Be Affected by Proposed Changes,  
Reclamation’s Petitions for Change and Petitions for Instream Flow  
Dedication, Permitted Applications 23, 234, 1465, and 5638**

Friant Water Users Authority  
Attn: Ronald Jacobsma  
854 North Harvard Avenue  
Lindsay, CA 93247

Contra Costa Water District  
Attn: Greg Gartrell  
P.O. Box H20  
Concord, CA 94524

California Department of Water  
Resources  
Attn: Kathy Kelly  
1416 9th Street  
P.O. Box 942836  
Sacramento, CA 94236-0001

East Contra Costa Irrigation District  
626 1<sup>st</sup> Street  
Brentwood, CA 94513

San Joaquin River Exchange Contractors  
Attn: Steve Chedester  
P.O. Box 2115  
Los Banos, CA 93635

Contra Costa County Water Agency  
Attn: Roberta Goulart  
651 Pine Stree, 4<sup>th</sup> Floor – North Wing  
Martinez, CA 94553

San Luis National Wildlife Refuge  
Complex, U.S. Fish and Wildlife Service  
Attn: Kim Forrest  
P.O. Box 2176  
Los Banos, CA 93635

Stockton-East Water District  
Attn: Kevin Kauffman  
P.O. Box 5157  
Stockton, CA 95208

San Luis & Delta Mendota Water  
Authority  
Attn: Daniel G. Nelson  
P.O. Box 2157  
Los Banos, CA 93635

Central San Joaquin Water Conservation  
District  
311 East Main Street, Suite 202  
Stockton, CA 95202

Central Delta Water Agency  
Dante John Nomellini  
P.O. Box 1461  
Stockton, CA 95201

Oakdale Irrigation District  
Attn: Steve Knell  
1205 East F Street  
Oakdale, CA 95361

South Delta Water Agency  
Attn: Jerry Robinson  
4255 Pacific Avenue, No. 2  
Stockton, CA 95267

South San Joaquin Irrigation District  
Attn: Jeff Shields  
P.O. Box 747  
Ripon, CA 95366

State Water Contractors  
Attn: Terry Erlewine  
1121 L Street, Suite 1050  
Sacramento, CA 95814

Contra Costa County Water Agency  
Attn: Roberta Goulart  
651 Pine Street, 4th Floor - North Wing  
Martinez, CA 94553

Lower San Joaquin Levee District  
Attn: Reggie Hill  
11704 Henry Miller Ave  
Dos Palos, CA 93620



**Attachment – Persons Who May Be Affected by Proposed Changes,  
Reclamation’s Petitions for Change and Petitions for Instream Flow  
Dedication, Permitted Applications 23, 234, 1465, and 5638**

Central Valley Flood Protection Board  
P.O. Box 942836  
Sacramento, CA 94236

Reclamation District 800  
1540 Discovery Bay Blvd., Suite A  
Discovery Bay, CA 94514

State Lands Commission  
100 Howe Ave Suite 100 South  
Sacramento, CA 95825-8202

San Joaquin River Resource  
Management Coalition  
Attn: Mari Martin  
P.O. Box 2115  
Los Banos, CA 93635

San Joaquin Area Flood Control Agency  
22 East Weber Avenue, Suite 301  
Stockton CA 95202

Paramount Farming Company  
33141 E. Lerdo Highway  
Bakersfield, CA 93308

Numerous Holding Contractors  
From Friant Dam to Gravelly Ford

Numerous Diverters on file with the  
State Water Board



**2. COUNTY PERMITS**

a. Contact your county planning or public works department and provide the following information:

Person Contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_  
 Department: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_  
 County Zoning Designation: \_\_\_\_\_

Are any county permits required for your project?  YES  NO If YES, check appropriate box below:

Grading permit  Use permit  Watercourse  Obstruction permit  Change of zoning  
 General plan change  Other (explain): \_\_\_\_\_

b. Have you obtained any of the required permits described above?  YES  NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. 1

**3. STATE/FEDERAL PERMITS AND REQUIREMENTS**

a. Check any additional state or federal permits required for your project:

Federal Energy Regulatory Commission  U.S. Forest Service  
 Bureau of Land Management  Soil Conservation Service  
 Dept. of Water Resources (Div. of Safety of Dams)  Reclamation Board  
 Coastal Commission  State Lands Commission  Other (specify): \_\_\_\_\_

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. 1

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake?

YES  NO If YES, explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

See Attachment No. 1

d. Have you contacted the California Department of Fish and Game concerning your project?

YES  NO

If YES, name and telephone number of contact: See attachment No. 1

#### 4. ENVIRONMENTAL DOCUMENTS

a. Has any California public agency prepared an environmental document for your project?

YES  NO

If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency.

Public agency: Department of Water Resources

b. If NO, check the appropriate box and explain below, if necessary:

The petitioner is a California public agency and will be preparing the environmental document.\*

I expect that the State Water Board will be preparing the environmental document.\*\*

I expect that a California public agency other than the State Water Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_

*See Attachment No. 1*

\* **Note:** When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Board, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

\*\* **Note:** CEQA requires that the State Water Board, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the State Water Board, Division of Water Rights.

#### 5. WASTE/WASTEWATER

a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?  YES  NO

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.): \_\_\_\_\_

*See Attachment No. 1*

b. Will a waste discharge permit be required for your project?  YES  NO

Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_

c. What method of treatment and disposal will be used? \_\_\_\_\_

*See Attachment No. 1*

**6. ARCHEOLOGY**

- a. Have any archeological reports been prepared on this project?  YES  NO
- b. Will you be preparing an archeological report to satisfy another public agency?  YES  NO
- c. Do you know of any archeological or historic sites located within the general project area?  
 YES  NO

If YES, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attachment No. 1

**7. ENVIRONMENTAL SETTING**

Attach two complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

**8. CERTIFICATION**

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: MAY 3, 2012

Signature: 

## **1. Description of Proposed Changes**

See the General/Background and Reasons for Proposed Changes discussions in the Supplements to Reclamation's Petition for Change and Petition for Instream Flow Dedication.

2. N/A

## **3. State/Federal Permits and Requirements**

It is Reclamation's understanding, based upon meetings held with the U.S. Army Corps of Engineers (Corps), that no permits or permission will be required pursuant to Section 10, Section 404, or Section 408. Reclamation will submit a letter to the Corps requesting confirmation that no Section 10, Section 404, or Section 408 approval is required. Copies of Reclamation's request and the Corps' confirmation will be forwarded to the State Water Board.

Point of contact at DFG is Brian Erlandsen, 559-243-4014.

## **4. Environmental Documents**

The document entitled Public Draft Program Environmental Impact Statement /Environmental Impact Report, dated April, 2011 (DPEIS/R), has been prepared. The U.S Bureau of Reclamation is the lead agency under the National Environmental Policy Act (NEPA) and the California Department of Water Resources is the lead agency under the California Environmental Quality Act (CEQA). The State Water Board is the Responsible Agency for purposes of approving this petition. A copy of the DPEIS/R has been furnished to the State Water Board staff under separate cover and is also available to the public at [http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=2940](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=2940). The DPEIS/R contains the following chapters and appendices.

- 1.0 Introduction
- 2.0 Description of Alternatives
- 3.0 Conditions for Describing the Affected Environment and Environmental Consequences
- 4.0 Air Quality
- 5.0 Biological Resources - Fisheries
- 6.0 Biological Resources – Vegetation and Wildlife
- 7.0 Climate Change and Greenhouse Gas Emissions
- 8.0 Cultural Resources
- 9.0 Environmental Justice
- 10.0 Geology and Soils
- 11.0 Hydrology – Flood Management
- 12.0 Hydrology – Groundwater
- 13.0 Hydrology – Surface Water Supplies and Facilities Operations
- 14.0 Hydrology – Surface Water Quality

**Attachment 1 to Environmental Information Form for Reclamation's Petition for Change and Petition for Instream Flow Dedication, Permitted Applications 23, 234, 1465, and 5638**

- 15.0 Indian Trust Assets
- 16.0 Land Use Planning and Agricultural Resources
- 17.0 Noise
- 18.0 Paleontological Resources
- 19.0 Power and Energy
- 20.0 Public Health and Hazardous Materials
- 21.0 Recreation
- 22.0 Socioeconomics
- 23.0 Transportation and Infrastructure
- 24.0 Utilities and Service Systems
- 25.0 Visual Resources
- 26.0 Cumulative Impacts
- 27.0 Other NEPA and CEQA Considerations
- 28.0 Consultation, Coordination, and Compliance
- 29.0 References
- 30.0 List of Preparers
- 31.0 Index

Appendices

- A. Stipulation of Settlement in NRDC, *et al.*, v. *Rodgers, et al.*
- B. San Joaquin River Restoration Settlement Act
- C. Glossary and Readers's Guide
- D. Physical Monitoring and Management Plan
- E. Fisheries Management Plan
- F. Coordination Act Report
- G. Plan Formulation
- H. Modeling
- I. Supplemental Hydrologic and Water Operations Analyses
- J. Surface Water Supplies and Facilities Operations
- K. Biological Resources – Fisheries
- L. Biological Resources – Vegetation and Wildlife
- M. Soil Classes and Geomorphology in the Restoration Area
- N. Geomorphology, Sediment Transportation, and Vegetation Assessment
- O. Socioeconomics
- P. Land Use
- Q. Transportation and Infrastructure

The DPEIS/R identifies and analyzes the Action Alternatives at both the project and the programmatic levels. Table 2-2 of the DPEIS/R explains the intended use of the finalized version of that document for purposes of approval of this petition. That is, this petition requests approval of only those specific elements of the Action Alternatives for which project level of NEPA/CEQA compliance is intended to be completed in the DPEIS/R.

Provisions of the DPEIS/R are specifically referenced in this petition to the project-level in order to support the State Water Board's requisite findings necessary in approving this

petition. However, Reclamation does assert that, pursuant to CEQA, the State Water Board may consider issuing a Notice of Exemption based upon 14 C.C.R. § 15307 (actions by regulatory agencies for protection of natural resources), 14 C.C.R. § 15308 (actions by regulatory agencies for protection of the environment), and §15301 (existing facilities).

## **5. Waste/Wastewater**

See section 10.3.4 of the DPEIS/R, for an analysis of Geology and Soils, and including Table 10-9, Summary of Potential Channel Erosion Rates Under Project-Level Alternatives.

Releases of Interim and Restoration flows would fall within the historical range of reservoir releases, and reservoir level fluctuations would also fall within historical range. Impacts due to erosion would be less than significant upstream of Friant Dam.

Erosion downstream from Friant Dam could potentially increase and rates of stream channel erosion could change. However, net erosion within the Restoration Reaches and Bypass Reaches would be small and impacts at the project-level would be less than significant. From the confluence with the Merced River to the Delta, releases of Interim and Restoration flows would result in no change in historical rates of stream channel erosion and impacts would be less than significant.

Implementation of sediment mobilization monitoring as described in Section 7.5 of Appendix D, Physical Monitoring and Management Plan of the DPEIS/R, will occur as part of the proposed change to sediment mobilization and bank erosion. Reclamation would reduce the release of interim and restoration flows as needed. See section 2.4 of the DPEIS/R.

The generation of wastewater from within the service areas of entities receiving water as a result of this project would be an issue between the entity and the Regional Water Quality Control Board (RWQCB). The existence of flows in the channel downstream of Friant Dam would not generate wastewater. Operation of Friant Dam to implement the proposed transfer would not directly result in generation of wastewater.

Points of contact are Lonnie Wass, 559-445-5116 and Greg Vaughn, 916-464-4742, at the Central Valley RWQCB.

## **6. Archeology**

See Section 8.3.6 of the DPEIS/R for an analysis of cultural resources and mitigation measures. This proposed action involves no new construction. However, cultural resources are known to exist along the San Joaquin River, and bank erosion could occur from Millerton Reservoir downstream. Impacts to archeological sites could be potentially significant. However, with Mitigation Measure CUL-2 (Compliance with the Federal National Historic Preservation Act Section 106 process and development of a



**Attachment 1 to Environmental Information Form for Reclamation's Petition for Change and Petition for Instream Flow Dedication, Permitted Applications 23, 234, 1465, and 5638**

programmatic agreement with the State Historic Preservation Officer), the DPEIS/R describes impacts as less than significant.

**7. Environmental Setting**

Sets of representative photographs are on file with the State Water Board.