

Attachment 1 to Petition for Extension of Time  
Michael and Grace Jacobs Family Trust  
Permit 21173 (Application 28220)

**Construction**

The State Water Board issued Permit 21173 on January 12, 2006. Construction has not commenced, but Permittee has prepared engineered plans for reservoir construction and on March 14, 2014 submitted the plans to San Mateo County for grading permit approval. In addition, the Permittee has submitted a Notification to the California Department of Fish & Wildlife (CDFW) for a Lake or Streambed Alteration Agreement, an application to the Regional Water Quality Control Board (RWQCB) for Section 401 Water Quality Certification, and an application to the United States Army Corps of Engineers (ACOE) for a Section 404 Permit. Construction has not commenced because the Permittee is awaiting approval from all of these agencies.

CDFW has advised Permittee that it is awaiting approval from the ACOE before they will comment. Since March 2014, the Permittee has made monthly contact with the ACOE, however, the ACOE has been unwilling to state when they will have time to review the application. The ACOE has designated the application as "low priority" and will not estimate when the Permittee should expect an answer. The contact person at the ACOE is Alisha Kershbaum, (415) 503-6988. Her supervisor is Jane Hicks, District Chief, (415) 503-6771.

It is also noted that the Permittee experienced delays in obtaining State Water Board review of the Flow Bypass Compliance Plan (Compliance Plan) required by Term 15 of the Permit. The Permittee submitted a proposed Compliance Plan to the State Water Board on March 7, 2007. After not receiving a response, the Permittee sent an inquiry to the State Water Board as to the status of the Compliance Plan in 2008. The State Water Board did not respond to the 2008 inquiry. The Permittee contacted the State Water Board again in 2013 regarding the status of the Compliance Plan approval. State Water Board staff responded with comments in October 2013. Because other regulatory approvals may have an influence on final design of the project and the facilities required for compliance with the water right permit, the Permittee has not resubmitted an updated Compliance Plan to the State Water Board, but will do so following receipt of other regulatory approvals and prior to construction of the reservoir.