



Terry Tamminen
*Secretary for
Environmental
Protection*

State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
Governor

January 21, 2004

Michelle Light
U.S. Bureau of Reclamation
Division of Planning, MP-700
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Light:

RECIRCULATION FEASIBILITY STUDY PLAN OF ACTION

This letter is in regard to the Recirculation Feasibility Study Plan of Action (POA) required by State Water Resources Control Board (SWRCB) Decision 1641 (D-1641) (Condition 2, page 153-154). D-1641 requires the U.S. Bureau of Reclamation (USBR) to prepare a POA for a recirculation analysis alternative to evaluate the feasibility and impacts of recirculating water from the Delta Mendota Canal through the Newman Wasteway. The purpose of the recirculation analysis is to determine the feasibility of use of recirculation as a method for meeting and/or augmenting the Vernalis objectives and San Joaquin River water quality objectives included in D-1641. D-1641 requires the study to be completed within two years of approval of the POA. In addition, USBR is required to submit semi-annual reports to the Executive Director of the SWRCB on study progress and results, with a final report summarizing the analyses, results, and conclusions required within six months after the recirculation analysis is completed.

USBR submitted a proposed POA by letter dated December 10, 2000. The POA describes eight tasks to be completed, including: (1) developing alternatives, (2) modeling alternatives, (3) evaluating impacts of the alternatives on fisheries, wetlands and mobilization of contaminants, (4) sampling and analyzing sediments, (5) reviewing legal constraints and other considerations that may affect recirculation, (6) analyzing the economic impacts of recirculation, (7) conducting public meetings, and (8) preparing a report of the study conclusions. The POA indicates that the first three tasks would be completed by March 2002 and the remaining tasks would be completed by March 2003 if the modeling and environmental review indicates that the potential benefits of recirculation outweigh the impacts. The SWRCB conditionally approved the POA and the timeline for completion of tasks by letter dated March 21, 2001, from Edward Anton (Acting Executive Director) to Lester Snow of USBR.

Division of Water Rights (Division) records indicate that semi-annual reports on study progress and results have not been submitted to the Executive Director of the SWRCB as required. In addition, the SWRCB does not have records that the first three tasks described above were completed by March 2002 and that any remaining tasks were completed by March 2003 as required.

Based on this information, Division staff contacted Dan Meier of your staff on December 19, 2003, to inquire about the status of the recirculation study. Mr. Meier informed Division staff that an internal report has been completed which may differ substantially from the POA approved by the SWRCB in 2001. Mr. Meier indicated that the California Department of Water Resources (DWR) is taking the lead on the recirculation analyses. Mr. Meier stated that the SWRCB should contact you for additional information.

Regardless of which agency is performing the recirculation analyses, USBR is responsible for their completion and submitting the required materials to the SWRCB. The SWRCB requests a detailed update on the status of the recirculation analyses. In addition, please provide an explanation concerning why semi-annual progress reports and other information was not submitted as required. If the current plan for analyzing recirculation differs substantially from the POA approved by the SWRCB in 2001, please submit a revised POA for approval by the SWRCB.

Please submit the requested information within 30 days from the date of this letter. If you have any questions concerning this matter, please contact Diane Riddle of my staff at (916) 341-5297.

Sincerely,

ORIGINAL SIGNED BY

Victoria A. Whitney
Division Chief

cc: Dan Meier
USBR, Division of Planning
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Sacramento, CA 95825

Linda S. Adams, Interim Director
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P. O. Box 942836
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bcc: Vicky Whitney, Jim Kassel, Gita Kapahi, Barbara Leidigh

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