



IN REPLY REFER TO:

SCC-410
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United States Department of the Interior
BUREAU OF RECLAMATION
California Great-Basin
South-Central California Area Office
1243 N Street
Fresno, CA 93721



VIA ELECTRONIC MAIL ONLY

Mr. Erik Ekdahl
Deputy Director, Division of Water Rights
State Water Resources Control Board
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Subject: Submittal of Draft Addendum to the Term 20 Plan for Final Order WR 2019-0148

Dear Mr. Ekdahl:

On October 16, 2019, the Bureau of Reclamation (Reclamation) submitted a petition for reconsideration of Water Order WR-2019-0148 to the State Water Resources Control Board (State Board) which asserted, in part, that Term 24(a) is contrary to federal law because Reclamation does not have the authority to conduct a fish passage feasibility study without specific authorization from Congress.

On June 18, 2024, the State Board denied Reclamation's petition for reconsideration; however, Section 4.2 of State Board Order WR 2024-0007, states that "*Term 24(a) Does Not Require Reclamation to Conduct a 'Feasibility Report Under Reclamation Law'*" and concluded that, "*Term 24(a) is a lawful exercise of the Board's regulatory power and does not require Reclamation to act outside its authority.*"

WR 2024-0007 ordered Reclamation to comply with Term 24(a) and required Reclamation to submit a study plan for conducting the Term 24(a) fish passage study as an addendum to the Term 20 Plan (submitted March 17, 2020) within three months of adoption of the reconsideration order.

Reclamation's May 1, 2024, comment letter clarified that we have discretion to enter certain non-feasibility level studies and welcomed the opportunity to work with the State Board to identify an appropriate cost share and define the scope of the Term 24(a) study consistent with federal law, policy, and directives.

Following the June 18, 2024, Cachuma Order on Reconsideration, the State Board staff indicated that they would not be willing to enter into a cost-share agreement with Reclamation for the study.

Consistent with Reclamation's limited discretion and the normal processes for planning, authorization, and funding for projects, Reclamation is beginning the required study by pursuing a review and analysis of fish passage.

Pursuant to the State Board's WR 2024-0007, and Term 20 of the State Board's adopted Final Order WR 2019-0148 issued September 17, 2019, Reclamation is submitting the attached addendum for conducting the required Term 24(a) Study consistent with Reclamation's limited discretion.

Reclamation notes that Term 17 of Final Order WR 2019-0148 requires Reclamation to provide the California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS) with at least 30-business days to comment on all draft and final plans, studies, and reports required by the Order. To meet the September 18, 2024, deadline imposed in Order WR 2024-0007, Reclamation is submitting the Term 20 addendum to the State Board, CDFW, and NMFS concurrently.

Reclamation will consider any comments received on the Term 20 addendum from CDFW and/or NMFS and will submit an updated Term 24(a) Study Plan to the State Board as appropriate.

If you have any questions, please contact Lisa Buck at lbuck@usbr.gov or (559)-262-0345, or me at (559)-262-0302 or by electronic mail at mjackson@usbr.gov, or for the hearing impaired at TTY (800)-877-8339.

Sincerely,
Michael P. Jackson

Michael P. Jackson, P.E.
Area Manager

Enclosure

cc continued next page

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Addendum to the Term 20 Plan: Term 24(a) Study Plan

The passage study plan provided in Table 1 is consistent with Reclamation’s limited discretion, and will further previous analyses and investigative efforts into providing passage around Bradbury Dam for steelhead adults and smolts.

Table 1: Passage Study Plan

Task	Task Name	Description
1	Fish Passage Study Preparation	Compile background information necessary for development of potential fish passage concepts, including: <ul style="list-style-type: none"> ○ Previous Bradbury Dam Passage Evaluations ○ Previous passage evaluations for large dams ○ Recent technological advancements for passage around large dams.
2	Conduct a Value Planning Study	Evaluate previous and new passage concepts to develop a list of potential fish passage alternatives that merit further consideration.
3	Conduct a Value Engineering Study	Review of existing design documents and plans identifies major asset components/systems and proposes changes for reasons of performance, reliability, quality, and value.
4	Conduct other Analysis as Appropriate	Depending on the outcomes of the Value Planning and Value Engineering Studies, other analysis will be conducted as appropriate.
5	Fish Passage Alternative Refinement	Evaluate the fish passage concept alternatives identified for consideration. Rank alternatives based on criteria including, but not limited to: construction and/or operating costs, operational requirements, and biological effectiveness.
6	Fish Passage Study and Report	Prepare a Study that: <ul style="list-style-type: none"> ○ Describes methods used and process followed to prepare the Study ○ Describes review of previous investigations ○ Describes new fish passage technologies, if any, for passage around large dams ○ Summarizes steelhead passage alternatives identified for further consideration ○ Evaluation of the merit of passage alternatives.