

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



November 5, 2012

Mr. William Guthrie  
Senior Project Manager,  
Sacramento Office, Regulatory Branch  
U.S. Army Corps of Engineers  
1325 J Street, Room 1350  
Sacramento, California 95814

Re: U.S. Clean Water Act Section 404 and Rivers and Harbors Act Section 10 Permit Applications for the South Delta Temporary Barriers Project

Dear Mr. Guthrie:

This letter requests the U.S. Army Corps of Engineers (Corps) issue permits under U.S. Clean Water Act Section 404 and Rivers and Harbors Act Section 10 for the South Delta Temporary Barriers Project (TBP). The TBP has been operating under existing permits SPK-200100121, SPK-200000696, and SPK-2009-00311. We request two permits; one to cover the Agricultural Barriers, and one to cover the Head of Old River Barrier, including a Temporary Barriers Project fish study, for the period 2013 through 2017.

The principal purpose of continuing the TBP is to protect San Joaquin River salmon migrating through the Delta and provide an adequate agricultural water supply in terms of quantity, quality, and channel water levels to meet the reasonable and beneficial needs of water users in the South Delta Water Agency. The TBP will also help the Department of Water Resources (DWR) better understand complex engineering, operational, and biological considerations to improve both temporary barrier designs and potential future permanent solutions.

The TBP was initiated in 1991, and involves the seasonal installation of four rock barriers: three flow-control barriers and one fish-control barrier. The flow-control barriers are installed at Middle River near Victoria Canal (MRB), Old River near Tracy (ORT), and Grant Line Canal near Tracy Boulevard Bridge (GLC). The fish-control barrier is installed at the head of Old River at the divergence from the San Joaquin River (HORB). In the fall, the HORB also serves as a flow-control barrier by keeping water in the San Joaquin River to improve downstream dissolved oxygen conditions. As an alternative to installing the HORB in the spring, DWR may install a non-physical barrier (NPB), as was done in 2009 and 2010 under Corps Nationwide Permit 4 (SPK-2009-00311). The NPB is a multi-stimulus fish barrier designed to create a behavioral deterrent to prevent juvenile salmon in the San Joaquin River from entering Old River.

Mr. William Guthrie  
November 5, 2012  
Page 2

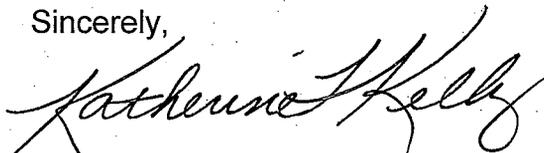
The TBP was initiated with the intention that it would be a temporary program implemented only until permanent operable gates could be installed. The timing of implementation of permanent operable gates is uncertain, and the TBP is proposed to continue until the permanent operable gates or their functional equivalents are implemented.

To reduce the project impacts to less than significant for the extended operations, DWR purchased 1.0 acre of Floodplain Riparian Habitat Credit in the Consumnes Floodplain Mitigation Bank on May 4, 2012 and 4.75 acres of Salmonid/Smelt Restoration Conservation Credits at Liberty Island Conservation Bank on July 20, 2012. Also, DWR utilized 1.25 acres of Shallow Water Habitat Credit left at Wildlands Kimball Island Mitigation Bank. These credits met the requirements of our permits with the California Department of Fish and Game.

Our goal is to obtain all required permits no later than February 15, 2013 so that we may begin the installation of the temporary barriers on March 1, 2013.

If you need additional information regarding this application, please contact Jacob McQuirk, Chief of the Temporary Barriers Project and Lower San Joaquin at (916) 653-9883.

Sincerely,



Katherine F. Kelly, Chief  
Bay Delta Office

Enclosures

cc: Jim Starr  
California Department of Fish and Game  
Bay Delta Region  
4001 North Wilson Way  
Stockton, California 95205

Garwin Yip  
National Marine Fisheries Service  
650 Capitol Mall, Suite 5-100  
Sacramento, California 95814-4708

Kim Turner  
U.S. Fish and Wildlife Service  
San Francisco Bay-Delta Fish & Wildlife Office  
650 Capitol Mall, 8<sup>th</sup> Floor  
Sacramento, California 95814