

DEPARTMENT OF WATER RESOURCES

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April 21, 2015

Mr. Scott Wilson
Regional Manager
California Department of Fish and Wildlife, Bay Delta Region
7329 Silverado Trail
Napa, California 94558

RE: Refinements/Updates to the Incidental Take Permit Application Pursuant to Section 2081 of the California Endangered Species Act for the Emergency Drought Barrier Project

Dear Mr. Wilson:

The California Department of Water Resources (DWR) is submitting this letter to the California Department of Fish and Wildlife in order to comply with Section 2081 of the California Endangered Species Act and is intended to highlight project refinements/updates for the Emergency Drought Barrier Project (EDB or Project).

In spring 2014, DWR submitted an incidental take permit (ITP) application to the California Department of Fish and Wildlife (CDFW). Since the submittal, DWR has refined and updated several project components, which include the following:

- **Number of Barriers:** The Project consists of placing one rock barrier–False River–designed to control saltwater intrusion into the Sacramento River–San Joaquin River Delta (Delta) with reduced reservoir releases while continuing to meet federal and state regulatory requirements.
- **Geotechnical Exploration:** Geologic exploration would potentially occur within the 5-year term. Geotechnical exploration is required to reduce uncertainty associated with the underlying ground that would support the barriers, locate poor foundation soils like peat, and better estimate engineering design parameters.
- **CEQA and Basin Plan:** The Governor issued an Executive Order in March 2015. The Executive Order suspends Division 13 (commencing with Section 21000) of the Public Resources Code (related to the CEQA) and regulations adopted pursuant to that Division, as well as Section 13247 (related to compliance with approved or adopted water quality control plans) and Chapter 3 of Part 3 (commencing with Section 85225 related to preparing a written certification of consistency with the Delta Plan) of the Water Code.

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Please note that the bullet points only highlight the significant project refinements/updates. Please refer to the enclosed incidental take permit (ITP) application (April 2015) for a complete updated project description.

In order for CDFW to issue an ITP, DWR has updated the ITP application (Attachment A), and Form FG 2023 (Attachment B). For convenience, DWR has also provided electronically the Aquatic Biological Assessment (BA) (Attachment C), Terrestrial BA (Attachment D), and revised design drawings (Attachment E).

We appreciate your expedient processing of the ITP application so that DWR may commence installation in May 2015.

We look forward to working with you to obtain an incidental take permit for this significant project to protect the Delta from impaired water quality. If you have any questions or need further information please contact our project manager, Jacob McQuirk, at (916) 653-9883 or jacob.mcquirk@water.ca.gov.

Sincerely,



Paul A. Marshall, Chief
Bay-Delta Office

Enclosures

cc: Mr. Jim Starr
California Department of Fish and Wildlife
Bay Delta Region
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Stockton, California 95215
w/enclosures

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