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JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

JUL 26 2019

Governor's Office of Planning & Research

JUL 29 2019

STATE CLEARINGHOUSE

Anthea Hanson  
Del Puerto Water District  
P.O. Box 1596  
Patterson, CA 95363

Dear Ms. Hansen:

NOTICE OF PREPARATION FOR DEL PUERTO CANYON RESERVOIR PROJECT (SCH#2019060254) IN STANISLAUS COUNTY

State Water Resources Control Board (State Water Board), Division of Water Rights (Division) staff has reviewed the Notice of Preparation (NOP) for the proposed Del Puerto Canyon Reservoir Project (SCH#2019060254). Based on information provided in the notice, it appears that the project may require one or more water right approvals. The Del Puerto Water District (District) should contact the Division to determine whether a water right permit and/or other water right approvals involving modification of Central Valley Project water rights via petition are necessary to implement the project. Information regarding the water right permitting and petition processes can be found on the Division's website at: <https://www.waterboards.ca.gov/waterrights/>.

If water right approvals are required, the State Water Board will act as a Responsible Agency and may need to rely on the Environmental Impact Report (EIR) developed by the District when evaluating potential impacts on environmental resources within its purview. The District should therefore ensure that any EIR prepared for the project consider all potential direct, indirect, and cumulative impacts associated with the diversion and use of water; and a range of project alternatives that reduce or avoid flow-related impacts on terrestrial and aquatic species.

Section 401 of the Clean Water Act (33 U.S.C. §1341) requires every applicant for a federal license or permit which may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will be in compliance with specified provisions of the Clean Water Act, including water quality standards<sup>1</sup> and implementation plans promulgated pursuant to section 303 of the

<sup>1</sup> California's water quality standards are comprised of beneficial uses together with the water quality objectives and state and federal anti-degradation requirements. The water  
*(footnote continued on next page)*

Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401 directs the agency responsible for certification (Cal. Code Regs., tit 23, §3859) to prescribe effluent limitations and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirement of state law. Applications for water quality certification are submitted to the State Water Board whenever the potential discharge from a proposed activity: (1) may fall under the jurisdiction of more than one regional board; or (2) involves or is associated with one or more of the following: (a) an appropriation of water; (b) a hydroelectric facility, and the proposed activity requires a Federal Energy Regulatory Commission license or amendment; or (c) any other diversion of water for domestic, irrigation, power, municipal, industrial, or other beneficial use. (Cal. Code Regs., tit 23 §3855, subd. (b)(1).) If the proposed project meets any of these criteria, the District would be required to submit an application for water quality certification to the State Water Board's Executive Director. If these criteria do not apply, the water quality certification application would be submitted to the Central Valley Regional Water Quality Control Board.

The NOP describes that the proposed Del Puerto Canyon Reservoir Project would provide additional South of Delta water storage for water exported from the Bay-Delta. The EIR should evaluate the effects the project would have on diversions from the Delta and any associated impacts to fish and wildlife species in the Delta and propose appropriate mitigation for any impacts, including cumulative impacts. The EIR should specifically evaluate the potential impacts of the proposed project on Delta outflows, salinity conditions, reverse flows, and entrainment of native fish species. The EIR should also evaluate the project in the context of the State Water Board's current effort to update the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) to improve protections of fish and wildlife beneficial uses, including potential higher Delta outflow requirements and other Central Valley Project and State Water Project related operational constraints. More information about this effort is available on the Division's website at: [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/).

If you have any questions regarding Section 401 requirements, please contact Jeff Wetzel at (916) 323-9390 or [jeff.wetzel@waterboards.ca.gov](mailto:jeff.wetzel@waterboards.ca.gov). For questions regarding water rights permitting, please contact Scott Frazier at (916) 341-5289 or [scott.frazier@waterboards.ca.gov](mailto:scott.frazier@waterboards.ca.gov). For questions regarding modification of existing water rights via petition, please contact Sam Boland-Brien at (916) 322-6797 or [sam.boland-brien@waterboards.ca.gov](mailto:sam.boland-brien@waterboards.ca.gov). For questions regarding the review and update of the Bay-Delta Plan, please contact Nicole Williamson at (916) 319-8202 or [nicole.williamson@waterboards.ca.gov](mailto:nicole.williamson@waterboards.ca.gov). Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000.

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quality control plans (basin plans) designate the beneficial uses of waters within each watershed basin, and water quality objectives designed to protect those uses pursuant to Section 303 of the Clean Water Act. (33 U.S.C. § 1313.)

Sincerely,

*Juli Rizzards for EE*

Erik Ekdahl  
Deputy Director  
Division of Water Rights

cc: State Clearinghouse  
Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

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