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EAST WATER
DISTRICT**

PROVIDING SERVICE SINCE 1848

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General Manager

Cathy Lee
Assistant General Manager

LEGAL COUNSEL

Jeanne M. Zolezzi
General Counsel

Phone 209-948-0333
Fax 209-948-0423

E-mail sewd@sewd.net

6767 East Main Street
Stockton, CA 95215

Post Office Box 5157
Stockton, CA 95205

August 13, 2019

HAND DELIVERED

NMFS California Central Valley Salmon
National Marine Fisheries Services
650 Capitol Mall, Suite 5-100
Sacramento, California 95814

Re: Application for a General Incidental Take Permit under
the Endangered Species Act of 1973

I. Title of Application:

Application for a General Incidental Take Permit (ITP) Under the
Endangered Species Act of 1973.

II. Date of Application:

August 13, 2019

III. Name of Applicant:

Stockton East Water District (SEWD)
C/O Karna E. Harrigfeld Herum\Crabtree\Suntag
5757 Pacific Avenue, Suite 222
Stockton, CA 95207
(209) 472-7700
(209) 472-7986 (fax)
kharrigfeld@herumcrabtree.com

IV. Description of Threatened Species:

SEWD is seeking a 50-year ITP for ESA-listed species under the authority of the National Marine Fisheries Service (NMFS) to cover ongoing project operations. The requested covered activities are conducted on an annual basis and are anticipated to continue throughout the duration of the term. Throughout the multi-year development of the CHCP, SEWD has worked closely with NMFS to develop operational criteria which would help maintain the health of the Calaveras River fishery. Over the term of the ITP, this working relationship is expected to continue with biannual review meetings between interested parties.

The following salmonids and designated critical habitats were chosen for inclusion in the Calaveras River Habitat Conservation Plan (CHCP) due to their known opportunistic or potential occurrence within the Calaveras River:

Central Valley steelhead (*O. mykiss*)
Central Valley steelhead designated critical habitat Sacramento
River winter-run Chinook salmon (*O. tshawytscha*) Central Valley
spring-run Chinook salmon (*O. tshawytscha*) Central Valley
fall/late fall-run Chinook salmon (*O. tshawytscha*)

In addition, the proposed CHCP area is within Essential Fish Habitat (EFH) for Pacific salmon pursuant to provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). This designation includes Central Valley fall/late fall-run Chinook salmon.

Detailed information regarding covered species, including their distribution, seasonal distribution, habitat needs, feeding habits and other biological requirements can be found in Chapter 4 (pages 62-93) of the CHCP and in Appendix A of the CHCP.

V. DETAILED DESCRIPTION OF PROPOSED ACTIVITIES:

There are seven Covered Activities detailed in the CHCP, including:

Covered Activities

1. New Hogan Reservoir Water Impoundment and Non-Flood Control Operations
2. SEWD Old Calaveras River Headworks Facility Operations
3. SEWD Bellota Diversion Facility Operations
4. Artificial Instream Structures and SEWD Small Instream Dam Operations
5. Privately Owned Diversion Facilities Operated within the District's Service Areas
6. SEWD Channel Maintenance for Instream Structures
7. Fisheries Monitoring Program

Table 5 from the CHCP describes the covered activities while Table 6 provides the summary of effects addressed, biological objectives, targets, conservation strategies and monitoring related to each covered activity. Figure 1 provides an overview of the lower Calaveras River Basin and Figure 2 provides a map of the structure locations.

Table 5. Covered activities necessary to operate and maintain (OM) Project facilities during the Incidental Take Permit duration categorized by activity type.

Activity	New Hogan Impoundment	New Hogan Controlled Releases	Water Withdrawal-Diversions	Activities within stream channel
OM1. New Hogan Reservoir Water Impoundment and Non-Flood Control Operations	SEWD controls volume during non-flood control season	New Hogan releases serve M&I & agricultural customers through OM2, and OM3-OM5 and provide groundwater recharge through OM3; typ. releases range Apr-Oct: 75-250cfs & Oct-May: 20-86 cfs- non-flood control reasons.		
OM2. SEWD Old Calaveras River Headworks Facility Operations		See OMI	Diversion controlled by slide gates: closed to prevent flooding; opened to provide water for agricultural customers and during periods when natural flows are available for groundwater recharge (Nov-	
OM3. SEWD Bellota Diversion Facility Operations		See OMI. Reduced several days annually, as required for flashboard dam installation/removal.	Diversion year-round to provide water for M&I water treatment plant and to augment irrigation supply for agricultural customers and for groundwater recharge	Install & remove 8' & 2' weirs/ fish ladders - start & finish of irrigation season
OM4. Artificial Instream Structures and SEWD Small Instream Dam Operations		See OMI	Water diverted into channels (MRS/SDC, Old Calaveras River, Mosher Creek, Bear Creek, and Potter Creek) impounded by small dams and used by agricultural	Install and remove flashboard dams - start & finish of irrigation season
OMS. Privately Owned Diversion Facilities Operated within the District's Service Areas		See OMI	Water diverted by agricultural customers primarily downstream of Jenny Lind	
OM6. SEWD Channel Maintenance		Reduced up to 5 days annually, as required for maintenance activities concurrent with flashboard dam installation mid-April	Dewatering during rebuilding of earthen dams	Maintenance (debris removal, vegetation erosion control, control, repair of previous erosion work, riprap placement using heavy equipment)
OM7. Fisheries Monitoring Program				Check and clear all traps of fish and debris daily

Table 6. Summary of effects addressed, biological objectives and targets, conservation strategies, and monitoring for Central Valley steelhead and fall-run Chinook salmon related to each covered activity. Asterisk indicates non-core monitoring that may be conducted if deemed necessary through the AMP process.

Activity	Effects Addressed	Biological Objectives	Target	Conservation Strategy	Monitoring	
					Compliance	Effectiveness
OM1. New Hogan Reservoir Water Impoundment and Non-Flood Control Operations	Flow-related spawning, incubation, and rearing habitat	Flow	F1. Guaranteed minimum flow (20 cfs) maintained at Shelton Road	CS1. Minimum Instream Flow Commitment	CM1. Maintain daily flow and operation records in an operations database	EM1. Environmental conditions monitoring EM2. Adult salmonid monitoring EM3. Juvenile salmonid monitoring EM12.* Alternative fisheries monitoring
	Flow-related migration opportunities	Flow	F2. Under high storage conditions (storage >152,000 AF on October 15), manage fall water storage to optimize migration opportunities into/out of the 18-mile spawning and rearing reach between Bellota and New Hogan Dam	CS2. Non-Dedicated Fall Storage Management Strategy	CM1	EM1, EM2, EM3, EM12*

Activity	Effects Addressed	Biological Objectives	Target	Conservation Strategy	Monitoring	
					Compliance	Effectiveness
	Flow-related spawning, incubation, and rearing habitat and migration opportunities	Flow	F3. During flood control season periods not covered by F2 and CS2, coordinate flood control releases with USACE to optimize salmonid migration opportunities into/out of the 18-mile spawning and rearing reach between Bellota and New Hogan Dam	CS3. Flood Control Release Coordination with, and Advisory Support to, the U.S. Army Corps of Engineers (USACE)	CMI	EM1, EM2, EM3, EM12*
	Flow-related spawning, incubation, and rearing habitat and migration opportunities	Flow	F4. Promote water conservation in the basin to help reduce the potential for water storage levels to fall to critical levels	CS4. Agriculture and Municipal Conservation Programs	CM2. Document implementation of Agriculture and Municipal Conservation Programs	NA
OM2. SEWD Old Calaveras River Headworks Facility Operations	Migration delays and blockage, and entrainment	Fish Passage and Avoid Entrainment	FPI and AEI. Avoid migration delays and blockage, and entrainment within the Old Calaveras River Channel by constructing a non-entraining barrier at the Old Calaveras River Headworks Facility and at the downstream end of the channel near the confluence with the SDC within the first ten years of the ITP	CS5. Old Calaveras Headworks Facility Improvement	CM3. Document completion of the Old Calaveras Headworks Facility Improvement Project	EM4. Fish evaluation and salmonid relocation during fall flashboard dam removal operations EM12*

Activity	Effects Addressed	Biological Objectives	Target	Conservation Strategy	Monitoring	
					Compliance	Effectiveness
	Entrainment	Avoid Entrainment	AE2. Prior to a permanent solution (AE1), operate a temporary barrier to prevent downstream entrainment into the Old Calaveras River	CS6. Temporary Fish Barrier at Old Calaveras Headworks Facility	CM1	EM4, EM12*
OM3. SEWD Bellota Diversion Facility Operations	Migration delays and blockage, and Entrainment	Fish Passage and Avoid Entrainment	FP2/AE3. Construct and implement a combined crest gate/fishway/fish screen at the Bellota Diversion Facility to improve passage into/out of the 18-mile spawning and rearing reach between Bellota and New Hogan Dam and to prevent entrainment; target completion within first five years, but no later than 10 years of the ITP	CS7. Bellota Diversion Facility Improvement	CM4. Document completion of Bellota Diversion Facility Improvement Project	EM1, EM2 EM12*
	Migration delays and blockage	Fish Passage	FP3. Prior to a permanent solution (FP2), operate temporary fish ladders (typically November 1-March 31) to improve passage into/out of the 18-mile spawning and rearing reach between Bellota and New Hogan Dam at low flows	CS8. Temporary Fish Ladders at Bellota Diversion Facility	CM1	EM1, EM5. Monitor pool downstream of Bellota for salmonids during interim fish ladder operations

Activity	Effects Addressed	Biological Objectives	Target	Conservation Strategy	Monitoring	
					Compliance	Effectiveness
	Entrainment	Avoid Entrainment	AE4. Prior to a permanent solution (AE3), operate temporary fish screens at the Bellota Diversion Facility to reduce entrainment	CS9. Temporary Fish Screens at Bellota Diversion Facility	CM1	EM6. Fish screen effectiveness monitoring. EM12*
OM4. Artificial Instream Structures and SEWD Small Instream Dam Operations	Migration delays and blockage	Fish Passage	FP4. Implement improvements at artificial instream structures in Mormon Slough/SDC that block or impede fish passage (DWR 2007a) in order to increase passage opportunities into/out of the 18-mile spawning and rearing reach between Bellota and New Hogan Dam; at minimum, Tier 1 structures in Mormon Slough/SDC owned and operated by Stockton East Water District (i.e., 5) will be improved	CS10. Artificial Instream Structural Improvements	CM1, CM5. Document schedules and implementation status for artificial instream structure improvement projects and flow sensors	EM1, EM2, EM7. Structural improvement monitoring EM8. Stakeholder education efforts EM12*

Activity	Effects Addressed	Biological Objectives	Target	Conservation Strategy	Monitoring	
					Compliance	Effectiveness
	Stranding	Fish Passage	FP5. Reduce potential stranding conditions during end-of-irrigation-season flashboard dam removal by sequential removal of dams in a downstream direction	CS11. Fall Flashboard Dam Removal Operations	CM6. Document annual fall flashboard dam removal operations and any associated salmonid relocation	EM4, EM12*
	Migration delays and blockage	Fish Passage	FP6. Improve juvenile downstream migration during the irrigation season by installing passage notches into otherwise impassable flashboard dams	CS12. Flashboard Dam Notches	CM7. Document annual installation of flashboard dam notches	EM9. Fyke net evaluation of flashboard dam notches EM12*
	Migration opportunities	Fish Passage	FP7. Improve identification of fish passage opportunities and increase water use efficiency through use of flow sensors at 10 potential flashboard dam locations	CS13. Supervisory Control and Flow Data Acquisition System	CM1	EM1, EM7, EM12*
OM5. Privately Owned Diversion Facilities Operated within the District's Service Areas	Entrainment	Avoid Entrainment	AES. Through the AMP process, prioritize diversion structures within the first two years of ITP and help implement fish screens at privately owned diversions until priority list is exhausted, thereby preventing entrainment of salmonids into priority unscreened diversions	CS14. Fish Screens for Privately Owned Diversions	CM8. Document prioritization of fish screens for privately owned diversions	EM8, EM12*

Activity	Effects Addressed	Biological Objectives	Target	Conservation Strategy	Monitoring	
					Compliance	Effectiveness
	Entrainment	Avoid Entrainment	AE6. Educate stakeholders (workshop within first six months of ITP issuance; annual newsletters; regular website updates) regarding potential fish impacts from irrigation practices	CS15. Stakeholder Education Program	CM9. Document Stakeholder Education Program activities	EM8, EM12*
OM6. SEWD Channel Maintenance for Instream Structures	Direct equipment-related injury and mortality; Water quality (turbidity)	Avoid Direct Injury and Mortality; and Water Quality	AD1/WQ1. Avoid or minimize potential mortalities or injuries associated with heavy equipment and turbidity-related impacts through implementation of approved Instream Structure Maintenance BMPs	CS16. Instream Structures Maintenance Timing and Actions	CM10. Document SEWD Instream Structures maintenance	EM10. SEWD Instream Structures maintenance operations water quality monitoring and/or visual assessment
OM7. Fisheries Monitoring Program	Direct handling-related injury and mortality	Avoid Direct Injury and Mortality	AD2. Adhere to approved handling protocols to minimize handling stress and reduce injuries and mortality	CS17. Fish Handling Protocols	CM11. Document take associated with fisheries monitoring	EM11. Fisheries Monitoring take assessment

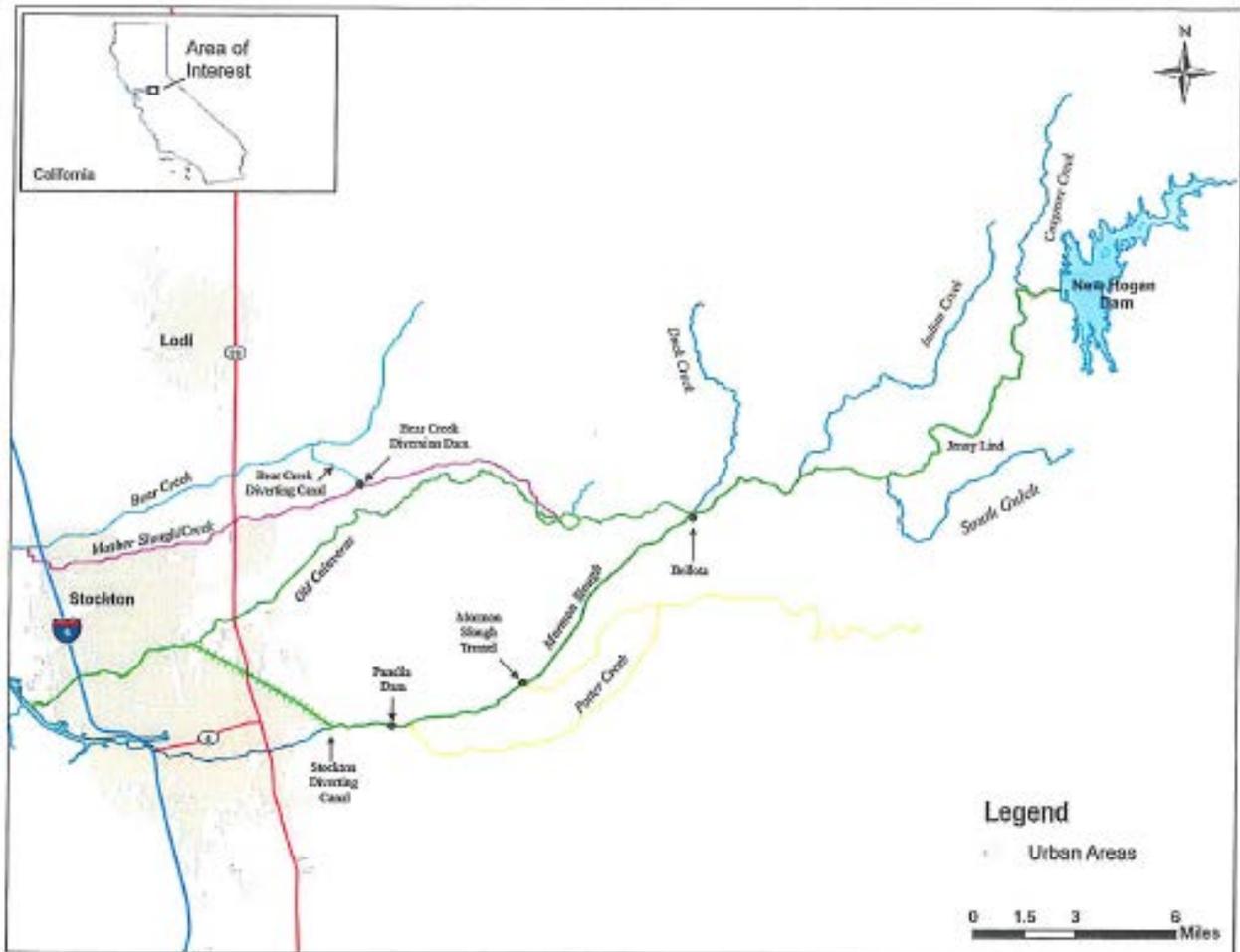


Figure 1. Overview of the lower Calaveras River basin. Habitat Conservation Plan boundaries highlighted in green (Lower Calaveras River via both Old Calaveras channel and Mormon Slough/Stockton Diverting Canal), pink (Moshier Slough/Creek), and yellow (Potter Creek).

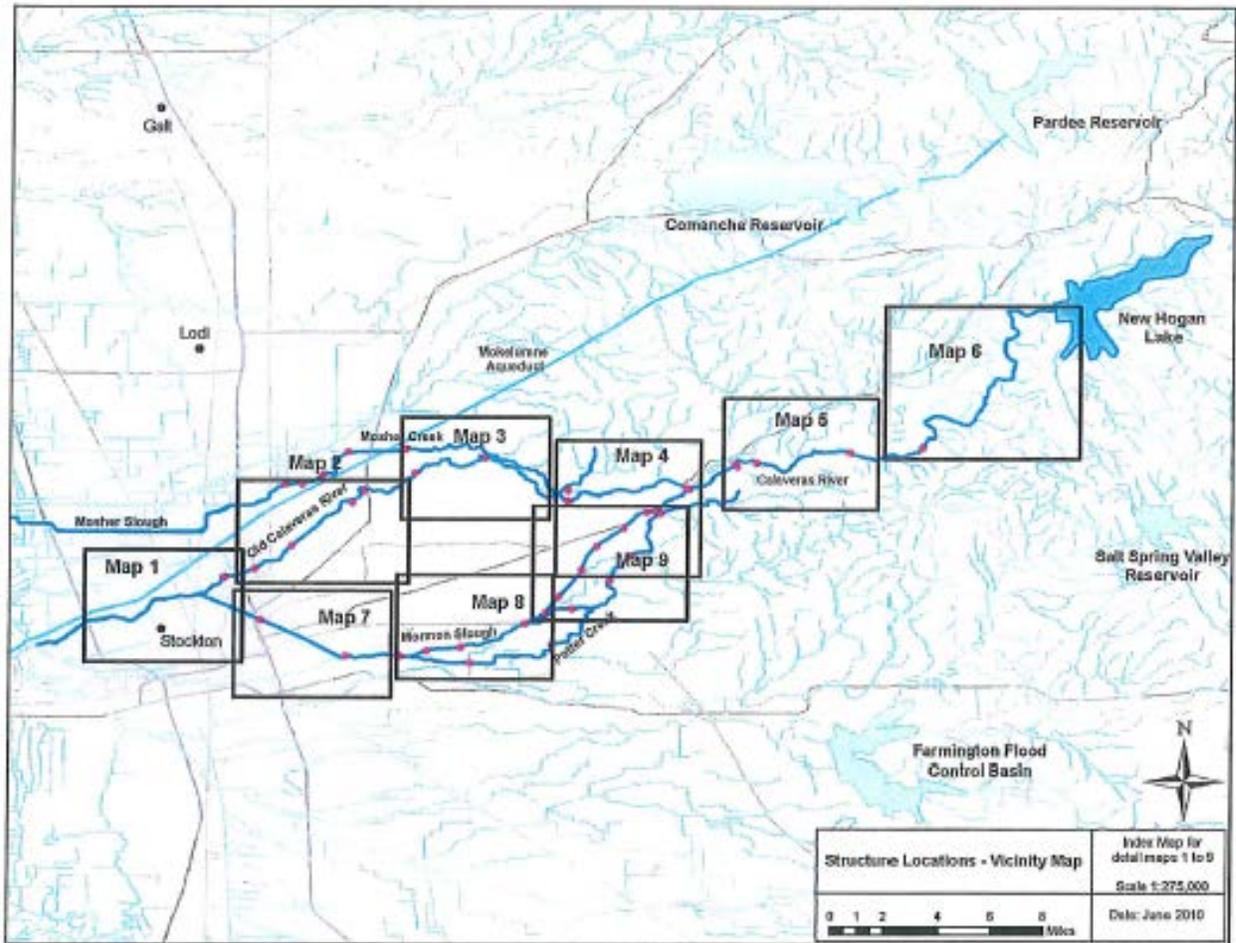


Figure 2. Calaveras River pump and structures locations- vicinity map.

A more detailed overview of the Covered Activities is provided in Chapter 5 (pages 39-40) of the CHCP; while, the specific locations and timing and duration of all activities are described in detail in Appendix C of the CHCP.

VI. Conservation plan based on the best scientific and commercial data:

The District has included in this submittal the CHCP which is based on the best scientific and commercial data. Information regarding anticipated impacts for each activity and the quantification of those impacts, and estimates of species populations are provided in Chapter 6 (pages 40-74) and Chapter 8 (pages 116-137) of the CHCP.

Conservation strategies and monitoring for each covered activity are explained in detail in Chapter 7 (pages 77-115) of the CHCP. Additional details regarding existing fishery investigations, and continued and future monitoring activities are provided in Appendix D of the CHCP. Funding commitments are identified in Chapter 12 (pages 161-164).

Five alternatives were considered but dismissed, including:

1. Alternative 1: No Action
2. Alternative 2: Flashboard Dams installed later than April 15
3. Alternative 3: Artificial adult 0.mykiss and Chinook migration flows
4. Alternative 4: Artificial juvenile 0. mykiss and Chinook migration pulse flows
5. Alternative 5: Moving the SEWD intake from Bellota to a location closer to the Dr. Joe Waidhofer Water Treatment Plant.

These five alternatives are discussed in detail in Chapter 10 (pages 146-155) of the CHCP.

Sources of data used in the preparation of the plan are provided in various "References" sections including in the CHCP (pages 165-173), Appendix A (pages A-33 to A-39), Appendix B (pages 8-26 to 8-28), Appendix C (page C-25), Appendix D (pages D-33-35, D-42, and D-58-59), and Appendix E (pages E-21 to E-22).

CHCP Environmental Assessment and Initial Study:

The District has also enclosed a Draft Environmental Assessment (EA) and Initial Study (IS). The EA is prepared pursuant to the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 et seq. (NEPA), with NOAA's National Marine Fisheries Service (NMFS) serving as the federal lead agency. The EA is prepared according to NOAA Administrative Order 216-6, which describes NOAA's environmental review procedures for implementing NEPA and related regulations.

The IS is prepared pursuant to the California Environmental Quality Act, California Public Resource Code §§21000 et seq. (CEQA). The District is required to comply with CEQA, and shall act as Lead Agency for purposes of CEQA.

We have included two binders containing the documents described above and have also included a flash drive with all documents available electronically. We look forward to working with NMFS toward the completion of the CHCP and issuance of the ITP. Should you have any questions, please contact me.

Very truly yours,

STOCKTON EAST WATER DISTRICT

By: 

Scot A. Moody, General Manager