Haggerty, Nicole@Wildlife

From:	Kanz, Will@Wildlife
Sent:	Thursday, October 2, 2025 4:56 PM
To:	Steven Fredrick - JVID
Cc:	Mulloy, Lauren@Wildlife; Garcia, Jennifer@Wildlife; Wildlife R2 CEQA
Subject:	CDFW Comments on JVIDs Petitions for Extension of Time for Water Right Permits - CEQA

Dear Steven Fredrick:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Mitigated Negative Declaration (MND) from the Jackson Valley Irrigation District (JVID) (Lead Agency) for the Jackson Valley Irrigation District Petitions for Extension of Time for Water Right Permits 11589 (A012342A), 11224 (A017605), and 12167 (A005648B) (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines. CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.
Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE
CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.
CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY
JVID holds the following water rights, related to the Petition for Extension of Time:

- Permit 11224 (A017605) – Direct diversion from Jackson Creek and diversion to storage in Lake Amador;

- Permit 11589 (A012342A) – Direct diversion from Jackson Creek and diversion to storage in Lake Amador;
- Permit 12167 (A005648B) – Direct diversion from the Mokelumne River at Pardee Reservoir.

Table 1 summarizes the diversion terms associated with each of these rights.

Table 1: Summary of Diversion Terms in JVID Water Rights

Permit (Application)	Source	Direct Diversion			Diversion to Storage		
		Maximum Diversion Rate (cfs)	Diversion Season	Purposes	Maximum Amount (afa)	Diversion Season	Purposes of Use
P11589 (A012342A)	Jackson Creek	60	4/15 – 5/31	Irrigation	6,000	11/1 – 5/31	Irrigation, domestic, and industrial
			11/1 – 5/31	Domestic and industrial			
P11224 (A017605)	Jackson Creek	50[a]	3/1 – 5/31	Irrigation, domestic, incidental recreation and fish and wildlife enhancement	30,000	11/1 – 5/31	Irrigation and domestic
P12167 (A005648B)	Mokelumne River	50[b]	3/1 – 11/1	Irrigation	N/A	N/A	N/A
			1/1 – 12/31	Incidental domestic and stockwatering			

a. Up to a maximum diversion of 39,124.1 afa.

b. Right includes a total of 3,850 afa, with 1,250 of that amount subject to reversion to the State.

Note: cfs = cubic feet per second; afa = acre-feet per annum

JVID has two principal sources of water: water diverted from Jackson Creek, and water diverted from the Mokelumne River at Pardee Reservoir.

On December 16, 2010, JVID filed Petitions for Extension of Time related to Permits 11224, 11589, and 12167 to provide additional time to put all water allowed under these water right permits to beneficial use. The Petitions for Extension of Time for Permits 11224, 11589 and 12167 were accepted and issued for public notice in 2012. JVID requests that the time provided to put all water authorized under these permits to beneficial use be extended to 30 years from the date that amended permits are issued for these three rights.

Since the water right Permits were issued, JVID has been granted numerous extensions of the time needed to put all water to beneficial use. The most recent orders issued by the Division on June 7, 2000, granted JVID until December 31, 2010 to complete application of all requested water to beneficial use. JVID's objective in filing the Petitions for Extension of Time for Permits 11224, 11589, and 12167 in 2010 was to request additional time for it to put the amount of water allowed under the permits to full beneficial use. JVID has completed the construction of all facilities needed to put all water to use.

The State Water Resources Control Board (SWRCB) has granted AWA water right application A5647X03 authorizing the remaining 1,050 afa of its Mokelumne River right. This is water that otherwise would be available to JVID through Permit 12167. JVID will need additional time to perfect its Jackson Creek rights to supply its irrigation customers to replace the reduced availability of water from the Mokelumne River.
Under the Petitions for Extension of Time, no changes to the amount, timing or rate of diversions, purpose of use, points of diversion or methods of diversion, or places of storage are being requested by JVID for the Project.

COMMENTS AND RECOMMENDATIONS
CDFW offers the comment and recommendation below to assist the Lead Agency in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Comment 1: Mitigation Measure BIO-1
Issue: The MND states that "within 30 days following the issuance of an amended permit pursuant to the Petitions for Extension of Time, JVID will submit an application to CDFW to obtain a Streambed Alteration Agreement (SAA)."
Recommendation 1: On May 25, 2012, CDFW filled a formal protest to the SWRCB for JVID's Petitions for Extension of Time of Water Right Permits 11224, 11589, and 12167. CDFW urges JVID to come in for an SAA prior working with the SWRCB on issuing an amended permit pursuant to the Petitions for Extension of Time since CDFW cannot dismiss the 2012 protest until all comments under the basis of protest have been addressed appropriately.
Recommendation 2: CDFW advises JVID that in order for CDFW to issue an SSA, the following information may be needed. The following information is consistent with an email consultation between JVID and CDFW on March 30, 2023;

- A hydrologic/instream flow analysis to understand Project impacts on aquatic habitat inclusive of:
  - Reasonably expected changes in quantity, rate, and timing of diversions attributable to the Project and associated impacts to:
    - instream flow and available habitat
    - water temperature
    - channel forming flows/sediment transport
  - Protective avoidance and mitigation measures for fish and wildlife beneficial uses, including minimum bypass flows

ENVIRONMENTAL DATA
CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be submitted online or mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the MND for the Jackson Valley Irrigation District Petitions for Extension of Time for Water Right Permits 11589 (A012342A), 11224 (A017605), and 12167 (A005648B) Project. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Will Kanz, Environmental Scientist, at Will.Kanz@wildlife.ca.gov.

Sincerely,

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