

Response PM-1(Keyawa):

Mr. Keyawa asked how the proposed project, specifically at Dead Man’s Reach, would benefit the landowner’s ease of farming and property value. He also asked why economic considerations were not addressed in the CEQA document. Over the last 4 years, the proposed project has been reviewed for federal NEPA compliance (USFWS 2002) and, under this proposed project, for state CEQA compliance. The question underscores a key area of difference between NEPA and CEQA. NEPA requires evaluation of a broader array of issues than CEQA, because the law requires an assessment of impacts to the *human environment*, defined as encompassing both physical environmental and socioeconomic issues, while CEQA focuses on the physical environment. In 2002, USFWS, in accordance with NEPA, completed an EA/FONSI for restoring riparian habitat on units within the SRNWR that contain the restoration project sites addressed in this Draft EIR (USFWS 2002). The NEPA analysis conducted for proposed restoration of SRNWR units concluded that the proposed project would have a less-than-significant impact on the human environment. Although CEQA does not require analysis of socioeconomic impacts in and of themselves, it provides lead agencies the discretion to include socioeconomic information in CEQA documents (State CEQA Guidelines Section 15131). Information on the socioeconomic effects related to the proposed project is provided in Chapter 8, “Socioeconomic Issues.” More specific analysis, as requested in this comment, would be beyond the purview of CEQA.

Mr. Keyawa stated that the current awareness of the river and farm practices is shared locally and that the proposed project could have impacts that could cause the commenter to change some practices on 238 acres. Mr. Keyawa further stated that the Draft EIR contradicts itself; and that the analysis acknowledges flood problems, but doesn’t find the proposed project to cause impacts to adjacent landowners. The discussion on flooding problems provided in the Draft EIR describes the existing conditions in the area and at the three project sites. As stated in Response E-1, the range of existing flooding conditions that the lands are currently exposed to was considered in determining whether the relatively small and localized hydrological changes (as predicted by the models) would result in significant hydrologic effects to adjacent agricultural lands. Mr. Keyawa further stated that the hydraulic modeling used in the report doesn’t address site-specific issues and that the issue of practices has not been addressed in the Draft EIR. A discussion on the hydraulic modeling and level of site specific analysis used in the Draft EIR is provided in Response E-1, and a discussion on addressing uncertainties (and associated concerns) that are beyond the best available science (i.e., two-dimensional hydraulic modeling) through coordination with neighboring landowners is provided in Responses E-3 and E-2, respectively.

Mr. Keyawa stated that scour velocities are high in certain areas and describes the localized flood hydrology and erosion areas throughout the Dead Man’s Reach project site and adjacent area. Mr. Keyawa asked if restoration would slow floodwaters across the property and he expressed concerns regarding scour and deposition resulting from implementation of the proposed project. As discussed in Impact 4.3-b, hydraulic modeling used in the analysis indicates that water velocities remain largely unchanged under the proposed project. As stated above, a discussion on addressing uncertainties and associated concerns that are beyond the best available science (i.e., two-dimensional hydraulic modeling) through coordination with neighboring landowners is provided in Responses E-3 and E-2, respectively. Mr. Keyawa also suggested that implementation of the proposed project should occur over time instead of all at once, and that if it is not planted correctly, scouring and deposition onto the adjacent area southwest of Dead Man’s Reach would occur. Phased implementation of the project is discussed under Section 3.4, “Proposed Project Characteristics,” and in Response E-2. In regards to the comment on restoration of groundcover, this issue will be addressed during final restoration plan designs, assuming approval of the proposed project. As stated in Response E-2, TNC and the SRNWR are committed to addressing neighboring landowner concerns. Concerns raised by neighboring landowners and other stakeholders have been and shall continue to be addressed through on-site meetings, modified restoration plans, and/or

modified restoration implementation strategies (e.g., orchard removal and ground preparation techniques, and irrigation system design).

Kelly Moroney, Refuge Manager for the SRNWR, further responded to this comment during the public meeting when he stated that the Refuge continues to work one-on-one with neighboring landowners when issues of concern arise. Mr. Moroney further stated that the SRNWR CCP (USFWS 2005) provides detail on management of properties within the Refuge. He stated that establishing partnerships within the Refuge is one of the four main goals for the SRNWR (*Goal 3: Partnerships*), as described in Chapter 5 of the CCP, “Planned Refuge Management and Programs.” Objective 3.2, “Cooperation with Adjacent Landowners,” identifies the rationale and specific strategies (3.2.1 through 3.2.6) targeted to achieve this goal.

Mr. Keyawa raised concerns with velocities on the eastern edge (of Dead Man’s Reach) and asked about more water potentially going down Butte Sink. As discussed in Impact 4.3-a and Impact 4.3-b of the Draft EIR, hydraulic modeling used in the analysis indicates that project-related changes in surface water elevations and/or water velocities area not expected to affect flow splits from the main river into the Butte Basin.

Mr. Keyawa expressed concerns about the potential effects of pest species on neighboring properties. The SRNWR CCP includes long-term comprehensive programs and management guidelines for resources on lands within the Refuge. Chapter 4 of the CCP, “Current Refuge Management and Programs,” includes sections that address control of invasive exotic species and control of mosquitoes. Part of the discussion on pest species in Chapter 4 of the CCP states that:

When plants or animals are considered a pest, they are subject to control on national wildlife refuges if: the pest organism represents a threat to human health, well-being, or private property; the acceptable level of damage by the pest has been exceeded; State or local governments have designated the pest as noxious; the pest organism is detrimental to primary refuge objectives; and the planned control program will not conflict with the attainment of Refuge objectives or the purposes for which the Refuge is managed (USFWS 2005).

Chapter 6 of the CCP, “Management Plan Implementation,” addresses detailed management strategies for management of refuge lands. USFWS works to control pests through development and implementation of *Integrated Pest Management (IPM)*, which involves a combination of biological, physical, cultural, and chemical control methods. As part of the SRNWR *Cooperative Land Management Agreement* with TNC (Appendix Q of the CCP), an IPM plan has been developed that addresses management of walnut orchards to reduce or avoid potential impacts related to pests on neighboring properties. Without immediate funds to restore walnut orchards, and when an orchard is continuing to yield walnuts (e.g., the walnut orchard at Dead Man’s Reach), SRNWR continues to manage the orchards, in accordance with various SRNWR goals and policies, to control potential pest problems on neighboring properties, including insects, weeds, diseases, and vertebrates. (See also the following discussion under Response PM-2 (Nichols) with regard to control of ground squirrels.)

Final documents related to the SRNWR final CCP were posted to the Web on August 2, 2005; this link—<http://pacific.fws.gov/planning/draft/docs/CA/docessacriver.htm>—provides access to those documents. For further information on the Final CCP, readers may contact the Sacramento National Wildlife Refuge Complex in Willows, California, at telephone number (530) 934-2801.

Mr. Keyawa stated that Mitigation Strategy 4 (CALFED Programmatic EIS/EIR) was not addressed, questions where/who to go to if there is a problem, and suggested having a goal to work with neighbors as a good neighbor policy. Mitigation Strategy 4 is specifically listed on page 3-2 of the Draft EIR as one of five mitigation strategies that apply to this proposed habitat restoration project. Chapter 4 of the CCP includes a section, “Cooperation with Adjacent Landowners,” which includes the statement, “The primary

contact for the cooperation with adjacent landowners is the Refuge manager.” Response E-2 (above) describes additional sections in the document that address being respectful to neighbors, addressing neighbor’s concerns, and the SRCA Forum Good Neighbor Policy (Appendix B). Additionally, TNC and SRNWR met with Mr. Keyawa at his property on July 28, 2005 to better understand his concerns and are committed to addressing concerns.

Mr. Keyawa stated that the project would not benefit bank and fish habitat, that CBDA objectives were not well met, and he asked where the money would be coming from to support this work after it is implemented. Impact 4.4-c describes potential effects on fisheries resources. As described in this impact section, restoration of agricultural lands to natural riparian areas would result in long-term beneficial effects to fish in the Sacramento River by increasing floodplain complexity, providing cover, food, and other habitat components. Section 3.1.2, “Project Objectives,” in the Draft EIR lists proposed project objectives in relation to CALFED ERP goals and objectives. The proposed project is considered to be consistent with many of the CALFED ERP goals and related objectives. Funds to maintain and operate SRNWR lands, and the larger Sacramento National Wildlife Refuge Complex, are part of the annual budget bestowed by Congress and the President of the United States for management of national wildlife refuge lands. This annual budget varies from year to year. No budget line item exists for specific habitat restoration projects. This comment does not raise significant environmental points that would affect the adequacy of the EIR.

Response PM-2 (Nichols):

Mr. Nichols stated that lack of bank protection maintenance at Dead Man’s Reach will cause a “blowout” at the northwest corner of that property and that the Draft EIR should include a statement that rock at the Dead Man’s Reach site will not be maintained. As stated under Impact 4.3-b and Response E-6, bank stabilization maintenance efforts by others that may include placement of riprap would not be affected by the proposed project.

Mr. Nichols stated that the proposed project will not have a positive impact on water quality and that it is not a good use of CBDA funds. Long-term project-related effects on water quality were analyzed under Impact 4.3-d. The proposed project would reduce runoff of potentially hazardous materials related to agricultural activities as many of the existing agricultural areas use pesticides and experience flooding. Under the proposed project, pesticides are not anticipated to be used once restored native vegetation is established. This is considered to have a beneficial effect on long-term water quality. Mr. Nichols also asked how restoration of wetlands at Dead Man’s Reach will affect Ron Keyawa, and who will reimburse Ron Keyawa if restoration results in flood damage on Mr. Keyawa’s property. The proposed project includes restoration of riparian vegetation and does not include the restoration of wetlands. Chapter 3 of the Draft EIR provides a full description of the proposed project activities including characteristics and composition of plant communities. The response to this comment is the same as Response PM-1, and Responses E-1, E-2, E-3, and E-6.

Mr. Nichols asked if SRNWR would address the problem of ground squirrels on neighboring properties. Kelly Moroney provided a response to this comment during the public meeting when he stated that the Refuge has and will continue to work with neighboring landowners and farmers to implement buffer zones that have been successful at reducing the impacts of rodents on adjacent orchards. Mr. Moroney specifically commented on the working relationship between SRNWR and Crain Orchards on this issue. As described above under Response PM-1, funds to maintain and operate SRNWR lands, and the larger Sacramento National Wildlife Refuge Complex, are part of the annual budget bestowed by Congress and the President of the United States for management of national wildlife refuge lands.

Mr. Nichols asked when walnuts are pulled out and it is time to restore that area, how will restoration affect neighbor’s properties in conjunction with current restoration efforts. Chapter 5 of the Draft EIR

addresses cumulative impacts including cumulative effects of proposed and similar projects planned within the study area including the restoration of other SRNWR lands. As stated in Chapter 5, the hydraulic modeling used in the analysis included several SRNWR units in addition to those being proposed by TNC. Because the modeling indicates that the effects of individual units are localized and do not extend for long distances upstream or downstream, proposed restoration is considered to not result in significant cumulative hydraulic effects on the Sacramento River flood hydrology.

Mr. Nichols asked about the social effects of the project and what happens to the local culture if/when the agricultural basis for the community is reduced. Social effects related to the proposed project are addressed in the NEPA analysis for the proposed project (USFWS 2002) and in Chapter 8 of the DEIR. The DEIR notes that in counties, such as Butte and Glenn, whose economies are supported primarily by the agricultural sector, loss of productive farmland can cause an economic ripple effect, potentially affecting secondary players, such as suppliers, processors, packers and shippers which in turn can make farming more expensive or impractical for other farmers. Chapter 8 of the Draft EIR evaluates the contributions of agricultural operations over time on each of the project sites, in terms of gross production and tax revenue, as well as the real costs incurred to keep these farm operations economically viable adjacent to a dynamic river. The amount of land being removed from production as a result of the proposed project is relatively small and is not expected to reduce the agricultural basis for the community or affect the local culture.

Response PM-3 (Billiou):

Mr. Billiou stated that an 8-foot fence needs to be considered for this project (for deer) and it needs to be coordinated with the Hamilton City levee setback project. The response to this comment is the same as Response F-2.

Mr. Billiou asked how a predicted increase in water surface elevation of 1 foot has no effect on neighbors' ability to conduct agriculture on their properties, asks why this project is being done as a piece, and states that this project needs to coordinate with the Hamilton City Project and the M&T water control structure project. The response to this comment is the same as Responses E-1, F-1, and F-3.

Mr. Billiou commented that he wants assurance that this proposed habitat restoration project would not negatively affect the Hamilton City Project. Kelly Moroney provided a response to this comment at the public meeting when he stated that SRNWR and TNC have been, and continue to be, part of the Hamilton City Working Group to coordinate and discuss issues with USACE and local stakeholders. Mr. Moroney stated that the Hamilton City Project is supported by the SRNWR, and that SRNWR would not be involved in implementing a habitat restoration project that could jeopardize or compromise the goals and objectives for that work. Additionally, as stated in Response F-1, while the proposed project is separate from the Hamilton City project, the modeling analysis for the Hamilton City levee setback alternatives assumed the Capay project site as being restored.

Mr. Billiou stated that the Draft EIR should acknowledge that rock will be allowed to disappear on the north edge of Dead Man's Reach and that will affect reformation and scour of the Dead Man's Reach site, and the Draft EIR needs to re-analyze the flow velocities in Dead Man's Reach. Regarding maintenance of rock and riprap, the response to this comment is the same as Response E-6. Regarding scour and flow velocities at Dead Man's Reach, the response is the same as Responses E-1, E-2, and E-3.

Mr. Billiou commented that he is concerned about the locations of possible elderberry shrub plantings on Capay and Dead Man's Reach as part of the proposed project. Mr. Moroney responded to this comment at the public comment meeting when he stated that the SRNWR CCP includes a policy that prohibits planting of elderberry shrubs within 100 feet of private agricultural lands or levees. Mr. Moroney referred to Chapter 4 of the CCP (USFWS 2005) under the section that addresses "Threatened and Endangered Species Management."

Response PM-4 (Bundy):

Mr. Bundy asked about the status of rock on Dead Man's Reach. Mr. Moroney responded to this comment at the public meeting when he stated that it is neither the policy nor the responsibility of SRNWR to maintain rock on the levees. Additionally, as stated in Response E-6, bank stabilization maintenance efforts by others that may include placement of riprap would not be affected by the proposed project. Mr. Bundy also stated that he is concerned about flow velocities at Dead Man's Reach and stated that the Draft EIR needs to look at the nexus between Hamilton City project and Capay restoration project. Regarding flow velocities at Dead Man's Reach, the response to this comment is the same as those provided under Responses E-1, E-2, and E-3. Regarding the nexus between the Hamilton City project and the part of this proposed restoration project that would occur at the Capay site, the response to this comment is the same as those provided under Responses F-1 and F-3.

Response PM-5 (Puente):

Ms. Puente asked about use of the project sites for recreation. Mr. Moroney responded at the public meeting when he stated that 80% of all SRNWR lands will be open to the public, pursuant to the SRNWR CCP (USFWS 2005). Mr. Moroney further stated that refuge lands that are open to the public are intended to facilitate increased tourism in the area.

Public use of the Refuge is addressed within one of the four main goals for the SRNWR (*Goal 2: Visitor Services Goal*), as described in Chapter 5 of the CCP, "Planned Refuge Management and Programs." The purpose of Goal 2 is to: "Encourage visitors of all ages and abilities to enjoy wildlife-dependent recreational and educational opportunities and experience, appreciate, and understand the Refuge history, riparian ecosystem, fish, and wildlife." Objectives addressing various aspects of public and recreational uses of the Refuge include the following: Objective 2.1, "Hunting;" Objective 2.2, "Fishing;" Objective 2.3, "Wildlife Observation and Photography;" Objective 2.4, "Environmental Education;" Objective 2.5, "Interpretation;" Objective 2.6, "Public Outreach;" and Objective 2.7, "Volunteers." CBDA prepared an initial study for the proposed project. Section XIV, "Recreation," of the initial study includes the following statement: "The project is intended to carry out habitat restoration on wildlife refuge lands. These lands are recreational facilities."