



May 7, 2002

Mr. Dan Ray
CALFED Bay-Delta Program
1416 9th Street, Suite 630
Sacramento, California 95814

RE: Comments—Proposal No. 105—Northside Diversion Dam Fish Passage
Feasibility Study

Dear Mr. Ray:

As you know, the above-referenced proposal was not recommended for funding. We wish to take this opportunity to provide our comments to assessments and statements revealed in the Technical Review and Sacramento Regional Review summaries that adversely affected our proposed project. We find that certain statements and positions taken by the reviewers are unsupported. Furthermore, conclusions are drawn which conflict with assessments made by the National Marine Fisheries Service regarding Lower Stony Creek. We further request reconsideration in favor of funding this proposal.

In the "*Overall Evaluation Summary*" of the Fish Screen and Passage Technical Review it is stated, "... the suitability of salmonid habitat in Lower Stony (sic) Creek is uncertain. More extensive fish sampling over several years should probably be conducted prior to constructing a design feasibility study."

It appears that the intent of the proposal is not fully understood. As stated in the "Executive Summary" portion of the application, Orland Unit Water Users' Association (OUWUA) is requesting funding to conduct a Feasibility Study to determine the impact of the Northside Diversion Dam on the upstream and downstream migration of juvenile and adult anadromous fish species on Stony Creek. As part of the study, data will be collected on the hydrologic conditions including water temperature, water quality, substrate suitability, project operation and existing facilities. In addition, topographic and geo-technical information will also be gathered.

Further statements in the Fish Screen and Passage Technical Review and Sacramento Regional Review are based upon pre-determined assessments in which the study, in itself, would prove or disprove. Specifically,

Fish Screen and Passage Technical Review item 1, "*The suitability for spawning of winter-run and spring-run Chinook, and Central Valley steelhead in this reach is, however, uncertain at this time.*"

Fish Screen and Passage Technical Review, item 6 "*.. this reach of Stoney (sic) Creek is basically in the valley and is of low elevation. This reach probably supports a warm water fishery. Water temperatures may generally be too warm for high quality anadromous fish production.*"

A similar statement occurs in the Sacramento Regional Review:

"*...but this stream is too low elevation to support spring run (i.e. water temps too high, this is not a spring run stream).*"

These referenced statements conflict with those of the National Marine Fisheries which rendered its final Biological Opinion on March 11, 2002. A copy of this Biological Opinion is attached. In forwarding the BO, we are not submitting "new" information, but rather we are presenting a position taken by NMFS that refutes the basis of the Screening Panels' above-cited positions.

The statement in Sacramento Regional Review, Item 3 is inaccurate in claiming, "*..the WUA needs to work more closely/align their work with the recommendations already prepared by the USBR.*" As stated in the PSP, the Project has support from the USBR, Army Corps of Engineers, the National Marine Fisheries Service and the California Department of Fish and Game.

Factually, OUWUA has, and is, working closely with USBR with regard to water management and ecosystem issues on Lower Stony Creek. OUWUA, as a contractor with USBR in the operation and maintenance of the U.S. Orland Project, has actively participated in the development of the *Biological Assessment—Effects of Lower Stony Creek Water Management on Winter-run Chinook Salmon, Spring-run Chinook Salmon, Fall/Late Fall-run Chinook Salmon, and Steelhead*, prepared by U.S. Bureau of Reclamation Northern California Area Office, Red Bluff Field Station and U.S. Army Corps of Engineers, Sacramento District (finalized in early 2000). The Biological Assessment preceded Section 7 Consultations in which OUWUA participated with USBR, U.S. Army Corps of Engineers, National Marine Fisheries Service and California Department of Fish and Game. The Consultation process culminated in the Biological Opinion as previously referenced. Throughout these processes, OUWUA has been an active participant with all the above-named agencies in all aspects.

This PSP was instigated by *Reasonable and Prudent Measures* prescribed by NMFS in early draft versions of the Biological Opinion. Quoting from the finalized March 2002 version on page 52,

"A feasibility study shall be conducted to determine the need for, and practicality of a temporary fish ladder at the North Diversion Dam. This study should include:

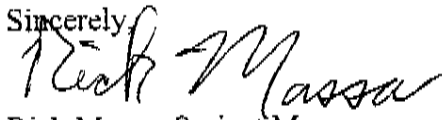
- i. A barrier analysis of the dam to determine the ability of adult salmonids to pass the dam under varying flow conditions during periods when the flash boards have been removed.*
- ii. A comparison of potential water diversion periods to upstream salmonid migration periods to determine the level of overlap and potential impacts to upstream migrants.*
- iii. An analysis of the most suitable design, placement and operation of a temporary ladder at this site.*

Incidentally, we were assisted by USBR Natural Resources Specialist, Basia Trout, in the preparation of this very PSP.

In closing, we request that CALFED fund this Project. It is, as stated in the Technical Review Summary, compatible with CALFED ERP and CVPIA programs and goals for fisheries restoration; it is consistent with other restoration activities in the region; and it is a measure prescribed by National Marine Fisheries Service.

Thank you for your consideration.

Sincerely,



Rick Massa, Project Manager

cc: Mike Tucker, National Marine Fisheries Service
Basia Trout/Max Stodolski, U.S. Bureau of Reclamation
Neil Schild, Montgomery Watson Harza
Todd Manley, Northern California Water Users Association



*To promote the economic, social and environmental viability of Northern California
by enhancing and preserving the water rights and supplies of our members.*

May 10, 2002

Mr. Patrick Wright
Executive Director
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

RE: CALFED ERP 2002 PSP Selection Panel Recommendations

Dear Patrick:

The Northern California Water Association (NCWA) is very concerned with the CALFED Ecosystem Restoration Program 2002 PSP Selection Panel Recommendations. We are particularly concerned with the apparent disregard for local input from the Sacramento Valley.

As you know, NCWA represents 68 water suppliers and individual farmers who collectively irrigate 860,000 acres of fertile Northern California farmland. Several of our members also deliver water to state and federal wildlife refuges and a large portion of this land serves as important seasonal wetlands for migrating waterfowl, shorebirds and other wildlife.

We were generally pleased with your utilization of regional panels as part of the Ecosystem Restoration Program (ERP) project selection process, although we believe the earlier CALFED process, including the ecosystem roundtable, was a more meaningful process to assure local and regional input. For regional strategies to succeed in the CALFED process, CALFED must be diligent to assure that projects, including projects to benefit the ecosystem, are locally generated from within the region and have broad local support.

To start, we strongly endorse the selection panel's determination to fund the Meridian Farms Water Company's Positive Barrier Fish Screen Project and the Yuba County Water Agency (YCWA) Narrows 2 Powerplant Flow Bypass System, and partially fund the Sutter Mutual Water Company Tisdale Positive Barrier Fish Screen and Pumping Plant and YCWA's Yuba Goldfields Fish Barrier Replacement Project. These are examples of CALFED support for regional priorities. The regional panel identified each of these projects as "high" priority.

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On the other hand, our concerns arise from the full or partial funding totaling \$2,216,447 for four projects ranked as "low" priorities by the Sacramento regional panel. Local interests determined that the projects would provide limited or no local value, did not reflect regional priorities, or were poorly written. But, this evaluation was overridden and the projects were nonetheless funded. The funding of these projects does not reflect the role local support should play in the CALFED process as directed in the Record of Decision (ROD).

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Our frustration with the selection of these projects is compounded by the fact that there were 19 projects the regional panel determined to be "high" priorities that were not recommended for funding by the CALFED Selection Panel. There are six projects that were not recommended for funding that are of special concern to NCWA. These projects provide considerable regional benefits and, as a result, the Sacramento regional panel considered most of them "high" priorities. The projects include: Ducks Unlimited White Mallard Dam and Associated Diversions Phase III Construction, Orland Unit Water Users' Association Northside Diversion Dam Fish Passage Feasibility Study, Pleasant Grove-Verona Mutual Water Company Positive Barrier Fish Screen Design and Environmental Review, Reclamation District No. 108 Wilkins Slough Positive Barrier Fish Screen Sediment Removal Project, Tehama-Colusa Canal Authority Fish Passage Improvement Project at the Red Bluff Diversion Dam, Phase III, and YCWA Narrows 2 Powerplant Intake Extension.

The next step in the selection process—distributing the remaining ERP funding to "Considered as Directed Action" projects—provides CALFED with an opportunity to better incorporate regional panel recommendations in the decision-making process. NCWA is particularly interested in three projects that are "Considered as Directed Action," the M&T Chico Ranch/Llano Seco Fish Screen Facility Short-term/Long-term Protection Project, the Natomas Mutual Water Company American Basin Fish Screen and Habitat Improvement Project, and Reclamation District No. 108 Consolidated Pumping Facility and Fish Screen. Each of these projects received a "high" priority ranking by the Sacramento regional panel, and each is specifically designated as a priority in the Ecosystem Restoration Program Draft Stage 1 Implementation Plan (August 2001).

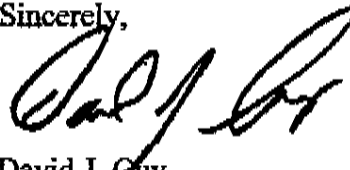
The "Consider as a Directed Action" category also includes three projects that received a "low" rating from the Sacramento regional panel. They are S.P. Cramer & Associated, Inc. Assessment of Life-History Characteristics and Genetic Composition of *Oncorhynchus mikiss* Throughout California, The Nature Conservancy's Implementing a Collaborative Approach to Quantifying Ecosystem Flow Regime Needs for the Sacramento River, and U.S. Geological Survey Assessing the hazards of mercury and selenium to the reproductive success of birds. As was the case with funded projects receiving a "low" priority rating from the Sacramento Regional Panel, these projects were determined to provide limited or no local value, did not

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reflect regional priorities, were poorly written, or were already being performed through another CALFED program.

As CALFED moves forward with the remaining funding selections for the 2002 PSP and into future funding cycles, we hope that it will reexamine the regional panels and other local input from the Sacramento Valley and, as a result, regional priorities in the CALFED EPR will receive the appropriate consideration as part of the selection process.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Guy". The signature is fluid and cursive, with the first name "David" being the most prominent.

David J. Guy
Executive Director

cc: Dan Ray