

Appendix D

Comment Letters Received on the Notice of Preparation

Table D-1: Written Comments Received

Number	Date Received	Author	Organization
S01	12/6/2012	Gregor Blackburn	FEMA
S02	12/6/2012	Kathy Norton	USACE
S03	12/10/2012	James Herota	Central Valley Flood Protection Board
S04	12/10/2012	Dave Singleton	Native American Heritage Commission
S05	12/21/2012	David Warner for Arnaud Marjollet	San Joaquin Valley Air Pollution Control District
S06	12/21/2012	William Carlisle	Friant Power Authority
S07	12/21/2012	Thomas M. Berliner	San Joaquin River Exchange Contractors Water Authority/San Joaquin River Resource Management Coalition
S08	12/26/2012	Fergus Morrisey	Orange Cove Irrigation District
S09	12/26/2012	Cy R. Oggins	California State Lands Commission
S10	12/26/2012	Chandra Ferrari	Trout Unlimited
S11	12/21/2012	Mathew S. Scroggins	Central Valley Flood Protection Board
S12	12/24/2012	Mark E. Loeser	Stanislaus County
S13	12/24/2012	Dennis Fox	n/a
S14	12/4/2012	Mark Will	Fresno Metropolitan Flood Control District

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



FEMA

November 28, 2012

Gerald Hatler, Project Manager
California Department of Fish and Game
1234 East Shaw Avenue
Fresno, California 93710

Dear Mr. Hatler:

This is in response to your request for comments regarding the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the San Joaquin River Restoration Program – Salmon Conservation and Research Facility (SCARF) and Related Management Actions Project.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Fresno (Community Number 065029), Maps revised February 18, 2009. Please note that the County of Fresno, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Gerald Hatler, Project Manager

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November 28, 2012

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Fresno County floodplain manager can be reached by calling Alan Weaver, Director, Department of Public Works, at (559) 600-4570.

If you have any questions or concerns, please do not hesitate to call Jane Hopkins of the Mitigation staff at (510) 627-7183.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Alan Weaver, Director, Public Works Department, Fresno County

Ed Perez/Amanda Peisch, State of California, Department of Water Resources, South Central
Region Office

Jane Hopkins, NFIP Planner, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

**DEPARTMENT OF THE ARMY**

U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

November 29, 2012

Regulatory Division SPK-2012-01270

Mr. Gerald Hatler
California Department of Fish and Game
1234 E. Shaw Avenue
Fresno, California 93710-7899

Dear Mr. Hatler:

We are responding to your November 26, 2012 request for comments on the Notice of Preparation of a Draft Environmental Impact Report for the San Joaquin River Restoration Program – Salmon Conservation and Research Facility and Related Management Actions Project. The project is located on the San Joaquin River at the Fish Hatchery in Section 7, Township 11 South, Range 21 East, MDB&M, Fresno County, California.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, some ditches, some former mining pits, some canals, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetlands Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

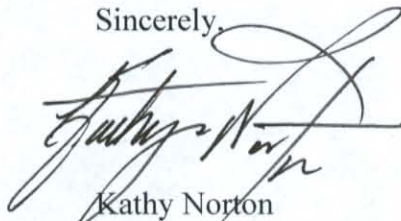
The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

If waters of the United States are going to be impacted, cultural resource sites within the defined federal permit area will need to be evaluated according to the standards of the National

Environmental Policy Act. All eligible or potentially eligible cultural resource sites to the National Register of Historic Places within the permit area will be subject to Section 106 of the National Historic Preservation Act, 1966, as amended. The Corps of Engineers must also comply with the terms and conditions of the Federal Endangered Species Act and all other applicable federal laws with regards to our permitting process. You may need to supply an adequate recent biological assessment of the project site for us to comply with the federal Endangered Species Act. Although specific details about proposed fills into waters of the United States are not stated within this document, you are encouraged to contact our office soon to fully ascertain the permitting needs for this project.

Please refer to identification number SPK-2012-01270 in any correspondence concerning this project. If you have any questions, please contact me at the letterhead address, Room 1350, email Kathy.Norton@usace.army.mil, or telephone 916-557-5260. Thank you for your attention in this matter. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Norton", written in a cursive style.

Kathy Norton
Sr. Project Manager
California South Branch

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682



December 5, 2012

Mr. Gerald Hatler
California Department of Fish and Game
San Joaquin Valley / Southern Sierra Region
1234 E. Shaw Avenue
Fresno, California 93710

Subject: San Joaquin River Restoration Program - SCARF and Related Management
Actions Project
SCH Number: 2012111083
Document Type: Notice of Preparation

Dear Mr. Hatler:

Staff of the Central Valley Flood Protection Board (Board) has reviewed the subject document and provides the following comments:

The proposed project is located adjacent to or within San Joaquin River which is under the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- The proposed staff residences and structures are subject to CCR Section 113 (b) which states, dwellings and structures within an adopted plan of flood control must comply with the following requirements: (1) New dwellings, with the exception of dwellings for seasonal occupancy (nonflood season), are not permitted. The flood season for the location of the proposed facilities is November 1 through July 15.

In accordance with CCR Section 113(b)(6) Structures may be constructed within an adopted plan of flood control provided they conform to the following:

- (A) Structures may not be constructed on a levee section or within ten (10) feet of a levee toe (note, the Board recommends twenty (20) feet from a landside levee toe or within fifteen (15) feet from a waterside levee toe, pending amended regulations);
- (B) Structures must be securely anchored and floodproofed to at least two (2) feet above the 100-year flood elevation or two (2) feet above the design flood plane, whichever is higher. The floodproofing must be consistent with the potential uses of the structure;
- (C) Structures must be located and oriented to have minimal impact on floodflows; and
- (D) The number of structures permitted is limited to the minimum reasonably necessary to accomplish an appropriate land use activity.

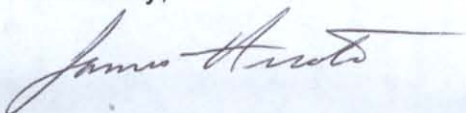
Hydraulic Impacts - Hydraulic impacts due to encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The project should include mitigation measures for channel improvements and maintenance to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used when mitigating for vegetation removed within the project location.

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvpfb.ca.gov/>. Contact your local, federal and State agencies, as other permits may apply.

The Board's jurisdiction, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways can be viewed on the Central Valley Flood Protection Board's website at <http://gis.bam.water.ca.gov/bam/>.

If you have any questions, please contact me by phone at (916) 574-0651, or via email at jherota@water.ca.gov.

Sincerely,



James Herota
Staff Environmental Scientist
Projects and Environmental Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



December 3, 2012

Mr. Gerald Hatler, Project Planner

California Department of Fish & Game**San Joaquin Valley – Southern Sierra Region**

1234 East Shaw Avenue
Fresno, CA 93710

Re: SCH#2012111083; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the “San Joaquin River Restoration Program – SCARF and Related Management Actions Project;” located on the San Joaquin River between Fresno and Madera and river-contingent counties, California

Dear Mr. Hatler:

The California Native American Heritage Commission (NAHC) is the State of California 'trustee agency' for the preservation and protection of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC advises the Lead Agency to request a Sacred Lands File search of the NAHC if one has not been done for the 'area of potential effect' or APE previously.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

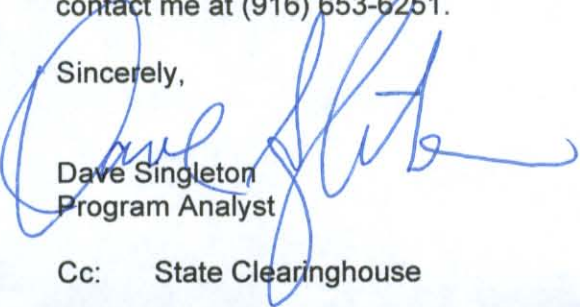
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**Native American Contacts
Fresno County
December 3, 2012**

Big Sandy Rancheria of Mono Indians
Elizabeth Hutchins Kipp, Chairperson
P.O. Box 337 / 37302 Western Mono
Auberry , CA 93602
ck@bigsandyrancheria.com
(559) 855-4003
(559) 855-4129 Fax

Table Mountain Rancheria
Leann Walker Grant, Chairperson
P.O. Box 410 Yokuts
Friant , CA 93626-0177
(559) 822-2587
(559) 822-2693 FAX

Cold Springs Rancheria of Mono Indians
Robert Marquez, Chairperson
P.O. Box 209 Mono
Tollhouse , CA 93667
(559) 855-5043
559-855-4445 - FAX

Dunlap Band of Mono Indians
Benjamin Charley, Sr., Chairperson
Box 45 Mono
Dunlap , CA 93621
(559) 338-2545

North Fork Mono Tribe
Ron Goode, Chairperson
13396 Tollhouse Road Mono
Clovis , CA 93619
rwgoode911@hotmail.com
(559) 299-3729 Home
(559) 355-1774 - cell

Dumna Wo-Wah Tribal Government
Robert Ledger SR., Tribal Chairperson
2216 East Hammond Street Dumna/Foothill
Fresno , CA 93602 Mono
ledgerrobert@ymail.com
559-519-1742 - office

Santa Rosa Rancheria
Rueben Barrios Sr., Chairperson
P.O. Box 8 Tache
Lemoore , CA 93245 Tachi
(559) 924-1278 Yokut
(559) 924-3583 Fax

Sierra Nevada Native American Coalition
Lawrence Bill, Interim Chairperson
P.O. 125 Mono
Dunlap , CA 93621 Foothill Yokuts
(559) 338-2354 Choinumni

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012111083; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the San Joaquin River Restoration Program - SCARF and Related Management Actions Project; located in the San Joaquin Valley; California.

**Native American Contacts
Fresno County
December 3, 2012**

Choinumni Tribe; Choinumni/Mono
Lorrie Planas

2736 Palo Alto Clovis , CA 93611 Choinumni Mono

Dunlap Band of Mono Historical Preservation Soc
Mandy Marine, Board Chairperson

P.O Box 18 Dunlap , CA 93621 Mono
mandy_marine@hotmail.com
559-274-1705

Table Mountain Rancheria
Bob Pennell, Cultural Resources Director

P.O. Box 410 Friant , CA 93626-0177 Yokuts

(559) 325-0351
(559) 217-9718 - cell
(559) 325-0394 FAX

Wuksache Indian Tribe/Eshom Valley Band
Kenneth Woodrow, Chairperson

1179 Rock Haven Ct. Salinas , CA 93906 Foothill Yokuts Mono
kwood8934@aol.com Wuksache
831-443-9702

Kings River Choinumni Farm Tribe
John Davis, Chairman

1064 Oxford Avenue Clovis , CA 93612-2211 Foothill Yokuts Choinumni

(559) 307-6430

Chowchilla Tribe of Yokuts
Jerry Brown

10553 N. Rice Road Fresno , CA 93720 North Valley Yokuts
559-434-3160

Dunlap Band of Mono Indians
Jeneen Tex, Chief Executive Officer

Box 44 Dunlap , CA 93624 Mono

jeneen@dunlapmono.org
559-338-2545

The Choinumni Tribe of Yokuts
Rosemary Smith, Chairperson

1505 Barstow Clovis , CA 96311 Choinumni Foothill YoKut
monoclovis@yahoo.com

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Native American Contacts
Fresno County
December 3, 2012

Traditional Choinumni Tribe
David Alvarez, Chairperson
2415 E. Houston Avenue Choinumni
Fresno , CA 93720
davealvarez@sbcglobal.net
(559) 292-5057 - Fax
(559) 323-6231
(559) 292-5057 FAX

Dumna Wo-Wah Tribal Government
John Ledger, Assistant Cultural Resource Manager
2216 East Hammond Street Dumna/Foothill
Fresno , CA 93602 Mono
ledger17bonnie@yahoo.com
559-519-1742 - office

Frank Marquez
P.O. Box 565 Mono
Friant , CA 93626 Foothill Yokut
francomarquez@pmr.org
559-213-6543 - cell
559-822-3785

Santa Rosa Tachi Rancheria
Lalo Franco, Cultural Coordinator
P.O. Box 8 Tachi
Lemoore , CA 93245 Tache
(559) 924-1278 - Ext. 5 Yokut
(559) 924-3583 - FAX

Dumna Wo-Wah Tribal Government
Eric Smith, Cultural Resource Manager
2216 East Hammond Street Dumna/Foothill
Fresno , CA 93602 Mono
nuem2007@yahoo.com
559-519-1742 - office

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012111083; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the San Joaquin River Restoration Program - SCARF and Related Management Actions Project; located in the San Joaquin Valley; California.



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT



December 13, 2012

Gerald Hatler
CA Dept. of Fish and Game
1234 E. Shaw Ave.
Fresno, CA 93710



Project: San Joaquin River Restoration Program – Salmon Conservation and Research Facility

District CEQA Reference No: 20120786

Dear Mr. Hatler:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Notice of Preparation (NOP) for the Salmon Conservation and Research Facility (SCARF) project. The proposed project consists of the construction and operation of a salmon research facility to be located directly west of the existing fish hatchery located at 17372 Brook Trout Drive, Friant, California. The District offers the following comments:

Emissions Analysis

- 1) The District is currently designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM10 and CO, and nonattainment for PM2.5 for the federal air quality standards. At the state level, the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 air quality standards. The District recommends that the Air Quality section of the Environmental Impact Report (EIR) include a discussion of the following impacts:
 - a) **Criteria Pollutants:** Project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions.

Seyed Sadredin

Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

- i) **Construction Emissions:** Construction emissions are short-term emissions and should be evaluated separate from operational emissions. The project would be considered to have a short-term significant impact on air quality if annual construction emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM₁₀).
 - ii) **Operational Emissions:** Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. The project would be considered to have a significant impact on air quality if operational emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year NO_x, 10 tons per year ROG, or 15 tons per year PM₁₀.
 - iii) The discussion should describe the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for all modeling.
 - iv) The discussion should identify project design elements and mitigation measures, including characterization of the effectiveness of each mitigation measure, incorporated into the project.
 - v) A discussion of the components and phases of the project and the associated emission projections, including ongoing emissions from each previous phase.
 - vi) A discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. More information on the District's attainment status can be found online by visiting the District's website at: <http://valleyair.org/aqinfo/attainment.htm>.
- b) **Nuisance Odors:** The project should be evaluated to determine the likelihood that the project would result in nuisance odors. Nuisance odors are subjective, thus the District has not established thresholds of significance for nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration of project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.
- c) **Health Impacts:** Based on the information provided, the project is not expected to have a significant health impact on nearby receptors. However, to comply with

CEQA requirements, the District recommends the EIR include an evaluation of potential health impacts on nearby receptors.

Project related health impacts should be evaluated to determine if emissions of toxic air contaminants (TAC) will pose a significant health risk to nearby receptors. TACs are defined as air pollutants which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. A prioritization screening analysis is a screening tool used to identify projects that may have significant health impacts. The District recommends that a prioritization screening analysis be performed to determine if it is necessary to conduct a health risk assessment (HRA). If the project has a prioritization score of 1.0 or more, the project has the potential to exceed the District's significance threshold for health impacts of 10 in a million and an HRA would need to be performed. More information on TACs, prioritizations and HRAs can be obtained by:

- E-mailing inquiries to: hramodeler@valleyair.org; or
- Visiting the District's website at:

http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

District Rules and Regulations

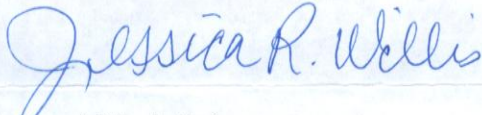
- 2) The proposed project may be subject to District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- 3) Based on the information provided, the proposed project would subject to District Rule 9510. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. More information about how to comply with District Rule 9510 can be found on the District's website at: <http://www.valleyair.org/ISR/ISRHome.htm>.
- 4) The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888. A complete list of

current District rules can be found online at the District's website at:
www.valleyair.org/rules/1ruleslist.htm.

If you have any questions or require further information, please call Jessica Willis at
(559) 230-5818.

Sincerely,

David Warner
Director of Permit Services



for Arnaud Marjollet
Permit Services Manager

DW:jw

cc: File

Friant Power Authority

A Joint Powers Hydroelectric Project Authority

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December 27, 2012

Mr. Gerald Hatler
California Department of Fish and Game
1234 E. Shaw Avenue
Fresno, CA 93710

Dear Mr. Hatler,

MEMBER DISTRICTS

- Lindmore I. D.
- Terra Bella I. D.
- Chowchilla W. D.
- Delano-Earlimart I. D.
- Lindsay-Strathmore I. D.
- Madera I. D.
- Orange Cove I. D.
- So. San Joaquin M.U.D.

Friant Power Authority (FPA) generates clean renewable power from releases at Friant Dam to the San Joaquin River. It is our understanding that water formerly planned to be released to the river at the stilling basin will be conveyed in a pipeline to the new facility, bypassing the power generation facilities at the dam and bypassing one-mile of the river. FPA requests that the Draft Environmental Impact Report consider this impact and also consider alternatives or mitigation measures for this impact. This might include utilizing wells at the site to meet hatchery needs. Such wells could access shallow ground water that would be recharged by river flows.

Very truly yours,

ADVISORY COMMITTEE

- Michael Hagman
- Sean Geivet
- Douglas Welch
- Dale Brogan
- Scott Edwards
- Lance Johnson
- Fergus Morrissey
- Bill Carlisle

William Carlisle
General Manager/Secretary
Friant Power Project

William Carlisle
Manager/Secretary

Connie Rising
Treasurer

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DuaneMorris*

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www.duanemorris.com

December 21, 2012

VIA EMAIL & U.S. MAIL

Gerald Hatler
 California Department of Fish and Game
 1234 East Shaw Avenue
 Fresno, CA 93710
 Email: SCARF@horizonh2o.com

NEW YORK
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 LAKE TAHOE

 MEXICO CITY
 ALLIANCE WITH
 MIRANDA & ESTAVILLO

Re: Notice of Preparation of Draft Environmental Impact Report for San Joaquin River Restoration Program – Salmon Conservation and Research Facility (SCARF) and Related Management Actions Project

Dear Mr. Hatler:

This letter is submitted on behalf of the San Joaquin River Exchange Contractors Water Authority and the San Joaquin River Resource Management Coalition (herein referred to collectively for convenience as the “Exchange Contractors”).

Since the inception of the San Joaquin River Restoration Program (“SJRRP”), the Exchange Contractors have been very concerned about the lack of adequate funding to support the accomplishment of the SJRRP’s two goals of fishery restoration and water management. Recently, the Bureau of Reclamation included in their Record of Decision, Section 6.2, a contingency plan in the event that full funding is not available. Further, in Reclamation’s recently prepared Framework for Implementation (“Framework”), Reclamation increased the cost of the SJRRP from an originally estimated \$250-800 million to in excess of \$2 billion. This increased cost is far closer to the estimate by the Exchange Contractors of \$1.6 billion. The difference can likely be accounted for by additional actions identified in the Framework that were not originally called for in the Stipulation of Settlement entered into by the Settling Parties in *Natural Resources Defense Council et al. v. Kirk Rodgers et al.* (“Settlement”) in 2006.

The Exchange Contractors remain concerned that there is inadequate funding available for the SJRRP. Any program to reintroduce salmonids must take into account the degree of

DUANE MORRIS LLP

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 SAN FRANCISCO, CA 94105-1127
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Gerald Hatler
December 21, 2012
Page 2

development of measures to provide fish passage and improved habitat on the upper San Joaquin River. The Settlement, pursuant to paragraphs 11 and 12, calls for numerous facilities to be built. The Framework identifies additional actions. While the purpose of the subject Environmental Impact Report is focused on alteration and expansion of the Friant Hatchery, cumulative impacts must consider the other reintroduction activities and the likely overall impacts of the SJRRP.

Pursuant to Section 3 of the Notice of Preparation (“NOP”), the Proposed Project’s stated purpose is to construct and operate the SCARF for the propagation of spring-run Chinook salmon and to possibly produce other native fish, such as fall-run Chinook salmon, steelhead and other species. In the event that steelhead are reintroduced to the upper San Joaquin River, screening of water diversion facilities sufficient to protect reintroduced steelhead will need to be constructed in addition to those facilities necessary to screen spring and/or fall-run Chinook salmon. The San Joaquin River Restoration Settlement Act (“Restoration Act”) provides, in Section 10004(h)(4), that in the event any regulatory controls are asserted as the result of anadromous fish, such as steelhead, migrating upstream of the Hills Ferry barrier due to the introduction of flows under the SJRRP and the installation of fish screens or fish bypass facilities are required, Reclamation will be obligated to pay for such screening or facilities. The Exchange Contractors expect the same commitment will apply in the event that steelhead are produced at the SCARF since the same result will occur as if steelhead migrated upstream of the Hills Ferry barrier. We would appreciate written confirmation of acceptance of this obligation by DFG and Reclamation. Further, the Environmental Impact Report must take into account the need for the construction of fish screens at appropriate facilities in the event that steelhead are included in the hatchery program.

An additional concern is that the inadvertent or malicious release of fry or juveniles to the upper San Joaquin River without first having their adipose fin clipped could result in liability to downstream water users, landowners and farmers. Any improvements to the Friant Hatchery must insure that no inadvertent or malicious release can ever occur. In other words, the holding pens where salmonids are being raised must be kept at a sufficient distance from the river in a manner that isolates them from the river sufficient to protect against an inadvertent or malicious release. Further, Section 4.2 of the NOP should make clear that no fish will be transported to the upper San Joaquin River area that does not first have its adipose fin clipped.

As a final comment, we note that the NOP is available for review on the Department of Fish and Game’s internet website. Notice of the NOP and any subsequent documents should also be included on the SJRRP website which is supposed to be the central repository for all SJRRP-related activities.

Duane Morris

Gerald Hatler
December 21, 2012
Page 3

If you have any questions or concerns regarding these comments, please do not hesitate to contact the undersigned.

Very truly yours,

Thomas M. Berliner (jsa)

Thomas M. Berliner

TMB:lvs

cc: San Joaquin River Exchange Contractors Water Authority
San Joaquin River Resource Management Coalition
San Joaquin Tributaries Authority
San Luis and Delta-Mendota Water Authority
Lisa Forsythe - USBR
Rhonda Reed - NMFS

ORANGE COVE IRRIGATION DISTRICT

1130 Park Boulevard - P.O. Box 308
ORANGE COVE, CALIFORNIA 93646
Phone: (559) 626-4461
Fax: (559) 626-4463

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Secretary-Assessor-
Collector
Fergus Morrissey

Controller / Treasurer
Robert T. Ramirez, CPA

December 26, 2012

Sent via email to: SCARF@horizonh2o.com, gsawyers@sawyerslaw.com

Subject: DF&G SJR Salmon Conservation Facility

Mr. Hatler:

The Orange Cove Irrigation District (OCID) generates clean renewable power at its Fishwater Release Power Plant (Plant) from a continuous 35 cubic feet per second (cfs) release from Millerton Lake. This flow goes through the Plant and is then conveyed to the Department of Fish and Game's San Joaquin River Fish Hatchery (Hatchery). OCID understands that the subject Salmon Conservation Facility will require an incremental water demand of approximately 20 cfs.

OCID's Plant was designed and constructed on the basis of conveyance and generation capturable from 35 cfs, not the approximate 55 cfs contemplated. OCID requests that the Draft Environmental Impact Report analyze the hydraulic impacts that a 60 percent flow increase would have on the existing Plant infrastructure (penstocks, valves, tailrace, etc...) including those impacts that have the potential to result in reduced power generation or that may exceed the mechanical design features of the Plant.

Finally, because a threatened or endangered species will be raised at the subject facility, the OCID is concerned that the project will result in increased exposure to liability from damage that may occur due to a temporary flow disruption to the facility for any reason, including Plant mechanical failure. Provisions for conveyance redundancy should be evaluated not only to protect the Hatchery population but also to address this exposure to OCID.

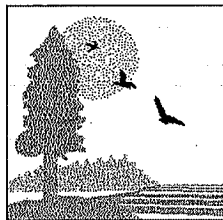
Sincerely,



Fergus Morrissey
Engineer - Manager
Orange Cove Irrigation District

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

**JENNIFER LUCCHESI**, Executive Officer

(916) 574-1800 FAX (916) 574-1810

California Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1900**Contact FAX: (916) 574-1885**

December 26, 2012

File Ref: SCH # 2012111083

California Department of Fish and Game

Attn: Gerald Hatler

1234 E. Shaw Avenue

Fresno, CA 93710

Subject: Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the San Joaquin River Restoration Program – Salmon Conservation and Research Facility (SCARF) and Related Management Actions Project

Dear Mr. Hatler:

The California State Lands Commission (CSLC) staff has reviewed the subject NOP for an EIR for the San Joaquin River Restoration Program – SCARF and Related Management Actions Project (Project), which is being prepared by the California Department of Fish and Game (CDFG). CDFG, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, because the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership

extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

The proposed Project appears to extend onto the bed of the San Joaquin River (River) which at this location is natural subject to artificial conditions (Friant Dam), navigable, non-tidal, and meandered on both banks on the United States Township Plat. CSLC staff has not investigated historic positions of the River, nor the original United States meander lines in relation to the present location of the River. A cursory examination of the records by CSLC staff indicates that the current channel of the waterway appears to be in the same general location as the historic bed.

A lease will be required for the portion of the Project that is within the River, including the volitional release channel and the effluent outfall. CSLC staff will need further information to determine if a lease is required for the fish barriers at Hills Ferry and at Reach 1A Separation Weir. A lease application may be found on our website at www.slc.ca.gov. Please contact Randy Collins, Public Land Management Specialist, at the contact information at the end of this letter for leasing questions.

This conclusion is without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information become available. This letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

Project Description

As described in the NOP, the CDFG proposes to construct and operate the SCARF to meet its objectives and needs as follows:

- Support and assist implementation of the Settlement Agreement reached through federal court action from *NRDC v. Rogers 2006*;
- Provide a controlled laboratory environment for conducting fish research;
- Fulfill CDFG's mission to manage California's diverse fish, wildlife and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public; and
- Fulfill CDFG's obligation to conserve, protect, and manage fish, wildlife, native plants, and habitats necessary for biologically sustainable populations of those species and as a trustee agency for fish and wildlife resources pursuant to Fish and Game Code section 1802.

From the Project Description, CSLC staff understands that the Project would include the following components:

- Construction and operation of the SCARF, including construction of structures, a parking area, water supply and wastewater systems, drainage and storm water management features, an access road, and other ancillary improvements;
- Broodstock collection for the SCARF, beginning with collection of spring-run Chinook eggs and juveniles from the Feather River Fish Hatchery and eventually relying on adults returning to the SCARF;
- Reintroduction of Chinook salmon to the Restoration Area, utilizing best management practices and adaptive management; and
- Conducting fish/habitat studies in support of the Restoration Goal.

Environmental Review

CSLC staff requests that the following potential impacts be analyzed in the EIR.

General Comments

1. **Project Description:** A thorough and complete Project Description should be included in the EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact, seasonal work windows, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate CSLC staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.
2. **Evaluation of Impacts:** While the NOP generally describes the main components, facilities, and features associated with the Project in Section 4, and includes a "preliminary list" in Section 5.3 of potential impact categories to be addressed in the EIR, the connection between the Project components and these various impacts is not clear. As a result, CSLC staff is unable at this time to recommend specific avoidance or mitigation measures associated with specific Project activities; instead, CSLC staff offers the general guidance below pertaining to its leasing and Public Trust jurisdiction. CSLC staff suggests future NOPs more clearly connect project-specific activities with the effects caused by those activities to facilitate more meaningful review and input by responsible and trustee agencies.
3. **Deferred Mitigation:** In order to avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which

may be accomplished in more than one specified way” (State CEQA Guidelines,¹ §15126.4, subd. (b)). For example, because the reintroduction relies heavily on adaptive management, necessary in light of “...shifting environmental conditions and added complexity associated with long-term reintroduction plans” (NOP, p. 4), the EIR should pay particular attention to formulating clear performance standards, triggers, or other means of measuring success and should additionally describe how adherence to the measures will be enforced. The EIR should describe, if necessary, what adaptive management or other decisions/actions would require additional review under CEQA, should it truly be infeasible to articulate measures that comply with the above State CEQA Guidelines requirement.

4. Alternatives: Because the NOP does not include, as indicated above, a discussion of the expected environmental impacts associated with the different construction activities and components of the Project, CSLC staff does not have enough information at this time to recommend specific alternatives to the proposed Project that might lessen or avoid one or more impacts, as directed by section 15082, subdivision (b) of the State CEQA Guidelines. Nonetheless, the EIR should include a range of reasonable alternatives to the Project, or to the location of the Project, so that the merits of the alternatives can be evaluated and compared. Inclusion of alternatives in the EIR is required even though the Project is proposed as a consequence of litigation and the settlement agreement. If the “no project” alternative is the environmentally superior alternative, the EIR should identify an environmentally superior alternative from among the other alternatives, consistent with section 15126.6, subdivision (e)(3) of the State CEQA Guidelines.

Biological Resources

5. Sensitive Species: Although improving salmonid habitat is a primary goal of the Restoration Program and this Project in particular, the EIR should evaluate the potential impacts of the Project on other special-status plant or wildlife species that may occur in the Project area; if impacts to any of these species are found to be significant, the EIR should identify feasible mitigation measures or alternatives to the proposed Project that would reduce or avoid the impact.
6. Riparian Habitat: The EIR should also consider the significance of any disturbance or permanent removal of riparian habitat from construction of the release channel to the River. Possible avoidance and mitigation measures for significant impacts to riparian habitat include avoidance of mature native trees, revegetation, or purchase of credits from a mitigation bank.
7. Construction Noise: The EIR should also evaluate noise and vibration impacts on fish and birds from construction activities in the water and for land-side

¹ The State “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

supporting structures. Mitigation measures could include species-specific work windows as defined by CDFG itself, USFWS, and the National Oceanic and Atmospheric Administration's Fisheries Service (NOAA Fisheries).

Climate Change

8. Greenhouse Gases: A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and required by the State CEQA Guidelines should be included in the EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and operation of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify feasible mitigation measures that would reduce or avoid the impact.

Cultural Resources

9. Submerged Resources: The EIR should evaluate potential impacts to submerged cultural resources in the Project area. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.
10. Title to Resources: The EIR should also note that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that CDFG consult with Senior Staff Counsel Pam. Griggs at the contact information noted at the end of this letter, should any cultural resources on state lands be discovered during construction of the proposed Project.

Public Trust Concerns

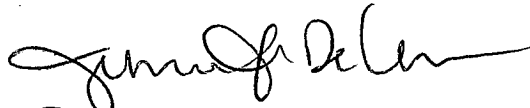
11. Public Access: From the Project Description, it is not clear whether the Project area encompasses any regularly used public access points to the San Joaquin River that could be impacted by the proposed new structures. Because public access and recreation on navigable waters are protected under the Public Trust, the EIR should characterize the public's current uses of the Project area, such as for fishing or swimming, and evaluate the Project's potential effects on these uses. Public access and recreation should not be blocked, and if activities cause temporary disruption in access, the CDFG should consider measures to reduce the adverse effects, such as posting signage and indicating alternate access points.

Thank you for the opportunity to comment on the NOP for the Project. As a responsible agency, the CSLC will need to rely on the EIR for the issuance of any new lease as specified above and, therefore, we request that you consider our comments while

developing the EIR. Please send additional information on the Project to the CSLC as plans become finalized.

Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Sarah Sugar, Environmental Scientist, at (916) 574-2274 or via e-mail at Sarah.Sugar@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Randy Collins, Public Land Management Specialist, at (916) 574-0900, or via email at Randy.Collins@slc.ca.gov.

Sincerely,



Cy R. Oggins

for Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Randy Collins, LMD, CSLC
Sarah Sugar, DEPM, CSLC
Shelli Haaf, Legal, CSLC



December 26, 2012

VIA ELECTRONIC MAIL

California Department of Fish and Game
Attn: Gerald Hatler
1234 E. Shaw Avenue
Fresno, CA 93710
SCARF@horizonh2o.com

Re: Notice of Preparation of Draft Environmental Impact Report for the San Joaquin River Restoration Program-Salmon Conservation and Research Facility (SCARF) and Related Management Actions Project

Trout Unlimited (TU) provides these comments in response to the “Notice of Preparation of a Draft Environmental Impact Report” for the proposed San Joaquin River Restoration Program-Salmon Conservation and Research Facility and Related Management Actions Project (Project). TU is a non-profit organization with a mission to conserve, protect and restore North America’s coldwater fisheries and their watersheds. TU supports the effort to restore populations of fall and spring-run Chinook salmon to the SJRRP Restoration Area, and believes that such an effort is more likely to be successful if foreseeable technical and management issues are considered as early in the process as possible. Therefore, TU provides the following comments to guide the Department of Fish and Game’s (Department) development of a project description and reasonable range of alternatives for this Project.

1. The EIR should consider and analyze multiple strategies for achieving recovery of fall-run Chinook in the San Joaquin basin.

The Notice of Preparation (NOP) notes that the Project Description includes the action of reintroducing Chinook salmon to the Restoration Area and indicates that the “[r]eintroduction [s]trategies will seek to manage shifting environmental conditions and added complexity associated with long-term reintroduction plans.” (NOP, p. 4.) The Department’s project description should include its strategy for fall-run reintroduction, and TU requests that the strategy address the following considerations.

The SJRRP Fisheries Management plan calls for the restoration of fall-run Chinook salmon, required under the San Joaquin settlement, to be achieved primarily through natural recolonization of the San Joaquin River by stocks currently occupying the Merced River and other in-basin tributaries. It was initially anticipated that this recolonization would occur once passage impediments had been improved as a component of restoration. In the course of implementing the restoration program, however, a number of new considerations have arisen that point to a potential need to revisit and or update the natural recolonization approach to fall run recovery in the SJR, including:

- Significant delay in the implementation of restoration actions, including barrier remediation/ passage enhancement, from the timeline originally proposed;
- Need for increased and consistent presence of both adult and juvenile fall-run Chinook salmon in the SJR to serve as the basis for ongoing research and monitoring efforts critical to restoration success;
- Diminished run-size, and high inner-annual variability in run size of fall-run source populations on the Merced and other SJR tributaries;
- Production at the Merced hatchery often failing to meet targets;
- Continued management of the Merced and other tributary populations as distinct, as opposed to components of a larger San Joaquin Portfolio (as behavior and genetics increasingly indicate);
- The likely ongoing need to facilitate passage (i.e. trap and translocate) of both adult and juvenile fall-run Chinook salmon during certain low and critical low water years;
- The ineffectiveness of the Hills Ferry Barrier and associated potential for significant numbers of adult fish to be lost to false pathways in the absence of more effective management; and
- The mounting pool of evidence for overall population decline, loss of fitness, and increasing genetic similarity across the broader central valley Chinook salmon population.

To properly address these and other new considerations, it may be necessary to employ a range of approaches and associated management actions beyond those entailed under the simpler natural recolonization paradigm. Some specific components of actions that TU strongly requests the Department consider and address in their fall-run reintroduction strategy include:

- Ongoing capture and translocation of both upmigrating adult fall-run Chinook salmon and out-migrating juvenile Chinook salmon;
- Establishment of specific, transparent, return based thresholds on the Merced River (and other SJR tributaries) as the basis for development of a management approach to consistently and scientifically plan and carry out:
 - diversion of adult males, adult females, eggs, and juvenile salmon for use in ongoing research and reintroduction efforts on the San Joaquin without negative impacts to viability of the greater population; and
 - trapping and relocation determination (e.g. Merced, Tuolumne, lower San Joaquin, upper San Joaquin, etc.) for adult salmon in false pathways.
- Feasibility analysis and associated genetic management approach for supplementation of fall run population in the SJR with other stocks including:
 - potential for use of additional stocks both from within and outside the basin;
 - analysis and design of a brood stock program for fall run Chinook salmon in the SJR to supplement contributions from existing basin stocks;

- design of conservation hatchery program and facility to include conservation hatchery production of fall-run for the SJR.
- Genetic tracking of fall-run Chinook salmon introduced into the SJR system (translocated adults, eggs, juveniles, etc.) and development of a potential hatchery/genetic management plan for fall run Chinook salmon re-establishment;
- A detailed and transparent strategy, plan, and timeline for reintroduction of fall-run Chinook salmon in the SJR as it pertains to management of existing in-basin populations, supplementation, and or hatchery production;
- A plan for providing the protections necessary to ensure adequate persistence and success (both for research and reintroduction purposes) of salmon in the San Joaquin River including:
 - revisions to existing fishing regulations (as appropriate);
 - outreach and education around presence of salmon in river during critical time to deter poaching and raise awareness; and
 - need and potential for additional enforcement staff to prevent poaching during critical spawning periods.

TU recommends that, given the range of uncertainties around the ongoing condition of Central Valley Fall Run stocks within and beyond the San Joaquin Basin, the Department develop a fall-run reintroduction plan that includes a range of restoration and management options including, at a minimum, all of those approaches being contemplated for SJR spring-run Chinook Salmon, in addition to the specific management actions related to SJR tributary populations recommended above.

2. The EIR should provide additional detail regarding the spring-run Chinook reintroduction strategy

The Department's project description should include additional detail regarding its strategy for spring-run reintroduction. In large part, as a function of the absence of an existing population of spring-run Chinook salmon in the SJR basin, the suit of reintroduction and management approaches being considered for spring-run is significantly more robust than for fall-run. Even so, there are a few specific issues that TU requests the Department address in greater detail including:

- Identification and management of spring-run timed returning fish, not associated with reintroduced SJRRP stocks both in the SJR and Tributary streams within the SJR basin including:
 - Genetic management relative to SJR stocks;
 - Potential for habitat management/ segregation;
 - Potential needs for additional permitting and fishing regulation changes in the eventuality that the number of these fish (already known to be occurring on the Mokelumne River and elsewhere) increase over time;



Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the proposed San Joaquin River Restoration Program-Salmon Conservation and Research Facility and Related Management Actions Project. TU is looking forward to continued collaboration with the Department to ensure successful implementation of the SJRRP. Please contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Chandra Ferrari".

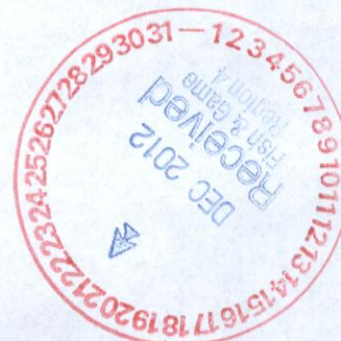
Chandra Ferrari
California Water Policy Director
Trout Unlimited
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(510) 528-7880 (fax)
cferrari@tu.org

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

20 December 2012

Gerald Hatler
California Department of Fish and Game
1234 E. Shaw Avenue
Fresno, CA 93710



REQUEST FOR COMMENTS, NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT, THE SAN JOAQUIN RIVER RESTORATION PROGRAM – SALMON CONSERVATION AND RESEARCH FACILITY AND RELATED MANAGEMENT ACTIONS PROJECT, FRESNO COUNTY

On 30 November 2012, we received California Department of Fish and Game's (CDFG) Notice of Preparation of a Draft Environmental Impact Report (Notice) for the Salmon Conservation and Research Facility (Facility) and Related Management Actions Project (Project). The Notice indicated that the Facility will produce spring-run Chinook salmon and possibly other native fish. The Project, according to the Notice, will commence in late 2014 and be completed by the end of 2015. Our comments are detailed below.

A concentrated aquatic animal production (CAAP) facility is defined in Title 40 Code of Federal Regulation (40 CFR) Section 122.24 as a fish hatchery, fish farm, or other facility which contains, grows, or holds cold water fish species or other cold water aquatic animals in ponds, raceways, or other similar structures. In addition, the facility must discharge at least 30 calendar days per year, produce at least 20,000 pounds harvest weight of aquatic animals per year, and feed at least 5,000 pounds of food during the calendar month of maximum feeding. However, a facility that does not meet the above criteria may also be designated a CAAP facility upon a determination that the facility is a significant contributor of pollution to waters of the United States [40 CFR 122.24(c)]. Pursuant to 40 CFR 122.24, CAAP facilities are considered point sources and, consequently, subject to the National Pollutant Discharge Elimination System (NPDES) permit program. The environmental impact report (EIR) should include an estimation of pounds of harvest weight of aquatic animals the Facility will produce per year, pounds of food during the calendar month of maximum feeding, and the number of calendar days per year the Facility will discharge to the San Joaquin River. If the Facility meets the criteria to be considered a CAAP facility, CDFG must apply for coverage under the NPDES program and would likely be regulated under General Waste Discharge Requirements for Cold Water Concentrated Aquatic Animal Production Facility Discharges to Surface Waters, Order R5-2010-0018-01 (CAAP General Order).

In previous correspondences, CDFG has noted that the Facility would have an estimated flow of 20 cubic feet per second at full capacity. The EIR must include details about the treatment of the wastewater (e.g., number and location of settling ponds) and evaluate the impacts the treatment and discharge of wastewater may have on water quality (i.e., groundwater and the San Joaquin River). The EIR must provide specific information about the location of the outfall(s) to the San Joaquin River and whether CDFG plans to comingle the Facility wastewater with the wastewater from the existing San Joaquin Fish Hatchery. The EIR must also provide details of the treatment and disposal of domestic wastewater from the Facility and describe how CDFG will ensure that domestic wastewater will not adversely affect the beneficial uses of the San Joaquin River or underlying groundwater.

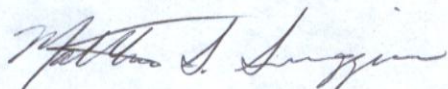
As set forth in Subdivision 2 of Title 27 of the California Code of Regulations (CCR), collected screenings and other solids (including fish carcasses) shall be disposed of in a manner consistent with *Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste*. The EIR must include details of how CDFG will ensure that waste will be handled in a manner consistent with CCR, Title 27, Subdivision 2.

Drugs and chemicals used in aquaculture are strictly regulated by the U.S. Food and Drug Administration. The CAAP General Order specifies which aquaculture drugs and chemicals enrollees may use. The EIR should include a list of all projected chemicals and drugs, and the estimated amount, planned to be used at the Facility. All chemicals and drugs used at the Facility must be applied in accordance with the label instructions.

The Notice mentions that the Project will result in construction of multiple structures (i.e., hatchery building, utility building, and various channels). Discharges of storm water from projects that will disturb an acre or more require compliance with State Water Resources Control Board NPDES General Permit CAS000002 for Discharges of Storm Water Associated with Construction and Land Disturbance Activities, Order 2009-0009-DWQ (Storm Water General Order). CDFG must apply for coverage under the Storm Water General Order if construction activities from the Project result in land disturbance of one acre or more.

Based on the description of the Project and a review of the Notice Vicinity Map, the Project may result in the discharge of dredge or fill material into federally jurisdictional waters. If construction associated with the Project will result in the discharge of dredge or fill material into federally jurisdictional waters, CDFG must obtain a permit pursuant to section 404 of the Clean Water Act from the U.S. Army Corps of Engineers, and a Clean Water Act section 401 water quality certification from this office to ensure that discharges will not violate water quality standards.

Thank you for the opportunity to comment on the Notice for the Project. If you have any questions regarding these comments, please contact Alex Mushegan at (559) 488-4397 or at amushegan@waterboards.ca.gov.



MATTHEW S. SCROGGINS
Senior Engineer

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STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

December 14, 2012

Gerald Hatler
California Department of Fish and Game
1234 E. Shaw Avenue
Fresno, CA 93710



**SUBJECT: ENVIRONMENTAL REFERRAL – SCARF CEQA Scoping
Comments**

Mr. Hatler:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

A handwritten signature in blue ink that reads "Mark E. Loeser".

Mark E. Loeser, Associate Management Consultant
Environmental Review Committee

cc: ERC Members

ML:kg

Gerald Hatler
 Cal Dept. of Fish and Wildlife
 1234 E Shaw AVE
 Fresno, CA 93710



Subject: SCARF

The First concern about SCARF is the funding source of a ballot proposition which issues junk bonds at appropriate interest rates or will dry up, especially so when competing against the high speed rail, high speed bus, or Delta Chunnel funding. Bonds should be for capitol outlay , not for O&M; The operation seems very expensive to produce poached salmon and should not be funded by sport or commercial fishing related sources; the obvious nexus is to the beneficiaries of Friant Dam. If the BOR funds it, in turn there will be charges to the Friant Water Authority. This will impact cropping as it continues to turn to high value commodities and related employment.

While the salmon will be poached by the riverine heat, I am glad to see you intend to reduce poaching by people by having residences on site. However built houses do not look appropriate to the public at this time. The Department has mobile homes at its refuges; the one at San Luis has just been vacated for a permanent check station.

The fuse gates can probably be used with an oxygenation system. More in a minute.

Isolating the salmon from the trout hatchery is laudable to eliminate cross contamination. However, due to proximity it won't work. To keep Department personnel from going next door to borrow a widget as the one has been broken will be difficult enough, but you can't control private contractors, deliverymen etc. Site the Salmon hatchery across the river.

With the San Joaquin as a moat there are other advantages as one considers it more:

- O the isolation will enable non-contamination
- O the current site can become a tree nursery. Willows on the river beat tamarisk, and become an organic rip rap to prevent soaking of adjacent fields.

Reserve an easement from the new site to the north of Millerton Lake for a possible waterway Acquire open space funding, but not too seriously kayaking recreation as off highway vehicle, funding from the State Parks who have not adhered to the BOR 80/20 funding split but ripped off all funds from the Lake to who knows where. Then flood the State area with the fuse gates without years of condemnation proceedings. Increased storage for a waterway and offset to the project.

The immediate benefit for a waterway to Millerton would be oxygenation and some possible addition to imprinting as well as a migration way to better habitat and spawning areas. Of course a weir would be necessary at the inlet and decisions as to whether to have a perennial or ephemeral creek consistent with excluding anything undesirable from the Lake, such as its Arundo patch, from going downstream.

I am proposing this mitigation measure as the SCARF has been called experimental anyway and as the BOR's system of fish ladders has had limited success this system, if successful, could have biological benefits to BOR projects nationally.

Sincerely,

Dennis Gregory Fox

Dennis Fox
 918 Blossom Street
 Bakersfield, CA 93306-5806

From: [Gerald Hatler](#)
To: REG4CEONOP@dfg.ca.gov
Subject: Fwd: San Joaquin River Restoration Program Draft EIR
Date: Wednesday, December 12, 2012 1:53:05 PM

>>> Mark Will <markw@fresnofloodcontrol.org> 12/4/2012 2:12 PM >>>
Good afternoon Gerald,

This portion of the Salmon Conservation and Research Facility as identified with the Notice of Preparation provided for comment is not currently located with the existing Fresno Metropolitan Flood Control District boundary. As such the District has no comments for this project at this time.

If there are any other question please let me know.

Thanks,
Mark

Mark Will, P.E.
Engineer III
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