

DEPT. OF FISH & GAME
REGION 2

NOV 29 1999

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MAIDU GROUP of the Mother Lode Chapter

Reply to: 1487 Crooked Mile Court, Placerville, California 95667



25 November 1999

Banky Curtis, Regional Manager
California Department of Fish and Game
1701 Nimbus Road, Suite A
Rancho Cordova, California 95670

Re: Weber Dam, El Dorado County

Dear Mr. Curtis:

I am writing on behalf of the Maidu Group of the Mother Lode Chapter of the Sierra Club to express our great concern at the project of the El Dorado Irrigation District to rebuild Weber Dam to meet seismic safety concerns and to develop this watershed to contribute to the district's available water supply.

As you know, one of the two known remaining Sierran populations of the red-legged frog was discovered somewhat upstream of the dam a few years ago. A few months later, this frog was listed under the federal Endangered Species Act.

We citizens failed to note and suitably to protest when the EID issued a categorical exemption for the proposed reconstruction of the dam in August of 1996; presumably that was the case also with Fish and Game. I am aware that the U.S. Fish and Wildlife Service has been concerned about the welfare to the population of the frog, too, but have heard little since they wrote to EID. I do know that EID discounted the Service's concern. I am also aware that representatives of EID recently went to Washington, D.C., to, with the help of Congressman Doolittle, pressure the Fish and Wildlife Service, presumably to back off over this and other endangered species issues in the county.

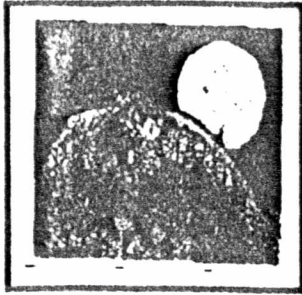
Given that possible environmental effects of rebuilding Weber Dam have not been examined in any environmental document, and in view of accounts in the press, the Maidu Group would like to know what response Fish and Game is making with respect to EID's application for a streambed alteration agreement in connection with this dam. In view of the court's decision in *Mendocino Environmental Center, et al., v. California Department of Fish and Game, et al.*, this would seem to present an opportunity for appropriate in-depth environmental study and documentation under the California Environmental Quality Act, as well as the National Environmental Policy Act and the Endangered Species Act, both as to suitable fish bypass flows and as to possible effects on the red-legged frog, as well as any other environmental concerns that should be examined.

Please advise us and let me know how we might be of assistance.

Sincerely,

Alice Q. Howard

Alice Q. Howard
Conservation Chair



The Center for Sierra Nevada Conservation

6221 Shoo Fly Road
Kelsey, California 95667

November 29, 1999

Dept Fish and Game

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Mr. Banky Curtis, Regional Manager
California Department of Fish & Game, Region II
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

Region II

RE: CEQA compliance for Streambed Alteration Permit for El Dorado Irrigation
District Weber Dam Reconstruction

Dear Mr. Curtis,

We understand that the El Dorado Irrigation District has applied for a streambed alteration permit, Fish & Game code section 1600 et seq., for the reconstruction of Weber Dam on the North Fork of Weber Creek.

As you know the North Fork of Weber Creek is extremely important habitat for the Federally listed California red-legged frog. One recent citing (1996) occurred approximately one mile up stream from Weber reservoir at the Snow's Road crossing.

Weber Dam is also a matter of a few miles downstream from the recently discovered remnant population of the CRLF in the central Sierra Nevada, at the Spivey Pond location.

The maintenance of adequate flows in the North Fork is critical to the long-term recovery of the CRLF in the central Sierra Nevada. Currently the dam restricts summer flows so that approximately .6 of a mile below the dam are de-watered.

We understand that the Department of Fish & Game will be conducting a CEQA review for the streambed permit. It is our hope that you will give serious consideration to the issues of in-stream flows and protection of the listed California red-legged frog in this review process.

Sincerely,

Craig Thomas, Conservation Director