

City of Auburn Council Members
and American River Pump Station Project
December 10, 2001

- C. h. What other existing river access sites were reviewed as less impacting than Maidu Dr. as alternate routes? What were the specific reasons they were not used?
- i. Why would anyone want to destroy the rural character of one of the finest areas in all of Auburn and one that has driven the higher end residential housing market in Auburn?

D 2. **AIR QUALITY.** On pages 35 & 36 the report refers to significant emissions during the construction phase with inconclusive ability to reduce or control the emissions. The increase of vehicular traffic and emissions are not adequately addressed or mitigated in the report. The suggested Monitoring and documentation procedures as a remedy do not eliminate the problem. The report does not deal with the air quality for traffic and the recreational parking area.

E 3. **NOISE.** Noise by increased traffic activities is not adequately addressed or mitigated in the report.

F 4. **ALTERNATIVES OF THE PLAN.** The other options in the EIR were not discussed in the meeting and merit more discussion. There also seems to be discrepancy between the Federal and State opinions regarding closing the tunnel. This needs further clarification.

The above items only begin to address some of the key issues affecting the neighborhood and which need further study and input before the EIR can accurately represent the impacts of this proposal.

G In an effort to stay focused on the solid legitimate impacting issues, I think it would be beneficial for representatives of Placer Water Agency and Bureau of Land Management to work closely with the City of Auburn Staff, i.e., City Manager, Dept. of Public Works and Planning Dept., together with the neighborhoods surrounding the proposed project in an effort to mitigate the serious concerns and impacts this project realistically will impose prior to completing the EIR.

Thank you for the opportunity to express my opinions. Since I will be unable to attend the City Council meeting on December 10, 2001, I kindly request this letter be read into the minutes.

Sincerely,


John Di Manto
Montecielo Property Owner

cc: Mayor Jodie Hale
City Council Member Alice Dowdin Singh
City Council Member Cheryl Maki
City Council Member O.C. Taylor
City Council Member Kathy K. Sands
Paul Ogden, City Manager
Tom Fossum, Director of Public Works
Wil Wong, Community Development Director
Fire Chief John Bailey
Chief of Police, Mike Morello

- C. Please refer to Master Response 3.1.10, Project Access.
- D. The air quality evaluation was prepared following Placer County and El Dorado County air pollution control district guidelines and requirements. Please also refer to Response L-3.C.
- E. Please refer to Master Response 3.1.6, Public River Access Features.
- F. Public stakeholder meetings held since release of the Draft EIS/EIR have intentionally focused on the Proposed Project. The alternatives are fully evaluated in the Draft EIS/EIR.
- G. The lead agencies and CDPR representatives have held several additional meetings and further consultations with local agencies, stakeholders and residents to further define project-related issues and clarify operational impacts and mitigation measures. Please refer to Master Response 3.1.6, Public River Access Features.

L-266

Ophir Area Property Owners Assoc., Inc.
PO Box 752
Newcastle, CA 95658

December 11, 2001

Via e-mail/fax

Re: American River Pump Station DEIR/DEIS

American River Pump Station Project
Surface Water Resources, Inc.
2031 Howe Avenue, Suite 110
Sacramento, CA 95825
In care of Carol Brown brown@swri.net

Post-It* Fax Note	7671	Date	12-11-01	# of pages	4
To	SWRI	From	R.E.T.T.C. - COY		
Co Recpt	Carol Brown	Co	Ophir Area Property Owners Assoc.		
Phone #	916-286-0957	Phone #	916-786-3503		
Fax #	916-286-0957	Fax #	916-786-3503		

Dear Project Manager:

We are submitting these comments in addition to those submitted November, 2001. Although we believe that *project environmental review and public participation to date clearly fail to comply with NEPA, CEQA and ESA requirements*, we want to make it clear that we do not wish to prevent the project proponents from getting additional water for domestic and agricultural users. We do believe that full disclosure of environmental impacts is yet to occur, and that the DEIR/DEIS must also thoroughly address alternative means of obtaining needed water beyond the artificially narrow project purpose used.

A

A. The opportunity for meaningful public participation has been severely limited due to the unwillingness of PCWA and BuRec staff to meet with the public. This was compounded by fishery agencies' failure to provide requested relevant information. It was our belief that by being apprised at the earliest possible time of agencies' evaluation and analyses of the project we could become better educated in the matters under consideration as well as participate in an effective and useful manner. Instead, information requested was denied, questions went unanswered, agency staff were not available in too many instances and ultimately refused our request for a meeting before close of comments. (11-16-01 OAPOA e-mail to NMFS; 11-30-01 DFG e-mail to OAPOA; 12-2-01 OAPOA e-mail to BuRec)

B

B. The DEIR/DEIS speaks of *augmentation* of Auburn Ravine Creek flows by American River water, but it has been reported by BuRec staff (Mr. Rod Hall/BuRec pers comm. 11-13-01) that this is instead a *replacement* of current Yuba and Bear River flows imported to the Auburn Ravine. Is this true? If so, when does/will this occur? During what seasons? And to what extent (proportionate and absolute flows)? And from what discharge point(s)?
a. As we understand it, approximately one mile *upstream* of the Ophir Tunnel outlet, Yuba/Bear River water is now dropped into the Auburn Ravine at the PG&E Wise Powerhouse. A short distance downstream of

A. Please refer to Response L-95.A.

B. Please refer to Master Response 3.1.13, Auburn Ravine. Additionally, it is noted that NEPA and CEQA procedures do not require the lead agencies to conduct field investigations for the evaluation of environmental impacts of a proposed project or action. However, PCWA voluntarily opted to develop a flow and water temperature monitoring program for Auburn Ravine. The details of these monitoring programs can be found in the Mitigation Plan (Appendix D of the Final EIS/EIR).

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B

PG&E's facility, City of Auburn Wastewater effluent is also discharged into the stream.

- b. If American River water discharged from the downstream Ophir Tunnel outlet is to replace upstream Yuba/Bear River water, what are the impacts to the stream and aquatic community *between* the two discharge points? As the Auburn Wastewater effluent discharge is close to the upstream PG&E outfall, how will this impact the effluent dominated stream in this area, especially during times of minimal flow and dilution (e.g. fall, spring, and, occasionally, winter low flow periods)? How will this new discharge point impact Critical Habitat for protected steelhead above and below this point in the Auburn Ravine? What are passage impacts? What responsibilities under the ESA regarding steelhead occur if this is the case? What responsibilities occur due to a change of use or from a change of discharge point of water? What specific input (by whom and when?) has been provided by NMFS, DFG, and Regional Board staff in evaluating related potential impacts? This is far from the first time our community and agency staff have discussed this matter.

- C. The DEIR discussion of fishery issues, upon rereading, is even more confusing, convoluted, incomplete, and difficult to accept. For example, Environmental Consequences/Impacts Analysis discusses consideration to be given to potential operation and maintenance impacts related to adult salmonid emigration (migration?) patterns resulting from changes in Auburn Ravine flows (DEIR 3-56). A literature review regarding chemical detection limits and olfactory response mechanisms of salmonids was conducted, and Auburn Ravine water composition and hatchery influences were evaluated. Later on (DEIR 3-81, 3-82), a discussion of effects on native salmonids in Auburn Ravine due to changes in water source composition occurs which is not consistent with this lay commenter's understanding of current scientific literature and consensus.

- a. For example, NMFS Tech Memo-22: Status Review for Mid-Columbia River Summer Chinook Salmon (see references), discusses homing behavior of salmonids, with *olfactory cues providing the primary mechanism* for river, tributary, and possibly even riffle selection. It is further noted that it has been reported that *homing appeared to be somewhat under genetic control*. Why does the DEIR obfuscate this matter? The assumptions, assertions, analyses, and conclusions of the DEIR/DEIS need to be substantially revised, expanded and supported with more representative references and pertinent data. This is particularly clear in the fisheries discussions.

- D. Several years ago, related preliminary preparation and discussions began. Lead agency staff were made aware of concerns regarding possible Auburn Ravine aquatic community and anadromous impacts early on. (e.g. the change of

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(cont)**

discharge point, the change of source water composition, possible homing and passage impacts, the change of flow quantity/quality/timing/duration)
The DEIR notes that: *Currently, there is little detailed information regarding (protected) steelhead specific to Auburn Ravine.* (3-55) Invaluable information could have been obtained through timely investigations of anadromous populations and behavior.

- a. Why was it decided by the lead agency(-ies) to forego appropriate field studies in the Auburn Ravine—particularly when time was available to do so? Such studies could have provided solid, reliable and specific baseline data upon which to base ultimate project decisions by agency staff, the public, and decision makers. Such studies could have also been invaluable in subsequent monitoring activities.
- b. If the goal of responsible conservation and recovery efforts (and of the ESA) is to restore native stocks, Why were no such Auburn Ravine (and elsewhere) studies performed, commissioned or reported by the lead agencies?
- c. Is it now reasonable or prudent to proceed in the face of deliberate ignorance?

We hope to work more closely with agency staff and strongly recommend that a second DEIR/DEIS be prepared. Thank you for the opportunity to comment.

Sincerely,



Ronald Otto for the Auburn Ravine Creek Preservation Committee, Ophir Area Property Owners Association

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References

DFG to OAPOA e-mail of 11-30-01. e-mailed

NMFS Tech Memo-22:Status Review for Mid-Columbia River Summer chinook Salmon
@NOAA/NMFS/NWFSC/TM22: Status Review... e-mailed

OAPOA to BuRec e-mail of 12-2-01. e-mailed

OAPOA to DFG e-mail of 11-29-01. e-mailed

OAPOA to NMFS e-mail of 11-16-01. e-mailed

Note: The references attached to this comment letter may be viewed at lead agency offices.

L-267

Sent By: PLACER DA;

9:18AM;

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AMERICAN RIVER PUMP STATION PROJECT
DRAFT EIR/EIS COMMENTS

Name: Clark Gehlbach
Address: 11040 Tangiewood Dr.
City/State/Zip: Auburn, CA 95603
Business and/or Home Phone/Fax: (h) (530) 889-1019
(w) (530) 889-7069
Organization: Placer County District Attorney's Office

To Whom It May Concern:

I wish to add my voice to those concerned about the American River Restoration Project & Planned Recreation Parking Facility. I am fully in support of the stated objectives relating to the closing of the tunnel and the siting of the pump station. However, I must take issue with the third stated objective of this project, the recreational area and the parking area, as well as the intended use of Maidu Road and Riverview Drive for entrance/egress.

A

Let me begin by stating that I agree with the many critics of the proposed recreational area for numerous reasons. For starters, since this is supposed to be a "restoration project", why is an additional recreation area being created that did not exist previously. The canyon in my area is currently very quiet and peaceful. It will not be so if the recreation area is created. This noise pollution is not something that I bargained for when purchasing my property. I would also add my concerns to those of others regarding the fire danger posed by the creation of the recreation area. We recently had a fire that threatened our neighborhood and required multiple air tankers and scores of firemen to suppress. I don't look forward to even more risk to my family and my home from careless campers and cigarette smokers at the new recreation area. I would also add my voice to that of others who are concerned about pollution of the river, pollution of Maidu and Riverview, and noise pollution from the traffic as well as that coming from revelers and boomboxes at the river.

B

C

D

All of these concerns, I'm sure, have been also raised by others. I share their concerns, and I will let them lend their voice to their favorite concern. However, I have an even greater concern. My concern is for the safety of myself, my family, and my neighbors. In my job as a criminal prosecutor, I have handled many cases regarding offenses committed at existing recreation areas, such as those at Folsom Lake, Lake Clementine, and the American River. These cases range from drunk in public, assaults and batteries, lewd conduct, possession of alcohol by minors, auto burglaries - some of which lead to residential burglaries, petty thefts, possession of illegal narcotics, possession for sale of illegal narcotics, driving on a suspended license, auto theft, and more. One of the most dangerous crimes to the community which is expected from a recreational area near a river is driving under the influence of alcohol or drugs. A recreational area will be created within a short driving distance of Placer High School. An easy point of access with little supervision where teenagers can congregate during or after school. An invitation for underage drinking followed by driving. And the invitation is not only for underage kids. During the spring/summer months, this access route will be used by hundreds of people every day, going to the lake, and possibly drinking. Then they have to drive home. Right through my neighborhood. Where kids walk home from school. Where I go on evening walks with my family. Where I go jogging.

A recreation area with an access route via Maidu Drive and Riverview Drive is a recipe for disaster. I know the types of people that hang out at the river. I prosecute them. It is not a matter of IF, but WHEN one of my neighbors or myself, or one of our kids, will get hit by a car being driving to or from the river. You have young inattentive drivers with carloads of their friends driving to the river. You have drug addicts with suspended licenses driving to the river. You have petty and serious criminals heading to the river with not a care in the world about traffic laws. They will pass on the shoulder, they will pass into oncoming traffic, they will run stop signs for the thrill. This is a tragedy waiting to happen. Somebody WILL die or be crippled. I've heard that the reason for not planning the access route through Pacific Avenue was that it would cost more, and due to the traffic impact on the FUTURE camping facility near that area. Is this a joke? The safety of myself and my neighbors and our kids, all permanent residents who pay property taxes and who VOIE, is being put in jeopardy, on purpose, so that potential campers, at a site that might be constructed in the future, might not be inconvenienced? Unbelievable! Also, I can GUARANTEE you that the first lawsuit stemming from a traffic death on Maidu or Riverview will cost much, much more than planning the access through Pacific Avenue now. And there will be more than one lawsuit, because there will be more than one tragedy, because this plan is simply a recipe for disaster.

E

- A. Project support for tunnel closure and pump station noted.
- B. Please refer to Master Response 3.1.13, Auburn Ravine.
- C. Please refer to Master Response 3.1.9, Fire Management. CDRP would not permit open fires at the public river access sites in the project area. Additionally, camping and after hours access will not be permitted within the project area.
- D. Please refer to Master Response 3.1.6, Public River Access Features.
- E. Please refer to Master Response 3.1.10, Project Access and Master Response 3.1.6, Public River Access Features.

DEC-11-01 TUE 9:21 AM

530 889 8873

P. 1

E

Most of the people in that area are concerned about their kids crossing Maidu at Berlin St. due to the number of people CURRENTLY driving through the red light. I live on Tanglewood Drive. My kids will have to walk a few hundred yards up Maidu before crossing the street to get to school. The same for coming home from school. The danger to them will be magnified.

This does not even touch on the increased safety concerns to our houses, cars, and physical safety due to the increase in the type of traffic contemplated here. If you read any of the studies on crime, you will find that up to 90% of crimes are crimes of opportunity. They are not well planned out crimes. And they occur within a block or two of where a criminal usually frequents. I do not want increased traffic driving through my neighborhood, where criminals can spot nice cars and nice things that they would like to have. Because, as is their nature, they might decide that they would really like these things RIGHT NOW. Bringing additional traffic through these neighborhoods WILL bring additional crime. Both property crimes and crimes of violence. And all to save a few bucks in the short term.

At the Auburn City Council meeting on December 10, 2001, Mr. Jim Michaels from the Department of Parks and Recreation spoke to the Council. He stated that the dam site was approximately four miles down river from the confluence, and five and a half miles from Folsom Lake. He said that the Dept. was concerned that during high water times the lake backs up to the diversion tunnel exit, and that leaves five miles of flat water for rafters to negotiate. The access and recreation area was designed so that rafters and others won't be "trapped" in the canyon. A multi-million dollar project, with 70 proposed parking spaces to accommodate up to 210 vehicles a day was designed to "save" a potential rafter "trapped" by his/her own refusal to paddle to the end of the run? This is the best you could come up with? First, as Councilwoman Maki stated, that rafter would only make that mistake once. Second, this is the most preposterous example of a solution in search of a problem I've ever heard. The Department of Parks and Recreation is planning on putting my family and the families of my neighbors at serious risk for no viable reason.

I recommend that the Auburn City Council oppose the creation of a recreational area at the pump station site. I would also urge the Council that if the project is to be approved over it's objection, that the access to this area be via Pacific Avenue, an area that has no residential impact, and only a POTENTIAL impact on a FUTURE plan for a camping facility, where TEMPORARY visitors might one day visit.

I would also recommend that the Placer County Water Agency oppose the creation of a recreation area at the proposed pump site. PCWA has broad support for returning the river to its original course and the siting of a permanent pump station. That is where the support stops. Including this recreation area in the same proposal as the restoration of the river puts the whole project in jeopardy. In addition, PCWA should not want itself in any way associated with the other aspects of this plan due to the inevitable lawsuits on behalf of crime/accident victims and their surviving family members.

I would urge the California Department of Parks and Recreation to do a serious cost/benefit analysis of not only the project itself but also the access route. The project itself has no real defensible purpose. The "trapped" rafter scenario is poppycock. The planned 70 parking spaces itself shows this "purpose" to be a lie. You will bring pollution, noise, fire danger, and crime to an area that currently does not experience these. In addition, the selection of Maidu Road and Riverview Drive as entrance points is sheer folly. The safety and security of real people, and lots of them, would be sacrificed to save a few bucks in the short term. It will cost the state far more in dollars in the long run, and it will cost the neighborhood far more in anguish and a lost sense of security from the resulting drunk driving accidents and other crime. Don't build it. Don't put the hundreds of families that live off of Maidu and Riverview at serious risk.

Regards,



Clark E. Gehlbach
Deputy District Attorney - Placer County
11040 Tanglewood Drive
Auburn, CA 95603
(w) (530) 889-7069
(h) (530) 889-1019

DB6-11-01 TUE 9:22 AM

530 889 6873

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