

Appendix B
Public Hearing Summary Report

RECLAMATION

Managing Water in the West



Folsom Dam Safety and Flood Damage Reduction Draft Environmental Impact Statement/Environmental Impact Report

Public Hearing Summary Report



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Appendices

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Acronyms and Abbreviations

CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CVP	Central Valley Project
DS/FDR	Dam Safety/Flood Damage Reduction
DWR	California Department of Water Resources
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
Folsom DS/FDR	Folsom Dam Safety and Flood Damage Reduction Action
JFP	Joint Federal Project
M&I	municipal and industrial
NEPA	National Environmental Policy Act
NOA	Notice of Availability
NOD	Notice of Determination
NOI	Notice of Intent
ROD	Record of Decision
SAFCA	Sacramento Area Flood Control Agency
SSLE	Reclamation's Safety, Security and Law Enforcement Program

Folsom Dam Safety and Flood Damage Reduction Draft EIS/EIR Public Hearing Summary Report

1.0 Introduction

The Folsom Dam Safety and Flood Damage Reduction Action (Folsom DS/FDR) is a cooperative project to correct seismic, static, and hydrologic issues associated with the structures that make up Folsom Dam. The Folsom DS/FDR agencies, including the United States Department of the Interior, Bureau of Reclamation (Reclamation), the United States Army Corps of Engineers (the Corps), Sacramento Area Flood Control Agency (SAFCA), State of California Department of Water Resources (DWR), and the State of California Reclamation Board (State Reclamation Board), completed a Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on December 1, 2006, for the Folsom DS/FDR. Accordingly, these agencies held public hearings at the following locations to receive comments:

- Sacramento Library Galleria, Sacramento, January 9, 2007
- Folsom Community Center, City of Folsom, January 10, 2007.

This public hearing summary report documents these meetings and the comments captured. Section 1 summarizes the purpose and process of a public hearing, Section 2 provides background information on the project, Section 3 lists the project alternatives, Section 4 includes an overview of the public hearings, and Section 5 summarizes the written and verbal comments received at the public hearings.

1.1 Public Hearing Purpose and Process

Agencies conduct public hearings to allow the general public to comment on environmental documents. During public hearings, the lead agency generally will outline the proposed project, identify alternatives to the project and tentatively present the preferred alternative. The agencies then consider those comments during development of the Final EIS/EIR.

National Environmental Policy Act

National Environmental Policy Act (NEPA) regulations (40 CFR 1506.6) require agencies to involve the public in the EIS/EIR process.

The lead agency of the proposed action is required to:

- a.) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.

- b.) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies that may be interested or affected.
- c.) Hold or sponsor public hearings or public meetings whenever appropriate or in accordance with statutory requirements applicable to the agency. Criteria shall include whether there is:
 - 1) Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.
 - 2) A request for a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful. If a draft environmental impact statement is to be considered at a public hearing, the agency should make the statement available to the public at least 15 days in advance (unless the purpose of the hearing is to provide information for the draft environmental impact statement).
- d.) Solicit appropriate information from the public.
- e.) Explain in its procedures where interested persons can get information or status reports on environmental impact statements and other elements of the NEPA process.
- f.) Make environmental impact statements, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), without regard to the exclusion for interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action. Materials to be made available to the public shall be provided to the public without charge to the extent practicable, or at a fee which is not more than the actual costs of reproducing copies required to be sent to other Federal agencies, including the Council (40 CFR 1506.6).

Council on Environmental Quality (CEQ) regulations (40 CFR 1502.9(c)(1)) require the implementing agency to make the EIS/EIR available for public review and comment. Reclamation issued a Notice of Availability (NOA) in the Federal Register on November 28, 2006. Appendix A of this public hearing summary report includes a copy of the Folsom DS/FDR NOA.

California Environmental Quality Act

Although California Environmental Quality Act (CEQA) does not require public hearings, public involvement is considered an essential part of the CEQA process.

If an agency does, however, decide to hold a public hearing, the CEQA guidelines suggest the following:

- 1.) The agency should include environmental review as one of the subjects for the hearing.
- 2.) A public hearing on the environmental impact of a project should usually be held when the lead agency determines it would facilitate the purposes and goals of CEQA to do so.
- 3.) A draft EIR or negative declaration should be used as a basis for discussion at a public hearing.
- 4.) Notice of all public hearings shall be given in a timely manner. This notice may be given in the same form and time as notice for other regularly conducted public hearings of the public agency (CEQA Section 15202).

Parallel to the process for NEPA, CEQA requires public notification of the availability of an EIR through a NOA (CEQA 15088.5). A copy of the Folsom DS/FDR NOA can be found in Appendix A of this summary report.

2.0 Background

The Folsom Facility is approximately 23 miles northeast of Sacramento, near the City of Folsom, in the State of California. There are 12 retention facilities (4 dams and 8 dikes) that make up the Folsom Facility. These retention structures impound the waters of the North and South Forks of the American River forming Folsom Reservoir. The Folsom Facility is a multi-purpose facility operated by law to provide flood control, irrigation water supply, municipal and industrial (M&I) water supply, and hydropower generation benefits. Additional purposes with notable associated benefits include recreation and maintenance of water quality for fish and wildlife.

The improvements being considered for the Folsom Facility respond to varying degrees to certain objectives of each of the aforementioned agencies. Reclamation's Safety of Dams Program objectives focus on reducing the risk of failure under hydrologic (flood), seismic (earthquake), and static (seepage) loads. Folsom Dam has been designated as a National Critical Infrastructure Facility and any compromise of the facility could result in grave property damage and loss of life. Reclamation's Security Program objectives are to protect public safety by securing Folsom Dam and its appurtenant structures and other Reclamation facilities, including the Folsom power plant, from attack or damage. The Corps' flood damage reduction objective is to improve the annual recurrence level of flood protection provided to the lower American River corridor. Similarly, SAFCA and DWR seek to improve the level of flood protection for the Sacramento region.

The Folsom DS/FDR Draft EIS/EIR presents an assessment of potential impacts for a comprehensive range of structural modification alternatives, which may be implemented under either a joint structural modification approach, which address both dam safety and flood damage reduction objectives, or through specific, separable dam safety, security and flood damage reduction structural modifications, which solely address the specific agency objective. From this range of alternatives, a comprehensive proposed and ultimately preferred alternative will be identified that addresses both the joint and separable structural modifications.

3.0 Project Alternatives

A range of alternatives were carried forward in the Draft EIS/EIR to meet both Reclamation's dam safety and security objectives and the Corps' objective of providing flood damage reduction protection to the Sacramento metropolitan area. A complete description of the alternatives is provided in Chapter 2 of the Draft EIS/EIR (Volume I). The following alternatives, along with the No Action/No Project Alternative were evaluated in the Draft EIS/EIR.

- Alternative 1 – Fuseplug Auxiliary Spillway, No Concrete Dam Raise/Embankment Crest Protection
- Alternative 2 – Fuseplug Auxiliary Spillway with Tunnel, 4-foot Dam/Embankment Raise
- Alternative 3 – Joint Federal Project (JFP) Gated Auxiliary Spillway with Potential 3.5-foot Parapet Wall Raise
- Alternative 4 – JFP Gated Auxiliary Spillway with Potential 7-foot Dam/Embankment Raise
- Alternative 5 – No Auxiliary Spillway, 17-foot Dam/Embankment Raise

4.0 Public Hearing Meetings

Reclamation, the Corps, SAFCA, DWR, and the State Reclamation Board held two public hearings in January 2007 for the Folsom DS/FDR Draft EIS/EIR. The first hearing took place on Tuesday, January 9 at the Sacramento Library Galleria in Sacramento, and the second hearing took place on Wednesday, January 10 at the Folsom Community Center in the City of Folsom.

Approximately 100 people attended the two hearings, including members of the public, elected officials, and representatives from public agencies, water resources, waterways, and electric power and flood control. Written and verbal comments were received at both meetings.

4.1 Publicity

To publicize the meetings, a Notice of Availability for the Draft EIS/EIR was published in the Federal Register on November 28, 2006, and in the State Clearinghouse on December 4, 2006. Additionally, Reclamation distributed notices to approximately 1,600 interested parties, including state and local agencies, elected officials, and area residents. Print advertisements for the hearings were published in local newspapers including the Sacramento Bee (January 5, 2007), the Roseville and Granite Bay Press-Tribune (January 6, 2007), and the Folsom and El Dorado Hills Telegraph (January 10, 2007). Reclamation Public Affairs also distributed a press release on December 26th to all the regional newspapers in the project area. Appendix A of this report contains a copy of the State Clearinghouse Notice of Availability, the Federal Register Notice of Availability, a copy of the print advertisement that was published in the local newspapers, a copy of the notice distributed by Reclamation, and a copy of the press release.

4.2 Staff

The following is a list of agency and project development staff in attendance during the public hearings.

Rosemary Stefani, Reclamation	Alicia Kirchner, Corps of Engineers
Shawn Oliver, Reclamation	Lisa Clay, Corps of Engineers
Larry Hobbs, Reclamation	Jane Rinck, Corps of Engineers
Mike Finnegan, Reclamation	Miki Fujitsubo, Corps of Engineers
Jeff McCracken, Reclamation	Jeff Hawk, Corps of Engineers
Gary Egan, Reclamation	Annalena Bronson, DWR
Mike Nepstad, Reclamation	Peter Buck, SAFCA
John Wilson, Reclamation	Tim Washburn, SAFCA
John Laboon, Reclamation	John Wondolleck, CDM
Rick Johnson, Reclamation	John Clerici, CirclePoint
Dee LeSala, Corps of Engineers	Sonja Wadman, CirclePoint
Frank Piccola, Corps of Engineers	Carol Glatfelter, CirclePoint
Rebecca Victorine, Corps of Engineers	

4.3 Meeting Agenda and Content

Both public hearings were held in an open house forum. Attendees were asked to sign in and all names were entered into a database for the exclusive purpose of keeping participants up-to-date on future activities, meetings, and project information. Meeting materials made available to each participant included:

- A welcome sheet with an explanation of the purpose of the meeting, the various display stations and how to provide comment;

- A seven-page handout showing the content of the displays;
- A speaker card (for those who wished to make verbal comments); and
- A comment card for written comments (a self mailer for participants who wanted to mail in their comments at a later time).

Seven information displays were set up to provide the public with an overview of the information contained in the EIS/EIR. Reclamation and Corps staff were available at each display and invited the public to ask questions and voice concerns regarding each respective topic. Participants with specific comments were urged to provide either written or verbal comments through the means provided at the public hearing. Appendix B contains a copy of the displays and the handout provided to all meeting participants. The displays included the following information:

Display 1. Welcome

- Background information about the Folsom Dam and Reservoir, its role in the Central Valley Project, its role as a flood control facility for the Sacramento area, the critical need for improvements, and the proposed alternatives.

Display 2. Roles and Responsibilities

- An explanation of the collaborative relationship between Reclamation and the Corps designed to improve the structural integrity of Folsom Dam and protect the region from floods, and a description of the common issues regarding Folsom Dam and Reservoir addressed in the EIS/EIR.

Display 3. Purpose

- The purpose of the Folsom DS/FDR and a description of the five areas of proposed improvements that are addressed (hydrologic, seismic, static, dam security, and flood damage reduction) in order to maintain the long term safety of Folsom Dam.

Display 4. Corps of Engineers Post Authorization Change Report

- An explanation of the Corps' recommended changes to the Folsom Dam Modification and Folsom Dam Raise Authorizations

Display 5. EIR/EIS Process

- A timeline and explanation of the complete environmental review process from developing the purpose and need, to adopting the Record of Decision (ROD), with information describing continued public involvement. An explanation that defines the purpose of the ROD and NOD (Notice of Determination). Identification of the CEQA environmentally preferred alternative.

Display 6. Proposed Alternatives

- Summary of the no action and five action alternatives. Description of the common features that all action alternatives share in order to increase seismic stability and improve facility security.

Display 7. Impacts and Mitigation

- Outline of the potential impacts from project construction at the reservoir and within the communities around the reservoir. Mitigation measures are summarized for each potential impact.

A Comment Station, with court reporter, was also provided where meeting participants could make verbal comments to the Hearing Officer.

5.0 Public Hearing Comments

Agencies accepted both verbal and written comments at the public hearings. The following section is an overview of the comments submitted during the public hearings.

5.1 Verbal Comments

During each of the hearings, the public had an opportunity to give verbal comments to the Hearing Officer. A total of 23 people provided verbal comments during the two public hearings. Each verbal comment was recorded by a court reporter; a transcript is included in Appendix C. The Final EIS/EIR includes an account and a response to every verbal and written comment received on the Draft EIS/EIR. The following sub-sections provide an overview of the verbal comments received during the hearings and are not intended to be a substitute for the formal comments and responses in the Final EIS/EIR.

EIS/EIR Process

There were several comments regarding the EIS/EIR process, the notices for the public meeting, and the methods for giving verbal comment. Comments included:

- Not enough notice was provided to adequately respond to the Draft EIS/EIR nor was there adequate community outreach regarding the impacts of the proposed activities;
- More clarity is needed in describing the three separate parts of the overall project and how they are linked; and
- An opportunity for community verbal comments should have been provided.

Closure of Folsom Point

The majority of verbal comments focused on the potential closure of Folsom Point, the principal water access point on the south side of Folsom Dam and Reservoir. Concerns included:

- Access to the lake for a variety of water sports – most notably boating;
- Impacts to businesses serving lake-based recreation;
- Disruption of long established family oriented activities at Folsom Reservoir;
- Traffic and air quality impacts of the construction activities at Folsom Point; and
- Impacts to other recreation sites (potential overuse) if Folsom Point is closed during construction.

Cost Allocations

The document should compare the costs of the proposed alternatives and elaborate on how those costs would be distributed among the project participants.

Temperature Control Device

There was a suggestion of using a temperature control device in the reservoir (for regulating the temperature of water for downstream fish habitat) similar to the one designed for Shasta Dam.

Reservoir Levels and Dam Raises

There were several comments regarding the flood storage take line of the reservoir in the event of a dam raise. Concerns included:

- Provide additional clarity about where the high water level would be (described in more detail than in the document) and what eminent domain issues may result.
- Describe potential impacts to lakeside recreation (mostly to non-motorized trails) in the event of a flood.

Auburn Dam

Auburn Dam should be considered as an alternative to modifying Folsom Dam for flood management purposes.

Other Comments

- Provide for proper internment of remains left at the old Mormon Island Cemetery.

5.2 Written Comments

In addition to verbal comments received at the public hearings, agencies also accepted written comments on comment cards that were distributed to each attendee. Copies of all written comments are shown in Appendix C of this report. There were 31 people who submitted written comments at the two public hearings. Additionally, several people who submitted verbal comments also submitted similar written comments on speech cards. Overall, written comments tracked closely with the verbal comments described above. The majority of the written comments focused on the potential closure of Folsom Point and the potential economic, recreational, and quality of life impacts. The following bullets present a summary of the written comments received during the public hearings that are different from the verbal comments described above. .

Alternatives

Several commenters expressed their support for Alternative 3. Alternative 5 received several negative comments.

EIS/EIR Process

Additional community meetings should be scheduled to discuss specific impacts of the proposed activities – most notably the closure of Folsom Point.

Other Comments

Provide a siren to notify downstream entities when the floodgates are opened.

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