Nimbus Hatchery Fish Passage Project

Summary of EIS/EIR Public Scoping Meetings

April 30, 2009

June 22, 2009

Bureau of Reclamation

California Department of Fish and Game

Nimbus Hatchery Fish Passage Project

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April 30, 2009

Prepared for:

Bureau of Reclamation

California Department of Fish and Game

Prepared by:

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Introduction

On April 30, 2009, the Bureau of Reclamation (Reclamation) and the California Department of Fish and Game (CDFG) held two public scoping meetings for the Nimbus Hatchery Fish Passage Project Environmental Impact Statement (EIS)/Environmental Impact Report (EIR). Reclamation is the lead federal agency for the EIS under the National Environmental Policy Act (NEPA); CDFG is the lead state agency for the EIR under the California Environmental Quality Act (CEQA). The meetings took place at the California State University, Sacramento (CSUS) Aquatic Center in Gold River from 1:00 PM to 3:00 PM and from 6:30 PM to 8:30 PM. The two meetings were held to share information with community members about the identified project alternatives and to obtain input from the community regarding the scope of the project EIS/EIR. A combined total of 30 community and agency staff members attended the two meetings. Several participants, including agency staff, attended both meetings.

Scoping Meeting Background and Purpose

In December 2003, Reclamation held two public scoping meetings as part of an environmental assessment for the then-named Nimbus Fish Hatchery Weir Replacement Project. Significant public input received from this outreach process indicated that Reclamation should proceed with an EIS/EIR to evaluate the environmental impact of project alternatives. The April 2009 scoping meetings initiated the EIS/EIR process and continue the environmental review process started in 2003. A graphic summarizing the project history and schedule is included as Appendix A of this document.

Scoping Meeting Overview

The two scoping meetings used the same format. David Robinson, Project Manager for Reclamation, provided an overview of the project purpose, project need, and the proposed alternatives. Joe Johnson, Project Manager for CDFG, discussed proposed changes to fishing regulations in relation to the project alternatives. Following the presentation, participants were given the opportunity to ask questions and comment on the project scope and proposed alternatives.

Also attending were additional staff from Reclamation, the Nimbus Fish Hatchery and interested agencies, including California's Department of Parks and Recreation (CDPR) and Department of Boating and Waterways. These staff members helped provide more detailed answers to participant questions during the comment period. Following the comment period, participants were invited to discuss the alternatives individually with project sponsors and agency representatives.

Questions and comments and agency responses provided publicly during the meetings were recorded by consulting team staff from MIG, Inc. and Tetra Tech, Inc. and are summarized in the following pages. Meeting participants were also invited to share written comments on

the scope of the environmental document. Written comments are summarized in this report, and comment letters received are included as Appendix B.

Project Alternatives

The Nimbus Hatchery Fish Passage Project has a long history, beginning in the early 1990s with feasibility studies and the design of an alternate structure to replace the weir. Deterioration of the weir system is the catalyst for this project, and a new structure is needed to maintain a functional hatchery and produce the fish necessary to meet Reclamation's annual mitigation requirement. Other considerations include the need to minimize operational impacts on sensitive fish species and the need to improve worker and public safety at the weir site. Three alternatives for replacing the weir are under consideration, as follows:

- Take no action;
- Replace the fish weir; and
- Extend the fish ladder and remove the weir structure.

No Action

The No Action Alternative continues using the diversion weir. Under this alternative, the weir superstructure would eventually need to be replaced. No action would require a continuing need for periodic significant repairs to the weir foundation and annual flow reductions to install and remove the weir superstructure. Future changes to fishing regulations or recreation opportunities in the project area may or may not take place under the No Action Alternative.

Replace the Weir

Under this alternative, the diversion weir would be replaced with a new concrete weir immediately upstream of the existing structure. Additional entrances would be added to the existing fish ladder, and a set of bypass bays would prevent the need for annual flow reductions for operations and maintenance. This alternative would not allow adult fish passage but would make provisions to pass juvenile steelhead. No immediate changes in fishing regulations or recreation are anticipated with this alternative.

Extend the Fish Ladder

This alternative involves constructing a modified fishway and removing the diversion weir. The modified fishway would extend to the stilling basin below Nimbus Dam and would consist of a concrete flume fishway, a pool and drop fish ladder, and a rock-lined trapezoidal channel. Reductions in flows would not be required. Development of an extended ladder

option would require changes to fishing regulations, as proposed under one of the three following alternatives:

- 1A—Fishing closure within 250 feet of the new fishway entrance;
- 1B—Fishing closure from the Hazel Avenue Bridge to Nimbus Dam; and
- 1C—Fishing closure from the US Geological Survey (USGS) cable to Nimbus Dam.

Summary of Meeting Comments

Participants who attended the two meetings asked a variety of questions about the project and shared their concerns for consideration in the EIS/EIR process. This section presents a summary of the key issues discussed at the two meetings. When possible, the summary notes where specific issues relate to one of the proposed alternatives. Most of the discussion focused on the extended fish ladder alternative, since implementation would provide new opportunities for access and use of the river and integration with habitat restoration efforts. Few specific comments were raised about the proposed changes to fishing regulations that are part of the alternative to extend the fish ladder.

The following issues were the main topics of discussion:

- Habitat and fisheries protection;
- Fishing, boating, and recreation;
- Safety and public access;
- Design and construction; and
- The invasive New Zealand mud snail.

Habitat and Fisheries Protection

Fishway Design/Operation and Environmental Flows. Reclamation and CDFG stated that the extended ladder project meets all functional requirements and is half the estimated cost of replacing the weir. The extended ladder alternative also appears to provide the greatest amount of protection for sensitive fish species and would have less of an impact on hatchery operations (i.e., increased flexibility to collect fish without concern for flows in the lower river). None of the alternatives will require any changes to downstream flows or upstream reservoir operations, but there would be localized, project-specific and construction related effects. A biological assessment would be conducted to assess impacts on all sensitive species.

Habitat Restoration. Habitat restoration is not one of the project goals but is a secondary design objective under the proposed alternatives. Mr. Robinson noted that Reclamation is analyzing the secondary benefits and potential opportunities for other activities that could occur as a

result of the removal of the existing weir structure. This includes the opportunity for spawning habitat improvement under the Central Valley Project Improvement Act (CVPIA), which includes a program to introduce spawning gravels into the American River. The latest effort on the American River was successful, and efforts will continue to focus on the area below Nimbus Dam extending downstream to the Mississippi bar.

A National Marine Fisheries Service (NMFS) representative stated that this project is an opportunity to enhance stewardship of the river through habitat enhancement, increased species protection, and public education. This brings value to the project from the NMFS's perspective.

Security and Illegal Take. In the 2006 Project Alternatives Solutions Study (PASS), which was conducted to receive agency input on alternatives development, security in the area is noted as a significant issue. During the scoping meetings, members of the public expressed concern that implementing the extended fish ladder alternative would increase illegal take. With the open fishway there would be no opportunity for fish to escape poaching. In addition, concerns were also expressed related to the security of the Nimbus Dam and power plant.

There was discussion on how poaching could be prevented with an extended ladder. Commenters noted, for example, that if a cement wall was used at the end of the ladder to keep people out, there could be visual issues as well as issues with graffiti on the wall, and flood issues because a wall may change erosion patterns. It was recognized that with an extended ladder, poaching will occur and would likely compare to current poaching in the form of snagging (an illegal fishing method). The EIS/EIR will evaluate enforcement potential. Others noted that implementation of additional fishing closures would aid enforcement.

Environmental Stewardship. One participant voiced strong support for the Nimbus Hatchery Fish Passage Project. Federal listing of the Central Valley steelhead and this project have together created multiple opportunities for enhanced stewardship, a very important benefit.

Fishing, Boating and Recreation

Fishing Closure Areas. One participant requested that CDFG clarify the extent of the current 250-foot fishing closures at the fish ladder entrance and fishway outfall. One proposed solution is to use landmarks to help denote areas where fishing restrictions apply. Another participant questioned whether the extended fish ladder would warrant a closure 250 feet downstream of the Nimbus Dam, in accordance with current regulations, since the dam could be construed as a diversion structure. CDFG responded that the dam would not be considered a diversion as referenced in the applicable CDFG code for this project but that the matter could be reviewed further.

Boating Safety. Enforcement of boating regulations in the project area is very important. At least one participant noted that the existing weir structure is dangerous and that paddling is a serious public safety issue. Enforcement of regulations is extremely limited.

Whitewater Course. Participants supportive of creating enhanced boating opportunities were concerned about the loss of the opportunity to create this water feature. At least one participant requested that boating should be a consideration as Reclamation determines which structure to build. Implementing the extended fish ladder alternative as proposed would preclude development of a whitewater course within Nimbus Shoals. However, if a portion of the existing weir is left in place, it could serve as a whitewater play structure.

Boating Access. Meeting participants expressed interest in and concern with the project's impact on boating access and boat launch areas. According to one member of the public, people would come to boat if the existing weir structure were removed. One participant asked if providing access to launch boats at Nimbus Shoals is still under consideration as part of this project. Another participant expressed a desire to establish access to the river that would allow for launching boats upstream of the bridge.

Mr. Robinson stated that hand launching boats at the shoals is a potential recreation opportunity that had been discussed but would likely be considered incidental to the project's scope of providing fish passage to the hatchery. Any effort to make this possible would require partnerships with other agencies.

Reclamation noted that bridge and roadway access on top of the ladder would continue to provide access to the shoals. Right now there are no other defined project features that will modify access, though the need for access to the river will be informed by the changes that are made to fishing regulations. One agency representative noted that there is a County ordinance that prohibits boating within 1,000 feet of the dam. This regulation would need to be considered.

Parks Plan. One participant noted that the new plan for the Folsom State Recreation Area should be considered as this project moves forward. The plan anticipates a fish channel at the shoals. In addition, it discusses the need for resolving access issues and limited/confined parking in the project area. Both of these issues have a clear connection to the Nimbus Hatchery Fish Passage Project. Reclamation and the CDPR will need to coordinate further on providing for recreational improvement opportunities at Nimbus Shoals as part of the Fish Passage Project.

Project Impact on Bike Trail. One member of the public asked about the potential project impact on the bike trail. The bike trail may be redirected slightly uphill as a result of project implementation.

Safety and Public Access

Enhanced Viewing Opportunities. One participant asked specifically about enhanced viewing opportunities with the extended ladder alternative. Reclamation is working with CDFG to explore possibilities to design observation facilities, with visitor safety and the visitor experience in mind. There may be an opportunity for a viewing area at the transition point where the low-gradient flume enters the fish trap. In addition, there may be an opportunity

to add interpretive displays along the extent of the existing ladder at the concrete wall.

Facility Access. With the extended ladder alternative, the new ladder would be a closed facility and visitors would not be encouraged to visit that particular location. Public access at the weir location would likely be minimal after 5 PM. One agency attendee identified the Feather River as an example of a facility that is closed after working hours.

Parking. One participant expressed the need for more parking to improve public access at the project location.

Design and Construction

Site Geology and Hydrology. One agency representative noted the importance of considering site geology and hydrology as it relates to construction, viewing and access, and enhancing the site for other uses. This area has hard bottom clays and massively moved gravels. The public would most likely want to soften this area aesthetically. The site is also very open to flows that would rearrange the site hydrology, creating side channels and reconfiguring the area.

Design Flow. The survivability of any structures within the active river channel under flood conditions was questioned. Reclamation is looking at future probable maximum flows, with a design flow of 160,000 cubic feet per second (cfs) for the in-river structures. The alternatives will be designed so that all facilities can withstand minimal damage in the event of major flows. Current average flows at the fish ladder are roughly 2,000 to 3,000 cfs.

One participant inquired if increased flows and increased elevations in the ladder have been addressed. Reclamation has looked at a structure that allows for getting fish to enter in a wider range of flows, and higher flows are unlikely to occur during chinook season. Fish generally do not come into the hatchery when the flows are high, so this is generally a steelhead versus salmon issue. A representative said Reclamation has had success in the past with attracting fish during increased flows but that it needed to address how to help fish find the ladder.

Proposed Weir Structure. One participant noted that the proposed weir structure has many variables and asked if there are other models that can be referenced to help determine the chances of its success at the Nimbus site.

Invasive Species: The New Zealand Mud Snail

Hatchery Contamination. The New Zealand mud snail has been found downstream of the weir. Outreach to educate people about the threat of the New Zealand mud snail, the implications of its spread, and how to prevent its further spread is extremely important for this area. There is serious concern among the agencies and the public that people coming in and out of hatchery grounds may spread the mud snail into the two hatcheries at the Nimbus site–the Nimbus Hatchery and the American River Hatchery.

To protect the hatcheries, CDFG will continue to be strict about isolating each hatchery area and preventing hatchery contamination from the mud snail. Any fish that leave the Nimbus Hatchery go to the Sacramento River or the American River. In the event of contamination at Nimbus, operations at the salmon hatchery would continue because the fish are anadromous. Since salmon migrate between fresh and salt water, mud snails are less of a concern. However, trout from the American River Hatchery are distributed to 17 counties, and if snails get into the American River Hatchery, CDFG would need to shut it down.

Economic Impacts of Contamination. The American River Hatchery is California's largest producer of trout, and dire financial implications would result if the mud snail were to enter the hatchery. The cost to replace the hatchery alone would be 60 to 70 million dollars. This figure does not account for the legal and financial implications of contaminating other water bodies throughout California.

Boating and the Spread of the Mud Snail. One participant asked if CDFG is concerned with contaminating the river downstream if people are allowed to float through the infected area. In response, Mr. Johnson, representing CDFG, stated that floating through the area would be permissible but that people would not be allowed to launch in the contaminated area. CDFG has worked with the Aquatic Center to disinfect boats. Mr. Johnson confirmed that there is a good chance that launching and taking out above the bridge could lead to the spread of the mud snail.

Summary of Written Comments

In this section are summaries of the four letters submitted in response to the invitation to provide written comment on the scope of the EIS/EIR for the Nimbus Hatchery Fish Passage Project.

California Department of Boating and Waterways

The California Department of Boating and Waterways submitted a letter expressing its interest in possibly removing the diversion weir, which prevents boating directly below Nimbus Dam. Given the opportunity for paddlecraft boaters in this portion of the Lower American River, the Department strongly supports the alternative that extends the fish ladder and removes the weir. If this alternative is implemented, the Department could provide funding to improve boating access to the Lower American River in this area of the basin and could modify the riverbed to create eddies for paddlers.

Horseshoe Bar Fish & Game Preserve, Inc.

Horseshoe Bar Fish & Game Preserve submitted a letter in support of Alternative 1B to extend the fishway, to remove the weir, and to impose a regulatory fishing closure from the

Hazel Avenue Bridge to Nimbus Dam. Mr. Thomas Bartos, President and Founder, requested that this alternative include in-stream modifications to allow for the passage of steelhead and salmon into Lake Natoma and its tributary streams. This modification, he comments, would allow natural spawning and reproduction of salmon and steelhead and would help advance reintroduction of anadromous fish into the American River Watershed.

California Department of Parks and Recreation

CDPR submitted a letter expressing its support for Alternative 1C, which would extend the ladder, remove the weir, and close the river to fishing from the USGS cable to Nimbus Dam. CDPR manages the Folsom Lake State Recreation Area, of which the Nimbus Shoals is a part. According to CDPR, Alternative 1C proposes fishing regulations that would provide the best protection for fish and that are the easiest to enforce.

If the in-stream weir is removed, CDPR supports launching small car-top boats, such as rafts, canoes, and kayaks, at Nimbus Shoals. In addition to delineating a designated boat launching site, CDPR requests that Reclamation create a small, confined gravel parking area for public use on the river side of the fish channel.

CDPR also requests that if Alternative 1C or any project alternative, including fishing closures, is implemented, Reclamation construct a fence along the north side of the river below the paved bike trail to prevent illegal fishing access. Currently, this area presents enforcement problems for State Park Rangers. Please see Appendix B to view a map that includes CDPR's proposed public use features for the project area.

CDPR does not support constructing an artificial whitewater course in the project area. However, if the weir were removed, CDPR encourages Reclamation to explore the feasibility of creating an in-stream water feature to provide an interesting recreational opportunity for river boaters that is designed and constructed to enhance habitat for salmon and steelhead.

United States Environmental Protection Agency

In accordance with the NEPA, the US Environmental Protection Agency reviewed the Notice of Intent to Prepare an EIS for the Nimbus Hatchery Fish Passage Project and provided several comments and recommendations on the scope of the Draft EIS (DEIS) in a letter. The EPA's comments were specific to the following topics:

- Water resources;
- Habitat, vegetation, and wildlife;
- Endangered species;
- Air quality; and
- Cumulative effects.

Water Resources. The EPA discussed concerns and provided its recommendations on DEIS

compliance with Clean Water Act Section 404, which regulates discharges of dredged or fill materials into waters of the US, and Section 303(d), which regulates the impacts on water quality. The EPA also noted requirements of the Safe Water Drinking Act, with respect to the DEIS and the role of the federal government in protecting sources of drinking water.

Habitat, Vegetation, and Wildlife. The EPA advises that the DEIS describe species habitat in the project area and identifies impacts the proposed project will have on species and their habitats. Reclamation should present a proposed mitigation plan that details steps it would take to minimize or eliminate any adverse impacts. The DEIS should also identify specific best management practices that Reclamation would implement during the project.

Endangered Species. The EPA included detailed advice on how the DEIS should address potential impacts on endangered, threatened, or candidate species and their habitats listed under the Endangered Species Act (ESA), as well as sensitive species. The DEIS also should:

- Identify any such species and critical habitat within the project area and surrounding areas;
- Identify any impacts the project would have on the species or their critical habitats;
- Identify how the proposed project would meet all requirements under the ESA;
- Include a summary of a biological assessment, if an assessment has been prepared, and append the assessment to the DEIS; and
- Describe any consultation conducted under Section 7 of the ESA and summarize or append the Biological Opinion or concurrence received.

Air Quality. The DEIS for this project should include an analysis of impacts from construction of the proposed alternatives, including estimates of emissions for all criteria pollutants and six priority air toxics. The EPA recommends that the following elements be included in the DEIS:

- The required General Conformity Determination, with a description of mitigation and offset measures and
- A description of the projected operational emissions that the completed project would generate and any measures that could be taken to reduce those emissions.

Cumulative Effects. In its letter, the EPA notes that "only by considering all actions together can one conclude what the impacts on environmental resources are likely to be." As such, it states that the proposed project should assess impacts over the entire project area and should consider effects when added to other past, present, and reasonably foreseeable future projects in or near the project area. The EPA noted the guidance document it has issued for consideration of cumulative impacts and briefly summarized the five key areas that should be addressed.

Appendix A: Project Milestones

The following Project Milestones document provides a summary of the history and major phases and accomplishments of the Nimbus Hatchery Fish Passage Project.

Nimbus Hatchery Fish Passage Project

Schedule Milestones

1990

Mid - 1990s
Explored long-term solutions to correct design deficiencies.

1996 - 1999
Formulated and designed an in-river replacement structure.

1997 - 1998
Significant winter flow events damaged the weir foundation.

Mar 1998
Central Valley steelhead listed as an endangered species.

1999
The National Marine Fisheries Service recommends finding a solution that does not require annual flow reductions.

1999
Reclamation convened an interdisciplinary Value Analysis Workshop to develop conceptual solutions.

1999

2000

2000 - 2003
Evaluation of Value Analysis Workshop recommended to re-examine the alternatives to accommodate juvenile steelhead.

Dec 2003
Two public meetings held in Rancho Cordova to solicit public input.

2004 - 2005
Preliminary analysis of environmental impacts associated with weir replacement design alternatives.

2006
Convened a Project Alternatives Solution Study to receive agency input on alternatives.

2006 - 2008
Reclamation further refined design alternatives.

2008

2008
Begin EIS/EIR process.

Apr 2009
April 30 public scoping meetings.

Dec 2009
Anticipated date of release of Draft EIS/EIR.

Jan 2010
Anticipated date of public hearing on Draft EIS/EIR.

Sep 2010
Anticipated date to finalize EIS/EIR and issue Record of Decision.

2010

2011

Summer 2011
Anticipated implementation of fish passage project.

2011 - 2013
Evaluate implementation of fish passage project.

2013

Future dates are estimates.

Appendix B: Written Comments

This appendix includes all public and agency comments received during the comment period for the Nimbus Hatchery Fish Passage Project EIS/EIR scoping process.

STATE OF CALIFORNIA - CALIFORNIA NATURAL RESOURCES AGENCY
ARNOLD SCHWARZENEGGER, *Governor*

DEPARTMENT OF BOATING AND WATERWAYS
2000 EVERGREEN STREET, SUITE 100
SACRAMENTO, CA 95815-3888
(888) 326-2822
www.dbw.ca.gov

May 5, 2009

David Robinson
Bureau of Reclamation
Central California Office
7794 Folsom Dam Road
Folsom, CA 95630-7179

Subject: Nimbus Hatchery Fish Passage Project Comments

Dear Mr. Robinson:

The Department of Boating and Waterways' mission is to provide safe and convenient public access to California's waterways and leadership in promoting the public's right to safe, enjoyable, and environmentally sound recreational boating. To that end the possible removal of the exiting Nimbus Hatchery Fish Passage Diversion Weir, which currently prevents boating on the section of the Lower American River directly below Nimbus Dam, is of interest to the Department. The Lower American is a great opportunity for paddlecraft boaters because of its relatively easy rapids and its location. There are very few class I and II rivers available to boaters throughout California, so where they exist they should be utilized to the fullest extent possible. The location of the basin below the Nimbus Dam is in close proximity to the Sacramento State Aquatic Center and could be used as a launch point for their instructional programs should the area open for access. For these reasons, the Department strongly supports the alternative that removes the diversion weir and replaces it with the construction of a fishway from the stilling basin to the fish hatchery.

As you may be aware, the Department has a program titled "Boating Trails" that provides funding for improved paddlecraft boating throughout California. There is the possibility that the Department can provide funding for access improvements to the Lower American River in the area of the basin, should access to the river below the dam become available. The Department may also be interested in the funding of river bed modifications such as the placement of rocks in the project area that would provide eddies that could be used by paddlers.

Should you have any questions, please feel free to contact me at the number below.

Sincerely,

for Mike Ammon
Contract Administrator
(916) 485-1213

Bayer, Kelly

From: Horseshoe Bar Fish & Game Preserve, Inc. [hbp@surewest.net]
Sent: Sunday, May 31, 2009 12:40 PM
To: hatchpass@mp.usbr.gov
Subject: Nimbus Hatchery Fish Passage Project

5/27/09

David Robinson
Bureau of Reclamantion
Central California Office
7794 Folsom Dam Road
Folsom, CA 95630-1799

Dear Mr. Robinson,

I would like to express my desire to support Alternative 1B with regards to the changes proposed for the Nimbus Fish Passage Project.

I would also like to propose that modifications be made to allow for excess steelhead and salmon to pass into Lake Natoma which has a stream that would allow for natual spawning & reproduction. Additionally, by introducing Salmon and Steelhead into Lake Natoma it advanace one step closer to reintroducing these anadromous fish into the American River Water shed where they once thrived.

Sincerely,

Thomas G.M. Bartos
President and Founder
Horseshoe Bar Fish & Game Preserve, Inc.

Gold Fields District
7806 Folsom Auburn Road
Folsom, CA 95630

May 27, 2009

David Robinson
U.S. Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom, CA 95630

This letter is to express the concerns and recommendations of the California State Parks (DPR) regarding the scope of the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) being prepared for the Nimbus Hatchery Fish Passage Project. DPR staff has participated in some of the planning that has previously occurred for this project, including the public meetings and scoping in 2003 and in portions of the Project Alternative Solutions Study (PASS) in 2006. DPR previously provided comments on this project to Reclamation in an October 28, 2003 letter.

California State Parks manages Folsom Lake SRA, which includes the Nimbus Shoals area, through an agreement with Reclamation. State Parks is also part of an agreement between Reclamation, the California Department of Fish and Game (DFG) and State Parks regarding the management of the Nimbus Shoals.

State Parks is supportive of the alternatives which would replace the existing in-stream weir with a fish passage channel across the Nimbus Shoals area. Specifically, we are supportive of Alternative 1C which would implement a fishing closure year round from the USGS cable to Nimbus Dam. DPR believe this alternative provides the best protection for the fish and is the option which would be easiest to enforce.

Currently the public can drive down to the Nimbus Shoals gravel bar are park anywhere on the bar. It is our understanding that all of the fish passage channel options being considered would also provide a small bridge for vehicle access across the channel. If the existing in-stream weir is removed as part of this project, State Parks is supportive of allowing for the hand launching of small car top boats (such as rafts, canoes and kayaks) at Nimbus Shoals. We believe a designated launching site could be delineated which would not interfere with the fish passage channel. We also believe a small gravel parking area could be delineated with large boulders just on the river side of the fish channel to provide a confined parking area for public use of the shoals and the car top boat launching. State Parks would like to see this parking area incorporated as part of the project. See the attached map which diagrams these public use features that State Parks would like to see incorporated into the project. It is our understanding that the County currently prohibits launching of boats on the River within 1,000 feet of Nimbus Dam. Representatives of Sacramento County Regional Parks have indicated they would be willing to work with State Parks to modify this regulation if needed.

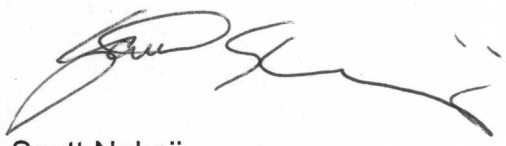
With any of the fish passage channel alternatives, fishing regulations at the shoals will change. As we previously indicated we are supportive of Alternative 1C which closes the area to fishing year round from the USGS cable below the Hazel Avenue Bridge to Nimbus Dam. As part of this or the other fishing closure alternatives, State Parks would like to see Reclamation construct a fence along the north side of the river, below the paved bike trail to help prevent fishing access to this side of the river. This area is an enforcement problem for State Park Rangers. State Parks believes that a barrier fence along with the new fishing regulations would help prevent illegal fishing in this location in the future. This north side of the river is not suitable for other recreation activities such as swimming or boat launching.

Lastly, if the existing in stream weir is removed and a new fish passage channel constructed across Nimbus Shoals, State Parks encourages Reclamation to consider if some type of in stream water feature which would be suitable and attractive for river boaters, could be retained or created as part of the weir removal. This might involve leaving portions of one or more of the concrete columns supporting the weir along with large boulders to create a wave and/or eddy which would provide an interesting recreational opportunity for river boaters. It would be interesting to explore if such a feature could also be designed and constructed to enhance habitat for salmon and steelhead. Such a concept would require specific expertise and some careful design.

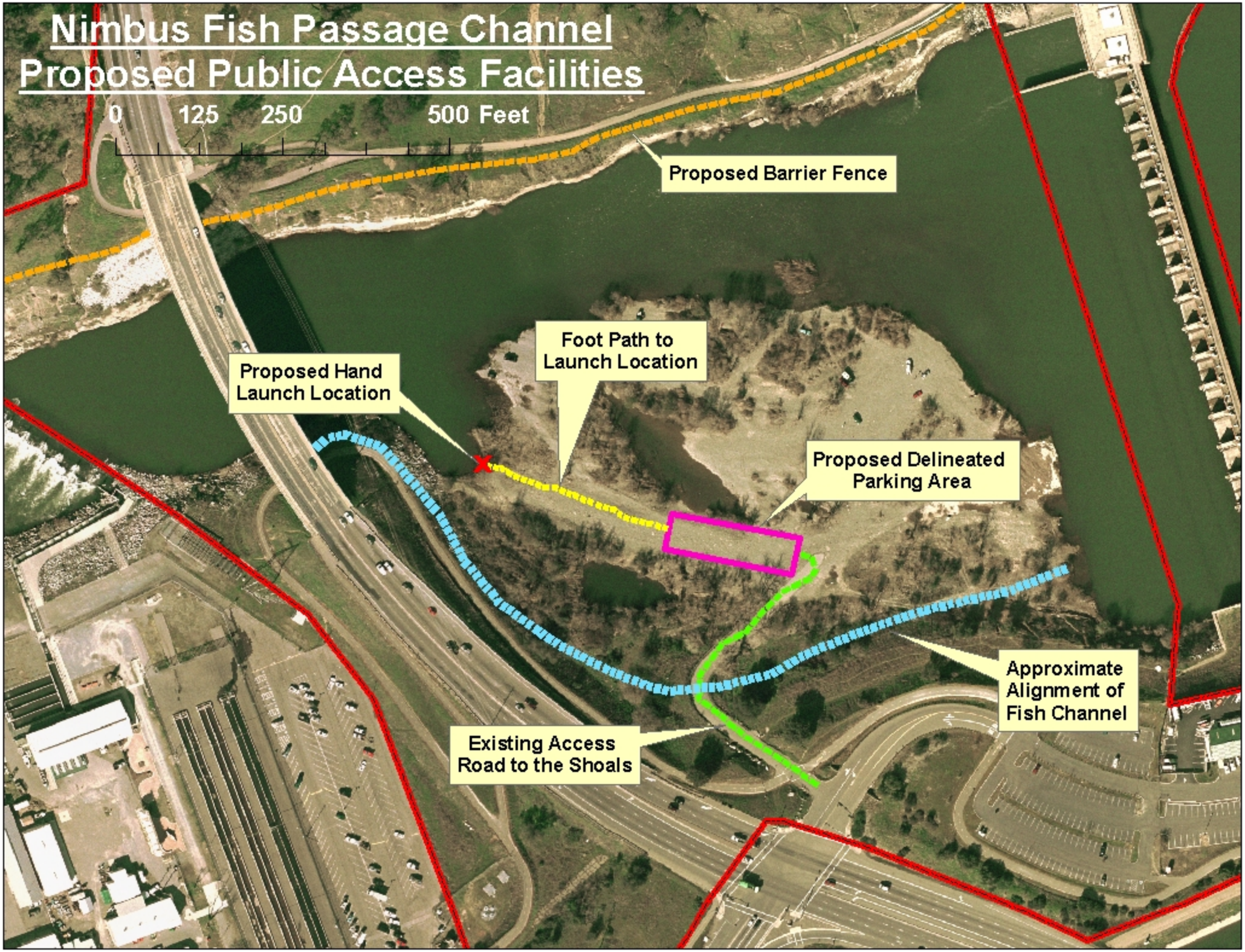
As you know, during the public involvement and meetings for the fish diversion project in 2003, whitewater boating interests were promoting creating an artificial whitewater course between Nimbus Shoals and the South Canal. Part of the impetus for such a concept was the unsuccessful San Francisco Bay Area bid for the 2012 Olympics. State Parks was not and is not supportive of the concept of an artificial whitewater course from the river to the top of Nimbus Dam (or the South Canal). However, State Parks and Reclamation did meet with whitewater boating interests during this time period and as part of the ongoing Folsom Lake SRA General Plan/Resource Management Plan process. Through these meetings the concept of providing some type of water feature attractive to whitewater boating as part of the weir removal was first discussed and explored.

If you have any further questions regarding this matter, please contact Gold Fields District Planner Jim Micheaels at (916) 988-0513. Thank you.

Sincerely,



Scott Nakaji
Gold Fields District Superintendent


Nimbus Fish Passage Channel
Proposed Public Access Facilities
0 125 250 500 Feet
Proposed Barrier Fence
Foot Path to Launch Location
Proposed Hand Launch Location
Proposed Delineated Parking Area
Approximate Alignment of Fish Channel
Existing Access Road to the Shoals

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

May 28, 2009

David Robinson
Central California Area Office
Bureau of Reclamation
7794 Folsom Dam Road
Folsom, CA 95630-1799

Subject: Notice of Intent to Prepare an Environmental Impact Statement for the Nimbus Hatchery Fish Passage Project, Lower American River, California

Dear Mr. Robinson,

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and our NEPA review authority under Section 309 of the Clean Air Act.

Construction, operation, and maintenance of structures within and around a river can impact both the quality of its water as well as lives of species living in and around the river. EPA has several recommendations regarding the scope of the Environmental Impact Statement (EIS) that you will find in the attached Detailed Comments.

EPA appreciates the opportunity to review this Notice of Intent. Please send one hard copy and one CD-ROM of the Draft EIS to this office (mailcode: CED-2) at the same time it is officially filed with our Washington D.C. Office. If you have any questions, please contact me at (415) 947-4121, or at johnson.britta@epa.gov.

Sincerely,

Britta Johnson
Environmental Review Office
Communities and Ecosystems Division

Enclosure: EPA's Detailed Comments

EPA DETAILED COMMENTS ON THE NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT FOR THE NIMBUS HATCHERY FISH PASSAGE PROJECT, MAY 28, 2009

Water Resources

The DEIS should identify aquatic resources that would be potentially impacted by construction, maintenance and operation of the proposed project. The project will likely require a Section 404 permit under the Clean Water Act. Section 404 regulates the discharge of dredged or fill material into waters of the U.S., including wetlands and other special aquatic sites. The DEIS should describe all waters of the U.S. that could be affected by the project. The discussion should include acreages and channel lengths, habitat types, values, and functions of these waters.

If a Section 404 permit is required, EPA will review the project for compliance with *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA ("404(b)(1) Guidelines"). Pursuant to 40 CFR 230, any permitted discharge into waters of the U.S. must be the least environmentally damaging practicable alternative available to achieve the project purpose. The DEIS should include an evaluation of the project alternatives in this context in order to demonstrate the project's compliance with the 404(b)(1) Guidelines. If, under the proposed project, dredged or fill material would be discharged into waters of the U.S., the DEIS should discuss alternatives to avoid those discharges. If a discharge to waters of the U.S. becomes necessary, the DEIS should discuss how potential impacts would be minimized and mitigated. Mitigation should be implemented in advance of the impacts to avoid habitat losses due to the lag time between the occurrence of the impact and successful mitigation.

Water quality degradation is one of EPA's primary concerns. The DEIS should list the water quality standards applicable to waters in the project area – particularly those standards pertaining to parameters that may be affected by the proposed project -- and identify any that are not currently being met. Section 303(d) of the Clean Water Act (CWA) requires States (and Tribes with approved standards) to identify water bodies that do not meet water quality standards and develop water quality restoration plans to meet established water quality criteria and associated beneficial uses. The DEIS must disclose which waters may be impacted by the projects, the nature of potential impacts, and specific pollutants and changes to other parameters (e.g., temperature, pH, dissolved oxygen, etc.) likely to impact those waters. It should also report those water bodies potentially affected by the project that are listed on the States' and Tribes' most current EPA-approved 303(d) list . The DEIS document should describe existing restoration and enhancement efforts for those waters, how the proposed project will coordinate with on-going protection efforts, and any mitigation measures that will be implemented to avoid further degradation of impaired waters.

Source water is water from streams, rivers, lakes, springs, and aquifers that is used as a supply of drinking water. Source water areas are delineated and mapped by the states for each federally-regulated public water system. The 1996 amendments to the Safe Drinking Water Act (SDWA) require federal agencies to protect sources of drinking water for communities. As a result, state agencies have been delegated responsibility to conduct source water assessments and provide a database of information about the watersheds and aquifers that supply public water

systems. Source water areas may exist within the watershed in which the proposed project would be located.

Since construction and operation of the project may impact sources of drinking water, EPA recommends that the Bureau of Reclamation contact the State Water Resources Control Board to help identify source water protection areas within the project area. The DEIS document should:

(a) Identify all source water protection areas within the project area
(b) Identify all activities that could potentially affect source water areas
(c) Identify all potential contaminants that may result from the proposed project
(d) Identify all measures that would be taken to protect the source water protection areas in the DEIS

Habitat, Vegetation, and Wildlife

The DEIS should describe the habitat for the species and identify any impacts the proposed project will have on the species and their habitats. A proposed mitigation plan with detailed mitigation steps that will be taken to minimize or eliminate adverse impacts should be presented. For example, site activities should be timed to minimize the disturbance of plants and animals at key stages in their lifecycles.

Equipment and materials should not be placed or stored in any environmentally sensitive areas. Where possible, excavation should be done from non-sensitive areas. The specific Best Management Practices (BMPs) that would be used for the project should also be identified in the DEIS.

Endangered Species

The proposed project may impact endangered, threatened, or candidate species listed under the ESA (e.g. Chinook salmon and steelhead), their habitats, as well as sensitive species. Evaluation of the proposed project should identify any such species and/or critical habitat within the project area and surrounding areas that may be affected by the proposed project. The DEIS should describe the habitat for the species; identify any impacts the project would have on the species and/or their critical habitats; and how the proposed project will meet all requirements under ESA, including consultation with the U.S. Fish and Wildlife Service (FWS) and/or National Oceanographic and Atmospheric Administration (NOAA). If a biological assessment has been prepared, it should be summarized in, and appended to, the DEIS. If consultation with FWS or NOAA under Section 7 of the ESA has been completed, the DEIS should describe the outcome of the consultation and summarize and append the Biological Opinion or concurrence received. Bureau of Reclamation actions should promote the recovery of declining populations and species. Site activities should be timed to avoid disturbing plants and animals during critical periods in their lifecycles.

Air Quality

The project area is located in an area designated as non-attainment for ozone and fine particulate matter. The DEIS should include a thorough analysis of impacts from the construction of the

proposed alternatives. It should include estimates of emissions for all criteria pollutants, including those applicable to the federal 8-hour ozone and annual PM2.5 National Ambient Air Quality Standards, and six priority air toxics—benzene, formaldehyde, acetaldehyde, 1.3-butadiene, acrolein, and diesel particulate matter—from construction equipment.

We recommend the required General Conformity Determination be included in the DEIS with a description of the mitigation/offset measures that will be implemented prior to the project start date. The DEIS should also include a description of the projected operational emissions that would be generated by the completed project, as well as any measures that could be taken to reduce those emissions.

Cumulative Effects

The proposed project should assess impacts over the entire area of impact. The project evaluation should consider the effects of the proposed project when added to other past, present, and reasonably foreseeable future projects in and near the project area, including those by entities not affiliated with the Bureau of Reclamation. Only by considering all actions together can one conclude what the impacts on environmental resources are likely to be.

EPA has issued guidance on how we are to provide comments on the assessment of cumulative impacts, *Consideration of Cumulative Impacts in EPA Review of NEPA Documents*, which can be found on EPA's website at: http://www.epa.gov/compliance/resources/nepa.html. The guidance states that in order to assess the adequacy of the cumulative impacts assessment, five key areas should be considered. EPA will assess whether the cumulative effects analysis:

(a) Identifies resources, if any, that are being cumulatively impacted;
(b) Determines the appropriate geographic (within natural ecological boundaries) area and the time period over which the effects have occurred and will occur;
(c) Looks at all past, present, and reasonably foreseeable future actions that have affected, are affecting, or would affect resources of concern;
(d) Describes a benchmark or baseline; and
(e) Includes scientifically defensible threshold levels.