

Non-Government Organization Comments

This section contains copies of the comment letters received from non-government organization agencies. Each letter is followed by responses to the comments presented in each letter. Responses to comments are individually numbered in sequence, corresponding to the numbering assigned to comments within each comment letter. The responses are prepared in answer to the full text of the original comment.

Table 7-1. Non-Government Organizations Comment Letters Received on the Draft EIS/EIR and the Draft Supplemental EIS/Revised EIR

Comment Letter No.	Date	Agency/Organization	Name
<i>Draft EIS/EIR (July 2003)</i>			
NGO1	08/12/03	Mt. Lassen trout Farms, Inc.	Phil Mackey, President
NGO2	08/21/03	Mt. Lassen Trout Farms, Inc.	Phil Mackey, President
NGO3	08/22/03	Friends of the River	Marc E. Christopher
NGO4	08/26/03	Battle Creek Watershed Conservancy	Larry Lucas, Secretary, BCWC Board
NGO5	08/26/03	Pacific Coast Federation of Fishermen's Associations	W.F. "Zeke" Grader, Jr., Executive Director
NGO6	09/01/03	Federation of Fly Fishers, Northern California Council	Robert Ferroggiaro, Vice President, Conservation
NGO7	09/08/03	Associated Students, government affairs	Annie Sherman, Environmental Affairs Commissioner
NGO8	10/13/03	Battle Creek Watershed Conservancy	Sharon Paquin-Gilmore, Watershed Coordinator
NGO9	10/13/03	Warren Quan Oasis Springs Lodge	Warren Quan
NGO10	10/14/03	Associated Students, government affairs	Annie Sherman, Commissioner of Environmental Affairs
NGO11	10/14/03	Central Valley Project Water Association	Robert F. Stockhouse, Manager
NGO12	10/14/03	NorCal Fishing Guides and Sportsmen's Association	WB Scott Ferris

Comment Letter No.	Date	Agency/Organization	Name
NGO13	10/14/03	Remy, Thomas and Moose, LLP	Osha R. Meserve
NGO14	10/14/03	Sierra Pacific Industries	Steve du Chesne, RPF
NGO15	10/15/03	Outfitters Properties	Kerry L. Burke
NGO16	10/15/03	The Nature Conservancy	Mike Roberts
NGO17	10/15/03	Pacific Gas and Electric Company	Todd Johnson, Project Manager
NGO18	10/16/03	Friends of the River	Steven L. Evans, Conservation Director
NGO19	10/16/03	Friends of the River Conservation Coalition	Steven L. Evans, Conservation Director
<i>Draft Supplemental EIS/Revised EIR (February 2005)</i>			
NGO20	03/15/05	The Anglers Committee	The Anglers Committee Board of Directors
NGO21	04/28/05	Outfitters Properties	Kerry L. Burke
NGO22	04/29/05	Friends of the River	Steven L. Evans, Conservation Director
NGO23	04/29/05	Pacific Coast Federation of Fishermen's Associations	W.F. "Zeke" Grader, Jr., Executive Director
NGO24	04/29/05	Pacific Gas and Electric Company	Angela Risdon, License Coordinator
NGO25	05/18/05	Outfitters Properties	Kerry L. Burke

MT. LASSEN TROUT FARMS INC.

August 12, 2003

Position Statement: Response to July 2003 Draft EIS/EIR:
 Battle Creek Salmon and Steelhead Restoration Project

To whom it may concern:

After careful review of the July 2003 Draft EIS/EIR for the *Battle Creek Salmon and Steelhead Restoration Project*, We at Mt. Lassen Trout Farms (MLTF) feel that the document has numerous inadequacies in relation to the increased risk of fish pathogen transfer to MLTF's domestic salmonid stocks that will result if increased numbers of salmon and steelhead enter the upper reaches of North Battle Creek. It also lacks reference to a key document specifically dealing with this matter, submitted by perhaps the highest ranked DFG Fish Pathologist in California. In general, the draft EIS/EIR lacks meaningful commitment by any of the agencies involved toward preventive measures aimed at risk reduction or mitigation if, indeed, pathogen transfer to MLTF stocks occurs as a result of increased numbers of anadromous salmonids in the watershed.

NGO1-1


NGO1-2

MLTF is currently in the process of interviewing and retaining professional and legal counsel to assist in dealing with these matters. Therefore, we are hereby requesting a 90-day extension of the public hearing currently scheduled for August 27, 2003. This additional time will be needed to bring the retainees up to speed on the scope and complexities of the entire project so that they may fully understand MLTF's position.

NGO1-3

MLTF has been supportive of the BCSSRP since its inception, it is our intension to continue that support so long as meaningful commitment toward keeping stakeholders whole is demonstrated.

Sincerely,



Phil Mackey
President, Mt. Lassen Trout Farms Inc.

Comment Letter NGO1—Mt. Lassen Trout Farms, Inc., Phil Mackey, President, Biological Resources Branch (August 12, 2003)

Response to Comment NGO1-1

Reclamation and the State Water Board are aware of the concern that trout produced by MLTF's Jeffcoat and Willow Springs aquaculture facilities could become infected with serious or catastrophic fish diseases, such as the IHN virus, once the Restoration Project is implemented and anadromous fish populations are restored in Battle Creek. Infected MLTF trout could then be distributed to other water bodies in the state of California that may not carry such fish diseases and infect those water bodies, and could potentially infect fish populations in these waters as well. This impact has been identified in Section 4.1, Fish. The increased risk of disease could also adversely affect the beneficial use of waters at MLTF as well as for the state of California. These impacts have been identified in Section 4.4, Water Quality. If MLTF trout were to become infected, this could seriously affect MLTF's ability to market their fish and potentially adversely affect their ability to continue viable business operations. The socioeconomic effect is identified under Section 4.16, Other NEPA Analyses.

Since the release of Draft EIS/EIR in 2003, Reclamation and the State Water Board have worked closely with MLTF to develop measures to address the impacts listed above. This Final EIS/EIR has been revised to include updates to the mitigation measures as described under Impact 4.1-8 in Section 4.1, Fish, in Volume I of this Final EIS/EIR. Implementation of these measures will reduce these impacts to a less-than-significant level.

Master Response E provides additional information relating to how this impact has been analyzed and addressed.

Response to Comment NGO1-2

As mentioned in the response to Comment NGO1-1, mitigation is proposed that would reduce impacts associated with transferring serious fish diseases to farmed trout to a less-than-significant level. For more information, refer to the mitigation proposed to address Impact 4.1-8 in Section 4.1 of this Final EIS/EIR.

Response to Comment NGO1-3

Reclamation and the State Water Board acknowledged the request to extend the public hearing. Although the hearing was not rescheduled, in response to this

request Reclamation and the State Water Board extended the public comment period by 30 days from the original end date (September 16, 2003). The public comment period for the Draft EIS/EIR ended on October 16, 2003.

28125 Hwy 36E
Red Bluff, CA 96080



(530) 597-2222
Fax: (530) 597-2068

August 21, 2003

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Mr. Jim Canaday
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

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200		

KJ

Dear Ms. Marshall and Mr. Canaday:

We have completed a review of the July 2003 Draft EIS/EIR for the Battle Creek Salmon and Steelhead Restoration Project. As part of that review, we have noticed several inaccuracies in the document related to our company along with what appears to be the omission of a key document regarding "significant risk" to our company from a pathogen introduction standpoint. This point is vital to assure others who read the document in the future explaining to everyone that our company is at significant risk with the proposed actions of this project. The identification of IHN virus in our strains of rainbow trout would likely put us out of business, bringing to an end a company that has been doing business in this economically depressed rural area for 54 years..

NGO2-1

We believe the document has other inadequacies that leave many questions as to the completeness of the EIS/EIR in addressing key issues of fish pathogen transfer into hatchery and wild trout stocks.

NGO2-2

In addition, we believe there is a failure to identify and commit to solutions for negating the risk of pathogen transfer. We also believe that after further review, we will find other impacts to the rural communities surrounding the Battle Creek Watershed that have not been adequately addressed

NGO2-3

For these key reasons, we respectively request a 90 day extension of the public comment period. The current date for written comments is September 16, 2003. An additional 90 days will allow us and other affected stakeholders adequate time for review and comment.

NGO2-4

28125 Hwy 36E
Red Bluff, CA 96080



(530) 597-2222
Fax: (530) 597-2068

Thank you for your consideration and we ask that you please notify us as soon as possible with your decision.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phil Mackey".

Phil Mackey, president, Mt. Lassen Trout Farms, Inc.

Cc: Congressman Wally Herger
Tehama County Farm Bureau
Shasta County Farm Bureau
Ca. Chamber of Commerce
Tehama County Board of Supervisors
Battle Creek Watershed Conservancy

Comment Letter NGO2—Mt. Lassen Trout, Inc., Phil Mackey, President (August 21, 2003)

Response to Comment NGO2-1

Since release of the 2003 Final EIS/EIR, Reclamation and the State Water Board have recirculated a Draft Supplemental EIS/Revised EIR, which includes significant new information regarding MLTF. For more information regarding additions to the Final EIS/EIR, see the response to Comment NGO1-1 and Master Response E.

Response to Comment NGO2-2

Please see the response to Comment NGO2-1.

Response to Comment NGO2-3

Reclamation and the State Water Board assume that impacts on rural communities referred to in this comment are related to the increased risk of serious and catastrophic fish diseases in Battle Creek. Impact 4.1-8 and Impacts 4.4-3 and 4.4-4 in Volume I of this Final EIS/EIR address significant impacts associated with infecting other fish populations and other waters, respectively, in the state of California that could be affected by the increased risk of transferring anadromous fish diseases from Battle Creek to Mount Lassen Trout Farm farmed trout. Please see Impact 4.1-8 in Section 4.1, Fish, and Impacts 4.4-3 and 4.4-4 in Section 4.4, Water Quality, in Volume I of this Final EIS/EIR for more information. Please also see Master Response E in Chapter 2 of this volume.

Response to Comment NGO2-4

In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period for the Draft EIS/EIR ended on October 16, 2003.

915 20th Street, Sacramento, CA 95814
916/442-3155 • FAX: 916/442-3396 • E-mail: info@friendsoftheriver.org • www.friendsoftheriver.org

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CALIFORNIA'S
STATEWIDE RIVER
CONSERVATION
ORGANIZATION

August 22, 2003

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Mr. Jim Canaday
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Marshall and Mr. Canaday,


I write on behalf of Friends of the River to request a 30 day extension for comments to the Battle Creek Salmon and Steelhead Restoration Project EIS/R.

NGO3-1

Friends of the River has been involved with the Battle Creek Salmon and Steelhead Restoration Project since 1999. The success of this project, which would restore 42 miles of salmon and steelhead habitat at a public cost of \$62 million, will greatly affect future watershed restoration projects as well as water operations in California. Because of these large social and ecological ramifications, we have made it a priority to prepare detailed comments on the Draft EIR/S. Despite our best efforts, the tremendous size and scope of the EIR/S will limit our ability to do this by the deadline of September 16.

I appreciate your consideration on this important matter. Please feel free to give me a call if you have any further questions or comments.

Sincerely,

Sincerely,

Marc E. Christopher



Comment Letter NGO3—Friends of the River, Marc E. Christopher (August 22, 2003)

Response to Comment NGO3-1

In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period for the draft document ended on October 16, 2003.



B a t t l e C r e e k W a t e r s h e d C o n s e r v a n c y

Post Office Box 606, Manton, California, 96059

August 26, 2003

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Mr. Jim Canaday
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Marshall and Mr. Canaday:

On behalf of the Battle Creek Watershed Conservancy Board (BCWC), I am requesting a 90 day extension of the public comment period for the Battle Creek Salmon and Steelhead Restoration Project draft EIS/EIR. The reasons for this request are as follows:

- It is our belief that the issues connected to Mount Lassen Trout Farm (MLTF); i.e., the potential of significant risk to the company as a result of pathogen introduction, have not been sufficiently addressed or acknowledged in the draft document. It has been well documented that the Battle Creek Watershed Conservancy Board is concerned with possible exposure to contamination of three MLTF facilities. MLTF is one of the largest primary sector employers in our watershed. Several large ranches in the area rely on the cash flow provided by MLTF leases to stay economically viable when cattle ranching won't support them. The loss of this revenue could cause environmental problems in the watershed if those creek front ranches are sold or divided. BCWC has asked that the environmental documents contain full disclosure of the problem, along with a commitment to solve the problem in a timely manner. Unfortunately, in our review of the draft EIS/EIR we did not discover the disclosure or commitment we have been seeking. We also believe that after further review we will find other impacts to our watershed that may have not been addressed adequately.

NGO4-1

- It has come to our attention that Mount Lassen Trout Farm has requested a 90 day extension; we support them in their request.

NGO4-2

Page Two
Request for Extension

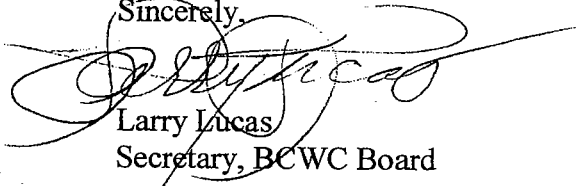
- The other reason for our request for an extension is that the CALFED Battle Creek Workshop is being held on October 7-8, 2003. According to the workshop proposal written by Sam Luoma and Dan Castelberry, CALFED, the purpose of the workshop will be "to provide an independent evaluation of some of the issues that must be considered when restoring Battle Creek to the point where the creek can support anadromous salmonids, including winter, fall, and spring Chinook and steelhead rainbow trout." It seems reasonable to the BCWC Board to extend the response period to the draft EIS/EIR until the workshop has occurred and the findings, which pertain directly to the Restoration Project, are made available for public review.

NGO4-3

Given the reasons described above, the BCWC Board respectfully requests a 90 day extension of the public review period. Thank you for your consideration.

NGO4-4

Sincerely,



Larry Lucas
Secretary, BCWC Board

Comment Letter NGO4—Battle Creek Watershed Conservancy, Larry Lucas, Secretary, BCWC Board (August 26, 2003)

Response to Comment NGO4-1

Please see the response to Comment NGO1-1.

Response to Comment NGO4-2

In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period for the Draft EIS/EIR ended on October 16, 2003.

Response to Comment NGO4-3

Reclamation and the State Water Board acknowledged the request to extend the public comment period to a date following the October 2003 technical workshop presented by the CBDA. In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period for the Draft EIS/EIR ended on October 16, 2003.

Since the close of the public comment period for the Draft EIS/EIR, Reclamation and the State Water Board have recirculated portions of the EIS/EIR that are considered significant new information in the Draft Supplemental EIS/Revised EIR. This has allowed additional time for new information regarding the Coleman National Fish Hatchery to be added to Chapter 6, Projects that Support the Restoration Project Purpose and Need, in Volume I of this Final EIS/EIR. For more information regarding the relationship between the Coleman National Fish Hatchery and the Restoration Project, see Master Response D.

Response to Comment NGO4-4

In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period ended for the Draft EIS/EIR on October 16, 2003.

W.F. "Zeke" Grader, Jr.
Executive Director

Glen H. Spain
Northwest Regional Director

Mitch Farro
Fishery Enhancement Director

Vivian Bolin
Watershed Conservation Director

Duncan MacLean
Salmon Advisor

☒ California Office
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26 August 2003

[illegible]

☐ Northwest Office
P.O. Box 11170
Eugene, OR 97440-3370
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Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Mr. Jim Canaday
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Battle Creek Salmon and Steelhead Restoration Project

Dear Ms. Marshall and Mr. Canaday:

My purpose in writing you today is to request an extension of 30 days for the comment period on the Battle Creek Restoration Project Draft EIR/EIS.

The Pacific Coast Federation of Fishermen's Associations (PCFFA), California's largest organization of commercial fishermen and women, has been a leader in the restoration efforts on Battle Creek since the Battle Creek Working Group was founded in 1997 (the Group was originally headed by our late President Nat Bingham). Given the proposed costs of over \$62 million and potential restoration of 42 miles of Battle Creek for the Sacramento River Basin's five native salmonid species, we believe that the project's Draft EIR/EIS deserves considerable scrutiny as progress is made towards a preferred alternative.

As you know, the comment period for this document is set to close on 22 September. The requested 30-day extension is necessary if our organization is to dedicate the proper attention to this important and expansive document. Feel free to contact us if you have any questions.

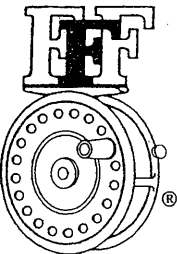
Sincerely,

W.F. 'Zeke' Grader, Jr.
Executive Director

Comment Letter NGO5—Pacific Coast Federation of Fisherman’s Associations, W.F. “Zeke” Grader, Jr., Executive Director, Secretary, BCWC Board (August 27, 2003)

Response to Comment NGO5-1

In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period for the draft document ended on October 16, 2003.



FEDERATION OF FLY FISHERS™

Conserving • Restoring • Educating Through Fly Fishing
Northern California Council

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SEP 4 2003		
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203	✓	

September 1, 2003

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Subject: The Battle Creek Salmon and Steelhead Restoration Project

The Northern California Council of the Federation of Fly Fishers represents over 30 angling organizations and thousands of anglers living and fishing in Northern California. Our members fish for steelhead and salmon, and are actively involved in restoration and conservation projects involving improving fish passage and spawning. Accordingly, we are vitally concerned with the success of the Battle Creek Salmon and Steelhead Restoration Project

We believe that the removal of Eagle Canyon and other dams blocking access to prime drought resistant Battle Creek habitat is the eminently superior solution for the restoration of this watershed as a premier spawning ground. Providing barrier-free access to prime habitat produces the greatest probability of success while containing the costs. Therefore, we believe that removing all dams below the natural barriers to spawning fish must be the prime component of the project.

NGO6-1

Even with the best intentions, mechanical means such as fish ladders are inefficient at best. To maintain any degree of success, such means require frequent maintenance and near constant attention. The best cost/benefit solution is natural spawning habitat unimpeded by man made structures in an area of reliable water flow. The Battle Creek watershed is an ideal candidate for this approach.

NGO6-2

PG&E is greatly benefiting from the upgrade of noncompliant hydro facilities. It is time to review the Memorandum of Understanding and reexamine the benefit of removing Eagle Canyon.

Robert Ferroggiaro
Vice President, Conservation
Federation of Fly Fishers - Northern California Council
9270 Oak Leaf Way
Granite Bay, CA 95746
(916) 791-6391

Comment Letter NGO6—Federation of Flyfishers, Northern California Council, Robert Ferroggiaro, Vice President (September 2, 2003)

Response to Comment NGO6-1

This response assumes that the commentor is referring to the Eight Dam Removal Alternative, which includes the removal of Eagle Canyon, North Battle Creek, and Inskip Diversion Dams in addition to the five dams proposed under the Restoration Project's Proposed Action (i.e., the Five Dam Removal Alternative). As mentioned in Chapter 3 under the discussion of the Eight Dam Removal Alternative in Volume I of this Final EIS/EIR, the Eight Dam Removal Alternative was eliminated from further consideration because it did not meet the objective of the Restoration Project to minimize the loss of hydroelectric power.

With respect to the comment to remove the Eagle Canyon Diversion Dam, specifically, removal of this dam was analyzed in this EIS/EIR under the Six Dam Removal Alternative. Many factors were considered when determining which dams to leave in place and which to remove, including the accessibility of the dams, the incremental biological benefits, and the maintenance of a reliable Hydroelectric Project.

While there is a certain amount of biological uncertainty associated with leaving any of the dams in place, it is expected that the fish facilities that would be constructed at North Battle Creek Feeder, Eagle Canyon, and Inskip Diversion Dams (as proposed under the Five Dam Removal Alternative) would provide safe fish passage comparable to the conditions that would occur if the dams were removed. The analysis presented in this Final EIS/EIR concludes that there will not be a significant difference in the population level response of salmon and steelhead as a result of passage impacts associated with retaining or removing a dam. The analysis is based on a population-level response rather than an individual level, consistent with the requirements of the ESA. The general reason the proposed fish screens and fish ladders are not expected to cause an adverse affect on the population level is that the dams in Battle Creek are small relative to the stream channel morphology and the fish ladders and screens are large. More importantly, the fish screens and fish ladders meet or exceed the standards and criteria required for screens and ladders throughout the state of California. Similar installations of modern screens and/or ladders on streams have been granted approvals under the ESA that the facilities will protect the species at the population level. Any problems that may arise with the fish screens or ladders would occur for a limited amount of time and would not affect the population as a whole. Much research has gone into designing state-of-the-art fish passage facilities at each of the dams that would be left in place, including Eagle Canyon Diversion Dam. All fish ladder and fish screen designs were approved by the fishery agencies (i.e., DFG and NOAA Fisheries).

Therefore, removal of the Eagle Canyon Diversion Dam would not represent a significant improvement in habitat or passage conditions over those predicted for the Five Dam Removal Alternative.

Because the incremental biological benefit of removing an additional dam would be small, further consideration was given to other factors in selecting the Proposed Action, namely, the ability of an alternative to minimize the loss of hydroelectric power and maintain a reliable Hydroelectric Project. Because the Five Dam Removal Alternative minimizes the loss of hydroelectric power, provides a lower cost alternative to PG&E's customers, and maintains a more reliable Hydroelectric Project, it was selected as the Proposed Action. For more information regarding the effects of the Action Alternatives on hydropower and system reliability, see Section 4.16, Power Generation and Economics, in Volume I of this Final EIS/EIR. For additional information regarding the factors considered in selecting which dams to remove as well as a discussion of the Eight Dam Removal Alternative, see Master Response B.

Response to Comment NGO6-2

Please see the response to Comment NGO6-1.



ASSOCIATED STUDENTS | *government affairs*

Letter NGO7

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

September 8, 2003

Ms. Mary Marshall:

I would like to make a comment regarding Battle Creek, which is considered by fish biologists to be the best opportunity to restore endangered winter run chinook salmon and threatened spring run chinook salmon and steelhead in the Sacramento watershed.

The current restoration project that CALFED agencies and PG&E have been working on proposes to remove up to five of PG&E's hydro dams on the creek, build fish ladders and screens on three remaining dams, and increase instream flows for salmon and steelhead. In addition, although the project proposes to boost instream flows for fish, it is not proposing to increase flows to optimum levels identified by existing scientific studies.

It is my understanding that it would be a more cost effective and a better choice for the salmon and steelhead to remove all eight dams located downstream of the creek's natural fish migration barriers. This option would still leave a significant portion of PG&E's hydro project upstream of the barriers to generate electricity. I urge you to consider and include this alternative in the draft EIR/S currently circulated for public comment.

NGO7-1

Removing all eight of PG&E's dams below the natural fish barriers is a smarter, more efficient use of public dollars than using those same dollars to modernize PG&E's facilities.

Thank you,

Annie Sherman
Environmental Affairs Commissioner
CSU Chico

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2003	✓	
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Comment Letter NGO7—California State University, Chico, Associated Students—Government Affairs, Annie Sherman, Environmental Affairs Commissioner (September 2, 2003)

Response to Comment NGO7-1

This comment refers to the Eight Dam Removal Alternative, which was not analyzed as an Action Alternative in this EIS/EIR because it did not meet a basic project objective to minimize the loss of hydroelectric power produced by the Hydroelectric Project. However, a comparison of the Eight Dam Removal Alternative to the Proposed Action was conducted outside of the NEPA/CEQA document to determine whether an alternative should be added to the EIS/EIR analyses based on a request from CBDA. This analysis took place following public circulation of the Final EIS/EIR (July through October 2003). Based on the results of this analysis, it was concluded that the Eight Dam Removal Alternative did not constitute a feasible alternative; however, a discussion of the Eight Dam Removal Alternative was added to Chapter 3 under the heading, Eight Dam Removal Alternative, in Volume I of this Final EIS/EIR as an alternative that was eliminated from further consideration. For additional information, see Master Response B.



Battle Creek Watershed Conservancy

Post Office Box 606, Manton, California, 96059

October 13, 2003

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Mr. Jim Canaday
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

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202		

Re: Comments on the Draft Environmental Impact Statement/Environmental Impact Report for the Battle Creek Salmon and Steelhead Restoration Project.

Dear Ms. Marshall and Mr. Canaday:

Enclosed you will find Battle Creek Watershed Conservancy comments on the Draft EIS/EIR for the Battle Creek Salmon and Steelhead Restoration Project. The comments are organized in the following way: first, in a letter format; next, as bullets; finally, in a chart that references page numbers in the EIS/EIR document.

If you have any questions about our comments, please call me at 530-474-3368.

Thank you for your consideration.

Sincerely,

Sharon Paquin-Gilmore

Sharon Paquin-Gilmore
Watershed Coordinator

Sharon Paquin-Gilmore / Watershed Coordinator

PO Box 560, Manton, CA, 96059 / Phone 530 474 3368, Fax 530 474 3366, spaquin@shasta.com



Battle Creek Watershed Conservancy
Post Office Box 606, Mantion, California, 96059

October 13, 2003

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Mr. Jim Canaday
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Comments on the Draft Environmental Impact Statement/Environmental Impact Report on for the Battle Creek Salmon and Steelhead Restoration Project.

Dear Ms. Marshall and Mr. Canaday:

On behalf of the Battle Creek Watershed Conservancy (BCWC), I thank you for the opportunity to comment on the Draft EIS/EIR for the Battle Creek Restoration Project (DEIS). As you are well aware, it is a very complex and important document, one that has taken much time and effort to prepare and that will have a lasting impact on the Battle Creek watershed. With this in mind, our comments have been prepared with much deliberation and consideration, in spite of the fact that we are lay people examining a very technical document with not enough time to study it thoroughly.

We were very disappointed that our request and the requests of several other stakeholders for a 90 day extension period were denied. We feel that the limited 30 day extension was not adequate and that, given what is at stake here for the local watershed community, the Conservancy is at a disadvantage as we try to represent our constituency's concerns.

The Conservancy has stated publicly many times that if the Restoration Project fails it could have serious deleterious effects on the local landowners as well as agricultural, aquaculture and recreation industries. Therefore, the local community sincerely wants the Project to succeed. This is why it is so important to the community that all aspects central to the project be taken into consideration. One of the key potential threats to the Project, we believe, is the Coleman National Fish Hatchery and its operations at the mouth of Battle Creek. Issues connected to the hatchery have not been addressed adequately in the draft EIS/EIR.

NGO8-1

NGO8-2

It is our understanding that the goal of an environmental impact statement is to identify both the positive and negative effects of a proposed project, and to note the mitigations that will be implemented for the negative effects. In general, the Battle Creek Watershed Conservancy believes that the draft EIS/EIR does not address sufficiently the impacts on the local community, and, connected to this concern, the question of whether or not the Restoration Project can actually succeed. We believe that significant factors that will effect the success of the Project have not been dealt with adequately in the draft EIS/EIR because they are not in the official project area; however, these factors may hinder and/or harm the Restoration Project in significant and, ultimately, adverse ways.

NGO8-3

NGO8-4

Therefore, while the Battle Creek Watershed Conservancy supports the restoration of salmon and steelhead in Battle Creek, it cannot support the proposed alternative as described in the Draft Environmental Impact Statement /Environmental Impact Report (DEIS) at this time because of ongoing broader public policy issues and technical concerns, including:

NGO8-5

- Concerns of local residents within the Project Area, including those of the Battle Creek Watershed Conservancy, have not been satisfied, and, in fact, have been misrepresented by federal agencies in the DEIS and other public forums;
- The Bureau of Reclamation has not provided adequate assurances that the Restoration Project will not adversely affect operations of the Mt. Lassen Trout Farms (MLTF); we would like to see MLTF mitigation placed back in CEQA evaluation, as it was in the administrative draft EIS/EIR.
- Public policy issues have not been adequately addressed in the DEIS especially in areas such as wildfire prevention and mitigation, traffic safety issues, and environmental impacts associated with construction;
- Significant increases in project costs (from \$28 million to \$62 million) have not been adequately justified;
- Results from an independent technical review of the proposed project, which may suggest significant cost savings associated with different alternative projects, have not been sufficiently vetted publicly;
- The Coleman National Fish Hatchery (CNFH) is a significant related project that could influence the success of the Restoration Project. A federal Biological Opinion of CNFH operations, critical to evaluating the likelihood of success of the Restoration Project, has not been made publicly available despite more than two years of federal efforts and needs to be included in the DEIS.
- In 1999 Kier Associates prepared a report on CNFH operations for the Battle Creek Working Group, "Maximizing Compatibility Between Coleman National Fish Hatchery Operations, Management of Lower Battle Creek, and Salmon and Steelhead Restoration." This document needs to be included in the DEIS as it directly pertains to a significant related project.

NGO8-6

NGO8-7

NGO8-8

NGO8-9

NGO8-10

NGO8-11

NGO8-12

Page Three

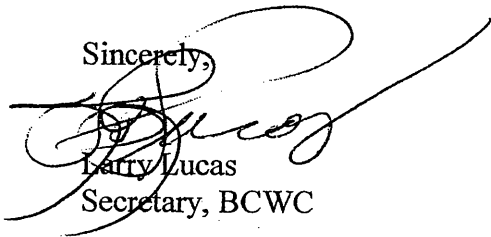
BCWC DEIS comments

- An independent scientific review of CNFH, also critical to evaluating the likelihood of success of the Restoration Project, took place October 7-8, 2003; however, the results of said review will not be available to the public until after final decisions are scheduled to be made regarding the DEIS. These results should be included in the DEIS.

NGO8-13

Contained below are specific comments with an EIS/EIR reference page number. Again, we thank you for the opportunity to comment on the Draft EIS/EIR for the Battle Creek Restoration Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Lucas", is written over the typed name and title.

Larry Lucas
Secretary, BCWC

BCWC COMMENTS
DRAFT EIS/EIR
BATTLE CREEK SALMON AND STEELHEAD RESTORATION PROJECT

Chapter	Page	Para.	Line	Item	Remarks	
ES	4	3	4	Social Context	Battle Creek Watershed Conservancy (BCWC) opposes in its present form the BC Restoration Project (resolution passed at 2001 annual meeting).	NGO8-14
ES	7		Last bullet	Project Objectives	DEIS doesn't fully address this issue. How will impacts be avoided?	NGO8-15
ES	25	5	All	Key issues	Issues listed here are not adequately addressed in the DEIS.	NGO8-16
2	4		Last bullet	Project Objectives	DEIS doesn't fully address this issue. Needs to show how it will avoid impacts.	NGO8-17
2	10	2	All	Social Context	The Restoration Project has not been supported by the BCWC membership since May 2001 when a resolution was passed not to support the Project in its present form. Resolution still stands.	NGO8-18
2	10	3	Top 3	Social Context	DEIS needs to include specific ways that CNFH operations will be evaluated and when.	NGO8-19
2	16		All	Adaptive Management	Adaptive Management needs to include a watershed wide approach and not focus only on the Restoration Project area.	NGO8-20
4.1	15	3	All	Predation & Pathogens	Notes the risks posed to MLTF; however, there is no mention of mitigation.	NGO8-21
4.1	16	3	All	Hatchery	The term "integrated" needs to be defined in the context of hatchery fish and natural fish populations.	NGO8-22
4.6	3		All	Land Use	The DEIS does not adequately address the need to retain the ecological integrity, use and value of private property during and after construction of the Project.	NGO8-23
4.6-4.16				Public Policy Issues	The DEIS does not adequately address the effects of the Restoration Project on the local community, especially during construction.	NGO8-24
4.16	27	1-4	All	MLTF and employment	States the problems and risks MLTF may be faced with, but doesn't include	NGO8-25

Chapter	Page	Para.	Line	Item	Remarks
					mitigation measures.
6	6	3	1-3	BCWC Formation	BCWC was formed by a group of local landowners in 1997. The group received funding from FWS and WSRCD to create a community strategy/plan in 1998.
6	6			Battle Creek Watershed Plan	BCWC has also suggested that the community needs to know there is a watershed wide program in place, and that the local people have a real voice in the long-term decision-making process.

NGO8-26

NGO8-27

Comment Letter NGO8—Battle Creek Watershed Conservancy, Sharon Paquin-Gilmore, Watershed Coordinator (October 13, 2003)

Response to Comment NGO8-1

Reclamation and the State Water Board acknowledged the request to extend the public comment period and believe that a 30-day extension to the public comment period provided adequate time for the Draft EIS/EIR to be reviewed by the public and for comments to be submitted.

Response to Comment NGO8-2

As mentioned in the response to Comment NGO1-1, mitigation measures are identified under Impact 4.1-8, in Section 4.1 in Volume I of this Final EIS/EIR to reduce the impacts relating to MLTF to a less-than-significant level. For more information on this issue, see the response to Comment NGO1-1 and Master Response E.

With respect to concerns about the Coleman National Fish Hatchery, although hatchery operations do affect fisheries management in the Battle Creek watershed, issues relating to the operation of the hatchery are considered to be outside the scope of the Restoration Project. However, recirculation of a portion of the EIS/EIR as the Draft Supplemental EIS/Revised EIR has allowed additional time for new information regarding the Coleman National Fish Hatchery to be added to Chapter 6, "Related Projects," in Volume I of this Final EIS/EIR (under the section titled California Bay-Delta Authority Science Review Workshop of Battle Creek regarding new information concerning the management of the Coleman National Fish Hatchery).

In response to concerns about the hatchery, the CBDA Science Program convened an independent technical panel of scientists (i.e., the Coleman Science Panel) and held a public workshop October 7–8, 2003, to discuss how the Coleman National Fish Hatchery could adversely affect the Restoration Project. The Coleman Science Panel findings are compiled in a report titled *Compatibility of Coleman National Fish Hatchery Operations and Restoration of Anadromous Salmonids in Battle Creek* (January 24, 2004). Among the findings, the Coleman Science Panel stated that an AMP is essential and that the adaptive process should be capable of changing management priorities, including those at Coleman National Fish Hatchery.

In February 2004, CBDA held another public workshop, and staff from Reclamation, the agency responsible for funding Coleman National Fish Hatchery, and staff from the USFWS, the agency responsible for operating

Coleman National Fish Hatchery, publicly recognized the need for adaptive management at Coleman National Fish Hatchery.

In April 2004, the PMT drafted the *Proposal to Facilitate and Develop an Adaptive Management Plan for Coleman National Fish Hatchery* for consideration by BCWG, dated April 7, 2004. The *Proposal to Facilitate and Develop an Adaptive Management Plan for Coleman National Fish Hatchery* is included with the overall proposal requesting additional funds for the Restoration Project, which was submitted to the CALFED ERP in March 2005 by Reclamation on behalf of the PMT.

For more information on the relationship between hatchery operations and the Restoration Project, see Master Response D.

Response to Comment NGO8-3

The statement that the EIS/EIR does not sufficiently address the impacts on the local community is not specific enough to evaluate the implied deficiencies. The Draft EIS/EIR addressed several areas of potential impact on the local community, including water, land use, aesthetics and visual resources, transportation, noise, air quality, public health and safety, public services and utilities, recreation, and cultural resources. However, the Final EIS/EIR has clarified analyses and incorporated additional information in several areas that may be considered impacts on the local community. Some areas that have been clarified in the Final EIS/EIR include prevention and response to potential wildfire related to construction activities (see responses to Comments S1-1 through S1-4), ensuring traffic safety (see Impact 4.9-1), protections of existing beneficial uses of surface and groundwater (see the Environmental Commitments presented in Chapter 3, "Project Alternatives," Impacts 4.4-1 through 4.4-7, and Impact 4.3-1 in Volume I of this Final EIS/EIR), potential adverse effects to tourism at Oasis Springs Lodge (see responses to Comment Letter NGO9), ecological impacts and property rights at Rocky Springs Ranch (see responses to Comment Letter NGO15), project-related impacts along Wildcat Canal (see responses to Comment Letters I1 and I2), compatibility of Coleman National Fish Hatchery operations with the Restoration Project (see Master Response D), and socioeconomic considerations related to MLTF (see Master Response E).

The question of whether the Restoration Project can succeed cannot be answered with absolute certainty. It is not possible to predict the future production of any population of organisms in the wild with absolute certainty because of the vast number of interrelated natural and human-induced factors. Factors affecting Battle Creek fishery populations stretch from the Battle Creek watershed to the Pacific Ocean, and most factors cannot be controlled by the Restoration Project. However, the AMP does address uncertainty while trying to attain project success by outlining a series of objectives with monitoring, timelines, trigger points, response limits, response evaluation, and endpoints.

It also is not clear from the comment how the project success is expected to relate to impacts on the local community. The Restoration Project agency participants have previously confirmed support to continue current land uses in the Battle Creek watershed in a letter to the BCWC from the USFWS, NOAA Fisheries, Reclamation, and DFG, dated September 20, 2001 (four-agency letter, see Appendix B in Volume II of this Final EIS/EIR), as watershed land uses were deemed compatible with the restoration of anadromous salmonids. Major changes in future land use would need to be reevaluated for compatibility with environmental standards, but the agencies cannot predict any such changes. Also, as stated in the four-agency letter, the Restoration Project agency participants have determined that over the past decades, PG&E and its predecessors have collected all the water rights needed for reallocation to the Restoration Project, as provided for in the Restoration Project MOU (Appendix A in Volume II of this Final EIS/EIR).

Response to Comment NGO8-4

The commentor states that the Draft EIS/EIR did not adequately address significant factors that would affect the success of the Restoration Project because they are not in the official project area. Although no specific factors are mentioned, it is assumed that this comment is referencing the Coleman National Fish Hatchery, which is located outside (downstream of) the lower project limit and could have adverse effects on the Restoration Project. As mentioned in the response to Comment NGO8-2, although hatchery operations do affect fisheries management in the Battle Creek watershed, issues relating to the operation of the hatchery are considered to be outside the scope of the Restoration Project. However, recirculation of a portion of the EIS/EIR as the Draft Supplemental EIS/Revised EIR has allowed for additional time to incorporate new information regarding the Coleman National Fish Hatchery into Chapter 6 in Volume I of this Final EIS/EIR (under the section titled California Bay-Delta Authority Science Review Workshop of Battle Creek regarding new information concerning the management of the Coleman National Fish Hatchery). For more information on the relationship between hatchery operations and the Restoration Project, see Master Response D.

Response to Comment NGO8-5

This comment has been noted and individual concerns of the Battle Creek Watershed Conservancy (BCWC) are addressed in the responses to Comments NGO8-6 through NGO8-13 (see below).

Response to Comment NGO8-6

Please see the response to Comment NGO8-3.

Response to Comment NGO8-7

Please see the response to Comment NGO1-1 and refer to Master Response E.

Response to Comment NGO8-8

According to this comment, public policy issues have not been adequately addressed in the EIS/EIR, especially in areas such as wildfire prevention and mitigation, traffic safety issues, and environmental impacts associated with construction.

Fire safety is discussed in Section 4.12, Public Health and Safety, under Impact 4.12-5 in Volume I of this Final EIS/EIR. The *Reclamation Safety and Health Standards*, (Standards) which are a part of all of Reclamation's standard contracts, require that a fire prevention plan be prepared for each job site. Adherence to these project requirements will reduce the risk of fire to a less-than-significant level.

Impacts resulting from increased construction traffic are discussed under Impact 4.9-1 in the Environmental Consequences discussion of Section 4.9, Transportation, in Volume I of this Final EIS/EIR. Based on this analysis, the traffic impact on state, county, and private roads is considered to be less than significant with adherence to the standards mentioned above. In addition to the improvements specified under Impact 4.9-2 in Section 4.9, the Standards would also require the contractor to submit a comprehensive written safety program to Reclamation, including procedures for flagging and posting signage to facilitate the safe passage of traffic.

In response to the comment regarding impacts associated with construction, the state and federal lead agencies agree that the EIS/EIR adequately analyzes environmental impacts associated with construction and implementation of the Restoration Project. However, it should be noted that detailed construction activities for some project sites (e.g., South Diversion Dam) might not be developed until a future date. In the event that the proposed design would result in a new or more significant environmental impact, Reclamation will prepare a supplemental analysis to the Final EIS/EIR and recirculate that portion of the document for public comment.

Response to Comment NGO8-9

Justification for the increase in project costs has been provided in the March 2005 revised proposal to CBDA.

Response to Comment NGO8-10

Responses to comments made in the TRP Report were submitted by the Battle Creek PMT to the CBDA ERP selection panel at public meetings that took place between January and May 2004. For more information summarizing these responses, please see Master Response A. At the request of the TRP, the Eight Dam Removal Alternative was explored and compared to the Restoration Project Proposed Action (Five Dam Removal Alternative). A Public Workshop regarding this specific issue was held on March 15, 2004, to discuss information regarding the economics (replacement power costs), habitat benefits, and process/schedule impacts of an eight dam removal scenario verses the Proposed Action. The results of this analysis are presented in *Further Biological Analyses for Information Presented at the Public Meeting Held in Red Bluff, California, on March 15, 2004, Regarding the Differences between the Five Dam Removal Alternative and the Eight Dam Removal Alternative* (California Department of Fish and Game 2004). For more information regarding the Eight Dam Removal Alternative, please see Master Response B. Additional information is available at:

<http://calwater.ca.gov/Programs/EcosystemRestoration/EcosystemBattleCreek.shtml> and
<http://www.usbr.gov/mp/battlecreek/>

Response to Comment NGO8-11

The Coleman National Fish Hatchery is a related project and, accordingly, has been described as such in Chapter 6 under Projects That Could Directly Affect or Be Affected by the Restoration Project, in Volume I of this Final EIS/EIR. In addition, the potential adverse effects of Coleman National Fish Hatchery operations on the Restoration Project have been acknowledged in the report titled *Compatibility of Coleman National Fish Hatchery Operations and Restoration of Anadromous Salmonids in Battle Creek* (Buseck et. al. 2004). Although hatchery operations do affect fisheries management in the Battle Creek watershed, issues relating to the operation of the hatchery are considered to be outside the scope of the Restoration Project. However, recirculation of the Draft Supplemental EIS/Revised EIR has allowed for new information regarding the Coleman National Fish Hatchery to be added to Chapter 6 in Volume I of this Final EIS/EIR (under the section titled California Bay-Delta Authority Science Review Workshop of Battle Creek regarding new information concerning the management of the Coleman National Fish Hatchery). This information includes updates on the biological opinion in question. As discussed in Chapter 6, a biological opinion on Coleman National Fish Hatchery operations has not been completed. A draft of the Coleman National Fish Hatchery Section 7 Biological Assessment (BA) was distributed for review in October 2000. In the response to Comments received, several changes and additions were made, and a final BA was sent to NOAA Fisheries in June 2001. NOAA Fisheries has not yet completed the biological opinion for this Section 7 consultation. As a result of the delay, NOAA Fisheries has authorized the USFWS to conduct fish propagation activities through extensions of the previous biological opinion, with

several modifications to hatchery operations being covered under reconsultations between NOAA Fisheries and the USFWS. For more information on the relationship between hatchery operations and the Restoration Project, see Master Response D.

Response to Comment NGO8-12

Although the 1999 Kier Associates report addresses operations of Coleman National Fish Hatchery and its relation to the Restoration Project, it is not necessary to include the report in the EIS/EIR. An overview of operations at the Coleman National Fish Hatchery and associated regulations under the ESA are described in Chapter 6 under Coleman National Fish Hatchery, in Volume I of this Final EIS/EIR. Several additional sources of information also exist for the Coleman National Fish Hatchery, including:

- the Coleman National Fish Hatchery Biological Assessment (U.S. Fish and Wildlife Service 2001b);
- Coleman and Livingston Stone National Fish Hatchery Management Alternatives document signed by USFWS, NOAA Fisheries, Reclamation, and DFG (U.S. Fish and Wildlife Service et al. 2002);
- a report stemming from a public workshop on Coleman National Fish Hatchery operations held on October 7–8, 2003 (Technical Review Panel 2004); and
- a report titled, *Review of the Steelhead Supplementation Program in Battle Creek*. (Coleman National Fish Hatchery Science Panel 2004).

Although these reports could provide supplemental information regarding Coleman National Fish Hatchery, these issues are being addressed in other forums concurrent with Restoration Project planning but not as part of the project itself. Including these documents in the EIS/EIR is not justified.

Response to Comment NGO8-13

Although operations at the Coleman National Fish Hatchery do affect fisheries management in the Battle Creek watershed, issues relating to the operation of the hatchery are considered to be outside the scope of the Restoration Project and are not analyzed in this document. However, recirculation of the Draft Supplemental EIS/Revised EIR has allowed for additional time to incorporate new information regarding the Coleman National Fish Hatchery into Chapter 6, “Related Projects,” in Volume I of this Final EIS/EIR (see the section titled California Bay-Delta Authority Science Review Workshop of Battle Creek regarding new information concerning the management of the Coleman National Fish Hatchery). For additional information regarding the results of the CBDA Science Review Workshop of Battle Creek and the relationship between hatchery operations and the Restoration Project, see Master Response D.

Response to Comment NGO8-14

It is true that the BCWC passed a resolution in 2001 stating that it did not support the Restoration Project in its current form. However, since that time, the BCWC has been working closely with the four agencies to resolve concerns about the Restoration Project. In a letter to the four agencies dated February 23, 2004 (Battle Creek Watershed Conservancy 2004), the BCWC stated that it would conditionally support the Restoration Project if the following for conditions were met:

- that USFWS convene and lead an emergency workshop to revisit the steelhead supplementation plan;
- that DFG reconsider the documented record and lead an effort to more clearly identify the goals, objectives, and priorities of the Restoration Project and make sure that those objectives are consistent with existing Restoration Project documentation, with the CALFED Programmatic ROD, and that they are consistent throughout all elements of the final funding request to CBDA;
- that the winter-run recovery team complete the winter-run recovery plan or at least develop a stream-specific strategy for reestablishing a winter-run Chinook salmon population in Battle Creek and that reintroduction strategies are developed for other ESA-listed species (e.g., spring-run Chinook salmon and steelhead) in Battle Creek that can be implemented in anticipation of the Restoration Project Record of Decision; and
- that Reclamation facilitate the development and implementation of an adaptive management plan for Coleman National Fish Hatchery facilities and operations.

As a result of the progress that has been made on the issues listed above and the ongoing progress concerning other key issues, the BCWC Board now recommends support of the Restoration Project in its current form (see Attachment D in Volume III of this Final EIS/EIR). This information has been added to the Executive Summary and Chapter 2 in Volume I of this Final EIS/EIR.

Response to Comment NGO8-15

The Draft EIS/EIR fully discloses the environmental impacts that would result from implementation of the Restoration Project. As identified in the joint NEPA/CEQA document, the lead agencies are implementing mitigation to reduce these impacts whenever possible. For more information, please see Master Response F and the response to Comment NGO8-3.

Response to Comment NGO8-16

For more information regarding the compatibility of the Restoration Project with ongoing and planned operations at the Coleman National Fish Hatchery, see Master Response D. For more information on the adaptive management process that will be used for Battle Creek fish restoration, see Master Response C. Please see the Public Involvement discussion in Chapter 5 in Volume I of this Final EIS/EIR for more details on the level of community involvement in the Restoration Project. See Master Response E for information regarding project-related effects on trout-farming operations (specifically, MLTF) and a description of applicable mitigation.

Response to Comment NGO8-17

Potential impacts on third parties, such as MLTF and Oasis Springs Lodge, are addressed in Sections 4.1, Fish; 4.4, Water Quality; and 4.16, Other NEPA Analyses in Volume I of this Final EIS/EIR. For additional information, please see the response to Comment NGO8-3.

Response to Comment NGO8-18

Please see the response to Comment NGO8-14.

Response to Comment NGO8-19

Please see the response to Comment NGO8-13.

Response to Comment NGO8-20

The Restoration Project is restricted to implementing modifications to PG&E's Hydroelectric Project facilities and operations, as explained in the 1999 MOU (see Appendix A in Volume II of this Final EIS/EIR), and does not take into consideration related actions such as the operations of Coleman National Fish Hatchery. Independent efforts by Reclamation and other resource agencies are currently underway to ensure that additional adaptive management activities within these related actions (e.g., an adaptive management plan for the Coleman National Fish Hatchery) are integrated into the adaptive management effort for the Hydroelectric Project to the maximum extent possible. The BCWG is working to create an adaptive management effort for the greater Battle Creek watershed. Because the BCWG also supports integrated adaptive management efforts, their plan will likely be as compatible as possible with the Battle Creek AMP.

Two adaptive management plans will be prepared, one for the Restoration Project and one for the Coleman National Fish Hatchery, because each focuses on a different effort in Battle Creek. The immediate focus of the Restoration Project AMP is the Battle Creek Hydroelectric Project, which is owned by PG&E and regulated by FERC (license no. 1121). The adaptive management effort at Coleman National Fish Hatchery, which would be funded by CBDA, must operate under separate laws and regulatory bodies. The Coleman National Fish Hatchery is regulated by USFWS policy and other state and federal laws. Therefore, Reclamation intends to develop the Coleman National Fish Hatchery adaptive management plan to complement the efforts described in the Restoration Project AMP. The Coleman adaptive management plan would address Coleman National Fish Hatchery operations and areas of overlap with the Restoration Project (e.g., lower Battle Creek). The intent will be to establish processes that effectively integrate adaptive management under both plans to the maximum extent feasible under law. The AMP prepared for the Battle Creek watershed by the BCWG will be prepared to integrate with the adaptive management plans prepared for the Restoration Project and the Coleman National Fish Hatchery. For more information regarding the relationship between the hatchery and the Restoration Project, see Master Response D.

Response to Comment NGO8-21

See the response to Comment NGO1-1 and Master Response E.

Response to Comment NGO8-22

Completion of the ozone water treatment plant, improving the barrier weir and associated fish ladders, and screening of the facility's water supply intakes are all steps to integrate the Coleman National Fish Hatchery with the Restoration Project. Other efforts to integrate hatchery operations and programs include incorporation of natural-origin salmonids adults into the spawning matrix to maintain the genetic similarity of hatchery-origin fish to natural-origin fish. Additional information on Coleman National Fish Hatchery practices can be found in the Coleman National Fish Hatchery Biological Assessment (U.S. Fish and Wildlife Service 2001b). Please refer to Master Response D and Chapter 6, "Related Projects," for additional information on Coleman National Fish Hatchery compliance with environmental regulations, and commitments of the Coleman National Fish Hatchery to maintain hatchery operations compatible with the Restoration Project.

Response to Comment NGO8-23

The objectives of the Restoration Project call for restoring habitat on Battle Creek for anadromous fish species while simultaneously minimizing the loss of

hydroelectric power. While the actions under the Restoration Project could potentially affect private property, the project proponents have disclosed and minimized effects on the environment, including on land use, in Chapter 4 in Volume I of this Final EIS/EIR as required under NEPA and CEQA. The Restoration Project will restore habitat along a substantial section of North Fork and South Fork Battle Creek. Most of effects on private property relate to impacts associated with project construction, and several mitigation measures have been incorporated as part of the Restoration Project to minimize those effects. Therefore, it is expected that the ecological integrity of affected properties not only would be retained, but also enhanced. For more information, please see Master Response F.

Response to Comment NGO8-24

The environmental effects of the Restoration Project on residents in the area are discussed in Chapter 4 in Volume I of this Final EIS/EIR. Many of the impacts described are a result of the anticipated construction work. For additional information regarding impacts on the local community, see the response to Comment NGO8-3.

As required under CEQA, Reclamation and the State Water Board have disclosed the environmental impacts and identified the mitigation measures in the EIS/EIR to reduce the effects of the Restoration Project whenever possible. For more information, please see Master Response F.

Response to Comment NGO8-25

See the response to Comment NGO1-1 and Master Response E.

Response to Comment NGO8-26

The text in the section titled Battle Creek Watershed Conservancy Formation, in Chapter 6 in Volume I of this Final EIS/EIR, was corrected to clarify the formation of the BCWC, as described in this comment.

Response to Comment NGO8-27

Text was added to the section titled Battle Creek Watershed Conservancy Formation, in Chapter 6 in Volume I of this Final EIS/EIR, to clarify that a watershed-wide program is in place, as recommended in this comment.

Warren Quan
Oasis Springs Lodge

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M. P.

October 13, 2003

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Mr. Jim Canaday
SWRCB
1001- I Street
Sacramento, CA 95814

Subject: Comments on the Draft Environmental Impact Statement/
Environmental Impact Report for the Battle Creek Salmon and
Steelhead Restoration Project

Dear Ms. Marshall and Mr. Canaday,

Thank you for this opportunity to comment on the EIS/EIR document. I am very concerned about significant impacts to my year round commercial hunting and fishing operation at Oasis Springs Lodge. The EIS/EIR is too general in nature and does not provide adequate information regarding construction activities that will impact Oasis Springs Lodge for two and a half years. (E-11) Also the long-term impacts from road development and the length of time for full stream restoration and recovery are not adequately discussed. Finally, the anticipated benefits are not quantified and potential failure of or adverse outcomes from the project are not addressed at all.

NGO9-1

NGO9-2

NGO9-3

NGO9-4

In previous letters to the Bureau of Reclamation I have voiced my grave concerns regarding the project.

- Complete disruption of business during 2.5 year building period
- Access road and power line relocation - severe visual blight
- Increased potential for trespassing
- Noise, Dust, Pollution and Construction Hazards
- Continuation of historical stocking programs
- Impacts after construction

Oasis Springs Lodge is a commercial fishing and hunting lodge. A quality outdoor experience is our trademark and the proposed project will have some significant short term impacts and some long term impacts. The two + year construction period adjacent to the Lodge will make a recreation experience a nightmare. What specific construction activities will take place on Oasis Springs property? Will there be blasting in vicinity of the Lodge? Will there be helicopter flights? How many truck trips will come down to the construction area?

NGO9-5

The disruption of business will be a significant impact. The noise, dust and activity will completely intrude upon the Lodge property. There will an unknown recovery time for the creek once the construction has been completed. The business disruption could last for years after the construction is completed. When will the creek stabilize and provide the same type of fishing experience?

NGO9-6

The proposed access road to Inskip will severely impact existing views from the lodge and adjacent facilities. The proposed 20 foot wide road will require significant cuts. The photos contained in the EIS/EIR (Figure 4.8-3, 4.8-5 & 4.8-6) are not representative of the actual condition of the landscape for the majority of the year. Attached are photos taken from Oasis Springs in approximately the same location earlier this month. The mock up photo (4.8-6) in the document is tinted green and the majority of the year the adjacent hillside is lightly colored dry grass. A proposed cut of 31 feet (3-48) will be a significant adverse and permanent visual impact to the Lodge property. The slope must be immediately hydromulched after cutting and maintained. Can the road width be reduced from South Powerhouse to Inskip portion, thereby reducing grading and visual impacts? What alternatives have been considered and/or are available?

NGO9-7

The document indicates that the powerlines will be relocated at the South Powerhouse? Where is the new location? Will they be more visible from the Lodge? Chapter 4.8 does not mention the power line relocation visual resources. This omission makes it impossible to determine the potential impacts.

NGO9-8

A 46,000 square foot area (3-51) is described on the south side of Battle Creek. Is there a map that indicates the exact location of work in relationship to the Oasis Springs property? What duration will the work take on the Oasis Springs property? Will restoration immediately follow construction? Page 3-10 has a picture of the Inskip Diversion Dam with the Lodge in the background. This photo indicates the proximity of the proposed construction to the Lodge facilities. The proposed work will be highly disruptive to the Lodge.

NGO9-9

Is there any proposed truck traffic out Oasis Springs property to Highway 36? The proposed blasting creates significant concerns regarding safety and disruption to the fish and patrons. (4.10-9) How long will the blasting occur? There is not enough specific information regarding blasting impacts (4.10-9). Will there be on-going maintenance of the road to prevent erosion and sedimentation of the creek?

NGO9-10

South Power House indicates 20 construction workers and only 22 estimated average of Daily round trips. There will be many more associated trips generated than just from construction. There will be numerous trips with construction materials, inspectors, and other activities. The figure on Table 4.9-4 appears to be vastly understated for this site and many others on this table. The noise from heavy equipment and trucks coming down the road and working across from the Lodge will be devastating to the enjoyment and use of the property.

NGO9-11

I have concerns regarding increased trespassing during construction period. The private fishing and hunting operation success is due to managed use. Construction workers and all other persons associated with the Restoration project need to respect private property and only be present on Oasis Springs in an official capacity. Also there will be the potential for increased trespassing after construction due to additional kayaking on the Creek. Rafters and kayakers will have to take out on PG& E land or the Oasis Springs Lodge land to avoid Inskip Diversion. The Oasis Springs property is the much more desirable take out due to flat bench area versus steep up slope of PG&E land. Unless not permitted, I anticipate that there will be increased recreational use and trespassing on private lands due to future increased flows in South Battle Creek. There will be additional trash, waste, fire danger and vandalism due to increased use. Were these impacts considered in the EIS/EIR? Can they be eliminated?

NGO9-12

What are the anticipated impacts to the native resident trout population? What if the recovery time exceeds the construction time? What if the project does not succeed or does so only partially? What compensation will there be to landowners that relied upon historic fishing opportunities/conditions. Will a database of pre-construction trout counts be done for monitoring purposes?

NGO9-13

There are assumptions in the document regarding sediment loads and streambed conditions and flows? What happens if sediment redistribution takes more than 3 years? Will there be adequate monitoring to determine impacts? Will there be a funding source to address the problem? What evidence supports the statement that "all natural hydrologic processes would return to their normal dynamic equilibrium within 1 year."? It could be 10 years until the creek becomes stable. What will the ability to fish be like (wading, hiking, habitat instream and out) with much higher flows?

NGO9-14

Of particular concern is the installation of an enormously long fish ladder south of Inskip Dam. Some of the very best fishing at Oasis Springs occurs on the stream immediately down from 250 feet below the dam. How will this be affected? Will fishing be allowed in the section? What are the remedies if this stretch is lost to fishing?

NGO9-15

The EIS/EIR states that the visual impacts have significant and unavoidable aesthetic impacts on the Oasis Springs Lodge and that the recreational use would be affected (ES-19). Will there be additional measures to reduce the impacts?

NGO9-16

Summary of initial concerns/question:

Additional Mitigations necessary to reduce impacts -

Need to schedule helicopter flights and blasting during non-peak Lodge use.

NGO9-17

Construction hours need to be limited to 8 am - 5 pm.

NGO9-18

Need on-going, daily dust control and comprehensive erosion control plan to reduce impacts stream and adjacent property. | NGO9-19

Please provide notification of any hazardous materials found on job site adjacent to Oasis Springs. | NGO9-20

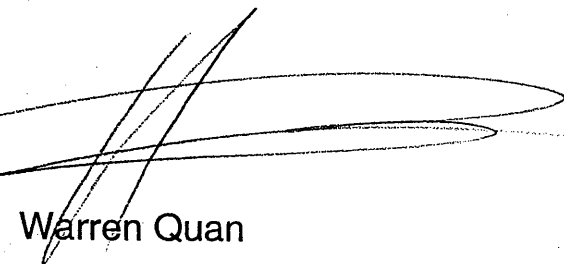
Compensation for business losses due to construction activities | NGO9-21

Additional pre construction monitoring to establish baseline data | NGO9-22

The Mitigation Strategies (4.0-7) include compensate for impacts, this may be necessary given the unavoidable disruption of business, the long-term stream recovery, the reduction in natural habitat and viewshed, and threats from increased unauthorized recreational use on private lands.

Thank you for the opportunity to comment on this document.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above the name Warren Quan.

Warren Quan

Oasis Springs Photos -

#1 - Approximately same location as Figure 4.8-5 & 6
note the light grass color, not green as depicted in mock up

#2 - Road cut will be visible across entire slope
note lawn chairs on Oasis Springs property

#3 - Road cut will be fully visible from Oasis Springs property

#4 - Road cut will be fully visible from Oasis Springs property

#5 - Road cut will be fully visible from Oasis Springs property

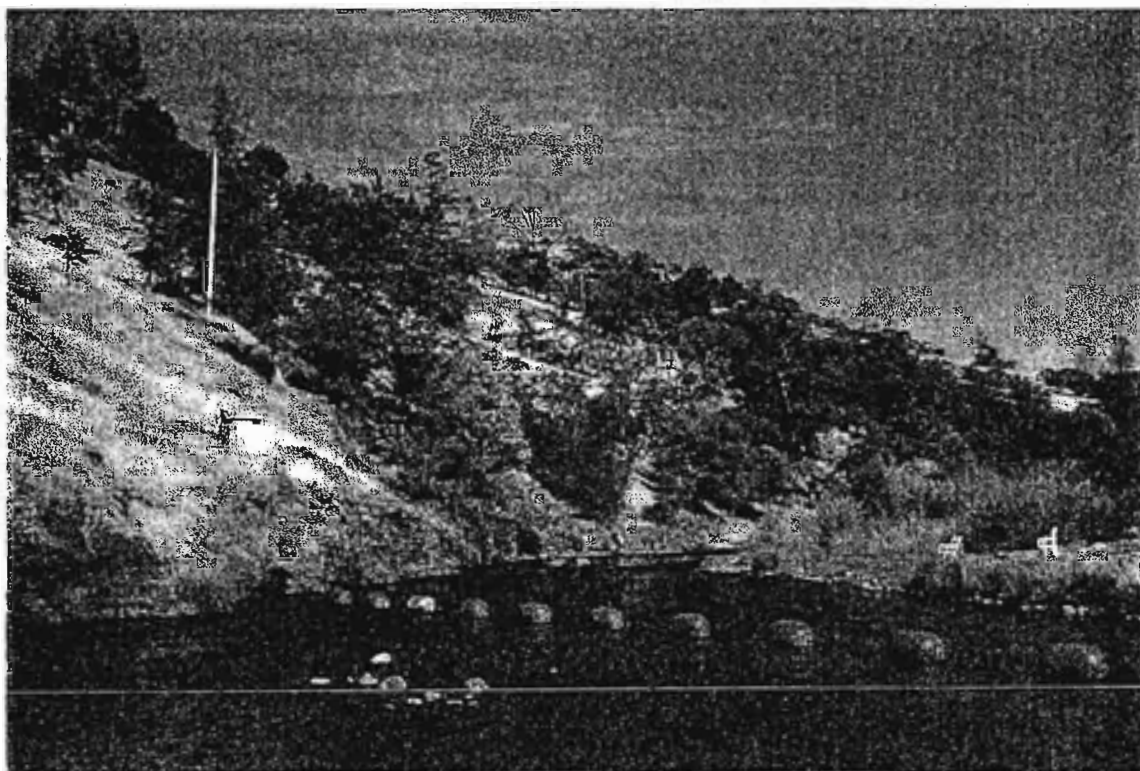
#6 - Location of new access road on Oasis Springs property

#7 - Location of new access road on Oasis Springs property

#8 - Proximity of new access road and construction activity to Lodge



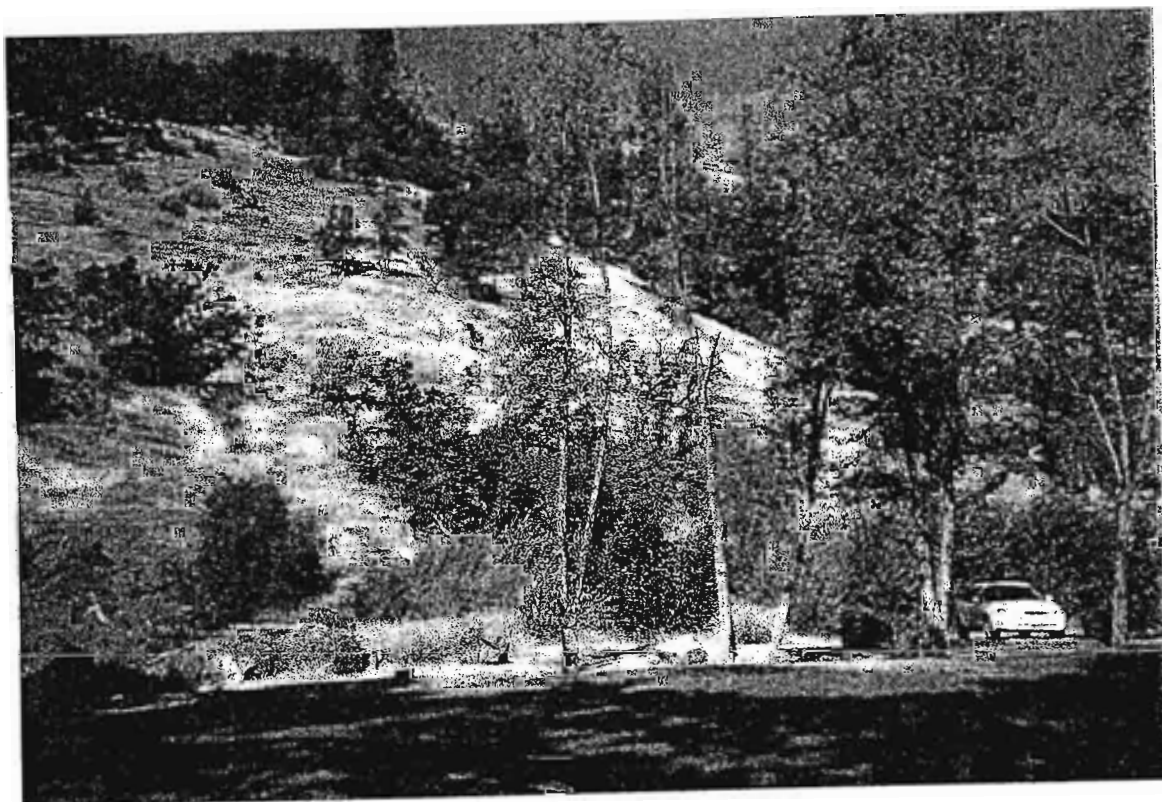
#1



#2



#3



#4



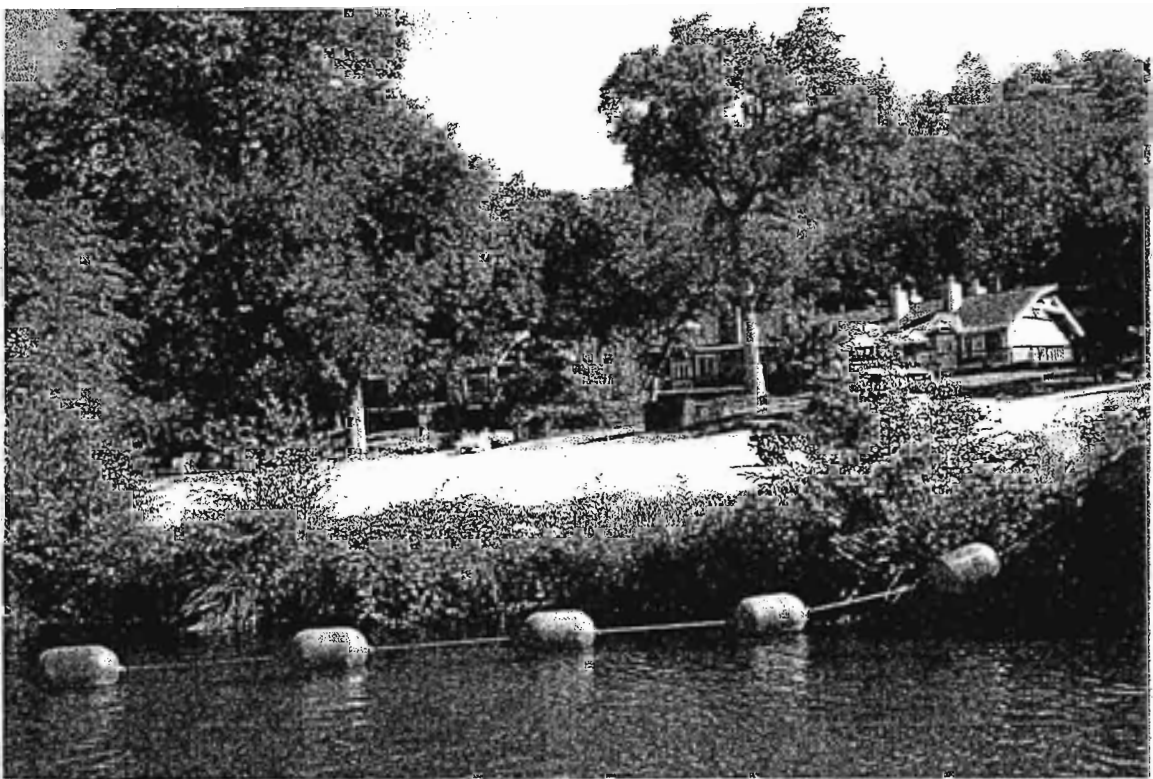
#5



#6



#7



#8

Comment Letter NGO9—Oasis Springs Lodge, Warren Quan (October 13, 2003)

Response to Comment NGO9-1

Impacts that would affect specifically Oasis Springs Lodge as a result of implementing the Restoration Project have been identified in the Draft EIS/EIR and Draft Supplemental EIS/Revised EIR and are collectively presented in Chapter 4 in Volume I of this Final EIS/EIR. These impacts include the following:

- Impact 4.8-1, Construction of tailrace connectors, new fish screens and fish ladders, and associated facilities would reduce scenic quality at the Oasis Springs Lodge, significant and unavoidable;
- Impact 4.10-1, Exposure of noise-sensitive uses to noise and vibration from blasting, less than significant with mitigation;
- Impact 4.10-2, Exposure of noise-sensitive land uses to noise from on-site construction activities, less than significant with mitigation;
- Impact 4.14-1, Construction activities at Inskip Diversion Dam could reduce recreational opportunities at the Oasis Springs Lodge, significant and unavoidable;
- Impact 4.14-5, Loss of a recreational fishery at Oasis Springs Lodge, less than significant;
- Effect 4.16-6, Potential construction-related loss in revenues at Oasis Springs Lodge; and
- Effect 4.16-7, Potential long-term loss in revenues at Oasis Springs Lodge.

In response to the concern over how the Restoration Project would affect the Oasis Springs Lodge, two new effects—Effect 4.16-6, Potential construction-related loss in revenues at Oasis Springs Lodge, and Effect 4.16-7, Potential long-term loss in revenues at Oasis Springs Lodge—were added to Section 4.16 in Volume I of this Final EIS/EIR. As indicated in the discussion of these effects, there would be a short-term socioeconomic effect on the Lodge as a result of temporary construction activities. To reduce any construction-related loss of revenue to the Oasis Springs Lodge, Oasis Springs Lodge will be notified, as soon as possible and prior to construction activities, of the anticipated start date, duration, and type of construction activities. Over the long term, it is expected that no adverse socioeconomic effects would occur.

In addition to the socioeconomic effects on Oasis Springs Lodge, impacts on recreational opportunities have been identified in Section 4.14 in Volume I of this Final EIS/EIR. Impact 4.14-1, Construction activities at Inskip Diversion Dam could reduce recreational opportunities at the Oasis Springs Lodge, was

identified in the Draft EIS/EIR as a significant and unavoidable impact. As described under the mitigation measure for this impact, Reclamation will notify the Oasis Springs Lodge, as soon as possible prior to construction activities, of the anticipated start date, duration, and type of construction activities. In addition to the short-term, construction-related impact on recreation, a new impact has been added to Section 4.14, Impact 4.14-5, Loss of a recreational fishery at Oasis Springs Lodge. As discussed under Impact 4.14-5, this impact is considered to be less than significant, and no mitigation is required.

In addition, impacts that would result in general from implementation of the Restoration Project and would, therefore, potentially affect Oasis Springs Lodge as well as other local residents have been addressed in the following sections:

- Section 4.1, Fish;
- Section 4.2, Botanical, Wetland, and Wildlife Resources;
- Section 4.3, Hydrology;
- Section 4.4, Water Quality;
- Section 4.5, Groundwater;
- Section 4.6, Land Use;
- Section 4.7, Geology and Soils;
- Section 4.9, Transportation;
- Section 4.11, Air Quality;
- Section 4.12, Public Health and Safety;
- Section 4.13, Public Services and Utilities; and
- Section 4.15, Cultural Resources

The information that has been presented in the Draft EIS/EIR, the Draft Supplemental EIS/Revised EIR, and this Final EIS/EIR is appropriate and adequate for assessing the impacts of the Restoration Project on Oasis Springs Lodge.

In order to minimize the impacts that have been identified as significant, certain mitigation measures have been proposed in Chapter 4 in Volume I of this Final EIS/EIR. For more information regarding landowner concerns, please see Master Response F.

Response to Comment NGO9-2

The level of detail presented in this EIS/EIR is adequate to identify potential impacts of the Restoration Project. Specific impacts affecting Oasis Springs Lodge have been identified and are discussed under Section 4.8, Aesthetics; Section 4.10, Noise; Section 4.14, Recreation; and Section 4.16, Other NEPA

Analyses; in Volume I of this Final EIS/EIR. In addition, maps identifying the construction activities and footprints for each project site have been added as Appendix F to Volume II of this Final EIS/EIR. For more information, see the response to Comment NGO9-1 and Master Response F.

Response to Comment NGO9-3

The long-term aesthetic impact from construction of the access road on the north side of the creek at the Inskip Diversion Dam site is discussed under Impact 4.8-1. In an effort to reduce this impact, Reclamation has reduced the width of the road from 16 to 12 feet. While this will reduce the overall impact, it will not reduce it to a less-than-significant level.

A new impact regarding the potential long-term loss of a recreational fishery at the Oasis Springs Lodge had been added to Section 4.14, Recreation, in Volume I of this Final EIS/EIR. As indicated in the impact discussion of Impact 4.14-5, once construction at the project site is complete, recovery of the stream is expected to be almost immediate, so it is expected that fishing operations will be able to resume in the construction area nearly immediately as well. Additionally, fishing upstream and downstream of the immediate construction zone would be possible during construction. In order to facilitate and promote recovery of riparian habitat and to minimize erosion during the recovery period, the mitigation described in Sections 4.2 and 4.4 will also be implemented.

Response to Comment NGO9-4

The benefits to fish resulting from implementation of the Restoration Project are discussed under Impacts 4.1-12 through 4.1-19. Consideration has been given to the uncertainty about the precise results of the Restoration Project. Therefore, an AMP (Terraqua, Inc. 2004) has been created that deals specifically with monitoring the outcome of the project to be able to adaptively manage it for better success. The Water Acquisition Fund and Adaptive Management Fund, which are elements of adaptive management, would provide funding for potential changes to Restoration Project actions that result from the application of the AMP. Commitment to these elements is part of the Restoration Project.

Response to Comment NGO9-5

New figures identifying the specific construction activities to take place at each project site are presented in Appendix F in Volume II of this Final EIS/EIR. Figure F-7 and Table F-7 list the construction activities that will take place at the Inskip Diversion Dam/South Powerhouse site.

Blasting impacts relating to the Oasis Spring Lodge are discussed in Section 4.10, Noise, in Volume I of this EIS/EIR under Impact 4.10-1. Implementation of Mitigation Measure 4.10-1 would reduce this impact to a less-than-significant level. The number of helicopter flights to the Inskip Diversion Dam/South Powerhouse site is not expected to exceed five flights throughout the duration of project construction at this site. Noise from helicopter flights and other construction-related activity is discussed under Impact 4.10-2 and is considered to be potentially significant. Implementation of Mitigation Measure 4.10-2 reduces this impact to a less-than-significant level. The number of truck trips anticipated under the Five Dam Removal Alternative is presented in Table 4.9-4. It is expected that there will be approximately 1,000 truck trips to the Inskip Diversion Dam/South Powerhouse site over the entire construction period. All transportation-related impacts were deemed to be less than significant. For more information regarding landowner concerns, please see Master Response F.

Response to Comment NGO9-6

Construction-related impacts associated with noise, air quality, increased construction traffic, and recreation are identified in Sections 4.10, 4.11, 4.13, and 4.14 in Volume I of this Final EIS/EIR, respectively, along with the mitigation measures that have been identified for impacts found to be significant. As mentioned in the response to Comment NGO9-1, two new socioeconomic effects were added to Section 4.16. As indicated in this section, Oasis Springs Lodge will be notified as soon as possible and prior to construction activities of the anticipated start date, duration, and type of construction activities.

As indicated in the discussion for Impact 4.14-5, over the long term, although the species mix will change, it is not expected that there will be any adverse effects on fishing and that the recovery time would be almost immediate once construction was complete. Stocking of trophy trout would not be permitted, but this will be the case regardless of whether the Restoration Project is implemented. For more information, please see the responses to Comments NGO9-3 and NGO9-15.

Response to Comment NGO9-7

Reclamation and the State Water Board agree that the proposed access road between the South Powerhouse and Inskip Diversion Dam would represent a significant visual change to the site as identified under Impact 4.8-1. The proposed mitigation measure identifies a plan that includes reseeding with native seed mix, applying rock-aging material to improve revegetation, planting trees, and monitoring tree-planting sites. While this mitigation measure will reduce the impact, it will not reduce it to a less-than-significant level. For more information regarding landowner concerns, please see Master Response F.

Numerous access road alignments were evaluated during conceptual design, with the final proposed alignment selected based primarily on cost and driver safety (fewer curves). In addition, Reclamation and the State Water Board are considering reducing the width of the road from 16 to 12 feet to further reduce potential aesthetic impacts. Chapter 3, "Project Alternatives," has been updated to include a discussion of the alternative road alignments that were considered, but eventually eliminated, under the subhead Proposed New Access Road between South Powerhouse and Inskip Diversion Dam.

Response to Comment NGO9-8

Power lines would be placed in the general vicinity of existing lines. This action would not result in significant visual impacts compared to existing conditions. Impacts from power line relocation are discussed under Impact 4.8-1, which has been updated to clarify the visual impacts on the Oasis Springs Lodge.

Response to Comment NGO9-9

New figures identifying the specific construction activities that would take place at each site for the Restoration Project are presented in Appendix F of the Final EIS/EIR. The 46,000-square foot construction area at the Inskip Diversion Dam/South Powerhouse project site is shown on Figure F-7 as SPH-13 in Appendix F in Volume II of this EIS/EIR. As noted in Table F-7, activities at this site include construction of the temporary access road on the south side of Battle Creek, as well as the temporary diversion works needed to construct the new fish ladder at the Inskip Diversion Dam. The construction schedule for Inskip Diversion Dam/South Powerhouse, as noted for this project site in Chapter 3 in Volume I of this Final EIS/EIR, indicates that construction at this site is anticipated to occur over a 33-month period. As indicated in the analysis presented in Chapter 4 in Volume I of this Final EIS/EIR, there will be impacts on the Oasis Springs Lodge as a result of the Restoration Project. Mitigation measures are identified and discussed in the document.

For additional information regarding construction-related impacts on Oasis Spring Lodge, please see the response to Comment NGO9-1 and Master Response F.

Response to Comment NGO9-10

Construction traffic will not use Highway 36. The South Powerhouse site would require blasting for tunnel excavation at the two tunnel portals. Some minor blasting may be required for access-road construction on the north hillside. No blasting for dike construction is anticipated. This blasting would likely occur over an 8-month period including in part the fall and winter months. Some

blasting for the fish screen and ladder work, including boulder removal, would be required at the Inskip Diversion Dam. The duration of this work is anticipated to be 4 months over the following summer. Exposure of noise-sensitive land uses to blasting is discussed under Impact 4.10-1 in Section 4.10, Noise, of the Final EIS/EIR. Implementation of the mitigation discussed under this impact is anticipated to reduce the impact to less than significant.

The contractor would be responsible for maintaining access roads and preventing water pollution attributable to surface runoff in accordance with the provisions of the National Pollutant Discharge Elimination System (NPDES) stormwater pollution prevention plan (SWPPP) as indicated in the Mitigation Measure for Impact 4.7-1.

Response to Comment NGO9-11

The number of trips presented in Table 4.9-4 represents the average number of daily round trips of construction related traffic entering and exiting the work site off of the public road onto the private access road. For the South Powerhouse work site, Reclamation estimated that 1,000 round trips of delivery of equipment and materials would occur during the 19-month construction period. Twenty employees were estimated to enter the worksite each workday, on average. Government inspection trips were not included in the original estimate, so the number in Table 4.9-4 has been updated to reflect a total of 23 daily round trips.

The estimates presented in Table 4.9-4 are for an average workday to show effects on public roads. On busier days, the number of round trips could be greater. At the South Powerhouse/Inskip Dam work site, the volume of construction traffic, on private roads, from the plateau area down into the peninsula and dam site areas is expected to be substantial.

In addition, in order to avoid the impacts from construction traffic on the private residence and MLTF facility located near the private access road to South Powerhouse, Reclamation has identified an alternate route to use that will avoid driving past these buildings. As described in the Chapter 3, under the Inskip Diversion Dam/South Powerhouse site, in Volume I of this Final EIS/EIR, Reclamation will undertake any appropriate improvements to Old Ranch Road and use the road to direct construction traffic away from the residential area.

With respect to the construction-related impacts on Oasis Springs Lodge, the short-term loss of recreational opportunities is addressed in Section 4.14, Recreation, under Impact 4.14-1. The aesthetic impacts on Oasis Springs Lodge from construction activity are addressed under Impact 4.8-1. Although mitigation is recommended to reduce the significance of these impacts, it will not reduce them to a less-than-significant level.

Response to Comment NGO9-12

Use of private land without permission of the landowner is an illegal activity. Therefore, it is assumed that trespassing, littering, increased fire danger, and vandalism would be limited because it would be prohibited. The effect of these activities was not analyzed in the EIS/EIR because it is very difficult to predict the extent to which these activities might occur. The frequency of these activities is not expected to be substantially different from existing conditions. It would be difficult to completely eliminate these activities because of the rural character of the area. However, for this same reason, it is not expected that there will be a significant increase in trespassing or the related problems. Furthermore, the project is a Restoration Project. Reclamation is not planning to open the project area to the public or encourage public use of the project area.

Site security is an important issue that Reclamation rigorously enforces for both the construction contractor and Reclamation staff. The construction specifications include specific information regarding security provisions. Reclamation construction administration staff will ensure site security by closely monitoring the contractor's compliance to the specified security measures. Reclamation will initially review the requirements with the contractor to ensure that the requirements are understood and that there will be consequences for noncompliance. Reclamation will periodically meet with the contractor to review and adjust as needed any security provisions.

Some specific security measures presently in the construction specifications include:

- no provision of construction personnel housing, except for security personnel as approved;
- control of property access by keeping gates locked or providing security personnel to control entry;
- securing locked entry points at end of workday;
- providing heavy duty locks for securing entry gates, distributing keys only to essential personnel; and
- maintaining a list of persons approved to enter the facilities.

Response to Comment NGO9-13

The main objective of the Restoration Project is to restore habitat for Chinook salmon and steelhead while minimizing the loss of hydroelectric power. As rainbow trout are the same species as steelhead, the impact on native trout populations is expected to be beneficial. As discussed in Section 4.1, Fish, in Volume I of this Final EIS/EIR, it is possible that the proportion of resident trout may be smaller than the proportion of steelhead; however, the overall number of this species is anticipated to increase. The recovery of fishing operations is

expected to be almost immediate once construction ceases (as discussed under the new impact, Impact 4.14-5 in Section 4.14, Recreation, of Volume I); therefore, it was determined that additional mitigation would not be required. For more information regarding landowner concerns, see Master Response F.

At this time, no preconstruction trout count surveys are planned.

Response to Comment NGO9-14

The Battle Creek AMP (Terraqua, Inc. 2004), discussed in Chapter 3, “Project Alternatives,” in Volume I of this Final EIS/EIR, addresses sediment monitoring and management. The Water Acquisition Fund and Adaptive Management Fund, which are elements of adaptive management, would provide funding for potential changes to Restoration Project actions that would result from the application of the AMP.

Sediments potentially affecting the South Powerhouse/Inskip Diversion Dam site would be released as a result of removing South Diversion Dam during the final year of construction and would not get past Inskip Diversion Dam. Reclamation is proposing a sediment monitoring plan for this reach, which is a part of the AMP mentioned above. The impounded sediment volume at South Diversion Dam is less than the annual transport capacity of the stream.

The statement, “all natural hydrologic processes would return to their normal hydrologic equilibrium within 1 year,” has been removed from the Impact 4.3-1 discussion in this Final EIS/EIR. New text has been added to the impact discussion that clarifies the sediment transport processes that would occur during the first 3 years following the dam removals. The new text is based in part on modeling results discussed in the *Sediment Impact Analysis of the Removal of Coleman, South, and Wildcat Diversion Dams on South and North Fork Battle Creek, Battle Creek Salmon and Steelhead Restoration Project* report prepared by Reclamation (Bureau of Reclamation 2001). The report states, “Based on the numerical modeling results, the return to near pre-dam conditions should occur within one or two normal water years.”

It is not anticipated that the ability to fish would be substantially affected by increased flows, although higher water levels may make some areas that were once fished inaccessible to wading and casting. However, it is expected that the number of fish in the creek would be greater.

Response to Comment NGO9-15

The discussion of the No Action Alternative has been updated in Section 4.14, Recreation, in Volume I of this Final EIS/EIR to clarify that PG&E would be required to operate and maintain the existing fish ladders according to the conditions of the existing FERC license regardless of whether the Restoration

Project is implemented. This means that Battle Creek will be considered an anadromous stream even if the Restoration Project is not implemented.

Currently, the Oasis Springs Lodge has a private stocking permit for the stream reach upstream of the Inskip Diversion Dam that will expire in December 2006. In March 2004, DFG issued the stocking permit to Oasis Springs Lodge with the stipulation that the permit would become invalid upon completion of the Restoration Project or in December 2006, whichever comes first. The reason that the stocking permit will not be renewed is that a policy promulgated by the California Fish and Game Commission instructs DFG not to allow the stocking of artificially produced fish in anadromous waters. As indicated in the new impact, Impact 4.14-5, in Section 4.14, Recreation, Volume I of this Final EIS/EIR, the loss of the ability to stock fish is not considered to be a significant impact because this would occur regardless of whether the Restoration Project was implemented.

In addition, Section 4.14 was updated to clarify that fishing is prohibited within 250 feet of a fish ladder, which means that fishing within 250 feet upstream and downstream of the Inskip Diversion Dam is prohibited. This would be the case regardless of whether the Restoration Project is implemented. As indicated in the discussion of Impact 4.14-5, restriction of fishing within this area is not considered a significant impact because this is already the case under existing conditions.

As mentioned in the discussion of Impact 4.14-5, the species mix in South Fork Battle Creek at Oasis Springs Lodge is expected to change from primarily stocked populations of hatchery trout to populations of Chinook salmon, steelhead, and wild trout. Regardless of this change, fishing and other recreational activities would resume almost immediately within the designated fishing areas once construction of the Restoration Project is complete. Therefore, fishing at this location is not expected to be adversely affected by the Restoration Project and no mitigation is required. For more information regarding landowner concerns, see Master Response F.

Response to Comment NGO9-16

The mitigation measures proposed to address Impact 4.8-1 will be implemented to reduce the visual impacts of constructing the access road on the north side of Battle Creek across from the Oasis Springs Lodge at the South Diversion Dam/Inskip Powerhouse project site. In addition, Reclamation is considering further reducing the width of the new access road from 16 to 12 feet. While the proposed mitigation measure would lessen the impact from the road, it would not reduce the impact to a less-than-significant level. For more information regarding landowner concerns, see Master Response F.

Response to Comment NGO9-17

Noise affecting the Oasis Spring Lodge is discussed under Impact 4.10-1 in Section 4.10, Noise, in Volume I of this Final EIS/EIR. An accompanying mitigation measure is included that will reduce this impact to a less-than-significant level. For more information regarding landowner concerns, see Master Response F.

Response to Comment NGO9-18

Limiting the hours of construction to between 8:00 a.m. and 5:00 p.m., as requested by Comment NGO9-18, would lengthen the construction period. In the interest of minimizing the duration of construction activities, Reclamation proposes to maintain the specified construction schedule, which allows construction between 7:00 a.m. and 9:00 p.m. with limitations on allowable noise levels and nighttime lighting.

Response to Comment NGO9-19

Under the mitigation proposed for Impact 4.11-1, a dust control plan and other BMPs are proposed as mitigation to minimize air quality impacts. In addition, the mitigation proposed to address erosion control is discussed under Impact 4.7-1. Implementation of these mitigation measures reduces the potential impacts to less than significant.

In addition, PG&E and Reclamation will be developing a construction management plan as a requirement of the FERC license. A component of this plan will be a quality control and inspection program (QCIP). The QCIP provides quality control requirements for construction of the Hydroelectric Project to ensure quality and compliance with the specifications and environmental and regulatory requirements. The QCIP includes:

- organization and responsibilities,
- inspection plan and field inspection guidelines,
- environmental compliance plan,
- water diversion and control,
- erosion and sediment control, and
- documentation and training.

Response to Comment NGO9-20

Hazardous materials used during construction, including gasoline, explosives, etc., will be handled according to Reclamation's Standards. In addition, implementation of the mitigation measures proposed in Section 4.12, Public Health and Safety, reduce any potentially significant impacts to a less-than-significant level. Hazardous materials in addition to those being used for construction are not anticipated to be found at any of the project sites. It is believed that the dams were constructed of rock and natural materials found on site that would not pose a hazardous materials threat to workers or residents. For more information regarding landowner concerns, see Master Response F.

Response to Comment NGO9-21

Please see Master Response F.

Response to Comment NGO9-22

Please see Master Response F.



ASSOCIATED STUDENTS | *government
affairs*

October 14, 2003

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Ms. Mary Marshall:

On behalf of the Associated Students Environmental Affairs Council at California State University, Chico, I demand that the citizens' money be used to fully restore endangered salmon and steelhead by eliminating all dams below natural fish barriers – particularly the Eagle Canyon dam – and by increasing flows to optimum levels needed to restore and maintain healthy fish populations.

NGO10-1

It is our belief that the Battle Creek Salmon and Steelhead Restoration Project is the best remaining opportunity to restore drought resistant habitat for endangered salmon and steelhead—therefore all dams below the creek's natural fish barriers, including Eagle Canyon, should be removed to ensure the highest level of salmon recovery. It makes more sense. By removing all eight of PG&E's dams below the natural fish barriers, it will be a much more efficient use of public dollars than using those same dollars to renovate PG&E's facilities. Optimum minimum stream flows for salmon and steelhead, as identified by the best available science, should be guaranteed.

It is also our knowledge that federal and state laws require the restoration of threatened and endangered species habitat, fish passage around dams, sufficient flows to maintain healthy fisheries, and consideration of the "Remove All Dams Below Fish Barriers" alternative in the project's Environmental Impact Report/Statement.

NGO10-2

Given that this area of proposed actions is so close to our home, community of Chico, we feel it is our duty as a council to represent the student and community population of Chico and voice our opposition to what is currently planned for this area.

Sincerely,

Annie Sherman
AS Commissioner of Environmental Affairs
California State University, Chico
530.898.5701
asenvironmental@csuchico.edu

Comment Letter NGO10—California State University, Chico, Associated Students—Government Affairs, Annie Sherman, Environmental Affairs Commissioner (October 14, 2003)

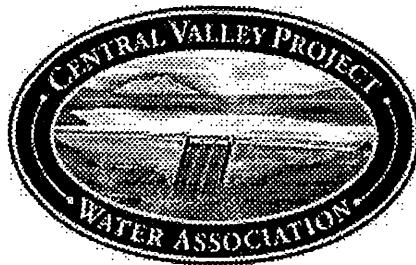
Response to Comment NGO10-1

Please see the response to Comment NGO6-1 and Comment NGO7-1.

Response to Comment NGO10-2

While the federal and state ESAs prohibit the take of federally and state-listed species, these laws do not require that a particular alternative be considered in an EIS/EIR, but rather that all feasible alternatives are analyzed to minimize the effects on endangered species. As mentioned in Chapter 1 under the subhead Relationship of the Restoration Project to the CALFED Bay-Delta Program, in Volume I of this Final EIS/EIR, the CALFED Program identified specific actions for restoration activities on Battle Creek, which include improving fish passage, upgrading fish passage facilities and screening diversions, and improving instream flows. However, these actions do not specify the removal of all diversion dams below the natural fish barriers on Battle Creek.

Furthermore, as explained in the response to NGO7-1, an alternative analyzing the removal of all diversion dams (i.e., the Eight Dam Removal Alternative) was not analyzed in the Draft EIS/EIR because it does not meet the objective of the Restoration Project to minimize the loss of energy generated by the Hydroelectric Project. Although the Eight Dam Removal Alternative was analyzed outside the NEPA/CEQA document, the results of this analysis have been summarized in Chapter 3 under the heading, Eight Dam Removal Alternative, in Volume I of this Final EIS/EIR. For more information on the Eight Dam Removal Alternative, see Master Response B.



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Ms. Mary Marshall
 Mid-Pacific Region
 Bureau of Reclamation
 2800 Cottage Way
 Sacramento, CA 95825

Mr. Jim Canaday
 State Water Resources Control Board
 1001 I St.
 Sacramento, CA 95814

Subject: Battle Creek Salmon and Steelhead Restoration Project Draft
 Environmental Impact Statement/Environmental Impact Report and
 PG&E Battle Creek Hydroelectric Project FERC 1121 Draft License
 Amendment

Dear Ms. Marshall and Mr. Canaday:

This letter provides Central Valley Project (CVP) Water Association comments relative to the Battle Creek Salmon and Steelhead Restoration Project Draft Environmental Impact Statement/Environmental Impact Report and PG&E Battle Creek Hydroelectric Project FERC 1121 Draft License Amendment (Documents). These comments supplement the oral comments provided on these Documents by Mr. Serge Birk, CVP Water Association Environmental Director, at the August 27 public hearing in Manton.

The CVP Water Association represents the interests of the 300 agricultural and municipal and industrial districts, agencies and communities that are located in the Central Valley of California (a valley that extends some 450 miles from Redding to Bakersfield) that have contracts for water from the federal CVP. The CVP Water Association works to preserve and protect our members' CVP contractual water supplies and ensure that those water supplies are dependable, of good quality and affordable.

Since enactment of the Central Valley Project Improvement Act (CVPIA) in 1982, the CVP water and power contractors annually provide up to \$50 million to the CVPIA Restoration Fund. The Bureau of Reclamation (Reclamation) and the Fish and Wildlife Service (Service) use the CVPIA Restoration Fund to implement the fish and wildlife actions called for in the CVPIA. Through the CVPIA Restoration Fund, members of the CVP Water Association have provided significant funds to rehabilitate and modernize the Coleman National Fish Hatchery and to provide in-stream flows on the North and South Forks of Battle Creek.

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The recovery and delisting of endangered species in the CVP is a high priority to our members. As such, the activities related to the Battle Creek Restoration Project (Project) are of great interest. While the potential for the Project continues to appear promising, we are very concerned that available information has been omitted from the Documents. We believe that the Documents must be updated to include information that has emerged recently from the various greater Battle Creek watershed restoration forums. The items, as well as a general description of our issues, that we believe need to be incorporated into the Documents are discussed below.

Mount Lassen Trout Farm

The Documents appear negligent in assessing the impacts of the preferred alternative on the Mount Lassen Trout Farm. The gravity of this issue was disclosed in a January 29, 2003, letter from the California Department of Fish and Game to the management staff of the Project. We suggest that the concerns articulated by Dr. Cox of the California Department of Fish and Game be included in future Documents. We are concerned that, until a solution is negotiated and mitigation funding for the potential impacts to the Mount Lassen Trout Farm is secured, implementation of the Project as currently proposed is unlikely.

NGO11-1

CALFED Independent Technical Review Panel Report

We suggest that the findings and recommendations of the CALFED Independent Technical Review Panel Report (Report) should be fully considered and appropriately incorporated into the Final NEPA/CEQA and FERC documents. Information disclosed in the Report is critical for making credible decisions required pursuant to the Record of Decision (ROD) process.

NGO11-2

In the Report, the CALFED Technical Review Panel expressed concerns with the preferred alternative due to the identified engineering flaws relative to the proposed fish ladder and fish screen designs. We share the Panel's concerns relative to these designs and agree with their conclusions that identify inadequacies in the proposed "adaptive management" components in the preferred alternative in the Documents.

NGO11-3

CALFED Ecosystem Restoration Program and Ecosystem Restoration Program Selection Panel

The CALFED Ecosystem Restoration Program (ERP) staff and ERP Selection Panel have performed reviews of the costs and merits of the Project. We endorse those reviews and CALFED's continuing scrutiny of this Project. The cost for this Project has substantially increased since the original decision to fund this Project was made by CALFED. It is our understanding that the costs of this Project may continue to increase in the future. For this reason, we believe CALFED must continue diligent oversight of this Project, its costs and accomplishments.

NGO11-4

CALFED Independent Science Board

The Documents do not appear to adequately incorporate suggestions offered by the CALFED Independent Science Board (ISB) members responsible for review of the proposed "adaptive management" components of the Project.

NGO11-5

Unfortunately, the Documents do not discuss the scientific uncertainties associated with the Project – specifically, those uncertainties relating to the adaptive management strategy associated with the preferred alternative. In our opinion, this failure may severely compromise the ability to plan, adopt and implement acceptable adaptive management strategies during the lifetime of the Project and the development and

NGO11-6

implementation of appropriate indicators to measure progress, success or failure of the proposed actions in the preferred alternative. As drafted, the Documents do not comply with expectations clearly stated in the CALFED ROD that have described adaptive management as a cornerstone of the CALFED ERP.

NGO11-6
cont

CALFED Science Program Battle Creek Workshop

In our oral comments at the August 27 hearing in Manton, we recommended that the funding agencies and decision makers take advantage of the information and recommendations from this recent workshop and incorporate the results in the final Documents and ROD. We believe that the findings generated at this workshop will result in recommendations relating to the impacts and compatibility of operations at the Coleman National Fish Hatchery relative to the Project. Any such operating recommendations and compatibility accommodations should be appropriately described in the final version of the Documents.

NGO11-7

We also believe the Documents need to be revised to appropriately describe the uncertainties associated with the Coleman National Fish Hatchery's supplementation practices for steelhead trout. Currently, it has been estimated that nine out of ten steelhead trout returning above the barrier weir are of hatchery origin. We would like the Documents to clarify the Battle Creek Anadromous Fish Restoration Program goals for steelhead trout and what the policy is for incorporating hatchery supplementation as a tool to meet CVPIA Anadromous Fish Restoration Program doubling goals and CALFED goals and objectives. When presenting this Project for funding the authors of the CALFED proposal indicated that a primary objective of the preferred alternative was restoring natural populations to the Battle Creek watershed.

NGO11-8

Memorandum of Understanding with Pacific Gas and Electric Company

In our opinion, the scope of the original Project has been significantly changed during the last few years to accommodate amendments that have been made to the Memorandum of Understanding with the Pacific Gas and Electric Company. We do not believe these accommodations are adequately described in the Documents.

NGO11-9

The Documents inaccurately state that there is unconditional support for the preferred alternative by stakeholders and the local community. This is not correct – There is not unconditional support for the preferred alternative. However, instead of correcting the documents to correct this overstatement of support, the program managers have admonished stakeholders that the Project may be delayed and/or not implemented at all, if the stakeholders continue to engage in discussing the merits and the uncertainties associated with the preferred alternative. We are disappointed by this tone and implication.

NGO11-10

Uncertainty

The appropriate agencies have not yet promulgated and/or disclosed a Recovery Plan and Conservation strategy for Winter-run Chinook salmon, Spring-run Chinook, salmon and steelhead trout; developed a California Department of Fish and Game Fisheries Management Plan for Battle Creek; and/or disclosed the impacts of the current Coleman National Fish Hatchery steelhead trout supplementation practices on restoration of natural salmonids in the Battle Creek watershed.

NGO11-11

Also unanswered is the question of whether or not viable founding populations of natural Winter-run Chinook salmon, Spring-run Chinook, and salmon and steelhead trout are present in the Battle Creek watershed to successfully reintroduce these species as proposed in the preferred alternative. The best available data, and/or estimates, suggests that there may be as many as 10 Winter-run Chinook adults and 100 spring-run Chinook adults returning to the Battle Creek watershed. Establishing a viable sustaining

NGO11-12

genetically sound population of these species will be challenging. We are concerned that the Documents fail to address this factor and are silent as to whether supplementation of hatchery origin stock is being considered as a restoration tool for the Project.

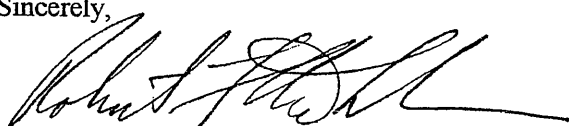
NGO11-12
cont

In summary, the Documents appear inaccurate, incomplete and fail to provide the appropriate information required pursuant to NEPA/CEQA and FERC re-licensing requirements. We believe that the signatories to the Memorandum of Understanding must adopt a more collaborative, transparent, responsive and accountable process with the public in order to ensure the adequacy of the Documents and the resulting Record of Decision.

NGO11-13

Thank you for the opportunity to comment on these draft Documents. We look forward to the further discussion of these issues in the future.

Sincerely,



Robert F. Stackhouse
Manager, Central Valley Project Water Association

Cc: Mr. Kirk Rodgers
Regional Director, Mid-Pacific Region
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Jason Peltier
Special Assistant to the Assistant Secretary
for Water and Science
Department of the Interior
1849 C Street SW
Washington, DC 20240

Mr. Patrick Wright, Director
California Bay-Delta Authority
650 Capitol Mall, 5th Floor
Sacramento, CA 95814

Comment Letter NGO11—Central Valley Project Water Association, Robert F. Stackhouse, Manager (October 14, 2003)

Response to Comment NGO11-1

Information in the letter from Dr. Cox has been incorporated into Section 4.1, Fish, and is listed in Chapter 9, “References,” of Volume I of this Final EIS/EIR. For more information, see the response to Comment NGO1-1 and Master Response E.

Response to Comment NGO11-2

The CBDA TRP prepared a report in September 2003 that presented a comprehensive evaluation of the technical merit of the Restoration Project and advised on how restoration efforts could be improved to restore Chinook salmon and steelhead populations to Battle Creek. The PMT seriously considered the issues raised in this report and have provided a series of responses to the CBDA that address the comments presented in the September 2003 TRP Report. A final set of responses was submitted to CBDA in May 2004. As a result of the TRP’s evaluation, the PMT has revised the Restoration Project. These changes are summarized in the responses that the PMT has submitted to CBDA. For more information regarding the TRP Report and its outcome, see the background discussion in Master Response A. The PMT’s response to the TRP’s comments can also be found at:

<http://www.usbr.gov/mp/battlecreek/docs-cbda.html>

Response to Comment NGO11-3

As explained in the response to Comment NGO11-2, the PMT seriously considered the issues raised by the CBDA TRP, including concerns regarding the design of the proposed fish facilities. The TRP Report indicated that many of the existing fish passage structures are inadequate and outdated and do not meet the contemporary criteria, standards, or guidelines. In their initial response to CBDA’s TRP Report dated January 26, 2004, the PMT clearly explained why specific fish passage designs were selected for the Restoration Project. For more information on the response, please see the TRP Report (Borcalli et al 2003) as well as Master Response A.

The Battle Creek AMTT also seriously considered and responded to the TRP’s concerns related to the adaptive management components of the Restoration Project. As a result of comments received in the September 2003 TRP Report,

and additional comments received from other scientific reviews by CBDA Independent Science Board (ISB) members and by two additional scientific technical panels established by the CBDA (i.e., TRP and Coleman Science Panel), the AMTT substantially revised the Battle Creek AMP and prepared a reconceived AMP in an attempt to address scientific uncertainties, which included evaluating initial assumptions thoroughly and validating the use of particular tools/approaches through careful, logical development. A discussion of the revisions that were incorporated into the AMP is presented in Master Response C of this report. The reconceived draft AMP is presented in Appendix C in Volume II of this Final EIS/EIR.

Response to Comment NGO11-4

This comment has been noted. The CBDA ERP will continue to oversee the Restoration Project, its costs, and accomplishments.

Response to Comment NGO11-5

The AMP has been substantially revised, or reconceived, since submittal of the Draft EIS/EIR in response to the CBDA ISB review, to which Comment NGO11-5 refers, and in response to additional scientific reviews by ISB members and by two additional technical panels established by the CBDA (i.e., the TRP and Coleman Science Panel). The comment does not specifically state which ISB suggestions were not included. Therefore, this response cannot provide more detail. For more information regarding the AMP, see Master Response C.

Response to Comment NGO11-6

Comment NGO11-6 pertains largely to the incorporation of scientific uncertainties and compliance with the CALFED Program ROD and the CBDA ERP. The AMP has been substantially revised, or reconceived, since submittal of the Draft EIS/EIR in response to CBDA independent technical panel reviews. A detailed section has been included in the AMP to address scientific uncertainties. This section (Section I.D. Key Uncertainties and Learning Opportunities in the AMP) identifies nearly 100 scientific uncertainties. For each uncertainty, this section describes, as it pertains to each uncertainty, a biological limiting factor, conceptual models, prioritization (key/not key), rationale and implication of uncertainty, an activity to address the uncertainty, the adaptive management objective or study that would address the uncertainty, and related monitoring tasks. These uncertainties and related conceptual models are now addressed throughout the document.

The current version of the AMP explicitly discusses how adaptive management in Battle Creek will meet the expectations of the CALFED Program ROD and the CBDA ERP. Two sections in the revised AMP (III.E.3.a and Appendix XIII [see Appendix C in Volume II of this Final EIS/EIR]) directly address the CALFED ROD as expressed through the CBDA ERP.

Response to Comment NGO11-7

Please see Master Response D.

Response to Comment NGO11-8

CBDA organized workshops, held on June 14 and August 4, 2004, to explore strategies for managing the adult hatchery-origin steelhead returning to Coleman National Fish Hatchery and proposed steelhead supplementation activities in Battle Creek. The Coleman Science Panel provided an independent evaluation of scientific issues related to steelhead supplementation in Battle Creek and produced a report titled *Review of the Steelhead Supplementation Program in Battle Creek* (Coleman National Fish Hatchery Science Panel 2004), wherein the panel recommended the steelhead supplementation project be immediately terminated. Based on the recommendation from the steelhead supplementation workshop panel, the USFWS has reaffirmed its commitment to ensure hatchery operations will be consistent with the Restoration Project activities by suspending supplementation of steelhead above the Coleman National Fish Hatchery barrier weir.

Response to Comment NGO11-9

The MOU (Appendix A in Volume II of this Final EIS/EIR) has not changed since it was first signed in 1999. No amendments to the MOU have been described in this Final EIS/EIR simply because the MOU has not been amended. However, the Interim Flow Agreement (Appendix E in Volume II of this Final EIS/EIR) has been updated on a fairly regular basis. The Interim Flow Agreement is only temporary and is not related to the Proposed Action (the Five Dam Removal Alternative). For more information on the Interim Flow Agreement, refer to Chapter 6 under Interim Flow Agreement between the Bureau of Reclamation and Pacific Gas & Electric Company, in Volume I of this Final EIS/EIR.

Response to Comment NGO11-10

As mentioned in the response to Comment NGO8-14, the text referring to support of the Restoration Project has been modified to clarify the BCWC's

conditional support for the Restoration Project. As mentioned in Comment NGO8-14, the BCWC now supports the Restoration Project in its current form.

The Battle Creek PMT has been reasonably accessible to members of the public, stakeholders, and agency staff interested in the Restoration Project and appreciates the input that has been received regarding the merits of the project alternatives. In addition to responding to and publishing responses to comments received during a 90-day public review of the Draft EIS/EIR, the management team conducted one public hearing in Manton, California, on the Draft EIS/EIR (August 27, 2003) and two public information workshops in Manton, California, for stakeholders and members of the public (July 23, 2003, and August 12, 2003). Reclamation also presented four recent status reports at the CBDA ERP Subcommittee Meetings on January 15, February 19, and March 25, 2004, during which additional public input was received on the Restoration Project and project alternatives. On March 15, 2004, a public meeting was held in Red Bluff, California, specifically to address public questions about the incremental benefits between the proposed Restoration Project and the Eight Dam Removal Alternative, which has been eliminated from further consideration in this document (see Master Response C). Public comments were encouraged at this meeting, and a summary of this meeting, including public comments, was presented to the CBDA ERP Subcommittee for its consideration.

Response to Comment NGO11-11

The comment states that a Recovery Plan and Conservation Strategy for listed species (i.e., winter-run Chinook salmon, spring-run Chinook salmon, and steelhead) does not exist. Although these documents do not exist, these actions are in progress as described in the Battle Creek ASIP (Jones & Stokes 2004) and this Final EIS/EIR. In the meantime, available guidance is disclosed in this Final EIS/EIR. Specifically, the current guidance for winter-run Chinook salmon is the NOAA Fisheries' *Draft Recovery Plan for the Sacramento River Winter-Run Chinook*. Planning currently in progress for the recovery and conservation of winter- and spring-run Chinook salmon includes development of specific actions for recovery within their historical ranges, including Battle Creek, by multi-agency recovery technical teams. The purpose of and need for the Restoration Project are consistent with recovery and conservation of winter- and spring-run Chinook salmon, as the Restoration Project would restore conditions supporting recovery and conservation. Completion of the recovery and conservation plans is expected by the time restoration is complete, in approximately 4 years if the Proposed Action (Five-Dam Removal Alternative) is selected for implementation.

The comment also states that there is no DFG Fisheries Management Plan for Battle Creek. The absence of this plan does not restrict restoration efforts because DFG's plans for restoration activities in Battle Creek are all included in the 1998 Central Valley Salmon and Steelhead Restoration Plan—A Plan for Action (California Department of Fish and Game 1993) identified in the Battle Creek Salmon and Steelhead 1999 MOU (Appendix A in Volume II of this Final

EIS/EIR). At this time, DFG has not completed any fishery management plans for the upper Sacramento River below Shasta Dam.

Although Coleman National Fish Hatchery is outside the Restoration Project Area, the USFWS is committed to ensure that Coleman National Fish Hatchery operations are consistent with conservation of listed species as stated in the four-agency letter to the BCWC. To further support this commitment, the USFWS has agreed to suspend supplementation of steelhead above the Coleman National Fish Hatchery barrier weir. In addition, the USFWS is committed to support development of an adaptive management plan for the Coleman National Fish Hatchery to ensure hatchery operations are compatible with the Restoration Project (proposals for diagnostic studies and adaptive management were submitted to the CBDA in May 2004; see Master Response D in Chapter 2 of this document). The USFWS has also agreed to reinstate consultation with NOAA Fisheries for potential effects of hatchery operations on listed anadromous fish following completion of the Restoration Project and enhancement of salmonid populations (four-agency letter).

Response to Comment NGO11-12

Hatchery programs to supplement fish populations were not considered in the AMP because such programs are only one possible element of a recovery planning process led by NOAA Fisheries that is still underway. It was outside the purview of AMP authors to circumvent or second-guess NOAA Fisheries' process. NOAA Fisheries' population goals and objectives (see Sections I.E. and III.A.2 of the revised AMP [see Appendix C in Volume II of this Final EIS/EIR]) are used as the foundation for the AMP goals and objectives, which means that the Battle Creek AMP is as compatible with NOAA Fisheries recovery planning processes as feasible.

The AMP recognizes that existing populations of target species are low and incorporates this understanding into the implementation of population objectives, regardless of how NOAA Fisheries chooses to proceed with recovery (see Section III.A.2 of the revised AMP [see Appendix C in Volume II of this Final EIS/EIR]).

Response to Comment NGO11-13

The State Water Board and Reclamation, as the state and federal lead agencies, respectively, have developed the project and the project's purpose and need based on their goals to restore anadromous fish habitat while simultaneously minimizing the loss of power generated by the Hydroelectric Project. As described in the responses to the Association's comments, the EIS/EIR includes the appropriate information for the purposes of complying with CEQA and NEPA. In addition, the environmental document has been deemed sufficient by PG&E for incorporation into the FERC relicensing application. More specific

information from the commentor would be required to respond further to this comment.

Chapter 5, Public Involvement, in Volume I of this Final EIS/EIR outlines the process used by the lead agencies to encourage public involvement in the completion of this document. For more information on this process, please see the response to Comment NGO11-10.

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Oct 14, 2003

Mary Marshall
B.O.R. 2800 Cottage Way
Sac. Calif 95825

Please excuse the hand written comments
as my computer just went on the fritz.

This is in addition to the verbal comments
made at the Aug 27-03 public meeting held in
Mantion

We support the 5 dam alternative for the reasons
previously stated. The EIR-EIS is not a perfect
document. However, we believe it to be a reasonable
compromise that best meets the restoration objectives.
provided, all reasonable effort & assurance is made to
resolve the disease concerns raised by the Mt Lassen
 Trout Hatchery. The EIR-EIS does not, in our opinion,
adequately address these concerns. Yes, its going to
cost a lot, however, the longer we wait to get started
the greater the cost will be. We ask, How much is
Spring Run habitat worth if there isn't any more to
be had? Will there be problems; yes, but if all
parties concerned take a positive attitude & work
together, they can be resolved!

Some upstream stakeholders have refused to
support the preferred 5 dam alternative because
of perceived threats to the success of the project
by the operation of Coleman Lake Fish Hatchery
on lower Battle Creek. Our analysis of these con-
cerns & the EIR/EIS fails to reveal any hard scien-
tific evidence which shows that the operation of CNFH
presents any significant threat to the proposed restor-
ation of upper Battle Creek. Coleman's management
& staff are keenly aware of the need to operate the
facility in such a manner as to efficiently meet
the mitigation requirements of the CVP with
little or no impact on returning natural spawn-
ing ESR listed fish.

After a review & analysis of CNFH's latest Biological

NGO12-1

NGO12-2

NGO12-3

assessment & observations of the Coleman Fish ladder & barrier dam operation; we believe it is being operated in a manner that consistently provides maximum fish passage for ESA listed fish.

There has been a hatchery influence on Battle Cr. for more than 90 yrs. CNFH was constructed in 1942 as part of the Central Valley Projects mitigation for 180 miles of lost spawning habitat behind Shasta Dam. During the ensuing 50+ years the operation at Coleman has not fully met its mitigation responsibility. This was primarily due to lack of funding & knowledge about spring-run salmon. It has however, provided a substantial Ocean & River recreational fishery ^(fall run) valued at more than 10 million dollars. Last year more than 100,000+ Fall Run Salmon returned to Battle Creek.

In conclusion we leave you with the following thoughts. We do not live in a perfect world. If we did there would be no need for hatcheries such as CNFH, & wild salmon harvest levels would be in perfect harmony with spawning production, & there would be no need to restore Battle Creek. But this is the real world & natural spawning fish will never be able to support current harvest levels, much less increased levels that are bound to come as our population grows.

So - on this river system we can't turn back the clock, take out all the dams & water diversions & give the habitat back to the fish. We believe we must use a common sense approach (i.e. balance) between hatchery bred fish & natural spawning & work to gether to seize this opportunity to give 40 miles of habitat back to the Spring Run Salmon. But not at the expense of reducing Coleman's production or presence on the creek! So let's go for it & next time

get opinions of the 2 million licensed salmon fishermen that live out side the BC watershed. Do part of the Public Trust & they have a right to know what's going on! Like hold some public meeting outside the water shed!

W.B. Scott Ferris
Nor Cal Fishing Guides
& Sportsmen Assn
PO BOX 2050
Cottonwood, Ca 96022

Comment Letter NGO12—NorCal Fishing Guides and Sportsmen’s Association, W.B. Scott Ferris (October 14, 2003)

Response to Comment NGO12-1

This comment has been noted. Reclamation and the State Water Board thank the NorCal Fishing Guides for their support of the Five Dam Removal Alternative.

Response to Comment NGO12-2

Please see the response to Comment NGO1-1 and Master Response E.

Response to Comment NGO12-3

The commentor states that the Draft EIS/EIR did not identify adverse effects from operation of the Coleman National Fish Hatchery, that Coleman National Fish Hatchery is being operated in a manner that provides maximum fish passage for ESA-listed fish species, and that Coleman National Fish Hatchery managers and staff are aware of the need to continue operating the facility in a manner with little or no impact on the ESA-listed fish.

This comment has been noted. Subsequent research indicates that Coleman National Fish Hatchery operation could adversely affect the success of the Restoration Project. An adaptive management plan for Coleman National Fish Hatchery operations has been identified as the appropriate way to ensure that Coleman National Fish Hatchery can continue operating in a manner that would minimize adverse effects on naturally produced fish. For more information on the relationship between the Coleman National Fish Hatchery and the Restoration Project, see Master Response D.

Response to Comment NGO12-4

The commentor states that there needs to be balance between naturally and hatchery-produced fish, and the Restoration Project should not be implemented at the expense of Coleman National Fish Hatchery operation. Please see the response to Comment NGO8-20.

Response to Comment NGO12-5

Reclamation and the State Water Board appreciate the suggestion to obtain the opinions of the many licensed salmon fisherman who live outside the Battle Creek watershed. The Battle Creek team also values the input of those interested and affected by the project; however, for logistical and practical reasons, it is not feasible to advertise the Restoration Project to groups not directly affected by the Proposed Action or those that are outside of the project area. The input of the general public is welcomed and appreciated.

REMY, THOMAS and MOOSE, LLP

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October 14, 2003

VIA HAND DELIVERY

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, Ca 95825

Mr. Jim Canaday
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Marshall and Mr. Canaday:

These comments on the July 2003 Battle Creek Salmon and Steelhead Restoration Project Draft Environmental Impact Statement/Environmental Impact Report ("EIS/EIR") are submitted on behalf of the Mt. Lassen Trout Farms ("MLTF"). While MLTF generally supports this restoration project, MLTF has several concerns about the potential of the project to devastate its 54-year old trout farming operation. The primary cause of this concern is the infectious hematopoietic necrosis ("IHN") virus carried by anadromous salmonids. If the project reaches its objective of increasing salmon abundance in the Battle Creek watershed, the risk of IHN virus infection of domestic Rainbow trout stocks at MLTF facilities will greatly increase, causing mortality and rendering the surviving fish unmarketable. The EIS/EIR prepared for the project does not disclose the significant environmental effects of the project or provide adequate mitigation for those significant effects. These omissions violate both the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. ("CEQA")) and the National Environmental Policy Act (42 U.S.C. § 4321 et seq. ("NEPA")).

[illegible]

Summary of Concerns about the EIS/EIR

MLTF has the following main concerns about the EIS/EIR:

- The EIS/EIR incorrectly analyzes the potential impact due to infection by the IHN virus as only a socioeconomic impact. | **NGO13-1**
- The EIS/EIR fails to analyze the project's impacts on agriculture, of which aquaculture is a part. | **NGO13-2**
- The EIS/EIR understates the socioeconomic impacts of the project. | **NGO13-3**
- The project will interfere with MLTF's established beneficial uses of groundwater. | **NGO13-4**
- The EIS/EIR fails to include feasible mitigation for the significant effects of the project. | **NGO13-5**

A detailed analysis of these deficiencies is provided below.

BACKGROUND INFORMATION

The MLTF Operation

Since 1949, MLTF has raised trout in Tehama and Shasta counties, within the Battle Creek and Paynes Creek watersheds. MLTF markets \$2.7 million in gross sales of trout for stocking lakes, reservoirs and fish farms throughout California. Currently MLTF maintains nine trout rearing facilities.

All six action alternatives analyzed in the EIS/EIR would, to varying degrees, increase the number of anadromous salmonids migrating into the upper reaches of North Battle Creek. These anadromous salmonid stocks carry a high incidence of IHNV (some estimate upwards of an 80% infection rate). Thus, their presence in the upper watershed will significantly increase the risk of IHNV infection in domestic Rainbow trout stocks at MLTF's Willow Springs, Jeffcoat West, and Jeffcoat East facilities. The significant increase in IHNV infection risk is due to the hydrologic connection between PG&E diversions, which carry flow from the upper reaches of Battle Creek, and the groundwater sources (springs) that feed MLTF hatcheries. (See EIS/EIR, Appendix O, Table O-3.)

The continued operation of MLTF is extremely important to economically depressed economies in both Shasta and Tehama counties. MLTF provides approximately 20 full time jobs, plus several part time jobs, and generates a payroll in

excess of \$800,000 per year. Several MLTF hatcheries are leased from ranchers; lease income from MLTF provides a significant portion of the income to those ranching operations. Approximately 99% of MLTF's annual income is generated out of the area, creating "primary sector" dollars. Using standard government indices, this means MLTF stimulates the local economy by approximately \$6,500,000 annually.

MLTF has been actively involved in the planning process for the proposed project dating back to 1999. MLTF has conducted several site meetings and exchanged data regarding the effects of this project with Reclamation and/or State Water Resources Control Board ("SWRCB") staff involved with the planning of the project and the preparation of the EIS/EIR. MLTF also provided scoping comments on the EIS/EIR on February 9, 2000, notifying Reclamation of its concern with pathogen issues. Through this involvement, MLTF believed the Bureau and the SWRCB understood MLTF's concerns, and would address those concerns as required by both NEPA and CEQA.

According to the project objectives, the project should "avoid impacts on other established water users/third parties." (EIS/EIR, p. ES-7.) While the EIS/EIR gives some attention to the effect of the project on trout farming, it ultimately does nothing to protect this longstanding agricultural endeavor. Instead of including any meaningful mitigation for the potentially devastating effects of the project on trout farming, the EIS/EIR contains an empty promise that "Reclamation is committed to work with Mount Lassen Trout Farms to help provide an appropriate solution for [the IHNV] problem." (EIS, EIR, p. 4.17.4.) In the end, the EIS/EIR does not adequately disclose the project's significant environmental impact related to increased IHN virus infection, nor does it include feasible mitigation measures to lessen this impact. MLTF hopes that, in conformance with previous representations by Reclamation and the requirements of CEQA and NEPA, the Final EIS/EIR will correct these problems.

DEFICIENCIES OF THE EIS/EIR

The Potential of the Project to Spread IHNV is a Significant Impact on Fish

The EIS/EIR fails to identify the significant impact of the project related to spreading the IHN virus. The most recent studies conducted by a globally recognized fish health expert demonstrate that the MLTF strain of rainbow trout suffer a 65% mortality rate when exposed to the Sacramento isolate of IHNV.¹ The EIS/EIR

NGO13-6

¹/ See August 22, 2003, letter from Ron Hedrick Ph.D, explaining the results of his 1990 study, which used eggs from MLTF. (Attached hereto as Exhibit A.) Dr. Hedrick is in the process of publishing data collected regarding MLTF trout along with other more recent data.

recognizes that the connectivity of waters affected by the project and MLTF's Jeffcoat and Willow Springs facilities would cause introduction of pathogens to MLTF trout. "The possibility of pathogens entering the aquaculture facilities increases with increasing abundance of [IHN carrying] chinook salmon and steelhead within the stream reaches upstream of the canal diversions." (EIS/EIR, p. 4.1-15.) This impact, however, is not identified as significant.

The Department of Fish and Game ("DFG"), one of the responsible agencies under CEQA, agrees that the impact is significant. (See CEQA Guidelines, § 15096.) According to DFG's Fisheries Programs Branch Chief, Dr. Ed Pert, "[t]he risks of MLTF fish reared at Jeffcoat West and Willow Springs to fish pathogens, including IHNV, shed from anadromous salmonids traveling upstream of water intakes is significant. Corrective/protective measures should be taken to protect water supplies at those two MLTF facilities from contamination with potentially infective natural waters." (Attached hereto as Exhibit B.)² Dr. Pert references several studies addressing fish pathogen movement through groundwater (particularly IHNV) and the extreme similarities of soil types between MLTF hatchery sites and study locations. The EIS/EIR fails to reference this important information, even though the information was provided in February 2003.

Under CEQA, Reclamation and the SWRCB are obligated to disclose the project's significant impact on farmed trout. Lead agencies must make "Mandatory Findings of Significance" when:

The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, *threaten to eliminate a plant or animal community*, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.

(CEQA Guidelines, § 15065, italics added.) This project threatens to eliminate a plant or animal community because it threatens to eliminate the trout farmed at MLTF.

The thresholds of significance in the EIS/EIR's Fish impacts section focus solely on impacts to endangered or protected species. (EIS/EIR, p. 4.1-23.) CEQA, however,

^{2/} The letter summarizes information presented at a December 2, 2002, meeting with project management staff. Though this letter was sent to Reclamation specifically in reference to the Battle Creek Restoration project, it was not included in the EIS/EIR appendices. MLTF requests that Reclamation provide written responses to the letter in the Final EIS/EIR.

NGO13-6
cont

NGO13-7

requires an analysis of impacts on all species, and not merely listed species. Thus, the EIS/EIR should have identified the project's impact on MLTF fish as significant and devised appropriate mitigation.

NGO13-7
cont

The EIS/EIR Fails to Adequately Analyze Impacts to Agriculture

Aquaculture is a form of agriculture according to applicable statutes. "Aquaculture" means that form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water." (Fish & G. Code, § 17.) Furthermore, aquaculture is "a growing industry and provides a healthful and nutritious food product, and, as a commercial operation, utilizes management, land, water, and feed as do other agricultural enterprises. Therefore, the commercial production of that aquatic life shall be considered a branch of the agricultural industry of the state for the purpose of any law that provides for the benefit or protection of the agricultural industry of the state except those laws relating to plant quarantine or pest control." (Food and Agr. Code, § 23.5.)

The EIS/EIR should have addressed MLTF operations in its discussion of agriculture in the Land Use discussion. (EIS/EIR, section 4.6.) While the EIS/EIR states that a significant impact would result if the project would impair the agricultural productivity of existing agricultural land, this section neither mentions MLTF operations nor describes the potential of the project to impair MLTF's productivity. (EIS/EIR, p. 4.6-7.) Because the project would threaten the viability of the MLTF operation, this omission is serious. Section 4.6 should disclose that all five of the action alternatives would result in an increased numbers of IHNV positive anadromous salmonids in the upper watershed of North Battle Creek, which would in turn impair MLTF's agricultural productivity.

NGO13-8

Because domestic stocks of IHNV infected live trout would be virtually unmarketable in California, the land under these hatcheries would most likely revert back to cattle range if the project proceeds as planned. Approximately 500 pounds of beef would be produced per 20-30 acres of eastern Tehama county rangeland annually. This same acreage in trout production easily yields 250,000 pounds of market ready trout per year. Thus, the agricultural productivity of the land would greatly diminish as a result of the project. The EIS/EIR omits any discussion of these issues.

The EIS/EIR Underestimates Socioeconomic Impacts

MLTF has been actively engaged in the business of commercial salmonid production for over 54 years. During this time, the hatcheries have maintained a pathogen free status with no occurrences of major viruses, including IHNV. This

disease-free reputation has been a vital component in maintaining market share in a market place highly sensitive to product wholesomeness and quality.

According to the EIS/EIR, “[o]nce exposed to pathogens such as IHNV, these cultured fish will be unmarketable because of DFG codes and regulations prohibiting the planting of diseased fish or fish carrying serious pathogens. The economic consequences of pathogen exposure (even without apparent disease) are very serious for MLTF.” (EIS/EIR, p. 4.16.27.) The EIS/EIR contradicts this premise when it states that “[i]t is possible . . . that MLTF could still sell its product even if it were infected with [IHN].” DFG’s Fish Health Coordinator Dr. Cox confirms that this assumption is patently false. Moreover, Title 14, section 245 of the regulations does not, as alleged in the EIS/EIR (at page G-16), permit the shipping of diseased fish between registered aquaculturalists.

NGO13-9

The detection of a single IHNV spore in only one fish, even without disease symptoms, is reportable as a “serious disease” under the Fish and Game Code. (See Fish and G. Code, § 15500, 15505; 14 Cal. Code Regs., § 245, subd. (c)(2)(A).) Once reported to DFG, DFG must impose an immediate holding action until confirmation is obtained, which would prohibit moving the fish for up to 30 days. (14 Cal. Code Regs., § 245, subd. (c)(2).) Then, DFG may order disposal or other holding action as deemed necessary. (*Id.*) If DFG orders disposal, 75% of the replacement value of the fish will be paid to the owner if the funds are available. (Fish and G. Code, § 15512, subd. (a).) While partial reimbursement would certainly help offset losses, it is not a long term solution to what would certainly be an ongoing problem.

Any infection by the IHN virus would also be catastrophic to the marketability of MLTF’s fish. In addition to MLTF’s customers’ general sensitivity to wholesomeness and quality issues, many of MLTF’s contracts specifically state that if any pathogen present in the product “could negatively impact consumer acceptance” then the contract is null and void. (See, e.g., East Bay Regional Parks contract, Bid #2 Specs, attached hereto as Exhibit C.) Thus, even if MLTF could somehow ship infected fish, contract provisions would allow most customers to decline the orders. Moreover, it is difficult to understand why any customer would accept a shipment of infected fish, which would likely infect that customers’ entire stock.

If the project is implemented with no mitigation measures, the viability of MLTF, after 54 years of operation, is severely threatened. Though the EIS/EIR recognizes this possibility, it does nothing to alleviate the problem. Since the impact is an environmental impact and not just a socioeconomic impact, the EIS/EIR must include all feasible mitigation. (See, e.g., Pub. Resources Code, § 21002.)

NGO13-10

The Project Will Interfere with MLTF's Protected Beneficial Uses of Groundwater

The EIS/EIR also fails to disclose the project's impact on groundwater quality and MLTF's beneficial uses of groundwater. The thresholds of significance presented in the water quality section of the EIS/ EIR focuses solely on the potential of the project to increase sediment. CEQA Guidelines, Appendix G also recommends that a lead agency should find that a project has a significant effect on water quality if it will "substantially degrade water quality." (Appendix G, ¶ VIII (f).) According to the Water Code, "pollution" includes the placement of a substance in the waters of the state that unreasonably affects such beneficial uses. (Wat. Code, § 13050, subd. (I)(1)(A).) The addition of pathogens to the watershed by the project is a pollutant and will substantially degrade water quality and impair MLTF's beneficial uses of the water.

NGO13-11

MLTF uses springwater to fill its trout ponds. Use of this water for trout rearing is a beneficial use. (See Wat. Code, §§ 100, 13050, subd. (f).) As an established water user, MLTF is entitled to "a substantially unpolluted stream." (See *Crum v. Mt. Shasta Power Corp.*, 220 Cal.295, 312 (1934); see also *Meridian v. City and County of San Francisco*, 13 Cal.2d 424, 447 (1939) ("[T]he riparian is entitled to all of the water of the stream, both in the quantity and quality of its natural state, which he is able to put to a reasonable beneficial use.)) Because the project will add a pollutant (IHN virus) to the water used by MLTF, the project interferes with MLTF's beneficial use of water. The EIS/EIR should have addressed this issue and provided appropriate mitigation.

The EIS/EIR Fails to Propose Mitigation to Lessen The Project's Significant Impacts

Mitigation is required to lessen or avoid the project's significant impacts on fish, land use (agricultural) and water quality.³ As mentioned previously, the EIS/EIR states that Reclamation is committed to working with MLTF to help provide an appropriate solution for impacts cause by introduction of the IHN virus. (EIS/EIR, p. 4.17-4.) This mitigation is not adequate under CEQA. (See CEQA Guidelines, § 15126.4, subd. (a)(2) (mitigation measures must be fully enforceable).)

A public agency may not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment. (CEQA Guidelines, §

NGO13-12

³ / If mitigation is not available to lessen these significant impacts (which were not identified in the EIS/EIR) to less than significant levels, the EIS/EIR must be recirculated. (See CEQA Guidelines, § 15088.5; see also Pub. Resources Code, § 21092.1.)

15021, subd. (a)(2); *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029.) "Feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code, § 21061.1.) The fact that an alternative or mitigation measure may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. "What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." (*Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181.)

NGO13-12
Cont

MLTF suggests the following mitigation measures to reduce the significant effects of the project:

1. Willow Springs

The Willow springs facility is the most hydrologically connected of MLTF's ponds to waters that will be affected by the project. The source springs for this facility are hydrologically connected to the Inskip canal. The facility directly uses Battle Creek water, which would be reduced by up to 50% when the Inskip Canal is offline. Even without risk of IHN virus, construction of the project could temporarily and/or permanently affect water supply at this facility. (EIS/EIR, Table O-3.)

Because the project will substantially reduce the volume of *and* contaminate the water supply at Willow Springs, this facility must be relocated to avoid the impact. In conversations with Reclamation staff, MLTF has discussed the possibility of relocating the facility to a different unnamed spring on Millseat Creek. Relocation is the only possible way to mitigate impacts to the Willow Springs facility caused directly by the project. This mitigation is feasible and would avoid the potential impacts to this facility.

2. Jeffcoat East and Jeffcoat West

The Jeffcoat East and Jeffcoat West facilities do not receive substantial amounts of water from the canals affected by the project. The facilities do, however, receive seepage through the volcanic soils from Eagle Canyon Canal. Additionally, because the facilities are very close to the canal, there is a potential for birds, terrestrial animals, and/or amphibians to transport the virus. (EIS/EIR, Table O-3.) To reduce the likelihood of infection at these facilities, MLTF suggests that the Eagle Canyon Canal be covered or contained in a pipe in the vicinity of MLTF's facilities. This would prevent both transmission of the IHN virus both through seepage and via animals. This mitigation is feasible and would avoid the potential impacts to these facilities.

Ms. Marshall and Mr. Canaday

October 14, 2003

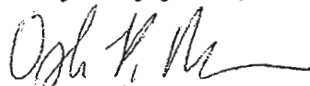
Page 9

MLTF believes that these mitigation measures are necessary to mitigate the significant impacts of the project. In addition to being required by law to mitigate the project's significant impacts, such mitigation conforms to previous representations by Reclamation staff with regard to how the project would include protection for MLTF from the IHN virus. While the benefits of restoration may be great, it is unfair to force MLTF to bear the burden of those benefits alone.

CONCLUSION

MLTF hopes that these comments help provide the detail needed so that a solution to the INH virus problem caused by the project can be resolved. Please call if you have any questions or would like further information.

Very truly yours,



Osha R. Meserve

Enclosures A. Ronald Hedrick letter, dated August 22, 2003
 B. Ed Pert letter, dated February 4, 2003
 C. East Bay Regional Parks contract excerpt



SCHOOL OF VETERINARY MEDICINE
DEPARTMENT OF MEDICINE AND EPIDEMIOLOGY
(530) 752-1363
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ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8737

Mr. Phil Mackey
President
Mount Lassen Trout Inc.
28125 Hiway 36 E.
Red Bluff, CA 96080

August 22, 2003

Dear Mr. Mackey,

I am sending you this short note in response to your phone inquiry regarding experiments conducted in my research laboratory with your rainbow trout and infectious hematopoietic necrosis virus (IHNV). You may remember we requested eggs from you in 1990 to conduct experiments examining the virulence (the degree of ability to cause disease) of several strains of IHNV from chinook salmon populations in California. In those laboratory trials we exposed groups of chinook salmon, kokanee salmon and rainbow trout (Mt. Lassen strain) to graded doses of three different IHNV strains obtained from chinook salmon of three origins (Trinity River hatchery, Sacramento River/Coleman hatchery, and American River/Nimbus hatchery). In general, the viruses were most virulent for kokanee salmon but disease and mortality were evident in all three fish species tested including significant disease and mortality among the rainbow trout (up to 80% cumulative mortality with the Nimbus isolate and 65% with the Coleman isolate of IHNV).

Thus, in response to your question are Mt. Lassen rainbow trout susceptible to strains of IHNV that would be found in the upper Sacramento River, the answer is clearly yes, based on the experimental trials conducted in our laboratory in 1990. In more recent studies we have also demonstrated that another strain of rainbow trout (Trout Lodge) is also susceptible to isolates of IHNV as obtained from chinook salmon in the Sacramento and other river drainages in California.

Although we have been remiss in publishing this information in a scientific journal to date, we are now finally putting it together with some recent data and will submit it shortly for publication.

Feel free to contact me if you need further details on the work.

Sincerely,

A handwritten signature in black ink, reading "Ronald P. Hedrick".

Ronald P. Hedrick
Professor

RPH:rph



DEPARTMENT OF FISH AND GAME

Fish Health Laboratory
2111 Nimbus Road
Rancho Cordova, CA 95670
Telephone (916) 358-2822

February 4, 2003

Mr. Carl Werder
United States Bureau of Reclamation
2800 Cottage Way
Sacramento, CA

Dear Mr. Werder

This letter summarizes the information I presented at the December 10, 2002 meeting with project management staff of the Battle Creek Restoration Project.

Few well-designed studies exist which address fish pathogen movement in ground water. The results of an excellent study conducted by scientists at Brigham Young University and Utah's Department of Natural Resources Fisheries Experiment Station were presented at the Whirling Disease Symposium, Denver, Colorado, 2000. In that study the movement of dye, bacteria, and triactinospores (TAMS) were observed in ground water at distances up to 0.6 miles in only 7 hours. Bacteria are about 6 times larger than IHN (infectious hematopoietic necrosis) virus, and TAMS are nearly 900 times larger. Viral particles could therefore move easily through these types of soils. This pathogen movement occurred near Midway Hatchery, Utah, which has a shallow water table and volcanic soils.

The similarities between Midway Hatchery and Mount Lassen Trout Farm's (MLTF) Willow Springs and Jeffcoat West sites are remarkable. Each site has a shallow aquifer and volcanic soils. The risks of MLTF fish reared at Jeffcoat West and Willow Springs to fish pathogens, including IHNV, shed from anadromous salmonids traveling upstream of water intakes is significant. Corrective/protective measures should be taken to protect water supplies at those two MLTF facilities from contamination with potentially infective natural waters.

Additional observations of IHNV movement through groundwater have been made by Oregon Department of Fish and Wildlife fish pathologists. Kokanee salmon in Lake Billychinook experience annual IHNV epizootics. Steelhead fingerlings reared at Round Butte Hatchery directly below Lake Billychinook also contract IHNV.

Mr. Carl Werder
February 4, 2002
Page Two

Strain typing of the two isolates identifies them as equal, strongly implicating the kokanee as the source of the virus. The spring water source for Round Butte Hatchery originated after the construction of the dam and filling of the lake, i.e. the spring is lake water traveling through soils. This provides further evidence for the transmission of IHNV through groundwater.

Additionally the possibility of IHNV transfer by animal vectors was discussed. From all available current information the transmission of IHNV by direct hydrologic connection is the only well documented route. While transference by vectors is theoretically possible, no known cases have been reported in the literature, or through personal contacts with fish pathologists from other states.

Sincerely,



Dr. Ed Pert, Chief
Fisheries Programs Branch,

cc: Dr. William T. Cox, FPB
Mr. Donald Koch, Regional Manager, Redding, DFG
Mr. Bob Hulbrook, Aquaculture Coordinator, DFG
Mr. Harry Rectenwald, Senior Fisheries Biologist, DFG
Mr. Mike Berry, Associate Fisheries Biologist, DFG
Mr. Phil Mackie, Mount Lassen Trout Farms

SPECIFICATIONS FOR RAINBOW TROUT

The specifications cover Rainbow Trout (*Oncorhynchus mykiss*) as required by the East Bay Regional Park District (EBRPD) for period January 1, 2004 through December 31, 2005.

Bidder shall read the General Conditions and Instructions to Bidders. It will be assumed that submission of a bid is an indication the bidder has read and will comply with the General Conditions and Instructions to Bidders and Specifications.

BID #1 SPECS: General

Each individual stocking shall consist of 70% by weight of live rainbow trout, ranging between 1.00 and 2.00 pounds each; of the remaining 30% by weight of live rainbow trout, machine graded, the following specifications will be followed: 15% of each load will consist of rainbow trout weighing from 2-4 pounds each, 15% of each load will consist of rainbow trout weighing from 4 to 6+ pounds each. Estimated pounds of trout required during this two year period is approximately 200,000 - 300,000 pounds fitting these specifications. This District is not required to purchase estimated amounts.

BID #1A SPEC:

45,000 - 55,000 pound allotment per year to be delivered approximately weekly and 2,500 - 3,500 pounds per load during the period January 1 through March 31.

BID #1B SPEC:

40,000 - 50,000 pound allotment per year to be delivered approximately weekly in 2,500 - 3,500 pound loads during the period April 1 - September 30 (with no plants expected during the period June 15 - Sept. 10 due to high water temperatures) except at Quarry Lakes.

BID #1C SPEC:

40,000 - 50,000 pound allotments per year to be delivered approximately weekly in 2,500 - 3,500 pound loads starting October 1 - December 31.

BID #2 SPECS:

Each individual stocking of minimum 2500 pounds per load shall consist of rainbow trout, 70% ranging from 7-10 pounds each, 20% ranging from 12-15 pounds each and 5% ranging from 16-18 pounds each, and 5% ranging from 18 to 20+ pounds each. The supplier must be able to deliver rainbow trout to 20 pounds each which are vigorous upon arrival. Estimated pounds of trout fitting #2 specifications required during this two year period is 5,000 - 10,000 pounds. The District is not required to purchase estimated amounts.

All stocking of fish shall be made FOB to any lake designated by the Park District within Alameda and Contra Costa Counties in tank truck loads between the hours of 8:00 a.m. and 4:00 p.m.

★ Fish shall be healthy, vigorous, and free of parasites and pathogens that could negatively impact native fish populations or consumer acceptance. Each load is subject to inspection before being

★ placed in the reservoir. All or a portion of the load of trout may be examined or moved into a separate tank. Loss from fatalities in transit shall not in any load exceed 1/2 of 1% of the total number of fish in the load. Fatalities will be assessed as the number of dead fish at or near the plant site up to one hour following the plant. The buyer reserves the right to reject any load as a whole which does not meet the conditions set forth in this paragraph. ✓

Upon arrival at destination and before trout are transferred to reservoir waters, the water temperature in the distribution tank shall be tempered following standard hatchery procedures to within 5 degrees Fahrenheit of surface temperature of reservoir waters. The vendor shall furnish to the East Bay Regional Park District at the time of delivery of each load, a waybill setting forth the total weight of live trout in each load. ✓

The successful bidder agrees to donate up to 2% of the total annual trout purchased by the District as actual catch for fishing clinics classes and derbies. This additional allotment will act as incentive to encourage new anglers to support future fisheries programs. ✓

Request for delivery shall only be via telephone or fax order by Mr. Pete Alexander, Fishery Specialist, EBRPD, and a minimum advance notice of seven (7) days shall be given the vendor prior to the requested planting date. Twenty-four (24) hours in advance of the arrival of each load at delivery point, Mr. Pete Alexander, (510/635-0135, extension 2342) shall be notified by vendor as to the exact time of arrival of each load at the reservoir so that Mr. Alexander, or his appointee, can inspect and verify delivery. Under no condition shall delivery be made without prior knowledge and approval of ✓

Mr. Alexander or his designated appointee. A minimum 30 foot discharge pipe is required for discharging fish being purchased by the Park District and a four to six foot flex pipe is required at several fishing facilities. Vendor shall also have in their possession a large dip net.

In accordance with the permit by the Department of Fish and Game permitting the District to plant trout, the vendor shall notify and secure transportation permit from the State of California, Department of Fish and Game, Sacramento, California, prior to transportation to any lake area in the Park District of any fish included in the order. Also, the vendor shall immediately upon receiving this order, inform the Department of Fish and Game of his breeder's license number, together with the dates when and the place where the fish will be available for inspection.

Exceptions of normal delivery, acts of God, governmental regulations and other factors concerning other than normal delivery are provided for in the General Provisions. ✓

The Park District guarantees a minimum order of at least 2500 pounds in combination for each delivery to District lakes. As many as six lakes within EBRPD jurisdiction (Alameda and Contra Costa Counties), may be planted per load. ✓

Award of Contract will be based upon price per pound of fish delivered as well as past performance with other contracts, size of individual trout and stock on hand as well as quality of fish. ✓

Comment Letter NGO13—Remy, Thomas and Moose, LLP, Attorneys at Law (October 14, 2003)

Response to Comment NGO13-1

Please see the response to Comment NGO1-1 and Master Response E.

Response to Comment NGO13-2

Reclamation and the State Water Board agree that aquaculture is a form of agriculture. Therefore, a new discussion under the subhead Affected Environment has been added to Section 4.6, Land Use in Volume I of this Final EIS/EIR that recognizes aquaculture as a form of agriculture. However, the effects on MLTF are not considered an impact on land use because implementing the Restoration Project would not change the current land use at MLTF's Jeffcoat or Willow Springs facilities. The current land use is aquaculture and following the implementation of the Restoration Project the land could continue to be used for aquaculture or another form of agriculture. The direct impacts on MLTF are considered business-related effects (i.e., socioeconomic effects) because re-introducing anadromous fish in Battle Creek would affect how MLTF could conduct their business. Therefore, Effect 4.16-5 in Section 4.16 in Volume I of this Final EIS/EIR has been updated to clarify the effects of implementing the Restoration Project on MLTF. For additional information regarding additional impacts on MLTF, see the response to Comment NGO1-1 and Master Response E.

Response to Comment NGO13-3

As mentioned in the response to Comment NGO13-2, the socioeconomic effect on MLTF of implementing the Restoration Project has been updated in Section 4.16 in Volume I of this Final EIS/EIR. As mentioned in this discussion, the mitigation measures proposed to address impacts from risk of spread of the IHN virus will be implemented as described under Impact 4.1-8 in Section 4.1, Fish, Volume I of this Final EIS/EIR. Implementation of these measures will reduce the impacts associated with the potential spread of the IHN virus to a less-than-significant level. For more information, see Master Response E.

Response to Comment NGO13-4

Please see the response to Comment NGO1-1 and Master Response E.

Response to Comment NGO13-5

Please see the response to Comment NGO1-1 and Master Response E.

Response to Comment NGO13-6

Please see the response to Comment NGO1-1 and Master Response E.

Response to Comment NGO13-7

Because the fish at MLTF are hatchery-raised, they are not considered to be a natural fish population. Therefore, as discussed in the response to Comment NGO1-1, the impacts relating to the spread of the IHN virus have been identified in this Final EIS/EIR on native fish populations (Impact 4.1-8), beneficial uses of water at MLTF (Impact 4.4-3), and on beneficial uses of waters of the state (Impact 4.4-4). In addition, the socioeconomic effects on MLTF are discussed in Effect 4.16-5.

As mentioned in the response to NGO1-1, Reclamation and the State Water Board have worked closely with MLTF to develop measures to address the impacts listed above. This Final EIS/EIR has been revised to include updates to the mitigation measures as described under Impact 4.1-8 in Section 4.1, Fish, in Volume I of this Final EIS/EIR. Implementation of these measures will reduce these impacts to a less-than-significant level.

Master Response E provides additional information relating to how this impact has been analyzed and addressed.

Response to Comment NGO13-8

See the response to Comment NGO13-2.

Response to Comment NGO13-9

Any inconsistencies involving the economic viability of Mount Lassen Trout Farm fish infected with the IHN virus have been rectified. See the response to Comment NGO1-1 for additional information.

Response to Comment NGO13-10

Please see the response to Comment NGO1-1 and Master Response E.

Response to Comment NGO13-11

Impact 4.4-3 addresses the potential for the IHN virus to affect groundwater quality as a result of restoring anadromous fish populations in Battle Creek. See the response to Comment NGO1-1 for additional information.

Response to Comment NGO13-12

See the response to Comment NGO1-1.

