



— BUREAU OF —
RECLAMATION



Arroyo Canal Fish Screen and Sack Dam Fish Passage Project Supplemental Environmental Assessment

Appendix D – Public Comments and Responses

April 2025

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The U.S. Bureau of Reclamation (Reclamation) released the Arroyo Canal Fish Screen and Sack Dam Fish Passage Project (Project) Draft Supplemental Environmental Assessment (SEA) on December 27, 2024, for a 35-day public review period. Two sets of comments were received on the Draft SEA. This attachment includes responses to the comments received.



Consisting of 240,000 acres on the Westside of the San Joaquin Valley

January 27, 2025

CHRIS CARDELLA
Chair

MIKE STEARNS
Vice-Chair

CHRIS WHITE
Executive Director

MINASIAN LAW
Legal Counsel

Via Email: DPortz@usbr.gov

Mr. Donald E. Portz
Program Manager
San Joaquin River Restoration Program
2800 Cottage Way
Sacramento, CA 95825

Comment ID: 1

RE: *Comments on the December 2024 Draft Supplemental Environmental Assessment for the Arroyo Canal Fish Screen and Sack Dam Fish Passage Project*

**CENTRAL CALIFORNIA
IRRIGATION DISTRICT**

Eric Fontana
President

Jarrett Martin
General Manager

**SAN LUIS CANAL
COMPANY**

Cannon Michael
President

John Wiersma
General Manager

**FIREBAUGH CANAL
WATER DISTRICT**

Mike Stearns
President

Jeff Bryant
General Manager

**COLUMBIA CANAL
COMPANY**

Chris Cardella
President

Mike Gardner
General Manager

Dear Mr. Portz:

We are pleased to submit comments on the public release of the December 2024 Draft Supplemental Environmental Assessment for the Arroyo Canal Fish Screen and Sack Dam Fish Passage Project.

Our comments are focused on sediment management behind the fish screen and the responsibilities of the Henry Miller Reclamation District regarding deliveries as outlined in Attachment B of the Arroyo Canal Fish Screen and Sack Dam Passage Project Operations and Maintenance Plan.

On page 79, the second paragraph states: "Sediment Management-Maintenance of the fish screen includes the removal and potential excavation of sediment deposits behind the fish screen. The maintenance of the area behind the fish screen is the responsibility of Henry Miller Reclamation District (HMRD) to ensure that the delivery water is able to freely move through the screen into the Arroyo Canal."

This statement is inaccurate and must be revised to: "Sediment Management-Maintenance of the fish screen includes the removal and potential excavation of sediment deposits behind the fish screen. The responsibility for maintaining the area behind the fish screen lies with the Bureau of Reclamation, ensuring that the delivery water can flow freely through the screen and into the Arroyo Canal, which commences on the east side of CCID's Poso Canal flume."

On page 82, the first full paragraph regarding HMRD Deliveries acknowledges the current operational framework for water delivery into HMRD's Arroyo Canal which is predicated on level control at Sack Dam. Furthermore, it is noted that the proposed new facility will function under level control ensuring

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Mr. Donald E. Portz

**RE: *Comments on the December 2024 Draft Supplemental Environmental Assessment
for the Arroyo Canal Fish Screen and Sack Dam Fish Passage Project***

January 27, 2025

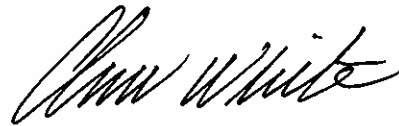
Page 2

the maintenance of water surface elevation while facilitating the passage of all restoration flows downstream of the new facility. This approach is designed to mitigate any potential impacts on HMRD operations and to uphold the existing delivery commitments. This clarification is helpful in moving this project forward.

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Please feel free to contact us if you have any questions or comments.

Sincerely,



Chris White,
Executive Director

cc: San Joaquin River Exchange Contractors Water Authority Board and Managers
Mr. David Van Rijn, U.S. Bureau of Reclamation, SJRRP
Mr. Logan Howard, US Bureau of Reclamation, SJRRP

Response 1-1: The text on page 21 of SEA Appendix A – Operation and Maintenance Plan has been revised to clarify that Reclamation will maintain the area as far downstream of the fish screen as required for successful screen operation.

Response 1-2: Comment noted. No change has been made to the SEA in response to this comment.



January 30, 2025

Becky Victorine
United States Bureau of Reclamation
Department
2800 Cottage Way, MP-170
Sacramento, CA 95825

Comment ID: 2

Project: Draft Supplemental Environmental Assessment for Arroyo Canal Fish Screen and Sack Dam Fish Passage Project

District CEQA Reference No: 20241435

Dear Ms. Victorine:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the draft supplemental environmental assessment (SEA) from the United States Bureau of Reclamation (USBR) for the proposed project. Per the SEA, the project proposes to construct, operate, and maintain a fish screen at Arroyo Canal and fish passage facilities at Sack Dam (Project). The Project is located at Reaches 3 and 4A of the restoration area, which are located on the San Joaquin River near the town of Dos Palos.

The District offers the following comments at this time regarding the Project:

1) Project Related Emissions

The SEA states on page 25 that the Project would have a less than significant impact on air quality, and Table 3 "Estimated Construction Emissions for Proposed Action" also on page 25 depicts the General Conformity *de minimis* threshold as 100 tons per year for nitrogen dioxide. The District would like to clarify that the San Joaquin Valley Air Basin is designated as Extreme Non-attainment status for ozone. Although Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds, the correct threshold for general conformity is 10 tons per year.

2) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and

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regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

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The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

2a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

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This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

2b) District Rule 9510 - Indirect Source Review (ISR)

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 square feet of development space.

The purpose of District Rule 9510 is to reduce the growth in both NO_x and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NO_x and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project

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clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design.

Information about how to comply with District Rule 9510 can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview>

The AIA application form can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/>

District staff is available to provide assistance, and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

2c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

The Project will be subject to District Rule 4002 since the Project will include demolition and removal of existing structures. To protect the public from uncontrolled emissions of asbestos, this rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Any asbestos present must be handled in accordance with established work practice standards and disposal requirements.

Information on how to comply with District Rule 4002 can be found online at: <https://ww2.valleyair.org/compliance/demolition-renovation/>.

2d) District Rule 4601 (Architectural Coatings)

The Project may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf>

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2e) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at: <https://ww2.valleyair.org/dustcontrol>

If you have any questions or require further information, please contact Jacob Torrez by e-mail at Jacob.torrez@valleyair.org or by phone at (559) 230-6558.

Sincerely,

Tom Jordan
Director of Policy and Government Affairs



For: Mark Montelongo
Program Manager

Response 2-1: Comment noted. Table 3 on Page 26 of the SEA has been changed to state that the de minimis threshold for nitrogen dioxide is 10 tons per year. Estimated construction emissions remain below the de minimis threshold. Therefore, this correction results in no change to the context or intensity of the air quality impacts associated with constructing the proposed action.

Response 2-2: Comment noted. As stated on page 15 of the SEA, Reclamation will ensure the Project complies with the applicable San Joaquin Valley Air Pollution Control District (District) Rules and Regulations. No change to text in the SEA resulted from this comment.

Response 2-3: Comment noted. As stated in the 2013 Arroyo Canal Fish Screen Environmental Impact Statement/Initial Study, which is incorporated by reference into the SEA, operation emissions of the proposed facilities are expected to be minimal, and would be below District thresholds, and would not cause a new violation or contribute substantially to an existing violation of District standards. No change to text in the SEA resulted from this comment.

Response 2-4: Comment noted. As described on Page 1 of the SEA, Reclamation is proposing to construct, operate and maintain the proposed facilities as an interrelated element of the San Joaquin River Restoration Program. On June 23, 2010, Reclamation submitted an Indirect Source Review Impact Assessment Application and Hold Request for San Joaquin River Restoration Program actions (ISR Project #20100109). As stated on Page 6 of the application, daily records of the total hours of operation for each piece of equipment greater than 50-horsepower being used on the project site during construction will be maintained. Within 30 days of completing construction of the Project, Reclamation will submit a report summarizing total hours of operation of each piece of construction equipment greater than 50-horsepower to the District. No change to text in the SEA resulted from this comment.

Response 2-5: While the proposed action analyzed in 2013 included demolition and removal of Sack Dam, the current design refinements being analyzed as the proposed action, as described on Page 4 of the SEA, do not include any demolition activities. No change to text in the SEA resulted from this comment.

Response 2-6: Comment noted. Reclamation will ensure construction actions comply with District Rule 4601, if applicable. No change to text in the SEA resulted from this comment.

Response 2-7: Comment noted. As stated on Page 15 of the SEA, Reclamation will ensure implementation of the proposed action complies with SJVAPCD Regulation VIII: *Fugitive Dust PM₁₀ 4 Prohibitions*, to minimize the fugitive dust emissions from construction activities as applicable, including construction notification and dust control plan requirements. No change to text in the SEA resulted from this comment.