

Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project

Public Scoping Report Addendum

SAN JOAQUIN RIVER
RESTORATION PROGRAM



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List of Abbreviations and Acronyms

AFRP	Anadromous Fish Restoration Program
CEQA	California Environmental Quality Act
cfs	cubic feet per second
CVPIA	Central Valley Project Improvement Act
DFG	California Department of Fish and Game
DWR	California Department of Water Resources
EIS/R	Environmental Impact Statement/Environmental Impact Report
FWUA	Friant Water Users Authority
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOI	Notice of Intent
NOP	Notice of Preparation
NRDC	Natural Resources Defense Council
RA	Restoration Administrator
Reach 4B Project	Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project
Reclamation	U.S. Department of the Interior, Bureau of Reclamation
SCH	State Clearinghouse
Secretary	Secretary of the Interior
Settlement	Stipulation of Settlement in <i>NRDC et al. v. Kirk Rodgers et al.</i>
SJRRP	San Joaquin River Restoration Program
USFWS	United States Fish and Wildlife Service

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1.0 Introduction

This Public Scoping Report Addendum documents the second round of scoping activities for the San Joaquin River Restoration Program (SJRRP) Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project (Reach 4B Project). The U.S. Department of the Interior, Bureau of Reclamation, the National Environmental Policy Act (NEPA) lead agency, and the California Department of Water Resources (DWR), the California Environmental Quality Act (CEQA) lead agency, are planning to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/R) to address improvements along Reach 4B of the San Joaquin River and in the Eastside and Mariposa Bypasses, consistent with the Stipulation of Settlement in *Natural Resources Defense Council, et al., v. Kirk Rodgers, et al.* (Settlement).

Reclamation and DWR first conducted scoping in September 2009 by publishing a Notice of Intent (NOI) and a Notice of Preparation (NOP) in the State Clearinghouse (SCH). The agencies also held public scoping meetings to obtain public and stakeholder input and to comply with environmental regulations. A Public Scoping Report was released to the public in January 2010 summarizing these meetings and the comments received. This report is available on the SJRRP website (www.restoresjr.net/).

In 2010, Reclamation and DWR revised their original proposal to reflect changes in the process. Reclamation published a revised NOI in the Federal Register and DWR published a revised NOP on Monday, November 22, 2010 (see Attachment A for a copy). The agencies also held an additional public meeting to inform the public of the proposed changes. This report summarizes the scoping activities carried out as part of the revised proposal. Reclamation and DWR will consider all comments obtained during scoping, including those submitted on the previous proposal, throughout the alternatives development and environmental review process.

This Public Scoping Report Addendum does not replace the January 2010 Public Scoping Report; rather, the two reports together document the complete scoping process for the Reach 4B Project. The January 2010 Public Scoping Report documents the purpose and process for public scoping and describes how it fits into the NEPA and CEQA environmental compliance process. Because this information is already included in the first report, it is not repeated in this second report.

1.1 Revisions to the Previous Proposal

The original Reach 4B Project description focused on increasing capacity in the San Joaquin River channel to 475 cubic feet per second (cfs) and providing fish passage through both the river and bypass channels. During initial scoping and alternative development efforts, multiple entities expressed concerns about this approach. During scoping, commenters indicated that focusing on only low flow improvements could

involve two periods of disruptive construction. Additionally, fisheries representatives were concerned that the Reach 4B Project did not include constructing rearing habitat for fish. Therefore, the Implementing Agencies¹ have revised the project to study a broader range of flow conditions in the river channel and bypasses, along with habitat improvements in all alternatives to contribute to the overall Restoration Goal of the SJRRP.

1.2 Project Description

This section presents a brief description of the overall SJRRP and the Reach 4B Project.

1.2.1 San Joaquin River Restoration Program

In 1988, a coalition of environmental groups, led by the Natural Resources Defense Council (NRDC) filed a lawsuit, known as *NRDC, et al., v. Kirk Rodgers, et al.*, challenging the renewal of long-term water service contracts between the United States and the Central Valley Project Friant Division contractors. On September 13, 2006, after more than 18 years of litigation, the Settling Parties, including NRDC, Friant Water Users Authority (FWUA), and the United States Departments of the Interior and Commerce, agreed on the terms and conditions of a Settlement subsequently approved by the United States Eastern District Court of California on October 23, 2006. The San Joaquin River Restoration Settlement Act, included in Public Law 111-11 and signed into law on March 30, 2009, authorizes and directs the Secretary of the Interior to implement the Settlement. The Settlement establishes two primary goals:

- **Restoration Goal** – To restore and maintain fish populations in “good condition” in the main stem San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish.
- **Water Management Goal** – To reduce or avoid adverse water supply impacts on all of the Friant Division long-term contractors that may result from the Interim and Restoration flows provided for in the Settlement.

To achieve the Restoration Goal, the Settlement calls for a combination of channel and structural modifications along the San Joaquin River below Friant Dam, releases of water from Friant Dam to the confluence of the Merced River (referred to as Interim and Restoration flows), and the reintroduction of Chinook salmon. To achieve the Water Management Goal, the Settlement calls for downstream recapture of Interim and Restoration flows from the San Joaquin River and the Sacramento and San Joaquin River Delta and recirculation of that water to replace reductions in water supplies to Friant

¹ Implementing Agencies refer to the agencies responsible for managing and implementing the SJRRP: Reclamation, United States Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), DWR, and California Department of Fish and Game (DFG).

Division long-term contractors. In addition, the Settlement establishes a Recovered Water Account and allows the delivery of surplus water supplies to Friant Division long-term contractors during wet hydrologic conditions.

1.2.3 Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project

The Reach 4B Project is a high-priority project and includes the construction, operation, and maintenance of a channel in Reach 4B of the San Joaquin River and in the Eastside and Mariposa bypasses, if the Secretary of the Interior (Secretary), in consultation with the Restoration Administrator (RA)², determines such modifications are necessary. The Reach 4B Project also includes improvements to structures in the San Joaquin River channel and Eastside and Mariposa bypasses to allow for fish passage. Specifically, the Settlement stipulates:

- Paragraph 11(a)(3) stipulates modifications in San Joaquin River channel capacity to the extent necessary to ensure conveyance of at least 475 cubic feet per second (cfs) through Reach 4B
- Paragraph 11(a)(4) stipulates modifications at the Reach 4B Headgate on the San Joaquin River channel to ensure fish passage and enable flow routing of between 500 cfs and 4,500 cfs into Reach 4B, consistent with any determination made in Paragraph 11(b)(1)
- Paragraph 11(a)(5) stipulates modifications to the Sand Slough Control Structure to ensure fish passage
- Paragraph 11(a)(8) stipulates modifications to structures in the Eastside and Mariposa bypass channels, to the extent needed to provide anadromous fish passage on an interim basis until completion of the Phase 2 improvements
- Paragraph 11(a)(9) stipulates modifications in the Eastside and Mariposa bypass channels to establish a suitable low-flow channel, if the Secretary of the Interior in consultation with the Restoration Administrator determines such modifications are necessary to support anadromous fish migration through these channels
- Paragraph 11(b)(1) stipulates modifications in the San Joaquin River channel capacity (incorporating new floodplain and related riparian habitat) to ensure conveyance of at least 4,500 cfs through Reach 4B, unless the Secretary, in consultation with the RA and with the concurrence of National Marine Fisheries Service (NMFS) and United States Fish and Wildlife Service (USFWS), determines that such modifications would not substantially enhance achievement of the Restoration Goal.

² The Restoration Administrator is jointly selected by NRDC and FWUA and provides recommendations to the Secretary of the Interior and the Governor of California regarding specific elements of the Settlement on certain issues related to the SJRRP's Restoration Goal.

Because the functions of these channels are related, the design, environmental compliance, and construction are being addressed as one project. Based on preliminary information, these modifications may consist of removing in-channel vegetation, removing excess silt and sediment, improving road crossings, widening the river channel, constructing levees, creating habitat, modifying or removing structures that impede fish passage, and implementing actions to maintain flood control and manage seepage.

2.0 Scoping Meetings

Reclamation and DWR held an additional public scoping meeting on Monday, December 6, 2010, regarding preparation of an EIS/R for the Reach 4B Project and a revised project description. The meeting was held in Los Banos, California from 6:30 to 8:00 p.m. Approximately 30 people attended the meeting, including members of the public, landowners, elected officials, and public agency representatives.

2.1 Scoping Meeting Notification

Reclamation published a revised NOI in the Federal Register (Vol. 75, No. 224, Monday November 22, 2010), as required by NEPA. DWR published a revised NOP on the same day with the SCH (SCH #2009091027), according to CEQA requirements. Both notices contained information on the location, date, and time of the scoping meeting.

To publicize the meeting, the lead agencies distributed notices to interested parties listed in the project database, including Federal, State, and local agencies, elected officials, irrigation districts, county planning departments, landowners, academics, and other individuals that have shown an interest in the Reach 4B Project. Certified mailings were sent out to specific State and local agencies to meet CEQA requirements.

Print ads displaying the time, date, and location of the scoping meeting were published in local area newspapers including the main sections of the Visalia Times-Delta (November 24, 2010), the Merced Sun-Star (November 26, 2010) and the Los Banos Enterprise (November 27, 2010).

A press release was distributed by Reclamation on November 22, 2010, to Reclamation's media lists. Updated scoping meeting information was also posted to the SJRRP website (www.restoresjr.net/).

Attachment A of this scoping report contains a copy of the revised NOI, the revised NOP, the press release distributed by Reclamation, and the print ad published in the local area newspapers.

2.2 Staff

The following is a list of agency staff and consultants in attendance during the public scoping meeting.

**Table 1.
Agency Staff and Consultants at Scoping Meetings**

Staff	Affiliation	Staff	Affiliation
Alicia Forsythe	Reclamation	Kevin J. Faulkenberry	DWR
David Mooney	Reclamation	Karen Dulik	DWR
Michelle Banonis	Reclamation	Benessa Espino	DFG
Margaret Gidding	Reclamation	Pam Jones	Kearns and West
Rod Meade	Restoration Administrator	Benjamin Gettleman	Kearns and West
Stephanie Rickabaugh	USFWS	Carrie Buckman	CDM
Leslie Mirise	NMFS		

2.3 Scoping Meeting Format and Content

Meeting participants were greeted at the door and asked to sign in. All names were entered into a contact database for the exclusive purpose of keeping participants up-to-date on future activities, meetings, and project information. Meeting materials available to participants included:

- Meeting Agenda;
- Scoping Meeting Presentation;
- Project Press Release;
- NOI and NOP;
- SJRRP Update Newsletter; and
- Comment Card.

The public meeting began with a PowerPoint presentation by Reclamation and DWR. The presentation explained the purpose of the meeting, provided a history of the Settlement, presented an overview of the key revisions to the Reach 4B Project, and described the public scoping process. Following the presentation, participants were able to talk with SJRRP Staff at poster board stations for the “open house” portion of the meeting. Three stations with poster boards were set up and included:

1. Project Process and Timeline;
2. Project Information; and
3. Comments and Public Involvement.

SJRRP staff were available at each poster board station to speak with the public regarding each respective topic. Copies of the agenda, scoping meeting presentation, SJRRP newsletter, station displays, and comment card are provided in Attachment B.

3.0 Scoping Comments

Written comments were accepted by Reclamation and DWR at the scoping meeting. Additionally, the agencies accepted comments through mail, e-mail, and fax, throughout the scoping period of November 22 through December 20, 2010. All scoping comments can be found in Attachment C. A total of 14 written comments were received during the scoping period; Table 2 lists the commenters and their affiliations.

**Table 2.
Scoping Comments**

Name	Affiliation
Federal	
Kathleen M. Goforth	Environmental Protection Agency
State	
Jay S. Punia	Central Valley Flood Protection Board
Tom Dumas	California Department of Transportation
Katy Sanchez	Native American Heritage Commission
Local	
Chase Hurley	San Luis Canal Company
Steve Chedester and Mari Martin	San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition
John Beam	Grasslands Water District
Julie Rentner	River Partners
Reggie Hill	Lower San Joaquin Levee District
Private	
James L. Nickel	Nickel Family LLC
Carolyn Butts	Carolyn Butts Ranch
John Cameron	Private Individual
D. Mcnamara	Private Individual
Cannon Michael	Bowles Farming Company, Inc.

3.1 Comment Summary

This section presents a summary of the comments received during the scoping process. If a similar comment was received from multiple participants, the comments were combined and reported as one comment. Attachment C includes the full contents of the comments.

3.1.1 Alternatives Development and Design

- Migrating salmonids have complex habitat requirements that depend on a broad, functioning riparian system, including riparian forest.
- Initial investments in active restoration of native plant communities can prevent damage from non-native plants and reduce long-term maintenance costs for floodplains and river channels.
- The project should consider horticultural restoration of floodplain forests (where appropriate) as the best known science and most cost-effective weed control strategy for floodway maintenance and long-term habitat value.
- Subsidence must be considered in design.
- Alternatives should incorporate expanded floodplain.
- The EIS/EIR should describe circumstances where flood control requirements and channels promoting fisheries would be incompatible.
- Proposed alternatives must include a functional river channel, even if this requires acquisition of land.
- The Settlement includes improvements to 475 cfs in Reach 4B of the San Joaquin River; therefore, the alternatives should not consider high flows of 4,500 cfs.
- Alternatives should not include constructing the San Joaquin River channel to convey 475 cfs, and then having to reconstruct to 4,500 cfs.
- Using the Eastside and Mariposa bypasses to route flows should be considered as an alternative to using the San Joaquin River channel.
- Alternatives should include the possibility for a dual channel.
- The project should not route more than 475 cfs into the San Joaquin River channel.
- The report to the Secretary must include a cost benefit analysis with the full costs of routing 4,500 cfs into the San Joaquin River channel (including reductions in food supply and third party impacts).
- Constructing Reach 4B of the San Joaquin River channel to convey 4,500 cfs would not maintain adequate temperatures because the reach is very flat.
- Reach 4B of the San Joaquin River historically did not convey all flows, and alternatives should include routing flows through the Eastside Bypass or splitting flows with only a portion going into the river channel.
- Analyzing flows in the San Joaquin River channel up to 4,500 cfs as part of this project is reasonable, but this alternative should not be selected because even flows of 475 cfs would have significant adverse effects on landowners.
- Alternatives development has too much uncertainty. As a neighboring landowner, it is impossible to plan for the future when the project is considering flows ranging from 475 cfs to 4,500 cfs.
- The lead agencies should consider opportunities for projects supporting restoration to proceed through the initiative of other parties.

- Major reconstruction of the levees and channels will need to occur to avoid seepage impacts to landowners.
- Agencies must develop maintenance practices that allow controlled growth of desirable habitat without unduly compromising channel capacity.
- Ownership of the river channel and the correct location of the actual river are currently unknown. Until this is determined, the Reach 4B Project should not proceed.

3.1.2 Environmental Setting

- The environmental setting should include a description of the legal context of the Restoration Program.
- The environmental setting should describe pre-disturbance historic conditions as well as existing conditions for flow and water quality.
- Additional groundwater monitoring wells must be installed now to develop baseline data.
- Historically, flooding and damaging seepage impacts occurred in Reach 4B when all flood waters, or even a small amount of flood water, was routed into the system.
- Historically the Reach 4B area was not one channel, but a series of braided channels because there is almost no slope. Creating a single channel in this area will cause major seepage and groundwater impacts because of the topography.

3.1.3 Impacts and Mitigation

- Acquisition of adjacent lands to the San Joaquin River channel would remove lands from the Levee District's land base for revenue. Additionally, the Levee District's obligations may increase with any added facilities.
- Impacts associated with flooding the state highway system must be mitigated.
- The EIS/R must describe if there are circumstances where flood control requirements and channel conditions promoting fisheries are incompatible.
- The EIS/R must analyze the additional flows that would occur as part of the proposed action and how they would affect operation and maintenance of the existing flood control system.
- Mitigation measures are needed to provide compensation for easements, increased operations, and maintenance costs associated with additional flows in the channels and bypasses.
- Mitigation measures should include channel maintenance and improvements to reduce long term sediment accumulation.
- The EIS/R must consider long-term vegetation management and the increasing financial burden this may place on local agencies responsible for channel and bypass maintenance.
- The Reach 4B Project must include a Monitoring and Assessment Plan.

- The EIS/R must analyze effects to endangered species, air quality, cumulative impacts, climate change, and land use issues for existing homes, shops, offices, etc.
- The EIS/R must demonstrate compliance with 404(b)(1) guidelines so it can be used for Section 404 permitting efforts.
- Seepage and groundwater impacts would adversely affect neighboring farms.
- The Reach 4B Project must make sure there are “no third party impacts” and minimize impacts to landowners.
- The EIS/R must analyze historic and archaeological resources using approved processes.
- The EIS/R should incorporate mitigation for accidental discovery of cultural or archeological resources.
- Irrigation drainage in Reach 4B of the San Joaquin River currently causes seepage; therefore even flows of 475 cfs would have severe seepage impacts. With flows over 800 cfs, major flooding would occur.
- Seepage must be mitigated, and if the mitigation is tile drains, the mitigation must include a means for disposal of that water.
- Releasing flows into Reach 4B must be accompanied by a comprehensive mitigation plan to address seepage and flooding, including a source of funding for these measures.
- Groundwater modeling should include capillary action and salt uptake.
- Impacts to farming (such as seepage) will be significant, and neighboring landowners need to understand those impacts now to allow future planning.
- Reclamation must come to an agreement with local landowners regarding the observation and reporting of seepage and flooding in Reach 4B.
- The project could affect recreational fisheries on the river. If recreational fishing is closed downstream of Friant Dam, fishing could increase on the Kings River, which “already suffers from overcrowding.” Opening up new areas for local recreational angling could mitigate recreational fisheries impacts.
- Special regulations may be needed to protect salmon.
- Alternatives development should consider the San Luis Canal Company’s infrastructure and how it would be affected.
- Environmental review and mitigation measures should be fully completed and in place before flows are released into Reach 4B of the San Joaquin River to prevent impacts and avoid delays in compensation if impacts do occur.
- The EIS/R must fully analyze impacts of seepage, including economic impacts, before flows are sent into Reach 4B of the San Joaquin River.
- The cost of silt removal and disposal from the San Joaquin River channel should be estimated. The EIS/R should identify disposal areas for silt and air quality and other impacts from silt removal and disposal.

- Cumulative impact analysis should consider impacts to riparian habitat, wildlife, non-anadromous fisheries, hydrogeomorphology, land use, and water quality.
- In assessing current and future water needs for the river, consider surface water withdrawal, groundwater pumping, and climate change.
- The EIS/R should address attractiveness of restored bypass channels to predators, exposure of fish to predators, and ability to provide habitat or other shelter for small fish.

3.1.4 Flood Control

- Existing system cannot convey proposed flows.
- Increased flows could reduce capacity by increasing sedimentation or vegetation growth.
- Changes to flood control facilities could jeopardize local flood protection.
- All of the proposed actions, including minimal flows, are adverse impacts to the existing flood control project.
- The EIS/R should explain how the proposed actions relate to DWR's floodplain planning and whether there are complementary or competing requirements.
- If there are flood issues in Reach 4B of the San Joaquin River, describe how water will be diverted during an emergency and who will be responsible for emergency operations.

3.1.5 Operations

- The Reach 4B Project should not adversely affect operations of water districts, levee districts, or infrastructure.
- The lead agencies need to determine who will be responsible for operating the flood system in the future.
- The EIS/R needs to describe how the flood system will be operated during an emergency.
- The lead agencies need to describe how property will be acquired.
- The requirement for 475 cfs in Reach 4B of the San Joaquin River is improper because it was established before environmental review. No flow should be introduced into Reach 4B until project-specific environmental analysis is complete.
- The lead agencies should disclose implementation authorization, funding, and estimated costs. The lead agencies should describe how project meets Central Valley Project Improvement Act (CVPIA) – Anadromous Fish Restoration Program (AFRP) goals.
- The EIS/R must determine if adjacent landowners will have the right to pump groundwater after project is complete.
- The lead agencies should disclose how water rights on newly purchased land will be addressed.

- The lead agencies need to determine who will be responsible for operation of the Reach 4B Headgate and Sand Slough Control Structure.
- The lead agencies need to identify who will be responsible for patrolling restored river to prevent poaching.
- The lead agencies need to identify any areas that will be closed to fishing either permanently or seasonally.

3.1.6 Interim Flows or Program-Related Issues

- Interim flows cannot be released if they would exceed existing downstream capacities, according to Section 10004(H)(2) of the San Joaquin River Restoration Settlement Act. Channel capacities in some portions of Reach 4B are zero; therefore, channel capacity must be created before interim flows can be released.
- Prior to releasing interim flows down Reach 4B, Reclamation must complete the environmental analysis, including an analysis of conveyance capacity, seepage monitoring, flow monitoring, and mitigation for significant impacts, as required in Section 10004(H) of the San Joaquin River Restoration Settlement Act.
- The Reach 4B Project scoping and analysis are premature because the Programmatic EIS/R must be released before this project proceeds.

Attachment A

Scoping Meeting Notification

SAN JOAQUIN RIVER
RESTORATION PROGRAM



Notice of Intent

Authority: 40 CFR 1506.6 and 1506.10.

Robert V. Abbey,

Director, Bureau of Land Management.

[FR Doc. 2010-29370 Filed 11-19-10; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

San Joaquin River Restoration Program: Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project, Merced County, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Revised notice of intent to prepare an Environmental Impact Statement/Environmental Report (EIS/EIR) and Notice of Scoping Meeting.

SUMMARY: The Bureau of Reclamation and the California Department of Water Resources are revising our proposal to prepare a joint EIS/EIR on the effects of the proposed Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project under the San Joaquin River Restoration Program. The original notice of intent was published in the **Federal Register** on September 9, 2009 (74 FR 46453). This revised proposal would include measures for the conveyance of Interim and Restoration flows and incorporation of fish habitat through Reach 4B and/or the bypasses. When evaluating comments on this proposal, we will also consider comments that we received on the previous proposal.

DATES: Submit written comments on the scope of the EIS/EIR by December 22, 2010. We will hold a scoping meeting on Monday, December 6, 2010, from 6:30 to 8 p.m. in Los Banos, California.

ADDRESSES: Send written comments to Ms. Michelle Banonis, Natural Resources Specialist, Bureau of Reclamation, 2800 Cottage Way, MP-170, Sacramento, CA 95825 or via e-mail at reach4b@restoresjr.net. We will hold a public scoping meeting at the Miller and Lux Building, 830 6th Street, Los Banos, California.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret Gidding, Outreach Coordinator, 2800 Cottage Way, MP-170, Sacramento, CA 95825, or via e-mail at mgidding@usbr.gov, by telephone at 916-978-5461, TDD 916-978-5608 or via fax at 916-978-5469. Additional information is available online at <http://www.restoresjr.net>.

SUPPLEMENTARY INFORMATION: The Proposed Action includes improving

conveyance capacity in the San Joaquin River from the Reach 4B headgates near Washington Road to the confluence of the Mariposa Bypass with the San Joaquin River (generally referred to as Reach 4B1). The improvements will incorporate modifications to Reach 4B and the Eastside and Mariposa bypass channels to allow for conveyance of Interim and Restoration flows. Improvements will also include the incorporation of fish habitat in Reach 4B and/or the bypasses and maintain the current flood operations and conveyance capacity of the system. Additionally, the Proposed Action may result in an opportunity for improvements to the existing flood system. These improvements are intended to support paragraph 11 Settlement actions related to Reach 4B, the Eastside Bypass, and the Mariposa Bypass. The planning and environmental review for the Proposed Action is authorized under Section 3406(c)(1) of the Central Valley Project Improvement Act and the San Joaquin River Restoration Settlement (SJRRS) Act. Construction of the Proposed Action is authorized under Section 10004 of the SJRRS Act. The Proposed Action would be implemented consistent with the Settlement and the SJRRS Act.

San Joaquin River Restoration Program

In 1988, a coalition of environmental groups led by the Natural Resources Defense Council (NRDC) filed a lawsuit challenging the renewal of the long-term water service contracts between the United States and the Central Valley Project Friant Division Contractors. After more than 18 years of litigation known as *NRDC, et al., v. Kirk Rodgers, et al.*, the NRDC, Friant Water Users Authority, and the Departments of the Interior and Commerce (Settling Parties) reached agreement on the terms and conditions of the San Joaquin River Stipulation of Settlement (Settlement) that was subsequently approved by the Court on October 23, 2006. The Settlement can be found online at <http://www.restoresjr.net>.

The Settlement is based on two parallel Goals:

- The Restoration Goal—To restore and maintain fish populations in “good condition” in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish; and
- The Water Management Goal—To reduce or avoid adverse water supply impacts to all of the Friant Division long-term Contractors that may result

from the Interim Flows and Restoration Flows provided for in the Settlement.

The Settling Parties acknowledge that accomplishing the Goals requires planning, implementation, and funding of certain activities, such as environmental review, design, and construction. With regard to the Restoration Goal, the Settlement calls for a combination of channel and structural improvements along the San Joaquin River below Friant Dam, releases of additional water from Friant Dam to the confluence of the Merced River, and the reintroduction of spring and/or fall-run Chinook salmon.

The Settlement states that the Secretary of the Interior shall diligently pursue completion of the improvements listed in Paragraph 11 in coordination with the Restoration Administrator and with other federal, state, and local agencies. Additionally, the Settling Parties agreed that implementation of the Settlement shall also require participation of the State of California. Therefore, concurrent with the execution of the Settlement, the Settling Parties entered into a Memorandum of Understanding with the State of California, by and through the California Resources Agency, DWR, the Department of Fish and Game (DFG), and the California Environmental Protection Agency, regarding the State's role in the implementation of the Settlement. The program established to implement the Settlement is the SJRRP, and the “Implementing Agencies” responsible for the management of the SJRRP include Reclamation, the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), DWR, and DFG. The Federal Implementing Agencies (Reclamation, USFWS, and NMFS) are authorized to implement the Settlement under the SJRRS Act included in Public Law 111-11.

A Program Environmental Impact Statement/Environmental Impact Report (PEIS/EIR) is currently being developed for implementation of the SJRRP. If applicable, the EIS/EIR for the Proposed Action will supplement, tier from, incorporate by reference, or adopt relevant NEPA analyses from the PEIS/EIR once a Record of Decision is signed.

Special Assistance for Public Meetings

If special assistance is required to participate in the scoping meeting, please contact Ms. Margaret Gidding at 916-978-5461, by TDD 916-978-5608, or via e-mail at mgidding@usbr.gov. Please contact Ms. Gidding at least ten working days prior to the meeting.

Public Disclosure

Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: October 6, 2010.

Anastasia T. Leigh,

Acting Regional Environmental Officer, Mid-Pacific Region.

[FR Doc. 2010-29330 Filed 11-19-10; 8:45 am]

BILLING CODE 4310-MN-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-1174-1175 (Final)]

Seamless Refined Copper Pipe and Tube From China and Mexico**Determinations**

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is threatened with material injury^{2,3,4} by reason of imports of seamless refined copper pipe and tube (“SRC pipe and tube”) from China and Mexico provided for in subheadings 7411.10.10 and 8415.90.80 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).

Background

The Commission instituted these investigations effective on September 30, 2009, following receipt of a petition filed with the Commission and Commerce by Cerro Flow Products, Inc.,

¹ The record is defined in Sec. 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² Chairman Deanna Tanner Okun, Vice Chairman Irving A. Williamson, Commissioner Daniel R. Pearson, and Commissioner Shara L. Aranoff determine that they would not have found material injury but for the suspension of liquidation.

³ Commissioner Charlotte R. Lane determines that the domestic SRC pipe and tube industry is materially injured by reason of imports of the subject merchandise from China and Mexico.

⁴ Commissioner Dean A. Pinkert did not participate in these investigations.

St. Louis, MO; Kobe Wieland Copper Products, LLC, Pine Hall, NC; Mueller Copper Tube Products, Inc. and Mueller Copper Tube Company, Inc., Memphis, TN. The final phase of these investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of SRC pipe and tube from China and Mexico were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission’s investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 11, 2010 (75 FR 33330). The hearing was held in Washington, DC, on September 23, 2010, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigation to the Secretary of Commerce on November 15, 2010. The views of the Commission are contained in USITC Publication 4193 (November 2010), entitled *Seamless Refined Copper Pipe and Tube from China and Mexico: Investigation Nos. 731-TA-1174-1175 (Final)*.

By order of the Commission.

Issued: November 15, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010-29301 Filed 11-19-10; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-680]

In the Matter of Certain Machine Vision Software, Machine Vision Systems, and Products Containing Same; Notice of Commission Decision To Modify a Final Initial Determination and To Terminate the Investigation With a Finding of No Violation of Section 337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to modify a final initial determination (“ID”) of the presiding administrative law judge (“ALJ”). The Commission has determined that there is no violation of section 337 of the Tariff Act of 1930 (19

U.S.C. 1337) in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT:

Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION:

The Commission instituted this investigation on July 16, 2009 based on a complaint filed on May 28, 2009, by Cognex Corporation of Natick, Massachusetts and Cognex Technology & Investment Corporation of Mountain View, California (collectively “complainants”). 74 FR 34589-90 (July 16, 2009). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain machine vision software, machine vision systems, or products containing same by reason of infringement of certain claims of U.S. Patent Nos. 7,016,539 (“the ’539 patent”); 7,065,262 (“the ’262 patent”); and 6,959,112 (“the ’112 patent”). The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complaint named numerous respondents including the following: Multitest Elektronische Systems GmbH of Germany and Multitest Electronic Systems, Inc. of Santa Clara, California (collectively, “Multitest respondents”); Yxlon International GmbH of Germany and Yxlon International, Inc. of Mogadore, Ohio (collectively, “Yxlon respondents”); Amistar Automation, Inc. (“Amistar”) of San Marcos, California; Techno Soft Systemics, Inc. (“Techno Soft”) of Japan; Fuji Machine Manufacturing Co., Ltd. of Japan and Fuji America Corporation of Vernon

Press Release



**Mid-Pacific Region
Sacramento, CA**



**California Department
of Water Resources**

MP-10-177

Media Contacts:

Reclamation: Pete Lucero, 916-978-5100, plucero@usbr.gov

DWR: Ted Thomas, 916-653-9712, tthomas@water.ca.gov

For Release On: November 22, 2010

San Joaquin River Restoration Program Revised Reach 4B Project Proposal and Additional Public Scoping Meeting

The Bureau of Reclamation and the California Department of Water Resources are revising their proposal to prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on the effects of the proposed Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project (Project) under the San Joaquin River Restoration Program (SJRRP). The revised proposal will include measures for the conveyance of Interim and Restoration flows and incorporation of fish habitat through Reach 4B and the bypasses. The Project is a component of the San Joaquin River Settlement (October 2006) (Settlement) and is located in Merced County.

The Proposed Action includes improving conveyance capacity in the San Joaquin River from the Reach 4B headgates near Washington Road to the confluence of the Mariposa Bypass with the San Joaquin River (generally referred to as Reach 4B1). The improvements will incorporate modifications to Reach 4B and the Eastside and Mariposa bypasses to allow for conveyance of Interim and Restoration flows. Improvements will also include the incorporation of fish habitat in Reach 4B and/or the bypasses and maintain the current flood operations and conveyance capacity of the system. Additionally, the Proposed Action may result in an opportunity for improvements to the existing flood system.

There will be a 30-day scoping comment period for the revised Project from Monday, November 22, 2010, through close of business Monday, December 20, 2010. The purpose of public scoping is to solicit additional comments from interested stakeholders to assist in determining the scope of the EIS/EIR, including the alternatives to be addressed, and to identify any significant environmental issues related to the revised Proposed Action. Comments previously submitted in response to the original September 9, 2009, Notice of Intent are still applicable and will continue to be utilized.

The scoping meeting will be in:

Los Banos

Monday, December 6, 2010, 6:30-8 p.m

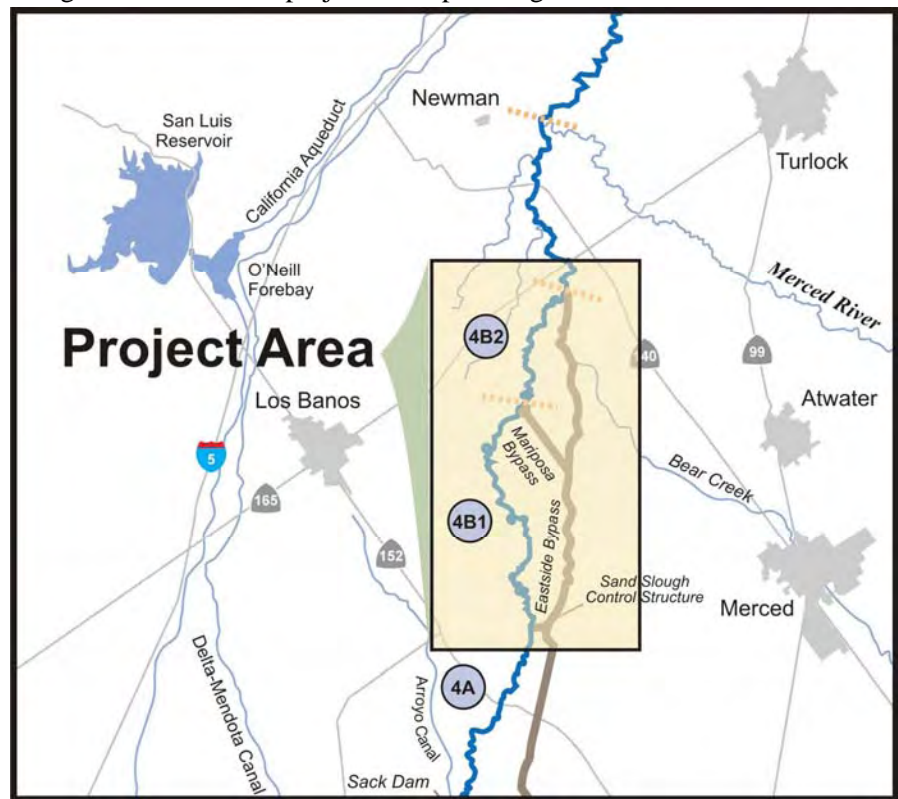
Miller & Lux Building, 830 6th Street

Written comments on the revised scope of the EIS/EIR and Project may be submitted at the meeting or by close of business Monday, December 20, 2010, via the following: mail to Margaret Gidding, Bureau of Reclamation, 2800 Cottage Way, MP-170, Sacramento, CA 95825; fax to 916-978-5469; or e-mail to Reach4B@restoresjr.net. Comments may also be submitted to Fran Schulte, Department of Water Resources, South Central Region Office, 3374 E. Shields Avenue, Fresno, CA 93726 or emailed to fschulte@water.ca.gov.

-more-

The Settlement stipulates channel modifications be made in Reach 4B to ensure conveyance of at least 475 cubic feet per second. Based on preliminary information, these modifications may consist of removing in-channel vegetation, removing excess silt and sediment, and improving road crossings; however, additional analysis is needed to verify the current information. The Settlement also stipulates modifications to the Eastside and Mariposa Bypasses to allow flows and modifications to structures in the bypasses to provide for fish passage. Modifications, such as channel widening, narrowing, or reshaping, may be needed to allow for fish passage during flows in the bypasses. Both the Mariposa Bypass Bifurcation Structure at the head of the Mariposa Bypass and the Mariposa Bypass Drop Structure at the downstream end of the Mariposa Bypass may need to be modified to provide fish passage under a range of flows. Modifications could include changes to the existing structures, construction of fish ladders, or replacement of the existing structures with new structures.

Because the functions of these channels are interrelated, the design, environmental compliance, and construction are being addressed in one project. The planning and environmental review is authorized under Section 3406(c)(1) of the



Central Valley Project Improvement Act (Title 34 of Public Law 102-575) and the San Joaquin River Restoration Settlement Act (SJRRS Act, included in Public Law 111-11). Construction of the Proposed Action is authorized under the SJRRS Act.

To learn more about the SJRRP, visit www.restoresjr.net.

The Project is being conducted pursuant to the National Environmental Policy Act and the California Environmental Quality Act.

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Reclamation is the largest wholesale water supplier and the second largest producer of

hydroelectric power in the United States, with operations and facilities in the 17 Western States. Its facilities also provide substantial flood control, recreation, and fish and wildlife benefits. Visit our website at <http://www.usbr.gov>.

The Department of Water Resources operates and maintains the State Water Project, provides dam safety and flood control and inspection services, assists local water districts in water management and water conservation planning, and plans for future statewide water needs. Visit our website at <http://www.water.ca.gov>.

Print Ad



Revised Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project & Public Scoping Meeting

The Bureau of Reclamation and the California Department of Water Resources are holding an additional public scoping meeting to solicit input for an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to evaluate the effects of the revised proposed Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project (Project) in Merced County. The first scoping meetings were held in September 2009, and comments previously submitted are still applicable and will be utilized.

The Proposed Action includes improving conveyance capacity in the San Joaquin River from the Reach 4B headgates near Washington Road to the confluence of the Mariposa Bypass with the San Joaquin River. The improvements will incorporate modifications to Reach 4B and the Eastside and Mariposa Bypass channels to allow for conveyance of Interim and Restoration flows. Improvements will also include the incorporation of fish habitat in Reach 4B and/or the bypasses while maintaining the current flood operations and conveyance capacity of the system. Additionally, the Proposed Action may result in an opportunity for improvements to the existing flood system.

The Interested public is asked to provide input and comments on the revised scope of the EIS/EIR and the Project, including alternatives to be addressed and significant environmental issues. San Joaquin River Restoration Program staff will be available to talk with the public. Additional public scoping information:

**Los Banos: Monday, December 6, 2010, 6:30-8 p.m.
Miller & Lux Building, 830 6th Street**

Can't Attend a Meeting? You can provide comments by mail or e-mail. Please send comments to Ms. Margaret Gidding, Bureau of Reclamation, 2800 Cottage Way MP-170, Sacramento, CA 95825; or Ms. Fran Schulte, Dept. of Water Resources, South Central Region Office, 3374 E. Shields Avenue, Fresno, CA 93726; by close of business Monday, December 20, 2010. Comments can also be submitted via e-mail to reach4b@restoresjr.net or fschulte@water.ca.gov.

For additional information, or if you need assistance to participate in or translation services for the meetings, please contact Ms. Gidding at 916- 978-5461, TDD 916-978-5608, or mgidding@usbr.gov.

Notice of Preparation

To: Governor's Office of Planning and Research/State Clearinghouse Unit, Responsible and Trustee Agencies, Stakeholders, and Interested Parties

From: California Department of Water Resources

SCH#: 2009091027

Subject: Revised Notice of Preparation (NOP) of a Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Joaquin River Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project under the San Joaquin River Restoration Program, Merced County, California; and announcement of Public Scoping Meeting on Tuesday, December 7, 2010, 6:30 p.m. to 8:00 p.m., Miller & Lux Building, 830 6th Street, Los Banos, California 93635.

CEQA Lead Agency: California Department of Water Resources

NEPA Lead Agency: U. S. Department of Interior, Bureau of Reclamation

Introduction:

Pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) (California Public Resources Code (PRC) Section 21000 et seq.) and its implementing regulations, Title 14 California Code of Regulations, Section 15000 et seq. ("CEQA Guidelines"), the Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) propose to prepare a joint EIS/EIR for the San Joaquin River Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project (Proposed Project). These improvements are intended to support Paragraph 11 of the San Joaquin River Restoration Settlement (SJRRS) Act, which specifies actions related to San Joaquin River Reach 4B, the Eastside Bypass, and the Mariposa Bypass. The planning and environmental review for the Proposed Project is authorized under Section 3406(c)(1) of the Central Valley Project Improvement Act and the SJRRS Act. Construction of the Proposed Project is authorized under Section 10004 of the SJRRS Act.

This is a revised NOP to prepare an EIS/EIR for the Proposed Project. The original NOP was published with the State Clearinghouse on September 9, 2009, for a project that consisted of improvements to provide a low-flow channel of at least 475 cubic feet per second (cfs) in Reach 4B of the San Joaquin River. This original project has been augmented to now include additional measures to convey Interim and Restoration flows and incorporate fish habitat through Reach 4B and/or the bypasses. Consequently, this revised NOP has been prepared to notify the State Clearinghouse, responsible and trustee agencies, stakeholders, and interested parties of this change in the Proposed Project; and to announce the public scoping meeting.

Project Location: The Proposed Project location is within Reach 4B of the San Joaquin River and the Eastside and Mariposa bypasses in Merced County, California (Figures 1 and 2). Reach 4B of the San Joaquin River, shown on Figures 1 and 2, begins upstream of the Sand Slough Control Structure at the 4B headgate and extends downstream to the confluence with Bear Creek and the Eastside Bypass.

Project Description:

The Proposed Project includes improving conveyance capacity and providing fish passage in the San Joaquin River from the Reach 4B headgates near Washington Road to the confluence of the Mariposa Bypass with the San Joaquin River, in the Mariposa Bypass, and in the Eastside Bypass from the Sand Slough Control Structure to the confluence of the San Joaquin River near Bear Creek. Conveyance capacity and fish passage may also be improved in both the Eastside and Mariposa bypasses. Actions to improve conveyance and fish passage that will be considered in the EIS/EIR may include but are not limited to, the following:

- excavating the San Joaquin River channel to convey flows of at least 4,500 cubic feet per second (cfs);
- excavating the San Joaquin River channel and the Eastside Bypass to convey split flows totaling 4,500 cfs;
- excavating the Eastside and Mariposa bypasses to convey flows up to 4,500 cfs;
- removing vegetation in the river channel to increase channel capacity (over 8 miles of vegetation removal);
- repairing and improving existing levees (strengthening levees via berms or slurry/cutoff walls, toe berms, or modifying levee crown elevations or widths);
- planting riparian vegetation;
- constructing new setback levees or bypasses; and/or
- removal of the Sand Slough control structure.

These actions could be implemented individually or in combinations.

Improvements may also include modifications to the Reach 4B headgate and the Sand Slough, Eastside Bypass, and Mariposa Bypass control structures. Actions to improve these facilities may include, but are not limited to, the following:

- installing radial gates or roller gates into the structures,
- installing, retrofitting, or replacing culverts (step-pool or roughened channel) or fish ladders to allow for fish passage through the structures,
- modifying the Mariposa and Eastside Bypass control structures with spillway crest notching to allow fish passage, and/or
- installing arch culverts or bridges at road crossings to allow fish passage.

Lastly, fish habitat into Reach 4B of the San Joaquin River and/or the Eastside and Mariposa bypasses will be incorporated into the Proposed Project. Actions to add fish habitat may include, but are not limited to, the following:

- re-contouring the channel bed to provide complexity in water depths and velocities in-channel;
- adding physical structure (boulders, root wads, large woody debris) to provide resting areas for adult and juvenile salmon during migration;
- planting native riparian species streamside to provide long-term shade, food, rearing habitat, and habitat complexity; and
- excavating areas to create vegetated floodplain benches that could be inundated at a range of flows and create rearing habitat for juvenile fish migrating downstream.

The current flood operations and conveyance capacity of the system would be maintained during construction and operation of the Proposed Project.

Probable Environmental Effects:

A primary purpose of the EIS/EIR is to fully disclose the environmental consequences of the Proposed Project and alternatives, including direct, indirect, cumulative, and growth-inducing impacts. In addition, the EIS/EIR will identify and discuss feasible mitigation to avoid, minimize, rectify, reduce or eliminate, or compensate for such impacts. Impacts to resources will be evaluated for both the temporary construction period and long-term maintenance and operations. The Proposed Project would likely have the most substantial effects on the following resource areas.

Biological Resources

There are known occurrences and the potential for occurrences of several special-status plant and wildlife species native to the San Joaquin River corridor, specifically the area in and adjacent to the Proposed Project. Effects to terrestrial biological resources could occur from excavating a new channel or modifications to levees in both the San Joaquin River and in the bypasses, conducting any levee-related actions, or increasing flows down the San Joaquin River and bypasses. Special-status plant species most likely to be affected by the Proposed Project include Delta button celery. Special-status animal species most likely to be affected by the Proposed Project include giant garter snake, valley elderberry longhorn beetle, blunt-nosed leopard lizard, San Joaquin kit fox, California tiger salamander, and Swainson's hawk and numerous migratory bird species. Impacts to species and their habitats are regulated through Federal programs via the Endangered Species Act (ESA) and through State programs via the California Endangered Species Act (CESA). By law, assessment, coordination, permitting, and avoidance, minimization, and mitigation for impacts to special-status species and their regulated habitats must be incorporated into the Proposed Project.

Flooding Conditions and Flood Management System

Flood conditions and flood management facilities within the Proposed Project study area could be directly and indirectly affected by changes to existing facilities and facility operations, and changes to overall flood management within the system. The Proposed Project will not negatively impact the current operational flexibility or conveyance capacity of this reach of the SJR flood system. The EIS/EIR will address potential changes to flood protection levels and construction, configuration, operations, and maintenance of flood management facilities.

Cultural and Historical Resources

The Proposed Project has the potential to affect cultural and historical resources within Reach 4B of the San Joaquin River and the Eastside and Mariposa bypasses due to potential channel excavation and grading, levee improvements and new levees, land use changes, and increased flows. Increased flows downstream could also have potential effects. Impacts to cultural and historical resources must be avoided, minimized, rectified, reduced or eliminated, or compensated for such impacts, when feasible.

Hydrology and Water Quality

Because Reach 4B has not had natural water flowing in it for over 40 years, and has only been utilized for agricultural water conveyance, storage, or drainage, the Proposed Project could directly affect the hydrologic characteristics and circulation. With changes to hydrology the river and bypasses could exhibit changes to sediment and salinity concentrations and other water quality parameters. The EIS/EIR will address potential changes to flows and water quality resulting from increasing the capacity of the river channel and flow releases into this section of the river and bypasses.

Agricultural/Land Use Resources

The land surrounding the San Joaquin River channel is developed primarily for agricultural purposes, and much of the area in the bypasses is used as grazing land. A small portion of the land adjacent to the river and bypasses is used for residential purposes. Any changes to these areas have the potential to affect land uses. The EIS/EIR will address effects on agriculture and land use.

Seepage

The Proposed Project may increase seepage into adjacent agricultural lands due to the increased flow frequency, quantity, and duration in the San Joaquin River channel or the bypasses and floodplain under the restoration flows. The potential for increased seepage will be evaluated in the EIS/EIR. If potentially significant seepage impacts are identified, they could be addressed through flow restrictions, easements, or engineering controls (such as constructing levee cut-off walls or dewatering wells or drains).

Other Resource Areas

The Proposed Project could also affect a variety of other resource areas, both temporarily and in the short-term, through construction activities and, in the long-term or permanently, through changes to land uses, and operations and maintenance. Therefore, the EIS/EIR will also address potential direct, indirect, and cumulative effects on the following resource areas:

- Aesthetics
- Air quality
- Climate change/Greenhouse Gases
- Energy
- Geology, soils, and seismicity (including mineral and paleontological resources)
- Groundwater resources
- Hazards and hazardous materials
- Noise
- Population, employment, and housing
- Recreation
- Socioeconomics
- Public services
- Transportation and traffic
- Utilities and service systems

In addition, the EIS/EIR will provide a consistency determination with the environmental justice policy of the California Natural Resources Agency, evaluate growth-inducing impacts, and identify any irreversible changes to the environment. For all resource areas, the EIS/EIR will identify cumulative impacts and any significant effects that cannot be avoided if the Proposed Project is approved.

Scoping Process:

In accordance with CEQA Guidelines Section 15082, DWR has prepared this Notice of Preparation (NOP) to notify the Governor's Office of Planning and Research/State Clearinghouse Unit, responsible and trustee agencies, and stakeholders and interested parties that a Draft EIS/EIR will be prepared for the San Joaquin River Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project. This NOP is soliciting guidance from these entities as to the scope and content of the environmental information to be included in the Draft EIS/EIR.

DWR requests comments from State, Federal, and local agencies with respect to the scope and content of the environmental information that is germane to each agency's statutory responsibilities in connection with the Proposed Project. To ensure that a range of feasible

alternatives is evaluated in the Draft EIS/EIR and that all pertinent issues are addressed, DWR also invites written comments from all other interested parties. All comments received, including names and addresses, will be made available to the public. Comments that were previously submitted in response to the original NOP will be fully considered. Due to the 30-day time limit mandated by CEQA Guidelines Section 15082(b), written comments on the scope of the EIS/EIR must be received by 5:00 p.m. on December 20, 2010. Comments must be sent to:

Fran Schulte
California Department of Water Resources
South Central Region Office
3374 E. Shields Ave.
Fresno, California 93726

Fax: (559)230-3301
Email: fschulte@water.ca.gov

Scoping Meetings:

A scoping meeting has been scheduled to solicit agency and public input on the scope of the Proposed Project and to ensure incorporation of any issues and concerns that should be addressed in the EIS/EIR. The meeting date, time, and location is as follows:

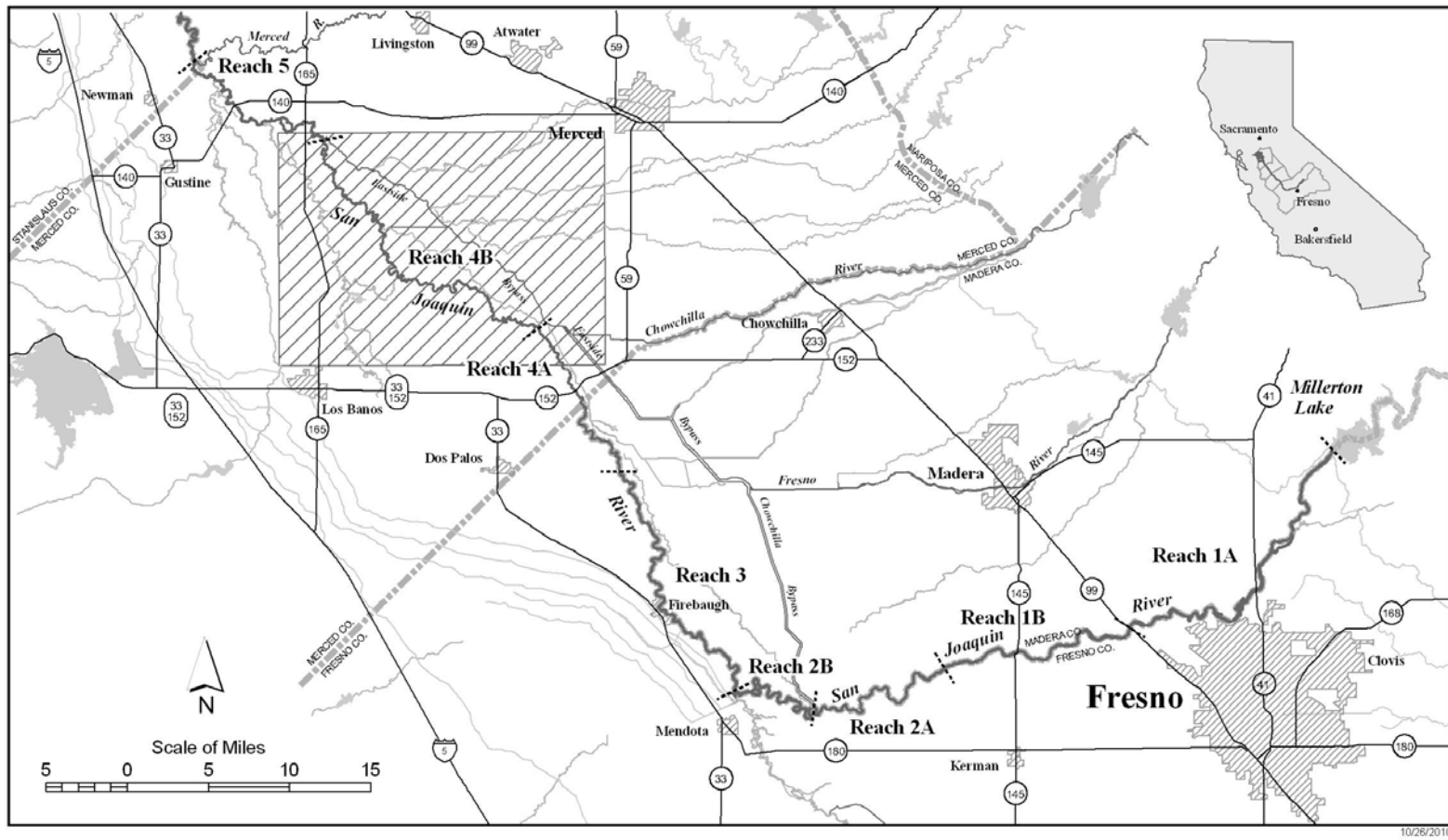
- Monday, December 6, 2010, 6:30 p.m. to 8:00 p.m.,
Miller & Lux Building, 830 6th Street, Los Banos, California 93635.

FOR FURTHER INFORMATION: Please see the website at <http://www.restoresjr.com> or contact: Ms. Margaret Gidding, Bureau of Reclamation, 2800 Cottage Way MP-170, Sacramento, CA 95825, by telephone at 916-978-5461, TDD 916-978-5608 or via fax at 916-978-5469; or Karen Dulik, California Department of Water Resources, South Central Region Office, 3374 E Shields Ave. Fresno, California 93726: telephone (559) 230-3300, e-mail: kdulik@water.ca.gov.

If special assistance is required at the scoping meeting, please contact Ms. Margaret Gidding via the phone number or e-mail listed above prior to the meetings.

Paula J. Landis
Chief, Division of Integrated Regional Water Management
California Department of Water Resources

Date



10/26/2010

Figure 1. Proposed Project Area (hatched area).

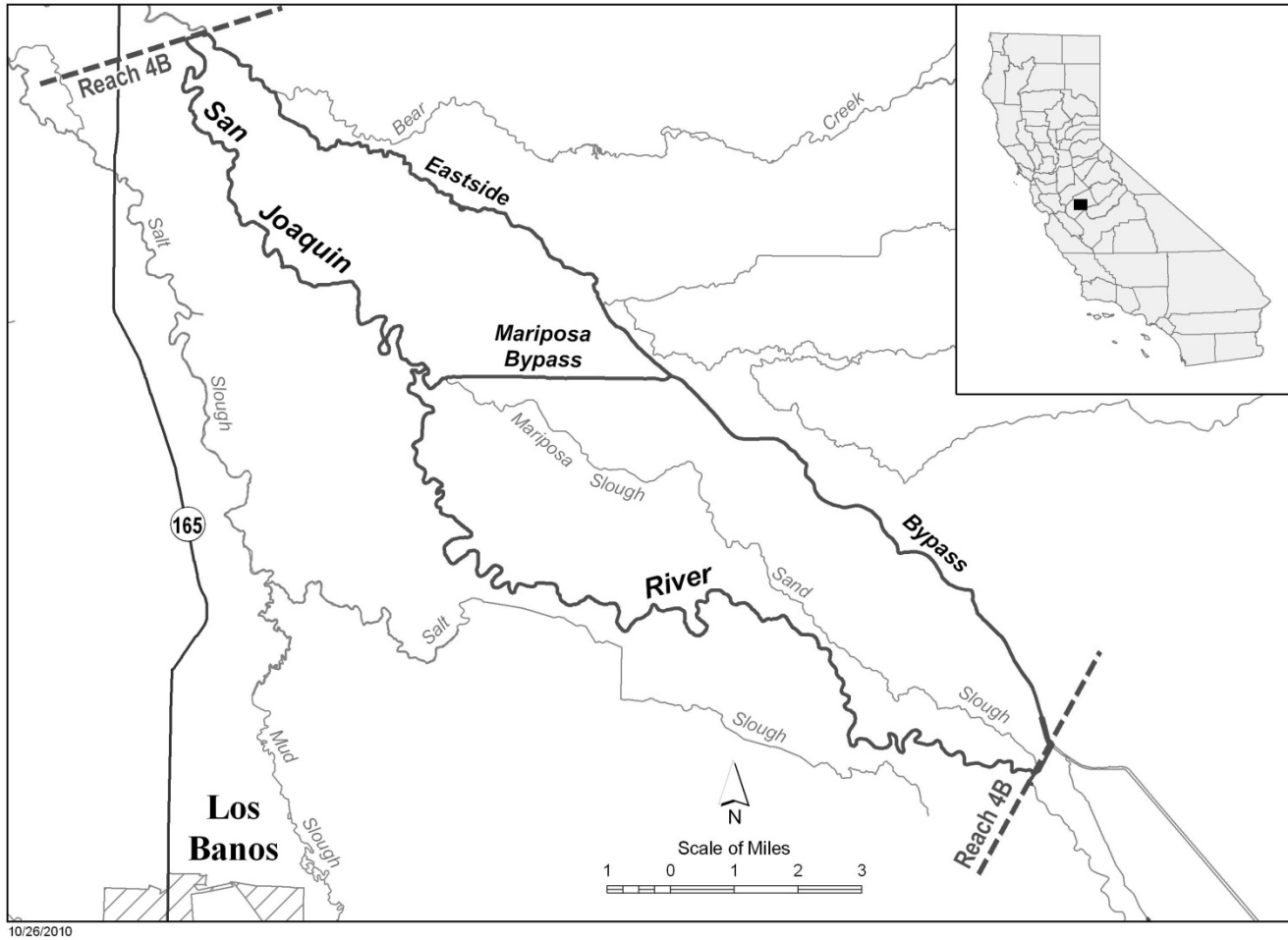


Figure 2. Proposed Project Location.



OPR Home > CEQAnet Home > CEQAnet Query > Search Results > Document Description

San Joaquin River Reach 4B, Eastside Bypass and Mariposa Bypass Low Flow Channel

SCH Number: 2009091027

Document Type: NOP - Notice of Preparation

Project Lead Agency: Water Resources, Department of

Project Description

The Proposed Project includes improving conveyance capacity and providing fish passage in the San Joaquin River from the Reach 4B headgates near Washington Road to the confluence of the Mariposa Bypass with the San Joaquin River, in the Mariposa Bypass, and in the Eastside Bypass from the Sand Slough Control Structure to the confluence of the San Joaquin River near Bear Creek. Conveyance capacity and fish passage may also be improved in both the Eastside and Mariposa bypasses.

Contact Information

Primary Contact:

Fran Schulte
California Department of Water Resources
559 230-3301
3374 E. Shields Avenue
Fresno, CA 93726

Project Location

County: Merced
City: Los Banos
Region:
Cross Streets:
Latitude/Longitude:
Parcel No:
Township:
Range:
Section:
Base:
Other Location Info:

Proximity To

Highways:
Airports:
Railways:
Waterways: San Joaquin River
Schools:
Land Use:

Development Type

Other

Local Action

Other Action

Project Issues

Agricultural Land, Air Quality, Archaeologic-Historic, Biological Resources, Flood Plain/Flooding, Forest Land/Fire Hazard, Geologic/Seismic, Noise, Population/Housing Balance, Public Services, Recreation/Parks, Soil Erosion/Compaction/Grading, Toxic/Hazardous, Traffic/Circulation, Vegetation, Water Quality, Cumulative Effects, Job Generation, Housing

Reviewing Agencies (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)

Resources Agency; Central Valley Flood Protection Board; Department of Parks and Recreation; Department of Fish and Game, Region 4; **Native American Heritage Commission**; Santa Monica Bay Restoration; California Highway Patrol; Caltrans, District 10; State Water Resources Control Board, Clean Water Program; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 5 (Fresno)

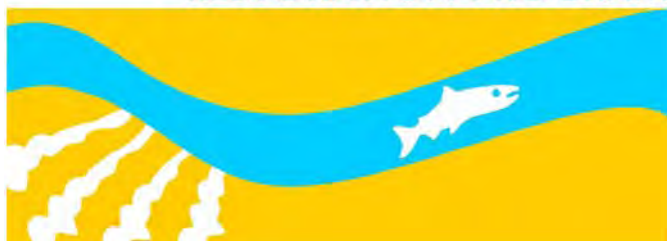
Date Received: 11/22/2010 **Start of Review:** 11/22/2010 **End of Review:** 12/21/2010

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Attachment B

Scoping Meeting Materials

SAN JOAQUIN RIVER
RESTORATION PROGRAM



Agenda



Bureau of Reclamation
2800 Cottage Way, MP-170
Sacramento, Calif. 95825-1898

Department of Water Resources
3374 E. Shields Avenue
Fresno, Calif. 93726-6911

Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project

Public Scoping Meeting Agenda

December 6, 2010
Los Banos, CA

6:15 – 6:30 p.m. Arrival and Open House

6:30 – 7:00 p.m. Overview Presentation from Program staff

Program staff will provide a description of the SJRRP, the federal and state environmental review process, and specific activities related to the Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project.

7:00 – 8:00 p.m. Open House Stations, Public Comment Station

Visit the Open House Stations and talk to Program staff who can answer questions about the Project. If you wish to submit a written comment at the meeting, please visit the Public Comment Station

Please Submit Written Comments by Monday, December 20, 2010 via the following methods:

- Mail a Comment Card to the address printed on the card
- Mail, fax or email written comments to:

Ms. Margaret Gidding
SJRRP Outreach Coordinator
Bureau of Reclamation
2800 Cottage Way, MP-170
Sacramento, CA 95825-1898
Reach4b@restoresjr.net
Fax: 916-978-5469

OR

Ms. Fran Schulte
California Department of Water Resources
South Central Region Office
3374 E. Shields Avenue
Fresno, CA 93726
fschulte@water.ca.gov

Thank you for taking time to participate in this public scoping meeting for the Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project.

To learn more about the SJRRP and the Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project visit: www.restoresjr.net

Scoping Meeting Presentation

San Joaquin River Restoration Program



Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project

Additional Public Scoping Meeting

December 6, 2010, Los Banos

1



Who We Are

- Bureau of Reclamation, U.S. Dept. of Interior
 - **Ali Forsythe**, SJRRP Project Manager
 - **David Mooney**, SJRRP Program Engineer
- California Department of Water Resources
 - **Kevin Faulkenberry**, CDWR SJRRP Program Manager
- SJRRP Implementing Agencies

2



Revised Proposed Action

The Revised Proposed Action includes:

- Measures for the conveyance of Interim and Restoration flows
- Incorporation of fish habitat through Reach 4B and/or the bypasses
- Maintenance of existing conveyance capacity and operational flexibility for the flood control system

Additional scoping meeting being held to solicit comments on revision; previously submitted comments still applicable

3



Scoping Meeting Agenda

- 6:30 – 7 p.m. Overview Presentation
- 7 – 8 p.m. Open House Stations and Public Comment Station Available

4



Overview Presentation Agenda

- Overview of the San Joaquin River Settlement
- Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project
 - Project Overview
 - Key Project Activities
 - NEPA/CEQA Process and Upcoming Activities

5



San Joaquin River Settlement History

1988	Lawsuit filed challenging Reclamation's renewal of the long-term contracts with Friant Division contractors
2004	Federal Judge rules Reclamation violated Section 5937 of the Fish and Game Code
2005	Settlement negotiations reinitiated to avoid remedy phase
2006	Settlement reached, implementation begins
2009	Federal legislation enacted

6



Settlement Goals

- **Restoration Goal**
 - To restore and maintain fish populations in “good condition” in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish.
- **Water Management Goal**
 - To reduce or avoid adverse water supply impacts to all of the Friant Division long-term contractors that may result from the Interim Flows and Restoration Flows provided for in the Settlement.

7



Settlement Milestones

Immediately	Work on planning, design work, and environmental reviews
Oct 2009	Began Interim Flows
2012	Begin re-introduction of salmon
2013	Complete first phase of channel and habitat improvements
2014	Initiate full Restoration Flows
2016	Complete second phase of channel and habitat improvements

8



Project Settlement Requirements

- Project will support Paragraph 11 actions called out in the Settlement
- Reach 4B
 - Channel modifications to increase capacity and possibly provide floodplain and riparian habitat
 - Modifications to Reach 4B headgate to ensure fish passage and enable flow routing
- Eastside and Mariposa Bypasses
 - Modifications to channels to support fish migration and possibly provide floodplain and riparian habitat
 - Modifications to structures in the bypasses to the extent needed to provide fish passage
 - Modifications to the Sand Slough Control Structure to ensure fish passage

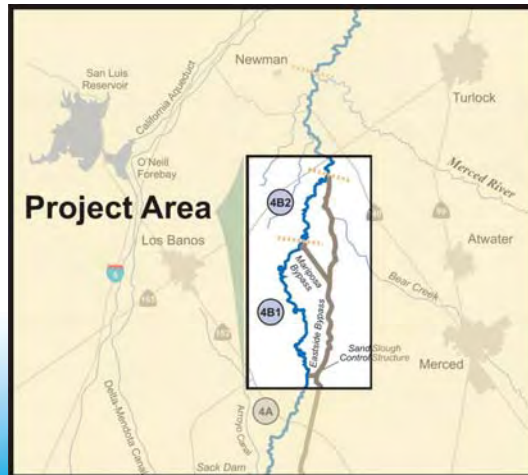
9



SJRRP Study Area



Project Area



11

Possible Range of Alternatives

- A range of alternatives to meet Settlement goals and Paragraph 11 requirements:
 - Modifications to support long-term fish population objectives
 - Improvements in Reach 4B to convey at least 475 cfs
 - Improvements to the Eastside and Mariposa bypasses to provide fish passage and habitat
 - Improvements to Reach 4B to provide fish passage and habitat
 - Combined improvements to the San Joaquin River channel and the Bypasses to convey flows totaling at least 4,500 cfs with fish passage and habitat in one or both waterways
 - Maintenance of existing conveyance capacity and operational flexibility for the flood control system

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Reach 4B – Key Activities

- Channel modifications to convey Interim and Restoration Flows could include:
 - Remove in-channel vegetation in some areas
 - Remove excess sediment in some areas
 - Improve or remove road crossings
 - Widen river channel and construct levees
 - Create floodplain and/or riparian habitat
 - Incorporate fish habitat
- Modifications to the 4B headgate could include:
 - Modify or remove the existing structure
 - Replace the existing structure



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Eastside and Mariposa Bypasses – Key Activities

- Modification to the channels could include:
 - Reconfigure and, in some places, establish a channel to support fish migration while maintaining existing conveyance capacity and operational flexibility
 - Incorporate fish habitat
- Modification of structures to provide fish passage could include:
 - Modify or remove existing structures
 - Construct fish ladders in existing structures





Other Project Activities

- Flood Control
 - Maintain conveyance
 - Maintain flexibility
- Seepage Management
 - Flowage easements
 - Design modifications to control seepage



NEPA/CEQA Process and Schedule

- Planning and environmental compliance activities
 - National Environmental Policy Act (NEPA)
 - California Environmental Quality Act (CEQA)
 - Initiating preparation of an Environmental Impact Statement / Environmental Impact Report (EIS/EIR)





Environmental Review Purpose

- Evaluate alternatives that could reduce or avoid environmental impacts
- Provide information for public review and comment
- Identify any significant environmental impacts
- Disclose to decision makers the impacts, mitigation, and public comments

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What the “Scoping” Process Does

- Provides an avenue for interested persons to be involved in the process
- Helps agencies gather input from the public on options, alternatives, and potential environmental issues
- Identifies what issues will be covered and in what detail for the environmental document
- Provides a way to identify and refine potential:
 - Options and alternatives
 - Environmental impacts
 - Ways to reduce or avoid environmental impacts

18



Open House Stations

- Station 1: Project Process and Timeline
- Station 2: Project Information
- Station 3: Comments and Public Involvement

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How to Submit Comments

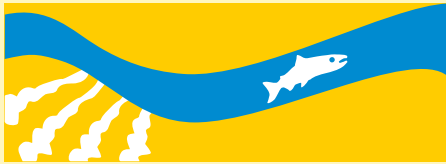
- **Tonight:** Fill out and submit a comment form; provide oral comments to court reporter at Station 3
- **By Monday, December 20, 2010:**
 - Mail to: Ms. Margaret Gidding, 2800 Cottage Way
MP-170, Sacramento, CA 95825
 - Email: Reach4B@restoresjr.net
 - Fax: 916-978-5469

OR

- Mail to: Ms. Fran Schulte, California Department of Water Resources, South Central Region Office,
3374 E. Shields Avenue, Fresno, CA 93726
- Email: fschulte@water.ca.gov

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**San Joaquin River Restoration Program
Newsletter**



Program Update

July 2010

The San Joaquin River Restoration Program (SJRRP) is a comprehensive long-term effort to restore flows to the San Joaquin River from Friant Dam to the confluence of the Merced River and restore a self-sustaining Chinook salmon fishery in the river while reducing or avoiding adverse water supply impacts from restoration flows.

Salmon Reintroduction Plan

Paragraph 14 of the Settlement requires the reintroduction of spring run and fall run Chinook salmon to the San Joaquin River between Friant Dam and the confluence of the Merced River by December 31, 2012. The USFWS is working diligently to complete a permit application by September 30, 2010, for the reintroduction of spring-run Chinook salmon. Consistent with the Settlement, NMFS shall issue a decision on the permit application no later than April 30, 2012. Information on this process is available at <http://swr.nmfs.noaa.gov/sjrrestorationprogram/salmonreintroduction.htm>.

Interim Flow Releases from Friant Dam Continue

The experimental Interim Flows that began October 1, 2009, will continue through September for Water Year (WY) 2010. The Interim Flow releases from Friant Dam are currently at 350 cubic feet per second to meet targets at Gravelly Ford. The flows have been monitored very closely this year, and a tremendous amount of coordination is taking place with landowners near the river that could be affected by potential seepage of groundwater from these flows. The San Joaquin River Restoration Program (SJRRP) has placed approximately 90 groundwater monitoring wells in strategic locations to track the movement of the groundwater and is working with specific landowners to determine safe groundwater levels for crop root zones and making sure the groundwater is staying below those levels. Reclamation has critical data available on the Interim Flows at www.restoresjr.net. This includes real-time and daily flow data, weekly groundwater data, and periodic water quality data. The experimental flows are scheduled for several years until full Restoration Flows begin.



Water releases from Friant Dam switch from one large valve to two smaller valves as Interim Flows decrease from 800 cubic feet per second to 350 cfs on June 8, 2010

The experimental flows are scheduled for several years until full Restoration Flows begin.

As described in the Stipulation of Settlement (Settlement) in *NRDC, et al. v. Kirk Rodgers, et al.*, the purpose of the Interim Flows is to collect relevant data concerning flows, temperatures, fish needs, seepage losses, recirculation, and recapture and reuse. The SJRRP Implementing Agencies include Reclamation, U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), California Department of Water Resources, and California Department of Fish and Game. Agencies will continue to conduct monitoring and analyses activities during WY 2011. The activities planned for Spring 2011 and later, along with a synthesis of data collected, will be described in the Annual Technical Report that will be available to the public in Fall 2010.

Draft Program Environmental Impact Statement/Environmental Impact Report to be Released

The Draft Program Environmental Impact Statement/Environmental Impact Report (Draft PEIS/R) is anticipated to be released this summer. Once released, the draft document will be available for a 60-day public comment period and public hearings will be held in various locations within the Program area. Stay tuned to the website for hearing dates and locations. (See the April 2010 Program Update for detailed information regarding the Draft PEIS/R.)

Mendota Pool Bypass and Reach 2B Channel Improvements Project Update

An Initial Options Technical Memorandum was released in April 2010, along with a Technical Memorandum on Existing Environmental Conditions: Data Needs and Survey Approach. Work will continue on this project with a target release date of mid 2011 for a Draft EIS/R and the final document in early 2012 followed shortly after with the Record of Decision and Notice of Determination. Construction is estimated to start in 2013 and be completed in 2015.

Invasive Riparian Plant Species Data Now Available on the California Department of Fish and Game's BIOS website at <http://bios.dfg.ca.gov>.

Water Year 2011 Interim Flows Draft Supplemental Environmental Document Available

The Draft Supplemental Environmental Assessment and Proposed Finding of No New Significant Impact (Draft Supplemental EA/Proposed FONNSI) for the SJRRP's Water Year (WY) 2011 Interim Flows Project was released for a 30-day public review from June 11 through July 9, 2010. The comment period has been extended to July 23, 2010.

The Draft Supplemental EA/Proposed FONNSI describes the direct, indirect, and cumulative environmental effects of the WY 2011 Interim Flows Project (Proposed Action) and the No-Action Alternative.

The WY 2010 Interim Flows Project, as approved and authorized, is currently under way. The Draft Supplemental EA is intended to describe and analyze the effects of an additional year of Interim Flows for WY2011. This document extends the project originally described in the WY 2010 Final Environmental Assessment/Initial Study (EA/IS) for one additional year, but does not change any other aspect of the project. The Draft Supplemental EA includes a review of the WY 2010 Final EA/IS, synthesizes discussions and results where conditions have not changed, and evaluates potential impacts due to implementation of WY 2011 Interim Flows in consideration of changed conditions or new information since approval of the WY 2010 Final EA/IS.

The continuation of this action would temporarily change Friant Dam operations in WY 2011 (October 1, 2010 through September 30, 2011) to release Interim Flows as specified in the Settlement. The Interim Flows would be conveyed down the San Joaquin River channel, and potentially down the Eastside and Mariposa bypasses, to the Sacramento-San Joaquin River Delta (Delta). Under the Proposed Action, WY 2011 Interim Flows would be recaptured by existing water diversion facilities along the San Joaquin River and/or in the Delta for agricultural, municipal and industrial, or fish and wildlife uses, to the extent possible. Potential diversion locations for recapturing WY 2011 Interim Flow releases are Mendota Pool, Arroyo Canal, Lone Tree Unit of the Merced National Wildlife Refuge (NWR), East Bear Creek Unit of the San Luis NWR, Banta-Carbona Irrigation District facility, West Stanislaus Irrigation District facility downstream of the Stanislaus River confluence, Patterson Irrigation District facility between the Tuolumne and Merced River confluences, and Central Valley Project and State Water Project Delta export facilities.

The Draft Supplemental EA/Proposed FONNSI is available on the SJRRP web site at www.restoresjr.net or Reclamation's web site at www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=3612.

Eastside Bypass Control Structure



Water Management Goal Update – Recirculating Water Back to Friant Division Long-term Contractors

For Water Year 2010, Reclamation estimates that up to 60,000 acre-feet of Interim Flows will be recaptured and stored in San Luis Reservoir for recirculation back to the Friant Division contractors. Reclamation sought scenarios for recirculating the water and will complete an environmental analysis on the selected scenarios. For questions on this process, contact Ms. Valerie Curley at 559-487-5041 or vcurley@usbr.gov.

Progress continues on the feasibility studies for two additional projects specifically called out in Part III of the San Joaquin River Restoration Settlement Act to help achieve the Water Management Goal. The two projects are: 1) the Friant-Kern and Madera Canals Capacity Correction

Feasibility Study to look at restoring the capacity of the canals to their previous design and construction, and 2) the Friant-Kern Canal Reverse Flow Pumpback Feasibility Study to look at potentially constructing three pumping plants along the Friant-Kern Canal in order to lift water upstream in the canal from the intertie with the Cross Valley Canal (CVC). This reverse-flow operation would reach approximately 40 miles, gaining approximately 20 feet in elevation, to reach upstream water users. This project would facilitate transporting Central Valley Project water via the California Aqueduct and Delta-Mendota Canal, directly from the Banks and Jones Pumping Plants in the Delta, to and

through the CVC in Kern County. Draft Environmental Assessments for both projects are anticipated to be available to the public in late summer.



Friant-Kern Canal

Planning for the Arroyo Canal/Sack Dam Project to Begin Soon



The Settlement requires screening the Arroyo Canal water diversion and providing fish passage at Sack Dam, located near the junction of Reach 3 and Reach 4A.

Prior to implementing the Settlement, most water released downstream from Mendota Dam was diverted at the Arroyo Canal. With the implementation of the Settlement, flows in the river will need to be managed so that diversions can still occur in this section of the river while passing fish in both directions and avoiding fish entrainment at the Arroyo Canal intake.

For the Project-related environmental studies, Reclamation will be serving as the NEPA lead agency and the Henry Miller Reclamation District #2131 (District) will be serving as the CEQA lead agency. Reclamation and the District are working to initiate the planning, environmental compliance, and design efforts for this project. This work is anticipated to begin during the third quarter of 2010.

Salt and Mud Slough Seasonal Barriers

Reclamation will look at ways to enable deployment of seasonal barriers to prevent adult anadromous fish from entering false migration pathways in the areas of Salt and Mud Sloughs. Reclamation anticipates beginning the planning, environmental documentation and appraisal-level design for this project in late 2010.



Chinook salmon



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Water Education Foundation
San Joaquin River Restoration Tour
October 13-14, 2010

Join a two-day, one-night tour for a look at dams, canals, levees, farmland, a fish hatchery, and portions of the San Joaquin River that are part of the restoration efforts. Explore the challenges of creating spawning habitat for a Chinook salmon fishery and understand the interests and concerns of landowners, irrigation district, and flood agencies. Tour stops include Friant Dam, the Friant-Kern Canal, the Mendota Pool, diversion structures, farms, the Department of Fish and Game fish hatchery, and the Merced National Wildlife Refuge. This tour highlights the challenges of implementing the Settlement. The tour begins and ends in Fresno and is conducted by the Water Education Foundation. For more information, please visit www.watereducation.org/tours.



- ▶ Interim Flow Releases from Friant Dam Continue
- ▶ Salmon Reintroduction Plan
- ▶ Draft Program Environmental Impact Statement/Environmental Impact Report to be Released
- ▶ Mendota Pool Bypass and Reach 2B Channel Improvements Project Update
- ▶ Water Year 2011 Interim Flows Draft Supplemental Environmental Document Available
- ▶ Water Management Goal Update – Recirculating Water Back to Friant Division Long-term Contractors
- ▶ Planning for the Arroyo Canal/Sack Dam Project to Begin Soon
- ▶ Salt and Mud Slough Seasonal Barriers
- ▶ Water Education Foundation San Joaquin River Restoration Tour October 13-14, 2010

In This Issue:

2800 Cottage Way, MP-170
 Sacramento, CA, 95825-1898



SJRRP Outreach
Contacts:

Margaret Gidding
 Outreach Coordinator
 916-978-5461

Craig Moyle
 Landowner Coordinator
 916-418-8248

Recorded SJRRP information available on Reclamation's Grapevine at 800-742-9474; select option 2 for a list of projects, and select option 4 for the SJRRP activities and updates.

Station Displays




Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project

STATION 1



Project Timeline

2009	September	Publish Notice of Intent/Notice of Preparation (NOI/NOP)
	September	Conduct Original Public Scoping Process
	November	Issue First Scoping Report
	Ongoing	Continue Landowner Coordination
2010		Publish Revised NOI/NOP
		Conduct Additional Scoping Meeting
		Issue Second Scoping Report
		Update and Further Develop Alternatives
		Continue Landowner Coordination
2011		Complete Alternatives Development
		Develop Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR)
		Distribute Draft EIS/EIR to the Public
		Continue Landowner Coordination
2012		Conduct Public Comment Period on the Draft EIS/EIR
		Respond to Public Comments on the Draft EIS/EIR
		Distribute Final EIS/EIR
		Issue Record of Decision/Notice of Determination (ROD/NOD) and CEQA Findings
		Begin Permitting and Real Estate Acquisition
2012 – 2015		Develop Final Engineering and Design
		Complete Permitting and Real Estate Acquisition
		Construct Project



Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project

STATION 1



Settlement Requirements

Restoration Goal: To restore and maintain fish populations in "good condition" in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish.

- "Modifications in San Joaquin River channel capacity to the extent necessary to ensure conveyance of at least 475 cfs through Reach 4B."
- "Modifications at the Reach 4B headgate on the San Joaquin River channel to ensure fish passage and enable flow routing of between 500 cfs and 4,500 cfs into Reach 4B, consistent with any determination made in Paragraph 11(b)(1)."
- "Modifications to the Sand Slough Control Structure to ensure fish passage."
- "Modifications to structures in the Eastside and Mariposa Bypass channels, to the extent needed to provide anadromous fish passage on an interim basis until completion of the Phase 2 improvements."
- "Modifications in the Eastside and Mariposa Bypass channels to establish a suitable low-flow channel, if the Secretary in consultation with the Restoration Administrator determines that such modifications are necessary to support anadromous fish migration through these channels."

Environmental Scoping Process

The focus of this meeting is to solicit additional input on the **Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project that will be evaluated in an Environmental Impact Statement/Environmental Impact Report (EIS/EIR)**. We need your help in determining the scope of issues to be addressed in the EIS/EIR. Share your input on:

- Suggested alternatives to the Project
- Potential significant environmental impacts of the Project
- Local information and geographic-specific knowledge
- Any other issues you'd like to raise about the Project



The planning and environmental review for the Project is authorized under Section 3406(c)(1) of the Central Valley Project Improvement Act and the San Joaquin River Restoration Act included in Public Law 111-11. Construction is authorized under Public Law 111-11.

The Project will be conducted pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).



Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project

STATION 2



Resource Areas that have the Potential to be Affected

The Project has the potential to affect the following resources:



- Aesthetics
- Agricultural resources
- Air quality
- Biological resources, including wetlands and rare and sensitive plant and animal species
- Climate change
- Cultural and paleontologic resources
- Environmental justice
- Flood control
- Flood protection
- Geology and soils
- Hydrology, water quality and water supply
- Indian trust assets
- Land use
- Mineral resources
- Noise
- Public utilities and power consumption
- Recreation
- Socioeconomics, population and housing
- Transportation and traffic

The EIS/EIR will evaluate the potential impacts to these resources for each alternative considered and will identify actions to reduce, avoid, or mitigate significant impacts.

Your input is appreciated and valued.



Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project

STATION 2



Project Area

The area from the Sand Slough Control Structure to the intersection of the San Joaquin River with the Eastside Bypass.



Project Activities

Improve the combined channel capacity through Reach 4B, the Eastside Bypass, and the Mariposa Bypass to convey at least 4,500 cubic feet per second (cfs) AND:

- Convey at least 475 cfs in Reach 4B
- Modify the channels and structures in Reach 4B and the bypasses to provide fish passage
- Meet long-term fish passage and habitat objectives
- Maintain conveyance capacity and operational flexibility in the flood control system

More specific improvements are described below.

Reach 4B Channel Improvements

- These modifications may consist of removing in-channel vegetation, excess sediment, improving road crossings, widening the river channel, and creating in-channel and floodplain habitat.

Eastside Bypass and Mariposa Bypass

- These modifications could include channel widening, narrowing, or reshaping to allow for fish passage and habitat in the Eastside and Mariposa bypasses.
- Additional modifications may include modifications to the existing structures, construction of fish ladders, or replacement of the existing structures with new structures.
- Both the Mariposa Bypass Bifurcation Structure at the head of the Mariposa Bypass and the Mariposa Bypass Drop Structure at the downstream end of the Mariposa Bypass may also need to be modified or removed to provide for fish passage under a range of flows.



Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project

STATION 3



How to Submit Comments

All comments due by December 20, 2010



Tonight:

- Fill out a comment form at this station and return it to the comment box.
- You may provide written comments, or annotate the map on the back of the comment card with comments that are location- or reach-specific (e.g. existing infrastructure).

By December 20, 2010:

You may either mail the comment card to the address on the back; or mail, email or fax a letter to the contact information below. Please include your name, address and phone number.

Mail:

Ms. Margaret Gidding
Bureau of Reclamation
2800 Cottage Way, MP-170
Sacramento, CA 95825

Email:

Reach4B@restoresjr.net

Fax:

916-978-5469

Mail:

Mr. Fran Schulte
California Department
of Water Resources
South Central Region Office
3374 E. Shields Ave
Fresno, CA 93726

Email:

fschulte@water.ca.gov

Comment Card

SAN JOAQUIN RIVER
RESTORATION PROGRAM



www.restoresjr.net

U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way, MP-170
Sacramento, CA 95825
Attn: Ms. Margaret Gidding

PLACE
STAMP
HERE

Please fold, staple, stamp, and mail

SAN JOAQUIN RIVER
RESTORATION PROGRAM



www.restoresjr.net

PUBLIC SCOPING COMMENTS
for the Revised Reach 4B, Eastside Bypass, and Mariposa Bypass Channel
and Structural Improvements Project

Written comments can be submitted at the scoping meeting,
mailed to the Bureau of Reclamation
(*mailing address is included on this card*),
faxed to 916-978-5469,
or emailed to Reach4B@restoresjr.net
by close of business on December 20, 2010.
Thank you.

(Please print clearly)

Name _____

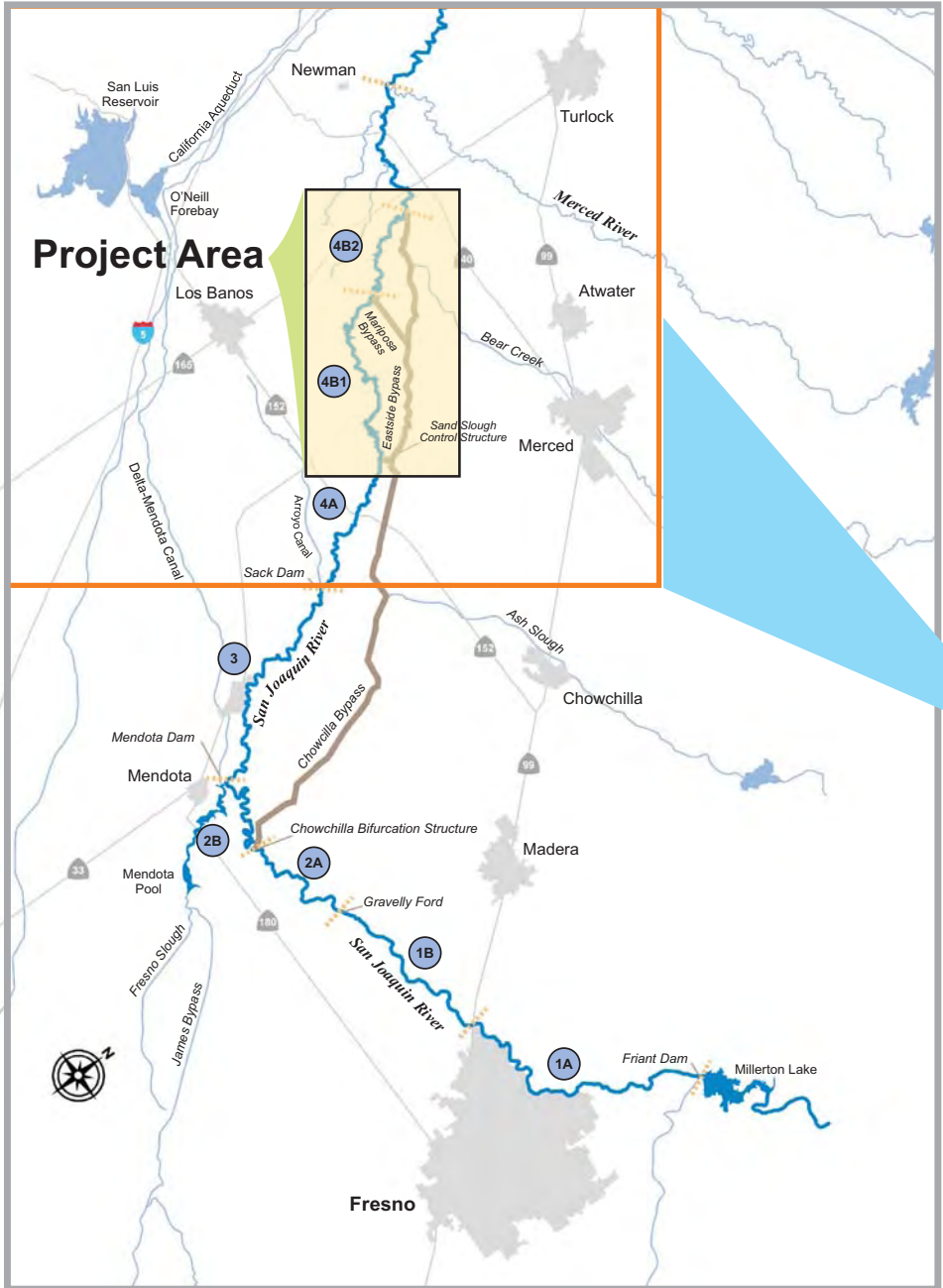
Organization and Address _____

Phone () _____ E-mail _____

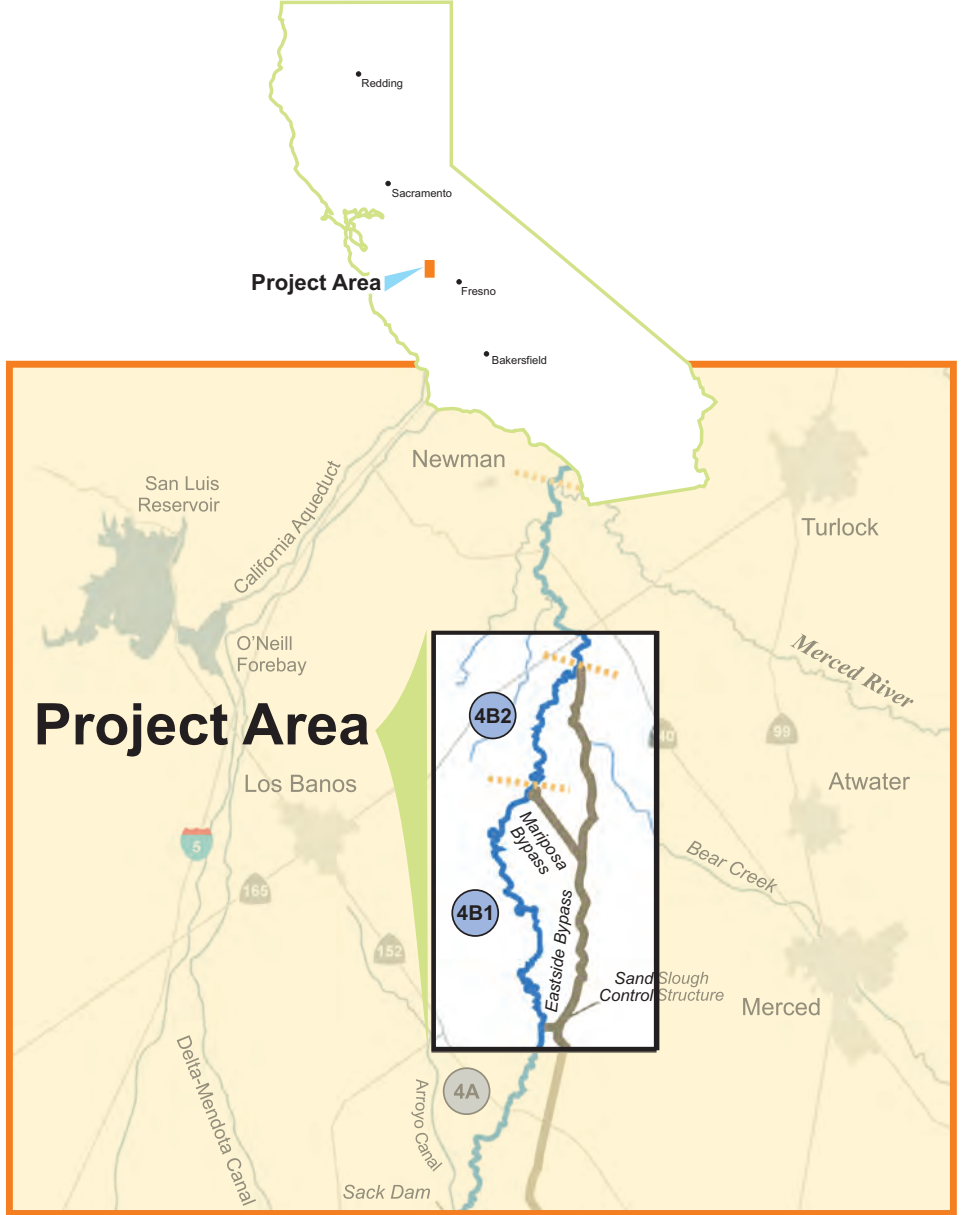
Comment here: _____

Date

All comments become part of the public record.



Project Area



Project Area

Attachment C

Scoping Comments

SAN JOAQUIN RIVER
RESTORATION PROGRAM



Federal Agency Comments



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

DEC 20 2010

Ms. Margaret Gidding
Bureau of Reclamation
2800 Cottage Way MP-170
Sacramento, CA. 95825

Subject: Revised Notice of Intent to Prepare an Environmental Impact Statement /Environmental Impact Report (EIS/EIR) for the San Joaquin River Restoration Program, Revised Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project, Merced County, California.

Dear Ms. Gidding:

The Environmental Protection Agency (EPA) has reviewed the above Notice of Intent (NOI) to prepare an EIS/EIR for the above project. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), our NEPA review authority under Section 309 of the Clean Air Act, and our participation as a Cooperating Agency on the Programmatic EIS for the San Joaquin River Restoration Program (Restoration Program). Our comments (enclosed) are offered in the spirit of full support of the Restoration Program.

The Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) propose to prepare a joint EIS/EIR for Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements, in support of Paragraph 11 of the San Joaquin River Restoration Settlement Act (SJRRS). The revised project will consist of improvements to convey Interim and Restoration flows and provide fish habitat through Reach 4B and/or the bypasses of the San Joaquin River, while maintaining flood conveyance capacity.

San Joaquin River (River) conditions are poor in many reaches from Friant Dam to the Delta. EPA has a long history of active involvement in San Joaquin River issues pursuant to our Clean Water Act (CWA) and NEPA authorities. We are currently working with the state of California and other agencies, including Reclamation, to implement Total Maximum Daily Loads (TMDLs) to address impaired water quality for the River.

However, because enhanced flows of good quality are key to recovery of a functioning River, progress on instream flow actions, including but not limited to the Restoration Program, is essential. We applaud the Reclamation's commitment to implementing the Restoration Program. Our detailed comments call attention to a number of topics for the Reach 4B DEIS. Given that this proposal comes in advance of the Programmatic NEPA document, some of these topics may be addressed more fully in the broader document. We recommend that the Reach 4B DEIS

describe this project's consistency and integration with the broader Restoration Program and other related actions in the San Joaquin River Basin.

We appreciate the opportunity to comment on this Revised NOI. Please send two copies of the Draft EIS/EIR and one CD to the address above (mail code: CED-2) at the same time it is officially filed with our Washington, D.C. Office. Should you have any questions regarding our comments, please contact me at (415) 972-3521, or contact Laura Fujii, the lead reviewer for the project, at (415) 972-3852 or fujii.laura@epa.gov.

Sincerely,

for Kathleen M. Goforth

Kathleen M. Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosures: EPA detailed scoping comments

cc: Karen Dulik, DWR South Central Region
Fran Schulte, DWR South Central Region
Michelle Banonis, USBR Sacramento
Kevin Faulkenberry, DWR, Fresno

U.S. EPA DETAILED COMMENTS ON RNOI FOR THE SAN JOAQUIN RIVER RESTORATION PROGRAM, REVISED REACH 4B, EASTSIDE BYPASS AND MARIPOSA BYPASS CHANNEL AND STRUCTURAL IMPROVEMENTS PROJECT, MERCED COUTNY, CALIFORNIA, DECEMBER 20, 2010

Purpose and Need

Adequately defining the purpose and need of a proposed federal project is a critical element of an EIS. A clearly identified purpose and need provides the framework to identify a reasonable range of alternatives (40 CFR Part 1502.1). We note that the revised scoping notice indicates that a broader range of restoration flows will be considered for the restored San Joaquin River (River) channel and/or the Eastside and Mariposa bypasses.

Recommendation:

The DEIS should explain the purposes of the proposed action in a way that will be useful for evaluating channel/ bypass alternatives. Although we anticipate that the legal context for the San Joaquin River Restoration Program (Restoration Program) will be covered in the Programmatic EIS, some background on the Restoration Program and its legal context should be provided in the Reach 4B DEIS. We recommend that the DEIS discuss the San Joaquin River Restoration Settlement and Bureau of Reclamation's (Reclamation) attendant responsibilities, as well as applicable State law, including public trust with respect to the River.

Historic and Existing Conditions

Clearly describing existing conditions in Reach 4B, the Eastside Bypass and Mariposa Bypass Channel will help convey the degree to which the current conditions and functions differ from projected restoration goals. Detailed information on historic and existing conditions is relevant to evaluation of alternatives for the NEPA document, as well as to the ability to track results of implementation.

Recommendations:

The DEIS should explain the configuration of the pre-disturbance channel corridor and how it functioned to support fish and other aquatic life in different seasons and hydrologies. Explain the degree to which the restoration program seeks to reconstruct functions in this reach of the river and/or bypasses, and how flow routing between bypass(es) and channel, coupled with other improvements, would relate to achieving target conditions for fish and supporting habitat.

The document should explain current practice in routing flows at control points, such as the Sand Slough Control Structure. Explain use of the Eastside and Mariposa Bypasses for flood conveyance.

Describe existing habitat and water quality conditions along Reach 4B. It appears that the base flow (without restoration releases) conditions in Reach 4B below Sack Dam are very low but not necessarily completely dry; when water is present, the source is typically agricultural return flows, which may be poor quality. If information on channel conditions and water quality is not available for impact analysis, explain impediments to obtaining this information and discuss how the situation will be remedied.

Formulation of Alternatives

The DEIS should evaluate a range of reasonable alternatives to address project objectives, including alternatives that require actions outside the jurisdiction of the lead agency (40 CFR Section 1502.14(c)). The DEIS should include a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail. We recommend the DEIS describe how each alternative was developed, how it addresses project objectives, how it provides for mitigation measures, and how it will be implemented.

Recommendations:

The alternatives analysis of the DEIS should portray the environmental consequences of all the alternatives (including no-action) "...in comparative form, thus sharply defining the issues and providing a clear basis for choice among options for the decision maker and the public." (40 CFR Part 1502.14).

Defining the no-action alternative is a critical step in the environmental analysis since it provides the baseline for comparison with other action alternatives. Under the "no action" alternative, continuation of the existing management and development situation may cause or contribute to significant environmental impacts (e.g., water quality impacts, fisheries impacts, wetland impacts, etc.).

The revised scoping notice is explicit that the action will include fish habitat "through Reach 4B and/or the bypasses." It is not clear whether this includes the possibility of expansion of the floodplain.

Recommendations:

EPA recommends that expansion of floodplain areas be incorporated in the planning process and project design. For example, portions of the current river channel borders, and then enters, the San Luis Refuge complex, which could provide opportunities for floodplain restoration. The DEIS should describe the potential for establishing habitat in the river corridor and/or floodplain that would support success of fisheries restoration (e.g., foodweb productivity, refugia). Additionally, discuss the potential for restored floodplains to accommodate high flows and serve a flood management function.

Given that the bypasses are designed for flood flows, and presumably would continue to serve this function, identify potential constraints to design and management for fish habitat.

Recommendations:

We recommend the DEIS explain whether there are circumstances when flood control requirements and channel conditions promoting fisheries would not be compatible. For example, describe whether there are limits on the reintroduction of vegetation in the restoration flow bypass areas due to flood control concerns. Other issues that should be addressed include: the attractiveness of restored bypass channels to predators, exposure of fish to predators, ability to provide habitat or other features to shelter small fish. The DEIS should discuss options for routing high flows through a combination of the bypasses and a Reach 4B corridor that incorporates floodplains.

Explain how restoration planning relates to flood management planning being carried out by the Department of Water Resources (e.g., FloodSAFE, Central Valley Flood Protection Plan), and whether there are important complementary or competing requirements. Identify any policies or actions flood management agencies can adopt to promote San Joaquin restoration goals.

As a number of documents have observed, the channel capacity of significant portions of Reach 4B is extremely constrained.¹ Where there are farm fields, levees, and canals directly up to a narrow channel, there is currently no room to accommodate a functional river corridor. In the Interim Flow period, proximity of private lands to the River has proved problematic for a number of reasons, including alleged impacts of elevated groundwater table during River test flows on adjacent agricultural fields. Conversely, efforts to avoid adverse impacts on adjacent lands constrain restoration flow releases. This is a significant issue that could be addressed in a variety of ways. To the extent possible, efforts should be made to enhance compatibility of River restoration with adjacent agriculture.

Recommendations:

Other projects have used flood easements or other forms of compensation to adjacent lands, or if necessary, purchase of land to create a functional river corridor. The proposed action needs to be supported by a plan for creating conditions that will accommodate a functional river corridor.

The DEIS should describe how seepage issues are being handled currently, with the interim flows, and what the longer term plans are for identifying and managing this issue.

Discuss the role of local land use jurisdictions (cities and counties for incorporated and unincorporated areas, respectively) in promoting compatible land uses.

While we recognize that Reclamation's activities are focused on commitments set out in the San Joaquin River Restoration Settlement, there may be opportunities for projects supporting restoration to proceed through the initiative of other parties. For example, the San Joaquin River Partnership recently promoted this approach at a meeting on integrated resources management sponsored by the State Resources Agency.² Initiatives of this kind are needed for successful restoration. They can leverage additional resources, expand the benefits of restoration beyond the fisheries target, and help integrate a functioning river with the adjacent lands. Integrated resources management is quite relevant to Reach 4B, considering the potential for enhanced public use in the San Luis Refuge area sub-reaches, and the need to ensure compatibility with adjacent lands.

¹ See, for example, information in Section 5, "Existing Conditions," *Upper San Joaquin Conceptual Restoration Phase I Planning Document*, San Joaquin River Resource Management Coalition, August 2003.

² Resources Agency, Oct. 6, 2010:
http://www.resources.ca.gov/meeting_regarding_the_future_of_natural_resources_management.html.

Recommendation:

We encourage Reclamation and other implementing agencies to support these kinds of partnerships and to discuss any activities underway in the project area.

Monitoring and Assessment Plan

The proposed action should include a monitoring and assessment plan that can generate information on the environmental effects of the action and on external conditions that could affect project results. This plan should be associated with a long-term, comprehensive monitoring and assessment plan for the Restoration Program.

Recommendations:

We recommend the DEIS discuss monitoring and assessment that will accompany the project. Reclamation's efforts should coordinate with other monitoring and assessment activities in the San Joaquin River area that generate relevant information. With respect to water quality, this refers especially to coordination with the Regional and State Water Quality Control Board (Water Boards) programs.

In partnership with the Water Boards, U.S. EPA is sponsoring development of a regional water quality monitoring and assessment program. We look forward to working with Reclamation to coordinate its monitoring and assessment activities with this project.

Endangered Species

The DEIS should include a comprehensive evaluation of impacts to federally-listed threatened or endangered species and species of concern.

Recommendations:

The DEIS should include a list of all state and federal threatened and endangered species and species of concern that might be affected by project actions, and identify any critical habitat that might be affected, as well.

We recommend the DEIS summarize Reclamation and DWR's consultation with the National Oceanic and Atmospheric Administration (NOAA), if appropriate, and U.S. Fish and Wildlife Service (FWS) under Section 7 of the Endangered Species Act (ESA). The DEIS should identify how "reasonable and prudent measures" identified by FWS and NOAA through ESA consultation will be integrated with CWA protection of designated uses and antidegradation requirements.

Air Quality

Federal agencies are required by the Clean Air Act to assure that actions within nonattainment air basins conform to an approved air quality implementation plan, in addition to avoiding, minimizing, and mitigating potential adverse air quality impacts. Because of poor air quality in the San Joaquin Basin, the region is the focus of a number of EPA Air Division initiatives. The following are general recommendations that anticipate follow-up discussion with EPA.

Recommendations:

If the proposed project area is in a nonattainment area, the Reclamation may need to demonstrate compliance with general conformity requirements of the Clean Air Act [Section 176(c)]. General Conformity Regulations can be found in 40 CFR Parts 51 and 93 (58 Federal Register, page 63214, November 30, 1993). These regulations should be examined for applicability to the proposed actions.

The DEIS should provide a discussion of air quality standards, ambient conditions, and potential air quality impacts for the proposed action. Describe the proposed construction activities and their impacts on air quality. Cumulative and indirect impacts should be fully evaluated.

Section 404 of the Clean Water Act

Proposed improvements to increase river channel conveyance capacity and fish passage will include excavating the channel, repairing and improving existing levees, and removing or replacing water control structures, culverts, and other water management facilities. This activity may require a permit pursuant to Section 404 of the CWA. The U.S. Army Corps of Engineers (Corps), which issues Section 404 permits, is required to complete a NEPA analysis before issuing that permit.³ Generally, agencies carrying out projects that will ultimately require a Section 404 permit try to complete a single NEPA analysis covering both the project and the Section 404 analysis.

Recommendation:

The DEIS should demonstrate compliance with the Section 404(b)(1) Guidelines. We recommend that Reclamation coordinate its project with the Corps, EPA, other State

³ Pursuant to Section 404 of the CWA, discharge of dredged or fill material to waters of the United States requires a permit, issued by the Corps. If a permit is required, EPA will review the project for compliance with the *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230) (Guidelines), promulgated pursuant to Section 404(b)(1) of the CWA. The burden to demonstrate compliance with the Guidelines rests with the permit applicant. The Guidelines contain four main requirements that must be met to obtain a Section 404 permit: (1) Section 230.10(a) prohibits a discharge if there is a less environmentally damaging practicable alternative to the proposed project; (2) Section 230.10(b) prohibits discharges that will result in a violation of water quality standards or toxic effluent standards, jeopardize a threatened or endangered species, or violate requirements imposed to protect a marine sanctuary; (3) Section 230.10(c) prohibits discharges that will cause or contribute to significant degradation of waters. Significant degradation may include individual or cumulative impacts to human health and welfare; fish and wildlife; ecosystem diversity, productivity and stability; and recreational, aesthetic or economic values; and (4) Section 230.10(d) prohibits discharges unless all appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem.

water quality agencies and relevant resource agencies to determine how best to proceed with the Section 404 process.

Cumulative Impacts

Cumulative impacts analyses are of increasing importance, as they describe past, present, and reasonably foreseeable threats to resources of concern as a whole. Understanding cumulative impacts can illuminate opportunities for minimizing those threats, even when they are not the responsibility of the lead agency. This proposal comes in advance of the Programmatic NEPA document which would provide a comprehensive cumulative impacts analyses for the Restoration Program. We recommend that the Reach 4B DEIS describe cumulative effects within the context of the broader Restoration Program and other related actions in the San Joaquin River Basin.

Recommendations:

Focus on resources of concern – those resources that are “at risk” or significantly impacted by the proposed project before mitigation. EPA recommends including the following issues in the cumulative impact analysis: impacts to riparian habitat, wildlife, non-anadromous fisheries, and hydrogeomorphology of the San Joaquin River, and adjacent land uses such as agricultural and wildlife refuge lands. Also, include cumulative impacts to Clean Water Act (CWA) designated uses and antidegradation requirements, water flows, temperature and dissolved oxygen, sediment, pH, ammonia, and nutrient concentrations – all of which currently contribute to degradation of San Joaquin River water quality.

Identify other on-going, planned, and reasonably foreseeable projects in the study area that may contribute to cumulative impacts. Where studies exist that identify impacts to resources of concern, use this readily available information to evaluate and quantify cumulative impacts to resources in the project area.

There are numerous ongoing and planned activities in the San Joaquin River Basin which affect the same resources as the proposed restoration project. In particular, the DEIS should discuss the cumulative impacts of the project in the context of the Reclamation's and DWR's operation of the Central Valley Project and State Water Project, the implementation of TMDLs and water quality standards for the San Joaquin River, and other land and water management or restoration programs in the project area.

Where cumulative impacts are anticipated to occur, mitigation should be proposed. Clearly identify the lead agency's mitigation responsibilities and the mitigation responsibilities of other entities.

Climate Change

While effects of climate change should be addressed in full in the Programmatic EIS, we recommend general discussions regarding greenhouse gas emissions and climate change be included in the Reach 4B DEIS:

Recommendations:

In assessing the current and future water needs for the River, we recommend that that the EIS consider all of the stressors on the system – including surface withdrawal, ground water pumping, and the potential impact of climate change.

Long-term projects concerning water and fishery resources may be affected by climate change. Mitigation and adaptation strategies should be identified and discussed, as appropriate. The DEIS should include a discussion on cumulative climate change impacts to resources also affected by the project.

State Agency Comments

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0685 FAX: (916) 574-0682



December 21, 2010

Ms. Michelle Banonis
Natural Resources Specialist
Bureau of Reclamation
2800 Cottage Way, MP-170
Sacramento, California 95825

Dear Ms. Banonis:

Subject: Comment on Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project under the San Joaquin River Restoration Program

The Central Valley Flood Protection Board (Board) is responsible for flood safety within California's Central Valley and maintains the integrity of the existing flood control system and designated floodways through the Board's regulatory authority by issuing permits for encroachments. Development projects within the jurisdiction of the Board are required to meet standards for the construction, maintenance, and protection of adopted plans of flood control that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (Title 23 CCR), Section 2). Working with the U.S. Bureau of Reclamation (Bureau) and the California Department of Water Resources (DWR) early in the process for the conveyance of interim and restoration flows through Reach 4B and/or the bypasses will help mitigate potential adverse impacts to the flood control system.

Board staff has reviewed the Bureau's and DWR's proposal to prepare a joint EIS/EIR on the effects of the proposed Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project under the San Joaquin River Restoration Program published in the Federal Register / Vol. 75, No. 224 / Monday, November 22, 2010, and provides the following comments:

Easements - The proposed interim flows are below the design flow capacities of the river channel and bypasses. Even though these flows are below the design flow capacities, interim flows are in addition to what normally would be present without this project. The draft document should provide additional analysis and evaluation of the potential impacts and mitigation measures of these additional flows to the operations and maintenance of the flood control system and to the system's functioning. For example, the draft document should include engineering solutions for seepage problems in the levees of the flood control facilities and mitigation measures that provide compensation for easements, increased operations, and maintenance costs associated with the additional flows in the flood control channels and bypasses.

Sedimentation - During the 2010 release of restoration flows into the San Joaquin River system, accumulation of sedimentation within the channels has occurred. Long term sediment

Ms. Michelle Banonis
December 21, 2010
Page 2 of 3

accumulation would likely result in reducing channel capacity to convey flood flows. Mitigation measures should include channel maintenance and improvements to reduce sediment accumulation.

Long Term Vegetation Management - Sediment accumulation has resulted in the establishment of woody vegetation within the channels. Woody vegetation growth that is not managed would have a negative impact on channel capacity and increase the potential for levee over-topping. When a channel develops vegetation, that then becomes habitat for wildlife, maintenance to initial conditions becomes more difficult, and control of vegetative growth may be subject to environmental constraints. In these cases, it is important to develop maintenance practices that allow controlled growth of desirable habitat without unduly compromising channel capacity. Vegetation management within the channel is difficult due to the potential to contaminate surface water from herbicide applications. Local maintaining agencies responsible for vegetation management would be subject to significant increases in maintenance costs when implementing manual vegetation control measures.

According to the Appendix A Interim Flows Project - Water Year 2011 Final Supplemental Environmental Assessment (September 2010), the Bureau has proposed a Cooperative Agreement Between the Bureau of Reclamation and Lower San Joaquin Levee District For Operation and Maintenance of Flood Project Facilities Impacted By San Joaquin River Restoration.

Board staff supports the Bureau in their efforts to finalize a cooperative agreement with the Lower San Joaquin Levee District (LSJLD) for operation and maintenance of flood project facilities impacted by the San Joaquin River Restoration Program. Adequate funding for managing sedimentation and vegetation within the channel is critical to operation of the Lower San Joaquin River Flood Control Project, as the Board has provided assurance to the U.S. Army Corps of Engineers (Corps) that it will operate and maintain the project to the Corps' standards.

If you have any questions, please contact Dan Fua, Supervising Engineer, at (916) 574-0698, or by e-mail at dfua@water.ca.gov.

Sincerely,



Jay S. Punia
Executive Officer

cc: (See attached list)

Ms. Michelle Banonis
December 21, 2010
Page 3 of 3

cc: Mr. Reggie Hill
Lower San Joaquin Levee District
11704 W. Henry Miller Avenue
Dos Palos, California 93620

Mr. Stein Buer, Acting Deputy Director
Integrated Water Management
Department of Water Resources
3310 El Camino Avenue
Sacramento, California 95821

Ms. Paula Landis, Chief
Division of Integrated Regional
Water Management
Department of Water Resources
1416 9th Street
Sacramento, California 95814

Mr. Gary Bardini, Chief
Division of Flood Management
Department of Water Resources
3310 El Camino Avenue
Sacramento, California 95821

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. CHARTER WAY/1976 E. DR. MARTIN
LUTHER KING JR. BLVD. 95205)
TTY: California Relay Service (800) 735-2929
PHONE (209) 941-1921
FAX (209) 948-7194

Karen

Scanned



Flex your power!
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December 16, 2010

Fran Schulte
California Department of Water Resources
South Central Region Office
3374 E. Shields Ave.
Fresno, CA 93726

10-MER-165, PM 25.12
San Joaquin River Reach 4B,
Eastside Bypass & Mariposa
Bypass Low Flow Channel
SCH #2009091027

Dear Ms. Schulte,

The California Department of Transportation (Department) appreciates the opportunity to comment on the Notice of Preparation for the **San Joaquin River Reach 4B, Eastside Bypass & Mariposa Bypass Low Flow Channel** draft Environmental Impact Report. The project, located within Reach 4B of the San Joaquin River and the Eastside and Mariposa bypasses in Merced County, proposes to improve conveyance capacity and provide fish passage in the San Joaquin River.

Upon review of the project, the Department has the following comments:

If the analysis of the potential flood area shows that the State Highway System (SHS) may be impacted, the study must provide for appropriate mitigation to eliminate any negative impacts that may occur to the SHS.

If you have any questions, please contact Sinarath Pheng at (209) 942-6092 (e-mail: Sinarath_Pheng@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,

Handwritten signature of Tom Dumas in cursive.

TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING


NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax

November 30, 2010

Fran Schulte
 California Department of Water Resources
 3374 E. Shields Avenue
 Fresno, CA 93726

RE: SCH# 2009091027 San Joaquin River Reach 4B; Merced County.

Dear Ms. Schulte:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,



Katy Sanchez
 Program Analyst
 (916) 653-4040

cc: State Clearinghouse

Native American Contact List

Merced County

November 30, 2010

Southern Sierra Miwuk Nation
Jay Johnson, Spiritual Leader

5235 Allred Road
Mariposa , CA 95338
209-966-6038

Miwok
Pauite
Northern Valley Yokut

Southern Sierra Miwuk Nation
Les James, Spiritual Leader

PO Box 1200
Mariposa , CA 95338
209-966-3690

Miwok
Pauite
Northern Valley Yokut

North Valley Yokuts Tribe
Katherine Erolinda Perez

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Linden , CA 95236
(209) 887-3415
canutes@verizon.net

Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

Amah Mutsun Tribal Band
Edward Ketchum

35867 Yosemite Ave
Davis , CA 95616
aerieways@aol.com

Ohlone/Costanoan
Northern Valley Yokuts

Southern Sierra Miwuk Nation
Anthony Brochini, Chairperson

P.O. Box 1200
Mariposa , CA 95338
tony_brochini@nps.gov
209-379-1120
209-628-0085 cell

Miwok
Pauite
Northern Valley Yokut

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009091027 San Joaquin River Ranch 4B; Merced County.

Local Agency Comments



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**SJRRP - USBR Public Scoping Process held December 6, 2010
Reach 4B
Los Banos, CA.**

December 17, 2010

**Please accept these comments and concerns on the behalf of San Luis Canal
Company for the public scoping session reference above.**

Please call with any questions. (209) 826-5112

Sincerely,

**Chase Hurley
General Manager**

Classification	Adm 10.00
Project	3437
Control No.	10090642
Folder I.D.	1115-331
Date Input & Initials	12-20-2010 [Signature]

1. Interim Flow water will not go down 4b, until work is done as provided in legislation under Section 10004(H)(1)
 - *Seepage Monitoring Program
 - *Mitigation Measures
 - *Flow Monitoring Program
2. Seepage Issues: Want the Groundwater Monitoring Wells established and have baseline data prior to any water in the system. Some landowners willing to move forward with this process immediately, in order to gain better background data prior to flows.
3. Constructing channel to 475 cfs, and then having to reconstruct to 4500 cfs if the River Channel is determined to be the viable alternative would seem to be a waste of resources and will cause a lot of damage to local landowners. Let's only build the system one time.
4. The Company still is concerned about the issue of a high flow channel at 4500 cfs being engineered and designed when you still have to deal with the issue of the 475 cfs channel per the Settlement Agreement. Is there still a possibility for a dual channel? If so, what are issues related to such facilities, versus one main channel.
5. Is the Levee Channel an alternative to the 4B channel?
6. Land Use Issues for existing homes, shops, offices, etc.
7. Operations of SLCC, Turner Island WD and Lone Tree Mutual Water Company
8. SLCC Infrastructure: Delivery Ditches and Drains
9. SLCC Water Rights on Newly Purchased Land
10. Property Rights: Method of Purchase
11. Groundwater issues: Adjacent landowners right to pump
12. Who is operating head works of 4B and Sand Slough Diversion Structure?
13. If there are flow issues within 4B what is emergency switch to divert water? Is the only option the Levee District? If so, what are the issues there?

San Luis Canal Company also agrees with and is part of the public scoping comments of the San Joaquin River Resource Management Coalition (RMC).



December 20, 2010

VIA EMAIL & U.S. MAIL

Ms. Michelle Banonis
Natural Resource Specialist
U.S. Bureau of Reclamation
2800 Cottage Way, MP-170
Sacramento, CA 95825-1898
4b@restoresjr.net

Ms. Fran Schulte
California Department of Water Resources
3374 E. Shields Avenue
Fresno, CA 93726
fschulte@water.ca.gov

RE: ***Comments to Scoping Process for Revised Federal Notice of Intent (November 22, 2010) and State of California Notice of Preparation (November 22, 2010) of Draft EIS/EIR for the Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project from the San Joaquin River Resource Management Coalition and the San Joaquin River Exchange Contractors Water Authority***

Dear Ms. Banonis and Ms. Schulte:

The following are comments submitted by the San Joaquin River Resource Management Coalition (RMC) and the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) regarding the scoping for the proposed Environmental Impact Statement/Environmental Impact Report (EIS/R) for the Reach 4B, Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project portion of the San Joaquin River Restoration Program (SJRRP).

The United States Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) are proposing to analyze the potential impacts of the SJRRP on the area designated as Reach 4B of the San Joaquin River. These impacts are a subset of a larger program involving the restoration of the San Joaquin River from Friant Dam to its confluence with the Merced River for purposes of complying with a Settlement entered into among Reclamation, the Friant Water Users Authority (Friant) and the Natural Resources Defense

Ms. Michelle Banonis

Ms. Fran Schulte

RE: ***Comments to Scoping Process for Reach 4B and Bypasses EIS/EIR from the San Joaquin River Resource Management Coalition and the San Joaquin River Exchange Contractors Water Authority***

December 20, 2010

Page 2

Council (NRDC). The Settlement is further modified by the terms of the legislation known as the San Joaquin River Restoration Settlement Act (Act) (P.L. 111-11, Title X). Pursuant to both the Settlement and the Act, restoration of the San Joaquin River must not have a material adverse impact on any third parties. Reach 4B of the San Joaquin River is an area that is intensively farmed and which will be adversely impacted by the SJRRP if flows are released to Reach 4B at any level that will cause flooding or seepage impacts. As such, any proposal to release flows to Reach 4B must be accompanied by a comprehensive mitigation plan.

Pursuant to Section 10004(h) of the Act, prior to releasing any Interim Flows, Reclamation must meet the requirements for analysis of channel conveyance capacities, the potential for levee and groundwater seepage; the development of a seepage monitoring program; an evaluation of the impacts associated with Interim Flows and the mitigation measures for any significant impacts; a flow monitoring program; and screening, etc and related fishery protection/salvage measures that the Interim Flows disclose are required. (Section 10004(h)(1). Reclamation is also prohibited from releasing Interim Flows that exceed channel capacities. (Section 10004(h)(2) This will pose particular problems in Reach 4B since Reclamation has admitted existing channel capacity is zero. Therefore, no releases may be made to Reach 4B until channel capacity is created.

The following are comments regarding some impacts that should be considered in conjunction with the release of flows to Reach 4B and the bypass channels and mitigation measures that should be taken into account in order to eliminate material adverse impacts on third parties.

1. Proceeding at this time with scoping for Reach 4B and the Eastside and Mariposa Bypasses is inappropriate pursuant to both NEPA and CEQA. As was stated by Reclamation officials at the Scoping meeting on December 6, 2010 in Los Banos, this project would not be done but for the SJRRP and this project therefore has no utility independent of the upstream portions of the SJRRP and the return of salmon to the San Joaquin River. Pursuant to both NEPA and CEQA, Reclamation and DWR must complete the PEIS/R prior to analyzing any of the individual projects associated with the SJRRP. While Reclamation previously has contended that Interim Flows may be analyzed under NEPA on an annual basis because the Interim Flows have an alleged "independent utility," an assertion with which we do not agree, Reclamation has admitted that there is no independent utility associated with separately analyzing flows in Reach 4B or the bypasses from the remainder of the SJRRP.
2. In light of the fact there is no independent utility to analyzing Reach 4B and the bypasses, the Exchange Contractors urge Reclamation and DWR to delay proceeding with any further analysis of Reach 4B or the bypasses until the PEIS/R is finalized. The reasoning for this is quite straightforward. No one knows what the SJRRP is at this point; how much water will

Ms. Michelle Banonis

Ms. Fran Schulte

RE: *Comments to Scoping Process for Reach 4B and Bypasses EIS/EIR from the San Joaquin River Resource Management Coalition and the San Joaquin River Exchange Contractors Water Authority*

December 20, 2010

Page 3

actually flow, where will it go, what facilities will be needed to avoid impacts, can salmon actually be restored to the river, is there enough money to start and finish the project, given that according to the Reclamation Commissioner there are only \$88 million available for capital improvements over the next ten years and the program is but 16 years away from complete reevaluation, is there a realistic chance to construct the program as originally envisioned or is a revised program more appropriate, and other such issues that will be addressed in the PEIS/R.

3. Finalization of the PEIS/R is essential so that the public and interested parties will have an opportunity to comment on the overall restoration program and the alternatives to restore flows to the San Joaquin River. At this point, Reclamation and DWR are pursuing an *ad hoc* approach to the SJRRP that is piecemealing the analysis of the program. By failing to develop an integrated and comprehensive approach to restoration the public and stakeholders are being deprived of the opportunity to consider and comment on the proposed restoration program. This will not increase the likelihood of achieving a successful program or result in a program that has the support of stakeholders or the public.
4. Pursuant to both the Settlement and the Restoration Act, restoration of the San Joaquin River must not have a material adverse impact on any third parties. Reach 4B of the San Joaquin River is an area that is intensively farmed and which will be adversely impacted by the SJRRP if flows are released to Reach 4B at any level that will cause flooding or seepage impacts. As such, any proposal to release flows to Reach 4B must be accompanied by a comprehensive mitigation plan. That plan must be mitigated prior to releasing any flows to Reach 4B. Further, to the extent mitigation is intended to be achieved by compensating landowners for losses or by acquiring seepage or flood easements from willing sellers, Reclamation must identify the source(s) of funds actually authorized and appropriated for this purpose. In addition, to the extent it is necessary to perform environmental review, that must be completed before taking actions that could cause harm. This issue came to light recently regarding the damage caused to the Nickle Farms in Reach 4A in that Reclamation had done no mitigation, released Interim Flows that resulted in seepage damage and then claimed they needed to conduct environmental review prior to undertaking mitigation. This simply highlights the need to do first things first and not release flows until all environmental clearances are in place. (See comment 5 below.)
5. Pursuant to Section 10004(h) of the Restoration Act, prior to releasing any Interim Flows, Reclamation must meet the requirements for analysis of channel conveyance capacities, the potential for levee and groundwater seepage; the development of a seepage monitoring program; an evaluation of the impacts associated with Interim Flows and the mitigation

Ms. Michelle Banonis

Ms. Fran Schulte

RE: *Comments to Scoping Process for Reach 4B and Bypasses EIS/EIR from the San Joaquin River Resource Management Coalition and the San Joaquin River Exchange Contractors Water Authority*

December 20, 2010

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measures for any significant impacts; a flow monitoring program; and screening, etc and related fishery protection/salvage measures that the Interim Flows disclose are required. (Section 10004(h)(1).) Reclamation is also prohibited from releasing Interim Flows that exceed channel capacities. (Section 10004(h)(2)) Many of these conditions are also included in the recently issued water transfer permit issued by the State Water Board. Introducing flows to Reach 4B will pose particular problems since Reclamation has admitted existing channel capacity is zero. Therefore, no releases may be made to Reach 4B until channel capacity is created.

6. It is our understanding that through the revised Notice of Scoping that Reclamation proposes to release as much as 4500 cfs through Reach 4B rather than the 475 cfs previously proposed. While we do agree that if ultimately a decision is made to expand Reach 4B to 4500 cfs, it makes no sense to expand first to 475 cfs. Rather, the expansion, if any, should be done once to whatever is the ultimate restoration channel. Of course, despite Reclamation having agreed to expand the Reach 4B to a minimum of 475 cfs in the Settlement, such was done improperly since there was no environmental review. Further, until environmental review is completed, no flow volume should be assumed in Reach 4B. That decision should be made once there is a comprehensive and thoroughly reviewed plan that includes the strategy for reintroducing salmon to the river.
7. Seepage is a huge concern to the landowners along Reach 4B as well as other reaches of the San Joaquin River. Reclamation has already caused seepage damage in Reach 4A, immediately upstream of Reach 4B. Prior to releasing any water to Reach 4B, Reclamation must install protective systems and monitoring systems to avoid damage to private property. Exactly what systems are installed can only be determined after Reclamation has developed a plan to prevent seepage, as required by the Restoration Act and as will likely be required by any future water rights permit.
8. In its current condition, Reach 4B has no channel capacity to handle flows. Historically, flows have been diverted around this section of the river through the Eastside Bypass. It is our understanding that Reclamation proposes to release as much as 475 cfs through Reach 4B as provided for in Section 11(A)(3) of the Settlement, but that the purpose of this revised NOP/NOI is to analyze substantially higher flows of 4,500 cfs. As presently configured, either of these volumes of flow will adversely impact landowners in Reach 4B.
9. Any flow released to Reach 4B cannot occur until channel capacity has been created and monitoring wells and a seepage monitoring plan have been put in place. (Section 10004(d)) In addition, Reclamation must come to agreement with local landowners regarding the

Ms. Michelle Banonis

Ms. Fran Schulte

RE: *Comments to Scoping Process for Reach 4B and Bypasses EIS/EIR from the San Joaquin River Resource Management Coalition and the San Joaquin River Exchange Contractors Water Authority*

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observation and reporting of seepage and flooding in Reach 4B. This will ensure that if there should be adverse impacts, that they will be reported promptly.

10. The landowners in Reach 4B have concern that work on channel capacity be done only once, if possible. That is, Reclamation should make the determination up-front as to whether it will increase the channel capacity to 475 cfs or to 4500 cfs. Doing this work in two phases will significantly impact the landowners as it will create uncertainty regarding lands that will be available for agricultural and other uses. This will require that Reclamation make a determination during the course of the SJRRP that it does or does not have sufficient funds to construct channel capacity to 4500 cfs or whether it will make use of the Eastside Bypass.
11. With respect to monitoring, it is essential that monitoring wells be located in areas that are designated as likely to be impacted by seepage, high groundwater levels, and/or flooding. The RMC and Exchange Contractors are available to work with Reclamation to identify those areas where monitoring wells and other monitoring activities are necessary. In that way, Reclamation and the landowners will be assured that a comprehensive monitoring program and plan will be implemented in an appropriate manner.
12. Monitoring is currently being conducted for rising groundwater. However, it has recently been documented that in addition to rising groundwater, both capillary action and salt uptake are crucial elements for monitoring. Any future monitoring must include all three factors.
13. Benching of flows in all river reaches is essential. Benching likely will have to be undertaken in smaller increments in Reach 4B due to the long history of zero flows in this reach of the river and the sandy nature of the soils.
14. Finally, incorporated herein by reference are the comments previously submitted by the RMC and Exchange Contractors regarding the potential impacts of the SJRRP as set forth in comments submitted to the proposed one-year water transfer and change of purpose of use as documented in the Environmental Assessment/Initial Study, which comments are dated July 20, 2009 and the comments submitted related to the scoping process for the proposed EIS/R for Reach 2B and the Mendota Pool Bypass. Those comments are incorporated herewith as though fully set forth.

As a final matter, we note that this scoping session for Reach 4B is as premature as was the last scoping session conducted approximately one year ago. The release of flows to Reach 4B is part of the overall SJRRP program. Reclamation is preparing a programmatic EIS/R for the entire SJRRP. Site specific environmental documentation is to tier off of the PEIS/R. All stakeholders

Ms. Michelle Banonis

Ms. Fran Schulte

RE: ***Comments to Scoping Process for Reach 4B and Bypasses EIS/EIR from the San Joaquin River Resource Management Coalition and the San Joaquin River Exchange Contractors Water Authority***

December 20, 2010

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would benefit from the publication of the PEIS/R prior to pursuit of site specific environmental review. In that way, the stakeholders will be able to understand the overall impacts and the cumulative impacts resulting from the SJRRP.

If you have any questions regarding these comments, please do not hesitate to contact the undersigned. Further, the RMC and the Exchange Contractors welcome the opportunity to meet with Reclamation and DWR to discuss these comments and other concerns in greater detail.

Respectfully yours,

SAN JOAQUIN RIVER EXCHANGE CONTRACTORS
WATER AUTHORITY

By 

Steve Chedester,
Executive Director

SAN JOAQUIN RIVER RESOURCE MANAGEMENT
COALITION

By 

Mari Martin,
Chairperson

cc: The Honorable Dianne Feinstein
The Honorable Dennis Cardoza
The Honorable Jim Costa
San Joaquin River Exchange Contractors Water Authority Board Members
San Joaquin River Resource Management Coalition Board Members
Merced Irrigation District, Mr. John Sweigard
Turlock Irrigation District
Modesto Irrigation District, Mr. Allen Short
Oakdale Irrigation District, Mr. Steve Knell
South San Joaquin Irrigation District, Mr. Jeff Shields
San Joaquin Tributaries Association, Mr. Allen Short
Westlands Water District, Mr. Thomas Birmingham
San Luis & Delta-Mendota Water Authority, Mr. Daniel Nelson
Lower San Joaquin Levee District, Mr. Reggie Hill



www.restoresjr.net

PUBLIC SCOPING COMMENTS
for the Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project

Written comments can be submitted at the scoping meeting, mailed to the Bureau of Reclamation (mailing address is included on this card), faxed to 916-978-5469, or emailed to Reach4B@restoresjr.net by close of business on December 20, 2010.
Thank you.

(Please print clearly)

Name John Bevan

Organization and Address Consultant - Grassland Water District

Phone (209) 675-1955 E-mail JABenvironmental@gmail.com

Comment here: _____
Date 12-6-10

Implementations: Will construction require additional congressional authorization
Where will the funding for construction come from.
What is the estimated cost? of construction. Will it be addressed in
the EIS/EIR.
How does this project meet CYPDA - AFRP goals?



1301 L Street, Suite 4
Modesto California, 95354
info@riverpartners.org

Phone: (209) 521-1700
Fax: (209) 521-7327
www.riverpartners.org

December 17, 2010

Ms. Margaret Gidding
Bureau of Reclamation
2800 Cottage Way MP-170
Sacramento California, 95825

RE: Reach 4B Eastside Bypass and Mariposa Bypass Channel and Structural Improvements Project

Dear Ms. Gidding,

River Partners is a supporter of the Bureau of Reclamation's efforts to restore salmon to the San Joaquin River while minimizing impacts to the agricultural economy of the San Joaquin Valley. We have reviewed the Program documents describing the above-referenced project and attended the scoping meeting on December 6th to learn more about the Bureau's approach to this important part of the Restoration Program. Please accept this letter as a written response to your request for public comment.

Over 95% of the riparian forests in the Central Valley have been lost to land conversion and flow diversions. Our riparian forests are the most biologically diverse habitat type in the state, supporting a higher diversity of wildlife species than all other habitat types combined. In the face of global climate change, these habitats serve an even greater function in providing migratory corridors for species as their ranges expand and retract in response to climate shifts. The importance of riparian forest restoration, thus, cannot be understated.

As you know, migrating salmonids have complex habitat requirements throughout their life cycles which are dependent upon the ecological functioning of the broader riparian ecosystem. Water temperatures, water quality, and availability of food resources are all regulated naturally by the timing and magnitude of flows as well as the river's interaction with the native forest and grassland vegetation surrounding the channel and covering the floodplain. Native trees, shrubs and herbs form the basis of the aquatic food web for salmonids. They also provide large woody debris which creates the in-stream habitat needed by fish. Vegetation overhanging the river banks provides shade which keeps water temperatures low during our long hot summers, and protects river banks from erosion, and river channels from sedimentation. Finally, riverbank and floodplain vegetation supports the suite of other riparian-obligate species which maintain riparian ecosystem processes into perpetuity (such as seed distribution, pollination, plant succession, and movement of large woody debris). Coincidentally, these riparian-obligate species also enrich the productivity of our agricultural economy by preserving water quality and supplementing the pollinator base required for our orchard crops. The ways in which riparian-obligate species enrich the quality of our outdoor education and recreation experiences are numerous as well.

Active horticultural riparian reforestation (the planting and maintenance of native riparian forests on floodplains and riverbanks) is critically important in this region. The proliferation of invasive weeds, which has been exacerbated by the alteration of our natural hydroperiod (the timing of flows) by dams and water management projects, has devastated

natural regenerative processes for our native riparian habitats. Currently, the ecological functioning of our riparian ecosystems is overwhelmed by the dominance of weeds such as giant reed (*Arundo donax*), scarlet wisteria (*Sesbania punicea*), perennial pepperweed (*Lepidium latifolium*), and salt cedar (*Tamarisk sp.*). These non-native plants choke our channels with unchecked growth and trapped sediments; they dominate recently disturbed areas and stunt regeneration of our native riparian plant communities; they provide little support to the few native invertebrate, avian, and terrestrial species that are still clinging to our degraded river channels and floodplains; and they spread rapidly via our river channels creating increased maintenance costs for farmers, floodway managers, irrigation suppliers, and wildlife managers. By making initial investments in active restoration of native plant communities, these damages can be ameliorated and long term maintenance costs for floodplains and river channels can be substantially reduced.

River Partners and many other conservation groups have been refining the science of horticultural restoration of Central Valley riparian forests for over two decades. Over 12,000 acres of floodplain horticultural restoration projects have been completed in the Central Valley to date. These projects have stood up to weed pressures following floods, requiring little to no follow-up weed control after the initial 3-year maintenance period while adjacent fallow fields grow thick with salt cedar and giant reed. Some projects have stood up to the effects of fires, with the native plant community bouncing back in predictable ways. This ecological resiliency is required for long-term sustainability of wildlife habitat on our managed river systems. It is also ultimately required for long-term success of the San Joaquin River Restoration Program.

We encourage Program staff to weigh the costs and benefits of the proposed alternative actions in light of the critical importance of our riparian forest ecosystems to the long-term viability of fish, riparian-obligate wildlife, and our quality of life in the San Joaquin Valley. We strongly encourage Program staff to consider horticultural restoration of floodplain forests (where appropriate) as the best known science and most cost effective weed control strategy for floodway maintenance and long-term habitat value. The Bureau has been given an incredible opportunity to restore life to the main artery of the San Joaquin Valley, and we believe that the restoration of riparian forest ecosystems on floodplains and riverbanks is necessary for long-term success of the Program's efforts.

Thank you for your consideration,

Julie Rentner
San Joaquin Valley Regional Director
River Partners

Lower San Joaquin Levee District
11704 West Henry Miller Avenue, Dos Palos, CA 93620
Telephone: (209) 387-4545
FAX: (209) 387-4237

Directors

Lloyd Roduner, Chairman
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Secretary-Manager
Reggie N. Hill

Superintendent
James E. Batey

December 17, 2010

U. S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region
2800 Cottage Way, MP-170
Sacramento, CA 95825

RE: Public Scoping Comments - Reach 4B, Eastside & Mariposa Bypasses

Please accept this letter as the comments from the Lower San Joaquin Levee District regarding the proposed structural improvements relative to the SJRRP for Reach 4B, Eastside Bypass and Mariposa Bypass. The SJRRP proposed action targets improved conveyance capacity in these reaches for the restoration flows and integrating fish habitat in these reaches.

The San Joaquin River Flood Control Project O&M stipulates that “. . . the structures and facilities were constructed for local flood protection [and] shall be maintained and operated to obtain the maximum benefits.” The “Revised Notice of Preparation” of the draft EIS/EIR addresses “. . . potential changes to flood protection levels and construction, configuration, operations, and maintenance of flood management facilities.” This is an approach to jeopardize the flood project’s purpose and the local flood protection.

The proposed actions also have not addressed the always present sediment accumulation problem in the bypass channel nor the natural subsidence issue in the bypass that exacerbates the sediment problem. This matter has been constantly brought to the Program’s attention with no resolve. Low restoration flows contribute, to the highest degree, the most sediment deposition in the river and bypass channels. This is a perpetual problem that requires forever maintenance costs to maintain channel capacity. Encouraged riparian habitat further exasperates this problem.

Proposed actions of providing set back levees requires acquisition of adjacent lands for this accommodation, which would entail the removal of private lands from the Levee District land base for revenue. The revenue base is constantly being reduced due to acquisitions by state and federal refuges, which places a larger financial burden on the remaining lands within the boundaries of the District to maintain the project facilities. The District’s obligation to the flood project will not be reduced by land acquisitions, as the O&M obligations will remain and increase with added facilities.

The Levee District objects to the inherent attitude of the Program’s perspective that compromises to the flood project will be adequately addressed. All of the proposed actions, including minimal flows are adverse impacts to the project. There can be no justification for compromises to the flood project’s purpose.

Sincerely,

Reggie N. Hill

Private Comments



15701 Highway 178 • P. O. Box 60679 • Bakersfield, CA 93386-0679
(661) 872-5050 • Fax: (661) 872-7141

December 7, 2010

Bureau of Reclamation
2800 Cottage Way MP-170
Sacramento CA 95825

ATTN: Margaret Gidding

RE: SJRRP – Revised Reach 4B Project

Dear Sirs:

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED		
DEC 10 2010		
CODE	ACTION	SURNAME & DATE
170	YAVALO	12/16/2010

Our family has owned our property along Reach 4B for over one hundred fifty years, so we have extensive knowledge of the river and what happens to the adjoining lands when there is water in that stretch of the river. Prior to the construction of the Eastside Bypass, flooding and severe seepage damage occurred when flood waters were in the Channel. After the Eastside Bypass was constructed, when small quantities of water were run down Reach 4B, damaging seepage impacts occurred. Even after the flows into Reach 4B were permanently cut off, irrigation drainage water into the Channel caused seepage impacts so severe that we were unable to harvest portions of our fields. So, the conclusion is, based upon our knowledge, that seepage impacts will occur at any flows in Reach 4B, and with flows over approximately 800 CFS, flooding will occur, even with a de-vegetated Channel.

Based upon the above, for even minimal flows, mitigation measures will have to be in place before flows are allowed to be in Reach 4B. As for any substantial flows, 800 CFS and above, major reconstruction of the Channel and levees will have to occur.

If the mitigation for seepage is inceptor tile drain lines, then a provision to dispose of the tile drain water must be made if the quality is such that it cannot be used as irrigation water.

Another big unknown at this time is the ownership of the River Channel and the correct location of the actual river. It seems to us, until this is determined, it is impossible to proceed with the Restoration of Reach 4B.

There are many other aspects of the restoration of Reach 4B, some of which are being addressed by both the San Joaquin River Exchange Contractors and the RMC. We hereby incorporate their comments into this letter.

Sincerely,

James L. Nickel

JLN/rjr

Classification	PR12300
Project	214
Control No.	10788754
Folder I.D.	115683
Date Input & Initials	12-10-2010 <i>EL</i>

Carolyn Butts Ranch

732 Madison

Los Banos CA 93635

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED	
DEC 16 2010	
CODE	ACTION
170	12/17/10

copy

1. As a land owner who has cooperated completely with the Bureau of Reclamation I find it hard to deal with so much unknown. The meeting held in Los Banos on December sixth, 2010 had little or no additional information than last year. I need to plan on my future ability to collect rent from my tenant for my livelihood. With the known threat of seepage from the river restoration flows I can not know how much damage there will be with the unknown flow amount. I hear 475 cubic feet and I hear 4500 cubic feet flows but no one has said just how much flow is needed and there are flows already starting with out the answer of just how much water is needed to accomplish the desired fish restoration.

2. If and when the direction of water is decided and how much water is needed then maybe a study can be done to see what the effects of the amount of flow will have. I can not wait for the Bureau or any other governmental agency to tell me after the fact. Then what do I do? These uncertainties are not acceptable.

I can not wait for a report to tell me that my tenant can not pay me rent for my property because of seepage or salt being pushed up in to the root zone making the land unfarmable. This land is my life, my livelihood. I will lose my tenant; who has employees that will lose along with him. And all because the government does not act in a manner that all other business and reasonable caring individuals would act. The government should not be allowed to toy with nature and humans lives only to say later, oh I guess we guessed wrong, oh well.

3. There are many other issues that I will have to deal with on this issue, many of which will be covered by the San Joaquin River Resource Management Coalition (RMC). Please incorporate their comments on this issue on my behalf as well.

Carolyn Butts

12/13/10

Classification	ENV-6000
Project	214
Control No.	10090030
Folder I.D.	1131692
Date Input & Initials	12/11/2010 AD

Banonis, Michelle

From: John Cameron [flyflinger78@yahoo.com]
Sent: Tuesday, December 07, 2010 2:08 PM
To: Reach4B@restoresjr.net
Subject: impacts of river restoration on angling

After having listened to the presentation in Los Banos on December 6, I came away with some concerns about the probable impacts of the river restoration on fishing in this area.

When I asked whether recreational angling had been considered, I was told no, that the salmon restoration was the primary focus. That is all well and good, except that there will be inevitable impacts on fishing whether they are intended or not.

Whether or not it is the intent of the river restoration to provide for fish other than salmon, other species will inhabit the river. One species likely to move in to the new sections of river include the pike minnow, a predatory non game fish that will impact the salmon by feeding on the smolts. Black bass and possibly striped bass are likely to move in also. Those species will also feed on salmon smolts, and will attract anglers as well. A decision must be made as to whether the area is to be closed to fishing either permanently or seasonally. along with determining what other special regulations may be necessary to protect the salmon. .

The section from Friant Dam and downstream several miles is a popular year around destination for trout anglers, and has no special regulations. If that section is closed to fishing even during a portion of the year in order to protect the salmon, then that closure will impact other destinations by increasing angling pressure in those areas. Another popular area locally is the King's River, which already suffers from overcrowding. Closing the Friant area will increase pressure there, as well as on other popular local destinations. This is a concern that could be mitigated by opening new areas for local recreational angling.

Whether or not special seasons and regulations are determined to be necessary, there will be the problem of enforcement. Currently, the Department of Fish and Game has a limited number of wardens to enforce fishing and hunting regulations over a huge area. If warden time is to be used for enforcement on a new section of river, then that time either has to come from an overall increase in resources, or to be taken away from somewhere else. The Kings River Conservancy is currently raising private donations in order to increase warden presence on that river, as poaching is one of the difficulties associated with restoring the trout fishery there. Taking enforcement resources away from other places, such as the Kings, is not a viable option. Additional personnel need to be added rather than simply stretching current resources even thinner than they are now.

Finally, introducing salmon to a river that flows for miles through farmland and past some of the highest poverty areas in the country is going to pose obvious problems in the form of people poaching salmon for food.

The question of whether and how that area is to be patrolled needs to be addressed and a practical and well thought out plan formulated, one that doesn't take away already limited enforcement from other areas.

Ms. Schulte
CA Dept. of Water Resources
So. Central Region Office
3374 E. Shields Ave.
Fresno, CA 93726

12/15/10

RE: Public Scoping meeting 12/6/10 Los Banos

Ms. Schulte,

I reject the current assumption that there should be flows exceeding 475cfs down both the Bypass system and the old abandoned river channel. The Legislation states the basis of the Secretary of the Interior's determination whether to expand channel conveyance capacity to 4,500 cfs in Reach 4B, or use an alternate route include comparative costs, the comparative benefits, and private property. As part of the required cost-benefit analysis in evaluating which is the preferred route, I want to see in the report submitted to the Secretary, the true costs associated with full 4,500 cfs flows down the old abandoned river channel. These cost factors need to include the socio-economic impact of taking the determined number of thousands of acres of prime farmland out of production in perpetuity, thereby reducing the food supply. Included in the figure should incorporate reduced yields from seepage approximately one mile beyond the levees as well as the acres within and under the levees. Current yield production figures of the various crops grown in that area should be used in the calculation instead of outdated country-wide averages. Drip irrigation for example yields nearly 70 tons per acre, which is likely more than double country-wide averages. Probably every field in that area will eventually have drip irrigation. After crunching numbers of how much production of food and fiber will be lost annually, then equate how many people that will feed and clothe annually, then extrapolate the loss to the end of time. The cost of constructing a duplicate bypass that would replace the old abandoned river channel several years ago was \$370 million. Farmland prices are about 65% higher now. I want to see the estimated cost of removing and disposing of the silt from the old abandoned river channel. Reach 4B1 is approximately 22 miles long, approximately 100 feet wide and there is an estimated 10 – 15 feet of silt. The silt will not meet today's standards for material that can be used in levee construction and the silt will just be washed downstream if placed within the levees. Finding a location to dispose of it may require the purchase of other agricultural land as a site, thereby taking it out of production. The hauling cost need to be identified and the socio-economic costs associated with diminished air quality needs to be addressed. These socio-economic costs of reduced food supply needs to be weighed against the benefit of the 500 salmon success standard.

Adequate water temperatures for salmon will not be achieved in this shallow flat Reach. Constructing an unnecessary and extremely expensive parallel duplicate bypass is ripe for national attention as a gross example of taxpayer's dollars wasted on another government boondoggle.

D. Mcnamara



BOWLES FARMING COMPANY, INC.

11609 S. HEREFORD ROAD
LOS BANOS, CALIFORNIA
93635

Phone: (209) 827-3000
Fax: (209) 826-1134
E-mail: info@bfarm.com

Monday, December 20, 2010

Margaret Gidding
Bureau of Reclamation
2800 Cottage Way, MP-170
Sacramento, CA 95825

To whom it may concern,

My name is Cannon Michael and I am the vice president of Bowles Farming Company, Inc. a family owned and operated farm near Los Banos, California. We are also members of the San Joaquin River Resource Management Coalition. A large portion of the land we farm is adjacent to the San Joaquin River (more specifically known as Reach 4B). I am commenting today on the revised proposal that was noticed in the November 22, 2010 Federal Register regarding the restoration efforts in Reach 4B.

The San Joaquin River in the Reach 4B area, prior to the construction of Friant Dam, was not confined to one channel and used a series of "braided" channels. The Settlement contemplates a high flow (4,500 cfs) in a single channel through this section. There is almost no slope to the land here and we already have to deal with high groundwater levels below our lands. Adding a large flow of water to this area in a single channel will definitely cause impacts (seepage and groundwater) to our lands and could result in the destruction of a large portion of our farm. The Bureau must proceed with caution, with mitigation measures in place, and full funding prior to any flows in Reach 4B.

The Reach 4B landowners worked with Senator Feinstein and Congressman Cardoza on the legislation to implement the restoration of the San Joaquin River because of their position that there would be "no third party impacts" that would result. Unfortunately it does not seem that the Bureau is proceeding in a way that will minimize impacts to the landowners along the river. We have been carefully following the situation in Reach 4 with Jim Nickel's property. With the higher program flows, the groundwater has risen in his area and he has suffered with crop damage. He now is installing, at his own expense, an expensive tile line project to protect himself without the assurance that he will be compensated.

The experience of Mr. Nickel is not one that we want here in Reach 4B and we will do whatever necessary to protect our land. We encourage the Bureau to thoroughly study the flow options for Reach 4B, consider all alternatives, and not proceed unless funds are fully available.

Reach 4B is unlike the other reaches of the San Joaquin River and will require a different approach. The river never conveyed 4,500 cfs in a single channel in this area. The Eastside Bypass is currently being used to convey Restoration Flows and should be considered as an alternative to flows in

Reach 4B. The idea of a "split" system, where Reach 4B took a small amount of flow with the remainder in the Eastside Bypass, should also be considered.

Whatever the final decision, the implementation of that decision needs to be done in a way to protect the landowners along the river. We have made substantial investments in our land and we provide employment, food and fiber to many. Our participation in the restoration was gained by the promise of "no third party impacts," and we expect the process to move forward with this in mind. This project will fail if it is pushed too quickly without the funding to implement it correctly. The timeline in the Settlement needs to be adjusted to at least reflect the delay in the passage of the legislation.

Thank you for the opportunity to provide my comments. I would be happy to clarify any of my statements or answer any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Cannon Michael". The signature is fluid and cursive, with a large loop at the end.

Cannon Michael
Bowles Farming Company, Inc.