

# **B.F. Sisk Dam Raise and Reservoir Expansion Project Environmental Impact Report/ Supplemental Environmental Impact Statement**

**Appendix Q: Public Scoping Report**

*This page left blank intentionally.*

# Contents

	Page
<b>Chapter 1 Introduction .....</b>	<b>1-1</b>
1.1 Project Background .....	1-1
1.2 Scoping Purpose and Process .....	1-2
1.3 Applicable Regulations.....	1-2
1.3.1 CEQA Guidelines.....	1-2
1.3.2 NEPA Regulations .....	1-3
<b>Chapter 2 Scoping Meeting .....</b>	<b>2-1</b>
2.1 Publicity.....	2-1
2.1.1 Notice of Preparation.....	2-1
2.1.2 Notice of Intent .....	2-1
2.1.3 Newspaper Advertisement.....	2-1
2.2 SLDMWA Representatives .....	2-1
2.3 Meeting Agenda and Content.....	2-2
<b>Chapter 3 Scoping Comments.....</b>	<b>3-1</b>
3.1 Comment Summary .....	3-2
3.1.1 Public Support for the Project.....	3-2
3.1.2 Trustee and Responsible Agencies.....	3-2
3.1.3 Alternatives .....	3-2
3.1.4 Baseline Condition.....	3-2
3.1.5 Water Rights and Supply .....	3-3
3.1.6 Balance Water Supply and Biological Resource Benefits.....	3-3
3.1.7 Biological Resources.....	3-3
3.1.8 Bay-Delta Watershed.....	3-4
3.1.9 Groundwater .....	3-4
3.1.10 Air Quality .....	3-4
3.1.11 Tribal and Cultural Resources.....	3-5
3.1.12 Environmental Justice.....	3-5
3.1.13 Recreation.....	3-5
3.1.14 Cumulative Effects .....	3-5

## Tables

Table 2-1. SLDMWA Representatives in Attendance.....	2-2
Table 3-1. Comments Received.....	3-1

## Attachments

- Attachment 1. Notice of Preparation
- Attachment 2. Newspaper Advertisement
- Attachment 3. Scoping Meeting Presentation
- Attachment 4. Scoping Comments

# Abbreviations and Acronyms

AB	Assembly Bill
AF	acre-feet
CEQA	California Environmental Quality Act
CHRIS	California Historical Research Information System
CRAM	California Rapid Assessment Method
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
Delta	Sacramento-San Joaquin River Delta
DMC	Delta-Mendota Canal
DWR	California Department of Water Resources
EIR	Environmental Impact Report
ESA	Endangered Species Act
LEDPA	Least Environmentally Damaging Practicable Alternative
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
Reclamation	Bureau of Reclamation
SB	Senate Bill
SBCWD	San Benito County Water District
SCH	State Clearing House
SEIS	Supplemental Environmental Impact Statement
SLDMWA	San Luis & Delta-Mendota Water Authority
SOD	Safety of Dams
SHPO	State Historic Preservation Office
SWP	State Water Project
SWRCB	State Water Resource Control Board
THPO	Tribal Historic Preservation Office
USFWS	United States Fish and Wildlife Service
Valley Water	Santa Clara Valley Water District
WIIN Act	Water Infrastructure Improvements for the Nation Act

*This page left blank intentionally.*

# Chapter 1 Introduction

This report documents the scoping activities that occurred for the B.F. Sisk Dam Raise and Reservoir Expansion Project Environmental Impact Report (EIR)/Supplemental Environmental Impact Statement (SEIS). San Luis & Delta-Mendota Water Authority (SLDMWA) is the designated California Environmental Quality Act (CEQA) Lead Agency and the U.S. Department of Interior, Bureau of Reclamation (Reclamation) is the designated National Environmental Policy Act (NEPA) Lead Agency (collectively known as the Lead Agencies) in preparation for this EIR/SEIS. SLDMWA conducted public scoping activities to receive input, and SLDMWA held a public scoping meeting via a Microsoft Teams Live Event on May 26, 2020.

## 1.1 Project Background

B.F. Sisk Dam was constructed to create the offstream San Luis Reservoir, which provides supplemental storage capacity for the Central Valley Project (CVP) and the State Water Project (SWP). Currently, San Luis Reservoir provides 2,027,840 acre-feet (AF) of water storage for the CVP and SWP. The water stored in the reservoir is managed for federal (45 %) and state (55 %) uses as part of the CVP and SWP, respectively. Typically, during the winter and early spring, water conveyed from the Sacramento-San Joaquin River Delta (Delta) in the Delta-Mendota Canal (DMC) (a CVP facility) and California Aqueduct (a SWP facility) is lifted from O'Neill Forebay into San Luis Reservoir for storage using the pump-turbines in the Gianelli Pumping-Generating Plant (see Figure 1-1). Later in the year, when CVP and SWP demand increases, water is released from San Luis Reservoir through O'Neill Forebay and conveyed via the DMC or the San Luis Canal/California Aqueduct for use by water users (Reclamation 2019). As water is released back through the Gianelli Pumping-Generating Plant, the plant generates hydropower, which is used to offset the energy demand of project operations. Water also is diverted from the west side of San Luis Reservoir at the Pacheco Pumping Plant to supply water to two CVP water service contractors: Santa Clara Valley Water District (Valley Water) and San Benito County Water District (SBCWD) (Reclamation 2019). In addition to storing and supplying water, San Luis Reservoir provides recreation opportunities.

The B.F. Sisk Dam Safety of Dams (SOD) Modification Project is a federal project that has the potential to influence water supply conditions in San Luis Reservoir. In 2006, Reclamation completed a risk analysis of B.F. Sisk Dam that concluded there is justification to take action to reduce risk to the downstream public from a potential severe earthquake. Consequently, Reclamation, in coordination with California Department of Water Resources (DWR), completed a corrective action study in December 2019.<sup>1</sup> The Crest Raise Alternative, one of the alternatives evaluated in the corrective action study that would reduce the dam safety risk, was selected to be implemented. Raising the crest elevation 12 feet would increase the distance between the water surface and the dam crest (freeboard) to prevent reservoir overtopping and failure in the event of

---

<sup>1</sup> The B.F. Sisk SOD Modification Project Final EIS/EIR is available for review at the following hyperlink: [https://www.usbr.gov/mp/nepa/nepa\\_project\\_details.php?Project\\_ID=34281](https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=34281)

dam deformation from a seismic event. The Crest Raise Alternative does not provide for any additional storage.

The Reclamation Safety of Dams Act of November 2, 1978 (SOD Act) (43 United States Code [U.S.C.] 506 et seq.) was amended by P.L. 114-113 to include authority for Reclamation to develop additional project benefits in conjunction with a SOD modification. Per SOD Act Section 5.B., as amended, Reclamation must determine that additional project benefits are necessary and in the interest of the United States prior to developing any additional project benefits consistent with Reclamation law. Further, it must be determined that the development of additional project benefits will not negatively impact the B.F. Sisk SOD Modification Project.

As a connected action to the B.F. Sisk SOD Modification Project, Reclamation and SLDMWA seek to evaluate an increase in storage capacity of the San Luis Reservoir. The increased storage capacity would be achieved by an additional 10-foot raise of the B.F. Sisk Dam embankment across the entire dam crest above the level proposed for dam safety purposes. This additional 10 feet of dam embankment could add approximately 130,000 AF of water storage to San Luis Reservoir. SLDMWA, in coordination with Reclamation, is conducting a feasibility study to evaluate the proposed action and a potential cost-share per the Reclamation SOD Act and the Water Infrastructure Improvements for the Nation Act (WIIN Act) (P.L. 114-322) 4007.

## **1.2 Scoping Purpose and Process**

Scoping is generally defined as “early public consultation” and is one of the first steps of the CEQA and NEPA environmental review processes. The purpose of scoping is to involve the public, stakeholders, American Indian tribes, and other interested agencies early in the environmental compliance process to help determine the range of alternatives, environmental effects, and mitigation measures to be considered in an environmental document. The results of scoping help to guide an agency’s environmental review of a project.

Scoping is not limited to public meetings; however, public meetings allow interested persons, tribes, organizations, and agencies to listen to information about a proposed project and express their concerns and viewpoints to the implementing agencies. The agencies can provide information regarding how additional information or status reports on the process can be obtained.

Agencies also establish a scoping comment period to accept scoping comments submitted in writing. Scoping comments are considered by the agencies during the formulation of alternatives and are used to determine the scope of the environmental issues to be addressed in the environmental document.

## **1.3 Applicable Regulations**

### **1.3.1 CEQA Guidelines**

CEQA does not require public meetings, but it encourages early consultation (or scoping) with affected parties. This early consultation often solves potential problems before they turn into more

serious issues further on in the process. CEQA Section 15083 describes two other benefits for early consultation:

- a) *“Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant impacts to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.”*
- b) *“Scoping has been found to be an effective way to bring together and resolve the concerns of affected federal, state, and local agencies, the proponent of the action, and other interested persons including those who might not be in accord with the action on environmental grounds.”*

Per CEQA Section 21083.9, SLDMWA held a public scoping meeting via an online web-based tool on May 26, 2020. The scoping meeting is discussed in further detail in Chapter 2.

CEQA requires public notification of the initiation of an EIR through a Notice of Preparation (NOP) (CEQA 15082). The NOP was filed with the State Clearinghouse (SCH) (SCH# 2009091004) on May 14, 2020. A copy of the NOP is in Attachment 1 of this Public Scoping Report.

### **1.3.2 NEPA Regulations**

NEPA Section 771.130 describes the process for developing an SEIS and states:

*“A supplement is to be developed using the same process and format (i.e., draft EIS, final EIS, and ROD) as an original EIS, except that scoping is not required.”*

## **1.4 References**

Bureau of Reclamation (Reclamation). 2019. *B.F. Sisk Safety of Dams Modification Project Record of Decision*. November 2019. Available at:  
[https://www.usbr.gov/mp/nepa/includes/documentShow.php?Doc\\_ID=41521](https://www.usbr.gov/mp/nepa/includes/documentShow.php?Doc_ID=41521)

*This page left blank intentionally.*

## Chapter 2 Scoping Meeting

To meet CEQA requirements (CEQA Section 21083.9), one public scoping meeting was held on May 26, 2020, for the B.F. Sisk Dam Raise and Reservoir Expansion Project EIR/SEIS. Given the coronavirus pandemic and the associated precautions and procedures being followed throughout California, the public scoping meeting was conducted online using a web-based tool that allowed presentation of the project and public participation through the online chat function.

### 2.1 Publicity

The following meeting notifications were used to announce the intent to start the EIR/SEIS process, in addition to the public scoping meeting.

#### 2.1.1 Notice of Preparation

SLDMWA filed the NOP with the SCH (SCH# 2009091004) on May 14, 2020. The NOP announced the project purpose, the Lead Agencies on the project, and contact information. The NOP listed the meeting date, time, and location for the scoping meeting. The public comment period extended from the date of filing the NOP (May 14, 2020) to June 14, 2020. A copy of the NOP is in Attachment 1 of this Public Scoping Report.

#### 2.1.2 Notice of Intent

Reclamation published a Notice of Intent (NOI) in the *Federal Register* on May 14, 2020. The NOI announced Reclamation's intent to prepare an SEIS for the B.F. Sisk Dam Raise and Reservoir Expansion Project and request public and agency comment to identify significant issues and other alternatives. Submitting written comments on the SEIS scope was extended to June 15, 2020. A copy of the NOI is in Attachment 1 of this Public Scoping Report.

#### 2.1.3 Newspaper Advertisement

A display advertisement was run in the *Merced Sun-Star* newspaper. Attachment 2 includes a copy of this advertisement.

### 2.2 SLDMWA Representatives

Table 2-1 provides a list of the SLDMWA representatives in attendance during the public scoping meeting.

**Table 2-1. SLDMWA Representatives in Attendance**

Representative	Agency
Pablo Arroyave	SLDMWA
Frances Mizuno	SLDMWA
Chris Park	CDM Smith (Consultant)
Anusha Kashyap	CDM Smith (Consultant)
Laura Lawson	CDM Smith (Consultant)

## 2.3 Meeting Agenda and Content

Because of the coronavirus pandemic the scoping meeting was conducted online. The scoping meeting began with a presentation by SLDMWA. The presentation explained the purpose and format of the meeting, provided an overview of the proposed project, and described the public comment process. During the meeting, public participation was allowed through the online question and answer function. The presentation described how to provide comments using the online question and answer tool. Four people attended the meeting and no public comments were received during the online public scoping meeting. Attendees were encouraged to mail or email their comments to P.O. Box 2157 Los Banos, CA 93635 or [pabloarroyave@sldmwa.org](mailto:pabloarroyave@sldmwa.org). A copy of the meeting presentation is in Attachment 3.

## Chapter 3 Scoping Comments

Written comments were received during the scoping period of May 14, 2020 through June 14, 2020. A copy of all scoping comments is in Attachment 4. Table 3-1 provides a list of written comments received, including available author, organization, and submission date.

**Table 3-1. Comments Received**

Comment Author	Organization	Submittal Date
Diane Riddle	State Water Resources Control Board, Division of Water Rights	6/12/2020
Justin Fredrickson	California Farm Bureau Federation, Legal Services Division	6/15/2020
Stephanie Gordon	U.S. Environmental Protection Agency, Environmental Review Branch	6/15/2020
Jason Phillips	Friant Water Authority	6/15/2020
Nancy Gonzalez-Lopez	Native American Heritage Commission	6/12/2020
Amy Nelson Frelinger	Individual	5/16/2020
Krista Frelinger	Individual	5/18/2020
Karen and Ray Briese	Individual	5/15/2020
Karin Campbell	Individual	6/10/2020
John Thompson	Individual	6/8/2020
Diane Falge	Individual	6/8/2020
David Frelinger	Individual	5/21/2020
Dale Ashley	Individual	5/23/2020
Andrew Fisher	Individual	6/8/2020
Linda Foust	Individual	6/8/2020
Loel Wood	Individual	6/8/2020
Lois Wollenman	Individual	6/8/2020
Louie Bishop	Individual	5/14/2020
Monica Wright	Individual	6/8/2020
Paula Bazzell	Individual	5/14/2020
Richard Kreps	Ultra Gro	6/8/2020
Stacey Swinney	Individual	5/15/2020
Sunny Hand	Individual	5/20/2020
Ron Posey	Individual	5/17/2020
William Hembree	Individual	5/16/2020

## **3.1 Comment Summary**

This section presents a summary of the key comments received from the comment letters.

### **3.1.1 Public Support for the Project**

- Numerous letters supporting the Dam Raise Alternative with SOD benefits were received by farmers and other private individuals. Some support letters stated the need for water supply expansion and cited economic reasons to support the Dam Raise Alternative instead of other more costly solutions to increase water supply storage.

### **3.1.2 Trustee and Responsible Agencies**

- A Clean Water Act Section 404 Dredge and Fill permit is required for impacts to Waters of the United States from the U.S. Army Corps of Engineers as a Responsible Agency.
- Water Quality Certification under Clean Water Act Section 401 is required for federal approval under Section 404. The State Water Resource Control Board (SWRCB) would be the Responsible Agency under Section 401.
- A National Pollutant Discharge Elimination System (NPDES) permit under Clean Water Act Section 402 for stormwater discharges from construction activities is required. The Regional Water Quality Control Board would be the Responsible Agency to authorize stormwater discharges under the Construction General permit.

### **3.1.3 Alternatives**

- The EIR/SEIS should evaluate a range of alternatives that avoid or reduce any environmental impacts.
- Environmental impacts should be quantified to the greatest extent possible and include impacts from road and utility relocations, staging and construction areas, and any temporary roads for hauling material to the dam site.
- The draft EIR/SEIS alternatives analysis should fulfill the permit approval requirements under the Clean Water Act and NEPA.
- Explore both structural and nonstructural options to meet the project's purpose when considering a range of alternatives and design screening criteria to allow consideration of nonstructural project components that may provide smaller individual contributions.
- Assess the extent to which the need for water could be reduced through available conservation measures, including more efficient irrigation practices.
- Available conservation measures and demand management measures should be assessed either alone or in combination with other supply management components.

### **3.1.4 Baseline Condition**

- Evaluate project effects using existing conditions as the baseline for comparing impacts across all alternatives, including the No Project/No Action Alternative, using a consistent method to measure impacts.

- When defining baseline conditions, verify that historical data (5 years or older) are representative of current conditions; include hydrological data for wet, average, and dry year analysis at a daily time-step; and include resources directly impacted by the project footprint and within the geographic scope of analysis that may be indirectly impacted by the project.

### **3.1.5 Water Rights and Supply**

- Reclamation should contact the SWRCB Division of Water Rights to determine whether a water right permit or other water right approval for modification of CVP water rights is necessary.
- The EIR/SEIS must document water rights uses and water supply sources anticipated to be stored in the reservoir and whether project alternatives will require changes to existing water rights, permits, and CVP or Exchange contracts.
- The EIR/SEIS should consider the amount of water required for preservation and enhancement of fish and wildlife resources to support future water right applications and change petitions as required.
- The EIR/SEIS should clearly address the multiple project objectives in the purpose and need statement for the project. Identify gaps between water supply and demand to describe water supply needs.
- The project alternatives should not interfere with Reclamation's ability to satisfy San Joaquin River Exchange Contractor demands via the DMC and Mendota Pool or negatively affect allocations or supplies for other CVP water service contractors.
- A complete analysis of potential project impacts to CVP water contractors, operations, water rights and contracts, and appropriate mitigation measures must be described in the SEIS.

### **3.1.6 Balance Water Supply and Biological Resource Benefits**

- The project would benefit Reclamation's ability to better balance and fulfill competing obligations to both protected and recovered sensitive fish species under the federal Endangered Species Act (ESA) and Central Valley Project Improvement Act (CVPIA) and to provide a more reliable water supply to federal water contractors during low water years.
- Reclamation must consider water supply resiliency despite potential negative comments from environmental groups that may be opposed to surface water storage capacity increases and the project's SOD objectives.

### **3.1.7 Biological Resources**

- The environmental documentation for the B.F. Sisk Dam Raise and Reservoir Project should fully evaluate all potential direct, indirect, and cumulative impacts to diversion, rediversion, storage, and use of water.
- Aquatic resources assessments and results presented in the draft EIR/SEIS should be based on scientifically defensible approaches such as the California Rapid Assessment Method (CRAM).
- Aquatic resources in the reservoir footprint should be considered completely impacted.

- The EIR/SEIS should consider impacts to fish and wildlife and identify measures for their protection.
- The EIR/SEIS should identify all petitioned and listed threatened and endangered species and critical habitat in the project area and quantify species and critical habitat affected by each alternative. Special-status resources need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes.
- Reclamation should engage with U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Services (NMFS) as early in the analysis as possible to assure that the environmental analysis addresses their concerns.
- The draft EIR/SEIS should serve as a sufficient basis to determine if the project would satisfy the requirements of the Clean Water Act Section 404 permit or identify appropriate mitigation measures, including compensatory mitigation opportunities, for project impacts from the Least Environmentally Damaging Practicable Alternative (LEDPA).
- Obtain a formal jurisdictional delineation of the Waters of the United States affected by the project, and include a map of the delineated waters, ecosystem functions descriptions, and describe anticipated effects to those waters and functions within the environmental analysis of the draft EIR/SEIS.
- Environmental commitments stated in the draft EIR/SEIS should be implemented in advance of or concurrently with project impacts. Compensatory mitigation will be provided for temporary impacts lasting 1 year or longer.
- Identify and analyze the impacts to the riparian woodland and aquatic habitats around the San Luis Reservoir and the species supported by these habitats.

### **3.1.8 Bay-Delta Watershed**

- Model proposed changes to Delta export and upstream reservoir operations under the proposed alternatives and evaluate the model results in the EIR/SEIS for impacts to biological resources and water quality in the Delta.
- The EIR/SEIS should evaluate potential effects at the life-stage and population level of native Delta fish populations related to changes in flow rates, export volumes, reverse flow, and Delta outflow.
- The EIR/SEIS should identify specific operating criteria to avoid increases in exports and reduction in Delta outflows during time periods that could have adverse effects on water quality, native Delta fish, and aquatic species populations.

### **3.1.9 Groundwater**

- The EIR/SEIS must evaluate each alternative's effect to groundwater systems during construction, operation, and maintenance activities and consider mitigation measures or operational controls to reduce or minimize adverse impacts.

### **3.1.10 Air Quality**

- A robust air quality impact analysis of emissions estimates must be provided in the draft EIR/SEIS to ensure compliance with state and federal air quality regulations and disclosure of potential impacts from temporary or cumulative degradation in nonattainment zones.

- A list of mitigation measures for air quality impacts to be implemented during construction should be identified in the environmental documentation.
- The draft EIR/SEIS should provide a general conformity applicability analysis for each alternative and inclusion of a draft general conformity determination is recommended.

### **3.1.11 Tribal and Cultural Resources**

- The draft EIR/SEIS should describe the process and outcome of consultation efforts between Reclamation and State Historic Preservation Office (SHPO)/Tribal Historic Preservation Office (THPO) and each affected tribal government.
- A discussion of the existence of “Indian sacred sites” in the project area is recommended to be included in the draft EIR/SEIS.
- Explain how the proposed action would address Section 106 of the National Historic Preservation Act (NHPA) and Executive Order 13007 and how the project would avoid adversely affecting the physical integrity, accessibility, or use of historic and sacred sites.
- The draft EIR/SEIS must comply with CEQA noticing, consultation, confidentiality, tribal cultural resources impact analysis, mitigation, and certification requirements under Assembly Bill (AB) 52 and Senate Bill (SB) 18.
- Native American Tribal Contact Lists and Sacred Lands Files and searches should be requested from the Native American Heritage Commission (NAHC).
- Tribal and cultural resources analysis in the EIR/SEIS should be based on archaeological records searches at the appropriate regional California Historical Research Information System (CHRIS) Center and required field survey results.
- The EIR/SEIS should include a mitigation and monitoring reporting program plan with provisions to avoid or minimize impacts to unknown cultural and tribal resources during construction and proper treatment and disposition of recovered Native American cultural items and human remains.

### **3.1.12 Environmental Justice**

- The draft EIR/SEIS should include an evaluation of environmental justice populations, including American Indians, within the geographic scope of the project area.
- The potential for disproportionate adverse impacts to minority and low-income populations and public outreach and coordination efforts to these populations should be described in the draft EIR/SEIS.

### **3.1.13 Recreation**

- The draft EIR/SEIS should include an evaluation of how construction, staging, and road/highway modification activities may temporarily or permanently impact public access and use of wildlife and recreation areas.

### **3.1.14 Cumulative Effects**

- The EIR/SEIS should evaluate the reasonably foreseeable future major diversion and storage projects and their potential changes to river flows, Delta exports, and interior Delta flows and outflows and effects to water quality, native Delta fish and aquatic species populations.

B.F. Sisk Dam Raise and Reservoir Expansion Project  
Draft Environmental Impact Report/Supplemental Environmental Impact Statement

- The EIR/SEIS should evaluate cumulative impacts of the project to fish and wildlife and findings described in the State Water Board's *Scientific Basis Report for Potential Updates to the Bay-Delta Plan for the Sacramento River and Delta* and the *July 2018 Framework for Updates to the Bay-Delta Plan*.
- Quantify cumulative impacts where feasible and data are available.
- Clearly state Reclamation's and other entities' mitigation responsibilities
- The methodology developed by the Federal Highway Administration and California Department of Transportation is recommended for assessing cumulative impacts to air quality.
- The EIR/SEIS should evaluate the potential cumulative impacts of the project and the California High Speed Rail.

# **B.F. Sisk Dam Raise and Reservoir Expansion Project Public Scoping Report**

Attachment 1: Notice of Preparation and Notice of Intent

2009091004

## Notice of Preparation

Governor's Office of Planning & Research

MAY 14 2020

STATE CLEARINGHOUSE

**To:** Agencies and Interested Parties

**From:** San Luis & Delta-Mendota Water Authority

**Date:** May 14, 2020

**Subject:** Notice of Preparation of a Draft Environmental Impact Report and Draft Supplemental Environmental Impact Statement for the B.F. Sisk Dam Raise and Reservoir Expansion Project

A joint Draft Environmental Impact Report (EIR) and Draft Supplemental Environmental Impact Statement (SEIS) is being prepared by the San Luis & Delta-Mendota Water Authority (SLDMWA) and the United States Bureau of Reclamation. SLDMWA will be the Lead Agency for the California Environmental Quality Act (CEQA) and Reclamation will be the Lead Agency for the National Environmental Policy Act (NEPA). This environmental document is subsequent/supplemental to the Final EIS/EIR entitled B.F. Sisk Dam Safety of Dams (SOD) Modification Project prepared in September 2019 by Reclamation and the California Department of Water Resources (DWR) (SCH# 2009091004).

### Purpose of the Notice of Preparation

The purpose of a Notice of Preparation (NOP) is to notify responsible and trustee agencies, Federal agencies involved in approving or funding a project, and interested parties that an EIR will be prepared. (State CEQA Guidelines, 14 CCR Section 15082[a][1]).

The location, description, and potential environmental impacts of the proposed project are presented below. The EIR will also identify potentially feasible mitigation measures, where appropriate and available, and consideration of a reasonable range of alternatives to avoid or substantially reduce the proposed project's significant adverse environmental impacts.

The purposes of this NOP are to:

1. Notify the appropriate parties that an EIR will be prepared for the proposed project;
2. Briefly describe the proposed project and the anticipated content of the EIR;
3. Announce the public scoping meetings to facilitate public input; and
4. Solicit input by June 14, 2020, from Federal, State, regional, and local agencies, and from interested organizations and individuals, about the content and scope of the EIR, including the alternatives to be addressed and the potentially significant environmental impacts.

## Project Background

B.F. Sisk Dam, also known as San Luis Dam, forms San Luis Reservoir, located near Santa Nella, California, along Pacheco Pass. Although the dam was constructed and is owned by Reclamation, DWR operates and maintains the dam and the Gianelli Pumping-Generating Plant that pumps water from O'Neill Forebay into San Luis Reservoir for storage and then later releases it back into O'Neill Forebay for delivery to CVP and SWP water users. The California Department of Parks and Recreation manages the recreational resources associated with San Luis Reservoir. San Luis Reservoir serves as an off-stream reservoir for Reclamation's Central Valley Project (CVP) and DWR's State Water Project (SWP). B.F. Sisk Dam is an earth-filled gravity embankment dam with a crest height of 382 feet and an overall length of about 3.5 miles. Completed in 1967, San Luis Reservoir is the largest off-stream reservoir in the United States, with a capacity of 2,041,000 acre-feet (AF).

B.F. Sisk Dam is in a seismically active area, and the Ortigalita Fault underlies the reservoir. Studies and analyses indicate that a major earthquake could result in substantial consequences, although the possibility of dam failure is remote. Reclamation and DWR completed a Corrective Action Study to identify and develop alternatives to reduce seismic risks. The result of that Corrective Action Study was the identification of an alternative to limit the likelihood of overtopping if embankment slumping were to occur during a seismic event. A 12-foot raise in embankment height across the North and South Valley Sections of the dam would reduce the potential for dam failure due to earthquake-induced cracking. Reclamation and DWR released a Final EIS/EIR for the B.F. Sisk SOD Modification Project in September 2019 with anticipated construction scheduled to start in 2021.

## Proposed Project

### Project Objectives

Decreased water supply reliability caused by a variety of factors affects the ability of water districts and other public water agencies such as the SLDMWA to meet their needs.

The objectives of the proposed project are to optimize the water supply benefits of San Luis Reservoir while avoiding or reducing impacts to the environment and other water users by:

- Increasing the reliability and quantity of yearly allocations to south-of-Delta contractors dependent on San Luis Reservoir - The CVP and SWP's allocation of water is dependent on the state's highly variable hydrology that ranges from wet years with substantial surplus to dry years with supplies unable to satisfy demands. This variable hydrology leads to the carryover of supplies by water users for use in subsequent dry years to insure against shortage. The presence of this carryover supply can limit total south-of-Delta conveyance in subsequent years given reduced storage capacity in San Luis Reservoir. The B.F. Sisk Dam Raise and Reservoir Expansion Project is being evaluated in part to provide expanded capacity in San Luis Reservoir to store water supply divertible under the existing operation requirements for the CVP and SWP in periods when the existing reservoir would otherwise be full and improve annual allocations.

- Increasing the certainty of access to supplies stored by south-of-Delta contractors in San Luis Reservoir in subsequent water years. San Luis Reservoir is relied on by water users to store over multiple years allocated CVP water supplies diverted in wetter years for later use in drier water years and other acquired water. If the CVP storage capacity in San Luis Reservoir fills in a subsequent year before those water users are able to use their carried over CVP and other supplies, it is reallocated to all south-of-Delta CVP water users and lost to the contractor. The B.F. Sisk Dam Raise and Reservoir Expansion Project is being evaluated in part to provide increased certainty for south-of-Delta contractors on the security of carried over CVP and other water stored in San Luis Reservoir.

### **Project Description**

As a connected action to the B.F. Sisk SOD Modification Project, SLDMWA in collaboration with Reclamation seeks to evaluate increasing storage capacity in San Luis Reservoir for the purpose of providing greater water supply reliability for south-of-Delta contractors dependent on San Luis Reservoir. The increased storage capacity would be achieved by an additional 10-foot raise of the B.F. Sisk Dam embankment across the entire dam crest above the level proposed for dam safety purposes. Increased capacity within San Luis Reservoir would, consistent with the project objectives, be used to store water supply divertible under the existing operation requirements for the CVP and SWP in periods when the existing reservoir would otherwise be full. This stored supply would be used to help meet existing demands under the existing contract supplies and would not serve any new demands or establish any new places of use of CVP or SWP project water. The B.F. Sisk Dam Raise and Reservoir Expansion Project would also implement modifications to State Route 152 in areas where the increased water surface elevation in the reservoir would interact with the roadway.

### **Project Location**

The project location includes San Luis Reservoir and its related water infrastructure, Sacramento-San Joaquin River Delta, and South-of-Delta CVP and SWP contractors reliant on San Luis Reservoir (Figure 1).

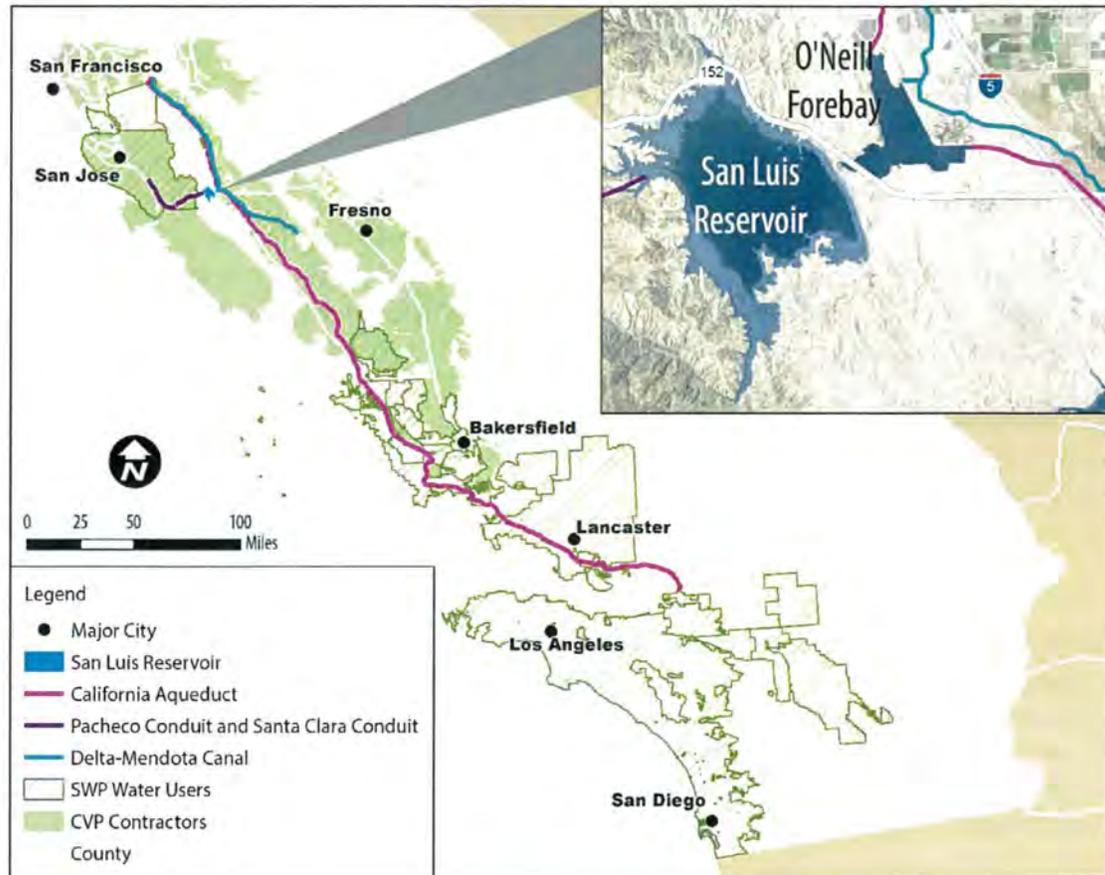


Figure 1. Project Study Area

## Environmental Impacts

The EIR will describe the potentially significant direct and reasonably foreseeable indirect environmental impacts of the proposed project. The EIR will also evaluate the cumulative impacts of the project when considered in conjunction with other related past, present, and reasonably foreseeable future projects.

The EIR will include a detailed hydrologic analysis and will focus on potential environmental impacts, including:

- **Water Quality:** The exposure of bare soils, soil and material stockpiles, and the presence of fuels, lubricants, and solid and liquid wastes during construction could cause short-term water quality impacts. Soil disturbance could result in localized surface erosion, minor changes in drainage patterns and changes in erosion rates.
- **Surface Water Supply:** Construction and operation could change the annual supply of water available to the CVP and SWP contractors reliant on San Luis Reservoir.

- **Geology and Soils:** Construction could impact known or previously undiscovered paleontological resources or unique geologic features.
- **Air Quality:** Construction could cause temporary, short-term increases in emissions of criteria pollutants or their precursors.
- **Greenhouse Gas Emissions:** Construction could cause temporary, short-term increases in greenhouse gas emissions, including carbon dioxide, methane, and nitrous oxide. Construction and operation could also conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.
- **Visual Resources:** Construction could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area and could damage scenic resources within a State scenic highway corridor.
- **Noise:** Noise generated by construction could expose sensitive receptors to noise levels in excess of standards established in the local general plan or noise ordinance. Construction could also cause an increase in ambient noise levels in the project vicinity above levels existing without the project.
- **Traffic and Transportation:** Traffic during construction could increase traffic hazards and result in inadequate emergency access. Modifications to State Route 152 could also require lane closures and rerouting of traffic to isolate areas under construction.
- **Hazards and Hazardous Materials:** Construction could increase the risk of exposure from hazardous materials to the public and construction workers, interfere with an active remediation site, conflict with activities and operations at airports, interfere with an emergency response plan or emergency evacuation plan, and increase the risk of wildfire within the vicinity of the project area.
- **Terrestrial Resources:** Construction could affect special-status species, riparian habitat or other habitats, or sensitive natural communities, and Federally or State protected wetlands.
- **Recreation:** Construction and operation could reduce access to or close recreation areas.
- **Cultural Resources:** Construction could result in adverse effects to historic properties, and/or substantial adverse changes to historical resources, unique archaeological resources, or tribal cultural resources, or result in the disturbance of human remains.

These issue areas will be discussed in the EIR, and potentially feasible mitigation measures will be recommended to avoid or substantially reduce potentially significant impacts.

## Opportunities for Public Participation

### Scoping Meeting

A public scoping meeting will be held to inform interested parties about the proposed project and to solicit agency and public input on the scope and content of the EIR:

- May 26, 2020, 4:00 p.m. to 5:30 p.m.

Given the coronavirus disease pandemic and the associated precautions and procedures being followed throughout California, the public scoping meeting is being conducted online utilizing Microsoft Teams. This meeting format will allow presentation of the project and public participation through the online chat function.

If special assistance is required to participate in the public scoping meeting, please contact Pablo Arroyave (contact information is provided below) as far in advance as possible, and no less than five days in advance, to enable SLDMWA to secure the needed services. If a request cannot be honored, the requestor will be notified.

### Comments

This NOP is being circulated for a 30-day public comment period, beginning on May 14, 2020, and ending on June 14, 2020. Written comments on the proposed content and scope of the EIR can be provided at the public scoping meeting via the online chat function, or submitted via mail or email directly to SLDMWA. Comments must be received no later than 5:00 p.m. on June 14, 2020. When submitting comments, agencies that will need to use the EIR when considering permits or other approvals for the proposed project should:

1. State if they are a responsible or trustee agency for the project, and if so, explain why, and note the specific project elements that are subject to their regulatory authority.
2. Identify any significant environmental issues, reasonable alternatives, and mitigation measures they believe should be explored in the EIR.
3. Provide the name, email address, and phone number of a contact person.

Please send all written and/or e-mail comments to Pablo Arroyave, Chief Operating Officer, San Luis & Delta Mendota Water Authority, 842 6th St, Los Banos, CA 93635; or e-mail at [pablo.arroyave@sldmwa.org](mailto:pablo.arroyave@sldmwa.org).

Before including your name, address, telephone number, e-mail address, or other personal identifying information in your comment, please be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can request in your comment that your personal identifying information be withheld from public review, SLDMWA and Reclamation cannot guarantee that this will be possible.

All comments received during the public comment period will be considered and addressed in the EIR as appropriate.

On November 30, 1983, human remains representing, at minimum, two individuals were removed from a house in Mesa, Maricopa County, AZ. These individuals were found by a construction crew, who alerted the Mesa Police Department. The human remains were determined to be associated with a prehistoric site. Subsequently, they were donated to the Arizona Museum of Natural History. No known individuals were identified. The one associated funerary object is a shell bracelet.

Based on current archeological evidence, the region where these human remains were collected was occupied in prehistoric times by people belonging to the Hohokam Material Culture. Based on archeological and ethnographic evidence, these people are ancestral to the Four Southern Tribes of Arizona (*i.e.*, the Tohono O'odham Nation, Gila River Indian Community, Salt River-Pima Maricopa Indian Community, and Ak-Chin Indian Community) and the Hopi Tribe. The Mesa area is primarily Salt River Pima-Maricopa Indian Community ancestral land.

From 1979 to 1991, human remains representing, at minimum, 75 individuals were removed from Park of the Canals in Mesa, Maricopa County, AZ. This portion of the site was excavated by the Southwest Archaeological Team, led by Sam Baar. No known individuals were identified. The eight associated funerary objects are ceramic vessels.

Based on the style of the ceramics and the location of the site, the human remains and objects are related to people belonging to the Hohokam Material Culture. Based on current archeological and ethnographic evidence, these people are ancestral to the Four Southern Tribes of Arizona (*i.e.*, the Tohono O'odham Nation, Gila River Indian Community, Salt River-Pima Maricopa Indian Community, and Ak-Chin Indian Community) and the Hopi Tribe. The Mesa area is primarily Salt River Pima-Maricopa Indian Community ancestral land.

In 2005, 2010, and 2011, human remains representing, at minimum, four individuals were removed from the Riverview site in Mesa, Maricopa County, AZ. No known individuals were identified. The two associated funerary objects are one ceramic bowl and one lot of sherds.

Based on the style of the ceramics and the location of the site, the human remains and objects are related to people belonging to the Hohokam Material Culture. Based on current archeological and ethnographic evidence, these people are ancestral to the Four Southern Tribes of Arizona

(*i.e.*, the Tohono O'odham Nation, Gila River Indian Community, Salt River-Pima Maricopa Indian Community, and Ak-Chin Indian Community) and the Hopi Tribe. The Mesa area is primarily Salt River Pima-Maricopa Indian Community ancestral land.

Prior to 2018, human remains representing, at minimum, 11 individuals were removed from AZ. The human remains were found during the cleaning of an archeological lab at the Arizona Museum of Natural History used for studying prehistoric Hohokam Material Culture. No known individuals were identified. The nine associated funerary objects are one lot of corn, one lot of beans, two lots of stones, one lot of possible asbestos, one ceramic bowl, two lots of sherds, and one lot of soil associated with cremation.

Based on the lab's use, the human remains and objects are related to people belonging to the prehistoric Hohokam Material Culture. Based on archeological and ethnographic evidence, these people are ancestral to the Four Southern Tribes of Arizona (*i.e.*, the Tohono O'odham Nation, Gila River Indian Community, Salt River-Pima Maricopa Indian Community, and Ak-Chin Indian Community) and the Hopi Tribe.

Sometime prior to 1982, human remains representing, at minimum, one individual were removed from Mesa Grande in Mesa, Maricopa County, AZ. The human remains were excavated by Midvale and donated to the Arizona Museum of Natural History in 1982. No known individual was identified. The two associated funerary objects are one burn corn and one lot of ceramic sherds.

Based on the style of the ceramics and location of the site, the human remains and objects are related to people belonging to the prehistoric Hohokam Material Culture. Based on current archeological and ethnographic evidence, these people are ancestral to the Four Southern Tribes of Arizona (*i.e.*, the Tohono O'odham Nation, Gila River Indian Community, Salt River-Pima Maricopa Indian Community, and Ak-Chin Indian Community) and the Hopi Tribe. The Mesa Grande site is primarily Salt River Pima-Maricopa Indian Community ancestral land.

#### Determinations Made by the Arizona Museum of Natural History

Officials of the Arizona Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 98 individuals of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(3)(A), the 28 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Ak-Chin Indian Community (previously listed as Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona (hereafter referred to as "The Tribes").

#### Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Melanie Deer, Arizona Museum of Natural History, 53 N MacDonald, Mesa, AZ 85201, telephone (480) 644-4381, email [melanie.deer@mesaz.gov](mailto:melanie.deer@mesaz.gov), by June 15, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Arizona Museum of Natural History is responsible for notifying The Tribes that this notice has been published.

Dated: March 25, 2020.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2020-10344 Filed 5-13-20; 8:45 am]

BILLING CODE 4312-52-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

[RR02910000, XXXR0680R1, RR.17529652.2900012]

#### Notice of Intent To Prepare a Supplemental Environmental Impact Statement for the B.F. Sisk Dam Raise and Reservoir Expansion Project, Merced County, California

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of intent; request for comments.

**SUMMARY:** The Bureau of Reclamation (Reclamation) intends to prepare a Supplemental Environmental Impact Statement (SEIS) for the B.F. Sisk Dam Raise and Reservoir Expansion Project. Reclamation is requesting public and agency comment to identify significant issues or other alternatives to be addressed in the SEIS.

**DATES:** Submit written comments on the scope of the SEIS on or before June 15, 2020.

**ADDRESSES:** Provide written scoping comments, requests to be added to the mailing list, or requests for other special assistance needs to Ms. Casey Arthur, Project Manager, Bureau of Reclamation, Willows Construction Office, 1140 W. Wood Street Willows, CA, 95988.

**FOR FURTHER INFORMATION CONTACT:** Ms. Casey Arthur, Project Manager, Bureau of Reclamation, Willows Construction Office, 1140 W. Wood Street Willows, CA, 95988.; telephone (530) 892-6202; facsimile (530) 934-7679; email [carthur@usbr.gov](mailto:carthur@usbr.gov). Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FedRelay) at 1-800-877-8339 TTY/ASCII to contact the above individual during normal business hours or to leave a message or question after hours. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** Reclamation is issuing this notice pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. 4321 *et seq.*; the Council on Environmental Quality's (CEQ) regulations for implementing NEPA, 43 CFR parts 1500 through 1508; and the Department of the Interior's NEPA regulations, 43 CFR part 46.

### Background

B.F. Sisk Dam is an earth-filled gravity embankment dam with a crest height of 382 feet and an overall length of about 3.5 miles, impounding San Luis Reservoir with a capacity of 2,041,000 acre-feet (AF). The dam is located near Santa Nella, California, along Pacheco Pass. Although the dam was constructed and is owned by Reclamation, the California Department of Water Resources (DWR) operates the facilities, and the California Department of Parks and Recreation manages the recreational resources associated with San Luis Reservoir. San Luis Reservoir is an off-stream reservoir within Reclamation's Central Valley Project (CVP) and DWR's State Water Project.

Reclamation's Safety of Dams Office completed a risk analysis of B.F. Sisk Dam that evaluated dam stability in the event of seismic activity that proposed

a structural solution, which included a crest raise. Reclamation and DWR prepared an environmental impact statement (EIS)/environmental impact report (EIR) analyzing the effects from a No Action Alternative, Operational Alternative, and Crest Raise Alternative, and noticed the availability of the Final EIS/EIR to the public via the **Federal Register** on August 23, 2019 (84 FR 44295). In December 2019, Reclamation signed a Record of Decision providing the rationale for choosing the Crest Raise Alternative ([https://www.usbr.gov/mp/nepa/nepa\\_project\\_details.php?Project\\_ID=34281](https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=34281)). Reclamation is currently designing the Crest Raise Alternative under the B.F. Sisk Safety of Dams (SOD) Modification Project.

As a connected action to the B.F. Sisk SOD Modification Project, Reclamation and San Luis and Delta Mendota Water Authority (SLDMWA) seek to evaluate an increase in storage capacity of the San Luis Reservoir. The increased storage capacity would be achieved by an additional 10-foot raise of the B.F. Sisk Dam embankment across the entire dam crest above the level proposed for dam safety purposes (Proposed Action). This additional 10 feet of dam embankment could add approximately 120,000 AF of water storage to San Luis Reservoir. SLDMWA, in coordination with Reclamation, is conducting a feasibility study to evaluate the Proposed Action and a potential cost-share in accordance with the Reclamation SOD Act (43 U.S.C. 506 *et seq.*), as amended by Public Law 114-113, and Section 4007 of the Water Infrastructure Improvements for the Nation (WIIN) Act (Pub. L. 114-322).

The Reclamation SOD Act of November 2, 1978, was amended to include authority for Reclamation to develop additional project benefits in conjunction with a SOD modification. Pursuant to Section 5.B. of the SOD Act, as amended, Reclamation must determine that additional project benefits are necessary and in the interest of the United States prior to developing any additional project benefits, consistent with Reclamation law. Furthermore, it must be determined that the development of additional project benefits will not negatively impact the SOD Modification Project.

As a potential funder for the Proposed Action under the WIIN Act, and in accordance with the amended SOD Act, Reclamation's preliminary purpose and need is to evaluate the feasibility report and determine if SLDMWA's request to increase storage capacity as an additional benefit in conjunction with the current SOD Modification Project is

consistent with Reclamation Law, can support a Secretary of the Interior's finding of feasibility, has Federal benefits pursuant to the WIIN Act, and can be accomplished without negatively impacting the SOD Modification Project.

In addition to a feasibility study, Reclamation intends to complete a SEIS pursuant to NEPA to consider potential environmental effects from implementing the Proposed Action. This environmental document is supplemental to the Final EIS/EIR previously developed for the SOD Modification Project entitled B.F. Sisk Dam Safety of Dams Modification Project (84 FR 44295). Reclamation will focus the SEIS on analyzing effects to resources where a potentially significant impact exists. The resources intended to be discussed include: Water quality, surface water supply, geology and soils, air quality, greenhouse gas emissions, visual resources, noise, traffic and transportation, hazards and hazardous materials, terrestrial resources, recreation, and cultural resources including tribal cultural resources. Agencies and the public are encouraged to provide input regarding potentially significant issues to be addressed in the SEIS, or to identify potential alternatives that would meet the purpose of the Proposed Action.

### Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may 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.

### Richard Welsh,

*Principal Deputy Regional Director, Bureau of Reclamation, Interior Region 10—California-Great Basin.*

[FR Doc. 2020-10296 Filed 5-13-20; 8:45 am]

**BILLING CODE 4332-90-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

[RR06450000, 19XR0680A4, RX.08254998.0010010]

### Off-Road Vehicle Designation for the San Angelo Project, Texas

**AGENCY:** Bureau of Reclamation, Interior.

# **B.F. Sisk Dam Raise and Reservoir Expansion Project Public Scoping Report**

Attachment 2: Merced-Sun Star Newspaper Advertisement

# LEGAL NOTICES | MERCED SUN-STAR

## Search Results:

05 ▼ Per Page

Go Back ◀ Page 1 of 10 ▶

**Notice Type :** Legal Notices

**Posting Date :** 5/18/2020

[Printer Friendly](#)

San Luis and Delta-Mendota Water Authority Announces Public Scoping Meeting for the B.F. Sisk Dam Raise and Reservoir Expansion Project San Luis and Delta-Mendota Water Authority (SLDMWA), in compliance with the California Environmental Quality Act (CEQA), is holding a public scoping meeting and public scoping review period for the B.F. Sisk Dam Raise and Reservoir Expansion Project (Project) to inform interested parties about the proposed project and to solicit agency and public input on the scope and content of the Environmental Impact Report/ Supplemental Environmental Impact Statement, a joint document with the Bureau of Reclamation. Given the coronavirus disease pandemic and the associated precautions and procedures being followed throughout California, the public scoping meeting is being conducted online utilizing Microsoft Teams. This meeting format will allow presentation of the project and public participation through the online chat function. The Notice to Proceed (NOP) is also being circulated for a 30-day comment period and is available here: <http://sldmwa.org/sisk-project/>. The public scoping review period started on May 14, 2020. The alternatives considered for the Project propose construction at the San Luis Reservoir in Merced County. Operation of the alternatives could affect water system operations in Contra Costa, Fresno Imperial, Kern, Kings, Los Angeles, Merced, Orange, Riverside, San Benito, San Joaquin, San Luis Obispo, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Clara, Stanislaus and Ventura counties. The public scoping meeting to solicit comments has been scheduled for: May 26, 2020, 4 p.m. to 5:30 p.m. via Microsoft Teams, accessible at the following link: <https://bit.ly/BFSiskPubScoping> Comments may be submitted during the scoping meeting via the online chat function in the Microsoft Teams system. SLDMWA will also consider written comments received or postmarked by the end of the scoping period which ends June 14, 2020. Written comments should be mailed or emailed to: ATTN: Pablo Arroyave San Luis and Delta-Mendota Water Authority P.O. Box 2157 Los Banos, CA 93635 [pablo.arroyave@sldmwa.org](mailto:pablo.arroyave@sldmwa.org) For additional information, please contact Pablo Arroyave at (209) 832-6200.

**Notice Type :** Legal Notices

**Posting Date :** 5/18/2020

[Printer Friendly](#)

NOTICE OF PUBLIC HEARING Proposed 2020-21 Budget NOTICE IS HEREBY GIVEN that a public hearing will be held regarding the proposed 2020-21 budget and the COVID-19 Operations Written Report for the Merced River Elementary School District. Date: June 8, 2020 Time: 6:00PM Location: [www.MRSD.us](http://www.MRSD.us) (to access the agenda and meeting information) Any member of the public may be heard concerning this budget and the COVID-19 Operations Written Report. Any member of the public who wishes to inspect the proposed budget and the COVID- 19 Written Operations Report prior to the public hearing may do so starting June 3, 2020. The reports will be located online at [www.MRSD.us](http://www.MRSD.us). Steve M. Tietjen, Ed.D. Merced County Superintendent of Schools

**Notice Type :** Legal Notices

**Posting Date :** 5/18/2020

[Printer Friendly](#)

NOTICE TO BID NOTICE IS HEREBY GIVEN THAT the Livingston Union School District will receive requests for proposal for the furnishing of Dairy Products, Commercial Food & Supplies, Bread and Fresh Produce (RFP #P2021-001) for schools of Livingston Union School District Child Nutrition Department. Bid packets may be requested by emailing [rjameson@livingstonusd.org](mailto:rjameson@livingstonusd.org) or accessing the website: [www.livingstonusd.org](http://www.livingstonusd.org) and clicking on Departments>Nutrition Services>What's New. Sealed proposals must be mailed and addressed to: LUSD Child

# **B.F. Sisk Dam Raise and Reservoir Expansion Project Public Scoping Report**

Attachment 3: Public Scoping Meeting Presentation

# B.F. Sisk Dam Raise and Reservoir Expansion Project

Environmental Impact Report/  
Supplemental Environmental Impact Statement



**Public Scoping Meeting**

May 26, 2020

# Meeting Format

- ▶ This MS Teams Live Tool does not allow attendees to share audio
- ▶ Comments can be submitted in writing via the Q&A Tool
- ▶ Comments submitted using the Q&A Tool during this meeting will be addressed in the Public Scoping Report

Public Scoping Meeting Test

Need help? Leave

**B.F. Sisk Dam Raise and Reservoir Expansion Project**

Environmental Impact Report/  
Supplemental Environmental Impact Statement

**Public Scoping Meeting**  
May 26, 2020

**Live event Q&A**

Featured My questions

Chris Park, CDM Smith, parkce@cdmsmith.com (You) 8:50 AM Private

This is a scoping comment on a potential resource effect that I am interested in.

Reply

Asking Chris Park, CDM Smith, as parkce@cdmsmith.com

Ask a question

Post as anonymous

## Using Microsoft Teams Q&A Function



Provide:

- Full name
- Agency/Company name (if applicable)
- Contact information (optional)
- Comment

# How To Submit Comments During This Meeting

Public Scoping Meeting Test

Asking Chris Park, CDM Smith,  
as parkce@cdmsmith.com

Ask a question

Post as anonymous

vent Q&A

My questions

Chris Park, CDM Smith,  
parkce@cdmsmith.com (You)

scoping comment on a potential  
effect that I am interested in.

Public Scoping Meeting  
May 26, 2020

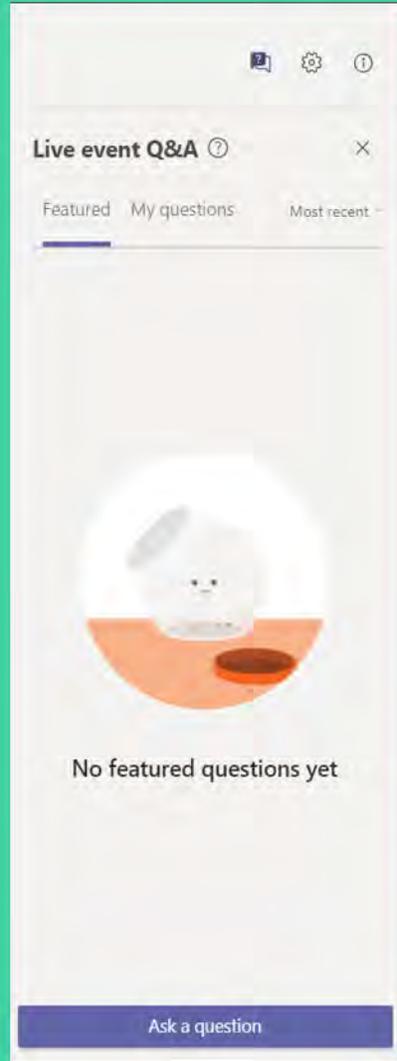
B.F. Sisk Dam Raise and Reservoir  
Expansion Project

Environmental Impact Report/  
Supplemental Environmental Impact Statement

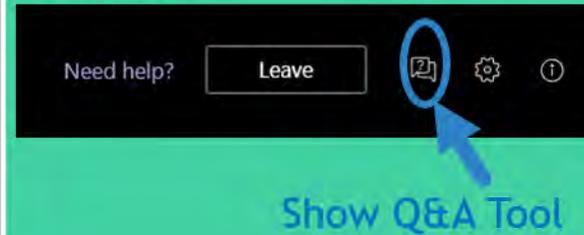
DELTA MENDOCINO  
WATER AUTHORITY

# Step-by-Step Approach

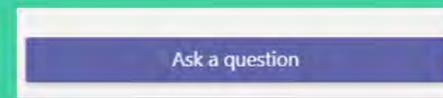
**Step 1:** Use the Q&A Tool on the right side of the screen



**Step 2:** If Q&A Tool is not visible, use the Q&A button on the upper right corner of the screen



**Step 3:** Use “Ask a question” button to submit a comment



**Step 4:** Submit comment

Provide:

- Full name
- Agency/Company name (if applicable)
- Contact information (optional)
- Comment

A screenshot of the comment submission form. It features a text input field with a placeholder 'Your name (optional)', a larger text input field with a placeholder 'Ask a question', and a checkbox labeled 'Post as anonymous' with a right-pointing arrow.

**You can choose to “post anonymous” but you will not be included in our email distribution list for future project correspondence**

# Meeting Agenda

- ▶ Introductions
- ▶ Public Scoping Overview
- ▶ Meeting Purpose
- ▶ Project Overview
- ▶ Environmental Impact Report (EIR)/ Supplemental Environmental Impact Statement (SEIS) Development Process
- ▶ Project Schedule
- ▶ Scoping Comment Period

# What is Public Scoping?

This public scoping meeting invites agencies, stakeholders, and the interested public to participate in the environmental review process

Scoping helps to identify and refine potential:

- ▶ Options and alternatives
- ▶ Environmental impacts
- ▶ Mitigation measures

Notice of Preparation published on May 14, 2020

Scoping period closes on June 14, 2020

# Meeting Purpose

- ▶ Provide information about project and environmental compliance process
- ▶ Gather information from the public on alternatives and potential environmental issues

# Meeting Outcomes

- ▶ Public and government representatives understand the environmental review process that must be completed before the project could be implemented
- ▶ Public and government representatives have provided topics and questions that they want investigated for the Environmental Impact Report/ Supplemental Environmental Impact Statement
- ▶ Public and government representatives understand how and when they can provide additional input into the environmental review process

# Project Objectives

- ▶ Increasing the reliability and quantity of yearly water allocations to South-of-Delta contractors dependent on San Luis Reservoir
- ▶ Increasing the certainty of access to supplies stored by South-of-Delta contractors in San Luis Reservoir in subsequent water years

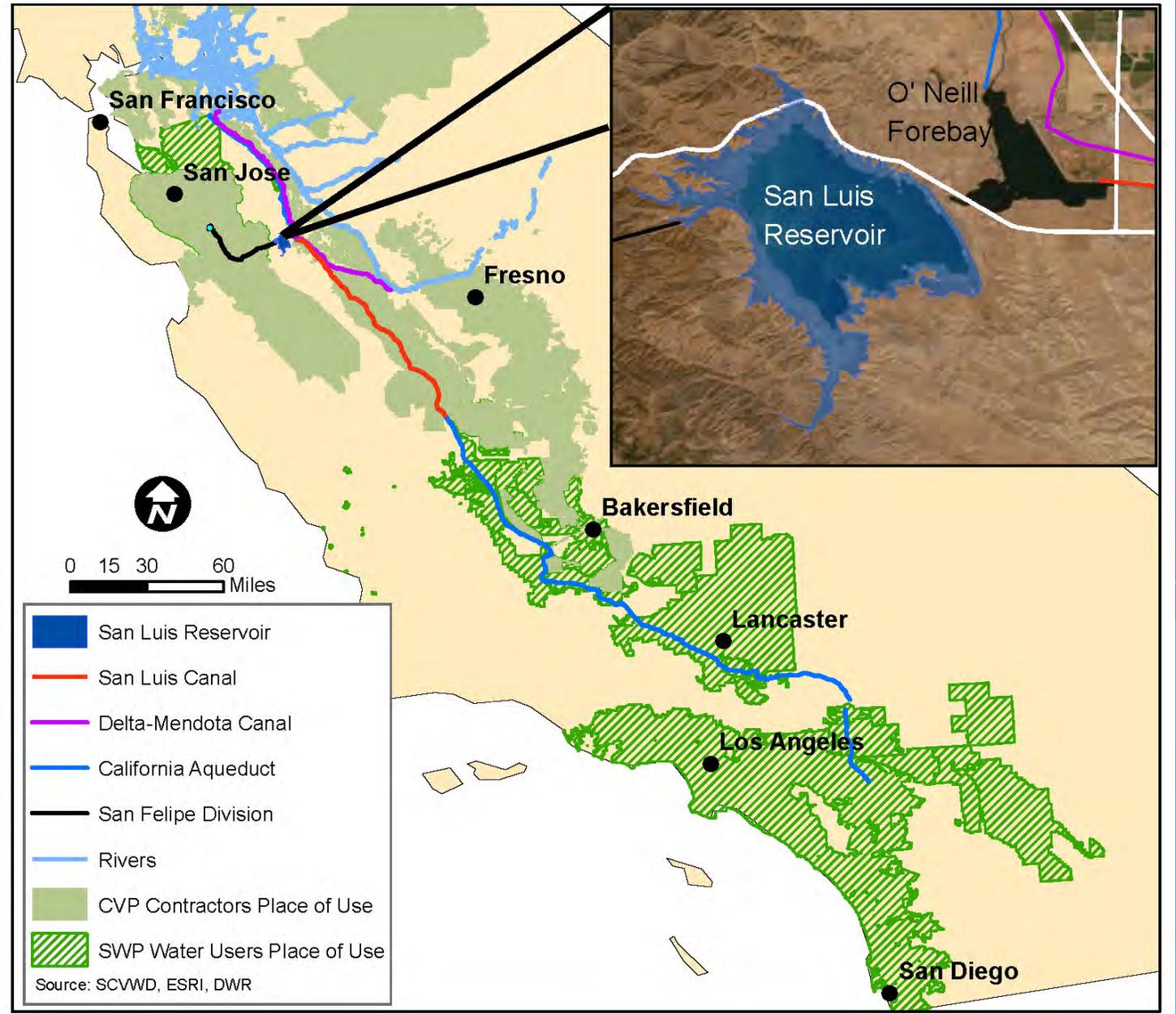
# Proposed Project

- Increasing storage capacity in San Luis Reservoir for the purpose of providing greater water supply reliability for south-of-Delta contractors dependent on San Luis Reservoir
- Additional 10-foot raise above the level proposed for dam safety purposes to a new crest elevation of 576 feet, with an increased storage capacity of approximately 130 thousand acre-feet.
- Modifications to State Route 152 to accommodate higher water levels
- Connected action to the B.F. Sisk Safety of Dams Modification Project



# Project Study Area

- ▶ San Luis Reservoir and its related water infrastructures
- ▶ State Route 152 at Cottonwood Bay
- ▶ Sacramento-San Joaquin River Delta
- ▶ South-of-Delta CVP and SWP contractors reliant on San Luis Reservoir



# Areas of Interest

- ▶ Water Quality
- ▶ Surface Water Supply
- ▶ Geology and Soils
- ▶ Air Quality
- ▶ Greenhouse Gas Emissions
- ▶ Visual Resources
- ▶ Noise
- ▶ Traffic and Transportation
- ▶ Hazards and Hazardous Materials
- ▶ Terrestrial Resources
- ▶ Recreation
- ▶ Cultural Resources



# Lead Agencies

- ▶ CEQA Lead Agency: San Luis & Delta-Mendota Water Authority
- ▶ NEPA Lead Agency: Bureau of Reclamation
- ▶ San Luis & Delta-Mendota Water Authority and Bureau of Reclamation are jointly preparing the EIR/ Supplemental EIS
  - ▶ The Supplemental EIS is being prepared as a supplement to the B.F. Sisk Safety of Dams Modification Project EIS/EIR



— BUREAU OF —  
RECLAMATION

# Environmental Compliance Process



# Project Schedule

Project Milestone	Proposed Date
Notice Preparation	May 14, 2020
Scoping Period	May 14 - June 14, 2020
Scoping Meeting	May 26, 2020
Draft EIR/ Supplemental EIS	July 2020
Public Review Period	August 2020
Final EIR/ Supplemental EIS	February 2021
Notice of Determination	February 2021

# How To Submit Comments During Review Period

- ▶ A copy of this full presentation will be available at - <http://sldmwa.org/sisk-project/>
- ▶ Comments can be submitted during this meeting utilizing the Question & Answer Tool in this Teams Live Meeting
- ▶ By June 14, 2020: mail in comments; OR email to:

Pablo Arroyave

San Luis & Delta-Mendota Water Authority

P.O. Box 2157

Los Banos, CA 93635

[pablo.arroyave@sldmwa.org](mailto:pablo.arroyave@sldmwa.org)

# **B.F. Sisk Dam Raise and Reservoir Expansion Project Public Scoping Report**

Attachment 4: Comment Letters



## State Water Resources Control Board

June 12, 2020

Casey Arthur, Project Manager  
U.S. Bureau of Reclamation  
Willows Construction Office  
[carthur@usbr.gov](mailto:carthur@usbr.gov)

Pablo Arroyave  
San Luis & Delta-Mendota Water Authority  
[pablo.arroyave@sldmwa.org](mailto:pablo.arroyave@sldmwa.org)

Dear Ms. Arthur and Mr. Arroyave,

NOTICE OF INTENT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE B.F. SISK DAM RAISE AND RESERVOIR EXPANSION PROJECT IN MERCED COUNTY

AND

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE B.F. SISK DAM RAISE AND RESERVOIR EXPANSION PROJECT

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) appreciates the opportunity to submit comments in response to the subject Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (Supplemental EIS) pursuant to the National Environmental Policy Act (NEPA) published by the U.S. Bureau of Reclamation (Reclamation) in the Federal Register on May 14, 2020 and the subject Notice of Preparation (NOP) to prepare a joint Draft Environmental Impact Report (DEIR) pursuant to the California Environmental Quality Act (CEQA) and Supplemental EIS pursuant to NEPA. In August 2019, Reclamation and the California Department of Water Resources (DWR) circulated a Final Environmental Impact Statement/Environmental Impact Report (Final EIS/EIR) for the B.F. Sisk Safety of Dams (SOD) Modification Project. As a connected action to the B.F. Sisk SOD Modification Project, Reclamation and the San Luis and Delta Mendota Water Authority (SLDMWA) are proposing the B.F. Sisk Dam Raise and Reservoir Expansion Project (Proposed Project) to raise the B.F. Sisk Dam embankment by an additional 10 feet, which would increase the storage capacity of the San Luis Reservoir by approximately 120,000 acre-feet (AF).

## **Water Right Approvals**

Based on information provided in the NOI and NOP, it appears that the project may require one or more water right approvals. Reclamation should contact the Division to determine whether a water right permit and/or other water right approvals involving modification of CVP water rights via petition or water right time extensions are necessary to implement the project. Reclamation operates the CVP pursuant to water right permits and a license issued by the State Water Board that authorize the CVP to either (1) divert water to storage, which is released later in the year and re-diverted downstream or (2) directly divert water for beneficial use, or both. Reclamation's time to complete beneficial use of water for 11 CVP permits elapsed on December 1, 1990. On September 19, 1985, Reclamation filed a petition for an extension of time to the year 2030. The petition has been publicly noticed and numerous protests of the proposed time extensions remain active. CEQA compliance is also necessary before the State Water Board can approve the time extensions.

Information regarding the water right permitting and petition processes can be found on the Division's website at: <https://www.waterboards.ca.gov/waterrights/>.

## **Water Quality Approvals**

In addition to the water right approvals, the Proposed Project would impact Waters of the United States and most likely require a Clean Water Act section 404 Dredge and Fill Permit from the United States Army Corp of Engineers. In addition, Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires every applicant for a federal license or permit which may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will be in compliance with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313).

Clean Water Act section 401 directs the agency responsible for water quality certification (certification) to prescribe effluent limitations and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirements of state law. In this instance, the State Water Board is the state agency responsible for certification. (Wat. Code, § 13160; see Cal. Code Regs. tit. 23, § 3855, subd. (b)(1)(B).) In taking a certification action, the State Water Board must either: 1) issue an appropriately conditioned certification; or 2) deny the certification request. (Cal. Code Regs., tit. 23, § 3859.)

In addition, the Project would need a National Pollutant Discharge Elimination System (NPDES) permit under Clean Water Act section 402 for storm water discharges from construction activities. In California, the NPDES program is administered by the State Water Board and Regional Water Quality Control Boards (Regional Water Boards). (Wat. Code, § 13370 et seq.) To authorize storm water discharges from construction activity, a project proponent must apply for coverage under the Construction General Permit or apply for a separate NPDES permit.

## **General Comments**

The environmental documentation prepared for the Proposed Project should fully evaluate all potential direct, indirect, and cumulative impacts related to the proposed diversion, rediversion, storage, and use of water. In addition to the resources identified in the NOI and NOP that are intended to be discussed in the environmental documents (water quality, surface water supply, geology and soils, air quality, greenhouse gas emissions, visual resources, noise, traffic and transportation, hazards and hazardous materials, terrestrial resources, recreation, and cultural resources including tribal cultural resources), the environmental documents should analyze other resources that could potentially be affected, including but not limited to aquatic resources. The environmental documentation should also include consideration of a range of project alternatives that avoid or reduce any environmental impacts. State laws and regulations relating to the review and approval of water right applications and change petitions require that applicants and petitioners provide information concerning the extent to which fish and wildlife will be affected and identify measures to protect fish and wildlife from unreasonable impacts, and that the State Water Board take into consideration the amounts of water required for the preservation and enhancement of fish and wildlife resources and water quality when determining the amount of water available for appropriation. This information is generally included in environmental documents in support of proposed projects. To the extent it is not, additional information would be required to meet the State Water Board's information needs.

## **Project Effects in the Bay-Delta Watershed**

Environmental documentation prepared for the Proposed Project should evaluate potential impacts from the project on the Delta. Under the Proposed Project, additional water would be conveyed from the Delta to be stored in San Luis Reservoir. If CVP San Luis Reservoir storage is increased, Reclamation may export additional water at times when lack of storage space and real time demand would limit exports in the absence of the project. These changes could affect Delta export operations and should be modeled and evaluated in the environmental documents. The environmental documents should specifically analyze whether there would be changes to the timing or volume of Delta exports, Delta outflows, salinity conditions, reverse flows, and entrainment, and whether there could be impacts on water quality and biological resources in the Delta. The environmental documents should also analyze whether changes to Delta exports would affect upstream reservoir operations resulting in changes to tributary flows, reservoir storage levels in Shasta, Oroville, and Folsom Reservoirs, and whether there could be impacts on water quality and biological resources upstream of the Delta, including impacts related to temperatures. The modeling analyses should be presented on a monthly timescale to reflect the seasonal variations in Delta exports, Delta hydrodynamic processes, and upstream flow and reservoir storage levels and the associated effects on native fish and wildlife species.

The environmental documents should evaluate the potential effects of the project on the following aquatic resources at the life-stage and population level. The environmental analysis should evaluate the potential magnitude of impacts to native Delta fish populations by using available relationships between abundance and flow, exports and survival and monthly changes to export volumes, reverse flows, and Delta outflow.

- California Endangered Species Act (CESA) and federal Endangered Species Act (ESA) Endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*)
- CESA and ESA Threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*)
- ESA Threatened California Central Valley Distinct Population Segment (DPS) steelhead (*O. mykiss*)
- ESA Threatened Green Sturgeon southern DPS (*Acipenser medirostris*), and White Sturgeon (*Acipenser transmontanus*)
- ESA Endangered Killer whale Southern Resident DPS (*Orcinus orca*)
- ESA Threatened and CESA Endangered Delta smelt (*Hypomesus transpacificus*)
- CESA Threatened Longfin smelt (*Spirinchus thaleichthys*)
- Sacramento splittail (*Pogonichthys macrolepidotus*)
- Starry flounder (*Platichthys stellatus*)
- California Bay shrimp (*Crangon franciscorum*)
- Zooplankton (*Neomysis mercedis*, *Eurytemora affinis*, and *Pseudodiaptomus forbesi*)
- Non-native species: American shad (*Alosa sapidissima*), Striped bass (*Morone saxatilis*), Largemouth bass (*Micropterus salmoides*), and other ecological and fishery species of concern
- The lower food web (e.g., phytoplankton and zooplankton biomass and flux)

New and expanded reservoir storage projects south of the Delta have the potential to incrementally reduce local river flows, increase Delta exports, increase reverse interior Delta flows, and reduce Delta outflows which are likely to contribute to further declines in native Delta species. Specific operating criteria should be identified for the Proposed Project in the environmental documentation to avoid or reduce impacts. Proposed Project operations should specifically be designed to avoid increases in exports and reductions in Delta outflows during time periods that are likely to have adverse effects on water quality and native Delta fish and aquatic species populations.

### **Cumulative Effects**

The cumulative impact analysis should evaluate reasonably foreseeable future diversion and storage projects and evaluate and disclose the potential changes to river flows, Delta exports, interior Delta flows, and Delta outflows and the subsequent effects to water quality and native Delta fish and aquatic species populations. Recent major water diversion and storage project proposals that should potentially be evaluated include: Shasta Dam and Reservoir Enlargement Project, Del Puerto Canyon Reservoir Project, Los Vaqueros Reservoir Expansion Project, Pacheco Reservoir Expansion Project, Sites Reservoir, Centennial Reservoir and Water Supply Project, Temperance Flat Reservoir Project, Kern Fan Groundwater Storage Project, Tulare Lake Storage and Floodwater Protection Project, Willow Springs Water Bank Conjunctive Use Project, and Chino Basin Conjunctive Use Environmental Water Storage/Exchange Program.

As discussed in the State Water Board's Scientific Basis Report for Potential Updates to the Bay-Delta Water Quality Control Plan (Bay-Delta Plan) for the Sacramento River

and Delta<sup>1</sup> and the July 2018 Framework for such updates to the Bay-Delta Plan<sup>2</sup>, Delta outflows under existing conditions are highly impaired resulting in prolonged and precipitous declines of native Delta species. Environmental documentation for the Proposed Project should evaluate cumulative impacts of the project in the context of these findings as well as the State Water Board's current effort to update the Bay-Delta Plan to improve protections of fish and wildlife beneficial uses, including potential higher Delta outflow requirements and other CVP and State Water Project related operational constraints. More information about this effort is available on the Division's website at: [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/).

Division staff appreciates the opportunity to provide scoping comments for the Proposed Project. If you have questions or would like to discuss these comments further, please contact Nicole Williamson at (916) 319-8202 or [Nicole.Williamson@waterboards.ca.gov](mailto:Nicole.Williamson@waterboards.ca.gov). Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

Diane Riddle, Assistant Deputy Director  
Division of Water Rights

---

1

[https://www.waterboards.ca.gov/water\\_issues/programs/peer\\_review/docs/scientific\\_basis\\_phase\\_ii/201710\\_bdphasell\\_sciencereport.pdf](https://www.waterboards.ca.gov/water_issues/programs/peer_review/docs/scientific_basis_phase_ii/201710_bdphasell_sciencereport.pdf)

2

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/docs/sed/sac\\_delta\\_framework\\_070618%20.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/sed/sac_delta_framework_070618%20.pdf)



# CALIFORNIA FARM BUREAU FEDERATION

LEGAL SERVICES DIVISION

2600 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833 • PHONE (916) 561-5665

June 15<sup>th</sup>, 2020

Via electronic mail: [carthur@usbr.gov](mailto:carthur@usbr.gov)

Ms. Casey Arthur, Project Manager  
Bureau of Reclamation  
Willows Construction Office  
1140 W. Wood Street Willows, CA, 95988

**Re: Notice of Intent To Prepare a Supplemental Environmental Impact Statement for the B.F. Sisk Dam Raise and Reservoir Expansion Project, Merced County, California**

Dear Ms. Casey Arthur:

The California Farm Bureau Federation (“CFBF”) is a non-governmental, nonprofit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home, and the rural community. CFBF is California’s largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 34,000 agricultural, associate, and collegiate members in 56 counties. CFBF strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources.

CFBF appreciates the opportunity to provide comments on the Bureau of Reclamation’s Notice of Intent to Prepare a Supplemental Environmental Impact Statement for the B.F. Sisk Dam Raise and Reservoir Expansion Project, Merced County, California.

As California sinks into a major intensification of the state’s legendary ‘water wars,’ despite new limits and constraints going into place on sides, there is perhaps one thing we, in the Golden State, can still count on: Namely that, however long the dry spell, eventually, another big water year is on its way.

It is in these ‘big water years’ that, we know, there will again be abundant quantities of the hydraulic resource our state so needs—and, in these times of plenty, the ability to capture a modest portion of Mother Nature’s largess *should* be possible. At these times, excess flows can be taken without undue risk to the aquatic species that also rely on our system. In short, the water delivered at these times supplies our farms and cities, does so with minimal impacts to the fish, and everyone is happy.



Currently, however, there is a physical limit that is hit in these wettest of times, when our one major, shared state-federal holding place for water literally fills up. At these times, it's *not* that a modest, yet critically important amount of additional water is *not* there for diversion with no harm to the fish; it's that there is, literally, just no place to put the water. The principal purpose of the proposed Reservoir Expansion Project is precisely this: To provide a modest increment in South-of-Delta storage in these wettest of periods.

While the expense and permitting of new storage is normally quite daunting, in this case the Reservoir Expansion is proposed in connection with a necessary related Safety of Dams ("SOD") Modification Project. As explained in Reclamation's NOI, to qualify as a "connected action" and potential "additional benefit" of the SOD project, and for Reclamation to participate on the project as a potential partner, Reclamation must make various findings. These findings include a conclusion that the project is feasible; that it will not negatively impact the SOD Modification Project; that it is "necessary" and "in the federal interest"; and that it "has Federal benefits pursuant to the WIIN Act."

As to why the project is "necessary" and "in the federal interest," among other possible reasons, one clear important benefit of the proposed project is that it would help Reclamation to better balance and fulfill its competing obligations to both protect and recovered sensitive fish species under the federal Endangered Species Act and Central Valley Project Improvement Act *and*, at the same time, more reliably deliver water to federal water contractors, now regularly shorted.

According to the NOI, the proposed additional 10-foot crest raise to the B.F. Sisk Dam, beyond the proposed SOD Modification Project, could add as much as an additional 130,000 acre-feet in additional storage capacity. The project would have a negligible environmental footprint and could be operated within Reclamation's existing water rights, and through its existing facilities. Reclamation's Supplemental EIS and feasibility study will obviously have to study how much of this increased capacity would be actually used, and how often. Clearly though, an ability to store additional wet-year flows aligns well numerous California water objectives, including the 'co-equal goals' of water supply and ecosystem health, the Sustainable Groundwater Management Act, and the drought and climate resilience goals of California's Water Resiliency Portfolio.

If the past is a reliable predictor of the future, we fully expect Reclamation to receive strident objections that the proposed Reservoir Expansion amounts to a cynical attempt to drain the Delta, that it would lead to the certain demise of the delta smelt, the longfin smelt, the chinook salmon, and Central Valley steelhead, etc. The groups that raise these objections, however, will quite likely be the same groups that lauded the Sustainable Groundwater Management Act and that vehemently oppose any new dam, new reservoir, or form of on-stream storage whatsoever. These are the groups that object to dry-year impacts on fish, stemming in part from lack of adequate wet-

Ms. Casey Arthur,  
U.S. Bureau of Reclamation, Planning Division  
June 15<sup>th</sup>, 2020  
Page 3

year carryover. These are the groups that oppose new surface water storage and praise groundwater recharge as an alternative, yet who also again vehemently oppose new diversions to make such recharge possible. These are the groups that are suing on the new biological opinions and, ironically, who, in so doing, have all but ended hopes up proposed Bay-Delta voluntary agreements more beneficial to fish. These same groups decry drought-year impacts on domestic wells and lack of safe, adequate groundwater; yet, these are again the same groups who lose no opportunity to choke off needed surface water supplies to the Valley.

While these mentioned groups have had tremendous success blocking every possible step toward greater water supply reliability over the last many years, we believe there comes a time when the greater good needs to override the unreasonable objections of a small, but vocal few. There also comes a time when reason and cooler heads must prevail over emotion and endless conflict. In the case of a no-regrets project with clear net environmental and water supply benefits like the proposed Dam Raise and Reservoir Expansion Project, it is clear that this thought applies.

Accordingly, CFBF strongly encourages Reclamation to sharpen its best pencil for getting, as soon as possible, to a workable solution on this project. Reclamation should address all legitimate concerns reasonably, so far as possible, and as required by law, but should not slump down in defeat at the first sign of resistance. The existing system is broken and there is just too much at stake. The time to act is now. This is a worthy project. It *should* move forward.

CFBF thanks the Reclamation for this opportunity to comment on its Notice of Intent to Preparation a Supplemental Environmental Impact Statement for the B.F. Sisk Dam Raise and Reservoir Expansion Project in Merced County, California. This project has been a long time in coming and we do hope it can now be actually brought to fruition.

Questions on these staff-level comments may be directed to the undersigned at [jfredrickson@cfbf.com](mailto:jfredrickson@cfbf.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Fredrickson". The signature is fluid and somewhat abstract, with a long horizontal stroke extending to the right.

Justin Fredrickson  
Environmental Policy Analyst



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

June 15, 2020

Ms. Casey Arthur  
Project Manager  
Bureau of Reclamation  
Willows Construction Office  
1140 W. Wood Street  
Willows, California 95988

Subject: Scoping Comments for the Supplemental Draft Environmental Impact Statement for the B.F. Sisk Dam Raise and Reservoir Expansion Project, Merced County, California

Dear Ms. Arthur:

The U.S. Environmental Protection Agency has reviewed the Bureau of Reclamation's notice of intent to prepare a Supplemental Draft Environmental Impact Statement for the B.F. Sisk Dam Raise and Reservoir Expansion Project. Our review and comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

In order to address seismic safety concerns at San Luis Reservoir, Reclamation signed a Record of Decision for the B.F. Sisk Safety of Dams Modification Project in December 2019. As a connected action, Reclamation and San Luis and Delta Mendota Water Authority seek to evaluate an increase in storage capacity of the San Luis Reservoir. The increased storage capacity would be achieved by an additional 10-foot raise of the B.F. Sisk Dam embankment across the entire dam crest above the level proposed for dam safety purposes. This Proposed Action was previously evaluated in the Draft EIS for the San Luis Low Point Improvement Project. In reviewing the information already presented on the dam raise and dam safety actions, the EPA offers the following scoping recommendations to Reclamation to consider when preparing the Supplemental Draft EIS including impacts to wetlands, water quality, wildlife, air quality, and cumulative impacts. These issues are discussed further in the attached Detailed Comments.

We appreciate the opportunity to review this scoping notice and provide early input on this project. We are available to discuss our comments. When the Supplemental Draft EIS is prepared for this proposed action and released for public review, please send one hard copy to the address above (mail code: TIP-2). If you have questions, please contact me at (415) 972-3098 or [gordon.stephanies@epa.gov](mailto:gordon.stephanies@epa.gov).

Sincerely,

Stephanie Gordon  
Environmental Review Branch

Enclosure: EPA's Detailed Comments

cc via email: Nicole Johnson, Bureau of Reclamation  
Keith Hess, U.S. Army Corps of Engineers  
Lauren Sullivan, U.S. Fish and Wildlife Service  
Joel Casagrande, National Marine Fisheries Service

**U.S. EPA DETAILED COMMENTS ON THE SCOPING NOTICE FOR THE SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE B.F. SISK DAM RAISE AND RESERVOIR EXPANSION PROJECT- MERCED COUNTY, CALIFORNIA- JUNE 15, 2020**

**Purpose and Need**

In the Supplemental Draft EIS, clearly identify the underlying purpose and need to which Reclamation is responding in proposing the alternatives (40 CFR 1502.13). The *purpose* of the proposed action is typically the specific objectives of the activity, while the *need* for the proposed action may be to eliminate a broader underlying problem or take advantage of an opportunity. The purpose and need should be a clear, objective statement of the rationale for the proposed project.

When projecting the water need, we recommend that the Supplemental Draft EIS describe and quantify the gap between supply and demand. Important considerations in the demand analysis include identifying project participants, community growth projections (e.g., per State Demographer information), and existing and projected future use by each entity (municipal, agricultural, industrial) utilizing consistent methodology (e.g., gallons per day or acre-feet per year). It is informative to describe any available water demand estimates associated with the current community master planning build-out scenarios. If available, it is also helpful to provide similar community-type demand estimates or ranges for comparison purposes.

**Range of Alternatives**

All reasonable alternatives that fulfill the proposed action's purpose and need should be evaluated in detail. A robust range of alternatives will include options for avoiding significant environmental impacts. The document should clearly describe the rationale used to determine whether impacts of an alternative are significant or not. Thresholds of significance should be determined by considering the context and intensity of an action and its effects (40 CFR 1508.27).

The environmental impacts of the proposed action and alternatives should be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public (40 CFR 1502.14). The potential environmental impacts of each alternative should be quantified to the greatest extent possible (e.g. acres of habitat impacted; change in water quality). Throughout the resource chapters of the Supplemental Draft EIS, we recommend including impacts from the road and utility relocations, staging and construction areas, and any temporary roads for hauling material to the dam site.

We recommend Reclamation structure the Supplemental Draft EIS alternatives analysis so that it is consistent with requirements under both Clean Water Act and NEPA. We recommend that the Supplemental Draft EIS summarize the regulatory criteria and processes utilized to screen potential alternatives and develop the range of reasonable and practicable alternatives, including any environmental, logistical, technological and cost criteria applied. Providing the reasoning used to eliminate alternatives is also helpful in understanding the decision process. The screening rationale should be consistent with the practicability definition and criteria outlined in the preamble language of the Clean Water Act 404(b)(1) Guidelines (40 CFR § 230.10) for applicable projects.

The EPA recommends exploring both structural and non-structural options to meet the underlying project purpose when considering a range of alternatives. Alternatives could include a combination of non-structural and structural components that together may present a practicable alternative that is potentially less damaging than a single larger structural option. For example, for municipal, industrial or

irrigation supply, assess the extent to which the need for water could be reduced through available conservation measures. We recommend considering whether remaining need could be partially or fully met through other non-structural measures such as temporary or permanent agreements for use of agricultural water rights, conjunctive use of groundwater and surface water supplies, availability of other water rights that may be less damaging to aquatic resources, blending raw water, or a combination of these or other alternatives. Because non-structural options (e.g., conservation, water rights leasing) may individually contribute less towards meeting the project purpose and need than structural options, we recommend designing screening criteria so that non-structural components are not eliminated solely based on their potentially smaller individual contributions.

Because this project may supply rural water needs, in addition to the considerations mentioned above, we recommend assessing the extent to which the need for supplemental irrigation water could be met through more efficient irrigation practices (e.g., center pivot or linear move irrigation systems, irrigation pipelines, remote-controlled water ditch gates, and irrigation water management). Additional alternatives to consider for agricultural shortages include rotational fallowing, dry year leasing, gravel pit storage, acquiring and utilizing existing storage from reservoir companies, expansion of non-potable supplies, developing wastewater reuse infrastructure, acquisition of additional shares of irrigation company water rights or purchase of additional water rights in ditch companies.

### *Conservation*

For a complete NEPA analysis, the EPA recommends assessing available conservation measures and presenting the results of the assessment in the Supplemental Draft EIS. We recommend that conservation be used as a tool to reduce demand at the project purpose stage. Another option would be to consider demand management (i.e., an identified level of conservation) in the alternatives analysis, either alone or in combination with other supply management components. Whether as a demand reducer or alternative component, we recommend that the Supplemental Draft EIS quantify the potential role of conservation in reducing future demand/supply needs and identify how these conservation measures can be implemented. In instances where a project proponent determines that certain conservation measures are not practicable under CWA Section 404(b)(1) Guidelines, we recommend that the EIS document the rationale. Depending on the type and amount of anticipated population growth, EPA's Smart Growth Principles may be useful in considering available measures to reduce demand.<sup>1</sup>

### **Baseline Environmental Conditions**

When evaluating project effects, we recommend using existing environmental conditions as the baseline for comparing impacts across all alternatives, including the no-action alternative. This provides an important frame of reference for quantifying and/or characterizing magnitudes of effects and understanding each alternative's impacts and potential benefits. This is particularly important when there are environmental protections in place that are based on current conditions, such as total maximum daily loads (TMDLs) for impaired river segments. It can also be useful, although often less certain, to compare alternatives against a no action baseline that includes reasonably foreseeable future conditions. The EPA recommends that the NEPA analysis compare and present impacts to resources against the existing conditions baseline using a consistent method to measure project impacts for all alternatives. By utilizing existing environmental conditions as a baseline, future changes to environmental resources can be more accurately measured for all alternatives, including the No Action alternative. We recommend that Reclamation consider the following when defining baseline conditions:

---

<sup>1</sup> <https://www.epa.gov/smartgrowth/smart-growth-and-water>

- Verifying that historical data (e.g., data 5 years or older) are representative of current conditions.
- Providing a detailed hydrologic analysis to adequately assess the project's potential biological and geomorphic impacts. At a minimum, include wet, average, and dry year analyses at a daily time-step. Also consider potential influences of temperature and precipitation trends on future hydrology.
- Including resources directly impacted by the project footprint within the geographic scope of analysis, as well as the resources indirectly (or secondarily) impacted by the project. These indirectly impacted areas may include downstream segments, source streams where water diversions will occur, and any other resource areas which may be affected by changes in water management or operations.

### **Biological Resources**

The document should identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. We recommend that Reclamation quantify which species or critical habitat might be directly, indirectly, or cumulatively affected by each alternative. The EPA recommends engaging the U.S. Fish and Wildlife Service and the National Marine Fisheries Service as early in the analysis as possible to assure that the proposed alternatives account for the following:

- River restoration, flow and channel modifications, wetlands, and habitat fragmentation regarding species' habitat requirements;
- Impacts to special-status pieces found in the project area;
- Migratory Bird Treaty Act compliance; and
- Protection from invasive species.

### **Wetlands and Other Waters**

The protection, improvement and restoration of wetlands and riparian areas are a high priority because they increase landscape and species diversity, support many species of western wildlife, and are critical to the protection of water quality and designated beneficial water uses. In order to illustrate effects to wetlands in the area, we recommend that the Supplemental Draft EIS specifically include the following analyses or descriptions:

- Description of impacts under individual or nationwide permits authorizing the discharge of fill or dredge materials to waters of the U.S.;
- Maps, identifying wetlands and regional water features;
- Tables, quantifying the direct, indirect, and cumulative impacts to wetlands in the geographic scope, including impacts from changes in hydrology even if these wetlands are spatially removed from the construction footprint. Include the indirect impacts to wetlands from inundation or loss of hydrology from water diversion/transfers, as well as the cumulative impacts to wetlands from future development scenarios based on population and growth estimates.
- For wetlands potentially impacted by project alternatives, include wetland delineations and functional analysis.

According to the San Luis Low Point Draft EIS, construction of the expanded reservoir would result in permanent impacts to wetland and riparian vegetation communities associated with clearing, soil borrowing, grading, staging of equipment, and other ground-disturbing activities that are proposed within streams and jurisdictional aquatic features. Therefore, the proposed project will require a permit, under section 404 of the Clean Water Act, from the U.S. Army Corps of Engineers. A section 404 permit can only be issued for the Least Environmentally Damaging Practicable Alternative (LEDPA). The information provided in

the Supplemental Draft EIS should serve as a sufficient basis upon which to determine whether the project, as proposed, would satisfy the requirements for such a permit or to identify appropriate measures to mitigate the project's impacts to waters if the proposed reservoir is determined to be the LEDPA. A verified delineation and jurisdictional determination will be needed before the CWA section 404 permitting process can proceed, and a scientifically defensible assessment of wetland conditions is needed to fully evaluate the potential impacts of the project, as well as to identify potential opportunities to mitigate such impacts.

- Disclose steps taken to achieve compliance with the CWA Section 404(b)(1) Guidelines:
  - In the Supplemental Draft EIS, evaluate alternatives which would reduce impacts to Waters of the U.S. relative to the proposed project. These should include alternatives which would not require impacts to special aquatic sites such as wetlands, off-site alternatives, and a reduced reservoir footprint at the proposed location.
- Work with the Corps to obtain a formal jurisdictional delineation of waters of the U.S. in the project area and include, in the Supplemental Draft EIS, a map of the delineated waters and the anticipated impacts to those waters, to streamline future Section 404 compliance efforts. The Supplemental Draft EIS should also include information about waters in any off-site alternative reservoir locations, such as the Ingram Canyon site identified in the Draft EIR.
- Conduct a formal and reproducible assessment of the aquatic resources in the project footprint, using a scientifically defensible method, such as the California Rapid Assessment Method (CRAM), and include the results in the Draft EIS.
- In the Supplemental Draft EIS, disclose the ecosystem functions provided by the specific wetland and other waters areas that could be impacted by the reservoir and ancillary project facilities. Aquatic resources in the reservoir footprint should be considered completely impacted.

A CWA section 404 permit requires compensatory mitigation for unavoidable impacts to aquatic resource functions. The 2008 Mitigation Rule, issued jointly by the Corps and EPA (40 CFR 230.91-98), establishes a preference for compensatory mitigation based on a watershed approach, and EPA recommends that compensatory mitigation be sited appropriately to ensure that potential direct and indirect impacts of the proposed project are offset. Third-party forms of mitigation, such as mitigation bank credits and in-lieu fees, are preferred over permittee-responsible mitigation.

- In the Supplemental Draft EIS, evaluate the feasibility of providing adequate compensation for the considerable impacts to aquatic resource functions that the proposed reservoir represents, and identify specific compensatory mitigation opportunities.
- Include in the Supplemental Draft EIS a commitment to implement mitigation in advance of, or concurrently with, project impacts. Clearly state that compensatory mitigation will be provided for temporary impacts lasting longer than one year.

### **Groundwater**

We would anticipate this project has the potential to both positively and negatively impact groundwater resources. In assessing the potential impacts of each alternative on groundwater systems in the project area, we recommend that the Supplemental Draft EIS examine the potential for changes in the volume, storage, flow and quality of ground water using available characterization of ground water resources and ground water use. Projected construction, operation or maintenance of a project may have significant impact on streams and other sensitive waterbodies. If the EIS identifies any adverse impacts to

groundwater resources, we recommend considering alternatives, mitigation measures or operational controls that would avoid, reduce or minimize impacts on groundwater.

### **Air Quality**

The EPA recommends that Reclamation coordinate closely with the San Joaquin Valley Air District to ensure that the project moves forward in a manner that reduces air quality impacts to the greatest extent possible. It is critical that the Supplemental Draft EIS provide a robust air quality impact analysis, including ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the proposed action, including indirect and cumulative impacts. Such an evaluation is necessary to ensure compliance with state and federal air quality regulations, and to disclose the potential impacts from temporary or cumulative degradation of air quality in an area already in nonattainment for ozone and PM<sub>2.5</sub>.

Estimate emissions of criteria pollutants from the proposed project and discuss the timeframe for release of these emissions over the construction period of the project. Specify emission sources by pollutant from mobile sources, stationary sources, and ground disturbance. Use source-specific information to identify appropriate mitigation measures and areas in need of the greatest attention.

#### *Construction Emissions*

Include a list of all mitigation measures to be implemented as part of the construction emissions mitigation plan developed for the project. In addition to measures necessary to meet all applicable local, state, and federal requirements, the EPA recommends the following mitigation measures be included in the construction emissions mitigation plan:

#### Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both active and inactive sites during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

#### Mobile and Stationary Source Controls:

- Reduce unnecessary idling from heavy equipment.
- Prohibit engine tampering to increase horsepower, except when meeting manufacturer's recommendations.
- Lease or buy newer, cleaner equipment using the best available emissions control technologies.
  - Use lower-emitting engines and fuels, including electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations, if feasible.
  - *On-Highway Vehicles* - On-highway vehicles should meet, or exceed, the U.S. EPA exhaust emissions standards for model year 2010 and newer heavy-duty on-highway compression-ignition engines (e.g., drayage trucks, long haul trucks, refuse haulers, shuttle buses, etc.).<sup>2</sup>
  - *Nonroad Vehicles & Equipment* - Nonroad vehicles and equipment should meet, or exceed, the U.S. EPA Tier 4 exhaust emissions standards for heavy-duty nonroad compression-

---

<sup>2</sup> See <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P10009ZZ.pdf>

ignition engines (e.g., nonroad trucks, construction equipment, cargo handlers, etc.).<sup>3</sup>

#### Administrative Controls:

- Coordinate with appropriate air quality agencies to identify a construction schedule that minimizes cumulative impacts from other planned projects in the region, if feasible.
- Locate diesel engines, motors, and equipment staging areas as far as possible from residential areas and other sensitive receptors (e.g., schools, daycare centers, hospitals, senior centers, etc.).
- Avoid routing truck traffic near sensitive land uses to the fullest extent feasible.
- Use cement blended with the maximum feasible amount of fly ash or other materials that reduce GHG emissions from cement production.
- Use lighter-colored pavement where feasible.
- Recycle construction debris to the maximum extent feasible.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking.<sup>4</sup>
- Reduce construction-related trips of workers and equipment, including trucks.
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Identify all commitments to reduce construction emissions and quantify air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.

#### *General Conformity*

EPA's General Conformity Rule, established under Section 176(c)(4) of the Clean Air Act, provides a specific process for ensuring that federal actions do not interfere with a state's plans to attain or maintain NAAQS. For any criteria pollutants in the air basin of the project area where the air quality status is in nonattainment or attainment – maintenance,<sup>5</sup> complete a general conformity applicability analysis (i.e., a comparison of direct and indirect emissions for each alternative with *de minimis* thresholds of 40 CFR 93.153). We recommend including a draft general conformity determination in the Supplemental Draft EIS to fulfill the public participation requirements of 40 CFR 93.156.

#### **Cumulative Impacts**

Understanding the cumulative impacts associated with the proposed project can help identify opportunities for minimizing pressures to resources as a whole. In the Supplemental Draft EIS, identify which resources are analyzed for cumulative impacts, which ones are not, and why. Define the geographic boundary for each resource and describe its current health and historic context. Identify other on-going, planned, and reasonably foreseeable projects in the study area that may contribute to cumulative impacts including the San Luis Low Point Improvement Project and High Speed Rail. Use existing studies on the environmental impacts of these other projects to quantify cumulative impacts where feasible. We suggest the methodology developed by Federal Highways Administration and Caltrans, with assistance from EPA, for use in assessing cumulative impacts.<sup>6</sup> While this guidance was prepared for highway projects in California, the principles and the 8-step process outlined therein can be

---

<sup>3</sup> See <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100OA05.pdf>

<sup>4</sup> Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.

<sup>5</sup> Maintenance areas redesignated to attainment more than twenty years in the past are no longer required to comply with general conformity.

<sup>6</sup> Available at [https://dot.ca.gov/ser/cumulative\\_guidance/approach.htm](https://dot.ca.gov/ser/cumulative_guidance/approach.htm)

applied to other types of projects. Propose mitigation for any adverse cumulative impacts identified. Clearly state Reclamation’s mitigation responsibilities, the mitigation responsibilities of other entities (such as the Department of Water Resources), and the mechanism to be used for implementation.

### **Consultation with Tribal Governments**

Executive Order 13175 “Consultation and Coordination with Indian Tribal Governments” (November 6, 2000) was issued to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian Tribes. In the Supplemental Draft EIS, describe the process and outcome of government-to-government consultation between Reclamation and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative. As a general resource, the EPA recommends the document *Tribal Consultation: Best Practices in Historic Preservation*, published by the National Association of Tribal Historic Preservation Officers.<sup>7</sup>

### ***National Historic Preservation Act and Executive Order 13007***

Consultation for tribal cultural resources is required under Section 103 of the National Historic Preservation Act (NHPA). Historic properties under the NHPA are properties that are included in the National Register of Historic Places (NRHP) or that meet the criteria for the National Register. Section 106 of the NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, to consult with the appropriate State Historic Preservation Office/Tribal Historic Preservation Office (SHPO/THPO). Under NEPA, any impacts to tribal, cultural, or other treaty resources must be discussed. Section 106 of the NHPA requires that federal agencies consider the effects of their actions on cultural resources, following regulation in 36 CFR 800.

Executive Order 13007 “Indian Sacred Sites” (May 24, 1996) requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners, and to avoid adversely affecting the physical integrity, accessibility, or use of sacred sites. It is important to note that a sacred site may not meet the National Register criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site. It is also important to note that sacred sites may not be identified solely in consulting with tribes located within geographic proximity of the project. Tribes located outside of the project area may also have religiously significant ties to lands within the project area and should, therefore, be included in the consultation process.

The EPA recommends that the Supplemental Draft EIS address the existence of Indian sacred sites in the project area. Explain how the proposed action would address Executive Order 13007, distinguish it from Section 106 of the NHPA, and discuss how the Service would ensure that the proposed action would avoid adversely affecting the physical integrity, accessibility, or use of sacred sites. Provide a summary of all coordination with Tribes and with the SHPO/THPO, including identification of NRHP eligible sites and development of a Cultural Resource Management Plan.

### **Environmental Justice**

Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (February 11, 1994) and the “Memorandum of Understanding on Environmental Justice and Executive Order 12898,” released on August 4, 2011, direct federal agencies to identify and address disproportionately high and adverse human health or environmental effects on

---

<sup>7</sup> See [http://www.nathpo.org/PDF/Tribal\\_Consultation.pdf](http://www.nathpo.org/PDF/Tribal_Consultation.pdf)

minority and low-income populations, allowing those populations a meaningful opportunity to participate in the decision-making process. CEQ guidance clarifies the terms low-income and minority population, which includes Native Americans, and describes the factors to consider when evaluating disproportionately high and adverse human health effects.

The EPA<sup>8</sup> recommends that the Supplemental Draft EIS include an evaluation of environmental justice populations within the geographic scope of the project area. If such populations exist, describe how the proposed action would address the potential for disproportionate adverse impacts to minority and low-income populations, and the approaches used to foster public participation and coordination with these populations.

---

<sup>8</sup> See Promising Practices for EJ Methodologies in NEPA Reviews, May 2016  
[https://www.epa.gov/sites/production/files/2016-08/documents/nepa\\_promising\\_practices\\_document\\_2016.pdf](https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf)

**Chris Tantau**  
Kaweah Delta W.C.D.  
*Chairman of the Board*

**Jim Erickson**  
Madera I.D.  
*Vice Chairman*

**Cliff Loeffler**  
Lindsay-Strathmore I.D.  
*Secretary/Treasurer*

---

**Edwin Camp**  
Arvin-Edison W.S.D.

**Kole Upton**  
Chowchilla W.D.

**Tim Orman**  
City of Fresno

**George Porter**  
Fresno I.D.

**Loren Booth**  
Hills Valley I.D.

**Michael Brownfield**  
Lindmore I.D.

**Josh Pitigliano**  
Lower Tule River I.D.

**Kent H. Stephens**  
Kern-Tulare W.D.

**Harvey A. Bailey**  
Orange Cove I.D.

**Eric Borba**  
Porterville I.D.

**Steven G. Kisling**  
Saucelito I.D.

**Matt Leider**  
Tea Pot Dome W.D.

**Edwin L. Wheaton**  
Terra Bella I.D.

**Rick Borges**  
Tulare I.D.

---

**Jason R. Phillips**  
*Chief Executive Officer*

**Douglas A. DeFlicht**  
*Chief Operating Officer*

854 N. Harvard Ave.  
Lindsay, CA 93247

1121 L St., Ste. 610  
Sacramento, CA 95814

(559) 562-6305

June 15, 2020

Casey Arthur  
Project Manager  
Bureau of Reclamation, Willows Construction Office  
1140 W. Wood Street  
Willows, CA 95988

**Subject: Notice of Intent to Prepare a Supplemental Environmental Impact Statement for the B.F. Sisk Dam Raise and Reservoir Expansion Project**

Dear Ms. Arthur:

On behalf of Friant Water Authority (FWA), thank you for the opportunity to provide comments during the public scoping process for the Supplemental Environmental Impact Statement for the B.F. Sisk Dam Raise and Reservoir Expansion Project (Project), consistent with the requirements of the *National Environmental Policy Act* (NEPA).

As stated in the Notice of Intent to Prepare a Supplemental Environmental Impact Statement (SEIS), the Project includes a crest raise to address seismic risks at the dam but also an additional 10-foot raise to increase storage capacity at the reservoir by approximately 120,000 acre-feet. The Project's local sponsor is the San Luis and Delta-Mendota Water Authority (SLDMWA). The reservoir expansion component may include the Bureau of Reclamation as a federal cost-share partner under the *Water Infrastructure Investments for the Nation Act*.

FWA is a public agency representing a majority of the Friant Division of the Central Valley Project (CVP). FWA also operates and maintains the Friant-Kern Canal, which supplies San Joaquin River water stored at Millerton Lake to more than 30 Friant contractors, and to 15,000 family farms on more than one million acres of irrigable farm land on the eastside of the southern San Joaquin Valley. As such, we thoroughly appreciate that surface water storage is critical for the Valley and for all of California. Protecting existing storage infrastructure and adding it where feasible is important, and we support Reclamation and SLDMWA's efforts to achieve both at Sisk Dam.

The Project's SEIS is being developed as a supplement to existing dam safety project environmental documents, FWA understands that a certain amount of scoping under NEPA has already occurred. However, as SLDMWA and Reclamation look to develop and analyze alternatives for the reservoir expansion component, we offer the following comments to help guide this process in the coming months:

1. None of the alternatives considered for the Project should interfere with Reclamation's ability to satisfy San Joaquin River Exchange Contractor demands via the Delta-Mendota Canal and Mendota Pool, or other factors that would negatively affect allocations or supplies for other CVP water users (such as the Friant Division contractors).
2. The SEIS must document the water rights to be used and sources of water supply that are anticipated to be stored in the reservoir and whether the Project alternatives will require changes to existing water rights, permits, and contracts related to the CVP or the Exchange Contract. Depending on the extent of such changes, additional environmental review within the Project SEIS or separately may be required.
3. The SEIS must also include an analysis of any potential impacts to other CVP water users from the changes in operations, water rights, and contracts that the Project may involve or require, along with appropriate mitigation measures. This should include analysis for construction-related and long-term impacts to CVP South-of-Delta water supplies for:
  - a. San Joaquin River Exchange Contractors;
  - b. Cross Valley Contractors;
  - c. Water Service Contractors;
  - d. Repayment Contractors; and
  - e. San Joaquin River Restoration Settlement Paragraph 16(a) (i.e. Recapture and Recirculation).

Thank you for the opportunity to comment. You may contact me with any questions at 559-562-6305 or [jphillips@friantwater.org](mailto:jphillips@friantwater.org).

Sincerely,



Jason Phillips  
Chief Executive Officer

# NATIVE AMERICAN HERITAGE COMMISSION

6/12/2020

Governor's Office of Planning &amp; Research

**MAY 22 2020****STATE CLEARINGHOUSE**

May 20, 2020

Pablo Arroyave  
San Luis and Delta-Mendota Water Authority  
P.O. Box 2157  
Los Banos, CA 93635

**Re: 2009091004, B.F. Sisk Dam Raise and Reservoir Expansion Project, Merced County**

Dear Mr. Arroyave:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**



CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Merri Lopez-Keifer**  
Luiseño

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

COMMISSIONER  
**Marshall McKay**  
Wintun

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Julie Tumamait-Stenslie**  
Chumash

COMMISSIONER  
[Vacant]

COMMISSIONER  
[Vacant]

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a.** A brief description of the project.
  - b.** The lead agency contact information.
  - c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a.** Alternatives to the project.
  - b.** Recommended mitigation measures.
  - c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a.** Type of environmental review necessary.
  - b.** Significance of the tribal cultural resources.
  - c.** Significance of the project's impacts on tribal cultural resources.
  - d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

#### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. 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.
  - a. 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.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Nancy.Gonzalez-Lopez@nahc.ca.gov](mailto:Nancy.Gonzalez-Lopez@nahc.ca.gov).

Sincerely,



Nancy Gonzalez-Lopez  
Staff Services Analyst

cc: State Clearinghouse

**[EXTERNAL] San Luis Reservoir - raise its level and capacity**

Amy Nelson Frelinger <amy.frelinger@gmail.com>

Sat 5/16/2020 10:29 AM

To: Arthur, Casandra N <carthur@usbr.gov>

Mr. Arthur,

PLEASE, raise the dam at San Luis Reservoir by 10 feet and create an additional 120,000 acre-feet of water.

We Californians, ranchers, farmers and citizens all NEED this improvement while they make the other seismic corrections to this reservoir.

You can make this happen.

Appreciatively yours,  
Amy Frelinger

**[EXTERNAL] B.F. Sisk Dam**

Andrew Fisher <andrewjamesfisher@icloud.com>

Mon 6/8/2020 11:11 AM

To: Arthur, Casandra N <carthur@usbr.gov>

While undergoing seismic upgrades we should raise the dam to increase storage. This is essential since the state hasn't created any new storage in decades while we pass water bonds ad nauseam. Meanwhile Sites and Temperance Flats have all their funds wasted on study after study and of course? "consultants". Enough! We need water. More for humans and quit dumping it out to flush the cesspool known as San Francisco Bay. Thank you.

Andrew Fisher, Broker

661 478 8753

CA DRE 00895765

andrewjamesfisher@icloud.com

received  
MAY 22 2020

105 BCW  
200 P  
111 LAST

May 15, 2020

Casey Arthur  
Project Manager,  
Bureau of Reclamation  
Willows Construction Office  
1140 W. Wood Street  
Willows, CA, 95988.

Re: San Luis Reservoir Seismic Upgrade and Raising the SLR Dam

Dear Mr. Arthur,

We are writing to respectfully request your consideration to take positive action in support of raising the dam at the San Luis Reservoir during the seismic retrofit process. An additional 10 feet would potentially add 120,000 acre feet of storage.

Here's why:

1. California agriculture feeds the Nation and the world. Water is critical to this effort. Raising the dam at San Luis Reservoir (SLR) would potentially add approx 120,000 acre feet of water our ag desperately needs.
2. It is counter-intuitive that some are advocating a desalinization plant AFTER good clean water is sent into the ocean. With increased storage at San Luis, we can keep the fresh water here, where we need it. No need for an expensive and environmentally destructive de-sal plant. Let's add water storage.
3. It's a given, as water is held, there is aquifer recharge. Any opportunity to retain water that would otherwise be wasted once it combined with ocean salt water, should be acted upon. This is an opportunity not to be missed. Communities, particularly disadvantaged communities, drawing on wells in the aquifer(s) have the potential for improved water conditions.
4. Combining projects; raising the dam and seismic upgrades just makes sense. It's a 'two-fer'.
5. Economic security. Reduction in irrigated farmland means reductions in food quality and quantity. This relates directly to the cost of food grown and raised in CA and what consumers pay. Californians and American citizens, many economically disadvantaged, will be further hurt when demand exceeds supply. Adding water storag at SLR, or anywhere in CA is critical.
5. National Security. It is in the best interest of the United States' security that CA continues to provide food to the Nation. Reliance on other countries, especially those who seek to harm us, is illogical and dangerous.

We strongly support action raising the dam at San Luis Reservoir as soon as administratively possible and tying it in with the seismic updates.

Thank you,

Karen Briese and Ray Briese

**[EXTERNAL] CA WATER**

Dale Ashley <dsashley@gmail.com>

Sat 5/23/2020 11:20 AM

To: Arthur, Casandra N <carthur@usbr.gov>

**Raise the dam at San Luis Reservoir by 10 feet and create an additional 120,000 acre-feet of water NOW!!**

**[EXTERNAL] San Luis Reservoir**

David Frelinger <dfrelinger@yahoo.com>

Thu 5/21/2020 3:48 PM

To: Arthur, Casandra N <carthur@usbr.gov>

As a resident of California I am in favor of adding 10 feet to the San Luis Reservoir. California needs to do a better job collecting water and supporting the needs of the farming community in the Central Valley. This additional 10 feet will allow the savings of 120,000 acre feet of water which is needed to supply the needed food in California. Invest in California's natural resources and not in a disappointing bullet train.

David Frelinger  
23480 Olive Street  
Perris, CA 92570

**[EXTERNAL] B. F. Sisk Reservoir Expansion**

Diane Falge <valleyharvest@sbcglobal.net>

Mon 6/8/2020 11:13 AM

To: Arthur, Casandra N <carthur@usbr.gov>

Dear Sir,

As our population has grown and the environmental requirements on our water system has expanded, our state has grossly neglected our infrastructure and has put our state in a perilous shortage of water for urban and agricultural use.

We desperately need to increase our water storage across the state and I fully support increasing the capacity of the B. F. Sisk Dam.

I am a farmer on the east side of our valley and I have children that live in Southern California. Thank you for your work to provide water for the people in our state.

Best Regards,  
Diane Falge

(559)260-3234

**[EXTERNAL] San Luis Reservoir**

bjs19 &lt;bjs19@aol.com&gt;

Mon 6/8/2020 2:07 PM

**To:** Arthur, Casandra N <carthur@usbr.gov>

To whom it may concern,

I'm a farmer in the central valley. Our family farm has been here since 1938. We have changed our practices & engineered crops to be more drought tolerant. Lots of changes over many decades to become better stewards of the land. Its time for the state to update our infrastructure to accommodate the growing population and the need to feed them. Water is needed for both, without it neither one can flourish. Its been 40+yrs since the state add water storage. Its high time you(California) get off your ass and do what's needed for everyone. The more fertile the land the more it can grow, i i mean by that is if water is affordable and abundant our farms have jobs that means our communities can grow with those jobs, more people living here means more tax revenue. Farms help everyone not just by growing food.

Thank you for your time.

PLEASE ADD STORAGE TO SAN LUIS RESERVOIR.

PLEASE BUILD MORE DAMS OR ADD TO EXISTING DAMS IN CALIFORNIA.

John Thompson

Ceres, Ca.

**[EXTERNAL] B. F. Fisk Dam raising project**

Karin Campbell &lt;kacycamp@sbcglobal.net&gt;

Wed 6/10/2020 10:04 AM

To: Arthur, Casandra N &lt;carthur@usbr.gov&gt;

To: Casey Arthur, carthur@usbr.gov

From: Karin Campbell, kacycamp@sbcglobal.net

Subject: B.F. Fisk Dam raising project

Date: June 10, 2020

The B.F. Sisk will be undergoing a seismic upgrade. Why not raise the dam 10 feet and create new storage at the same time? It is a smart project, and it has my full support.

San Luis Reservoir is a massive spot to park water, and is where pumped water that doesn't empty into the ocean is stored before being dispersed east, west, and south. The increased capacity would benefit south of Delta water users, be managed by the federal government, and not subject to mismanagement by the state (yay!). I am 100% in favor of going ahead with this project.

Respectfully submitted,

Karin Campbell

## [EXTERNAL] Should we Raise San Luis Water Levels?

kb <kdb@sti.net>

Fri 5/15/2020 11:17 AM

To: Arthur, Casandra N <carthur@usbr.gov>

Der Mr. Arthur,

We are writing to respectfully request your consideration to take positive action in support of raising the dam at the San Luis Reservoir during the seismic retrofit process. An additional 10 feet would potentially add 120,000 acre feet of storage.

Here's why:

1. California agriculture feeds the Nation and the world. Water is critical to this effort. Raising the dam at San Luis Reservoir (SLR) would potentially add approx 120,000 acre feet of water our ag desperately needs.
2. It is counter-intuitive that some are advocating a desalinization plant AFTER good clean water is sent into the ocean. With increased storage at San Luis, we can keep the fresh water here, where we need it. No need for an expensive and environmentally destructive de-sal plant. Let's add water storage.
3. It's a given, as water is held, there is aquifer recharge. Any opportunity to retain water that would otherwise be wasted once it combined with ocean salt water, should be acted upon. This is an opportunity not to be missed. Communities, particularly disadvantaged communities, drawing on wells in the aquifer(s) have the potential for improved water conditions.
4. Combining projects, raising the dam and seismic upgrades just makes sense. It's a 'two-fer'.
5. Economic security. Reduction in irrigated farmland means reductions in food quality and quantity. This relates directly to the cost of food grown and raised in CA and what consumers pay. Californians and American citizens, many economically disadvantaged, will be further hurt when demand exceeds supply. Adding water storage at SLR, or anywhere in CA is critical.
5. National Security. It is in the best interest of the United States' security that CA continues to provide food to the Nation. Reliance on other countries, especially those who seek to harm us, is illogical and dangerous.

Finally, we are including a video of President John F Kennedy's speech from 1962 at the San Luis Reservoir. He understood the reasons why water storage is critical.

<https://www.youtube.com/watch?v=Q3XbtKCyjnQ>

We strongly support action raising the dam at San Luis Reservoir as soon as administratively possible and tying it in with the seismic updates.

Thank you,

Karen Briese

Ray Briese



**[EXTERNAL] Adding 10 ft to Sisk Damn**

Krista Frelinger <kristafrelinger@gmail.com>

Mon 5/18/2020 10:43 PM

To: Arthur, Casandra N <carthur@usbr.gov>

To whom it may concern:

Please consider raising the Sisk Dam by 10ft during safety modifications. The additional water from this addition would benefit our valley in a multitude of ways. It will not only allow us to produce more fruits, vegetables and nuts to feed our nation and the world but it will also allow us to raise higher quality crops. These crops feed the livelihood of millions in this valley who depend on this water to survive. From farm labor to pest control advisors to farm equipment suppliers their families depend on this water to flourish. All of this valley depends on Agriculture to survive in one way or another. It is crucial that we find a way to support the Central Valley water project to keep our valley alive and thriving.

Thank you for your consideration.

Krista Tavares

Pest Control Advisor, Fresno County

--

Krista

B.F. Sisk Dam Raise and Reservoir Expansion Project

NOI Scoping Period Comments

Voicemail received from Linda Foust on Monday, 6/8/20, at 1:07 pm.

*Calling to let us know that she is in favor of the raising of the dam at San Luis Reservoir. Perfect time because they are working on the infrastructure and need the extra 10 feet for additional water storage.*

*We need to do this.*

**[EXTERNAL] San Luis Reservoir seismic upgrade**

Loel Wood <wood71188@comcast.net>

Mon 6/8/2020 1:40 PM

To: Arthur, Casandra N <carthur@usbr.gov>

Casey Author,

I'm taking the me t o send you my support on the SLR project and hope that we can also include raising the dam 10 feet. Our water infrastructure is so far behind and the amount of water just being sent out to sea is just breath taking. Our family owns a small almond orchard, so water is a real concern and our state needs more of the save first spend second atude when it c omes to water conservaon. Thank y ou for taking the me t o hear me out.

Loel Wood

**[EXTERNAL] B.F.Sisk dam**

loiswollenman@comcast.net <loiswollenman@comcast.net>

Mon 6/8/2020 12:17 PM

**To:** Arthur, Casandra N <carthur@usbr.gov>

I'm writing regarding the proposal to raise the dam at San Luis Reservoir 10 feet and create new storage at the same time. I know you are aware of needed storage so let's be smart. Help us store our water instead of watching it go directly to the Pacific Ocean.

Thank you for your support!!!!

Lois Wollenman

loiswollenman@comcast.net

Sent from my iPhone

**[EXTERNAL] San Luis Reservoir Dam Repairs**

Louie Bishop <louiebishop64@gmail.com>

Thu 5/14/2020 8:02 PM

To: Arthur, Casandra N <carthur@usbr.gov>

To Whom It May Concern,

I am a California citizen that is very concerned how our government is taking water from people and farmers, causing man-made shortages and higher prices, not to mention infrastructure deterioration.

Please do all in your power to raise the San Luis Reservoir dam as it is being repaired. The more water for people and farmers, the better our world will be!

Thank you,

Louis Bishop

Sent from my iPhone

**[EXTERNAL] San Luis Reservoir B.F. Sisk****Monica Wright** <monicag\_13@icloud.com>

Mon 6/8/2020 5:40 PM

**To:** Arthur, Casandra N <carthur@usbr.gov>

Hello Mr. Arthur,

It is way past time our water issues are dealt with and cooperation in finding more storage for the almost 40,000,000 people that live in California.

San Luis Reservoir is a massive spot to park water and is where pumped water that doesn't empty into the ocean is stored before being dispersed east, west, and south. The facility is shared by the federal Central Valley Project (our national water) and the State Water Project (our state water). The increased capacity would benefit south of Delta water users, be managed by the federal government, and not subject to mismanagement by the state (yay!). This additional 10 feet would have been filled to the top last year in 2017, and every year SLR has reached its capacity.

Thank you and sincerely,

Monica Wright

**[EXTERNAL] Raise Dam!!!!**

Paula Bazzell <pjbazzell5@yahoo.com>

Thu 5/14/2020 10:14 PM

To: Arthur, Casandra N <carthur@usbr.gov>

California needs all the extra water it can hold anywhere!!! Thanks to a lot of Northern water Districts have sold us out to Southern California's and to much of our water goes down South!!!! It hurts our Farmers and even the small local farmers business owners who need the water of Northern California!!! Which should be at a lower cost for us because it is coming from were we live and pay taxes on all the improvement that always being made on the canals that carry the water to Southern California!!! So yes!!! This would be a great time to Raise the Dam do it right this time!!! Yes We Need more Water Storage in Northern California!!! IT MAKES GOOD SENSE AND SHOULD BE DONE!!! The Sooner The Better!!!

[Sent from Yahoo Mail on Android](#)

**[EXTERNAL] Water storage**

Richard Kreps <rkreps@ultragro.net>

Mon 6/8/2020 12:57 PM

To: Arthur, Casandra N <carthur@usbr.gov>

I am absolutely, with no equivocation, for any project that stores more water for all Californians!

Rich Kreps, CCA, SSp # 371469

Ultra Gro (559) 706-6903



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



June 12, 2020

Pablo Arroyave  
San Luis and Delta-Mendota Water Authority  
842 6<sup>th</sup> Street  
Los Banos, California 93635

**Subject: B.F. Sisk Dam Raise and Reservoir Expansion Project (Project)  
Notice of Preparation (NOP)**

Dear Mr. Arroyave:

The California Department of Fish and Wildlife (CDFW) received a NOP from the San Luis and Delta-Mendota Water Authority and Bureau of Reclamation for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

**CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on

---

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

**Water Rights:** The use of unallocated stream flows is subject to appropriation and approval by the State Water Resources Control Board (SWRCB) pursuant to Water Code § 1225. CDFW, as Trustee Agency, is consulted by the SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic ecosystems, which in turn are reliant upon adequate flows of water. CDFW therefore has a material interest in assuring that adequate water flows within streams for the protection, maintenance and proper stewardship of those resources. CDFW provides, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** San Luis and Delta-Mendota Water Authority and Bureau of Reclamation

**Objective:** The Project proposes to increase the storage capacity in San Luis Reservoir for the purpose of providing greater water supply reliability for south-of-Delta contractors dependent on San Luis Reservoir. The increased storage capacity would be achieved by an additional 10-foot raise of the B.F. Sisk Dam embankment across the entire dam crest above the level proposed for dam safety purposes. The Project would also implement modifications to State Route 152 in areas where the increased water surface elevation in the reservoir would interact with the roadway.

**Location:** The Project location is the San Luis Reservoir, located approximately 12 miles west of Los Banos, in Merced County, California.

**Timeframe:** N/A.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist San Luis and Delta-Mendota Water Authority and Bureau of Reclamation in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

There are many special-status resources present in and adjacent to the Project area. These resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the State endangered foothill yellow-legged frog (*Rana boylei*), the State endangered and fully protected bald eagle (*Haliaeetus leucocephalus*), the fully protected golden eagle (*Aquila chrysaetos*), the State threatened Swainson's hawk (*Buteo swainsonii*), the federally threatened and State species of special concern California red-legged frog (*Rana draytonii*), the State candidate-listed as threatened mountain lion (*Puma concolor*), and tule elk (*Cervus canadensis nannodes*). In order to adequately assess any potential impacts to biological resources, focused biological surveys conducted by a qualified wildlife biologist are recommended during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project area. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol-level surveys, especially in the areas not in irrigated agriculture, and to identify any Project-related impacts under CESA and other species of concern.

### I. Environmental Setting and Related Impact

**Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?**

#### COMMENT 1: California Tiger Salamander (CTS)

**Issue:** CTS have the potential to occur in the Project site. Aerial imagery shows that the Project site consists of upland habitat, which likely serve as refugia for CTS that are dispersing from and into the area, and aquatic features that may provide CTS breeding habitat.

**Specific Impacts:** Aerial imagery shows that the proposed Project site has upland habitat for refugia which may function as breeding habitat. Potential ground- and vegetation-disturbing activities associated with Project activities include: collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia, water quality impacts to breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

**Evidence impact would be significant:** Up to 75% of historic CTS habitat has been lost to urban and agricultural development (Searcy et al. 2013). Loss, degradation, and fragmentation of habitat are the primary threats to CTS in both the Central and San Joaquin valleys. Contaminants and vehicle strikes are also sources of mortality for the species (CDFW 2015, USFWS 2017a). The Project site is within the range of CTS and has suitable habitat (i.e., grasslands interspersed with burrows and vernal pools). CTS have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from seasonally flooded wetlands (Searcy and Shaffer 2011) and have been documented to occur near the Project site (CDFW 2020). Given the presence of suitable habitat within the Project site, ground-disturbing activities have the potential to significantly impact local populations of CTS.

### **Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential impacts to CTS, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the Environmental Impact Report (EIR) prepared for this Project, and that these measures be made conditions of approval for the Project.

#### **Recommended Mitigation Measure 1: Focused CTS Protocol-level Surveys**

CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS “Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander” (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

### **Recommended Mitigation Measure 2: CTS Avoidance**

If CTS protocol-level surveys as described in the above Mitigation Measure 1 are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the Project site. Further, CDFW recommends potential or known breeding habitat within and/or adjacent to the Project site be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland breeding no-disturbance buffers are intended to minimize impacts to CTS habitat and avoid take of individuals. Alternatively, the applicant can assume presence of CTS within the Project site and obtain from CDFW a State Incidental Take Permit (ITP) in accordance with Fish and Game Code section 2081 subdivision (b).

### **Recommended Mitigation Measure 3: CTS Take Authorization**

If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization would be warranted prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081 subdivision (b). As stated above, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

### **COMMENT 2: San Joaquin Kit Fox (SJKF)**

**Issue:** The Project has the potential to impact SJKF. The area from around Los Banos Reservoir to the north of San Luis Reservoir has been identified by the Department and the USFWS as a migratory corridor critical to the continued existence and genetic diversity of the northern kit fox population – with the Santa Nella area being identified as a critical SJKF migratory “pinch-point” within this area (HT Harvey and Associates 2004). The creation of the San Luis Reservoir and O’Neil Forebay resulted in a large migratory barrier to the north-south migration of SJKF, and busy highways in the area such as State Routes 152 and 33 and Interstate 5, as well as the existing urban development further compounded this problem. As a result, any grassland, shrub land, or dry farmed habitat features in this area that could serve as movement or rest areas for SJKF has very high conservation values for this species. Any loss of these features within the corridor is potentially significant. In addition, SJKF has the potential to occur on the Project site because of the proximity of the Project site to the Santa Nella area. Any take of SJKF without appropriate take authorization would be a violation of Fish and Game Code.

**Specific impact:** Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with Project activities include den

collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

**Evidence impact is potentially significant:** Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to SJKF (Cypher et al. 2013). The Project area consists and is bordered by some of the only remaining undeveloped land in the vicinity. Therefore, subsequent ground-disturbing activities have the potential to significantly impact local SJKF populations.

### **Recommended Analysis**

CDFW recommends the EIR quantify and describe the direct and indirect potential impacts to SJKF, including any impacts to the SJKF movement corridor and other conservation areas. The evaluation should include the cumulative impacts to SJKF from other existing, planned and potential development from south of the Los Banos Reservoir to north of the San Luis Reservoir that may impact existing upland habitat.

### **Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming)**

To evaluate potential impacts to SJKF, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

#### **Recommended Mitigation Measure 4: SJKF Surveys**

CDFW recommends presence/absence of SJKF be assessed by conducting surveys and implementing den avoidance buffers following the USFWS “Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance” (2011). Specifically, CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground-disturbing activities.

#### **Recommended Mitigation Measure 5: SJKF Take Authorization**

SJKF detection warrants consultation with CDFW to discuss how to avoid take, or if avoidance is not feasible, to acquire an ITP prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b).

### **COMMENT 3: Foothill Yellow-Legged Frog (FYLF) and California Red-Legged Frog (CRLF)**

**Issue:** FYLF are primarily stream dwelling and requires shallow, flowing water in streams and rivers with at least some cobble-sized substrate; CRLF primarily inhabit ponds but can also be found in other waterways including marshes, streams, and

lagoons, and the species will also breed in ephemeral waters (Thomson et al. 2016). FYLF and CRLF have been documented to occur in the vicinity of the Project site (CDFW 2020). The Project site contains habitat that may support both species. Avoidance and minimization measures are necessary to reduce impacts to FYLF and CRLF to a level that is less than significant.

**Specific impact:** Without appropriate avoidance and minimization measures for FYLF and CRLF, potentially significant impacts associated with the Project's activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs, larvae and/or young, and direct mortality of individuals.

**Evidence impact would be significant:** FYLF and CRLF populations throughout the State have experienced ongoing and drastic declines and many have been extirpated; historically, FYLF occurred in mountain streams from the San Gabriel River in Los Angeles County to southern Oregon west of the Sierra-Cascade crest (Thomson et al. 2016). Habitat loss from growth of cities and suburbs, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to FYLF and CRLF (Thomson et al. 2016, USFWS 2017b). Project activities have the potential to significantly impact both species.

**Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential impacts to FYLF and CRLF, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

**Recommended Mitigation Measure 6: FYLF and CRLF Surveys**

CDFW recommends that a qualified wildlife biologist conduct surveys for FYLF and CRLF in accordance with the USFWS "Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog" (USFWS 2005) to determine if FYLF and CRLF are within or adjacent to the Project area; while this survey is designed for CRLF, the survey may be used for FYLF with focus on stream/river habitat.

**Recommended Mitigation Measure 7: FYLF and CRLF Avoidance**

If any FYLF or/and CRLF are found during pre-construction surveys or at any time during construction, consultation with CDFW is warranted to determine if the Project can avoid take. CDFW recommends that initial ground-disturbing activities be timed to avoid the period when FYLF and CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must

take place between November 1 and March 31, CDFW recommends a qualified biologist monitor construction activity daily for FYLF and CRLF.

#### **Recommended Mitigation Measure 8: FYLF Take Authorization**

If through surveys it is determined that FYLF are occupying or have the potential to occupy the Project site and take cannot be avoided, take authorization would be warranted prior to initiating ground-disturbing activities. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081 subdivision (b).

#### **COMMENT 4: Swainson's Hawk (SWHA)**

**Issue:** SWHA have the potential to forage or nest near or on the Project site. The California Natural Diversity Database shows SWHA occurrences throughout the area near the Project site (CDFW 2020). In addition to annual grasslands, SWHA are known to forage in alfalfa, fallow fields, dry-land and irrigated pasture, rice land (during the non-flooded period), cereal grain crops (including corn after harvest), beet, tomato, and other low-growing row or field crops.

**Specific impacts:** Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

**Evidence impact is potentially significant:** SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). The Project as proposed, particularly construction of new facilities, will involve noise, groundwork, and movement of workers that could affect nests and foraging which has the potential to result in nest abandonment and decreased feeding, significantly impacting local nesting SWHA.

#### **Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential impacts to SWHA, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the CEQA document prepared for this Project, and that these measures be made conditions of approval for the Project.

### **Recommended Mitigation Measure 9: SWHA Surveys**

CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest and foraging sites prior to initiating ground-disturbing activities.

### **Recommended Mitigation Measure 10: SWHA No-disturbance Buffer**

If ground-disturbing activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation. CDFW recommends a minimum no disturbance buffer of ½-mile be delineated around active until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

### **Recommended Mitigation Measure 11: SWHA Foraging Habitat**

CDFW recommends compensation for the loss of SWHA foraging habitat to reduce impacts to SWHA foraging habitat to less than significant based on CDFW's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG, 1994), which recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites and the amount of habitat compensation is dependent on nest proximity. In addition to fee title acquisition or conservation easement recorded on property with suitable grassland habitat features, mitigation may occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

### **Recommended Mitigation Measure 12: SWHA Take Authorization**

CDFW recommends that in the event an active SWHA nest is detected during surveys and the CDFW recommended ½-mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

## **COMMENT 5: Tule Elk**

**Issue:** Elk are California's largest land mammal and an important wildlife resource whose population growth in recent decades has been of great interest to the public. Prior to non-indigenous settlement, it is estimated the elk population in California was more than 500,000 animals. Non-indigenous settlement decimated California's elk populations. By 1872, only a few tule elk remained in the San Joaquin Valley. Conservation organizations and hunters were able to restore elk to the California landscape. Elk population growth since 1970 has been significant and California now supports approximately 5,700 tule elk (CDFW 2018). CDFW regional biologists have confirmed tule elk within and adjacent to the Project site. The Project has the potential to impact this species.

**Specific impact:** Tule elk are known to utilize the Project site and adjacent areas, especially below the B.F. Sisk Dam. Potential impacts to tule elk as a result of the Project includes loss of habitat, mortality resulting from vehicle collisions, and entanglement with fences and other structures. Without appropriate mitigation measures for tule elk, potentially significant impacts include loss of habitat.

**Evidence impact is potentially significant:** Habitat loss resulting from development or conversion to other land uses are the primary threat to tule elk. The Project site is within the range of tule elk and is utilized by tule elk based on CDFW population assessment surveys. As a result, ground-disturbing activities associated with development of the Project site have the potential to significantly impact local populations of this species.

### **Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential impacts to tule elk, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

#### **Recommended Mitigation Measure 13: Tule Elk habitat**

The Project as proposed will result in the loss of tule elk habitat. CDFW recommends that tule elk habitat be conserved at a minimum 1:1 ratio to the loss of habitat within the general vicinity of the Project site.

#### **Recommended Mitigation Measure 14: Fencing**

Increasing the storage capacity of the San Luis Reservoir may result in realignment to the perimeter fencing. Physical barriers such as fencing, mesh wire, panels, electric fence, and visual barriers (such as landscaping cloth hung between fence

poles) have the potential to impact tule elk. CDFW recommends not utilizing physical barriers that may impede tule elk access to water, and foraging areas.

#### **COMMENT 5: Mountain lion**

It should be noted that on June 25, 2019 a petition to list the mountain lion (*Puma concolor*), Southern California/Central Coast Evolutionarily Significant Unit (ESU) in Southern and Central California as Threatened or Endangered pursuant to the California Endangered Species Act (California Fish and Game Code §§ 2050 et seq., “CESA”) was submitted to the California Fish and Game Commission. Specifically, the petitioners requested listing as a “threatened species” for the ESU comprised of the following recognized mountain lion subpopulations: 1) Santa Ana Mountains 2) Eastern Peninsular Range 3) San Gabriel/San Bernardino Mountains 4) Central Coast South (Santa Monica Mountains) 5) Central Coast North (Santa Cruz Mountains) 6) Central Coast Central. In April 2020, Fish and Game Commission determined that the petitioned action “may be warranted” and established mountain lion within the proposed ESU as a candidate species under CESA. As a candidate species, mountain lion within the proposed ESU now has all of the protections afforded to an endangered species under CESA.

The Project site is adjacent to the Central Coast North ESU. Therefore, CDFW advises analyzing Project impacts to the subpopulation; CDFW advises including and referencing recent linkage studies on mountain lion that includes these six subpopulations of mountain lions in California. Based on this analysis, CDFW recommends the EIR prepared for this Project include robust feasible avoidance, minimization, and mitigation measures to reduce impacts to mountain lion to less than significant.

#### **COMMENT 6: Riparian Impacts**

**Issue:** The increased storage capacity as a result from the dam raise will impact riparian habitat and associated species throughout the San Luis Reservoir. A hydrologic study or other information may be needed to identify and analyze the impacts of the removal of riparian woodland around the San Luis Reservoir, and the species supported by these habitats.

**Specific Impact:** Watershed and habitat protection are vital to the CDFW’s management of California’s diverse fish, wildlife, and plant resources. The various riparian zones around the San Luis Reservoir (i.e. San Luis Creek) supports riparian woodland habitat and associated annual grassland, and may potentially support several sensitive species listed as threatened or endangered under CESA and the Federal Endangered Species Act (FESA), as well as several State special-status species including California red-legged and foothill yellow-legged frog. CDFW is concerned that

the loss of riparian habitat will result in direct and cumulative adverse impacts to these fish and wildlife and other public trust resources.

### **Recommended Analysis**

CDFW recommends a hydrologic study or other information that identify and analyze the impacts to the riparian woodland and aquatic habitats around the San Luis Reservoir and the species supported by these habitats.

### Study Plan

Where a project could affect the hydrologic regime of a watershed, the necessary elements to successfully maintain the biological diversity and avoid impacts to threatened and endangered species needs to be identified to facilitate sound management decisions. CDFW recommends the Lead Agency develop and implement a site-specific study to evaluate potential Project-related impacts to riparian habitat and determine appropriate measures to reduce impacts to a less than significant level.

At a minimum, CDFW recommends the study plan include the following:

1. Analysis of any impacts to flows necessary to maintain the health and perpetuation of aquatic and riparian resources adjacent to the reservoir that result from Project activities.
2. A complete updated (within the last two years) assessment of the flora and fauna within, and adjacent to, the Project footprint with particular emphasis on identifying endangered, threatened, and sensitive species and sensitive habitats. The assessment should be based on the findings of appropriate applicable protocol surveys to determine the presence or absence of special-status species within the Project footprint. These surveys should be conducted on the project site, including adjacent habitats.
3. A quantification of the loss of biological resources that will occur as a result of the inundation of riparian habitat and associated tributaries, and an evaluation of the impacts to resources.
4. A mitigation plan to replace lost plant, fish, and/or wildlife resources including, but not limited to the species or habitats described above. This plan must include a survey which quantifies the loss of resources that will occur as a result of this project. It must also specify measures that will be taken to offset impacts to resources and outline specific mitigation and monitoring programs.

### **Comment 7: Department Owned and Managed Lands**

CDFW Wildlife Areas are acquired for the protection and enhancement of habitat for a wide variety of species and are open to the public for wildlife viewing, hiking,

hunting, fishing, and nature tours. The construction and staging activities near CDFW lands could severely limit the wildlife and public use values of these lands as well as alter the way these lands are managed by CDFW. Most Wildlife Areas depend on visitor fees for operation, maintenance and management. CDFW has concerns that Project-related construction and staging activities may negatively impact the number of visitors to Wildlife Areas resulting in reduced revenues; thereby reducing or eliminating the future enhancement of public recreational opportunities and wildlife habitat provided by these areas.

Specific CDFW-owned lands that are in the Project vicinity include Cottonwood Creek Wildlife Area (Upper and Lower), San Luis Reservoir Wildlife Area, O'Neill Forebay Wildlife Area, Volta Wildlife Area, Los Banos Wildlife Area, Grasslands Wildlife Area and Cañada de los Osos Ecological Reserve. It is of note that the Cottonwood Creek, O'Neill Forebay, and San Luis Reservoir Wildlife Areas were set aside/created as USBR mitigation for the creation of San Luis Reservoir, and these lands appear to be those most likely to be directly impacted by the project. CDFW requests that the EIR evaluate how construction, staging, and road/highway modification activities may temporarily or permanently impact public access and use of these Wildlife Areas in addition to potential resource impacts. It is of note that all of these properties are known to support state and federally listed species.

#### **Comment 8: Cumulative Impacts Related to High Speed Rail**

The Bay Area to Merced alignment of the High Speed Train is also planned for the project area vicinity. The currently proposed High Speed Train alignment would run along Henry Miller Road to the east of the Project Area and ultimately would tunnel underneath the Cottonwood Creek Wildlife Area, in close proximity to B.F. Sisk Dam and possibly with overlapping staging, traffic, and road use/construction impacts. We recommend that the DEIR evaluate the potential impacts of both the High Speed Train and the Proposed Project being constructed simultaneously or in close proximity temporally. The related cumulative impacts to CDFW lands and biological resources should also be analyzed and addressed.

#### **II. Editorial Comments and/or Suggestions**

**Fully Protected Raptors:** The fully protected bald eagle and golden eagle are known to nest and forage in the vicinity of the Project site. Projects within occupied territories have the potential to significantly impact the species. The Department recommends that focused surveys be conducted by experienced biologists prior to Project implementation. To avoid impact to the species, the Department recommend incorporating survey protocols developed by the Department (CDFG, 2010) and the USFWS (USFWS, 2010). In the event that the species is found within 0.5-mile of the Site, implementation of avoidance measures are warranted. The Department

recommends that a qualified wildlife biologist be on-Site during all ground disturbing/construction related activities and that a 0.5 mile no disturbance buffer be put into effect. If the 0.5 mile no disturbance buffer cannot feasibly be implemented, the Department should be contacted to assist with providing and implementing additional avoidance measures. Mitigation measures for fully protected raptor species should be fully addressed in the CEQA document prepared for the Project.

**Lake and Streambed Alteration:** The Project is subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires San Luis and Delta-Mendota Water Authority to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent, such as the unnamed stream within the Project site, as well as those that are perennial in nature.

For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593. It is important to note, CDFW is required to comply with CEQA, as a Responsible Agency, when issuing a Lake or Streambed Alteration Agreement (LSAA). If inadequate, or no environmental review, has occurred, for the Project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSAA until CEQA analysis for the project is complete. This may lead to considerable Project delays.

**Water Rights:** CDFW recommends the EIR address whether the Project proponents anticipate applying for the water rights associated with the proposed increase in storage capacity for the reservoir. CDFW recommends the EIR address how the Project will affect existing water rights including those associated with the Central Valley Project (CVP) and State Water Project (SWP) water supply, pre-1914 appropriative rights, riparian rights, prescriptive rights, and appropriative rights approved under licenses and SWRCB WR Orders.

Project-related diversions to storage may impact riparian, wetland, fisheries and terrestrial (upland) wildlife species and their habitats. As stated previously, CDFW, as Trustee Agency, is consulted by the SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Given the potential for impacts to sensitive species and their habitats, it is advised that consultation with CDFW occur well in advance of any SWRCB water right application process.

**Federally Listed Species:** CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, CTS, SJKF, and

Pablo Arroyave  
San Luis and Delta-Mendota Water Authority  
June 12, 2020  
Page 15

CRLF. Take under FESA is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

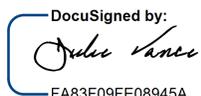
## FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist San Luis and Delta-Mendota Water Authority and Bureau of Reclamation in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 254, or by electronic mail at [Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

Pablo Arroyave  
San Luis and Delta-Mendota Water Authority  
June 12, 2020  
Page 16

cc: United States Bureau of Reclamation  
2800 Cottage Way  
Sacramento, California 95825

State Water Resources Control Board  
Division of Water Rights  
Post Office Box 2000  
Sacramento, California 95812

United States Army Corps of Engineers  
San Joaquin Valley Office  
1325 "J" Street, Suite #1350  
Sacramento, California 95814-2928

ec: Patricia Cole; Patricia\_Cole@fws.gov

Annette Tenneboe, Linda Connolly, Bob Stafford, and Cristen Langner; CDFW

## Literature Cited

- California Department of Fish and Game (CDFG) 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.
- CDFG. 2010. Bald Eagle Breeding Survey Instructions. California Department of Fish and game, April 2010.
- California Department of Fish and Wildlife (CDFW). 2015. California Tiger Salamander Technical Review – Habitat, Impacts and Conservation. California Department of Fish and Wildlife, October 2015.
- CDFW. 2016. Five Year Status Review for Swainson's Hawk (*Buteo swainsoni*). California Department of Fish and Wildlife. April 11, 2016.
- CDFW. 2018. Elk Conservation and Management Plan. California Department of Fish and Wildlife, December 2018.
- CDFW. 2020. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed June 1, 2020.
- Cypher, B. L., S. E. Phillips, P. A. Kelly, 2013. Quantity and distribution of suitable habitat for endangered San Joaquin kit foxes: conservation implications. *Canid Biology and Conservation* 16(7): 25–31.
- H.T. Harvey and Associates. 2004. Habitat Conservation Plan for the San Joaquin kit fox at the Arnaudo Brothers, Wathen-Castanos, and River East Holdings sites within, and adjacent to, the Santa Nella Community Specific Plan area. Prepared for Wathen Castanos, Arnaudo Brothers, and River East Holdings June 14, 2004.
- Searcy, C.A. and H.B. Shaffer. 2011. Determining the migration distance of a vagile vernal pool specialist: How much land is required for conservation of California tiger salamanders? *In* Research and Recovery in Vernal Pool Landscapes, D. G. Alexander and R. A. Schlising, Eds. California State University, Chico, California.
- Searcy, C.A., E. Gabbai-Saldate, and H.B. Shaffer. 2013. Microhabitat use and migration distance of an endangered grassland amphibian. *Biological Conservation* 158: 80-87.
- Swainson's Hawk Technical Advisory Committee (SWHA TAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

Thomson, R. C., A. N. Wright, and H. Bradley Shaffer. 2016. California Amphibian and Reptile Species of Special Concern. California Department of Fish and Wildlife and University of California Press.

United State Fish and Wildlife Service (USFWS). 2003. Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander, October 2003.

USFWS. 2005. Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog. March 2005. 26 pp.

USFWS. 2010. Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations. United State Fish and Wildlife Service, February, 2010.

USFWS, 2011. Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service.

USFWS. 2017a. Recovery Plan for the Central California Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*). U. S. Fish and Wildlife Service, Region 8, Sacramento, California. June 2017.

USFWS. 2017b. Species Account for California Red-legged frog. March 2017. 1 pp.

**Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM  
(MMRP)**

**PROJECT: B.F. Sisk Dam Raise and Reservoir Expansion Project**

**SCH No.: N/A**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: Focused CTS Protocol-level Surveys	
Mitigation Measure 3: CTS Take Authorization	
Mitigation Measure 4: SJKF Surveys	
Mitigation Measure 5: SJKF Take Authorization	
Mitigation Measure 6: FYLF and CRLF Surveys	
Mitigation Measure 8: FYLF Take Authorization	
Mitigation Measure 9: SWHA Surveys	
Mitigation Measure 11: SWHA Foraging Habitat	
Mitigation Measure 12: SWHA Take Authorization	
Mitigation Measure 13: Tule Elk habitat	
<i>During Construction</i>	
Mitigation Measure 2: CTS Avoidance	
Mitigation Measure 7: FYLF and CRLF Avoidance	
Mitigation Measure 10: SWHA No-disturbance Buffer	
Mitigation Measure 14: Fencing	

**[EXTERNAL] San Luis**

Stacey Swinney <staceylaurae@yahoo.com>

Fri 5/15/2020 5:52 AM

**To:** Arthur, Casandra N <carthur@usbr.gov>

Please raise the San Luis Dam. We need more water storage in California now! This is an easy choice.

Sincerely,

Stacey Swinney

Dos Palos, CA

Sent from my iPad

**[EXTERNAL] Raising CA reservoir 20 ft.**

Sunny Hand <sunnyhand@att.net>

Wed 5/20/2020 4:58 PM

To: Arthur, Casandra N <carthur@usbr.gov>

PLEASE Help California undo the damage by to many years of pay for play Democrat politicians and Do everything you can to raise and save our water for this state, the agriculture and the people who love it.

I'm ready to leave and not even a farmer. But I know what goes on here has an impact everywhere in our nation. We need your wise involvement to help us help ourselves.

Thank you.

Sunny Hand  
4870 Mendota st.  
Union city, CA

via iPhone

**[EXTERNAL] SLR EXPANSION**

wajwriter@aol.com <wajwriter@aol.com>

Sun 5/17/2020 11:01 AM

To: Arthur, Casandra N <carthur@usbr.gov>

**Casey Arthur**  
**Project Manager**  
**Bureau of Reclamation**  
**Willows Construction Office**  
**1140 W. Wood Street**  
**Willows, CA, 95988.**

**DEAR MR ARTHUR,**

I WORKED AS A CIVIL ENGINEER ON THE CALIFORNIA WATER PROJECT FROM THE CLIFTON COURT FOREBAY TO CASTAIC DAM / ANGELES TUNNEL...PLUS I WAS ON THE FIELD DESIGN TEAM FOR THE ORIGINAL PERIPHERAL CANAL.

I SUPPORT RAISING SLR TO ALLOW ADDITIONAL WATER STORAGE.

THE PUBLIC HAS NEVER QUITE UNDERSTOOD HOW THE ENTIRE WATER SYSTEM IS DESIGNED TO OPERATE...AND THE POLITICIANS ALONG WITH THE MEDIA HAVE COMPLETELY STEERED PUBLIC OPINION IN THE WRONG DIRECTION. THE FACT THAT WE ARE CURRENTLY DRAWING WATER FOR THE ENTIRE SYSTEM OUT OF THE ITALIAN SLOUGH / OLD RIVER WAS TO BE A TEMPORARY SITUATION UNTIL THE HOOD TO CLIFTON COURT PERIPHERAL CANAL COULD TO BE CONSTRUCTED...A PROJECT THAT WAS DESIGNED TO BE COMPLETED OVER 50 YEARS AGO!!!

RON POSEY  
MODESTO CA

**[EXTERNAL] San Luis Reservoir in CA****William Hembree <hembree\_hri@sbcglobal.net>**

Sat 5/16/2020 1:28 PM

**To:** Arthur, Casandra N <carthur@usbr.gov>

Good Morning Mr. Arthur,

I'm writing to encourage a positive decision on raising CA's San Luis Reservoir by ten feet.

San Luis Reservoir is a large natural location to store water, and is where pumped water that doesn't empty into the ocean is stored before being dispersed east, west, and south. The SLR facility is shared by the federal Central Valley Project (our federal water) and the State Water Project (our CA state water).

Consequently, the increased storage capacity would benefit south of Delta water users, be managed by the federal government, and not subject to mismanagement by the state and their environmental Waco puppet masters. This additional 10 feet would have been filled in 2019 and in 2017, and every year SLR has reached its capacity.



California's water is America's salad, fruits and vegetables! The timing for this expansion is excellent because produce is very spotty now and planning for future catastrophes is high in the minds of quarantined Americans.

Storing rainfall and saving water just makes perfect common sense. Please feel free to call me if you would like further input from a life-long CA resident who is fed up with CA's mismanagement of water which is a scarce and irreplaceable resource.

Thank you for your and the Bureau of Reclamation's roles in raising the capacity of this reservoir by ten feet.

Best Wishes

William E. (Bill) Hembree

3538 Torino Way

Concord, CA 94518

(925) 798-8574