Attachment C

SCOPING COMMENTS
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DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO CA 95814-2922  
September 2, 2009  

Regulatory Division SPK-2007-02288  

Mr. Jason Phillips  
San Joaquin River Restoration Program  
USBR  
2800 Cottage Way, MP-170  
Sacramento, California 95825  

Dear Mr. Phillips:  

We are responding to your July 13, 2009 request for comments on the San Joaquin River River Restoration Program Mendota Pool Bypass and Reach 2B Channel Improvements Project. The project is located on or near San Joaquin River, Section 25, Township 13 S, Range 15 E, Latitude 36.7735109145607°, Longitude -120.283221631768°, Madera County, California. Your identification number is SPK-2007-02288.  

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 10 of the Rivers and Harbor Act and Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.  

To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.  

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.  

Phases of the program may be subject to 33 CFR 208.10, for encroachment upon a Federal flood control feature, or 33 U.S.C 408, for alteration of a Federal project.
Ms. Margaret Gidding  
Bureau of Reclamation  
2800 Cottage Way MP-140  
Sacramento, CA. 95825  

Subject: Scoping Comments for the Mendota Pool Bypass and Reach 2B  
Improvements Project Under the San Joaquin River Restoration Program,  
Fresno and Madera Counties, California

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register  
Notice published July 13, 2009 requesting comments on the Bureau of Reclamation decision to  
preserve an Environmental Impact Statement (EIS) for the above action. Our comments are  
provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental  
Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under  
Section 309 of the Clean Air Act.

EPA advocates an integrated approach which places fisheries restoration in the context  
of the other beneficial uses associated with the San Joaquin River, such as wetlands, wildlife  
habitat, and municipal supply. We are especially interested in evidence that the project design  
gives full consideration to water quality, and habitat and ecosystem functions in floodplains and  
riparian areas. Detailed scoping comments are enclosed, including our comments in response to  
the Notice of Intent and Administrative EIS for the San Joaquin River Restoration Program  
which are relevant to the above action.

We appreciate the opportunity to provide comments on the preparation of the EIS. We  
look forward to continued participation in this process as more information becomes available.  
Please send three copies of the Draft EIS to the address above (mail code: CED-2). If you have  
your questions, please contact me at (415) 972-3521, or contact Laura Fujii, the lead reviewer for  
this project. Laura can be reached at (415) 972-3852 or fujii.laura@epa.gov.

Sincerely,

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

Enclosures:  
September 19, 2007 EPA Scoping Comments for the San Joaquin River Restoration  
Program  
May 27, 2009 EPA Water Division Comments for the Administrative Draft of the PEIS  
for the San Joaquin River Restoration Program
cc: Jason Phillips, Bureau of Reclamation
    Dan Castleberry, U.S. Fish and Wildlife Service
    Russell Bellmer, NOAA Fisheries
    Paula Landis, California Department of Water Resources
    Dale Mitchell, California Department of Fish and Game
    Sharon Weaver, San Joaquin River Parkway
    Jeanne Chilcott, Central Valley Regional Water Quality Control Board
Relationship to Other San Joaquin River Activities

Describe the contribution of this action to the long-term San Joaquin River Restoration Program. The environmental impact statement would evaluate effects of the proposed Mendota Pool Bypass and Reach 2B Channel Improvements project (Mendota Pool Bypass Project) which is part of the San Joaquin River Restoration Program (Restoration Program).

**Recommendation:**
The Draft EIS (DEIS) should describe the contribution of this action to the long-term Restoration Program. It would also be helpful to include a matrix or flow chart of all the proposed Restoration Program activities, illustrating their relationships and contributions to the overall dual goals of fish restoration and water management.

Evaluate the effects of other proposed projects and ongoing activities in the vicinity of Mendota Pool and Reach 2B. EPA has reviewed several proposals for modification of the Mendota Dam\(^1\) that could affect the work required for the Mendota Pool Bypass Project. Any and all actions that may influence the ability to implement the Mendota Pool Bypass Project should be considered.

**Recommendation:**
The DEIS should state the status of the new Mendota Dam action and any other proposals that may affect the function, or be in proximity to, Mendota Pool and Reach 2B.

The DEIS should consider the potential impacts of nearby activities on the Mendota Pool Bypass channels and their ability to function for the intended purposes. These could be direct impacts (for instance, related to channel maintenance or the ability to protect habitat), or indirect impacts (such as water quality). Special attention should be given to potential effects of reasonably expected, future changes and activities within the watershed and lands near the restoration areas.

Floodplain and Riparian Habitat

Maximize restoration and enhancement of functioning floodplains and riparian habitat where feasible. EPA is especially interested in evidence that the project design gives full consideration to habitat and ecosystem functions in floodplains and riparian areas. We believe the Restoration Program provides an excellent opportunity to enhance and restore such areas.

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\(^1\) 2002, 2007 Environmental Assessments for Conveyance of Refuge Water Supply for Mendota Wildlife Area. Proposals to construct a new dam at Mendota Pool 400 feet below the existing dam.
**Recommendations:**
Explain the basis for the channel capacity design and how this design relates to establishing functioning floodplains and riparian habitat. Options for incorporating riparian and floodplain habitat, which are important elements of river system restoration, should be addressed in the project alternatives. The DEIS should also explain how monitoring and program assessments will track how floodplains and riparian areas respond to restoration actions and whether functions are being restored.

**Water Quality**
EPA recognizes that the proposal under consideration is only one of many restoration actions that will improve San Joaquin River conditions. The following comments are addressed to the San Joaquin River Restoration Program generally and should be related to specific actions, such as the Mendota Pool Bypass Project, as appropriate. Because of concerns that water quality impairments could interfere with restoration success, we urge development of an analytic framework and plan of action for information gathering and assessment to target and address problems.

*Conduct analysis at a level of detail (spatial and temporal) that allows for pinpointing water quality problems and remedies.* It will be important to identify in the DEIS, areas and periods of time during the year when water quality conditions could have effects on the food web or direct impacts on fish and other animals.

**Recommendations:**
The DEIS should conduct analysis at a level of detail (spatial, i.e., reach-specific, and temporal) that allows for pinpointing problems and remedies. For example, describe when the presence of agricultural use chemicals may be a limiting factor for restoration goals.

**Consider a broad suite of monitoring parameters.** From information on water quality monitoring in documents related to the Restoration Program (for example, the “Recommendations on Monitoring and Evaluating Interim Flows, February 2009” and the earlier “Monitoring Plan for Physical Parameters”), it is not clear whether the scope and approach will provide information needed to effectively assess effects of the Restoration Program as a whole, or this action in particular.

**Recommendation:**
We recommend working with other parties with water quality expertise, particularly the Central Valley Regional Water Quality Control Board (Central Valley RWQCB), to design and implement water quality monitoring and assessment to assist in the success of restoration goals.

For example, in its “Integrated Report” on water quality [CWA Sections 305/303(d)] the Central Valley RWQCB evaluates aquatic life uses (habitat, migration, and spawning) with data on ammonia, dissolved oxygen, pH, metals, nitrate, orthophosphate, phosphorus, pyrethroids, specific conductivity,
temperature, total organic carbon, turbidity, total suspended solids, total dissolved solids, and toxicity in *Daphnia magna, Ceriodaphnia dubia, Hyalella azteca, Pimephales promelas*, and *Selenastrum capricornutum*. Several of these constituents can be measured on a quarterly basis, such as metals and toxicity. Constituents that are affected by the agricultural use on the valley floor should be monitored weekly, such as nutrients, selenium, electrical conductivity, temperature, pH, and dissolved oxygen.

**Coordinate with the Central Valley RWQCB and other appropriate entities on information sources, effects analysis, project design, and mitigation measures.** The Restoration Program includes numerous activities that relate to the programs of other agencies, landowners, and interested parties.

**Recommendations:**
We strongly recommend coordinating with other agencies, especially the Central Valley RWQCB, regarding monitoring activities for which they are responsible and the availability of water quality information. We also urge coordination with the Central Valley RWQCB and other agencies’ programs and activities in the vicinity, regarding how water quality conditions could affect the Restoration Program.

**Evaluate other agencies’ programs that may provide avenues for reducing water quality concerns.** As noted, impacts on water quality not caused by the proposed project could impede restoration objectives. We recognize that, under these circumstances, there is no requirement for the San Joaquin River Restoration Program to provide mitigation for such effects. However, other agencies’ programs may, by design, provide avenues for reducing water quality effects.

**Recommendations:**
In planning and implementing San Joaquin River restoration actions, we recommend coordination with other supporting agencies to address adverse water quality effects. Specific NEPA documents, such as the Mendota Pool Bypass and Reach 2B Improvements DEIS, could evaluate other projects and programs, such as the Irrigated Lands Regulatory Program, that may provide avenues for reducing water quality effects. For instance, irrigated lands management plans may be able to implement specific practices that would reduce water quality effects that impede the achievement of San Joaquin River restoration goals. Consider whether, under some circumstances, land use practices and design features (e.g., to trap sediments and run-off) could be incorporated in or near the proposed Mendota Pool Bypass and 2B channel improvements.
Describe compliance with Clean Water Act requirements. The proposed action would include construction and other actions that may affect water quality, wetlands and sensitive aquatic habitats.

Recommendation:
The DEIS should fully describe compliance with Clean Water Act Section 401 certification and Section 404 requirements.
Ms. Margaret Gidding  
Bureau of Reclamation  
2800 Cottage Way MP-140  
Sacramento, CA. 95825  

Subject: Scoping Comments for the San Joaquin River Restoration Program, Fresno, Madera, Merced Counties, California  

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published August 2, 2007 requesting comments on the Bureau of Reclamation decision to prepare a Programmatic Environmental Impact Statement (PEIS) for the above action. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.  

The commitment of the Settling Parties and implementing agencies to restoring and maintaining fish populations (Restoration Goal) while reducing adverse water supply impacts (Water Management Goal) is an essential step in reestablishing the San Joaquin River (River) as a resource supporting a full range of beneficial uses. While we recognize the important focus of the Settlement on fisheries, we recommend a holistic restoration approach which considers the scope of the entire River to the Sacramento-San Joaquin River Delta (Delta), integrates other beneficial uses, and acknowledges the role of the River in the larger context of the Sacramento Valley and Delta. Special attention should be given to reasonably expected future changes and activities within the San Joaquin region which may affect River restoration.  

Considering the dual goals of the San Joaquin River Restoration Program (Program), the PEIS should include a description of a project study area which includes the entire San Joaquin River from Friant Dam to the Delta, the Delta region, water service contract areas, and areas which may be affected by proposed water transfers and other actions taken to achieve the Water Management Goal. The recently released Draft EIS for the Proposed Lower Yuba River Accord provides one possible approach for the environmental evaluation of a complex, multifaceted river restoration project. While we recognize that the current analysis is intended to be ‘programmatic,’ we also recommend that the PEIS be structured to support actions which could be implemented in the near future. Some of these actions could receive separate, site-specific analysis but would benefit from integration into a watershed-wide perspective.
EPA advocates an integrated approach which places fisheries restoration in the context of the other beneficial uses associated with the River, such as wetlands, wildlife habitat, and municipal supply. The PEIS should include a realistic and forward-looking examination of the socio-economic and land use trends in the regional watershed to gain perspective on factors which will influence the character and condition of the River. The PEIS should examine, for example, existing and potential water quality stressors in the watershed, and should take account of other programs and projects addressing these issues, such as local watershed groups and water quality coalitions. In addition, we recommend the PDEIS describe reasonably foreseeable actions such as efforts to maintain and restore the Delta, provide flood protection, urbanization, and water supply and reliability projects. A short evaluation of the potential consequences of climate change on efforts to restore the San Joaquin River should also be included in the PEIS.

The Program should consider the comprehensive monitoring and assessment which will be needed to track restoration and water management. Currently there are several efforts to better align and coordinate monitoring for the San Joaquin Basin and Delta—one of them an EPA-funded project to formulate a San Joaquin regional monitoring strategy. The PEIS should review the state of monitoring for water quality, biota, and other parameters of concern, address any key gaps, and discuss how monitoring, assessment, and reporting to support the restoration effort will be accomplished.

As the Program Management Plan for the Restoration Program (May 1, 2007) recognizes, the participation of a wide range of interests and expertise will be needed for this effort. We recommend the Technical Working Groups include a broad spectrum of experts in water quality, hydrogeology, air quality, and aquatic and terrestrial resources. Additionally, the implementing agencies should reach out to regionally and locally-based groups which may be planning and/or implementing activities affecting the River. For example, there are opportunities to coordinate this Program with planning and restoration of the extensive wetlands and refuge areas along the River and the San Joaquin River Parkway.

EPA has the overall national responsibility for implementing the Clean Water Act (CWA) in partnership with states and tribes. In addition, we work collaboratively with states and tribes to ensure protection of public water supplies under the Safe Drinking Water Act and protection of air quality under the Clean Air Act. EPA has worked closely with the Bureau of Reclamation (Bureau), US Fish and Wildlife Service, National Marine Fisheries Service, California Department of Water Resources, and other San Joaquin Valley stakeholders to address water quality and air quality issues of the San Joaquin River and Valley.

As stated in our meeting of May 24, 2007 with Jason Phillips of the Bureau, we are interested in being a cooperating agency because of our expertise in environmental issues and current involvement in many activities regarding the San Joaquin River and Valley. We request the Bureau designate EPA as a cooperating agency for this PEIS and the San Joaquin Restoration Program pursuant to the Council on Environmental Quality.
NEPA implementing regulations (40 CFR 1501.6). We look forward to the opportunity for early involvement and working with the Bureau and other implementing agencies.

We request a written response to our request to be a cooperating agency on this PEIS and restoration program. Please direct your response to the Environmental Review Office at the address above (mail code: CED-2). If you have any questions, please contact me at 415-972-3846 or Laura Fujii, the lead reviewer for this project, at 415-972-3852 or fujii.laura@epa.gov.

Sincerely,

[Signature]

Nova Blazej, Manager
Environmental Review Office

cc: Jason Phillips, Bureau of Reclamation
    Dan Castleberry, U.S. Fish and Wildlife Service
    Russell Bellmer, NOAA Fisheries
    Paula Landis, California Department of Water Resources
    Dale Mitchell, California Department of Fish and Game
    Sharon Weaver, San Joaquin River Parkway
MEMORANDUM

May 27, 2009

SUBJECT: Review of the Programmatic EIS/R for the San Joaquin River Restoration Program (SJRRP)

TO: Alicia Gasdick, USBR

Cc: Jeff McLain, FWS

FROM: Bruce Herbold, US EPA (WTR-3, 415-972-3460)
Carolyn Yale, US EPA (WTR-3, 415-972-3482)

We appreciate the opportunity to comment on the administrative draft documents for the SJRRP Programmatic EIR (PEIS). From the sheer extent of analyses for the Restoration area, we also admire the amount of work that has gone into Program planning, and are very impressed with the overall quality and coherence of the documents.

With the short review time, these comments from the EPA Water Division are focused on two areas within our purview as a ‘cooperating agency’—fisheries and water quality. We have relied mainly on the Draft PEIS/R, Draft Fisheries Management Plan, and Monitoring and Management Plan for Physical Conditions. However, knowing that the Fisheries Management Plan version provided with the PEIS document was under revision, we held off a thorough look at the Fisheries actions per se. The EPA Environmental Review Office (ERO), which reviews NEPA documents pursuant to authorities under Section 309 of the Clean Air Act, was unable to participate at this time but would like to comment on selected sections when the Second Administrative Draft becomes available. Our offices will coordinate to provide you a list of topics in the near future.

Discussions with staff of the Central Valley Regional Board have confirmed interest in coordinating our input to you. However, that will require more time than the current deadline allows. In all, this is a preliminary review that we expect to supplement in discussions with the Boards and your agencies. This memorandum explains our concerns; the attached form links these points to places where the text might be revised.

Viewing the River system as a whole:

Implementation of the Restoration goal of the Settlement is focused on the River upstream of the confluence with the Merced. While this area is critical (and challenging), 'restoration' of the San Joaquin River will depend on understanding and managing conditions along the entire River, including through the Delta. The PEIS too readily skirts both the lower River impairments (considered beyond Program control) and the potential benefits of augmented flows in reducing those impairments. (See for
example, Section 5.5.2, p. 5-38.) Although the SJRRP may have to concentrate its efforts above the Merced, working with other parties on issues outside this focal area will be necessary to achieve the restoration goal.

The SJRRP, as well as a number of other programs affecting the River (the Regional Board TMDL’s for salinity, boron, and dissolved oxygen, for example), would benefit from a strategy for improving conditions on the San Joaquin as a whole. This would entail coordinating goals and objectives, information on key factors limiting attainment of goals, and implementation to achieve ‘cumulative’ results. Otherwise, the individual actions are all less likely to succeed. We urge you to work with other parties on identifying conditions needed for a functioning River and addressing impediments to objectives such as salmonid migration. As we discuss later, we do not believe that this necessarily conflicts with actions under the Water Management goal.

**Recommendations:**

1—Place greater emphasis in the PEIS on identifying and addressing issues in the lower San Joaquin River that are important to the success of the Restoration goal. (This could entail, for example, summarizing current understanding of key conditions needed for salmonid restoration, prioritizing monitoring and assessment needs, engaging in joint planning that takes into account the River system, and where possible using the restoration program to support goals downstream of the Merced.)

2—A proposed alternative that incorporates development of information, better planning, and actions to improve conditions for salmonid restoration along the lower River would be a stronger candidate for the as-yet undetermined “environmentally superior alternative.”

**Water quality information and analyses:**

From the standpoint of SJRRP involvement, water quality receives limited attention in the PEIS and the technical attachments. Flow-related parameters (particularly temperature) are discussed but less attention goes to addressing chemical pollutants that we believe have great potential to affect restoration success. This applies not only to the Restoration area (recognizing, of course, prevailing ‘dry’ conditions in some reaches at the present time—for example, Reach 4B), but to the River downstream of the Merced where the water quality will obviously be affected by restoration flows. Given the poor water quality in River reaches affected by the combination of low flow, agricultural return flows and drainage, and (near the Delta) urban discharges there should be concern that these conditions could affect success of the Restoration Goal through direct effects on fish or supporting foodweb.

The PEIS summaries of available information from Regional Board programs are generally thorough; in some cases (for example, through the Irrigated Lands program) more recent monitoring information has been released and reinforces conclusions regarding extensive impairments in the River system. We also appreciate inclusion of references to recent work on chronic and sublethal effects, as well as Fish and Wildlife Service studies. However, the PEIS should be clear about monitoring and assessment gaps. If this information is dealt with in a discussion of another topic in the Fisheries Management Plan or in other section of the Program documents, we didn’t find it. If there is limited information available in areas where this water has entered the channel, additional monitoring should be discussed.

**Recommendation 3:**

The SJRRP and PEIS/R should explain how the implementing agencies intend to address the possibility that salmonid success could be affected (directly, or indirectly) by exposure to
pollutants and potential sublethal effects. Highlight important gaps in water quality monitoring (particularly in reaches where pollutant inputs are known or suspected. Discuss prospects for monitoring.

Recommendation 4: Because monitoring, assessment, and Program adjustment are at the core of the Interim Flow period, we recommend including a comprehensive and integrated summary of the Program monitoring and questions that the monitoring is designed to address. Explain where water quality fits into this design. Also explain the assessment process (time frame, form and availability of reports). This material could an attachment to the PEIS that covers Recommendations 3-5.

We understand that the implementing agencies expect to rely on information from other programs to evaluate the effect of factors downstream of the Restoration area on salmonid restoration. However, we didn’t see in the PEIS (or technical attachments) an explanation of the data that would be available or the process that would be used for assessment. In addition to the possibility of monitoring gaps, we caution against assuming that data are in a form readily suited to assessments for the SJRRP.

Recommendation 5: Prepare an 'attachment' to the PEIS summarizing the questions of interest regarding potential effects outside the Restoration area. (For the River, we recommend that the approach be consistent—to the extent applicable—between the lower San Joaquin and the Restoration area.) Provide a summary of the monitoring data expected to be available for use in evaluating ecological conditions in the lower San Joaquin and Delta. The CV Regional Water Board is sponsoring a monitoring directory that will prove useful for surface water quality, which would be one component of monitoring spanning biological, physical, and chemical parameters.

Project level documentation for actions outside the Restoration area:

The PEIS states that one of the ‘project level’ actions being covered by this analysis is “issuing a long-term water right for the downstream protection and diversion of Interim and Restoration flows.” (ES-6) The flows diversion, which is expected to occur on the lower San Joaquin and/or in the Delta, could be as much as “the full amount of released flows.” Since we did not see a detailed analysis of the potential effects of downstream diversions, it is not clear in what sense the PEIS provides project level impact documentation for this action.

Recommendation 6: We suggest that you take a closer look at the information that the Board may require for permits related to ‘recapture.’ At a minimum, the PEIS should discuss whether additional information may need to be developed when recovery proposals are more specific.

A related issue comes up in the context of stipulation 16(a)(1) of the Settlement:

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1 See a prototype at http://www.sanjoaquinmonitoring.org/index.html.

2 The PEIS/R should explain whether, at this time, the manner of measuring the “full amount of released flows” has been established. Considering uncertainties regarding channel processes, seepage, and other variables, this would seem to be a difficult accounting task. With respect to seepage and channel infiltration, is there intent to account for, and recover, channel losses that are affected by groundwater use proximate to the River?
“[The plan for recirculation, recapture, reuse, exchange, or transfer of Interim Flows and Restoration Flows...shall] ensure that any recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows shall have no adverse impact on the Restoration Goal, downstream water quality or fisheries;”

Recommendation 7:
This provision [Stipulation 16 (a)(1)] appears to require a level of documentation that is not provided in the PEIS. We suggest that you consider how this stipulation will be addressed in the context of the recapture actions.

The recapture of water released to enhance fish passage risks entraining those fish unless the recapture can be shifted in time. We saw no discussion of how project water might meet flow or use requirements in the Delta such that water could be retained in other reservoirs. This seems to represent a method of later recapture that would have minimal conflict with the primary goal of the project and should be discussed.

Recommendation 8:
The PEIS should evaluate opportunities for operational flexibility in Delta recapture.

Complementing other objectives in the Basin and Delta:

Implemented in a manner that meets the conditions of Settlement stipulation 16(a)(1), recovery of River water in the lower San Joaquin basin could provide benefits that are not mentioned in the PEIS. For example, the PEIS discusses the possibility of providing, in lieu of Delta export supplies, River water to the wetland and refuge complexes by recapturing flows in the Restoration area (2-16). To the degree that the salinity of this water is lower than the Delta supplies this arrangement might assist the managed wetlands in meeting load allocations and would give them greater flexibility to manage habitat. There may also be opportunities for linking floodplain areas to the River in a manner that enhances fishery habitat.

In conclusion, we hope that these suggestions and the more specific comments in the attachment, are useful to you. We would like the opportunity to refine and clarify these comments in the near future through discussions with your agencies and the State and Regional Water Boards. From the perspective of the EPA Water Division, we are especially interested in future coordination of programs and information during upcoming Interim Flow implementation period. We are impressed with the generally exhaustive and conscientious coverage of the Program analysis-- but please consider this an ‘informal assessment’ given the absence of Environmental Review Office input.

Attachment: Specific comments from EPA.
Please refer to identification number SPK-2007-02288 in any correspondence concerning this project. If you have any questions, please contact Ramon Aberasturi at our California South Branch, email Ramon.Aberasturi@usace.army.mil, or telephone 916-557-6865. For more information regarding our program, please visit our website at www.spk.usace.army.mil/regulatory.html.

Sincerely,

Paul Maniccia
Chief, California South Branch

Copy Furnished without enclosures

San Joaquin Valley Branch, Endangered Species Division, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901
Regional Administrator, National Marine Fisheries Service, 650 Capitol Mall, Suite 8-300, Sacramento, California 95814-4706
State Historic Preservation Officer, California State Department of Parks and Recreation, Post Office Box 942896, Sacramento, California 94296-0001
Storm Water and Water Quality Certification Unit, Central Valley Regional Water Quality Control Board, 11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
California State Lands Commission, 100 Howe Avenue, Suite 100 South, Sacramento, California 95825-8282
Water Quality Certification Unit, California State Water Resources Control Board, 1001 I Street, Sacramento, California 95814-2828
California Department of Fish and Game, 1701 Nimbus Road, Rancho Cordova, CA 95670-4503
Central Valley Flood Protection Board, State of California, 1416 9th Street, Room 1601, Sacramento, California 95814
July 24, 2009

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

Subject: The Bureau of Reclamation and the California Department of Water are Proposing to Prepare a Joint Environmental Impact Statement (EIS) and Environmental Impact Report (EIR)

Project: To Evaluate Effects of the Proposed Mendota Pool Bypass and Reach 2B Channel Improvements Project Under the San Joaquin River Restoration Program (SJRRP)

District Reference No: 20090250

Dear Ms. Gidding:

The San Joaquin Valley Unified Air Pollution Control District (District) has previously reviewed the Notice of Preparation (NOP) for the above referenced project for the California Department of Water Resources. However, the District offers the following updated comments:

**District Comments**

1) The District recommends the air quality section of the EIR include the following discussions:

1a) **A description of federal, state, and local regulatory environment and existing air quality conditions impacting the area.** The District is currently designated as extreme non-attainment of the federal national ambient air quality standard for ozone and non-attainment for PM2.5. More information on
the District's federal and state attainment status can be found on the District's web page at http://www.valleyair.org/aqinfo/attainment.htm.

1b) **A description of the project, including a discussion of existing and post-project emissions.** The discussion should include a description of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality. The discussion should also include emissions from short-term activities such as construction, and emissions from long-term activities, such as operational, and area wide emission sources.

1c) **A discussion of cumulative air impacts.** The discussion should identify any impacts that would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment.

1d) **A discussion of greenhouse gas (GHG) emissions.** At this time there are no established significance thresholds for greenhouse gas emissions, however, it is suggested that the EIR include a discussion of GHG emissions generated by the project and the effect they will have, if any, on global climate change.

1e) **A discussion of the potential health impact of Toxic Air Contaminants (TACs), if any, to near-by receptors.** Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information. The required level of detail is typically not available until project specific approvals are being granted. Thus, the District recommends that as future projects are identified the potential health risks be further reviewed, including those that would be exempt from CEQA requirements.

Special consideration should be given when approving projects that could expose sensitive receptors to TACs. Prior to conducting a Health Risk Assessment (HRA), an applicant may perform a prioritization on all sources of emissions to determine if it is necessary to conduct an HRA. A prioritization is a screening tool used to identify projects that may have significant health impacts. If the project has a prioritization score of 10 or more, the project has the potential to exceed the District's significance threshold for health impacts of 10 in a million. If the prioritization score indicates that TACs are a concern, the District recommends that an HRA be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. For more Information on conducting a prioritization or HRA please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at hramodeler@valleyair.org. Additional information on TACs can be found on the District's Air Quality Modeling page at http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.
1f) **A discussion of nuisance odors.** If there is evidence that the project could result in sensitive receptors being exposed to objectionable odors, the District recommends that potential odor impacts be included in the discussion. The discussion should include potential impacts as a result project location. Special consideration should be given when siting new odor sources near existing receptors or when siting new receptors near existing sources. The District recommends that as individual projects are identified the odor impacts be further evaluated, including those that would be exempt from CEQA requirements.

1g) **A discussion of all feasible measures that will reduce air quality impacts.** Given the size of the project, it is reasonable to conclude that mobile source emissions resulting from growth and development would have significant impacts on air quality. To reduce the project related impacts on air quality the General Plan should include design standards that reduce vehicle miles traveled (VMT). VMT can be reduced through encouragement of mixed-use development, walkable communities, etc. Recommended design elements can be found on the District's website at http://www.valleyair.org/ISR/ISROnSite Measures.htm.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Debbie Johnson at (559) 230-5817.

Sincerely,

David Warner  
Director of Permit Services

Debbie Johnson

Arnaud Marjollet  
Permit Services Manager

DW: dj  
cc: File
RE: Mendota Pool Bypass and Reach 2B Channel Improvements Project Scoping Meeting.

Upon reviewing materials presented at the July 28, 2009 scoping meeting in Fresno regarding the Mendota Pool Bypass and Reach 2B Channel Improvements Project for the San Joaquin River Restoration Program, the 1986 Mitigation Lands Trust has the following comments for inclusion in the record.

The Trust owns two parcels affected by the proposed Restoration Program. They are Madera County APNs 042-252-006-000 and 042-260-002-000. Our comments relate to the likely impacts of the proposed restoration activities in reach 2B on the Trust’s property.

It is not the Trust’s intent to stand in the way of these studies or the longer term implementation of the Restoration Program. However, we are concerned about the impacts to our investments and properties.
The two parcels owned by the Trust are possibly the two lowest lying properties in the area that are currently in production agriculture. Based on past experience these parcels have high likelihood of being rendered unfarmable when the river is flowing at 1300 cfs. There is a strong chance that inundation of at least a portion of the parcels will occur annually as a result of restoration flows, resulting in substantial economic injury to the Trust. Mitigation or compensation should be required.

It appears inevitable that certain parcels will ultimately require acquisition by the Restoration Program as a result of program activities. If that is the case, it would be desirable that those obvious acquisitions be initiated as soon as possible to relieve those property owners of the unnecessary burden of requiring them to engage in this extended process in order to protect their properties.

If you require additional information or have questions please contact Steve Haugen at 559-266-0767.

Sincerely,

[Signature]

Steven Haugen
Trustee, 1986 Mitigation Land Trust
August 5, 2009

U.S. Bureau of Reclamation
Attn: Ms. Margaret Gidding MP-170
2800 Cottage Way
Sacramento, California 95825
(Mendotapoolbypass@restoresjr.net)

Mr. Kevin Faulkenberry
Department of Water Resources
San Joaquin District
3374 E. shields Ave.
Fresno, Ca. 93726
(Faulkenb@water.ca.gov)

Comments related to Mendota Pool Bypass and Reach 2B Channel Improvements Project, Public Scoping Meetings. EIS/EIR

Columbia Canal Co’s Comments to the proposed action that includes the construction, operation, and maintenance of the Mendota Pool Bypass and improvements, including the operation and maintenance of the San Joaquin River channel to allow Reach 2B to convey 4500 cfs are as follows:

1. Land Acquisitions – Both sides of Reach 2B must be evaluated for – crop use, seepage, drainage, delivery systems, access to proposed new levee systems from public roads and future economical costs, for ongoing maintenance and operations of proposed facilities on land purchased.

2. Deep wells – Numerous deep wells have to be capped and relocated on lands and delivery systems that this proposed action requires.

3. Columbia-Mowry Distribution System – Full evaluation and redesign of surface water delivery systems for the CCC.
   a. Access to facilities for O & M in the future.
   b. Canal system elevations
   c. Pumps and pipelines redesigned
   d. Power to facilities, both PG&E and WAPA
   e. All planning and construction must be planned so that there is no interruption in water deliveries to CCC

4. Relift Pumps in Reach 2B – CCC has numerous relift wells and tailwater return
systems in this reach.

5. City of Mendota surface water intake must be relocated

6. Paramount Farming’s riparian wells relocated and connected to new delivery system

7. Farmers Water District Lands in CCC – Deep wells capped and reinstalled (East loop and West loop)

8. Fish Screen installed in Mendota Pool for San Joaquin River water rights
   a. Future O & M costs
   b. Access to facilities on both Fresno County and Madera County sides of the river


10. Mendota Pool By-Pass – Plan and design alternative #2 that has been identified and reviewed by CCC, FWD, Aliso Water District, CCID, private Landowners in Reach 2B and the San Joaquin River Restoration Program.

11. Abide by the Settlement and Legislation that was agreed to in September 2006 – Specifically no Third Party impacts. This Reach must be completed as one project. CCC refuses to be saddled with another “Westside Drainage Project”, started in 1968 by the USBR and is still uncompleted to this day.

Conclusion:

CCC has been fully involved in the San Joaquin River Restoration Program, through the San Joaquin River Exchange Contractors Water Authority, San Joaquin River Management Coalition and CCC on behalf of the Shareholders, adhere to the agreed upon program. Utilize the vast experience of the local Landowners and Agencies and this Reach 2B Project can be completed.

Thank you,

Randy Houk, General Manager & Landowner
Columbia Canal Company
August 17, 2009

Ms. Margaret Gidding
U.S. Department of the Interior
Bureau of Reclamation
2800 Cottage Way, MP-170
Sacramento, CA 95825-1898

RE: Mendota Pool Bypass & Reach 2B Channel Improvements Project EIS/EIR

Dear Ms. Gidding:

On behalf of the Fresno County Farm Bureau (FCFB), please accept the following comments on the “Mendota Pool Bypass and Reach 2B Channel Improvements Project EIS/EIR.”

FCFB echoes the same comments previously submitted by the San Joaquin River Exchange Contractors Water Authority and the San Joaquin River Resource Management Coalition (letter dated August 14, 2009), the Columbia Canal Co (August 5) and the San Luis Canal Company (August 6). While the projects are still in their infancy stages, there are still many unanswered questions and concerns that need to be addressed.

Project representatives need to work proactively with affected parties in minimizing and mitigating any impacts foreseen to agricultural production in the planning, construction and operation phases of the Project. FCFB wants to ensure that affected farmers, ranchers and landowners are actively engaged and listened to in this process. With their “on-the-ground” knowledge of the land and river, their input can be invaluable towards developing solutions for these issues.

A voluntary and cooperative approach must be taken when dealing with the impacted farmers and ranchers who, in many cases, have farmed this land for generations. This is the first major step in the complex San Joaquin River restoration, and it will be viewed by many as the “litmus test” for happenings to come down the road.

FCFB looks forward to continuing these discussions throughout the implementation of the restoration efforts, including consideration of stakeholder comments. If you should have any questions and or comments, please do not hesitate to contact me at (559) 237-0263 or via email at ryanj@fcfb.org.

Sincerely,

Ryan Jacobsen
Executive Director
August 10, 2009

Mr. Jason Phillips  
U.S. Bureau of Reclamation  
Mid-Pacific Region  
2800 Cottage Way, MP-170  
Sacramento, CA 95825

RE: Public Scoping Comments  
San Joaquin River Restoration Program  
Mendota Pool Bypass and Reach 2B Channel Improvements Project  
EIS/EIR

Dear Mr. Phillips:

Grassland Water District ("GWD") has become aware of the Bureau of Reclamation’s ("BOR") proposed Mendota Pool Bypass and Reach 2B Channel Improvements Project as a result of comments made at the San Joaquin River Resource Management Committee’s July 30th meeting and communication with the San Joaquin River Exchange Contractors Water Authority ("Exchange Contractors") and representative districts.

The GWD understands that the public scoping meetings are merely a beginning step in the NEPA/CEQA compliance process for obtaining approval to carry out this project. As such, these comments are intended only to voice our initial concerns related to this project.

The Grassland Water District’s principle concern, at this time, relates to the elimination of a key feature "Fish Screen" due to insufficient funding. The GWD (including California Department of Fish and Game and U. S. Fish and Wildlife Service refuges) receives a significant amount of its Federal contract water (Central Valley Project Improvement Act, Section 3406(d) Level 2) (CVPIA) supplies via the Mendota Pool and Exchange Contractors’ conveyance system. The third party impacts and associated ESA “incidental take” risk created by the elimination of the Fish Screen could disrupt or put our wetland water supplies at risk. CVPIA Level 2 water supplies required for our lands is considered mitigation for impacts to wetlands as a result of the Central Valley Project.
We also share the other concerns stated by the Exchange Contractors, as we are dependent upon their continued capability to deliver water to GWD in a timely manner. Again, the Grassland lands, including State, Federal and Private, serve to meet a CVP mitigation obligation already in place. As in the past, we wish to work with BOR and our other partners in a positive way to resolve this and other issues relating to San Joaquin River Restoration.

Sincerely,

David Widell
General Manager

Cc: Steve Chedester
    Chase Hurley
    Chris White
    Jeff Single
    Bill Cook
    Kim Forrest
    Pablo Arroyave
U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way, MP-170
Sacramento, CA 95825
Attn: Ms. Margaret Gidding

Written comments can be submitted at the scoping meetings,
mailed to the Bureau of Reclamation
(mailing address is included on this card),
faxed to 916-978-5469,
or emailed to MendotaPoolBypass@restoresjr.net
by close of business on August 17, 2009.
Thank you.

(Please print clearly)

Name: S. Leo Capuchino

Organization and Address: 643 Quince St.
Mendota, CA 93640
(Mendota City Council)

Phone (559) 863-8039 E-mail: capuchino@city.mendota.ca.us

Comment here: July 29, 2009

City of Mendota 3 domestic water wells located
near the SJ River east of Fresno Slough
See map marked with "X".

All comments become part of the public record.
Written comments can be submitted at the scoping meetings, mailed to the Bureau of Reclamation (mailing address is included on this card), faxed to 916-978-5469, or emailed to MendotaPoolBypass@restoresjr.net by close of business on August 17, 2009. Thank you.

(Please print clearly)

Name: Ed Perry

Organization and Address: Planning Commission
Mendota, CA

Phone: 6534340 E-mail:

Comment here: July 29, 2009

Date

Benefits to Project

Water supply facilities close to SJR.
The Derisbuck Canal with better water
for irrigating.

All comments become part of the public record.
August 14, 2009

Written Comments on the Scope of the EIS/EIR for the Mendota Pool Bypass and Reach 2B Improvements Project Under the San Joaquin River Restoration Program (SJRRP)

Cooperation and input from adjacent landowners and local agencies is critical to the success of the San Joaquin River Restoration Program (“Program”). Paramount Farming Company (“Paramount”) as manager for Paramount Orchards Partners VI, an adjacent landowner in Reach 2B that stands to lose approximately 800 acres of prime farmland by virtue of the Program, recognizes it will have an ongoing relationship with the Bureau that will require collaboration and open and continuous communication. Paramount is committed to the success of this relationship.

The following scoping comments provide broad principles which, from Paramount’s standpoint, are critical points on which Paramount and the Bureau must reach consensus early in the Program development process. Paramount believes that these principles will provide a useful foundation for decisions on the Mendota Pool Bypass and Reach 2B Channel Improvements.

Local interests such as Paramount have important “on the ground” knowledge of areas to be impacted by the Program. Continued collaboration, both informally and as part of the formal environmental review process, will be critical to ensuring that the Program does not cause third party impacts and to protecting the existing property and water rights of affected parties. Agreements with local interests and agencies, including but not limited to agreements regarding the use of bypass systems, operations of Mendota Dam and Sack Dam and reuse and recirculation programs, must be reached prior to Program flow releases.

We ask the Bureau to clarify the language in Section 10004(d) of the Legislation by providing a definition of “impacts associated with such actions” and by describing the mitigation measures and funds available for use by the Bureau to address the impacts.

(1) General Principles
   a. Water
      i. Groundwater
         1. Distinction Between Program Flows and Overlying Landowner Rights to Groundwater: The Interim and Restoration Flows (“Program Flows”) are for the sole purpose of the Program. Incidental recharge benefits to local groundwater basins that result
from Program Flows become part of the basin water supply available for use by overlying landowners. Consistent with California law, the Bureau has no continuing rights to any increment of Program Flows that incidentally recharge local groundwater basins and the Bureau should acknowledge this fact.

2. **Continued Rights of Overlying Landowners to Use Groundwater:**
   Overlying landowners have the right to continue the use of existing wells on their property and to construct additional wells needed to support overlying land use. Overlying landowners must be fully compensated for replacement or modification of wells that will need to be relocated due to the Program route of the San Joaquin River ("River"). The Bureau shall not limit/prevent new well construction near the River.

ii. **Surface Water**
   1. **Ensure Priority of Exchange Contractor Deliveries from the Friant System Through the River Channel:** The final Program alternative pursued by the Bureau must account for the maximum, 2,316 cfs, Exchange Contractor deliveries through Reach 2B, which take priority in amount and timing over any Program Flows.

   2. **Preservation of Surface Water Diversion Rights:** Certain landowners, including Paramount, through various reaches of the River have existing rights to divert flows from the River. These rights must also be protected from third party impacts through preservation of the right and priority and guarantees that no restrictions or additional costs are incurred as a result of the Program.

iii. **Data Collection on Private Property**
   1. **Protect Private Information:** All information regarding Paramount’s property obtained during Program data collection (pre-screening, interim flow studies, restoration flow data, etc…) must be provided to and discussed with Paramount prior to making such information public.

(2) **2B Improvements**

a. **Mendota Pool**
   1. Paramount supports the Mendota Pool Bypass route alternative proposed by the Columbia Canal Company ("CCC"). The CCC Mendota Pool Bypass minimizes land acquisition, incorporates the placement of the new Mendota Dam, accounts for canal relocations and other delivery system changes needed to accommodate the SJRRP, incorporates local knowledge of seepage issues and is supported by local interests.

   ii. The protection from adverse impacts of endangered species entering the Mendota Pool must be addressed in the implemented 2B improvements.

   iii. Paramount asks the Bureau to provide a detailed plan of the treatment of high flow and flood flows in the 2B area under the Program; specifically how they intend to address the potential for salmon and other fish to enter the Chowchilla Bypass and Mendota Pool from the mainstem SJR and the
regulation of flows in these distinct channels to prevent impacts on adjacent land.

b. Mitigation

i. **Project Funding Assurances:** Paramount has concerns over Project funding. Detailed information on funding sources, expenditures and budgets needs to be provided on a regular basis. Certain channel improvements, facilities and construction activities are specifically outlined in the Legislation, however, improvements and construction not specifically addressed in the Legislation are critical; most notably those that support operational scenarios that allow for flows to enter the Mendota Pool, the Lone Willow Slough, the Chowchilla Bifurcation Structure and other diversions as needed based on river conditions and Bureau obligations. These improvements seem to be fundamental to the Program and need to be included in the detailed cost estimates and funding sources for the final Program alternative selected by the Bureau to ensure they do not result in adverse impacts or unmitigated costs to third parties.

ii. **Related Costs:** Consistent with the “no third party impacts” language of the Settlement, Paramount expects to be fully compensated for any Program impacts. This is critical to Paramount’s continued cooperation with the Bureau. Paramount requests a written definition of “third party impacts.” This definition must specifically identify the date on which these “impacts” begin accumulating, the baseline for determining the nature and extent of impacts, and how and when these “impacts” will be mitigated, including but not limited to monetary settlements.

Contact Information for Paramount Representatives Providing Comments:

Mike Widhalm
33141 E. Lerdo Highway
Bakersfield, CA 93308
(661) 399-4456
mikew@paramountfarming.com

Kimberly Brown
33141 E. Lerdo Highway
Bakersfield, CA 93308
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Ms. Margaret Gidding
Bureau of Reclamation
2800 Cottage Way, MP-170
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MendotaPoolBypass@restoresjr.net.

Mr. Kevin Faulkenberry
DWR SJRRP Program Manager
Department of Water Resources
3374 E. Shields Avenue
Fresno, CA 93726
faulkemb@water.ca.gov

RE: COMMENTS ON SCOPING FOR EIS/EIR FOR MENDOTA POOL BYPASS AND REACH 2B IMPROVEMENTS PROJECT UNDER THE SJRRP, FRESNO AND MADERA COUNTIES

Dear Ms. Gidding and Mr. Faulkenberry:

The following comments are submitted on behalf of the San Joaquin River Resource Management Coalition (RMC) and each of its members, and the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors).¹

¹ The members of the RMC include Aliso Water District, Andrew Farms, Inc. (Chester Andrew), Basila Farms, LLC (Jon Basila), Bob Brandi, J&M Britton (John Britton), Building Ind. Assoc. SJV (Mike Prandini), Robert Brewer, Daniel Burns, Elizabeth Burns, Butts Ranches (Carolyn Butts), Chris & Michelle Cardella, Manuel & Cecilia Cardoza, Central California Irrigation District, Clayton Bonnley, Brad Coburn, John & Marie Coelho, Albert Coderniz, Columbia Canal Company, David Cory, MK Crow & Sons (Richard Crow), DT Lock Ranch, Inc., Robert Edminster, Rick Elrod, Steven Emmert, Farmers Water District, Firebaugh Canal Water District, John & Kathy Foppe, John Gamboni, Ray & Maria Giampaoli, Giffen Ranch (Steve & Price Giffen), Gravelly Ford Water District, Clay Groefsema, Gunner Ranch, Gustine Drainage District, Hammonds Ranch, Inc. (Mike Stearns), Harman & Sons, Laurance & Peggy Harman, Merry Alice Harman, Richard Harman, Houk, Inc., E.W. & M.B. Hostetler, D.R. Houk & Co., Gilbert Housley, Paul
The scoping meetings were of such a general nature that it was difficult to provide sound advice on what the scope of the effort should entail. The lack of detail did not allow affected RMC members to provide constructive alternatives to assist with implementation of the effort. The only advice that could be offered was the facts surrounding the current condition of the land in the general vicinity of the By-pass proposal. We hope the advice on location of levees, pumps, canals; constructed facilities and alternate right-of-way suggestions yield a more cogent proposal for future design considerations. We recognize that specific alignment or other proposals of a specific nature are not feasible at this time. Having said that, we believe certain broad descriptions of a functioning, serviceable “by-pass” channel could have served the agencies and the audience well. Descriptions such as the channel needs to be “trapezoidal” in shape, with a maximum width, depth and slope so as to be optimally conducive to fish passage (with a concomitant diagram) would have served our constituents with some better understanding of the potential impact of this element of the restoration project. If such work has been done recently at other locations are there graphics to show us the results?

The geometry and goals of the proposal, if described in a general sense, offer two significant opportunities. First, the geometry helps in understanding how the facility might function and once that is understood local knowledge could be added to assist in meeting the objectives in a more efficient way. Secondly, the conceptual knowledge gives locally impacted land holders and agencies a better grasp and capability to understand the possible impacts on their operations and activities. Please include such information in any further discussion with the impacted parties.

Hunger, Jr., Jensen Ranches, Bert Johnson, Ray Knight, Janice Labar, Robert R. Labar, Laura LaSalvia, Maurice Ledford, Phillip & Judy Lehman, Jim Linneman, Frank Lima, Laurance & Margaret Locke, Frank Long, Dan McNamara, Madera County Farm Bureau, Madera Irrigation District, Evonne Malm, Jeff Mancebo, Gary & Mari Martin, Merced County Farm Bureau, Mumby Farms, Inc. (Stanley Mumby), Nickel Family, LLC (James Nickel), Jerry O'Banion, O'Banion Ranches, Kevin Olsen, Main Stone Corp. (Pierre Perret), Pikalok Farming (Kelley Jo Locke), Gary Pirtle, Keith & Lori Porter, Peter Raffo, William Rice, Gravelly Ford Ranch (Ann Robinson), Root Creek Water District, San Joaquin River Association, Inc., San Joaquin River Exchange Contractors Water Authority, San Luis Canal Company, Frank & Alice Saviez, Joe & Sharon Sequeira, Donald & Lynn Skinner, Sol Development Association (Al Solis), Spain Air, Inc. (Randy Spain), Stevinson Water District, Teixeira & Sons, The Water Agency, Inc., Preston & Ellen Thompson, Jack Threlkeld, Turner Island Water District, Wolfson Land & Cattle Co., Joe Vajretti, Dorcas Van Atta, Bill Ward (BB Limited), Anne Willis (4-W Ranch), Nancy & Gary Wride, Don Wright, and Yosemite Farm Credit

The members of the Exchange Contractors include: Central California Irrigation District, Columbia Canal Company, Firebaugh Canal Water District, and San Luis Canal Company
The other major concern is about the timing. If certain actions are to be taken to accomplish the overall objectives of the restoration program, it would be useful to know when and how the By-pass will be phased into the program. Many other activities ranging from annual cropping patterns to lease arrangements and replacement of equipment and facilities rely on fairly accurate schedules so as to minimize the financial and operational impacts on land and facilities. Failure to properly sequence such events could cause extra-ordinary costs to the operators and the project resulting in unnecessary costs to the taxpayers as well landowners and agencies, of which many are both.

The following are our specific comments:

1. The San Joaquin River Restoration Settlement envisions one continuous program of actions eventually leading to the commencement of Restoration Flows. (See Settlement, Sections 9, 13 and 15) To date, no environmental review has been conducted of the Settlement. In June, 2008, USBR issued the Initial Program Alternatives Report (IPAR) which, at page 3, sets forth a timeline for environmental review actions to analyze the impacts of the San Joaquin River Restoration Program (SJRRP). The IPAR timeline properly identified a programmatic environmental impact statement to be completed on a timely basis prior to project specific EIS/EIRs. As of June 2008, USBR was already well aware of the fact that the legislation they were seeking related to the Settlement had not yet been enacted by Congress and that as a result, certain timelines under the Settlement could not be met. In fact, the Settlement recognized that just such an eventuality could occur and provided a remedy for such a delay. (See Settlement, Sections 23-27) Nowhere was it stated that USBR or DWR would seek to start project level development prior to completing programmatic environmental review; nor could it as such a statement would have been a clear violation of NEPA and CEQA. In fact, the Settlement and the San Joaquin River Restoration Settlement Act (Act) state specifically that the Secretary of the interior (Secretary) must comply with NEPA and other laws and the Settlement provides that the Secretary is to “expeditiously complete applicable environmental documentation and consultations as may be necessary to effectuate the purposes of this Settlement.” (See Settlement, Section 28) Given that the Settlement was entered into some three years ago, there has been ample time to complete the PEIS/PEIR.

At this point, USBR should formally acknowledge the delay in SJRRP implementation caused by the delay to get legislation enacted, seek concurrence from the other Settling Parties, and return to the timeline set forth in the IPAR that provides for issuance of a programmatic environmental impact analyses addressing the Settlement prior to issuing project specific analyses that address discrete actions under the Settlement, including the proposed EIS/EIR.
2. The Proposed Action includes structural changes to the environment as a result of the construction, operation and maintenance of the Mendota Pool Bypass and expansion of Reach 2B channel capacity to convey at least 4500 cfs and related floodplain habitat improvements. USBR is pursuing the release of first year interim flows. Until those flows have been released and analyzed, it is uncertain what the extent of improvements will need to be for Reach 2B. The Interim Flows are in amounts above what has historically been released for the last fifty or so years and are being released in order to evaluate the impacts of the flows moving through portions of a natural system that has been shielded from flow by a constructed “by-pass” system. The Interim Flows are not similar to historical flow conditions. The impacts of Interim Flows will cause continuous releases of water such that the riparian areas will not have the opportunity to “recover” as they would have during historical flood conditions during which flows would occur and then the river would recede to permit recovery of the adjacent lands. Understanding the impact of these flows is essential to the proper modifications to Reach 2B and therefore analysis of Reach 2B should not proceed until information from the Interim Flows is available.²

3. In Reach 2B there are likely to be significant and long lasting environmental impacts due to flooding and seepage that would destroy property and cause the loss of crops. Even a one year flood event or high groundwater situation causes significant impacts. Project impacts will be more severe as they will be an every year occurrence. Sufficient mitigation measures must be developed to eliminate the impacts that are likely to occur.

4. USBR will have to design the Project to meet the flow needs of the Project as well as to be able to potentially release significant flows to meet its contractual commitments to downstream senior water rights holders, including the Exchange Contractors, due to the substantially likely inability of the Central Valley Project to deliver water from the Delta during the spring time-period. During WY 2009, USBR was within a few thousand acre feet of needing to release stored water from Friant Dam to meet downstream needs. But for a very unusual rainfall late in the spring, releases would have been necessary. Based on current Delta conditions, primarily due to regulatory constraints, there is a substantial likelihood that in many years in the future senior rights-holders will have to rely on Friant for a portion of their water.

²These comments should not be interpreted as endorsing the EA/IS issued by USBR/DWR for the first year Interim Flows. The comments submitted by the San Joaquin River Resource Management Coalition to the EA/IS are incorporated herein to the extent they are relevant to issues concerning the impact of Interim Flows.
5. Related to Comment 4 above, the EIS/EIR will have to address the impacts of the most recent NOAA Fisheries “biological opinions”. These BOs will further decrease the amount of water that can be pumped at the Delta, thereby further straining available storage in San Luis Reservoir. Since the SJRRP will reconnect the San Joaquin River to the Delta system, under the scope of the new BOs, anadromous species protection will require a broader suite of environmental mitigation measures, including retrofit of unscreened diversions, especially if there is a listing followed by an unexpected breakthrough of anadromous species into the mainstem San Joaquin River above the Merced River confluence.

6. The potential inverse condemnation of numerous agricultural properties by seepage will have to be addressed. For example, the crops involved (especially permanent crops that have not been adequately documented), based on various increasing flow regimes, could be irreversibly damaged at a substantial cost. Seepage could also create new ecological conditions that require additional protection, especially if habitat for endangered species is re-created and Reach 2B is found to harbor said species. Also, the EIS/EIR will have to address the loss of important farmland. Based on RMC landowner information that was submitted in conjunction with the above-referenced RMC comments to the EA/IS, any flows above the amount historically and currently released by the Mendota Pool will lead to inundation and inverse condemnation of numerous properties adjacent to the River in Reaches 2a to 5. The EIS/EIR should consider the location and map the potential loss of these important farlands (by inundation or construction, if any) as required by the Division of Land Protection of the CA Department of Conservation. This potential loss also carries an impact to the local economy. The project document needs to identify a salient method of quantifying the farmland loss in regional dollars.

7. The EIS/EIR must analyze how the Project proposes to integrate the proposed new flows with existing water operations and activities. For instance, Mendota Dam is operated by the Central California Irrigation District (CCID) in cooperation with the San Luis & Delta-Mendota Water Authority (Authority), The San Joaquin River Exchange Contractors Water Authority and the various users around the Mendota Pool. The addition to Mendota Pool operations of Friant Dam water will further complicate an already complex coordination process. For example, failure to operate Mendota Dam and/or adjust Delta-Mendota Canal flows into the Mendota Pool properly could contribute to a failure to provide adequate water service to over 300,000 acres of agricultural lands, or levee breaching or failure, and/or flooding of land adjacent to the pool, or jeopardize the structural integrity of the Mendota Dam. In the waterfowl season, such
a failure could adversely impact the Mendota Wildlife Refuge, and the approximately 100,000 acres of State and Federal wildlife areas, and private grassland wildlife areas which receive service from the Mendota Pool.

8. An agreement must be entered into with each of CCID, as operator of the Mendota Dam; the SLDMWA, as operator of the Delta Mendota Canal; and San Luis Canal Company (SLCC), as operator of Sack Dam, regarding operations, maintenance, repair, replacement, and liability issues. If these agreements would change River operations of facility operations such that there would be a significant environmental effect, those agreements must be reviewed pursuant to applicable environmental laws.

9. The Mendota Pool is dewatered every other year in order to perform an inspection and maintenance of the Mendota Dam as required by CCID and the State of California, Division of Dam Safety. The EIS/EIR must analyze the additional maintenance needed on Mendota Dam in order to convey the restoration flows and explain how flows will be curtailed sufficiently in the future to permit necessary maintenance.

10. The EIS/EIR needs to address the cumulative impacts of activity on unpaved roads that must comply with agriculture air quality rules. (see comments in EA/IS)

11. The EIS/EIR must analyze the use of any “detour plan” to move traffic around or away from roads impacts by the SJRRP. Depending on routing, there are likely to be significant adverse impacts if traffic is routed through private lands that are under active cultivation. Most lands parallel to the San Joaquin River are private property. There has been neither disclosure of the detour plan nor an analysis of impacts to local traffic, land use, air quality, noise impacts, impacts on species of concern, etc.

12. If the Mendota Pool will be used to recapture Restoration Flows, then the EIS/EIR must define the specific actions, facility operations, agreements, and permits required to recapture those releases and the environmental impacts that will result. Pursuant to Sections 10004(f), (g) and (j) of the SJRRSA, there must not be adverse impacts on the contract and related rights of those entities that have contracts with the CVP. In addition, any recapture on behalf of the Friant water users must be in accordance with state law, including decisions of the State Water Resources Control Board (Act, Section 10006(b))

13. If detours are needed due to construction of the Mendota Pool bypass, this will cause traffic to have to drive an additional 25 miles each way because there are no parallel roads; it is all private property and largely dirt roads. This is a potential significant impact to air quality.

14. Fish Screens are required on the inlet to the Mendota Pool at the new Bifurcation Structure at the head of the new Mendota Pool Bypass. Reclamation and the SJRRP will be in violation of the
The Settlement Agreement and the San Joaquin River Restoration Settlement Act (Legislation), and will have significant detrimental impacts upon the environment, if such screens are not provided since:

a) The fishery will enter the Mendota Pool, become stranded in numerous false pathways and entrained in the estimated 3200 cfs of unscreened diversions in the pool;

b) Screening ensures the Exchange Contract is protected by insuring that ‘take’ will not be an issue at the Exchange Contractors diversions in the Mendota Pool, in accordance with the San Joaquin River Settlement, and;

c) Screening supports the tremendous public expenditure to install a Mendota Pool Bypass mandated by the Settlement and Legislation in order to keep the reintroduced anadromous fishery out of the Mendota Pool.

15. The comments of the Columbia Canal Company and San Luis Canal Company previously submitted are incorporated herein.

Respectfully submitted,

Mari Martin
San Joaquin River Resource Management Coalition

Steve Chedester
San Joaquin River Exchange Contractors Water Authority
August 6, 2009

Via Email (JPillips@usbr.gov) & U.S. Mail

Mr. Jason Phillips, Project Manager
San Joaquin River Restoration Program
2800 Cottage Way
Sacramento, CA 95825

RE: San Joaquin River Restoration Program – Fish Screens at Mendota Pool

Dear Jason:

As a follow up to our recent discussions on June 25th, July 17th and July 29th relative to Reclamation’s position that the San Joaquin River Restoration Program (Program) does not have sufficient funds to plan for or build fish screens to keep the anadromous fishery that the San Joaquin River Restoration Settlement, Legislation and Program strived to establish from being taken in the Mendota Pool because of Reclamation’s obligation to provide senior water rights flow to the same location. We want to make it clear that, upon review of the draft Settlement Agreement in July of 2006, it is our stated premise that a fish screen or fish diversion facility is necessary in order to protect our rights to receive water from the San Joaquin River.

In evidence of our position, all of the cost estimates that we provided to Reclamation, our congressional representatives and in our testimony to Congress on this Settlement and the accompanying legislation have always included fish screens for flows into the Mendota Pool in Reach 2B. We were very aware that the Settlement Agreement did not specifically call for the construction of a fish screen in Reach 2B as it did at the head of the Arroyo Canal; however, the Settlement Agreement does state in Paragraph 11(a)(1) pertaining to the Reach 2B bypass “…This improvement requires construction of a structure capable of directing flow down the bypass and allowing the Secretary to make deliveries of San Joaquin River water into the Mendota Pool when necessary.”

Coupled with the clear legislative language that states in Section 10004 (d) Mitigation of Impacts, “Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary
shall identify—(1) the impacts associated with such actions; and (2) the measure which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.”

Additionally, Section 10004 (g) states “nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase, or exchange contract;” and Section 10004 (j) San Joaquin River Exchange Contract “nothing in this part shall modify or amend the rights and obligations under the Purchase Contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company.”

Lastly, Section 10004 (h) (1) (C) (h) STUDY REQUIRED states, “Prior to releasing any Interim Flows under the Settlement, the Secretary shall prepare an analysis in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including at a minimum—Sub Section (C) an evaluation of—(i) possible impacts associated with the release of Interim Flows; and (ii) mitigation measures for those impacts that are determined to be significant; and (E) an analysis of the likely Federal costs, if any, of any fish screens, fish bypass facilities, fish salvage facilities, and related operations on the San Joaquin River south of the confluence with the Merced River required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as a result of the Interim Flows,” and (4) TEMPORARY FISH BARRIER PROGRAM—The Secretary, in consultation with the California Department of Fish and Game, shall evaluate the effectiveness of the Hills Ferry barrier in preventing the unintended upstream migration of anadromous fish in the San Joaquin River and any false migratory pathways. If that evaluation determines that any such migration past the barrier is caused by the introduction of the Interim Flows and that the presence of such fish will result in the imposition of additional regulatory actions against third parties, the Secretary is authorized to assist the Department of Fish and Game in making improvements to the barrier. From funding made available in accordance with section 109, if third parties along the San Joaquin River south of its confluence with the Merced River are required to install fish screens or fish bypass facilities due to the release of Interim Flows in order to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall bear the costs of the installation of such screens or facilities if such costs would be borne by the Federal Government under section 10009(a)(3), except to the extent that such costs are already or are further willingly borne by the State of California or by the third parties.”

To emphasize “Congress’” intent that all of the costs based upon the design of all of the facilities must be known and a financial plan to bear those costs must be in place before the first step is taken, Congress, in enacting Section 10004 (h) (1-4) states in essence that Interim
Flows were not to be made or started until the design and cost of all fish screens was determined and the financial resources were available to provide for those measures.

Congress was well aware of and wanted to avoid a repeat of the San Luis Act problem in which provision for drainage was part of the plan but the plan was allowed to be implemented without the accomplishment of this essential element. It is very important for credibility of this Program to have a complete and well thought out Project before taking the first steps which may be popular from a media event point of view but ignore the fact that the Project goals are unachievable without proper planning and funding.

It is our strong position that Reclamation will be in violation of the Settlement Agreement and the San Joaquin River Settlement Act (Legislation) if there is not an appropriate fish screen provided on the new Mendota Pool bypass.

This, coupled with our earlier conversations about the lack of funding for fish screens, makes it very difficult for us to visualize the usefulness for a joint meeting with the San Joaquin River Restoration Program, National Marine Fisheries Service (NMFS), U.S. Fish & Wildlife Service (F&WS), California Department of Fish & Game (F&G) and the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) unless we will be discussing what type of fish screen or fish diversion facilities that will be installed by Reclamation at the new Reach 2B bypass. If the purpose for the meeting is to attempt to convince the Exchange Contractors that a fish screen or fish diversion facility is not required because of an ESA 4(d) rule- making process in the legislation, our respective time will be better spent on other issues, since we fundamentally disagree with that premise.

It should come as no surprise that we have been very concerned about sufficient funding being available to complete this Project. We have been diligently working to sell this Program to the landowner-base and the half dozen boards of directors that set policy for the districts in our area. Reclamation’s message on June 25th in effect cancelled any good feelings we have garnered with a sense that we have been baited and switched on a major water rights’ issue. We are trying to build the foundation for a good Restoration Program beneficial and protective for all, the “Master Drain” is the last example of taking an attitude of trusting it will get done in the future and here we are 45 plus years later still without a completed drainage project.

We request that you provide us with a written response by August 14th of Reclamation’s obligation regarding providing a fish screen or fish diversion facilities in Reach 2B to protect senior water right flows into the Mendota Pool.
As always, we are willing to work with Reclamation to resolve this important issue. Please contact me at (209)-827-8616 if you have any questions on this matter.

Sincerely,

Steve Chedester

cc: Senator Dianne Feinstein
    Senator Barbara Boxer
    Congressman Dennis Cardoza
    Congressman Jim Costa
    Congressman George Radanovich
    Mr. Don Glaser, Regional Director, U.S. Bureau of Reclamation,
    Mr. John Engbring, U.S. Fish & Wildlife Service
    Mr. Jeff McLain, U.S. Fish & Wildlife Service
    Ms. Ronda Reed, National Marine Fisheries Service
    Dr. Jeffrey R. Single, California Dept. of Fish & Game
    Ms. Mari Martin, Chairperson, SJR Resource Management Coalition,
    San Joaquin River Exchange Contractors Water Authority Board Members
August 6, 2009

U.S. Bureau of Reclamation
Mid-Pacific Region
Mr. Jason Phillips
2800 Cottage Way, MP-170
Sacramento, CA 95825

RE: Public Scoping Comments
San Joaquin River Restoration Program
Mendota Pool Bypass and Reach 2B Channel Improvements Project
EIS/EIR

Dear Jason:

San Luis Canal Company (Company) would like to make the following comments as part of the scoping sessions held on the above referenced project.

The Company understands that these public scoping meetings are just step one in the overall process of implementing the Reach 2B channel improvements. Therefore, please take these comments as “general” in nature, and we will continue to provide necessary input as the scheduled environmental process moves forward.

- **Fish Screen for Reach 2B to ensure that fish do not travel into the Mendota Pool.** It is imperative that the fish screen is installed for two reasons:
  1. Fish do not become entrained within the Mendota Pool where there are a multitude of diverse diversions for agricultural and wildlife purposes. If this were to occur, these diverters would then be liable for ESA take issues.
  2. Water Rights: The Exchange Contractors Water Authority (in which the Company is a member) has historic rights for deliveries off of the San Joaquin River. If the Bureau of Reclamation had to deliver water for the Exchange Supply out of Friant dam, the Fish Screen would need to be in place. Based on the Delta Smelt and Salmon biological opinions that have recently been handed down by the Federal Agencies, as it relates to the pumping regime of the State and Federal pumps in Tracy, the likelihood that the Exchange Contractors deliveries needing to come out of Friant Dam has greatly increased. Therefore, a fish screen must be
designated, engineered, and installed as part of this project to ensure that our
diversions are ESA protected. Our water rights, and ability to divert,
come before the ESA take issues as part of this program.

- **Groundwater Modeling and Real Time Data Collection:** The accurate
measurement of groundwater activity both prior to, during, and after construction
is a necessity.
- **Seepage Monitoring:** An accurate accounting of seepage issues for those
neighboring lands must be a mandatory activity.
- **Purchase of Property:** A willing seller, willing buyer approach must be used.
This is the first project in a long series of activities that the Bureau must
undertake for the whole River Restoration Program, and therefore will set a
precedent on how they will approach land acquisition. It must be done right.
- **Bypass Alignment:** All options must be reviewed. In our minds, the landowners
in the area know the land better than anyone, and could provide accurate details
on how the project could be built while taking the least amount of land possible
for the new river system.

In conclusion, it is stated in both the Settlement Agreement and Federal Legislation that
there will be no adverse third party impacts. The Company wasn't a part of the
Settlement Agreement, but we worked long and hard to ensure our protections within the
Legislation. We expect all parties, including the Bureau, to follow through on their
obligations.

The Company will continue to work with the Bureau on all aspects of this restoration
program, and please call with any questions you may have.

Sincerely,

[Signature]

Chase Hurley
General Manager
Comments: I strongly recommend that as a viable river channel is selected and improved for passage of anadromous fish, the general route of the historic main channel of the San Joaquin River be used as much as possible. If the Mendota Pool has to be bypassed in Reach 2B (due to mixing of Delta water, agricultural runoff, high cost of replacing the Mendota dam with a modern facility to include state of the art fish passage, etc.), keep the Mendota Pool Bypass to the shortest route. Take advantage of the historic river channel by moving levees back to the north and east of the current constrained channel, maintain as much of the existing vegetation in the newly configured flood plain as possible, perform the required channel widening and clearing to create an appropriate channel, and reestablish an adequate flood plain for flood flows and riparian habitat by reversing the massive existing encroachment.

Avoid bifurcation of future flows as much as possible. Rely upon the Chowchilla Bypass for only the extreme flood flows (usually only when the Kings River flows are being diverted north out of the Tulare Lake Basin. The Chowchilla Bypass has none of the features of the historic San Joaquin River in the general region of reach 2B and should not be used as simply a ditch to pass fish. If the historic river channel and flood plain had been properly maintained and protected over the last 100 years, there would be no need for the Chowchilla Bypass.

Keep in mind that the cheapest part of many restoration projects will be the acquisition of land to properly restore a more natural river. Agricultural land generally has been selling in Madera and Fresno Counties in the range of $10,000 to $20,000 per acre, even with permanent crops. Seek out willing buyers to acquire more land than the absolute minimum to support recreation, tourism, groundwater recharge, animals, birds, and fish. The restoration of the historic San Joaquin River can potentially be a much more effective way to preserve and grow the struggling communities on the west side of the valley than holding on to an unsustainable level of agricultural production. The size of the agricultural labor force in the region has been in a steady decline over the last twenty years that was obvious long before water supplies became a factor. Regardless of the short-term benefits of farming marginal land in this area, the long-term outcome will probably be the same------no solution to the drainage problem that is poisoning the ground water, continued unsustainable mining of the ground water leading to the further collapse of the capacity of the aquifer, growing demands across California for an over-appropriated water supply, a reduced need for the traditional farm worker population, and resulting hardships for those who have done the physical labor. A healthy river, leading to other types of economic development, can be of great value to the growth of the area------a scenario understood by the local city leaders in the city of Firebaugh.
Bottom line: Configure a Reach 2B Bypass to support the restoration of a more natural river system that will pay great dividends for future generations of the residents of this area while allowing a sustainable, if reduced, level of agricultural production.

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

Comment here: 7-31-09

1. Red line where I would cut out amount of lace maintenance by shorting distance.

2. Black line - To get around pool.

3. I realize what I show has country border problems.


All comments become part of the public record.
PUBLIC SCOPING COMMENTS
for the Mendota Pool Bypass and Reach 2B Channel Improvements Project
Environmental Impact Statement/Environmental Impact Report

Written comments can be submitted at the scoping meetings, mailed to the Bureau of Reclamation
(mailing address is included on this card), faxed to 916-978-5469,
or emailed to MendotaPoolBypass@restoresjr.net
by close of business on August 17, 2009.
Thank you.

(Please print clearly)

Name: Donna Duckworth
Organization and Address: 4982 W. Bluff Ave,
Fresno, CA 93722
Phone: (559) 431-3035 E-mail: dduckworth@desera.com

Comment here: 8-4-09

I am concerned over the millbun pond,
I would like to see the current water level
remain at current levels a high to continue
to allow Birds to have a protected area
I would not like to see the salmon protected at
the expense of water and birds
It appears to be an ideal habitat as it is.

All comments become part of the public record.
U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way, MP-170
Sacramento, CA 95825
Attn: Ms. Margaret Gidding
Written comments can be submitted at the scoping meetings, mailed to the Bureau of Reclamation (mailing address is included on this card), faxed to 916-978-5469, or emailed to MendotaPoolBypass@restoresjr.net by close of business on August 17, 2009.

Thank you.

(Please print clearly)

Name: ED HOWARD

Organization and Address: HOME OWNER ON BLUFFS
5004 W. BLUFF AVE
FRESNO, CA 93722

Phone: (559) 495-3460 E-mail: EDWARDITO@PACBell.NET

Date: 7/28/2009

Comment here:

AS A RESIDENT OF THE FRESNO BLUFFS, WE OVERLOOK THE RIVER AND THE "MILLBURN POND." WE ARE CONCERNED ABOUT THE POSSIBILITY OF THE POND BEING DRAINED AND CREATING A BIG MOSQUITO BREEDING AREA AND A TRULY UGLY SIGHT. FOLKS, THIS IS VALUABLE WETLANDS ALONG WITH THE MANY OTHER PONDS AND LAKES ALONG THE RIVER, WHY IN THE WORLD WOULD ANYONE WANT TO DESTROY THIS BEAUTIFUL AND USEFUL WETLANDS WHICH IS HOME TO MANY BIRDS AND ANIMALS?? ALSO, DO YOU KNOW THE ORIGINAL RIVER BED WAS THROUGH THE MILLBURN LAKE. IF YOU ALL REALLY WANT TO "RESTORE" THE RIVER WHY NOT PUT THE RIVER BACK TO IT'S ORIGINAL COURSE??

All comments become part of the public record.
Comment here:  

Original property on a bend (lend) in Firebaugh. A River flow (sic) 4500 acre ft/sec. places our property in a hole due to erosion from 4 ft flow. Will our property be reinforced to prevent long term damage/erosion/instable bank life? Will we be allowed to give input with design please by your engineers to maintain or improve our river access without sacrificing riverbank integrity? Who will be responsible for cost of device or river bank replacement? Oscar & Marcia Suelen

All comments become part of the public record.
PUBLIC SCOPING COMMENTS
for the Mendota Pool Bypass and Reach 2B Channel Improvements Project
Environmental Impact Statement/Environmental Impact Report

Written comments can be submitted at the scoping meetings,
mailed to the Bureau of Reclamation
(mailing address is included on this card),
faxed to 916-978-5469,
or emailed to MendotaPoolBypass@restoresjr.net
by close of business on August 17, 2009.
Thank you.

(Please print clearly)

Name: Richard O. Knight

Organization and Address: 9329 N. Maple Ave.
Fresno, CA 93720

Phone: (559) 438-9747 E-mail:

Comment here: 7-29-09

1. Build a retaining wall across the SJ River with a gate in it to div. water to the Mendota Pool.
2. Build a press channel from SJ River to below the Mendota Dam (approx one mile). There are 120 canopy trees in the way.
3. In the 40's this channel was made by the river since has been filled in.

H4 water would break out on the turn and run thru the little SJ to the plain slough.
H5 water would break out on the turn and run toward Hwy 180. By putting 3, 4, 5 in you would relieve the pressure on the river.

All comments become part of the public record.
Hello,

I wish to add my comments to the EIS/EIR. I think the Mendota Pool Bypass and Reach 2B Channel Improvements Project are noteworthy. However, the Bypass is not cost effective as well as environmentally friendly. It would cost more money and it would increase the pollution into this Valley.

It would be better if the projects call for the removal of the existing dam and improving the channel. In addition, to restore the area as a park with native trees and picnic areas and swimming areas for the public. For example, Washington State is doing away with dams so that the salmon can reach their natural spawning areas.

Why can't we do something like that?

Thank you for giving me the opportunity to voice my concern.

Rudolfo Rulloda
In Re: Mendota Pool Bypass
and Reach 2B Channel Improvements
Project

-o0o-

PUBLIC SCOoping MEETING

JULY 28, 2009

-o0o-

REPORTED BY:
MELINDA TRAVIS, CSR
LICENSE NO. 12094
PICCADILLY INN; FRESNO, CALIFORNIA

JULY 28, 2009; 6:15 P.M.

PUBLIC SCOPING MEETING

-o0o-

MS. JONES: My name is Pam Jones, and I work with a company called Kerns & West. And we do public outreach. So we're working with the agencies here tonight to help bring this to you so you can understand what is going on with the site-specific project of the San Joaquin River Restoration Program.

How many of you were here in 2000 -- August 2007 for the program scoping meeting for the San Joaquin River? Any of you? Okay. That was at the other Piccadilly. That was a scoping meeting to talk about the program in general, the San Joaquin River Restoration Program.

Tonight's program is meant to be specific to an area -- a specific area. We've got it on the maps here, of the San Joaquin River, to understand what is going on in that area, Mendota Pool, the Chowchilla bifurcation, and to get your input on what you would like studied in this specific area. So it's not so much about the program tonight as about the site-specific project area.

So who we have here tonight is Ali Gasdick. Ali is with Reclamation. She is Reclamation's program manager for San Joaquin River Restoration Program. And we have
Kevin Faulkenberry, who is the Department of Water Resources Program manager for San Joaquin River Restoration Program. And we have some other implementing agencies here tonight.

Stephanie Rickabaugh. Stephanie, where are you?

Stephanie is with the U.S. Fish & Wildlife Services.

Stephanie is in the back there. And she'll be able to talk to you tonight as well as Ali and Kevin and some of the other folks.

And we also have John Battistoni from Department of Fish & Game. Is John here right now? He'll be back in. He stepped out for a minute.

Our program tonight is to take about half an hour to give you an update and an overview about where the program is. But more specifically where the project is. And that's the Mendota Pool Bypass Project.

At 6:45, what we'd like to do is to invite you to come up to this station, to go in the back, if you want to know specifically about what the project is.

We have up here maps, so you can tell us, you know, "We have a special interest in this area. Make sure that you are studying, you know, this particular issue in this particular area of the river," because you know what is going on locally here, and that will give the agencies
and the consulting firms the direction of what is important
to you that will be studied in the evaluation of this
specific reach of the river.

At 7:30 we'll come back here, and it's going to be
kind of tight as we get more people, but we'll come back
and have some questions from you or comments from you,
things you would like to see covered in the scoping report,
and "the scope" means the range of issues that will be
covered.

We do have a transcriptionist here who is taking
down comments so we make sure we have your comments down
and can follow those up. Just wanted to let you know up
front there is a transcriptionist. These will be
summarized and used for the team when they do their review.

After the presentation, the half-hour
presentation, we'll take maybe two or three questions, just
clarifying information about the program and the project,
questions related to the PowerPoint.

And then you also have the opportunity to ask
specific questions of the staff here up at the tables here.

So we don't want to take the time before you have
the opportunity to look at the maps and talk to the staff
to get into the comment period.

Also we're going to use speaker cards tonight so
we can kind of keep an order of how many of you want to
comment. And what we're going to do is ask you to fill out
those speaker cards. We'll take them in the order
received. I'll call your name up, and I'll call the next
person so you can be ready to say your comments after the
person has spoken. And we're going to keep this to about
three minutes each because we want to give everyone the
opportunity to speak.

And also, you do have what we have, the foldout.
It's an 11 by 17 with the map in there. That is the
comment card. You can make comments tonight and leave them
here. We have a box in the back. You can send these in
after you leave the meeting. You can mark up the map.

You have until August 17, when the official
comment period ends. So we want to give you enough time.
If you want to take it home to review it, you can go ahead
and send it in. If you want to leave your comments
tonight, that's fine.

With that, I would like to turn it over to Ali
Gasdick to give kind of an overview presentation.

MS. GASDICK: Great. Thanks, Pam.

And thanks everybody for being here tonight. I
know the room is a little crowded. Bear with us as we go
through this presentation here.

MALE VOICE: Can't hear you.

MS. GASDICK: Is that better? I'll try to do
that, speak right into the mic.

   So I'm going to give you an overview of our
presentation portion of the evening. First, we're going to
talk about the San Joaquin settlement itself and the
San Joaquin Restoration Program. We'll give a quick
overview of that. And then we're going to talk about the
Mendota Pool Bypass and Reach 2B Channel Improvements
Project, overview of the program and details on the
site-specific project we're currently considering.

   When we get into the project, we're going to do a
quick overview of the project itself, talk about key
components of the project, and then the process we're
moving forward with, that we're essentially initiating with
this scoping meeting here.

   So quick overview of the San Joaquin settlement.
In 1988, the federal government was sued by a coalition of
environmental organizations as we attempted to renew the
Friant water users' long-term contracts, water supply
contracts.

   The federal government essentially fought that
litigation, fought that lawsuit, for about 18 years.
During that time frame, there were a couple of rulings by
the judge that were not looking very favorable to the water
users and to the federal government. And in the course of
that and in the course of some negotiations with the
plaintiffs, with the environmental community, we decided to
go ahead and settle.

We came to a settlement that we thought would be
good for both the water users and for -- essentially
satisfy the litigation that we were in.

So essentially in 2006, we settled the lawsuit.

And we started actually implementing that settlement.

In 2009, President Obama signed Public Law 111-11.

That gives the federal government the full authorization
and fundings needed to implement the settlement.

So the settlement includes two main goals. We've
got a restoration goal. I'm not going to read these
verbatim. I'll give you a quick overview. We've got a
restoration goal. That's essentially to restore and
maintain fish population in good condition on the San
Joaquin River. To do that, we need to add water to the San
Joaquin below Friant Dam. And to accommodate that water,
we also need to make the river channel a little bit bigger
in some areas. Also, for the fish, we need to provide some
fish habitat components on the San Joaquin.

Our second goal is our water management goal.

That is to reduce or avoid adverse water supply impact to
the Friant division long-term contractors. That's not
going to be a topic that we talk about tonight, but we have
been working quite a bit with the Friant Water Users
Authority to address that water management goal.

So the settlement identifies a couple of key milestones in terms of time frame. As soon as we signed the settlement, the federal government, the Bureau of Reclamation, along with the State of California, Department of Water Resources, Fish & Game, and all our implementing agencies began work in planning, design, and environmental review to implement the settlement itself.

So that's been going on since the 2006 time frame. Sorry. Hold on just a second here. Let me get a drink of water.

All right. Sorry about that. So our next big time frame is this 2009 interim flows. So October 1st, we start our interim flow releases, which is our initial flow releases from Friant Dam into the San Joaquin River.

After that, in 2012, we are to begin reintroduction of salmon to the San Joaquin River.

2013, essentially that's our target date of completion of our major priority projects for the river itself. And there is essentially four high-priority projects.

The project that we're going to talk about tonight, the Mendota Pool Bypass and Reach 2B Channel Improvements Project, is one of those high-priority projects. It's actually the first one that we're really
kicking off and initiating here. We'll have three more
coming in the future, but tonight we're focusing on that
Mendota Pool and Reach B2 Projects.

In 2014, we're targeted to initiate what we call
full restoration flows. After we improve the river channel
in 2013 with that target date, by 2014, we're targeted to
put more water in the river channel.

2016, we have a few other high-priority projects
that include the river channel, but focuses a lot more on
fish passage and fish habitat. Those are targeted to be
completed by 2016. So we have quite a lengthy process to
implement the settlement. It's not something that can
happen overnight.

With that, I'm going to transition to Kevin
Faulkenberry from the Department of Water Resources to talk
about the specific Mendota Pool Bypass, Reach 2B
Projects.

MR. FAULKENBERRY: Thank you, Ali.

I'm going to give a brief overview of the project
and -- really brief, because we don't know that much about
what we're going to do yet. We know what's in the
settlement, and I'll probably go -- we'll go over the
location of the project and what we know about the projects
now.

As you can see, the Mendota Pool Bypass is
basically going to be a bypass channel that goes around
Mendota Pool with a capacity of 4500 cfs. The
construction -- the structure is going to be capable of
conveying those flows as well as providing deliveries or
irrigation deliveries for the Friant releases. The 2B
Channel is also going to have a capacity of 4500 cfs, but
it will have floodplain habitat and riparian components
that will develop as time goes on.

As you can see, this is the regional area map. It
shows where the project is located. You can see on the
California map, on the top right-hand corner, the little
dot up there tells you where it is in California. You can
see the Reach we're talking about goes from basically the
Chowchilla bifurcation structure -- I'm certain that most
everybody in here is familiar with that location -- down to
Mendota Dam or just below Mendota Dam, depending on where
the bypass comes through.

The project area, as I pointed out in the previous
slide. This is an aerial that gives you a little more
detail. You might see where your particular property is
located or be familiar with some of the areas out here. I
see a lot of familiar faces, so I know a lot of people out
here know the project area and are very familiar with this
aerial photo.

For those of you who aren't, the project will
start at the bifurcation structure and follow the
San Joaquin River and go through. And then, of course, the
bypass channel goes past Mendota Pool. I think you can
see -- you can see here's Mendota Pool, and then the bypass
channel can come down anywhere in here.

Some of the key components of this, of course, as
I mentioned earlier, that the -- it would convey -- for the
Mendota Pool Bypass, it would convey 4500 cfs.

The bifurcation structure at the upstream end of
it would ensure to be able to route flows into the new
bypass as well as Mendota Pool. That would primarily --
going to Mendota Pool would be to maintain Friant
deliveries under certain situations.

There would also be new levees that would be
needed or setting back existing levees and some relocation
of the existing infrastructure that's in the project area.
I'm sure a lot of you are familiar with that because you
live in the area. There's pumps and canals and structures
and buildings and roads, and they all have to be considered
in this.

The specific guidelines and details of this
project will have to be figured out as time goes on. We
still have a fair amount of work to do, and that's what
you're here for this evening, to point out some of the
details that maybe we don't understand and you think are
important for us to move forward.

And this is the key components of the Reach 2B, and these components could include modifications of the river channel from the bifurcation structure to the Mendota Pool Bypass. Once again, we don't know exactly the alignment of the Mendota Pool Bypass, so we don't know where that is.

Its capacity will also be at least 4500 cfs. It should have integrated floodplain habitat. There will be new levees or setback levees of the existing levees.

We're going to have to relocate a lot of the infrastructure that is in the area. Details of this will be worked out as we have conversations with you and begin to study the area and collect data.

And from that point, we'll go into the planning process, and Ali will explain that to us.

MS. GASDICK: Thanks, Kevin.

So we'll do a quick overview of the planning process. Essentially Reclamation is the lead federal agency under the National Environmental Policy Act, and the California Department of Water Resources is the lead state agency, under the California Environmental Quality Act, initiating preparations of what we call environmental impact statement, environmental impact report. I know that's a lot of acronyms to get all at once.
We usually call that environmental impact statement, environmental impact report, EIS, EIR. Tonight I'm going to call it the document, just to make it a little bit easier for everybody.

So as we kick off preparation of this document, we essentially start with the scoping process. That little dot is a little hard to see. But the first step is the scoping process, and essentially -- I'll touch on this a little bit more in the next slide. That is where we get your input on the projects, the infrastructure, potential alignments, things that we need to take into consideration as we move forward and develop alternatives and analyze those alternatives. That's currently underway.

And then the next step that we have is issuance of what we call a draft EIS, EIR, a draft document. As you can notice, the scoping process -- we're here in July, August of 2009. We don't expect to draft it until mid-2011, so pretty much two years out.

I guess the question would be, what are we going to do for the next two years? We're going to analyze the alternatives. We're going to analyze the input you give us tonight and will give us through the scoping process, take all that back, start developing alternatives, analyze those alternatives, look at the impacts of those alternatives, and develop ways to mitigate, avoid, or reduce those
impacts.

That's why the scoping process is very important to get your feedback and get your input into this project.

During preparation of the draft document, we're going to use our existing work-group process that we've established as part of the restoration program, to get a lot of information out to the public.

The work group -- we have a Web site that we'll show at the end. The work groups meet approximately every six weeks or so. We have a fishery group and what we call restoration goal group. Those two groups will work through a lot of the alternatives for this project, alternative alignments. That's where we'll be presenting a lot of the detailed information for this particular project as we develop it over time.

After the draft document gets released for public review and to prepare the final, which we expect in early 2012, we will consider all the comments that the public provides on the draft and respond to those comments in the final document.

So we have a little bit of a planning process here. The process really is to ensure that we get your input and consider that input and address all the issues in the draft in the final document.

The Federal Record of Decision and the State
Notice of Determination, we anticipate to come out mid-2012. That's essentially the decision document that will tell us how we're going to implement the project over time, so it specifies the exact alternative, all the mitigation measures. It has all the specificity in this decision document that will come out in 2012.

We have a little bit of a lengthy planning process, but our goal is to really get your input throughout this process as we move forward with identifying and analyzing alternatives.

So the purpose of tonight -- I think I mentioned this a couple of times, but just to reiterate, it's to get your input on this particular project and -- or excuse me. I should say the purpose of this scoping process is to get your input on this particular project. And your input will help inform essentially our -- it will -- sorry. Hold on just a second. Your input will help inform the process as we go through and identify alternatives and analyze those alternatives.

We're here also to inform stakeholders in the public and responsible agencies about the project. What are we heading off to do? What are we initiating here? We're also here to solicit input on the range of issues, the potential alternatives we should consider, and we're here to solicit your input on concerns that should be
addressed sooner rather than later. Those are things, like
Kevin mentioned, infrastructure that's out there, areas
that we should be looking at, houses, canals, stuff like
that, that we should be considering as we develop and
analyze alternatives.

And so the purpose, as I mentioned earlier, the
EIR is really the culmination of all this information into
this one document. The purpose of the document is to
provide technically sound information to decision-makers to
consider and evaluate the project. It's the basis of the
decision of what is going to happen for the bypass and for
the Channel Improvements Project.

The document is going to contain information on
the environmental setting of what is out there now,
information on the alternatives themselves, and also
information on the impacts in implementing those
alternatives. So what's that going to do to the river?
What is it going to do to the ag lands out there? To the
groundwater? What is it going to do with all the resources
as we implement this project? The document is also going
to contain mitigation measures to reduce, avoid, or
mitigate the significant impacts of the project.

And I think with that, I'm going to transition to
Pam, and we're going to talk about our open house.

stations.
MS. JONES: Thanks very much.

Again, the main part is for you to talk
individually with some of the staff, look at the Station 1,
which is describing, you know, what is the settlement, what
are these agencies trying to comply with, what is the
timeline, and what are the kinds of topics, again, that you
can help these agencies investigate?

The station over here is to really look at the
Mendota Pool Bypass and Reach 2B section -- it's called a
Reach. It's one of five sections -- and for you to get a
closer look and indicate on there -- pick up a pen, write
something down, tell us what's there. If you have a
question, write it on the board there. And then we'll come
back here and provide an opportunity for you to make some
comments.

It's not so much a time to ask them questions and
get answers, because they don't necessarily have them yet.
But it's for you to say, "I would really like for you to
investigate this." So if we can keep that in mind, that
will be the most productive way to get them set
investigating or evaluating this Reach 2B of the
San Joaquin River.

Before we break out into the groups, I just wanted
to ask if there were any questions regarding what you heard
here tonight that wasn't clear. Some of you have been
following this the whole way and are very involved. Some
of you are relatively new. So let's start with two or
three questions, and then if you don't get them answered
here, we'll have you ask them to the staff there.

Yes, ma'am?

FEMALE VOICE: I can't tell from the map exactly
where these two areas are from here. Are they 20 miles
west? 10 miles west? Are they across 99? I can't tell.

MS. JONES: It's hard to tell because we've had to
blow it up big enough to do it.

Kevin, do you want to go over there and point or
explain?

MR. FAULKENBERRY: Are you familiar with the -- I
don't know how familiar -- are you familiar with the
Chowchilla bypass, the flood control bypass?

FEMALE VOICE: No. Start from the basics.

MR. FAULKENBERRY: Okay. Here's Highway 33, 180.

Highway 99 is way over here.

FEMALE VOICE: Is this area like 20 miles west of
us? 40 miles west of us?

MR. FAULKENBERRY: West of where we are now?

FEMALE VOICE: Right here.

MR. FAULKENBERRY: Yeah. It's probably 20 miles,
30 miles west of us now.

Have you ever been to Mendota?
FEMALE VOICE: Not recently.

MR. FAULKENBERRY: Firebaugh is up here somewhere. This is -- you know, if you're not familiar with the Chowchilla Flood Protection Bypass, that's right in here. We're way west of 99.

FEMALE VOICE: Thank you.

MS. JONES: Yes, sir?

MALE VOICE: Is the project a bypass, or are the alternatives going to be options or alternatives to a bypass?

MS. JONES: The question was, is the project a bypass or is it alternatives to the bypass; is that right?

MALE VOICE: When you say you're going to consider alternatives, are you considering alternatives to a bypass or just alternative locations for a bypass?

MS. JONES: Alternatives to a bypass or alternative locations of a bypass?

MS. GASDICK: I can answer this one.

The settlement is actually very specific in some of the projects that we implement. We call them our Phase 1 projects, and the settlement actually has some -- for those Phase 1 projects, there's a lot of specificity in there as to what we're required to do.

This text is actually a summary out of the settlement, so the settlement requires that we construct a
bypass channel that has certain characteristics to it, so what we're considering as part of this project is alternative locations for that bypass channel.

We're not considering alternatives to the bypass itself. Essentially there's a lot of challenges with having fish in the Mendota Pool itself. There's a lot of very large diversion structures in the pool, that during the settlement they did some analysis that would be very expensive to screen all those diversions and replumb the Mendota Pool. Thus the settlement that we signed and that we agreed to is very specific. We do have to construct a bypass.

Also Mendota Dam itself is a pretty large structure. To try to get fish up over the dam or likewise down through the dam as they migrate down the stream, it would probably be better not to have all those structures that the fish need to navigate through as they come in and out of the San Joaquin River system.

MS. JONES: We have one up here. Sir?

MALE VOICE: How many feet of water is allotted to this project?

MS. JONES: The question, how many acre-feet of water allotted for this project? Do you know?

MS. GASDICK: This is going to be a little bit longer answer than you probably want.
The settlement actually has six different water year types, and those are essentially determined based on inflow from the upper San Joaquin River system into Millerton Lake. So it depends on the water year type as to how many acre-feet of water go down the San Joaquin River.

So, you know, for some years, it's very little that's allotted to this project, what we call our critical dry year. So the lowest years on record have very little additional flows in the San Joaquin, but some of the higher years, when we have a lot of flow coming into the Millerton, we see a lot more inflow coming down the river itself.

MALE VOICE: I was curious about an average year.

MS. GASDICK: You know, I don't know offhand, but I'll find out, and I'll catch up with you.

MALE VOICE: I read someplace 170,000 acre-feet of water.

MS. GASDICK: I think it's somewhere in that range on average. I'm looking back at our lead engineer.

MALE VOICE: (Inaudible.)

MS. GASDICK: Is it about 170,000 acre-feet on average?

MALE VOICE: About 200,000 acre-feet on average.

MS. GASDICK: About 200,000 acre-feet on average.
MS. JONES: Okay. We had another question up here.

MALE VOICE: I understand that this is probably the most expensive restoration that has ever happened in the United States for restructuring a river. Wouldn't it be cheaper to go back and fight them in court for another 18 years instead of spending all this money for something that's not going to work?

MS. JONES: The statement was: This is the most expensive restoration project in the United States. Wouldn't it be better to go back into court and fight because the project isn't going to work anyway?

I'll leave that to you, but I think it's a done deal.

MS. GASDICK: I can take this one.

I can't comment on the expense because I'm not as familiar with other restoration projects and the costs of those. I'm familiar with a lot of different river restoration projects, but there were things like the Everglades that were very expensive projects.

The federal government and the Bureau of Reclamation, we're a water delivery agency. We deliver water and power to our customers. We fought the litigation for 18 years, and we really felt there was a very high risk that we would have some challenges in delivering water to
the Friant water users and delivering power out of Friant Dam. So in light of what we felt was potentially a very risky situation, we took the road that we felt essentially provided some certainty to the water user, some certainty to the power users, and, frankly, does cost some money, and is going to restore the San Joaquin River, which is expensive, and it's going to take time. We felt that course of action provided a little bit more certainty. Fundamentally we are a water and power agency.

MALE VOICE: Is any of that water going to the farmers coming down the river? (Inaudible.)

MS. GASDICK: The question was: Is any of the water being diverted to the farmers that's going down the river?

As we talked earlier about the water management goal of the settlement, we are embarking on a program, a project underneath this restoration program, that tries to recirculate and recapture, reuse, recirculate some of that water and get that back to the Friant Water Users Authority. So that process is undergoing, and we're working with Friant very closely to identify options and ways we can go about that.

As I mentioned, the settlement has these two goals: Restore the fishery and try and recover that water, and minimize or avoid those impacts to the water user
themselves.

MS. JONES: Let's take a couple of more questions and then break out and come back.

Sir?

MALE VOICE: Where is the money specifically coming from to do the 2B Channel? Where is that money coming from?

MS. JONES: Where is the money to do with the 2B Channel improvements coming from?

MR. FAULKENBERRY: Well, I'll try answering that. I don't think we've fully identified where the money is coming from, but certainly the State of California, the Secretary of Resources, has dedicated or promised an aggregate amount of 200 million to the restoration program. The exact source of that funding hasn't been identified, but a certain amount of it has.

So that money will be used over the whole project area, as the state is in support of the program. And, of course, the program itself has a lot of funding, and Ali may want to add some details to that. But we'll be identifying portions of the project that the state thinks they specifically want to focus on. We'll be working with the Bureau on this reach, Mendota Pool and Reach 2B, to do some of the engineering work, probably taking on most of that.
It depends on specifically what part of the project you're talking about and what we've decided to do as the process moves along.

I didn't know if Ali wanted to talk a little bit about the federal funding.

MS. GASDICK: Sure.

I can talk a little bit about the federal funding. Public Law 111.11 that I mentioned earlier does provide funding mechanisms for the overall restoration program itself. There are a variety of mechanisms through repayment that the water users were already paying. Instead of going into the general treasury, that now comes to the restoration program. There were some other pieces that they were paying for the Central Valley Project Improvement Act that now comes to the restoration program.

The public law that was passed earlier this year sets up a variety of funding mechanisms, and it also authorizes appropriations by Congress for the restoration program. There's a few mechanisms in there that will provide funding for the overall restoration program.

MALE VOICE: But we don't know what they are? It's some secret? My question is, where is the money coming from? So far I haven't heard an answer. You've got mechanisms and 200 million here and funding will come maybe from here.
So you really don't know where you're going to get
the money to do it? Do you know how much it's going to
cost? Do you know that much? I'm talking about 2B.
That's what the meeting is about. I'm not talking about
the whole San Joaquin River.
Specifically 2B, how much it's going to cost and
where is the money coming from, do you know?
MS. GASDICK: Yes, we do. It's going to come
from --

MALE VOICE: How much is it? Can you tell us
that?
MS. GASDICK: We have a -- as I described, we
actually have an extensive alternatives evaluation process
that will identify costs of the program and how much it's
going to cost for the different alternatives and the
different alignments. Right now we don't have a firm cost
for the 2B Project.

MR. FAULKENBERRY: To provide a little more
definition -- I didn't provide it beforehand. It's hard to
have a cost of a project that we haven't specifically
identified specific alternatives or the specifics of the
alternatives, but the State of California and the voters
approved Proposition 84, which provided $100 million to the
program. And we're also working in Proposition 1E. A lot
of the work we have done here -- or we will be doing out
here have flood components, and it will be working with the
money and funding there to provide flood benefits for the
projects as well.

So the full 200 million hasn't been identified
yet, but those are two of the main programs we're working
on now.

MALE VOICE: Question: You deliver water out of
Friant Dam on second-feet, correct?

MR. FAULKENBERRY: That's the Bureau.

MALE VOICE: How do you convert that to acre-feet?

If you have 170,000 acre-feet, how many second-feet would
you have? Double -- I mean, half?

MS. JONES: This is a question regarding flow and
how many cubic square feet --

MALE VOICE: How many cubic feet per second.

That's how it's coming out of Friant.

MS. JONES: How many cubic square feet per
second --

MALE VOICE: That's how it's coming out of Friant
Dam.

MS. JONES: How many cubic square feet equals
acre-feet? Is that --

MALE VOICE: What's the conversion from cubic
square feet to acre square feet?

MR. FAULKENBERRY: Are you asking what the flow
would be out of the dam to get the 170,000 acre-feet out of there?

MALE VOICE: Exactly.

MR. FAULKENBERRY: That's a variable. That's a function of the water year type and the season you're in.

MALE VOICE: The 170,000 acre-feet that you're allotted --

MR. FAULKENBERRY: We're allotted a block of water, but the flow that comes out of the dam is -- the release or the cfs, cubic foot per second, is a function of the time of year that you're in and the water year type. So the time of year is the seasonal life cycle of salmon, whether we're -- we're trying to support the life cycle of salmon. So that tells you, based on that, they'll release the flow out of the dam.

As you know, the 170,000 acre-feet is a function of how much -- or, you know, the water year type. So those are all tied together, and that will tell you what the release is for that day. We can go anywhere from 350 cfs to -- you know, certain times of year, we'll have 4500, and then there will be higher pulses of that that clean gravel and do things like that for the salmon. So there is no set number that's coming out of the dam all the time, but you can say generally it would be in the range of 300 cfs or so coming out of the dam most of the time.
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<td>MALE VOICE: If you use it up -- what happens if you use it up in nine months?</td>
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<td>2</td>
<td>MR. FAULKENBERRY: We're planning ahead and hoping that doesn't happen. We're planning. We'll be constantly doing work to update and make sure we're not using water faster than it comes into the reservoir.</td>
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<td>MS. JONES: We're going to do two more questions, and then we're going to go to the open house, and then come back again.</td>
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<td>In the striped shirt there.</td>
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<td>MALE VOICE: In regards to the settlement and the word being used as &quot;restoration,&quot; did we have this situation at one time and we're going to re-create it now, or are we trying to create something new?</td>
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<td>MS. JONES: Is it your question, was there a river and we're trying to put the river back in place, or was there not a river?</td>
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<td>MALE VOICE: How long ago was the situation changed?</td>
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<td>MS. JONES: So you're asking about what are we trying to restore? How long has it been a partially dry river?</td>
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<td>A MALE VOICE: Yes.</td>
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<td>MS. JONES: Either of you?</td>
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<td>11</td>
<td>MR. FAULKENBERRY: How long has it been a</td>
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partially dry river? Probably in -- since the '40s when
the dam was completed. So the restoration is not really --
the restoration -- the term "restoration" implies that
we're restoring it to a certain period or we're doing a
restoration to a certain time. What we're trying to do is
we're trying to restore the salmon run to the San Joaquin
River, so that's what we're trying to restore.

We're trying to create a habitat and a river that
will support those fish. So there is no particular period.
We're not trying to say we're going to restore the river to
prior to 1939, which was prior to the dam, because we don't
have the current hydraulic efficiency to do that. We're
trying to take the hydraulic conditions we're given or the
water flows we have and put it all together in such a way
that it will support the salmon themselves.

MALE VOICE: We know that salmon existed back
then?

MR. FAULKENBERRY: Yes, very much so. There are
people in this room in the front row that can tell you
that.

MS. JONES: We're going to the one question with
the gentleman in the blue hat, and then feel free to ask
the folks when we break up. There are other agency people
here. And you can ask some questions, but again, please
make your comments specific to this area so that they know
what you're interested in having in that document, that
report.

And the gentleman in the blue hat.

MALE VOICE: A number of us here tonight live
along the bluff here in Fresno, and we overlook the
Millerton Pool, and there's a number of other pools and
lakes along the river.

Are you planning to cut off and drain all of those
pools and lakes in the restoration project? And if so, we
believe that it's going to create a lot of mosquito ponds
and a lot of ugly environmental areas. That's a real
wetlands area. And they're very valuable to the animals
and birds that live along there, and we're concerned about
that.

Are you planning to drain all those ponds and
lakes?

MS. JONES: Everyone heard the question?

VOICES: Yes.

MS. GASDICK: Very good question.
The settlement does actually specify some actions
in the -- what we call the gravel pits. Those actions are
a couple of years down the road, so we're not quite there
yet.

Tonight we're focusing on the Mendota Pool Project
and Reach 2B Channel Improvements. In a year or so, we'll
be back out here to talk about the gravel pits. As we
look -- there's a lot of work that needs to be done to
analyze what gravel pits we fill, which ones we isolate,
how we go about all that work in the future. As we go
through that work, we'll go through a similar process and
identify the impacts and get your input on what those
potential impacts are.

We have a little bit of time. The settlement does
specify some actions for gravel pits, but we're a couple of
years out for those.

MS. JONES: Before we break out into the stations,
I just wanted to acknowledge some of the elected officials
and their representatives that are here.

We have Shelly Abajian from Senator Feinstein's
office.

Shelly, where are you?

Shelly, thank you for coming.

And are there any other elected officials or any
representatives of elected official?

MS. GARINGER: Tricia Garinger on behalf of
Congressman Radanovich.

MS. JONES: What's your last name?

MS. GARINGER: Garinger.

MS. JONES: Trisha Garinger from Congressman
Radanovich's office.
Anyone else?

Thanks very much for coming.

We'll meet again at 7:30. We're cutting short the stations, but I want to leave time from 7:30 until 8:00 for you to make your comments here. But again, you can make your comments on the comment cards. They're in the back of the room.

Also, if you would like to speak, please fill out a speaker card, and we'll go over the ground rules when we get back. So this will help the flow.

Please feel free to come up to the stations, talk to the agency folks. There will be some agency folks and consultants in the back as well. And then I'll let you know when it's time to come back at 7:30, and we'll continue this. Thank you very much.

(The break was taken from 6:59 p.m. to 7:31 p.m.)

MS. JONES: ...the date of August 17th will get compiled and considered in the environmental review process. So it really does matter. They don't have the definitive plans of what they're going to do, and they're looking to you to tell them what is important.

It may be they already know or are going to consider what you're going to say, but it may be they don't. Maybe it's important for them to hear your interest in the area.
So if I could have the cards, Margaret.
I don't have any up here.
Are there any speaker cards that you would like me
to consider? Right now I have only two.

MARGARET: Did anyone miss filling one out?

MS. JONES: What we'll do is we'll go through
these two. We've got Sandra Flores and Gary Cropper; is
that right? If Gary is here, he can speak.

If you would like to speak and you haven't filled
out a card, fill out a card, please. That helps us make
sure we have your name correct. If you would like to
identify who you're with, that's fine as well.

Sandra, can we start with you? And I'm going to
have you take this microphone, if you would.

SANDRA FLORES: I guess I would start with how
many people on your team -- on the consultant team or any
firms or any organizations you're working with are from the
Central Valley to help you navigate this whole process?

Secondly, for example, tomorrow you'll be in
Firebaugh. The outreach to that community, I believe it's
about 87, 88 percent Latino, high Spanish-speaking
population or people who English is a second language. So
the -- all the information in Spanish and interpreters at
the sessions will be vital to engage the community and to
inform the community in this process, and that would be the
same all up and down the I-5 corridor, especially in smaller communities. We have 220 unincorporated communities in the Central Valley, mostly populated with Latinos. So to help inform your process and engaging them, the interpretation and the material in Spanish would be vital to get their input and feedback in this process.

MS. JONES: Can I interrupt?

SANDRA FLORES: Sure.

MS. JONES: Danny Moran, can you raise your hand? Danny is Spanish-speaking. He's here tonight. He'll be there tomorrow, but I understand your comment to mean that you would like more materials in Spanish --

SANDRA FLORES: Yes.

MS. JONES: -- in addition to what is already in Spanish, posted on the Web site (inaudible) --

SANDRA FLORES: As you did the press release along the I-5 corridor and in the smaller communities -- press releases are not as effective. Radio -- Radio Compenseno, Radio Bilingue, all of the mediums that those populations, those communities, use to get their information is going to be valuable. So simply a press release or an announcement within the community, especially with organizations who already are engaged in this process or landowners that are engaged in this process. So being aware of other mediums to get feedback and engagement from the community is going
to be important.

And again, if you have people on your teams, consulting teams, and firms, organizations that are from the Central Valley that understand the cultural landscapes and the social landscapes, it would help you in your efforts as you're going through this process.

I think that was, so far, the only comments that I had for this.

MS. JONES: Would you be willing to work with the team to identify some of those --

SANDRA FLORES: Absolutely.

MS. JONES: -- those Spanish language --

SANDRA FLORES: Yes.

MS. JONES: We did have an announcement go out to one Spanish newspaper. It would be great if we could get input.

SANDRA FLORES: I do have one more question.

How many more of these will you provide in the next two years or year and a half, these forums?

MS. JONES: Any clarification on how many forums?

SANDRA FLORES: Is there a minimum requirement?

MS. GASDICK: There is not a minimum requirement. There's not a minimum requirement under NEPA or CEQA. We have established a variety of forums as part of the restoration program to reach out to the public through our
work group (inaudible). Those are all identified on our
Web site. So a lot of those work groups meet monthly or on
a quarterly basis. We have, on average, about two to three
public meetings a month to discuss the restoration program
and our actions.

SANDRA FLORES: I don't know that this is a really
question about the study that you're going to be doing, but
is there any economic development opportunity for laborers
or organizations as part of this process? With so much
money -- I got some clarification on the budget -- maybe
650 to 850 million that will be, you know, assigned to this
project -- any economic development opportunities for our
local businesses, workers, et cetera?

MS. JONES: If I could restate that as a comment,
it would be the interest in having labor opportunities for
the project as it proceeds for Hispanic, Latino --

SANDRA FLORES: Not just for the laborers, but for
the organizations and our own professional people in the
area.

MS. JONES: Across the spectrum?

SANDRA FLORES: Yes.

MS. JONES: Thank you.

Gary is next. Gary, are you here?

Next is Walter Shubin. Is that correct, Walter?

WALTER SHUBIN: Yeah.
MS. JONES: Where are you, Walter? I lost you, Walter. There you are.

WALTER SHUBIN: There was a question as to whether there were ever any salmon on the river, and growing up before Friant Dam, you could almost walk across the salmon, on the backs of the salmon, when they would run across the shallow waters, so put that at rest.

Who is going to pay for this mess? We are. You say government. We are the government. They operate off of our money. And that's when they know us, when they take our money, and after they take it, they don't know us anymore.

But coming to the river, we're talking about big money, and I think that river has flowed for millions of years without any help from any taxpayers.

Can everybody hear me?

VOICES: Yes.

WALTER SHUBIN: -- flowed for many years without any help from any taxpayers. Instead of digging new channels, I say we put the water back in the original channels, take out all the obstructions, and the farmers that have farmed over the rivers, built homes in the middle of the river, it's up to them to take it out. Why should the taxpayers have to pay for it?

And I think with the help of the farmers that have
the land in the old channel, they can get in there and
clean up their messes, and we could help them, but let's do
it on the cheap. It can be done. We don't have to spend a
million or billion. These numbers drive me crazy, because
no one seems to know. When you get into hundreds of
millions of dollars, pretty soon you're talking about big
bucks.

And do you have any questions?

MALE VOICE: When you say, "Let the river run
where it ran," does that mean take out the dam?

WALTER SHUBIN: Which dam are you talking about?

MALE VOICE: How many dams are there on the San
Joaquin?

WALTER SHUBIN: I lost count. I'm talking about
the restoration. I'm not talking about upstream.

MALE VOICE: How do you let the river run where it
ran without taking out the dams? Because the dams are what
changed the rivers, right?

WALTER SHUBIN: I'm saying if we want to dig a new
channel, why don't we use the original channel that's been
there for millions of years? Why should we dig a new
river? Why should we have to pay for it?

MALE VOICE: I didn't know they were going to make
a new river.

WALTER SHUBIN: Well, they're talking about that
bypass. Why don't we just use the old channel?

MS. JONES: So if I was to recapture your comment in the form of a question about what they should study, would it be correct to say that you would like them to consider not doing any new construction, just use the existing and clean it out as it is?

WALTER SHUBIN: Yes, with the help of the farmers that have farmed over it or made levees up to it and turned it into a canal. They should be made to put the dirt back where it was.

There's a farmer here in Clovis that farms in Madera County that -- I believe it was the Fresno River -- doesn't have any water in it, but he encroached the river bottom, and they made him move it, plus he got a fine, and they made him move all the dirt back. All these farmers could help with the restoration.

MS. JONES: We've got that comment. And if you have other ones, write it down here, but I think that one was clear.

Other questions, comments for this?

Chris Acree?

CHRIS ACREE: Chris Acree. I've been participating with the other restoration meetings. And this is kind of unique. It's the first actual CEQA project scoping meeting, so I think it's important to use this
opportunity to kind of look -- to kind of take stock on the
comments that were made. There were a lot of things that
were said in the question period that weren't going to be
expressed in the comments.

But local jobs is a huge issue on the west side of
the Valley. Water supply from pumps is a huge issue on the
west side of the Valley. There should be opportunities to
discuss, through the restoration program, opportunities to
offset some of the pumping from the Delta Mendota Canal
into the Mendota Pool, whether it's flood flows or
whatever, to reduce the pumping load.

We kind of have to bear the brunt of the power it
takes to pump the water into the Mendota Pool, the air
pollution that's created from those pumps. There should be
some options of looking at creative ways to put water into
the Mendota Pool.

I think we're still spending $10 million in state
money to keep the Mendota wildlife area wet. There's some
issues with temperature and water quality, but it seems
like there should still be an open discussion. Even though
we've settled on a bypass, there should be some open
discussion there.

I think we need to at least start the discussion
on what are the local needs and the societal benefits of
these projects to the San Joaquin Valley. We're looking at
it from a bird's-eye view or from an external view.

    FEMALE VOICE: Thank you.

    CHRIS ACREE: We need to start assessing what are
the important factors to the local communities for these
projects. Groundwater recharge is a big issue. Native
American cultural sites need to be assessed, whether these
bypasses are going to cut through any cultural sites. It
looks like it's safer on that side of the river than the
other. The cost of pumping and those sort of costs, the
cost of doing the projects, air pollution, all these sort
of things.

    There are a lot of these externalities from a
project like this that might actually degrade the
environment of the San Joaquin Valley. We need to take
stock here for future CEQA projects with the program and
say, what are the values here in the Valley? What types of
projects could benefit the Valley in other areas? Not just
fish restoration, but water management for local farming,
west side farming. If we reduce the load on the Delta
Mendota canal pump, we might be able to turn on the
westlands pumps.

    There's options here in water management that
we're not thinking of. I think from some of the questions,
we got kind of the framework. We've got new jobs, water
supply, creative water management options.
That's my first impression. If we could settle
those societal -- I mean, usually it's just an economic
analysis, but maybe we could start defining the San Joaquin
Valley societal benefits and how we assess those, whether
we do a cost-effective analysis -- I don't know if we're
even considering a cost-effective analysis for this
project. That would be something that would benefit --

MS. JONES: Chris, do you have specific
suggestions for this Reach 2B Mendota Pool Bypass? Those
are kind of broad and general. Are there some specifics
within this geographic region that you're referring to?

CHRIS ACREE: When you get to the specifics, you
have to look at the flow routing through the -- if there
was a bypass and the flow routing and how it moves through
the Mendota Bypass. If there is options to circulate water
through the Mendota Pool and back into the river -- it's
going to be hydrologically connected.

We need to see, what are those options and
opportunities, and how could it maybe help us with water
delivery, wildlife? And those are things that are outside
the restoration program settlement, but they could be
things that would be very low-cost projects that could
benefit us, the San Joaquin Valley, in other ways, so some
kind of temporary societal evaluation process that looks at
cost-effectiveness.
I think this is a good way to take stock on what are the values and what do we need to look at that are outside the realm of the restoration program or the settlement agreement, but that could restore the Valley in other ways, like wildlife, clean the water, groundwater.

MS. JONES: Chris, thank you. I suspect you have been thinking about this a lot, and thank you for representing what you have heard tonight and elsewhere and summarizing it very well.

Are there other comments?

Okay. The staff is going to stay here until eight o'clock, maybe a few minutes afterwards. They're available for you to continue to talk to.

Again, August 17th is the deadline for your formal comments regarding Reach 2B Mendota Pool Bypass.

I would like to invite you to visit the Web site. Some of you have mentioned about wanting to be informed about what is going on or wanting additional material. The Web site is restoresjr.net. It's on the bottom of the agenda.

By virtue of the fact that you signed your name on the list, you'll be on the contact list to get updates, but going to the Web site at your convenience will allow you to download information, view information, everything from tonight's presentation to what is going on in the other
reaches.

So, Ali, did you have any other comments, or

Kevin?

MS. GASDICK: We would just like to thank
everybody for coming tonight. We appreciate your input.

MALE VOICE: What are the other areas you are
going to be looking at besides the Mendota Pool?

FEMALE VOICE: I would like to know that too.

That's really important. I didn't realize Mendota -- that
this thing really has an effect on not just that area, but
it's not even that far from Fresno, 40 miles or so. So I
didn't realize at the time when you were talking about
this -- I thought this was some far-out thing.

According to this gentleman, it has far-reaching
implications. I didn't know that until I came here

MS. JONES: Ali, do you want to address that?

MS. GASDICK: Why don't we break up as a group,
and I'll be happy to address that.

MS. JONES: I would ask you to visit the Web site,
because you might get more specifically what is the full
length. You're getting a chopped-up version here because
we are talking specifically about segment by segment, but
that might give you a bigger picture.

Yes, sir?
MALE VOICE: I think you've got some folks here that really don't understand the hydrology of the area. One gentleman or two or three gentlemen have made comments about using the old channels rather than a bypass or including Mendota Pool.

The problem there, obviously, is you mess up the whole hydrology of the canal system or the whole area. I've got a set of maps here that have all those canals, where they go. And using the old channel -- I came here from Chowchilla because we're concerned with the water even though we're 30 miles away. We don't want to mess up that very efficient canal system by forcing it to carry salmon that it will not carry. And this little bypass may be one of the ways you can do that. And I think you need to study the hydrology of that and bypass the clean water from that water in the Mendota Pool, which is basically Delta water.

MS. JONES: So that was comments about understanding the hydrology of the system there?

MALE VOICE: Absolutely. I don't think many people here understand their own hydrology.

MS. JONES: If you have specific information -- it sounds like you've got maps in there. If you can translate that and be even more specific about locations, that would be very helpful to the team.
MALE VOICE: Well, I can, but I don't have to do it. I gave the young lady over in the corner a man's name. Bob Edmunster in Los Banos knows more about this general area and its hydrology, and he taught engineering at the University of California, and he's an old man now, but his mind is as clear as a tack, and he knows more about this area than anybody else alive. And he ought to be on your advisory council, and he understands Mendota and Firebaugh very, very well.

MS. JONES: Thank you very much. With that, we're going to keep the staff here for a few more minutes. I appreciate your attendance tonight. The whole staff here and consultants from Reclamation, from Department of Water Resources, and the other agencies do appreciate and do use your input. Thank you for coming this evening. And if you would like to stay and talk, please do. Thank you.

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(The proceedings concluded at 7:51 p.m.)
MENDOTA POOL BYPASS AND REACH 2B
CHANNEL IMPROVEMENTS PROJECT
PUBLIC SCOPING MEETING

DATE: WEDNESDAY, JULY 29, 2009

TIME: 6:00 P.M.

LOCATION: FIREBAUGH MIDDLE SCHOOL
1600 16TH STREET
FIREBAUGH, CALIFORNIA 93622

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MR. JASON PHILLIPS: All right. Nobody should get too comfortable because the majority of this meeting will not be sitting hearing listening to us. Most of you will probably thank me for that. My name is Jason Phillips and I work for the Bureau of Reclamation. I represent the Bureau of Reclamation and my job at the Bureau of Reclamation is to implement the San Joaquin River Settlement and for those of you that are not familiar with what the San Joaquin River Settlement is, although I recognize a lot of you that know that you do know -- the settlement was a result of a lawsuit that was filed against the Bureau of Reclamation in 1988 and it had to do with the operations of Friant dam up near Fresno that feeds water into the San Joaquin river, some water, but most of the water is all delivered to Friant Water Users from Friant dam all the way south to Bakersfield and north to Chowchilla, Madera areas. And the purpose of the lawsuit was essentially that the Bureau of Reclamation was not keeping fisheries downstream in good condition so we litigated that lawsuit for 20 years before we arrived at a settlement. We arrived at that settlement in 2006. And at that point I was appointed by the Bureau of Reclamation to head up the implementation of the settlement. For the
most part -- No, then I should add that earlier this
year Congress passed legislation directing us to
implement the settlement and providing funding and
authority for the federal government to do that.

Essentially what the settlement is, I'm not
going to go into a lot of detail on that because we can
spend a good portion, if not the entire evening, on the
settlement. That's not the purpose of today. But for
those that aren't familiar with the settlement it
requires us to do a few things. First and foremost, to
add more water into the San Joaquin river essentially to
create continuous flowing river from the dam to the
delta with a focus on flows to the Merced river
confluence. And along with that the settlement directs
the Secretary of Interior to improve the channel from
Friant dam down to the Merced river where it needs to be
improved in order to convey the flows and to provide
that the river is conducive for fish, for salmon. That
it's in the settlement. And also the settlement directs
us to eliminate or reduce, as much as possible, the
water impact on Friant Water Users. That's just the
settlement. That is what it is. And we have a
directive from Congress to implement that.

Probably the most significant part of the
settlement, kind of think about, is what we have to do
as Secretary of Interior, is fix the channels so it can convey these flows. It's a significant portion of implementing the settlement and that is primarily what we're here to talk about today -- that is what we're here to talk about today.

One of the projects that is identified in the settlement is called Mendota Pool Bypass and the Reach 2B Channel Improvements and we have some presentations that are real brief, kind of give an overview of what that means, Mendota Bypass and those Reach 2B channel improvements. And then following those presentations we'll have staff from federal and state agencies that will be available at these different stations to answer questions.

The purpose for this meeting tonight, fundamental purpose is a couple of things. One, to announce that we are starting the environmental review process to implement the channel improvements for Mendota Pool Bypass channel and the Reach 2B channel improvements. So we're initiating that. Filed a notice with the federal register saying that the Bureau of Reclamation and the California Department of Water Resources are initiating those projects. And from a period between when we initiated that in late July and August 17th the sort of formal period where we're
accepting what we call scoping comments. So we're going
to spend the next couple of years formulating different
plans, doing engineering designs and environmental
studies on channel improvements. But right now before
we get those started we have to get as much input as we
can on what resources might be impacted when we go do
that. So that before we start formulating plans, doing
engineering designs, calculating impacts we spend the
time upfront to get as much input as we can on what
might be impacted. That could be resource --
agricultural resources, infrastructure, could be
endangered species, farming practices, whatever it might
be, we need to get all that information by August 17th
in terms of the formal scoping process before we really
get started with formulating the plans on how we're
going to do this.

So this is the second of two formal public
scoping meetings and the purpose is to get input from
you all and anybody else who wants to provide comments
by August 17th. So -- but before we do that primarily
what we have is comment cards in the back of the room
that anybody who wants to fill out a comment card,
specifically write out what issues are likely with us
doing these two projects we're about to tell you about.
Now is a great time to do that because while you're
filling out these cards if you want to talk to me or if you want to talk to some of the technical experts that kind of know a lot of about what we intend to do you can talk to them about that as we think about what types of impacts we should consider.

Also another way to provide comments, you can write letters, you can send E mails. At the end of this meeting, the last portion of this is for anybody who wants to speak publicly we have a court reporter and those comments that are spoken publicly will be word-for-word and be in the record for a part of the scoping process. If you want to speak, just need to fill out a card so that we know how much time to allocate at the end of the night to that portion of the meeting. So at the back table, once we kind of break from this presentation time, you'll be able to get any information about speaker cards, comment cards or, you know, what stations you might want to go to, to find out information. So that's what we're doing tonight. We're going to quickly go over presentations on the projects that we're here to talk about and I'm going to have Kevin Faulkenberry come start that off and then I'll kind of close out after -- and Kevin, he can introduce himself but he's the program manager, Department of Water Resources on this program.
MR. FAULKENBERRY: I guess, Jason, take that from me that's half my presentation. And I guess I see a lot of familiar faces here so -- basically I'm going to present -- give you an idea of what the projects we're here to talk about today, give you an idea of the location and what their scope might be and probably some of the key -- potential key components of them.

If you look up on the board there we can see that the Mendota Pool Bypass, one of the main design aspects or needs as it's laid out in the settlement is that it have a capacity of 4,500 CFS and that the construction will allow the Secretary of the Interior to make deliveries of San Joaquin river water to the Mendota pool to account for those deliveries. And the main process or the main idea here is that we would provide a direct or a fish passage around Mendota pool. That was the basically the intent of it. And then if we look at the Reach 2B channel improvements that will also have a capacity of 4,500 CFS and contain elements of the new floodplain and related riparian corridor habitat.

As you can see, I think most of the people here are pretty familiar with the area, if you're not from -- if you're not from here you may not know exactly where the project is located at. You can see that basically the Reach 2B goes from the Chowchilla Bypass
down to -- Reach 2B primarily goes from Chowchilla
Bypass down to wherever the Mendota Bypass channel is
located. And then the channel would be somewhere in
here. The Mendota Pool Bypass channel would go from
somewhere in here and go around the Mendota dam here and
Mendota pool. We're not exactly sure where that goes
yet and a lot of your input today or input you have
today will have impacts on those decisions and welcome
to. So be careful to provide all information you have
on things that you think might impact or give us an idea
of where the best place to place that.

The project area -- this gives you a little
more definition. I'm sure a lot of you recognize your
own property, your own plot of land or at least some of
the roads and the infrastructure out here. I'm sorry,
in the past I didn't mark down but Highway 99 is -- this
laser pointer is really small -- Highway 99 is way out
here for those of you who that aren't familiar with
that. 180 is somewhere down here on the south part.
The north is up. And then I think it's 33 that's back
out over here. You can see that Mendota pool is right
in this area here and the bifurcation structure is up
here and that is, of course, the beginning of the
project. San Mateo Road comes through here. And then
there -- bypass is somewhere in this area here,
potentially. The Mendota pool bypass, two components as they're laid out basically in the settlement agreement.

As we pointed out earlier the capacity of the bypass must be at least 4,500 CFS. It will have a bifurcation structure that will -- that will route flows and fish into the new bypass. It will also require some new setback levees or levees and relocation of some of the existing structures which that's some of the things that you guys need to think about here, that there are some key structures that you guys are familiar with farming in the area, things that are important to you that you need to point out when you are here today. And the specific alignments and design details are being developed over the next year, and there's going to be a series of these meetings where you guys have an opportunity to bring information to the table as we start to develop these alternatives. We'll have more specific information about your property and how those alternatives might affect you. So, starting tonight, I mean, you know, give us as much information as you can.

And then of course Reach 2B channel improvements, same thing as we mentioned earlier, that the capacity of the channel would be 4,500 CFS. There would be modifications of the river channel from the bifurcation structure to the new Mendota Pool Bypass.
There would be an integrated floodplain habitat, new levees or set -- setting back levy -- existing levees and relocation of the infrastructure because you can't have a lot of your normal operations, you know, pumps, that kind of thing out in the middle of the river channel. And specific details of these actions will be taken or will be developed as we move along over the next year much like the same as the others. They will all be developed together.

So to that end we're going to let Ali talk about the process and what's going to be coming up in the next couple of years for you guys.

MS. ALICIA GASDICK: All right. Thank you, Kevin. I'm Ali Gasdick. I'm the project manager for the San Joaquin River Restoration Program and Kevin talked about the project that we're going to embark on here. I'm going to talk a little about the process that we're going to head out from here. Turn this really quick so I can face you guys.

So we're going to be undertaking the planning and environmental compliance process for this project. Reclamation is going to be the lead federal agency under the National Environmental Policy Act. DWR is going to be the lead state agency under the California Environmental Quality Act. I know those are long
acronyms but essentially those are the requirements that we have to undertake in going through environmental compliance for these projects and to get permits for these projects. So we are initiating preparation of what's called Environmental Impact Report, Environmental Impact Statement. We typically summarize that as an EIS, EIR. For tonight, to avoid all acronyms, I'm going to try and just call it the document. Make things easier.

So the first step in that process is the scoping process. And that's the first -- I guess -- the first box we see here, that's what's kind of underway. The scoping process is really to solicit your input and ideas on what we should consider in this project. So this is the time where you guys give us feedback and tell things us that we should consider, alternative alignments, those kind of considerations that we should be looking at as we develop and analyze our alternatives for the project.

The next step in the process is the draft EIS/EIR which we currently anticipate issuing somewhere in mid 2011. Right now we're in mid 2009 so we're about two years in developing this draft document. During that time we have a lot of work to do, a lot of analysis, alternatives. We anticipate bringing a lot of
that material out to you, the public, and sharing that material with you through the work group process that we have set up as part of the restoration program. We'll also be bringing that material out through our local landowner meetings that we have been holding so far this year. So in those two years we have back here down -- back down here quite a bit to talk to you guys about the project and how it's moving along. And then from the draft we release that as a public document for review. Stop with the pointer. Doesn't seem to be working. And that goes out for public review. We solicit your comments and input and we release a final document. We're looking at a final in early 2012 and then the final will culminate into a federal record of decision, a state notice of determination in mid 2012. Essentially that's the decision document that describes how we're going to implement the project, what alternatives we're going to take, what mitigation measures that we're going to implement, just kind of lays everything out in terms of the decision that the state and federal government have made with regard to the project. So that's a quick summary of the process that we're starting here.

And I just want to touch little bit about the importance of the scoping process. As I mentioned
before the scoping process is really the first step in
this process. It's really to inform stakeholders,
public responsible agencies about the project itself and
it's to elicit your input on the range of alternatives,
the range of issues we should address. It's really to
identify issues and your concerns and get those
incorporated into the process sooner rather than later.
If we can get your input now we can incorporate it into
the engineering, into the alternative analysis, into all
of that rather than waiting until we have essentially
full alternatives and then trying to get your input into
that. So, the idea is get your input early, get as much
as possible so that we can fully incorporate your
concerns as we move through this process.

So what we do with your input from the scoping
process is we use that in development of the EIS/EIR,
the document that we're preparing. The purpose of the
document is to provide technically sound information to
decision makers, essentially to the Secretary of
Interior and State of California on what alternatives we
should consider, essentially what alternatives we should
implement for the project. The EIS/EIR is going to
contain the description of the setting, was is out there
right now, what we anticipate to be out there in the
future. It's also going to disclose environmental
impacts and it's going to identify mitigation measures, either measures to avoid or reduce impacts or measures to essentially mitigate those impacts.

And with that I am going to turn it back over to Jason Phillips to talk about our open house issues for the evenings.

MR. JASON PHILLIPS: First of all, I apologize for the shift in the last minute of locations. Appreciate folks coming over here. We kind of decided late in the day yesterday and early today that the other facility might not be quite large enough for the possible turn out and so I want to thank Jose Ramirez for letting us, first of all, to have the facility over there and then helping us get over here and get organized and I know some of you came a little bit late because of that. Don't worry about that. The meat of the discussion tonight is really just at the stations, talking to program staff, trying to get a feel for what we're doing, what questions you might have answered and that's going to happen for most of the rest of the night anyway. I want to point out one of those who came late, Vince Roos is here in the back, representing Congressman Costa. I appreciate your attendance here. And there is a lot of people in this room that are landowners, farmers, district managers, that I just -- want to point
out that I appreciate all the effort over the last
couple of years. I know all the effort in the next
several years or decades, it's a lot of effort, a lot of
come to these meetings and hear about stuff, process,
boring stuff but also interesting project stuff and I
appreciate that and folks taking me out to the field,
taking staff out to tour the projects. It's a lot of
work and it's only going to get a little bit busier.
(Cell phone interruption).

Okay. So with that, what we're going to do
is, like what I pointed out before, the comment cards,
we have got agency staff, see them with badges if you
want to ask questions. We'll direct you to the right
person to ask any technical question you have. A lot of
you have bigger picture program questions. How much is
the program going to cost? Are you ever going to
restore fish? How long is it really going to take? Why
is the government doing this? ESA regulations. Why
don't we have water in San Joaquin valley. Very valid
questions. I'm going to come over here on this side.
Anybody who wants to talk about those questions I will
answer until I drop tonight. And so I'll be over there
on this side, right over here, to answer any questions
about the settlement, why we did it, why Friant agreed
to it, why NRDC agreed to it. Great questions, not
related to the possible impacts of the Mendota Pool Bypass or Reach 2B. I would encourage those who really want to provide the input tonight while you're here investing your time tonight to come here regarding the Mendota Pool Bypass and Reach 2B spend some time at the stations, understand everything you need to understand about what the projects are and what opportunities you'll have as an interested member of the public or landowner to continue to provide input into the future.

Most of you know we have meetings with the Columbia Canal Company and the Exchange Contract facilities every -- every month to talk about where we are with Reach 2B, Mendota Pool Bypass corridor and where we are with the Reach 4B work and we're going to continue those. So as we move on and start talking about how we're formulating the plans, plug into those, if you're interested, and a lot of you do already. So with that, thanks for coming tonight. Turn in your comment cards in the back, I mean, speaker cards if you want to speak up here. That way we'll kind of know at what point in the night because we want to end at eight, we'll know at what point to start folks who want to have something to say here at the microphone. So with that we'll adjourn to open house. Thanks. (6:39 p.m.)

(Recess taken)
MS. JONES: Okay. We have one-half hour for our comments tonight. We have about 11 people who have submitted speaker cards so that's about three minutes each. So if you limit your comments to three minutes each the last person gets the same amount of time as the first person and we'll be able to get through this with everyone being able to give their comments who would like to.

In a scoping session this is the opportunity for you to give your comments. It's not a Q and A. If we had Q and A, number one, we wouldn't get through it. Number two, that's not the purpose of scoping. Scoping is to hear from you on what are the range or the scope of issues that you would like to be covered in the environmental review, specifically to the geographical location we're talking about tonight. So what I'm going to do is I'm going to call you up by name by the speaker card and I'll let the second person know who's next so you can kind of be preparing, thinking about what you're going to speak. We don't have a panel up here so what I'm going to do is just turn the microphone off to you and then just address the group. The staff will be listening here. We do have a transcriptionist who will be taking your comments so that the technical team will have those comments and be able to consider them.
So the first one up will be Ray Knight and then Mike Widhalm. Ray?

(Response from the audience)

MS. JONES: Ray went home. How about Mike?

MR. WIDHALM: Right here.

MS. JONES: Mike, come up on up. And then Kimberly Brown.

MR. WIDHALM: Kim is going to go first.

MS. JONES: Okay. And if you want to say who you're with, feel free to.

MS. BROWN: My name is Kimberly Brown. I'm with Paramount Farming Company who manages the ranches owned by Paramount Orchard Partners Limited which is an overlying and adjacent landowner to the 2B stretch. Our concerns tonight I would like to focus on the continued cooperation and communication with all the adjacent landowners so we appreciate the opportunity to speak tonight.

With respect to the specific improvements an individual from the Columbia Canal Company will speak and we're in support of the alternatives that are presented by Columbia. We endorse those alternatives.

We do have some concerns. We think it's very important for the program to have a distinction between program close and the overlying landowner rights so
ground water is considered the right of the overlying landowner. So any benefits to ground water that are the result of the program flows should stay as a right to the overlying landowner. And we also think that continued rights of the overlying landowner to use their ground water sources and that includes the replacement well that may need to be relocated by virtue of the taking of the ground water for the river restoration.

We also think it's very important to continuously ensure the priority of the Exchange Contractor deliveries from the Friant system through the river channel. At all times those should be given priority over any of the program flows to make sure that the Exchange Contractors, when needed, can take up to their full amount from the Friant system. We also think that the preservation of surface water diversion rights for those located in 2B and other channels is an important component to consider and to work into the process, both the diversion points with respect to where the levees are set back and maintaining those rights for the landowners.

MS. JONES: Mike, and then Mari Martin.

MR. WIDHALM: Mike Widhalm, Paramount Farm Company. The one issue that we -- Paramount has that is the information gathered from all the studies that the
Bureau is going to be doing we'd like to keep private. We'd like to see that information prior to distribution and have such comment on that, on what's happening. We are in support of the Columbia Bypass option. We believe that that is -- takes into consideration minimizing land acquisitions, incorporating replacement of the Mendota dam, account for relocations of water delivery systems -- It sounds like I'm talking to it.

It takes into consideration including screening of the Mendota pool and other diversion points of local interest. We'd also like to make sure you consider mitigation of lands, how you mitigate them, how landowners are cooperating in that and how we can discuss that prior to any decisions. I think that's it.

MS. JONES: It's going to be Mari and then Jose Antonio Ramirez.

MS. MARTIN: Mari Martin with the San Joaquin River Resource Management Coalition, a landowner based group. Thank you for -- would like to thank the River Restoration Program for bringing this discussion to Firebaugh where we are. We appreciate that. The RMC believes that there are alternatives for bypass that would allow fish passage while taking the least amount of prime farm land out of production and the project needs to explore all those alternatives.
In Reach 2B there are likely to be significant and long-lasting environmental impacts due to flooding and seepage that will destroy property and cause loss of crops. A proactive approach to flooding and seepage management needs to be included. A program of ongoing ground water seepage monitoring and management plans should be included for Reach 2B and the Mendota Pool Bypass. Once flows commence to quickly identify possible seepage areas of concern prior to irreversible crop damage. Shallow ground water modeling and quantitative analysis should be conducted on the same basis in Reach 2B to evaluate the potential for eventual impacts upon the river. We suggest overlaying timing of releases with cropping patterns using the current data on those cropping patterns on the land adjacent to the river in 2B to assess potential high-risk areas and to develop proactive mitigation strategies and procedures.

Existing monitoring wells and production wells can be used to assess the incidence of rising ground water tables as a result of this project. These wells have been long successfully used to assess ground water conditions and should be used as part of this program. The cumulative effects of taking more primary farm land out of production to the economy of the surrounding communities of Firebaugh and Mendota must be considered
in this environmental process.

The program needs to adhere both -- to both
the San Joaquin River Settlement Agreement and the
implementing legislation which is the San Joaquin River
Restoration Act which calls for no unmitigated third
party impacts and identifies third party protections.

The RMC will continue to work with the San
Joaquin River Restoration Program as we committed to in
the third party MOU. We will submit a comprehensive set
of written comments for this. And again, we thank you
for the opportunity to provide input into the process
and for having this discussion in Firebaugh.

MS. JONES: Thanks, Mari. Jose and then Roy
Catania.

MR. RAMIREZ: Good Evening. I'm Jose Ramirez.
I'm the city manager for the city of Firebaugh and my
comments are -- well, I have some diverse comments. One
is in particular is as it relates to the channel
capacity. As you know, channel capacity in the river
diminishes in the river every year and as a result of
some of the flooding in 2006 we also had some damage
that we are currently trying to address and haven't
found the funds to do and it's about a -- spent about
$300,000 already just to do the design work on that
section next to the community center and it's going to
cost about a million dollars for us to address that area.

In addition to that, we would also like to see some monitoring wells as Mari was alluding to because of the rise. We have noticed we have had some issues when we had the 2006 flooding event where the ground water, you know, was actually impacting some of our homes in this area and some of our construction projects, so -- wanted to make comment on that.

In addition to that -- well, I want to make some general comments, just personal comments from my standpoint in trying to understand the Mendota pool and the differentiation and temperatures in the water for the salmon and in addition to that how you guys are going to address the difference in elevation there. So, those are my comments and we will be submitting some written comments as well as relates to this project.

Thank you.

MS. JONES: Roy, and then Steve Chedester. If you all want to move over here when you're speaking or somehow. Right here.

MR. CATANIA: Yes, good evening. My name is Roy Catania and I'm making some comments on behalf of the Columbia Canal Water Company tonight. Anyway, one of our first comments we'd like to make is in
recommendation to this alternative bypass to the Mendota pool. There have been two -- evidently there are two plans that have been submitted: One that runs north and one that runs a little bit south and the one that our manager has spent a lot of time working on and has even spent a lot of time with a physical tour -- I think Jason with the DWR has come out and actually Randy had showed him the physical layout of this alternative B. Well, Columbia would like to support this alternative B versus the alternative A because it does save prime ag farm land and it does make the -- we believe that the performance criterias as set in the first alternative.

So, in support of the alternative bypass we also have, Jason, the DWR, we also have some concerns with making sure that there is a fish screen that has to go along with the alternative bypass. As you -- as everyone is aware now with the -- with the additional constraints that these biological opinions have come out, the export pumps in the delta are now severely curtailed and that we are being told now that the chances of Columbia and the Exchange Contractors receiving their water off the river is somewhere in the neighborhood of four out of ten chances per year. So we cannot take the risk of water coming down river with endangered species in them ending up in the pool where
we would have to potentially fish screen all of our outlets. We can't afford to do that. And as everyone is aware both in the settlement agreement with the Bureau, and the signature to, they talk about multi third party impacts. Well, the Exchange Contractors went a little bit further. The legislation that implemented this element the Exchange Contractors pushed -- got along language in the legislation that actually protects your water rights and the water rights come above the fish rights in the river. So Columbia is going to pay very close attention on this fish screen issue to make sure it gets implemented because we are not giving up our water rights over a potential endangered species that is going to be reintroduced.

A couple of other areas Columbia has concerns on is money on this project. As all of us are currently aware the financial meltdown that our economic markets have endured recently, both nationally and in the State of California, the project originally didn't have enough money to begin with when they implemented the project and now with all the cuts in the budget we're very concerned that this project is going to get about halfway completed and we're going to have this big train wreck in our backyard and all of the landowners are going to have to come together and put this project back
together. So we don't believe there's enough money in this project and we will be watching it very closely. And then, Jason, another thing is not --
not -- trying not to be too pointed with you but the entities that are implementing this regulation there is a concern over the trust factor as we have slowly gotten involved into this settlement. The Bureau signed the settlement agreement in 2006 and the two main goals of the settlement was for river restoration and it was also for mitigating Friant's water loss down the river. Well, low and behold about two years after the '06 settlement there was another environmental group that filed lawsuit in the delta on the delta smelt, DO, that you're aware of, which curtailed export pumping. And then this year we have -- we had a salmon deal that came out. Well now, low and behold, we have a settlement agreement that was originally carved out to have two major goals: River restoration and to mitigate water losses to Friant. So now we have a settlement agreement that looks like there's only going to be one goal accomplished in this and that is fish restoration and the Friant entity is going to lose out on recirculation of water. So, here we have another project that you want us to trust, this is going to go forward with -- as in the legislation, and we just had an incident where
our neighbors to the east of us are now upside down. And on top that -- and, Jason, this is long before you also, but there was another incident involving the Bureau about 40 years ago. It was called the San Luis Act. And this was an act that was a congressional act implemented by Congress and appropriated by Congress and they ran out of money. They didn't complete the act. We had to drain the -- didn't make it out of the valley and now those here are still litigating 40 years later trying to protect their property and trying to farm. And then we got the same entity, the Bureau of Reclamation, whose got their fingerprints all over these other two upside down issues coming to us and telling us, trust us. We got another project here. Well, we are --

MS. JONES: Roy, back up.

MR. CATANIA: Anyway, Columbia has some concerns and we're going to press some of them. We're going to stay very attentive and I would like thank all of you for listening to my comments. Thank you.

MS. JONES: Thank you, Roy. And then Bill Ward.

MR. CHEDESTER: I don't know what else to say. Steve Chedester with the Exchange Contractors Water Authority. It's already been brought out that one of
the things we did in the scoping session it said that
you need to kind of look at some of the bypass issues
and the facilities, fish screens. It's already been
mentioned a couple of times but we have to provide fish
screen, fish diversion facilities into the Mendota pool
for those flows. It was called out for in the
settlement because you guys are all aware of the San
Luis Canal Company, but not necessarily. We believe
that we indicated this but for the scoping session you
have to include fish diversion and fish screen facility
for flows in the Mendota pool because it's going to
happen that you're going to have releases from Friant
based on all the reasons that Roy had mentioned earlier,
for the biological opinions that have restricted the
pumping in the delta. Therefore, the way the Exchange
Contract works, you guys all know this, is that water
will be released from Friant to meet up those technical
sheets and we think now it's about 40 -- 40 percent of
the time, it could be. That means when you first design
this, first set of this, we thought we wouldn't want
flows into the Mendota pool for our rights. Now it's
going to happen more often than we ever thought. It has
to be one of the fundamental first time out scoping
session and it has to be part of the facilities to begin
with. Any other fish screens that will be required as
far as in this Reach you definitely have to include that
in this analysis also.

MS. JONES: Thanks, Steve. Bill Ward and then
Chris White.

MR. WARD: Just to pick up on the comment that
Steve made and others have made that there will be
necessarily relocations of the pumps on the river and
they have to be relocated and screened in such a manner
that they're operable at all times. Involved in that is
not only issues of water quality -- of water right
quality or quantity but also the quality, if not the
degradation of the quality of the water that is
available.

The third thing, down where I am by the pool,
it's affect will be maintained by us and I understand
the restoration project will take on responsibility for
those levees but they have to be beyond just SJR flows
because we have flows that come through there sometimes
out of control, so to anticipate that in some manner.

I am concerned that the best analysis of
gеology and whatnot might not be as good as it needs to
be and if there is something or seepage into almonds
three years from now to be a process identified as to
how an individual landowner can have recourse for
damages that occur after the project is done and then
funding identified for that so that an individual
landowner doesn't get to sue the federal government but
there's an identifiable and manageable process for
recourse after completion. And also a process for
restoration of the channel capacity is maintained as
it's designed to be maintained over the long haul, just
not that it's finished, it's done, now it's your
responsibility.

MS. JONES: Chris White and then Chris
Cardella. Chris, does your card say you only need 25
minutes?

MR. WHITE: Thank you. I also want to thank
the Bureau and the program for being here today. We
really appreciate the attentiveness that the program has
paid to the local landowners and to the issue. But lest
you think I'm in love with this project I have a few
comments to make. And I really appreciate the comments
that were made earlier by the other speakers who stand
in support, especially the fish screens, the 40 percent
flows potentially down the river and what that means for
downstream water right holders.

And this whole thing kind of reminds me of a
story -- if you don't mind me just digressing because I
had five additional comments and all of them are gone
except for one which I'll get to in a minute, Jason.
But the story is like you got to know when you
get into a situation you have to know the right question
to ask otherwise it really can hurt you. This is a
situation that's similar to that.

So the story goes, salesman is driving down
the road and gets lost, pulls up to a farm house and the
farmer sitting up on the front porch and there's a dog
laying out in front of there and he says, hey buddy,
does your dog bite? He says no, my dog doesn't bite.
So he gets out of the car to ask him directions and the
dog just tears him up, beats him to death. He crawls
back into the -- he crawls back into the car and he
said, man, I thought your dog didn't bite. He said,
sir, that ain't my dog. So -- you know, it's like you
got to know which question to ask in order to kind of
survive in this environment.

It's not just to build a successful project
from the perspective of flows themselves but a
successful project as relates to the adjoining
landowners. I also would stand in support of the
potential inverse combination of impacts if the seepage
impacts are not identified appropriately, the right
modeling, the right monitoring is done in order to avoid
those types of impacts. But the one thing that I feel
that I need to press upon is that the EIR/EIS must
analyze how the project proposes to integrate the
proposed new flows into the existing water operations
and activities. For instance, the Mendota dam is
operated by the Central California Irrigation District
in cooperation with the San Luis Delta Mendota Water
Authority and various users around the Mendota Pool. In
addition to them are pool -- operations of Friant dam
water will further complicate an already complex
coordination process. The least thing that we need is
holding that pool up to its maximum elevation in order
to make deliveries out of the pool and getting an
unforecasted flow of another 700 second foot unit on top
that. That would cause a disaster, potentially flooding
neighboring farm ground all the way for the 14 miles
upstream on the Fresno slough side potentially flooding
into the city of Mendota. The impacts could be very
significant if we don't figure out how to operate this
thing correctly.

And the Mendota dam, which is an old structure
that has known seepage problems, if it's not operated
appropriately it probably could potentially fail. It
failed once in 1940. It came very close to failing in
1997. We had to inject grout underneath that floor to
save the structure. In the 1940 failure we actually had
to rebuild the floor and the whole works, so -- it's a
very delicate operation. The pool, I would ask you to pay very careful attention to it. Thank you.

MS. JONES: And then Ken Samarin.

MR. CARDELLA: Chris Cardella and I'm a farmer along Reach 2B area and also a director of Columbia Canal Company so we have a lot of questions here. First thing I'd like to address is mitigation on seepage. And next one would be impacts after the project is completed. Is there going to be some guaranteed funding for the project if there's a need for problems resolving after that? And then also the ownership of land proposed to bypass, willing seller, willing buyer. How are you going to go to about doing that prior to the project? ESA protection, necessity of fisheries in our Reach 2B area. Water protection for land within the Columbia Canal Company. Ground water protection, quantity and quality issues. Also a review of an alternative route for Reach 2B Bypass. And also what is the third party impact, which I never got an answer for, if -- nobody can explain what a third party impact is, Jason. And how are you going to protect us long-term? And also I'd like to see the channels dredged out instead of making levees taller, make sure that they're deep enough to start off with so that we can take that in -- run a good flow of water through there without any
problems. I think the best way to do that is to make
the river deeper and not go higher levees because it's a
known factor that I think that in the past that people
have always tried to take the big levees taller. Of
course you get -- you always get a -- seem to have a
problem with that. Make the channel deeper I think is
the answer.

MS. JONES: Ken.

MR. SAMARIN: I should have yielded my three
minutes to Roy. He said just about everything I wanted
to say. What I want to talk about -- I know that this
meeting tonight is basically to talk about Reach 2 and
Reach 2B but I want -- we haven't really talked about
and a lot of people in this room their considerations
are beyond the 2B. Like myself, I'm in Reach 3 and
there's been very, very little comments about 3, how
we're going to get as much water as they're talking
about down 3 other than we think it will get there. And
I really want to kind of know -- there's been no funding
available that I know of for anything beyond 2. And I'd
like to know is how are they going to, after they get
Reach 2 done and Reach 2B done and get the channel done,
how are they going to go back to Congress or wherever
they're going to go and get funding for beyond Reach 2?
I don't think they're going to send 4,500 cubic feet a
second down and it's going to stop at Reach 2. It's
going to have to continue down the river and there's
been nothing said about that at all.

And then another thing I'd like for them to
discuss is if there is a lot of lawsuits in this, which
there probably will be, there was in the San Luis
Project and that's what stopped it going and why we have
Kesterson and multi-headed ducks. Is there an exit plan
for this other than saying okay, fine, we ran out of
money. We ran out of time. We have the lawsuits. Are
they going to just continue sending the water down with
no exit plan? Or are they going to -- I would like to
see something like that in paperwork. So -- and other
than that, like I said, I should have yielded my time.

Another thing I need to ask real quick is
never has it be discussed that I have heard what the
maximum flows of water will be. They have talked about
1,300, 1,350. They're going to test it all the way to
45 but they have never said. They have always said that
whatever the fish needs to get back up the river. Is
that going to max out at 4,500? Is it going to max out
at 5? Is it going to max out at 6? There's never been
a maximum number mentioned in any of the conversations
that I have listened to over the last several months. I
would like to know what will be the maximum amount of
water that is going to be sent down the river.

MS. JONES: That wraps up the comments for tonight but I would like to remind you that you can continue to make comments until August 17th. And you can do it on the forms, you can mail those, you can go online. So please feel free to continue to make comments until the 17th. By virtue of the fact you signed in tonight you'll be get updates via E mail if you put your address on there. And also the web site restore SJR dot net if you want to follow it.

So -- Jason, do you have any closing comments you'd like to say? Jason will stick around if you'd like to stay. So thank you very much for coming this evening. We appreciate your time.

(Whereupon, the Public Scoping Meeting concluded at 8:01 p.m.)

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REPORTER'S CERTIFICATE

I, JENNY FAWCETT, the undersigned,

Hereby certify that said Public Scoping Meeting was taken at the time and place therein stated; that the comments of all speakers were reported by me and was thereafter transcribed under my direction and that the foregoing is a full, complete, and true record of said comments.

I FURTHER CERTIFY that I am not of counsel or attorney for either or any of the parties in the foregoing Public Scoping Meeting and caption named, or in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of August, 2009.

Jenny Fawcett, CSR No. C-5805