

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

REPLY TO
ATTENTION OF

September 2, 2009

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED		
SEP 08 2009		
CODE	ACTION	SURNAME & DATE
170	<input checked="" type="checkbox"/>	AG 9/14/09

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.

Classification	LND 6-00
Project	214
Control No.	0905822
Folder I.D.	1085751
Date Input & Initials	9-8-09 JB



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

Ms. Margaret Gidding
Bureau of Reclamation
2800 Cottage Way MP-140
Sacramento, CA. 95825

AUG 14 2009

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 prepare 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 any 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,

A handwritten signature in cursive script that reads "Laura Fujii for".

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

EPA DETAILED SCOPING COMMENTS FOR THE MENDOTA POOL BYPASS AND REACH 2B IMPROVEMENTS PROJECT UNDER THE SAN JOAQUIN RIVER RESTORATION PROGRAM, FRESNO & MADERA COUNTIES, CA, AUGUST 14, 2009

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 Dam¹ 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.

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*, *Hyaella 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.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

September 19, 2007

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 PEIS 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,



FB

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



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

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 EI/R (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 be 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,¹ 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."² 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:

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



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT



HEALTHY AIR LIVING™

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED		
JUL 29 2009		
CODE	ACTION	SURNAME & DATE
1101	✓	

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

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Classification	ENV-6.00
Project	214
Control No.	09049252
Folder ID	1019105
Date Imp Southern Region	7/29/09 J.S.
34946 Flyover Court Bakersfield, CA 93308-9725 Tel: 661-392-5500 FAX: 661-392-5585	

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/ISROnSiteMeasures.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

For Arnaud Marjollet
Permit Services Manager

DW: dj

cc: File

**1986 Mitigation Lands Trust
4888 E Jensen Ave
Fresno, CA 93725
559-266-0767**

August 14, 2009

Ms. Margret Gidding
SJRRP Outreach Coordinator
U.S. Bureau of Reclamation
2800 Cottage Way, MP-170
Sacramento, CA 95825-1898
[MendotaPool Bypass@restoresjr.net](mailto:MendotaPoolBypass@restoresjr.net)

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

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,

A handwritten signature in black ink, appearing to read "Steve Haugen", with a long horizontal flourish extending to the right.

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
9. Flood Protection – Evaluate all aspects of future flood protection, USBR, LSJLD, Core of Engineers, Kings 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.

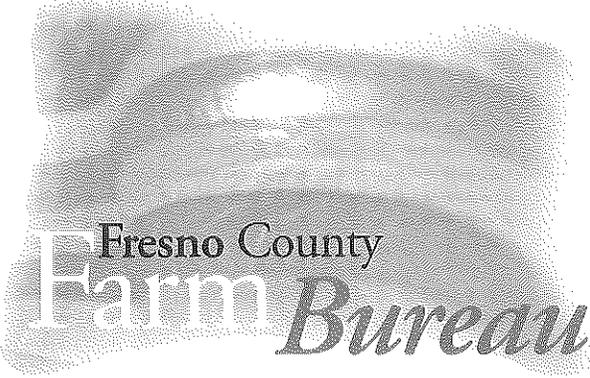
Conclusion:

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



Fresno County
Farm Bureau

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.

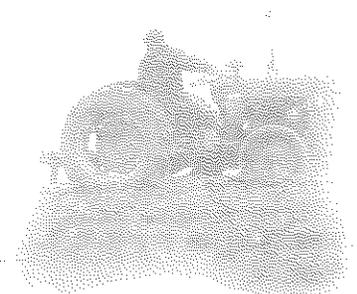
A voluntary and cooperative approach must be taken when dealing with the impacted farmers and ranchers who, in many cases, have farmed this land for generations. This is the first major step in the complex San Joaquin River restoration, and it will be viewed by many as the "litmus test" for happenings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



22759 S. Mercey Springs Road
Los Banos, CA 93635



(209) 826-5188
Fax (209) 826-4984
Email: veronica@grasslandwetlands.org

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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.

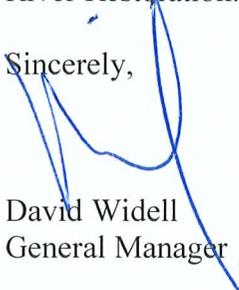
The GWD understands that the public scoping meetings are merely a beginning step in the NEPA/CEQA compliance process for obtaining approval to carry out this project. As such, these comments are intended only to voice our initial concerns related to this project.

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.

U.S. Bureau of Reclamation
August 10, 2009
Page 2

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

PLACE
 STAMP
 HERE

 Please fold, staple, stamp, and mail



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 S. Leo Capuchino
 Organization and Address 643 Quince st.
Mendota, CA 93640
(Mendota City Council)
 Phone (559) 860-8039 E-mail lcapuchino@ci.mendota.ca.us

Comment here: July 29, 2009
 Date

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.



Chowchilla Bypass

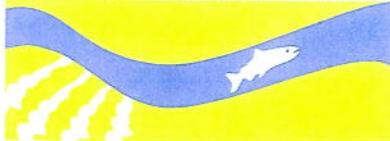
Mendota Dam

Mendota Pool

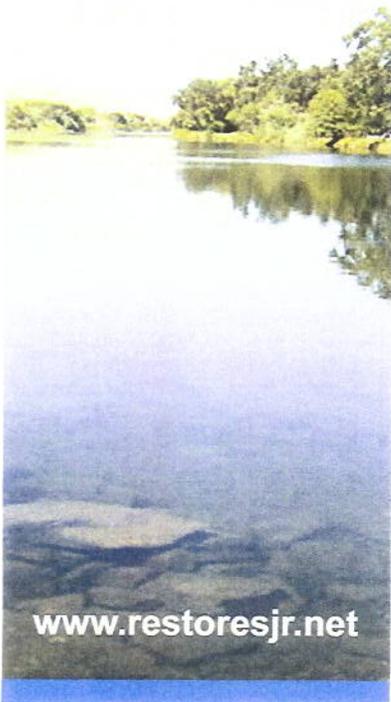
San Mateo Road

Bifurcation Structure

Map can be used to indicate areas referenced in comments



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 Ed Perry

Organization and Address Planning commission
Mendota ca

Phone (55) 4340 E-mail _____

Comment here: 7-29-09
Date

Benefits to protect
water supply to cities close to SJR +
the Perisul canal with better water
for irrigating



33141 E. Lerdo Highway
Bakersfield, CA 93308-9767

(661) 399-4456
(661) 399-1735 Fax

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

- i. 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
(661) 399-4456
kimberlyb@paramountfarming.com



**SAN JOAQUIN RIVER EXCHANGE
CONTRACTORS WATER AUTHORITY**



**SAN JOAQUIN RIVER RESOURCE
MANAGEMENT COALITION**

August 14, 2009

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

Mr. Kevin Faulkenberry
DWR SJRRP Program Manager
Department of Water Resources
3374 E. Shields Avenue
Fresno, CA 93726
faulkenb@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 Edminister, 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, Eyvonne 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, SanLuis 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, Wolfsen 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 anadromus species into the main-stem 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 farmlands (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.

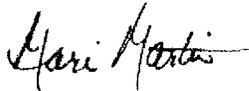
14. Fish Screens are required on the inlet to the Mendota Pool at the new Bifurcation Structure at the head of the new Mendota Pool Bypass. Reclamation and the SJRRP will be in violation of the

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



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

August 6, 2009

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100	100 feet

JAMES E. O'BANION
Chairman

ROY CATANIA
Vice Chairman

STEVE CHEDESTER
Executive Director

LARRY FREEMAN
Water Resources Specialist

JOANN TOSCANO
Administrative Assistant

**MINASIAN, SPRUANCE,
MEITH, SOARES &
SEXTON LLP**
Legal Counsel

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:

**CENTRAL CALIFORNIA
IRRIGATION DISTRICT**

James E. O'Banion
President

Christopher White
General Manager

**SAN LUIS CANAL
COMPANY**

James L. Nickel
President

Chase Hurley
General Manager

**FIREBAUGH CANAL
WATER DISTRICT**

Mike Stearns
President

Jeff Bryant
General Manager

**COLUMBIA CANAL
COMPANY**

Roy Catania
President

Randy Houk
General Manager

P.O. Box 2115
541 H Street
Los Banos, CA 93635
(209) 827-8616
Fax (209) 827-9703
e-mail: jtoscana@sjrecwa.net
Website: www.sjrecwa.net

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

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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

Mr. Jason Phillips, Project Manager
RE: San Joaquin River Restoration Program – Fish Screens at Mendota Pool
August 6, 2009
Page 3

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.

Mr. Jason Phillips, Project Manager
RE: San Joaquin River Restoration Program – Fish Screens at Mendota Pool
August 6, 2009
Page 4

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

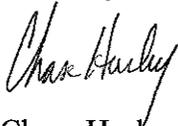
designed, engineered, and installed as part of this project to insure that our diversions are ESA protected. Our water rights, and ability to divert, come before the ESA take issues as part of this program.

- **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,



Chase Hurley
General Manager

Gasdick, Alicia E

From: Bart Bohn [bbohn2@gmail.com]
Sent: Monday, August 17, 2009 2:28 PM
To: MendotaPoolBypass@restoresjr.net
Subject: Mendota Pool Bypass--Comments

Name: Bart Bohn

Address: 8302 N. Victor Avenue
Fresno, CA 93711

Phone: (559) 438-1684

E-mail: bbohn2@gmail.com

Date: August 17, 2009

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

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Please fold, staple, stamp, and mail



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),
 or emailed to MendotaPoolBypass@restoresjr.net
 by close of business on August 17, 2009.

Thank you.

(Please print clearly)

Name CARL JANZON *This is my Look*
 Organization and Address Madera, CA *at it not as a MID*
22721 AVILA
Madera, Calif 93637
 Phone (559) 479-1070 E-mail _____

Comment here: 7-31-09
Date

1. Red Line where I would ~~be~~ cut out segment of ~~the~~
 Leave maintenance by shorting distance
2. Black Line - To get around Pool.
3. I realize what I show has country border problems
4. 2012 EIS + 2012 Fish don't work

All comments become part of the public record.



Chowchilla Bypass

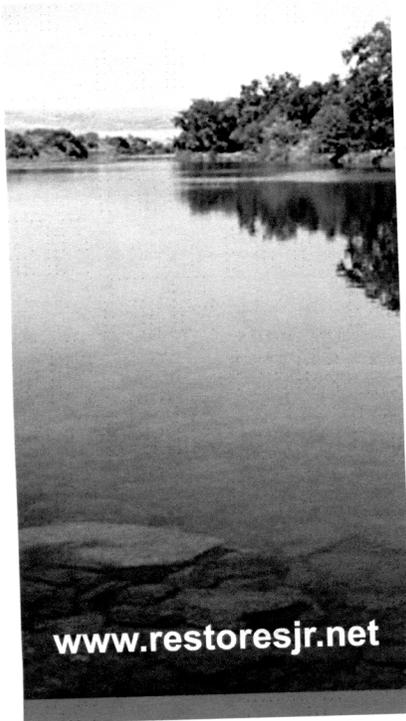
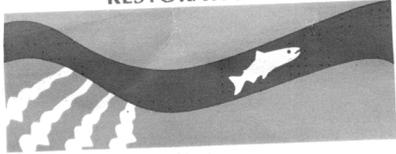
Mendota Dam

Mendota Pool

San Mateo Road

Bifurcation Structure

Map can be used to indicate areas referenced in comments



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

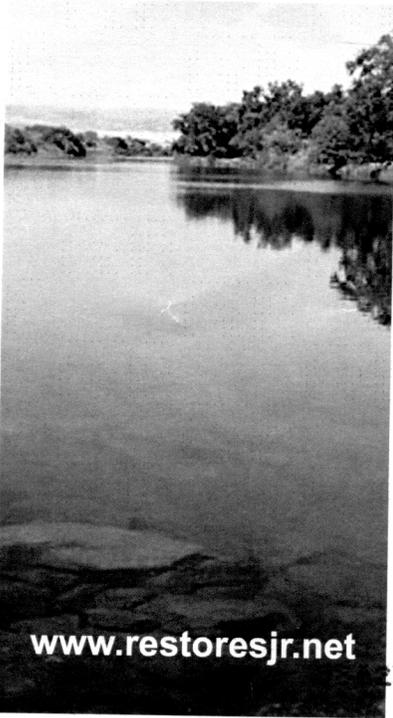
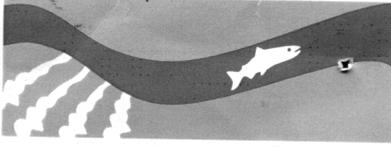
Organization and Address 4982 W. Bluff Ave
FRESNO, CA 93722

Phone (559) 431-3035 E-mail dduckworth@desne.com

Comment here: 8-4-09
Date

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

SAN JOAQUIN RIVER
RESTORATION PROGRAM



www.restoresjr.net

FREEDLAND CA 95237

17 APR 2000 PM 2 1



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

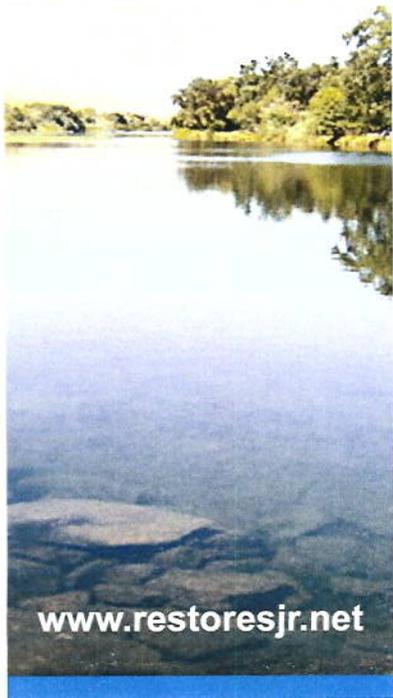
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PUBLIC SCOPING COMMENTS
for the Mendota Pool Bypass and Reach 2B Channel Improvements Project
Environmental Impact Statement/Environmental Impact Report



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 ED HOWARD
Organization and Address HOME OWNER ON BLUFFS
5004 W. BLUFF AVE
FRESNO, CA 93722
Phone (559) 435-3400 E-mail EDWARDH@PACBELL.NET

www.restoresjr.net

Comment here: 7/28/2009
Date

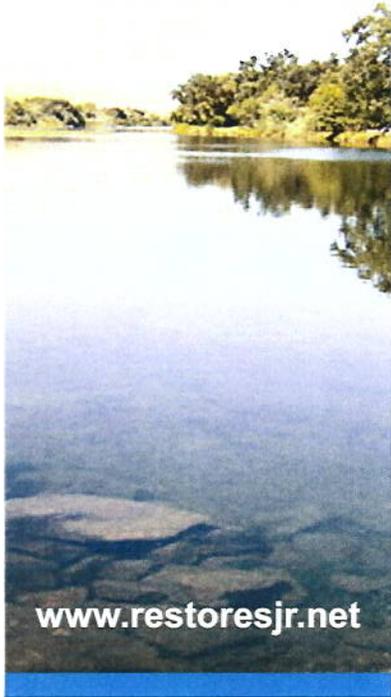
AS A RESIDENT OF THE FRESNO BLUFFS, WE OVERLOOK THE RIVER AND THE "MILLBURN ROAD". WE ARE CONCERNED ABOUT THE POSSIBILITY OF THE POND BEING DRAINED AND CREATING A BIG MUSKETO BREEDING AREA AND A TRULY UGLY SIGHT. FOLKS, THIS IS VALUABLE WEDLANDS ALONG WITH THE MANY OTHER PONDS AND LAKES ALONG THE RIVER. WHY IN THE WORLD WOULD ANYONE WANT TO DESTROY THIS BEAUTIFUL AND USEFUL WEDLANDS 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 ITS ORIGINAL COURSE ?

All comments become part of the public record.

Thank you



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 Oscar + Marcia Sablan
Organization and Address FLDUSD Board member City Council
Riverfront Inn 875 Q St, Firebaugh
mailing address: 927 O St Firebaugh 93622
Phone (530) 289 3737 E-mail osablan@hotmail.com

Comment here:

7/29/09
Date

875 "Q" St
Riverfront/ Best Breakfast Inn

Our property is on a bend (bend) in Firebaugh
Riverflow @ 4500 acre ft/sec places our
property @ a risk due to evosion from flow.
Will our property be reinforced to
prevent long term damage/erosion /unstable
bank etc? Will we be allowed to
give input in the design phase by your engineers
to maintain or improve our river access
without sacrificing riverbank integrity?
Who will be responsible for cost of levee or
river bank upgrades?
Thank you
+ Marcia Sablan

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

www.restoresjr.net

35825+1828



Please fold, staple, stamp, and mail



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 D. KNIGHT
 Organization and Address 9229 N. MAPLE AVE
FRESNO, CA 93720

Phone 559 433-9747 E-mail _____

Comment here: 7-29-09
 Date

- # 1 BUILD A RETAINING WALL ACROSS THE SJ RIVER WITH A GATE IN IT TO DEL. WATER TO THE MENDOTA PARK
- # 2 BUILD CROSS CHANNEL FROM SJ RIVER TO BELOW THE MENDOTA DAM. (APPROX ONE MILE). THERE ARE NO CANALS IN THE WAY.
- # 3 IN THE 40'S THIS CHANNEL WAS MADE BY THE RIVER SINCE HAS BEEN FILLED IN.
- # 4 WATER WOULD BREAK OUT ON THE TURN AND RUN THRU THE LITTLE SJ TO THE FRESNO SLOUGH.
- # 5 WATER WOULD BREAK OUT ON THE TURN AND RUN TOWARD HWYWAY 180. BY PUTTING 3,4,5 IN YOU WOULD RELIEVE THE PRESSURE POINTS OF THE RIVER.

All comments become part of the public record.



Chowchilla Bypass

Mendota Dam

Mendota Pool

San Mateo Road

Bifurcation Structure

Map can be used to indicate areas referenced in comments

✓

From: kx7rr@juno.com [mailto:kx7rr@juno.com]
Sent: Monday, July 27, 2009 6:32 AM
To: Faulkenberry, Kevin
Subject: EIS/EIR

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

1

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

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PUBLIC SCOPING MEETING

12

JULY 28, 2009

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REPORTED BY:
MELINDA TRAVIS, CSR
LICENSE NO. 12094

25

1 PICCADILLY INN; FRESNO, CALIFORNIA

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

3 PUBLIC SCOPING MEETING

4 -o0o-

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

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

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

23 So who we have here tonight is Ali Gasdick. Ali
24 is with Reclamation. She is Reclamation's program manager
25 for San Joaquin River Restoration Program. And we have

1 Kevin Faulkenberry, who is the Department of Water
2 Resources Program manager for San Joaquin River Restoration
3 Program. And we have some other implementing agencies here
4 tonight.

5 Stephanie Rickabaugh. Stephanie, where are you?

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

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

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

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

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

21 We have up here maps, so you can tell us, you
22 know, "We have a special interest in this area. Make sure
23 that you are studying, you know, this particular issue in
24 this particular area of the river," because you know what
25 is going on locally here, and that will give the agencies

1 and the consulting firms the direction of what is important
2 to you that will be studied in the evaluation of this
3 specific reach of the river.

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

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

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

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

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

24 Also we're going to use speaker cards tonight so
25 we can kind of keep an order of how many of you want to

1 comment. And what we're going to do is ask you to fill out
2 those speaker cards. We'll take them in the order
3 received. I'll call your name up, and I'll call the next
4 person so you can be ready to say your comments after the
5 person has spoken. And we're going to keep this to about
6 three minutes each because we want to give everyone the
7 opportunity to speak.

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

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

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

20 MS. GASDICK: Great. Thanks, Pam.

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

24 MALE VOICE: Can't hear you.

25 MS. GASDICK: Is that better? I'll try to do

1 that, speak right into the mic.

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

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

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

20 The federal government essentially fought that
21 litigation, fought that lawsuit, for about 18 years.
22 During that time frame, there were a couple of rulings by
23 the judge that were not looking very favorable to the water
24 users and to the federal government. And in the course of
25 that and in the course of some negotiations with the

1 plaintiffs, with the environmental community, we decided to
2 go ahead and settle.

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

6 So essentially in 2006, we settled the lawsuit.
7 And we started actually implementing that settlement.

8 In 2009, President Obama signed Public Law 111-11.
9 That gives the federal government the full authorization
10 and fundings needed to implement the settlement.

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

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

1 Authority to address that water management goal.

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

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

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

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

18 2013, essentially that's our target date of
19 completion of our major priority projects for the river
20 itself. And there is essentially four high-priority
21 projects.

22 The project that we're going to talk about
23 tonight, the Mendota Pool Bypass and Reach 2B Channel
24 Improvements Project, is one of those high-priority
25 projects. It's actually the first one that we're really

1 kicking off and initiating here. We'll have three more
2 coming in the future, but tonight we're focusing on that
3 Mendota Pool and Reach B2 Projects.

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

8 2016, we have a few other high-priority projects
9 that include the river channel, but focuses a lot more on
10 fish passage and fish habitat. Those are targeted to be
11 completed by 2016. So we have quite a lengthy process to
12 implement the settlement. It's not something that can
13 happen overnight.

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

18 MR. FAULKENBERRY: Thank you, Ali.

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

25 As you can see, the Mendota Pool Bypass is

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

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

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

25 For those of you who aren't, the project will

1 start at the bifurcation structure and follow the
2 San Joaquin River and go through. And then, of course, the
3 bypass channel goes past Mendota Pool. I think you can
4 see -- you can see here's Mendota Pool, and then the bypass
5 channel can come down anywhere in here.

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

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

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

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

1 important for us to move forward.

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

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

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

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

17 MS. GASDICK: Thanks, Kevin.

18 So we'll do a quick overview of the planning
19 process. Essentially Reclamation is the lead federal
20 agency under the National Environmental Policy Act, and the
21 California Department of Water Resources is the lead state
22 agency, under the California Environmental Quality Act,
23 initiating preparations of what we call environmental
24 impact statement, environmental impact report. I know
25 that's a lot of acronyms to get all at once.

1 We usually call that environmental impact
2 statement, environmental impact report, EIS, EIR. Tonight
3 I'm going to call it the document, just to make it a little
4 bit easier for everybody.

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

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

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

1 impacts.

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

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

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

16 After the draft document gets released for public
17 review and to prepare the final, which we expect in early
18 2012, we will consider all the comments that the public
19 provides on the draft and respond to those comments in the
20 final document.

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

25 The Federal Record of Decision and the State

1 Notice of Determination, we anticipate to come out
2 mid-2012. That's essentially the decision document that
3 will tell us how we're going to implement the project over
4 time, so it specifies the exact alternative, all the
5 mitigation measures. It has all the specificity in this
6 decision document that will come out in 2012.

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

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

20 We're here also to inform stakeholders in the
21 public and responsible agencies about the project. What
22 are we heading off to do? What are we initiating here?
23 We're also here to solicit input on the range of issues,
24 the potential alternatives we should consider, and we're
25 here to solicit your input on concerns that should be

1 addressed sooner rather than later. Those are things, like
2 Kevin mentioned, infrastructure that's out there, areas
3 that we should be looking at, houses, canals, stuff like
4 that, that we should be considering as we develop and
5 analyze alternatives.

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

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

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

1 MS. JONES: Thanks very much.

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

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

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

23 Before we break out into the groups, I just wanted
24 to ask if there were any questions regarding what you heard
25 here tonight that wasn't clear. Some of you have been

1 following this the whole way and are very involved. Some
2 of you are relatively new. So let's start with two or
3 three questions, and then if you don't get them answered
4 here, we'll have you ask them to the staff there.

5 Yes, ma'am?

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

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

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

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

16 FEMALE VOICE: No. Start from the basics.

17 MR. FAULKENBERRY: Okay. Here's Highway 33, 180.
18 Highway 99 is way over here.

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

21 MR. FAULKENBERRY: West of where we are now?

22 FEMALE VOICE: Right here.

23 MR. FAULKENBERRY: Yeah. It's probably 20 miles,
24 30 miles west of us now.

25 Have you ever been to Mendota?

1 FEMALE VOICE: Not recently.

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

6 FEMALE VOICE: Thank you.

7 MS. JONES: Yes, sir?

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

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

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

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

18 MS. GASDICK: I can answer this one.

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

24 This text is actually a summary out of the
25 settlement, so the settlement requires that we construct a

1 bypass channel that has certain characteristics to it, so
2 what we're considering as part of this project is
3 alternative locations for that bypass channel.

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

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

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

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

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

24 MS. GASDICK: This is going to be a little bit
25 longer answer than you probably want.

1 The settlement actually has six different water
2 year types, and those are essentially determined based on
3 inflow from the upper San Joaquin River system into
4 Millerton Lake. So it depends on the water year type as to
5 how many acre-feet of water go down the San Joaquin River.

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

13 MALE VOICE: I was curious about an average
14 year.

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

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

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

21 MALE VOICE: (Inaudible.)

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

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

25 MS. GASDICK: About 200,000 acre-feet on average.

1 MS. JONES: Okay. We had another question up
2 here.

3 MALE VOICE: I understand that this is probably
4 the most expensive restoration that has ever happened in
5 the United States for restructuring a river. Wouldn't it
6 be cheaper to go back and fight them in court for another
7 18 years instead of spending all this money for something
8 that's not going to work?

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

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

15 MS. GASDICK: I can take this one.

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

21 The federal government and the Bureau of
22 Reclamation, we're a water delivery agency. We deliver
23 water and power to our customers. We fought the litigation
24 for 18 years, and we really felt there was a very high risk
25 that we would have some challenges in delivering water to

1 the Friant water users and delivering power out of Friant
2 Dam. So in light of what we felt was potentially a very
3 risky situation, we took the road that we felt essentially
4 provided some certainty to the water user, some certainty
5 to the power users, and, frankly, does cost some money, and
6 is going to restore the San Joaquin River, which is
7 expensive, and it's going to take time. We felt that
8 course of action provided a little bit more certainty.
9 Fundamentally we are a water and power agency.

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

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

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

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

1 themselves.

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

4 Sir?

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

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

10 MR. FAULKENBERRY: Well, I'll try answering that.

11 I don't think we've fully identified where the
12 money is coming from, but certainly the State of
13 California, the Secretary of Resources, has dedicated or
14 promised an aggregate amount of 200 million to the
15 restoration program. The exact source of that funding
16 hasn't been identified, but a certain amount of it has.

17 So that money will be used over the whole project
18 area, as the state is in support of the program. And, of
19 course, the program itself has a lot of funding, and Ali
20 may want to add some details to that. But we'll be
21 identifying portions of the project that the state thinks
22 they specifically want to focus on. We'll be working with
23 the Bureau on this reach, Mendota Pool and Reach 2B, to do
24 some of the engineering work, probably taking on most of
25 that.

1 It depends on specifically what part of the
2 project you're talking about and what we've decided to do
3 as the process moves along.

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

6 MS. GASDICK: Sure.

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

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

21 MALE VOICE: But we don't know what they are?
22 It's some secret? My question is, where is the money
23 coming from? So far I haven't heard an answer. You've got
24 mechanisms and 200 million here and funding will come maybe
25 from here.

1 So you really don't know where you're going to get
2 the money to do it? Do you know how much it's going to
3 cost? Do you know that much? I'm talking about 2B.
4 That's what the meeting is about. I'm not talking about
5 the whole San Joaquin River.

6 Specifically 2B, how much it's going to cost and
7 where is the money coming from, do you know?

8 MS. GASDICK: Yes, we do. It's going to come
9 from --

10 MALE VOICE: How much is it? Can you tell us
11 that?

12 MS. GASDICK: We have a -- as I described, we
13 actually have an extensive alternatives evaluation process
14 that will identify costs of the program and how much it's
15 going to cost for the different alternatives and the
16 different alignments. Right now we don't have a firm cost
17 for the 2B Project.

18 MR. FAULKENBERRY: To provide a little more
19 definition -- I didn't provide it beforehand. It's hard to
20 have a cost of a project that we haven't specifically
21 identified specific alternatives or the specifics of the
22 alternatives, but the State of California and the voters
23 approved Proposition 84, which provided \$100 million to the
24 program. And we're also working in Proposition 1E. A lot
25 of the work we have done here -- or we will be doing out

1 here have flood components, and it will be working with the
2 money and funding there to provide flood benefits for the
3 projects as well.

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

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

9 MR. FAULKENBERRY: That's the Bureau.

10 MALE VOICE: How do you convert that to acre-feet?
11 If you have 170,000 acre-feet, how many second-feet would
12 you have? Double -- I mean, half?

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

15 MALE VOICE: How many cubic feet per second.
16 That's how it's coming out of Friant.

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

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

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

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

25 MR. FAULKENBERRY: Are you asking what the flow

1 would be out of the dam to get the 170,000 acre-feet out of
2 there?

3 MALE VOICE: Exactly.

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

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

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

16 As you know, the 170,000 acre-feet is a function
17 of how much -- or, you know, the water year type. So those
18 are all tied together, and that will tell you what the
19 release is for that day. We can go anywhere from 350 cfs
20 to -- you know, certain times of year, we'll have 4500, and
21 then there will be higher pulses of that that clean gravel
22 and do things like that for the salmon. So there is no set
23 number that's coming out of the dam all the time, but you
24 can say generally it would be in the range of 300 cfs or so
25 coming out of the dam most of the time.

1 MALE VOICE: If you use it up -- what happens if
2 you use it up in nine months?

3 MR. FAULKENBERRY: We're planning ahead and hoping
4 that doesn't happen. We're planning. We'll be constantly
5 doing work to update and make sure we're not using water
6 faster than it comes into the reservoir.

7 MS. JONES: We're going to do two more questions,
8 and then we're going to go to the open house, and then come
9 back again.

10 In the striped shirt there.

11 MALE VOICE: In regards to the settlement and the
12 word being used as "restoration," did we have this
13 situation at one time and we're going to re-create it now,
14 or are we trying to create something new?

15 MS. JONES: Is it your question, was there a river
16 and we're trying to put the river back in place, or was
17 there not a river?

18 MALE VOICE: How long ago was the situation
19 changed?

20 MS. JONES: So you're asking about what are we
21 trying to restore? How long has it been a partially dry
22 river?

23 A MALE VOICE: Yes.

24 MS. JONES: Either of you?

25 MR. FAULKENBERRY: How long has it been a

1 partially dry river? Probably in -- since the '40s when
2 the dam was completed. So the restoration is not really --
3 the restoration -- the term "restoration" implies that
4 we're restoring it to a certain period or we're doing a
5 restoration to a certain time. What we're trying to do is
6 we're trying to restore the salmon run to the San Joaquin
7 River, so that's what we're trying to restore.

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

16 MALE VOICE: We know that salmon existed back
17 then?

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

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

1 what you're interested in having in that document, that
2 report.

3 And the gentleman in the blue hat.

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

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

15 Are you planning to drain all those ponds and
16 lakes?

17 MS. JONES: Everyone heard the question?

18 VOICES: Yes.

19 MS. GASDICK: Very good question.

20 The settlement does actually specify some actions
21 in the -- what we call the gravel pits. Those actions are
22 a couple of years down the road, so we're not quite there
23 yet.

24 Tonight we're focusing on the Mendota Pool Project
25 and Reach 2B Channel Improvements. In a year or so, we'll

1 be back out here to talk about the gravel pits. As we
2 look -- there's a lot of work that needs to be done to
3 analyze what gravel pits we fill, which ones we isolate,
4 how we go about all that work in the future. As we go
5 through that work, we'll go through a similar process and
6 identify the impacts and get your input on what those
7 potential impacts are.

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

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

14 We have Shelly Abajian from Senator Feinstein's
15 office.

16 Shelly, where are you?

17 Shelly, thank you for coming.

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

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

22 MS. JONES: What's your last name?

23 MS. GARINGER: Garinger.

24 MS. JONES: Trisha Garinger from Congressman
25 Radanovich's office.

1 Anyone else?

2 Thanks very much for coming.

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

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

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

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

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

22 It may be they already know or are going to
23 consider what you're going to say, but it may be they
24 don't. Maybe it's important for them to hear your interest
25 in the area.

1 So if I could have the cards, Margaret.

2 I don't have any up here.

3 Are there any speaker cards that you would like me
4 to consider? Right now I have only two.

5 MARGARET: Did anyone miss filling one out?

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

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

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

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

19 Secondly, for example, tomorrow you'll be in
20 Firebaugh. The outreach to that community, I believe it's
21 about 87, 88 percent Latino, high Spanish-speaking
22 population or people who English is a second language. So
23 the -- all the information in Spanish and interpreters at
24 the sessions will be vital to engage the community and to
25 inform the community in this process, and that would be the

1 same all up and down the I-5 corridor, especially in
2 smaller communities. We have 220 unincorporated
3 communities in the Central Valley, mostly populated with
4 Latinos. So to help inform your process and engaging them,
5 the interpretation and the material in Spanish would be
6 vital to get their input and feedback in this process.

7 MS. JONES: Can I interrupt?

8 SANDRA FLORES: Sure.

9 MS. JONES: Danny Moran, can you raise your hand?

10 Danny is Spanish-speaking. He's here tonight.
11 He'll be there tomorrow, but I understand your comment to
12 mean that you would like more materials in Spanish --

13 SANDRA FLORES: Yes.

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

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

1 to be important.

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

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

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

11 SANDRA FLORES: Absolutely.

12 MS. JONES: -- those Spanish language --

13 SANDRA FLORES: Yes.

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

17 SANDRA FLORES: I do have one more question.

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

20 MS. JONES: Any clarification on how many forums?

21 SANDRA FLORES: Is there a minimum requirement?

22 MS. GASDICK: There is not a minimum requirement.
23 There's not a minimum requirement under NEPA or CEQA. We
24 have established a variety of forums as part of the
25 restoration program to reach out to the public through our

1 work group (inaudible). Those are all identified on our
2 Web site. So a lot of those work groups meet monthly or on
3 a quarterly basis. We have, on average, about two to three
4 public meetings a month to discuss the restoration program
5 and our actions.

6 SANDRA FLORES: I don't know that this is a really
7 question about the study that you're going to be doing, but
8 is there any economic development opportunity for laborers
9 or organizations as part of this process? With so much
10 money -- I got some clarification on the budget -- maybe
11 650 to 850 million that will be, you know, assigned to this
12 project -- any economic development opportunities for our
13 local businesses, workers, et cetera?

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

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

20 MS. JONES: Across the spectrum?

21 SANDRA FLORES: Yes.

22 MS. JONES: Thank you.

23 Gary is next. Gary, are you here?

24 Next is Walter Shubin. Is that correct, Walter?

25 WALTER SHUBIN: Yeah.

1 MS. JONES: Where are you, Walter? I lost you,
2 Walter. There you are.

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

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

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

16 Can everybody hear me?

17 VOICES: Yes.

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

25 And I think with the help of the farmers that have

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

8 And do you have any questions?

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

11 WALTER SHUBIN: Which dam are you talking about?

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

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

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

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

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

25 WALTER SHUBIN: Well, they're talking about that

1 bypass. Why don't we just use the old channel?

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

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

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

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

20 Other questions, comments for this?

21 Chris Acree?

22 CHRIS ACREE: Chris Acree. I've been
23 participating with the other restoration meetings. And
24 this is kind of unique. It's the first actual CEQA project
25 scoping meeting, so I think it's important to use this

1 opportunity to kind of look -- to kind of take stock on the
2 comments that were made. There were a lot of things that
3 were said in the question period that weren't going to be
4 expressed in the comments.

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

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

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

23 I think we need to at least start the discussion
24 on what are the local needs and the societal benefits of
25 these projects to the San Joaquin Valley. We're looking at

1 it from a bird's-eye view or from an external view.

2 FEMALE VOICE: Thank you.

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

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

22 There's options here in water management that
23 we're not thinking of. I think from some of the questions,
24 we got kind of the framework. We've got new jobs, water
25 supply, creative water management options.

1 That's my first impression. If we could settle
2 those societal -- I mean, usually it's just an economic
3 analysis, but maybe we could start defining the San Joaquin
4 Valley societal benefits and how we assess those, whether
5 we do a cost-effective analysis -- I don't know if we're
6 even considering a cost-effective analysis for this
7 project. That would be something that would benefit --

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

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

18 We need to see, what are those options and
19 opportunities, and how could it maybe help us with water
20 delivery, wildlife? And those are things that are outside
21 the restoration program settlement, but they could be
22 things that would be very low-cost projects that could
23 benefit us, the San Joaquin Valley, in other ways, so some
24 kind of temporary societal evaluation process that looks at
25 cost-effectiveness.

1 I think this is a good way to take stock on what
2 are the values and what do we need to look at that are
3 outside the realm of the restoration program or the
4 settlement agreement, but that could restore the Valley in
5 other ways, like wildlife, clean the water, groundwater.

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

10 Are there other comments?

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

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

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

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

1 reaches.

2 So, Ali, did you have any other comments, or
3 Kevin?

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

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

8 FEMALE VOICE: I would like to know that too.
9 That's really important. I didn't realize Mendota -- that
10 this thing really has an effect on not just that area, but
11 it's not even that far from Fresno, 40 miles or so. So I
12 didn't realize at the time when you were talking about
13 this -- I thought this was some far-out thing.

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

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

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

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

25 Yes, sir?

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

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

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

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

22 MS. JONES: If you have specific information -- it
23 sounds like you've got maps in there. If you can translate
24 that and be even more specific about locations, that would
25 be very helpful to the team.

1 MALE VOICE: Well, I can, but I don't have to do
2 it. I gave the young lady over in the corner a man's name.
3 Bob Edmunster in Los Banos knows more about this general
4 area and its hydrology, and he taught engineering at the
5 University of California, and he's an old man now, but his
6 mind is as clear as a tack, and he knows more about this
7 area than anybody else alive. And he ought to be on your
8 advisory council, and he understands Mendota and Firebaugh
9 very, very well.

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

17 -o0o-

18 (The proceedings concluded at 7:51 p.m.)
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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

REPORTED BY: Jenny Fawcett
Certified Shorthand Reporter
CSR. No. 5805

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A P P E A R A N C E S :

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U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
SAN JOAQUIN RIVER RESTORATION
PROGRAM OFFICE MP-170
BY: ALICIA E. GASDICK, PROJECT MANAGER
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STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES
SAN JOAQUIN DISTRICT
BY: KEVIN J. FAULKENBERRY, P.E.
3374 EAST SHIELDS AVENUE, ROOM A7
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1 most part -- No, then I should add that earlier this
2 year Congress passed legislation directing us to
3 implement the settlement and providing funding and
4 authority for the federal government to do that.

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

24 Probably the most significant part of the
25 settlement, kind of think about, is what we have to do

1 as Secretary of Interior, is fix the channels so it can
2 convey these flows. It's a significant portion of
3 implementing the settlement and that is primarily what
4 we're here to talk about today -- that is what we're
5 here to talk about today.

6 One of the projects that is identified in the
7 settlement is called Mendota Pool Bypass and the Reach
8 2B Channel Improvements and we have some presentations
9 that are real brief, kind of give an overview of what
10 that means, Mendota Bypass and those Reach 2B channel
11 improvements. And then following those presentations
12 we'll have staff from federal and state agencies that
13 will be available at these different stations to answer
14 questions.

15 The purpose for this meeting tonight,
16 fundamental purpose is a couple of things. One, to
17 announce that we are starting the environmental review
18 process to implement the channel improvements for
19 Mendota Pool Bypass channel and the Reach 2B channel
20 improvements. So we're initiating that. Filed a notice
21 with the federal register saying that the Bureau of
22 Reclamation and the California Department of Water
23 Resources are initiating those projects. And from a
24 period between when we initiated that in late July and
25 August 17th the sort of formal period where we're

1 accepting what we call scoping comments. So we're going
2 to spend the next couple of years formulating different
3 plans, doing engineering designs and environmental
4 studies on channel improvements. But right now before
5 we get those started we have to get as much input as we
6 can on what resources might be impacted when we go do
7 that. So that before we start formulating plans, doing
8 engineering designs, calculating impacts we spend the
9 time upfront to get as much input as we can on what
10 might be impacted. That could be resource --
11 agricultural resources, infrastructure, could be
12 endangered species, farming practices, whatever it might
13 be, we need to get all that information by August 17th
14 in terms of the formal scoping process before we really
15 get started with formulating the plans on how we're
16 going to do this.

17 So this is the second of two formal public
18 scoping meetings and the purpose is to get input from
19 you all and anybody else who wants to provide comments
20 by August 17th. So -- but before we do that primarily
21 what we have is comment cards in the back of the room
22 that anybody who wants to fill out a comment card,
23 specifically write out what issues are likely with us
24 doing these two projects we're about to tell you about.
25 Now is a great time to do that because while you're

1 filling out these cards if you want to talk to me or if
2 you want to talk to some of the technical experts that
3 kind of know a lot of about what we intend to do you can
4 talk to them about that as we think about what types of
5 impacts we should consider.

6 Also another way to provide comments, you can
7 write letters, you can send E mails. At the end of this
8 meeting, the last portion of this is for anybody who
9 wants to speak publicly we have a court reporter and
10 those comments that are spoken publicly will be
11 word-for-word and be in the record for a part of the
12 scoping process. If you want to speak, just need to
13 fill out a card so that we know how much time to
14 allocate at the end of the night to that portion of the
15 meeting. So at the back table, once we kind of break
16 from this presentation time, you'll be able to get any
17 information about speaker cards, comment cards or, you
18 know, what stations you might want to go to, to find out
19 information. So that's what we're doing tonight. We're
20 going to quickly go over presentations on the projects
21 that we're here to talk about and I'm going to have
22 Kevin Faulkenberry come start that off and then I'll
23 kind of close out after -- and Kevin, he can introduce
24 himself but he's the program manager, Department of
25 Water Resources on this program.

1 MR. FAULKENBERRY: I guess, Jason, take that
2 from me that's half my presentation. And I guess I see
3 a lot of familiar faces here so -- basically I'm going
4 to present -- give you an idea of what the projects
5 we're here to talk about today, give you an idea of the
6 location and what their scope might be and probably some
7 of the key -- potential key components of them.

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

21 As you can see, I think most of the people
22 here are pretty familiar with the area, if you're not
23 from -- if you're not from here you may not know exactly
24 where the project is located at. You can see that
25 basically the Reach 2B goes from the Chowchilla Bypass

1 down to -- Reach 2B primarily goes from Chowchilla
2 Bypass down to wherever the Mendota Bypass channel is
3 located. And then the channel would be somewhere in
4 here. The Mendota Pool Bypass channel would go from
5 somewhere in here and go around the Mendota dam here and
6 Mendota pool. We're not exactly sure where that goes
7 yet and a lot of your input today or input you have
8 today will have impacts on those decisions and welcome
9 to. So be careful to provide all information you have
10 on things that you think might impact or give us an idea
11 of where the best place to place that.

12 The project area -- this gives you a little
13 more definition. I'm sure a lot of you recognize your
14 own property, your own plot of land or at least some of
15 the roads and the infrastructure out here. I'm sorry,
16 in the past I didn't mark down but Highway 99 is -- this
17 laser pointer is really small -- Highway 99 is way out
18 here for those of you who that aren't familiar with
19 that. 180 is somewhere down here on the south part.
20 The north is up. And then I think it's 33 that's back
21 out over here. You can see that Mendota pool is right
22 in this area here and the bifurcation structure is up
23 here and that is, of course, the beginning of the
24 project. San Mateo Road comes through here. And then
25 there -- bypass is somewhere in this area here,

1 potentially. The Mendota pool bypass, two components as
2 they're laid out basically in the settlement agreement.

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

21 And then of course Reach 2B channel
22 improvements, same thing as we mentioned earlier, that
23 the capacity of the channel would be 4,500 CFS. There
24 would be modifications of the river channel from the
25 bifurcation structure to the new Mendota Pool Bypass.

1 There would be an integrated floodplain habitat, new
2 levees or set -- setting back levy -- existing levees
3 and relocation of the infrastructure because you can't
4 have a lot of your normal operations, you know, pumps,
5 that kind of thing out in the middle of the river
6 channel. And specific details of these actions will be
7 taken or will be developed as we move along over the
8 next year much like the same as the others. They will
9 all be developed together.

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

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

20 So we're going to be undertaking the planning
21 and environmental compliance process for this project.
22 Reclamation is going to be the lead federal agency under
23 the National Environmental Policy Act. DWR is going to
24 be the lead state agency under the California
25 Environmental Quality Act. I know those are long

1 acronyms but essentially those are the requirements that
2 we have to undertake in going through environmental
3 compliance for these projects and to get permits for
4 these projects. So we are initiating preparation of
5 what's called Environmental Impact Report, Environmental
6 Impact Statement. We typically summarize that as an
7 EIS, EIR. For tonight, to avoid all acronyms, I'm going
8 to try and just call it the document. Make things
9 easier.

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

20 The next step in the process is the draft
21 EIS/EIR which we currently anticipate issuing somewhere
22 in mid 2011. Right now we're in mid 2009 so we're about
23 two years in developing this draft document. During
24 that time we have a lot of work to do, a lot of
25 analysis, alternatives. We anticipate bringing a lot of

1 that material out to you, the public, and sharing that
2 material with you through the work group process that we
3 have set up as part of the restoration program. We'll
4 also be bringing that material out through our local
5 landowner meetings that we have been holding so far this
6 year. So in those two years we have back here down --
7 back down here quite a bit to talk to you guys about the
8 project and how it's moving along. And then from the
9 draft we release that as a public document for review.
10 Stop with the pointer. Doesn't seem to be working. And
11 that goes out for public review. We solicit your
12 comments and input and we release a final document.
13 We're looking at a final in early 2012 and then the
14 final will culminate into a federal record of decision,
15 a state notice of determination in mid 2012.
16 Essentially that's the decision document that describes
17 how we're going to implement the project, what
18 alternatives we're going to take, what mitigation
19 measures that we're going to implement, just kind of
20 lays everything out in terms of the decision that the
21 state and federal government have made with regard to
22 the project. So that's a quick summary of the process
23 that we're starting here.

24 And I just want to touch little bit about the
25 importance of the scoping process. As I mentioned

1 before the scoping process is really the first step in
2 this process. It's really to inform stakeholders,
3 public responsible agencies about the project itself and
4 it's to elicit your input on the range of alternatives,
5 the range of issues we should address. It's really to
6 identify issues and your concerns and get those
7 incorporated into the process sooner rather than later.
8 If we can get your input now we can incorporate it into
9 the engineering, into the alternative analysis, into all
10 of that rather than waiting until we have essentially
11 full alternatives and then trying to get your input into
12 that. So, the idea is get your input early, get as much
13 as possible so that we can fully incorporate your
14 concerns as we move through this process.

15 So what we do with your input from the scoping
16 process is we use that in development of the EIS/EIR,
17 the document that we're preparing. The purpose of the
18 document is to provide technically sound information to
19 decision makers, essentially to the Secretary of
20 Interior and State of California on what alternatives we
21 should consider, essentially what alternatives we should
22 implement for the project. The EIS/EIR is going to
23 contain the description of the setting, what is out there
24 right now, what we anticipate to be out there in the
25 future. It's also going to disclose environmental

1 impacts and it's going to identify mitigation measures,
2 either measures to avoid or reduce impacts or measures
3 to essentially mitigate those impacts.

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

7 MR. JASON PHILLIPS: First of all, I apologize
8 for the shift in the last minute of locations.
9 Appreciate folks coming over here. We kind of decided
10 late in the day yesterday and early today that the other
11 facility might not be quite large enough for the
12 possible turn out and so I want to thank Jose Ramirez
13 for letting us, first of all, to have the facility over
14 there and then helping us get over here and get
15 organized and I know some of you came a little bit late
16 because of that. Don't worry about that. The meat of
17 the discussion tonight is really just at the stations,
18 talking to program staff, trying to get a feel for what
19 we're doing, what questions you might have answered and
20 that's going to happen for most of the rest of the night
21 anyway. I want to point out one of those who came late,
22 Vince Roos is here in the back, representing Congressman
23 Costa. I appreciate your attendance here. And there is
24 a lot of people in this room that are landowners,
25 farmers, district managers, that I just -- want to point

1 out that I appreciate all the effort over the last
2 couple of years. I know all the effort in the next
3 several years or decades, it's a lot of effort, a lot of
4 come to these meetings and hear about stuff, process,
5 boring stuff but also interesting project stuff and I
6 appreciate that and folks taking me out to the field,
7 taking staff out to tour the projects. It's a lot of
8 work and it's only going to get a little bit busier.
9 (Cell phone interruption).

10 Okay. So with that, what we're going to do
11 is, like what I pointed out before, the comment cards,
12 we have got agency staff, see them with badges if you
13 want to ask questions. We'll direct you to the right
14 person to ask any technical question you have. A lot of
15 you have bigger picture program questions. How much is
16 the program going to cost? Are you ever going to
17 restore fish? How long is it really going to take? Why
18 is the government doing this? ESA regulations. Why
19 don't we have water in San Joaquin valley. Very valid
20 questions. I'm going to come over here on this side.
21 Anybody who wants to talk about those questions I will
22 answer until I drop tonight. And so I'll be over there
23 on this side, right over here, to answer any questions
24 about the settlement, why we did it, why Friant agreed
25 to it, why NRDC agreed to it. Great questions, not

1 related to the possible impacts of the Mendota Pool
2 Bypass or Reach 2B. I would encourage those who really
3 want to provide the input tonight while you're here
4 investing your time tonight to come here regarding the
5 Mendota Pool Bypass and Reach 2B spend some time at the
6 stations, understand everything you need to understand
7 about what the projects are and what opportunities
8 you'll have as an interested member of the public or
9 landowner to continue to provide input into the future.

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

25 (Recess taken)

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

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

1 So the first one up will be Ray Knight and
2 then Mike Widhalm. Ray?

3 (Response from the audience)

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

5 MR. WIDHALM: Right here.

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

8 MR. WIDHALM: Kim is going to go first.

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

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

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

23 We do have some concerns. We think it's very
24 important for the program to have a distinction between
25 program close and the overlying landowner rights so

1 ground water is considered the right of the overlying
2 landowner. So any benefits to ground water that are the
3 result of the program flows should stay as a right to
4 the overlying landowner. And we also think that
5 continued rights of the overlying landowner to use their
6 ground water sources and that includes the replacement
7 well that may need to be relocated by virtue of the
8 taking of the ground water for the river restoration.
9 We also think it's very important to continuously ensure
10 the priority of the Exchange Contractor deliveries from
11 the Friant system through the river channel. At all
12 times those should be given priority over any of the
13 program flows to make sure that the Exchange
14 Contractors, when needed, can take up to their full
15 amount from the Friant system. We also think that the
16 preservation of surface water diversion rights for those
17 located in 2B and other channels is an important
18 component to consider and to work into the process, both
19 the diversion points with respect to where the levees
20 are set back and maintaining those rights for the
21 landowners.

22 MS. JONES: Mike, and then Mari Martin.

23 MR. WIDHALM: Mike Widhalm, Paramount Farm
24 Company. The one issue that we -- Paramount has that is
25 the information gathered from all the studies that the

1 Bureau is going to be doing we'd like to keep private.
2 We'd like to see that information prior to distribution
3 and have such comment on that, on what's happening. We
4 are in support of the Columbia Bypass option. We
5 believe that that is -- takes into consideration
6 minimizing land acquisitions, incorporating replacement
7 of the Mendota dam, account for relocations of water
8 delivery systems -- It sounds like I'm talking to it.

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

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

17 MS. MARTIN: Mari Martin with the San Joaquin
18 River Resource Management Coalition, a landowner based
19 group. Thank you for -- would like to thank the River
20 Restoration Program for bringing this discussion to
21 Firebaugh where we are. We appreciate that. The RMC
22 believes that there are alternatives for bypass that
23 would allow fish passage while taking the least amount
24 of prime farm land out of production and the project
25 needs to explore all those alternatives.

1 In Reach 2B there are likely to be significant
2 and long-lasting environmental impacts due to flooding
3 and seepage that will destroy property and cause loss of
4 crops. A proactive approach to flooding and seepage
5 management needs to be included. A program of ongoing
6 ground water seepage monitoring and management plans
7 should be included for Reach 2B and the Mendota Pool
8 Bypass. Once flows commence to quickly identify
9 possible seepage areas of concern prior to irreversible
10 crop damage. Shallow ground water modeling and
11 quantitative analysis should be conducted on the same
12 basis in Reach 2B to evaluate the potential for eventual
13 impacts upon the river. We suggest overlaying timing of
14 releases with cropping patterns using the current data
15 on those cropping patterns on the land adjacent to the
16 river in 2B to assess potential high-risk areas and to
17 develop proactive mitigation strategies and procedures.

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

1 in this environmental process.

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

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

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

15 MR. RAMIREZ: Good Evening. I'm Jose Ramirez.
16 I'm the city manager for the city of Firebaugh and my
17 comments are -- well, I have some diverse comments. One
18 is in particular is as it relates to the channel
19 capacity. As you know, channel capacity in the river
20 diminishes in the river every year and as a result of
21 some of the flooding in 2006 we also had some damage
22 that we are currently trying to address and haven't
23 found the funds to do and it's about a -- spent about
24 \$300,000 already just to do the design work on that
25 section next to the community center and it's going to

1 cost about a million dollars for us to address that
2 area.

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

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

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

22 MR. CATANIA: Yes, good evening. My name is
23 Roy Catania and I'm making some comments on behalf of
24 the Columbia Canal Water Company tonight. Anyway, one
25 of our first comments we'd like to make is in

1 recommendation to this alternative bypass to the Mendota
2 pool. There have been two -- evidently there are two
3 plans that have been submitted: One that runs north and
4 one that runs a little bit south and the one that our
5 manager has spent a lot of time working on and has even
6 spent a lot of time with a physical tour -- I think
7 Jason with the DWR has come out and actually Randy had
8 showed him the physical layout of this alternative B.
9 Well, Columbia would like to support this alternative B
10 versus the alternative A because it does save prime ag
11 farm land and it does make the -- we believe that the
12 performance criterias as set in the first alternative.

13 So, in support of the alternative bypass we
14 also have, Jason, the DWR, we also have some concerns
15 with making sure that there is a fish screen that has to
16 go along with the alternative bypass. As you -- as
17 everyone is aware now with the -- with the additional
18 constraints that these biological opinions have come
19 out, the export pumps in the delta are now severely
20 curtailed and that we are being told now that the
21 chances of Columbia and the Exchange Contractors
22 receiving their water off the river is somewhere in the
23 neighborhood of four out of ten chances per year. So we
24 cannot take the risk of water coming down river with
25 endangered species in them ending up in the pool where

1 we would have to potentially fish screen all of our
2 outlets. We can't afford to do that. And as everyone
3 is aware both in the settlement agreement with the
4 Bureau, and the signature to, they talk about multi
5 third party impacts. Well, the Exchange Contractors
6 went a little bit further. The legislation that
7 implemented this element the Exchange Contractors
8 pushed -- got along language in the legislation that
9 actually protects your water rights and the water rights
10 come above the fish rights in the river. So Columbia is
11 going to pay very close attention on this fish screen
12 issue to make sure it gets implemented because we are
13 not giving up our water rights over a potential
14 endangered species that is going to be reintroduced.

15 A couple of other areas Columbia has concerns
16 on is money on this project. As all of us are currently
17 aware the financial meltdown that our economic markets
18 have endured recently, both nationally and in the State
19 of California, the project originally didn't have enough
20 money to begin with when they implemented the project
21 and now with all the cuts in the budget we're very
22 concerned that this project is going to get about
23 halfway completed and we're going to have this big train
24 wreck in our backyard and all of the landowners are
25 going to have to come together and put this project back

1 together. So we don't believe there's enough money in
2 this project and we will be watching it very closely.

3 And then, Jason, another thing is not --
4 not -- trying not to be too pointed with you but the
5 entities that are implementing this regulation there is
6 a concern over the trust factor as we have slowly gotten
7 involved into this settlement. The Bureau signed the
8 settlement agreement in 2006 and the two main goals of
9 the settlement was for river restoration and it was also
10 for mitigating Friant's water loss down the river.
11 Well, low and behold about two years after the '06
12 settlement there was another environmental group that
13 filed lawsuit in the delta on the delta smelt, DO, that
14 you're aware of, which curtailed export pumping. And
15 then this year we have -- we had a salmon deal that came
16 out. Well now, low and behold, we have a settlement
17 agreement that was originally carved out to have two
18 major goals: River restoration and to mitigate water
19 losses to Friant. So now we have a settlement agreement
20 that looks like there's only going to be one goal
21 accomplished in this and that is fish restoration and
22 the Friant entity is going to lose out on recirculation
23 of water. So, here we have another project that you
24 want us to trust, this is going to go forward with -- as
25 in the legislation, and we just had an incident where

1 our neighbors to the east of us are now upside down.
2 And on top that -- and, Jason, this is long before you
3 also, but there was another incident involving the
4 Bureau about 40 years ago. It was called the San Luis
5 Act. And this was an act that was a congressional act
6 implemented by Congress and appropriated by Congress and
7 they ran out of money. They didn't complete the act.
8 We had to drain the -- didn't make it out of the valley
9 and now those here are still litigating 40 years later
10 trying to protect their property and trying to farm.
11 And then we got the same entity, the Bureau of
12 Reclamation, whose got their fingerprints all over these
13 other two upside down issues coming to us and telling
14 us, trust us. We got another project here. Well, we
15 are --

16 MS. JONES: Roy, back up.

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

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

23 MR. CHEDESTER: I don't know what else to say.
24 Steve Chedester with the Exchange Contractors Water
25 Authority. It's already been brought out that one of

1 the things we did in the scoping session it said that
2 you need to kind of look at some of the bypass issues
3 and the facilities, fish screens. It's already been
4 mentioned a couple of times but we have to provide fish
5 screen, fish diversion facilities into the Mendota pool
6 for those flows. It was called out for in the
7 settlement because you guys are all aware of the San
8 Luis Canal Company, but not necessarily. We believe
9 that we indicated this but for the scoping session you
10 have to include fish diversion and fish screen facility
11 for flows in the Mendota pool because it's going to
12 happen that you're going to have releases from Friant
13 based on all the reasons that Roy had mentioned earlier,
14 for the biological opinions that have restricted the
15 pumping in the delta. Therefore, the way the Exchange
16 Contract works, you guys all know this, is that water
17 will be released from Friant to meet up those technical
18 sheets and we think now it's about 40 -- 40 percent of
19 the time, it could be. That means when you first design
20 this, first set of this, we thought we wouldn't want
21 flows into the Mendota pool for our rights. Now it's
22 going to happen more often than we ever thought. It has
23 to be one of the fundamental first time out scoping
24 session and it has to be part of the facilities to begin
25 with. Any other fish screens that will be required as

1 far as in this Reach you definitely have to include that
2 in this analysis also.

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

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

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

20 I am concerned that the best analysis of
21 geology and whatnot might not be as good as it needs to
22 be and if there is something or seepage into almonds
23 three years from now to be a process identified as to
24 how an individual landowner can have recourse for
25 damages that occur after the project is done and then

1 funding identified for that so that an individual
2 landowner doesn't get to sue the federal government but
3 there's an identifiable and manageable process for
4 recourse after completion. And also a process for
5 restoration of the channel capacity is maintained as
6 it's designed to be maintained over the long haul, just
7 not that it's finished, it's done, now it's your
8 responsibility.

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

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

22 And this whole thing kind of reminds me of a
23 story -- if you don't mind me just digressing because I
24 had five additional comments and all of them are gone
25 except for one which I'll get to in a minute, Jason.

1 But the story is like you got to know when you
2 get into a situation you have to know the right question
3 to ask otherwise it really can hurt you. This is a
4 situation that's similar to that.

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

17 It's not just to build a successful project
18 from the perspective of flows themselves but a
19 successful project as relates to the adjoining
20 landowners. I also would stand in support of the
21 potential inverse combination of impacts if the seepage
22 impacts are not identified appropriately, the right
23 modeling, the right monitoring is done in order to avoid
24 those types of impacts. But the one thing that I feel
25 that I need to press upon is that the EIR/EIS must

1 analyze how the project proposes to integrate the
2 proposed new flows into the existing water operations
3 and activities. For instance, the Mendota dam is
4 operated by the Central California Irrigation District
5 in cooperation with the San Luis Delta Mendota Water
6 Authority and various users around the Mendota Pool. In
7 addition to them are pool -- operations of Friant dam
8 water will further complicate an already complex
9 coordination process. The least thing that we need is
10 holding that pool up to its maximum elevation in order
11 to make deliveries out of the pool and getting an
12 unforecasted flow of another 700 second foot unit on top
13 that. That would cause a disaster, potentially flooding
14 neighboring farm ground all the way for the 14 miles
15 upstream on the Fresno slough side potentially flooding
16 into the city of Mendota. The impacts could be very
17 significant if we don't figure out how to operate this
18 thing correctly.

19 And the Mendota dam, which is an old structure
20 that has known seepage problems, if it's not operated
21 appropriately it probably could potentially fail. It
22 failed once in 1940. It came very close to failing in
23 1997. We had to inject grout underneath that floor to
24 save the structure. In the 1940 failure we actually had
25 to rebuild the floor and the whole works, so -- it's a

1 very delicate operation. The pool, I would ask you to
2 pay very careful attention to it. Thank you.

3 MS. JONES: And then Ken Samarin.

4 MR. CARDELLA: Chris Cardella and I'm a farmer
5 along Reach 2B area and also a director of Columbia
6 Canal Company so we have a lot of questions here. First
7 thing I'd like to address is mitigation on seepage. And
8 next one would be impacts after the project is
9 completed. Is there going to be some guaranteed funding
10 for the project if there's a need for problems resolving
11 after that? And then also the ownership of land
12 proposed to bypass, willing seller, willing buyer. How
13 are you going to go to about doing that prior to the
14 project? ESA protection, necessity of fisheries in our
15 Reach 2B area. Water protection for land within the
16 Columbia Canal Company. Ground water protection,
17 quantity and quality issues. Also a review of an
18 alternative route for Reach 2B Bypass. And also what is
19 the third party impact, which I never got an answer for,
20 if -- nobody can explain what a third party impact is,
21 Jason. And how are you going to protect us long-term?
22 And also I'd like to see the channels dredged out
23 instead of making levees taller, make sure that they're
24 deep enough to start off with so that we can take that
25 in -- run a good flow of water through there without any

1 problems. I think the best way to do that is to make
2 the river deeper and not go higher levees because it's a
3 known factor that I think that in the past that people
4 have always tried to take the big levees taller. Of
5 course you get -- you always get a -- seem to have a
6 problem with that. Make the channel deeper I think is
7 the answer.

8 MS. JONES: Ken.

9 MR. SAMARIN: I should have yielded my three
10 minutes to Roy. He said just about everything I wanted
11 to say. What I want to talk about -- I know that this
12 meeting tonight is basically to talk about Reach 2 and
13 Reach 2B but I want -- we haven't really talked about
14 and a lot of people in this room their considerations
15 are beyond the 2B. Like myself, I'm in Reach 3 and
16 there's been very, very little comments about 3, how
17 we're going to get as much water as they're talking
18 about down 3 other than we think it will get there. And
19 I really want to kind of know -- there's been no funding
20 available that I know of for anything beyond 2. And I'd
21 like to know is how are they going to, after they get
22 Reach 2 done and Reach 2B done and get the channel done,
23 how are they going to go back to Congress or wherever
24 they're going to go and get funding for beyond Reach 2?
25 I don't think they're going to send 4,500 cubic feet a

1 second down and it's going to stop at Reach 2. It's
2 going to have to continue down the river and there's
3 been nothing said about that at all.

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

15 Another thing I need to ask real quick is
16 never has it be discussed that I have heard what the
17 maximum flows of water will be. They have talked about
18 1,300, 1,350. They're going to test it all the way to
19 45 but they have never said. They have always said that
20 whatever the fish needs to get back up the river. Is
21 that going to max out at 4,500? Is it going to max out
22 at 5? Is it going to max out at 6? There's never been
23 a maximum number mentioned in any of the conversations
24 that I have listened to over the last several months. I
25 would like to know what will be the maximum amount of

1 water that is going to be sent down the river.

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

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

15 (Whereupon, the Public Scoping Meeting
16 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