

# Mendota Pool Bypass and Reach 2B Improvements

## Public Scoping Report





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## List of Abbreviations and Acronyms

Act	San Joaquin River Restoration Settlement Act
Air District	San Joaquin Valley Air Pollution Control District
CalEPA	California Environmental Protection Agency
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
cfs	cubic feet per second
DFG	California Department of Fish and Game
DM	Department Manual
DWR	California Department of Water Resources
EIS/EIR	Environmental Impact Statement/Environmental Impact Report
EPA	U.S. Environmental Protection Agency
FWUA	Friant Water Users Authority
IPAR	Initial Program Alternatives Report
LSJLD	Lower San Joaquin Levee District
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NOP	Notice of Preparation
NRDC	Natural Resources Defense Council
O&M	Operation and maintenance
RA	Restoration Administrator
RMC	San Joaquin River Resource Management Coalition
SJRECWA	San Joaquin River Exchange Contractors Water Authority
SJRRP	San Joaquin River Restoration Program
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Services

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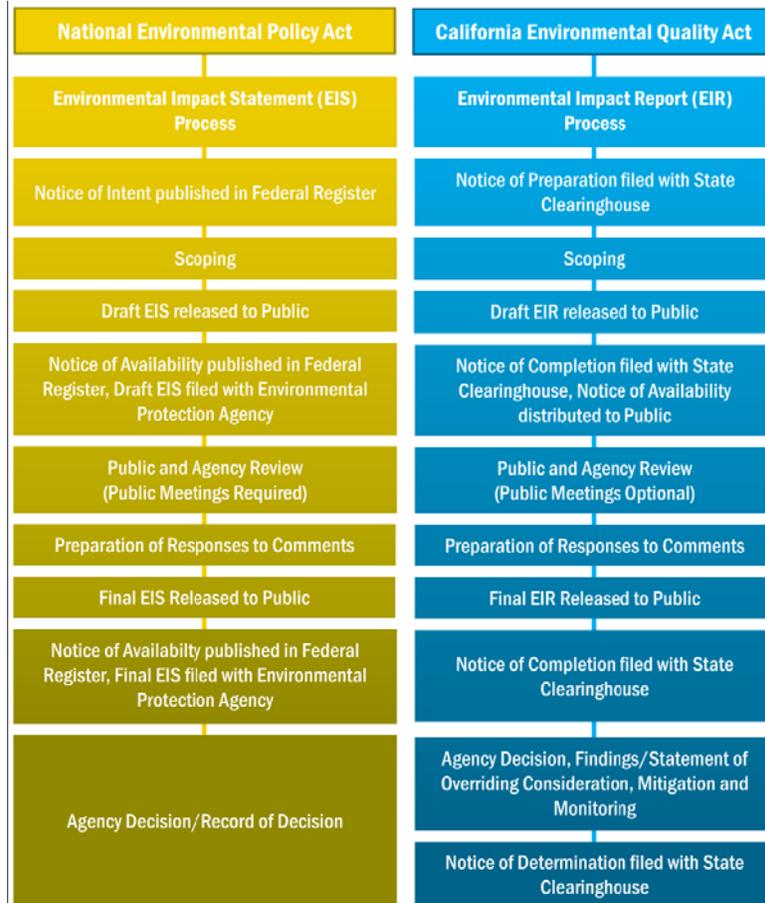
# 1.0 Introduction

This report documents the scoping activities that occurred for the San Joaquin River Restoration Program (SJRRP) Mendota Pool Bypass and Reach 2B Channel Improvements Project (Reach 2B Project). The U.S. Department of the Interior, Bureau of Reclamation (Reclamation), the National Environmental Policy Act (NEPA) lead agency, and the California Department of Water Resources (DWR), the California Environmental Quality Act (CEQA) lead agency, are planning to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/R) to address the creation of a bypass channel around the Mendota Pool and make channel and structural improvements along Reach 2B of the San Joaquin River, consistent with the stipulations in the San Joaquin River Settlement (Settlement) in *Natural Resources Defense Council, et al., v Kirk Rodgers, et al.* Accordingly, these agencies held public scoping meetings to obtain public and stakeholder input and to comply with environmental regulations.

## 1.1 Scoping Purpose and Process

Scoping is generally defined as “early public consultation,” and is one of the first steps of the NEPA and CEQA environmental review process (see Figure 1-1). The purpose of scoping is to involve the public, stakeholders, Indian tribes, and other interested agencies early in the environmental compliance process to help determine the range of alternatives to be evaluated, the potential environmental effects, and possible mitigation measures to be considered in an environmental document. The results of scoping help to guide an agency’s environmental review of a project.

As part of the scoping process, agencies often conduct public meetings. While scoping is not limited to this form, public meetings do allow interested persons to listen to information about a proposed project or action and express their concerns and viewpoints to the implementing agencies. During scoping meetings, the lead agency generally outlines the proposed project, defines the area of analysis, proposes issues to be addressed in the environmental compliance document, and solicits public comments. Agencies also establish a scoping comment period to accept scoping comments submitted in writing. Scoping comments are considered by the agencies during the formulation of alternatives and the scope of the environmental issues to be addressed in the environmental impact analyses.



**Figure 1-1.  
NEPA and CEQA Process**

## 1.2 Applicable Regulations

Scoping is required by Federal and State regulations. The scoping requirements for NEPA and CEQA are outlined below.

### 1.2.1 National Environmental Policy Act

NEPA regulations (40 Code of Federal Regulations [CFR] 1501.7) require scoping to determine the scope of the issues to be addressed in the environmental review and to identify significant issues. According to NEPA, scoping should occur early on in the environmental review process and should involve the participation of the affected parties.

The lead Federal agency of the proposed action is required to:

1. “Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds);

2. Determine the scope and the significant issues to be analyzed in depth in the Environmental Impact Statement (EIS);
3. Identify and eliminate from detailed study the issues that are not significant or have been covered by prior environmental review narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere;
4. Allocate assignments for preparation of the environmental impact statement among the lead and cooperating agencies, with the lead agency retaining responsibility for the statement;
5. Indicate any public Environmental Assessments and other Environmental Impact Statements that are being or will be prepared that are related to but are not part of the scope of the impact statement under consideration;
6. Identify other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently with, and integrated with, the Environmental Impact Statement; and
7. Indicate the relationship between the timing of the preparation of environmental analyses and the agency's tentative planning and decision making schedule" (40 CFR 1501.7).

Public involvement activities are required by the Council on Environmental Quality (CEQ) regulations that state: "Agencies shall: Make diligent efforts to involve the public in preparing and implementing their NEPA procedures" (40 CFR 1506.6(a)). Public scoping meetings help to satisfy this requirement.

CEQ regulations (40 CFR 1508.22, 516 DM 2.3D) require the implementing agency to notify the public that it is preparing an EIS for a project under consideration. Reclamation published a Notice of Intent (NOI) in the Federal Register on Monday, July 13, 2009. Attachment A of this scoping report includes a copy of the NOI.

### **1.2.2 California Environmental Quality Act**

CEQA encourages early public consultation with affected parties. This early consultation can often identify and help to resolve potential problems before they turn into more serious problems further on in the process. CEQA describes two other benefits for early consultation:

- a) "Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant impacts to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.
- b) Scoping has been found to be an effective way to bring together and resolve the concerns of affected Federal, State, and local agencies, the proponent of the

action, and other interested persons including those who might not be in accord with the action on environmental grounds” (CEQA Guidelines Section 15083).

According to Section 15082 of the CEQA Guidelines, a State lead agency must conduct at least one scoping meeting for a project of statewide, regional, or area-wide significance. A scoping meeting held pursuant to NEPA in the city or county in which the project is located satisfies this CEQA requirement as long as notification of the scoping meetings has been carried out according to CEQA requirements.

Parallel to the process of the NOI for NEPA, CEQA requires public notification of the initiation of an Environmental Impact Report (EIR) through a Notice of Preparation (NOP) (CEQA Guidelines Section 15082) that is submitted to the Office of Planning and Research. DWR published a NOP for the project on Monday July 13, 2009. A copy of the NOP can be found in Appendix A of this scoping report.

## 2.0 Project Description

This section presents a brief description of the overall SJRRP and the Reach 2B Project.

### 2.1 San Joaquin River Restoration Program

In 1988, a coalition of environmental groups led by the Natural Resources Defense Council (NRDC) filed a lawsuit challenging the renewal of the long-term water service contracts between the United States and the Central Valley Project Friant Division Contractors. After more than 18 years of litigation known as *Natural Resources Defense Council, et al., v. Kirk Rodgers, et al.*, the NRDC, Friant Water Users Authority (FWUA), and the Departments of the Interior and Commerce (Settling Parties) reached agreement on the terms and conditions of the Settlement, that was subsequently approved by the Court on October 23, 2006.

The Settlement is based on two parallel Goals:

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

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

As set forth in Paragraph 4 of the Settlement the Secretary of the Interior (Secretary) shall diligently pursue implementation of the Restoration Goal and Water Management Goal. Additionally, the Settling Parties agreed that implementation of the Settlement would require participation of the State of California (State). Therefore, concurrent with the execution of the Settlement, the Settling Parties entered into a Memorandum of Understanding (MOU) with the State of California, by and through the California Natural Resources Agency, DWR, the California Department of Fish and Game (DFG), and the California Environmental Protection Agency (CalEPA), regarding the State’s role in the implementation of the Settlement. The program established to implement the Settlement is the SJRRP and the “Implementing Agencies” responsible for the management of the SJRRP include Reclamation, United States Fish and Wildlife Service (USFWS), National

Marine Fisheries Service (NMFS), DWR, and DFG. The Federal Implementing Agencies (Reclamation, USFWS and NMFS) are authorized to implement the Settlement under the San Joaquin River Restoration Settlement Act (Act), Public Law 111-11.

## **2.2 Mendota Pool Bypass and Reach 2B Channel Improvements Project**

The Reach 2B Project is one component of the overall SJRRP. It includes the construction, operation, and maintenance of a bypass channel around Mendota Pool, a bifurcation structure that would route stream flow and fish into the new bypass as well as diverting river flows into Mendota Pool when needed, and improvements to the San Joaquin River channel from the Chowchilla Bifurcation Structure to the new Mendota Pool Bypass to convey at least 4,500 cubic feet per second (cfs). The following are the applicable Settlement Paragraphs:

- Paragraph 11(a)(1) stipulates the creation of a bypass channel around Mendota Pool to ensure conveyance of at least 4,500 cfs to Reach 3. This paragraph also stipulates construction of a structure capable of directing flow down the bypass and allowing the Secretary of the Interior to make deliveries of San Joaquin River water into Mendota Pool when necessary.
- Paragraph 11(a)(2) stipulates modifications to the San Joaquin River channel capacity (including new floodplain and related riparian habitat) to ensure conveyance of at least 4,500 cfs in Reach 2B between the Chowchilla Bifurcation Structure and the new Mendota Pool Bypass channel.

Because the functions of these channels are related, the design, environmental compliance, and construction are being addressed as one project. The Settlement stipulates that the Mendota Pool Bypass channel conveys at least 4,500 cfs. Based on preliminary information, these modifications may consist of modifying existing levees, building new levees and a new river channel, and relocating existing infrastructure. The Mendota Pool Bypass bifurcation structure may be located near the downstream end of Reach 2B in order to route flows and fish into the new bypass and/or route flows into the Mendota Pool. Modifications to the San Joaquin River from the Chowchilla Bifurcation Structure to the new Mendota Pool Bypass could include modifications to the existing levees, construction of new levees, and relocation of existing infrastructure while including the construction of integrated floodplain and riparian habitat.

## 3.0 Scoping Meetings

Reclamation and DWR held two public scoping meetings in July of 2009, regarding preparation of an EIS/R for the Reach 2B Project. The first meeting was held in Fresno, California, on Tuesday, July 28, 2009, from 6:00 p.m. to 8:00 p.m. The second meeting took place in Firebaugh, California, on Wednesday, July 29, 2009, from 6:00 p.m. to 8:00 p.m.

The location of the July 29, 2009 scoping meeting in Firebaugh was changed the morning of the meeting to accommodate an anticipated increase in audience numbers based on the preceding evening's scoping meeting in Fresno. The venue was moved from the Firebaugh Community Center to the Firebaugh Middle School, a distance of about one-half mile. An email was sent at 1:30 p.m. to two primary stakeholder groups informing them of the change of location. They, in turn, sent notifications to their members which reached almost all of the evening's attendees. Additionally, a scoping meeting staff person remained at the original location to direct people to the new location.

Approximately 130 people attended the two meetings, including members of the public, landowners, elected officials, and representatives from public agencies.

### 3.1 Scoping Meeting Notification

Reclamation published a NOI in the Federal Register (Vol. 74, No. 132, Monday July 13, 2009), as required by NEPA. DWR published a NOP on the same day with the State Clearinghouse (State Clearinghouse #2009072044), according to CEQA requirements.

To publicize the meetings, the lead agencies distributed notices (including a copy of the NOI and NOP) to approximately 960 interested parties in the project mailing list database, including Federal, State, and local agencies, elected officials, irrigation districts, county planning departments, landowners, academics, and other individuals that have shown an interest in the Reach 2B Project. A certified mailing was sent out to specific State, Federal, and local agencies to meet CEQA requirements.

Print ads displaying the time, date, and location of the scoping meetings were published in local area newspapers including the main sections of the *Fresno Bee* (July 15), *Visalia Times-Delta* (July 15), *Firebaugh-Mendota Journal* (July 15), *Merced Sun-Star* (July 15), and *Los Banos Enterprise* (July 17).

A press release was distributed by Reclamation on July 13, 2009, to Reclamation's media lists, other newspapers and media outlets in the Reach 2B area (both English- and Spanish-speaking), Farm Bureau publications for the counties of Fresno, Merced, and Madera, the California Farm Bureau Federation's "Ag Alert" weekly newspaper, the

California Farmer, and the Capitol Press. Updated information on the scoping meetings was also posted to the SJRRP website ([www.restoresjr.net](http://www.restoresjr.net)).

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

### 3.2 Staff

Table 3-1 is a list of agency staff in attendance during the public scoping meetings.

**Table 3-1.  
Agency Staff at Scoping Meetings**

<b>Staff</b>	<b>Affiliation</b>
Jason Phillips	Reclamation
Alicia Gasdick	Reclamation
Margaret Gidding	Reclamation
David Mooney	Reclamation
Rhonda Reed	NMFS
Kevin J. Faulkenberry	DWR
Karen Dulik	DWR
John Battistoni	DFG
Pam Jones	Kearns and West
Morgan Poncelet	Kearns and West
Stephanie Rickabaugh	USFWS

### 3.3 Scoping Meeting Format and Content

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

- Agenda,
- PowerPoint presentation,
- Project press release,
- Spanish translation of the project press release,
- NOI and NOP,
- SJRRP Update Newsletter,
- Speaker card, and

- Comment card with an area map.

Both public meetings began with a PowerPoint presentation by Reclamation and DWR. The presentation explained the purpose of the meeting, provided a history of the Settlement, presented an overview of the key components of the Reach 2B Project, and described the public scoping process. Following the presentation, participants were able to walk around the room and discuss the project with Program staff members for the “open house” portion of the meeting. Three stations with displays were set up and included:

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

A staff person was available to each station to talk with the public and answer questions related to the project or overall Program. A Spanish-speaking interpreter was present at both meetings. Copies of the meeting handouts, PowerPoint presentation, and station displays are provided in Attachment B.

A public comment session was held after the open house portion of the meeting. Meeting participants were invited to provide verbal and written comments. Participants were invited to submit written comments on the provided comment cards and attached map. A court reporter attended both meetings to record all verbal comments. Twelve (12) verbal public comments were made at the Fresno scoping meeting, and ten (10) verbal comments were made at the Firebaugh scoping meeting. Verbal comments from the scoping meetings are summarized in Section 4.0 of this report. Copies of the meeting transcripts are available in Attachment C.

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## 4.0 Scoping Comments

Verbal and written comments were accepted by Reclamation and DWR during both scoping meetings. Additionally, the agencies accepted written comments through mail, e-mail, and fax, throughout the scoping period of July 13, 2009, through August 14, 2009. A copy of all scoping comments can be found in Attachment C (including meeting transcripts and all written comments received at the scoping meetings and during the comment period). A total of twenty-one (21) written documents were received and eleven (11) participants provided verbal comments during the scoping period.

The public agencies, individuals, and nongovernmental organizations that provided comments are presented in Table 4-1 and Table 4-2, respectively.

**Table 4-1.  
List of Public Agencies That Provided Comments**

<b>Federal</b>	<b>Comment Type</b>
U.S. Department of the Army, Corps of Engineers, California South Branch - Paul Maniccia, Chief	Written
U.S. Environmental Protection Agency, Communities and Ecosystems Division, Environmental Review Office - Kathleen M. Goforth, Manager	Written
<b>State</b>	
California State Lands Commission – Marina R. Brand, Assistant Chief, Division of Environmental Planning and Management	Written
San Joaquin Valley Air Pollution Control District - Arnaud Marjollet, Permit Services Manager	Written
<b>Regional and Local</b>	
Central California Irrigation District, Chris White, General Manager	Verbal
City of Firebaugh – Jose Ramirez, City Manager	Verbal
Grassland Water District - David Widell, General Manger	Written
Mendota City Council - S. Les Capuchio	Written
Mendota Planning Commission - Ed Petry	Written
San Joaquin River Resource Management Coalition (RMC) and San Joaquin River Exchange Contractors Water Authority (SJRECWA) - Mari Martin, RMC, and Steve Chedester, SJRECWA	Written and Verbal
SJRECWA - Steve Chedester, Executive Director	Written

**Table 4-2.  
List of Individuals and Nongovernmental Organizations that Provided Comments**

	Comment Type
1986 Mitigation Lands Trust - Steven Haugen, Trustee	Written
Bart Bohn, Fresno, CA	Written
Bill Ward, BB Limited, Landowner	Verbal
Carl Janzen, Madera, CA	Written
Chris Acree, Revive the San Joaquin	Verbal
Columbia Canal Company – Roy Catania and Chris Cardella	Verbal
Columbia Canal Company - Randy Houk, General Manager	Written
Donna Duckworth, Fresno, CA	Written
Ed Howard, Fresno, CA	Written
Fresno County Farm Bureau - Ryan Jacobsen, Executive Director	Written
Ken Samarin, Samaritan Farms, Kerman	Verbal
Oscar and Marcia Sablan, Firebaugh, CA	Written
Paramount Farming Company - Mike Widhalm & Kimberly Brown	Written and Verbal
Richard Knight, Fresno, CA	Written
Rudolfo Rulloda	Written
San Luis Canal Company - Chase Hurley, General Manager	Written
Sandra Flores, Fresno Regional Foundation, Sr. Program Officer	Verbal
Walter Shubin, Individual, Kerman	Verbal

## 4.1 Comment Summary

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

### 4.1.1 Agriculture Related Comments

- Several landowners request a river restoration program with sustainable agriculture.
- Address current and/or potential drainage issues as related to crops and other land uses.
- Evaluate crop use, seepage, drainage, delivery systems, and access on both sides of Reach 2B on properties to be purchased for the project.

- Outline a process for Project-related land purchases.
- Cooperate with local landowners and use local inherent knowledge.
- Develop mitigation measures to eliminate impacts to crop loss and property destruction due to flooding and seepage.
- Identify a manageable process for recourse for individual landowners that have been damaged by the Project and identify funding to alleviate potential lawsuits.

#### **4.1.2 Air Quality Related Comments**

- Describe regulatory environment.
- Describe existing air quality conditions.
- Include a discussion of the project including existing and post-project emissions and short-term and long term activities emissions.
- Include a discussion of cumulative air impacts.
- Include a discussion of greenhouse gas emissions consistent with the California Global Warming Solutions Act (AB 32).
- Evaluate potential health impacts of Toxic Air Contaminants to near-by receptors.
- Include a discussion of nuisance odors.
- Discuss feasible measures that will reduce air quality impacts.
- Evaluate significant impacts to air quality from construction detours around Mendota Pool Bypass.

#### **4.1.3 Canal Distribution System Comments**

- Evaluate the Columbia-Mowry Distribution System including the redesign of facility access, facility operation and maintenance, pumps, pipelines, and power (PG&E/WAPA).
- Discuss necessary relocations of pumps on the river and the necessity to be screened so as to be operable at all times.
- Ensure no interruption in water deliveries as a result of the Project.
- Ensure priority of the Exchange Contractor deliveries from the Friant system through the river channel.
- Evaluate and address relift wells and tailwater return systems.

#### **4.1.4 Economic Development Comments**

- Acquire land to support recreation, tourism, flora, fauna and groundwater recharge.
- Evaluate the cumulative effects of taking primary farm land out of production to the economy of Firebaugh and Mendota.
- Identify a method to quantify loss of farmlands in regional dollars.
- Evaluate the temporary and permanent loss of recreation resources in the specific areas during the construction of levees and flood control facilities.

#### **4.1.5 Flood Control and Levee Comments**

- The Project may be subject to 33 CFR 208.10 (encroachment of Federal flood control feature) or 33 U.S.C 408 (alteration of Federal project).
- The Project may require a Central Valley Flood Protection Board encroachment permit as well as geotechnical analysis of the proposed project locations.
- Evaluate shortening the channel distance to reduce levee length and maintenance costs.
- Evaluate Reach 2B flood waters that may intercept the little San Joaquin River and enter into the Fresno Slough.
- Identify who is responsible for cost of levee construction/maintenance.
- Evaluate the installation of cutoff channels before the river bends just downstream of the existing bifurcation structure to reduce flooding toward Highway 180.
- Evaluate access from public roads and operation and maintenance costs on land purchased for the project.
- Evaluate channel capacity and flooding.
- Include an evaluation of flood protection (Reclamation, LSJLD, USACE, Kings River) and/or seepage control.
- Evaluate the noise and vibration impacts on fish and birds from construction activities in the water, on the levees, and land-side supporting structures and flood control facilities.

#### **4.1.6 Groundwater and Wells Comments**

- Evaluate the relocation and reconnection of existing wells.
- An ongoing ground water seepage monitoring and management plan should be included for Reach 2B and Mendota Pool.

- Include a model and quantitative analyses of shallow ground water to evaluate potential river impacts.
- Use existing monitoring wells and production wells to assess rising groundwater as a result of this project.
- Benefits to ground water that are the result of the program flows should stay as a right to the overlying landowner.
- Include modeling and real time data collection before, during, after project completion.

#### **4.1.7 Interim Flows Comments**

- Interim flows do not simulate natural flooding conditions and analysis of Reach 2B should not proceed until flow data are available.
- Interim flows are not similar to historical flow conditions.
- Interim flows were not to be started until design and costs of all fish screens were determined and financial resources available.

#### **4.1.8 Project Alternatives**

- Evaluate the installation of a wall across the river and north of Mendota Pool, with gate to divert water to Mendota Pool.
- The Project needs to explore all alternatives that allow fish passage while taking least amount of prime farm land out of production.
- The Project must maintain senior surface water diversion rights.
- Evaluate the construction of a one-mile bypass channel just north of Mendota Pool.
- Several landowners do not believe the Mendota Pool Bypass is cost effective.
- The Mendota Pool Bypass will increase pollution.
- Identify a process for continued channel capacity maintenance.
- Evaluate constructing the river channel deeper instead of building taller levees.
- Instead of digging new channels use the original channels and remove all obstructions in the river.
- Farmers who have farmed over the original river or made levees up to it should be made to help with restoration.

- Some local landowners support the planning and design of the alternative proposed by the Columbia Canal Company.
- The Program needs to adhere to the San Joaquin River Settlement Agreement and the San Joaquin River Restoration Settlement Act which calls for no third party impacts and outlines third party protections.
- The Project should include a fish diversion and fish screen facility for flows in the Mendota Pool as well as other fish screen locations along Reach 2B.
- Address and identify Project funding sources and assurances.
- Project should include an exit plan if funding and lawsuits halt the project.
- Evaluate the sequencing of construction events.
- Produce options that look at creative ways to put water into the Mendota Pool.
- The Project must address impacts of NMFS "biological opinions".
- Query the Natural Diversity Database and the USFWS Special Status Species Database to identify any special-status plant or wildlife species.
- Address cumulative impacts from loss of riparian vegetation and shaded riverine aquatic habitat and potential secondary impacts to listed runs of salmonids and listed avian species.
- Evaluate a range of alternatives for prevention programs for terrestrial and aquatic invasive species to slow the introduction of invasive species, such as the Quagga mussel, into high demand and sensitive areas. The alternatives should also consider current and proposed aquatic invasive species prevention programs.
- Examine if the project would favor non-native fisheries within the San Joaquin River.
- Analyze how to integrate proposed flows with existing water operations and activities.
- Evaluate agreements with all affected agencies for the operation, maintenance, repair, replacement, and liability issues.
- Analyze additional Mendota Dam maintenance responsibility.
- Evaluate Mendota Dam structural integrity in relation to Project operations.
- Explain how flows from Mendota Dam will be curtailed to permit dam maintenance.

- The Project must define actions, facility operations, agreements, permits, and environmental impacts of the Mendota Pool capturing restoration flows.
- Several landowners support the installation of fish screens on the inlet to the Mendota Pool at the new Bifurcation Structure near the head of the new Mendota Pool Bypass.
- Lead agencies should cooperate with local landowners and use their inherent knowledge.
- Several landowners would like to be involved with the design of channels and levees.
- Several landowners would like to be involved with evaluation of land acquisitions for mitigation purposes prior to final decision making.
- Several local agencies would like to review preliminary data prior to public distribution in order to protect private information.
- Native American or other potential terrestrial cultural sites need to be assessed within potential bypass areas (Code of Federal Regulations section 106).
- Evaluate the potential submerged cultural resources.
- Include cost and impact analysis of pumping, air pollution, and the project itself.
- Identify options that include water circulation through the Mendota Pool.
- Discuss the maximum amount of water that will be sent down the river.

#### **4.1.9 Restoration Program Comments**

- Include a complete Restoration Program summary and project specific relationships and benefits.
- Consider opportunities to offset some of the pumping from the Delta Mendota Canal into the Mendota Pool, whether its flood flows or other, to reduce the pumping load.
- All communications and materials should be available in Spanish.
- Use all of the mediums that the Spanish-speaking populations use to gain feedback and encourage community engagement (i.e. Radio Compenseno, Radio Bilingue).
- Use local firms, teams, and organizations that are familiar with the cultural and social landscapes.

- There is a strong interest in providing work force opportunities for professional and non-professional labor for Hispanics and Latinos.
- The Restoration Program should remove the existing dam and improve the channel and restore the area for public access.
- Explain how the amount of proposed water will reach Reach 3.
- Identify funding for the entire Restoration Program.
- Reclamation should acknowledge delay in SJRRP implementation due to delayed legislation.
- Lead agencies should return to the timeline included in the Initial Program Alternatives Report (IPAR) - issuance of programmatic environmental impact analyses addressing the Settlement prior to issuing project specific EIS/EIR.
- Consider temporary programs outside the Restoration Program or Settlement Agreement that would evaluate local values and other societal benefits that could restore Valley wildlife, groundwater, and clean surface water.

#### **4.1.10 Schedule Comments**

- The Final EIS/R completion date is inconsistent with the 2012 fisheries reintroduction date.

#### **4.1.11 Surface Water Comments**

- Use existing river channels.
- Evaluate the shortest route for the Mendota Pool Bypass.
- Explain how the project addresses differences in elevation and water temperature between the Mendota Pool and the river channel.
- Avoid bifurcation of future flows and rely on the Chowchilla Bypass.
- Address the City of Mendota's public water supply intake relocation.
- Discuss the protection of the public water supply.
- Discuss and evaluate the priority of amount and timing of flows.

#### **4.1.12 Traffic Comments**

- Must submit traffic and detour plans for construction.
- Discuss the potential changes, impacts and mitigation measures to current transportation routes into and out of areas during the construction of project facilities.

#### **4.1.13 Water Quality**

- Include a spatial and temporal analysis of water quality problems/remedies.
- Address the issues of potential degradation of water quality and quantity to relocated river pumps.
- Consider increased turbidity and sedimentation of proposed construction activities along water-side river banks.
- The lead agencies should coordinate with the Central Valley Regional Water Quality Control Board for the sharing and use of existing resources, information, data and monitoring networks.
- Evaluate existing local, state and federal agency programs that reduce water quality concerns and the integration of such.
- Project must be in compliance with Clean Water Act.
- Project alternatives should evaluate how to increase irrigation water quality.

#### **4.1.14 Wetland and Riparian Environment**

- Include wetland and riparian delineation and analysis.
- Include wetland mitigation and compensation plans.
- Discuss wetland and riparian areas considerate of water quality, habitat and ecosystem.
- Maximize restoration and enhancement of functioning floodplains and riparian habitat.
- Discuss the Mendota wildlife area problems of water quality, temperature and current maintenance costs of existing riparian habitats.
- Evaluate all alternatives that avoid impacts to existing wetlands.
- Avoid dredging or filling waters of the United States.
- Some local landowners protest the re-introduction of salmon and the potential resultant negative impacts on the existing riparian habitat, especially in the Millburn Pond area.
- Protect endangered species.

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