

## Appendix E

### Summary of Scoping Comments

#### San Joaquin River NWR Proposed Expansion

The following report represents input received during the scoping period concerning issues to be considered in the development of a Draft Environmental Assessment for the Proposed Expansion of the San Joaquin River National Wildlife Refuge (NWR).

During the spring/summer of 2011, informational mailings were sent out to known interested parties to announce the proposal and the dates of two scoping meetings. A press release was sent to all media prior to the two meetings, which were held June 1-2, 2011, in Los Banos and Modesto, respectively. During the scoping meetings, a presentation was given on the proposed project, and verbal comments were recorded on flipcharts. Additional comments were received via letters, emails, and comment cards. The scoping comment period ended July 15, but was extended until August 15, by request. Notices announcing this extended comment period were sent out to known interested parties and the media. Although this is not a voting issue, twelve letters of support and four letters of opposition were received.

The comments received are reflected in the diverse list of issues outlined below. These issues will help provide a basis for forming a range of alternatives to be considered in the Draft Environmental Assessment for the Proposed Expansion of the San Joaquin River NWR.

The issues are stated as questions which closely resemble the form in which they were brought up in the scoping process. The points following each issue highlight specific comments by one or more of the respondents addressing the issue.

#### **Project Area**

*What, if any, lands should be included in the expansion?*

One comment stated that we should only protect existing riparian habitat, and a couple said only acquire the land between the levees. One comment suggested we acquire the lands within the existing boundary before we attempt to expand. Another mentioned that we should have included the Calaveras River in the proposal, and a few said we should include the upstream area involved in the San Joaquin River Restoration Program.

**Answer.** Since the public scoping period, we have refined the area proposed for acquisition considerably. Section 2.1 (on page 19) of the Draft Environmental Assessment describes how the proposed expansion alternatives were developed. Section 2.2 (on page 20) describes alternatives that considered but not carried forward for detailed analysis. The “Priority Areas” section on page A-15 of the draft Land Protection

Plan describes how lands within the proposed expansion areas would be prioritized for acquisition.

## **Agriculture**

*How would this affect agriculture?*

There was concern that the proposed expansion would take prime farmland and other farmland of economic importance out of production. There was also some concern over increased wildlife use adjacent to farmland, and the potential for contamination of food crops. Another commented on the potential for the increased spread of weedy species adjacent to farmlands. Several comments addressed the potential for endangered species to be attracted to the restored areas, and the potential for these species to move onto adjacent, private lands, which is perceived to be a detriment to conducting their usual and accustomed practices.

**Answer.** The economic analysis performed by USGS (Appendix C) includes the potential effects on agriculture. Regarding potential impacts of the proposed restoration on food safety of nearby crops, current research suggests that conservation practices using non-crop vegetation pose minimal risk to food safety and may even reduce harmful pathogens (Stuart et al 2006). Studies also indicate that there is a relatively low probability that birds associated with natural environments will carry pathogenic bacteria that could contaminate food crops (Brittingham et al 1988; Hancock et al 1998). Existing dairies and the birds that use these areas, such as cowbirds or starlings are more likely sources of potential contamination (Stuart et al 2006), rather than the birds that would likely benefit from riparian restoration.

The Refuge intends to continue to eliminate weed species from their lands. Endangered species have not been known to be attracted to farmlands when given a choice over their natural habitat.

## **Access**

*What type of access would be allowed and how would it be controlled?*

Several comments indicated interest for additional controlled accessible places for recreation, including hunting and fishing, and other refuge priority uses. Several other comments mentioned concern after dark, as vandalism, drugs, and other illegal activities could occur on refuge lands without proper fencing, gates, and an adequate law enforcement presence.

**Answer.** The Conceptual Management Plan (Appendix B, pages B-11 to B-13) describes recreation opportunities that could be offered in the expansion area once lands are acquired and restored. This section also describes conceptual plans for law enforcement once lands are acquired.

## **Flood Control**

*How would this affect flood control activities?*

A couple of comments mentioned flood control concerns regarding riparian vegetation, and wondered if there would be increased or decreased flooding due to these proposed changes. Another comment stated that if we would be flooding newly acquired lands, it would put other lands at risk. One comment assumed that we would be planting vegetation on the levees and that would preclude the Corps of Engineers approval for new levee work, maintenance, or projects, thus putting flood control at risk.

**Answer.** The draft EA (pages 81 and 90) describes the potential effects of non-structural flood control projects that could be implemented once sufficient lands are acquired. The Conceptual Management Plan (Appendix B, pages B-6 to B-10) describes the detailed hydrological analysis that would be done as part of site-specific restoration planning and considered in associated National Environmental Policy Act compliance. The Service's work so far on the refuge has reduced flooding, although to a very small degree. Any work intended to influence flooding would be to flood refuge lands only, and likely reduce peak flooding elsewhere within the floodplain.

## **Monetary Considerations**

*How would this affect the regional economy?*

Several comments mentioned the potential to remove lands from agricultural production, and lands removed from the tax rolls if acquired by fee. Several stated concern that federal government should not spend money to acquire lands that would reduce the tax base of special districts and counties. Others have mentioned that ecosystem services provided by a functioning river and riparian system are more cost effective than artificial replacements. Naturally provided services such as nutrient cycling, soil stabilization, water filtration, carbon sequestration, pollination and pest control all are provided by a proper functioning riparian system. Others have suggested that increased recreation on the river would bring tourism dollars to local businesses.

**Answer.** The fiscal impacts are discussed under each Alternative, and Appendix C, "Economic Impacts of the Proposed San Joaquin River National Wildlife Refuge Expansion", describes the estimated economic impacts of the proposed expansion on the regional economy in detail.

## **Goals**

*What are the proposed project goals and can they be accomplished with existing programs?*

One commenter mentioned that the Service needs to provide measurable metrics to determine success of this endeavor. Two others mentioned that the USDA's Environmental Quality Incentive Program (EQIP) or similar existing programs would be sufficient to provide habitat values. One comment stated that other restoration programs are proposed in the Delta, and the Service should wait until those proposals are finished before attempting our own.

**Answer.** The draft EA describes the purposes of the proposed expansion (page 1) as well as the purposes and goals of the San Joaquin River National Wildlife Refuge (pages 15 and 16). As part of the planning process, the Service evaluated existing conservation programs and projects on the San Joaquin River and found that they were not sufficient to achieve the Refuge purposes and goals. The Land Protection Plan (Appendix A, page 20) describes the potential contribution of proposed habitat restoration to population objectives for breeding riparian songbirds.

## **Water**

*Would this proposal increase water use, affect water quality, or riparian rights?*

A couple of comments questioned the source and amount of water needed for the proposed project; also the possibility of water pollution due to the project. One comment suggested that riparian vegetation transpires more than irrigated crops, and that Service lands would require more water from the river than adjacent farmland. Another comment suggested that this increased water use would concentrate salts from CVP water. Some wondered if they would lose their riparian water rights if they had sold an easement or fee title to the Service.

**Answer.** The draft EA describes potential impacts on surface water and groundwater, including predicted long-term benefits to water quality. Although changes in water use are difficult to quantify, studies suggest that the amount of water used to irrigate crops would be the same as that which is transpired by riparian vegetation (Shelton 1987). Riparian water rights are inherent to land ownership adjacent to the river, and would not be affected unless the land is sold.

## **Refuge Management**

*How would the Service manage the proposed expansion area?*

Several comments praised the past restoration work by the Refuge, and anticipate increased human visitation and wildlife use of the area. One comment suggested that the Service does not have sufficient funding or staff to manage the Refuge lands we have, so expansion would make it more difficult to manage. One commenter mentioned that the Service should point out the extent private owners retain control over their lands, and what uses are permissible on easements. Monitoring of easements was also mentioned as important, as was enforcement of easement restrictions.

**Answer.** Management of the proposed expansion area is described in the Conceptual Management Plan (Appendix B). Most lands that are acquired would be managed similar to existing refuge lands, particularly the restored areas. Easements are crafted between the landowner and the easement holder, and can be very different, depending on the purpose(s) and the lands involved.

## **Climate Change**

*How does this project address climate change?*

Several comments suggested that consideration of climate change and its possible effects be central to the development of this proposal. A couple of comments suggested that this proposed action would be important in making the river more resilient to climate change.

**Answer.** Climate change is addressed in several places in the draft EA. The affected environment section (beginning on page 25) describes anticipated effects of climate change. The environmental consequences section (pages 77, 82, and 90) describes how climate effects would vary under the three different alternatives.

## **Fish and Wildlife**

*How would the proposed expansion affect fish and wildlife?*

Two comments mentioned that this is what is needed to bring some of the diversity back to the San Joaquin Valley, particularly for migratory birds. One comment said it would bring back the ecological integrity of the San Joaquin Valley. A few said this proposal complement and enhances the congressionally mandated San Joaquin River Restoration Program, being conducted upstream.

**Answer.** Wildlife, particularly birds would benefit greatly. It is the Service's mandate to protect migratory birds and threatened and endangered species. This project is expected to improve the populations of wildlife in the Central Valley, including migratory birds and threatened and endangered species. The environmental consequences section describes the anticipated impacts on wildlife under each alternative (see biological environment sections beginning pages 78, 83 and 90).

## **Mosquito Control**

*How would mosquito control be addressed?*

A mosquito control district suggested they would support the proposed project if the Service: 1) adopts mosquito control best management practices for wetlands, as promulgated by the California State Department of Public Health and the Central Valley Joint Venture's Mosquito Working Group, and; 2) provides comprehensive mosquito surveillance and control activities on refuge lands.

**Answer.** The Conceptual Management Plan (Page B-11) describes the Service's plans for mosquito management within the expansion area. In summary, the Service would adopt mosquito control best management practices for wetlands, as promulgated by the California State Department of Public Health and the Central Valley Joint Venture's Mosquito Working Group.

**References:**

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