

APPENDIX B

NOP and Public Scoping Comments



**NOTICE OF PREPARATION OF AN INITIAL STUDY
FOR THE
M&T CHICO RANCH / LLANO SECO RANCHO FISH SCREEN FACILITY
SHORT-TERM PROTECTION PROJECT**

To: State Clearinghouse
Responsible and Trustee Agencies
Interested Agencies and Parties

FROM: California Department of Fish and Game
1701 Nimbus Rd. Ste. A
Rancho Cordova, CA 95670

LEAD AGENCIES: Pursuant to the California Environmental Quality Act (CEQA), the California Department of Fish and Game (CDFG) as the CEQA lead agency is preparing an Initial Study for the proposed M&T Chico Ranch / Llano Seco Rancho Fish Screen Facility Short-term Protection Project. An Initial Study is a preliminary analysis of the potential environmental impacts related to construction, operation and maintenance-related activities associated with a proposed project. The document under preparation will be a joint Environmental Assessment/Initial Study (EA/IS) with the U.S. Fish and Wildlife Service (USFWS) as the federal lead agency under the National Environmental Policy Act (NEPA).

PROJECT LOCATION AND OVERVIEW: CDFG and USFWS propose to implement interim measures to maintain the viability of the M&T Chico Ranch/Llano Seco Rancho fish screen and pumping facility (M&T Facility) located on the east bank of the Sacramento River at approximately River Mile 192.5, downstream of the confluence of Big Chico Creek and approximately six miles southwest of the City of Chico. The proposed project is needed to maintain the M&T Facility until the environmental review process for a long-term solution can be completed. The following measures have been preliminarily identified to maintain the function of the M&T Facility:

- Removal of gravel bar material from the Sacramento River to maintain the functionality of the intake pumps at the M&T Facility, and to maintain the effectiveness of the M&T Facility fish screens and compliance with National Marine Fisheries Service (NMFS) and CDFG criteria.
- Maintenance of the existing rock-toe and tree revetment to prevent further westward migration of the Sacramento River until a long-term solution is developed and completed.

Additional information on the project description, project location and potential environmental effects of the proposed project are provided in **Attachment A**.

SUBMITTING COMMENTS: As the CEQA lead agency, CDFG has elected to issue a Notice of Preparation (NOP) to inform responsible agencies and members of the public of the preparation of the environmental document for the proposed project. Although not required for an IS, the purpose of the NOP is to provide information describing the project and its potential environmental effects and to seek input from responsible agencies as defined by CEQA (California Public Resources Code 21069) and members of the public.

CDFG and USFWS are interested in the views of federal, state and local public agencies, non-governmental organizations and the general public as to the scope and content of the environmental information that should be included in the EA/IS. Public agency comments on this NOP should be limited to information related to the agency's area of statutory responsibility in connection with the proposed project. Other agencies, stakeholders and interested parties also are invited to submit comments on this NOP.

Please provide comments at the earliest possible date and in compliance with the state-mandated time limit of not later than 30 days after receipt of this notice. **The public comment period will close at 5:00 p.m. on Thursday, October 25, 2012.** Please include a name, address, and telephone number of a contact person in your agency for all future correspondence on this subject, and send written comments to:

Dianne Simodynes
2379 Gateway Oaks, Suite 200
Sacramento, CA 95833

Comments also may be submitted electronically to: M&TLlanoSecoProject@hdrinc.com

PUBLIC SCOPING MEETINGS: CDFG and USFWS are holding two public scoping meetings to solicit input for the EA/IS that is under preparation. Information regarding the public scoping meetings is provided below.

DATE: Thursday, September 27, 2012

TIMES: Afternoon Session - 2:00 p.m. to 4:00 p.m.

Evening Session - 7:00 p.m. to 9:00 p.m.

[duplicative sessions with presentations beginning at 2:30 and 7:30]

LOCATION: Chico Masonic Family Center, 1110 West East Avenue, Chico, CA

At each of the two public scoping meetings on September 27, 2012, there will be a brief presentation on the proposed project - starting at 2:30 p.m. during the afternoon session and at 7:30 p.m. during the evening session. Following each presentation, the lead agencies would like to hear from the community as well as responsible and trustee agencies regarding comments on the proposed project and potential issues to be considered during preparation of the EA/IS.

DATE: 9/24/12

SIGNATURE: 
NAME: Joseph Johnson
TITLE: Senior Environmental Scientist
TELEPHONE: (916) 358-2943

ATTACHMENT A

Project Location, Project Description, and
Potential Environmental Effects and Considerations

DESCRIPTION OF PROPOSED PROJECT

The California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS) propose to implement interim measures to maintain the viability of the M&T Chico Ranch/Llano Seco Rancho fish screen and pumping facility (M&T Facility) located on the east bank of the Sacramento River at approximately River Mile (RM) 192.5, downstream of the confluence of Big Chico Creek and approximately six miles southwest of the City of Chico. The M&T Facility provides a reliable water supply to approximately 15,000 acres of farmland, refuge land and wildlife management areas, including over 4,000 acres of wetlands that owned or managed by USFWS and CDFG, which provide wetland habitat for waterfowl, shorebirds, and other wetland-dependent species.

As a result of gravel bar migration and continued sediment deposition, the intake screens on the M&T Facility periodically become inundated by encroaching sediment and the ability to maintain sufficient sweeping velocities parallel to the screen is threatened, which would render the screens inconsistent with CDFG and NMFS fish screen criteria. Operation of the facility in this manner could result in impacts to anadromous salmonids in the Sacramento River, and/or would result in the need to curtail pumping and water delivery. Located about 1,500 feet downstream of the M&T Facility, the City of Chico WWTP outfall also has the potential to become threatened by the ongoing sediment deposition associated with the upriver gravel bar and river migration.

Additionally, a temporary placement of a longitudinal stone toe (1,520 lineal feet) with tree revetment was constructed on the west bank of the Sacramento River at RM 192.5 in 2007 to prevent further river migration to the west and eventual stranding of the pumping facility, and to preserve technical options for a long-term solution. The revetment was intended as a short-term solution that would be removed after a five-year planning period (in 2012), or incorporated into a long-term solution. Presently, westward migration of the river is being controlled by the rock-toe revetment that was installed in 2007. Although work is underway, a long-term solution has not yet been identified and will undergo a separate and independent environmental compliance process.

The Proposed Project is needed to protect the M&T Facility and its beneficiaries until investigation, identification and evaluation, and implementation of a technically and economically feasible long-term solution to address fish-friendly pumping and lateral migration of the Sacramento River is completed. For the Proposed Project, CDFG and USFWS have preliminarily identified the following measures to maintain the function of the M&T Facility:

- Removal of gravel bar material from the Sacramento River to maintain the functionality of the intake pumps at the M&T Facility, and to maintain the effectiveness of the M&T Facility fish screens and compliance with NMFS and CDFG criteria.
- Maintenance of the existing rock-toe and tree revetment to prevent further westward migration of the Sacramento River until a long-term solution is developed and completed.

Dredge Operation

The Proposed Project would involve dredging in the Sacramento River and pumping spoils material from the dredge barge to the existing stockpile located on the M&T Chico Ranch property. It is anticipated that up to two dredge cycles could occur, potentially removing up to 100,000 cubic yards of material per dredge cycle. Dredging would entail removing gravel bar material from the river to allow continued parallel sweeping flows at the intake pumps to maintain the functionality of the pumping facility while continuing to meet NMFS and CDFG fish screen criteria.

Given the current sedimentation patterns in the river, the "dryland" bar dredging methods that were utilized for the 2001 and 2007 dredging operations are no longer viable. Cutterhead suction dredge equipment would be used to accomplish the excavation of gravel bar material from the Sacramento River. The cutterhead suction dredge is a commonly used dredging vessel that is equipped with a rotating cutter apparatus surrounding the intake end of a suction pipe. A cutterhead suction dredge has the capability of digging compacted deposits and pumping dredged material long distances to upland disposal areas.

Typically, a dredge boat is a non-motorized anchored barge with a basket cutterhead mounted to a ladder positioned at the front of the boat. A suction pipe located within the cutterhead would run from the apparatus, along the ladder, and through the length of the barge. A pipeline would extend from the rear of the barge and be floated (or semi-submerged) on the river from the barge to the eastern shore. It is anticipated that the portion of the pipeline extending from the cutterhead to the riverbank would be a flexible flanged system. Additional piping would be added to this portion of the pipeline system as the barge advances. Placement of the pipe would contain a minimum number of bends to ensure adequate flow of materials, and would be placed to avoid sensitive environmental resources and receptors identified during pre-construction surveys.

It is anticipated that the Proposed Project would utilize a Swinging Ladder Dredge technique to avoid the need for barge-to-land steel anchor cables that are typically used in conventional dredge operations. With conventional dredging, the cutterhead and ladder are locked in a fixed position relative to the dredge barge, and dredging is accomplished by anchoring the rear of the barge and moving the front of the barge side to side with swinging cables that are attached to front-end loader construction equipment on both banks of the river. With the proposed Swinging Ladder Dredge approach, the dredge barge is locked in a fixed position with one rear anchor and two front anchors. During active dredging, the ladder and cutterhead are self-propelled and "swing" side to side independent of the barge position.

Two auxiliary boats would be used to support the proposed Swinging Ladder Dredge operation. One skiff boat would advance the non-motorized dredge barge forward, and one work boat would be used to support general operations. The Swinging Ladder Dredge technique would allow four- to five-foot long dredging sections to be accomplished from one barge position, and then the non-motorized barge would need to be moved forward by a skiff boat to the next section in the river.

To support a safe dredge operation, signage and warning buoys would be placed both upriver and downriver from the active dredge area notifying boaters, fishermen and other water users of the dredge operation. The barge, flexible pipe, and auxiliary boats would be anchored and sufficiently illuminated during non-daylight hours to maintain high visibility for boaters and other water users. In addition, a night watchman would remain on the barge during non-working hours to respond to any unanticipated issues. It is anticipated that active dredge operations would be conducted about 12 hours per day, seven days per week.

Maintenance of the Rock-Toe and Tree Revetment

As described above, 1,520 linear feet of rock-toe and tree bank protection (revetment) was installed on the west side of the Sacramento River on the USFWS Capay Unit of the Sacramento River National Wildlife Refuge (SRNWR) during 2007. The purpose of the revetment was to reduce the risk of continued westward channel migration, and slow downstream migration of the gravel bar, both of which were threatening the functionality of the M&T Facility fish screens and pumping plant intake. The lifespan of the temporary rock-toe revetment was originally intended to be five years.

Because a long-term solution is still in development and, until it is implemented, maintenance of the current rock-toe and tree revetment is needed to resist further westward channel migration. Under the Proposed Project, there is no commitment to rebuild the revetment in the event that it fails. However, the revetment will be monitored and may require maintenance activities to address the following.

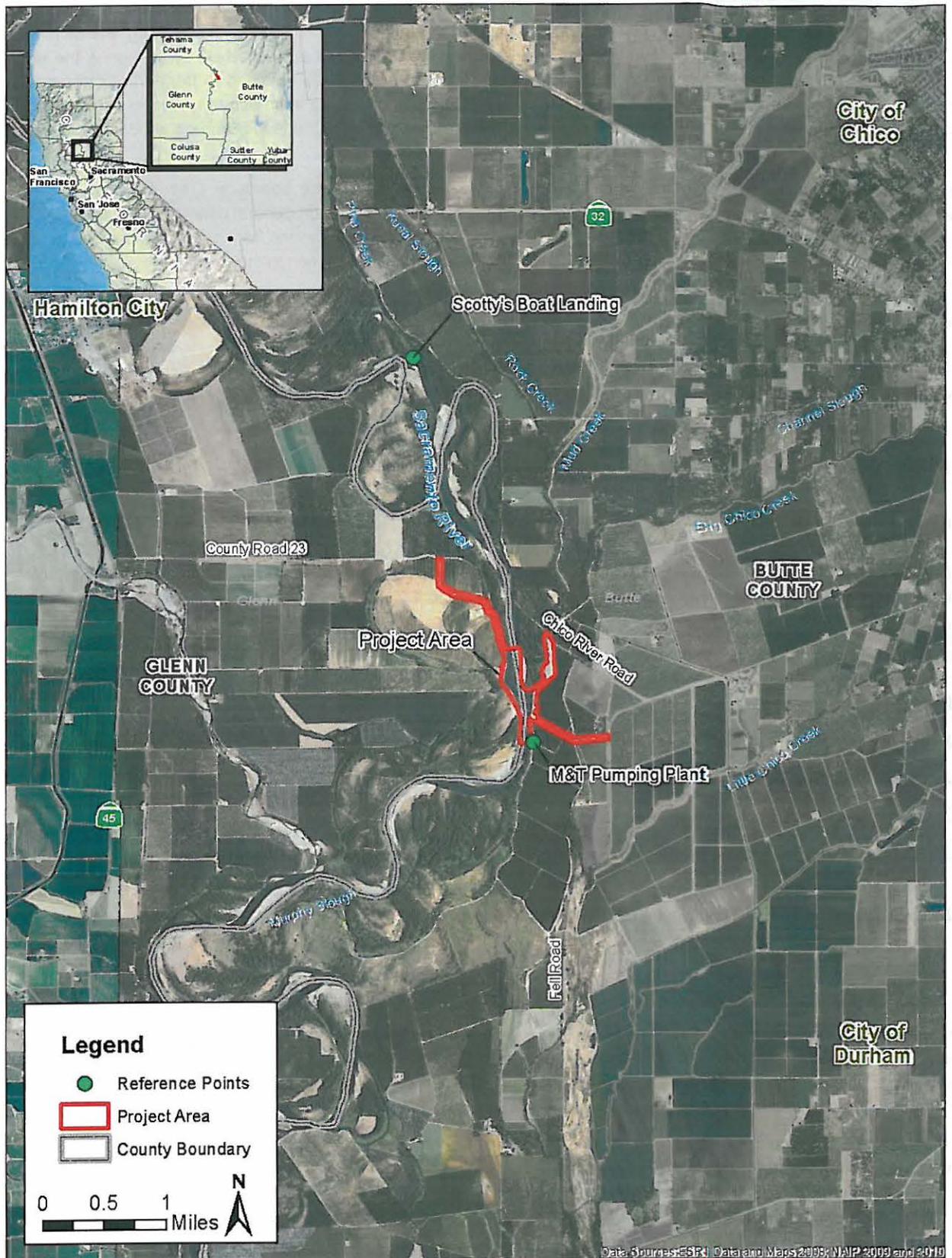
- Continued westward migration of unprotected shorelines adjacent to the upstream end of the revetment
- Loss of rock from the structure itself due to local scour at the base
- Loss of woody material incorporated within and placed upon the top of the structure
- Excessive erosion of the unprotected portion of the bank and scour along the contact edge between the rock toe and the bank
- Excessive erosion off the downstream end of the structure

PROJECT LOCATION

The Proposed Project is located in a rural area of Glenn and Butte counties on the Sacramento River approximately 6 miles southwest of the City of Chico, near the confluence of Big Chico Creek, and adjacent to the M&T Facility (**Figure 1**). The project area (**Figure 2**) includes areas that may be affected directly, indirectly, or cumulatively by the Proposed Project, and is comprised of agricultural lands, a national wildlife refuge, a California state park, and undeveloped land.

The Proposed Project would involve maintenance of the rock toe and tree revetment located on the west bank of the Sacramento River across from the M&T Facility, and removal of a portion of the gravel bar located adjacent to the southern portion of Bidwell-Sacramento River State Park at river mile 192.5. Materials from the proposed gravel bar removal are anticipated to be deposited at an existing stockpile just inside the east flood levee on the M&T Chico Ranch property (**Figure 3**).

The construction footprint is anticipated to include: (1) the area of the existing stockpile; (2) access and staging areas (pullout areas and equipment storage); (3) areas along the Sacramento River from the point of dredge (and skiff boat) launching and navigation to the dredging location; (4) the gravel bar and in-river area upstream of the M&T Facility where the dredging would occur; and (4) the in-river area immediately downstream of the gravel bar, which would be subject to short-term disturbance effects associated with dredging operations.



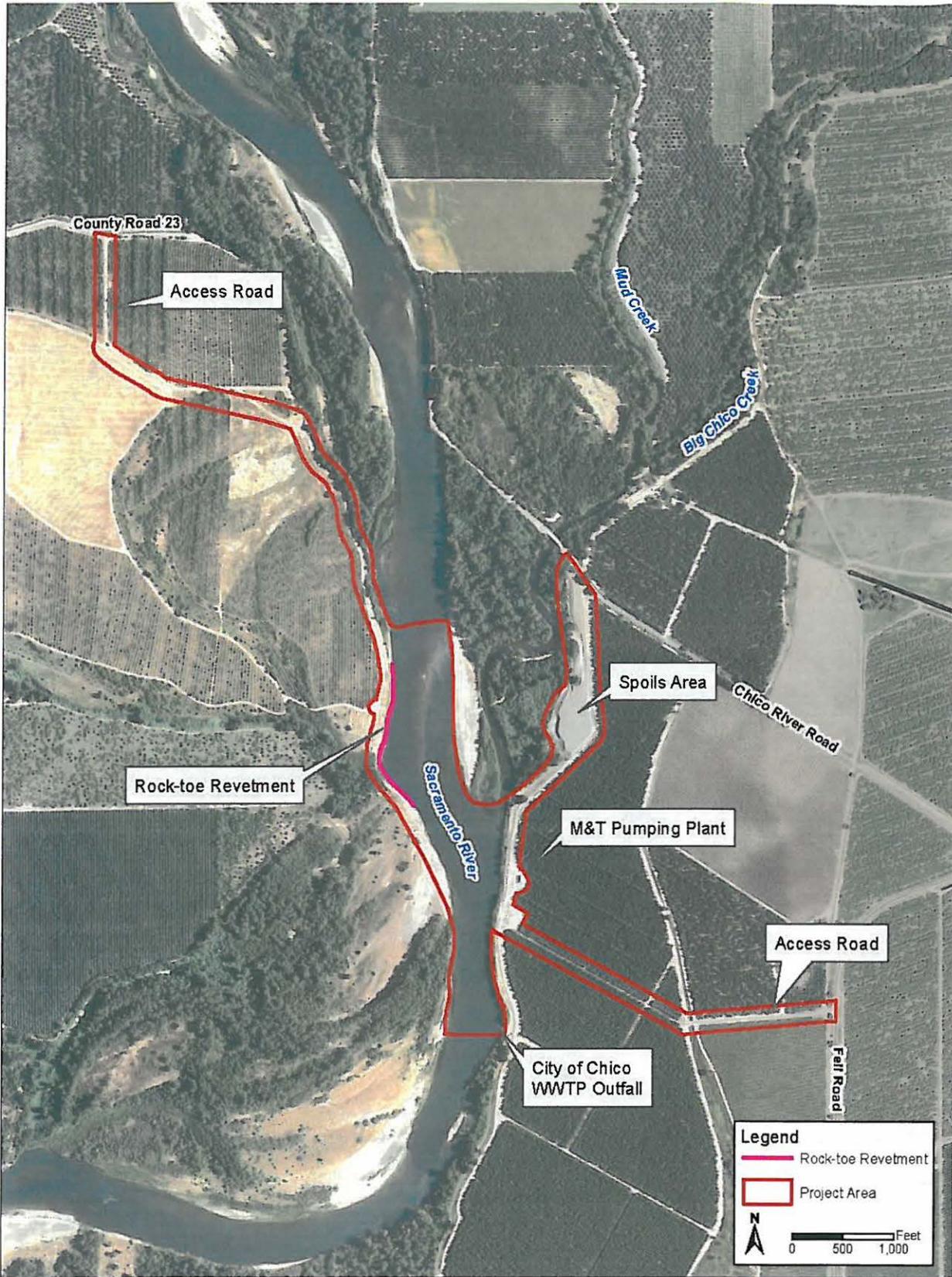


Figure 2. Project Area

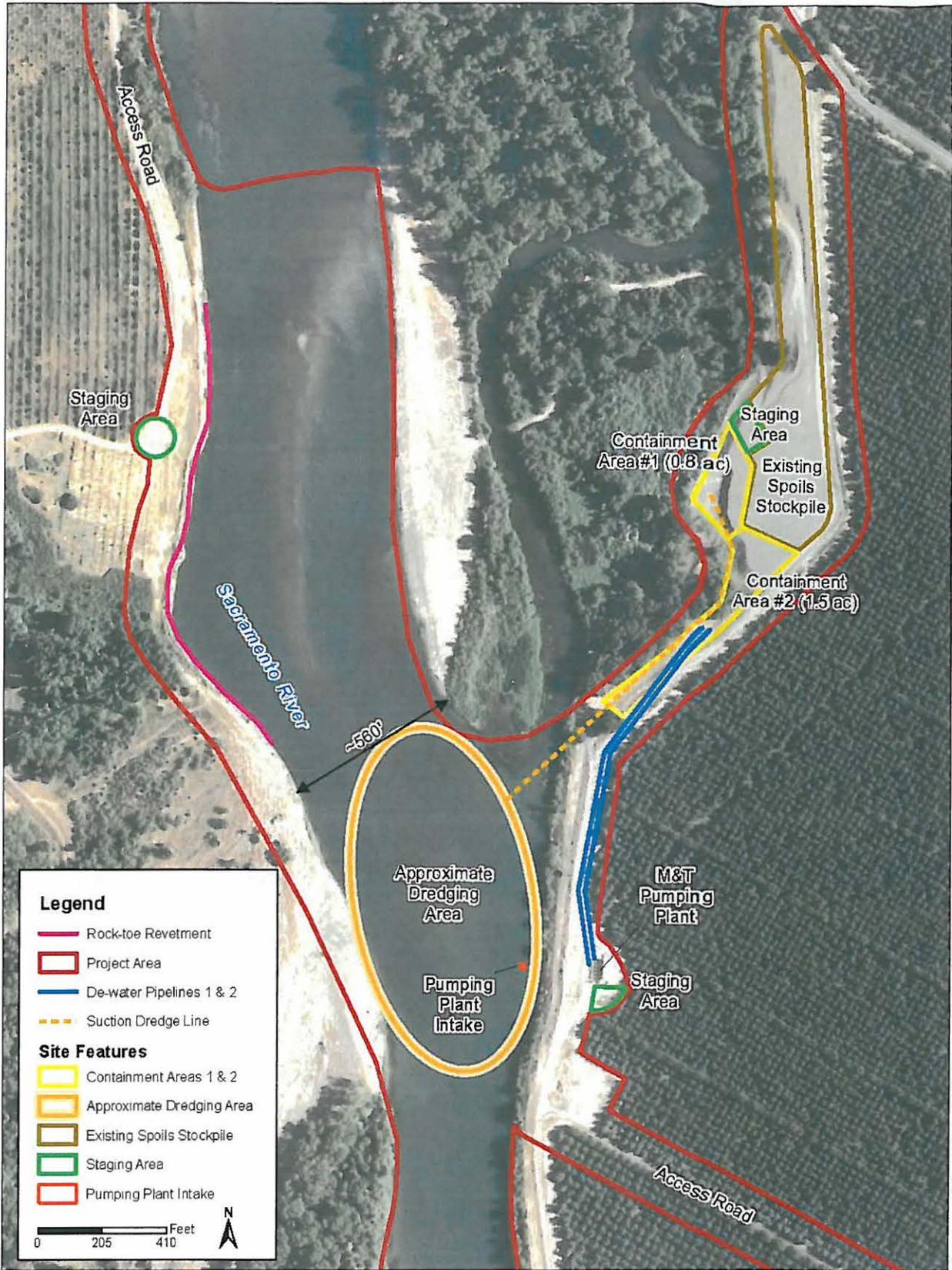


Figure 3. Project Features

POTENTIAL ENVIRONMENTAL EFFECTS AND CONSIDERATIONS

The scoping process is designed to elicit comments from CEQA responsible, trustee and commenting agencies, NEPA cooperating and commenting agencies, other interested organizations, and the public on the scope of the potential environmental effects and issues to be addressed in the Public Draft EA/IS. Comments on potential effects will be noted and addressed as appropriate in the Public Draft EA/IS.

The Public Draft EA/IS will analyze the potential effects associated with implementation of the Proposed Project on environmental resources, including fisheries and aquatic resources, terrestrial resources, water quality, recreation, air quality and greenhouse gas emissions, cultural resources, hazards and hazardous materials, visual resources, geology and soils, transportation/traffic and noise, among others. In addition, the Public Draft EA/IS will address the potential indirect effects and the cumulative effects of implementation of the Proposed Project in conjunction with other past, present and reasonably foreseeable actions.

A brief initial list of potential environmental effects and considerations that may be attributable to the Proposed Project, which will be evaluated in the Public Draft EA/IS, is presented below.

- Potential direct and indirect impacts to fisheries resources and aquatic habitat during in-river dredging and maintenance operations in the Sacramento River.
- Potential direct and indirect impacts to wildlife and botanical resources during dredging and maintenance operations.
- Potential impacts associated with temporary and localized interruption of recreation and navigation activities during in-river dredging and maintenance operations in the Sacramento River.
- Potential impacts associated with the transport and use of hazardous materials (e.g., diesel fuel).
- Potential impacts associated with the temporary presence of construction equipment and the potential to affect the viewshed and/or degrade the visual quality of scenic vistas from the Sacramento River.
- Potential impacts to air quality due to construction-related equipment emissions.
- Potential disturbance of paleontological resources, human remains, or historic or cultural resources.
- Potential water quality impacts associated with increased erosion, sedimentation, and/or re-suspension of coarse and fine sediments into the water column during in-river dredging and maintenance operations in the Sacramento River.
- Potential exposure of sensitive receptors to noise levels in excess of local, state or federal standards due to construction-related activities.

Scoping Comments on the M T Chico Ranch/Llano Seco Rancho Fish Screen Facility
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Comment #	Agency/ Commentor	Page	Comment
9/27/2012 Public Scoping Meeting Comment No. 1	Sacramento River Preservation Trust (John Merz)		<p>I believe the project location, your project area is too small. That in fact you need to go up to at least Chico Landing on the river, which is (demonstrates with a pointer) in this area... to the take out tubers. There is a county facility in fact right here.. but the river is doing some pretty amazing things in this entire area. This is river road and it's called a washout. I believe... long term... that it's inappropriate because in fact this gravel bar is growing every year and is putting pressure over here... in this area significantly in fact..... going on. This is a disputed area. This is the same property, but the trust believes that in fact... should be addressed... back..to some degree.. formal channel in this area right here... on this entire property down to the boat ramp and intersects Big Chico Creek. Big Chico Creek just upstream of the bridge. So again, I think one of the main things is that you are looking at too small an area relative to things that'll have impact at this point on downstream. So that is one of our main concerns and we would like you to address that.</p> <p><i>(Paul Bratovich explained that this would be more relevant to the long-term project.)</i> John continued: Material is moving through the system and you have to address that. And I think that's a judgment call on your part, but I think it is too limited in terms of the environmental review to what's occurring relative at how material moving up and down... has other potential ramifications, relative to again riparian habitat establishment and things of that nature. There is also recreation component that needs to be addressed I think in more detail. So again I think that this is too narrow of a focus and is compromising your investigation.</p>
9/27/2012 Public Scoping Meeting Comment No. 2	Sacramento River Preservation Trust (John Merz)		<p>This is another area of concern (<i>referring to dredging material</i>). That material is being stored on site. There've been efforts to figure out a way to move it somewhere else from addition ... considered to be owner of that material. However, M&T Ranch has been utilizing some of the material for on-ranch construction basically or maintenance of their road system and actually a small ... has been looked at as well. I think this entire issue of what happens to the dredge spoils needs to be addressed, including what happens with those spoils after they've been deposited. In fact, if there's material moving on site, there should be no.. it's a state resource cannot be ... for free, and so that process needs to be identified. The decision making process needs to be identified and I think there needs to be a more in-depth discussion what happens relative to those spoils.</p> <p><i>(After some discussion)</i> It is a public resource. <i>(After some discussion)</i> I think that's part of it is that this is becoming somewhat of historical project, taking a lot of years to develop. And I think that having history continually updated with sufficient detail to let people understand what's been going on. Having said that, I think there is also the issue if they bring more material still in floodplain but there could be some things happening as you stockpile it where it is at certain points. And you have to do that analysis. Because you are moving material basically having the street value and you putting it basically on the side. But you have Big Chico Creek impacts.. and the funnel of sorts happening here as well. So you really have to have that analysis to show what impacts are going to occur, including how the material moves through the area. If I remember correctly, part of the reason why people get real excited about this last proposal not moving forward, but because in fact gravel had moved through the system, I believe past the pumping plant in such a way that in fact it was impacting to the degree that was not occurring before. If that in fact is true, again in respect to those studies, the study you are going to have in the spring. You have to figure out what's going on here relative to moving water and moving material. And that analysis has to be done at variety of different flows. It can't be done with just one flow, or a low flow or high flow. It's got to be a variety of flows. I don't know what your analysis is going to be, but it needs to be scientifically valid in my mind.</p>

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Comment #	Agency/ Commentor	Page	Comment
9/27/2012 Public Scoping Meeting Comment No. 3	Sacramento River Preservation Trust (John Merz)		<p>Project area I believe also needs to include the three mitigation sites that were part of the past proposal. Two I believe are, well one's on Llano Seco, one's now Fish and Wildlife Service land... conservation easement, and that also that Rio Vista. These were sites that were in part of the mitigation process prior project. We need to have an update on those of how that mitigation has performed and you know obviously whatever revetment analyses are being required additional mitigation what we need to find out in fact that mitigation that was put in place in the prior project in fact if it's meeting standard of success. So I strongly recommend that be incorporated as well. So again the project area people get a sense that this is actually not just here, that it is a much larger project in terms of impact.</p> <p>In terms of your history, you also need to have a financial history, who is paying for this, and who is receiving those funds. And this is public money to the large degree being spent, hasn't been mentioned in your presentation.</p> <p>Also there is Butte Creek issue. And that needs to have a thorough discussion. That there is some disagreement over in fact the amount up to 40 cfs that is available three months out of the year and it's current standing in the rights discussion. So a thorough discussion of that. Again if you will trade off early on building of the pumping plant needs to be discussed as well. A lot of different parts here. And so you really need to bring it all in to this conversation. It's weighing in on the decisions that have been made and will be made in the future. So we I am sure will have additional comments as your document moves forward. This is being regarded if you will as a not full blown environmental document in terms of analysis of alternatives in the environmental documents. I believe you are somewhere in the middle ground. And in fact you need to kind of up your game because there is more to be discussed. This isn't a new project. This is ongoing project and that's actually a discussion as well. Again, there's lots of science here I don't actually quiet frankly think it's really been up to snuff. Both in how the river's doing, and you really need the analysis to be more thorough.</p>
9/27/2012 Public Scoping Meeting Comment No. 4	California State Parks (Denise Rist)		<i>(In regard to discussion that the issue of potential impacts Big Chico Creek with the stockpile needs to be addressed)</i> For state parks this is also a concern, although we'll probably submit a written comment.
9/27/2012 Public Scoping Meeting Comment No. 5	Paul Ward (CDFG, retired)		I have a question. One of the assumptions you had there was that if pumping plant becomes inoperable then the ranch would take water from Butte Creek? Where is that assumption coming from? What are the basis? There is a water right agreement with the ranches for certain volume... it has to do. Has that been considered? Very small amount of it. Might be worth clarifying that before you do that assumption – I don't think it's that straight forward... Issue you would also have an ESA/CESA issue...
City of Chico Comment No. 1	City of Chico	1	The City of Chico has reviewed the above referenced NOP. The City supports the removal of the gravel bar material and maintenance of the existing rock-toe and tree revetment, acknowledging that these actions are critical to the ongoing functionality of the M&T Facility fish screens, as well as the City's Wastewater Treatment Plant (WWTP) operations. The proposed project is designed to prevent the shortterm westward migration of the Sacramento River, which, if left unchecked, could result in the stranding of both the intake pumps at the M&T Facility and the WWTP outfall site located approximately 1,500 feet downriver from the fish screens.

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Comment #	Agency/ Commentor	Page	Comment
City of Chico Comment No. 2	City of Chico	1	The City's primary concern not identified for evaluation in the forthcoming Initial Study (IS) relates to the short-term nature of the proposed project and lack of a long-term commitment, as stated in the NOP, to reconstruct the rock-toe and tree revetment in the event that it is damaged or destroyed prior to the development of a permanent solution. The rock toe revetment has shown benefit to both the M&T Facility and the WWTP outfall. If it were allowed to fail before the installation of an alternative measure, environmental implications, including the potential for river channel migration, would be anticipated. Therefore, the City recommends that either the project description be modified to include a permanent commitment to maintaining / reconstructing the rock toe revetment (or installation of an equivalent facility) OR that the IS identify, evaluate, and mitigate the impacts associated with the loss or incapacitation of the rock-toe revetment on the WWTP outfall, particularly as it relates to river migration (see CEQA Appendix G: sample Environmental Checklist Form Section IX. (c) . The outfall is designed to discharge up to 15 million gallons per day (mgd) of treated effluent in to the Sacramento River. The long-term maintenance of the existing rock-toe and tree revetment, or equivalent stream channel alignment stabilization measure, is instrumental in preventing river migration and subsequent stranding of the outfall. Therefore, this potential effect must be evaluated to ensure the continued safe and secure functionality of the City of Chico WWTP outfall.
RWQCB Comment No. 1	Central Valley Regional Water Quality Control Board	1	NOTE: Comments were provided on the " <i>Mitigated Negative Declaration for the Proposed Llano Seco Ranch Water Conveyance System Improvement Project, Chico, Butte County</i> ", which is a different project.
CVFPB Comment No. 1	Central Valley Flood Protection Board	2	Hydraulic impacts due to encroachments including excavation and vegetation plantings could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The Mitigation, Monitoring, and Reporting Plan (MMRP) should include mitigation measures to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used in lieu of encroaching into the floodway. Hydraulic impacts due to encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The ISMND should include mitigation measures for affected vegetation that is off-site and outside of the State Plan of Flood Control.
CNPS Comment No. 1	California Native Plant Society - Mount Lassen Chapter (Woody Elliott)	1	The feasibility of temporarily storing spoils on the west bank of the Sacramento River dredged from its bed should be studied for subject project. Here, the spoils could be piled to drain before being subsequently washed downstream during high winter flows. This would maintain the economy of the natural gravel load in the Sacramento River which would promote seral riparian vegetation and avoid the third addition of gravel to the existing "temporary pile" in the floodplain on "river left" of Big Chico Creek. The location of such storage could be on the graveled, low-sloped, west bank of the Sacramento River downstream from the mouth of Big Chico Creek between the flowing river and the "Ordinary High Water" boundary. (See this location on the attached photo of the bare gravel strip on "river right" (west bank) between the Sacramento River and the private parcel bounded by the Capay and Phelan Island Units of the Sacramento River National Wildlife Refuge.) This temporary storage location should be evaluated for conformity with the specific terms of The Nature Conservancy's conservation easement that it administers on the private parcel adjacent to this public gravel bank proposed to be used for temporary gravel storage.
CSLC Comment No. 1	California State Lands Commission	1	The CSLC is a trustee agency because of its statutory responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, the CSLC will act as a responsible agency because the Project involves work on sovereign lands.

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CSLC Comment No. 2	California State Lands Commission	1	CSLC staff provides the below comments assuming (1) that the CDFG is seeking preliminary input on the proposed NOP/IS consistent with various other provisions of CEQA and the State CEQA Guidelines (Pub. Resources Code, § 21080.3; State CEQA Guidelines, § 15063, subd. (g)) and (2) that, in the event the IS indicates the preparation of an EIR is necessary, the CDFG will circulate a new NOP for scoping for the EIR. If that assumption is incorrect, please contact Afifa Awan in the Division of Environmental Planning and Management at the contact information at the end of this letter.
CSLC Comment No. 3	California State Lands Commission	2	On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections. The bed of the Sacramento River at this location is State-owned sovereign land. At the Project location, the State's sovereign ownership extends landward to the ordinary low water mark as it last naturally existed. Any activities below the ordinary low water mark require authorization by the CSLC. The gravel bar material to be removed as part of the Project is material owned by the State; as such, the material can be used for other public benefit projects but cannot be sold without payment of a royalty to the State.
CSLC Comment No. 4	California State Lands Commission	3	Public Resources Code section 6327 provides that if a facility is for the "procurement of fresh-water from and construction of drainage facilities into navigable rivers, streams, lakes and bays," and if the applicant obtains a permit from the local reclamation district, the Central Valley Flood Protection Board (formerly the State Reclamation Board) , the U.S. Army Corps of Engineers, or the Department of Water Resources, then a lease application shall not be required by the CSLC. In 2001 and 2007, Commission staff qualified channel maintenance (dredging) and installation of a rock revetment performed by CDFG under Public Resources Code section 6327. Since the Project consists of the same activities as those of the 2001 prior project, to the extent the proposed dredging is located within State-owned sovereign lands (as staff believes it does), a lease will not need to be obtained from the CSLC, provided a permit is obtained from one of the above-listed agencies. Please forward a copy of that permit to Ms. Hall once it has been obtained.
CSLC Comment No. 5	California State Lands Commission	3-4	<u>Project Description</u> . The IS should include a thorough and complete "Project Description" to facilitate meaningful environmental review of potential impacts, and if necessary, mitigation measures and alternatives. The Project description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. For example, page 2 of NOP/IS does not specify the length of time that will be required to complete the Project; although the NOP/IS mentions that the work will be done for 12 hours a day and 7 days a week, it does not specify the number of weeks, which could affect the significance conclusions for a number of different potential impacts.
CSLC Comment No. 6	California State Lands Commission	4	<u>Responsible Agencies</u> . Staff requests that the IS include information on all responsible agencies, including the CSLC, with approval authority over the Project to facilitate possible interagency coordination in the agencies' various permitting processes.
CSLC Comment No. 7	California State Lands Commission	4	<u>Mitigation</u> . In order to avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines §15126.4 subd. (b)). If impacts are significant, identify mitigation measures that would reduce them to less-than-significant and clearly stating how incorporating these mitigation measures would accomplish this.

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Notice of Preparation of an Initial Study

Comment #	Agency/ Commentor	Page	Comment
CSLC Comment No. 8	California State Lands Commission	4	The CSLC maintains a shipwrecks database that can assist with this analysis. CSLC staff requests that the County contact Senior Staff Counsel Pam Griggs at the contact information noted at the end of this letter to obtain shipwrecks data from the database and CSLC records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. CSLC staff also requests to be notified immediately if unanticipated resources are discovered, on lands under the CSLC's jurisdiction.
CSLC Comment No. 9	California State Lands Commission	4	<u>Titles to Resources.</u> The IS should also indicate that title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the CSLC. Any submerged archaeological site or submerged historic resource that has remained in state waters for more than 50 years is presumed to be significant, and should be considered in the CDFG's decision on whether an EIR should be prepared for the Project. The recovery of objects from any abandoned shipwreck, archaeological or historic site on state land under the jurisdiction of the CSLC may require a salvage permit (Pub. Resources Code, § 6309). The IS should include the CSLC as a contact for consultation and notification in the event that any buried cultural materials are unearthed.
CSLC Comment No. 10	California State Lands Commission	4-5	<u>Public Trust and Recreation.</u> The Project lies within the bed of the Sacramento River, which at this location is State-owned sovereign land, and subject to the Public Trust. Members of the public have the benefit of use consistent with the Public Trust which includes but not limited to navigation and recreation including but not limited to boating, rafting, sailing, rowing, fishing, fowling, bathing, and other water-related recreational uses. the IS should discuss the project's potential to restrict or impede the public's use and enjoyment of the River. If any impacts are determined significant, the CDFG should identify measures to avoid or reduce them as feasible. The IS should also discuss how the members of the public will be notified of dredging activities in the Project area. Moreover, any additional discussions of notification and operational/construction practices should be addressed in order to minimize the impact to boaters, rafters and other members of the public. The IS should also clearly state how long before the start of Project-related activities the signage will be posted.
CSLC Comment No. 11	California State Lands Commission	5	<u>Greenhouse Gases.</u> A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and required by the State CEQA Guidelines should be included in the IS. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to less than significant.
CSLC Comment No. 12	California State Lands Commission	5	<u>Underwater Noise.</u> The IS should include a specific evaluation of the potential underwater noise and vibration impacts on fish from Project-related activities in the water. It should also discuss how these vibrations will be monitored to make sure they do not reach the harmful thresholds of the level to kill fish and other marine species. If there is a possibility of impacting wildlife, then mitigation measures should be proposed which can include species-specific work windows as defined by CDFG, USFWS, and NMFS, and should be considered in the CDFG's decision on whether an EIR should be prepared for the Project.
CSLC Comment No. 13	California State Lands Commission	5	<u>Sensitive Species Database Inquiries.</u> The IS should analyze the potential for special-status species, such as endangered or threatened fish, raptors, mammals and rare plants, to occur in the Project area and, if Project impacts to special-status species are found to be significant, identify adequate mitigation measures.

Scoping Comments on the M T Chico Ranch/Llano Seco Rancho Fish Screen Facility
Short-term Protection Project
Notice of Preparation of an Initial Study

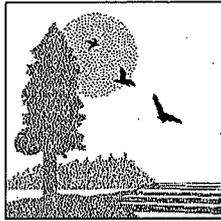
Comment #	Agency/ Commentor	Page	Comment
CSLC Comment No. 14	California State Lands Commission	5-6	<p><u>Invasive Species</u>. The IS should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species from possible contaminants attached to the dredging related equipment. Such aquatic invasive species can be, but not limited to, quagga mussel and aquatic and terrestrial plants. The IS should identify avoidance or minimization measures as appropriate and discuss implementation of plants which may include the following provisions:</p> <ul style="list-style-type: none"> - Environmental training of operational and maintenance personnel to inform them about invasive species and the threats they pose; - Actions to be taken to prevent the release and spread of marine and/or terrestrial invasive species; - Procedures for safe removal and disposal fo any invasive taxa observed; and - A post-operations and maintenance report identifying what, if any, invasive species were found attached to and were removed from equipment and materials, as well as the treatment, handling and disposal of identified invasive species.
CSLC Comment No. 15	California State Lands Commission	6	<p><u>Dredging/Mercury/Methylmercury Release</u>. The IS should be as precise as possible in describing the amount, duration and timing of the proposed dredging, as these would affect the intensity of any environmental impacts. For example, dredging activities may impact aquatic and marine species and habitat in a number of ways. Disturbance of fine sediments may generate turbidity, wherein suspended particulates can impede light penetration and photosynthesis of submerged vegetation; suspended sediment may also react with and reduce dissolved oxygen in the water column, making less available for marine organisms. If toxic metal lay buried in the sediment, they may be reintroduced to the environment and, potentially, enter into the food chain, affecting both water quality and the health of humans and wildlife. Finally, dredging equipment can entrain and kill organisms in the sediment and water column when removing dredge material.</p> <p>The IS should analyze these potential impacts to biological resources and water quality from the dredging component of the Project. If impacts prove potentially significant, possible mitigation could include the employment of silt curtains or other best management practices.</p>
SVLA Comment No. 1	Sacramento Valley Landowners Association	1	<p>On behalf of the Sacramento Valley Landowners Association (SVLA), I am submitting comments related to the proposed interim measures to maintain the viability of the M&T Chico/Ranch/Llano Seco Rancho Fish Screen and Pump Facility (M&T Facility, located on the east bank of the Sacramento River at approximately six miles southwest of the City of Chico.</p> <p>SVLA is comprised of landowners and allied groups concerned with maintaining flood control facilities, promoting bank protection, adequate water supply, and supporting agricultural operations in northern California. SVLA has been involved with SB 1086 since its inception in 1986 and the Sacramento River Conservation Area Forum since it was formed to follow the guidelines of the Sacramento River Conservation Area.</p> <p>One of the Guiding Principles of the Sacramento River Conservation Area was to “protect hard points” including state, federal and private infrastructure. The Butte City Bridge was protected by Cal Trans and Hamilton City will soon be protected by a new levee which includes some rock placed at critical points.</p> <p>SVLA is seriously concerned and strongly questions why the M&T/Llano Seco Refuge Pumping Plant and the City of Chico Sanitation Plant Outfall “facilities” are not receiving the same level of consideration worthy of protection as hard points as the above named “facilities”? There has been an on-going State-Federal study lasting almost ten years to come up with the best long-term solution to the river meander problem at RM 192.5. In the meantime 300,000 tons of river meander gravel has been relocated from the river to protect these facilities from destruction.</p>

Scoping Comments on the M T Chico Ranch/Llano Seco Rancho Fish Screen Facility
Short-term Protection Project
Notice of Preparation of an Initial Study

Comment #	Agency/ Commentor	Page	Comment
SVLA Comment No. 2	Sacramento Valley Landowners Association	2	<p>We do support additional gravel removals from the Sacramento River as short-term protection measures but as landowners and taxpayers, our membership is dismayed that the agencies and environmental groups cannot abide by a document and process they created which is to “protect the long-term viability of hard-points and infrastructure” when they are threatened by the meander of the Sacramento River.</p> <p>Farmers up and down the river view this process as disingenuous and lacking credibility because of the way property owners and the City of Chico are being treated. It appears that the process lacks balance and transparency. Clearly when SB 1086 was authored by Senator Jim Nielsen, this was not what he envisioned. To quote from Senator Nielsen’s letter dated February 23, 2010, to The Nature Conservancy: . . .”<i>I have reviewed all correspondence between the parties and it appears counter-productive and contrary to the spirit of SB 1086 and good neighbor policy not to support this (long term) solution to provide reliable water supply for agriculture and habitat along the river .</i>”</p>

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

**CURTIS L. FOSSUM, Executive Officer**

(916) 574-1800 FAX (916) 574-1810

California Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890

Contact FAX: (916) 574-1885

October 25, 2012

File Ref: SCH # 2012092050

California Department of Fish and Game, North Central Region

Attn: Joseph Johnson

1701 Nimbus Road, Suite A

Sacramento, CA 95670

Subject: Notice of Preparation for an Initial Study (NOP/IS) for the M&T Chico Ranch/Llano Seco Rancho Fish Screen Facility Short-term Protection Project, Sacramento River, Butte and Glenn Counties.

Dear Mr. Johnson:

Staff of the California State Lands Commission (CSLC) has reviewed the subject NOP/IS for the M&T Chico Ranch/Llano Seco Rancho Fish Screen Facility Short-term Protection Project (Project), which is being prepared by the California Department of Fish and Game (CDFG). CDFG, as a public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.); the U.S. Fish and Wildlife Service (USFWS) is the lead agency under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). The CSLC is a trustee agency because of its statutory responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, the CSLC will act as a responsible agency because the Project involves work on sovereign lands.

CSLC staff notes that the CDFG appears to be seeking input, by way of the NOP/IS, on the nature and scope of Project-related effects that the CDFG should consider in its Initial Study (IS). Under CEQA, a lead agency typically issues a Notice of Preparation (NOP) as part of required scoping for a draft environmental impact report (EIR), with a completed IS often included with the NOP (Pub. Resources Code, §§ 21080.4, 21083.9, subd. (a); State CEQA Guidelines,¹ § 15082). Therefore, CSLC staff provides the below comments assuming (1) that the CDFG is seeking preliminary input on the proposed NOP/IS consistent with various other provisions of CEQA and the State CEQA Guidelines (Pub. Resources Code, § 21080.3; State CEQA Guidelines, § 15063, subd. (g)) and (2) that, in the event the IS indicates that preparation of an EIR is necessary, the CDFG will circulate a new NOP for scoping for the EIR. If that assumption is incorrect, please contact Afifa Awan in the Division of Environmental Planning and Management at the contact information at the end of this letter.

¹ The State "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CSLC Jurisdiction

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

The bed of the Sacramento River at this location is State-owned sovereign land. At the Project location, the State's sovereign ownership extends landward to the ordinary low water mark as it last naturally existed. Any activities below the ordinary low water mark require authorization by the CSLC. The gravel bar material to be removed as part of the Project is material owned by the State; as such, the material can be used for other public benefit projects but cannot be sold without payment of a royalty to the State. Please contact Wendy Hall, Public Land Management Specialist, at the contact information at the end of this letter to discuss reporting requirements related to disposal of the material.

Project Description

The M&T Chico Ranch/Llano Seco Rancho Fish Screen Facility (M&T) is an existing pumping facility located in the Sacramento River (River) at River Mile 192.5, downstream of the River's confluence with Big Chico Creek. The Project proposes dredging activities for maintaining viability of the M&T to pump and deliver water to approximately 15,000 acres of farmland, refuge land and wildlife management areas, including over 4,000 acres of wetlands that are owned or managed by USFWS and CDFG and provide wetland habitat for waterfowl, shorebirds, and other wetland-dependent species.

Presently, westward migration of the River is being prevented by the rock-toe revetment that was installed in 2007. Prior dredge operations were conducted for the same purpose in 2001, and 2007. Although work is underway, a long-term solution has not

been identified and will undergo a separate and independent environmental compliance process. In the meantime, the Project would:

- Remove gravel bar material from the River to maintain the functionality and effectiveness of the intake pumps at the M&T Facility and fish screens with National Marine Fisheries Service's (NMFS) and CDFG criteria; and
- Maintain existing rock-toe and tree revetment to prevent further westward migration of the River until a long-term solution is developed and completed.

CSLC Leasing Background for Related Projects

Public Resources Code section 6327 provides that if a facility is for the "procurement of fresh-water from and construction of drainage facilities into navigable rivers, streams, lakes and bays," and if the applicant obtains a permit from the local reclamation district, the Central Valley Flood Protection Board (formerly the State Reclamation Board), the U.S. Army Corps of Engineers, or the Department of Water Resources, then a lease application shall not be required by the CSLC.

In 2001 and 2007, Commission staff qualified channel maintenance (dredging) and installation of a rock revetment performed by CDFG under Public Resources Code section 6327. Since the Project consists of the same activities as those of the 2001 prior project, to the extent the proposed dredging is located within State-owned sovereign lands (as staff believes it does), a lease will not need to be obtained from the CSLC, provided a permit is obtained from one of the above-listed agencies. Please forward a copy of that permit to Ms. Hall once it has been obtained.

Environmental Review

Pursuant to the State CEQA Guidelines section 15063, subdivision (g), a lead agency preparing an initial study is expected to consult with trustee and responsible agencies to obtain recommendations on whether an EIR or Negative Declaration (ND) should be prepared. Based on the level of specificity in the NOP/IS, CSLC staff is unable to make such a recommendation at this time; instead, CSLC staff provides the following input on potential impacts that may be at issue if the Project is implemented and avoidance and minimization measures that should be considered by the CDFG during preparation of the IS. If potentially significant impacts are identified, but Project revisions are not made by the CDFG to reduce them to a less than significant level, an EIR should be prepared.

1. **Project Description.** The IS should include a thorough and complete "Project Description" to facilitate meaningful environmental review of potential impacts, and if necessary, mitigation measures and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. For example, page 2 of NOP/IS does not specify the length of time that will be required to complete the Project; although the NOP/IS mentions that the work will be done for

12 hours a day and 7 days a week, it does not specify the number of weeks, which could affect the significance conclusions for a number of different potential impacts.

2. Responsible Agencies. Staff requests that the IS include information on all responsible agencies, including the CSLC, with approval authority over the Project to facilitate possible interagency coordination in the agencies' various permitting processes.
3. Mitigation. In order to avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines §15126.4, subd. (b)). If impacts are significant, identify mitigation measures that would reduce them to less-than-significant and clearly stating how incorporating these mitigation measures would accomplish this.
4. Submerged Cultural Resources. Considering the extent of dredging, the Project may impact known and unknown submerged cultural resources in the Project area. Therefore, the IS should evaluate potential impacts to these resources, relying on surveys, literature searches, and consultation with Native American tribes. The CSLC maintains a shipwrecks database that can assist with this analysis. CSLC staff requests that the County contact Senior Staff Counsel Pam Griggs at the contact information noted at the end of this letter to obtain shipwrecks data from the database and CSLC records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. CSLC staff also requests to be notified immediately if unanticipated resources are discovered on lands under the CSLC's jurisdiction.
5. Title to Resources. The IS should also indicate that title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the CSLC. Any submerged archaeological site or submerged historic resource that has remained in state waters for more than 50 years is presumed to be significant, and should be considered in the CDFG's decision on whether an EIR should be prepared for the Project. The recovery of objects from any abandoned shipwreck, archaeological or historic site on state land under the jurisdiction of the CSLC may require a salvage permit (Pub. Resources Code, § 6309). The IS should include the CSLC as a contact for consultation and notification in the event that any buried cultural materials are unearthed.
6. Public Trust and Recreation. The Project lies within the bed of the Sacramento River, which at this location is State-owned sovereign land, and subject to the Public Trust. Members of the public have the benefit of use consistent with the Public Trust which includes but not limited to navigation and recreation including but not limited to boating, rafting, sailing, rowing, fishing, fowling, bathing, and other water-related

recreational uses. The IS should discuss the Project's potential to restrict or impede the public's use and enjoyment of the River. If any impacts are determined significant, the CDFG should identify measures to avoid or reduce them as feasible.

The IS should also discuss how the members of the public will be notified of dredging activities in the Project area. Moreover, any additional discussions of notification and operational/construction practices should be addressed in order to minimize the impact to boaters, rafters and other members of the public. The IS should also clearly state how long before the start of Project-related activities the signage will be posted.

7. Greenhouse Gases. A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and required by the State CEQA Guidelines should be included in the IS. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to less than significant.

Biological Resources

8. Underwater Noise. The IS should include a specific evaluation of the potential underwater noise and vibration impacts on fish from Project-related activities in the water. It should also discuss how these vibrations will be monitored to make sure they do not reach the harmful thresholds of the level to kill fish and other marine species. If there is a possibility of impacting wildlife, then mitigation measures should be proposed which can include species-specific work windows as defined by CDFG, USFWS, and NMFS, and should be considered in the CDFG's decision on whether an EIR should be prepared for the Project.
9. Sensitive Species Database Inquiries. The IS should analyze the potential for special-status species, such as endangered or threatened fish, raptors, mammals and rare plants, to occur in the Project area and, if Project impacts to special-status species are found to be significant, identify adequate mitigation measures.
10. Invasive Species. The IS should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species from possible contaminants attached to the dredging related equipment. Such aquatic invasive species can be, but not limited to, quagga mussel and aquatic and terrestrial plants. The IS should identify avoidance or minimization measures as appropriate and discuss implementation of plans which may include the following provisions:
 - Environmental training of operational and maintenance personnel to inform them about invasive species and the threats they pose;
 - Actions to be taken to prevent the release and spread of marine and/or terrestrial invasive species;
 - Procedures for safe removal and disposal of any invasive taxa observed; and

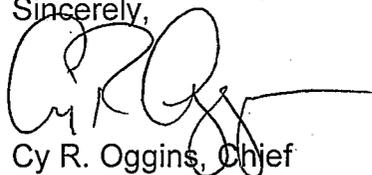
- A post-operations and maintenance report identifying what, if any, invasive species were found attached to and were removed from equipment and materials, as well as the treatment, handling and disposal of identified invasive species.

11. Dredging/Mercury/Methylmercury Release. The IS should be as precise as possible in describing the amount, duration and timing of the proposed dredging, as these would affect the intensity of any environmental impacts. For example, dredging activities may impact aquatic and marine species and habitat in a number of ways. Disturbance of fine sediments may generate turbidity, wherein suspended particulates can impede light penetration and photosynthesis of submerged vegetation; suspended sediment may also react with and reduce dissolved oxygen in the water column, making less available for marine organisms. If toxic metals lay buried in the sediment, they may be reintroduced into the environment and, potentially, enter into the food chain, affecting both water quality and the health of humans and wildlife. Finally, dredging equipment can entrain and kill organisms in the sediment and water column when removing dredge material.

The IS should analyze these potential impacts to biological resources and water quality from the dredging component of the Project. If impacts prove potentially significant, possible mitigation could include the employment of silt curtains or other best management practices.

Thank you for the opportunity to comment on the Project NOP/IS. Please send copies of future Project-related documents, including electronic copies of the Final ND or EIR, Notice of Determination (NOD), and, if applicable, Mitigation Monitoring and Reporting Program (MMRP), CEQA Findings and Statement of Overriding Considerations when they become available for our records, and refer questions concerning our environmental review to Afifa Awan, Environmental Scientist, at (916) 574-1891 or via e-mail at afifa.awan@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at pamela.griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Wendy Hall, Public Land Management Specialist at (916) 574-0994, or via email at wendy.hall@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
A. Awan, DEPM, CSLC
P. Griggs, LEGAL, CLSC
W. Hall, LMD, CSLC

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682



October 10, 2012

Ms. Dianne Simodynes
HDR Engineering, Inc. c/o
California Department of Fish and Game
2379 Gateway Oaks, Suite 200
Sacramento, California 95833

Subject: Response to the Notice of Preparation of Initial Study for the Proposed M&T Chico Ranch/Llano Seco Rancho Fish Screen Facility Short-term Protection Project

Dear Ms. Simodynes:

Staff of the Central Valley Flood Protection Board (Board) has reviewed the subject document and provides the following comments:

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection and flood fight procedures (CCR Section 131). The Central Valley Flood Protection Board (Board)

Ms. Dianne Simodynes
October 10, 2012
Page 2 of 2

Potentially Significant Impact

In accordance with CEQA Guidelines Section 15063 (c) 5 "Provide documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment".

Hydraulic impacts due to encroachments including excavation and vegetation plantings could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The Mitigation, Monitoring, and Reporting Plan (MMRP) should include mitigation measures to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used in lieu of encroaching into the floodway.

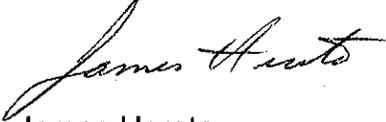
Vegetation requirements in accordance with Title 23, Section 131 (c) states "Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures."

The accumulation and establishment of woody vegetation that is not managed has a negative impact on channel capacity and increases the potential for levee over-topping. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial baseline conditions becomes more difficult as the removal of vegetative growth is subject to federal and state agency requirements for on-site mitigation within the floodway.

Hydraulic impacts due to encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The ISMND should include mitigation measures for affected vegetation that is off-site and outside of the State Plan of Flood Control.

If you have any questions, please contact me at (916) 574-0651, or via email at jherota@water.ca.gov.

Sincerely,



James Herota
Staff Environmental Scientist
Flood Projects Improvement Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814

Central Valley Regional Water Quality Control Board

4 October 2012

Ms. Dianne Simodynes
2379 Gateway Oaks, Suite 200
Sacramento, CA 95833

COMMENTS ON THE MITIGATED NEGATIVE DECLARATION FOR PROPOSED LLANO SECO RANCH WATER CONVEYANCE SYSTEM IMPROVEMENT PROJECT, CHICO, BUTTE COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) has commented on the above mentioned project. A letter was sent on 24 August 2011 outlining the project scope and comments we recommend based on the information received. Attached please review the comments we submitted.

If you have any questions or comments regarding this matter please contact me at (530) 224-4784 or by email at szaitz@waterboards.ca.gov.

f 

Scott A. Zaitz, R.E.H.S.
Environmental Scientist
Storm Water & Water Quality Certification Unit

SAZ: wrb/jmtm

Enclosure

U:\Clerical\Storm_water\SZaitz\2012\CEQA Comment Cover (Llano Seco Ranch Water Conveyance).doc

Central Valley Regional Water Quality Control Board

24 August 2011

Ms. Dianne Simodynes
2379 Gateway Oaks, Suite 200
Sacramento, CA 95833

COMMENTS ON THE MITIGATED NEGATIVE DECLARATION FOR PROPOSED LLANO SECO RANCH WATER CONVEYANCE SYSTEM IMPROVEMENT PROJECT, CHICO, BUTTE COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 18 August 2011, we received your request for comments on the Mitigated Negative Declaration for the Llano Seco Ranch Water Conveyance System Improvement Project.

Ducks Unlimited, Inc. is acting as project sponsor for the physical improvement of the water conveyance system that provides surface water to the Llano Seco Ranch (Ranch), the Llano Seco Unit of the U.S. Fish and Wildlife Service's North Central Valley Wildlife Management Area, and the Llano Seco Unit of the California Department of Fish and Game's Upper Butte Basin Wildlife Area. The water conveyance system is located on fee title and easement lands held by the USFWS, fee title lands held by DFG, and M&T and Llano Seco Ranch lands that are not within an easement. The total length of the system from the M&T Ranch pumping plant on the north of its terminus in the Upper Butte Basin Wildlife Area is approximately 18.4 miles. The sediment removal, levee improvement and siphon replacement activities will occur over approximately 15.1 miles of the system south of a surge pond located on the M&T Ranch. Approximately 64% of this lower 15.1 mile stretch will be modified by construction.

The Ranch is located 8 miles southwest of Chico, California and immediately adjacent to the eastern bank of the Sacramento River. The improvements include clearing of canal sediment, removal of vegetation that inhabits levee maintenance and canal flow, repair and reconstruction of canal levees, removal and replacement of canal siphons, and removal, replacement, and construction of water control structures within the canal system. The project also includes temporary development of habitat improvements to offset construction impacts. A total of approximately 814 acres will be affected by these activities, but the modifications will occur in a staggered fashion over a three to four year construction period. As borrow activities are completed, the land will be restored for use as pasture land or habitat. The water delivery system supports agricultural operations of the Ranch and the habitat improvement and habitat management activities of the Ranch, the USFWS, and the DFG. The USFWS and DFG fee title lands are part of federal wildlife refuges and state wildlife areas, respectively. Based on our review of the information submitted for the proposed project, we have the following comments:

Clean Water Act (CWA) Section 401, Water Quality Certification

The Central Valley Water Board has regulatory authority over wetlands and waterways under both the Federal Clean Water Act (CWA) and the California Water Code, Division 7 (CWC). Discharge of dredged or fill material to waters of the United States requires a CWA Section 401 Water Quality Certification from the Central Valley Water Board. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. 401 Certifications are issued in combination with CWA Section 404 Permits issued by the Army Corps of Engineers. The proposed project must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the State. Steps must be taken to first avoid and minimize impacts to these waters, and then mitigate for unavoidable impacts. Both the Section 404 Permit and Section 401 Water Quality Certification must be obtained prior to site disturbance.

Isolated wetlands and other waters not covered by the Federal Clean Water Act

Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark). Discharge of dredged or fill material to these waters may require either individual or general waste discharge requirements from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the project site, and the project impacts or has potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at:

http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/wqc_application.pdf

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Llano Seco Ranch Water System Conveyance Improvement Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website: http://www.waterboards.ca.gov/water_issues/programs/stormwater/gen_const.shtml

Dewatering Alternative 1: Discharge to Storm Drains or Waters of the United States

A dewatering permit, General Order for Dewatering and Other Low Threat Discharges to Surface Waters, (Central Valley Water Board Order No. R5-2008-0082, adopted 12 June 2008) may be required for pump testing, pipeline dewatering and/or construction activities. This general NPDES (National Pollutant Discharge Elimination System) permit covers the discharge to waters of the United States of clean or relatively pollutant-free wastewater that poses little or no threat to water quality. The following categories are covered by the dewatering permit: well development water; construction dewatering; pump/well testing; pipeline/tank pressure testing; pipeline/tank flushing or dewatering; condensate discharges; water supply

system discharges; miscellaneous dewatering/low threat discharges. The dewatering permit applies only to direct discharges to waters of the United States. Failure to obtain a dewatering permit, when required, may result in enforcement action. An application form and a copy of the permit are available at this office.

Dewatering Alternative 2: Discharges to Land

Construction and system test dewatering discharges that are contained on land (i.e., will not enter waters of the United States) are allowed under Central Valley Water Board Resolution No. 2003-0003-DWQ provided the following conditions are met: (1) the dewatering discharge is of a quality as good as or better than underlying groundwater; and (2) there is a low risk of nuisance. Examples of dewatering discharges to land include a terminal basin, irrigation (with no return to waters of the United States), and dust control. You may request written confirmation from this office that the waiver is applicable.

If you have any questions or comments regarding this matter please contact me at (530) 224-4784 or by email at szaitz@waterboards.ca.gov.

Scott A. Zaitz, R.E.H.S.
Environmental Scientist
Storm Water & Water Quality Certification Unit

SAZ: wrb/knr

cc: Mr. Brian Vierra, U.S. Army Corp of Engineers, Sacramento
Department of Fish and Game, Region 2, Rancho Cordova
US Fish & Wildlife Services, 2800 Cottage Way, Ste W2928, Sacramento 95825



CAPITAL PROJECT
SERVICES DEPARTMENT

411 Main Street - 2nd Floor (530) 879-6900
P.O. Box 3420 Fax (530) 895-4899
Chico, CA 95927 <http://www.ci.chico.ca.us>

October 25, 2012

Dianne Simodynes
2379 Gateway Oaks, Suite 200
Sacramento, CA 95833

RE: M&T CHICO RANCH / LLANO SECO RANCHO FISH SCREEN FACILITY SHORT-TERM PROTECTION PROJECT – RESPONSE TO NOTICE OF PREPARATION (NOP)

Dear Ms. Simodynes:

The City of Chico has reviewed the above referenced NOP. The City supports the removal of the gravel bar material and maintenance of the existing rock-toe and tree revetment, acknowledging that these actions are critical to the ongoing functionality of the M&T Facility fish screens, as well as the City's Wastewater Treatment Plant (WWTP) operations. The proposed project is designed to prevent the short-term westward migration of the Sacramento River, which, if left unchecked, could result in the stranding of both the intake pumps at the M&T Facility and the WWTP outfall site located approximately 1,500 feet downriver from the fish screens.

The City's primary concern not identified for evaluation in the forthcoming Initial Study (IS) relates to the short-term nature of the proposed project and lack of a long-term commitment, as stated in the NOP, to reconstruct the rock-toe and tree revetment in the event that it is damaged or destroyed prior to the development of a permanent solution. The rock toe revetment has shown benefit to both the M&T Facility and the WWTP outfall. If it were allowed to fail before the installation of an alternative measure, environmental implications, including the potential for river channel migration, would be anticipated. Therefore, the City recommends that either the project description be modified to include a permanent commitment to maintaining / reconstructing the rock toe revetment (or installation of an equivalent facility) **OR** that the IS identify, evaluate, and mitigate the impacts associated with the loss or incapacitation of the rock-toe revetment on the WWTP outfall, particularly as it relates to river migration (see CEQA Appendix G: sample Environmental Checklist Form Section IX. (c)). The outfall is designed to discharge up to 15 million gallons per day (mgd) of treated effluent in to the Sacramento River. The long-term maintenance of the existing rock-toe and tree revetment, or equivalent stream channel alignment stabilization measure, is instrumental in preventing river migration and subsequent stranding of the outfall. Therefore, this potential effect must be evaluated to ensure the continued safe and secure functionality of the City of Chico WWTP outfall.

Thank you for opportunity to comment on the proposed project. Please feel free to contact me at (530) 879-6903 (tbettenc@ci.chico.ca.us), or Fritz McKinley, Building and Development Services Director, at (530) 879-6901 (fmckinle@ci.chico.ca.us) should you have any questions.

Sincerely,

Tracy R. Bettencourt, AICP
Senior Planner
Capital Project Services

cc: Fritz McKinley, BDS



Sacramento Valley Landowners
ASSOCIATION

P. O. Box 3014
Sacramento, CA 95812
916-708-7030

Via email to: M&TLlanoSecoProject@hdrinc.com

October 25, 2012

Dianne Simodynes
2379 Gateway Oaks, Suite 200
Sacramento, CA 95833

Re: Comments – M&T Chico/Llano Seco Rancho Fish Screen and Pump Facility

On behalf of the Sacramento Valley Landowners Association (SVLA), I am submitting comments related to the proposed interim measures to maintain the viability of the M&T Chico/Ranch/Llano Seco Rancho Fish Screen and Pump Facility (M&T Facility, located on the east bank of the Sacramento River at approximately six miles southwest of the City of Chico.

SVLA is comprised of landowners and allied groups concerned with maintaining flood control facilities, promoting bank protection, adequate water supply, and supporting agricultural operations in northern California. SVLA has been involved with SB 1086 since its inception in 1986 and the Sacramento River Conservation Area Forum since it was formed to follow the guidelines of the Sacramento River Conservation Area.

One of the Guiding Principles of the Sacramento River Conservation Area was to “protect hard points” including state, federal and private infrastructure. The Butte City Bridge was protected by Cal Trans and Hamilton City will soon be protected by a new levee which includes some rock placed at critical points.

SVLA is seriously concerned and strongly questions why the M&T/Llano Seco Refuge Pumping Plant and the City of Chico Sanitation Plant Outfall “facilities” are not receiving the same level of consideration worthy of protection as hard points as the above named “facilities”? There has been an on-going State-Federal study lasting almost ten years to come up with the best long-term solution to the river meander problem at RM 192.5. In the meantime 300,000 tons of river meander gravel has been relocated from the river to protect these facilities from destruction.

We do support additional gravel removals from the Sacramento River as short-term protection measures but as landowners and taxpayers, our membership is dismayed that the agencies and environmental groups cannot abide by a document and process they created which is to “protect the long-term viability of hard-points and infrastructure” when they are threatened by the meander of the Sacramento River.

Farmers up and down the river view this process as disingenuous and lacking creditability because of the way property owners and the City of Chico are being treated. It appears that the process lacks balance and transparency. Clearly when SB 1086 was authored by Senator Jim Nielsen, this was not what he envisioned. To quote from Senator Nielsen’s letter dated February 23, 2010, to The Nature Conservancy: . . .”I have reviewed all correspondence between the parties and it appears counter-productive and contrary to the spirit of SB 1086 and good neighbor policy not to support this (long term) solution to provide reliable water supply for agriculture and habitat along the river.”

Thank you.

A handwritten signature in black ink, appearing to read "Brendon Flynn", with a stylized flourish at the end.

Brendon Flynn
President