

### 3.10 Comments from Individuals and Responses

This chapter contains copies of comment letters (and any attachments) from the individuals listed in Table 3.10-1. As noted previously, each comment in the comment letters was assigned a number, in sequential order (note that some letters may have more than one comment). The numbers were then combined with an abbreviation for the individual (example: FOX-5). For some comments, letters were added alphabetically to further identify related comments (example: FOX-5a).

**Table 3.10-1.  
Individuals Providing Comments on  
Draft Program Environmental Impact Statement/Report**

<b>Abbreviation</b>	<b>Name</b>	<b>Individual</b>
ANDR	Andrews Farms, A Partnership	Andrews, Johnny
BOWL	Bowles Farming Company, Inc.	Michael, Cannon
BURNS	Burns, Daniel	Burns, Daniel
CARD	Cardoza, Cecilia	Cardoza, Cecilia
CATA	Catania, Roy	Catania, Roy
COBU	Coburn, Shawn	Coburn, Shawn
COTT	Cotta, Stanley	Cotta, Stanley
DIED	Diedrich, James and Michael	Diedrich, James and Michael
DTLO	D.T. Locke Ranch, Inc.	Locke, Jr., Daneward T.
FOX	Fox, Dennis	Fox, Dennis
FYMC	The Forbes, Yore and McGinn Corp.	<i>None provided</i>
HBSG	Herb Bauer Sporting Goods	Bauer, Barry
HOUK	Houk, Randall	Houk, Randall
IEST	Iest Family Farms	Iest, Richie
JAQU	Jaquith, Howard	Jaquith, Howard
LEE1	Lee, G. Fred	Lee, G. Fred
LEE2	Lee, G. Fred	Lee, G. Fred
LOCK	Locke-Martin, Mari	Locke-Martin, Mari
LOON	Looney, Bowman	Looney, Bowman
LOTK	Lotkowski, John M.	Lotkowski, John M.
MAIO	Maiorino Farms	Maiorino, Brian
MCNA	McNamara, Dan	McNamara, Dan
MERL	Merlic, Edward	Merlic, Edward
GARY	Martin, Gary and Mari	Martin, Gary and Mari

**Table 3.10-1.  
Individuals Providing Comments on  
Draft Program Environmental Impact Statement/Report (contd.)**

<b>Abbreviation</b>	<b>Name</b>	<b>Individual</b>
MOOS	Moosios, Louis	Moosios, Louis
NEVE	Neves, Anthony	Neves, Anthony
NICK	Nickel, James	Nickel, James
NICO	Nicoletti, Cynthia	Nicoletti, Cynthia
OBAN	O'Banion, Mike	O'Banion, Mike
PARA	Paramount Farming Company	Phillimore, William
PALM	PRMF Almond-1, LLC	Maiorino, Brian
PHIL	Phillimore, William	Phillimore, William
REDF	Redfern Ranches, Inc.	Fausone, Steve
REDW	Redfern-West, Suzanne	Redfern-West, Suzanne
SALA	Salazar, Joseph	Salazar, Joseph
SJRA	San Joaquin River Association	Robert Brewer
SKIN	Wolfsen Family Landowners	Skinner, L. Scott
STEA	Stearns, Mike	Stearns, Mike
STEA2	Stearns, Brent	Stearns, Brent
VAND	Vander Dussen, Michael	Vander Dussen, Michael
WARD	Ward, Bill	Ward, Bill
WILL	Willis, Michael	Willis, Michael

### 3.10.1 Andrews Farms, A Partnership

ANDR

ANDREWS FARMS, APARTNERSHIP  
6635 WEST ANDREWS ROAD  
DOS PALOS, CA 93620  
(209)993-0993  
FAX (209)392-6160

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
*email to:* [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
*email to:* [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

ANDR - 1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

***Response to Comment from Andrews Farms, A Partnership***

**ANDR-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.2 Bowles Farming Company, Inc.



BOWLES FARMING COMPANY, INC.

11609 S. HEREFORD ROAD  
LOS BANOS, CALIFORNIA  
93635

BOWL

Phone: (209) 827-3000  
Fax: (209) 826-1134  
E-mail: info@bfarm.com

Monday, September 19, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PFISRCComments@restoration.gov](mailto:PFISRCComments@restoration.gov)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

I am interested in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

BOWL-1 | I hereby join in the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to raise all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Very truly yours,

Cannon Michael  
Vice President  
Bowles Farming Company, Inc.  
11609 Hereford Road  
Los Banos, CA 93635

***Response to Comment from Bowles Farming Company, Inc.***

**BOWL-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.3 Daniel Burns

BURNS

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
*email to:* [PEISRComments@restoresj.ca.gov](mailto:PEISRComments@restoresj.ca.gov)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
*email to:* [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

BURNS-1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name:  
Address:  
City, State Zip:

*Daniel Burns*  
13252 Elgie Rd  
Das Fines, Ca  
93620

***Response to Comment from Daniel Burns***

**BURNS-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.



### 3.10.4 Cecilia Cardoza

CARD

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
*email to:* [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
*email to:* [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

CARD-1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name:	<u>Cecilia Cardoza</u>
Address:	<u>42779 Mint Road</u>
City, State Zip:	<u>Dos Palos, CA 93620</u>

***Response to Comment from Cecilia Cardoza***

**CARD-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

### 3.10.5 Roy Catania

CATA

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
*email to:* [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
*email to:* [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

CATA-1 | I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name:  
Address:  
City, State Zip:

*Aliso Water Dist.*  
*10302 Av. 7<sup>th</sup>*  
*Firebaugh, Ca. 93622*

***Response to Comment from Roy Catania***

**CATA-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

### 3.10.6 Shawn Coburn

COBU

**Banonis, Michelle**

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**From:** SHAWN COBURN [coburnranch@hughes.net]  
**Sent:** Tuesday, September 20, 2011 9:02 AM  
**To:** fschulte@water.ca.gov; PEISRComments@restoresjr.net  
**Cc:** coburnranch@hughes.net; palmer@hmrtd.net; jwhite@sjrecwa.net  
**Subject:** Re: FW: Landowner Comment Letter, RE: SJRRP PEIS/EIR \*\*ACTION NEEDED BY WEDNESDAY, SEPTEMBER 21, 2011\*\*

Coburn Ranch

September 20, 2011

Ms. Alicia Forsythe

SJRRP Program Manager

Bureau of Reclamation

2800 Cottage Way MP-170

Sacramento, CA 95825-1898

*email to:* [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte

California Dept. of Water Resources

South Central Region Office

3374 East Shields Avenue

Fresno, CA 93726

*email to:* [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

San Joaquin River Restoration Program

RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program

Dear Ms. Forsythe and Ms. Schulte:

As a landowner along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

COBU-1 | I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Shawn Coburn

Coburn Ranch

8174 West Eucalyptus

Dos Palos, Ca. 9620

***Response to Comment from Shawn Coburn***

**COBU-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

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### 3.10.7 Stanley Cotta

COTT

STANLEY COTTA JR. FARMS  
P.O. Box 506  
Dos Palos, CA. 93620  
209-392-2729

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
*email to:* [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
*email to:* [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

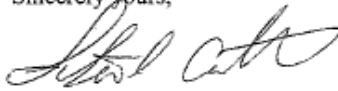
**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner and farmer along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

COTT-1 | I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

  
Stanley Cotta Jr.

***Response to Comment from Stanley Cotta***

**COTT-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

### 3.10.8 James and Michael Diedrich

DIJM

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
*email to:* [PFISRCComments@restoresj.net](mailto:PFISRCComments@restoresj.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
*email to:* [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

DIJM-1 | I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name:  
Address:  
City, State Zip:

James J. & Michael T. Diedrich  
P.O. Box 805  
Firebaugh, CA 93622

***Response to Comment from James and Michael Diedrich***

**DIJM-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

**3.10.9 D.T. Locke Ranch, Inc.**

DTLO

**D.T. Locke Ranch, Inc.**  
P.O. Box 549  
Firebaugh, CA 93622

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

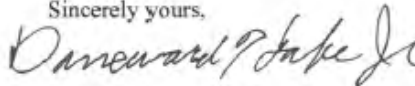
**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

DTLO-1 | I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,



Name: D.T. Locke Ranch, Inc  
President of Corporation  
Address: P.O. Box 126  
City, State Zip: Firebaugh, CA 936622

***Response to Comment from D.T. Locke Ranch, Inc.***

**DTLO-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.10 Dennis Fox

SCANNED

FOX

Ms Michelle Bononis,  
Bureau of Reclamation  
2800 Cottage Way, MP 170  
Sacramento, CA 95825

Subject: San Joaquin River Restoration Negative Declaration or EIS?

Dear Ms Bononis:

The documents plethora of denial of significant impacts and resulting lack of format defining impacts and possible mitigation brings me to the conclusion that it may be best defined as a negative dec. I think that the program should be reviewed by the NRC and see if they reach the same conclusion.

DATE	ACTION	BY WHOM
JUL 18 2011	✓	COPY Kiera 7/20/11

FOX-1

O The heat on the restored flows will be quite an impact, there should be a restored riparian zone before there is any thought of full flows or aquatic habitat restoration.

FOX-2

O The outfall from municipal wastewater could be perhaps restored by utilizing the flood channels as tertiary treatment for M&I and Ag waste. This would take effort not denial.

FOX-3

O The arundo is moving downstream at a rate exceeding a mile a year alone. This will give you a "twofer" as not only will the San Joaquin be impacted but you will be able to do in the BayDelta as well.

FOX-4

O Other invasives, such as hyacinth, sponge plant etc will also be "twofers".

FOX-5a

For mitigation consider the following:  
Put bladder dams under bridges for cool respite pools. This will irk Caltrans as people fish from the bridges but then you can have Caltrans install aquatic habitat by installing the potholes and washboards that it does so well which can replicate the pool riffle environment that is needed. Also sediment transport needs to have geomorphology considerations.

FOX-5b

Raise Friant immediately and dedicate the increase in supply to river restoration; I would also favor taking water from Kerchoff and putting it through power plants to Finegold. Being in a building with electrical switches, the BOR does not fathom from whence the juice cometh nor the increasing scarcity thereof. Any terrestrial habitat at Finegold could be offset by that restored at the River. Were the riparian and overflow channels ever to be considered.

FOX-5c

Of course the raising of Millerton would flood out the State Park which is even planning a major facility which would block Temperance Flat of which the BOR is, of course, unaware. Thus the State Parks, who are approaching Chapter 11, should be removed from Lake operations and replaced by the BOR. This is one thing that it cannot do worse than a predecessor and the 80/20 split used for a steady income for mitigation and restoration. The State Park at the Grasslands and Hatfield could be part of the mitigation.

3011 00 00 00 00 00

Classification	ENV - 1040
Project	314
Control No.	1105 7113
Folder I.D.	1197647
Date Input & Initials	7/18/2011 AD

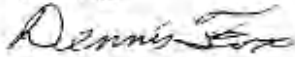
FOX-5c  
cont. id

The Grasslands has not been grazed by State Parks for some weird religious reason and grazing it by you could restore the vernal pools and endangered communities there in. This could probably be best done by the Fish and Wildlife Service as that is what they do.

FOX-6

As you may have started to assume by now, I am appalled by the document. The San Joaquin is devoid of water in many locations and the sand seems to be utilized by the authors for cranial insertion. That is why I seriously think it needs a professional review by the National Research Council as was given the Bay Delta.

Sincerely,



Dennis Fox  
918 Blossom  
Bakersfield, CA 93306



**Responses to Comments from Dennis Fox**

**FOX-1:** As described in MCR-1, “Analysis of Program Feasibility, Potential to Achieve Restoration and Water Management Goals,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the PEIS/R does not evaluate the feasibility of the Settlement, the likely efficacy of Settlement actions in achieving the Restoration or Water Management goals, or the interactions of individual Settlement actions with other Settlement actions. Accordingly, the PEIS/R does not present benefits or impacts of the SJRRP to reintroduced Chinook salmon and does not assess the efficacy of the Settlement actions to provide suitable water temperatures for reintroduced Chinook salmon. The Implementing Agencies recognize the unprecedented nature of the SJRRP, and acknowledge that flexibility in implementing the Settlement is necessary to ultimately achieve the Restoration and Water Management goals. In consideration of this necessary and anticipated flexibility, the SJRRP management process involves a broad range of strategies to guide implementation of the Settlement consistent with the Act, and incorporates a continuously growing set of data and scientific information. In particular Appendix E, “Fisheries Management Plan,” of the Draft PEIS/R, describes the framework for addressing specific actions related to fisheries, including actions to address water temperatures for reintroduced spring-run and fall-run Chinook salmon. This includes all actions described in Section 5.2.5, “Unsuitable Water Temperatures,” of Appendix E of the Draft PEIS/R, beginning on page 5-33. See MCR-1 in Chapter 2.0 of this Final PEIS/R for additional information relevant to this comment.

The potential for changes in water temperatures to occur in the San Joaquin River and bypasses in the Restoration Area as a result of project-level actions was quantitatively evaluated using the SJR5Q model. SJR5Q represents the San Joaquin River from Friant Dam to the confluence with the Merced River as a network of discrete segments (reaches and/or layers, respectively) for application of HEC-5 for flow simulation, and HEC-5Q for temperature simulation. Within this network, control points are designated to represent selected stream locations where flow, elevations, and volumes are computed. In HEC-5, flows and other hydraulic information are computed at each control point. A schematic of the HEC-5 representation of the San Joaquin River from Millerton Lake to the confluence with the Merced River is presented in Figure 4-1 in Appendix H, “Modeling,” of the Draft PEIS/R.

SJR5Q output is presented in the Temperature Modeling Output – SJR5Q Attachment to Appendix H, “Modeling,” of the Draft PEIS/R at the head of Reaches 4A, 4B2, and 5. As described on pages 14-24 through 14-27 of the Draft PEIS/R, under the action alternatives, long-term average simulated water temperatures in the San Joaquin River downstream from Reach 2 and in the Eastside and Mariposa bypasses would be similar to or lower than under the No-Action Alternative, resulting in less than significant or less than significant and beneficial impacts to water quality.

For the reasons set forth above and in MCR-1, no changes to the PEIS/R are necessary. See MCR-1 in Chapter 2.0 of this Final PEIS/R for additional information relevant to this comment. Text has not been revised.

**FOX-2:** As stated on page 1-13 of the Draft PEIS/R, the purpose of the proposed action is to implement the Settlement consistent with the Act. Analysis of the potential impacts of municipal wastewater outfalls is beyond the scope of the PEIS/R. The comment does not raise issues or concerns specific to the environmental analysis presented in the Draft PEIS/R. Text has not been revised.

**FOX-3:** Potential impacts related to the spread of invasive species are described in Chapter 6.0, “Biological Resources – Vegetation and Wildlife,” of the Draft PEIS/R. As discussed on page 6-89 under impact VEG-18, the Conservation Strategy (Table 2-7 of the Draft PEIS/R) would be implemented to offset the potential adverse effects from changes to the distribution and abundance of invasive plants. Specifically, Conservation Measure INV-1 requires monitoring and controlling the spread of invasive plant species that could interfere with successful establishment and survival of native riparian plant species. Text has not been revised.

**FOX-4:** Measures are included in all action alternatives under the Conservation Strategy (Table 2-7 of the Draft PEIS/R) to offset potential adverse effects from changes to the distribution and abundance of invasive plants due to implementing the Settlement. Potential impacts related to the spread of invasive species are described in Chapter 6.0, “Biological Resources – Vegetation and Wildlife,” of the Draft PEIS/R. Text has not been revised. See also response to comment FOX-3.

**FOX-5a:** Comment noted although it is unclear what the proposed mitigation would mitigate. See Chapter 10.0, “Geology and Soils,” of the Draft PEIS/R, for a discussion of potential impacts associated with sediment transport. The commenter provides no specific documentation of the concern raised nor does the commenter provide the basis for their comment or data or references offering facts, reasonable assumptions based on facts or expert opinion supported by facts to support their comment. Text has not been revised.

**FOX-5b:** Raising Friant Dam was initially considered but not retained as an action alternative in the Draft PEIS/R because it does not substantially contribute to the SJRRP purpose. See page 2-91 of the Draft PEIS/R for a description of the rationale for not including raising Friant Dam among the alternatives considered in the Draft PEIS/R. Because of the long lead time for permitting, designing, and constructing such a project, it could not be implemented “immediately,” as suggested by the commenter, and would not satisfy the implementation timing required by the Settlement for release of Restoration Flows.

Regarding the commenter’s suggestion of “taking water from Kerchoff and putting it through power plants to Finegold,” the comment does not raise issues or concerns specific to the environmental analysis presented in the Draft PEIS/R.

See also the discussion of program-level actions (including actions to incorporate riparian habitat) beginning on page 2-37 of the Draft PEIS/R. Text has not been revised.

**FOX-5c:** Changing administration of State facilities at Millerton Lake is beyond the scope of the PEIS/R. The comment does not raise issues or concerns specific to the environmental analysis presented in the Draft PEIS/R. Text has not been revised.

**FOX-6:** Comment noted. Review of the PEIS/R by the National Research Council is not contemplated at this time. The comment does not raise issues or concerns specific to the environmental analysis presented in the Draft PEIS/R. Text has not been revised.

*This page left blank intentionally.*

3.10.11 The Forbes, Yore and McGinn Corp.

FYMC

**Banonis, Michelle**

From: Dfmac5@aol.com  
Sent: Tuesday, September 20, 2011 9:13 AM  
To: PEISRcomments@restoresjr.net  
Cc: churley@hmrtd.net; chase@hmrtd.net  
Subject: Comments

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
*email to:* [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
*email to:* [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

FYMC-1 | I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name: The Forbes, Yore & McGinn Corporation  
Address: P.O. Box 2985  
City, State Zip: Merced, CA 95344

***Response to Comment from The Forbes, Yore and McGinn Corp.***

**FYMC-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.12 Herb Bauer Sporting Goods

**HERB BAUER** *Sporting Goods*

**HBSG**

8264 N. BLACKSTONE • FRESNO, CA 93710 • (559) 435-8800 • FAX (559) 435-8605

September 20, 2011

Bureau of Reclamation  
Michelle Banonis  
2800 Cottage Way  
MP170  
Sacramento, CA 95825

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED		
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1713	<input checked="" type="checkbox"/>	

RE: Response to San Joaquin River Restoration Program's Draft Program EIS/EIR Report

Dear Ms. Banonis:

The purpose of this letter is to express concerns related to the San Joaquin River Restoration Program EIS/R Report – Chapter 21.0 Recreation. It is our option that the details of the Program and Project EIS/R's relative to REC-4, REC-5, REC-11 and REC-12 have not been satisfactorily mitigated within Reach 1.

The basic premise that the SJRRP will impact only Friant Division contractors and their water users is flawed because this Report frequently redirects recreational users to the Kings River. The proposed Program and Project mitigations will negatively impact all recreational users in Fresno County including fisherman, boaters, swimmers and waders on the Kings River and the San Joaquin River.

Herb Bauer Sporting Goods offers the following comments to the San Joaquin River Restoration Program's draft Program EIS/EIR Report:

HBSG-1 | 1) We strongly oppose shutting down cold water trout planting and fishing in the San Joaquin River as proposed in the April 2011 Program EIS/EIR Report.

HBSG-2 | 2) In Figure 21-2, page 21-6, SJR Parkway and Surrounding Areas, Recreational Features of the Parkway, element 11, the Spano River Ranch property owned by the San Joaquin River Conservancy (SJRC), which has initiated the CEQA process, has not been included in the mitigations discussed in this Report. The River West Plan proposals include a Multi-Use Trail, the Lewis S Eaton Trail Extension, "near and along the river." This plan could be enhanced by Warm Water gravel pit mitigations and minor channel reconfigurations by the SJRRP in coordination with the City of Fresno and the SJRC. The Spano River Ranch within the San Joaquin River Parkway has not been discussed in the April 2011 EIR/S and needs to be included.

SCANNED

Classification	PR-2300
Project	214
Control No.	11073194
Folder I.D.	1150923
Date Input & Initials	9-23-2011

3) Unsatisfactory program mitigations include:

REC-4 pages 21-33 to 21-35. Cessation of rainbow trout stocking in the San Joaquin River and closing it to recreational fishing during the any portion of the year is unsatisfactory. As pointed out on page 21-34 lines 4-12, Fresno County Park - Lost Lake is primarily used for river access and cold water trout fishing. This is the primary SJR access point for residents of Fresno County and recreational fishermen.

HBSG-3

Relocating SJR cold water recreational fishing to the Kings River is unsatisfactory since the Kings River can not support 18,000 additional fisherman a year. If cold water fishing must be impacted during the first two years of Chinook re-introduction then alternate warm water fishing opportunities must be developed. We suggest that the California Department of Fish and Game Commission set size and/or take limits on Chinook salmon during the Spring and Fall Chinook runs and maintain all existing fishing regulations on the SJR.

REC-5 pages 21-35 to 21-36. All warm water fishing facilities in Reach 1 need to be improved using SJRRP resources. The gravel mining pits within the Spano River Ranch property, for example, and many, many other points within Reach 1 need improved isolation from the cold river channel to improve Chinook survivability.

HBSG-4

Separation of warm water mining pits from the cold water of the SJR mitigation includes construction that isolates warm and cold water marine habitat. Stocking warm water ponds with fish to improve recreational fishing during a possible temporary closure is important. Improving warm water fishing within Reach 1 may provide short term mitigation.

4) Unsatisfactory project mitigations include:

REC-11 pages 21-49 to 21-50. Swimming and wading usage within Reach 1 and specifically at Skaggs Bridge and Lost Lake Park can not be mitigated by moving the people to the Kings River. The cold water on the Kings River during March and April make it unsafe because they also have increased cold water flows during this period and their flows are unregulated as compared to the SJR. The current SJR flow plan may cause public safety issues as evidenced by the rescues and loss of life incidents during 2011. A flow of 4,500cfs is dangerous for swimmer and waders.

HBSG-5

REC-12 pages 21-50 to 21-53. Boating, which includes kayak and canoe usage, within Reach 1 can not be safely mitigated by moving the people to the Kings River. The diversion structures within the Kings River could be a hazard to boaters unaware of their presence. Simply suggesting that a kayaker could replace their San Joaquin River experience on the Kings River would result in a public safety issue. A flow rate of 4,500cfs is dangerous for boaters on either river.

HBSG-6

The San Joaquin River is an important recreational resource in Fresno County and we trust that our concerns will be addressed in the Final Program EIS/R and future Program EIS/R's.

Sincerely,

  
Barry H. Bauer, President



**Responses to Comments from Herb Bauer Sporting Goods**

**HBSG-1:** Comment noted. CFGC has developed a set of policies relating to management of salmon in the State, one of which states the following: “Domesticated or nonnative fish species will not be planted, or fisheries based on them will not be developed or maintained, in drainages of salmon waters, where, in the opinion of the Department, they may adversely affect native salmon populations by competing with, preying upon, or hybridizing with them. Exceptions to this policy may be made for stocking drainages that are not part of a salmon restoration or recovery program” (CFGC 2009). Consistent with this policy, DFG could cease stocking rainbow trout in Reach 1 after salmon are reintroduced. See also MCR-9, “Recreation Impacts and Kings River,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R for additional information relevant to this comment.

**HBSG-2:** In addition to enhancements to existing facilities and development of new ponds described in Chapter 21.0, "Recreation," of the Draft PEIS/R, Mitigation Measure REC-5, project proponent(s) may also create new warm-water fishing opportunities at existing ponds within the River West – Fresno (Spano River Ranch) and River West – Madera (Proctor-Broadwell-Cobb property site) planned San Joaquin River Parkway facilities (City of Fresno 2011, Madera County 2011). See also MCR-9, “Recreation Impacts and Kings River,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R for additional information relevant to this comment.

**HBSG-3:** Regarding cessation of trout stocking, CFGC has developed a set of policies relating to management of salmon in the State, one of which states the following: “Domesticated or nonnative fish species will not be planted, or fisheries based on them will not be developed or maintained, in drainages of salmon waters, where, in the opinion of the Department, they may adversely affect native salmon populations by competing with, preying upon, or hybridizing with them. Exceptions to this policy may be made for stocking drainages that are not part of a salmon restoration or recovery program” (CFGC 2009). Consistent with this policy, DFG could cease stocking rainbow trout in Reach 1 after salmon are reintroduced.

Regarding the ability of the Kings River to support additional angling, Mitigation Measure REC-4 would enhance public fishing access and trout populations on the Kings River below Pine Flat Dam to better accommodate anglers displaced from Reach 1 who choose to travel to the Kings River. Specific actions to enhance public fishing access and trout populations would be determined during subsequent site-specific NEPA/CEQA evaluation of Chinook salmon reintroduction, but could include fish habitat enhancement projects in the river, fish stocking, fish population monitoring, hatchery production of catchable trout, public education, and/or public outreach. The Draft PEIS/R concluded that the actual number of anglers displaced to the Kings River would be relatively small and, after implementation of Mitigation Measure REC-4, would not impact angling opportunities on the Kings River.

While some displaced anglers could travel to the Kings River below Pine Flat Dam (approximately 40 miles southeast of Reach 1), others may choose not to fish, or could elect to pursue other fishing opportunities in the vicinity of Reach 1, such as warm-water

sport fishing in isolated gravel pits and ponds along Reach 1, or pursue angling opportunities upstream from Millerton Lake. For a number of reasons, it is likely that some portion of the approximately 1,600 anglers displaced from the San Joaquin River would be attracted to sites other than the Kings River. Also, San Joaquin River anglers who may be displaced by the SJRRP to the Kings River would likely be dispersed to the several park sites providing fishing access, reducing the increase in angling pressure on any one site. Therefore, even if all of the approximately 1,600 San Joaquin River anglers, and their approximately 18,000 days of annual angling activity, were displaced to the Kings River (which is highly unlikely as described above), this displacement would represent only about 12 additional anglers per site per day during the peak season. In addition to on-stream trout angling opportunities at the Kings River, San Joaquin River anglers have the opportunity to fish for trout at 83-acre Avocado Lake (adjacent to the Kings River), because the lake is also stocked with trout by DFG. This could further reduce the additional fishing pressure on the Kings River from displaced San Joaquin River anglers.

Relating to the capacity of the Kings River trout fishery to absorb additional angling pressure, it should also be noted that the Kings River receives 25,000 sub-catchable “put and grow” fish annually (KRFMP 2008), which the San Joaquin River does not receive, and that the planned improvements of the Kings River Fisheries Management Program and others to trout habitat at numerous sites on the Kings River are also likely to increase the capacity of the Kings River fishery in the long term.

Under Mitigation Measure REC-4, specific actions to enhance fishing access would be developed in cooperation with the Kings River Conservancy and State and local agencies participating in ongoing park and river access construction and enhancement projects. Example projects include construction of the Kings River Access Park or similar facilities to provide anglers and others with amenities such as nonmotorized boat launches, parking areas, restrooms, information kiosks, and picnic tables. In addition, specific actions to enhance trout populations could be developed in cooperation with the Kings River Water Association, Kings River Conservation District, and DFG in support of the Kings River Fisheries Management Program Framework Agreement and Fisheries Management Program. Specific actions to enhance trout populations may include fish habitat enhancement projects in the river, fish stocking, and fish population monitoring. Actions could also include hatchery production of catchable trout, particularly if the San Joaquin Hatchery reduces trout production as a result of producing salmon in support of implementing the Settlement.

In addition to enhanced angling opportunities on the Kings River described above, improvements to warm-water sport fishing opportunities in the vicinity of Reach 1 would also likely decrease the potential for displaced San Joaquin River anglers to impact Kings River angling opportunities, as described below.

Regarding alternate warm-water fishing opportunities, Mitigation Measure REC-5, described on page 21-36 of the Draft PEIS/R, would require that project proponent(s) for future program-level actions mitigate potentially significant impacts to warm-water fishing opportunities. Project proponent(s) would be required to work with the SJRC, the

SJRPCT, DFG, Fresno County, and other agencies that manage the San Joaquin River Parkway to enhance remaining warm-water fishing opportunities or create new opportunities in the vicinity.

In response to comments received on the Draft PEIS/R and through continued coordination with DFG and other agencies participating in managing the San Joaquin River Parkway, Reclamation is currently working to identify ways to enhance or create warm-water fishing opportunities in the vicinity of Reach 1. Reclamation will continue to work with DFG and other agencies to pursue ways to enhance or create warm-water fishing opportunities in the Reach 1 vicinity.

Regarding potential future restrictions on salmon fishing on the San Joaquin River, as noted in Impact REC-4, DFG may elect to impose new restrictions or close portions of the San Joaquin River to reduce the likelihood of anglers inadvertently catching salmon or intentionally poaching salmon. In these cases, DFG would develop project-level environmental documents, as necessary, to comply with CEQA before implementing new regulations.

See also MCR-9, "Recreation Impacts and Kings River," in Chapter 2.0, "Master Comment Responses," of this Final PEIS/R for additional information relevant to this comment.

**HBSG-4:** The PEIS/R evaluates actions to isolate gravel pits in Reach 1 at a program level. Specific actions to enhance public fishing access and trout populations would be determined during subsequent site-specific NEPA/CEQA evaluation of Chinook salmon reintroduction, but could include fish habitat enhancement projects in the river, fish stocking, fish population monitoring, hatchery production of catchable trout, public education, and/or public outreach. See also MCR-9, "Recreation Impacts and Kings River," in Chapter 2.0, "Master Comment Responses," of this Final PEIS/R for additional information relevant to this comment.

**HBSG-5:** As described in Chapter 21.0, "Recreation," of the Draft PEIS/R, under Impact REC-11, the impacts on swimming and wading from increased flows would primarily occur during March and April. Although hot weather occasionally occurs in the Fresno area during these months, the average daily high temperature is 68°F in March and 75°F in April. This period is before the onset of consistently hot days (greater than 80°F to 85°F) that draw the public to the river to swim or wade. Water temperatures in the river are also low (55°F to 60°F) during April and May. Given these moderate air temperatures and cold water temperatures, the number of potentially affected swimmers and waders would be small. Regarding public safety issues on the Kings River, during most years mean flows below Pine Flat Reservoir during March and April are between 500 and 2,000 cfs (and considerably less below the Fresno Weir). The much greater flows that occurred during much of March and April 2011 are typical only of periods when very high inflow into Pine Flat Reservoir results in large dam releases. It should also be noted that similar swimming opportunities would remain available at Millerton Lake during March and April. This additional analysis supports the conclusion presented in the Draft PEIS/R that Impact REC-11 would be less than significant. Text has not been revised.

**HBSG-6:** As described in Chapter 21.0, "Recreation," of the Draft PEIS/R, under Impact REC-12, adverse impacts on boating would primarily occur during a 4- to 6-week period in March and April of some years, well before the warmer late spring and summer period when most boating activity occurs on the river. (Increased flow would have beneficial effects on boating during late spring and summer in most years.) Therefore, the number of potentially affected boaters would be small. Also, during most years, mean flows in the Kings River below Pine Flat Reservoir during March and April are between 500 and 2,000 cfs (and considerably less below the Fresno Weir). Published paddling guides indicate that flows below 2,500 cfs are suitable for boating on the Kings River, including for novices (American Whitewater Association 2007). Although the diversion structures (weirs) may pose a hazard to boaters, the same guides also indicate that all are easily portaged, and that boaters may bypass Gould Weir by using a side channel. The paddling guides also suggest that the Kings River presents fewer hazards from trees and brush than Reach 1 of the San Joaquin River, which is characterized in many areas by narrow, braided channels, with trees and other vegetation in the channels, as a result of the historically low flows. This analysis supports the analysis and conclusions presented in the Draft PEIS/R. Text has not been revised.

3.10.13 Randall Houk

HOUK

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRComments@restoresir.com](mailto:PEISRComments@restoresir.com)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

HOUK-1 | I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name:  
Address:  
City, State Zip:

*Randall S. Houk*  
*6770 Ave 7 1/2*  
*FIRSBAND, CA 93622*  
*COLUMBIA CANAL COMPANY*

***Response to Comment from Randall Houk***

**HOUK-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.14 Iest Family Farms

IEST

IEST FAMILY FARMS

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

IEST-1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name:  
Address:  
City, State Zip:

Madeira M. Lopez  
16576 Avenue  
Madera CA 93632

***Response to Comment from Iest Family Farms***

**IEST-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.



3.10.15 Howard Jaquith

JAQU

Banonis, Michelle

From: Howard Jaquith [howard@hughes.net]  
Sent: Friday, April 22, 2011 10:13 PM  
To: peisrcomments@restoresjr.net

Sirs

JAQU-1a To "restore" the San Joaquin is to restore a system not just a river. I grew up fishing the small creeks that feed the forks of the American River. I fished many of the rivers in Northern California by 1958-59, and in 1961 I crossed the San Joaquin for the second time, the first had been a year earlier at State Highway 99. This time I had been uprooted and was moving to Dos Palos, I crossed the mighty San Joaquin at State Highway 152, and it was dry. At my young age 12- or 13 I was mistified how the sign could say San Joaquin River yet there was no water. When explained to me it seem logical, but every time I passed that way it did not seem right. A few moves and a few years later I landed in Stockton and the Delta became my home. my small motor boats allowed me to travel every passage and some we just pulled the boat through the mud. I understood the tides, the rivers, the flows where to be to intercept the strippers as they ripped into schools of shad. But even in the mid 1960's the delta was being changed by pumping. It took time but many of us could see the change in patterns the disappearance of fisheries in certain spots the appearance of strippers at the "pumps". The delta was being forced to flow backwards by this pumping. There were pumping plants all along the river but this one made a change. So did I off to Fresno State, my first job at General Box life is good the delta is forgotten, now I float the San Joaquin, I find all the diversions and some great backwater fishing. I perfect trout fishing in the Friant tailwater. It will be a few years before I course the river above Mammoth Pool, and fish the forks of the San Joaquin. Now I am understanding the system and it seems so logical to me that the San Joaquin and the Kings need to low to the Sacramento River and the pumps are in the wrong place. We should move most of the pumps down the Sacramento to some point above desired salt water intrusion. In fact that salt water line could determine our pumping. Pump all you want just do not allow salt water to move above that line. Now the water flows down the river system, through the Delta and the fish are not fooled by the sideways current of the Tracy pumps. Sure we have to move the water back up hill but we have that ability the real addition will be a couple cross valley (east/west) canals. To make this system work we need storage, why not build a dam on Los Banos creek and tunnel into San Luis use the same pumps and generators to fill and empty two reservoirs. The golf course and subdivision on Oristimba Creek is a failure anyway build another "off stream" storage facility there. Raise Millerton and put a power house in. Put off stream storage above Pine Flat and restore the salmon run to the Kings River also. Build Auburn dam, if you want. Think of this 90% of the water on the rivers north of the Russian go to the ocean, we have lots of potential rivers that could have pumps close to the ocean, not affecting fisheries. yet sending water south. We have gone from Artesian wells in the 1920's to 1000 foot deep irrigation wells today at State Highway 152 and State Highway 59, so wake up this "system" is losing ground.

JAQU-1b

JAQU-1c

Howard J

Information from ESET NOD32 Antivirus, version of virus signature database 6064 (20110422)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

***Responses to Comments from Howard Jaquith***

**JAQU-1a:** This comment does not raise issues or concerns specific to the environmental analysis presented in the Draft PEIS/R. Text has not been revised.

**JAQU-1b:** This comment does not raise issues or concerns specific to the environmental analysis presented in the Draft PEIS/R. Text has not been revised.

**JAQU-1c:** This comment does not raise issues or concerns specific to the environmental analysis presented in the Draft PEIS/R. Text has not been revised.

3.10.16 G. Fred Lee

LEE1

G. Fred Lee & Associates

27298 East El Macero Drive  
El Macero, CA 95618  
530-753-9630 gfredlee@aol.com  
www.gfredlee.com

May 27, 2011

Comments on SJR Restoration Program Draft Program Environmental Impact Statement/Report

Ms Michelle Banonia  
USBR  
peisrcomments@restoresjr.net

Ms Fran Schutte  
DWR  
fschutte@water.ca.gov

Following up on the SJR Restoration Program Public Hearing held in Sacramento on May 26, 2011, I wish to ask for information on any evaluations that may have been made of the potential impact of the releases of Friant water on water quality and Friant water recovery in the SJR below (downstream) its confluence with the Merced River. As background to this inquiry, I have been involved in evaluating water quality issues in the SJR and Delta for about 10 years; a summary of this experience including references to Dr. A. Jones-Lee's and my writings on these issues is available on our website, www.gfredlee.com, in the Watershed Studies San Joaquin River Watershed Program-Delta subsection.

Lee, G. F., and Jones-Lee, A., "Experience in Reviewing Delta Water Quality Issues," G. Fred Lee & Associates, El Macero, CA, April 3 (2011).  
<http://www.gfredlee.com/SJR-Delta/GFLAJL-Delta-EXP-REV.pdf>

In connection with the litigation on the SJR restoration, I advised NRDC on the potential impacts of the release of Friant water on water quality issues in the SJR downstream of its confluence with the Merced River. It is clear that Friant water plus any chemicals derived from the flooded soils and tributaries between Friant Dam and the Merced River will have an impact on SJR water quality issues, such as violations of water quality objectives (WQOs) including salinity, depending on the amount of Friant water that is present in the SJR water below the confluence with the Merced River. It is my understanding that these issues were not part of the Settlement Agreement for the SJR Restoration litigation.

At the Public Meeting held in Sacramento on May 26, 2011 mention was made of the "alternatives" being covered in the draft EIS/EIR for the SJR Restoration, which included several options for recovery of Friant waters below the confluence of the SJR with the Merced River. During the "Open House" part of the Program I visited several of the poster locations and asked the Project Team individual manning the posters whether the draft EIS/EIR provided information on the impact of Friant water recovery, under the various alternatives considered, on SJR/Delta water quality. I was informed that if this issue had been covered, the information would be in an appendix to the draft EIS/EIR.

LEE1-1 I would like to determine if the issue of the impact of the various alternatives for managing the recovery of Friant water that is present at the confluence of the SJR with the Merced River is discussed with respect to the impacts on SJR water quality in the river and in the Delta. If these issues have been discussed, please provide me with a contact name and/or a URL for the material so that I can review this matter and then submit comments on my perspectives on the adequacy of coverage in the draft EIS/EIR.

If this issue has not been discussed in the draft EIS/EIR, it should be; the updated/final EIS/EIS should provide information on this issue.

I do not represent any stakeholder; my interest is in the incorporation of the best possible science/engineering in the SJR Restoration Program.

Thanks for your assistance.

G. Fred Lee, PhD, PE, BCEE, F.ASCE

## San Joaquin River Restoration Program

### Banonis, Michelle

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**From:** Banonis, Michelle  
**Sent:** Tuesday, May 31, 2011 1:48 PM  
**To:** 'gfredlee@aol.com'  
**Subject:** FW: SJR Restoration Program EIS/EIR Water Quality Impact Issues  
**Attachments:** SJR Res Com ltrREV.pdf; WebSiteHomePage.pdf

Good Afternoon, Dr. Lee,

Thank you for your e-mail and letter regarding specific questions related to water quality in relation to the San Joaquin River Restoration Program (SJRRP). Based on the information you provided, I believe that the following chapters and appendices would provide the most important data and analysis:

Chapter 14: Hydrology - Surface Water Quality  
Chapter 13: Hydrology – Surface Water Supplies and Facilities Operations  
Chapter 26.6.8 to 26.6.10 - Cumulative Impacts  
Appendix H – Modeling (this includes water quality modeling and analysis)  
Appendix I – Supplemental Hydrologic and Water Operations Analyses  
Appendix J – Surface Water Supplies and Facilities Operations

This information is provided at the following web address:  
[http://www.usbr.gov/mp/nepa/nepa\\_proidetails.cfm?Project\\_ID=2940](http://www.usbr.gov/mp/nepa/nepa_proidetails.cfm?Project_ID=2940).

I appreciate your interest in the SJRRP. Please let me know if you have additional questions or concerns.

Thank you,

*Michelle Banonis*  
Natural Resources Specialist  
U.S. Bureau of Reclamation  
Office: (916)978-5457  
Cell: (916)675-2936  
E-mail: [Mbanonis@usbr.gov](mailto:Mbanonis@usbr.gov)  
Program website: [www.restoresjr.net](http://www.restoresjr.net)



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**From:** [Gfredlee@aol.com](mailto:gfredlee@aol.com) [<mailto:gfredlee@aol.com>]  
**Sent:** Friday, May 27, 2011 1:14 PM  
**To:** [peisrcomments@restoresjr.net](mailto:peisrcomments@restoresjr.net); [fschutte@water.ca.gov](mailto:fschutte@water.ca.gov)  
**Subject:** SJR Restoration Program EIS/EIR Water Quality Impact Issues

Ms Michelle Banonia  
USBR

Ms Fran Schutte  
DWR

Please see the attached. Thanks Fred



**G. Fred Lee & Associates**  
**EnviroQual**

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- [Reclaimed Wastewater](#)
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- [DSCSOC Web Site](#)

**EnviroQual Surface and Groundwater  
Quality Evaluation and Management**

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EnviroQual. Browse the topics at left for more  
information.

[Dr. G. Fred Lee, PE, BCEE, F.ASCE](#)  
G. Fred Lee & Associates  
27298 East El Macero Drive  
El Macero, CA 95618-1005  
phone: (530) 753-9630

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**Banonis, Michelle**

**From:** Gfredlee@aol.com  
**Sent:** Friday, July 08, 2011 10:30 AM  
**To:** Banonis, Michelle  
**Subject:** Re: FW: SJR Restoration Program EIS/EIR Water Quality Impact Issues follow up

LEE2-1

*Michelle Banonis I have tried to find a specific discussion (s) of the issue that I raised with you and other USBR staff of where in the draft EIS/EIR is the impact of fringed water recovery below the Merced River under the various alternatives considered discussed. From your response it would appear that this issue is widely discussed in the draft EIS/EIR. Yet my search of the the various sections of the draft EIS/EIR for a discussion of this issue fails to find a specific discussion of this issue. I must conclude that unless you or someone else can define specific wording as presented in a chapter, page paragraph that this issue is not been discussed it should be considered. Fred*

G. Fred Lee, PhD, PE, AAEE Bd Cert. Env. Eng., F.ASCE  
G. Fred Lee & Associates  
27298 E. El Macero Dr.  
El Macero, California 95618-1005  
ph 530 753-9630  
cell 530 400-4952  
fx 530 753-9956 (turned on upon request)  
em [gfredlee@aol.com](mailto:gfredlee@aol.com)  
[www.gfredlee.com](http://www.gfredlee.com)

In a message dated 5/31/2011 1:47:44 P.M. Pacific Daylight Time, [MBanonis@usbr.gov](mailto:MBanonis@usbr.gov) writes:

Good Afternoon, Dr. Lee,

Thank you for your e-mail and letter regarding specific questions related to water quality in relation to the San Joaquin River Restoration Program (SJRRP). Based on the information you provided, I believe that the following chapters and appendices would provide the most important data and analysis:

Chapter 14: Hydrology - Surface Water Quality

Chapter 13: Hydrology – Surface Water Supplies and Facilities Operations

Chapter 26.6.8 to 26.6.10 - Cumulative Impacts

Appendix H – Modeling (this includes water quality modeling and analysis)

Appendix I – Supplemental Hydrologic and Water Operations Analyses

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I appreciate your interested in the SJRRP. Please let me know if you have additional questions or concerns.

Thank you,

*Michelle Banonis*

Natural Resources Specialist

U.S. Bureau of Reclamation

Office: (916)978-5457

Cell: (916)675-2936

E-mail: [Mbanonis@usbr.gov](mailto:Mbanonis@usbr.gov)

Program website: [www.restoresjr.net](http://www.restoresjr.net)



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**From:** [Gfredlee@aol.com](mailto:Gfredlee@aol.com) [mailto:[Gfredlee@aol.com](mailto:Gfredlee@aol.com)]  
**Sent:** Friday, May 27, 2011 1:14 PM  
**To:** [peisrcomments@restoresjr.net](mailto:peisrcomments@restoresjr.net); [fschutte@water.ca.gov](mailto:fschutte@water.ca.gov)  
**Subject:** SJR Restoration Program EIS/EIR Water Quality Impact Issues

Ms Michelle Banonia

Ms Fran Schutte

USBR

DWR

Please see the attached. Thanks Fred

G. Fred Lee, PhD, PE, AAEE Bd Cert. Env. Eng., F.ASCE  
G. Fred Lee & Associates  
27298 E. El Macero Dr.

**Responses to Comments from G. Fred Lee**

**LEE1-1:** A response was provided May 31, 2011, identifying relevant sections of the Draft PEIS/R, including Chapter 14.0, “Hydrology – Surface Water Quality”; Chapter 13.0, “Hydrology – Surface Water Supplies and Facilities Operations”; Sections 26.6.8 to 26.6.10 of Chapter 26.0, “Cumulative Impacts”; Appendix H, “Modeling”; Appendix I, “Supplemental Hydrologic and Water Operations Analyses”; and Appendix J, “Surface Water Supplies and Facilities Operations.” Text has not been revised.

**LEE2-1:** The potential impacts of recapture within the San Joaquin River are program-level impacts specific to Alternatives B1, B2, C1, and C2. Impacts of all alternatives are described in Chapters 4.0 through 26.0 of the Draft PEIS/R. These chapters describe the potential impacts of all program-level actions, and do not identify impacts specific to individual actions unless particularly relevant to the impact mechanism.

When the potential impacts of program-level actions under Alternatives B1, B2, C1, and C2 would be the same as or very similar to those under Alternatives A1 and A2 (or when impacts under Alternative A2 would be similar to those under Alternative A1, impacts under Alternative B2 would be similar to those under Alternative B1, or impacts under Alternative C2 would be similar to those under Alternative C1), they are not described separately but rather are described together. This is true of Chapters 4.0 (beginning page 4-25), 6.0 (beginning page 6-56), 7.0 (beginning page 7-22), 8.0 (beginning page 8-20), 10.0 (beginning page 10-30), 11.0 (beginning page 11-31), 12.0 (beginning page 12-65), 13.0 (beginning page 13-78), 15.0 (beginning page 15-3), 16.0 (beginning page 16-32), 17.0 (beginning page 17-33), 18.0 (beginning page 18-10), 20.0 (beginning page 20-18), 21.0 (beginning page 21-31), 23.0 (beginning page 23-18), 24.0 (beginning page 24-20), 25.0 (beginning page 25-11), and 26.0 (entire chapter groups discussion of cumulative impacts among all action alternatives).

Because of the effects of recapture along the San Joaquin River between the Merced River confluence and the Delta, potential program-level impacts of Alternatives B1, B2, C1, and C2 are discussed separately from program-level impacts of Alternatives A1 and A2 in Chapters 5.0 (beginning page 5-74), 14.0 (beginning page 14-20), 19.0 (beginning page 19-21), and 22.0 (beginning page 22-67). Text has not been revised.



3.10.17 Mari Locke-Martin

LOCK

**Pikalok Farming  
P.O. Box 549  
Firebaugh, CA 93622**

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

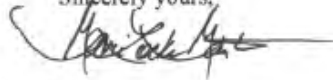
Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

LOCK-1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,



Name: Pikalok Farming,  
Mari Locke Martin  
Address: P.O. Box 549  
City, State Zip: Firebaugh, CA 936622

***Response to Comment from Mari Locke-Martin***

**LOCK-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.18 Bowman Looney

LOON

B. Rec. 2300 Cottage Way MS 170  
 Sacramento CA. 95325 9-20-11  
 Re: S.J. River Restoration

Both my father and grandfather had cattle farming operations on the Berenda and Ash branches of the Chowchilla River along Hwy 152. Our water came from the Chowchilla and from the Malora Canal (Miller's). It was very valuable to local family farmers. I grew up there & began kayaking in the 1950s when the rivers were still the main distribution outlets, and they had abundant fish and wildlife habitats. I believe it was B. Reclamation that "channelized" these rivers for flood control in the 50's & 60's. Canals were built for distribution and Arundo eventually dominated this habitat. Bypasses were built and all three branches ended in these vast treeless canals. If you are going to restore the S.J. River, restore the river. With water the habitat will return. Don't "bypass" it. Without a strong agricultural base, a society can't afford wildlife, but had reclamation law (acreage limits etc.) actually been enforced in the past, I expect the result would have been more family farmers, more stable communities, fewer corporate farms, and water for the original farmers downstream, and just enough left over to keep the river alive.

Thanks.

LOON-1a

LOON-1b

P.S. sorry, printer died!

BOWMAN LOONEY  
95333 BV 468 LeGrand CA.


***Responses to Comments from Bowman Looney***

**LOON-1a:** Comment noted. As stated in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R, on page 2-91, routing of Interim and/or Restoration flows through the Chowchilla Bypass instead of through the San Joaquin River on a permanent basis would not be consistent with the Restoration Goal, which is to “restore and maintain fish populations in good condition in the main stem of the San Joaquin River.” This action was considered, but not retained for inclusion in the action alternatives because as a complete alternative to conveying flows in the river channel, it would prevent achieving the SJRRP purpose and need, consistent with the Settlement. As a partial alternative, where Interim or Restoration flows could be split between the bypass system and the river channel, this action would also conflict with achieving the SJRRP purpose and need by potentially stranding reintroduced fish in the bypass system. However, in consideration of downstream conditions, Interim or Restoration flows could be temporarily diverted to the bypass system, and flood flows would continue to be routed through the bypass system in accordance with the standard operations of the system. Text has not been revised.

**LOON-1b:** Comment noted. This comment does not raise issues or concerns specific to the environmental analysis presented in the Draft PEIS/R. Text has not been revised.

3.10.19 John M. Lotkowski

LOTK



**SAN JOAQUIN RIVER  
RESTORATION PROGRAM**

**PUBLIC COMMENTS**  
for the San Joaquin River Restoration Program  
Draft Environmental Impact Statement/Environmental Impact Report

Written comments can be submitted at the public hearings,  
mailed to the Bureau of Reclamation  
(mailing address is on the back of this card),  
faxed 916-978-5114, or emailed to [peisrcments@restoresjr.net](mailto:peisrcments@restoresjr.net)  
by 5 p.m. (PDT) on Thursday, July 21, 2011.  
Thank you.

*(Please print clearly)*

Please check your  
affiliation:

Federal

State

Elected Official

Tribe

Local Agency

Organization

Individual

Name John Lotkowski

Organization and Address Concerned citizen  
4848 N. Delbert Ave

Phone ( ) \_\_\_\_\_ FAX ( ) \_\_\_\_\_ E-mail SKAlpha@gmail.com

Comment here: 5.24.11 Bypass Utilization

Date Main Topic of Comments

LOTK-1 ① Why isn't the old bypass filled to take  
pressure off ~~the~~ the farmer's land  
near the river?

LOTK-2 ② Does the restoration of salmon  
supercede delivery of agricultural water  
delivery?

LOTK-3 ③ Is pumping plant utilized for  
storage?

Very informative meetings!

All comments become part of the public record.

**Responses to Comments from John M. Lotkowski**

**LOTK-1:** It is assumed that the commenter refers to conveying flows through the bypass system to reduce flows in the river channel within the Restoration Area. Two sections of the bypass system are relevant to this comment: (1) the Chowchilla Bypass from the Chowchilla Bypass Bifurcation Structure and Eastside Bypass Reach 1 from the Chowchilla Bypass to the Sand Slough Bypass, and (2) the Sand Slough, Eastside and Mariposa bypasses downstream from Sand Slough Control Structure and end of Eastside Bypass Reach 1.

Use of item (1) was not considered for evaluation in the PEIS/R for the reasons discussed on page 2-91, lines 1 through 7. As stated in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R, on page 2-91, routing Interim and/or Restoration flows through the Chowchilla Bypass instead of through the San Joaquin River on a permanent basis would not be consistent with the Restoration Goal, which is to “restore and maintain fish populations in good condition in the main stem of the San Joaquin River.” This action was considered, but not retained for inclusion in the action alternatives because as a complete alternative to conveying flows in the river channel, it would prevent achieving the SJRRP purpose and need, consistent with the Settlement. As a partial alternative, where Interim or Restoration flows could be split between the bypass system and the river channel, this action would also conflict with achieving the SJRRP purpose and need by potentially stranding reintroduced fish in the bypass system. However, in consideration of downstream conditions, Interim or Restoration flows could be temporarily diverted to the bypass system, and flood flows would continue to be routed through the bypass system in accordance with the standard operations of the system. Temporary use of the Chowchilla Bypass to avoid or minimize seepage impacts is included as part of the Physical Monitoring and Management Plan, described in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R, beginning on page 2-49.

Use of item (2) above is included under all action alternatives, as described in Chapter 2.0 of the Draft PEIS/R. Text has not been revised.

**LOTK-2:** It is assumed that the commenter refers to the use of available channel capacity in the San Joaquin River for conveying Interim and Restoration flows (referred to in the comment as “restoration of salmon”), and asking whether this use would conflict with potential use of available channel capacity in the San Joaquin River for conveying surface water supplies to meet Reclamation’s obligations to the San Joaquin River Exchange Contractors.

As described on page 2-40, lines 10 through 16, of the Draft PEIS/R, Interim and Restoration flows would have a lower priority for downstream channel capacity than flood flows (from Friant Dam or other sources, such as the Kings River, Fresno River, or Chowchilla River) or irrigation deliveries to the San Joaquin River Exchange Contractors. If release of water from Friant Dam is required for flood control purposes, concurrent Interim and Restoration flows would be reduced by an amount equivalent to the required flood control release. If flood control releases from Friant Dam exceed the concurrent scheduled Interim and Restoration flows, no additional releases above those required for flood control would be made for SJRRP purposes. Finally, Interim and

Restoration flows would be limited to then-existing channel capacities. Priorities and operations are set in the *Levees, Irrigation and Drainage Structures, Channels and Miscellaneous Facilities* (Reclamation Board 1967), and would not change with the implementation of the SJRRP. The inclusion of this discussion does not change the analysis or conclusions of the Draft PEIS/R. Text has not been revised.

**LOTK-3:** It is assumed that the comment refers to constructing new pumping infrastructure to recapture Interim and Restoration flows on the San Joaquin River between the Merced River confluence and the Delta. Construction of new pumping capacity would include a new pumping plant on the San Joaquin River or enlarging the pumping capacity of an existing facility on the San Joaquin River. New pumping infrastructure would also include infrastructure to convey recaptured flows to the DMC or California Aqueduct. The new pumping infrastructure would not include storage, but to the extent they are available, existing south-of-Delta CVP and SWP storage and conveyance facilities would be used to recirculate recaptured water to the Friant Division long-term contractors, and could include transporting water to San Luis Reservoir or other CVP or SWP facilities for storage prior to delivery, subject to the constraints described in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R. Text has not been revised.

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3.10.20 Maiorino Farms

MAIO

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRCComments@restoresjr.net](mailto:PEISRCComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

MAIO-1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name:	Maiorino Farms, by Brian Maiorino
Address:	37618 W. Silaxo Road
City, State Zip:	Firebaugh, CA 93622

***Response to Comment from Maiorino Farms***

**MAIO-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.21 Dan McNamara

MCNA

September 21, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

RE: SJR Restoration PEIS/EIR (Report) April, 2011

MCNA-1 | The no-action alternative is not understandable.

MCNA-2 | The Report does not divulge that most of 4B1 has never had levees.

MCNA-3 | Reach 4B1 is roughly 50 miles from Friant Dam. I believe construction of a Project should start at the source (Friant Dam) and continue (downstream) until completed or until the money is used up, so that what is built is all connected and functions. Otherwise it would be like building an unconnected section of an 8-lane freeway in the middle of the desert that doesn't emanate from or terminate at a town.

MCNA-4 a | The Report on page 27-20 lines 23-27, states, "Alternative B2 would be the environmentally preferable/superior alternative, unless a future study of the benefits of floodplain restoration in Reach 4B1 determines that Alternative B1 is the environmentally preferable/superior alternative. The environmentally preferable/superior alternative may not be the preferred alternative for implementation." By the last sentence, I hope they are implying that the financial aspect of the decision process makes Alternative B2 fiscally irresponsible. Since Alternative B2 means having 4,500cfs flow through 4B1, the construction cost and the land acquisition cost (91 % of the land is privately held and expensive), which could easily be 3/4 of one billion dollars, alone should make it financially impractical. But the larger impacts are the socioeconomic implications. Food supply is not even a part of the Socioeconomic topic in the Report. Since an estimated one billion people now do not have enough food to eat, this clearly needs to be included as a factor for consideration. The ramifications of an inadequate food supply can lead to economic and political instability, which can devolve into riots that can result in regime change. The extreme end of the scale is mass starvation, which is occurring in regions of Africa. On page 28-19 in the Compliance Chapter, lines 4-10 states, "The Farmland Protection Policy Act requires that a Federal agency examine the potential impacts of a proposed action on prime and unique farmland, ... and, if the action would affect farmland

San Joaquin River Restoration Program

MCNA-4b cont'd	↑ preservation, consider alternatives to lessen the adverse effects. As a Federal agency preparing environmental compliance documents, Reclamation is required to conduct a farmland assessment designed to minimize adverse impacts on prime and unique farmlands and provide for mitigation, as appropriate." Not having 4,500cfs flow through 4B1 would be a form of mitigation.
MCNA-5	I want to bring to the attention of those responsible for the content of the Report that the historic template used to determine impacts is too narrow in its scope and that the requirements of various regulations are not being fully addressed in order to provide the public a clear understanding of the impacts of the Project. Just as Judge Wanger discovered, the human factor and our food supply has not been adequately considered and is of the utmost importance.
MCNA-6a	On page 27-1 lines 3-6, it states, "CEQA requires consideration of significant and unavoidable impacts, NEPA requires consideration of ... long-term productivity, and both NEPA and CEQA require consideration of irreversible and irretrievable commitments of resources..." On page 27-16 lines 7-15, it states, "NEPA requires that an EIS include a discussion of the irreversible and irretrievable commitments of resources..." "The State CEQA Guidelines require that an EIR include a discussion of the significant irreversible environmental changes that would be caused by a proposed project..." "An irreversible and irretrievable commitment of resources is the permanent loss of resources for future or alternative purposes." It then includes in its list "Construction materials", meaning soil from productive farmland, and "Land area and associated agricultural resources..." In lines 27-30, the Report excludes the considerable amount of fill material necessary to construct tens of miles levees, then concludes that because they are excluded "Therefore, the commitment of these material resources would not result in a permanent loss of this resource for the future or alternative purposes." On page 27-17 lines 11-14, it states, "Farm and rangeland would be converted to nonagricultural uses (e.g., levee and bypass footprints, floodplain habitat). This conversion would be long term but not necessarily irreversible and irretrievable." That is a blatantly false statement. Once soil from farmland is used to construct levees it will never be returned to the fields it came from and is a permanent loss of this resource. The Report even states on page 16-33 that "It is conservatively assumed that the borrow sites in areas of Important Farmland ... lands could be permanently converted to nonagricultural uses." I believe it is necessary for the Report to provide statistics of what the range would be using the least and the most quantities of borrow material needed so that the public better understand the range of additional farmland permanently being taken out of production. Converting productive farmland to bypasses diminishes the food growing capacity thereby reducing our food supply. This action is irreversible and irretrievable and the consequences are not adequately being considered.
MCNA-6b	
MCNA-7	On page 26-2 under "Methods and Assumptions", it states, "NEPA guidelines do not provide specific guidance on how to conduct a cumulative impact analysis, Reclamation identifies associated actions that when viewed with the proposed or alternative actions, may have significant cumulative impacts." This provides an opportunity to broaden the scope of what factors to consider. "State CEQA Guidelines 26.2.1 Quantitative Assessments includes the topic

MCNA-7 cont'd	<p>Socioeconomics. On page 26-3,4 it states, "Future actions considered in this cumulative effects analysis are actions located within the study area that have been identified as potentially having an effect on resources that also may be affected by the SJRRP. ... Actions were then evaluated for inclusion in the cumulative effects analysis based on three criteria that all must be met to be considered to be reasonably foreseeable: ... economic viability, ... information defines the action in sufficient detail to allow meaningful analysis. ...The action could affect resources potentially affected by the SJRRRP." What is not included in the Socioeconomics topic is the loss of agricultural resources that supplies food necessary for human existence. There is nothing more basic and essential than that, and it is being ignored. There needs to be statistics that quantify the reduction of the food supply in sufficient detail to allow for meaningful analysis of the impact. Also, regarding economic viability, on page 22-52 in "22.3.2 Significant Criteria", lines 30-31 states, "Economic and social factors are listed in the definition of effects to consider under NEPA Regulations." Since agriculture is California's economic base and obviously the San Joaquin Valley's economic base, there needs to be statistics that quantify the monetary loss of farmland and how the multiplier affect ripples through the economy to arrive at a total figure. On page 27-19 lines 6-8 it states, "Settlement implementation also would result in long-term reduction of economic activity because of loss of agricultural land or changes in current cropping practices." The Report also needs to show the estimated range of loss of property tax revenue in each affected County, which they can ill afford to lose, due to the change in use away from productive agriculture. Reduction of the tax base also reduces the fees collected by the Lower San Joaquin Levee District which maintains the Bypasses.</p>
MCNA-8a	
MCNA-8b	
MCNA-9a	<p>On page 26-35 in "26.5 Mitigation Measures for Significant Cumulative Impacts", an absurd and unacceptable position is taken: "It was not feasible to reduce any of the overall significant cumulative impacts. Therefore, no further feasible mitigation could be applied to reduce significant, or potentially significant, overall cumulative impacts to less-than-significant levels. In this case, the cumulative impacts are considered to be significant and unavoidable." If an impact is too significant, don't take the action, it <u>is</u> avoidable. "26.6 Cumulative Effects Analysis" does include "Land Use Planning and Agriculture: Conversion of Important Farmland to Nonagricultural Uses". The loss of our food supply is too significant and must be avoided.</p>
MCNA-9b	<p>On page 26-52 in "26.6.12 Land Use Planning and Agriculture", it states, "Impacts involving adopted land use plans or policies and zoning generally would not combine to result in cumulative impacts. ... An impact related to this issue would be significant if implementation of an alternative would conflict with any applicable land use plan or policy adopted for the purpose of avoiding or mitigating environmental impacts." Just as destroying wildlife habitat disrupts the animal's food chain, possibly leading to starvation, permanently taking agricultural lands out of production diminishes human's food supply, which is already in short supply world-wide. There is a conflict, on page 26-31 a Merced County General Plan policy is that goals "are designed to ensure that the development of Merced County will not significantly interfere with or destroy valuable natural resources." Productive farmland is a finite natural resource that is part of the environment. On page 9-34 line 3-5 states, "Proposed land use conversions associated with Alternatives A1 through C2 would be inconsistent with local policies that call for the agricultural productivity of important Farmland to be preserved." On page 26-53 line 29-</p>

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MCNA-10	33, it states, "Restoration actions in Reach 2B would convert up to 2,300 acres of Important Farmland. Constructing a bypass around the Mendota Pool ... up to 420 acres of Important Farmland; restoration actions in Reach 4B1 would convert up to 5,600 acres of Important Farmland. Lands used for borrow sites are assumed to be designed as Important Farmland." On page 16-33 lines 10-11 states that "more than 1.5 square miles of land could be affected." That equates to more than 960 acres. On page 26-54 lines 1-3 it states, "The loss of Important Farmland and cancelation of Williamson Act contracts is considered a cumulatively considerable incremental impact when evaluated in connection with the significant cumulative losses that would occur in the cumulative context, ...". The quantity of food produced from the 9,280 acres identified above, including the estimated acres used for borrow sites, plus the estimated loss of productivity due to seepage and inundation, needs to be included in the Report so people will know what the trade-off is between the quantity of food they will permanently do without versus the, some believe futile attempt, to reintroduce 500 fish and the other stated changes to the San Joaquin River and its adjacent lands. It is not clear whether the expected 8,000 acres of flood-plain habitat is included in the above stated figures. Current yield production figures of the various crops grown in those areas should be used in the calculation instead of outdated country-wide averages. Drip irrigation of tomatoes, for example, yields nearly 70 tons per acre, which is likely more than double country-wide averages. Probably every field in the study area will eventually have drip irrigation. After crunching numbers of how much production of food and fiber will be lost annually, then equate how many people that will feed and clothe annually, then extrapolate the loss to say 100 years, so we have an idea how much food people will do without each century in order to put the issue into a meaningful perspective. On page 16-1
MCNA-11a	lines 19-22 it states, "The width of the Restoration Area includes an area ... from the river centerline ... for a total width of approximately 3,000 feet, where restoration actions could affect existing land uses or agricultural resources." This distance is ambiguous, it does not state the assumed distance between levees. It does not state the distance outside the levees where seepage may cause reduced crop yields. There needs to be a range using the closest and the furthest apart (i.e., 3,775 ft.) levees may be, and the closest and the furthest (one mile plus) seepage may affect crop yields. On page 16-2 lines 28-29 it states, "The Restoration Area occupies approximately 72,581 acres along the San Joaquin River." So I suspect there are far more than 9,280 agricultural affected acres identified in the Report. For example, on page 16-3, Table 16-1 reports the number of agricultural acres in the study area, but on lines 20-21 states that it classifies "land that is being prepared for agricultural production" as Open Space, not agricultural. Then using the range figures, calculate the statistics for potential food supply losses that could occur. On page 26-60 in "26.6.18 Socioeconomics" it states, "Cumulative impacts...may result from...the conversion of agricultural land." It concludes that "reductions in the amount of agricultural lands through conversion to habitat would not be significant." I believe that presenting the quantity of food lost will be deemed significant by many. The Report also has the misguided perspective that "the added socioeconomic benefits that a larger population can provide (meaning additional residential development on agricultural lands) would likely outweigh any losses caused by a decrease in agricultural acreage." Having a broader context, one would understand that a decrease in agricultural acreage would be detrimental if the population were to increase, because at some point demand for food will
MCNA-11b	outstrip supply. On page 27-14 lines 10-16, it states, "NEPA requires that an EIR consider...the
MCNA-12	
MCNA-13	

MCNA-13 cont'd	<p>↑ maintenance and enhancement of long-term productivity. ... to foster and promote the general welfare; create and maintain conditions under which humans and nature can exist in productive harmony; ... and future generations of Americans." On page 27-15 it concludes "No identified adverse effects would pose a long-term risk to human health and safety." I completely disagree and am identifying the reduced amount of food issue as posing a long-term risk to human health and that the potential of resulting riots due to food scarcity poses a risk to safety.</p>
MCNA-14	<p>High food prices adversely affect people with a low-income. In the Environmental Justice Chapter on page 9-1 in "9.1 Environmental Setting" it states, "A determination must be made whether implementation of the program alternatives may cause disproportionately high and adverse human health or environmental impacts on those populations." An inadequate amount of food is adverse to human health. On page 9-29 "9.3.2 Disproportionately High and Adverse Criteria", impact effects include economic (food prices), and human health. Also, whether the effects are "likely to appreciably exceed those on the general population." One of the criteria is "Land Use Planning and Agricultural Resources". The effects have not been adequately considered or quantified in the Report. On page 9-32 in "Impact LUP-1 (No-Action Alternative) Conversion of Important Farmland to Nonagricultural Uses", it acknowledges that</p>
MCNA-15	<p>"some land would be converted in a manner inconsistent with local policies that call for the agricultural productivity of Important Farmland to be preserved", as a justification it states, "This significant and unavoidable impact is not expected to disproportionately affect specific geographic concentrations of low-income populations or minority groups because the effects would be distributed across broad geographical areas of the State. I do not believe this position adheres to the spirit of President Clinton's Executive Order 12898. Why wouldn't a Federal policy not be directed at the entire nation? If there is less food, the principle of supply and demand dictates higher food prices, which adversely affect the low-income population.</p>
MCNA-16	<p>In "16.3.3 Program-Level Impacts and Mitigation Measures", on page 16-34 lines 19-20, it states it will acquire or provide funds to acquire "agricultural conservation easements at a 1:1 ratio to be held by land trusts..." This essentially only mitigates 50% of the land lost. Environmental mitigation is typically a 3:1 ratio. I propose the agricultural conservation easements also be set at a 3:1 ratio. On page 16-31 lines 26-27 it states, "Any loss of Important Farmland would be significant because there are no measures to fully mitigate the loss of Important Farmland."</p>
MCNA-17	<p>Also in 16.3.3, using the Inheritance Tax mindset, lines 36-38 states, "Redistribute the most productive salvaged topsoil that is not used in restoring agricultural uses to affected Important Farmland. Redistribution will be to less productive agricultural lands ... that could benefit from the introduction of good-quality soil." This inequitable policy would set a bad precedent. A government agency shouldn't be deciding whose better topsoil should be distributed to those deemed in need. Confiscation and subsequent redistribution violates the principles of private property rights. The solution is, don't remove more soil than is needed.</p>
MCNA-18a	<p>↓ In order for the public to make a responsible decision as to which Alternative to choose, realistic cost estimates need to be presented regarding the difference between having 475 cfs versus 4,500 cfs flow through 4B1. The Legislation states the basis of the Secretary of the</p>

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MCNA-18a cont'd	<p>Interior's determination whether to expand channel conveyance capacity to 4,500 cfs in Reach 4B1, or use an alternate route include comparative costs, the comparative benefits, and private property. As part of the required cost-benefit analysis in evaluating which is the preferred route, the true costs associated with the full 4,500 cfs flows down the old abandoned river channel need to be disclosed. These cost factors need to include, as described above, the socioeconomic impact of taking the acreage range of thousands of acres of prime farmland out of production in perpetuity, thereby reducing the food supply. The cost of constructing a duplicate bypass that would replace the old abandoned river channel in 2006 was \$370 million. Farmland prices are at least double that now. The acreage used was probably less than the possibly 3,775 foot wide distance between the levees. The five bridges were of shorter lengths.</p>
MCNA-18b	<p>There needs to be the estimated cost of removing and disposing of the silt from the old abandoned river channel. Reach 4B1 is approximately 22 miles long, approximately 100 feet wide and there is an estimated 10–15 feet of silt. The silt will not meet today's standards for material that can be used in levee construction and the silt will just be washed downstream if placed within the levees. Finding a location to dispose of it will probably require the purchase of additional agricultural land as a site, thereby taking it out of production also. The hauling cost need to be identified and the socioeconomic costs associated with diminished air quality from that activity needs to be addressed, aside from just the activities associated with borrow sites.</p>
MCNA-19a	<p>I reject the current assumption that there should be flows down both the Bypass system and the old abandoned river channel. One route makes more economic sense, not a temporary split and rejoining. Nowhere else in the system is this proposed. The only reason for sending 475 cfs down the old abandoned river channel is to placate the environmentalists that want the "main stem" of the river flowing again. The country cannot afford their financially irresponsible desires. Adequate water temperatures for salmon will not be achieved in this shallow flat Reach. On page 10-22 line 6 states, Reach 4B1 "is the lowest slope of all project reaches."</p>
MCNA-19b	<p>Using the existing bypasses is the logical route for the 4,500 cfs flows. The bypasses can handle the flows. Dredging the scoured-out path in the center of the Bypass to the optimal depth and width in order to help regulate the water temperature is the best chance for fish survival. There would be two functions within one location, a channel for the fish and flood protecting levees bordering it. If the Bypass levees need to be further apart, dirt from the levee to be moved can be used to reconstruct it a little further away. One of the biggest costs in levee construction is vehicle travel time. Reconstructing something close by is far cheaper than hauling new material from a greater distance. And soil to the east and north of the Eastside and Mariposa Bypasses is much less fertile and is used for duck clubs. Therefore, the cost to acquire the land and the cost of borrow material would be substantially less and there would be no seepage issue on that side of the Bypass, because Duck Clubs would probably welcome additional free water. There are no levees on much of the old abandoned river channel, so borrow soil would be needed for levees on both sides. Constructing an unnecessary and extremely expensive parallel duplicate bypass is ripe for national attention as a gross example of taxpayer's dollars being wasted on yet another government boondoggle.</p>
MCNA-19c	

D. Mcnamara



**Responses to Comments from Dan McNamara**

**MCNA-1:** Comment noted. The No-Action Alternative description provided in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R was reviewed by the Implementing Agencies and Settling Parties, which include organizations and individuals with a variety of backgrounds and familiarity with NEPA and CEQA. Every attempt was made to provide a clear description of the concept of a joint CEQA No-Project and NEPA No-Action basis of comparison for the action alternatives. The comment provides no specific documentation of the concern raised nor does the commenter provide the basis for their comment or data or references offering facts, reasonable assumption based on facts, or expert opinion supported by facts to support their comment. Text has not been revised.

**MCNA-2:** Text on page 11-13, lines 24 through 30, of the Draft PEIS/R has been revised to state that much of Reach 4B1 upstream from the Mariposa Bypass is not confined by either Lower San Joaquin River Flood Control Project levees or nonproject levees. See Chapter 4.0, “Errata,” of this Final PEIS/R. The inclusion of this discussion does not change the analysis or conclusions of the Draft PEIS/R.

**MCNA-3:** The Implementing Agencies and Settling Parties recognize that appropriated funding needs for the SJRRP will remain a critical focus throughout the next several years. Similar to all projects subject to appropriations, there is inherent uncertainty as to the amount of funding that will be authorized each year.

As described in MCR-2, “SJRRP Funding Availability, Sources, and Cost Estimates,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the Settling Parties have recently developed a Third-Party working draft *Framework for Implementation* for the SJRRP (SJRRP 2012b). The *Framework for Implementation* outlines the actions to be taken to implement the SJRRP and presents a schedule and budget for these actions. The *Framework for Implementation* schedule was developed with input from water agencies/districts and landowners downstream from Friant Dam who may be affected by implementation of the Settlement, and is intended to be protective of these Third-Party interests while meeting the requirements of the Settlement for expeditious action. The *Framework for Implementation* also provides an accounting of future funding needs and the remaining funds available to implement the Settlement. The *Framework for Implementation* can be found on the SJRRP Web site at [www.restoresjr.net](http://www.restoresjr.net). While the *Framework for Implementation* presents a revised schedule for implementing the Settlement, it does not result in new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts. See MCR-2 in Chapter 2.0 of this Final PEIS/R for additional information on funding and the revised schedule of activities. Text has not been revised.

**MCNA-4a:** Comment noted. As described in Chapter 1.0, “Introduction,” of the Draft PEIS/R, this Final PEIS/R identifies the preferred alternative for implementation (see Section 1.5, “Preferred Alternative,” of this Final PEIS/R). As discussed in MCR-1, “Analysis of Program Feasibility, Potential to Achieve Restoration and Water Management Goals,” in Chapter 2.0, “Master Comment Responses,” of this Final

PEIS/R, funding amounts received to date are sufficient, based on initial cost estimates developed by the lead agencies and Settling Parties, to cover the costs of SJRRP implementation. The Settling Parties have also recently developed a Third-Party working draft *Framework for Implementation* for the SJRRP. The *Framework for Implementation* outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The *Framework for Implementation* also provides an accounting of the remaining funds available to implement the SJRRP. The *Framework for Implementation* can be found on the SJRRP Web site at [www.restoresjr.net](http://www.restoresjr.net). While the *Framework for Implementation* presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. See MCR-1 in Chapter 2.0 of this Final PEIS/R for additional information relevant to this comment.

**MCNA-4b:** See Chapter 16.0, “Land Use Planning and Agricultural Resources,” of the Draft PEIS/R, for an assessment of the potential impacts to agricultural land. All potential effects on socioeconomic conditions as a result of implementing the project are analyzed in the Draft PEIS/R, as described in Chapter 22.0, “Socioeconomics” and Chapter 26.0, “Cumulative Impacts.”

As described in Chapter 3.0, “Considerations for Describing the Affected Environment and Environmental Consequences,” of the Draft PEIS/R, the Draft PEIS/R discloses the potential direct, indirect, and cumulative impacts of implementing the Settlement, as directed by the Act, consistent with NEPA/CEQA requirements. Because the potential for food riots leading to a regime change as a result of implementing the Settlement consistent with the Act is not considered reasonably foreseeable at this time, as either a direct, indirect, or cumulative impact, this impact is not evaluated in the Draft PEIS/R.

As described in Chapter 3.0 of the Draft PEIS/R, the Draft PEIS/R discloses the potential direct, indirect, and cumulative impacts of implementing the Settlement, as directed by the Act, consistent with NEPA/CEQA requirements. Potential impacts of proposed actions on “prime and unique farmland,” as cited by the commenter, are analyzed in Chapter 16.0 of the Draft PEIS/R. Project-level analysis of impacts to farmland would also be addressed in further detail in future site-specific studies and environmental compliance documentation for actions analyzed at the program level in the Draft PEIS/R. The comment provides no specific documentation of the concern raised nor does the commenter provide the basis for their comment or data or references offering facts, reasonable assumption based on facts, or expert opinion supported by facts to support their comment. The inclusion of this discussion does not change the analysis or conclusions of the Draft PEIS/R. Text has not been revised.

**MCNA-5:** The Draft PEIS/R discloses the potential direct, indirect, and cumulative impacts of implementing the Settlement, as directed by the Act, consistent with NEPA/CEQA requirements. Disclosed impacts include potential impacts to what the commenter refers to as “the human factor and our food supply.” Please refer to the table

of contents of the Draft PEIS/R for a list of resources addressed in Chapters 4.0 through 26.0 of the Draft PEIS/R. See also response to comments MCNA-4a and MCNA-4b.

**MCNA-6a:** The commenter states that, “In lines 27-30, the [Draft PEIS/R] excludes the considerable amount of fill material necessary to construct tens of miles levees, then concludes that because they are excluded “Therefore, the commitment of these material resources would not result in a permanent loss of this resource for the future or alternative purposes.”” The complete statement quoted by the commenter is found on page 27-16, lines 27 through 30, of the Draft PEIS/R: “With the exception of fill material, the SJRRP would commit only a small quantity of these material resources relative to projected residential, commercial, industrial, and institutional development. Therefore, the commitment of these material resources would not result in a permanent loss of this resource for the future or alternative purposes.” Fill material is excluded from this statement because a more thorough discussion of the commitment of resources for fill immediately follows, beginning on line 31. The discussion beginning on line 31 concludes that if aggregate material is obtained from commercially available sources, the commitment of this aggregate material to actions could result in a permanent loss of this resource for the future or alternative purposes, such as for private development. However, if aggregate material is not obtained from existing commercial sources, that is, if this fill material is obtained from private or public lands, the SJRRP would not commit aggregate resources that would deprive other purposes.

The comment also disagrees with text found on page 27-17, lines 11 through 14, which states, “Farm and rangeland (including Important Farmland) would be converted to nonagricultural uses (e.g., levee and bypass footprints, floodplain habitat). This conversion would be long term but not necessarily irreversible or irretrievable.” The commenter disagrees with this statement, on the basis that, “[o]nce soil from farmland is used to construct levees it will never be returned to the fields it came from and is a permanent loss of this resource.” The commenter is noting the permanent removal of soil; the text from the Draft PEIS/R is discussing the conversion of farm and rangeland to nonagricultural purposes. Removing soil from farm or rangeland, while permanent, would not necessarily result in the permanent loss of that land for future agricultural use.

Chapter 16.0, “Land Use Planning and Agricultural Resources,” of the Draft PEIS/R, Impact LUP-1, discusses quantities of borrow material needed, and concludes that borrow activities would be part of a significant impact to Important Farmland. Feasible mitigation is identified that would substantially reduce this impact (Mitigation Measure LUP-1); however, the Draft PEIS/R concludes that with implementation of this mitigation, the impact would remain significant and unavoidable. A conservative approach has been taken that assumes borrow activities would result in substantial additional long-term impacts to Important Farmland. Although borrow material could be obtained from sites otherwise disturbed by project construction, borrow sites would not necessarily be Important Farmland, and sites could be reclaimed to agricultural use. Text has not been revised.

**MCNA-6b:** Tables 3-5 and 3-6 in Appendix G, “Plan Formulation,” of the Draft PEIS/R provide estimates of potential real estate requirements for implementing restoration and

water management actions. In the Restoration Area, these estimates include 400 acres for the bypass of the Mendota Pool, 550 to 2,100 acres for Reach 2B modifications, and either 1,200 acres for modifications to Reach 4B to convey at least 475 cfs (Alternatives A2, B2, and C2) or 5,100 to 6,300 acres for modifications to Reach 4B to convey at least 4,500 cfs (Alternatives A2, B2, and C2). Outside the Restoration Area, between the Merced River and the Delta, Table 3-6 also identifies a potential 190 acres for the San Joaquin River pump station and intertie pipes (Alternatives C1 and C2).

Thus, total acreage within the construction footprint of these restoration and water management actions could be 2,150 to 8,800 acres for Alternatives A1, A2, B1, or B2; and 2,340 to 8,990 acres for Alternatives C1 or C2. It is likely that a portion of, but not all, borrow material would be obtained from within these areas. Therefore, additional agricultural land could be affected by borrow activities. As discussed in Chapter 16.0, “Land Use Planning and Agricultural Resources,” of the Draft PEIS/R (on page 16-33, lines 6 through 24), because of the large quantity of soil borrow required by construction activities, more than 960 acres of land could be affected. Assuming that zero to 960 acres of land could be affected by borrow activities in addition to the acreages identified in Tables 3-5 and 3-6, the total acreage of land affected by construction of these restoration and water management actions would be between 2,150 and 9,760 acres for Alternatives A1, A2, B1, or B2; and between 2,340 and 9,950 acres for Alternatives C1 or C2.

Most but not all of the land included in these acreages would be Important Farmland, but the not all of this agricultural land would be converted to nonagricultural uses. The extent of borrow areas and their locations would be determined during site-specific project design. These areas would be generally reclaimed to agricultural use.

Text has not been revised.

**MCNA-7:** The socioeconomic impacts associated with the loss of agricultural lands are discussed in Chapter 22.0, “Socioeconomics,” of the Draft PEIS/R, on page 22-56, lines 26 through 34, and presented in Tables 22-32 through 22-35. As discussed in Section 22.1.3, pages 22-41 through 22-47, the study area is an agriculturally productive region with a large agricultural industry. The potential loss of agricultural lands and other potential impacts to agricultural productivity resulting from the SJRRP would be relatively minor compared to the size of the industry in the region and, thus, would not substantially affect regional or national food supplies. Text has not been revised.

**MCNA-8a:** As described in Appendix H, “Modeling,” of the Draft PEIS/R, regional economics were simulated using a model based on the IMPLAN modeling platform. IMPLAN modeling uses a branch of economics known as input/output (I/O) analysis. I/O models are based on data tables that trace the linkages of inter-industry purchases and sales within a given region, and a given year. The I/O model yields “multipliers” that are used to calculate the total direct, indirect, and induced effects on jobs, income, and output generated per dollar of spending on various types of goods and services in the regional economic study area. IMPLAN modeling for the PEIS/R took into account the potential loss of agricultural lands due to implementing the Settlement as discussed in Impact SOC-1, pages 22-55 through 22-63 of the Draft PEIS/R. Lands taken out of agricultural

production from Restoration action footprints are considered to have relatively small effects on agricultural production. As described on page 22-56, loss of agricultural lands as a result of program-level Restoration actions would likely decrease employment by 0.2 percent or less, which would likely be offset by project-level actions. Detail on agricultural losses due to project-level actions would be determined in future site-specific studies. Detail on changes in cropping practices due to implementing the Settlement would be considered speculative for the purposes of the PEIS/R, but will be included in future site-specific studies if appropriate information is available at that time. See also response to comment MCNA-7.

**MCNA-8b:** Actions that could take lands adjacent to the Lower San Joaquin Flood Control Project out of production are evaluated at a program level of detail in the PEIS/R. Subsequent site-specific studies would evaluate the impacts of program-level actions at a project level of detail. Reclamation recognizes that continued release and conveyance of Interim and Restoration flows likely would change maintenance activities compared to pre- SJRRP conditions. As described in MCR-8, “Operations and Maintenance Agreement Considerations,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, Reclamation is currently working with LSJLD to develop and implement an agreement to provide financial assistance for additional Settlement-related costs incurred by LSJLD. The agreement is intended to assist LSJLD in adapting to changes in maintenance activities, as needed. Such an agreement would likely be similar to the agreement recently completed by Reclamation and LSJLD for Water Year 2011 Interim Flows. For further information related to this comment, please see MCR-8.

**MCNA-9a:** In the PEIS/R, impacts are identified as significant and unavoidable with regard to one or more of the alternatives evaluated (the No-Action Alternative and action alternatives). If an action alternative is not implemented, its effects would not occur and, thus, would be avoided, as stated in the comment. Text has not been revised.

**MCNA-9b:** The Draft PEIS/R considers the impacts of the action alternatives on land use and agricultural resources. The Draft PEIS/R presents analyses applicable to an assessment of effects on food supplies: the effects of the action alternatives on the quantity of agricultural land (Chapter 16.0, “Land Use Planning and Agricultural Resources,” of the Draft PEIS/R, Impacts LUP-1 at the program level and LUP-5, LUP-6, and LUP-8 at the project level) and on revenues from agricultural production (discussed on page 22-56; page 22-67, lines 24 through 29; page 22-71, lines 10 through 15; page 22-75, lines 9 through 24). Text has not been revised.

**MCNA-10:** Evaluating the effects of an action on regional or national food supplies is complicated by the relationship of food supplies to agricultural markets, technology, and regulations that change in response to changes in the availability of land and water resources. The Draft PEIS/R presents analyses applicable to an assessment of effects on food supplies, including the effects of the action alternatives on the quantity of agricultural land (Chapter 16.0, “Land Use Planning and Agricultural Resources,” of the Draft PEIS/R, Impacts LUP-1 at the program level and LUP-5, LUP-6, and LUP-8 at the project level) and on revenues from agricultural production (discussed on page 22-56; page 22-67, lines 24 through 29; page 22-71, lines 10 through 15; page 22-75, lines 9

through 24). Also, please see Tables 6-8 and 6-9 in Appendix H, “Modeling,” of the Draft PEIS/R for a summary of CVPM modeling of effects on agricultural revenues. These evaluations demonstrate that the potential loss of agricultural lands and other potential impacts to agricultural productivity resulting from the SJRRP would be relatively minor compared to the size of the industry in the region and, thus, would not substantially affect regional or national food supplies.

Tables 3-5 and 3-6 in Appendix G, “Plan Formulation,” of the Draft PEIS/R, provide estimates of potential real estate requirements for implementing restoration and water management actions. In the Restoration Area, these include 400 acres for the bypass of Mendota Pool, 550 to 2,100 acres for Reach 2B modifications, and either 1,200 acres for modifications to Reach 4B to convey at least 475 cfs (Alternatives A2, B2, and C2) or 5,100 to 6,300 acres for modifications to Reach 4B to convey at least 4,500 cfs (Alternatives A2, B2, and C2). Outside the Restoration Area, between the Merced River and the Delta, Table 3-6 also identifies a potential 190 acres for the San Joaquin River pump station and intertie pipes (Alternatives C1 and C2).

Thus, the total acreage within the construction footprint of these restoration and water management actions could be 2,150 to 8,800 acres for Alternatives A1, A2, B1, or B2; and 2,340 to 8,990 acres for Alternatives C1 or C2. It is likely that a portion of, but not all, borrow material would be obtained from within these areas. Therefore, additional agricultural land could be affected by borrow activities. As discussed on page 16-33, lines 6 through 24, of the Draft PEIS/R, because of the large quantity of soil borrow required by construction activities, more than 960 acres of land could be affected. Assuming that zero to 960 acres of land could be affected by borrow activities in addition to the acreages identified in Tables 3-5 and 3-6, the total acreage of land affected by construction of these restoration and water management actions would be between 2,150 and 9,760 acres for Alternatives A1, A2, B1, or B2; and between 2,340 and 9,950 acres for Alternatives C1 or C2.

Most, but not all, of the land included in these acreages would be Important Farmland, but not all of this agricultural land would be converted to nonagricultural uses. The extent of borrow areas and their locations would be determined during site-specific project design. These areas would be generally reclaimed to agricultural use. Also, not all agricultural land within the potential footprints identified for restoration and water management actions would be converted to nonagricultural use: only a portion of these areas might be converted to riverine and riparian habitats.

Areas potentially affected by increased inundation and soil saturation would overlap extensively with the areas impacted by construction of restoration and water management actions. These impacts would also be avoided or substantially reduced by taking the appropriate actions identified in the Physical Monitoring and Management Plan (Appendix D of the Draft PEIS/R). Therefore, this impact may not add substantially to the total acreage of impacted farmland. However, the exact impacted acreage cannot be reasonably estimated at this time. The inclusion of this discussion does not change the analysis or conclusions of the Draft PEIS/R. Text has not been revised.

**MCNA-11a:** Projected future conditions are analyzed in the Draft PEIS/R up to year 2030; projections beyond 2030 would be too speculative for meaningful consideration. The inclusion of this discussion does not change the analysis or conclusions of the Draft PEIS/R. See also responses to comments MCNA-7 and MCNA-10 for discussion of the potential impacts of action alternatives to food supply.

**MCNA-11b:** Seepage is addressed as a land use impact separate from conversion of agricultural land to nonagricultural uses, as described in Chapter 16.0, “Land Use Planning and Agricultural Resources,” of the Draft PEIS/R. Table 16-1 on page 16-3 of the Draft PEIS/R identifies 42,220 acres of agricultural land and 27,863 acres of open space (including idle land that is being prepared for agricultural production) within the entire 72, 581-acre Restoration Area. The 9,280 acres cited by the commenter is the sum of Important Farmland acres that may be converted from agriculture to nonagricultural use under the action alternatives. The inclusion of this discussion does not change the analysis or conclusions of the Draft PEIS/R. See also responses to comments MCNA-7 and MCNA-10 for discussion of acreages and potential impacts of action alternatives to food supply.

**MCNA-12:** The commenter refers to a statement on page 26-60, lines 34 through 37, of the Draft PEIS/R. This section discusses cumulative effects on socioeconomics (e.g., effects on population, housing, employment). The statement referred to by the commenter is part of the discussion that addresses the potential effects on socioeconomics of loss of farmland resulting from implementing the Settlement. For discussion of cumulative effects on agricultural resources, please see Section 26.6.12, “Land Use Planning and Agricultural Resources,” of the Draft PEIS/R. Text has not been revised.

**MCNA-13:** CEQ guidance cited at the beginning of Section 9.3.2, “Disproportionately High and Adverse Criteria,” of the Draft PEIS/R is intended to encompass all of the resource and issue areas evaluated during environmental review. Consequently, the environmental justice analysis provides an evaluation of disproportionately high and adverse effects for all resources and issue areas evaluated in the Draft PEIS/R. Potential effects evaluated in the Draft PEIS/R include those referred to in the comment: human health, socioeconomic, land use planning, and agricultural resources. Direct and indirect effects on these resources are evaluated in Chapter 20.0, “Public Health and Hazardous Materials,” Chapter 22.0, “Socioeconomics,” and Chapter 16.0, “Land Use Planning and Agricultural Resources,” of the Draft PEIS/R, respectively; cumulative effects are evaluated in Chapter 26.0, “Cumulative Impacts.” For potential effects of the action alternatives on land use planning and agricultural resources, Section 9.3.2 (page 9-29, line 36, through page 9-37, line 4) notes that future project-level environmental justice evaluations are also likely. The socioeconomic impacts associated with the loss of agricultural lands are discussed in Chapter 22.0 of the Draft PEIS/R on page 22-56 (lines 26 through 34) and presented in Tables 22-32 through 22-35. As discussed in Section 22.1.3 (pages 22-41 through 22-47), the study area is an agriculturally productive region with a large agricultural industry. The potential loss of agricultural lands and other potential impacts to agricultural productivity resulting from the SJRRP would be relatively minor compared to the size of the industry in the region and, thus, would not substantially affect regional or national food supplies. Text has not been revised.

**MCNA-14:** This comment is substantially similar to MCNA-13. See response to comment MCNA-13.

**MCNA-15:** As discussed in Chapter 9.0, “Environmental Justice,” of the Draft PEIS/R (page 9-32, lines 14 through 25), disproportionately high and adverse effects on minority and low-income populations could occur with regard to Impact LUP-1. Socioeconomic impacts associated with the loss of agricultural lands are discussed on page 22-56 (lines 26 through 34) and presented in Tables 22-32 through 22-35. As discussed in Section 22.1.3, “Friant Division,” of the Draft PEIS/R (pages 22-41 through 22-47), the study area is an agriculturally productive region with a large agricultural industry. The potential loss of agricultural lands and other potential impacts to agricultural productivity resulting from the action alternatives would be relatively minor compared to the size of the industry in the region and, thus, would not substantially affect regional or national food supplies. The inclusion of this discussion does not change the analysis or conclusions of the Draft PEIS/R. Text has not been revised.

**MCNA-16:** A 1:1 ratio is used for many types of environmental mitigation. Impacts on Important Farmland would be mitigated in a variety of ways, and conservation easements are not limited to a specific ratio, but would be based on project-level analyses. Mitigation measures for loss of Important Farmland are described in Chapter 16.0, “Land Use Planning and Agricultural Resources,” of the Draft PEIS/R. Compliance with regulatory requirements can be a basis for mitigation, and Mitigation Measure LUP-1a and LUP-1b do not just contain only regulatory requirements; these measures are coupled and must be considered together when evaluating the mitigation and resulting impacts after mitigation. As part of Mitigation Measure LUP 1a, the types of measures suggested by the California Department of Conservation would be required for all projects implemented under the SJRRP. The establishment of agricultural conservation easements is identified on page 16-34, line 19, of the Draft PEIS/R, and the funding of agricultural land trusts is identified on page 16-34, line 23. In addition to the Department of Conservation’s suggestions, Mitigation Measure LUP-1a also requires the redistribution of salvaged topsoil from Important Farmland (not used in restoring that land) to other agricultural land (page 16-34 beginning on line 36). Mitigation Measure LUP-1b includes procedures that may not be required for complying with the Williamson Act contracts, but are included to offer disclosure, convenience for future agencies using this Draft PEIS/R in supporting project-specific environmental documents, and the greatest feasible amount of mitigation monitoring and reporting. It is understood that lands that are under a Williamson Act Contract would be Important Farmlands; therefore, Mitigation Measure LUP-1a would also apply. Text has not been revised.

**MCNA-17:** The redistribution of topsoil described in Chapter 16.0, “Land Use Planning and Agricultural Resources,” of the Draft PEIS/R, Mitigation Measure LUP-1a (beginning on page 16-34, line 36, and continuing to page 16-35, line 2), would only apply to topsoil stockpiled from borrow that remained after reclamation of the site to agricultural use. Consequently, topsoil would only be removed for the purpose of excavating borrow material; topsoil would not be removed for the purpose of redistribution. Redistribution would be a means of precluding disposal to nonagricultural sites of topsoil not reapplied to the borrow site during reclamation to agricultural use. The



inclusion of this discussion does not change the analysis or conclusions of the Draft PEIS/R. Text has not been revised.

**MCNA-18a:** As described in MCR-2, “SJRRP Funding Availability, Sources, and Cost Estimates,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, funding amounts received to date are sufficient, based on initial cost estimates developed by the lead agencies and Settling Parties, to cover the costs of SJRRP implementation. The Settling Parties have also recently developed a Third-Party working draft *Framework for Implementation* for the SJRRP (SJRRP 2012b). The *Framework for Implementation* outlines actions to be taken to implement the Settlement, and presents a schedule and budget for these actions. The *Framework for Implementation* also provides an accounting of the remaining funds available to implement the SJRRP. The *Framework for Implementation* can be found on the SJRRP Web site at [www.restoresjr.net](http://www.restoresjr.net). While the *Framework for Implementation* presents a revised schedule for implementing the SJRRP, it does not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly lessen environmental impacts identified in the PEIS/R. The PEIS/R does not include or address cost estimates, nor is there a specific requirement in NEPA or CEQA to do so.

Modifications to increase the capacity of Reach 4B1 to at least 4,500 cfs would only be implemented following completion of a study and a finding by the Secretary, in consultation with the RA and with concurrence by NMFS and USFWS, that such modifications would substantially enhance achievement of the Restoration Goal. As described on page 28-7 of the Draft PEIS/R, Section 10009 of the Act directs the Secretary to conduct a study of modifications to Reach 4B, as described in the Settlement. As the commenter notes, the study is to address the basis for the Secretary’s decision, “including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.” The range of alternatives presented in this PEIS/R accommodates this future study by encompassing, rather than predicting, the potential outcomes of this future study.

**MCNA-18b:** A detailed study of Reach 4B1 is underway as part of the Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project. As a site-specific study with project-level compliance for actions addressed at a program level in the PEIS/R, this study has its own NEPA/CEQA documentation, design process, public engagement and scoping. The Implementing Agencies appreciate landowner interest and input in site-specific studies. More information can be found on the SJRRP Web site, [www.restoresjr.net](http://www.restoresjr.net). Text has not been revised.

**MCNA-19a:** As described in MCR-5, “Adequacy of Purpose and Need, and Range of Alternatives, Under NEPA/CEQA,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the range of alternatives considered in the EIR is governed by the rule of reason, but “shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the

significant effects.” Section 15126.6(c) of the State CEQA Guidelines notes that among the reasons that can be used to eliminate certain alternatives from consideration are the following: “(i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.”

Under CEQA, the term feasible means “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” (see State CEQA Guidelines Section 15364). The Act authorizes and directs the Secretary to implement the terms and conditions of the Settlement in cooperation with the State of California. Although CEQ has indicated that under NEPA there are conditions under which compliance with the law does not necessarily make an alternative unreasonable, in this case, the Act and the Settlement have come after 18 years of legal dispute and negotiation. In light of the length of time taken and investments that have been made by agencies and stakeholders in achieving the Act and the Settlement, the Implementing Agencies have determined that alternatives that do not comply with the Act and the Settlement are neither reasonable nor feasible. Therefore, the PEIS/R evaluates alternative approaches to implement provisions of the Settlement, but does not evaluate alternatives to the Settlement other than the required No-Action Alternative. This is proper under both NEPA and CEQA since alternatives that failed to achieve the provisions of the Settlement would be neither legal nor feasible.

Consistent with the purpose of the SJRRP, as stated in Chapter 1.0, “Introduction,” of the Draft PEIS/R, which to implement the Settlement consistent with the Act, the alternatives include alternative approaches to implement the provisions of the Settlement, including the provisions of Paragraph 11(a)(1) and Paragraph 11(b)(1). Paragraph 11(a)(3) of the Settlement specifies modifications in San Joaquin River channel capacity to the extent necessary to ensure conveying at least 475 cfs through Reach 4B; Paragraph 11(b)(1) specifies further modifications (incorporating new floodplain and related riparian habitat) to ensure conveying at least 4,500 cfs through Reach 4B, unless the Secretary, in consultation with the RA and with the concurrence of NMFS and USFWS, determines that such modifications would not substantially enhance achievement of the Restoration Goal. Therefore, alternatives that would permanently route all flows through the bypass system rather than Reach 4B1 were not presented or evaluated in the PEIS/R, because they would not achieve the purpose of the SJRRP.

Section 10009(f)(2) of the Act requires that the Secretary file a report with Congress no later than 90 days after issuing a determination on whether to expand the channel conveyance capacity to 4,500 cfs in Reach 4B or use an alternative route. Section 10009(f)(2) goes on to identify specific requirements of the study, which generally include the basis for the Secretary’s determination, including how different factors were assessed, the final cost estimate, and alternative cost estimates provided by others, and the Secretary’s plan for funding the cost of expanding Reach 4B. As required by the Settlement and the Act, a study will be undertaken to determine whether to expand Reach 4B to 4,500 cfs capacity with floodplain and related riparian habitat or use an alternative route. The justification for the decision made, whether to expand the Reach 4B channel or use an alternative route, along with fishery benefits and costs, will be developed and provided as part of that future, project-level study.

The Implementing Agencies and Settling Parties recognize that appropriated funding needs for the SJRRP will remain a critical focus throughout the next several years. Similar to all projects subject to appropriations, there is inherent uncertainty as to the amount of funding that will be authorized each year. Further, the PEIS/R does not include or address cost estimates, nor is there a specific requirement in NEPA or CEQA to do so.

For the reasons stated above and in response to MCR-5, no revisions to the PEIS/R are necessary. For additional information relevant to this comment, see MCR-5 in Chapter 2.0 of this Final PEIS/R.

**MCNA-19b:** Reintroduced salmon and other native fishes could use Reach 4B1, the Eastside and Mariposa bypasses, or a combination of bypasses and Reach 4B1 for passage under Alternatives A1, B1, and C1. The determination to make improvements for passage or to modify or install new structures to encourage fish passage through one route over any other would be made during subsequent site-specific studies, including the Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project. The PEIS/R identifies and discloses potential impacts of this project (in combination with all other actions that are included in the action alternatives) at a program level of detail. Alternatives A2, B2, and C2 include all of the modifications to Reach 4B1 described in Alternatives A1, B1, and C1 plus additional modifications needed to increase the capacity of Reach 4B1 to at least 4,500 cfs, with integrated floodplain habitat, as specified in Paragraph 11(b)(1) of the Settlement. The additional modifications to increase the capacity of Reach 4B1 to at least 4,500 cfs would be implemented during Phase 2, unless the Secretary, in consultation with the RA and with concurrence by NMFS and USFWS, determines that such modifications would not substantially enhance achievement of the Restoration Goal. Reclamation will continue releasing Interim and Restoration flows from Friant Dam and those flows will be conveyed through the Eastside and Mariposa bypasses because there is little to no capacity in the Reach 4B1 channel. The permanent use of these bypasses for implementing the Settlement will be determined as part of the Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project.

As described in MCR-1, “Analysis of Program Feasibility, Potential to Achieve Restoration and Water Management Goals,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the PEIS/R does not evaluate the likely efficacy of Settlement actions in achieving the Restoration or Water Management goals, and does not evaluate the feasibility of the Settlement or the interactions of individual Settlement actions on other Settlement actions. Accordingly, the contribution of a flow of at least 475 cfs to Reach 4B1 to the survival of reintroduced salmonids is not addressed in the PEIS/R. The Implementing Agencies recognize the unprecedented nature of the SJRRP, and acknowledge that flexibility in implementing the Settlement is necessary to ultimately achieve the Restoration and Water Management goals. In consideration of this necessary and anticipated flexibility, the SJRRP management process involves a broad range of strategies to guide implementation of the Settlement consistent with the Act and incorporates a continuously growing set of data and scientific information. The Interim Flows program, initiated in 2009, will contribute substantially to the set of historical data

by facilitating collection of information regarding flow; water temperature; fish behavior and needs; habitat response and other biological effects; geomorphologic effects; seepage; and water recirculation, recapture, and reuse opportunities. See MCR-1 in Chapter 2.0 of this Final PEIS/R for additional information relevant to this comment. Text has not been revised.

**MCNA-19c:** This comment is substantially similar to MCNA-19b. See response to MCNA-19b.

**3.10.22 Edward Merlic**

MERL

Ms. Michelle Banonis ✓  
Reclamation  
2800 Cottage Way MP-170  
Sacramento CA 95825

Roseville Ca  
June 13,2011

Dear Madam,

I enclose my comments on the San Joaquin Restoration Program Draft  
Environmental Impact Statement/ Environmental Impact Report.

MERL-1

Unfortunately, I have been unavailable for any of the public meetings held in  
2007 and 2011, but I responded with questions in 2007. I have studied the  
PEIS/R and have attempted to present here, questions which seem cogent  
and may suggest some consideration in completing the Settlement Plan.

Sincerely,

Edward Merlic  
6232 Buckskin Lane  
Roseville Ca 95747  
(916) 771-0410  
email: marmer@surewest.net

## SETTLEMENT GOALS AND IMPACTS OF INTERFACES EXTERIOR TO THE PEIS/R

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MERL-2a

### RESTORATION GOAL #1

Questions arise when considering that the PEIS/R, as written, appears to follow a limited path constrained to the San Joaquin River (SJR) region between Friant Dam/environs and the Merced River. Integration of the settlement with interfaces exterior to this regime, would seem to have enough significance, that ignoring the interfaces would have major impact on your Restoration Plan.

MERL-2b

### INTERFACE CONCERNS WITH GOAL NUMBER 1

Conditions existing at Old River/Clifton Court relative to survival of Salmon smolt were basically defined in 1978 by California Fish and Game (F&G) in 1978 and have not changed in over 33 years. In a 1978 CVP Progress Report, F&G reported that over 80% of the smolt tagged and released at Northern California hatcheries disappeared at Clifton Court. By 1993, F&G had initiated a program of tanking and trucking smolt (and fry) to Antioch and other Bay regions to improve survival of the young Salmon.

### QUESTIONS CONSIDERING GOAL NUMBER 1

Case A: No change in any interface, and present planning in the PEIS/R:

MERL-3

1. What considerations must be made to assure the killing of smolt and fry at Clifton Court may be successfully avoided so that the juvenile SJR salmon will not be decimated there?
2. I have visited both the CVP Project and the Delta-Mendota pump intakes and neither has been designed nor built with fish survival considerations. Delta-Mendota intakes are "screened" by parallel railroad irons with 4-6 inch spacing to keep floating debris from the pumps. The intakes for CVP pumps are similar. Inside the CVP debris barrier are a Rube Goldberg set of swirls and tanks for capturing large Salmon which are then tanked back to a river. When I visited, these were not in operation and from a cursory examination, even if operating, this was not a process to safely return a majority of returning Salmon to a river. If returning Salmon are to survive passing Clifton Court, are there not interfaces here that must be considered by you?

MERL-4

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Project	714
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MERL-5

3. Success of the natural reproduction process (spawning beds) within the Restoration area is an interface within the program and under your control. However, let me ask if your planners are indeed closely associated with the original plans for spawning beds at Red Bluff after the major blockages of the Sacramento both at Shasta Dam and At the Red Bluff irrigation district dams? My experience there was the introduction by a resident of that city to the dry spawning beds outside the city which had been planned to replace the miles of natural spawning rivers and creeks above the dams. The beds were dry (as related to me by my friend) because they were a failure. The natural spawning was replaced by hatchery processes which were eminently successful. My question is whether there should be some back-up plan not only for the spawning, but also the transportation of the smolt/fry to insure successful spawn and arrival of the fish at their ocean destination? How assured are you that the spawning beds can be maintained at required states year to year, such that the Salmon will spawn successfully and that the spawn will grow with sufficient success to be alive and healthy for the perilous journey to the Ocean?

MERL-6

4. Releases of caustic waste water into Mud Slough/SJR are claimed to be of the order of 58 TAF yearly. I might question the total release of waste water being constrained to this seemingly low magnitude, since other farm waste is not constrained by San Luis Drain., nor may the Bureau report these numbers truly accurately. My question is: Are your allowed releases from Friant Dam sufficient, along with other fresh water sources upstream of Mud Slough, to assure that no significant effects will accrue on the young Salmon moving to the ocean

MERL-7a

Case B: Interface changes; documented but ethereal

Two prominent and newsworthy plans for modifications in water sourcing for the CVP pumps are the Delta Corridor Plan (DCP) explained in a 2009 document which studied water quality solutions with an emphasis on fish protection. The second modification is the Peripheral Canal or Peripheral Conveyance program which is heavily political but has support by SWP and CVP as well as hangers on like our ex governor and a strong farm lobby.

↓  
INTERFACE QUESTIONS WITH GOAL NUMBER 1; INTERFACE CHANGED

MERL-7a  
cont'd

The theme in DCP is maintenance of water quality. Salt content is a driving theme, with fish protection in all options. Since SJR water is claimed to compose 50% of the export water, and SJR water is highly charged with salts, an important part of the DCP is removal of SJR water from CVP export. The Plan suggests that all SJR water is diverted to Old River, and that both streams then be diverted around Clifton Court and the combined flow discharged near Brannan Island.

MERL-7b

1. Regarding Goal Number 1, there is an obviously dumb question. What could you do and would you be required to do with your Plan should the DCP become reality? Or similarly, if the Peripheral Canal were to become reality, how should you accommodate its realities, whatever that reality might be?

Offhand, the DCP appears to perhaps solve problems with water quality with the bonus of removing Clifton Court from the prominent killing field of young Salmon and might be a boon to your transport of young Salmon to the Ocean. Unintended consequences have plagued the CVP ever since Edmund 'Pat' Brown convinced the Bureau to proceed with the 'Cadillac Desert.' Unintended consequences have been and will be rampant in attempts to mitigate those discovered by CVP. I fear that your program as planned has its share of these buried in your skirts, merely awaiting your actions.

MERL-8

2. All I am asking is whether your program has prepared and you will be able to take appropriate actions if these occurrences beset you. Do you have and can you afford a systems group as watchdog over your program who may not stop all false steps, but may help you avoid some disasters?

MERL-9

#### INTERFACE CONCERNS WITH GOAL NUMBER 2; PRESENT INTERFACES

The PEIS/R in describing alternatives A-1 through C-2, include the recapture of water in various ways such that the requirements of the Settlement are met. The solution is in the details, and I have no piercing questions that need startling solutions. I will bow here and proceed to the area where I may have serious questions.

#### INTERFACE CONCERNS WITH GOAL NUMBER 2; CHANGED INTERFACES

Goal Number 2 concerns itself with reduction of water supply impact



- MERL-9  
cont'd
- MERL-10
- MERL-11
- to all long term contractors. The interfaces required for recapture of flows as required in the PEIS/R perhaps will have serious change from the present situation.
1. Will your present solutions be flexible enough to compensate with a program such as DCP, wherein the entire SJR flow will be disposed near Brannan Island?
  2. Is the Plan flexible, such that the interface changes may be ignored and you may proceed to ignore all interfaces exterior to the plans as you do now?

**Responses to Comments from Edward Merlic**

**MERL-1:** Comment noted. Comment refers to enclosure of comments MERL-2a through MERL-11. See responses to comments MERL-2a through MERL-11.

**MERL-2a:** It is unclear whether commenter is referring to the definition of the study area or to the region identified for reintroduction of spring- and fall-run Chinook salmon. With regards to the definition of the study area, as given in Chapter 1.0, "Introduction," of the Draft PEIS/R, the study area encompasses not only the Restoration Area, but also the San Joaquin River upstream from Friant Dam, including Millerton Lake; the San Joaquin River from the Merced River to the Delta; the Delta; and CVP/SWP water service areas, including the Friant Division of the CVP. With regards to the region identified for reintroduction of spring- and fall-run Chinook salmon, please see Section 2.10, "Alternatives Considered and Eliminated from Further Consideration," of the Draft PEIS/R. Text has not been revised.

**MERL-2b:** Comment noted. This comment does not raise issues or concerns specific to the environmental analysis presented in the Draft PEIS/R. Text has not been revised.

**MERL-3:** The commenter asks, "[w]hat considerations must be made to assure the killing of smolt and fry at Clifton Court may be successfully avoided so that the juvenile [San Joaquin River] salmon will not be decimated there?" Clifton Court Forebay, located in the south Delta, has associated high levels of predation and entrainment. The commenter asks which considerations are being made through the PEIS/R to avoid decimation of juvenile San Joaquin River Chinook salmon.

The evaluation presented in the Draft PEIS/R evaluates the potential changes in flow patterns that would occur as a result of project-level actions to determine changes in the risk of mortality for San Joaquin River Chinook salmon. The evaluation concludes that more of the San Joaquin River Chinook salmon will bypass the south Delta (particularly in March and April), the location where predation and exposure to Clifton Court Forebay is high. Impact FSH-36 on page 5-104 in Chapter 5.0, "Biological Resources – Fisheries" of the Draft PEIS/R, states that the increased ratios of San Joaquin River inflow to reverse flow in Old and Middle rivers could lead to fish population distributions with fewer fish in the south Delta. This includes San Joaquin River Chinook salmon and steelhead, but also includes young delta and longfin smelt, which are not strong swimmers. However, fish already in the south Delta will remain at risk of high predation, as the increased San Joaquin River inflow is not expected to alter the south Delta distributions of such fish species as black bass and other warm-water game fish.

The potential impacts of changes in exports at existing Delta facilities on existing fisheries, including Chinook salmon fry and smolt from existing populations, are described in Chapter 5.0, "Biological Resources – Fisheries" of the Draft PEIS/R. As described on pages 5-101 through 5-104 of the Draft PEIS/R, increased reverse flows in upper Old and Middle rivers and higher levels of pumping to recapture the increased inflow would potentially increase entrainment and predation risks and delay migration for fish. As described in FSH-35 (page 5-101) and FSH-39 (page 5-107), it is anticipated that the increased San Joaquin River inflow due to Interim and Restoration flows would offset

the impact by reducing the number of fish that are likely to migrate through the south Delta, resulting in in no net change in fish entrainment and a less-than-significant impact. If impacts to special-status fish species from pumping threaten to exceed the limits set by the USFWS 2008 CVP/SWP Operations BO and the NMFS 2009 CVP/SWP Operations BO (2009a) or other regulations in effect at the time, Reclamation would implement actions to reduce pumping and/or inflow. Text has not been revised.

**MERL-4:** This comment is substantially similar to comment MERL-3. See response to comment MERL-3.

**MERL-5:** As described in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R, the action alternatives include potential program-level actions to facilitate reintroduction using the existing San Joaquin Hatchery, another existing hatchery, or a new hatchery, as well as potential program-level actions to implement a trap-and-haul operation to sustain Chinook salmon within the Restoration Area if protective features are not completed in time to reintroduce fish. However, the Restoration Goal and Paragraph 14 of the Settlement emphasize the need to restore *self-sustaining* fish populations (emphasis added). Therefore, hatchery populations alone would not fulfill the Restoration Goal, and naturally reproduced individuals would need to be distinguished from hatchery-produced individuals. Additionally, trap-and-haul operations are not envisioned as a long-term management strategy, and would only be used as a temporary measure if protective features are not completed in time to reintroduce fish, if it is determined that entrainment and physical barriers exist that could hinder reintroducing and managing fish populations, or if river connectivity is disrupted. Under the guidance of the Fisheries Management Work Group, and based on information presented in the Fisheries Management Plan (see Action A5 on page 5-20 of Appendix E, “Fisheries Management Plan,” of the Draft PEIS/R), various monitoring programs are, or will be, in place to assess annually whether trap-and-haul of either juvenile or adult Chinook salmon will be needed. Text has not been revised.

**MERL-6:** As described in MCR-1, “Analysis of Program Feasibility, Potential to Achieve Restoration and Water Management Goals,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the PEIS/R does not evaluate the feasibility of the Settlement, the likely efficacy of Settlement actions in achieving the Restoration or Water Management goals, or the interactions of individual Settlement actions with other Settlement actions. Accordingly, the PEIS/R does not evaluate the suitability of future water quality conditions to support migration of reintroduced Chinook salmon. The Implementing Agencies recognize the unprecedented nature of the SJRRP, and acknowledge that flexibility in implementing the Settlement is necessary to ultimately achieve the Restoration and Water Management goals. In consideration of this necessary and anticipated flexibility, the SJRRP management process involves a broad range of strategies to guide implementation of the Settlement consistent with the Act, and incorporates a continuously growing set of data and scientific information. In particular Appendix E, “Fisheries Management Plan,” of the Draft PEIS/R, describes the framework for addressing specific actions related to fisheries, including actions to address water quality conditions for reintroduced spring-run and fall-run Chinook salmon. This includes all actions described in Section 5.2.7, “Degraded Water Quality,”

of Appendix E of the Draft PEIS/R, beginning on page 5-39. Text has not been revised. See MCR-1 in Chapter 2.0 of this Final PEIS/R for additional information relevant to this comment.

**MERL-7a:** As described in Chapter 26.0, “Cumulative Impacts,” of the Draft PEIS/R, alternative Delta conveyance facilities (as part of the Bay Delta Conservation Plan (BDCP)) are considered a reasonably foreseeable action for the purposes of evaluating potential cumulative impacts of implementing the Settlement consistent with the Act. Chapter 26.0 includes a discussion of the potential cumulative impacts of implementing the Settlement consistent with the Act in addition to alternative Delta conveyance facilities and other reasonably foreseeable actions. Consistent with the NEPA implementing regulations (40 CFR Section 1508.7) and State CEQA Guidelines (14 CCR Section 15130(a)), the discussion of cumulative impacts in Chapter 26.0 focuses on significant and potentially significant cumulative impacts. Further speculation on implementation of the Delta Corridor Plan or similar programs is beyond the scope of the PEIS/R. Text has not been revised.

**MERL-7b:** As mentioned in response to comment MERL-7a, while alternative Delta conveyance facilities as part of the BDCP are considered a reasonably foreseeable action, further speculation on implementation of the Delta Corridor Plan or similar programs is beyond the scope of the PEIS/R. Text has not been revised.

**MERL-8:** As described in Chapter 1.0, “Introduction,” of the Draft PEIS/R, the Settlement stipulates that a Technical Advisory Committee be established, comprising six members appointed by NRDC and FWA. The Settlement also calls for an RA to be appointed by NRDC and FWA, to facilitate the Technical Advisory Committee and provide specific recommendations to the Secretary in coordination with the Technical Advisory Committee. The RA’s duties are defined in the Settlement, and include making recommendations to the Secretary on the release of Interim and Restoration flows. The RA is also responsible for consulting with the Secretary on implementing actions under Paragraph 11 of the Settlement, and for identifying and recommending additional actions under Paragraph 12 of the Settlement. In addition, the RA is responsible for consulting with the Secretary on the reintroduction of Chinook salmon under Paragraph 14 of the Settlement. The RA’s recommendations would be taken into consideration by the Secretary in making decisions or taking specific actions to be implemented under the Settlement. See also responses to comments MERL-7a and MERL-7b for additional information relevant to this comment.

**MERL-9:** The potential for recapture of Interim and Restoration flows to change conditions related to various environmental resource topics is evaluated in Chapters 4.0 through 26.0 of the Draft PEIS/R. Text has not been revised.

**MERL-10:** This comment is substantially similar to MERL-7a. See response to comment MERL-7a.

**MERL-11:** It is assumed that the commenter is referring to the consideration of other reasonably foreseeable actions. Please refer to Chapter 26.0, “Cumulative Impacts,” of

the Draft PEIS/R, for an analysis of overall cumulative effects of the action alternatives taken together with other past, present, and reasonably foreseeable probable future projects (or actions), as required by NEPA implementing regulations (40, CFR, Section 1508.7) and State CEQA Guidelines (14 CCR Section 15130(a)). See also response to comment MERL-7a for additional information relevant to this comment.

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3.10.23 Gary and Mari Martin

GARY

Gary & Mari Martin  
P.O. Box 686  
Firebaugh, CA 93622

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRCComments@restoresjr.net](mailto:PEISRCComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

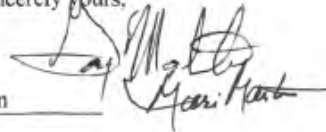
Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

GARY-1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,



Name: Gary & Mari Martin  
Address: P.O. Box 686  
City, State Zip: Firebaugh, CA 93662

***Response to Comment from Gary and Mari Martin***

**GARY-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.



3.10.24 Louis Moosios

MOOS

MEMO

TO : Fran Schulte  
FROM : Louis Moosios  
RE : SJRRP (Public Comments)  
DATE : September 21, 2011

My name is Louis Moosios and my family has owned property on the San Joaquin River since the 1920's. I have grown up along the river in Reach 1. I know a lot of history about the river. In addition, I probably know this Reach as well as anyone else. I live and work on the river. Please be advised I own San Joaquin Guide Service. You may go to my website at [www.sanjoaquinguideservice.com](http://www.sanjoaquinguideservice.com) to see my biography and the services that I offer. My personal opinion is that reintroducing salmon will be hard to accomplish, but is a good thing. However, I do have some questions and concerns which are as follows:

Under the Fisheries Management Plan:

1. Section 5.2.1 - Inadequate streamflow:

MOOS-1 | There is no discussion as to how to not impede the navigability of the river while building or modifying the in-channel structures. What is the program plan for this?

2. Action D4:

MOOS-2 | 1. I have yet to see any accurate mapping along the river showing the original natural river channel before any gravel mining was done in and along the river. Property owners near these mining pits will be affected if any modification of levies is done. What is the plan for this and who will be responsible if/when the levies break year after year.

MOOS-3 | 2. An accurate historical mapping would show that before large scale mining practices between Friant dam and Highway 99 bridge, approximately 80% of this stretch of river had in-channel mining which greatly changed the dynamics of the river. The mining mostly narrowed and deepened these areas which in turn lowered the elevation of the surface of the river, which when there was even moderate flows, would keep the river in its channel. However, before mining when there was moderate flows, the river would back upon and create oxbows or flood planes. These gravel pits in question have lateral connectivity of river channels to their flood plane which in essence has returned the river to his natural state and has been shown to be an important control on the timing of composition and total invertebrate biomass in a river. Also, these gravel pits/ponds have an

San Joaquin River Restoration Program

MOOS-3 cont'd	↑	abundant hatch of adult aquatic insects, meaning that these pits/ponds provide more food than is produced in the main channel for young salmon. What type of historical mapping is being done regarding this matter?
MOOS-4	3.	If isolation is found to be necessary, would it be possible to make the isolation seasonal with removable barriers which would also help erosion during high flows?
MOOS-5	4.	Will there be any studies on the benefits these gravel ponds may have on juvenile salmon regarding their sufficient depth and capacity of holding a thermocline of cool weather temperature, which could possibly save young salmon during low flows and the driest years?
	3.	Section 5.2.6 - Reduced Genetic Viability:
MOOS-6	Action# 13:	If program were to modify Hills Ferry barrier or install other barriers, how will fish be chosen to pass or not? From what I have seen of the list of fish that do or have inhabited the San Joaquin River, it does not even have one of the most abundant anadromous fish which is the American Shad ( <i>Alosa Sapidissima</i> ).
	4.	Section 5.2.7 - Degraded Water Quality:
MOOS-7	1.	A big concern that I have regarding water quality in Reach 1 is that Fresno City allows street runoff to run basically directly into the river in the fall when flows are typically low and there is a rain shower. The oils and chemicals coming out of storm drains is unbelievable and this is the time they should be tested.
MOOS-8	2.	A few years ago at one of the meetings, I questioned the DFG permitting of Fresno City and County to allow to spray both herbicides and pesticides in an along the river. Is this still being permitted?
	5.	Section 5.2.8 - Excessive Harvest:
		I believe this could possibly be one of the biggest problems the restoration will run into because it will be impossible to truly estimate the amount of salmon that will be poached out of the river. Myself, being the only professional captain/guide on the river, I have seen some unbelievable poaching from gill nets that span the whole width of the river to spear fishermen carrying and dragging 100 pounds of fish per person. Here are some of my suggestions:
MOOS-9	1.	Hire at least one DT warden that's main patrol area is Reach 1. That way the warden will be able to learn the river, landowners, popular poaching spots, and access points. However, it is important to do this before adult
	↓	

- MOOS-9  
cont'd
- MOOS-10
- MOOS-11
- MOOS-12
- MOOS-13
- ↑
2. Start some kind of program where landowners along the river have capability to contact DFG or other law enforcement more directly when poaching is being observed.
3. Change regulation on at least Reach 1 to year-round catch and release and complete barb-less hook fishing for all species of fish.
6. Section 5.2.16 - Excessive Predation:
- I noticed that there was no talk regarding other than fish predator, such as double-crested cormorant, which even though DFG says it is a (species of special concern) there are several breeding colonies along Reach 1 of the San Joaquin River. I know how these birds work and know that with the program trying to get by with minimal water flows, these extremely smart birds will learn to prey on all sizes of salmon and will end up teaching others in its colony, generation after generation. Has the program looked into this?
7. Restoration Flows:
- Regarding the restoration flows, have there been any more recent research done on these CFS numbers as to whether or not they will be sufficient for a health river, especially in Reaches 3 and 4?

If there are any questions regarding my comments or questions, please contact me. Also, please advise whether we will be able to review the programs remarks on public comments?

Sincerely,

Louis Mooslos  
SAN JOAQUIN GUIDE SERVICE  
[lmoosios@hotmail.com](mailto:lmoosios@hotmail.com)  
(559) 351-9500

***Responses to Comments from Louis Moosios***

**MOOS-1:** As described in the Draft PEIS/R, future modifications to the river channel were addressed at a program-level of analysis. Effects on river navigability from infrastructure are site-specific in nature and require project-level facility and construction details to appropriately evaluate methods to minimize these effects. Additional planning, environmental compliance, and design activities for project-level actions would be completed as detailed information becomes available on project-level actions. Potential adverse effects to river navigability would be considered and evaluated during these future project-level planning, environmental compliance, and design activities.

**MOOS-2:** Potential impacts of the action alternatives on the flood management system, including levees, described in Chapter 11.0, “Hydrology – Flood Management,” of the Draft PEIS/R. Modifications to gravel pits in Reach 1 are described as a program-level action under all action alternatives in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R. Subsequent site-specific studies would include a project-specific technical study to identify the highest priority pits, and additional NEPA and/or CEQA analysis at the project level. As described in Chapter 11.0, site-specific projects that cannot or do not reduce redirected flood impacts to less than significant levels will not be implemented as part of the SJRRP. See also response to comment MOOS-3.

**MOOS-3:** The Implementing Agencies have not identified a need for historical mapping to identify the original natural river channel prior to gravel mining. Therefore, such mapping is not being conducted or contemplated at this time. The use of historical aerial photography to understand potential impacts of implementing the Settlement on geomorphology and sediment transport is described in Appendix D, “Physical Monitoring and Management Plan,” of the Draft PEIS/R. The Implementing Agencies recognize the unprecedented nature of the SJRRP, and acknowledge that flexibility in implementing the Settlement is necessary to ultimately achieve the Restoration and Water Management goals. In consideration of this necessary and anticipated flexibility, the SJRRP management process involves a broad range of strategies to guide implementation of the Settlement consistent with the Act and incorporates a continuously growing set of data and scientific information. The Interim Flows program, initiated in 2009, will contribute substantially to the set of historical data by facilitating collection of information regarding flow; water temperature; fish behavior and needs; habitat response and other biological effects; geomorphologic effects; seepage; and water recirculation, recapture, and reuse opportunities. Results of these studies are presented in the Annual Technical Report published annually, and can be found at [www.restoresjr.net](http://www.restoresjr.net). In particular, Appendix E, “Fisheries Management Plan,” of the Draft PEIS/R describes the framework for addressing specific actions related to fisheries, including actions to address conditions associated with the gravel mining pits in Reach 1. See Action D4 on page 5-25 and Action Q5 on page 5-52 of Appendix E of the Draft PEIS/R. Text has not been revised.

**MOOS-4:** Subsequent site-specific studies would determine the appropriate method for isolating gravel pits, if isolation is found to be necessary. Use of temporary barriers to achieve seasonal isolation could be considered as part of subsequent studies, and is

described as a program-level action in the Draft PEIS/R on page 2-44, lines 19 through 20. Text has not been revised.

**MOOS-5:** Paragraph 11(b)(3) of the Settlement stipulates filling and/or isolating the highest priority gravel pits in Reach 1, based on their relative potential for reducing juvenile salmon mortality, as determined by the Secretary in consultation with the RA. A project-specific technical study, in conjunction with monitoring programs, would be necessary to identify the highest priority pits, and would consider effects that could contribute to (or prevent) juvenile mortality, including effects on water temperature. As described in MCR-1, “Analysis of Program Feasibility, Potential to Achieve Restoration and Water Management Goals,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the PEIS/R does not evaluate the likely efficacy of Settlement actions in achieving the Restoration or Water Management goals, and does not evaluate the feasibility of the Settlement or the interactions of individual Settlement actions on other Settlement actions. Accordingly, the potential benefits of gravel ponds for juvenile salmonids are not addressed in the PEIS/R. The Implementing Agencies recognize the unprecedented nature of the SJRRP, and acknowledge that flexibility in implementing the Settlement is necessary to ultimately achieve the Restoration and Water Management goals. In consideration of this necessary and anticipated flexibility, the SJRRP management process involves a broad range of strategies to guide implementation of the Settlement consistent with the Act and incorporates a continuously growing set of data and scientific information. In particular Appendix E, “Fisheries Management Plan,” of the Draft PEIS/R describes the framework for addressing specific actions related to fisheries, actions to address conditions associated with the gravel mining pits in Reach 1. See Action D4 on page 5-25 and Action Q5 on page 5-52 of Appendix E of the Draft PEIS/R. See MCR-1 in Chapter 2.0 of this Final PEIS/R for additional information relevant to this comment. Text has not been revised.

**MOOS-6:** The comment refers to text describing the use of the Hills Ferry Barrier or other temporary barriers to segregate Chinook salmon runs. As described in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R, fish could be segregated at the Hills Ferry Barrier or other temporary barriers to reduce hybridization by changing the timing and/or location of barrier installation. Specific operations would be identified during subsequent site-specific studies, and/or by combining the use of barriers with the use of trap-and-haul operations.

**MOOS-7:** Comment noted. This comment does not raise issues or concerns specific to the environmental analysis presented in the Draft PEIS/R. The SJRRP would not have any impact on storm runoff from the City of Fresno and it is outside the scope and purpose of the PEIS/R to present data regarding water quality of runoff from the City of Fresno. Text has not been revised.

**MOOS-8:** Permitting of herbicides and pesticides used by the City of Fresno and Fresno County is beyond the scope of the PEIS/R. This comment does not raise issues or concerns specific to the environmental analysis presented in the Draft PEIS/R. Text has not been revised.

**MOOS-9:** Comment noted. Additional enforcement would be considered during subsequent site-specific studies specific for spring-run Chinook salmon reintroduction. As noted on pages 21-33 through 21-35 in Impact REC-4, and described further in MCR-9, “Recreation Impacts and Kings River,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, DFG may elect to impose new restrictions or close portions of the San Joaquin River to reduce the likelihood of anglers inadvertently catching salmon or intentionally poaching salmon. In these cases, DFG would develop project-level environmental documents to comply with CEQA before implementing new regulations. Text has not been revised.

**MOOS-10:** Comment noted. Additional enforcement would be considered during subsequent site-specific studies specific for spring-run Chinook salmon reintroduction. As noted on pages 21-33 through 21-35 in Impact REC-4, and described further in MCR-9, “Recreation Impacts and Kings River,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, DFG may elect to impose new restrictions or close portions of the San Joaquin River to reduce the likelihood of anglers inadvertently catching salmon or intentionally poaching salmon. In these cases, DFG would develop project-level environmental documents to comply with CEQA before implementing new regulations. Text has not been revised.

**MOOS-11:** Comment noted. See also MCR-9, “Recreation Impacts and Kings River,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, for additional information relevant to this comment.”

**MOOS-12:** As described in MCR-1, “Analysis of Program Feasibility, Potential to Achieve Restoration and Water Management Goals,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the PEIS/R does not evaluate the feasibility of the Settlement, the likely efficacy of Settlement actions in achieving the Restoration or Water Management goals, or the interactions of individual Settlement actions with other Settlement actions. Accordingly, the PEIS/R does not evaluate the potential impact of avian predators, including double-crested cormorant, on reintroduced Chinook salmon. The Implementing Agencies recognize the unprecedented nature of the SJRRP, and acknowledge that flexibility in implementing the Settlement is necessary to ultimately achieve the Restoration and Water Management goals. In consideration of this necessary and anticipated flexibility, the SJRRP management process involves a broad range of strategies to guide implementation of the Settlement consistent with the Act, and incorporates a continuously growing set of data and scientific information.

In particular, Appendix E, “Fisheries Management Plan,” of the Draft PEIS/R describes the framework for addressing specific actions related to fisheries. Avian predators, including double-crested cormorant, are included as a stressor in the conceptual models used to develop the Fisheries Management Plan, as described in Appendix E of the Draft PEIS/R. Several actions identified in Appendix E of the Draft PEIS/R indirectly address predation pressure (both avian and aquatic), including actions described in Section 5.2.2, “Entrainment,” beginning on page 5-23; Section 5.2.13, “Excessive Sedimentation,” beginning on page 5-47; Section 5.2.14, “Insufficient Floodplain and Riparian Habitat,” beginning on page 5-50; Section 5.2.15, “Limited Food Availability,” beginning on page

5-54; and Section 5.2.16, “Excessive Predation,” beginning on page 5-56. See MCR-1 in Chapter 2.0 of this Final PEIS/R for additional information relevant to this comment.

**MOOS-13:** As described in MCR-1, “Analysis of Program Feasibility, Potential to Achieve Restoration and Water Management Goals,” in Chapter 2.0, “Master Comment Responses,” of this Final PEIS/R, the PEIS/R evaluates the potential impacts of implementing the Settlement consistent with the Act. The PEIS/R does not evaluate the feasibility of the Settlement, the likely efficacy of Settlement actions in achieving the Restoration or Water Management goals, or the interactions of individual Settlement actions with other Settlement actions. Such evaluations could be undertaken in a feasibility study but, as described above, a feasibility study on implementing the Settlement consistent with the Act was not required before, or as a condition of, Settlement implementation.

The Implementing Agencies recognize the unprecedented nature of the SJRRP, and acknowledge that flexibility in implementing the Settlement is necessary to ultimately achieve the Restoration and Water Management goals. In consideration of this necessary and anticipated flexibility, the SJRRP management process involves a broad range of strategies to guide implementation of the Settlement consistent with the Act and incorporates a continuously growing set of data and scientific information. The Interim Flows program, initiated in 2009, will contribute substantially to the set of historical data by facilitating collection of information regarding flow, water temperature, fish behavior and needs, habitat response and other biological effects; geomorphologic effects; seepage; and water recapture, recirculation, and reuse opportunities. The project description presented in the Draft PEIS/R incorporates many tools and strategies to make timely and relevant use of this growing set of data, and to periodically evaluate progress toward achieving the Restoration and Water Management goals. See MCR-1 in Chapter 2.0 of this Final PEIS/R for additional information relevant to this comment.

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3.10.25 Anthony Neves

NEVE

ANTHONY NEVES AND SONS FARMING  
715 Madison Avenue  
Los Banos, CA. 93635  
209-587-1721

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
*email to:* [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
*email to:* [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner and farmer along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

NEVE-1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,



Anthony Neves

***Response to Comment from Anthony Neves***

**NEVE-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.26 James Nickel



NICK

15701 Highway 176 • P.O. Box 60679 • Bakersfield, CA 93386-0679  
(661) 872-5050 • Fax: (661) 872-7141

September 19, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

I am interested in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

NICK-1 | I hereby join in the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to raise all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

James L. Nickel, President  
Nickel Family LLC

***Response to Comment from James Nickel***

**NICK-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.27 Cynthia Nicoletti

NICO

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRCComments@restoresjr.net](mailto:PEISRCComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact  
Statement/Environmental Impact Report, April 2011 for the San Joaquin  
River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

I am interested in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

NICO-1 | I hereby join in the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to raise all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name:	Cynthia Nicoletti
Address:	<u>Christiana-Santa Rita Farms</u>
City, State Zip:	<u>16035 Indiana Road</u> <u>Dos Palos, CA 93620</u>

***Response to Comment from Cynthia Nicoletti***

**NICO-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.28 Mike O'Banion

OBAN

Banonis, Michelle

---

From: Mike O'Banion [mikeobanion2000@yahoo.com]  
Sent: Tuesday, September 20, 2011 10:31 PM  
To: PEISRComments@restoresjr.net  
Subject: San Joaquin River Restoration

Ms. Alicia Forsythe  
SJRRP Program Manager  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898

RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program

Dear Ms. Forsythe:

As a landowner and farmer along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

OBAN-1 | I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC, or others will be determined at a later time.

Sincerely yours,

Mike O'Banion  
P.O. Box 335  
Firebaugh, CA 93622

***Response to Comment from Mike O'Banion***

**OBAN-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, "Regional and Local Government Comments and Responses," of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.



### 3.10.29 Paramount Farming Company

PARA

33181 E. Lardo Highway  
Bakersfield, CA 93308-9757



Bus: (661) 399-4456  
Fcs: (661) 399-1737

September 16, 2011

**VIA MAIL AND E-MAIL**

Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way, MP-170  
Sacramento, CA 95825  
PEISRComments@restoresjr.net

Re: Comments on the Draft Program Environmental Impact Statement/ Environmental Impact Report for the San Joaquin River Restoration Program

Dear Ms. Forsythe:

Paramount Farming Company, as agent for Paramount Land Company, LLC and Paramount Pomegranate Orchards ("Paramount") submits the following comments on the San Joaquin River Restoration Program ("SJRRP" or "Project") Draft Program Environmental Impact Statement/ Environmental Impact Report ("PEIS/R"). Paramount owns New Columbia Ranch, located on the east side of Reach 2B of the San Joaquin River, just upstream from the Mendota Pool and downstream from the historic Whitehouse Gauging Station near the head of Lone Willow Slough. Paramount will be directly affected by the SJRRP in a number of ways, including potential threats to quantities of water derived under Paramount's SJR rights and flood flow diversions, potential impacts to the rate of delivery and quantity of supplies to Paramount's Columbia Canal Company lands receiving water under the Exchange Contract, potential for groundwater seepage, increased risk of flooding, the possibility of land acquisition for levee and floodplain modifications in Reach 2B, the possibility for trespass on Paramount's private property, an increased risk of additional species habitation at or near Paramount's property by virtue of the restored river flows, and the possibility that a Mendota Pool Bypass may be routed through Paramount's property.

Paramount previously submitted comment letters on the Bureau of Reclamation's ("Reclamation") petitions to the State Water Resources Control Board ("SWRCB") in connection with the SJRRP for temporary water transfers in 2010 through 2012, and has also submitted comment letters on the Environmental Assessments associated with those temporary transfers. Paramount also submitted a comment letter in response to the April 2010 Technical Memorandum on the Reach 2B Improvements Project. Finally, Paramount sent at least one detailed letter regarding its water rights and requesting an agreement with Reclamation that would protect those rights. To Paramount's disappointment Reclamation has remained unresponsive to Paramount's proposal. Please accept the following comments on the PEIS/R.

1. Comments Regarding Hydrology – Flood Management

Chapter 11 of the PEIS/R addresses potential impacts of the SJRRP on hydrology –flood management. Paramount submits the following comments on the analysis and conclusions contained in Chapter 11:

PARA-1a

- The PEIS/R understates the risk of flood damage in Reach 2B from *project*-level activities such as the re-operation of Friant Dam, and does not provide sufficient analysis or mitigation for these potentially significant impacts. Reaches 2B and 4B1 on the San Joaquin River have the least amount of existing channel capacity of all reaches within the study area, and accordingly these reaches will likely be more susceptible to flooding and damage from Interim and Restoration flows. This is illustrated in Table 11-1 on page 11-17 of the PEIS/R, which notes that Reach 2B has an estimated channel capacity of 2,500 cubic feet per second (“cfs”) and Reach 4B1 has a capacity of 1,500 cfs, compared to all other reaches of the river with capacities of 4,500 cfs or more, however the estimated 2B channel capacity should be corrected to reflect the existing channel capacity of 1,300cfs (described more fully in the next paragraph) and not an artificially high channel capacity. The Project is to be operated to avoid or mitigate impacts and should therefore manage flows at all times below 1,300cfs until, and only if, channel modifications are made that improve the channel capacity. The Project description in Chapter 2 of the PEIS/R is careful to point out that under all of the proposed Alternatives except for the No-Action Alternative, Restoration flows will only be released “*without exceeding then-existing channel capacities*” (emphasis added), which is, and should be stated clearly, 1,300 cfs for Reach 2B. (E.g. PEIS/R at p. 2-20, Table 2-5, and p. 11-43 [noting that the project-level risk of flooding will be “less than significant” because “Interim and Restoration flows would be constrained to then-existing channel capacities”]).

PARA-1b

It is apparent from Chapter 11 and Appendices H and I of the PEIS/R that Reach 2B should be considered *at least* the same, if not more, at risk of flooding than Reach 4B1. As stated above, although the “design capacity” for Reach 2B is stated as 2,500 cfs in Table 11-1, the PEIS/R notes that “historical operations typically route up to 1,300 cfs to the Reach 2B, with the remaining flow going to the Chowchilla bypass.” (PEIS/R pp. 11-17, 11-18). This is because “*significant seepage has been observed at flows above 1,300 cfs*” (emphasis added), despite the fact that the Friant Dam Flood Control Manual specifies that Reach 2B could accommodate up to 2,500 cfs. (PEIS/R p. 11-8, and App. H, p. 7-11). Thus, as noted on page 3-41 of Appendix I, the “existing capacity of Reach 2B is approximately 1,300 cfs.” In order to avoid significant project-level impacts to Reach 2B, project-level water releases to that reach must remain below 1,300 cfs. (See PEIS/R p. 11-43, App. H pp. 7-7 and 7-8, and App. I p. 3-41).

It is suggested on page 7-11 of Appendix H that the Flood Control Manual specifications of 2,500 cfs and the actual channel capacity of 1,300 cfs were incorporated together into the model that was used for the PEIS/R analysis, “using either a split flow rating curve or by directly entering the split flow hydrograph as

PARA-1b  
cont'd

PARA-1c

PARA-2

PARA-3

internal boundary conditions.” To the extent that the analysis of potential flooding impacts is based on anything above 1,300 cfs for Reach 2B, the model is flawed, misleading, and must be revised. Moreover, to the extent that the definition of “in-channel flows” on page 11-43 of the PEIS/R (“flows that maintain a water surface elevation at or below the elevation of the landside levee toe”) means that project-level releases to Reach 2B will be above 1,300 cfs, the PEIS/R clearly acknowledges there will be a high potential for significant seepage impacts, and “Impact FLD-6” must be revised to a “significant impact” in order to properly address, analyze, and mitigate the potential impacts. (See e.g. Table 13-73 at p. 13-106 [noting that predicted flow levels during spring months will be higher than 1,300 cfs]). Any assumption of flows above 1,300 cfs must be corrected or additional analysis and mitigation measures must be incorporated into the PEIS/R to address the potentially significant impacts.

- The PEIS/R acknowledges that the potential impacts of many program-level actions, including the potential construction of levees and berms in Reach 2B and the provision of a larger floodplain, are uncertain and unknown at this time. (See e.g. PEIS/R p. 11-40). Due to this uncertainty, Paramount will submit its comments in response to the 2B project-specific analysis of those potential actions.
- The PEIS/R concludes on page 11-49 that “regular maintenance activities within the Restoration Area maintain levee access for inspection and maintenance,” and therefore the potential *impacts* on such inspection and maintenance caused by project-level actions would be less than significant. This is a circular argument: that no impacts will occur to inspection and maintenance activities because inspection and maintenance activities regularly occur. Additionally, the proposed levee improvements may require additional access, inspection and maintenance than existing levees, which needs to be fully analyzed in the PEIS/R. Some of the proposed actions include levees that cover a larger area, have different functions, and may be subject to different flow rates and water levels when compared to existing levees, and it cannot be assumed that historic and current inspection and maintenance activities are sufficient to meet the needs of these proposed Project levees. Paramount’s property includes a large section of privately-owned and maintained levees along Reach 2B. Particularly because Reach 2B is a vulnerable reach of the river, as discussed above, Paramount requests that Reclamation execute an agreement with Paramount similar to the agreement that it is currently negotiating with LSJLD. (See PEIS/R p. 11-49). A financial assistance agreement will ensure that any additional costs associated with Paramount’s levee maintenance activities are provided for, and will keep this impact to a less-than-significant level.

2. Comments Regarding Impacts to Hydrology – Groundwater

Chapter 12 of the PEIS/R addresses potential impacts to groundwater supplies. Paramount submits the following comments on the analysis and conclusions contained in Chapter 12:

(b) (5) - DDP

- PARA-4

  - The actions identified in Appendix D, “Physical Monitoring and Management Plan,” should be incorporated into the Project as an enforceable mitigation measure, because those actions are specifically designed to reduce or avoid the Project’s potential impacts to groundwater to a less-than-significant level. (See e.g. PEIS/R p.12-120 [discussing Impact GRW-3]).
- PARA-5

  - The conclusion on pages 12-118 and 12-119 of the PEIS/R, that higher groundwater levels in Reach 2 would have less-than-significant impacts, should be revised to reflect the potential for “significant seepage” in Reach 2B, based on the historic observations noted elsewhere in the PEIS/R, particularly on pages 11-8 and Appendix H, p. 7-11. (See also p. 12-35 [“Seepage problems were also reported along the Chowchilla Bypass below the bifurcation structure on both sides of the channel in 2006”]).
- PARA-6

  - Project activities must occur in a manner that preserves and protects the overlying groundwater rights of landowners adjacent to the San Joaquin River.

3. Comments Regarding Impacts to Hydrology – Surface Water Supplies and Facilities Operations

Chapter 13 of the PEIS/R addresses potential impacts of the SJRRP on surface water supplies and facilities operations. Paramount submits the following comments on the analysis and conclusions contained in Chapter 13:

- PARA-7

  - Pages 13-72 through 13-79 of the PEIS/R describe potentially significant impacts on the diversion capacities of existing pumping facilities. The PEIS/R concludes that these would be program-level impacts caused by future construction activities in specific areas, and proposes a program-level mitigation measure that would provide for “alternative equivalent pumping capacity,” relocations of existing facilities, and “alternate temporary or permanent river access to avoid diversion losses,” as needed. Paramount supports this proposed mitigation measure so long as it carries over into future project-level studies associated with construction activities in Reach 2B.
- PARA-8

  - Tables 13-73 and 13-74, on pages 13-106 and 13-107 of the PEIS/R, depict the anticipated change in flows at the “head of Reach 2B” of the San Joaquin River. These tables show the “existing conditions” in Reach 2B as having very little flow, particularly in dry years. (See also p. 3-2 [Reach 2B is “dry in most months”]). Footnote 2 of Table 13-73 and footnote 3 of Table 13-74 even state that “this reach is typically dry during all or part of the year in the existing conditions or No-Action Alternative simulations.” This is inaccurate. A portion of the Mendota Pool spans over half the length of Reach 2B, and in the absence of the proposed Project there would be water in the San Joaquin River year-round in that reach. The discussion in the PEIS/R should be revised to indicate that water is always present in the majority of Reach 2B, and the PEIS/R should discuss what percent of change the SJRRP will cause to these historical water levels.
- PARA-9

  - Page 13-130 describes the significant proposed reductions in flood flows that will be released from Friant Dam and enter the Chowchilla Bypass. These flows would be cut

PARA-9  
cont'd

↑  
by more than half in most months. This proposal ignores the fact that landowners along the Chowchilla Bypass are exercising water rights. (See e.g. SWRCB Permit No. 19615, and Paramount's Statement of Diversion and Use submitted to the SWRCB on June 29, 2011). Moreover, the PEIS/R in Chapter 11, at page 11-8, indicates that the Chowchilla Bypass "is constructed in highly permeable soils, and much of the initial flood flows infiltrate and recharge groundwater." Neither Chapters 11, 12, nor 13 address the negative impacts on groundwater supplies that will likely be caused by the reduction of flood-flow releases into the Chowchilla Bypass. This project-level impact should be more closely addressed, analyzed, and mitigated.

Thank you for considering and responding to the above comments. Paramount sincerely hopes that the Bureau of Reclamation and the Department of Water Resources will be responsive to and cooperative with Paramount, which faces a host of potential impacts from the proposed Project. Should you have questions, please contact myself or Kimberly Brown using the above contact information.

Sincerely,



William D. Phillimore  
Executive Vice President

**Responses to Comments from Paramount Farming Company**

**PARA-1a:** The commenter states that “[t]he PEIS/R understates the risk of flood damage in Reach 2B from *project*-level activities such as the re-operation of Friant Dam, and does not provide sufficient analysis or mitigation for these potentially significant impacts.” Chapter 2.0, "Description of Alternatives" of the Draft PEIS/R, includes measures to ensure that Interim and Restoration flows will remain at or below estimates of then-existing channel capacity to minimize flood risk and seepage impacts from Interim and Restoration flows. As stated on page 2-26 of the Draft PEIS/R, lines 1 through 4, “in coordination with DWR, Reclamation would apply standard USACE levee performance criteria for levees under a steady state of saturation and consider past performance and hydrologic and hydraulic modeling to determine and update estimates of channel capacity.” Because these measures are included as part of the project description associated with all action alternatives, implementing these measures would support minimizing or avoiding significant impacts, thus avoiding the need for mitigation measures.

Regarding the comment on Table 11-1 of the Draft PEIS/R, the table reports design channel capacities, including 2,500 cfs for Reach 2B and 1,500 for Reach 4B1, rather than reporting flows from historical operations. The Draft PEIS/R acknowledges that historical operations typically route 1,300 cfs to Reach 2B because of significant seepage observed at flows higher than 1,300 cfs in Reach 2B, as noted by the commenter. Chapter 2.0 of the Draft PEIS/R includes measures to ensure that Interim and Restoration flows will remain below estimates of then-existing channel capacity to minimize flood risk and seepage impacts from Interim and Restoration flows.

Regarding the commenter’s suggestion to revise Table 2-5 of the Draft PEIS/R, the table reports the schedule for release of Interim and Restoration flows, consistent with Exhibit B of the Settlement. It does not specify flows in specific reaches of the San Joaquin River, but it does specify that Interim and Restoration flows would exceed then-existing channel capacities. Project-level actions as a whole would maintain the project-level potential increase in flood risk at a less than significant level and, therefore, text has not been revised with the suggested statement, “the project-level risk of flooding will be ‘less than significant’ because ‘Interim and Restoration flows would be constrained to then-existing channel capacities’.”

Regarding the commenter’s suggestion to revise page 11-43, it is assumed that the commenter refers to discussion of project-level Impact FLD-6. As discussed on page 11-43, Reclamation would implement three integrated measures, described in Chapter 2.0 of the Draft PEIS/R, that would collectively avoid a potentially significant increase in the risk of flood damage or levee failure due to underseepage, through-seepage, erosion, or landside slope stability issues. Further, then-existing channel capacities would be estimated as flows that would correspond to USACE levee criteria factors of safety for levees under a steady state of saturation for a prolonged time, as described on page 11-43. Until adequate data are available to apply USACE criteria, Reclamation would limit the release of Interim and Restoration flows to those which would remain in-channel. Observation of levee erosion, seepage, boils, impaired emergency levee access, or other indications of increased flood risk identified through ongoing monitoring at potential

erosion sites would supersede channel capacity estimates, and Interim and Restoration flows would be reduced in areas where these conditions occur. The measures described above and in detail in Chapter 2.0 and Chapter 11.0, "Hydrology – Flood Management," of the Draft PEIS/R, would collectively avoid significant increase in flood risk due to the release of Interim and Restoration flows and, therefore, Impact FLD-6 would be less than significant. Text has not been revised.

**PARA-1b:** As described on page 7-7 and 7-8 of Appendix H, "Modeling," in the Draft PEIS/R, UNET modeling analyzed conditions under three sets of operating criteria, described as (1) Flood Control Manual operating criteria (meaning, criteria set forth in the *Levees, Irrigation and Drainage Structures, Channels and Miscellaneous Facilities* (Reclamation Board 1967)), (2) Historical Practice operating criteria, and (3) Adaptive Practice operating criteria. The Flood Control Manual operating criteria, as described on page 7-11, specify that all flows up to 2,500 cfs are routed to Reach 2B. The Historical Practice operating criteria specify that flows up to 1,300 cfs are routed to Reach 2B; for Reach 2B, the Adaptive Practice operating criteria are the same as Historical Practice. The three sets of operating criteria were incorporated into six modeling scenarios. Two scenarios were developed for the No-Action Alternative, one with Flood Control Manual operating criteria, and one with Historical Practice operating criteria. The No-Action Alternative scenarios were developed to provide a baseline with which to compare the with-project scenarios. Four scenarios were developed for the action alternatives. Alternatives A1, B2, and C1 had two scenarios, one with Flood Control Manual operating criteria, and one with Adaptive Practice operating criteria. Alternatives A2, B2, and C2 had two scenarios, one with Flood Control Manual operating criteria, and one with Adaptive Practice operating criteria. The design capacity of 2,500 cfs and historical operation of 1,300 cfs were not incorporated together in the model, but rather were used in separate modeling scenarios. Because the analysis addresses operations both as they have historically occurred as well as operations set forth in the Flood Control Manual, the results are sufficient to determine potential impacts. Text has not been revised.

**PARA-1c:** Chapter 2.0, "Description of Alternatives" of the Draft PEIS/R, includes measures to ensure that Interim and Restoration flows will remain at or below estimates of then-existing channel capacity to minimize flood risk and seepage impacts from Interim and Restoration flows. As stated on page 2-26 of the Draft PEIS/R, lines 1 through 4, "in coordination with DWR, Reclamation would apply standard USACE levee performance criteria for levees under a steady state of saturation and consider past performance and hydrologic and hydraulic modeling to determine and update estimates of channel capacity." Several information sources, including historical operations, would be used for analysis to estimate then-existing channel capacity. All action alternatives include these measures; these measures would reduce or avoid potential substantial increases in flood risk that might otherwise occur. Therefore, impact FLD-6 is less than significant. Text has not been revised.

**PARA-2:** Comment noted. Commenter is referred to documentation of the Mendota Pool Bypass and Reach 2B Improvements Project. This documentation can be found on the program Web site at [www.restoresjr.net](http://www.restoresjr.net). Text has not been revised.

**PARA-3:** The impact referenced by the commenter determines that opportunities for levee and flood system facilities inspection and maintenance would not be significantly impacted by the action alternatives, in part because of ongoing maintenance activities that would continue to occur during implementation of the Settlement. These activities maintain, and would continue to maintain, access allowing opportunities for levee and flood system facilities inspection and maintenance.

Reclamation is committed to working with LSJLD and other Third Parties to anticipate and schedule modifications in Interim and Restoration flows to allow for maintenance activities, if necessary, at times that would have the least effect on the SJRRP's activities. Further discussion is included in MCR-8, "Operations and Maintenance Agreement Considerations," in Chapter 2.0, "Master Comment Responses," in this Final PEIS/R. Text has not been revised.

**PARA-4:** Both NEPA and CEQA encourage lead agencies to incorporate measures into project descriptions that would minimize or avoid significant impacts to the environment. Because it is part of the project description associated with all action alternatives, the Physical Monitoring and Management Plan must be implemented as part of the preferred alternative described in Chapter 1.0, "Introduction," of this Final PEIS/R. The Physical Monitoring and Management Plan is one example of a set of actions incorporated into the action alternatives to minimize potential impacts. Because the Physical Monitoring and Management Plan is part of the project description associated with all action alternatives, its implementation would support minimizing or avoiding significant impacts, thus avoiding the need for mitigation measures.

Under CEQA, if substantial changes are proposed in the program (including the Physical Monitoring and Management Plan in the Draft PEIS/R), additional CEQA analysis would be necessary if the program changes would result in (1) a new significant environmental effect undisclosed in the EIR, (2) a substantial increase in the severity of previously identified significant effects, (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the program, or (4) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment. In any of these instances, further consultation actions and mitigation measures would be pursued by the appropriate lead agency and developed in coordination with the regulatory agencies to ensure that all significant environmental impacts and mitigation measures are fully disclosed in this PEIS/R and any subsequent NEPA and/or CEQA documents. In this manner, the Physical Monitoring and Management Plan is consistent with and enforceable under both NEPA and CEQA. Text has not been revised.

**PARA-5:** As described in Chapter 12.0, "Hydrology - Groundwater," of the Draft PEIS/R, modeling results indicate that high groundwater elevations would persist throughout the rainy season during Dry, Normal-Dry, and Normal-Wet years for action alternatives. This would have less-than-significant impacts on groundwater resources. Related effects of high groundwater elevations on agriculture, land use, and socioeconomics are described in Chapter 16.0, "Land Use Planning and Agricultural



Resources” and Chapter 22.0, “Socioeconomics,” of the Draft PEIS/R. Actions are included under all action alternatives to avoid and minimize potential impacts related to seepage, as described in Chapter 2.0, “Description of Alternatives,” of the Draft PEIS/R. All action alternatives include the Physical Monitoring and Management Plan (Appendix D of the Draft PEIS/R) to which the Seepage Management Plan is attached. The Seepage Management Plan describes the monitoring and operating guidelines for reducing Interim or Restoration flows to the extent necessary to address any material adverse impacts caused by Interim and Restoration flows in the San Joaquin River identified by the SJRRP groundwater monitoring program. The Seepage Management Plan includes a description of the SJRRP monitoring program, thresholds, an operations plan, triggers, and site visits and response actions to address seepage concerns. The inclusion of this discussion does not change the analysis or conclusions of the Draft PEIS/R. Text has not been revised.

**PARA-6:** Comment noted. California does not have a permit process in place for regulating groundwater use. Implementing the Settlement would not alter the regulatory conditions concerning groundwater use along the San Joaquin River. Currently, land along the San Joaquin River does not overlay adjudicated groundwater subbasins; thus, the overlying landowners may extract groundwater for beneficial use without seeking approval from SWRCB. As described in Chapter 12.0, "Hydrology - Groundwater," of the Draft PEIS/R, potential impacts under all action alternatives to groundwater levels along the San Joaquin River from Friant Dam to the Merced River are assessed in Impact GRW-2 on page 12-117 of the Draft PEIS/R, and would be less than significant. Implementing the action alternatives would result in additional groundwater recharge along the San Joaquin River as a result of Interim and Restoration flows. Text has not been revised.

**PARA-7:** The commenter refers to text on program-level Impact SWS-1 in Chapter 13.0, “Hydrology – Surface Water Supplies and Facilities Operations,” of the Draft PEIS/R. For this program-level impact, the need for ““alternative equivalent pumping capacity,” relocations of existing facilities, and "alternate temporary or permanent river access to avoid diversion losses,”” as cited by the commenter, would be assessed in future site-specific studies. Text has not been revised.

**PARA-8:** Reach 2 begins at Gravelly Ford and extends approximately 24 miles downstream to the Mendota Pool. Reach 2B extends approximately 11 miles from the Chowchilla Bypass Bifurcation Structure to Mendota Dam. Mendota Dam, at the downstream end of Reach 2B, forms a pool to approximately 7 miles long to San Mateo Avenue. Thus, under the conditions in place when the NOP was published in August 2007, water is present year-round in much of Reach 2B. Tables 13-73 and 13-74 list simulated flows at the “Head of Reach 2B,” which is at the Chowchilla Bypass Bifurcation Structure. As described in the notes of each table, the head of Reach 2B is typically dry during all or part of the year in the existing conditions or No-Action Alternative simulations. The inclusion of this discussion does not change the analysis or conclusions of the Draft PEIS/R. Text has not been revised.

**PARA-9:** The Draft PEIS/R discusses the need to comply with California water rights law in Section 28.1.2, “State Requirements.” As described in this section, Reclamation intends to request certain changes in its permitted water rights to implement the SJRRP. The Draft PEIS/R discloses and discusses the impacts of changes in flood flows that would be released from Friant Dam and enter the Chowchilla Bypass in Section 11.3.2, “Project-Level Impacts and Mitigation Measures,” of the Draft PEIS/R.

The commenter appears to be expressing an opinion regarding the matter of a claimed legal right to the continued presence of historical flood flows in the San Joaquin River. As described above, implementing the SJRRP is premised on compliance with California water rights law. The commenter’s opinion on this matter is beyond the scope of the Draft and Final PEIS/R, but is noted. However, in granting changes to water rights, SWRCB has established a process to ensure that there would be no legal injury to other legal water users. Concerns regarding potential injury to legal water rights should be addressed to SWRCB as part of SWRCB’s process. If SWRCB finds that legal injury may occur, it will set conditions on Reclamation’s permits to reduce or avoid this harm. SWRCB also monitors compliance with these conditions to ensure that they are being met, and SWRCB has the authority to enforce compliance under State law and through clear processes it has established. Text has not been revised.

3.10.30 PRMF Almond-1, LLC

PALM

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

RE: **Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

PALM-1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name: PRMF Almond-1, LLC  
Brian Maiorino, Manager  
Address: 37618 W. Silaxo Road  
City, State Zip: Firebaugh, CA 93622

***Response to Comment from PRMF Almond-1, LLC***

**PALM-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.31 William Phillimore

PHIL

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

Paramount Farming Company, as agent for Paramount Land Company, LLC and Paramount Pomegranate Orchards ("Paramount"), landowners of the New Columbia Ranch, located on the east side of Reach 2B of the San Joaquin River, just upstream from the Mendota Pool and downstream from the historic Whitehouse Gauging Station near the head of Lone Willow Slough, submits this letter in addition to its prior comments on the San Joaquin River Restoration Program ("SJRRP" or "Project") Draft Program Environmental Impact Statement/ Environmental Impact Report ("PEIS/R") submitted on September 16, 2011. Please include this letter and comments for the record in this environmental review process.

PHIL-1 | Paramount hereby joins in and incorporates into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely,

William D. Phillimore  
Executive Vice President

***Response to Comment from William Phillimore***

**PHIL-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.32 Redfern Ranches, Inc.

REDF

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
*email to:* [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
*email to:* [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

REDF-1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name:	<u>Redfern Ranches, Inc.</u>
Address:	<u>P.O. Box 305</u>
City, State Zip:	<u>Dos Palos, CA 93620</u>

***Response to Comment from Redfern Ranches, Inc.***

**REDF-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.



3.10.33 Suzanne Redfern-West

REDW

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
*email to:* [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
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*email to:* [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

REDW-1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name:	<u>Suzanne Redfern-West</u>
Address:	<u>P.O. Box 457</u>
City, State Zip:	<u>Dos Palos, CA 93620</u>

***Response to Comment from Suzanne Redfern-West***

**REDW-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

**3.10.34 Joseph Salazar**

SALA

**Banonis, Michelle**

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**From:** Joseph Salazar [joseph\_salazar2007@att.net]  
**Sent:** Sunday, May 08, 2011 4:02 PM  
**To:** peisrcomments@restoresjr.net  
**Subject:** San Joaquin Restoration

SALA-1 | Why don't you run a pipeline from the Delta Mendota canal straight to the restoration project  
| area, the infrastructure is already in place? This would help out on the drought season the  
| farmers.

JS

***Response to Comment from Joseph Salazar***

**SALA-1:** This comment does not raise issues or concerns specific to the environmental analysis presented in the Draft PEIS/R. Without further clarification, it is not clear how the proposed action to develop a pipeline from the DMC to the Restoration Area would meet the purpose, need, and objectives of the Settlement. Actions to improve water supply reliability for farmers were not included in the action alternatives unless those actions would meet the purpose, need, and objectives of the Settlement. Text has not been revised.

3.10.35 San Joaquin River Association



September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

SJRA-1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name: San Joaquin River Association  
Inc, Robert Brewer President  
Address: 10637 N. Lanes Rd.  
City, State Zip: Fresno, CA 93730

SCANNED  
Comments: ENV 6.00  
Topic: 21A  
Control No: 11073192  
Form ID: 1147647  
Date Input & Files: 9/23/2011 1.5

***Response to Comment from San Joaquin River Association***

**SJRA-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.36      **Wolfsen Family Landowners**

SKIN

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
Email to: [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
Email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE:    Comments to the Draft Program Environmental Impact  
Statement/Environmental Impact Report, April 2011 for the San Joaquin  
River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

We are interested in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

SKIN-1

We hereby join in the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill our obligation to exhaust administrative remedies. Whether or not we choose to raise all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely,



I. Scott Skinner  
On Behalf of:  
Wolfsen Family Land Owners  
1269 West I Street  
Los Banos, CA

***Response to Comment from Wolfson Family Landowners***

**SKIN-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.



3.10.37 Mike Stearns

STE A

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

STE A-1 | I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name: Mike Stearns  
Address: 47317 W. Dakota Ave.  
City, State Zip: Firebaugh, CA 93622  
mw.stearns@yahoo.com

***Response to Comment from Mike Stearns***

**STE-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.38 Brent Stearns

STEA2

**Banonis, Michelle**

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**From:** Banonis, Michelle  
**Sent:** Monday, May 23, 2011 11:55 AM  
**To:** 'Brent Stearns'  
**Subject:** RE: sjrrp meeting from 4-29

Hi Brent,

I would recommend reviewing Chapter 2 – Description of Alternatives, Chapter 3 – Considerations for Describing the Affected Environment and Environmental Consequences, Chapter 12 – Hydrology-Groundwater, and Chapter 16 – Land Use Planning and Agricultural Resources. These would likely prove to be the most helpful to you.

Feel free to contact me with any additional questions or concerns.

Thanks,

*Michelle Banonis*

Natural Resources Specialist  
U.S. Bureau of Reclamation  
Office: (916)978-5457  
Cell: (916)675-2936  
E-mail: [Mbanonis@usbr.gov](mailto:Mbanonis@usbr.gov)  
Program website: [www.restoresjr.net](http://www.restoresjr.net)

**SAN JOAQUIN RIVER**  
RESTORATION PROGRAM



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**From:** Brent Stearns [<mailto:bstearns@nflc.net>]  
**Sent:** Friday, May 20, 2011 8:08 AM  
**To:** [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)  
**Subject:** sjrrp meeting from 4-29

Hello,

STEA2-1

On April 29<sup>th</sup> I had attended a meeting at the Exchange Contractors building in Los Banos with my boss, Jim Nickel. Alicia had said in the meeting regarding the large volume of the report that was issued, there were a few chapters that would be good to look at. I can't find that info in my notes. Can you please tell me what chapters those were? Jim and I wanted to go over it. Thanks for your time. Brent.

My email is [bstearns@nflc.net](mailto:bstearns@nflc.net)

***Response to Comment from Brent Stearns***

**STE2-1:** A response was provided on May 23, 2011, identifying relevant sections of the Draft PEIS/R, including Chapter 2.0, “Description of Alternatives”; Chapter 3.0, “Considerations for Describing the Affected Environment and Environmental Consequences”; Chapter 12.0, “Hydrology – Groundwater”; and Chapter 16.0, “Land Use Planning and Agricultural Resources.”

3.10.39 Michael Vander Dussen

VAND

Double Diamond Dairy  
Michael Vander Dussen  
729 E. Jefferson Rd.  
El Nido, Ca 95317

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
*email to:* [PEISRComments@restoresjr.net](mailto:PEISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
Fresno, CA 93726  
*email to:* [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:

As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

VAND-1 | I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours,

Name:	<u>Michael Vander Dussen</u>
Address:	<u>729 E. Jefferson Rd</u>
City, State Zip:	<u>El Nido, Ca 95317</u>

***Response to Comment from Michael Vander Dussen***

**VAND-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.

3.10.40 Bill Ward

WARD

September 20, 2011

Ms. Alicia Forsythe  
SJRRP Program Manager  
Bureau of Reclamation  
2800 Cottage Way MP-170  
Sacramento, CA 95825-1898  
email to: [PFISRComments@restoresjr.net](mailto:PFISRComments@restoresjr.net)

Ms. Fran Schulte  
California Dept. of Water Resources  
South Central Region Office  
3374 East Shields Avenue  
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email to: [fschulte@water.ca.gov](mailto:fschulte@water.ca.gov)

**RE: Comments to the Draft Program Environmental Impact Statement/Environmental Impact Report, April 2011 for the San Joaquin River Restoration Program**

Dear Ms. Forsythe and Ms. Schulte:


As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process.

WARD - 1

I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this letter is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours

Name:  
Address:  
City, State /zip:

  
78 Hollister Ranch  
Granada, CA 95117

General Partner, BB Limited (Reaches 2B,4)

***Response to Comment from Bill Ward***

**WARD-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.



3.10.41 Michael Willis

WILL

Banonis, Michelle

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From: elizabeth willis [willismrc@att.net]  
Sent: Wednesday, September 21, 2011 9:31 AM  
To: PEISRComments@restoresjr.net; fschulte@water.ca.gov  
Subject: comments to draft program environmental impact statement/environmental impact report, april 11 for the San Joaquin river restoration program

WILL-1

Dear Ms. Forsythe and Ms. Schulte: As a landowner (and/or farmer) along the San Joaquin River, I have a vital stake in the environmental review process for the above-referenced proceeding. Please include this letter and comments for the record in this environmental review process. I hereby join in and incorporate into this letter the comments submitted by the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC). The purpose of this e-mail is to fulfill my obligation to exhaust administrative remedies. Whether or not I choose to pursue all issues raised by the Exchange Contractors, RMC or others will be determined at a later time.

Sincerely yours, Michael Willis  
4-w ranch 12593 S. Elgin, Dos Palos,  
Ca.  
sp;

&nb

***Response to Comment from Michael Willis***

**WILL-1:** Comment noted. The San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition comments and responses are shown in Section 3.8, “Regional and Local Government Comments and Responses,” of this Final PEIS/R. See responses to comments EC1-1 to EC1-352n in Section 3.8 of this Final PEIS/R.