

Friends of the River ~ Sacramento River Preservation Trust
Butte Environmental Council ~ Defenders of Wildlife
California Sportfishing Protection Alliance ~ DeltaKeepers
WaterKeepers Northern California ~ Save the American River Association
Mono Lake Committee ~ Southern California Watershed Alliance
Sierra Nevada Forest Protection Campaign
Lassen Forest Protection Group ~ California Outdoors

c/o Friends of the River, 915 20th Street, Sacramento, CA 95814, (916) 442-3155, Ext. 221

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October 16, 2003

Ms. Mary Marshall
 Bureau of Reclamation
 2800 Cottage Way
 Sacramento, CA 95825

Mr. Jim Canaday
 State Water Resources Control Board
 1001 "I" Street
 Sacramento, CA 95814

Re: Comments in response to Battle Creek Restoration Project DEIS/R

Dear Ms. Marshall and Mr. Canaday:

Thank you for soliciting public comments in response to the Battle Creek Salmon and Steelhead Restoration Project Draft Environmental Impact Statement/Report (DEIS/R).

Early fisheries investigators claimed that Battle Creek was the most important salmon-producing tributary to the Sacramento River when its ecosystem had its original form and function. The construction of the PG&E hydroelectric project on the creek in the early 1900's significantly altered natural flows and blocked fish passage to such an extent that today, the creek supports only a remnant of its formerly robust salmon and steelhead populations. Battle Creek represents the best opportunity for restoring salmon and steelhead in the Sacramento River watershed, but bringing these fish back to Battle Creek will ultimately depend on restoration of the entire stream ecosystem, not just those basic components utilized by fish.

Unfortunately, the Battle Creek DEIS/R includes a limited range of alternatives, and fails to consider the one alternative that guarantees a high level of ecosystem restoration. This alternative was identified in the restoration project's initial scoping report (Feb. 2000) as Alternative 6, or the "Remove All Dams Below Natural Fish Barriers" alternative. Alternative 6 would more fully restore the natural ecosystem functions of Battle Creek below the stream's natural fish barriers than any of the other alternatives considered in the DEIS/R, while retaining a portion of the PG&E hydroelectric project upstream of the barriers to generate power.

NGO19-1

According to the DEIS/R (pg. 3-91), Alternative 6 was eliminated from further consideration because it did not meet the restoration project purpose of minimizing the loss of "clean and renewable" energy produced by the hydroelectric project. This statement can only be considered true if the power produced by the hydroelectric

project is indeed "clean and renewable." Considering the documented adverse impacts of the hydroelectric project on threatened and endangered salmon and steelhead, none of the energy currently produced by the project can be considered "clean and renewable."

NGO19-2

There are many advantages to Alternative 6 that make this a reasonable alternative to consider and adopt. They include:

NGO19-3

- Nearly complete ecosystem restoration of the portions of Battle Creek capable of supporting anadromous fish, by permanently eliminating most man-made barriers to fish passage and restoring the natural flow regime for all fish, amphibians, and other native species.
- Providing full access for endangered Winter run chinook salmon, threatened Spring run chinook salmon, and threatened steelhead to all sections of the creek that provide optimum habitat – particularly those sections upstream of the dams not proposed for removal in the preferred alternative (Eagle Canyon, North Battle Creek Feeder, and Inskip dams).
- Elimination of fish ladders, which cannot provide 100% effective fish passage and which will be costly to construct and maintain.
- Elimination of other expensive components of the preferred alternative, including fish screens, tailrace connectors, permanent road construction and improvements, supplemental water purchases, adaptive management, as well as facilities monitoring, operation, and maintenance costing millions of dollars.
- Elimination of water mixing between the North and South Forks, thereby avoiding fish straying and false attraction. Although the preferred alternative accomplishes this in part, likely seasonal overflows throughout the system will result in at least some water mixing and subsequent straying and false attraction of fish.
- Retention of the existing Volta powerhouses and other facilities upstream of the natural fish barrier on the North Fork Battle Creek, which will continue to provide power generation and reservoir-based recreation.

NGO19-4

NGO19-5

NGO19-6

NGO19-7

NGO19-8

Because it was eliminated from consideration, it is difficult to compare Alternative 6 with the other alternatives displayed in the DEIS/R. However, we believe that Alternative 6 is most likely the environmentally preferred/superior alternative required for identification under NEPA and CEQA. We also believe that Alternative 6 best meets CALFED and CVPIA anadromous fish restoration goals, the mandates of the Endangered Species Act and Clean Water Act, and the California Constitution's public trust doctrine.

NGO19-9

Furthermore, we believe that failure to fully consider Alternative 6 in comparison with the alternatives in the DEIS/R violates the intent of both NEPA and CEQA requiring the consideration of a reasonable range of alternatives.

The DEIS/R must be revised to fully consider Alternative 6 and allow the public to review and comment on this alternative in comparison with the other alternatives already displayed in the document. Adopting the true environmentally preferred/superior alternative and then re-negotiating the Memorandum of Understanding (MOU) between PG&E and government agencies to accommodate the realities of that alternative is the only process both reasonable and legal to pursue under state and federal law.

In order to assure the full restoration of the Battle Creek ecosystem and its threatened and endangered anadromous fish, we urge the full consideration and adoption of Alternative 6.

Sincerely,



Steven L. Evans
Conservation Director
Friends of the River

SLE/ Barbara Vlamis

Barbara Vlamis
Executive Director
Butte Environmental Council

SLE/ Jim Crenshaw

Jim Crenshaw
President
Calif. Sportfishing Protection Alliance

SLE/ Leo O'Brian

Leo O'Brian
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WaterKeepers Northern California

SLE/ Fran Spivy-Weber

Fran Spivy-Weber
Executive Director
Mono Lake Committee

SLE/ Craig Thomas

Craig Thomas
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Sierra Nevada Forest Campaign

SLE/ Nate Rangel

Nate Rangel
President
California Outdoors

SLE/ John Merz

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Kelly McDonald
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Bill Jennings
Director
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SLE/ Alan Wade

Alan Wade
President
Save American River Association

SLE/ Conner Everts

Conner Everts
Director
Southern California Watershed Alliance

SLE/ Trish Puterbaugh

Trish Puterbaugh
Coordinator
Lassen Forest Protection Group

Comment Letter NGO19—Conservation Coalition, c/o Friends of the River, Steven L. Evans, Conservation Director (October 16, 2003)

Response to Comment NGO19-1

Please see the response to Comment NGO18-3 and NGO18-24 and Master Response B.

Response to Comment NGO19-2

Please see the response to Comment NGO18-14.

Response to Comment NGO19-3

Please see the response to Comment NGO18-3 and NGO18-24.

Response to Comment NGO19-4

Please see the response to Comment NGO18-3 and NGO18-24.

Response to Comment NGO19-5

Please see the response to Comment NGO18-3, NGO18-25, and NGO18-40.

Response to Comment NGO19-6

Please see the response to Comment NGO18-6 and NGO18-25.

Response to Comment NGO19-7

Please see the response to NGO18-16. While seasonal overflows may result in occasional mixing of North and South Fork waters, the frequency of this event is low and not considered to affect fish migration significantly.

Response to Comment NGO19-8

Please see the response to Comment 18-3.

Response to Comment NGO19-9

Because Alternative 6 was eliminated from further consideration as indicated in Chapter 3 in Volume I of this Final EIS/EIR, it should not be compared with the Action Alternatives in the determination of the Environmentally Preferred Alternative. Because Alternative 6 did not meet a basic goal of the Restoration Project to minimize the loss of hydroelectric power, it is not considered to be a feasible alternative under NEPA or CEQA. It should also be noted that the Environmentally Preferred Alternative has been updated to be the Six Dam Removal Alternative.

Response to Comment NGO19-10

Please see the response to Comment NGO18-3.

**The Anglers Committee
P.O. Box 1790
Graeagle, CA 961032**

Ms. Mary Marshall
US Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

March 15, 2005

Mr. James Canaday
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Battle Creek Restoration Project; Draft Supplemental EIS/EIR; Comments by The Anglers Committee

Via-E-Mail

Dear Ms. Marshall and Mr. Canaday:

The Anglers Committee represents hundreds of anglers who are seriously concerned regarding the restoration of spring-run Chinook salmon and steelhead trout species and their habitat in rivers and streams in California. We have formally supported the restoration of spring-run Chinook salmon and steelhead trout to their historic spawning and rearing areas in the Upper Feather River Watershed above Oroville Dam in the relicensing process for the Oroville Project 2100. We also formally support the protection of spring-run Chinook salmon and steelhead trout species and their habitat in Butte Creek in the relicensing of PG&E's DeSabra-Centerville Project 803.

The US Bureau of Reclamation, State Water Resources Control Board, and the Federal Energy Regulatory Commission have made available the draft supplemental Environmental Impact Statement (NEPA) and Environmental Impact Report (CEQA) for the proposed Battle Creek Restoration Project.

The proposed CALFED supported Battle Creek Restoration Project will restore approximately 42 miles of salmonid habitat in Battle Creek, a tributary to the Sacramento River, and also an additional six (6) miles of salmonid habitat in its tributaries to Battle Creek.

Habitat restoration will enable safe passage for naturally produced salmonids and will facilitate their population growth and recovery. These salmonids include Central Valley spring-run Chinook salmon, Sacramento River winter-run Chinook salmon (state and federal endangered species), Central Valley steelhead trout, and also resident "wild trout"

We also presume that the habitat improvement will also improve macro invertebrate species and their habitat (food producing sources). The Restoration Project will be accomplished through modification of PG&E's Battle Creek Hydroelectric Project FERC 1121 facilities and operations, including instream flow releases.

The Anglers Committee support the Battle Creek Restoration Project and appreciate the time and effort put into the project by the involved state and federal agencies.

The Anglers Committee agrees with the "Five Dam Removal Alternative", the proposed action and alternative.

Under the Five Dam Removal Alternative, Wildcat, South, Soap Creek Feeder, Lower Ripley Creek Feeder, and Coleman Diversion Dams would be removed. In addition fish screens and fish ladders would be installed at North Battle Creek Feeder, Eagle Canyon, and Inskip Diversion Dams. At each site, access roads would be constructed or existing roads and trails would be improved to provide access for construction and maintenance activities. Tailrace connectors would be installed to convey water directly from the Inskip and South Powerhouses to downstream canals to meet fishery restoration goals. A penstock bypass facility would be replaced at the Inskip Powerhouse, as well. Springs at Eagle Canyon, Soap Creek/Bluff, Lower Ripley, and Darrah Springs areas would release to adjacent stream sections under this alternative. Asbury Diversion Dam would be modified to prevent upstream fish passage, and a low-level outlet would be left open to meet the minimum instream flow requirements.

The new tailrace connectors directing water from Inskip and South Powerhouses to downstream canals would maintain stable stream habitat, which would improve the ability of spawning fish to return to the streams where they were hatched. Water leaving the South Powerhouse would be conveyed through a new connector (a free-flow tunnel) and outlet works to Inskip Canal. Water leaving the Inskip Powerhouse would be conveyed through a new connector (a full-flow buried pipe) and outlet works to the Coleman Canal. The current bypass facilities at both the South and Inskip Powerhouses do not prevent the mixing of North Fork and South Fork Battle Creek waters. The South Powerhouse bypass would be integrated with the new tailrace connector to prevent the mixing of these waters. The Inskip Powerhouse bypass would be replaced with a new pipeline and chute system that would prevent the mixing of these waters and ensure full-flow delivery of water to the Coleman Canal. Construction of the proposed alternative and project is anticipated to begin in the spring of 2006 and end by the summer of 2009.

A detailed post project-monitoring plan will be prepared by PG&E in consultation with other parties in the form of a MOU and it will be submitted to FERC as part of the license amendment application for the Five Dam Removal Alternative.

We also support that pulse fluctuating flows for power production and recreational boating are not approved in the restoration project area where Chinook salmon and steelhead species will be spawning and young fish are being reared. We believe this also should apply to resident wild trout (all life stages) and macro invertebrate species.

NGO20-1

NGO20-2

It should be noted that many fly fishers have fished for Battle Creek rainbow trout, and they have found Battle Creek rainbows very strong fish and perhaps the strongest rainbow in tributaries to the Sacramento River. We reference the late Press Powell of the Powell Family in communication with Bob Baiocchi and other anglers.

NGO20-3

We believe that the US Bureau of Reclamation, State Water Resources Control Board, Department of Fish and Game, NOAA Fisheries, and other agencies should give a lot of weight to having PG&E's DeSabra-Centerville Project 803 on Butte Creek and the West Branch Feather River modified similar to the restoration project on Battle Creek.

NGO20-4

Thank you for the opportunity to submit comments and we look forward to the construction and operations of the Battle Creek Restoration Project.

Respectfully Submitted

The Anglers Committee Board of Directors
Bob Baiocchi, President
Brian Marcus, Vice President
Dale Marsh, Secretary
Frank Pisciotta, Treasurer
Brian Kempkes, Director
Doug Patterson, Director
Davis Munizza, Director
Huck Ferrill, Director
Joel C. Baiocchi, Director, Legal Counsel
Colin Stokes, Director
Jim Moloney, Director

cc: Mr. Steve Edmondson, NOAA Fisheries

Other interested Parties

Comment Letter NGO20—The Anglers Committee, The Anglers Committee Board of Directors (March 15, 2005)

Response to Comment NGO20-1

The Anglers Committee's support for the Restoration Project is appreciated. The lead agencies recognize that The Anglers Committee supports, in particular, the Five Dam Removal Alternative, i.e., the Proposed Action.

Response to Comment NGO20-2

The lead agencies acknowledge the support of The Anglers Committee for the proposed increased instream flows and the elimination of mixing North Fork Battle Creek water with South Fork Battle Creek water where the powerhouses (i.e., South Powerhouse and Inskip Powerhouse) spill North Fork water to South Fork Battle Creek. Because the proposed changes in flow will occur year-round, they will also apply to all life stages of resident wild trout and macroinvertebrate species.

Response to Comment NGO20-3

This comment has been noted.

Response to Comment NGO20-4

Reclamation and the State Water Board appreciate The Anglers Committee's recognition of the Restoration Project for use as a potential model for restoration of other salmonid streams.

Kerry L. Burke
40652 Highway 36 East
Mill Creek, CA 96061

April 28, 2005

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Mr. Jim Canaday
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Subject: Comments on the Draft Supplemental Environmental Impact Statement/
Environmental Impact Report for the Battle Creek Salmon and Steelhead
Restoration Project

Dear Ms. Marshall and Mr. Canaday,

Thank you for this opportunity to comment on the Draft Supplemental EIS/EIR document. These comments and questions have been prepared on behalf of Outfitter Properties, the owners of the Rocky Springs Ranch and recently the new owners of the Oasis Springs Lodge property. I made extensive comments in October 2003 (Attachment 1) on the Draft Environmental Impact Statement/ Environmental Impact Report and we have yet to receive specific answers to those questions. Our attorney also made comments (Attachment 2) on the Administrative Draft Supplemental Environmental Impact Statement/ Environmental Impact Report in August 2004, and we have received no written response on those questions either.

NGO21-1

We would like to have all of our comments referenced above included in the record of the Final Environmental Impact Statement/ Environmental Impact Report. Also we request that the comments of Warren Quan, the former owner of Oasis Springs Lodge, be included in the record (Attachment 3). Outfitter Properties did not own Oasis Springs Lodge during the public review period of the Draft EIS/ EIR and reserves the right to comment on the Draft EIS/EIR document now since the Restoration project significantly impacts the subject property. In addition, this letter will address questions regarding the Draft Supplemental Environmental Impact Statement/ Environmental Impact Report dated February 2005.

NGO21-2

The main focus of the February 2005 documents appears to be a discussion of the eight-dam alternative and the social economic impacts of the project alternatives for the Mt. Lassen Trout Farm. I was disappointed that an extremely limited discussion was included in the Draft Supplement report regarding the economic impacts to Rocky Springs Ranch and Oasis Springs Lodge properties given the details that our letter of August, 2004 provided outlining the missing information in the administrative draft. We have significant concerns that all of the draft documents listed above have not addressed significant adverse impacts to Rocky Springs Ranch and Oasis Springs Lodge properties.

NGO21-3

Enclosed below is a portion of my 10-16-03 letter from page 12:

“If there is cooperation on determining the adequate level of mitigation for construction impacts to Rocky Springs Ranch, we could be assured that the many and major detrimental impacts that will occur as a result of this project can be satisfactorily addressed. If no attempt is made to clarify the extent of specific construction activities on the Ranch and/or the level of mitigation is unacceptable, the project impacts to the Ranch will be significant and the EIS/EIR is not adequate to assess the adverse impacts and the required compensatory actions.

NGO21-4

This project will last a minimum of three years. Three key project elements, South Canal, Lower Ripley, and South Powerhouse/Inskip will impact Rocky Springs Ranch for the entire length of the Project. There will be substantial post construction activity in monitoring the new facilities in excess of the three-year construction period. This is an enormous intrusion on private property use and enjoyment. How will property owners be compensated for loss of income/use of their property? This property was recently purchased with the expectation of full use, enjoyment, and retention and expansion of ranch income.”

NGO21-5

These are questions that are still valid today, a year and a half later. The 2-05 Draft Supplemental report does not acknowledge the cost of 4 + years of business losses. The Draft EIS/EIR did discuss the disruption in business and other potential impacts. Why has the analysis changed? Outfitter Properties has made significant investment and upgrades in the fishing and hunting operations. This is totally ignored by the Draft Supplemental report. We provided input for the administrative draft only to have a retreat in the Draft Supplemental report dismiss significant economic losses that were clearly articulated in the Draft EIS/EIR. We have requested but not received any concrete information regarding acceptable mitigation that we previously requested.

NGO21-6

Oasis Springs Lodge was not owned by Outfitter Properties in October 2003 and therefore did not comment on the proposed fish ladder below Inskip Diversion. We appreciate all the time Jim Goodwin and Mary Marshall have spent trying to understand our concerns regarding the Restoration project, however to date nothing has changed in the project design and mitigation measures have not be offered. The proposed fish ladder would compromise the integrity of the Oasis Springs Lodge and tremendously increase the amount of infrastructure in the middle of the Battle Creek watershed which currently has limited use and some historical infrastructure in a natural setting. It is unfortunate that a less intrusive ladder structure with different access and parking area could not be designed for such a beautiful area. The construction and operation of the fish ladder will be a permanent scar on the landscape. It will harm the value of the Oasis Springs Lodge, change the natural stream fishing experience and create business losses for several years while the stream recovers from the Restoration project.

NGO21-7

We have previously pointed out in our letter of August 5, 2004 the necessity under CEQA and NEPA of tracing economic consequences to see if significant environmental impacts or physical changes will occur which are significant. We provided some of the legal authority for that process. In each of the instances above where we describe the "business losses" or "economic losses" to Oasis Spring Lodge and or Rocky Spring Ranch as we did during the drafting of the Supplement we were attempting to educate the SWRCB and Bureau of Reclamation that the idea that "we will simply pay money for damages and interference done to these properties" is not the purpose of CEQA and NEPA and not compliance with those acts. The purpose of the acts is to identify the significant impacts arising through the chain of economic and social changes and then attempt to identify mitigation measures and if there are no mitigation measures, adopt in the case of CEQA a determination of overriding considerations.

NGO21-8

The Draft Supplemental report was woefully deficient in not considering and including information that was clearly contained in the Draft EIS/EIR regarding adverse impacts to Oasis Springs Lodge and the Rocky Springs Ranch. Listed below are comments on the Draft EIS/EIR that must be considered in the creation of and review of the Draft Supplemental report. The Draft Supplemental report clearly did not address the range of impacts to Outfitter Properties socioeconomic status.

NGO21-9

Page 4.3-9 - Impact 4.3-1

Draft EIS/EIR indicates that "all natural hydrological processes would return to their normal dynamic equilibrium within 1 year. This impact is considered less than significant."

Comment: This impact is significant to the operation of the Oasis Springs Lodge and will add an additional year of business uncertainty that will impact our fishing and hunting operation. This was not considered an economic hardship in either BoR document.

NGO21-10

Page 4.8-7 & 8

Draft EIS/EIR indicates that South Fork Battle Creek is eligible for inclusion in the National Wild and Scenic Rivers System.

Comment: How can a project like the fish ladder be constructed within a Wild and Scenic River corridor?

NGO21-11

Page 4.8-10 - Impact 4.8-1

Draft EIS/EIR indicates that the impact is significant and unavoidable to the Oasis Springs Lodge.

Comment: Why was this not factored in the Draft Supplemental report on economic loss and property values to our business.

NGO21-12

Page 4.8-11

Draft EIS/EIR indicates that it will be a total of 6 years before cut slope would be restored.

Comment: How much sedimentation and siltation will occur due to unstable cut slope that is denuded above a premiere fishing area? This is not factored into economic impact to Oasis Springs Lodge. The mitigation measures are not adequate to restore area.

NGO21-13

Page 4.8-15 - Impact 4.8-3

Draft EIS/EIR indicates on site impacts construction phasing will impact property owner for three years following construction.

Comment: The 3 + year disruption in business at Oasis Springs Lodge and Rocky Springs Ranch has not been factored as an economic loss in the Draft Supplemental report.

NGO21-14

Page 4.8-15 - Impacts 4.8-4

Draft EIS/EIR indicates that the construction of fish ladder, parking areas and roads impacts would be reduced.

Comment: The proposed mitigation measures are not adequate to protect Oasis Springs Lodge. The three year recovery stage after construction is not considered in the Draft Supplemental report as an economic loss for the Oasis Springs Lodge.

NGO21-15

Page 4.8-17 - Impact 4.8-7

Draft EIS/EIR indicates that "The proposed access road between South Powerhouse and Inskip Diversion Dam, a significant and unavoidable aesthetic impact visible from Oasis Springs Lodge, and associated facilities would be constructed to maintain the fish screen and fish ladder at Inskip Diversion Dam."

Comment: This major significant adverse impact needs to be factored in the Draft Supplemental report as economic loss and property values to our business. This was not discussed or considered in the Draft Supplemental report.

NGO21-16

Page 4.8-18 - Impact 4.8-11

Draft EIS/EIR discusses visual impacts to Oasis Springs Lodge and rated the impact significant.

"Because the river side of the channel would be protected with riprap, views from the Oasis Springs Lodge's creek bank frontage would change from a wooded, undeveloped slope to a developed channel with a rock-filled armored revetment above and riprap revetment below the channel. In addition, channel construction would require tree removal along the entire northern creek bank between the South Powerhouse and Inskip Canal. Such a change in scenic quality along this section of the creek is considered significant, particularly when combined with the significant visual impacts resulting from the proposed cut slope and tree removal associated with access road construction. This significant visual impact would be unavoidable and irreversible because it cannot be mitigated to a less-than-significant level. Mitigation by planting tree screens, as required for the proposed access road, would not be feasible since the river side of the revetment would be covered with geomembrane fabric and riprap"

Comment: The Draft Supplemental report and the Draft EIS/EIR do not address this impact to the Oasis Springs Lodge at any level. This is not merely an issue of significant visual impact; this is a devastating lost of fish habitat in the key fishing area adjacent to the Oasis Springs Lodge. The revetment will destroy existing wooded banks, **never to recover**

NGO21-17

_____, that provides cover and food for the fish. This will also heat up this portion of the stream by adding riprap without tree cover. This work will significantly impact the operation of the Oasis Springs Lodge forever. This was not considered an adverse economic impact to the Lodge. It is unfortunate that the Draft EIS/EIR is not consistent, nor complete in each section with the discussion of construction impacts. This needs to be factored in the Draft Supplemental report on economic loss and property values to our business.

Page 4.9-17 - Table 4.9-4

Draft EIS/EIR indicates **1,000 truck round trips to South Powerhouse and Inskip Diversion** and Table 4.9-10 indicates **1,100 truck trips**.

Comment: The level of noise, dust, activity and disruption in fishing activities and peaceful enjoyment of the Oasis Springs Lodge and Rocky Springs Ranch has not been considered an economic loss in the Draft Supplemental report.

NGO21-18

Page 4.10-5

Draft EIS/EIR indicates that "The Oasis Springs Lodge, a 3,000 acre fly-fishing lodge and dude ranch along South Fork Battle Creek, is located immediately upstream of Inskip Diversion Dam and just downstream of the South Powerhouse. The Lodge is the largest noise-sensitive receptor in the Restoration Project."

Comment: The level of noise, dust, activity and disruption in fishing activities and peaceful enjoyment of the Oasis Springs Lodge and Rocky Springs Ranch has not been considered an economic loss in the Draft Supplemental report.

NGO21-19

Page 4.10-9 - Impact 4.10-1

Draft EIS/EIR discusses impacts from noise and vibration from blasting.

Comment: This will be a significant impact to the fish in the area adjacent to the Lodge and will impact fishing for Lodge patrons. This impact was not considered by the Draft EIS / EIR or the Draft Supplemental report and will have an adverse economic impact to the Oasis Springs Lodge and will

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NGO21-20

disturb and displace native fish. It will also be an adverse impact to the hunting and cattle operation on and Rocky Springs Ranch.

Pages 4.10-11 & 12 - Impact 4.10-2

"Additional mitigation measures will be developed during the construction design phase before construction activities begin. If physical measures to reduce noise to the limits specified above are infeasible, Reclamation will purchase the use of the lodge during the construction period. If purchasing for the use is not feasible, this impact would be significant and unavoidable."

NGO21-21

Comment: Why does the Draft EIS/EIR recognize the significance of the adverse impacts and the most current Draft Supplemental report does not? This does not inspire confidence that adequate mitigation measures will be taken to ensure that this project will not harm the operation, enjoyment and value of the Oasis Springs Lodge and Rocky Springs Ranch.

Page 4.10-12 - Impact 4.10-3

Draft EIS/EIR discusses significant exposure of noise-sensitive land uses along access roads to construction sites.

Comment: The Draft Supplemental report and Draft EIS/EIR do not provide adequate discussion of the adverse impacts to Rocky Springs Ranch or leasee Mt. Lassen Trout Farm. The 1,000+ truck trips do not include worker trips and other construction related personnel. This amount of traffic through an operating cattle ranch, fish farm, hunting property and residential use has not been adequately addressed and poses a significant economic harm and reduction in use and enjoyment of the Rocky Springs Ranch property.

NGO21-22

Page 4.10-13 - Impact 4.10-6

"Noise levels could exceed 133 dB and vibration could exceed USBM vibration criteria at the Oasis Springs Lodge. This impact is therefore considered to be significant." Impact 4.10-5

"The Oasis Springs Lodge is the only noise-sensitive land use that would be exposed to noise from on-site construction activity. Noise levels at Oasis Springs Lodge could exceed Reclamation noise thresholds."

NGO21-23

Comment: Both of these impacts are unacceptable to the operation of the Oasis Springs Lodge. These factors have not been considered in the Draft EIS/EIR and Draft Supplemental report as how they damage the operation of the Lodge and the quality of the fishing experience in the area. This activity will result in economic losses due to the change in the existing quality of the environment.

Page 4.10-14 - Impact 4.10-8

The activity of operating and maintaining the access roads, the fish screens and fish ladder will be a significant impact on the Oasis Springs Lodge.

Comment: The intensified human activity to operate and maintain the new facility will adversely impact Oasis Springs Lodge experience. The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report. This activity will result in economic losses due to the change in the existing quality of the environment.

NGO21-24

Page 4.10-14 - Impact 4.10-9

"Noise levels could exceed 133 dB and vibration could exceed USBM vibration criteria at the Oasis Springs Lodge. This impact is therefore considered to be significant." Impact 4.10-5

"The Oasis Springs Lodge is the only noise-sensitive land use that would be exposed to noise from on-site construction activity. Noise levels at Oasis Springs Lodge could exceed Reclamation noise thresholds."

NGO21-25

Comment: The astounding level of noise has not been considered as an adverse impact to the operation and enjoyment of the Oasis Springs Lodge and Rocky Springs Ranch property. The increased noise levels will adversely impact Oasis Springs Lodge experience. The damage to the operation of Oasis Springs

Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report. This activity will result in economic losses due to the change in the existing quality of the environment.

Page 4.10-14 - Impact 4.10-10

Comment: The activity of operating and maintaining the access roads, the fish screens and fish ladder will be a significant impact on the Oasis Springs Lodge. The intensified human activity will adversely impact Lodge experience. The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-26

Page 4.10-15 - Impact 4.10-11

"Reclamation estimates that up to 40 truck trips per day averaging 5 trips per hour could occur."

Comment: This is a significant impact to the op on the Oasis Springs Lodge. The intensified human activity will adversely impact Lodge experience. The damage to the operation of Oasis Springs Lodge and Rocky Springs Ranch has not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-27

Page 4.10-15 - Impact 4.10-12

Comment: This section does not address the fact that there will be a new access road, new fish screens and new fish ladder and parking lot adjacent to Oasis Springs Lodge. This will create new noise in the area and is an adverse impact that was not considered in the Draft EIS/EIR and Draft Supplemental report. The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-28

Page 4.10-16 - Impact 4.10-13

"Noise levels could exceed 133 dB and vibration could exceed USBM vibration criteria at the Oasis Springs Lodge. This impact is therefore considered to be significant." Impact 4.10-5

"The Oasis Springs Lodge is the only noise-sensitive land use that would be exposed to noise from on-site construction activity. Noise levels at Oasis Springs Lodge could exceed Reclamation noise thresholds."

Comment: The astounding level of noise has not been considered as an adverse impact to the operation and enjoyment of the Oasis Springs Lodge and Rocky Springs Ranch property. The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-29

Page 4.10-16 - Impact 4.10-14, 4.10-15, 4.10-16

"The Oasis Springs Lodge is the only noise-sensitive land use that would be exposed to noise from on-site construction activity. Noise levels at Oasis Springs Lodge could exceed Reclamation noise thresholds." Impact 4.10-6

Comment: These impacts are unacceptable to the operation of the Oasis Springs Lodge. The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-30

Page 4.11-8 - Impact 4.11-1, 4.11-2

Draft EIS/EIR states significant construction - related emissions for 5 dam removal will impact Oasis Springs Lodge and Rocky Springs Ranch.

Comment: No reference of impact to operation of Oasis Springs Lodge. Was this impact considered in the Draft Supplemental report? We will experience majority of construction impacts. The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-31

Page 4.11-9 - Impact 4.11-3, 4.11-4

Draft EIS/EIR states significant construction - related emissions for 5 dam removal will impact Oasis Springs Lodge and Rocky Springs Ranch.

Comment: No reference of impact to operation of Oasis Springs Lodge. Was this impact considered in the Draft Supplemental report? We will experience majority of construction impacts. The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-32

Page 4.11-10 - Impact 4.11-5, 4.11-6

Draft EIS/EIR states significant construction - related emissions for 5 dam removal will impact Oasis Springs Lodge and Rocky Springs Ranch.

Comment: No reference of impact to operation of Oasis Springs Lodge. Was this impact considered in the Draft Supplemental report? The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-33

Page 4.11-11 - Impact 4.11-7, 4.11-8

Draft EIS/EIR states significant construction - related emissions for 5 dam removal will impact Oasis Springs Lodge and Rocky Springs Ranch.

Comment: No reference of impact to operation of Oasis Springs Lodge. Was this impact considered in the Supplemental Draft? Oasis Springs Lodge and residences on Rocky Springs Ranch, however the Draft EIS / EIR and Draft Supplemental report do not assess these potential adverse impacts to Outfitters properties. The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-34

Page 4.12-7 - Impact 4.12-1

Comment: Will workers and clients at Oasis Springs Lodge be exposed to hazardous or toxic materials? Will hazardous or toxic materials enter the South Fork of Battle Creek? Potential for harm to owners, employees and clients is a significant adverse impact and could result in potential economic losses for Oasis Springs Lodge. What mitigation is proposed?

NGO21-35

Page 4.12-8 - Impact 4.12-2

Comment: It is not acceptable to Oasis Springs Lodge that the public could be exposed to hazardous or toxic materials during construction period. This impact is listed as significant however there is not adequate mitigation contained in the report or reflected in the limitation of use of the Oasis Springs Lodge. This is a significant adverse impact to the operation and use of the Oasis Springs Lodge. It was addressed as an economic loss in the Draft Supplemental report.

NGO21-36

Page 4.12-9 - Impact 4.12-3

Comment: Mitigation listed for traffic control not adequate to ensure that increase traffic will not be an adverse impact to health and safety of Rocky Springs Ranch or Oasis Springs Lodge.

NGO21-37

Page 4.12-10 - Impact 4.12-4

Comment: There has been no detailed construction information to assess potential impact from cofferdams to the Oasis Springs Lodge. The potential for dewatering will promote mosquitoes and be an adverse impact to Oasis Springs Lodge operation. Also the dewatering will impact prime fishing area in front of the Lodge. The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-38

Page 4.12-11 - Impact 4.12-5

Comment: Draft EIS/EIR and Draft Supplemental report do not assess potential danger to Oasis Springs Lodge from helicopter operations. The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-39

Page 4.12-12 - Impact 4.12-7, 4.12-8, 4.12-9, 4.12-10

Comment: Will workers and clients at Oasis Springs Lodge be exposed to hazardous or toxic materials? Will hazardous or toxic materials enter the South Fork of Battle Creek? Potential for increased recreational use impacts not considered.

It is not acceptable to Oasis Springs Lodge that the public could be exposed to hazardous or toxic materials during construction period. This impact is listed as significant however there is not adequate mitigation contained in the report or reflected in the limitation of use of the Oasis Springs Lodge.

Mitigation listed for traffic control not adequate to ensure that increase traffic will not be an adverse impact to health and safety of Rocky Springs Ranch or Oasis Springs Lodge.

There has been no detailed construction information to access potential impact from cofferdams to the Oasis Springs Lodge. The potential for dewatering will promote mosquitoes and be an adverse impact to Oasis Springs Lodge operation. Also the dewatering will impact prime fishing area in front of the Lodge.

NGO21-40

Draft EIS/EIR and Draft Supplemental report do not assess potential danger to Oasis Springs Lodge from helicopter operations.

The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

Page 4.12-13 - Impact 4.12-11, 4.12-13, 4.12-14, 4.12-15

Comment: Will workers and clients at Oasis Springs Lodge be exposed to hazardous or toxic materials? Will hazardous or toxic materials enter the South Fork of Battle Creek? Potential for increased recreational use impacts not considered.

It is not acceptable to Oasis Springs Lodge that the public could be exposed to hazardous or toxic materials during construction period. This impact is listed as significant however there is not adequate mitigation contained in the report or reflected in the limitation of use of the Oasis Springs Lodge.

Mitigation listed for traffic control not adequate to ensure that increase traffic will not be an adverse impact to health and safety of Rocky Springs Ranch or Oasis Springs Lodge.

There has been no detailed construction information to access potential impact from cofferdams to the Oasis Springs Lodge. The potential for dewatering will promote mosquitoes and be an adverse impact to Oasis Springs Lodge operation. Also the dewatering will impact prime fishing area in front of the Lodge.

NGO21-41

Draft EIS/EIR and Draft Supplemental report do not assess potential danger to Oasis Springs Lodge from helicopter operations.

The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

Page 4.12-15 - Impact 4.12-16, 4.12-17, 4.12-18, 4.12-19, 4.12-20

Comment: Will workers and clients at Oasis Springs Lodge be exposed to hazardous or toxic materials? Will hazardous or toxic materials enter the South Fork of Battle Creek? Potential for increased recreational use impacts not considered.

It is not acceptable to Oasis Springs Lodge that the public could be exposed to hazardous or toxic materials during construction period. This impact is listed as significant however there is not adequate mitigation contained in the report or reflected in the limitation of use of the Oasis Springs Lodge.

NGO21-42

Mitigation listed for traffic control not adequate to ensure that increase traffic will not be an adverse impact to health and safety of Rocky Springs Ranch or Oasis Springs Lodge.

There has been no detailed construction information to access potential impact from cofferdams to the Oasis Springs Lodge. The potential for dewatering will promote mosquitoes and be an adverse impact to Oasis Springs Lodge operation. Also the dewatering will impact prime fishing area in front of the Lodge.

Draft EIS/EIR and Draft Supplemental report do not assess potential danger to Oasis Springs Lodge from helicopter operations.

The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-42
cont

Page 4.13-9 - Impact 4.13.3, 4.13-6, 4.13-9, 4-13.12

Comment: The Draft EIS/EIR does not specify where the power loss may occur. This could be a significant impact to the operation of the Oasis Springs Lodge if there is no power. The damage to the operation of Oasis Springs Lodge and the quality of the fishing experience in the area have not been considered in the Draft EIS/EIR and Draft Supplemental report.

NGO21-43

Page 4.14-8 - Impact 4.14-1

Draft EIS/EIR discusses significant and unavoidable reduction in recreational opportunities at Oasis Springs Lodge.

Comment: The Draft Supplemental report does not address this impact in the socioeconomic section, nor are the mitigation measures in the Draft EIS/EIR adequate to address business and change in environment.

NGO21-44

Page 4.14-10 - Impact 4.14-3, 4.14.13, 4.14-18

Draft EIS/EIR indicates significant loss of hunting and fishing rights.

Comment: The Draft Supplemental report does not address this impact in the socioeconomic section, nor are the mitigation measures in the Draft EIS/EIR adequate to address business losses.

NGO21-45

Page 4.14-12 - Impact 4.14-6

Draft EIR/EIR discusses loss of 3 fishing seasons.

Comment: The Draft Supplemental report does not address this impact in the socioeconomic section, nor are the mitigation measures in the Draft EIS/EIR adequate to address business losses.

NGO21-46

Page 4.14-14 - Impact 4.14-11 discusses loss of 3 fishing seasons.

Comment: The Draft Supplemental report does not address this impact in the socioeconomic section, nor are the mitigation measures in the Draft EIS/EIR adequate to address business losses.

NGO21-47

Page 4.14-16 - Impact 4.14-16 discusses loss of 3 fishing seasons.

Comment: The Draft Supplemental report does not address this impact in the socioeconomic section, nor are the mitigation measures in the Draft EIS/EIR adequate to address business losses.

NGO21-48

The review of the Draft EIS/EIR details the ponderous, significant impacts that will occur to the Oasis Springs Lodge and the Rocky Springs Ranch properties. It is incomprehensible that the Supplemental Draft did not assess the significance of all the potential impacts from the information contained in the Draft EIS/EIR and include those factors in the current report.

NGO21-49

The current Draft Supplemental EIS/EIR on pages 4-56, indicates that the remedy to closing the Oasis Spring Lodge is to provide notice of “start date and duration and type of construction activities.”

NGO21-50

This is not mitigation and is totally unacceptable. The business losses from a minimum of three years closure is significant, however it may take several more years for the surrounding area to become restored and suitable for a premiere fishing experience that has been Oasis Springs Lodge's reputation to date. The construction of the fish ladder, road and other related structures will adversely impact the Oasis Springs Lodge in many ways and mitigation measures to reduce the impacts have not been addressed to date.

NGO21-50
cont

The following comments are specific to the Draft Supplemental report.

Page 4-55

Comment: Draft Supplemental report section does not discuss the potential socioeconomic risk to Oasis Springs Lodge and Rocky Springs Ranch from the Restoration project. The Draft EIS/EIR comments listed above clearly indicates that there are significant adverse impacts, as did our letter of August 2004. These impacts should be considered in the Draft Supplemental report.

NGO21-51

Page 4-56

Comment: Draft Supplemental report does not address significant business losses to Oasis Spring Lodge and Rocky Springs Ranch. The Draft EIS/EIR indicates that the Lodge environs will be disrupted for a minimum of three years. The suggested mitigation is totally inadequate in the Draft Supplemental report.

NGO21-52

Page 4-58 - Impact 4.16-11 & 12

Comment: This section does not discuss the potential socioeconomic risk to Oasis Springs Lodge and Rocky Springs Ranch from the Restoration project. The Draft EIS/EIR comments listed above clearly indicates that there are significant impacts, as did our letter of August 2004. These impacts were not considered in the Draft Supplemental report and should be. The Draft EIS/EIR indicates that the Oasis Springs Lodge environs will be disrupted for a minimum of three years. The suggested mitigation is totally inadequate in the Draft Supplemental report. It will also disrupt the operation of and Rocky Springs Ranch.

NGO21-53

Page 4-59 - Impact 4.16-16 & 17

Comment: This section does not discuss the potential socioeconomic risk to Oasis Springs Lodge and Rocky Springs Ranch from the Restoration project. The Draft EIS/EIR comments listed above clearly indicates that there are significant impacts, as did our letter of August 2004. These impacts should be considered in the Draft Supplemental report. The Draft EIS/EIR indicates that the Lodge and the Rocky Springs Ranch environs will be disrupted for a minimum of three years. The suggested mitigation is totally inadequate in the Draft Supplemental report.

NGO21-54

Page 4-60 - Impact 4.16.21 & 22

Comment: This section does not discuss the potential socioeconomic risk to Oasis Springs Lodge and Rocky Springs Ranch from the Restoration project. The Draft EIS/EIR comments listed above clearly indicates that there are significant impacts, as did our letter of August 2004. These impacts should be considered in the report. The Draft EIS/EIR indicates that the Lodge environs and Rocky Springs Ranch will be disrupted for a minimum of three years. The suggested mitigation is totally inadequate in the Draft Supplemental report.

NGO21-55

Additional questions:

1. The Draft Supplemental report does not address the change in fishing experience, the change in business value, and the time require to reclaim clients to previous levels. This is

NGO21-56

	a significant adverse economic impact and the statement that "no measures are necessary" is totally without merit.	NGO21-56 cont
2.	There will be a permanent scar on the landscape due to the road, fish ladder, parking lot and revetment. There has been very little specific information regarding construction design. These project features will reduce the premiere fishing / resort experience that currently exists and therefore will create a business loss.	NGO21-57
3.	The document does not discuss the impacts to the lessee, Mt. Lassen Trout Farm that has a facility located on the Rocky Springs Ranch. All the truck traffic and associated problems (dust, noise, etc.) could adversely impact the current operation and result in loss of Ranch income.	NGO21-58
4.	I requested a property owner map with project component overlay. Why was that not included in the Draft Supplemental report?	NGO21-59
5.	Where is the cost / benefit analysis for this project? Do we know the final cost and the "operational costs" for the number of fish that are anticipated?	NGO21-60
6.	Oasis Springs Lodge and Rocky Springs Ranch have historically been linked by stream ford that allows access to both properties. The project will eliminate that essential feature that presently makes it possible to access both properties without having to drive 1.5 hours to the other side of the property. The higher flows will impact the historic access to the Oasis Springs Lodge during prime fishing months. Also the higher flows will impact the current ability to wade across the stream thereby reducing the amount of fishing opportunities. The significant reduction in access, both vehicular and for fishing opportunities has not been considered in either the Draft EIS/EIR or the Draft Supplemental report. The reduction in access will be a significant adverse economic impact to both Oasis Springs Lodge and Rocky Springs Ranch and has adverse economic consequences that were not considered.	NGO21-61
7.	Due to potential return of salmon and steelhead in the South Fork of Battle Creek, will the fishing regulations be changed for the area? If so, that could be an adverse impact to Oasis Springs Lodge commercial fishing resort business. Any reduction of fishing opportunities has not been considered in either the Draft EIS/EIR or the Draft Supplemental report. The reduction in potential fishing opportunities will be a significant adverse impact to both Oasis Springs Lodge and Rocky Springs Ranch and has adverse economic consequences that were not considered.	NGO21-62
8.	We have previously mentioned in our letters that the elimination of our current Department of Fish and Game Stocking Permit will be seriously detrimental to the type of fishing experience that has been the commercial draw for patrons to Oasis Springs Lodge. Any reduction of fishing opportunities has not been considered in either the Draft EIS/EIR or the Draft Supplemental report. The reduction in potential fishing opportunities will be a significant adverse impact to both Oasis Springs Lodge and Rocky Springs Ranch and has adverse economic consequences that were not considered in the Draft Supplemental report.	NGO21-63
9.	There will be higher water temperatures due to the elimination of the North Fork water that	NGO21-64

currently provides cooler water in the South Fork and especially in the area behind the Inskip Diversion. This area is currently the main focal point of the Oasis Springs Lodge and the majority of our clients fish the "pond area". The restoration project will result in higher water temperatures in the stream in this critical area that is necessary for our business. Any reduction of fishing opportunities has not been considered in either the Draft EIS/EIR or the Draft Supplemental report. The reduction in potential fishing opportunities will be a significant adverse impact to both Oasis Springs Lodge and Rocky Springs Ranch and has adverse economic consequences that were not considered.

NGO21-64
cont

10. What level of assessment has been done to ensure that the amount of dust, sedimentation and siltation of South Fork of Battle Creek will remain the same as current conditions? The Draft EIS/EIR maintains that within a year that the Creek would become normal. What if monitoring indicates that the historic turbidity levels are exceeded and therefore the quality of fishing has decreased? Any reduction of fishing opportunities has not been considered in either the Draft EIS/EIR or the Draft Supplemental report. The reduction in fishing opportunities will be a significant adverse impact to both Oasis Springs Lodge and Rocky Springs Ranch and has adverse economic consequences that were not considered.

NGO21-65

These comments were prepared to address our concerns for the short term and long term impacts to Oasis Springs Lodge and Rocky Springs Ranch. The Restoration project is complex and not all issues are understood or addressed. I appreciate your work on the environmental document and the public review process that has been undertaken. We are looking forward to reviewing your response to comments.

Please take some time to consider the many adverse impacts the proposed Restoration Project will have on Oasis Springs Lodge and Rocky Springs Ranch operations and economic losses. We believe that there are many potential mitigation measures that could reduce the impacts to potential acceptable levels, however they have not been incorporated into the project design. Therefore, though we support improved habitat for salmon and steelhead, we continue to have significant concerns that the Restoration Project as designed will adversely impact Oasis Springs Lodge and Rocky Springs Ranch with potential limited benefit to the salmon and steelhead.

If you have any questions regarding these comments, please contact me at 530-595-4470 or via e-mail at BurkeLandUse@aol.com. Also could you please provide Final EIS/EIR documents to the others copied below? Thank you.

Respectfully submitted:

Kerry L. Burke

Attachment # 1 - K. Burke letter, Oct. 2003

Attachment # 2 - P. Minasian letters, Aug. 2004

Attachment # 3 - W. Quan letter, Oct. 2003

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Subject: Comments on the Draft Environmental Impact Statement/ Environmental Impact
 Report for the Battle Creek Salmon and Steelhead Restoration Project

October 15, 2003

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Dear Ms. Marshall and Mr. Canaday,

Thank you for this opportunity to comment on the EIS/EIR document. These comments and questions have been prepared on behalf of Outfitters Properties, the new owners of the Rocky Springs Ranch, formerly known as the Lazy R Bahr Ranch. The Battle Creek Restoration Project has been in the planning stages for almost a decade and it has been a challenging endeavor to become familiar with the multitude of Project materials and information in a short period of time. We are trying to understand the magnitude of potential impacts and benefits of the Restoration Project for the Rocky Springs Ranch property. The recent community meetings held in Manton were very helpful in providing an overview of the project and process. Also a site meeting with Carl Werder and separate meeting with Harry Rechtenwald of Department of Fish and Game were useful in providing some additional details regarding the project.

The landowner is generally supportive of the proposed action to restore Battle Creek, however the lack of detail and specific information regarding construction impacts to Rocky Springs Ranch in the environmental document causes some significant concerns. Without the specific information regarding construction activities it is difficult to determine if the proposed mitigation measures are adequate to reduce project impacts to Rocky Springs Ranch. The EIS/EIR is very general in nature and does not provided precise information regarding construction impacts for the Rocky Springs Ranch. In many cases, consequences, mitigation and restoration are not anticipated nor addressed.

NGO21-66

NGO21-67

We are also concerned that the request from the Battle Creek Watershed Conservancy was not granted for a ninety-day extension to the comment period. The purpose of the requested extension was to allow participation in the Oct. 7-8 Scientific Panel regarding the Coleman National Fish Hatchery and the relationship to the Restoration Project. An additional extension would allow a reasonable amount of time to attend the panel workshop, digest the workshop information and to include information from the workshop into the EIS/EIR comments. An additional extension would provide time to address some of our concerns raised in these comments. We also requested the Project specifications from Carl Werder, but was informed on October 7, 2003 that specific project information would not be able until November, 2003, after the close of the comment period. This restriction is unacceptable.

NGO21-68

As you will see in the following comments, the "Project" is so loosely defined and is lacking in specificity with regard to the implementation measures and the alternative measures for implementation, that one can only conclude that you intend your EIS/EIR to be a tiered document. It would appear that a subsequent NEPA/CEQA process will be necessary to cover the construction details and implementation measures contemplated for the Rocky Springs Ranch property, including but not limited to acquisition of the necessary interests in real property and access required, long before commencing the Project. If that subsequent process were not intended and planned, the "project" description would be inadequate and so vague and uncertain that it would not permit the identification of significant environmental impacts in the comments. In regard to CEQA, as Remy, et al Guide to the California Environmental Quality Act 10th Edition, page 360-1 points out, the project description must be accurate, definite and detailed. Without such definition, the informed public participation process is not possible (County of Inyo v City of Los Angeles (3d Dist. 1977) 71 Cal App3d 185, 193)

NGO21-69

In regard to NEPA, alternatives to the Project and mitigation measures must be included and fully discussed. In this case as can be seen from the following comments and questions, it is assumed that the overall benefits of improving fishery conditions and water conditions justify any level of environmental harm to existing/allowed land uses and species which are land based...including humans. Again, we hope that you intend and rely upon that intention, that your EIS/EIR is to be a tiered document. An additional specific project NEPA /CEQA analysis in regard to the work and mitigation measures associated with the Rocky Springs Ranch and project impacts to other landowners within the area appears to be required to fully address the entire scope of potential impacts. If this were not in fact your intention, the following comments would evidence the legal insufficiency of this document under both NEPA and CEQA. We like many other landowners find that only with the recent public hearings, proceedings and meetings referred to in these comments that we are discovering the full extent of the "Project." The absence of critical details, mitigation measures and identification of significant environmental impacts from this Draft puts us at a disadvantage in determining the full level of impacts to Rocky Springs Ranch. A Tiered EIS/EIR with a subsequent process in regard to the specific activities on Rocky Springs Ranch is the only lawful means of proceeding at this time.

NGO21-70

NGO21-71

Contained below are comments, questions and concerns with an EIS/EIR page reference number. The major categories include Private Property Ownership Impacts, Project Components within Rocky Springs Ranch, Construction Impacts, Community Land Use Concerns, Fishing/Recreational Impacts, Environmental Monitoring Measures and concluding remarks.

PRIVATE PROPERTY OWNERSHIP IMPACTS

The scope of the Purpose and Need of this project is too narrow. It does not encompass the private property ownership issues. This flaw affects throughout the entire document.

NGO21-72

Page 2-1 states "The purpose of the Restoration Project is to restore approximately 42 miles of habitat in Battle Creek and an additional 6 miles of habitat in its tributaries while minimizing the loss of clean and renewable energy produced by the Hydroelectric Project." This statement of purpose does not include the need to retain the ecological integrity, use and value of private property during and after completion of construction. It is critical that private property use and value be maintained throughout the project timeframe and that the final condition of private lands be restored to original pre-project condition unless otherwise agreed to by the landowner.

NGO21-73

Page 2-4 contains a list of several Project Objectives. The last item on the list is "avoid impacts on other established water users/third parties." The first Project Objective should be to do no harm to

NGO21-74

existing land uses / resources. We are concerned that the current objective is too vague and does not inspire confidence to a property owner in the middle of the project area with the potential for significant project impacts. Are property owners considered "third parties"? Who do we see about avoiding impacts? What level of acceptable mitigation can be worked out to the satisfaction of all parties?

NGO21-74
cont

The project maps throughout the document do not delineate ownership. This lack is a critical flaw since it is difficult to determine the location of project activities in relationship to private lands. All maps should indicate ownership and location easements. There is one schematic map, Figure 4.6-1, for general ownership types, however all impacted properties should be clearly identified. Figures 4.2-2 through 4.2-19 do not provide ownership information. We need more specific information regarding proposed road improvements, easements, construction site location and all facilities and uses, removal of canal and any other activities on Rocky Springs Ranch property or on the easements on the property. Detailed ownership maps are necessary to evaluate the level of impacts to private landowners.

NGO21-75

It is critical that affected landowner's property is fully assessed in the undisturbed condition and documented prior to construction to ensure that it will be restored to the original condition in the post construction period. Will there be a performance bond for landowners that agree to allow construction activities on their property? Also on-going maintenance, fire safety, site security, adherence to time frames and other measures are essential to minimize impacts and danger to private property owners. We need additional information to determine if there are adequate measures to minimize impacts to Rocky Springs Ranch.

NGO21-76

3-1 statement that "PG&E either owns the land occupied by the project sites or has legal easements of the area" is misleading. The construction phasing area depicted in Figure 4.2-12 & 13 is not owned or leased by PG & E at this time. Necessary agreements are required to ensure that the landowner is compensated and/or that all mitigation measures are completed to ensure that the land is restored after construction is completed.

NGO21-77

PROJECT COMPONENTS WITHIN ROCKY SPRINGS RANCH

SOUTH CANAL

Once the south canal is decommissioned, will the PG & E canal easements be extinguished?
Will PG&E retain access to the canal area?

Will PG&E be responsible for the condition of the restored canal area and liable for any defect in the filling in of the canal?

NGO21-78

Table 4-10 Is there a map to indicate the portion of the South Canal that is on the Rocky Springs Ranch?

How much grading activity will take place on the private property to decommission the canal?
Can we be assured that the decommissioned canal area will be fully restored to a natural, stable and safe condition?

NGO21-79

3-36 What are the criteria for removal of footings? What if the landowner wants all the footings removed? What if the available material would not be adequate to fill in the canal? What quantity of stream channel material would be utilized? What impacts will this action have on the stream and its ecosystem? Is a Corp of Engineers permit required?

NGO21-80

<p>Table 4-11 Will the concrete material be tested to determine that no hazardous materials are presence prior to disposal on the Rocky Springs Ranch? Will the landowner be notified of the days that helicopter work will be done? How many helicopter trips are anticipated for south canal work? Are tunnels located on Rocky Springs Ranch property? If the tunnel drainage features do not work, who will improve them? Will there be a vector problem in the tunnels? Who will own the tunnels after the canal is decommission? Will they be monitored? If adjacent trees are damaged or killed, will they be replaced?</p>	<p>NGO21-81</p>
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<p>Table 4-12 Are there any “20 foot clearing zones” on Rocky Springs Ranch? Will there be tree trimming, brush removal, or helicopter landing pads on Rocky Springs Ranch land? Will heavy equipment be stored adjacent to the canal during removal period? Will fill come from any off site area? Is any of the project width of 70 feet on Rocky Springs Ranch?</p>	<p>NGO21-82</p>
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<p>3-39 Construction period at the South Canal is indicated as a 2.5 month period. Table 4.9-4 of the document indicates a 5-month construction duration. Which time frame is correct? What compensation will be given to the landowner if the construction/disturbance period is greater than 2.5 months? Can penalties be assessed on the contractor if the approved time frame is exceeded? What assurances does the property owner have that the contractual agreement between Bureau of Reclamation and the contractor are adequate to address landowner concerns?</p>	<p>NGO21-83</p>
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<p>Are the staging areas identified in the EIS/EIR, and if so where are they mentioned? Are any permanent cut-slope present on Rocky Springs Ranch?</p>	<p>NGO21-84</p>
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<p>Please explain “Areas permanently disturbed by construction generally do not require restoration.” Are any permanently disturbed areas on Rocky Springs Ranch?</p>	<p>NGO21-85</p>
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<p>Figure 4.2-15&17 What portion of the South Canal is on Rocky Springs Ranch? Where are the clearing areas, Helicopter areas, etc.? Please designate on maps.</p>	<p>NGO21-86</p>
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INSKIP DIVERSION DAM/SOUTH POWERHOUSE

<p>FIGURE 3-2C is a schematic to assess actual impacts. The access road is shown but not the adjacent parking area. How much grading will be done for these improvements? Will there be any blasting? How much spoils will result and where will the spoils be taken?</p>	<p>NGO21-87</p>
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<p>3-42 Has a visual analysis been done on the power line relocations? Is it shown on any diagrams? Figure 3-2c does not include the new powerline relocation area.</p>	<p>NGO21-88</p>
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<p>3-49 At what time of year will the in-stream excavation be done? How will the fish ladder’s improvements impact the adjacent land owner. For what period of time will the fishing be disrupted? After construction, how many trips per week will be made to the fish ladder? What route will be utilized for monitoring the Inskip/South Powerhouse facilities? Will all construction take place on PG&E property? Are the boundaries for the PG&E parcel marked in the field?</p>	<p>NGO21-89</p>
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<p>3-50 Will the sediment basin need to be cleaned? How often will the sediment basins be cleaned and where do the spoils go?</p>	<p>NGO21-90</p>
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3-51 “An access point on the top of the plateau that avoids the residential area would be required for construction.” Is this the staging area? If so, there should be consistent terminology throughout the document. If it is just an “access point,” will it be also 16feet in width? What are the dimensions? What are the full range of activities that will occur in this area? What type of equipment will be stored or used here? Is this on Rocky Springs Ranch property? **NGO21-91**

3-49 There is no map that indicates all the “Construction Considerations.” We need to know the exact location of access roads to determine level of impacts on Rocky Springs Ranch and the Mount Lassen Trout Farm facility at the Ranch. **NGO21-92**

3-50 Where is Area A, Contractor use area? Is this proposed on Rocky Springs Ranch? If so, we need to know the exact location, size and use parameters to determine if it is compatible and how detrimental it could be to Ranch operations. **NGO21-93**

3-52 Where is the Disposal Area, and the staging area? Is this proposed on Rocky Springs Ranch? If so, we need to know exact location, size and use parameters to determine if it is compatible and how detrimental it could be to Ranch operations. **NGO21-94**

FIGURE 4.2-13 does not indicate the private property ownership. How much cut and fill will be necessary for all project features depicted on this map? Will there be blasting? **NGO21-95**

How will the landowner be compensated if this portion of the project runs beyond the 19 month Construction period indicated in Table 4.9-4? **NGO21-96**

LOWER RIPLEY CREEK

3-53 Can a map be provided of the proposed location of the access road to Lower Ripley Creek Feeder Diversion Dam? Please identify the location of the “unimproved road on private property that can be taken in a westerly direction about 3 miles to the worksite.” How much area around the Lower Ripley Creek Feeder Diversion Dam is owned by PG&E? Will any work occur on private property? **NGO21-97**

3-54 Flows are proposed to be diverted from Cross County Canal into Lower Ripley Creek, to bypass the South Powerhouse construction zone. When will this occur and for how long? Will the high flows (50 cfs vs 3 cfs) result in damage to the natural environment? Has this measure been assessed? **NGO21-98**

Figure 4.2-10 shows substantial road construction activity and physical disturbance. What portion is on Rocky Springs Ranch? Will the road to Lower Ripley be improved to serve Coleman Diversion Dam/ Inskip Powerhouse (Figure4.2-8), and what portion is on Rocky Springs Ranch? What will be the final width of those roads? Is there an existing PG&E easement? How will breaching Cross County Canal into Ripley Creek impact the drainage? Will erosion and sedimentation occur? What mitigation measures can reduce impacts to Ripley Creek? **NGO21-99**

FIGURE 4.2 -10 & 11, How will the water from Ripley Creek bypass Inskip Canal? **NGO21-100**

CONSTRUCTION IMPACTS

The proposed project has the potential to impact all the land uses on the Rocky Springs Ranch. There are grazing activities, aquaculture, residential use, hunting, fishing and other recreational activities that take place on the ranch. A family with four small children own the Ranch.

NGO21-101

MOUNT LASSEN TROUT FARM

Mount Lassen Trout Farm has a facility on the Rocky Springs Ranch property adjacent to the residential compound. We are concerned that potential construction and transportation activities may harm the operation of the existing tenant. Ranch income is derived from Mount Lassen Trout Farm and we are concerned that new activities may harm fish production.

NGO21-102

Potential impacts to this facility do not appear to be addressed in the EIS/EIR. Dust generation, vibration from large trucks and equipment, the need for additional site security, all may create problems for the on-site operation.

- 3-12 An abandoned access road located about 2,000 feet east of the residence is described on this page. Is this shown on the access maps? Is this the preferred access to the South Powerhouse road. Will it avoid the residential area and the Mount Lassen Trout Farm facility at Rocky Springs Ranch?

NGO21-103

The Impact Mechanism section (4.0-5) does not include vibration from trucks and equipment.

NGO21-104

Note Photo # 1 & 2 in Attachment # 2 depicts Mount Lassen Trout Farm facility at Rocky Springs Ranch and proximity to ranch road.

NGO21-105

CONSTRUCTION SITE / SCHEDULE

A construction site is delineated on Figures 4.2-12&13. This site is on Rocky Springs Ranch property.

What are the specific uses proposed for that the site? Is there a specific time limit for use of that site? Will there be penalties to the contractor if the EIR/EIS time frame is exceeded as delineated in ES-11?

NGO21-106

How will be landowner be compensated if the time frames are exceeded?

Note Photos 7 - 10 of proposed construction site on Rocky Springs Ranch in an undisturbed condition in Attachment # 2.

TRANSPORTATION

Has the EIR/EIS considered alternative locations for access to South Powerhouse and South Canal? What level of mitigation is required?

NGO21-107

- 4.10-9 Please identify Old Ranch Road on a map? Is it on Rocky Springs Ranch property?

NGO21-108

TABLE 4.9-3 – What are the dates of counts done within Manton community? Is this information timely?

NGO21-109

4.9-15 South Powerhouse Road is not included in the traffic analysis assumptions. Will it not be used at all it the project? There are references in other portions of the document that it may be used.

NGO21-110

Table 4.9-4 – South Powerhouse indicates 20 construction workers and only 22 estimated average Daily round trips. There will be more trips generated than just coming and going from the job site. There will be numerous trips with construction materials, inspectors, and other activities. This figure appears to be vastly understated for this site and many others on this table.

NGO21-111

Figure 4.9-2 – Does this map indicate all possible access alternatives for the project?

NGO21-112

Table 4.9-5 Average Daily Trips for Manton School Road only assumes trips for South Powerhouse. Will access for some of the South Canal work come on Manton School Road?

NGO21-113

4.9-10 Indicated that Lower Ripley Creek could be accessed by South Powerhouse Road, but it is not included in Table 4.9-5.

NGO21-114

Note Photos 3 – 6 in attachment #2 that indicate proximity of PG & E trucks to Rocky Springs Ranch residence.

NGO21-115

NOISE

4.10-3 When and where will blasting be used?

NGO21-116

4.10-5 Rocky Springs Ranch will also be impacted by noise, vibration, safety issues, blasting impacts to Fish and wildlife. These issues are not considered? In no event should there be any blasting during fishing and hunting seasons, holidays or weekends!

NGO21-117

4.10-9 There is not enough specific information regarding blasting / impacts. Ranch Springs Ranch is also a noise sensitive land use. Land uses include residential, grazing, aquaculture, hunting, fishing and other recreational activities.

NGO21-118

What happens if there are more than 5 helicopter flights to Inskip site? The document does not include impacts due to helicopter use for work on South Canal.

NGO21-119

Table 4-12.5 Noise levels are not listed for helicopters.

NGO21-120

Table 4-10-4 does not include helicopters or cement batch plant operations. The Rocky Springs Ranch Residence is within 50 feet of the access road and will be greatly impacted. The Mount Lassen Trout Farm facility at Rocky Springs Ranch is adjacent to the access Road and will be heavily impacted by noise.

NGO21-121

Table 4-10.5 should be in Transportation section also.

NGO21-122

4.10-12 Any approved construction must have hours of operation should not exceed 8am – 5 pm. Even approved activities outside these times would have an especially great impact on surrounding private land uses.

NGO21-123

Note Photos 3-6 in attachment #2 that indicate proximity of PG & E trucks to Rocky Springs Ranch residence.

NGO21-124

AIR QUALITY

Table 4.11-4 – Change the “should” to “shall” in “The following controls are applicable to the Battle Creek project and should be implemented.” Without a requirement for dust control, significant damage can occur in the residences and at the Mount Lassen Trout Farm facility at Rocky Springs Ranch. We need a tough dust control plan in place to mitigate the issue.

NGO21-125

PUBLIC HEALTH AND SAFETY

4.12-3 Rocky Springs Land owner wants to notified of any hazardous materials that are found on the property or of any spills on the ranch or adjacent project area that accesses through the ranch. PG&E and Bureau of Reclamation will be responsible for all clean up and removal of hazardous materials.

NGO21-126

4.12-4 No standing water from project facilities will be allowed on Rocky Springs Ranch.

NGO21-127

4.12-7 Development of a Spill Prevention, Containment, and Countermeasure Plan needs to be evaluated prior to the project commencement.

NGO21-128

4.12-8 The proposed traffic plan needs to be evaluated in the EIS/EIR to determine if it is adequate to reduce the significant traffic impacts on private landowners and the community.

NGO21-129

4.12-10 What penalties and enforcement will there be for violations of speed zone near Rocky Springs Ranch residential / Mt. Lassen Trout Farm facility? Trucks accessing the powerhouse today travel at speeds significantly in excess of posted limits. This cannot be allowed to continue.

NGO21-130

CONSTRUCTION-RELATED EFFECTS ON RESIDENT FISH

What are the anticipate impacts to native resident trout population?

What if the recovery time exceeds the construction time? These projections must be quantified and verified to assess the probabilities of enhancements and costs of potential failure. What mechanism will there be to compensate landowners

that relied upon historic fishing opportunities/conditions?

Will a database of pre-construction trout counts be done for monitoring purposes?

NGO21-131

SEDIMENT LOADS

What happens if sediment redistribution takes more than 3 years? Will there be adequate Monitoring to determine impacts? Will there be a funding source to address the problem?

NGO21-132

STREAMBED & FLOWS

What evidence supports the statement that "all natural hydrologic processes would return to their normal dynamic equilibrium within 1 year"?

NGO21-133

AESTHETICS AND VISUAL RESOURCES – Chapter 4.8

There is no mention of the power line relocation visual resources in this chapter. This omission makes it impossible to determine the potential impacts.

NGO21-134

ES-19 states that "the construction and operation of the Proposed Action associated with South Powerhouse and Inskip Diversion Dam improvements would result in a significant and unavoidable aesthetic impact on the Oasis Springs Lodge."

NGO21-135

In addition to aesthetics, there are massive impacts from noise, other disruptions and the potential of project failure or adverse outcomes from changing the nature of the stream. Mitigation measures are recommended to partially reduce the aesthetic effect on these facilities and its operations. What is the extent of the mitigation? The impacts to the Rocky Springs Ranch property were not considered including loss of aesthetic values, loss of access and loss of private recreational use. What level of mitigation is available for these losses?

NGO21-135
cont

COMMUNITY LAND USE CONCERNS

LAND USE – Chapter 4.6 deals with Land Use within the project area. The document states the majority of property is private however Figure 4.6-1 does not provide the property lines of individual property holdings. In the project area on Rocky Springs Ranch there is grazing, aquaculture activities, residential use and commercial hunting and fishing use. These range of uses have not be addressed in the document.

NGO21-136

The local community of Manton is approximately 400 people with limited services. How will the town handle a doubling of its population size during the 3 year construction period? Will there be adequate services to deal with human waste, solid waste, traffic, water, fire and police services? Where will workers live? How will this intense use for a three year period impact the town?

NGO21-137

NATIONAL WILD AND SCENIC

South Battle Creek is eligible and classified as recreational. At the completion of the Restoration Project, will the public agencies promote additional recreational use of Battle Creek? A specific commitment and clarification of intent is mandatory for landowners and community members to understand the implications of this project in this regard.

NGO21-138

MANTON WATER SUPPLY

4.13-2 Is the surface water supply from Cross County Canal and Digger Canal adequate for the additional 380 workers that will be present in the community? Impacts from additional domestic water use were not addressed in the document.

NGO21-139

SOLID WASTE

4.13-3 Are the solid waste facilities within Manton adequate for the addition of 380 workers? Impacts from additional solid waste from were not addressed in the document. Many of the workers will pass through Manton and use the limited services.

NGO21-140

FIRE PROTECTION

4.13-8 Fire hazard is considerable and significant, Mitigation necessary and a Fire Suppression Plan must be reviewed and approved by private landowners and surrounding communities prior to commencement of construction.

NGO21-141

WASTEWATER

4.13-5 How many and where will septic systems or portable toilets be located at Rocky Springs Ranch?

NGO21-142

360 WORKERS

4.13-7 - Construction workers will double the population of Manton.

Does the 360 figure include all the mitigation/monitoring personnel, agencies, etc.

NGO21-143

SOLID WASTE

4.13-8 – Where will the 3,000 cubic yards of construction waste be generated from? What are the trucking off site removal trips included in Table 4.9.4?

NGO21-144

COLEMAN FISH HATCHERY COMPATIBILITY WITH RESTORATION PLAN 4.17-1

At the October 7-8 Science Panel Review at Red Bluff, some concerns were raised that there is not a "standard format" for Adaptive Management Plans. Will the plan be reviewed by the stakeholders and others and will they be allowed adequate time and participation?

NGO21-145

FISHING / RECREATIONAL IMPACTS

HARVEST

Are there any plans to change trout fishing regulations on Battle Creek as a result of this project? What regulations will be imposed on other species?

NGO21-146

CUMULATIVE IMPACTS

The EIS/EIR anticipates that the project will "substantially benefit fish populations in the Battle Creek watershed" Within what time frame? What will be the magnitude of improvement? Aside from populations, what will be the effect on fishermen given changes in flows, water levels, in-stream habitat, etc.?

NGO21-147

BLM- RECREATIONAL USE

Will BLM try to expand recreational use within project area? Will the South Fork continue to be deemed "non-navigable?"

NGO21-148

FISHING

3-36.1 Eliminate statement "Fishing is also permitted on private land" suggest: Fishing on private property is subject to the permission of the landowner and adherence to all Fish and Game regulations.

NGO21-149

Does PG&E allow access to canals and other properties to anyone for fishing? If so, who?

NGO21-150

4.14-5 Where and when does DF&G stock South Battle Creek?
What other resort owner stocks the canals?

NGO21-151

KAYAKING

4.14-11 EIR/EIS did not consider adverse impacts from increased kayaking and rafting on private property. For example, trespassing, waste generation, fire danger and site security have not been addressed.

NGO21-152

ENVIRONMENTAL MITIGATION MEASURES

GENERAL ENVIRONMENTAL PROTECTION MEASURES

Beginning of chapter 4 - too general

NGO21-153

ENVIRONMENTAL PROTECTION STRATEGY –

The five listed strategies on 4.0-7 are not specific enough to address potential impacts to Rocky Springs Ranch. The Restoration project will impact a majority of the Ranch for the entire project period. The project will include the following activities on Rocky Springs Ranch, additional access development, staging areas, South canal removal, Lower Ripley removal, Cross County Canal water into Lower Ripley at 50 cfs, South Powerhouse and Inskip improvements. All the construction work will impact Rocky Springs Ranch throughout the entire project period of three years. We expect that there will be increased monitoring, inspections and management for years following the completion of the project.

NGO21-154

DEFERRED MITIGATION PROGRAMS

4.0-8 TO 4.0-10 include several mitigation programs including Develop a Worker Environmental Education program, Develop an Environmental Compliance Monitoring Program, Design Work Zones and Develop an Implementation Plan. It is not adequate to say you will do something that is critical to reducing significant impacts. How can a private property owner be assured that these Programs and Plans will be adequate to reduce impacts if there are not included in the EIS/EIR? Deferred Mitigation Programs cannot provide a reassurance of reduction of construction impacts to an acceptable level.

NGO21-155

WORKER ENVIRONMENTAL EDUCATION PROGRAM

Expand program to include fire safety, site security issues, treatment of livestock, no hunting/fishing on private property, no disturbance of private property owners, adherence to any private property agreements, etc.

NGO21-156

ENVIRONMENTAL COMPLIANCE MONITORING PROGRAM

What amount of budget is designated for Environmental Compliance Monitoring and Construction Monitoring? Will landowners be given copies of all Monitoring reports?

NGO21-157

DESIGNATED WORK ZONES

What is the penalty for violation of designated work zones?

NGO21-158

IMPLEMENTATION PLAN

When will the implementation plan be available? What input will a private landowner have if the implementation plan is not adhered to?

NGO21-159

MITIGATION FUNDING

Is there adequate mitigation funding to address the restoration of private property to the original condition or agreed upon condition? Who is the responsible party for negotiations and enforcement?

NGO21-160

MONITORING

ES-5 Who will administer the Water Acquisition Fund and the Adaptive Management Fund?

NGO21-161

E-S 10 mentions a "10 - year period following the initiation of prescribed instream flow releases" When does the 10-year period begin? What happens after the 10-year period? Who will be responsible for project related monitoring activities?

NGO21-162

ES-15 - Will PG&E be responsible for the 40% if they are held in the minority opinion? Who will pay for representation of the Adaptive Management Fund's interests in disputed actions?

NGO21-163

WATER ACQUISITION FUND

Will impacted landowners have any input regarding beneficial flow changes per Table 4-13?

NGO21-164

How can you evaluate impacts to plants after construction? Will pre-construction condition be documented prior to construction?

NGO21-165

ADAPTIVE MANAGEMENT PLAN

At the October 7-8 Science Panel Review at Red Bluff, some concerns were raised that there is not a "standard format" for Adaptive Management Plans. Will the plan be reviewed by the stakeholders and others?

NGO21-166

POST CONSTRUCTION EVALUATION

Pre-construction conditions on private lands need to be documented to verify post construction condition and level of restoration required.

NGO21-167

In conclusion it appears that more specific and detailed information regarding construction impacts is needed prior to obtaining approval for additional access and use of Rocky Springs Ranch property. We have contacted Carl Werder and requested the project specifications, however, he was not able to meet with us until November to discuss project specifics. Our concern is that we can not fully evaluate the project components and potential impacts to the ranch. How do we know that all elements have been considered? The complexity of this project requires that some of the project specifications need to be disclosed to determine if assumptions in the EIS/EIR for mitigation are adequate.

If there is cooperation on determining the adequate level of mitigation for construction impacts to Rocky Springs Ranch, we could be assured that the many and major detrimental impacts that will occur as a result of this project can be satisfactorily addressed. If no attempt is made to clarify the extent of specific construction activities on the Ranch and/or the level of mitigation is unacceptable, the project impacts to the Ranch will be significant and this EIS/EIR is not adequate to assess the adverse impacts and the required compensatory actions.

NGO21-168

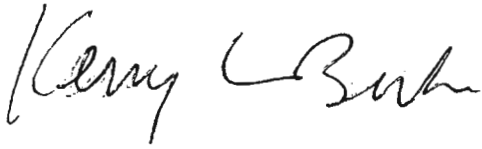
This project will last a minimum of three years. Three key project elements, South Canal, Lower Ripley, and South Powerhouse/Inskip will impact Rocky Springs Ranch for the entire length of the Project. There will be substantial post construction activity in monitoring the new facilities in excess of the three year construction period. This is an enormous intrusion on private property use and enjoyment. How will property owners be compensated for loss of income/use of their property? This property was recently purchased with the expectation of full use, enjoyment, and retention and expansion of ranch income.

NGO21-169

We are also concerned that the Bureau of Reclamation has not been able to gain the support of the Battle Creek Watershed Conservancy or the Tehama County Board of Supervisors. The local community appears concerned about the larger context of this project. A key feature of this project is "Regulatory Certainty" for PG&E, it seems only fair and fitting that there would be Impact Mitigation Certainty for landowners and the local impacted community.

These comments were prepared to address our concerns for the short term and long term impacts to the Rocky Springs Ranch. It is a complex project and not all issues have been understood or addressed. I appreciate your work on the environmental document and process and look forward to reviewing your response to comments. If you have any questions regarding these comments, please contact me at 530-595-4470 or via e-mail at BurkeLandUse@aol.com. Also could you please provide Final EIS/EIR documents to the others copied below. Thank you.

Respectfully submitted:



Kerry L. Burke

Attachment # 1 - Map of Rocky Springs Ranch

Attachment # 2 - Rocky Springs Ranch photos 1 - 10 taken 10-6-03

Cc: Outfitters Properties

C/o Kerry Burke

40652 Highway 36 East, Mill Creek, CA 96061

Paul Minasian,

Minasian, Spruance, Baber, Meith, Soares & Sexton, LLP

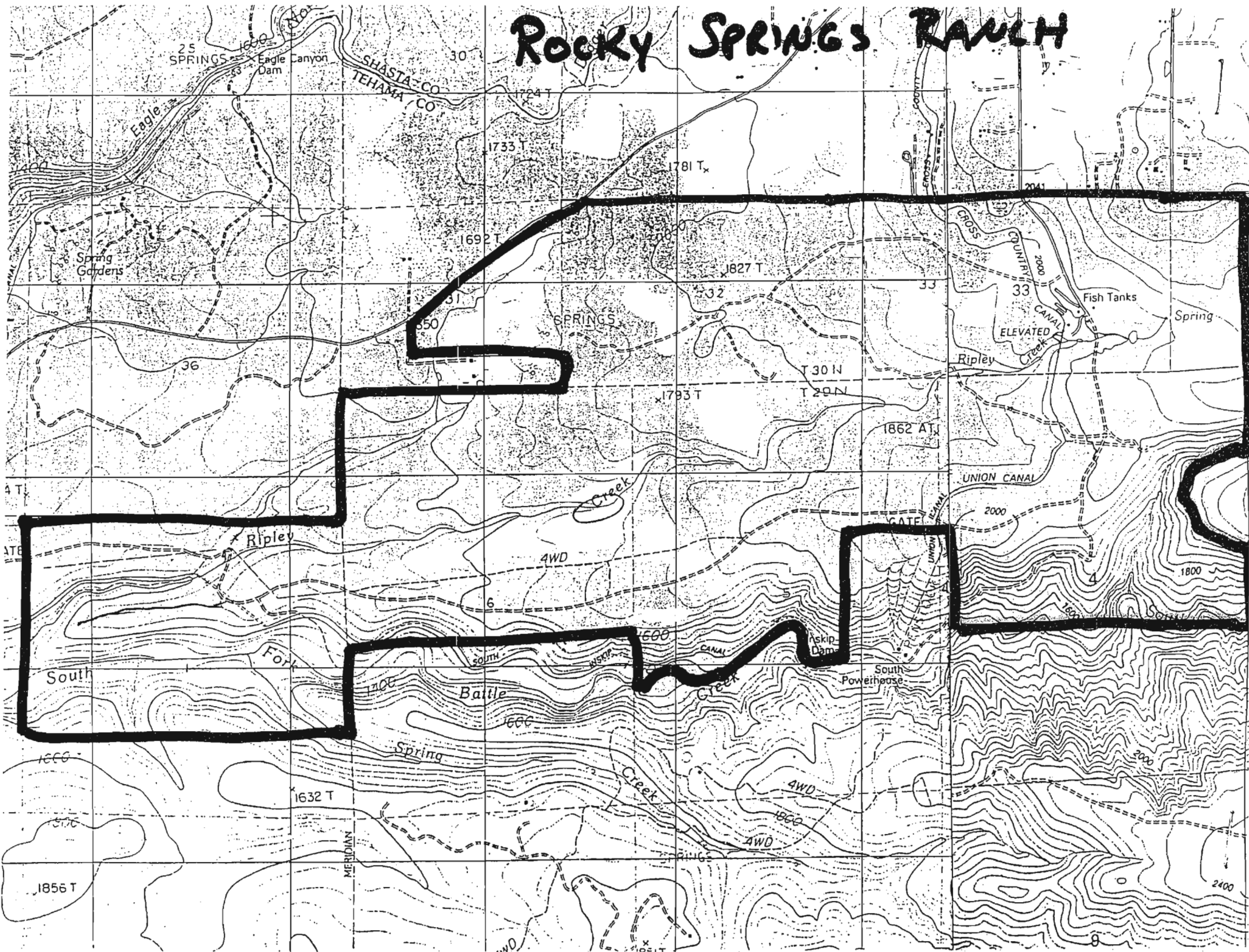
P. O. Box 1679, Orville, CA 95965

Terry Hundemer,

The Chickering Company

P. O. Box 238, Nevada City, CA 95959

Rocky Springs Ranch



ROCKY SPRINGS RANCH
Attachment # 2 - Comments to Battle Creek Restoration Project EIS/EIR

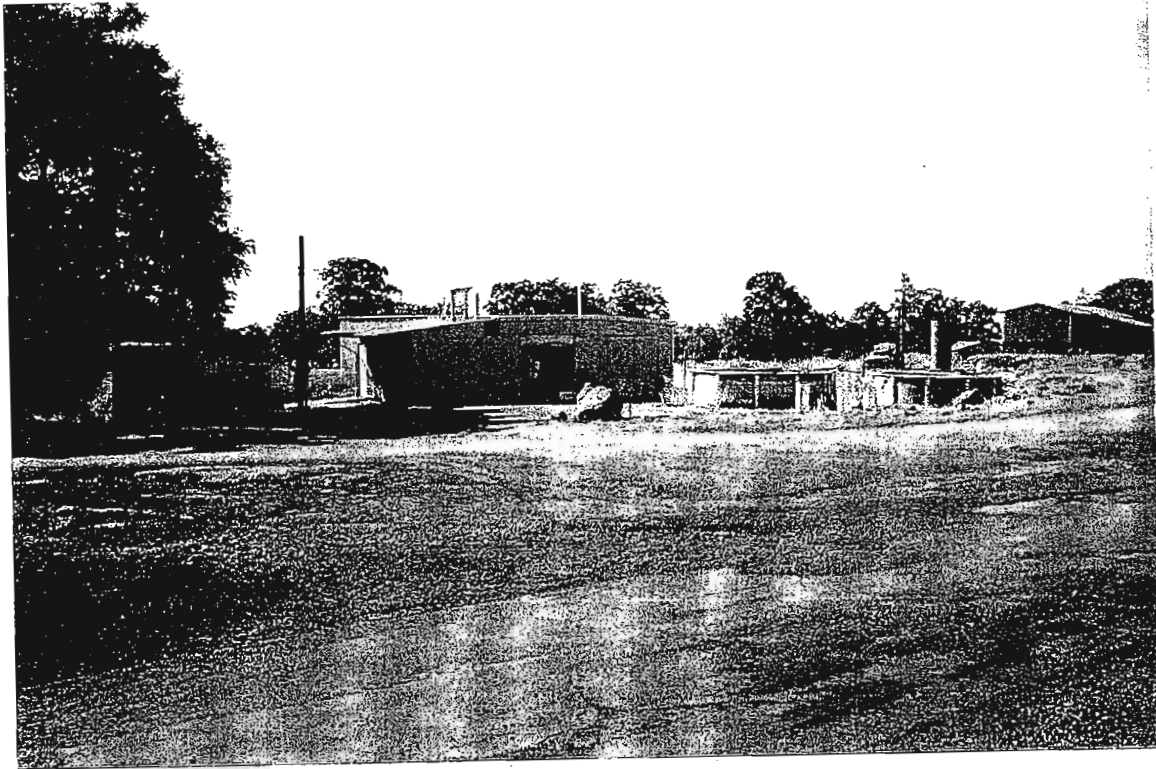


Photo # 1 - Mount Lassen Trout Farm facility adjacent to access road, Rocky Springs Ranch



Photo # 2 - Mount Lassen Trout Farm facility adjacent to access road, Rocky Springs Ranch.

ROCKY SPRINGS RANCH
Attachment # 2 - Comments to Battle Creek Restoration Project EIS/EIR



Photo # 3 - Rocky Springs Ranch primary residence, proximity of access road / PG&E trucks



Photo # 4 - Rocky Springs Ranch primary residence, proximity of access road / PG&E trucks

ROCKY SPRINGS RANCH
Attachment # 2 - Comments to Battle Creek Restoration Project EIS/EIR

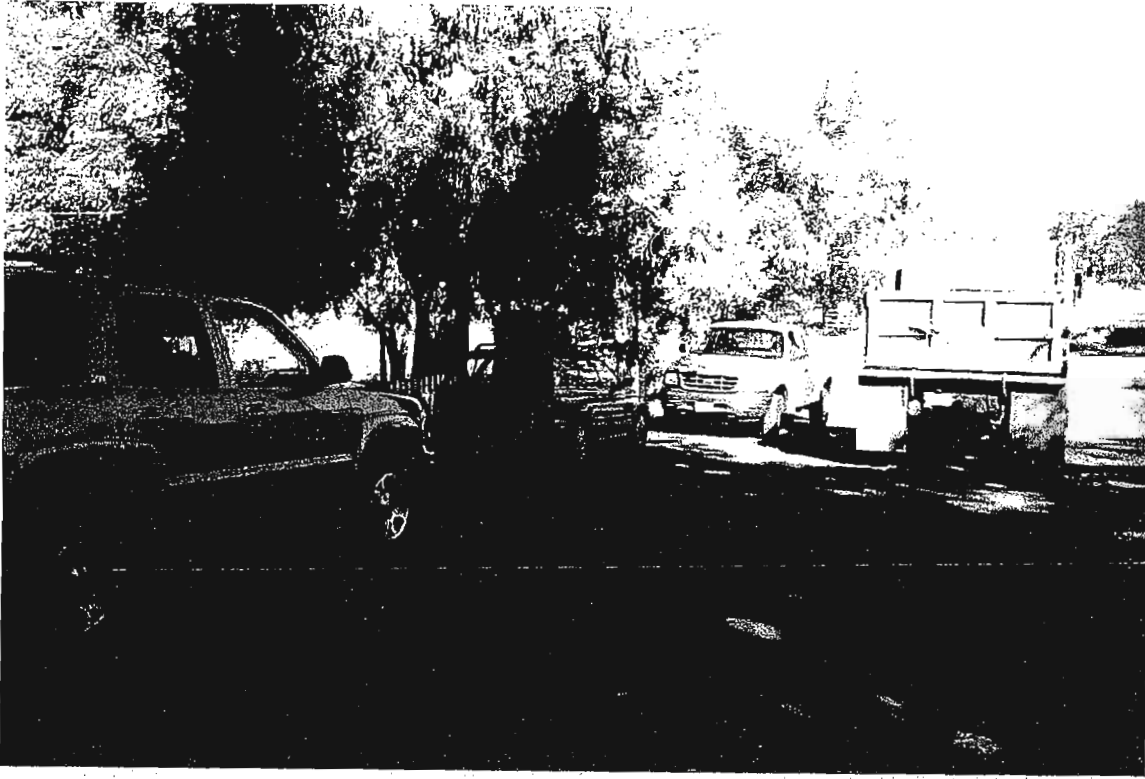


Photo # 5 - Rocky Springs Ranch primary residence, proximity of access road / PG&E trucks

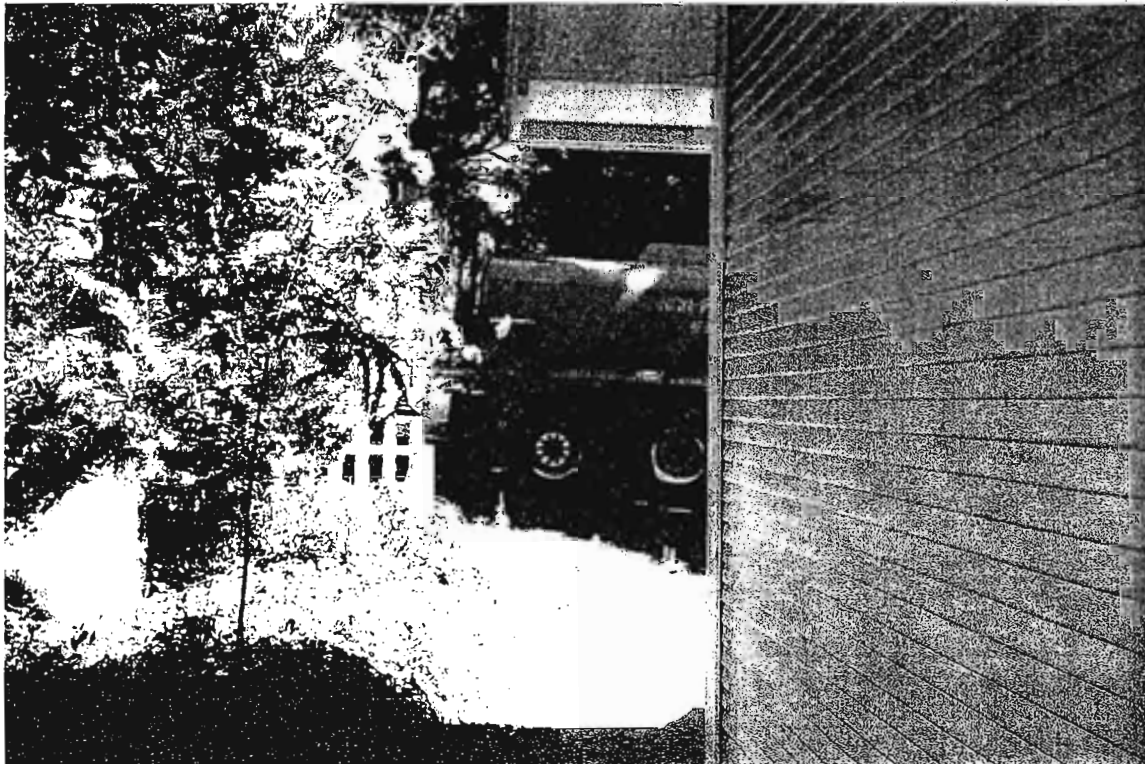


Photo # 6 - Rocky Springs Ranch primary residence, proximity of access road / PG&E trucks

ROCKY SPRINGS RANCH
Attachment # 2 - Comments to Battle Creek Restoration Project EIS/EIR



Photo # 7 - Rocky Springs Ranch - approximate location of construction staging area



Photo # 8 - Rocky Springs Ranch - approximate location of construction staging area

ROCKY SPRINGS RANCH
Attachment # 2 - Comments to Battle Creek Restoration Project EIS/EIR



Photo # 9 - Rocky Springs Ranch - approximate location of construction staging area



Photo # 10 - Rocky Springs Ranch - approximate location of construction staging area

**MINASIAN, SPRUANCE,
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August 6, 2004

Mary Marshall
Restoration Project Manager
U. S. Department of the Interior
Bureau of Reclamation
2800 Cottage Way, Suite W-1834
Sacramento, CA 95825

Re: Revised Draft Environmental Impact Report - Administrative Draft
Supplemental Environmental Impact Statement / Environmental Impact Report
Comments of Outfitters Properties, the Owner of Rocky Springs Ranch

Ladies and Gentlemen:

Outfitters Properties, the owner of the Rocky Springs Ranch, feels compelled to write to you in the most forceful manner in regard to the Administrative Draft of a Supplemental EIS/EIR. We call your attention to changes which must be made in the identification of significant impacts and in the detail of the mitigation measures which must be included in the EIS/EIR process and which to this date have not been included.

NGO 21-170

The EIS/EIR and the Supplement in Administrative Draft form fail in one location, or even in a thorough way at different locations, to describe the disruption of the current environment and uses of Rocky Springs Ranch and further fail to describe the mitigation measures which are potentially available but apparently are being discarded out of hand in favor of some illusionary and ineffective gestures.

NGO 21-171

The Rocky Springs Ranch has previously commented in regard to the significant environmental impacts which will occur from the construction activities including staging areas, stockpiling and the development and use of a haul road through our property and immediately adjacent to the principal residence and the Mount Lassen Trout Farm facility located upon the Rocky Springs Ranch. Those comments are found in our letter of October 15, 2003, filed by Kerry Burke on behalf of Outfitters Properties. We are now faced with a Supplement to the EIS/EIR which again does not include any of the details

NGO 21-172

NGO 21-173

in regard to construction impacts and mitigation measures and does not explain the alternatives available to avoid significant impacts or include any evaluation of the economic loss to the Rocky Springs Ranch from the construction activities. We reiterate some of the comments in our October 15, 2003, letter to highlight the fundamental defect in this CEQA and NEPA process.

**NGO 21-173
cont**

1. Construction access for the work of removal of the South Canal, the work of the Inskip Diversion Dam and South Powerhouse will all occur across and upon the Rocky Springs Ranch, yet no discussion of the locations of these roadways, the changes that will be made in these roadways, the turnout and parking areas that will need to be constructed and the location of the "20 foot clearing zones" associated with the South Canal removal occurs. Any of these features will result in significant environmental impacts just with the duration and volume of traffic, much less the potential impacts to wetlands and wildlife. The assurances that sediment will be retained are meaningless unless the exact proposed alignment alternatives are examined and it is, in fact, feasible to prevent erosion and water quality degradation.

NGO 21-174

2. Flows are proposed to be diverted into Ripley Creek from the Cross Country Canal during construction. There is no information as to whether those flows in otherwise dry months will result in significant changes in the environment, erosion or disturbance and loss of the species and vegetation which exist in the vicinity of this streambed.

NGO 21-175

3. The Mount Lassen Fish Farm facility on Rocky Springs Ranch relies upon spring water. This spring is located at a higher elevation than the Cross Country Canal. Currently there are no pathogens from steelhead and salmon within the Cross Country Canal because the water passing through the Canal is not used by these salmon and steelhead. However, the Cross Country Canal is located immediately adjacent to the trout farm and fish can swim or jump from the Canal to the trout farm and in the reverse direction. After the project, the water source for the Cross Country Canal will contain the pathogens provided that the fish ladder is installed at the North Battle Creek Feeder Canal. These pathogens can travel not only through water seepage but through water being borne by birds and animals entering the Cross Country Canal and then entering the Mount Lassen trout fish rearing facility which is in close proximity to the Canal. Further, we are informed that fish can move with the spring return flow entering the Canal and back into the trout farm. Extensive discussion of how to eliminate the effect of pathogens and trout ignores this facility and the facts described above. An environmental analysis of the benefits of this project with the likely impacts upon the raising of trout used throughout the State of California has to be made. Unless a means of isolating this fish hatchery from the transfer of the pathogens from the adjacent water canal can be developed, a removal of the fish hatchery has to be studied and alternatives to its current location considered with water sources in proximity to the new location which will not have the pathogen risk. It is obvious that the NEPA/CEQA process is not properly designed because impacts of this nature are being overlooked

NGO 21-176

and neglected. The job of answering these questions must be anticipated and included within a Supplemental report.

4. The impacts upon wildlife, residential, private recreational use, commercial upland game use and grazing operation of the Rocky Springs Ranch by the intensive use of the roadways, blasting and construction activity is not quantified or considered and no alternatives are presented. These impacts are significant and often would be the subject of a separate EIS/EIR if a proper tiered approach to environmental consequences was presented. Here, the construction details and likely mitigation measures are largely unknown and, therefore, the impacts are not describable because the whole tunnel vision focus is upon having a salmon and steelhead fishery. NEPA/CEQA does not allow that narrow, single goal approach and requires that alternatives to the quantified impacts be included. Without a full disclosure of the impacts to all the land uses, we can not determine the full economic impact to the Ranch.

NGO 21-177

5. The design of the NEPA/CEQA process is the culprit and it is counter to law. A complex project involving many different sites and combinations of elements is not exempted from the necessary detail to adequately examine environmental impacts. Instead, the sponsoring agencies had a choice of doing a programmatic EIS/EIR and then a tiered EIS/EIR for each element, or if one process is to be utilized, waiting until sufficient design detail is developed to understand and qualify the impacts. Instead, anxious to start construction, the proponents of this project insisted that it move forward with one process without the necessary detail and understanding of the impacts. The problem is that insufficient money had been invested in providing the construction and location details to properly examine the alternatives, impacts and mitigation measures. This error has been cited by the Courts in a number of occasions as a basis for setting aside a CEQA or NEPA process. 40 CFR 1508.27(b) 1 & 4; *Block v. California* 18 FRC (1982) 1149 (Site specific information is required and level of detail sufficient to satisfy NEPA if tiering is not used); *Laurel Heights I* 47 Cal.3d, 376, 399-407 (Reasonable detail in regard to alternatives must be included in EIR); *County of Inyo v. City of Los Angeles* (3d Dist.1977) 71 Cal.App.3d 185 (Project description must be specific and detailed.) This document and process do not conform to CEQA or NEPA and the process can be corrected with little loss of time if the necessary detail and segmentation of analysis occurs.

NGO 21-178

6. The attitude that “we will get into the detail of the impacts and the remedies during the design or construction phase” is absolutely prohibited by CEQA and NEPA. The document must determine, now, why mitigation measures or alternatives of changing the project are not equal or superior to the current project proposal. Without that analysis, this document and process are legally insufficient. The alternatives must be described in the EIS/EIR by the Lead Agency. *Al Larson Boat Shop, Inc. v. Harbor Commissioners* (2nd Dist.1993) 18 Cal.App. 4th, 729; 40 USC

NGO 21-179

1505.1(E): "Make available to the public before decision is made any part of that document that relates to the comparison of alternatives."

NGO 21-179
cont

Conclusion: We respectfully object to the incomplete and improper way in which this process is being conducted and demand that changes be made in both the Draft EIS/EIR and this Supplement Administrative Draft to reflect the proper analysis required by CEQA and NEPA.

NGO 21-180

Very truly yours,

MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON, LLP

By: _____
PAUL R. MINASIAN

PRM:jb

cc: Val Vaden
cc: Kerry L. Burke
cc: Terry Hundemer

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August 6, 2004

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Bureau of Reclamation
2800 Cottage Way, Suite W-1834
Sacramento, CA 95825-1898

Re: Revised Draft Environmental Impact Report - Administrative Draft
Supplemental Environmental Impact Statement / Environmental Impact Report
Comments of Oasis Springs Lodge LLC

Ladies and Gentlemen:

The Oasis Springs Lodge LLC feels compelled to write to you in the most forceful manner in regard to the Administrative Draft of a Supplemental EIS/EIR. We call your attention to changes which must be made in the identification of significant impacts and in the detail of the mitigation measures which must be included in the EIS/EIR process and which to this date have not been included.

NGO 21-181

1. The Oasis Springs Lodge property consists of a prosperous and world-renowned trout fishery. The cold waters imported into the South Fork of Battle Creek flow through the property, past the current Inskip Diversion Dam and fish ladder creating an ideal and unequalled trout fishery. Stocking of trout within this reach has resulted in an ideal rearing and catch and release experience for thousands of fisherman and guests annually.

NGO 21-182

1.1 The EIS/EIR and the Supplement in Administrative Draft form fail in one location, or even in a thorough way at different locations, to describe the disruption of the current environment and uses of the Oasis Springs Lodge and further fail to describe the mitigation measures which are potentially available but apparently are being discarded out of hand in favor of some illusionary and ineffective gestures.

NGO 21-183

1.2 The current condition of this world-renowned fishery and Oasis Springs Lodge operation is to be disturbed and rendered useless forever by the construction of a roadway on the slope facing the river and Lodge, which slope is steep and composed of highly erodible materials which will inevitably drain sediment into Battle Creek and the pristine fishery for years. The alternative of gaining vehicular access to the fish ladder site from downstream is not even mentioned. On page 30 of the Administrative draft, the impact

NGO 21-184

of this road and slope disturbance is mentioned as significant, but in mitigation it is proposed that Reclamation will apply an acid wash to the rock to “break up the appearance of the cut in the hillside.” How trout, much less anadromous fish, are to prosper in this area of the stream with sediment from this road construction ruining the anadromous fishery gravels and depriving the trout of oxygenation is never explained.

**NGO 21-184
cont**

2. The project to drill a tunnel to intercept and remove from South Battle Creek the waters brought to the South Powerhouse from the North will be conducted immediately adjacent to the Creek disturbing the fishery for the two or three years of construction. Then the tunnel will remove the cold waters currently reaching the stream and supporting the trout fishery. In their place, warm water from upstream will be allowed to flow downstream, but until the new fish ladder is constructed downstream, all flow in the river is to be diverted into the tunnel resulting in the main channel of South Battle Creek and the native and stocked rainbow trout fishery being destroyed and all other forms of stream life destroyed. It could take ten to fifteen years for turtles, insects and other species to return, yet there is no discussion of these impacts. No mitigation measures are discussed, no alternatives are mentioned and the economic and social losses due to the requirement that the Lodge fishery will be nonexistent are not even mentioned as environmental impacts. It is casually thrown out as Impact No. 4.14-6: “. . . provide monetary compensate [sic] for loss of recreation revenues . . .”

NGO 21-185

2.1 An EIS/EIR properly drafted would discuss the number of persons impacted, how the trout fishery could be preserved or the family fishery experiences be available at other sites during the ten or fifteen-year recovery period this stretch of the stream “would” require to support some fishery populations including the salmon and steelhead that “may” take the place of trout. There is no quantification or estimation of the likelihood of a natural fishery returning to this stretch of the river. But because the authors value salmon and steelhead which might enter these waters, it is apparently acceptable to ignore the current biological resource and condition and treat them as a disposable commodity and one that can be bought, albeit the CEQA and NEPA documents do not aid the decision maker in understanding either the environmental price of the alternatives or the disruption and time the project or its alternatives may take. CEQA and NEPA do not permit this type of prejudice in writing this document.

NGO 21-186

3. The project for the fish ladder is of equally significant impact, yet there is no discussion of the environmental impact or alternative to this massive scenic blight. The fish ladder is a huge concrete structure planned to extend for between 700 and 1,000 feet downstream of the current dam visible from the Oasis Springs Lodge. This is 700 to 1,000 feet of river channel that will have no live flow within it during most of the year and therefore no fishery resource and no fishing will be permitted and will constitute a visual image and blight to any human in the vicinity. Under CEQA, as exemplified by the case of *Sequoyah Hills Homeowners Assoc. v City of Oakland* (1993) 23 Cal.App. 4th 704 at 712-714, it was found that the viewshed effect of a project and alternatives creating less impact upon the viewshed were a required part of an adequate EIR. A similar analysis is required under NEPA. Apparently because the project consists of so many locations and structures, the authors have given up providing any meaningful analysis of the alternative. It is exactly this atmosphere that makes for a defective EIS or EIR.

NGO 21-187

4. From a fishery point of view, once these “improvements” have been installed, trout stocking will be prevented because it is not “native.” The result will be that from an environmental point of view, no mitigation is proposed for the impacts upon the existing trout

NGO 21-188

fishery or its users. Tens of thousands of trout fishery days annually with successful recreational experiences are being wiped out both during the temporary construction period and for decades beyond on the hope that a natural trout population will someday return to the area and that someday steelhead and salmon, none of which are present in the state of nature during the summer months when the public demand for the Lodge and fishery experience is the highest, would be allowed to be fished.

NGO 21-188
cont

4.1 A proper mitigation program would be to propose to maintain the cold water flows both during and after construction, not dry up the stream, and once the works are constructed, continue to divert cold water from the South Power House into the Creek to perpetuate a stocked trout population until the hoped for natural fish populations generate, if that ever occurs. The current discussion simply ignores the impacts' facts to describe alternatives and the mitigation measures available. As an example of an alternative and mitigation measure required to be examined: The cost of PG&E power losses from the availability of this release of cold water to allow the continuance of the trout fishery during this period that may extend for a decade or more has a quantifiable cost which must be considered. An alternative mitigation measure is to establish a similar trout fishery at another location with a similar availability of conditions for the public and the trout populations. CEQA and NEPA require that alternatives and mitigation measures be considered even if the project proponents view trout as genetically inferior and family fishery experiences not a resource or public use to be protected.

NGO 21-189

4.2 To put it bluntly, these documents are practicing a type of tunnel vision which is not permitted and constitutes environmental prejudice. Trout is a species just as valuable and just as entitled to protection as other species. There is an existing trout fishery which is unique and irreplaceable even though it is enhanced by human effort. Your project cannot move forward without quantifying impacts, comparing alternatives and figuring out how and whether to mitigate for damage and without figuring out whether it is possible and how to preserve this fishery into the future at this location or another. The costs of this effort have to be included in your study so that the decision maker can pick the best project and know the impacts from all alternatives.

NGO 21-190

5. The fish ladder location and design consist of a monstrous concrete structure which obliterates all natural features of the Creek. The migrating fish, salmon and steelhead, if any reach this location, are invited to reverse course going downstream into the ladder and pass between narrow concrete walls to rise above the river plane. The length of the facility causes a substantial length of creek to be dewatered of flows, which creek bed is currently available for trout and other species. The design would further pose from the fishing Lodge property a visual blight through the appearance that a gigantic concrete structure has invaded a natural setting. As alternatives to or mitigation for the scenic impact, no proposal is made. As to whether this structure and its circuitous entry way for anadromous fish would even work, no explanation is given. As to mitigation of the loss of trout habitat and fishery from the fish ladder obstruction on the stream and its flows, no impact is even recognized.

NGO 21-191

6. The EIS/EIR and the Addendum continue to attempt to artificially minimize the costs and dislocation upon the environment that will occur to this Oasis Springs Lodge operation itself. This is a part of the human environment required to be examined under NEPA. 40 CFR § 1508.13. First, imagine the United States and State of California having to compensate for the inability to operate for several years during the periods of construction. How exactly will compensation be made for the cost of preserving the Oasis Lodge property for, say, three full years, attempting to preserve the customer base, attempting to preserve

NGO 21-192

and support the management and labor who know the property and its operations and who are the keys to its success? Upon the end of the construction, the river will have been dry for a substantial period and all of the existing food sources and trout will have disappeared. Apparently no stocking will be allowed at that time and the source of cold water from the South Power House originating from the north will be removed. Sediment will be smothering what fish life exists due to the road installation. It could take two decades for a natural trout fishery to develop.

**NGO 21-192
cont**

6.1 How would the United States and the State of California propose to financially support this property and its operations during this period of hope that salmon and steelhead will return unless cold water is released from the South Power House and not allowed to proceed downstream through the new tunnel for power generation and trout restocking of this stretch of the river is allowed? How would any fishery business be maintained without stocked fish until a fishery of native trout, steelhead and salmon develops and even then will these anadromous species be subject to catch and release as the trout are now? The United States and the State of California need to include a section within their EIS/EIR which clearly denominates that the project as now conceived unless carefully planned and better conceived means destruction of this fishing lodge, rendering the property useless for fishing and the total acquisition of the property and its operations. These costs and dislocations could well exceed 5% to 10% of the total cost of the total project yet no detail is provided as to the plan, alternatives or the way in which the environmental values of this property and its uses such as the trout fishery are to be protected or reproduced at another location due to the overriding goal of allowing this stretch of the channel for salmon and steelhead. On pages 43 and 49 of the Administrative Draft, the only mitigation proposal is: "Reclamation will notify Oasis Springs Lodge of construction activity schedule, provide monetary compensate [sic] for loss of recreation revenues(if necessary), and work with Lodge operators to further reduce impacts on recreational opportunities . . ." CEQA and NEPA require an accurate description of the environmental impacts and effects of the project. These documents do not include these descriptions, much less consideration of alternatives or mitigation measures.

NGO 21-193

6.2 The attitude that "we will get into the detail of the impacts and the remedies later" is absolutely prohibited by CEQA and NEPA. The EIS/EIR must quantify the impacts, consider whether or not part of the project or the inevitable consequence is to forever do away with this Lodge property and its uses and do away with the trout fishery. *Monroe v. Volpe* 47 F.2d 693, 697-8; 40 CFR §1502, 2d, e, f; *Block v. California* (1982) 18 FRC 1149; Remy, Thomas, *Guide to CEQA, 10th Edition*, pp. 439-441; 360 The document must determine, now, why mitigation measures of changing the project are not equal or superior to the current project proposal. Without that analysis, this document and process are legally insufficient. Example: If the costs of condemning and removing forever from public availability the Lodge and its real property and the fishery experience it represents to thousands of families are the cheapest means of mitigating the financial losses from the disruption and changes being caused by the project, an EIS/EIR is supposed to discuss this, to compare the costs of condemnation and elimination of these uses and operations to the alternatives of modifying the project proposed, preserving the trout fishery in this stretch of the river and of not destroying this operation by construction disturbance and neglect of the detail of organizing these efforts.

NGO 21-194

7. Conclusion: We respectfully object to the incomplete and improper way in which this process is being conducted and demand that changes be made in both the Draft EIS/EIR and this Administrative Draft to reflect the proper analysis required by CEQA and

NGO 21-195

NEPA. Our client stands ready to work with you to revise the document to include the requisite detail once examination is done of alternatives to allow for informed decision making.

NGO 21-195
cont

Very truly yours,

MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON, LLP

By: _____
PAUL R. MINASIAN

PRM:jb

cc: Val E. Vaden
cc: Kerry L. Burke
cc: Terry Hundemer

Sent via email: mmarshall@mp.usbr.gov

Sent via regular surface mail

Warren Quan
Oasis Springs Lodge

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M. P.

October 13, 2003

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Mr. Jim Canaday
SWRCB
1001- I Street
Sacramento, CA 95814

Subject: Comments on the Draft Environmental Impact Statement/
Environmental Impact Report for the Battle Creek Salmon and
Steelhead Restoration Project

Dear Ms. Marshall and Mr. Canaday,

Thank you for this opportunity to comment on the EIS/EIR document. I am very concerned about significant impacts to my year round commercial hunting and fishing operation at Oasis Springs Lodge. The EIS/EIR is too general in nature and does not provide adequate information regarding construction activities that will impact Oasis Springs Lodge for two and a half years. (E-11) Also the long-term impacts from road development and the length of time for full stream restoration and recovery are not adequately discussed. Finally, the anticipated benefits are not quantified and potential failure of or adverse outcomes from the project are not addressed at all.

NGO 21-196

NGO 21-197

NGO 21-198

NGO 21-199

In previous letters to the Bureau of Reclamation I have voiced my grave concerns regarding the project.

- Complete disruption of business during 2.5 year building period
- Access road and power line relocation - severe visual blight
- Increased potential for trespassing
- Noise, Dust, Pollution and Construction Hazards
- Continuation of historical stocking programs
- Impacts after construction

Oasis Springs Lodge is a commercial fishing and hunting lodge. A quality outdoor experience is our trademark and the proposed project will have some significant short term impacts and some long term impacts. The two + year construction period adjacent to the Lodge will make a recreation experience a nightmare. What specific construction activities will take place on Oasis Springs property? Will there be blasting in vicinity of the Lodge? Will there be helicopter flights? How many truck trips will come down to the construction area?

NGO 21-200

The disruption of business will be a significant impact. The noise, dust and activity will completely intrude upon the Lodge property. There will an unknown recovery time for the creek once the construction has been completed. The business disruption could last for years after the construction is completed. When will the creek stabilize and provide the same type of fishing experience?

NGO 21-201

The proposed access road to Inskip will severely impact existing views from the lodge and adjacent facilities. The proposed 20 foot wide road will require significant cuts. The photos contained in the EIS/EIR (Figure 4.8-3, 4.8-5 & 4.8-6) are not representative of the actual condition of the landscape for the majority of the year. Attached are photos taken from Oasis Springs in approximately the same location earlier this month. The mock up photo (4.8-6) in the document is tinted green and the majority of the year the adjacent hillside is lightly colored dry grass. A proposed cut of 31 feet (3-48) will be a significant adverse and permanent visual impact to the Lodge property. The slope must be immediately hydromulched after cutting and maintained. Can the road width be reduced from South Powerhouse to Inskip portion, thereby reducing grading and visual impacts? What alternatives have been considered and/or are available?

NGO 21-202

The document indicates that the powerlines will be relocated at the South Powerhouse? Where is the new location? Will they be more visible from the Lodge? Chapter 4.8 does not mention the power line relocation visual resources. This omission makes it impossible to determine the potential impacts.

NGO 21-203

A 46,000 square foot area (3-51) is described on the south side of Battle Creek. Is there a map that indicates the exact location of work in relationship to the Oasis Springs property? What duration will the work take on the Oasis Springs property? Will restoration immediately follow construction? Page 3-10 has a picture of the Inskip Diversion Dam with the Lodge in the background. This photo indicates the proximity of the proposed construction to the Lodge facilities. The proposed work will be highly disruptive to the Lodge.

NGO 21-204

Is there any proposed truck traffic out Oasis Springs property to Highway 36? The proposed blasting creates significant concerns regarding safety and disruption to the fish and patrons. (4.10-9) How long will the blasting occur? There is not enough specific information regarding blasting impacts (4.10-9). Will there be on-going maintenance of the road to prevent erosion and sedimentation of the creek?

NGO 21-205

South Power House indicates 20 construction workers and only 22 estimated average of Daily round trips. There will be many more associated trips generated than just from construction. There will be numerous trips with construction materials, inspectors, and other activities. The figure on Table 4.9-4 appears to be vastly understated for this site and many others on this table. The noise from heavy equipment and trucks coming down the road and working across from the Lodge will be devastating to the enjoyment and use of the property.

NGO 21-206

I have concerns regarding increased trespassing during construction period. The private fishing and hunting operation success is due to managed use. Construction workers and all other persons associated with the Restoration project need to respect private property and only be present on Oasis Springs in an official capacity. Also there will be the potential for increased trespassing after construction due to additional kayaking on the Creek. Rafters and kayakers will have to take out on PG& E land or the Oasis Springs Lodge land to avoid Inskip Diversion. The Oasis Springs property is the much more desirable take out due to flat bench area versus steep up slope of PG&E land. Unless not permitted, I anticipate that there will be increased recreational use and trespassing on private lands due to future increased flows in South Battle Creek. There will be additional trash, waste, fire danger and vandalism due to increased use. Were these impacts considered in the EIS/EIR? Can they be eliminated?

NGO 21-207

What are the anticipated impacts to the native resident trout population? What if the recovery time exceeds the construction time? What if the project does not succeed or does so only partially? What compensation will there be to landowners that relied upon historic fishing opportunities/conditions. Will a database of pre-construction trout counts be done for monitoring purposes?

NGO 21-208

There are assumptions in the document regarding sediment loads and streambed conditions and flows? What happens if sediment redistribution takes more than 3 years? Will there be adequate monitoring to determine impacts? Will there be a funding source to address the problem? What evidence supports the statement that "all natural hydrologic processes would return to their normal dynamic equilibrium within 1 year."? It could be 10 years until the creek becomes stable. What will the ability to fish be like (wading, hiking, habitat instream and out) with much higher flows?

NGO 21-209

Of particular concern is the installation of an enormously long fish ladder south of Inskip Dam. Some of the very best fishing at Oasis Springs occurs on the stream immediately down from 250 feet below the dam. How will this be affected? Will fishing be allowed in the section? What are the remedies if this stretch is lost to fishing?

NGO 21-210

The EIS/EIR states that the visual impacts have significant and unavoidable aesthetic impacts on the Oasis Springs Lodge and that the recreational use would be affected (ES-19). Will there be additional measures to reduce the impacts?

NGO 21-211

Summary of initial concerns/question:

Additional Mitigations necessary to reduce impacts -

Need to schedule helicopter flights and blasting during non-peak Lodge use.

NGO 21-212

Construction hours need to be limited to 8 am - 5 pm.

NGO 21-213

Need on-going, daily dust control and comprehensive erosion control plan to reduce impacts stream and adjacent property. | **NGO 21-214**

Please provide notification of any hazardous materials found on job site adjacent to Oasis Springs. | **NGO 21-215**

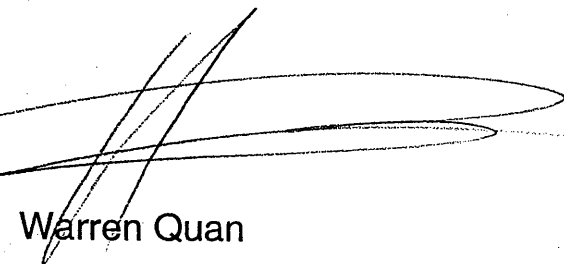
Compensation for business losses due to construction activities | **NGO 21-216**

Additional pre construction monitoring to establish baseline data | **NGO 21-217**

The Mitigation Strategies (4.0-7) include compensate for impacts, this may be necessary given the unavoidable disruption of business, the long-term stream recovery, the reduction in natural habitat and viewshed, and threats from increased unauthorized recreational use on private lands.

Thank you for the opportunity to comment on this document.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above the name Warren Quan.

Warren Quan

Oasis Springs Photos -

#1 - Approximately same location as Figure 4.8-5 & 6
note the light grass color, not green as depicted in mock up

#2 - Road cut will be visible across entire slope
note lawn chairs on Oasis Springs property

#3 - Road cut will be fully visible from Oasis Springs property

#4 - Road cut will be fully visible from Oasis Springs property

#5 - Road cut will be fully visible from Oasis Springs property

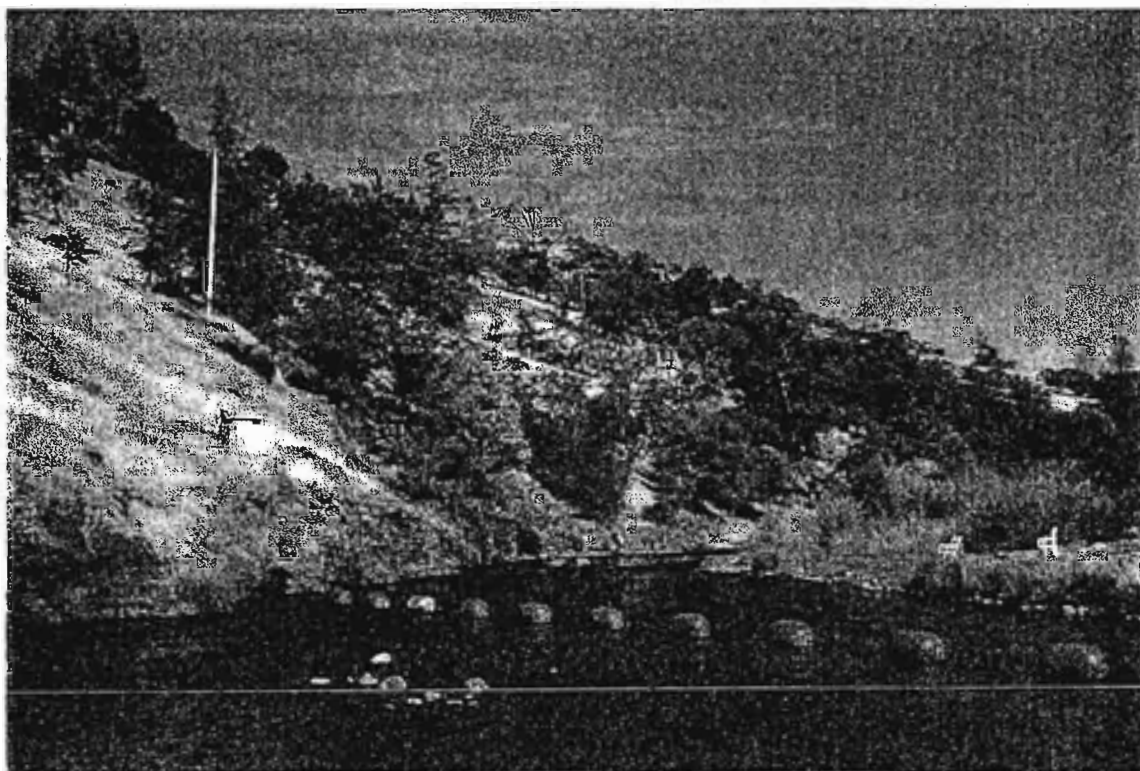
#6 - Location of new access road on Oasis Springs property

#7 - Location of new access road on Oasis Springs property

#8 - Proximity of new access road and construction activity to Lodge



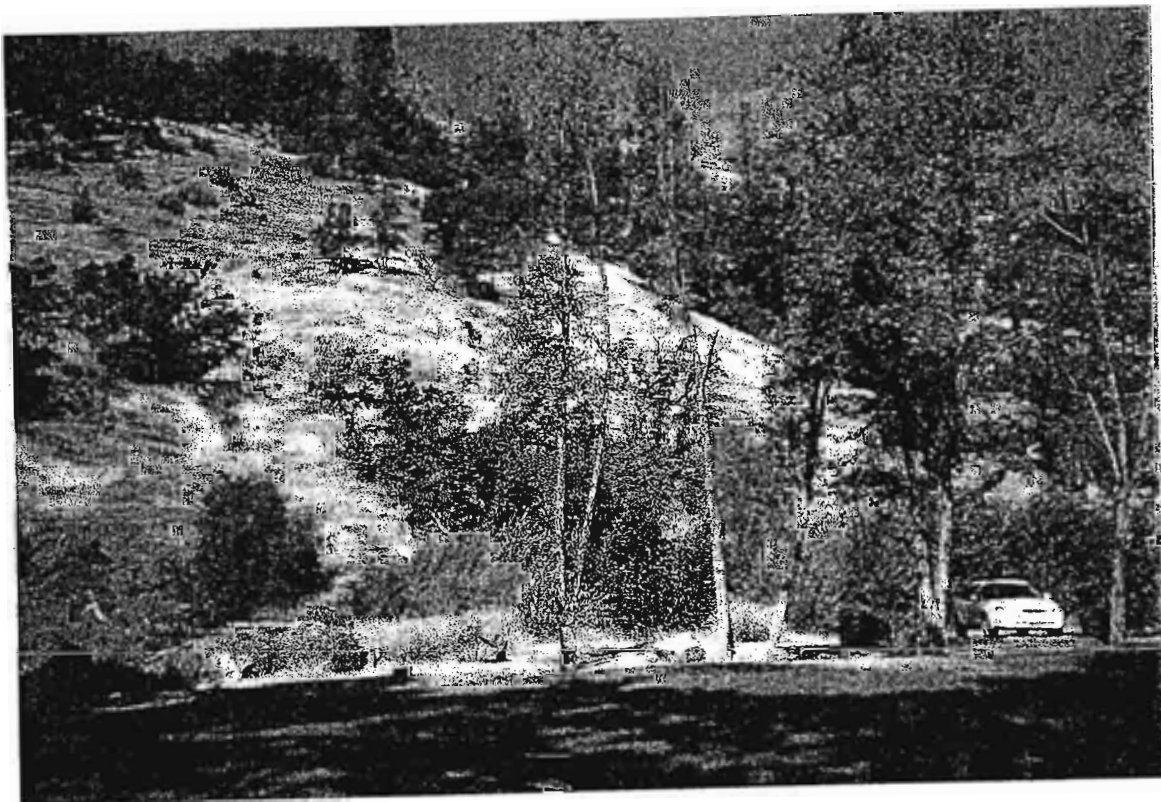
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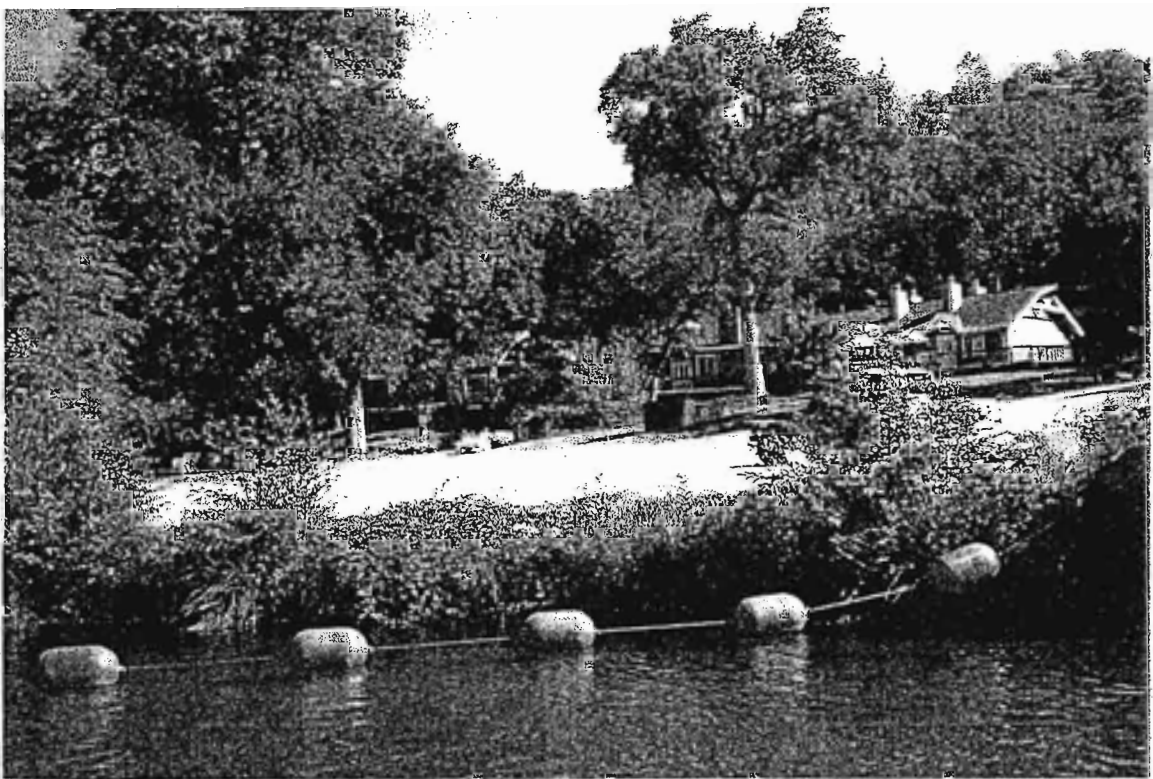
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#6



#7



#8

Comment Letter NGO21—Outfitters Properties, Kerry L. Burke (April 28, 2005)

Response to Comment NGO21-1

Responses to all comments received on the Draft EIS/EIR and the Draft Supplemental EIS/Revised EIR are contained in this Final EIS/EIR. No other responses to comments have been published in any other form.

Response to Comment NGO21-2

As noted in the response to Comment NGO21-1 above, all comments received on the subject documents and responses to those comments are contained in this Final EIS/EIR, including those referenced in this comment. The lead agencies understand that some of the comments contained in this comment letter refer to the Draft EIS/EIR. All comments are responded to below.

Response to Comment NGO21-3

The February 2005 Draft Supplemental EIS/Revised EIR focuses on the potential environmental effects specific to revisions to the project and alternatives that occurred after publication of the July 2003 Draft EIS/EIR. Therefore, only new issues arising from those revisions are described in the February 2005 Draft Supplemental EIS/Revised EIR. Responses to comments on the Draft Supplemental EIS/Revised EIR are provided below. Responses to comments made by this commentor on the Draft EIS/EIR are provided earlier in this chapter. For the responses to these comments, see the responses to Comment Letters NGO9 and NGO15 above.

Response to Comment NGO21-4

Please see the response to Comment NGO15-103.

Response to Comment NGO21-5

Please see the response to Comment NGO15-104.

Response to Comment NGO21-6

It is assumed that the commentor is referring to the effect entitled, “Potential decrease of regional and local employment and income” originally mentioned in the Draft EIS/EIR. This effect was retitled as “Potential socioeconomic risk to Mount Lassen Trout Farm fish-marketing program” and presented in the Draft Supplemental EIS/Revised EIR as Effect 4.16-5. The Draft Supplemental EIS/Revised EIR addresses the potential environmental effects related to revisions to the Proposed Action and action alternatives. For those environmental effects not altered by changes to the text, the analysis contained in the Draft EIS/EIR is accurate and appropriate. The analysis of these effects has not changed.

As noted in the response to Comment NGO9-1, two new socioeconomic effects were added to the EIS/EIR as a result of concern over how the Restoration Project would affect the business operations of the Oasis Springs Lodge, specifically. These effects, Effects 4.16-6 and 4.16-7, were presented in the Draft Supplemental EIS/Revised EIR. Measures to reduce the short-term effect on the Oasis Springs Lodge from construction are identified and discussed in Effect 4.16-6. No measures were deemed to be necessary to address long-term socioeconomic effects. For more information regarding landowner concerns, see Master Response F.

Response to Comment NGO21-7

The potential environmental effects of the proposed fish ladder and other modifications proposed at the Inskip Diversion Dam/South Powerhouse site are addressed in the EIS/EIR under Impact 4.8-1. Since issuance of the Draft Supplemental EIS/Revised EIR, this impact has been updated to clarify that the visual changes that would result both temporarily, from construction activities, and permanently, from the construction of the access road, fish ladder, and parking lot, would result in a significant impact on the visual resources at the Oasis Springs Lodge. As was previously identified, the overall impact is considered significant and unavoidable. Mitigation has been proposed to reduce the impacts from the access road, but not to a less-than-significant level.

The socioeconomic effects of the Restoration Project are discussed in Section 4.16 of this Final EIS/EIR. As mentioned in the response to Comment NGO9-1, two new effects were added to the EIS/EIR to address concerns related to the socioeconomic effects of the Restoration Project on the Oasis Springs Lodge. These effects were presented in the Draft Supplemental EIS/Revised EIR. Since then, the discussion of the construction-related socioeconomic effect on Oasis Springs Lodge (presented as Effect 4.16-6 in this Final EIS/EIR) has been updated to clarify that the impacts on aesthetics, noise, and recreation were considered in assessing the socioeconomic effects of the Restoration Project.

Mitigation measures have been identified to address these effects. For more information regarding landowner concerns, see Master Response F.

Response to Comment NGO21-8

Reclamation and the State Water Board have complied with the requirements of both NEPA and CEQA. For information on the analysis of socioeconomic impacts, see the response to Comment NGO21-6.

Response to Comment NGO21-9

Please see the response to Comment NGO21-3.

Response to Comment NGO21-10

The requirements for discussing economic consequences under NEPA and CEQA are similar; however, under NEPA, an EIS is required to address impacts on the human environment, which can include social and economic consequences. Under CEQA, economic effects *may* be used to determine the significance of a physical change in the environment if they are directly related to significant physical effects. Because this is a joint NEPA/CEQA document, the lead agencies have included an analysis of the socioeconomic effects that would occur as a result of the Restoration Project.

As mentioned in the response to Comment NGO9-1, two new effects were added to the EIS/EIR to address concerns related to the socioeconomic effects of the Restoration Project on the Oasis Springs Lodge. These effects were presented in the Draft Supplemental EIS/Revised EIR. Since then, the discussion of the construction-related socioeconomic effect on Oasis Springs Lodge (presented as Effect 4.16-6 in this Final EIS/EIR) has been updated to clarify that the impacts on aesthetics, noise, and recreation were considered in assessing the socioeconomic effects of the Restoration Project.

Impacts on fish, water quality, hydrology, transportation, and air quality were not considered in the analysis of socioeconomic effects because these impacts do not directly affect the business at Oasis Springs Lodge. Rather, these impacts were considered in relation to how they could result in a temporary disruption in recreational activities at the lodge during construction of the Restoration Project. Impacts on these resources are discussed in Section 4.1, Fish; Section 4.3, Water Quality; Section 4.4, Hydrology; Section 4.9, Transportation; and Section 4.11, Air Quality. The mitigation measures are identified in these sections and, if implemented, would reduce any significant impacts on these resources to a less-than-significant level. The analysis for these resources is determined to be appropriate and adequate.

The construction-related disruption of recreation at the lodge is analyzed under Impact 4.14-1. In addition, a new impact was added to this section to address the long-term impact on recreation at the Oasis Springs Lodge, Impact 4.15-5, which considered the loss of the recreational fishery from changes in hydrology and water quality that could affect recovery of habitat and fish populations. As mentioned above, impacts on recreation were considered in the analysis of construction-related socioeconomic effects along with the construction-related impacts on aesthetics and noise.

Impacts on the physical environment as they relate to Oasis Springs Lodge were identified separately under the following impacts:

- Impact 4.8-1, “Construction of tailrace connectors, new fish screens and fish ladders, and associated facilities would reduce scenic quality at the Oasis Springs Lodge,” significant and unavoidable;
- Impact 4.10-1, “Exposure of noise-sensitive uses to noise and vibration from blasting,” less than significant with mitigation;
- Impact 4.10-2, “Exposure of noise-sensitive land uses to noise from on-site construction activities,” less than significant with mitigation;
- Impact 4.14-1, “Construction activities at Inskip Diversion Dam could reduce recreational opportunities at the Oasis Springs Lodge” significant and unavoidable; and
- Impact 4.14-5, “Loss of a recreational fishery at Oasis Springs Lodge,” less than significant.

Mitigation measures are described to address the impacts listed above, including measures proposed for Effect 4.16-6. For more information regarding landowner concerns, see Master Response F.

Response to Comment NGO21-11

As noted in this EIS/EIR, South Fork Battle Creek is *eligible* for inclusion in the National Wild and Scenic Rivers System. However, it has not been included nor is it currently under study for inclusion. The portion of the creek addressed in this comment is identified as recreational river because of the five existing Hydroelectric Project facilities located along this stretch. The proposed fish ladder would not cause any substantial degradation of the values for which this stretch of the creek is considered eligible.

Response to Comment NGO21-12

This information was considered in the analysis of the socioeconomic effects on the Oasis Springs Lodge. See the responses to Comments NGO21-3 and NGO21-10.

Response to Comment NGO21-13

Please see the response to Comment NGO21-10.

Response to Comment NGO21-14

Impact 4.8-3 refers to the general construction impacts at all the sites and is not relevant to the Oasis Springs Lodge. The majority of these sites are geographically separate from the lodge. Impact 4.8-1 specifically addresses aesthetic impacts at the lodge. The impact analysis and findings discussed under Impact 4.8-1 are appropriate. For more information regarding the scope of the socioeconomic analysis, please see the response to Comment NGO21-10.

Response to Comment NGO21-15

This impact relates to implementation of the No Dam Removal Alternative, which is similar to Impact 4.8-1 under the Proposed Action. For information regarding the mitigation measures proposed to address this impact, see the response to Comment NGO21-7. For information regarding the content of the Draft Supplemental EIS/Revised EIR, see the response to Comment NGO21-3. For information regarding the scope of the socioeconomic analysis, see the response to Comment NGO21-10.

Response to Comment NGO21-16

For information regarding the content of the Draft Supplemental EIS/Revised EIR, see the response to Comment NGO21-3. With respect to the analysis of socioeconomic effects, the long-term socioeconomic effect of the Restoration Project on the Oasis Springs Lodge is analyzed in Effect 4.16-7. Aesthetic impacts were not considered in this analysis because the assumption that aesthetic impacts would adversely affect lodge business over the long run is speculative. In addition, the existing appurtenant facilities are already visible from this location, and the scenic quality in the vicinity of the proposed facilities has already been reduced by these existing facilities. For information regarding the mitigation proposed to address the impacts on aesthetics at Oasis Springs Lodge, see the response to Comment NGO21-7.

Response to Comment NGO21-17

The impact referred to in this comment would occur if the Three Dam Removal Alternative were selected. A new impact, Impact 4.14-23, has been added to Section 4.14, Recreation, under the Three Dam Removal Alternative to address

the potential long-term impacts on recreational fishing at the Oasis Springs Lodge. While the Restoration Project may result in short-term and localized effects on fish habitat, the overall project will substantially improve native fish habitat in the Battle Creek watershed. Therefore, this impact is considered to be less than significant. In addition, potential effects on native fisheries and fish habitat are described in Section 4.1, Fish, in Volume I of this Final EIS/EIR. For more information regarding the scope of the socioeconomic analysis, see the response to Comment NGO21-10.

Response to Comment NGO21-18

Please see the response to Comment NGO21-10.

Response to Comment NGO21-19

Please see the response to Comment NGO21-10.

Response to Comment NGO21-20

Impacts on fish that would occur as a result of implementing the Restoration Project have been identified in Section 4.1 along with mitigation to reduce any significant impacts to a less-than-significant level. For information regarding the scope of the socioeconomic analysis, see the response to Comment NGO21-10.

Response to Comment NGO21-21

As noted in the response to Comment NGO21-3 above, only new issues related to revisions to the Proposed Action and alternatives are discussed in the Draft Supplemental EIS/Revised EIR (Jones & Stokes 2005c). This issue was fully and adequately addressed in the Draft EIS/EIR (Jones & Stokes 2003).

Response to Comment NGO21-22

Please see the response to comment NGO9-11.

Response to Comment NGO21-23

Please see the response to Comment NGO21-10.

Response to Comment NGO21-24

Impact 4.10-8 describes the potential operational noise-related impacts of the No Dam Removal Alternative, which is similar to Impact 4.10-3 under the Proposed Action. These impacts are found to be less than significant as presented in the analysis in Section 4.10, Noise, Volume I of this Final EIS/EIR. The analysis provided in the Final EIS/EIR is considered to be appropriate and adequate. As stated in the analysis, the level of activity and noise that would occur for maintenance once the Restoration Project was completed is expected to be low. Currently, PG&E visits the Inskip Diversion Dam/South Powerhouse site daily and is expected to follow the same practices once the Restoration Project is implemented. For this reason, this impact was considered to be less than significant, and this issue was not considered in the analysis of the long-term effects of the Restoration Project on the Oasis Springs Lodge business. For information regarding the scope of the analysis of socioeconomic effects on Oasis Springs Lodge, see the response to Comment NGO21-10.

Response to Comment NGO21-25

Please see the response to Comment NGO21-10.

Response to Comment NGO21-26

Please see the response to Comment NGO21-24.

Response to Comment NGO21-27

For information regarding the impacts on Oasis Springs Lodge, see the response to Comment NGO9-1. For information regarding the scope of the analysis of socioeconomic effects on Oasis Springs Lodge, see the response to Comment NGO21-10.

Response to Comment NGO21-28

The aesthetic impacts of the proposed Restoration Project facilities that would affect the Oasis Springs Lodge are discussed under Impact 4.8-1. Noise impacts are discussed under Impacts 4.10-1 and 4.10-2. For more information regarding the impacts that would affect the lodge, see the response to Comment NGO9-1. For information regarding the scope of the analysis of the socioeconomic effects on the lodge, see the response to Comment NGO21-10.

Response to Comment NGO21-29

Please see the response to Comment NGO21-20.

Response to Comment NGO21-30

Please see the response to Comment NGO21-10.

Response to Comment NGO21-31

Air quality–related impacts are described in Section 4.11, Air Quality, Volume I in this Final EIS/EIR. Generally, air quality emissions effects are not considered on a localized basis as they are considered regional pollutants. Based on the impact significance criteria described in that section, the Proposed Action and alternatives would have a significant effect on the environment on regional air quality. However, mitigation measures described in that section would reduce air quality–related impacts to less-than-significant levels. The socioeconomic effects of the Restoration Project on the Oasis Springs Lodge are described in Section 4.16, Other NEPA Analyses, in Volume I of this Final EIS/EIR. For more information regarding the scope of the analysis of socioeconomic effects on the Oasis Springs Lodge, see the response to Comment NGO21-10.

Response to Comment NGO21-32

The impacts referred to in this comment are similar to Comment NGO21-31, which refers to Impacts 4.11-1 and 4.11-2. For more information, see the response to Comment NGO21-31.

Response to Comment NGO21-33

The impacts referred to in this comment are similar to Comment NGO21-31, which refers to Impacts 4.11-1 and 4.11-2. For more information, see the response to Comment NGO21-31.

Response to Comment NGO21-34

The impacts referred to in this comment are similar to Comment NGO21-31, which refers to Impacts 4.11-1 and 4.11-2. For more information, see the response to Comment NGO21-31.

Response to Comment NGO21-35

Please see the response to Comment NGO9-20.

Response to Comment NGO21-36

Potential public health and safety effects are described in Section 4.12, Public Health and Safety, in Volume I of the Final EIS/EIR. Based on the impact significance criteria described in that section, the Proposed Action and alternatives would have a significant effect on the environment. However, mitigation measures described in that section would reduce public health and safety impacts to less-than-significant levels. Mitigation Measure 4.12-2 specifically addresses potential effects on the public. The socioeconomic effects of the Restoration Project are described in Section 4.16, Other NEPA Analyses, in Volume I of this Final EIS/EIR. For more information regarding the scope of the analysis of socioeconomic effects on the Oasis Springs Lodge, see the response to Comment NGO21-10.

Response to Comment NGO21-37

Reclamation and the State Water Board believe that mitigation measures described for Impact 4.12-3 are adequate and appropriate to mitigate public health and safety impacts related to construction traffic to less-than-significant levels.

Response to Comment NGO21-38

Please see the response to Comment NGO15-62.

Response to Comment NGO21-39

Impact 4.12-5 has been limited to workers who will be using the helicopters during construction activities. This impact is identified as a less-than-significant impact. No unique impacts are considered likely to result at the Oasis Springs Lodge. No additional mitigation is required. The socioeconomic effects of the Restoration Project are described in Section 4.16, Other NEPA Analyses, in Volume I of this Final EIS/EIR. For information regarding the scope of the analysis of the socioeconomic effects on Oasis Springs Lodge, see the response to Comment NGO21-10.

Response to Comment NGO21-40

Potential public health and safety impacts are described in Section 4.12, Public Health and Safety, of the Final EIS/EIR. Based on the impact significance criteria described in that section, the Proposed Action and alternatives would have a significant effect on the environment. However, mitigation measures described in that section would reduce public health and safety impacts to less-than-significant levels. For additional information regarding hazardous materials, see the response to Comment NGO9-20. For additional information regarding dewatering, see the response to Comment NGO15-62. The socioeconomic effects of the Restoration Project are described in Section 4.16, Other NEPA Analyses, in Volume I of this Final EIS/EIR. For more information regarding the scope of the analysis of socioeconomic effects on Oasis Springs Lodge, see the response to Comment NGO21-10. The mitigation measures recommended to address the impacts mentioned in this comment have been deemed appropriate and adequate by the lead agencies.

Response to Comment NGO21-41

The impacts referred to in this comment are similar to Comment NGO21-40, which refers to impacts that would occur as a result of selecting the Proposed Action. For more information, see the response to Comment NGO21-40.

Response to Comment NGO21-42

The impacts referred to in this comment are similar to Comment NGO21-40, which refers to impacts that would occur as a result of selecting the Proposed Action. For more information, see the response to Comment NGO21-40.

Response to Comment NGO21-43

As noted in the subject impact discussions, no disruption of power is anticipated at any private locations. These impacts are therefore considered less than significant.

Response to Comment NGO21-44

Please see the response to Comment NGO21-10. As noted in mitigation measures for Impact 4.14-1, the Lead Agencies are committed to working with the operators of the Oasis Springs Lodge to minimize and further reduce direct impacts on recreational opportunities.

Response to Comment NGO21-45

For information regarding the content of the Draft Supplemental EIS/Revised EIR, see the response to Comment NGO21-3. Business-related effects on the Oasis Springs Lodge are addressed in Section 4.16, Other NEPA Analyses. As mentioned above, the effects of the Restoration Project on recreation were considered in the analysis of the socioeconomic effects on Oasis Springs Lodge. For more information on the scope of the socioeconomic analysis, see the response to Comment NGO21-10. For more information regarding landowner concerns, see Master Response F.

Response to Comment NGO21-46

Please see the response to Comment NGO21-10.

Response to Comment NGO21-47

Please see the response to Comment NGO21-10.

Response to Comment NGO21-48

Please see the response to Comment NGO21-10.

Response to Comment NGO21-49

The Draft EIS/EIR appropriately and adequately addresses the environmental effects of the proposed action and alternatives. See also the response to Comment NGO21-3.

Response to Comment NGO21-50

Please see the response to Comment NGO21-10.

Response to Comment NGO21-51

As noted in the response to Comment NGO9-1, two new socioeconomic effects were added to the EIS/EIR as a result of concern over how the Restoration Project would affect the business operations of the Oasis Springs Lodge, specifically. These effects, Effects 4.16-6 and 4.16-7, were presented in the

Draft Supplemental EIS/Revised EIR. Measures to reduce the short-term effect on the Oasis Springs Lodge from construction are identified and described in the discussion of Effect 4.16-6. No measures were deemed to be necessary to address long-term socioeconomic effects. Reclamation and the State Water Board have deemed this analysis to be appropriate and adequate.

For more information regarding landowner concerns, see Master Response F.

Response to Comment NGO21-52

Please see the response to Comment NGO21-51.

Response to Comment NGO21-53

The effects referred to in this comment are similar to those that would occur under the Proposed Action. The effects identified under the Proposed Action are Effects 4.16-6 and 4.16-7 and are discussed in the response to Comment NGO21-51. For more information, please see this response.

Response to Comment NGO21-54

The effects referred to in this comment are similar to those that would occur under the Proposed Action. The effects identified under the Proposed Action are Effects 4.16-6 and 4.16-7 and are discussed in the response to Comment NGO21-51. For more information, please see this response.

Response to Comment NGO21-55

The effects referred to in this comment are similar to those that would occur under the Proposed Action. The effects identified under the Proposed Action are Effects 4.16-6 and 4.16-7 and are discussed in the response to Comment NGO21-51. For more information, please see this response.

Response to Comment NGO21-56

Since issuance of the Draft Supplemental EIS/Revised EIR, a new impact has been added to the EIS/EIR to address the potential impacts on recreation from the loss of a recreational fishery at Oasis Springs Lodge. This impact addresses the concerns raised in this comment and finds that while the species mix and water flow are expected to change, the long-term effect on natural fish populations will

be beneficial. Therefore, as indicated in the discussion for Impact 4.14-5, this impact has been determined to be less than significant.

Response to Comment NGO21-57

Please see the response to Comment NGO21-7.

Response to Comment NGO21-58

Please see the response to NGO9-11.

Response to Comment NGO21-59

A new set of figures that include the Restoration Project components at each site have been included in Volume II of this Final EIS/EIR in Appendix F. The appendix consists of figures that show the construction outlines of the proposed facilities and corresponding tables that describe the activities that will take place at each site. This information was not circulated in the Draft SEIS/REIR because Reclamation and the State Water Board were not soliciting comment on these figures at that time.

Response to Comment NGO21-60

The costs of the Restoration Project are presented in Reclamation's proposal solicitation package that was submitted to CBDA in March 2005. Total costs are anticipated to range from approximately \$85.5 million to \$90 million. Although it is possible to quantify the amount of habitat expected to be gained by implementing the Restoration Project (see Appendix H in Volume III of this EIS/EIR), it is not possible to quantify increases in fish population as a result of the alternatives. Cost/benefit analyses are not required under CEQA or NEPA and no such analysis has been conducted. The purpose of and need for the Restoration Project are described in Chapter 2 in Volume I of this Final EIS/EIR.

Response to Comment NGO21-61

Implementation of the Restoration Project would not result in the loss of use of the low-water crossing. However, use of the crossing by PG&E is expected to be less once the Restoration Project is implemented. No formal agreement exists regarding Oasis Springs Lodge use of the low water crossing. For more information regarding landowner concerns, see Master Response F.

As indicated in the discussion of Impact 4.14-5, the long-term fishing opportunities are not expected to be adversely affected by the Restoration Project. Changing the flow regime by stabilizing flow levels as proposed under the Five Dam Removal Alternative would provide more angling opportunities in the Inskip and South reaches. By isolating the power system from the stream, the Restoration Project will also provide a safer environment for wading anglers. Outages occur in the power system at unpredictable times, and the amount of water that can be discharged in the stream can be substantial (e.g., hundreds of cfs). During normal operations of PG&E's Hydroelectric Project during the fishing season, natural runoff events frequently cause spill conditions at the Inskip Diversion Dam that are in the range of the prescribed instream flow releases for the Restoration Project. Anglers have been observed fishing and wading in the stream at flows in the range of that included under the Proposed Action.

Response to Comment NGO21-62

Please see the response to Comment NGO9-15. For information regarding the scope of the socioeconomic analysis, see the response to Comment NGO21-10.

Response to Comment NGO21-63

Please see the response to Comment NGO 21-62.

Response to Comment NGO21-64

The issue identified in this comment is fully addressed under the new Impact 4.1-5, in Section 4.1 in Volume I of this Final EIS/EIR. Because the stream would be restored to natural conditions and the impact on natural fish populations is expected to be beneficial, this impact was determined to be less than significant. The socioeconomic effects of the Restoration Project on the Oasis Springs Lodge are discussed under Effects 4.16-6 and 4.16-7 in Section 4.16. For more information regarding the scope of this socioeconomic analysis, see the response to Comment NGO21-10.

Response to Comment NGO21-65

Please see the response to Comment NGO21-10.

Response to Comment NGO21-66

Please see the response to Comment NGO15-1 above.

Response to Comment NGO21-67

Please see the response to Comment NGO15-2 above.

Response to Comment NGO21-68

Please see the response to Comment NGO15-3 above.

Response to Comment NGO21-69

Please see the response to Comment NGO15-4 above.

Response to Comment NGO21-70

Please see the response to Comment NGO15-5 above.

Response to Comment NGO21-71

Please see the response to Comment NGO15-6 above.

Response to Comment NGO21-72

Please see the response to Comment NGO15-7 above.

Response to Comment NGO21-73

Please see the response to Comment NGO15-8 above.

Response to Comment NGO21-74

Please see the response to Comment NGO15-9 above.

Response to Comment NGO21-75

Please see the responses to Comments NGO15-10 and 15-33 above.

Response to Comment NGO21-76

Please see the response to Comment NGO15-11 above.

Response to Comment NGO21-77

Please see the response to Comment NGO15-12 above.

Response to Comment NGO21-78

Please see the response to Comment NGO15-13 above.

Response to Comment NGO21-79

Please see the response to Comment NGO15-14 above.

Response to Comment NGO21-80

Please see the response to Comment NGO15-15 above.

Response to Comment NGO21-81

Please see the response to Comment NGO15-16 above.

Response to Comment NGO21-82

Please see the response to Comment NGO15-17 above.

Response to Comment NGO21-83

Please see the response to Comment NGO15-18 above.

Response to Comment NGO21-84

Please see the response to Comment NGO15-19 above.

Response to Comment NGO21-85

Please see the response to Comment NGO15-20 above.

Response to Comment NGO21-86

Please see the response to Comment NGO15-21 above.

Response to Comment NGO21-87

Please see the response to Comment NGO15-22 above.

Response to Comment NGO21-88

Please see the response to Comment NGO15-23 above.

Response to Comment NGO21-89

Please see the response to Comment NGO15-24 above.

Response to Comment NGO21-90

Please see the response to Comment NGO15-25 above.

Response to Comment NGO21-91

Please see the response to Comment NGO15-26 above.

Response to Comment NGO21-92

Please see the response to Comment NGO15-27 above.

Response to Comment NGO21-93

Please see the response to Comment NGO15-28 above.

Response to Comment NGO21-94

Please see the response to Comment NGO15-29 above.

Response to Comment NGO21-95

Please see the response to Comment NGO15-30 above.

Response to Comment NGO21-96

Please see the response to Comment NGO15-31 above.

Response to Comment NGO21-97

Please see the response to Comment NGO15-32 above.

Response to Comment NGO21-98

Please see the response to Comment NGO15-33 above.

Response to Comment NGO21-99

Please see the response to Comment NGO15-34 above.

Response to Comment NGO21-100

Please see the response to Comment NGO15-35 above.

Response to Comment NGO21-101

Please see the response to Comment NGO15-36 above.

Response to Comment NGO21-102

Please see the response to Comment NGO15-37 above.

Response to Comment NGO21-103

Please see the response to Comment NGO15-38 above.

Response to Comment NGO21-104

Please see the response to Comment NGO15-39 above.

Response to Comment NGO21-105

Please see the response to Comment NGO15-40 above.

Response to Comment NGO21-106

Please see the response to Comment NGO15-41 above.

Response to Comment NGO21-107

Please see the response to Comment NGO15-42 above.

Response to Comment NGO21-108

Please see the response to Comment NGO15-43 above.

Response to Comment NGO21-109

Please see the response to Comment NGO15-44 above.

Response to Comment NGO21-110

Please see the response to Comment NGO15-45 above.

Response to Comment NGO21-111

Please see the response to Comment NGO15-46 above.

Response to Comment NGO21-112

Please see the response to Comment NGO15-47 above.

Response to Comment NGO21-113

Please see the response to Comment NGO15-48 above.

Response to Comment NGO21-114

Please see the response to Comment NGO15-49 above.

Response to Comment NGO21-115

Please see the response to Comment NGO15-50 above.

Response to Comment NGO21-116

Please see the response to Comment NGO15-51 above.

Response to Comment NGO21-117

Please see the response to Comment NGO15-52 above.

Response to Comment NGO21-118

Please see the response to Comment NGO15-53 above.

Response to Comment NGO21-119

Please see the response to Comment NGO15-54 above.

Response to Comment NGO21-120

Please see the response to Comment NGO15-55 above.

Response to Comment NGO21-121

Please see the response to Comment NGO15-56 above.

Response to Comment NGO21-122

Please see the response to Comment NGO15-57 above.

Response to Comment NGO21-123

Please see the response to Comment NGO15-58 above.

Response to Comment NGO21-124

Please see the response to Comment NGO15-59 above.

Response to Comment NGO21-125

Please see the response to Comment NGO15-60 above.

Response to Comment NGO21-126

Please see the response to Comment NGO15-61 above.

Response to Comment NGO21-127

Please see the response to Comment NGO15-62 above.

Response to Comment NGO21-128

Please see the response to Comment NGO15-63 above.

Response to Comment NGO21-129

Please see the response to Comment NGO15-64 above.

Response to Comment NGO21-130

Please see the response to Comment NGO15-65 above.

Response to Comment NGO21-131

Please see the response to Comment NGO15-66 above.

Response to Comment NGO21-132

Please see the response to Comment NGO15-67 above.

Response to Comment NGO21-133

Please see the response to Comment NGO15-68 above.

Response to Comment NGO21-134

Please see the response to Comment NGO15-69 above.

Response to Comment NGO21-135

Please see the response to Comment NGO15-70 above.

Response to Comment NGO21-136

Please see the response to Comment NGO15-71 above.

Response to Comment NGO21-137

Please see the response to Comment NGO15-72 above.

Response to Comment NGO21-138

Please see the response to Comment NGO15-73 above.

Response to Comment NGO21-139

Please see the response to Comment NGO15-74 above.

Response to Comment NGO21-140

Please see the response to Comment NGO15-75 above.

Response to Comment NGO21-141

Please see the response to Comment NGO15-76 above.

Response to Comment NGO21-142

Please see the response to Comment NGO15-77 above.

Response to Comment NGO21-143

Please see the response to Comment NGO15-78 above.

Response to Comment NGO21-144

Please see the response to Comment NGO15-79 above.

Response to Comment NGO21-145

Please see the response to Comment NGO15-80 above.

Response to Comment NGO21-146

Please see the response to Comment NGO15-81 above.

Response to Comment NGO21-147

Please see the response to Comment NGO15-82 above.

Response to Comment NGO21-148

Please see the response to Comment NGO15-83 above.

Response to Comment NGO21-149

Please see the response to Comment NGO15-84 above.

Response to Comment NGO21-150

Please see the response to Comment NGO15-85 above.

Response to Comment NGO21-151

Please see the response to Comment NGO15-86 above.

Response to Comment NGO21-152

Please see the response to Comment NGO15-87 above.

Response to Comment NGO21-153

Please see the response to Comment NGO15-88 above.

Response to Comment NGO21-154

Please see the response to Comment NGO15-89 above.

Response to Comment NGO21-155

Please see the response to Comment NGO15-90 above.

Response to Comment NGO21-156

Please see the response to Comment NGO15-91 above.

Response to Comment NGO21-157

Please see the response to Comment NGO15-92 above.

Response to Comment NGO21-158

Please see the response to Comment NGO15-93 above.

Response to Comment NGO21-159

Please see the response to Comment NGO15-94 above.

Response to Comment NGO21-160

Please see the response to Comment NGO15-95 above.

Response to Comment NGO21-161

Please see the response to Comment NGO15-96 above.

Response to Comment NGO21-162

Please see the response to Comment NGO15-97 above.

Response to Comment NGO21-163

Please see the response to Comment NGO15-98 above.

Response to Comment NGO21-164

Please see the response to Comment NGO15-99 above.

Response to Comment NGO21-165

Please see the response to Comment NGO15-100 above.

Response to Comment NGO21-166

Please see the response to Comment NGO15-101 above.

Response to Comment NGO21-167

Please see the response to Comment NGO15-102 above.

Response to Comment NGO21-168

Please see the response to Comment NGO15-103 above.

Response to Comment NGO21-169

Please see the response to Comment NGO15-104 above.

Response to Comment NGO21-170

These comments were made on the Administrative Draft Supplemental EIS/Revised EIR, which was circulated to affected parties for review prior to public distribution. This party did not comment on the publicly circulated Draft Supplemental EIS/Revised EIR. However, these comments are being treated as public comments. Full responses to these comments are provided below.

Response to Comment NGO21-171

The Draft EIS/EIR and the Draft Supplemental EIS/Revised EIR adequately and appropriately describe the potential environmental effects of the Proposed Action and alternatives. Environmental effects on the Rocky Springs Ranch are described throughout the documents, as appropriate, under each resource topic. For more information regarding the impacts on Rocky Springs Ranch, see the response to Comment NGO15-2.

Response to Comment NGO21-172

Please see the response to Comment NGO21-3.

Response to Comment NGO21-173

The February 2005 Draft Supplemental EIS/Revised EIR focuses on the potential environmental effects specific to revisions to the Restoration Project and project alternatives that have occurred since publication of the July 2003 Draft EIS/EIR. Therefore, only new issues arising from those revisions are described in the Supplemental Draft EIS/EIR. Impacts on Oasis Springs Lodge are presented in various sections throughout Chapter 4 in this Final EIS/EIR. For more information, see the response to Comment NGO9-1. Responses to comments filed by Kerry Burke on October 15, 2003, are presented in Responses to Comment Letter NGO15 above.

Response to Comment NGO21-174

Specific engineering designs of project features are not required under CEQA or NEPA. In fact, both acts require environmental review as early in the project development process as possible to allow greater flexibility in designing project features. More than adequate information is available to assess the potential environmental effects of the proposed action and alternatives and to identify appropriate mitigation measures. Potential effects associated with traffic, wetlands, wildlife, and water quality are all addressed in the relevant sections of the Draft EIS/EIR and Draft Supplemental EIS/Revised EIR.

Response to Comment NGO21-175

As noted in this comment, flows from the Cross Country Canal would be relocated into Ripley Creek during construction, resulting in uncharacteristic but not unprecedented flow in Ripley Creek of approximately 50 cfs. The creek has the capacity to carry this flow, and there is no evidence to suggest that any unusual or unexpected changes would result from this short-term increase in flow.

Response to Comment NGO21-176

DFG has not been made aware of the potential pathogen problem (from the IHN virus) at the MLTF Rocky Springs facility by the owner/operator. The owner/operator holds the aquaculture permit for the facility issued by the DFG. For more than 5 years the local community has been aware of the pathogen issue

associated with aquaculture, and it has been a topic of discussion in a number of public forums. To date no owner/operator of the facility has mentioned that it is at risk attributable to the Restoration Project.

The comment correctly states that the spring that supplies water to this aquaculture facility is at a higher elevation than the canal; therefore, the water supply itself is safe from contamination. The Willow Springs and Jeffcoat facilities are believed to have potentially contaminated water supplies because the springs that supply the facilities are not at a higher elevation than the canals. In addition, the canals that are potentially cross-connected with the water supply have a surface water source that will be made more productive for salmon by virtue of the Restoration Project. This is not the case for the source of water in the Cross County Canal (discussed later).

The comment indicates that the fish produced in the aquaculture facility are inadvertently allowed to escape from the facility out into adjacent surface waters. Aquaculture facilities are required by DFG regulations in Title 14 Chapter 9 Section 235.1 to keep their aquaculture product from leaving their site as well as preventing fish from surrounding natural waters from entering their aquaculture facilities. Measures to prevent ingress or egress of fish need to be taken by the permit holder/operator, and they include installation of appropriate screening.

In evaluating the effects of the Restoration Project on the production of salmon as it relates to pathogens in the Cross Country Canal, the expected results of the project must be compared to the No Action Alternative. Under the No Action Alternative, the North Battle Creek Feeder Diversion Dam has one of the most effective ladders in the system of dams and does not have a fish screen. The water coming from the Volta Powerhouse provides most of the flow in the Cross Country Canal, and the source of this water is above the limits of anadromous fish migration. Upon completion of the Restoration Project, the North Battle Creek Feeder Diversion Dam will be equipped with a larger fish ladder and an extremely reliable screen to keep wild fish out of the Cross County Canal. In addition, PG&E's annual maintenance procedure of dewatering the canal will not require efforts on their part to maintain fish that may be in the canal because the new fish screen will protect natural fish. The screening and annual dewatering of the canal (along with any screening that may be required at the aquaculture facility) should substantially reduce presence of fish in the canal, acting to reduce disease risk. The presence of pathogens in the water diverted from the stream reach above North Battle Feeder is not expected to change significantly from the conditions under No Action because the increases in fish production are directly tied to increased flows in Battle Creek. Flows upstream of the North Battle Creek Feeder Diversion Dam would be the same for the No Action Alternative and all other alternatives. The available data on natural barriers to fish migration (Thomas R. Payne and Associates 1998 and Table 4.1-7 of Section 4.1, Volume I of this Final EIS/EIR) do not indicate that Chinook salmon could successfully migrate to spawning areas upstream of the North Battle Creek Feeder Diversion Dam, even with improved passage through downstream areas. In response to this information, flow-habitat relationships were not developed for Chinook salmon in the reach upstream of the North Battle Creek Feeder Diversion Dam in the

EIS/EIR. The best available information does not support an alternative conclusion on salmon production in this reach to that included in the EIS/EIR. Please see the response to Comment NGO 17-16. An additional effect of the project is to substantially reduce the amount of water diverted from Battle Creek into Cross Country Canal via North Battle Feeder Diversion Dam by virtue of the increase in releases required from the Feeder Dam to the stream reach below. Hydrology studies indicate the summer diversion to Cross Country Canal will be virtually eliminated with the Restoration Project.

DFG is not aware of water seeping from the Cross Country Canal into one of the MLTF Rocky Springs facility rearing/production ponds. The Cross Country Canal is downslope of the rearing ponds at the site. As mentioned above, the owner/operator of the site will be contacted to determine whether there is any evidence of a cross connection.

The significance of the movement of pathogens on wildlife that travel from surface water to aquaculture facilities has been considered by DFG and USFWS pathologists and has been a topic for fish pathology work groups. At this time the general consensus is that there is no documentation that transfer of pathogens by this route represents a significant risk factor. For this reason, mitigation measures to avoid transfer of pathogens by this route are not being considered for other MLTF facilities.

For more information regarding landowner concerns, see Master Response F.

Response to Comment NGO21-177

Construction-related impacts are described throughout the Draft EIS/EIR and Draft Supplemental EIS/Revised EIR are appropriate as identified in the joint NEPA/CEQA document and NEPA. The project alternatives are appropriate in that they are designed to achieve the project purpose and objectives, which are to restore Chinook salmon and steelhead to the Battle Creek watershed and minimize the loss of hydroelectric power. The alternatives do explore ways to minimize the potential significant environmental effects of the Proposed Action and are consistent with the requirements of CEQA and NEPA. It is not required that an alternative be identified for every significant effect associated with a Proposed Action. For additional information regarding the level of detail presented in the EIS/EIR, see the response to Comment NGO21-174.

Response to Comment NGO21-178

Sufficient detail is available to fully analyze the potential environmental effects of the Proposed Action and alternatives as evidenced by the several hundred pages of environmental analysis and supporting information. Detailed engineering design information is not required to assess the potential environmental effects of an action. The likely locations of facilities are known

with sufficient detail to allow complete analysis of potential environmental effects and to describe appropriate mitigation measures, many of which require incorporation of requirements that may affect the site-specific design and location of project features in order to minimize potential environmental effects. The Draft EIS/EIR and Draft Supplemental EIS/Revised EIR are in full compliance with NEPA and CEQA.

Response to Comment NGO21-179

The Draft EIS/EIR and Draft Supplemental EIS/Revised EIR contain sufficient detailed disclosure of potential environmental effects and numerous detailed mitigation measures designed to eliminate, minimize, or compensate for those effects. The Proposed Action and alternatives are consistent with the requirements of CEQA and NEPA. They include a reasonable range of alternatives, each of which generally achieves the project purpose and objectives. Improvement of fish passage through the removal of existing dams and/or new or improved fish ladder facilities is required to achieve the project objectives, and the project alternatives have been structured accordingly. For more information regarding construction design detail, see the response to Comment NGO21-174.

Response to Comment NGO21-180

The lead agencies believe that the EIS/EIR is adequate and fully complies with the requirements of both NEPA and CEQA. Responses to all comments received are included in Volume III of this Final EIS/EIR.

Response to Comment NGO21-181

These comments were made on the Administrative Draft Supplemental EIS/Revised EIR, which was circulated to affected parties for review prior to public distribution. This party did not comment on the publicly circulated Draft Supplemental EIS/Revised EIR. However, these comments are being treated as public comments. Full responses to these comments are provided below.

Response to Comment NGO21-182

The Draft EIS/EIR fully acknowledged the recreational opportunities provided at the Oasis Springs Lodge in the Environmental Setting in Section 4.14. This information is presented again in Section 4.14 under the heading Affected Environment in Volume I of this Final EIS/EIR.

Response to Comment NGO21-183

The Draft EIS/EIR and the Draft Supplemental EIS/Revised EIR adequately and appropriately describe the potential environmental effects of the Proposed Action and alternatives. Environmental effects on the Oasis Springs Lodge are described throughout the documents, as appropriate, under each resource topic. For more information regarding the impacts on the lodge, see the response to Comment NGO9-1.

Response to Comment NGO21-184

The potential water quality effects of the Proposed Action and alternatives are fully described in Section 4.4 of the Draft EIS/EIR and the Draft Supplemental EIS/Revised EIR. As noted in the Draft EIS/EIR (Impact 4.4-1), the potential for water quality effects related to construction of the access road described in this comment are considered significant. Mitigation measures, therefore, are proposed that would reduce this impact to less-than-significant levels. In addition, impacts on fish are discussed in Section 4.1. Impacts on fish would be reduced to less-than-significant levels with implementation of the mitigation measures identified in Section 4.1. Therefore, there is not expected to be a long-term impact on fish at this site. In addition, a new impact, Impact 4.14-5, has been added to Section 4.14, Recreation, that addresses the potential loss of a recreational fishery at Oasis Springs Lodge. As indicated in the discussion, this impact is considered less than significant because the conditions that will be created by the Restoration Project would provide better habitat for natural fish populations.

The discussion in the Draft EIS/EIR describing the application of an acid wash to “break up the appearance of the cut in the hillside” is made in Section 4.8, Aesthetics. The mitigation measures described in that section are intended to minimize the visual effects related to the access road. It should be noted that the visual impacts of the project on the Oasis Springs Lodge are considered significant and unavoidable, even with implementation of mitigation measures, including the one mentioned above.

Reclamation and the State Water Board did explore a number of options for the access road. No other options are viable because of site conditions. These options are presented in Chapter 3 under the heading Project Elements for this site in Volume I of this Final EIS/EIR.

Response to Comment NGO21-185

Construction-related impacts of the Proposed Action on fish are discussed in Section 4.1 of the Draft EIS/EIR. While this comment accurately describes that the Proposed Action will generally eliminate the flow of North Fork Battle Creek

waters into the South Fork Battle Creek, the Proposed Action will not result in the diversion of South Fork Battle Creek flows into the new tunnel. South Fork Battle Creek flows will continue to remain in that fork of the creek at all times. While the resulting change in temperature and flow regimes will affect the habitat in the South Fork, the proposed action will be returning the flow and temperature regime in each fork to a more natural condition. These changes will result in overall improvements to the watershed habitat.

Response to Comment NGO21-186

As noted on pages 2-1 through 2-4 of the Draft EIS/EIR, generally, the purpose and objective of the Battle Creek Salmon and Steelhead Restoration Project are to restore the Battle Creek watershed to enable it to support self-sustaining populations of salmon and steelhead while minimizing loss of hydroelectric energy production. It is not possible to quantify the likelihood or productivity of postproject conditions in the Battle Creek watershed, but both state and federal resource agencies believe that the potential is very high based on a significant number of studies that have been conducted over a period of many years.

While the trout-stocking program conducted by the Oasis Springs Lodge clearly provides a recreational resource, the annual stocking of 400 sterile, trophy-sized trout does not produce a viable natural population and is not considered a biological resource. The recreation-related effects of the Proposed Action and alternatives are described in Section 4.14 of this Final EIS/EIR. The socioeconomic effects of the Proposed Action are described in Section 4.16. For more information, see the response to Comment NGO21-10.

Response to Comment NGO21-187

Please see the response to Comment NGO21-7.

Response to Comment NGO21-188

Please see the response to Comment NGO21-186. For information regarding the analysis of socioeconomic effects on Oasis Springs Lodge, see the response to Comment NGO21-10.

Response to Comment NGO21-189

North Fork Battle Creek provides significantly more drought-resistant salmonid spawning and rearing habitat than does South Fork Battle Creek. The primary purpose for preventing North Fork Battle Creek coldwater flows from entering South Fork Battle Creek is to guard against falsely attracting salmon that are

natal to the North Fork to spawn in the South Fork, especially during extreme drought conditions. South Fork Battle Creek itself has good spawning and rearing habitat outside of extreme drought conditions and is expected to be, on average, a significant contributor to the production of salmon and steelhead. However, the conservation of threatened and endangered species must focus on finding ways to help the species survive under extreme catastrophic events, such as drought, as well as under average conditions. Because salmonids are “programmed” to return to the streams where they were spawned, the current mixing of North Fork water with South Fork water would result in a substantial portion of the returning adult salmon and steelhead population being unable to differentiate between the two waterways when they reach the confluence of North Fork and South Fork on the mainstem of Battle Creek, thereby drawing numbers of returning adults into South Fork Battle Creek where their reproductive success would be substantially reduced.

Isolating cooler North Fork Battle Creek water increases temperatures in approximately 1 stream mile of South Fork Battle Creek in the 5½-mile reach below Inskip Diversion Dam and above Coleman Diversion Dam (Appendix K). Although the isolation of cooler North Fork water increases the summer water temperature in South Fork near Inskip Diversion Dam, it stabilizes the temperature regime in the 1 mile of affected stream reach because the Hydroelectric Project is no longer delivering cooler North Fork water to South Fork Battle Creek. In addition, isolating North Fork water from the South Fork removes the anomalous 1-mile segment dominated by cooler powerhouse water and restores the longitudinal temperature profile of the creek that is an environmental cue for fish to migrate to a higher elevation where water temperatures are cooler and spawning habitat is more favorable.

Current South Powerhouse operations could also be detrimental to fish life. Temperature fluctuations in response to power system outages could be substantial and could result in harmful effects on fish life. Additionally, South Powerhouse tailrace flows could falsely attract migratory fish directly to the tailrace, resulting in injury and lost energy reserves as salmon persist in a challenging attempt to go upstream against the large water flow leaving the South Powerhouse turbine, and sometimes entering the edge of the turbine cage itself. In addition, fish that enter the tailrace could become stranded once flows from the tailrace are shut off.

From a recreational use perspective (e.g., recreational fishing), connecting North Fork water from the South Powerhouse directly to Inskip Canal behind a failsafe fish screen avoids the harmful effects of rapid flow fluctuations on anglers that may be wading in the stream downstream of the canal bypass at the proposed fish screen. Fish screens frequently suffer debris problems (especially when fallen leaves are carried by the stream current). The failsafe screen design automatically shuts off water entering the canal from the stream, which means that the entire amount of North Fork water (100+ cfs) would rapidly spill out into South Fork Battle Creek downstream of Inskip Diversion Dam without warning to anglers, unless there is a powerhouse connector that comes in behind the

failsafe fish screen via a tunnel, as is proposed under the Five Dam Removal Alternative.

Angling opportunities accessible via the Rocky Springs Ranch and Oasis Springs Lodge properties, which we understand to be the same owner, comprise many more stream miles than the 1 stream mile that experiences the current cooling effect from South Powerhouse flows. Additionally, once the Restoration Project has been implemented, angling opportunities will be enhanced by improving the stability of South Fork Battle Creek's streamflows and temperature regime, which is made possible by increasing instream flows through the removal of South and Soap Creek Feeder Diversion Dams, as well as connecting the tailrace between South Powerhouse and Inskip Canal behind the failsafe fish screen.

Response to Comment NGO21-190

Please see the response to Comment NGO21-186.

Response to Comment NGO21-191

Please see the response to Comment NGO21-7 above. Fish ladders are proven technology in use around the world. The lead agencies have spent considerable time and effort developing the Proposed Action and are confident that the fish passage facilities will work as intended. There would not be a significant change in distance under the new fish ladder compared with what is there now. The proposed fish ladder enters the stream at approximately the same location (within 20 feet). However, because the flows are being increased by approximately tenfold, the short reach between the fish ladder and the dam is expected to have more standing water in it than under existing conditions because of the backwatering that occurs in the low gradient of this reach. Overall stream habitat and fish passage in this section of stream (approximately 100 feet long between the fish ladder and the dam) would be significantly improved as a result of the Proposed Action because fewer fish would be congregating in that area.

Response to Comment NGO21-192

The issue of compensation for lost business as a result of a proposed action is outside the scope of CEQA and NEPA. While analyses conducted under CEQA and NEPA do include the examination of social and economic effects to varying degrees, neither act requires property-specific analyses of revenues and costs that may result from a proposed action. As noted in the Draft EIS/EIR and Draft Supplemental EIS/Revised EIR, the lead agencies are committed to working with affected landowners, including the Oasis Springs Lodge, to minimize effects during and after construction. In addition, as noted above, the South Fork Battle Creek will retain its natural flows during and after project construction.

Response to Comment NGO21-193

The financial issues raised in this comment are outside the scope of CEQA and NEPA. The lead agencies do not believe that the Proposed Action will result in the total loss of business at the Oasis Springs Lodge. For more information regarding landowner concerns, see Master Response F.

Response to Comment NGO21-194

The lead agencies strongly believe that the EIS/EIR appropriately addresses all the environmental impacts associated with implementation of the Proposed Action and action alternatives.

Response to Comment NGO21-195

The lead agencies believe that the EIS/EIR is adequate and fully complies with the requirements of both CEQA and NEPA. Responses to all comments received are included in Volume III of this Final EIS/EIR.

Response to Comment NGO21-196

Please see the response to Comment NGO9-1.

Response to Comment NGO21-197

Please see the response to Comment NGO9-2.

Response to Comment NGO21-198

Please see the response to Comment NGO9-3.

Response to Comment NGO21-199

Please see the response to Comment NGO9-4.

Response to Comment NGO21-200

Please see the response to Comment NGO9-5.

Response to Comment NGO21-201

Please see the response to Comment NGO9-6.

Response to Comment NGO21-202

Please see the response to Comment NGO9-7.

Response to Comment NGO21-203

Please see the response to Comment NGO9-8.

Response to Comment NGO21-204

Please see the response to Comment NGO9-9.

Response to Comment NGO21-205

Please see the response to Comment NGO9-10.

Response to Comment NGO21-206

Please see the response to Comment NGO9-11.

Response to Comment NGO21-207

Please see the response to Comment NGO9-12.

Response to Comment NGO21-208

Please see the response to Comment NGO9-13.

Response to Comment NGO21-209

Please see the response to Comment NGO9-14.

Response to Comment NGO21-210

Please see the response to Comment NGO9-15.

Response to Comment NGO21-211

Please see the response to Comment NGO9-16.

Response to Comment NGO21-212

Please see the response to Comment NGO9-17.

Response to Comment NGO21-213

Please see the response to Comment NGO9-18.

Response to Comment NGO21-214

Please see the response to Comment NGO9-19.

Response to Comment NGO21-215

Please see the response to Comment NGO9-20.

Response to Comment NGO21-216

Please see the response to Comment NGO9-21.

Response to Comment NGO21-217

Please see the response to Comment NGO9-22.

