Chapter 10
Public Hearing Comments

This section contains a copy of the transcript for the public hearing held in Manton, California, on August 27, 2003. This section also contains individual letters that were submitted during the public hearing; Table 10-1 lists those letters. Responses to the 71 comments presented at the public hearing follow the hearing transcript and individual letters. Responses to comments are individually numbered in sequence, corresponding to the numbering assigned to comments in the transcript. The responses are prepared in answer to the full text of the original comment.

Table 10-1. Public Hearing Comments Received on the Draft EIS/EIR

Organization	Name
Comments from Transcript	
Central Valley Water Project Association	Serge Birk
Battle Creek Watershed Conservancy	Larry Lucas
Mt. Lassen Trout Farms, Inc	Brad Carter
Friends of the River	Chris B
Community Member of Manton	Regina Bell
Community Member of Manton	Bob Lee
NorCal Fishing Guides	Scott Ferris
Quail Ranch	Horace Crawford
Quail Run Ranch	Martha Schraml
Metropolitan Water District of Southern California	Walt Hoyle
Outfitter Properties	Kerry Burke
Speaker Card Comments	
Mt. Lassen Trout Farms Inc.	Brad Carter for Phil Mackey
Community Member of Manton	Bob Lee
Bluff Springs Ditch, Battle Creek Watershed Conservancy	Donna Shandley

BATTLE CREEK SALMON AND STEELHEAD RESTORATION PROJECT

DRAFT EIS/EIR PUBLIC HEARING

MANTON GRANGE, MANTON, CALIFORNIA

AUGUST 27, 2003 6:00 P.M. TO 7:30 P.M.

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HEARING OFFICER DAVE GORE

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TRANSCRIPT OF PROCEEDINGS

ORIGINAL

ASSOCIATED DEPOSITION REPORTERS
2054 MARKET STREET
REDDING, CALIFORNIA 96001

RECORD OF PROCEEDINGS

THE HEARING OFFICER: Okay. I'd like to welcome everybody here to tonight's public hearing on the Battle Creek Salmon Steelhead Restoration Project. I see a lot of familiar faces here.

I am Dave Gore. I'm the regional engineer of the Bureau of Reclamation's Mid Pacific Region. My official position tonight is as hearing officer.

Tonight and this more formal part, we're accepting comments. We're going to be having a court reporter record all of the comments that we get tonight. The hearing tonight is held in accordance with the requirements of the National Environmental Policy Act. It's a formal hearing that's required under those environmental laws.

Tonight we're here to accept your verbal and written comments on the draft EIS/EIR that's out for review. We'll accept comments tonight either verbally or in writing.

To make verbal comments, you need, as Sam indicated, you need to fill out the speaker card. If you want to do -- if, during the course of the comments that we're receiving, you decide you want to make a comment, just get up and give Sam a card.

You'll notice that I'm -- in addition to your verbal comments tonight, you can supply written comments. Couple ways you can do that. You can attach them to your speaker card. If you want to use your notes during your verbal testimony, you can use your notes and then but make sure, after the session tonight, you go back and do your written comments to Sam if you'd like them attached to your speaker card here.

As an alternative to that, you can also submit your written comments in written form. The addresses are on this comment card where you can submit your written comments to Ms. Mary Marshall or Mr. Jim Canaday and those addresses are here.

In addition, if you don't want to submit written comments outside of this meeting, you can also tonight fill out a comment card like this and that will have the same standing as providing formal written comments later. So you can also fill out these comment card sheets.

If you need more comment cards, Sam has those in the back.

Written comments must be submitted by September 16th, 2003. That is, those comments must be received by us, either one of those addresses, by that date close of business. All of those verbal -- all of

the verbal comments that we receive tonight and written comments received will be responded to in the final EIS/EIR document.

Tonight, what I'd like to do -- we've got several speakers. I'd like to do is when I call your name, if the speaker can come up to the podium, and since we're having the court reporter report everything, we'd like you to start out by saying your name and spelling your name to make sure we get that correct in the record. And then as you give us your verbal comments, make sure you speak clearly and loudly.

If you have real extensive comments, we encourage you to also, in addition to giving you the verbal comments, submit them in writing also.

Okay, let's see, I think we're pretty set then. With that, why don't we start.

First up, we'll have Serge Birk.

MR. BIRK: Good evening. My name is Serge Birk, S-e-r-g-e, B-i-r-k. I'm employed as the environmental director by the Central Valley Project Water Association. And the association represents agricultural, municipal, industrial districts, agencies and communities which have long-term contracts for water from the Federal Central Valley Project.

CVPWA members contribute approximately 30

to 50 million dollars annually to the CVPWA Restoration Fund which provides funds to the US Bureau of Reclamation and US Fish and Wildlife Service for the express purpose of implementation Fish and Wildlife actions.

CVPWA members have contributed funds for rehabilitation and modernization of Coleman National Fish Hatchery and funded in stream flow acquisitions on the north and south borders of Battle Creek. Restoration of Battle Creek is of great interest to our membership. And while potential of the PG&E projects appears promising, we believe that the current draft documents entitled Battle Creek Salmon and Steelhead Restoration Draft EIS/EIR and PG&E Battle Creek Hydroelectric Project 41121 draft license amendment are incomplete and should be updated.

It is our opinion that the lead agencies have a continuing duty to gather and consider information related to environmental impacts as they carry out their actions. We are concerned that information has been omitted in the documents.

We recommend that the authors of these documents include new information that's likely to emerge from various ongoing and planned forums. We suggest that the information generated from planned

CalFed science Battle Creek workshop in the ongoing CalFed independent review engineering costs is incorporated into the final documents.

Further, the draft documents appear negligent in assessing the impacts to Mt. Lassen trout farm. The gravity of this issue was disclosed by letter dated January 29th, 2003 from CDFG to the management staff of the Battle Creek Restoration Project.

We suggest that the concerns articulated by Dr. Cox of CDFG are included in future documents. We are also concerned that until a solution is negotiated and funding secured for mitigation for impacts to Mt. Lassen trout farm, that implementation of this project, as proposed, is unlikely. We also believe that the scope of the original project has been significantly changed to justify amendments to the MOU.

We recommend that stakeholders be invited as participants and signators to the MOU. We also suggest that alternatives provided by stakeholders known as the buyout of the entire project be included as an alternative and be assessed as described in Mr. Zigraders (phonetic) letter to the resource agencies dated June 23rd, 2003.

The documents do not appear to adequately incorporate suggestions coauthored by the CalFed

independent science board, the members responsible for review of the proposed adapted management components of this project.

In summation, the documents appear inaccurate, incomplete and fail to provide information required pursuant to NEPA, CEQA and FERC relicensing requirements. We believe that the documents require more rigorous review and check for accuracy.

Regrettably, the documents suggest unqualified support by stakeholders for selections of the preferred alternative. Considering the complexity of this project, we believe that an extension period of 90 days for providing additional written comments for this project is prudent public policy. This delay should also provide the necessary time to incorporate findings generated from related forums identified previously in this statement.

Thank you for the opportunity to comment on these draft documents. We look forward to discussing these issues in detail in the future.

THE HEARING OFFICER: Thank you, sir. Next up will be Larry Lucas.

AUDIENCE MEMEBER: Is it possible to have the speakers face out this way instead of that way?

THE HEARING OFFICER: Sure.

MR. LUCAS: My name is Larry Lucas, L-u-c-a-s. I'm secretary of the Battle Creek watershed conservancy board of directors. With respect to the EIS/EIR, we have some real concerns.

Number one, on page ES-4 under social context, the EIS/EIR states that we support, we meaning the Battle Creek Watershed Conservancy supports the restoration project.

That is not correct. We do not support the restoration project at this time. The reasons that we don't are as follows: We do not feel that there has been an acknowledgement of the magnitude of the problem to Mt. Lassen trout farms nor a commitment to solve the problem.

Two, the scientific workshop that Serge talked about from the independent science panel, which is being held in October, will take a look at issues involving Coleman National Fish Hatchery at the base of the creek.

We have concerns that the operations of Coleman Fish Hatchery may affect the success of the restoration project. And if we're going to spend 62 million dollars of public funds, we need to make sure that every effort is made to make it a success.

We feel that there has been a concerted

effort to consider or to not consider the effect of the operation of Coleman's National Fish Hatchery on the restoration in EIS/EIR. We think that's an error. That there needs to be a recognition that there is an effect there. Whether it's positive or negative, we don't know at this time. But the concern is it's negative and we need to have that looked at.

We also are requesting the 120-day extension of the comment period. Thank you.

THE HEARING OFFICER: Thanks, Larry. Next will be Brad Carter.

MR. CARTER: My name is Brad Carter, C-a-r-t-e-r of Mr. Lassen Trout Farms. I'm representing Phil Mackey, M-a-c-k-e-y, who is the president. We are speaking to you with our concerns regarding the proposed actions with the Battle Creek Restoration Project. We have been in support of this project, in general, and have been on record supporting it for the past five years provided the project maintains the expressed goal of keeping all stakeholders, quote, whole, unquote.

However, the actions as currently proposed will have a major, if not catastrophic, consequences to our company if proper mitigation measures are not enacted.

Mt. Lassen Trout Farms has been in business

for 54 years in these economically depressed areas of eastern Tehama and eastern Shasta Counties. We provide head of household type jobs for approximate 22 employees and numerous part-time jobs generating a payroll in excess of $800,000 in 2002.

We rarely import biologists, instead take displaced timber workers, ranch hands, etc. that live in the area and invest training in them to be competent hatchery employees. Our company operations lease springs and land from local ranchers and farmers of which these dollars help fortify the ranch incomes.

In fact, I have been told by one rancher that had it not been for our annual lease dollars coming to him, he would surely have lost his ranch during low cattle prices years ago.

Over 99 percent of our $2,700,000 annual income is generated outside the area creating privately sectored dollars. We have been told by government industries these types of dollars generate 2.5 times additional revenue which means we're stimulating the local economy to the tune of approximately 6.5 million dollars annually.

We also commit time and money as part of our investment in the tiny mountain communities we are a vital part of as well as being responsible stewards of

the resource.

The salmon that will be traveling into the upper reaches of Battle Creek, our headwaters, too are highly infected with the IHN virus, a pathogen our trout do not have.

Due to a hydrologic connection that exists between three of our springs hatchery supplies with water from the area Battle Creek, it has been determined by William T. Cox, Ph.D. and fish health coordinator for California Department of Fish and Game, that these three hatcheries are indeed at significant risk for pathogen infection and goes on to say that protected, corrected actions should be taken to prevent Mt. Lassen trout facilities from contaminations with potentially infected natural waters.

Furthermore, Dr. Ron Hedrick, professor University California Davis and one of the leading fish health experts in the world, has actually challenged Mt. Lassen trout stream rainbows with the Coleman strain of the IHN virus and found our strain to be highly susceptible to the virus.

Copies of both letters are attached to be submitted tonight.

In essence, it has all been well documented that we are at great risk of having our strain of trout

infected with IHN virus. And should the project proceed as planned, the outcome could be catastrophic to us.

A positive diagnosis with IHN virus in our trout would mean we would be unable to sell these fish. The Fish and Game will not allow the stocking of IHN virus positive fish and our markets will not buy them either as evidenced by the standards of disease-free status in many of our contracts.

We will be, quote, branded, unquote, so to speak, and this could put us out of business.

In a recent review of the draft EIS/EIR documents, we have identified many inaccuracies and contradictions about our company and the pertinent information relating to the pathogen problem. We will attempt to address these concerns in our written comments.

In addition, there has been a serious omission of Mr. Cox's letter which is a vital document, in our opinion, regarding our company's complexity and significance of risk. We are asking that his letter, in conjunction with the letter from Dr. Hedrick, be included as part of the written documents.

Based on inadequacies and omissions, we have filed a written request to extend the comment period so that we have time to properly address and

rebut the issues at hand.

While there has been considerable dialogue and effort on behalf of many, especially the Bureau of Reclamation, to solve this, quote, pathogen problem, unquote, as it has been described, we see no meaningful financial commitment in the documents.

At this time, by the estimates of the Bureau of Reclamation and others, the cost to effectively mitigate our concern for all three hatcheries impacted could easily range in the neighborhood of five million dollars. This includes the relocation or buyout of our Willow Springs Hatchery and some sort of pipeline that will be built to bypass our contaminated water around our other two hatcheries.

Until such time as there is a bullet proof commitment of adequate mitigation, we cannot support the Battle Creek Restoration Project as written as it clearly has potential for severely impacting our company of 54 years of business.

We also have the full support of the Battle Creek Watershed Conservancy at this time as to fully comprehend the consequences of the proposed actions and the impact or demise it would have on our fragile local economy.

There are also some additional questions

that we would like to convey -- pardon me. There are also some additional questions that we have and would like to convey as well.

We notice that there were other private entities whose needs were addressed. One example of which is Oasis Springs. Why have their impacts been mitigated for and ours have not?

Another concern is approximately five years ago, we were on record expressing our concerns and were advised to apply for a CalFed Grant. We did so and were denied. Upon further review we followed protocol and wrote for an explanation as to why we were rejected.

Based on that protocol, we were suppose to receive a written notice of explanation, and to our surprise, none came. Ignoring the procedures as outlined.

This disregard for procedure concerned us greatly. We are simply farmers of trout trying to make a living, paying taxes and following the laws.

Dealing with the matters of such inaction has been difficult at best, costly to us, and quite frankly, in our opinion, the politics of all this are difficult to comprehend.

Again, the proposed actions of the Battle Creek Restoration Project, as written, will negatively

impact our company and without proper mitigation measures, said actions could potentially put our company of 54 years out of business.

Until such time, there is a financial commitment or adequate solution to solve the problems identified, we cannot support the project as written.

Sincerely, Bill Mackey, President Mt. Lassen Trout with two enclosures from Dr. Hedrick and Dr. Cox.

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THE HEARING OFFICER: Thanks, Brad. Okay, next will be Marc Christopher.

MR. CHRISTOPHER: Good afternoon to everyone. My name is Marc Christopher, M-a-r-c, last name C-h-r-i-s-t-o-p-h-e-r. I'm here today representing Friends Of The River.

Friends Of The River is a statewide river conservation organization committed to maintaining and restoring California's free-flowing rivers for over 90 years F.O.R. has been committed to maintaining and restoring California's rivers. And I appreciate the opportunity to address you all today.

Friends Of The River sits on the CalFed Bay Delta Ecosystem Restoration Subcommittee. And given the increased concerns about the cost of the project and biological certainty, we have been contacted by a number

of our fellow bud (sic) pack members as well as other members of other vital organizations and asked for our comments.

And I say that we are very enthused about the opportunity to restore Battle Creek. I don't think I need to tell anyone here about the important benefits of bringing back endangered salmon and steelhead populations not only to this region but to the entire State of California. Maximizing the restoration of salmon, steelhead will have a large and direct benefit to our economy, our environment and the continuation of a strong cultural heritage.

We have a unique opportunity to make a big difference. With so much riding on this project, we should make every effort to do it right. Calling on the public to front such a large sum of money demands biological certainty for now and into the foreseeable future. And for the public to understand the project and facilitate valuable debate on how best to proceed, we need the best information available and we need it soon.

While Friends Of The River is diligently working to prepare detailed written comments, today we would like to highlight a number of our key concerns.

Of general concern, we feel that the

EIR/EIS is improperly bound by the constraints of the 1999 Memorandum of Understanding. Both NEPA and CEQA require that the EIR/EIS requires them to lay out all reasonable alternatives in a neutral and detached way.

Of first major concern is biological uncertainty. We understand that PG&E has viewed the Eagle Canyon Dam as somewhat of a lynch pin to the project because of foregone power. However, using common sense, it seems appropriate to examine this option again.

It is clear from the 1999 Battle Creek salmon and steelhead restoration plan that the reach of Battle Creek above Eagle Canyon Diversion Dam has some of the highest habitat values for winter and spring run Chinook salmon in the entire basin. The restoration of this habitat was compromised when the resource agencies acquiesced to leave the dam in.

The current plan calls for fail-safe fish streams, but from a economical perspective, it is impossible to create fail-safe fish screens and ladders.

Eagle Canyon's history shows you that boulders and rocks will inevitably destroy or harm any screenings.

From an economic perspective, if they are somehow damaged, it is quite possible that the public

could be left flipping the bill for a large project where Federally listed endangered species are restricted from obtaining the most valuable habitat resources.

Like it or not, because of circumstances and events since the signing of the Memorandum of Understanding, this project takes on a different level of importance and requires an increased level of certainty.

Spring run salmon have been listed as threatened. The public's portions of costs have ballooned from 28 million dollars to 62 million dollars at a time when restoration dollars are prospectively scarce. This means that with the State's current physical situation, there is unlikely to be available dollars for other restoration projects for years to come.

These fish are in need of recovery and our entire State will benefit from it. It is incumbent upon the public to demand maximum benefits for their dollars.

While we appreciate PG&E's outreach on this project, it is very important to realize that they are receiving a substantial benefit from this and there is a growing contention among some in the environmental community that if Battle Creek failed tomorrow, the

removal of Eagle Canyon Dam would be required under existing Federal laws.

Second, we believe that under the guidelines of NEPA and CEQA, that an alternative six, an alternative that would investigate no dams below natural fish barriers is improperly excluded.

As you know, the primary objective of the your EIS is to insure that all reasonable alternatives are discussed. CEQA guidelines is that it -- that an alternative may be eliminated if it fails to meet the most basic project objectives or is infeasible.

We feel that none of these apply. While the loss of hydropower is listed as one of the 11 project objectives, the 9th Circuit has held that if a project has multiple objectives, every alternative need not be satisfied. And deference is given to the overriding purpose.

The overriding purpose here is to restore salmon and steelhead, hence the name Salmon and Steelhead Restoration Project.

Alternative six allows the public to review the natural bookends of the project that would seem to flow with the directive of NEPA and CEQA.

We too are requesting an extension on the period of comments, and I certainly appreciate the

opportunity to speak to you all tonight. Thank you.

THE HEARING OFFICER: Thank you, Marc. Next will be Regina Bell.

MS. BELL: I'm Regina Bell, R-e-g-i-n-a, B-e-l-l. I'm here as a concerned citizen, a community member of Manton.

I spent some hours reading these reports and trying to figure out what this project was about. I was particularly disappointed that in the executive summary or anywhere else in any of the documents, that I could not find where it was clearly stated how much water in inches or cubic feet per second will be deeded to Department of Fish and Game from PG&E.

I'd like to see a total for the project and the specific amount for each dam that is removed. I was unable to find in the report how much PG&E will be paid specifically for their water rights. And another item that I was not able to figure out was what effect on the electrical power generation will the loss of the water cause at each of the power houses. So those are my comments.

THE HEARING OFFICER: Thanks, Regina. Next will be Bob Lee.

MR. LEE: My name is Bob Lee, L double E. I'm speaking as an individual, although it's been five

years, working with the agencies for the conservancies as concervancy secretary, so I feel I have a personal stake in this project. I will submit my detailed comments about the EIS/EIR in written form so I can concentrate on one or two issues here.

Over the years of my participation with the agencies of this project, it was interesting to watch the dynamics of agencies try to work with local people and local people try to work with agencies. Unfortunately, it's a case where they almost speak two different languages. And as a result, I think the conservancy and the group of agencies designed in this project came to a loggerheads in the end.

The conservancy officially does not support the project, as you heard from the secretary. Although they would like to. I think the conservancy would like to see the project succeed. They're really more afraid of project failure than project success because project failure might mean increased agency scrutiny of local use in other activities.

So as one who took a long, long part in this process, I think of this EIS/EIR process is an opportunity really to see if there is some way at this late date in the evolution of the Battle Creek restoration process, something can be done which can

bring the local people into the project as supporters.

If I look at the concerns of the Battle Creek Watershed Conservancy and sort of boil them down to the fundamentals, the bottom line is a concern that somehow things outside the official scope of the project can threaten the project and thereby threaten the local people.

There are many things that can threaten the success of the restoration project that are not in our control. There are the winds and waves in the Pacific. There is the Delta, the fish have to swim there. There is the Red Bluff Diversion Dam. We don't have control over those.

One thing that's close to home here is the Coleman Fish Hatchery. So the conservancy has focused their efforts to try to determine if it's a threat to the Coleman Fishery.

We all know there is a dam down there. There are hatchery procedures for bringing fish over that dam and so forth, but this longstanding concern is an endless debate between the conservancy and the agencies. And it boils down to a lack of trust.

If you ask the people who operate the hatchery, there is no way they're going to harm any of the natural born fish in Battle Creek. You ask the

conservancy, they say they have it proved they won't do that. So it boils down to lack of trust and partly as a result of this difference of cultures I mentioned between agencies and the local folks.

So what can we do, at this point, to bring back that trust? What I'm going to suggest is some language that could be a simple MOU between the resource agencies and the normal operator of the fish hatchery, the Bureau of Reclamation. Two sentences which will clarify the relationship of Coleman hatchery to the fish to be produced in the restoration program.

Right now, that clarification consists of really of the word integration. If you ask the Fish and Wildlife service, they will integrate their operations with the fish hatchery. Well, that doesn't tell me much. The language I'm going to suggest is perhaps a little more meaningful to ordinary folks like me.

Here is the suggested wording of this agreement among the agencies. Coleman National Fish Hatchery shall manage its operational procedures and physical infrastructure in a manner compatible with the Battle Creek Salmon and Steelhead Restoration Project, with natural production in Battle Creek having priority over artificial production. Should hatchery procedures or facilities be found to have a significant negative

impact upon natural production in Battle Creek, then the parties to this MOU agree to cooperate to resolve the problem in a timely manner.

What this does is two things. It establishes clearly the priority between natural production in Battle Creek and artificial production. And it sets up a test to decide if that priority has been met. And the test includes the word significant. So agencies have the leeway to decide if some action at the hatchery is significant.

For instance, right now, the hatchery has rights granted by the (inaudible) for incidental take. They harm some endangered species. And that's needed, that's an incidental part of their operation and we consider that insignificant as long as it's a reasonable amount.

I should say that my document here is missing a correction that I forgot to put in. Natural production should be followed by listed or endangered species. So the object is to, in clear language, establish that the hatchery production is second in priority to natural production. To give those in the future who find or are suspicious of some problem that the hatchery is causing to the restoration program, give them something to hang their hat on and go ask the

agencies for redress.

At the same time, it's not intended to prohibit such activities as are exhibited by Livingston Stone Hatchery where natural production is assisted by a selected supplementation program.

I think language like this in the form of an MOU or at least an agreement to engage in an MOU at a later time, and I understand it takes a long time, could go a long ways towards addressing the conservancy's concern about Coleman's Hatchery without getting into the great detail of what will happen in the future of which we have no knowledge of anyway.

In addition to suggesting this MOU, I also support the Mt. Lassen Trout Hatchery in their need for some assurance that their concerns will be addressed and I'm also requesting a 90-day extension so that the conservancy and others can have additional time to look at this very detailed document. Thank you.

THE HEARING OFFICER: Thanks, Bob. Next on the list will be Scott Ferris.

MR. FERRIS: My name is Scott Ferris, F-e-r-r-i-s, representing the Norcal Fishing Guides and Sportsman's Association.

We've reviewed the rather voluminous EIS/EIR for the proposed project and its various

alternatives. It's apparent that much time, effort and money has been spent trying to make this a reality while, at the same time, trying to please all of the stakeholders. Very difficult task.

This is an impossible task, in fact. The document in question is not perfect. However, we believe it is a reasonable compromise that provides a number of restoration alternatives from which to choose one which is best suited to the Battle Creek needs and restoration objectives.

We believe that the preferred alternative is the most economical and efficient means of restoring access to approximately 42 miles of the upper Battle Creek watershed while minimizing loss of clean, renewable energy produced by PG&E.

There are several key components of the five dam alternative that we believe are essential for the success of the restoration project. None of these components are contained in the other alternatives.

One is a proposed construction schedule, an adaptive management plan, a facility monitoring plan, a water rights provision, water acquisition fund and an active management fund. These elements together with the fact that implementation of the preferred alternative would not substantially affect the cost of

power generation make the five dam removal alternative our choice for best meeting the projects objectives as outlined in the EIS/EIR.

The significance of Battle Creek, we feel, is somewhat understated. However, in our opinion, we believe that this is the last east side tributary in the Sacramento River that offers this much potential spawning habitat for endangered spring run Chinook salmon. There is no other tributary on the system that offers this potential.

However, we must keep in mind that good habitat is only part of the equation. It doesn't matter how much fish are produced in the streams if they can't get past the many unscreened water diversions and the Delta on their downstream migration to the ocean grounds, they are all lost.

Habitat restoration alone will not restore ESA listed fish in other factors outside the rearing area that are known to be contributed to the fisheries' decline are not considered. Your EIS does not address this issue.

Our organization has been involved in the Battle Creek Restoration Project since 1997. I know it was going on for several years before that. We can only guess at the thousands of dollars that has been spent

since the inception of this project many years ago. Yet, in that distance and that time, not one cubic yard of new salmon spawning habitat has been made available to the fish as a result of our efforts.

Most everyone agreed we need to try to bring back the ESA listed fish by developing access to 40 miles of upstream Battle Creek that heretofore has not been accessible to the fish because of hydropower water diversions. We now have an opportunity to do this.

Your EIS doesn't please everyone but it is a reasonable compromise that we can all live with and learn as we go along. Yes, it's going to cost a lot. The cost benefit analysis, a true one is difficult to figure due to the project's many variables. However, the longer we wait to get started, the greater the cost will be.

We ask how much is spring run habitat worth if there isn't anymore to be had. Some upstream stakeholders have expressed only conditional support for the restoration project pending consideration and resolution of other watershed concerns, namely the operation of Coleman.

Our analysis of these concerns and the EIR fails to show any hard evidence which shows the

operation of Coleman National Fish Hatchery present a future -- present or any significant threat to the proposed restoration of upper Battle Creek.

There has been hatchery influence on the creek for more than 90 years. Coleman National Fish Hatchery was constructed in 1942 as a mitigation project for 180 miles of lost spawning habitat from Shasta Dam. They are obligated by law to provide mitigation for that lost habitat.

Over the ensuing 50 plus years, Coleman has provided a substantial ocean and inner-river salmon fishery for both sport and commercial fishermen. The economic value of this fishery has been estimated at more than ten million dollars.

In 2002, fall run salmon returns to Battle Creek were estimated at more than a 100,000 fish. Coleman's management and staff are keenly aware of the need to operate the facility so as to have little or no impact on returning natural spawning ESA listed fish.

In recent years, there have been few, if any, winter run Chinook observed at the Coleman Diversion Dam ladder. Once the winter run will be in place, winter run Chinook will probably need help from Livingston Stone to re-establish their presence in the upper creek.

Based on a review and analysis of Coleman's latest biological assessment and observations of Coleman's barrier dam fish ladder operation, we believe it is being operated in a manner that consistently provides maximum fish passage for ESA listed fish.

In addition, the biological assessment addresses many of the upstream stakeholders' concerns. Those that are not addressed can be addressed through a cooperative working of the MOU and Battle Creek restoration group and others.

Many of these concerns are theoretical in nature and have no scientific studies on this watershed to back them up. One of the concerns is that the hatchery will cause a loss of genetic diversity among natural spawning stocks.

In the case of steelhead, a hatchery steelhead is genetically indistinguishable from natural spawning steelhead. It's the same fish, so what's the problem?

In the case of salmon, a group of ten independent fishery scientists from Oregon stated in a memo dated February 2003, a position paper on naturally bred salmon. There is no field evidence. Applied studies are demonstrated examples supporting allegations that hatchery fish do not reproduce successful in the

wild or that they decrease the fitness of wild populations. They further state most wild Pacific salmon and steelhead have assimilated hatchery fish and they're burgeoning within their populations for many generations.

Hatchery fish originating from wild same stock populations cannot be distinguished genetically from the wild genotypes. The upper Battle Creek fishery didn't decline because of Coleman. It declined because of upstream water diversions for more than 90 years.

Give the fish the fishing water flows at the right temperature for spawning, free access to the ocean grounds in return, and nature will restock upper Battle Creek with very little help from man.

Our last comments deal with several well-meant proposals from stakeholders in the upper watershed. First was a proposal to move part of Coleman's production of late fall Chinook and steelhead after Battle Creek to a new facility above Battle Creek that remains there. This proposal makes little economic or scientific sense.

Cost of duplicating or moving successful existing facilities on Battle Creek to some undesignated site on the upper main stand will be enormous. If funds ever became available for this concern, they could

certainly be spent better on screening Coleman's and all other unscreened intakes.

Considering the Federal and State budget deficits, it seems unrealistic that such funding for a fish project would ever come to pass in the foreseeable future.

In view of the emphasis that has been placed on protecting and enhancement of natural spawning salmonids, a proposal to introduce the hatchery's facility into a part of the Sacramento's main stem that has had no previous hatchery influence and which provides excellent natural spawning habitat for winter run fall Chinook and rainbow trout and steelhead defies common sense and logic.

The second proposal relates to isolating the hatchery entirely from fall Chinook from Battle Creek to attracting boot stock to a water ditch rather than Battle Creek for boot stock collections.

The irrigation water ditch in question has a maximum capacity of less than 125 cubic feet per second. Three farmers have varying water rights to use this water. When the water is being used in the fall by the farmers, there could be 15 to 20 cubic feet or less at the outfall where it meets the main stem. This is insufficient volume to attract returning adults.

Retired Department of Fish and Game biologist Richard Palick and others expressed belief that returning adults will not pass the 250 to 300 cubic feet per second average flows emanating from Battle Creek and travel approximately six miles up river to the feeble flows that would be coming from the ditch.

This proposal is further complicated by unsettled water rights issues, unknown cost benefit ratios, funding, inability of the ditch to handle 100,000 returning adults and temperature issues as well as potential litigation if this proposal was ever pursued.

We have already wasted too much time and money on these proposals. We believe that most salmon fishermen in California support restoring upper Battle Creek and five dam proposal is the best means to accomplish this in the near future. It is fitting and proper that the Bureau of Reclamation and other Federal and State agencies consider and evaluate the ideas and concerns raised by the land owners and residents that make up the upper Battle Creek watershed.

We believe these agencies have walked the extra mile to try and consider their concerns and ideas even though they may be in conflict with those of a larger number of stakeholders in the sport fishing

community.

Every salmon sport fisher in California has a stake in the restoration project since the potential habitat and the endangered species listed fish are part of the public trust. Yet, to the best of our knowledge, little information regarding this project has been made available to other stakeholders throughout California.

Information about this project should have been disseminated in major fishing publications throughout the State, not just in the Manton and surrounding areas. Battle Creek conservancy through its membership in the Battle Creek work group, requested that a CalFed science panel review and comment on some of Coleman's genetic and operational issues as well as the conservancy's perceived problems and proposed solutions. The hatchery genetic issues, the over ditch issue and moving part of Coleman's production to the main stem have been very controversial.

Fishery scientists have reviewed the restoration project and Coleman's operational plans and we feel that such a panel membership should be balanced so as to reflect diversion views on controversial issues.

Our request to include one or more of the authors of the position paper on hatchery bred salmon on

the science panel was diverse. Without this balance, we feel their findings and objectivity will be weakened. There is no hard scientific evidence that shows that Coleman's future plans would have a subsequent negative effect on the preferred alternative.

Should unforeseen problems arise during the implementation of the project, cooperating, monitoring and timely action plans can address these issues.

If we're really serious about increasing flows and access to the last remaining prime spring run Chinook habitat in the State, then we should put our differences aside and work together toward making the restoration of Battle Creek, upper Battle Creek a reality.

Coleman National Fish Hatchery is not a threat to this project. Continued efforts to eliminate or reduce its presence on the creek will only result in lost opportunities for restoration, lengthy delays, in-fighting and loss of restoration funds and potential litigation.

So let's all work together, increase the flows, remove the dams and get the fish coming back. Thank you.

THE HEARING OFFICER: Thank you, Scott.

Next will be Horace Crawford.

MR. CRAWFORD: Thank you. I'm Horace Crawford, C-r-a-w-f-o-r-d. I speak on behalf of my wife and myself.

We own Quail Run Ranch which runs along about a mile of the north fork of Battle Creek and through this property runs Wild Cat canal and part of the Wild Cat pipeline that's under alternates are planned to be removed.

We have submitted earlier our formal written comments speaking specifically to mitigations that seemed appropriate for our property. I came tonight to add some additional comments, more of a general nature.

I've been involved in many your EIS projects. I'm an engineer and for many years have worked on these. I commend the efforts that have been put forth so far. This is a tremendous effort, a huge Herculean effort, that's close to the top ring and with some effort, could come about.

It was said at one of the work sessions, "We're here, we're where we are." You may remember that. "We are where we are." We have had a hydroelectric power system here operating for many years. We now find ourselves at some conflict with

salmon and steelhead restoration, and I believe that the potential is great for that restoration to occur if we are willing to accept some personal and business group compromises. We would simply call for additional efforts by the program to search more, spend a little more time in trying to find fairness through mitigation for those that are negatively impacted.

We have businesses here and we have landowners and we have impacts of various types. I believe and am committed, myself, to support that we can forge a plan successfully provided that we can each reach into our hearts a little bit of compromise.

Projects are never perfect for everyone, but they should address everyone's concerns and attempt to satisfy those concerns. So we're not ranchers. We're naturalists by choice, and we bought the place we did because of the beauty of North Fork Battle Creek. I continue to imagine what it was like before this all came about and Red Bluff dam, everything else. But we can't take on too big a task.

We have a place here to work, and I believe that with a little more effort, maybe an extension of time, we can reach a conclusion and move forth with this fabulous project. We can be part of changing back toward nature. I hope you do it. Thank you.

THE HEARING OFFICER: Thank you, Horace. Next will be Martha Schraml.

MS. SCHRAML: Schraml. Evening, I'm Martha, Martha, S-c-h-r-a-m-l. Hard name. I don't have a whole lot to say tonight, though, I would like to reiterate that I believe that the extension for comment period should be granted. There are too many issues here, too many people involved and too much at stake not to allow every issue and every angle of the project to be discussed and to be thoroughly understood by all of us.

Also the one thing that really bothers me about the project is it's hard to find in the documents exactly how this project will benefit the fish and how this project will benefit PG&E. I would like to see somewhere specifically stated for each dam, each scenario, what the improvements will do for PG&E's facilities, will it help them, will it increase their ability to generate power, and what of those improvements are specifically geared toward the fish and the improvement of the fish environment. That's never really spelled out and that's what we're trying to balance. We're trying to balance the ability to generate power with the environment and the enhancement of the ecology of the fish.

And that's it for me. Thank you very much.

THE HEARING OFFICER: Thank you. Next will be Walt Hoye.

MR. HOYE: Good evening. My name is Walt Hoye, H-o-y-e. I'm a civil engineer with the Metropolitan Water District of Southern California. I appreciate being here. I'm an outsider for this watershed, perhaps the most distant visitor to Battle Creek.

— —

However, for several years, Metropolitan Water District has been involved in Battle Creek and has been a strong supporter of activities here. I just want to make three points.

The first point has to do with balance. The Environmental Impact Statement Chapter Two states the purpose of the Battle Creek Restoration Project to restore habitat and to minimize losses of renewable hydroelectric power. So it's a balanced approach, the purpose of the project. This has a balance of interests including those interests at the local level which I think is extremely important for any project. Metropolitan supports this balance, this idea of helping fish and preserving jobs.

The second point I'd like to make, one of the local concerns I think is that this project is

expensive. Sure enough, the costs have gone up dramatically. I was concerned also and there is now a peer review process underway with highly professional folks from outside, independent technical review of the cost estimates and designs of the project. I think this peer review is very important and it's underway as we speak.

My role for the last eight years has been to identify projects through the CalFed process that should be selected for ecosystem restoration. In addition, my other job involving CalFed projects is to actually manage 47 of them.

So since 1995, I've been involved with these projects in the San Joaquin basin, the Sacramento basin and the Delta. So I've had lots of experience.

My experience plus what I hope will come out of this peer review is an objective evaluation of this cost increase leads me to believe that there really is no greater value than the Battle Creek Restoration Project because it's a great fish deal. It's the best fish deal on the table.

Another local concern -- well, first of all, I think local concerns are of paramount importance and how does the local input become made. Well, Battle Creek Watershed Conservancy has come up with a terrific

idea and Metropolitan, my company, this idea of local input is what's needed to solve problems.

It's my good fortune, Metropolitan would provide the money for the Battle Creek conservancy to hire their own technical expert fisheries biologist to work on behalf of the conservancy for the next five years. So this knowledge, this input and this direction provided by the local folks, by the conservancy is part of this balance that Metropolitan feels is very important.

Third and last point, a logical concern is, well, geeze these costs have gone up so much, why not simply buy out PG&E. Well, I remained open to all alternatives that are on the table, but the last point I want to make is we need to be mindful that to the extent an alternative does not meet the purpose of the project, again, this purpose is balanced. It's restore habitat and minimize the effect on renewable energy resources.

To the extent an alternative doesn't fulfill that objective, that purpose of the project, you're talking about a time element that needs to be considered for the benefit of the fish. Thank you.

THE HEARING OFFICER: That's the last speaker card I've got right now. Is there anybody else that wishes to speak or do we have any other requests?

One more. Okay, great. This is Kerry Burke.

MS. BURKE: Good evening. Kerry Burke, B-u-r-k-e. I just want to thank you for this format. We've had several meetings now, and I'm becoming more familiar with the Battle Creek watershed and some of the concerns that one might have.

There were some significant deficiencies in the document that I did mention at the previous workshop and one of them really, for myself, is being able to identify the private lands so then you can properly assess how the project would impact the private property when the project objectives in the executive summaries lists the impacts to water users and third parties. Well, I'd like to think that third parties may be private owners and, of course, there would be more acceptance of this project within the community if we would know what those impacts really are.

So the maps really should be a little bit more user friendly, so whether they would be in a USGS map format or somehow identify what properties are going to be directly within the project area, that's really a critical factor.

Also what's necessary is to understand what the mitigations would be for the project constructions. I know that it is listed in the document. However, a

little bit more specific information and some assurances that there would be funding to do the follow-up would really be essential so that the local people aren't as concerned about really what happens at the back end of the project.

A lot of planning, a lot of discussion happens now but that this money will start to shrink, and at the very end, when we're looking for project compliance, where will the money be? So I also believe that people this evening have made their concerns very clear and I also support the extension to allow some more clarity for some of the issues perhaps that they could be resolved before the final EIS/EIR is drafted. Thank you.

THE HEARING OFFICER: Thank you, Kerry. Anybody else?

Okay, I'd like to thank everybody for your time tonight and for your input. And as I said earlier, we encourage everybody that wishes to submit their written comments, we heard several requests tonight about potential extensions. Our plan is to consider those requests over the next couple days and our hope is by next week sometime, we will be able to get some kind of announcement out regarding whether or not there would be an extension time frame on the review period.

With that, that closes our evening. So thank you very much again.

(The hearing was adjourned at 7:30 p.m.)

— —

CERTIFICATE OF REPORTER

STATE OF CALIFORNIA)
)
COUNTY OF SHASTA)

I, TANYA L. AGOSTINI, do hereby certify:

That said hearing was taken down in stenographic shorthand by me, a Certified Shorthand Reporter, at the time and place therein stated, and was thereafter reduced to typewritten form using computer-aided transcription, and that the hearing is a true record of testimony given by the witness.

I further certify that I am not of counsel or attorney for any of the parties hereto, or in any way interested in the event of this cause, and that I am not related to any of the parties hereto.

WITNESS MY HAND this 28th DAY OF August, 2003.

TANYA L. AGOSTINI
Certified Shorthand Reporter No. 8124

Speaker No.: 03

Public Hearing Speaker Card

Battle Creek Salmon and Steelhead Restoration Project
Draft Environmental Impact Statement/Environmental Impact Report

August 27, 2003

Brad Carter For Phil Mackey
Name

Mt. Lassen Trout Farms Inc.
Organization

28125 Hwy 36 East
Address

Red Bluff CA 96059
City/State/Zip

(530) 597-2222 — (530)597-2068
Phone e-mail FAX

Check as appropriate:

✓ I have attached written comments.

✓ I will present oral comments.

____ I will submit written comments to: (at later date)

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento CA 95825
mmarshall@mp.usbr.gov

and

Mr. Jim Canaday
State Water Resources Control Board
1001 I Street
Sacramento CA 95814
jcanaday@waterrights.swrcb.ca.gov

Comments Due: Tuesday, September 16, 2003

Mt. Lassen Trout, Inc.
28125 Hwy 36 E.
Red Bluff, Calif. 96080

530-597-2222 phone
530-597-2068 fax

8-27-03

ORAL TESTIMONY, given by Brad Carter of Mt. Lassen Trout farms, Inc. and for Phil Mackey, president.

To whom it may concern;

We are speaking to you with our concerns regarding the proposed actions with the Battle Creek Restoration Project. We have been in support of this project in general and have been on record supporting it for the past five years provided the project maintains the expressed goal of keeping all stakeholders "whole". However, the actions as currently proposed will have major if not catastrophic consequences to our company if proper mitigation measures are not in-acted.

Mt. Lassen Trout Farms, Inc. has been in business for 54 years in these economically depressed rural areas of Eastern Tehama and Shasta Counties. We provide "head of household" type jobs to approx. 22 employees, and numerous part time jobs generating a payroll in excess of $800,000.00 in 2002. We rarely import biologists, instead taking displaced timber workers, ranch hands etc. that live in the area and invest training in them to be competent hatchery employees. Our company operations lease springs and land from local ranchers and farmers, of which those dollars help fortify the rancher's incomes. In fact, I have been told by one rancher that had it not been for our annual lease dollars coming to him he would have surely lost his ranch during low cattle prices years ago...

Over 99% of our $2,700,000 annual income is generated outside our area, creating primary sector dollars. We have been told that by government indices, these types of dollars generate 2.5 times additional revenue which means we are stimulating the local economy to the tune of approx. $6.5M. annually. We also commit time and money as part of our investments in the tiny mountain communities we are a vital part of, as well as being responsible stewards of the resource.

The salmon that will be traveling into the upper reaches of Battle Creek (our headwaters too) are highly infected with IHN Virus, a pathogen our trout do not have. Due to a hydrologic connection that exists between three of our springs hatchery supplies with water from this area of Battle Creek, it has been determined by William T. Cox, Ph.D and Fish Health Coordinator for the Calif. Dept. of Fish and Game, that these three

hatcheries are indeed at significant risk for pathogen infection, and goes on to say that protective/corrective actions should be taken to prevent Mt. Lassen Trout facilities from contamination with potentially infective natural waters. Furthermore, Dr. Ron Hedrick, professor, University of Ca. Davis and one of the leading fish health experts in the world, has actually challenged Mt. Lassen Trout strain rainbow trout with the Coleman strain of IHN Virus and found our strain to be highly susceptible to the virus. Copies of both letters are attached. In essence, is has been well documented that we are at great risk of having our strain of trout infected with the IHN Virus should the project proceed as planned, and the outcome could be catastrophic to us. A positive diagnosis of IHNV in our trout would mean to us is we will be unable to sell these fish. The Fish and Game will not allow the stocking of IHNV positive fish, and our markets will not buy them either, as evidenced by standards of disease free status in many of our contracts. We will be "branded" so to speak and this could put us out of business.

In a recent review of the draft E.I.S. E.I.R. documents we have identified many inaccuracies and contradictions about our company, and the pertinent information relating to the pathogen problem. We will attempt to address those concerns in our written comments. In addition, there has been a serious omission of Mr. Cox's letter which is a vital document in our opinion regarding our company's complexity and significance of risk. We are asking that his letter, in conjunction with the letter from Dr. Hedrick be included as part of the written documents. Based on the inadequacies and omissions, we have filed a written request to extend the comment period so that we have time to properly address and rebut the issues at hand.

While there has been considerable dialogue and effort on behalf of many, especially the Bureau of Reclamation to solve this "pathogen problem" as it has been described, we see no meaningful financial commitment in the documents. At this time, by the estimates of the Bureau of Reclamation and others, the costs to effectively mitigate our concerns for all three hatcheries impacted could easily range in the neighborhood of five (5) million dollars. This includes the relocation or buy-out of our Willow Springs hatchery and some sort of a pipeline that will be built to bypass the contaminated water around our other two hatcheries. Until such time there is a bulletproof commitment of adequate mitigation we can not support the Battle Creek Restoration Project as written, as it clearly has the potential to severely impact or put our company of 54 years out of business. We also have the full support of the Battle Creek Watershed Conservancy at this time as they fully comprehend the consequences of the proposed actions and the impact our demise would have on this fragile local economy.

There are some additional questions that we have and would like to convey them as well. We noticed there were other private entities whose needs were addressed, one example of which is Oasis Springs. Why have their impacts been mitigated for and ours have not? Another concern is approx. 5 years ago, we were on record expressing our concerns and were advised to apply for a Cal Fed grant. We did so and were denied. Upon further review, we followed protocol and wrote for an explanation as to why we were rejected. Based on that protocol, we were supposed to receive a written notice of explanation and to our surprise, none came, ignoring the procedures as outlined. This

disregard for procedure concerned us greatly. We are simply farmers of trout trying to make a living paying taxes and following the laws. Dealing with the matters of such an action has been difficult at best, costly to us and quite frankly, in our opinion the politics of all this are difficult to comprehend.

Again, the proposed actions of the Battle Creek Restoration Project as written will negatively impact our company, and with-out proper mitigation measures said actions could potentially put our company of 54 years out of business. Until such time there is a financial commitment or adequate solution to solve the problems identified we can not support this project as written.

Sincerely,

Phil Mackey, president

Phil Mackey, president, Mt. Lassen Trout.

Enclosures;

I. Letter from Bill Cox to Carl Werder
II. Letter from Dr. Ron Hedrick to Phil Mackey

DEPARTMENT OF FISH AND GAME
Fish Health Laboratory
2111 Nimbus Road
Rancho Cordova, CA 95670
Telephone (916) 358-2822

Mr. Carl Werder
United States Bureau of Reclamation
2800 Cottage Way
Sacramento, CA

January 29, 2003

Dear Mr. Werder

This letter summarizes the information I presented at the December 10, 2002 meeting with project management staff of the Battle Creek Restoration Project.

Few well designed studies exist which address fish pathogen movement in ground water. The results of an excellent study conducted by scientists at Brigham Young University and Utah's Department of Natural Resources Fisheries Experiment Station were presented at the Whirling Disease Symposium, Denver, Colorado, 2000. In that study the movement of dye, bacteria, and triactinospores (TAMS) were observed in ground water at distances up to 0.6 miles in only 7 hours. Bacteria are about 6 times larger than IHN (infectious hematopoetic necrosis)virus, and TAMS are nearly 900 times larger. Viral particles could therefore move easily through these types of soils. This pathogen movement occurred near Midway Hatchery, Utah, which has a shallow water table and volcanic soils.

The similarities between Midway Hatchery and Mount Lassen Trout Farm's (MLTF) Willow Springs and Jeffcoat West sites are remarkable. Each site has a shallow aquifer and volcanic soils. The risks of MLTF fish reared at Jeffcoat West and Willow Springs to fish pathogens, including IHNV, shed from anadromous salmonids traveling upstream of water intakes is significant. Corrective/protective measures should be taken to protect water supplies at those two MLTF facilities from contamination with potentially infective natural waters.

Additional observations of IHNV movement through groundwater have been made by Oregon Department of Fish and Wildlife fish pathologists. Kokanee salmon in Lake Billychinook experience annual IHNV epizootics. Steelhead fingerlings reared at Round Butte Hatchery directly below Lake Billychinook also contract IHNV.

Strain typing of the two isolates identifies them as equal, strongly implicating the kokanee as the source of the virus. The spring water source for Round Butte Hatchery originated after the construction of the dam and filling of the lake, i.e. the spring is lake water traveling through soils. This provides further evidence for the transmission of IHNV through groundwater.

Additionally the possibility of IHNV transfer by animal vectors was discussed. From all available current information the transmission of IHNV by direct hydrologic connection is the only well documented route. While transference by vectors is theoretically possible, no known cases have been reported in the literature, or through personal contacts with fish pathologists from other states.

Sincerely,

William T. Cox, Ph.D.
Fish Health Coordinator

cc: Dr. Ed Pert, Fisheries Programs Branch, Chief, DFG
Mr. Donald Koch, Regional Manager, Redding, DFG
Mr. Bob Hulbrock, Aquaculture Coordinator, DFG
Mr. Harry Rectenwald, Senior Fisheries Biologist, DFG
Mr. Mike Berry, Associate Fisheries Biologist, DFG
Mr. Phil Mackie, Mount Lassen Trout Farms

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Mr. Phil Mackey
President
Mount Lassen Trout Inc.
28125 Hiway 36 E.
Red Bluff, CA 96080

August 22, 2003

Dear Mr. Mackey,

I am sending you this short note in response to your phone inquiry regarding experiments conducted in my research laboratory with your rainbow trout and infectious hematopoietic necrosis virus (IHNV). You may remember we requested eggs from you in 1990 to conduct experiments examining the virulence (the degree of ability to cause disease) of several strains of IHNV from chinook salmon populations in California. In those laboratory trials we exposed groups of chinook salmon, kokanee salmon and rainbow trout (Mt. Lassen strain) to graded doses of three different IHNV strains obtained from chinook salmon of three origins (Trinity River hatchery, Sacramento River/Coleman hatchery, and American River/Nimbus hatchery). In general, the viruses were most virulent for kokanee salmon but disease and mortality were evident in all three fish species tested including significant disease and mortality among the rainbow trout (up to 80% cumulative mortality with the Nimbus isolate and 65% with the Coleman isolate of IHNV).

Thus, in response to your question are Mt. Lassen rainbow trout susceptible to strains of IHNV that would be found in the upper Sacramento River, the answer is clearly yes, based on the experimental trials conducted in our laboratory in 1990. In more recent studies we have also demonstrated that another strain of rainbow trout (Trout Lodge) is also susceptible to isolates of IHNV as obtained from chinook salmon in the Sacramento and other river drainages in California.

Although we have been remiss in publishing this information in a scientific journal to date, we are now finally putting it together with some recent data and will submit it shortly for publication.

Feel free to contact me if you need further details on the work.

Sincerely,

Ronald P. Hedrick
Professor

RPH:rph

Speaker No.: 016

Public Hearing Speaker Card

Battle Creek Salmon and Steelhead Restoration Project
Draft Environmental Impact Statement/Environmental Impact Report

August 27, 2003

Bob Lee

Name

Self

Organization

31695 FORWARD ROAD

Address

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City/State/Zip

5304743966 | RLEE@LASSEN.COM | _____

Phone | e-mail | FAX

Check as appropriate:

_____ I have attached written comments.

✓ I will present oral comments.

_____ I will submit written comments to:

Ms. Mary Marshall
Bureau of Reclamation
2800 Cottage Way
Sacramento CA 95825
mmarshall@mp.usbr.gov

and

Mr. Jim Canaday
State Water Resources Control Board
1001 I Street
Sacramento CA 95814
jcanaday@waterrights.swrcb.ca.gov

Comments Due: Tuesday, September 16, 2003

1 Introduction

I speak as an individual local resident. My concern for the success of the Battle Creek Salmon and Steelhead Restoration Project should be evident from my many years of close work with the agencies and with the Battle Creek Watershed Conservancy on this issue.

I began this work with some fear of the Restoration Project, but quickly developed a positive attitude as a result of the apparent willingness of the agencies to work rather openly with the public. I knew that they were charged to do so, but here was a chance to see if a big project could be implemented in a small community with real citizen input. Over time it became apparent to me that the agencies really didn't know how to work with the public, and it was clear that public citizens such as myself were at a heavy disadvantage trying to influence a group of agencies well set in their bureaucratic, insider ways. Eventually the community and the agencies stalled at loggerheads, despite thousands of hours of effort on both sides, and the Conservancy opposes the Project.

The aim of my comments is to find some way, at this late stage in the development of the Project, to gain community support for the Project through improvements in the EIS/EIR.

2 Project history

Local involvement with the potential Restoration Project began in the early Spring of 1997, with fears that a big project on Battle Creek could endanger local water rights. A local steering committee was formed to coordinate monitoring of agency plans and activities, and this committee evolved into the Battle Creek Watershed Conservancy. The Conservancy participated energetically in scores of agency meetings, both to find out what was going on (fear of the unknown being a great motivator), and to attempt to try to influence planning which might damage the community.

Water rights issues aroused strong local concern, and the agencies addressed this issue successfully for some of the water users. The Conservancy then focused upon the implementation of the restoration project itself, especially on the operation of Coleman National Fish Hatchery, and on the need to address Battle Creek as a whole in the Project planning and implementation.

The positive results after several years of work, from the point of view of the Conservancy, include the funding of some local environmental work, the potential for the hiring of a technical advisor for the Conservancy, the development in draft form of the basis for a new Greater Battle Creek Working Group, and a symposium planned for Red Bluff in October to address the issues involving CNFH and natural production in Battle Creek.

It doesn't appear that this has been enough to resolve the main issues for the Conservancy. CalFed is now scheduled to make its funding decision before the results from the Red Bluff symposium are digested, and neither the Draft EIS/EIR nor separate discussions with the agencies, through the Battle Creek Working Group, have assured the Conservancy that natural production in Battle Creek will not suffer substantial negative impacts from CNFH operations.

As a result the official Conservancy position is non-support for the project (contrary to the support claimed in the Draft EIS/EIR). This negative position is taken on the basis that if the Project fails for any reason, such as losses suffered by natural production due to CNFH, then the agencies will want to rescue their huge investment by clamping down on land uses, water rights, or any other activity which could conceivably harm the fish.

It seems that the Conservancy would support a successful project, but has great fears of a failed project. That gives hope for Conservancy support, provided that the EIS/EIR can be improved to address the issues important to the Conservancy more directly and more clearly.

3 Goals of the EIS/EIR

The goal of an environmental impact statement is to identify both the positive and negative effects of a proposed activity. The negative impacts are of particular importance, because the Record of Decision usually notes these and the mitigations proposed, thereby obligating the implementers of the activity to following through with the mitigations.

The EIS/EIR for the Restoration Project identifies well the positive impacts upon the salmonids in Battle Creek, while noting potential minor to modest impacts upon other creatures, plants, and scenic values.

But looking at the broader picture, two things are missing or insufficiently treated: consideration of the local endangered species – the local community – and consideration of whether the Restoration Project can succeed.

4 Consideration of the local community

I believe that some, or perhaps all, of the agencies concerned really tried to take the concerns of the local community into account, but – to paraphrase a famous comment of Dave Gore – "they didn't get it." My hat is off to those individuals who tried harder.

And it is clear that we "locals" did not know either how to talk the language of the agencies, or how to manipulate the environmental processes (such manipulation being the favorite tool of the professional environmental groups).

Time and time again the Conservancy would press a point, and the agencies would respond that of course they were responsible, and would not harm a fin on the back of a natural fish. They would point to their plans, to their biological assessments, to their credentials. And we would look and not find the words which said what we hoped to find.

So perhaps it is a matter of language and culture, the agencies like anthropologists trying to understand the natives, speaking to an uncomprehending audience – and the natives wondering at the curious sounds coming from the recently-landed aliens.

Perhaps the resulting mistrust is just misunderstanding. If so, the solution is a clear statement from the agencies, in plain language as suggested below. Not only would such a statement solve the CNFH problem, but it would be an excellent example of cooperation by the agencies.

5 Broad issue of threats to the success of the Project

An EIS/EIR showing strong advantages for the targeted species and no significant negative affects on other environmental aspects does not in itself make a successful project. The success of the project may depend upon other factors not in the official project area, factors not treated in detail in the EIS/EIR because they are "out of scope."

This is the situation with the Battle Creek Salmon and Steelhead Restoration Project. Factors outside the boundaries of the scope of the Draft EIS/EIR may thwart the desires of both man and fish.

It would not be the first time resource agencies had invested large amounts of money on restoration projects which failed. I need not mention the Red Bluff Spawning Channel – it is there for anyone to see, not having spawned a fish despite the millions spent on it – except to use it as an example of a project expected to work by the same agencies who now are planning the Restoration Project. You cannot blame local people who are skeptical of such planning, and worried that the Project could fail.

I say "worried that the project could fail," because that is exactly the situation. The Conservancy has said many times that the failure of the Restoration Project could be a disaster for the local agricultural, aquaculture, and recreation industries. If the agencies implement the Restoration Project, the local residents badly want it to succeed.

What are the threats "outside the box" of the project scope? The vagaries of climate and currents in the Pacific, the mine field the fish have to traverse in the Sacramento Delta, the Red Bluff Diversion Dam, and Coleman National Fish Hatchery.

Perhaps we cannot control the winds and currents, and we certainly cannot control the Delta or the Diversion Dam, but I would hope that we can ensure that Coleman will really be, as the USFWS claims, a positive force in the Restoration Project.

The Conservancy has doubts, though, and has voiced these doubts lo these many years. The agencies have responded with meetings, evaluations, the coming Red Bluff Symposium, but the fundamental issues remain unresolved. Experts disagree, everyone says more study is needed.

But decisions on construction are being made now, not later following more studies, and it appears that the Conservancy feels that the fundamental operating assumptions of the resource agencies and the USBR relative to the Restoration Project are far from adequate.

6 A way forward

The local community has been rather actively involved in the development of the Battle Creek Salmon and Steelhead Restoration Project for over six years now. The Project planning is essentially done, and we are in the end-game, with the concrete trucks not far off. If we local residents feel that our major concerns remain un-addressed at this point, we have to look at the EIS/EIR process as our last chance to raise our voices.

So what should we try to accomplish at this late date? Speaking for myself, I would like to see a way forward which can gain the support of the Conservancy and a large part of the community for the Project itself – not just grudging toleration by locals bowing to yet another *fait accompli* by the government, but real, active support, which recognizes that the Project can benefit the community.

Perhaps even agency staff can see the benefit of this – but how could this be accomplished now, after six years of frustrating battles?

I would suggest that the key lies in focusing upon simple language in the final Record of Decision and/or in separate agreements which can convince the Conservancy and others with local concerns that the development and operation of the Restoration Project will take place under ground rules which will guarantee that the specific concerns of the local community about Coleman National Fish Hatchery will be addressed.

6.1 A new MOU between USFWS/CDFG/NMFS/USBR

The primary concern of the Conservancy – and the basis of its fear that the Project could fail (with significant local impacts) – is the lack of clarity of the ground rules for the operation of Coleman National Fish Hatchery. Notwithstanding the existence of biological opinions from NMFS, mandated policies from the Department of the Interior, position statements from USFWS, and the relevant Central Valley Project Improvement Act legislation, I think that it is fair to say that the Conservancy is not sure what USFWS is up to at Coleman: are they just building an empire to raise fall-run salmon in mitigation of the lost winter, spring, and late-fall runs? Or are they really "integrated" with the Restoration Project with the best interests of "natural production" at heart?

The Draft EIS/EIR addresses this issue simply by repeating the USFWS stated intention to "integrate" their operations with the Restoration Project. Perhaps we don't know what "integration" means, perhaps all that is needed is to state the USFWS intentions in different words.

In fact that is the crux of my suggestion: We need a new MOU, perhaps only three or four sentences long, agreed among the three trustee agencies (NMFS, USFWS, CDFG) and the Restoration Project implementation agency (USBR). The text might be something like the following:

> Coleman National Fish Hatchery shall manage its operational procedures and physical infrastructure in a manner compatible with the Battle Creek Salmon and Steelhead Restoration Project, with natural production in Battle Creek having priority over artificial production. Should hatchery procedures or facilities be found to have a significant negative impact upon natural production in Battle Creek then the parties to this MOU agree to cooperate to resolve the problem in a timely manner.

This is motherhood language, which all the agencies are already bound to by their enabling legislation, by the Central Valley Project Improvement Act, and by their own policies. But it is clear language, which implies that if a problem is found at Coleman which is both *adverse* to natural production in Battle Creek as a whole, as well as *significant*, then the four agencies will cooperate to resolve the problem to the point where it is not significant. If the problem can not be resolved to this point without changing the operations at CNFH, then operations will be changed.

Since the Livingston Stone hatchery has shown that hatchery operations can supplement natural production in certain situations, the language above is specifically designed not to disallow such production, as long as natural production has the higher priority.

This is a small agreement, but it could do much to gain real local support for the project. I do not think that it is too much to ask, and I do not think that it should be impossible to get four agencies to agree to such a statement prior to the conclusion of the Draft EIS/EIR comment period, so that the stakeholders can respond to the new situation in their comments to the agencies, and to CalFed.

6.2 Protection for local aquaculture

For several years the owner of several local aquaculture facilities, employing a significant number of local residents, has raised an issue involving the potential for the Restoration Project to endanger his operations through disease transmission. These issues have now been recognized as significant by agency staff, but there is no agreement as to the best solution. Neither the Draft EIS/EIR nor the Bureau of Reclamation provides any guarantee that this issue will be resolved in any way.

This issue is of some importance to the community. One of two things is needed to resolve this problem: either agreed language in the final EIS/EIR which will commit the Bureau to resolving the problem, or a separate agreement between the Bureau and the aquaculture facility owner.

The issue needs to be resolved now, not later through an adversarial process.

6.3 Extension of the Draft EIS/EIR comment period

Finally, I see many errors and potential problems in the details of the Draft EIS/EIR. I have had 6 weeks to look into these details on a part-time basis, from the point of view of an informed citizen. The Conservancy is in a similar position, since they as yet have no professional assistance to aid in reviewing the Draft EIS/EIR.

Over the last 6-plus years we local citizens have been told on many occasions, both explicitly and implicitly, that we are raising issues out of our own ignorance – and if we only "understood" the

science better we would certainly agree with the agencies, who know best about these things. As a result, the efforts of local residents to contribute to the deliberations of the Battle Creek Working Group have been largely ineffectual, both individually and collectively.

Recognizing this problem, the Conservancy has sought support to retain an "expert" advisor. While such support seems forthcoming thanks to MWD, it has not yet materialized, and the Conservancy remains dependent upon the wits of its untutored, and unpaid, members.

The Draft EIS/EIR is a highly technical document. The proposed project is a major event in the small local community, with potentially significant impacts upon local agricultural and aquaculture operations, land uses, and recreational opportunities. It would thus seem reasonable that the local community be given additional time to review the document, with technical assistance, so that it can provide a community response which is both effective and technically sound.

For this reason, I will ask for a 90-day extension of the comment period, and I hope that a way will be found for the Conservancy technical advisor to be hired early in this period.

I will ask for the delay for two other reasons as well: First, it seems to me that the key to community support for the Restoration Project is the development of the new MOU proposed above. This MOU needs to be developed prior to the closure of the comment period, so that it can be included in the Draft EIS/EIR. Secondly, time is needed to develop language which will protect our local aquaculture industry, so that this language can be included in the comments on the Draft EIS/EIR.

Ninety days is not much time, but I do not want to delay the project any more than necessary, and I believe that the three tasks proposed are feasible given the importance of the Project and the minimal nature of the requested tasks.

Thank you.

Robert Lee
31695 Forward Road
Manton CA 96059

Not making Public Comments

Speaker No. ____

Public Hearing Speaker Card

Battle Creek Salmon and Steelhead Restoration Project
Draft Environmental Impact Statement/Environmental Impact Report

August 27, 2003

Donna J. Shandley
Name

Bluff Springs Ditch, Battle Creek Conserv.
Organization

20990 Deer Springs Rd
Address

Manton, Ca 96059
City/State/Zip

474-3344 donnaj@shasta.com
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Check as appropriate:

✓ I have attached written comments.

_____ I will present oral comments.

_____ I will submit written comments to:

Ms. Mary Marshall	and	Mr. Jim Canaday
Bureau of Reclamation		State Water Resources Control Board
2800 Cottage Way		1001 I Street
Sacramento CA 95825		Sacramento CA 95814
mmarshall@mp.usbr.gov		jcanaday@waterrights.swrcb.ca.gov

Comments Due: Tuesday, September 16, 2003

BATTLE CREEK PROJECT MEETING - AUG.27, 03

PGE

Am I clear in understanding that PGE's licensing amendment application is for the 5 Dam Removal Alternative only? What is the purpose of continuing to show the other proposals? I assumed they were still options.

The 3 Interim Agreements have been in effect since 1998. Are the Eagle Canyon and Coleman diversion dams the only ones involved? What is total amount of diversion? and I understand PGE is partially compensated for this loss? to a total amount of 3 million dollars? Is this agreement in effect until the completion of the project?

If as stated, temperature is a critical component, which facilities or springs provide the most cold water imput. In case of drought, or declining flow, how much water is crucial to maintain project? Where would the water come from?

GENERAL

To simplify for a layman, can you please tell me what the total amount of cfs necessary to satisfy the needs of the project? In a drought year, should the amount including the Interim, fall short, what is the priority to obtain the required amount. Where is the increased flow to come from?

It was asked at the last meeting how/when the project will be "successful".

There are numerous mentions in the EIS/EIR that Coleman Hatchery is an integral part of this project - ~~also that it has~~ + yet it is excluded from this project

BLUFF-SPRINGS=HAZEN DITCH AGREEMENT

Does PGE transfer water rights from Bluff Springs at the start or end of the Restoration Project? Approximate date?

Will DFG honor the present Agreemnt (1988) between PGE and the Bluff Springs-Hazen Ditch Association in writing?

Lenore L. Strachan

Comment Letter PH—Public Hearing, Manton Grange, Manton, CA, Dave Gore, Hearing Officer (August 27, 2003)

Response to Comment PH-1

Because the commentor did not specify what new information should be included in this Final EIS/EIR, it was assumed that the comment is referring to information presented in the September 2003 CBDA Technical Review Panel Report and the October 2003 Technical Workshop. The responses to Comment NGO11-2 and Comment NGO11-3 explain how information presented in the Technical Review Panel Report has been incorporated in this Final EIS/EIR. Additionally, the response to Comment NGO8-13 explains how information presented at the October 2003 Technical Workshop will be addressed by the Restoration Project.

Response to Comment PH-2

Reclamation and the State Water Board are aware of the concern that once the Restoration Project is implemented and anadromous fish populations are restored in Battle Creek, trout produced by MLTF's Jeffcoat and Willow Springs aquaculture facilities could become infected with serious or catastrophic fish diseases, such as the IHN virus. Infected MLTF trout could then be distributed to other water bodies in the state of California that may not carry such fish diseases and infect those water bodies, and could potentially infect fish populations in these waters as well.

This Final EIS/EIR has been revised to address the potential increased risk of a serious or catastrophic fish disease spreading from Battle Creek to other fish communities and has identified this potential impact as significant. Impact 4.1-8 in Section 4.1 in Volume I of this Final EIS/EIR presents an analysis and appropriate mitigation measures to address this significant impact. Water quality impacts and socioeconomic effects related to Impact 4.1-8 are also addressed in Sections 4.4, Water Quality, and 4.16, Other NEPA Analyses, in Volume I of this Final EIS/EIR, respectively. Master Response E in Chapter 2 in this volume provides additional information relating to how this impact has been analyzed and addressed.

Response to Comment PH-3

The process of signing the original Battle Creek MOU was limited to the public resources agencies (i.e., Reclamation, USFWS, NOAA Fisheries, and DFG) and

PG&E because the purpose of the MOU was ultimately to assign responsibilities for developing and implementing the Restoration Project. This process was appropriate for the resource agencies because they are charged with the responsibility of funding and implementing many of these actions as public government organizations.

Response to Comment PH-4

In the Draft EIS/EIR the alternative requiring a full decommissioning of the Hydroelectric Project was dismissed because it did not meet the Restoration Project purpose and need. The Battle Creek EIS/EIR also follows guidance from CALFED, which requires willing sellers for CBDA-funded projects. The owner, PG&E, has shown no interest in participating in a full decommissioning of the Hydroelectric Project. Master Response B in Chapter 2 in this volume presents a discussion further explaining why a full decommissioning was eliminated from further consideration.

Response to Comment PH-5

The Battle Creek AMTT seriously considered comments received from the CBDA ERP TRP related to the adaptive management components of the Restoration Project. As a result of these comments, the AMTT performed substantial revisions to the Battle Creek Draft AMP and prepared a revised or "reconceived" AMP in an attempt to address scientific uncertainties, which included evaluating initial assumptions thoroughly and also validating the use of particular tools/approaches through careful, logical development. A discussion of the revisions that were incorporated into the AMP is presented in Master Response C in Chapter 2 in this volume. The reconceived draft AMP is presented in Appendix C in Volume II of this Final EIS/EIR.

Response to Comment PH-6

As the lead agencies under CEQA and NEPA, the State Water Board and Reclamation believe all the necessary information has been included in the documentation required under these statutes and regulations. Without more specific information regarding how the documentation is inadequate, it is not possible to further address this comment.

Response to Comment PH-7

Reclamation and the State Water Board acknowledged the request to extend the public comment period, but not to the full extent requested. In response to this request, Reclamation and the State Water Board extended the comment period by

30 days from the original end date (September 16, 2003). The public comment period ended on October 16, 2003.

Response to Comment PH-8

At the time this comment was presented to the lead agencies, the BCWC did not support the Restoration Project. (In 2001, the BCWC passed a resolution stating that it did not support the Restoration Project in its current form.) However, since that time, the BCWC has been working closely with the Four Agencies to resolve concerns it had in relation to the Restoration Project. In a letter to the Four Agencies dated February 23, 2004 (Battle Creek Watershed Conservancy 2004), the BCWC stated that it would conditionally support the Restoration Project if the following four conditions were met:

- that USFWS convene and lead an emergency workshop to revisit the steelhead supplementation plan;
- that DFG reconsider the documented record and lead an effort to more clearly identify the goals, objectives, and priorities of the Restoration Project and make sure that those objectives are consistent with existing Restoration Project documentation, with the CALFED Programmatic ROD, and that they are consistent throughout all elements of the final funding request to CBDA;
- that the winter-run recovery team complete the winter-run recovery plan or at least develop a stream-specific strategy for reestablishing a winter-run Chinook salmon population in Battle Creek and that reintroduction strategies are developed for other Endangered Species Act–listed species (e.g., spring-run Chinook salmon and steelhead) in Battle Creek that can be implemented in anticipation of the Restoration Project Record of Decision; and
- that Reclamation facilitate the development and implementation of an adaptive management plan for Coleman National Fish Hatchery facilities and operations.

As a result of the progress that has been made on the issues listed above and the ongoing progress concerning other key issues, the BCWC Board now recommends support of the Restoration Project in its current form (BCWC Board pers. comm.; see Attachment D in this volume). This information has been added to Chapter 2 in Volume I of this Final EIS/EIR.

An additional concern expressed by the BCWC in this comment is that implementing the Restoration Project could potentially affect the economic success of MLTF by increasing the risk of being infected with serious and catastrophic fish diseases. Since submittal of the Draft EIS/EIR, the lead agencies have more clearly defined specific mitigation measures to minimize these effects. See Master Response E in Chapter 2 in this volume for more information regarding potential effects related to the increased risk of serious or catastrophic fish diseases in Battle Creek and applicable mitigation.

Response to Comment PH-9

The commentor is concerned that Coleman National Fish Hatchery operation could compromise the success of the Restoration Project and states that this issue was not adequately addressed in the draft EIS/EIR.

In response to this concern, the CBDA Science Program convened an independent technical panel of scientists (i.e., the Coleman National Fish Hatchery Science Panel [Coleman Science Panel]) and held a public workshop October 7–8, 2003, to discuss how the Coleman National Fish Hatchery could adversely affect the Restoration Project. The Coleman Science Panel findings are compiled in a report entitled *Compatibility of Coleman National Fish Hatchery Operations and Restoration of Anadromous Salmonids in Battle Creek* (January 24, 2004). Among the findings, the Coleman Science Panel stated that an adaptive management plan is essential and that the adaptive process should be capable of changing management priorities including those at Coleman National Fish Hatchery.

In February 2004, CBDA held another public workshop, and staff from Reclamation, the agency responsible for funding Coleman National Fish Hatchery, and staff from the USFWS, the agency responsible for operating Coleman National Fish Hatchery, publicly recognized the need for adaptive management at Coleman National Fish Hatchery.

In April 2004, the PMT drafted the *Proposal to Facilitate and Develop an Adaptive Management Plan for Coleman National Fish Hatchery for consideration by Greater Battle Creek Watershed Working Group* draft, April 7, 2004.

Refer to Master Response D in Chapter 2 in this volume for additional information related to potential effects of the Coleman National Fish Hatchery on the success of the Restoration Project.

Response to Comment PH-10

Reclamation and the State Water Board acknowledged the request to extend the public comment period, but not to the full extent requested. In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period ended on October 16, 2003.

Response to Comment PH-11

See the response to Comment PH-2.

Response to Comment PH-12

See the response to Comment PH-2. Information presented in Dr. Cox's letter is referenced in Impact 4.1-8 in Section 4.1 (Volume I) of this Final EIS/EIR.

Response to Comment PH-13

Reclamation and the State Water Board acknowledged the request to extend the public comment period. In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period ended on October 16, 2003.

Response to Comment PH-14

Costs associated with the mitigation proposed at MLTF's Jeffcoat and Willow Springs aquaculture facilities are included in the overall proposal requesting additional funds for the Restoration Project. The proposal was submitted to the CALFED ERP in March 2005 by Reclamation on behalf of the PMT.

Response to Comment PH-15

See the response to Comment PH-2 and Comment PH-14.

Response to Comment PH-16

See the response to Comment PH-2 and Comment PH-14.

Response to Comment PH-17

This comment is not related to the scope of the Restoration Project EIS/EIR; however, the following information is offered with respect to the ERP's proposal solicitation process. It is the current policy of the ERP to make all information regarding review of proposal solicitation packages available to the public. This information is presented on the CBDA website at:

http://calwater.ca.gov/Programs/EcosystemRestoration/EcosystemRestorationGrants.shtml.

Because this information is available on CBDA's website, it is generally not the policy of the ERP to respond to specific requests for additional information. According to the ERP, the 1999 proposal review relied on a written set of objective criteria tailored to each topic area and an extensive technical review of

each proposal as outlined in the PSP. The proposal in question was not funded because it did not meet the goals of the 1999 proposal solicitation for the topic, Fish Management/Hatchery (Fris pers comm.).

Response to Comment PH-18

Those who developed the 1999 MOU were aware that it would be improper for the MOU to bind the NEPA/CEQA process. Rather, the MOU was intended to identify the measures that would be appropriate for inclusion in the Restoration Project. The MOU is presented in Appendix A in Volume II of this Final EIS/EIR. Section 3.1 of the MOU states that the purpose of the MOU is to identify the series of measures comprised by the proposed Restoration Project to be addressed by NEPA, CEQA, the Endangered Species Act, and other applicable environmental compliance and permitting processes. Section 5.3 goes on to say that the parties understand and agree that the implementation of any and all activities by DFG, NOAA Fisheries, Reclamation, and USFWS, pursuant to this MOU, with the exception of initial consultations and planning activities, is contingent upon compliance with NEPA and CEQA. The parties anticipate that activities described in this MOU will be identified in any NEPA/CEQA document as an alternative, but also acknowledge that other alternatives will be considered in the NEPA/CEQA process prior to the time that a final decision or an irreversible commitment of resources or funds is made toward any one alternative. With respect to public participation in this process, Section 8.5 states that all Project Management Team and Technical Team meetings will be open to any interested persons. Additional opportunities for public participation will be afforded in the NEPA/CEQA and FERC license amendment processes.

Response to Comment PH-19

This response assumes that the commentor is referring to the Six Dam Removal Alternative, which includes the removal of Eagle Canyon Diversion Dam in addition to the five dams proposed under the Restoration Project's proposed action (i.e., the Five Dam Removal Alternative). While there is a certain amount of biological uncertainty associated with leaving any of the dams in place, it is expected that the fish facilities constructed at these dams would provide safe fish passage comparable to the conditions that would occur if the dams were removed. Much research has gone into designing state-of-the-art fish passage facilities at each dam that would be left in place, including Eagle Canyon Diversion Dam. All fish ladder and fish screen designs were approved by the fishery agencies (i.e., DFG and NOAA Fisheries). It should also be noted that it is possible that bedrock material or other natural obstructions could exist under some of the dams that would act as a natural barrier even if the dams were removed or could result in conditions that would be less passable than a fish ladder. Furthermore, leaving Eagle Canyon Diversion Dam in place allows for greater adaptive management capabilities under the Five Dam Removal Alternative. By leaving the diversion dam in place, it would be possible to

adaptively manage flows for the benefit of spawning salmon and steelhead below the dam. For more information relating to the removal of dams in addition to those proposed under the Five Dam Removal Alternative, please see Master Response B in Chapter 2 in this volume.

Response to Comment PH-20

As the federal and state lead agencies, Reclamation and the State Water Board, respectively, determined the purpose and need of the Restoration Project to be twofold. The purpose and need of the Restoration Project as stated in Chapter 2, "Purpose and Need, Project Description, and Project Background," in Volume I of this Final EIS/EIR 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. The lead agencies have determined these objectives to be equally important and therefore, collectively the overriding objective of the Restoration Project. In face of California's continuing energy crisis, continued supply of a reliable source of clean and renewable energy continues to be an important consideration. Furthermore, as explained in the response to Comment NGO18-3 in this volume and under Alternatives Eliminated from Further Consideration in Chapter 3 in Volume I of this Final EIS/EIR, Alternative 6 was eliminated from further consideration because it did not meet the Restoration Project's objective to minimize the loss of clean and renewable hydroelectric power. Additionally, Alternative 6 was determined not to be feasible because the cost of implementing Alternative 6 would be too great. Therefore, this alternative was not evaluated in the EIS/EIR and was not considered as an action alternative by the lead agencies.

Response to Comment PH-21

Reclamation and the State Water Board acknowledged the request to extend the public comment period. In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period ended on October 16, 2003.

Response to Comment PH-22

In Chapter 3, "Project Alternatives," in Volume I of this Final EIS/EIR, Table 3-7 contains some, but not all, of the requested information concerning water releases. A complete list of water rights that will be transferred to DFG and dedicated to the environment is included below (Table 10-2) and has been added to Chapter 3 (Volume I) as Table 3-2.

Table 10-2. Water Rights Transferred from PG&E to DFG[1]

Identification Number (No.)	Priority or First Use	Diversion Amount (cfs)	Description (Name of Works)	Point of Diversion	Place of Use	Type of Use	Water Class Rights
SWDU No. 837	1910	100	South Battle Creek Canal	South Fork Battle Creek	South, Inskip, and Coleman Powerhouses	Power	Pre-1914
SWDU No. 838	1910	35	Soap Creek Feeder to South Battle Creek Canal	Soap Creek	South, Inskip, and Coleman Powerhouses	Power	Pre-1914
SWDU No. 848	1907	5	Lower Ripley Creek Feeder to Inskip Canal	Ripley Creek	Inskip Powerhouse	Power	Pre-1914
SWDU No. 841	1910	280	Coleman Canal	South Fork Battle Creek	Coleman Powerhouse	Power	Pre-1914
Application No. 2754 License No. 549	1922	18	Wildcat Canal	North Fork Battle Creek	Coleman Powerhouse	Power	License

Notes: SWDU = Statement of water diversion and use.

According to Sections 1240–1244 of the California State Water Code, water that has not been put to beneficial use for 5 years may be regarded as unappropriated and may be made available for others to appropriate by way of a water rights permit from the State Water Board. If a new water right were approved, it would be subject to prior rights and conditions to protect instream beneficial uses. The Restoration Project will go through a further statutory process to prevent abandonment of the water rights at decommissioned dams. Specifically, as described in Section 6.1(E) of the Restoration Project MOU (see Appendix A in Volume II of this Final EIS/EIR), water rights will be transferred from PG&E to DFG, then both parties will jointly file to dedicate the water at decommissioned dams to the environment under a Water Code 1707 change petition. This dedication of water will formally establish an instream beneficial use and prevent abandonment under Section 1240 *et seq*. This will ensure that the flow regimes analyzed as part of this effort will be properly dedicated to the Restoration Project, and public funds used to finance this project will not be wasted.

The existing water rights to be transferred from PG&E are listed in Exhibit E of the FERC license. The transfer of these rights to DFG is subject to the condition that the dedications not impair operation of PG&E's remaining diversions. The amount of water to be transferred to DFG and dedicated to the environment will vary seasonally. Water rights transferred for dedication include water from Soap Creek, Lower Ripley Creek, North Fork Battle Creek (at Wildcat and Coleman Diversion Dams), and South Fork Battle Creek (at South Diversion Dam). The

[1] As noted in Section 6.1 E of the Restoration Project MOU (see Appendix A in Volume II of this Final EIS/EIR), PG&E will transfer water rights to DFG then jointly file for permanent dedication to the environment with the State Water Board under Water Code 1707.

petition to change the purpose of use will be open to the public for comment and discussion pursuant to the State Water Board's water right process. The purpose of this dedication is to conserve public funds by ensuring that water that was previously diverted by the dams is reserved for instream beneficial use. Dedication of the water rights to the environment by way of a water code 1707 change petition ensures that this benefit is not transitory. The water below the dams is regulated by FERC. No water right transfers or dedications are proposed at dams that remain; however, through the adaptive management process, the availability of flows in the stream reach below these dams could change.

Response to Comment PH-23

This comment requests that the final EIS/EIR identify how much PG&E will be paid for its water rights. This information is not included in this Final EIS/EIR because PG&E does not receive payments for deeding its water rights to DFG.

Response to Comment PH-24

As stated in this comment, dam removals could cause water losses that would affect electrical power generation. An independent consultant model determined that the Five Dam Removal Alternative would result in an approximately 30% reduction in energy production for the Hydroelectric Project (Navigant Consulting, Inc. 2004). For more information about the economic analysis related to the loss of hydroelectric power, please see the section titled Power Generation and Economics in Section 4.16 in Volume I of this Final EIS/EIR.

Response to Comment PH-25

The commentor states the current language (i.e., USFWS will "integrate" their Coleman National Fish Hatchery operation with the Restoration Project) is inadequate to ensure there will be no adverse effects on the success of the Restoration Project. The commentor suggests the following specific language be included in an MOU between resources agencies and Coleman National Fish Hatchery operators (USFWS).

> Coleman National Fish Hatchery shall manage its operational procedures and physical infrastructure in a manner compatible with the Restoration Project, with natural production of listed or endangered species in Battle Creek having priority over artificial production. Should hatchery procedures or facilities be found to have a significant negative impact on natural production in Battle Creek, the parties to this MOU agree to cooperate to resolve the problem in a timely manner.

Although the resource agencies began development of an agreement, such as that requested, the agencies determined that completion of the agreement was

unnecessary because of existing commitments and responsibilities of the USFWS. Under Section 7 of the Endangered Species Act, federal activities must be evaluated to eliminate or reduce impacts on listed species. The USFWS, who manages the Coleman National Fish Hatchery, is required to consult with NOAA Fisheries to determine impacts of hatchery operations on listed anadromous salmonids and their designated critical habitats and to ensure that they do not jeopardize the continued existence of listed species.

The development of a Coleman National Fish Hatchery adaptive management plan will provide for coordination of hatchery and restoration activities. Information developed through the Coleman adaptive management plan will feed into existing responsibilities and commitments of the USFWS, and assist in guiding decisions about future hatchery operations. For more information on how potential effects of Coleman National Fish Hatchery operations are addressed, see Master Response D found in Chapter 2 in this document and in Chapter 6, Related Projects, found in Volume I of this Final EIS/EIR.

Response to Comment PH-26

See the response to Comment PH-25.

Response to Comment PH-27

See the response to comment PH-2.

Response to Comment PH-28

Reclamation and the State Water Board acknowledged the request to extend the public comment period, but not to the full extent requested. In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period ended on October 16, 2003.

Response to Comment PH-29

This comment has been noted. Reclamation and the State Water Board thank the NorCal Fishing Guides and Sportsman's Association for their support of the Five Dam Removal Alternative.

Response to Comment PH-30

This comment has been noted. Reclamation and the State Water Board thank the NorCal Fishing Guides and Sportsman's Association for their support of the Five Dam Removal Alternative and their comment that the preferred alternative is the most economical and efficient alternative.

Response to Comment PH-31

This comment has been noted. Reclamation and the State Water Board thank the reviewer for support of the Five Dam Removal Alternative. The NorCal Fishing Guides and Sportsman's Association supports the Five Dam Removal Alternative because of its proposed construction schedule, adaptive management plan, facility monitoring plan, water rights provision, water acquisition fund, and active management fund.

Response to Comment PH-32

This comment has been noted. The significance of Battle Creek is well described in the Project Background section of Chapter 2, "Purpose and Need, Project Description, and Project Background," in Volume I of this Final EIS/EIR. Reclamation acknowledges that the physical characteristics of Battle Creek offer a unique Chinook salmon habitat restoration opportunity.

Response to Comment PH-33

The Battle Creek Restoration Project is part of the much bigger CBDA ERP. The goals of the ERP are to improve and increase aquatic and terrestrial habitats and to improve the Bay-Delta system, which includes the Sacramento River Basin, to support sustainable populations of diverse and valuable plant and animal species. Additional details of this program are included in the Relationship of the Restoration Project to the CALFED Bay-Delta Program section of Chapter 1, "Introduction, Organization, and Process," in Volume I of this Final EIS/EIR. Reclamation understands that the Restoration Project cannot restore the endangered fish populations if other factors affecting their decline are not addressed. However, the purpose and objectives of the Restoration Project did not intend for the Final EIS/EIR to address any issues outside the Battle Creek watershed. Other ERP actions will work in concert with the Restoration Project to facilitate the restoration of the endangered fish species by addressing factors outside the Battle Creek watershed.

Response to Comment PH-34

This comment has been noted. Reclamation and the State Water Board thank the reviewer for support of the EIS/EIR for the Restoration Project.

Response to Comment PH-35

This comment has been noted. Reclamation and the State Water Board thank the reviewer on behalf of the USFWS for support of the fish ladder designs and operations at the Coleman National Fish Hatchery.

Response to Comment PH-36

To address the public's concerns that Coleman National Fish Hatchery operations may pose significant risk to the recovery of anadromous salmonids in Battle Creek and therefore interfere with the success of the Restoration Project, the CBDA established an independent science panel, the Coleman Science Panel, to provide an independent evaluation of scientific issues related to the Restoration Project and the operations of the Coleman National Fish Hatchery. The Coleman Science Panel has also concluded that an adaptive management plan for Coleman National Fish Hatchery operations is essential and that an adaptive process should be capable of changing management priorities, including those at Coleman National Fish Hatchery, to ensure the success of the Restoration Project. Additionally, USFWS is committed to suspending supplementation of steelhead above the Coleman National Fish Hatchery barrier weir. For more information on how potential effects of Coleman National Fish Hatchery operations are being addressed see Master Response D found in Chapter 2 in this volume.

Response to Comment PH-37

The proposed hatchery options referred to in this comment are part of the ongoing Coleman National Fish Hatchery reevaluation process (see the Reevaluation Process and Hatchery Management Alternatives Analysis in Chapter 6 in Volume I of this Final EIS/EIR for more information). The primary goal of the reevaluation process for Coleman National Fish Hatchery operations is to objectively review all aspects of the hatchery facilities and operations to ensure their integration with Anadromous Fish Restoration Program– (AFRP–) guided and CALFED Program ecosystem restoration efforts in Battle Creek. An important aspect of this process is to provide full consideration of stakeholder proposals. As such, the hatchery must objectively evaluate the referenced proposals as part of the reevaluation process. Thus far, the reevaluation process has determined that the fall-run Chinook salmon program will remain on Battle Creek, as documented in the Coleman and Livingston Stone National Fish

Hatchery Management Alternatives document signed by USFWS, NOAA Fisheries, Reclamation, and DFG (2002), and distributed to interested parties. Decisions on proposals for other salmonids are yet to be made, but must be based on their merits. All efforts will be made to ensure that actions selected for implementation will be sound and practical.

Response to Comment PH-38

As stated in the comment addressed earlier (Response to Comment PH-37), the proposal referred to in this comment is an option under evaluation in the Coleman National Fish Hatchery reevaluation process and must receive the same consideration as described in the Response to Comment PH-37. All efforts will be made to ensure that actions selected for implementation will be sound and practical.

Response to Comment PH-39

This comment has been noted. Reclamation and the State Water Board thank the reviewer for support of the Five Dam Removal Alternative and the agencies involved with the project.

Response to Comment PH-40

The Battle Creek Team appreciates the suggestion to provide information about the project to every sport salmon fisherman in the state of California. In addition, the Battle Creek Team values the input of those interested and affected by the project. However, for logistical and practical reasons, it is not feasible to advertise the Restoration Project to groups not directly affected by the Proposed Action, or those that are outside of the project area. However, the input of the general public is welcomed and appreciated.

Response to Comment PH-41

The Battle Creek PMT acknowledges the commentor's concerns that Coleman National Fish Hatchery operations could potentially have a negative effect on the success of the Restoration Project. To address the public's concerns, the California Bay-Delta Science Program formed an independent science panel (Coleman Science Panel) to review some key issues involving the restoration of salmonid habitat in Battle Creek. The panel presented a public technical workshop on October 7 and 8, 2003, to review the role and impacts of facilities and operations of the Coleman National Fish Hatchery and the effects on Battle Creek restoration efforts. The results of this meeting are summarized in a report titled *Compatibility of Coleman National Fish Hatchery Operations and*

Restoration of Anadromous Salmonids in Battle Creek, January 24, 2004. Although the information presented at this workshop could provide supplemental information regarding Coleman National Fish Hatchery operations, these issues are being addressed in other forums concurrent with Restoration Project planning, but not as part of the project itself. Master Response D in Chapter 2 of this volume describes additional actions that have taken place and are planned for the future to ensure the coordination of Coleman National Fish Hatchery operations with restoration efforts in Battle Creek

Response to Comment PH-42

Reclamation and the State Water Board acknowledge the landowners' concerns. For more information regarding landowner concerns, please see Master Response F.

Response to Comment PH-43

Reclamation acknowledged the request to extend the public comment period. In response to this request, Reclamation extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period ended on October 16, 2003.

Response to Comment PH-44

As stated under Purpose and Need in Chapter 2 in Volume I of this Final EIS/EIR, 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. The improvements to Hydroelectric Project facilities include the installation of fish screens and fish ladders at three diversion dams to improve fish passage around these facilities. PG&E's ability to generate power will not increase as a result of these improvements. Although PG&E's facilities would be replaced with newer, more reliable diversion and conveyance facilities, the Hydroelectric Project will experience substantially reduced power and energy production capability. An independent consultant model determined that the Hydroelectric Project would experience an approximately 30% reduction in energy production once the Five Dam Removal Alternative has been implemented (Navigant Consulting, Inc. 2004). See Master Response B in Chapter 2 in this volume for more information on lost power generation. Benefits for salmon and steelhead habitat are presented in Section 4.1, Fish, of Volume I of this Final EIS/EIR.

Response to Comment PH-45

This comment has been noted. Reclamation and the State Water Board thank the Metropolitan Water District for support of the Five Dam Removal Alternative and the agencies involved with the project.

Response to Comment PH-46

This comment has been noted. Reclamation and the State Water Board thank the reviewer for support of the Five Dam Removal Alternative and the agencies involved with the project.

Response to Comment PH-47

Reclamation and the State Water Board agree with the statement that the preferred alternative for the Restoration Project should meet the project's goals and objectives. The preferred alternative for the Restoration Project (the Five Dam Removal Alternative) was selected based on the project's goals and objectives and the purpose of and need for the project. The Restoration Project's purpose is to restore approximately 42 miles of habitat for Chinook salmon and steelhead 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. Decommissioning the entire Hydroelectric Project was not selected as an alternative to the Restoration Project because it would not meet the project's purpose to minimize the loss of clean and renewable energy produced by the Hydroelectric Project. A detailed description of the project's objectives and purpose and need are included under Purpose and Need and Project Objectives in Chapter 2 in Volume I of this Final EIS/EIR.

Chapter 7 in Volume I of this Final EIS/EIR includes a summary comparison of the action alternatives considered for the Restoration Project. Alternatives that were eliminated in the screening process and not analyzed in the EIS/EIR include Alternative 6 and the Eight Dam Removal Alternative. Reasons for eliminating these alternatives are discussed under Alternatives Eliminated from Further Consideration in Chapter 3 in Volume I of this Final EIS/EIR. A comparison of these alternatives to the proposed action and reasons for their elimination are also presented in Master Response C in Chapter 2 in this volume.

Response to Comment PH-48

New figures identifying the construction footprints for each project site are provided in Appendix F in Volume II of this Final EIS/EIR. For additional information regarding landowner concerns, please see Master Response F.

Response to Comment PH-49

Reclamation plans to meet with landowners to discuss their concerns associated with project-related impacts on their property and possible mitigation measures. For more information regarding landowner concerns, please see Master Response F.

Response to Comment PH-50

Reclamation and the State Water Board acknowledged the request to extend the public comment period. In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period ended on October 16, 2003.

Response to Comment PH-51

Reclamation and the State Water Board acknowledged the request to extend the public comment period. In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period ended on October 16, 2003.

Response to Comment PH-52

See the response to Comment PH-2 and Comment PH-14.

Response to Comment PH-53

See the response to Comment PH-2 and Comment PH-14.

Response to Comment PH-54

See the response to Comment PH-2 and Comment PH-14.

Response to Comment PH-55

The comment states that the Restoration Project needs to address Battle Creek as a whole in project planning and implementation and, therefore, consider operation of the Coleman National Fish Hatchery.

The interrelationship of the Restoration Project and Coleman National Fish Hatchery and the potential adverse effects of Coleman National Fish Hatchery operation on the Restoration Project have been acknowledged in the report entitled *Compatibility of Coleman National Fish Hatchery Operations and Restoration of Anadromous Salmonids in Battle Creek* (Busack et al. 2004). Among the findings, the Coleman Science Panel stated that an adaptive management plan is essential and that the adaptive process should be capable of changing management priorities, including those at Coleman National Fish Hatchery. In April 2004, the PMT drafted the *Proposal to Facilitate and Develop an Adaptive Management Plan for Coleman National Fish Hatchery for consideration by Greater Battle Creek Watershed Working Group* (Bureau of Reclamation 2004).

For additional information on potential effects of the Coleman National Fish Hatchery on the Restoration Project refer to Master Response D in Chapter 2 in this volume.

Response to Comment PH-56

See the response to Comment PH-8. In particular, the lead agencies acknowledge the BCWC's concerns regarding how Coleman National Fish Hatchery operations could potentially affect the success of the Restoration Project. At the recommendation of the Coleman Science Panel, Reclamation will develop and implement an adaptive management plan for the Coleman National Fish Hatchery. For more information about the Coleman National Fish Hatchery and its relationship to the Restoration Project, see Master Response D in Chapter 2 of this volume.

Response to Comment PH-57

This comment states that consideration of the local community and whether the Restoration Project can succeed are not sufficiently addressed in the Draft EIS/EIR. However, the comment is not clear as to how the Restoration Project does not consider the local community.

Public involvement is a vital and required component of the NEPA and CEQA processes. Throughout the Restoration Project's development, Reclamation has encouraged and solicited public involvement through a variety of methods (please see the discussion titled "Public Involvement" in Chapter 5 in Volume I

of this Final EIS/EIR). The Final EIS/EIR also addresses Restoration Project impacts to lands adjacent to Battle Creek during project construction and operation of its facilities.

To address the comment questioning the success of the Restoration Project, new measures defining the success of the Restoration Project have been incorporated into the revised AMP for the Restoration Project (Terraqua, Inc. 2004; see Appendix C in this Final EIS/EIR for a copy of the executive summary of the AMP). Section I.E. Goals and Objectives Summary in the revised AMP describes these goals in detail. Because these goals are primarily associated with fish populations, Section III.A.2.e., Viable Population Sizes and Interim Quantitative Population Goal, also provides useful information pertaining to population goals, fish production, and carrying capacities.

Response to Comment PH-58

Public involvement is a vital and required component of the NEPA and CEQA processes. Throughout the Restoration Project's development, Reclamation has encouraged and solicited public involvement through a variety of methods (please see the Public Involvement discussion in Chapter 5 in Volume I of this Final EIS/EIR). Reclamation also acknowledges the public's concern about how Coleman National Fish Hatchery facilities and operations could potentially affect Battle Creek restoration efforts. For more information about the Coleman National Fish Hatchery and its relationship to the Restoration Project, please see Response to Comment PH-55 and Master Response D in Chapter 2 in this volume.

Response to Comment PH-59

The comment states that the success of the Restoration Project may depend on factors outside the official project area and outside the scope of the draft EIS/EIR. The Coleman National Fish Hatchery is an example of an outside factor that could have an adverse effect on the project. The commentor is concerned that construction decisions are proceeding, and the issue has not been resolved.

In response to this concern, the CBDA Science Program convened an independent technical panel of scientists (i.e., Coleman Science Panel) and held a public workshop October 7–8, 2003, to discuss how the Coleman National Fish Hatchery could adversely affect the Restoration Project. The Coleman Science Panel findings are compiled in a report entitled *Compatibility of Coleman National Fish Hatchery Operations and Restoration of Anadromous Salmonids in Battle Creek* (January 24, 2004). Among the findings, the Coleman Science Panel stated that an AMP is essential and that the adaptive process should be capable of changing management priorities, including those at Coleman National Fish Hatchery.

In February 2004, CBDA held another public workshop, and staff from Reclamation, the agency responsible for funding Coleman National Fish Hatchery, and staff from the USFWS, the agency responsible for operating Coleman National Fish Hatchery, publicly recognized the need for adaptive management at Coleman National Fish Hatchery.

In April 2004, the PMT drafted the *Proposal to Facilitate and Develop an Adaptive Management Plan for Coleman National Fish Hatchery for consideration by Greater Battle Creek Watershed Working Group*, dated April 7, 2004.

Information regarding potential adverse effects of Coleman National Fish Hatchery operation on the Restoration Projects and the steps to mitigate these effects will be included in the final EIS/EIR.

For more information on potential effects of the Coleman National Fish Hatchery on the success of the Restoration Project, see Master Response D in Chapter 2 in this volume.

Response to Comment PH-60

See the response to Comment PH-25.

Response to Comment PH-61

See the response to Comment PH-25.

Response to Comment PH-62

See the response to comment PH-2.

Response to Comment PH-63

Reclamation and the State Water Board acknowledged the request to extend the public comment period, but not to the full extent requested. In response to this request, Reclamation and the State Water Board extended the comment period by 30 days from the original end date (September 16, 2003). The public comment period ended on October 16, 2003.

Response to Comment PH-64

The commentor is correct in stating that PG&E's FERC license amendment only covers the Five Dam Removal Alternative (i.e., Proposed Action). While there is no requirement that a joint NEPA/CEQA document be completed, joint documents are often used to streamline the environmental review process. When a joint document is completed, generally the most conservative rules for each law are incorporated.

NEPA requires that an Environmental Impact Statement (EIS) include an analysis of a reasonable range of alternatives as well as a No Action Alternative used as a baseline for comparison. An EIS must emphasize a comparison of, and highlight the differences between the environmental impacts of the Proposed Action and the remaining alternatives and state how each alternative will achieve NEPA's goals. The alternatives analyzed in an EIS must include all those considered by agency decision makers to be within a reasonable range. A federal agency must not commit resources that will prejudice the selection of alternatives prior to making a final decision (40 CFR 1502.2(d), (e), (f)).

CEQA requires that an Environmental Impact Report (EIR) include an analysis of a reasonable range of alternatives as well as a No Project Alternative. The EIR need only examine in detail the alternatives that the state lead agency determines could feasibly attain most of the basic objectives of the project, are ostensibly feasible, and would avoid or substantially lessen at least one of the significant environmental effects of the project. The range of reasonable alternatives must be selected and discussed in a manner to foster meaningful public participation and informed decision-making (State CEQA Guidelines sec. 15126.6(f)).

Although the other Restoration Project action alternatives were not identified as the preferred alternative (i.e., No Dam Removal, Six Dam Removal, and Three Dam Removal Alternatives), they all represent feasible alternatives under CEQA and NEPA because they would meet the objectives and purpose and need of the Restoration Project as defined in Chapter 2 in Volume I of the Final EIS/EIR. Although the 1999 MOU (Appendix A in Volume II of the Final EIS/EIR) applies only to the proposed action, the other alternatives are nonetheless feasible because theoretically an MOU could be written for any of the other project alternatives if one had been selected. The same is true for the AMP, Adaptive Management Fund (AMF), and Water Acquisition Fund (WAF). Furthermore, all the alternatives were analyzed in the EIS/EIR at an equal level of detail as required by NEPA and prejudice was not given to the Five Dam Removal because of the existence of the MOU, AMP, AMF, or WAF.

Response to Comment PH-65

Three interim agreements have been in effect since 1996 between PG&E and Reclamation. Eagle Canyon and Coleman Diversion Dams are the only dams involved in the Interim Flow Agreement between Reclamation and PG&E. The terms of the FERC Project 1121 license require minimum flows of 3 cfs and 5 cfs at Eagle Canyon and Coleman Diversion Dams, respectively. Under the Interim Agreement, these flows will be raised to 30 cfs at each dam. PG&E is not compensated for the first 12 cfs released. PG&E receives compensation for the additional 17 cfs released at a rate equivalent to the forgone energy value when the release is made. The timeline for the three interim agreements is as follows:

- The first short-term interim agreement was effective from June 10, 1996, to February 28, 1998.
- No agreement was in effect from March 1, 1998, to November 16, 1998. However, PG&E continued to abide by the conditions of the first short-term agreement.
- The second short-term agreement with two extensions was effective from November 17, 1998, to February 28, 2001.
- No agreement was in effect from March 1, 2001, to September 29, 2003. However, PG&E continued to abide by the conditions of the second short-term agreement or as modified by the resource agencies.
- The third short-term agreement is effective from September 30, 2003, to December 31, 2004.

Response to Comment PH-66

Virtually all of the spring flows available to the project are allowed to bypass hydroelectric facilities and flow into either the North Fork or South Fork Battle Creek. The minimum flows listed in Table 3-7, under the Summary of Facility Modifications Proposed for the Water Management Alternatives discussion of Chapter 3, “Project Alternatives,” in Volume I of this Final EIS/EIR, are deemed optimal for overall habitat health. In all water years, including drought years, diversions to PG&E canals occur only after the minimum flows to sustain the aquatic habitat are met.

Response to Comment PH-67

Table 3-7, in the Summary of Facility Modifications Proposed for the Water Management Alternatives discussion of Chapter 3, “Project Alternatives,” in Volume I of this Final EIS/EIR, gives the prescribed flows to optimize habitat. In case of declining flows, in all water years, the minimum flows to habitat are met first, then diversions to PG&E canals may begin.

Response to Comment PH-68

New measures defining the success of the Restoration Project have been incorporated into the revised AMP (Terraqua, Inc. 2004; see Appendix C of the Final EIS/EIR for the executive summary of the AMP). Section I.E. Goals and Objectives Summary in the revised AMP describes these goals in detail. Because these goals are primarily associated with fish populations, Section III.A.2.e., Viable Population Sizes and Interim Quantitative Population Goal, also provides useful information pertaining to population goals, fish production, and carrying capacities.

Response to Comment PH-69

The commentor states that the Coleman National Fish Hatchery is an integral part of the project but it was excluded from this project. For more information on the project's relationship to the Coleman National Fish Hatchery, refer to Response to Comment PH-62 and to Master Response D in Chapter 2 in this volume.

Response to Comment PH-70

PG&E will transfer its water rights from Bluff Springs near the beginning of the Restoration Project, most likely before or during spring 2006, when construction for the project is scheduled to begin. There will be no impacts on the water rights secured by the Hazen Ditch Association.

Response to Comment PH-71

The MOU for the Restoration Project states, on page 17 of Appendix A, "Memorandum of Understanding by and among Bureau of Reclamation, National Marine Fisheries Service, U.S. Fish And Wildlife Service, California Department of Fish and Game, and Pacific Gas and Electric Company," of the Draft EIS/EIR, that DFG will honor the present agreement between PG&E and the Bluff Springs-Hazen Ditch Association. Therefore, DFG has acknowledged in writing that it will honor this agreement.

Chapter 11

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Battle Creek Watershed Conservancy Board. May 23, 2005—statement from the Battle Creek Watershed Conservancy Board recommending support of the Battle Creek Salmon and Steelhead Restoration Project in its current form.

Cox. 2004b. July 9, 2004—conference call with representatives from the California Department of Fish and Game, State Water Resources Control Board, and Jones & Stokes regarding Battle Creek Restoration Project impacts on Mount Lassen Trout Farm's Jeffcoat East, Jeffcoat West, and Willow Springs facilities.

Four Agencies. September 20, 2001. White, Wayne S., Field Supervisor, U.S. Fish and Wildlife Service; Lowell F. Ploss, Deputy Regional Director, U.S. Department of Interior, Bureau of Reclamation; Donald B. Koch, Regional Manager, California Department of Fish and Game; and Michael Aceituno, Sacrament Area Office Supervisor, National Marine Fisheries Service. September 20, 2001—letter from the Four Agencies to Leland Davis, President of the Battle Creek Watershed Conservancy regarding a problem-solving approach to address concerns voiced by the local community.

Four Agencies. October 31, 2002—agreement signed by White, Wayne S., Field Supervisor, U.S. Fish and Wildlife Service; Susan L. Ramos, Assistance Regional Director, U.S. Department of Interior, Bureau of Reclamation; Donald B. Koch, Regional Manager, California Department of Fish and Game; and Michael E. Aceituno, Sacramento Area Office Supervisor, National Marine Fisheries Service; regarding a consensus decision that was reached on September 24, 2002, among the signatory agencies of this letter agreement to release adult hatchery-origin steelhead above the Coleman National Fish Hatchery on Battle Creek during the 2002—2003 migration and spawning season.

Four Agencies and PG&E. March 22, 2005—letter signed by Susan L. Ramos, Assistance Regional Director, U.S. Department of Interior, Bureau of Reclamation; White, Wayne S., Field Supervisor, U.S. Fish and Wildlife Service; Donald Koch, Regional Manager, California Department of Fish and Game; Michael Aceituno, Sacramento Area Office Supervisor, National Marine Fisheries Service; and Randal S. Livingson, P.E., Senior Director—Power Generation, Pacific Gas and Electric Company recommending that CALFED's ERP staff approve additional funding for the Restoration Project.

Fris, Rebecca. Ecosystem Restoration Program, California Bay-Delta Authority. May 25, 2005—telephone conversation with Kim Marcotte, Jones & Stokes, regarding the response to a comment received on the 2003 Draft EIS/EIR from Mount Lassen Trout Farm.

Greater Battle Creek Watershed Working Group. May 3, 2005—letter signed by Sharon Paquin-Gilmore, Battle Creek Watershed Conservancy; Angela Risdon, Pacific Gas and Electric Company; Mike Roberts, The Nature Conservancy; Scott Ferris, Nor-Cal Fishing Guides and Sportsmen's Association; Dwight Russell, California Department of Water Resources; Melanie McFarland, U.S. Forest Service, Lassen National Forest; Jim Smith, U.S. Fish and Wildlife Service; Donald Koch, California Department of Fish and Game; Mary Marshall, U.S. Department of Interior, Bureau of Reclamation; Stephen Arakawa, Metropolitan Water District of Southern California; and Michael Tucker, National Marine Fisheries Service encouraging CALFED's ERP staff to approve additional funding for the Restoration Project at the August 2005 CBDA meeting.

Hamelberg, Scott. Fishery Biologist. U.S. Fish and Wildlife Service Coleman National Fish Hatchery. July 2, 2004—email to Steve Turek of the California Department of Fish and Game.

Livingston, Randal. Lead Director of Power Generation. Pacific Gas and Electric Company. April 6, 2004—letter to Ryan Broddrick of the California Department of Fish and Game, Michael Aceituno of the National Marine Fisheries Service, Kirk Rodgers of the United States Bureau of Reclamation, and Wayne White of the United States Fish and Wildlife Service.

Nolander, Laura. Director, California Hydropower Reform Coalition. September 7, 2004—Letter to Mary Marshall of the Bureau of Reclamation regarding CHRC comments received on Chapter 3 of the Administrative Draft Supplemental EIS/Revised EIR.

Pert, Ed. Fisheries Programs Branch Chief. California Department of Fish and Game. February 4, 2003—letter to Carl Werder of the U.S. Department of Interior, Bureau of Reclamation.

Remy, Michael; Thomas, Tina; and Moose James. Attorneys at Law. October 14, 2003—letter on behalf of Mount Lassen Trout Farms to Mary Marshall of the Bureau of Reclamation and Jim Canaday of the State Water Resources Control Board.

Williams, Kelly. Bureau of Land Management. May 5, 2005—email to Mary Marshall, Project Manager, U.S. Department of the Interior, Bureau of Reclamation, regarding BLM land management in the Battle Creek watershed.

Wyman, Adam. Forester 1. California Department of Forestry and Fire Protection. Red Bluff, CA. February 2, 2004—telephone conversation with Joel Butterworth, Senior Soil Scientist, Jones & Stokes, regarding whether the area surrounding the North Battle Creek Feeder Diversion Dam is classified as timberland.

Attachment A

Letter from Pacific Gas and Electric Company to the California Department of Fish and Game; National Marine Fisheries Service; U.S. Department of the Interior, Bureau of Reclamation; and U.S. Fish and Wildlife Service indicating support for the MOU Alternative (April 6, 2004)

Pacific Gas and Electric Company

Randal S. Livingston, P.E.
Lead Director
Power Generation

245 Market Street, Rm. 1137-N11E
San Francisco, CA 94105

Mailing Address:
Mail Code N11E
P.O. Box 770000
San Francisco, CA 94177

415.973.6590

April 6, 2004

The Honorable Ryan Broddrick, Director
California Department of Fish and Game
1416 – 9th Street, 12th Floor
Sacramento, CA 95814

Mr. Michael Aceituno, Area Supervisor
National Marine Fisheries Service
650 Capitol Mall, Suite 8-300
Sacramento, CA 95814-4706

Mr. Kirk C. Rodgers, Regional Director
U.S. Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95814

Mr. Wayne S. White, Field Supervisor
U.S. Fish and Wildlife Service
Sacramento Office Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825-1846

Subject: Battle Creek Memorandum of Understanding

Gentlemen:

In 1999, Pacific Gas & Electric Company (the Company) voluntarily entered into a Memorandum of Understanding (MOU) with your respective agencies to restore salmon habitat on Battle Creek. The purpose of this letter is to reaffirm the Company's commitment to that MOU, which will restore 42 stream miles, target habitat restoration for winter-run and spring-run chinook and steelhead, and maintain a renewable source of electricity for the Company's customers.

As you are aware the Company, at the request of former Secretary of Resources Nichols, agreed to re-examine decommissioning and other alternatives to the 1999 MOU as reflected in the Proposed Action – the five dam alternative. The Company, together with your staffs and the California Hydropower Reform Coalition (CHRC), agreed to further

investigate an eight dam scenario by comparing it against the five dam alternative in terms of habitat benefits, impacts to the implementation schedule and replacement power costs.

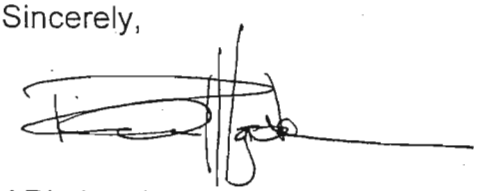
The resource agencies took the lead in comparing habitat benefits and shared their conclusions at a public meeting on March 15, 2004. The agencies concluded that there is "not a significant difference in the amount of habitat improvement with the eight dam scenario compared to the five dam alternative."

The U.S. Bureau of Reclamation also publicly shared the result of its comparison of implementation schedule impacts on March 15, 2004. The Bureau determined that implementing the eight dam scenario could cause potential delays in the Restoration Project of up to three years.

The Company has examined the issues associated with replacing the power lost from removing an additional three dams from Battle Creek. Under California law, power from the Battle Creek Hydroelectric Project is "renewable" and would have to be replaced from a "renewable" source. At this time in the implementation of the Renewable Portfolio Standard, we are unaware of any long term (thirty years or longer) contracts for renewable energy. Thus, there are no "benchmarks" to examine in order to determine comparable prices for replacement power from the removal of three additional dams from Battle Creek. Due to the lack of benchmarking contracts, there is considerable uncertainty regarding accurate forecasting of the potential cost of replacement power. We do know that an additional 20% of the current power output of the project would be lost due to removal of three additional dams. So even with a replacement power contract of the same term, at the time the contract expired, it would place the viability of the entire project at increased risk.

For the foregoing reasons, the Company remains committed to the 1999 MOU and its Proposed Action – the five dam alternative. After eight months of extensive, collaborative investigation of scenarios outside of the 1999 MOU, it is clear that the MOU remains the best opportunity to restore significant amounts of habitat on Battle Creek, while maintaining a viable, renewable hydroelectric project. While the Company appreciates the opportunity to collaborate with other stakeholders, we believe that the extensive additional information gathered regarding the eight dam scenario demonstrates that no further consideration is necessary.

Sincerely,



ARisdon:ti

cc: The Honorable Michael Chrisman, Secretary
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Mr. Jim Canaday
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Mr. David Gore
U.S. Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95814

Mr. Donald B. Koch, Regional Manager
California Department of Fish and Game
601 Locust Street
Redding, CA 96001

Mr. T.J LoVullo
Federal Energy Regulatory Commission
Mail Code: 6B-02
888 First Street, N.E.,
Washington, DC 20426

Mr. Joseph Morgan, Director
Division of Hydropower Administration & Compliance
Federal Energy Regulatory Commission
Mail Code: HL-11
888 First Street, N.E
Washington, DC 20426

Mr. Stephen Wald, Director
California Hydropower Reform Coalition
2140 Shattuck Ave, Suite 500
Berkeley, CA 94704

Mr. Patrick Wright, Director
California Bay-Delta Authority
650 Capitol Mall, 5th Floor
Sacramento, CA 95814

Attachment B

Letter from the U.S. Department of Interior, Bureau of Reclamation; U.S. Fish and Wildlife Service; California Department of Fish and Game; National Marine Fisheries Service; and Pacific Gas and Electric Company to the CALFED Bay-Delta Program recommending that the CALFED Ecosystem Restoration Program approve additional funding for the Restoration Project (March 22, 2005)

BUREAU OF RECLAMATION
Mid-Pacific Region
2800 Cottage Way
Sacramento, California 95825-1898

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

CALIFORNIA
DEPARTMENT OF FISH AND GAME
601 Locust Street
Redding, California 96001

NOAA NATIONAL MARINE FISHERIES SERVICE
650 Capitol Mall, Suite 8-300
Sacramento, California 95814

PACIFIC GAS AND ELECTRIC COMPANY
Mail Code N11
P.O. Box 770000
San Francisco, CA 94177

IN REPLY
REFER TO:

MAR 2 2 2005

Patrick Wright, Director
CALFED Bay Delta Program
650 Capitol Mall, 5th Floor
Sacramento, California 95814

Subject: Battle Creek Salmon and Steelhead Restoration Project Proposal Solicitation Package and Associated CALFED Ecosystem Restoration Program Review

Thank you for meeting on September 15, 2004 to discuss the Battle Creek Salmon and Steelhead Restoration Project (Restoration Project) and Final Revised Proposal Solicitation Package (PSP). As discussed at that meeting and subsequently with your staff, we are committed to a collective course of action focusing on the Restoration Project's restorative merits and working with CALFED Ecosystem Restoration Program (ERP) staff to assist evaluators in gaining the understanding required to fairly assess this proposal in order to allow this exciting and unique restoration opportunity to become a reality. As such, we look to CALFED ERP leadership and staff to coordinate the critical education of panelists who evaluate the Restoration Project and its PSP. We stand ready to support any such coordination and education and expect that the end

result will be a recommendation that reflects the merits of this unique and integrated Restoration Project.

The PSP, originally submitted in May 2004, has been revised in consideration of CALFED ERP review comments and includes updated cost estimates. The Final PSP has been submitted under separate cover by the Bureau of Reclamation on behalf of the Restoration Project, Project Management Team. We anticipate you will find all of the information necessary to assess the Restoration Project in the *Battle Creek Salmon and Steelhead Restoration Project Action Specific Implementation Plan* (ASIP) and its appended *Adaptive Management Plan* (AMP), located at: http://calwater.ca.gov/Programs/EcosystemRestoration/EcosystemBattleCreek.shtml. The CALFED ROD specified preparation of an ASIP and AMP to guide the implementation of a selected project and evaluate beneficial and detrimental consequences to the ecosystem.

While there have been suggestions to produce a single comprehensive Restoration Project document, we believe the cost, delay, resource requirements, and redundancy of another project document, are not justified. We emphasize the continuing need for the Restoration Project to be viewed and evaluated within the context of the institutional constraints and barriers which implementing agencies must respect and work within. However, we assure you that all essential information is available in project documents and that agency staff are available to locate and provide any information that may be requested, including briefing(s) for reviewers, to provide orientation to the project and its documentation.

This integrated proposal represents a voluntary partnership with state and federal agencies, a third party donor and PG&E, who all continue to work together towards full funding and implementation. The suite of actions in the Restoration Project provide the needed reliable performance and have necessary partnership support to achieve key elements of the CALFED ROD associated with ERP implementation on Battle Creek. These key elements are expressed as both Stage 1 actions and Science Program actions via ERP–Multi Species Conservation Strategy (MSCS) milestones. This package accomplishes two of the three CALFED stage one actions and meets ERP - MSCS milestones.

The cohesiveness of this restoration package is important to achieving the intent of the signatories of the 1999 Memorandum of Understanding between NOAA National Marine Fisheries Service, US Bureau of Reclamation, US Fish and Wildlife Service, California Department of Fish and Game and Pacific Gas and Electric Company, including "up-front certainty regarding specific restoration components", "timely implementation and completion of restoration activities", and "dedicated funding sources to ensure the continued success of restoration efforts under this partnership". We look forward to successfully implementing these stage 1 actions and ERP-MSCS milestones. We are confident this Project and its adaptive management will restore self-sustaining populations of chinook salmon and steelhead and their habitat in the Battle Creek watershed.

In summary, we want to reinforce the importance of 1) coordination and leadership by CALFED ERP staff through the final stages of Restoration Project review and approval; 2) recognition that recommendations raised through previous CALFED ERP reviews have been addressed in project documents with the exception of the recommendation to develop a single project document

which has been addressed above; and 3) consideration of the carefully integrated Restoration Project and associated PSP in their entirety and as a whole.

If you have any questions regarding our comments or with issues associated with the Restoration Project, please contact any of the signatories of this letter at their address below or contact the Restoration Project Manager, Mary Marshall, at (916) 978-5248.

Sincerely,

Susan Ramos
Assistant Regional Director
Mid-Pacific Region
U.S. Bureau of Reclamation
2800 Cottage Way, Room E-1604
Sacramento, CA 95825

Wayne S. White
Field Supervisor
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2604
Sacramento, CA 95825

for Donald Koch
Regional Manager
California Department of Fish and Game
601 Locust Street
Redding, CA 96080

Michael Aceituno
Sacramento Area Office Supervisor
NOAA National Marine Fisheries Service
650 Capitol Mall, Suite 8-300
Sacramento, CA 95814

Randal S. Livingston, P.E
Senior Director – Power Generation
Pacific Gas and Electric Company
Mail Code N11E
P.O. Box 770000
San Francisco, CA 94177

cc:
Dan Castleberry, Deputy Director of Ecosystem Restoration
Jim Canaday, State Water Resource Control Board
TJ LoVullo, Federal Energy Regulatory Commission

Attachment C

Letter from the Greater Battle Creek Watershed Working Group to the California Bay-Delta Authority encouraging them to approve additional funding for the Restoration Project (May 3, 2005)

May 3, 2005

Patrick Wright, Director
California Bay-Delta Authority
650 Capitol Mall, 5th Floor
Sacramento, California 95814

Subject: Battle Creek Salmon and Steelhead Restoration Project, March 2005 Battle Creek Salmon and Steelhead Restoration Project Proposal

The Greater Battle Creek Watershed Working Group (Working Group) is writing to urge the California Bay Delta Authority (CBDA) to act upon the request for additional funding for the Battle Creek Salmon and Steelhead Restoration Project (Restoration Project) at the August 2005 CBDA meeting. The Working Group's top concern, as recently identified during a three-month strategic planning exercise, is that a delayed funding decision could increase project costs and delay implementation of the Restoration Project. Reaching a decision on the funding request at the August CBDA meeting would enable project implementation as early as 2006.

The Working Group, first formed in 1995 by diverse stakeholder groups and later joined by governmental resource agencies, was the original planning body for what has since developed into the Restoration Project. Through continued support of this project from the CALFED Ecosystem Restoration Program (ERP), Working Group partners have, over the years, improved relationships and enhanced elements of the Restoration Project. Examples include participation in a number of CALFED sponsored independent technical reviews, completion of an inclusive and well thought out adaptive management plan, integration of management activities in the watershed as demonstrated by both inclusion of a Coleman National Fish Hatchery adaptive management plan in the Restoration Project proposal and the signing of a Greater Battle Creek Watershed Working Group MOU to ensure that management actions are considered within a watershed context.

Our interest in the Restoration Project remains keen, and we recognize that a successful project will require appropriate funding and timely implementation. A Restoration Project proposal was submitted to the CALFED ERP in March 2005 by the U.S. Bureau of Reclamation (Reclamation), on behalf of the Restoration Project, Project Management Team. Note that the Restoration Project was originally funded by CALFED in the amount of $28 million in 1999. Since that time, project costs have increased due to a variety of factors, resulting in the request for an additional $57.55 million to $64.05 million to complete the Restoration Project.

Your assistance in helping the CBDA to make a prompt decision at the August CBDA meeting will be critical to the timely implementation of the Restoration Project and achieving the primary goal of the Working Group: successfully restoring populations of endangered salmonids in Battle Creek.

Thank you for your consideration of this request. Please feel free to contact us through any of the Working Group signatories listed below to request additional information.

Sincerely,

Sharon Paquin-Gilmore 4/28/05
Battle Creek Watershed Conservancy Date
Sharon Paquin-Gilmore
spaquin@shasta.com

Jim Smith 4/27/05
U.S. Fish & Wildlife Service Date
Jim Smith
Jim_Smith@fws.gov

Angela Risdon 4/27/05
Pacific Gas and Electric Company Date
Angela Risdon
ACR1@pge.com

Mark Stopher 4/28/2005
CA Department of Fish & Game Date
for Donald Koch
dkoch@dfg.ca.gov

M Roberts 4/28/05
The Nature Conservancy Date
Mike Roberts
Mike_Robert@tnc.org

Mary Marshall 4/28/05
U.S. Bureau of Reclamation Date
Mary Marshall
mmarshall@mp.usbr.gov

Scott Ferris 4-27-05
Nor-Cal Fishing Guides and Date
Sportsmen's Association
Scott Ferris
ncfsfish@aol.com

Stephen M. Arakawa 5/2/05
Metropolitan Water District Date
of Southern California
Stephen N. Arakawa
sarakawa@mwdh2o.com

Dwight P. Russell 4/27/05
CA Department of Water Resources Date
Dwight Russell
dwightr@water.ca.gov

Michael Tucker 5/3/05
National Marine Fisheries Service Date
Michael Tucker
Michael.Tucker@noaa.gov

Melanie McFarland 5/2/05
U. S. Forest Service Date
Lassen National Forest
Melanie McFarland
mmcfarland02@fs.fed.us

Attachment D

Letter from the Battle Creek Watershed Conservancy Board of Directors to the Tehama County Board of Supervisors (June 8, 2005) and the California Bay-Delta Authority (May 26, 2005, and February 8, 2005) indicating their support for the Battle Creek Salmon and Steelhead Restoration Project in its current form

Battle Creek Watershed Conservancy

Tehama County Board of Supervisors
PO Box 250
Red Bluff, CA 96080

June 8, 2005

Dear Board of Supervisors:

On behalf of the Battle Creek Watershed Conservancy I am pleased to inform you that at the Conservancy's annual meeting held on May 23, 2005, the Conservancy membership voted unanimously to support the Battle Creek Restoration Project. As you know, at the 2001 BCWC Annual Meeting, the membership voted to oppose the Restoration Project "in its present form." The resolution also stated that opposition would continue until "all possible steps will be taken to protect natural production in Battle Creek."

On September 29, 2003, we wrote the Tehama County Board of Supervisors a letter addressing our concerns and requested that the Board incorporate them into a formal resolution. In an earlier letter we had explained that the Conservancy agreed with the five dam removal alternative, the Restoration Project proposed action; however, we believed that important issues needed to be addressed before a final decision on the Project could be made. We included a list of our concerns. The Board of Supervisors took action on October 7, 2003 and submitted comments which addressed many of our concerns on the Draft EIS/EIR for the Restoration Project.

Since that time a number of actions have been taken that have resulted in the satisfactory resolution or near resolution of Conservancy issues. Attached you will find two letters addressed to Patrick Wright, California Bay Delta Authority, which will provide you with background information and a current update on the Conservancy position. As a result of this progress and spirit of cooperation between the Project agencies, the Battle Creek Watershed Conservancy, and other stakeholder groups, the Conservancy Board was able to recommend full approval of the Restoration Project to its membership, which, in turn, fully supported the Board's recommendation.

We believe that the Restoration Project, in addition to restoring 48 miles of fishery habitat and providing for recovery of three species of endangered or threatened salmon, will provide an economic benefit to the watershed with

potential construction spending of seventy million dollars. We also feel confident that there are clear intentions stated in the EIS/EIR document to protect local businesses from potential adverse effects caused by the Project. We have appreciated the Board of Supervisor's consideration in the past. We hope that the current position of the Battle Creek Watershed Conservancy in support of the Restoration Project will result in a formal Board of Supervisor's resolution stating its support of the Project as well.

Sincerely,

Steve du Chesne

Steve du Chesne
Secretary, BCWC Board of Directors

Battle Creek Watershed Conservancy

Mr. Patrick Wright
California Bay Delta Authority
650 Capitol Mall, 5th Floor
Sacramento, CA 95814

May 26, 2005

Dear Mr. Wright:

On behalf of the Battle Creek Watershed Conservancy I am pleased to inform you that at the Conservancy's Annual Meeting held on May 23, 2005, the Battle Creek Watershed Conservancy membership voted unanimously to support the Battle Creek Salmon and Steelhead Restoration Project. As you know, at the 2001 BCWC Annual Meeting, the membership voted to oppose the Restoration Project "in its present form." The resolution also stated that opposition would continue until "all possible steps will be taken to protect natural production in Battle Creek."

In a recent communication addressed to you (February 8, 2005), we listed the progress made regarding key issues of concern and also listed issues yet to be resolved. Since that time, substantial progress has been made by the agencies on all of the Conservancy issues. As a result of this progress and spirit of cooperation, the Battle Creek Watershed Conservancy Board was able to recommend full approval of the Project to its membership, which, in turn, fully supported the Board's recommendation.

Once again, we would like to express our appreciation for the hard work and spirit of cooperation of all involved. We look forward to working with all parties involved in the Battle Creek Restoration Project and fully expect stakeholder support and cooperation to continue.

Sincerely,

Steve du Chesne
Secretary of the Board of Directors

cc: Mary Marshall, USBR
Michael Aceituno, NOAA
Angela Risdon, PG&E
Wayne White, USFWS
Don Koch, CDFG

Battle Creek Watershed Conservancy
Post Office Box 366 Benton, California 95519

February 8, 2005

Mr. Patrick Wright
California Bay Delta Authority
650 Capitol Mall, 5th Floor
Sacramento, CA 95814

Dear Mr. Wright,

On behalf of the Battle Creek Watershed Conservancy Board, I am pleased to provide you with an update regarding our level of support for the Battle Creek Salmon and Steelhead Restoration Project and to inform you of the status of efforts by CBDA and the four agencies which have been working to satisfy our concerns with the Restoration Project.

As you know, at the 2001 Annual Meeting of the Battle Creek Watershed Conservancy, the membership voted to oppose the Restoration Project "in its present form." The resolution also stated that opposition would continue until the Conservancy Board was satisfied that "all possible steps will be taken to protect natural production in Battle Creek." Since then, significant progress has been made to reduce the problem areas that led to that vote of opposition.

On October 25, 2002, the Battle Creek Watershed Conservancy was pleased to report to you that we had seen substantial progress in resolving issues. For example:

- Efforts were underway at that time, and have since been fully implemented, to form a more structured Greater Battle Creek Watershed Working Group; and
- The CALFED Science Program had been working to develop what eventually resulted in a science symposium and a subsequent workshop that clarified the science underlying many concerns regarding the compatibility of Coleman National Fish Hatchery (CNFH) with the Restoration Project.

Two issues that remained outstanding in our minds in October 2002 have also since been resolved, namely:

- Metropolitan Water District, using funds from the California Urban Water Agencies Category III Account, stepped forward to assure that the local watershed residents are part of the process by providing us with the capacity to retain a credentialed fisheries ecologist who is able to provide the Conservancy with the scientific expertise that it needs to understand and contribute to Restoration Project planning; and
- The exposure of Mount Lassen Trout Farms (MLTF) to contamination of three of its facilities by the Restoration Project is being addressed in Restoration Project planning – the

Supplemental Document to the EIS has recognized the spread of fish diseases as a significant impact to fisheries – and measures designed to mitigate this impact appear likely to reduce the threat to MLTF to an acceptable level.

A turn of events, resulting from the CALFED Science Program-sponsored October 2003 Workshop on Battle Creek, left us in an awkward position because of the CNFH Science Panel's emphatic recommendation that "funding for restoration activities and proposed removal of dams, etc., should not be granted and should not proceed until a comprehensive document [which incorporated CNFH management with Restoration Project planning] has been produced." The Conservancy then proposed four tasks which we considered necessary and sufficient to allow us to formalize our active support for the Restoration Project and which would avoid possible delays to project implementation that could arise if preparation of a "comprehensive document" was undertaken. The agencies have made significant steps in completing these four tasks, for example:

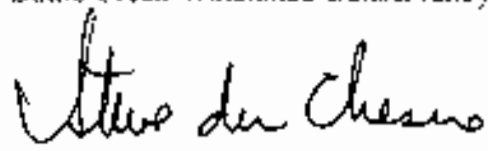
- The U.S. Fish and Wildlife Service convened a workshop to review their plans to supplement steelhead populations in Battle Creek with hatchery fish and have subsequently agreed, in response to the CNFH Science Panel's findings, that such supplementation "would be utterly at odds with an objective of restoring the natural population of steelhead in Battle Creek," to prevent hatchery origin adult steelhead from reaching Battle Creek upstream of the CNFH weir.
- The CDFG has lead an effort to more clearly identify the goals, objectives, and priorities of the Restoration Project and make sure that those objectives are consistent with existing Restoration Project documentation, with CBDA's Programmatic Record of Decision, and that they are consistent throughout all elements of the final funding request to CBDA.
- The U.S. Bureau of Reclamation has included, as an integral part of their funding request to CBDA, a proposal to facilitate the development and implementation of an adaptive management plan for CNFH facilities and operations and a proposal to fund diagnostic studies necessary for the adaptive management of CNFH.
- The CDFG, in cooperation with NOAA-Fisheries, is conducting a feasibility analysis of establishing viable, naturally self-sustaining populations of winter-run chinook salmon in Battle Creek. We are still awaiting progress by NOAA-Fisheries in the completion of recovery plans for the three listed salmonid species or, at least, the development of strategies for their re-establishment in Battle Creek in anticipation of the Record of Decision for the Restoration Project.

The steps taken to date by CBDA, the four agencies managing the Restoration Project, and the cooperation of MWD and other members of the CBCWWG, have substantially reduced the concerns that fueled our opposition to the 2001 version of the Restoration Project and we would like to express our appreciation for the hard work and spirit of cooperation of all involved.

We fully expect this spirit to continue, and that the remaining issues will be resolved. We await news from NOAA-Fisheries regarding substantial progress in recovery planning, at which point the Conservancy Board will be able to issue a provisional approval for the Restoration Project pending full approval from the membership. With continuing cooperation we see no indication that our membership will not fully support the Board's position.

Thank you for your consideration.

Sincerely,
Battle Creek Watershed Conservancy



Steve Du Chesne,
Secretary of the Board of Directors

cc: Michael Aceituno, NOAA
Donald B. Koch, CDFG
Wayne White, USFWS
Mary Marshall, USBR